



July 13, 2026

Superintendent Brooke Merrell
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Submitted via regulations.gov

Re: Proposed Rule – Denali National Park Road Vehicle Use (RIN 1024-AF11)

Dear Superintendent Merrell:

The Citizens' Advisory Commission on Alaska Federal Areas (CACAFa) has reviewed the National Park Service's (NPS) proposed rule to codify a daily limit of 160 vehicles on the restricted portion of the Denali Park Road. The Commission previously commented on the Vehicle Management Plan (VMP) in its letter dated July 29, 2012 and finds that many of the same concerns remain unresolved fourteen years later. We restate these concerns below and incorporate new issues identified through review of the proposed rule and relevant planning documents. For context, the Commission's July 29, 2012 comment letter is enclosed as Attachment A.

1. Monitoring Strategy and BACI Implementation

In our 2012 comment letter, the Commission noted that the VMP's proposed monitoring strategy was weakened by shifting the initiation of a Before-After-Control-Impact (BACI) study from a condition-triggered approach to an arbitrary timeline. The Record of Decision (ROD) subsequently required a BACI study within five years of plan implementation, but this requirement has not been fulfilled, nor have long-term biological and traffic studies anticipated in the VMP.

The present proposal to codify a permanent daily limit is unsupported by updated science and prematurely abandons the adaptive framework promised in 2012. The Commission continues to assert that BACI and related monitoring must be tied to **observable changes in traffic patterns or resource conditions**, consistent with the adaptive management principles outlined in the VMP.

2. Inholder Access Under ANILCA Section 1110(b)

The Commission reiterates that access to inholdings is a statutory right under ANILCA Section 1110(b), which guarantees "adequate and feasible access for economic and other purposes." Our 2012 letter emphasized the importance of protecting inholder access and warned against management strategies that treated such access as discretionary or subordinate to visitor transportation priorities.

The proposed rule explicitly includes **all vehicle types** within the 160-vehicle daily cap, including inholder access, administrative travel, and other non-recreational uses. This approach re-creates the same concern raised in 2012: it forces a zero-sum conflict between protected access rights and general visitor use. On peak-use days, inholders may be denied adequate access to their property, contrary to the statutory protections of ANILCA.

The Commission recommends:

- Excluding ANILCA 1110(b) inholder access from the daily vehicle count.
- Clarifying that transit priority cannot restrict or supersede statutory access.
- Establishing a transparent process for evaluating and adjusting inholder access needs.

4. Economic Impacts to Kantishna and Other Inholdings

Our 2012 letter criticized the EIS for failing to analyze potential adverse economic impacts on businesses operating in Kantishna under a fixed vehicle-allocation system. That deficiency persists. By codifying a strict daily limit and including inholder access within that cap, the proposed rule may constrain business operations, limit visitor movement, and hinder future economic development.

The Commission recommends that NPS conduct updated socioeconomic analysis focused specifically on impacts to Kantishna inholders. Adaptive management must include the ability to **increase** inholder allocations proportionately with demonstrated needs and changing conditions.

5. Scientific Basis for the Vehicle Cap

The Commission notes that the proposed rule relies on a daily limit derived from simulations conducted over fifteen years ago. The traffic scenario modeled in 2012 anticipated additional monitoring before determining whether 160 vehicles represented a valid long-term threshold. No updated wildlife studies, traffic flow analyses, or comparative assessments of unrestricted versus restricted corridor impacts have been provided.

A permanent regulatory limit should not be established until NPS completes the monitoring and analysis required in the 2012 ROD.

6. Flexibility and Adaptive Management

Our 2012 comments emphasized that adaptive management was essential to ensuring both resource protection and sustainable public access. The proposed rule establishes a fixed cap that cannot be modified without future regulatory action, severely limiting NPS's ability to respond to changing conditions, new data, or evolving public needs.

The Commission recommends retaining full adaptive-management flexibility, including the ability to raise or lower vehicle numbers based on monitoring outcomes. Fixed caps are inconsistent with both the VMP and longstanding Commission guidance.

Conclusion

The Commission reaffirms the core principles expressed in its July 29, 2012 letter:

- Adaptive management must govern vehicle use decisions.
- Trigger-based monitoring must guide any future limits.
- Inholder access under ANILCA 1110(b) must be fully protected.
- Economic impacts to inholders must be thoroughly evaluated.
- Fixed regulatory limits are incompatible with long-term resource and access needs.

The Commission recommends that NPS withdraw or significantly revise the proposed rule to ensure that statutory access rights, resource stewardship, and adaptive management remain central to Denali Park Road operations.

Thank you for considering these comments. We stand ready to work with the National Park Service to ensure that Denali remains accessible, ecologically protected, and managed in accordance with federal law and longstanding public-interest commitments.

