



August 14, 2026

National Park Service
Attention: Michael Michener
Deputy Associate Director

Submitted online at [regulations.gov](https://www.regulations.gov)

Re: National Park Service Level 2 Wilderness Stewardship Policy Review: Director's Order #41,
Docket No. NPS-2026-0100

The State of Alaska (State) reviewed the National Park Service (NPS) federal register notice seeking public comment on Director's Order #41 (DO41): Wilderness Stewardship, which provides policy direction for the identification, planning, stewardship, and administration of wilderness managed by the NPS. The State last reviewed and commented on DO41 on March 11, 2011,¹ when it was a draft document, and appreciates a possible reconsideration of issues that were not resolved at that time. The comments below incorporate input from the Departments of Natural Resources (DNR) and Fish and Game (ADF&G).

After witnessing NPS implementation of DO41 over the last dozen years, the State requests that the NPS exclude NPS wilderness areas in the State of Alaska from the DO41 requirements and cooperatively develop Alaska-specific wilderness policy with the State resource agencies. In the meantime, we request DO41 introduction reference the supplemental guidance that already exists for Alaska – the *Alaska Supplement to the Minimum Requirements Decision Guide*² and add an explanation that nothing in DO41 modifies the Alaska National Interest Lands Conservation Act (ANILCA) exceptions in the 2006 Management Policies.

ANILCA Context

The policies enumerated in DO41 have directed the NPS to identify lands with wilderness characteristics and lands suitable for wilderness designation that may be recommended to Congress as additions to the National Wilderness Preservation System (NWPS). Though potentially appropriate in other locations, in Alaska this is contrary to the intent of ANILCA, a superseding law of compromise that enacted the largest expansion of the national preservation system in history while also recognizing that no further additions were necessary to the system of Conservation System Units (CSUs) established through ANILCA.

Title VII of ANILCA designated areas of wilderness within the National Park system, the National Wildlife Refuge system, and the National Forest system, amounting to the largest expansion of the national preservation system in history. Section 1317 of ANILCA went even further by ordering the Secretary of the Interior to conduct a review of all lands within the

¹ https://dnr.alaska.gov/commis/opmp/nilca/pdf/2011%20Letters/110310_NPSDO41SOA.pdf

² https://dnr.alaska.gov/commis/opmp/nilca/pdf/2006%20Letters/06_06_20_AK_Supplement_MRDG_Final.pdf

National Park System and National Wildlife Refuge System in Alaska for their “suitability or unsuitability for preservation as wilderness”. Section 1317 also established a clear timeline for any potential additions to the NWPS, requiring that the Secretary of the Interior forward the results of these studies to the President within five years, and that the President make an official recommendation to Congress within seven years from the date that ANILCA was enacted (December 2, 1980). Section 1326 of ANILCA established that “no further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a [CSU] ... shall be conducted unless authorized by this Act or further Act of Congress. Taken in their entirety, Titles VII and XIII of ANILCA establish a clear Congressional intent that the wilderness areas added to the NWPS through this Act were sufficient, and that no further additions were necessary in the State of Alaska. Despite this, NPS now claims that more than 90% of NPS land in Alaska has some wilderness protection, including approximately 18 million acres NPS deems eligible for inclusion in the NWPS.³

Additionally, the regulations, policies, and guidelines applied to managing NPS lands have increased in complexity and restrictiveness. Despite the clear Congressional intent of ANILCA, the NPS has continued to apply wilderness land management principles to “eligible” lands through agency orders and the planning process. In addition to running contrary to the intent of ANILCA, these contain some contradictory information. For example, the NPS Director’s Order #41 dated May 13, 2013, includes direction that eligible lands are “to be managed to preserve their eligibility for designation by protecting their wilderness character” but also notes that “these policies may in some instances be superseded by statutory provisions that apply to individual wilderness areas, by rights reserved by former landowners and, in Alaska, by applicable provisions of the Alaska National Interest Lands Conservation Act (ANILCA)”. This created a situation in which NPS lands in Alaska that are considered “eligible” for wilderness designation are managed indefinitely as de facto wilderness while Congressional recommendations languish, a practice that fails to acknowledge ANILCA as the superseding statute and results in real impacts to access, economic development, and subsistence practices in Alaska; all activities that ANILCA sought to protect.

