



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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February 25, 2026

Denali National Park and Preserve
Attention: Brooke Merrell
Superintendent
PO Box 9
Denali Park, AK 99755

Submitted online at Planning, Environment & Public Comment (PEPC) website

Re: 2026 Denali National Park Superintendent's Compendium

Dear Superintendent Merrell,

The State of Alaska (State) reviewed the 2026 Proposed Changes to the Superintendent's Compendium for Denali National Park and Preserve (Compendium). The proposed changes would update language about filming to match national guidelines and change language regarding the transport of legally taken game within the park. The comments below incorporate input from the Departments of Natural Resources (DNR) and Fish and Game (ADF&G).

Though the State has no objections to the proposed language regarding filming, there are several issues with the proposed changes to the language regarding transport of game.

The State opposes the proposed amendment to **36 CFR 2.2(d)** and argues it is being mistakenly applied. The National Park Service (NPS) characterizes this change as a mere procedural update for parkwide consistency; however, it is contrary to the Alaska National Interest and Lands Conservation Act (ANILCA) and represents a significant expansion of federal overreach onto state-managed lands and infrastructure, specifically the George Parks Highway (Parks Highway). Additionally, this proposal creates unreasonable compliance burdens for Alaskans, lacks clear biological or safety justification, and is not consistent with Secretary Order 3447.

Federal Overreach on State Infrastructure

By removing the specific "Kantishna" and "park road" limiters, the NPS appears to be attempting to effectively extend its regulatory reach to any person transporting game "through park areas." As currently written, this includes the Parks Highway (Alaska Route 3). The Parks Highway is owned and maintained by the State of Alaska. Section 103(c) of ANILCA states that "No lands which, before, on, or after the date of enactment of this Act, are conveyed to the State ... shall be subject to the regulations applicable solely to public lands" within the Conservation System Units (CSU) created by ANILCA.

This change would impact every successful hunter traveling back to Fairbanks, from south of the Alaska Range (including popular Denali Highway hunts) as well as all Anchorage, Matsu, and Kenai area residents returning home with game from north of the Alaska Range. Subjecting

thousands of hunters, who have no intention of hunting within the park, to federal transportation conditions based solely on their use of a bisecting state highway is unacceptable jurisdictional creep that is prohibited by ANILCA.

The NPS cites national regulations at 36 CFR 2.2, which includes (g), a regulation that states it applies “regardless of land ownership” within a park under U.S. legislative jurisdiction, however, ANILCA overrides this in Alaska.

The question of enforcement authority in CSUs was addressed conclusively by the United States Supreme Court in *Sturgeon v. Frost* (2019), in which the court ruled that under Section 103(c) of ANILCA the NPS cannot enforce nationwide regulations on lands and waters in Alaska that are not “public lands”. This ruling served as a clear reminder that Alaska is exempt from the NPS’s normal regulatory authority. Therefore, neither 36 CFR 2.2(g) nor 36 CFR 2.2(d) can be applied to state-owned land or right of ways simply because it is within a map boundary.

If the NPS continues with this regulation over our objection, the Superintendent must revise this regulation to clarify that it applies only to federally owned lands and does not restrict lawful transport of game on the Parks Highway or other non-federal lands.

Practical Impossibility of Securing and Hiding Game

The Compendium language requires that "Meat and other animal parts must be secured and out of public view." This presents several issues.

- **Logistical Issue:** For Alaskans utilizing pickup trucks, securing a moose or caribou meat and antlers completely out of view is often physically impossible without specialized, enclosed trailers or toppers.
- **Hunting the Preserve:** In the Denali National Preserve, where Off-Highway Vehicles (OHVs) are used for lawful hunting, it is impossible to hide a harvested animal from public view while navigating trails.
- **Spoilage Risks:** Requiring meat to be covered or enclosed in a way that hides it from view can restrict airflow, leading meat spoilage—directly contradicting ADF&G’s "Salvage of Edible Meat" requirements and basic meat care standards.

Redundancy of Law Enforcement Authority

The proposal seeks to require individuals to identify themselves and their harvest location upon request. NPS Rangers already possess the necessary, Alaska-specific, law enforcement authority, at 36 CFR 13.42(e), to conduct investigative stops when they have reasonable suspicion of a violation. Codifying a stop and identify requirement specifically for game transport serves no purpose other than to harass lawful hunters who are simply in transit on a public corridor.

Conflict with Secretarial Order 3447

This proposal is in direct conflict with Secretarial Order 3447 (Expanding Hunting and Fishing Access, Removing Unnecessary Barriers, and Ensuring Consistency Across the Department of the Interior Lands and Waters), which mandates that federal agencies expand hunting opportunities and elevate any proposed new closure, limitation, or reduction in hunting or fishing access to the Director for review and approval, including closures proposed through the compendium process or other discretionary authorities. Secretarial Order 3447 mandates that no administrative barriers should continue unless supported by biological or safety considerations.

The rationale presented with the compendium proposal provides no data to indicate issues regarding undesirable encounters with bears or other scavengers or public safety issues. Unwarranted public accusations regarding illegal hunts are not a reason to require covering of loads, rather it is an opportunity to educate the public regarding the hunting culture that exists in Alaska. Secretarial Order 3447 also states that decisions related to hunting and fishing are coordinated with State wildlife agencies, tribal, and local governments to the maximum extent legally practicable and grounded in site-specific analysis. This proposal has not been coordinated with the relevant agencies in a manner that qualifies as a site-specific analysis.

Ambiguity Regarding "Unnecessary Delay"

The proposed language states that "legally taken game, taken at locations outside of the park must be transported through the park without unnecessary delay." The requirement to transport game "without unnecessary delay" creates legal uncertainty for hunting parties. For example, if one member of a party harvests an animal, this plain language suggests they must immediately leave the party to transport the meat or hide, potentially compromising the safety and logistics of the remaining group.

Closing

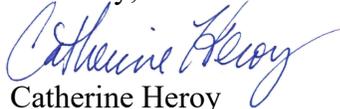
The State of Alaska maintains its sovereign authority to manage wildlife and the transport thereof on state-owned corridors. The proposed expansion of 36 CFR 2.2(d) is an example of over-regulation that will negatively impact law-abiding hunters and ignores the existing, Alaska-specific regulation at 36 CFR 13.42(e) without providing any measurable benefit to park resources. This change would impose unneeded and unreasonable regulations onto a state-owned highway that is beyond NPS's legal authority

ADF&G requests the NPS simply delete the unneeded parkwide transport conditions and retain reference to 36 CFR 13.42 consistent with Alaska Administrative Code 5 AAC 92.012(b) and the Compendiums for Wrangell-St. Elias National Park and Preserve, Glacier Bay National Park and Preserve, Lake Clark National Park and Preserve, Katmai National Park and Preserve, and Yukon Charley Preserve.

At a minimum, NPS must include specific language excluding the Parks Highway and any other state right-of-way from the proposed changes to 36 CFR 2.2(d). Doing so would acknowledge the prevailing authority of ANILCA and the United States Supreme Court.

Thank you for the opportunity to review and comment on the proposed changes to the Superintendent's Compendium. Please contact me at (907)269-0880 or by email at catherine.heroy@alaska.gov to coordinate any follow up discussions.

Sincerely,



Catherine Heroy
Federal Program Manager