



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Natural Resources**  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

550 West 7<sup>th</sup> Avenue, Suite 1430  
Anchorage, AK 99501-3561  
Main: 907.269-8690

April 7, 2026

Katmai National Park and Preserve  
Attention: Mark Sturm  
Park Superintendent  
PO Box 7  
King Salmon, AK 99613

Submitted online at Planning, Environment & Public Comment (PEPC) website and emailed to  
Park Superintendent

Re: 2026 Superintendents Compendium Proposed Changes

Dear Mr. Sturm,

The State of Alaska (State) reviewed the proposed changes to the National Park Service (NPS) Katmai National Park and Preserve (Katmai) 2026 Superintendent's Compendium. Of particular interest to the State are the proposed changes to the Brooks River Corridor permit and proposed sanitation requirements for the Crosswinds Lake area. While we share the NPS goal of maintaining high quality sport fishing opportunities, managing bear-human interactions, ensuring sanitary conditions in the preserve, and minimizing bear attractants, we have concerns regarding the closure process, associated fees, feasibility, safety, and necessity of the proposed language as written. The comments below incorporate input from the Departments of Natural Resources (DNR) and Fish and Game (ADF&G),

**Process Timing and Notification Concerns**

We note these proposed changes are out for public comments outside the annual Compendium Process established in the October 31, 2002 letter from Regional Director Arnberger to the State of Alaska. That agreement was intended to ensure a predictable, collaborative, and transparent cycle for regulatory changes. We request that Katmai return to the annual cycle envisioned by both NPS and State of Alaska at that time.

Additionally, the current process of noticing the changes to a compendium solely on the NPS' Planning, Environment and Public Comment (PEPC) website, without any outreach to State partners, does not align with the intent to collaborate with State land and game managers. As listed in the State's March 17, 2022 letter to Alaska Regional Director Creachbaum, we again request greater distribution outreach of proposed Compendium changes. (see [https://dnr.alaska.gov/commis/opmp/nilca/pdf/2022%20Letters/22\\_03\\_17\\_NPS\\_ARD\\_Compedia\\_SOA+enclosures.pdf](https://dnr.alaska.gov/commis/opmp/nilca/pdf/2022%20Letters/22_03_17_NPS_ARD_Compedia_SOA+enclosures.pdf) for the letter and related documents; also attached to the PDF copy of this letter sent to the Park Superintendent) The 2022 letter incorporates the 2002 letter mentioned above.

### **36 CFR 1.6(f) Compilation of activities requiring a permit**

The State does not support the formal inclusion of the permit requirement for the Brooks River Corridor in the Superintendent's Compendium. The State agreed to implement this system on a trial basis with the request that it be revisited. While the NPS justifies this addition as a matter of consistency with the 2023 approval, The State believes the system has failed to meet its stated management goals and conflicts with federal law.

#### *Failure to Address Management Objectives*

The primary justification for the Brooks River Corridor permit was to manage visitor behavior and provide a mechanism to address problem users who disregard safety protocols around high-density brown bear concentrations. Despite the implementation of this system, Katmai continues to rely on temporary emergency closures of the river corridor. This suggests the permit system is serving as an administrative hurdle for law-abiding users rather than an effective tool for real-time field management.

#### *Impact on Sport Fishing and Traditional Uses*

The Brooks River corridor is very popular sport fishing spot for both Alaskans and visitors. Adding layers of bureaucracy, particularly those that are not effectively used to improve safety—serves only to diminish the quality of the experience and discourage this traditional use. State staff have also noted that the permit system has not reduced the need for the "temporary closures" it was intended to mitigate, calling into question the necessity of the entire program.

#### *ANILCA Section 203 "No Fee" Protections*

The State views the current implementation of this permit as a violation of Section 203 of the Alaska National Interest Lands Conservation Act (ANILCA), which stipulates that "no fees shall be charged for entrance or admission to any unit of the National Park System located in Alaska." By utilizing the Recreation.gov platform, the NPS has effectively introduced a reservation fee or service fee for access. While we appreciate the NPS providing these permits free of charge at the regional office in Anchorage, we have requested the park provide a method of obtaining the permit free of charge at the park. The NPS has failed to establish a physical kiosk or an alternative method for obtaining these permits free of charge within the park, forcing users to interact with a third-party commercial site that requires payment. This constitutes an illegal entry fee under the guise of an administrative permit.

#### *Improper Regulatory Process*

The Brooks River Corridor permit represents a permanent restriction on public access to a high-value sport fishery and recreational resource. Under 36 CFR 1.5 and 13.50, such permanent or highly controversial closures and restrictions should be addressed through the formal public rulemaking process rather than the Superintendent's Compendium. The Compendium is intended for temporary or minor adjustments, not the establishment of a year-over-year permitting regime that restricts access to an entire river corridor. Using the Compendium to bypass the Federal Register review process limits robust public oversight and fails to meet the legal threshold for permanent management changes.

