

Comments

**National Parks Conservation Association, The Wilderness Society
Alaska Center For The Environment, Alaska Quiet Rights Coalition,
Northern Alaska Environmental Center, Trustees For Alaska,
Natural Resources Defense Council, Denali Citizens Council**

16 June 2005

Paul Anderson
Superintendent
Denali National Park & Preserve
P.O. Box 9
Denali Park, AK 99755

Dear Superintendent Anderson,

On behalf of the above named organizations, I submit the attached People For Parks Alternative to the Revised Draft Denali Backcountry Management Plan. Development of this plan started soon after many of us had read key chapters and felt that the range of alternatives offered by the Park Service did not reflect the conservation community's desires or our legal interpretation for how best to manage Denali National Park & Preserve.

We are providing the People For Parks Alternative as a better future for Denali and are asking grassroots park activists across the country to support it. We are providing this outline to you in advance of sharing it with park activists so you will have the detail in-hand when the comments begin to arrive.

You can expect additional, more detailed comments from us as the comment deadline approaches. The quality of these detailed comments and the extent of our ability to generate public comments on the Denali Plan would be significantly increased with a two-week extension on the comment deadline.

If you have questions about this People's Alternative, please don't hesitate to contact us.

Sincerely,

Joan Frankevich
Alaska Program Manager
National Parks Conservation Association

Response to Comments

Comments

People for Parks Alternative: A Better Future for Denali

Denali Backcountry Management Plan
June 2005

The *People for the Parks Alternative* uses a combination of the proposed alternatives as outlined in the chart below. The goal of the People's Alternative is to keep Denali National Park an intact and naturally functioning ecosystem for hundreds of years to come while giving backcountry users outstanding opportunities to observe wildlife while finding refuge from the bustle of the everyday world. Additionally, the People's Alternative emphasizes the following points.

- **Use the Precautionary Principle** – The National Park Service Organic Act directs parks to be managed so that the scenery, natural and historic objects and wildlife are left “*unimpaired for the enjoyment of future generations.*” This plan's style of management based on “desired future conditions” may sometimes delay action until after damage occurs. In order to fulfill the congressional mandate of the Organic Act, this plan needs strengthening to give park managers the authority to act easily and decisively before park resources are impacted, not after.
- **Emphasis on a Quality Visitor Experience** – We support and endorse the plan's emphasis on intangible values such as the ability to experience solitude in an untrammelled landscape where the sounds of nature predominate. These values are necessary to preserve Denali's wilderness character for future generations of backcountry users. It is the Park Service's responsibility to manage the park for these values.
- **Determine Funding and Details for Monitoring Program First** - Before adoption of this plan, it is imperative NPS has a detailed and fully funded monitoring program developed with public involvement. This plan also needs to detail how NPS will monitor and enforce the stipulations of this plan if little or no additional funding is made available.
- **Do Not Authorize Recreational Snowmobiling** - Alternatives 3, 4, and 5 allow recreational snowmobiling in the park additions and preserve. Recreational snowmobiling is illegal in Denali, damages park resources, and must not be authorized in this plan. To accomplish this the definition for traditional activities currently in use for the Old Park needs to be extended to the 1980 Park Additions and Preserve.
- **Complete the Wilderness Recommendation** - As required by the Alaska National Interest Lands Conservation Act (ANILCA) the Park Service conducted a wilderness review in 1988 and concluded that approximately 3.73 million additional acres were suitable to be designated as Wilderness. NPS must fulfill its ANILCA obligation to complete the process by having the President forward its recommendation to Congress. In the meantime, NPS can take no action to either diminish the wilderness suitability of the area or reduce the probability of a wilderness designation.

Response to Comments

PfP-1

The People for Parks alternative combines elements from several different alternatives and proposes one additional element (wilderness recommendations) that was considered by the National Park Service during scoping but rejected from inclusion within this plan. The People for Parks alternative cannot be considered a complete alternative, since it did not address many important topics including management area descriptions, indicators and standards, and general guidance for commercial services and wilderness management. For the purpose of response, the National Park Service has treated the alternative as a set of substantive comments on several key issues of concern.

PfP-2

The National Park Service agrees with the precautionary principle described here. Chapter 1 of the *Final EIS* clearly establishes the ability and responsibility of the National Park Service to take action before unacceptable harm to park resources occurs. The language of chapter 2 provides the tools the National Park Service would use. The National Park Service does not have to wait for conditions to match or exceed standards before taking management action. An expectation that conditions would exceed standards is sufficient to motivate a management response.

PfP-3

The National Park Service agrees with the importance of intangible values at Denali. These values are articulated in chapter 1, and the plan commits the agency to protecting them.

