



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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August 14, 2026

National Park Service
Attention: Michael Michener
Deputy Associate Director

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

Re: EXPLORE Act Mandated Wilderness Climbing Guidance for National Park Service

Dear Mr. Michener,

The State of Alaska (State) reviewed the National Park Service's (NPS) draft revisions to Director's Order 41 (DO-41) Section 7.2 and Reference Manual 41 (RM-41) Section 7.1 governing recreational climbing in wilderness areas across the National Park System. The revisions provide guidance to implement Section 122 of the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act (P.L. 118-234). The comments below incorporate input from the Departments of Natural Resources (DNR) and Fish and Game (ADF&G).

Section 122 of the EXPLORE Act recognizes that climbing is an appropriate use in Wilderness Areas within the National Wilderness Preservation System (NWPS) and explicitly mandates that climbing guidance comply with existing laws applicable to covered federal land. Section 122 also requires that Department of Interior (DOI) agencies draft guidance specifically describing the requirements for placement and maintenance of fixed anchors along climbing routes. Climbing is a primitive activity that is inherently compatible with wilderness preservation.

We strongly support public access to NPS lands and the continuation of traditional harvest activities, such as raptor collection, hunting (game retrieval), fishing (dipnetting), and trapping that utilize fixed anchors and tools of rock climbing and alpine mountaineering. The final NPS guidance must fully account for these harvest activities and the unique statutory framework governing wilderness units in the State of Alaska under the Alaska National Interest Lands Conservation Act (ANILCA).

ANILCA Wilderness

Unlike designated wilderness in the contiguous United States, wilderness units managed by the NPS in Alaska operate under the dual framework of the Wilderness Act of 1964 and the specific statutory mandates of ANILCA. Congress enacted ANILCA with the explicit intent to preserve traditional activities, remote access, subsistence, and outdoor uses. National administrative policy set forth in DO-41 and RM-41 cannot supersede, diminish, or restrict statutory rights and exemptions guaranteed by Congress under ANILCA. While we support the DOI's effort to establish national consistency regarding climbing access and fixed anchor management, the draft

guidance falls short of fully recognizing the statutory protections granted to public access, safety, and traditional harvest activities within the State of Alaska under ANILCA.

As currently proposed, DO-41: Section 7.2 fails to reference the management differences that ANILCA brings to Alaskan wilderness areas. Climbing serves as both a traditional wilderness recreational activity and as a means of access for traditional activities in Alaska that occurred prior to ANILCA's implantation in 1980. As a method of access (e.g., sheep hunting, raptor collection, game retrieval, etc.), climbing is protected under ANILCA Section 1110(a). Under ANILCA Section 1316(a), the use of temporary facilities and equipment, including hand-portable motorized tools otherwise banned in Lower-48 wilderness, is statutorily permitted where the taking of fish and wildlife is allowed (e.g., winches for game retrieval, motorized drills, generators, chainsaws, and ice augers). In Alaska, DO-41 and RM-41 should not apply a nationwide policy that directly conflicts with ANILCA, especially given that approximately 75 percent of all NPS designated wilderness is located in Alaska.

- **Recommendation:** Create an NPS Alaska Regional Supplement or explicitly incorporate ANILCA Section 1110(a), Section 1316(a), and other related Alaska-specific statutory authorities into both DO-41 (Section 7.2) and RM-41 (Section 7.1). The final guidance must include clear language stating that national prohibitions or restrictions applied to climbing routes, anchors, motorized equipment, mechanical aids, or safety tools in Alaska wilderness units shall not restrict or impair rights under ANILCA.

ANILCA Context

Section 7.1 of RM-41 provides important policy and legislative context, stating that “climbing, including the use of fixed anchors, is recognized as a generally appropriate recreational activity in wilderness”, that “climbing is among those recreational uses that are traditionally associated with wilderness”, and that “fixed anchors are an appropriate use within wilderness”. Taken together, these statements reflect the fact that climbing is an appropriate and traditional activity practiced in wilderness areas, and that the use of fixed anchors is an essential component of safe climbing.

The State supports the substance of these statements but also emphasizes that climbing is not the only traditional activity practiced in wilderness areas of Alaska that requires the use of fixed anchors. Fixed anchors are critical not only for technical climbing safety, but also for supporting multi-use activities such as hunting, fishing, trapping, raptor collection, and backcountry research across rugged Alaskan terrain. These traditional activities are permitted in Alaska wilderness areas and often require the use of fixed anchors for access. Access in this context includes the ability to use equipment necessary for safe travel (e.g. fixed anchors), and any limitations to the establishment of fixed anchors that are included in DO-41 or RM-41 could have the potential to also impact the safe practice of fishing, hunting, trapping, and climbing, whether recreational or in accordance with another traditional activity protected by ANILCA.