*Recommendations:*

The State recommends that the NPS rescind the permit requirement for the Brooks River Corridor. If the NPS wishes to maintain this restriction, it must:

- 1) Pursue formal rulemaking to allow for comprehensive public comment and legal review;
- 2) Provide a clear, no-cost physical method for obtaining permits that does not involve Recreation.gov; and
- 3) Demonstrate how the permit is being used to specifically address non-compliance rather than simply adding a layer of administration for all users.

**36 CFR 2.14(a)(9)(b) Sanitation: disposal, carrying out of human waste**

*Public Safety and Human-Bear Conflict*

The requirement to travel ½ mile from the shoreline to deposit waste presents a substantial safety risk in the high-density bear habitat of the Funnel and Moraine Creek drainages. While the State agrees that human waste is a sanitation issue that has the potential to negatively affect environmental quality and visitor experience, this requirement is excessive and unreasonable. This distance is particularly impractical for families with children or seniors. Expecting a visitor to traverse ½ mile of bear-frequented terrain—often in low visibility or inclement weather—is a recipe for a defensive encounter. Furthermore, effective bear safety in this area requires travel in groups. The State suggests a more reasonable distance requirement (e.g. 100 feet) that allows visitors to stay within verbal distance of their companions or guides to mitigate risk in the event that a bear encounter does occur.

*Targeted Management vs. General Public Restrictions*

The justification notes that the primary issue stems from "large cat holes" created by large groups staying for extended periods or "weeks at a time." The State requests that instead of a blanket rule for all backcountry users, the Park consider education, voluntary compliance, and then specific stipulations for Commercial Service Providers. Large, guided groups have a much higher concentrated impact than a solo hiker or a few rafters passing through. We recommend tailoring any "pack-out" requirement for large commercial groups or for commercial groups staying in a single location for more than a week.

*Inconsistency with State of Alaska Standards*

The proposed ½ mile setback is a radical departure from established land management standards used by the State of Alaska and other federal agencies in the region. The Alaska Department of Environmental Conservation (ADEC) generally utilizes a 100-foot setback from water sources for the burial of human waste. This distance is widely accepted as a sufficient balance between protecting water quality and maintaining user safety. Implementing a 2,640-foot (½ mile) requirement creates unnecessary regulatory confusion for backcountry users who visit State and federal lands. There is no scientific or management precedent to suggest that a ½ mile distance is required to prevent resource degradation or bear attraction, even in sensitive riparian zones.

*Operational Feasibility and Enforceability*

The State is concerned about the enforceability of this regulation and the subsequent strain on Park resources. It is unlikely that a visitor will be able to measure a ½ mile distance accurately without the use of a GPS device, which they may or may not have if they are part of a guided group. Also, monitoring a ½ mile buffer zone would require rangers to spend significant time surveilling visitors with binoculars to ensure compliance. We believe NPS Ranger resources are better spent on bear-human management, education, and resource protection rather than sanitation patrol at such extreme distances from camp.

*Lack of Demonstrated Need*

In multiple site visits conducted by ADF&G staff during the 2023 season, the conditions described in the justification—specifically widespread unsanitary conditions caused by bears unearthing waste—were not observed. We suggest further monitoring, education regarding the issue, and requesting a voluntary approach before implementing a rule that fundamentally changes the backcountry experience in the Crosswinds area.

*Recommendations*

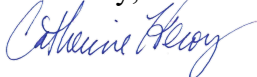
The State recommends the following revisions:

- 1) Reduce the distance to 100 feet while emphasizing "pack-out" as the preferred method;
- 2) Request voluntary compliance from all guided groups and large parties utilize portable waste systems regardless of distance from the creek; and
- 3) Increase pre-trip education regarding human waste in high-density bear areas.

**Closing**

Thank you for the opportunity to review and comment on the proposed changes to the 2026 Superintendent's Compendium. Please contact me at (907)269-0880 or by email at [catherine.heroy@alaska.gov](mailto:catherine.heroy@alaska.gov) to coordinate any follow up discussions.