Summary of Recommendations

The State again suggests that the NPS exclude NPS wilderness areas in the State of Alaska from the DO41 requirements and cooperatively develop Alaska-specific wilderness policy with the State resource agencies. The NPS DO41 currently includes a brief note stating that some policies in this order may be superseded by the statutory provisions of ANILCA. If NPS does not exclude Alaska Wilderness from DO41, the State requests that NPS add specific references to the provisions of ANILCA that are applicable to wilderness stewardship, including but not limited to Section 1110, Section 1315, Section 1317, and Section 1326. These references should include context describing the purpose of each provision and the impacts that these provisions have on the management and assessment of wilderness areas on NPS lands in Alaska.

Implementation of DO41 has made permitting ADF&G research and management activities exceedingly difficult to achieve. ADF&G research and management activities actively support the core purposes of wilderness, including recreational, scientific, educational, conservation, and

³ <https://www.nps.gov/subjects/aknatureandscience/akwilderness.htm> accessed 7/16/2026.

historical uses. Yet, projects meant to support these very purposes in wilderness are frequently denied or face multi-year delays due to Minimum Requirement Analysis (MRA) negotiations.

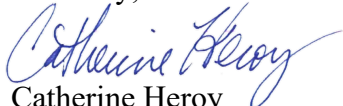
Beyond permitting hurdles, the State is concerned by several systemic issues with DO41, which have been expanded in our section-by-section comments included in Attachment A:

- **Violations of ANILCA's No More Provisions:** The order directs ongoing wilderness eligibility studies and reviews that violate the clear, statutory time limits and prohibitions established under ANILCA Sections 1317 and 1326(b).
- **Arbitrary Restrictions on Access and Commercial Services:** The framework places restrictive, unauthorized limits on commercial services, such as guided hunting and fishing, transporting, and outfitting, that the public relies on to access remote areas in Alaska. Any closures or visitor limits in Alaska should comply with the specialized public notice, hearing, and consultation procedures mandated by ANILCA and 43 CFR 36.11.
- **Threats to Existing Cabins and Structures:** DO41 encourages the systematic removal of administrative facilities, cabins, and historical shelters. Under ANILCA Sections 1315 and 1316, these structures are legally permitted to remain and form a vital part of the area's unique historical and recreational character.
- **Unauthorized and Costly Monitoring:** The order imposes expensive wilderness character assessments and cumulative impact databases that are not required by the Wilderness Act. These programs appear to justify limiting state scientific research and reduce access.⁴
- **Overreach:** DO41 improperly attempts to extend NPS jurisdiction beyond designated wilderness boundaries. By managing lands beyond designated wilderness as though they were wilderness, and attempting to regulate external air quality, light pollution, and natural sounds (such as low-altitude flights and state wildlife surveys), the policy infringes upon state authority and non-federal jurisdictions.

Closing

Thank you for the opportunity to review and comment on NPS' Director's Order #41. Through the recommended changes provided above and in Attachment A, the State hopes that NPS policies can include the context necessary for the agency to manage lands in accordance with the provisions of ANILCA. Doing so will benefit the people, lands, and managing agencies of Alaska. 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

⁴ NPS 2014, Keeping It Wild in the National Park Service a User Guide to integrating Wilderness character into park planning, Management, and Monitoring, page 105.

Attachment A: Section-Specific Comments and Requested Revisions

If the NPS fails to exclude Alaska from DO41, the following edits and Alaska-specific exemptions must be incorporated prior to finalization to ensure compliance with federal law, specifically ANILCA.

Section 1 – Purpose of this Order. Lines 20-23.

NPS Statutory Misalignment in NPS Use of the Term “Wilderness”

- **Request:**

The precise statutory definition of the Wilderness Act of 1964 must be reinstated in DO41 and the management standards that are derived from the expanded definition must be removed.