Recommendation:

- Add guidance to DO-41 clarifying that in Alaska the use of fixed anchors is not limited to recreational climbing and is necessary for access to, and safe practice of, the traditional activities protected by ANILCA. These activities include but are not limited to hunting,

fishing, and trapping. Any guidance in DO-41 Section 7.2 that references ANILCA should also reference the existing language in DO-41 Section 1. *Purpose*, which states that “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 [ANILCA]”

Compatibility with Wilderness Preservation

Section 7.2 of the draft DO-41 states that “the establishment of bolt-intensive face climbs is considered incompatible with wilderness preservation management due to the concentration of human activity which they support, and the types and levels of impacts associated with such routes.” Bolted sport climbing routes that the NPS may consider “bolt-intensive” do not cause, nor do they predict, concentrated human activity in wilderness areas. Bolted sport climbing routes that exist in Alaska’s wilderness areas are utilized infrequently and only during a very limited climbing season. This statement fails to recognize that visitation and recreation patterns in Alaska are very different from those in other states and implies that bolted sport climbing routes have more of a detrimental impact to wilderness characteristics than other forms of fixed anchors or climbing styles. Bolted routes are inconspicuous and have no measurable impact on wildlife, habitat, or wilderness characteristics.

We recognize park managers must prevent severe resource degradation, however, restricting or prohibiting climbing based on generalized concerns about adversely impacting wilderness character creates an administrative burden and runs counter to the spirit of the Protecting America's Rock Climbing (PARC) Act. Both the PARC Act & EXPLORE Act recognize that the placement, maintenance, and replacement of fixed anchors do not constitute prohibited "installations" under Section 4(c) of the Wilderness Act when installed in accordance with wilderness stewardship principles.

Recommendations:

- DO-41 and RM-41 should direct park superintendents to treat climbing as a recognized, allowable wilderness use. Site-specific restrictions or local plans should only be developed or enforced when grounded in documented resource degradation or specific user conflicts - not as a default administrative requirement.
- The guidance should clearly state that the use of fixed anchors and fixed equipment used for administrative purposes by the NPS or other authorized entities is allowed, including but not limited to official search and rescue (SAR) missions, emergency operations, trail maintenance, resource management, and scientific research.
- This statement on lines 20-22 of DO-41 Section 7.2: “the establishment of bolt-intensive face climbs is considered incompatible with wilderness preservation management due to the concentration of human activity which they support, and the types and levels of impacts associated with such routes” is not universally accurate and should be removed from the draft Director’s Order. Certain bolt-intensive face climbs may be incompatible with wilderness character, but in these instances, park superintendents should provide documentation of the negative impacts being caused in those situations and manage those routes specifically.

Remove the above quoted statement on lines 7.2, lines 20-22. Alternatively, provide measurable criteria defining the terms “bolt-intensive” and “concentration of human activity”.

Additionally, the proposed RM-41 guidance (Section 7.1, *Applicability*, lines 104-106) states: “This Guidance does not apply to: Recreational climbing activities outside of NPS wilderness, **unless specifically determined to impact wilderness character.**” [emphasis added] Please strike the bold text, as applying wilderness restrictions outside designated wilderness boundaries undermines clear legal distinctions and diminishes public confidence in federal land management, especially in Alaska where it creates de facto wilderness and violates the spirit of ANILCA Sections 1317 and 1326.

Authorization Procedures for Fixed Anchors and Fixed Equipment

We request a full exemption for Alaska National Park Wilderness Units from RM-41 Section 4. Climbing special use permits (SUPs) or formal management plans should not be required as a standard prerequisite for climbing access in Alaska wilderness units.

The proposed default administrative system requiring new fixed anchors (and potentially replacement anchors) to undergo a formal SUP application process (OMB Control Number 1024-0026) under NPS general authorities at 36 CFR § 1.5 and 36 CFR § 2.22 is unduly burdensome, especially in Alaska, where parks are primarily managed under 36 CFR Part 13. Expecting Alaskans, guides, hunters, or wilderness recreationists to submit written SUP applications, complete with proposed route maps, exact dates, anchor quantities, and OMB-approved paperwork, months or weeks in advance of a backcountry entry is entirely unworkable. In addition, administrative permit backlogs could directly compromise public safety in alpine and technical wilderness environments due to processing delays.

To resolve these conflicts, we request the addition of an explicit Alaska Exemption Subsection within Section 4 of RM-41 (Page 11, following line 302 / Table 1):

Alaska Park Units Exemption: In accordance with the Alaska National Interest Lands Conservation Act (ANILCA) and 43 CFR Part 36, the Special Use Permit (SUP) application and authorization procedures outlined in Section 4 shall not apply to NPS-managed wilderness units in the State of Alaska.