Sincerely,



Catherine Heroy  
Federal Program Manager

Attachment to PDF sent to Park Superintendent: March 17, 2022, letter to Alaska Regional Director, with incorporated October 31, 2002, letter from Regional Director Arnberger to State of Alaska.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## ANILCA Implementation Program

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

550 West 7<sup>th</sup> Avenue, Suite 1430  
Anchorage, AK 99501-3561  
Main: 907.269-7529  
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March 17, 2022

Sarah Creachbaum, Alaska Regional Director  
National Park Service  
240 West 5<sup>th</sup> Avenue  
Anchorage, AK 99501

Dear Ms. Creachbaum:

On behalf of the State of Alaska, congratulations on being named the new Regional Director for the National Park Service's (Service) Alaska Region. I look forward to meeting you and learning about your interests and goals for national parks in Alaska. I am also reaching out to facilitate new lines of communication and look forward to strengthening collaboration between the Service and the State. In the past, the State and the Service built a distinguished track record of working collaboratively to accomplish many mutually beneficial objectives. I recently had a positive meeting with your planning and compliance staff and hope to also reaffirm our positive working relationship regionwide through effective and collaborative protocols to further the efforts of both the Service and the State.

Alaska is proud to host 65% of the acreage of all parklands in the nation. Alaska's park units are important to the State's tourism economy as well as relied upon by Alaska residents for sustainable food sources, recreational opportunities, and furthering traditional ways-of-life. As you undoubtedly know, Alaska park units have a complex history and are subject to a unique set of regulations and public processes that stem from the Alaska National Interest Lands Conservation Act (ANILCA), which can, at times, lead to unique challenges. As the lead for the State's multi-agency ANILCA Program, I offer our support in navigating these complexities.

We are requesting your assistance in revisiting one of these unique Alaska processes that was in practice when you served as the Service's Alaska desk officer in Washington, D.C. while Marcia Blaszak and Vic Knox served as Alaska Regional Director and Deputy Regional Director respectively. The Service and the State jointly developed an annual process that included an annual meeting between State representatives and Chief Rangers as well as a public review opportunity for Alaska park unit compendiums. First committed to by Alaska Regional Director, Robert Arnberger in 2002 (enclosed), the collaborative process was a deliberate effort to ensure Alaska park units are managed consistent with ANILCA, including gathering important data and other valuable input from the State and the public in addressing issues of mutual concern.

We would like to discuss the compendium process further and welcome the opportunity to understand what compromises would work to improve this process for all interested parties including the Service, the public, and the State. The relatively recent changes that decentralize the annual compendium process, coupled with the changes made in 2015 to the longstanding

public closure process in the Service's 36 CFR Part 13 regulations, have resulted in fewer opportunities for engagement with the public and the State and a less robust public process overall. The attached comments on the current annual compendia process explain our concerns in more detail.

Thank you for considering these comments, as well as the State's comments on this year's proposed changes to the Yukon-Charley Rivers National Preserve Compendium (enclosed). A primary issue noted in our comments is the inappropriate application of national policy in Alaska, which we consider to be a significant issue. I look forward to meeting you soon for further discussion on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Magee', written in a cursive style.

Susan Magee  
State ANILCA Program Coordinator

Enclosures:

State of Alaska ANILCA Program Comments on the Alaska Compendia Process  
Letter dated 10/31/02, from Regional Director Arnberger to State of Alaska  
State of Alaska comments dated 2/18/22 regarding the Proposed YUCH Compendium

**State of Alaska ANILCA Program  
Comments on the Annual Alaska Park Unit  
Compendia Process**

**Annual Meeting with Chief Rangers and State Representatives**

**Issues:**

- Current structure does not provide for an informed understanding of the issues in advance of the meeting to enable a more meaningful dialogue and to explore different management options.
- Timing of the meeting has gradually gotten later in the year, no longer allowing time for follow-up discussions, as needed before release of compendia, on issues identified at the meeting.

**Proposal:**

- Provide an agenda in advance of the meeting.
- Return to scheduling annual meeting earlier in the fall.

**Discussion:**

We appreciate the Service's continuing efforts to hold the annual meetings with state representatives and providing the public with an annual opportunity to review the park compendiums. Unfortunately, the annual Compendium meetings as they are currently structured, do not provide for an informed understanding of the issues in advance of the meeting, which would enable Service and State representatives to have a more meaningful dialog and explore different management options during the meeting. In addition, likely due to extenuating circumstances, the annual meetings are now being held too late in the year to allow for follow-up discussions on issues identified at the meeting and to seek resolution on issues before the compendiums are released for formal public comment. Returning to holding the meetings earlier in the fall (e.g., October) would allow more time for that engagement to occur.

**Annual Review of Park Unit Compendiums**

**Issues:**

- Reduced role of the Regional Office makes individual park units solely responsible for compendium distribution, content, and receipt of and response to comments, resulting in inconsistent common entries, and staggered notices and review periods.
- Reduced role of the Regional Office deprives park unit staff of the collective understanding and experience that stems from resolving ANILCA related issues regionwide.
- Only Park unit compendiums with proposed changes receive public review, depriving the public of the opportunity to review full compendiums annually regardless of changes.
- Regional notice of annual review no longer issued, the intent for which was to broaden the distribution beyond the more limited distribution lists maintained by individual park units.