Sincerely,

A handwritten signature in black ink that reads "Kim Griffith". The signature is written in a cursive, flowing style.

Kim Griffith

Executive Director

Citizens' Advisory Commission on Alaska Federal Areas (CACAFa)

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July 30, 2012

Paul Anderson, Superintendent
Denali National Park and Preserve
P.O. Box 588
Talkeetna, AK 99676

Dear Mr. Anderson:

The Citizens' Advisory Commission on Federal Areas reviewed the ***Denali Park Road Final Vehicle Management Plan (VMP) and Environmental Impact Statement (EIS)***. We submit the following comments for consideration prior to preparation of the record of decision and implementation of the final plan.

The Commission is concerned about the development of the new Alternative D and its selection as the preferred action alternative. We recognize that a preferred alternative was not identified in the draft VMP to allow for refinement of the existing alternatives based on public input. We also note that Alternative D combines elements of Alternatives B & C as proposed in the draft EIS. However, the newly created Alternative D constitutes more than a simple refinement as it includes two significant components that were not included in either of the proposed action alternatives and consequently not evaluated in the draft EIS.

The first component is the proposed limit of 160 vehicles on the park road within a 24 hour period. According to the final VMP (page 56), "*The 160 vehicle limit is derived from traffic model simulation results and extensive scientific research on visitor preferences and resource condition.*" Neither action alternative proposed in the draft included a fixed daily limit for all vehicle use on the park road.

Implementing a fixed daily limit of 160 vehicles appears to contradict the concept of an adaptive management strategy. Replacing the current annual limit of 10,512 vehicles with a daily fixed limit would remove the desired flexibility that the adaptive management strategy was intended to provide.

Appendix D - *Traffic Model Results* includes information that attempts to explain the basis for the proposed 160 vehicle limit. Because this vehicle limit is based upon modeling, with multiple variables and unknowns, along with a "best guess" by managers, it would benefit from additional review and consideration. We would strongly recommend against adopting formal regulations establishing a fixed 160 vehicle limit or any fixed limit pending further analysis and field testing. One of the criticisms of the current 10,512 number now in regulation is that it restricts the agency's management flexibility and options.

The comprehensive monitoring strategy for the natural resource condition outlined in Appendix C also has been changed to include a separate strategy for Alternative D. Under Alternatives B & C, a Before-After-Control-Impact (BACI) study would be initiated by a "major change in traffic volume or patterns." This monitoring strategy would appear to be a more effective strategy and more consistent with an adaptive management program than that proposed under Alternative D. Under Alternative D a BACI study would be initiated approximately 2 years following implementation of a new concession contract, even if no major changes in traffic volume or patterns had occurred. No explanation is provided for this change in monitoring strategy.

Under all alternatives, the VMP proposes to maintain the allocation of 1,360 permits for inholder access. The Commission is pleased to see that no reduction in the number of permits for inholder access is proposed under any alternative. At the same time, there is no provision made in any of the alternatives for potential future increases in access needs for inholders, whether for business related access or personal access. Logically, an adaptive management strategy should provide similar opportunities for proportionate increases in access allocations for inholders as for park concessionaires and park visitors.

The *Environmental Consequences Socioeconomics* section of the final EIS fails to include any analysis or discussion of possible negative economic impacts resulting from maintaining current levels of access for Kantishna inholders. By apparently precluding any increase in access allocations for Kantishna area businesses and property owners under all alternatives, the VMP has the potential to adversely affect economic growth of existing visitor services as well as the development of new businesses. Just as the EIS examines the potential positive economic impacts from the proposed changes to management of the park road in the action alternatives, it should examine potential impacts to Kantishna business and property owners from maintaining current access restrictions.

The second component in the preferred alternative about which we are concerned is the proposal to require concession contracts for those Kantishna businesses conducting day trips. This also is a significant departure from the proposal in the draft EIS. Under the action alternatives in the draft EIS commercial authorizations would be required to conduct day trips. There was minimal discussion of why the NPS considered commercial authorizations necessary for this activity. There was no proposal in the draft EIS to require concession contracts, so that issue was not analyzed or discussed. Alternatives B & C in the final EIS would also propose to issue commercial authorizations for day trips.

The final EIS provides no explanation of why concession contracts rather than commercial authorizations would be required under Alternative D. A full explanation should have been provided.

As the National Park Service is fully aware, commercial use authorizations and concession contracts are significantly different. Day tours provided by the lodges in Kantishna are an important part of their business and should be allowed to continue. As we stated in our comments on the draft VMP, this can best be accomplished by issuing a commercial use authorization to existing providers rather than a competitively awarded concession contract.