- **Justification:**

DO41 expands the definition of “wilderness” beyond what is provided in the Wilderness Act. This expansion extends NPS management authority far beyond what Congress provided in the statute, which defines wilderness only as areas formally designated under 16 U.S.C. § 1131(a) and (c). Applying wilderness-character standards to non-designated lands risks conflating distinct statutory categories and obscuring the clear Congressional intent.

This redefinition restricts agency operations, visitor use, and state fish and wildlife management activities on non-wilderness park lands, while creating confusion about the boundaries and status of designated wilderness areas. It also complicates planning and enforcement by suggesting all “eligible” lands are functionally wilderness. Implemented without public notice and comment, it establishes de facto wilderness management over millions of acres not designated by Congress – an approach inconsistent with both statute and long-standing congressional direction. Under the Administrative Procedure Act, agency actions that materially modify rights, obligations, or permissible land management practices must be promulgated through notice and comment rulemaking. The revised definition and the resulting management standards that are derived from the expanded definition of wilderness raises significant concerns regarding compliance with the APA’s core mandates of transparency, public participation, and statutory limits.

The manual’s treatment of the ANILCA is notably limited. DO41 refers to ANILCA only in the following general statement and one other time:

It is important to note that these policies may in some instances be superseded by statutory provisions that apply to individual wilderness areas, by rights reserved by former landowners and, in Alaska, by applicable provisions of the Alaska National Interest Lands Conservation Act (ANILCA).

DO41 provides insufficient guidance for Alaskan park managers to implement the provisions of ANILCA and tailor their decisions to the statutory exceptions to wilderness management that Congress created specifically for Alaska. ANILCA fundamentally shapes wilderness management in Alaska—both explicitly through its access and subsistence provisions and implicitly through its recognition of traditional uses—yet the

current version of DO41 does not reflect this reality. As a result, wilderness policy in Alaska remains piecemeal, highly discretionary, and vulnerable to staff turnover rather than guided by a consistent, statutorily grounded framework. The State has been formally requesting an Alaska-specific wilderness policy since 1986. The lack of such policy continues to create uncertainty and inconsistency across wilderness management in Alaska.

Section 5: Identification and Designation of the Wilderness Resource

- **Request:**

This entire section must include an exemption for the State of Alaska.

- **Justification:**

Consistent with ANILCA's no more clauses, the NPS must not conduct any new wilderness eligibility studies, inventory reviews, or identify new Conservation System Units (CSUs) in Alaska unless explicitly directed and authorized by Congress. Conducting wilderness reviews is contrary to several provisions in ANILCA, including Sections 1317 and 1326(b).

The NPS is disregarding the time constraints associated with Congress' allowance for NPS to conduct a *one-time* Wilderness review following the passage of ANILCA. That review was to be completed, with any resulting recommendations forwarded to Congress, within seven years. That time limitation has long passed, and with an express prohibition against conducting new reviews for the purpose of establishing CSUs without congressional approval in ANILCA Section 1326(b)⁵ (designated Wilderness is defined under ANILCA as a CSU), the NPS is violating ANILCA by conducting new Wilderness reviews in Alaska. Note, the time limitation in Section 1317(b) can be contrasted with continuing authority for BLM in ANILCA Section 1320 to review and "from time to time" recommend wilderness.⁶

Section 6: Wilderness Stewardship.

- **Lines 248-251. Requested Edit:**

~~The goal of wilderness stewardship is to keep these areas as natural and wild as possible in the face of competing purposes and impacts brought on by activities that take place elsewhere in the park and beyond park boundaries.~~ [emphasis added]
Please revise to state: Wilderness stewardship entails managing federally designated wilderness areas in a way that preserves their wilderness character, ensuring they remain "untrammelled by man". It is important to clarify that "untrammelled" does not mean removing all signs of humans, prohibiting human activity that assists NPS in managing wilderness, or unnecessarily restricting recreation and enjoyment of wilderness. NPS employees should understand this goal, work together, and engage other agencies and

⁵ 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 or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

⁶ ANILCA authority in 1320 does not allow BLM to manage recommended lands to the non-impairment standard while waiting for Congress to act.

partners, specifically state fish and wildlife agencies, to achieve it ~~provide for an enduring resource of wilderness.~~

- **Justification:**

While the broader DO41 better focuses on traditional stewardship principals, this section, following the administratively expanded definition to “wilderness,” diverges from historical usage implying that wilderness stewardship responsibilities extend beyond Congressionally designated boundaries.