- Short, concurrent review periods for all park units and expectation that comments be submitted separately to individual park Superintendents places an unreasonable burden on those interested in commenting.

**Proposal:**

- Restore Regional Office’s coordination and oversight over park unit compendiums and issue resolution.
- Provide annual public comment opportunity for all park compendiums regardless of proposed changes.
- Restore issuance of the Regional Office’s public notice and coordinate distribution of park unit notices.

**Discussion:**

Since 2018, we have asked the Service to reconsider changes that have been made to “decentralize” the review process, which limits the role of the Regional Office, making individual park units solely responsible for compendium distribution, content, and receipt of comments. Further, in the past, a park unit’s full compendium was made available annually for public review; review opportunities are now limited to only those compendiums with proposed changes. This year the Regional Office also stopped sending out a public notice to supplement the individual park notices, whose contacts are more tailored to local residents, even though all visitors, regardless of residence, are expected to follow the rules contained in the compendiums.

Without the Regional Office’s coordination and oversight, the release of individual park public notices has been staggered, resulting in varying review periods, as well as differences in the wording of entries common to multiple park units. Further, park managers, many of whom are new to Alaska, are now shouldering the responsibility of interpreting and reconciling the national and regional regulations that apply here when issues arise both during and outside of the comment period. The current decentralized process and ongoing problems erode the goals and good faith efforts of previous Regional Directors and State representatives who committed to greater engagement between federal and state staff and meaningful public outreach consistent with the intent in ANILCA.

**Commenting Constraints**

**Issues:**

- The Service’s limits on commenting options (e.g., emails not accepted) are contrary to the intent in ANILCA to expand public outreach efforts in Alaska, which still has limited communication infrastructure.
- The Planning, Environment and Public Comment (PEPC) commenting portal is a national process and is not an adequate substitute for public outreach in Alaska.
- PEPC does not provide notice of postings and the search feature is cumbersome.
- PEPC does not allow for uploading signed agency comment letters or attachments.
- Comments pertaining to multiple park units must be posted on individual PEPC sites.

**Proposal:**

- Allow multiple methods for commenting, including email, and conduct additional outreach, such as posting notices in rural communities, holding public meetings/hearings, and provide an opportunity for verbal comments, where needed.
- Address deficiencies with PEPC – allow for uploading letters and attachments, a feature common in other federal agency commenting portals.
- Lengthen the review period to 45-days.
- Provide a single regionwide compendium commenting site on PEPC that allows for consolidated park unit compendium comments.

**Discussion:**

We continue to support the relatively recent addition of the Service’s PEPC website as an *additional* portal for commenting on park compendiums; however, that does not negate our ongoing concerns with the limits imposed by the Service for commenting (e.g., emailed comments are not accepted), the short decentralized 30-day review period that is concurrent for all 16 park units and makes the burden on those interested in commenting unreasonable, and the shortcomings of PEPC as a commenting portal (e.g., inability to upload documents). In addition, PEPC is a national process that does not fully accommodate the needs of Alaskans. Due to Alaska’s limited communication infrastructure, it is important the Service provide a variety of ways to comment, including holding public meeting(s) that allow the public, particularly local rural residents, an opportunity to meet with park staff to discuss compendium entries and provide comments verbally.

**Compendia Organization**

**Issues:**

- Lengthy and complex set of compendium entries is difficult to follow and understand without full knowledge of the Service’s regulations, including the inter-relationship between the Service’s national and Alaska-specific regulations.

**Proposal:**

- Coordinate with State on improving the organization and presentation of the compendium entries.

**Discussion:**

We believe the organization of the compendia could be improved to make them more logical and reader friendly so members of the public can follow and understand the lengthy and complex set of restrictions that apply to them.



## United States Department of the Interior

NATIONAL PARK SERVICE  
2525 Gambell Street, Room 107  
Anchorage, Alaska 99503-2892

RECEIVED  
NOV - 4 2002

ANCHORAGE  
DIV. GOVERNMENTAL COORDINATION

IN REPLY REFER TO:

OCT 31 2002

W34 (AKSO-EPR)

Ms. Sally Gibert  
Division of Governmental Coordination  
South-central Regional Office  
550 West 7<sup>th</sup> Avenue, Suite 1660  
Anchorage, Alaska 99501

Dear Ms. Gibert:

I would like to take this opportunity to thank you for your participation, along with other key State representatives, in the October 1 and 2, 2002, meeting with my staff and park representatives, concerning park compendiums.

Significantly, as a result of this meeting and subsequent follow-up meetings on October 21 and October 28, 2002, with you and my staff, we have mutually agreed to utilize an Annual Compendium Development Process. This process incorporates annual meetings, year-round outreach to constituencies, formal periods of public input and notice, and a process for emerging issues. We believe this is a successful model for the future.

