



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

ANILCA Implementation Program

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February 14, 2014

Joel Hard, Acting Regional Director
National Park Service – Alaska Region
240 West 5th Avenue
Anchorage, AK 99501

Dear Mr. Hard:

The State of Alaska reviewed the draft 2014 Superintendent's Proposed Compendiums for all park units in Alaska, as posted on the National Park Service web site. We support the Service's continued commitment to annual public review of park compendiums and appreciate the opportunity for state representatives to meet annually with the Service to discuss Compendium issues, as well as during the year when issues arise. The following comments represent the consolidated views of the State's resource agencies.

Wildlife Closure Process

The draft proposed Compendiums for several park units (i.e. Katmai, Alagnak Wild River, Aniakchak, Denali, Gates of the Arctic, Lake Clark, Yukon Charley and Wrangell-St. Elias) indicate that the temporary wildlife restrictions imposed in prior year's Compendiums were removed pending a response from the State Board of Game to the Service's recent agenda change request (ACR). The Service was initially informed that their request did not meet the Board policy for reconsideration pursuant to 5 AAC 92.005, but the Board did offer, in writing and at the Kotzebue Board meeting, to review Service concerns if the Service provided information to determine if an action by the Board is "reasonably necessary for coordination" under paragraph (b) of the Board ACR policy. The information requested would have been consistent with previous requests for information by the Alaska Department of Fish and Game. However, no new information was presented for consideration, leaving the Board with no other option than to reject the ACR. To ensure a meaningful discussion in future meetings between management agencies, we reiterate the importance of providing additional information regarding the criteria and process employed by the Service to evaluate the potential effects of state regulations on park resources.

The draft Compendium further states that if restrictions are necessary the NPS will “*continue to follow the federal statutory and regulatory requirements in 36 CFR...*” Our understanding is the Service now intends to reinstate the wildlife related restrictions removed from the 2014 proposed Compendiums and will soon initiate consultation with the State pursuant to 36 CFR 13.40, and conduct notice and hearings as required for *temporary restrictions* pursuant to 36 CFR 13.50(d). We also understand the Service intends to continue to repeat this process annually as determined necessary for the reinstated restrictions, or throughout the year whenever the Board of Game passes regulations affecting preserve areas which the Service does not support.

Given the ongoing dialog between the Service and the State regarding the manner in which these restrictions are being implemented, it is discouraging to learn that the restrictions were removed from the Compendium only temporarily and that the Service intends to reinstate them, once again following the process for temporary restrictions. Some of the restrictions have been in the Compendia since 2010 and the justification for all of them has clearly and consistently indicated that the Service has determined there is need to implement them on a permanent basis. We therefore reiterate our objection to following a process that only applies to restrictions which “*...shall not extend for a period exceeding 12 months and may not be extended*” (36 CFR 13.50(d)(3)), when the regulations at 36 CFR 13.50(e) require that permanent closures or restrictions also undergo rulemaking and include a 60 day comment period.

These restrictions are also being reinstated out of sync with the annual compendium review process - a long-standing Alaska-specific process which consolidates all proposed restrictions and affords the public a 30-day comment period. We understand the Service intends to allow the public an opportunity to submit written comments during the period when public hearings are held; however, the timeframe for commenting will vary and will most likely be less than the 30-day period afforded commenters during the annual compendium review.

The annual Compendium review process was developed after repeated concerns expressed by the State of Alaska and the Citizen’s Advisory Commission on Federal Areas (CACFA) on the implementation of the Compendia in Alaska. The annual review process has now been in place for over a decade and overall has served to resolve many of the State’s and CACFA’s concerns. We are concerned that this new staggered approach to public notice and review of proposed restrictions results in a step backward and creates an unnecessary burden on the public. We request an opportunity to meet with the Service to discuss better ways serve the public interest.

Use of Social Media

We have concerns regarding the use of social media as a means to obtain public comment, such as the “Facebook meeting” conducted by the Service for the proposed 2013 Compendium. While social media enables the Service to engage members of the public who cannot attend public meetings, including those who live far from Alaska’s park areas, use of social media could exclude members of the public who lack the technology to participate, including local rural residents who are often most directly affected by proposed restrictions. To help address this concern, at a minimum, any new information provided during social media events should also be posted on the Compendium website and provided by hard copy upon request. But more

importantly, to ensure adequate outreach, the Service needs to schedule public meetings in all areas where potentially affected rural residents reside.

In addition, the Service reported receiving 59,000 comments on the 2013 Compendium; however, it's unclear how those comments were obtained or evaluated. Given the unusually large number, it appears the majority may have been either post-card type responses to non-governmental organization solicitations or social media comments. Citing numbers without breaking comments down by source and substance provides little meaningful information and is potentially misleading. The Service requires commenters to provide their names and addresses but it is unclear how this information is collected during social media events. This makes it difficult to tell which segments of the public are concerned by what issues - information that would be helpful in resolving issues or identifying misunderstandings.

Until the Service refines its use of social media to address these concerns, we do not support the use of social media as a means to solicit comments. We can support the use of social media, including Facebook meetings, as informal real-time forums for discussion, providing participants are referred to the Service's website and address for submitting formal comments and, in keeping with the Department of Interior Social Media Guidebook, participants are made aware that a comment made through social media does not constitute an official comment.