To avoid this misinterpretation, the directive should explicitly affirm that wilderness standards may not be applied outside designated wilderness unless expressly authorized by statute, consistent with Congressional intent articulated in the Endangered American Wilderness Act of 1980 and other statutes, which state that wilderness designations do not create buffer zones and that non-wilderness activities may continue up to the boundary of a wilderness area. The Wilderness Act cannot be used to negatively impact vital infrastructure projects by creating additional buffer areas around designated lands.

Section 6.1 Consistency, Lines 253-271,

- **Requested Edit:**

Please add the following sentence after “...*Management Policies 2006*. In Alaska, ANILCA’s special provisions that authorize certain uses within designated wilderness must be prioritized.

- **Justification:**

The “Consistency” guidance in Section 6.1 conflicts with key provisions of ANILCA. The blanket standard to not adopt any practice that “weakens” or “compromises” wilderness results in decisions that restrict uses specifically guaranteed in ANILCA’s special provisions that allow actions prohibited in designated wildernesses outside of the Alaska, emphasizing Lower-48-style conservation over culturally and legally required use in Alaska.

Section 6.2: Wilderness Character, Lines 279-292.

- **Requested Edits:**

- The term “wilderness park” must be defined or deleted (also in other parts of DO41). Additionally, wilderness planning should be clearly restricted to NPS areas that have a statutory mandate to preserve wilderness character.
- Insert explicit language clarifying that wilderness character evaluations and management constraints are strictly limited to legally designated wilderness areas. We request the following edits:

Accordingly, each ~~wilderness park~~ containing designated wilderness areas will integrate the concept of wilderness character into park planning, management, and monitoring for designated wilderness areas in order to preserve the enduring benefits and values of wilderness for future generations.

- **Justifications:**

- The term “wilderness park” is not found in the Wilderness Act and should only be used to identify a park whose statutorily defined purpose includes wilderness character (e.g., Gates of the Arctic National Park and Preserve).
- This policy must not be used to manage non-wilderness, eligible, or proposed areas under designated wilderness restrictions. These lands should be managed to avoid impairing their suitability but should not undergo formal wilderness character monitoring. Only lands that have been proposed to Congress or are officially designated as wilderness study areas should be managed to protect their wilderness qualities.

Section 6.3 Wilderness Planning.

- **Request: Section 6.3. Line 304-305.**

Delete the following quoted language:

“Parks with lands determined to be eligible, proposed, or recommended should also develop plans to preserve wilderness character.”

- **Justification:** Wilderness planning should be clearly restricted to NPS areas that have a statutory mandate to preserve wilderness character. These lands should be managed to avoid impairing their suitability but should not undergo formal wilderness character monitoring.

Section 6.4 Minimum Requirements. Lines 310-337.

Please see the general comments in our letter for background on our MRA issues and concerns.

- **Requested Edit: (Roads in Wilderness) Line 325-326**

ANILCA allows for permanent roads within wilderness, the following sentence should be revised:

“Under no circumstances may a MRA be used to allow permanent roads or commercial enterprise within wilderness, except in Alaska where roads and other transportation and utility systems are allowed in designated wilderness areas in Alaska under the provisions of ANILCA Title XI.”

- **Requested Edit (Facilities/Predetermination). Lines 326-328:**

Soften the restrictive language regarding administrative facilities and cabins. Specifically, strike or amend the sentence:

“The use of motorized equipment and the establishment of management facilities are specifically prohibited when other reasonable alternatives are available.”