In addition, my staff and a key State representative met on October 3, 2002, to discuss specifics concerning areas where special regulations might be appropriate for our Alaska National Parks. We appreciate the opportunities to meet with you and key State representatives, discuss issues and work towards cooperatively solving matters before us.

Thank you for your continued interest in the National Park Service. Your help in improving our compendiums contributes to our efforts to protect our parks for the enjoyment of present and future Alaskans and their guests.

Sincerely,

Robert L. Arnberger  
Regional Director

Attachment

cc:

Cam Toohey, Special Assistant to the Secretary, DOI  
Director, NPS

## Annual Compendium Process

### Fall

1. Annual Meeting with State
  - Big Picture meeting
  - Park specific issues
2. Park outreach with constituencies. Flexible format. May also occur at other times to meet park or constituent needs.
3. Park specific issues may need to go to the public for comment.

### Fall to Winter

1. On-going cooperative work with the State and possibly the public as needed for compendium additions/changes/revisions.
2. Evaluate whether issues or solutions are marching towards the "significant" status (36 CFR Section 1.7), thus require consideration of special regulations.
3. Evaluate whether Part 13 closures procedures (rulemaking) should be considered.

### January 1

Proposed Compendiums are put out for public and state written comment for 45 days. Region will provide a central web page with park links. Public notification to be tailored for each park.

### February 15

Parks review comments and make decisions on the compendiums for the upcoming season.

### March 15

1. Final compendium approval by each Superintendent and concurred by the Regional Director.
2. Parks begin public notice, web posting, formal meetings with constituency groups, etc.

### April 1

Compendiums take effect for the upcoming season.

### Summer

Monitor implementation on an on-going basis.

1. Lower priority new issues: NPS action and consultation may be deferred to the above fall compendium review cycle.
2. Emergencies: NPS will immediately respond to emergency issues involving safety and resource protection when they arise.
3. Emerging substantive issues: NPS will begin early dialogue with the State per process, below.

### Process for Emerging Issues

1. NPS will consult with State early to brainstorm emerging issue(s). May occur anytime during the year.
2. Short written issue statement is helpful to initiate dialogue, but not always necessary.
3. Pre-decisional consultation can validate or refine the issue, identify full range of options, and may alleviate the need for NPS to take action if the state has an applicable tool.
4. If data gathering is necessary, NPS will work with State to facilitate buy-in on methodology, results and conclusions.



February 18, 2022

Jeffrey Rasic, Superintendent  
Yukon-Charlie Rivers National Preserve  
101 Dunkel Street, Suite 110  
Fairbanks, AK 99701

Dear Mr. Rasic:

The State of Alaska reviewed the proposed changes to the 2022 Yukon-Charlie Rivers National Preserve Compendium. The following comments represent the consolidated views of state resource agencies.

The following comments are specific to the National Park Service's (Service) intent to allow seasonal cutting of dead standing wood to heat public use cabins and temporary shelters within the Yukon-Charlie Rivers National Preserve (Preserve). We appreciate the Service's recognition of the unique conditions in Alaska that warrant different management techniques here compared to parks and preserves in the Lower 48. However, we have concerns regarding the proposed restrictions associated with the cutting of dead timber from the Preserve under 36 CFR 13.35(d). Unfortunately, certain conditions within the allowance negate its otherwise positive contributions to forest health and the health and safety of users, including hunters, trappers, and fishers, in remote areas of the Preserve.

Congress included specific provisions within the Alaska National Interest Lands Conservation Act (ANILCA) specifying how federal land management agencies in Alaska must manage federal lands, including lands designated as wilderness, differently than federal lands in other states. This unique management is needed to facilitate a variety of economic, social, and cultural uses in Alaska. The winter activities that occur in the Preserve related to the take of wildlife are a fundamental part of our culture, traditions, and history as a state. Through the exceptions specified in ANILCA, Congress intended to ensure that federal agencies allow these uses to continue on federal public lands. Included within the Service's responsibility for public land management in Alaska is a responsibility to maintain and provide opportunity for safe and responsible traditional activity use. Therefore, recognizing the original intent of the proposed change in the compendium is to allow cutting of dead standing wood during fall/winter conditions for the purpose of heating public use cabins and temporary shelters within the Preserve, which we fully support, we object to the following associated specific restrictions, as explained further below.

- Prohibition on the Use of Chainsaws in "Eligible Wilderness" is Unfounded and Needlessly Endangers Users
- Restrictions on Wood Stacking and Caching is Counter to a Major Tenet of Cabin Use in Alaska
- Certain Tree Cutting Restrictions are Impractical
- Distance Requirements Create Fire and Public Safety Hazards and are Difficult to Determine

## Prohibition on Use of Chainsaws in “Eligible Wilderness” is Unfounded and Needlessly Endangers Users

### ISSUE:

- Prohibition on chainsaw use on lands administratively identified by the Service as “eligible wilderness” needlessly and unlawfully endangers winter users, including hunters, trappers, and fishers.