Our review of the 2005 *Interim Guidelines for Commercial Use Authorizations* (CUA) indicates that the NPS can authorize Kantishna day trips under a CUA. The guidelines state that there are two general types of commercial services that may be authorized by a CUA:

- 1) ***In-park services.*** *“In-park services” refers to an operation with annual gross receipts of not more than \$25,000 from commercial services originating and provided solely within a park area. An example of an in-park service is firewood sales to visitors in a park area campground.*
- 2) ***Out-of-park services.*** *“Out-of-park “services” refers to the incidental use of park area resources by operations that provide commercial services originating and terminating outside of the park area (or within an inholding). An example of an out-of-park service is a horseback trail ride operation that is based outside of the park area but takes visitors on rides into and out of the park area. A CUA of this type may not authorize solicitation of customers, sales, or payment for commercial services to take place within the park area; all of these activities must occur outside of the park area (or within an inholding).*

Unlike a CUA for in-park services, there is no cap on the annual gross receipts that may be generated by the authorized services under an out-of-park CUA.

The example used in the guidelines for the trail ride operation as an out-of-park service is comparable to a Kantishna day trip. While incidental use of facilities along the park road would occur the final destination inside the park would be on private property. Any CUA issued could require that the trip originate and terminate outside the park.

The interim guidelines also provide guidance for awarding CUAs in the event it is necessary to limit the number issued for a park area to ensure protection of park resources. The guidelines also recognize ANILCA 1307(b) which grants a preference for providing visitor services under a CUA or other commercial authorization.

We strongly recommend removing the requirement for a concession contract for providing Kantishna day tours under all alternatives in the final VMP. A commercial use authorization provides sufficient management control over this commercial activity.

The NPS should clarify the final VMP intentions with respect to managing and allocating access to inholdings under ANILCA 1110(b). In the *Actions Common to All Action Alternatives* section the final EIS (pg. 44) states:

“Respecting ANILCA section 1110(b) the transit service would have priority when allocating vehicle use to ensure success for wilderness recreational opportunities, provide freedom of movement, and offer all visitors an affordable option for park access.”

In the *Comments and Responses* section (pg. 278) the final EIS states:

“The existing 1,360 seasonal vehicle allocation for private and overnight commercial inholder access will be retained. This access would be managed to meet standards and prioritized over all other vehicle use on the restricted section of the Park Road.”

We request that the final VMP clarify that ANILCA 1110(b) access will be exempt from the transit priority.

This is a minor point, but we are disappointed that the NPS ignored our suggestion to quote ANILCA Section 1110(b) in its entirety. Providing the full text of this section in the document would have helped avoid any confusion or misunderstanding by readers who are unfamiliar with the guarantee of access to private or State property located within the boundaries of Denali National Park and other conservation system units in Alaska.

While 1110(b) access is subject to reasonable regulations by the Secretary of the Interior, it is a statutorily protected right, not a privilege, as some individuals and special interest groups appear to believe. Providing the complete text of this critical section of ANILCA may help clarify the issue. We do note that the complete text of the NPS General Policy on Wilderness Resource Management is provided in the document, even though the Denali Park Road corridor itself is not included in the designated wilderness portion of the park.

Because of the two significant components of the new preferred alternative which were not included in the draft VMP and EIS and therefore not subjected to public review and comment, the Commission requests that the public be given an additional 30 days to review and comment on the proposed final VMP.

The Commission understands that the 30 day period beginning on June 29 and ending July 30 (not July 29 as the press release incorrectly stated) is a “waiting” period required under CEQ NEPA Guidelines rather than a formal review period. Nevertheless, public comments were solicited and a link for submitting comments was provided on the NPS

Planning, Environment & Public Comment (PEPC) website. To make the public aware of the plan's release as well as the opportunity for review and comment, the Commission provided the PEPC link and other contact information in our July newsletter.

Consequently, it was disturbing to read a statement attributed to a spokesperson for Denali National Park and Preserve who said that while the plan was open for public comment, no changes were expected in the final decision. Statements such as this during a public comment period prior to the formal adoption of a final decision are inappropriate. They have the effect of confirming what many people already believe is a contrived process where their input is ignored by agencies and their involvement is a waste of time. While this Commission does not believe this to be the case for this or any other National Park Service plan, statements of this nature serve to discourage the public from participating in the planning process.

We support the decision in Alternative D to continue to allow a limited number of park visitors to access the Teklanika Campground via private vehicles.

The Commission appreciates the opportunity to comment. We again request the public be given an additional 30 days to review and comment on this plan. Given that this plan will not go into effect for at least two more years, there is more than adequate time to allow a more thorough public review and discussion of the proposed actions.

If you have questions about any of these comments, or if we need to clarify anything, please contact our office.

Sincerely,



Stan Leaphart
Executive Director

cc: Sue Magee – State ANILCA Program
Ms. Sue Masica – NPS Alaska Regional Director
Miriam Valentine – Denali National Park & Preserve