This sentence preempts the MRA process by predetermining that alternatives exist, ignoring whether those alternatives are cost-prohibitive, unsafe, or logistically impossible. ANILCA allowances for cabins and motorized equipment must be protected. (Sections 811, 1110, 1315, and 1316.)

- **Requested Edit (Commercial Enterprise). Lines 327-330:**

Revise the text regarding commercial exceptions. DO41 states that “Neither filming nor still photography will be considered a commercial enterprise.” The NPS must clarify why filming is allowed while other vital public and commercial recreational services are restricted.

- **Requested Edit (Existing Structures). Lines 331-333:**

Strike the requirement that newly designated “wilderness parks” will prepare an MRA and an NHPA Section 106 Determination to evaluate removing administrative facilities and structures, or at least exempt Alaska parks.

- **Justification:**

In Alaska, existing and even new structures are expressly permitted to remain (see ANILCA Sections 1315 and 1316). If these installations were legally present when the wilderness designation was approved, they are part of the area’s unique wilderness character and cannot be deemed a negative impact to wilderness character.

- **Request, Lines 334-335.**

We appreciate the direction that Parks in Alaska must consult with RM-41 to ensure their MRA process is consistent with the provisions of ANILCA; however, the direction provided in RM-41 is merely the text of ANILCA rather than guidance. We also suggest a review of RM-41 to ensure it is aligned with statutory mandates rather than policy directives.

- **Justification:**

Merely re-stating the text provides Alaska NPS staff with no useful guidance regarding how to implement ANILCA in conjunction with NPS statutes and the Wilderness Act. The *Alaska Supplement to the Minimum Requirements Decision Guide*, a document created by the NPS Alaska Regional Office and State staff, is notably absent from RM-41.⁷ We request the addition of that guide to RM-41 and DO41.

6.4 Minimum Requirements, lines 310-337 and 6.5 Scientific Activities, lines 339-357.

State Research and Management Activities

The National Parks Omnibus Management Act of 1998 mandates that the NPS ensure park management is informed by the “highest quality of science and information”, in partnership with the states and other federal agencies.⁸

ADF&G research and management activities directly support the core purposes of wilderness -- including recreational, scientific, educational, conservation, and historical uses and provide high quality science and information regarding fish and wildlife resources; yet implementation of DO41 has made permitting of ADF&G’s research and management activities more difficult.

⁷ [Reference Manual 41 - Wilderness \(U.S. National Park Service\)](#) accessed 7/24/2026.

⁸ 16 U.S.C. 5932, Section 202.

- **Request:**

State management actions should be recognized as legitimate traditional uses rather than treated as new intrusions requiring MRAs.

- **Justification:**

State fish and wildlife agencies have long conducted research and management in these landscapes, and where the Wilderness Act—or ANILCA in Alaska—explicitly allows traditional activities to continue. Two specific examples are relevant. First, fish and wildlife management organizations have been conducting studies in many wilderness areas prior to the area being designated as wilderness. Second, to provide the “highest quality of science and information” ADF&G and other science-based organizations must be able to use the tools required to gather that information.

Section 6.5: Scientific Activities. Lines 339-357.

- **Requested Edit:**

The following text should be revised:

The scientific value of wilderness is derived from the preservation of wilderness and the public uses. ~~These areas can provide a baseline for study of natural and cultural resources and other related values such as soundscapes and night skies.~~ Wilderness research can help provide a scientific and scholarly basis for supporting wilderness, public purposes, wilderness and public values, planning, operations, management, interpretive, and education activities.

- **Justification:**

We request striking the second sentence to clarify that management authorities stop at the wilderness boundary. The scientific value of wilderness is not limited to its baseline value, as ongoing scientific research is needed to provide for public purposes and values for future generations. The Wilderness Act grants no authority over light pollution generated outside designated wilderness, nor sound-producing activities (such as low-altitude flights by the general public, state wildlife surveys or other research) occurring outside or over designated areas.