### PROPOSED RESOLUTION:

- Allow the use of chainsaws in all areas of the Preserve from September 1 through April 30 to cut standing dead trees for heating public use cabins and temporary shelters within the Preserve.

### RATIONALE:

Hunting, trapping, ice fishing, and other activities in the winter in Alaska can be exceptionally challenging due to severely cold temperatures and limited daylight hours. Unpredictable weather patterns can both expose and strand individuals for extended and indeterminate periods of time. Given the remote nature of the Preserve, if an emergency arises, individuals are far from assistance and must rely on themselves and the limited resources available in remote field circumstances. The allowance for the use of motorized equipment, including chainsaws, on Alaska public lands is not about luxury or convenience—it is often about survival. Many Alaskans can tell a story where a night spent in a cabin with wood to supply heat made all the difference in such circumstances.

The draft compendium states most areas of the Preserve are managed as “eligible wilderness” and chainsaw use will not be permitted in these areas. No explanation is provided in the compendium as to why chainsaw use will not be allowed; however, we were advised by the Service that this prohibition is being driven by national wilderness policies that require them to maintain wilderness character in all park unit areas administratively identified as “eligible wilderness.”

We understand that the Service’s 2013 national Directors Order 41 (DO 41) states in Section 5.1: “Lands that are determined to be eligible for wilderness will be managed to preserve their wilderness character.” However, this statement in DO 41 is qualified in the last sentence of Section one of the policy, by the following:

It is important to note that these policies may in some instances be **superseded** by statutory provisions that apply to individual wilderness areas ... and **in Alaska, by applicable provisions of the [ANILCA]**. (Emphasis added)

The Wilderness Act’s prohibition on motorized equipment is therefore superseded by statute in Alaska per the allowance in ANILCA Section 1316:

On all public lands where the taking of fish and wildlife is permitted ... the Secretary shall permit, subject to reasonable regulation to ensure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary shelters **and equipment** directly and

necessarily related to the take of fish and wildlife on all public lands where the taking of fish and wildlife are permitted.<sup>1</sup>

The Service's ANILCA Section 1316 implementing regulations at 36 CFR 13.182 and 13.166 accurately apply this provision to both subsistence and non-subsistence users.

The allowance is further supported by the Service's policy directives in the 2006 Management Policies, which also clearly identify in Section 6.4.3.3 that the use of motorized equipment by the public in Alaska wilderness areas is governed by applicable provisions of ANILCA (e.g., ANILCA Section 1316). These same policies also state the use of motorized equipment within areas determined to be eligible for wilderness designation in Alaska does not make an area ineligible for wilderness designation if those practices are necessary to meet the minimum requirements for the administration of the area as wilderness (NPS Management Policies 2006, Sections 6.2.1.2 - Additional Considerations in Determining Eligibility). It is inappropriate and incongruent to prohibit the use of motorized equipment in an area considered "eligible wilderness" when, if the area is designated by Congress as wilderness, the equipment use would be allowed. Given the unique and remote conditions of Alaska park units, especially in the winter months, allowing the use of chainsaws for public safety purposes is not unreasonable.

Equipment means the tools needed to support hunting, trapping and fishing activities, which would include chainsaws, winches, etc. to ensure these traditional activities continue to occur throughout public lands in Alaska. The ability to have a warm cabin or other shelter is critical for winter use of the Preserve by hunters/trappers/fishers. The applicability of ANILCA Section 1316 to "all public lands where the taking of fish and wildlife is permitted in accordance with this Act..." means that Congress intended for it to also apply to congressionally designated wilderness areas as well as other public lands for these purposes; to conclude that these allowances do not apply to lands administratively determined as "eligible wilderness" is contrary to the intent of Congress, Service policy, and clearly illogical. Other federal agencies, for example, the U.S. Fish and Wildlife Service, clearly recognize in their policies that this allowance applies to congressionally designated wilderness.<sup>2</sup>

Further, ANILCA Section 1317 only granted the Service limited authority to conduct a **one-time** wilderness review for all park units and to submit any resulting recommendations to Congress within a specific timeframe. The Service prepared a Wilderness Suitability Review during the preparation of the Preserve's 1985 General Management Plan (GMP), which recognized that the timeframe for submitting wilderness recommendations for lands within the Preserve was limited. A 1986 Memorandum from the Department of Interior, further underscores that the Service understood the applicability of the time

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<sup>1</sup> ANILCA Section 102(3). The term "public lands" means land situated in Alaska which, after the date of enactment, are Federal lands, except – [State of Alaska land selections, Native Corporation land selections, lands referred to in the Alaska Native Claims Settlement Act, Section 19(b).]