Traditional recreational activities, alpine access, and the placement, use, and maintenance of fixed anchors support lawful wilderness access and traditional uses in Alaska. Pursuant to ANILCA, these activities remain open without individual permit requirements unless a specific area or activity is formally closed or restricted in full compliance with the public notice, hearing, and procedural requirements of 43 CFR § 36.11.

ANILCA’s “Open Until Closed” Mandate

Under ANILCA, access to federal public lands for traditional, primitive recreation, subsistence, and lawful harvesting operates under a fundamentally different statutory presumption than in the Lower-48 states; in Alaska, lands and traditional activities are open until formally closed.

Imposing a nationwide requirement that individual climbers or users must apply for and obtain a SUP prior to placing or maintaining necessary fixed anchors would effectively reverse ANILCA's statutory framework. It shifts Alaska's wilderness management from an "open until closed" standard to a restrictive "closed unless permitted" system. This structure is not appropriate for Alaska, where people routinely explore new terrain and rely on longstanding backcountry practices. Requiring individuals to seek discretionary administrative permission prior to engaging in traditional activities is inconsistent with both the spirit and intent of ANILCA, which was enacted to preserve and protect access for customary and historical uses in Alaska Conservation System Units (CSUs).

Closure Processes Under 43 CFR Part 36

If the NPS intends to restrict traditional access, limit equipment, or mandate permits for allowable wilderness uses in Alaska, it cannot do so through internal manual directives, informal superintendent compendiums, or standard 36 CFR § 1.5 closures.

Congress established a specific regulatory mechanism for closures and restrictions on federal lands in Alaska. While NPS specific closure regulations at 36 CFR 13.50 are currently undergoing revision, the NPS should refer to the closure process outlined in 43 CFR § 36.11(h). Prior to 2015, the NPS Alaska-specific closure regs mirrored 43 CFR 36.11 (h). Under 43 CFR § 36.11(h) which implements ANILCA Section 1110(a), the NPS must follow strict procedural requirements before restricting traditional access, including:

- Making formal determinations that a specific activity causes significant resource degradation or user conflict;
- Providing notice and holding local public hearings in affected communities; and
- Publishing proposed closures in the Federal Register.

Attempting to enforce Section 4's default permit requirement across Alaska park units via local compendiums or manual guidance bypasses the robust public process Congress intended and the Department of Interior implemented in 43 CFR Part 36.

Minimum Requirements Analysis

RM-41 Section 3: *Environmental Compliance Requirements* fails to recognize ANILCA's unique allowances for activities in designated wilderness but does reference the NPS policies regarding the Minimum Requirements Analysis (MRA) process in DO-41, Section 6.4. The State recently submitted comments requesting exceptions from language in Section 6.4, and requests that a similar MRA exception for Alaska be added to Section 3 of RM-41. Please see the general comments in our August 14, 2026, letter, "National Park Service Level 2 Wilderness Stewardship Policy Review: Director's Order #41, Docket No. NPS-2026-0100", for background on our MRA issues and concerns (attached).

Recommendation:

- Acknowledge that fixed anchors do not constitute prohibited "installations" and do not trigger an MRA.
- Park Superintendents may authorize new anchor placement and the replacement or maintenance of existing anchors without requiring an MRA process.

State Coordination

Under Section 2: *Climbing Management Planning*, RM-41 states, “Wilderness Stewardship Plans and similar plans should be developed by interdisciplinary teams and include consultation with affiliated tribes and engagement with stakeholders and the public.” State of Alaska management agencies have management authority interests in CSUs and should be considered primary stakeholders in any planning process guided by the NPS. The State requests that this statement be revised to explicitly require coordination and consultation with DNR, ADF&G, and/or any other appropriate State of Alaska agencies.

Recommendation:

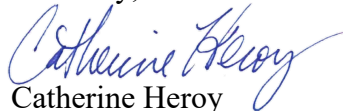
- Add the following verbiage to Section 7.1, subsection “Climbing Management Planning”, lines 143-146.
 - “Wilderness Stewardship Plans and similar plans should be developed by interdisciplinary teams and include consultation with affiliated tribes ... and state management agencies.”

Closing

Thank you for the opportunity to review and comment on this proposed project. By aligning the final updates to Director’s Order 41 and Reference Manual 41 with both the EXPLORE Act and the statutory provisions of ANILCA, the National Park Service can establish clear national guidance that preserves wilderness character, safety, and respects the unique rights and traditional harvest activities of Alaskans.

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

Attachment: August 14, 2026, letter, “National Park Service Level 2 Wilderness Stewardship Policy Review: Director's Order #41, Docket No. NPS-2026-0100”



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.

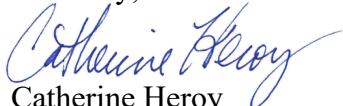
Beyond permitting hurdles, the State is concerned by several systemic issues with DO41, which have been expanded in our section-by-section comments included in Attachment A:

- **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.