- **Requested Edit:**

The following text should be revised:

Scientific activities will be encouraged in wilderness., ~~provided that the benefits of what may be learned outweigh the negative impacts to wilderness character. Managers need to be aware of, and guard against, cumulative effects from simultaneously occurring projects. It is important for scientists to understand that the conduct of their research should be in accord with wilderness preservation principles.~~ Applications for research and other scientific work in wilderness should demonstrate a positive benefit to wilderness, or wilderness public purposes, or wilderness and public recreational values; ~~and must include a MRA of the project’s methods. Monitoring systems must be implemented to ensure wilderness character is preserved.~~

- **Justification:**

The draft states that scientific activities are encouraged “provided that the benefits of what may be learned outweigh the negative impacts to wilderness character.” This metric is completely absent from the MRA process. Currently, the MRA only analyzes whether a tool is the minimum necessary, it does not weigh the value of scientific knowledge against minor, temporary character impacts. Scientific study and recreation (hunting, fishing, and trapping require scientific studies to manage take) are explicit purposes of the Wilderness Act, and an MRA is required only if a prohibited activity is proposed.

- **Requested Edit (Cumulative Databases):**

Strike the policy to “develop and maintain a comprehensive database to track all scientific activities within the wilderness and their cumulative impact.”

- **Justification:**

This requirement is ambiguous, unworkable, and highly vulnerable to abuse. Managers could arbitrarily add up separate projects occurring over completely different timescales to declare an invented cumulative impact ceiling, potentially blocking vital fish and wildlife research.

Section 6.6: Climate Change. Lines 359-368.

- **Requested Edit:**

~~Superintendents and wilderness staff should fully participate and be leaders in efforts to increase landscape connectivity, improve ecosystem resilience through the reduction of the influence and negative impact of humans on the ecosystem, engage in interagency management collaboration, consider appropriate scientific research, and create relevant climate change communication products.~~

- **Justification:**

Strike this paragraph. Landscape Conservation Cooperatives (LCCs) have been dissolved. Contrary to the Wilderness Act, this section improperly attempts to expand NPS jurisdiction beyond wilderness boundaries, potentially interfering with state fish and wildlife management authority and non-federal jurisdictions.

Section 6.10: Natural Sounds and Night Skies. Lines 450-460.

- **Requested Edit:**

Strike this section in its entirety.

- **Justification:**

Regulating external noises and night skies is completely unmanageable under the Wilderness Act. This section represents an attempt to expand the agency's authority over activities occurring outside wilderness borders.

Section 6.11: Air Quality. Lines 461-482.

- **Requested Edit:**

Strike this section in its entirety.

- **Justification:**

There are no active internal industrial sources within wilderness that degrade air quality. The NPS lacks any statutory authority under the Wilderness Act to mitigate or regulate external air emissions via wilderness policy.

Section 7. Wilderness Use Management.

Section 7.3: Commercial Services. Lines 622-645.

- **Requested Edit:**

Add a new paragraph to this section to include the following:

In Alaska, commercial services may be performed within the wilderness areas designated by the Wilderness Act or ANILCA to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas. NPS staff will incorporate the provisions of ANILCA into permitting new commercial services necessary to realize wilderness public purposes.

- **Justification:**

The Wilderness Act explicitly identifies "use and enjoyment" as a primary tenet of wilderness designation and management. Historically, recreational commercial services, including guided hunting and transporting, were actively utilized and valued by the original proponents of the Wilderness Act, such as Robert "Bob" Marshall and Howard Zahniser. These services remain necessary today to realize the statutory purposes of the Act for the public.

The focus on restrictive mechanisms—such as "minimum amount" evaluations and capacity-based closures directly conflicts with both the Wilderness Act and ANILCA access provisions. Furthermore, the prohibition of commercial air tours (which operate *outside* of wilderness boundaries) is an overreach not supported by either statute.

Any visitor use limits, commercial transportation caps, or closures in Alaska should comply with the public notice, hearing, and consultation closure procedures mandated by ANILCA. This section must include an explicit Alaska exemption and a recommitment to following the closure process outlined in 43 CFR 36.11 to prevent arbitrary federal closures to the public.