<sup>2</sup> USFWS Manual 610 FW **5.15 What temporary facilities and equipment related to the taking of fish and wildlife does the Service authorize in Alaska wilderness areas?** Section 1316 of ANILCA authorizes the use of temporary campsites, tent platforms, shelters, other temporary facilities, **and equipment** directly related to and necessary for the taking of fish and wildlife on refuge lands in Alaska, including wilderness areas, subject to reasonable regulation to ensure compatibility. [Emphasis added]

limitations found in ANILCA Section 1317 and that presidential action on wilderness recommendations for the Preserve was required by October 1988.<sup>34</sup>

As a result, lands within the Preserve identified as “eligible wilderness” should no longer be considered as such because the wilderness recommendations associated with ANILCA Section 1317 were never forwarded by the Secretary of Interior to the President and Congress within the applicable time frame, as required in the Statute. ANILCA Section 1326(b) prohibits further wilderness reviews unless authorized by ANILCA or a further Act of Congress. Congress has not provided any further direction to the Service to conduct future wilderness studies. Therefore, the intent behind the Service’s national policy is being inappropriately applied in Alaska.<sup>5</sup>

Due to the unique landscape in Alaska, most park units have wilderness character regardless of their wilderness review status. It is therefore critical to recognize, the inappropriate implementation of this national policy, to manage “eligible wilderness” in the same manner as designated wilderness, has far reaching implications and the magnitude of this issue is not limited to the prohibition on chainsaws in the Preserve.

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<sup>3</sup> “Following analysis of public response on this suitability review, the National Park Service **may** make a wilderness proposal to the secretary of the interior, who will in turn make a recommendation regarding wilderness designation to the president and Congress. As required in ANILCA the president is to make his recommendations prior to December 2, 1987. (extended to October 1988 by memorandum from Bill Horn Assistant Secretary for Fish and Wildlife and Parks to the Director of the National Park Service, September 30, 1986.)

Regardless of this suitability review or any subsequent National Park Service proposal, wilderness can be designated only by Congress, and any subsequent change in the status and management of designated areas can also be accomplished only by Congress.” [Yukon Charlie GMP, 1985, page 110, emphasis added]

<sup>4</sup> ANILCA Section 1317. (a) **Within five years** from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 3(d) of the Wilderness Act relating to public notice, public hearings and review by State and other agencies, review, as to their suitability or unsuitability for preservation as wilderness, all lands within units of the National Park System and units of the National Wildlife Refuge System in Alaska not designated as wilderness by this Act and report his findings to the President. (b) The Secretary shall conduct his review, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of sections 3(c) and (d) of the Wilderness Act. The President shall advise the Congress of his recommendations with respect to such areas **within seven years** [emphasis added] from the date of enactment of this Act. (c) Nothing in this section shall be construed as affecting the administration of any unit of the National Park System or unit of the National Wildlife Refuge System in accordance with this Act or other applicable provisions of law unless and until Congress provides otherwise by taking action on any Presidential recommendation made pursuant to subsection (b) of this section. [emphasis added]

<sup>5</sup> ANILCA Section 1326. (b) **No further studies** of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related for similar purposes shall be conducted **unless authorized by this Act or further Act of Congress.** [emphasis added]

We request the Service recognize the applicability of these statutory and regulatory provisions and revise the proposed 2022 compendium accordingly. If not rectified, the State considers this a serious issue and requests consultation with the Service. Management strategies that blur or erase the distinction between administratively defined “eligible wilderness” and congressionally designated wilderness under ANILCA easily appear, to the public and agencies alike, as disingenuous to the processes established in law.

## **Restrictions on Wood Stacking and Caching is Counter to a Major Tenet of Cabin Use in Alaska**

### **ISSUE:**

- Restrictions on wood stacking and caching prevents users from leaving dry usable firewood for the next user—a common courtesy and public safety measure in Alaska’s backcountry, wastes resources, and is impractical.

### **PROPOSED RESOLUTION:**

- To ensure users, including hunters and trappers, have adequate firewood available in the winter or in the event of an emergency situation:
  - Allow firewood to be stacked under the eaves and within 30 feet of structures.
  - Allow for continued caching of firewood at temporary shelters for future use.

### **RATIONALE:**

The directive that “Trees will be harvested for immediate use only” is counter to a major tenet of cabin use in Alaska. The tenet requires users to leave a cabin better supplied than they found it. Every Alaska trapper, hunter, and fisher knows they must leave enough dry wood in a cabin for the next person to warm up the cabin upon arrival and dry out the wood they bring inside. Alaska winter temperatures are challenging, and it takes a long enough time to merely warm up a cabin upon arrival let alone also having to find a supply of wood beforehand.