Kenai Fjords National Park

13.170 Designated cabins or other structures for general public use.

The draft Compendium proposes to reduce the dates the Willow cabin is available for public use from October 15 - April 15 to November 1 – April 15. The Compendium provides a variety of reasons; including public demand, need to conduct cyclical maintenance, consistency with the annual state closure of the Exit Glacier Road, and reduction of potential incidents resulting from the road closure or variable weather conditions. However, there are no reasons provided to explain why less restrictive measures would be effective.

We request the Service consider the following reasons to retain the current timeframe for use of the cabin (October 15-April 15).

- Public demand alters depending on public interests. For example, year-round bicycling is growing in popularity and there is a potential for increased demand during the shoulder season. While seasons can be adjusted, maintaining consistent seasons will facilitate public use.
- Cyclical maintenance can be conducted on weekdays when the cabin is less likely to be occupied, leaving the weekends available for public use.
- The road closure varies each year depending on snowfall level. The park website indicates the closure typically occurs mid-November.

- Although we are not aware of any of the situations described actually occurring to date, the potential for the road closure and weather conditions stranding visitors or limiting certain types of recreational use is not unusual in Alaska, especially in coastal areas where weather patterns fluctuate greatly. In addition, many roads provide seasonal access to winter recreation areas; therefore, local visitors are generally aware of these possibilities and out-of-state visitors would likely contact the park in advance. The park website appropriately alerts the public to the Exit Glacier Road seasonal closure and includes a link for checking current conditions during the shoulder seasons. In the event a visitor does get unexpectedly stranded in the park, law enforcement can be contacted to unlock the gate.

Wrangell-St. Elias National Park and Preserve

1.5(a)(1) Closures and public use limits.

The Compendium indicates there are domestic goats located on private property within and adjacent to the park. Pack goats are a form of nonmotorized surface transportation allowed pursuant to the Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) and implementing regulations at 43 CFR 36.11(e). Alaska-specific regulations at 43 CFR 36.11(h) require notice, hearing and rulemaking to implement permanent closures. The purpose behind the regulation's more stringent closure process is to help ensure the public is fully notified and afforded an opportunity to provide comment on the proposed closure. While we fully support the annual public Compendium process, we do not view it as a substitute for the process codified in regulation for Alaska park units and request the Service implement this restriction in accordance with 43 CFR 36.11(h).

13.170 Designated cabins or other structures for general public use.

The draft Compendium proposes to remove the Glacier Creek, Hubert's Landing, and Solo Mountain cabins from the list of designated public use cabins. The Nugget Creek cabin will be removed from the reservation system but remain on the list of designated public use cabins.

In Alaska's vast and remote park units, where weather conditions are often harsh and unpredictable, cabins are essential in facilitating public use and providing for public health and safety. Wrangell-St. Elias also has a rich and unique history, and the area's historic and rustic cabins afford many visitors the opportunity to more fully experience the park and preserve. We understand maintaining cabins is expensive and funding sources are currently limited; however, removing cabins from the designated list also suspends maintenance and removes them from public awareness, which leads to less use and reduces the likelihood that they would be re-designated in the future, especially since without routine maintenance the cost of rehabilitation increases dramatically over time.

The availability of designated public use cabins has been decreasing since the park was first established. The 1983 cabin inventory identified twenty public-use cabins. The 1987 inventory identified fifteen - eleven within designated wilderness. If three more cabins are removed from

designation in 2014, only eleven will receive routine maintenance and there will no longer be any designated public use cabins within the Wrangell's 9 million acres of designated wilderness. This downward trend is not just occurring at Wrangell-St. Elias, but on federal public lands statewide. Funding is often cited as justification but national policies calling for stricter management of public lands without regard for Alaska's unique environment are often the underlying (albeit often unstated) reason, especially within designated wilderness.

The Glacier Creek and Hubert's Landing cabins currently appear to be in usable condition and local air taxi operators advertise access to both cabins. The Glacier Creek cabin provides shelter for subsistence sheep hunters and visitors who hike the Goat Trail from Skolai Pass and those traversing the Wilderness Classic race route. The park's information sheet advises users to reserve early because of frequent use during hunting season. A web search also reveals that the cabin appears to have a good roof and woodstove, and has had recent visitors. It appears that the Service attempted to address its concerns in the 2013 Compendium by adding the Glacier Creek cabin to the reservation system "*to provide more equitable allocation and use of facilities, and for avoidance of conflict among visitor use activities.*"

The Hubert's Landing cabin is the only public use cabin available for use in this vicinity of the Preserve and, as noted on the cabin's information sheet, is a very popular destination for hunters. Additionally, our understanding is the Solo Mountain cabin is currently being used by subsistence hunters, guided hunters, and visitors hiking from Chisana to Solo Creek or hiking the Wilderness Classic race route.

We recommend the Service reconsider removing these three cabins from the list of designated cabins and actively seek assistance from current user groups, guides and transporters who may be interested in helping to maintain designated public use cabins in order to avoid further, incremental loss of cabins and associated recreational opportunities. The 1986 General Management Plan for the park (page 20) specifically allows for such assistance. "*Maintenance by others may be permitted by the superintendent, but no possessory interest or exclusive use rights will be acquired.*" Our understanding is the Service has already initiated discussions regarding maintenance of the Bremner Bunkhouse and we encourage similar outreach efforts prior to removing the cabins from the designated list.

Thank you for the opportunity to comment. Please contact me at (907) 269-7529 if you have any questions.

Sincerely,



Susan Magee
ANILCA Program Coordinator