Importantly, this directive will also cause more firewood to be cut than necessary compared to if caching is allowed in areas with frequent temporary shelter use. In a location that is conducive to repeated use as a temporary shelter site, the directive, by default, encourages users to cut firewood upon arrival if they do not randomly find “dispersed” firewood left by a previous user, which may likely be covered by snow. This will result in each user cutting wood rather than using the leftover firewood from a previous user. Cut wood cached or stacked also remains dryer and more usable than scattered cut wood and would thereby reduce the potential number of standing trees harvested near a temporary shelter site. Both stacked and scattered cut wood appear equally unnatural when a temporary shelter site is unoccupied. If arriving after dark or in inclement weather, this restriction also increases unnecessary safety risks for users.

The proposed restriction lacks rationale to prevent the caching of firewood at shelter sites and an explanation of how it would be enforced if included in the compendium. We request the Service consider the implications identified above and provide an explanation for any restrictions that are retained or revised in the final compendium.

## **Tree Cutting Restrictions are Impractical**

### **ISSUE:**

- Requirements to cut tree stumps flush at ground level at a height no greater than 2 inches and other associated requirements are impractical, especially in winter when this use will be allowed.

### **PROPOSED RESOLUTION:**

- Require cut tree stumps to not exceed a height of 8 inches above ground level.
- Require all tree limbs, tops, or unremoved debris left from cutting to be lopped, scattered, and cut in segments of a minimum of four feet.

### **RATIONALE:**

Although unspecified in the compendium, presumably, this restriction is intended to make cut stumps visually blend in with the surroundings and minimize safety hazards associated with tree harvest. This requirement is impractical, especially during winter given typical snow depths and the inability of hunters, trappers, fishers, or other users to remove rocks and dirt to avoid their saw hitting rocks and frozen ground to achieve a level cut. The lopping and scattering of slash will avoid fuel accumulations and eliminate potential Spruce Bark Beetle habitat.

Cutting stumps to 8 inches above ground level is consistent with instructions within other Conservation System Units in Alaska. (e.g., Lake Clark National Park's Compendium) and not only facilitates compliance and practicality but also consistency for users. We request the Service consider the above implications and provide an explanation in the final compendium for any limits/restrictions that are retained or revised.

## **Distance Requirements Create Fire and Public Safety Hazard and are Difficult to Determine**

### **ISSUE:**

- Requirements to harvest standing dead trees no closer than three hundred (300) feet from existing structures and no closer than fifty (50) feet from roads and paths, creates fire and public safety hazards. Requirements that trees will only be taken from areas outside of the normal view of the public and in areas where cutting will not impact other Preserve users, wildlife, or natural and cultural resources cannot be determined by public users.

### **PROPOSED RESOLUTION:**

- Remove these management prescriptions.

### **RATIONALE:**

Leaving standing dead trees in close proximity to isolated cabins increases the risk these cabins, critical for use for health and safety purposes and to facilitate winter hunting and fishing activities, will burn in a forest fire. Local wildfire response resources have minimal capabilities for any fire start located one

mile or more off the road system.<sup>6</sup> Once burned, remote cabins are unlikely to be replaced due to various funding, logistic, and policy constraints.

These restrictions are also contrary to other Service fire management program efforts to provide defensible spaces and mitigate wildfire hazards.<sup>7</sup> Dead trees pose fire and structural hazards to cabins. Additionally, dead trees are a safety hazard for people especially if they are near trails or common routes around a cabin. For these reasons, trees near cabins should be felled.

We also question the overly broad stipulation, “Trees will only be taken from areas outside of the normal view of the public and in areas where cutting will not impact other Preserve users, wildlife or natural and cultural resources.” How does the Preserve intend for hunters, trappers, fishers or other public users to discern what a dead standing tree is “outside of the normal view of the public?”

## Conclusion

We appreciate the efforts of the Service to address the important issues of forest health and the health and safety of all users in remote areas of the Preserve. However, the proposed restrictions are overly burdensome to all users. They both decrease the opportunity for use and enjoyment of the Preserve and, at the same time, fail to realize the full potential for health and safety risk reduction for users of the Preserve. We request the Service consider the implications described above and provide rationale in the final compendium for any restrictions that are retained or revised.

Thank you for this opportunity to comment. Please contact me if you have any questions or to discuss any of these issues further.

Sincerely,



Susan Magee  
State ANILCA Program Coordinator

cc: Sarah Creachbaum, Alaska Regional Director  
Scott Sample, Chief Ranger

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<sup>6</sup> <http://forestry.alaska.gov/Assets/pdfs/fire/cwpp/2020/Eagle%20CWPP%20Final.pdf>, page 12

<sup>7</sup> <https://www.nps.gov/articles/denali-crp-defensible-space.htm>