PfP-4

The BCMP is a GMP amendment that sets out broad parameters for how the park should be managed. It provides goals and some specific guidance about how those goals should be reached, and identifies the additional work and funding that would be necessary to achieve the plan goals. The role of this plan is to provide the basis for the National Park Service to develop an appropriate monitoring plan and to pursue funding and program development to implement it.

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Category	Alternative	Explanation/Rationale
<u>General Concept</u>	2	Denali should continue to be managed as a wilderness park with non-motorized opportunities for wilderness experiences that are markedly different than surrounding public lands.
<u>Motorized Access</u>	2/3 modified	Apply the definition of <i>traditional activities</i> currently used in the Old Park to the entire Park & Preserve.
<u>Registration</u>	2	We support convenient registration for all backcountry day users in order to provide park managers with information for better management.
<u>Climbing Limits</u>	3	We agree that a modest increase of climbers over current levels to 1500 to be reevaluated in 10 years is a needed and reasonable limit.
<u>Commercial Airplane Landings</u>	3/4 modified	In order to support a range of mountaineering experiences that includes some climbing areas free from the noise and intrusion of scenic air tours we support the language in Alternative 4 modified as follows (<i>changes in italics</i>): Allow scenic air tour landings on glaciers in all areas designated as Management Area A, <i>except scenic tour landings would not be allowed on the Eldridge Glacier, Little Switzerland or the Ramparts. Scenic air tour landings would be restricted to 9 am to 9 pm.</i>
<u>Commercial Guided Hiking</u>	3/4 modified	We support the guided hiking options in Alternative 3 with the following modifications: <i>No guided backpacking should be allowed in the Kantishna Hills until there is a comprehensive plan for management of the Kantishna region.</i> Only educational programs should use the entrance area trails, with the exception of the trails listed in Alternative 4 which could be used for guided hiking.
<u>Guided Sport Hunting</u>	2	Retain the status quo.
<u>Other Commercial Activities</u>	2	Retain the status quo.

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PfP-5

The modified preferred alternative does not specifically authorize recreational snowmachining and there is no change to the types of activities for which snowmachines may be used. ANILCA Section 1110(a) allows snowmachine use “for traditional activities” and ANILCA Section 811(b) allows appropriate use of snowmachines for subsistence purposes if traditionally employed. Both are specifically subject to reasonable regulation. Because the term “traditional activities” is not defined in statute or regulation, there is no means to determine whether existing snowmachine use is legal or illegal under present regulation. For the purposes of the modified preferred alternative, it is not necessary to make a decision on this issue. The modified preferred alternative sets specific standards for resource and social conditions for the various management areas of the park. For the National Park Service, the priority for backcountry management would be to ensure that the standards are met. If standards are not achieved or conditions are deteriorating in part or in whole because of snowmachine access, a logical first step for the National Park Service to address the issue might be to determine through a rule-making which park visitors are using snowmachines for traditional activities and which are not.

PfP-6

As described in chapters 1 and 3 of the BCMP, the National Park Service completed a wilderness suitability review and prepared a proposal for the Secretary of Interior as directed by ANILCA Section 1317. Although the process specified by Section 1317 was not completed, there is no additional action that could be taken by the National Park Service at this time that would advance the process in the absence of congressional interest.

PfP-7

Under the modified preferred alternative, scenic air tour landings would not be allowed in the Ramparts. Although scenic air tour landings could occur on the Pika or Eldridge Glaciers, management area standards would not allow nearly the same number of landings as occur on the Ruth Glacier. Additionally, the text of the plan establishes clearly that these glaciers would be secondary landing areas to be used only when landing locations in Management Area A are unavailable, and landings would be discouraged whenever climbers and mountaineers are present. Scenic air tour landings would be restricted to 9am to 9pm.

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<u>Trails</u>	4	While we support the “no formal trails” policy for Denali’s backcountry we recognize that several unplanned social trails exist and that park resources are best protected by constructing trails as needed in the areas listed in Alternative 4. We assume EAs will be written and the public involved when any trail construction moves forward in the park.
<u>Park Road</u>	no choice	We support improved access for non-motorized winter sports such as cross-country skiing, ski-joring, and dog mushing. Any combination of alternatives 1-4 that achieves this goal and is amenable to local users is acceptable.
<u>Campsites</u>	2 modified	We recommend no campsites be designated in the Kantishna Hills as they are not needed at this time. If resource damage appears to be imminent, then NPS should look at options ranging from closing the site to hardening it and creating a designated campsite.
<u>Shelters and Cabins</u>	3	We support facilities at the park entrance that promote opportunities for non-motorized winter recreation.
<u>Information Facilities</u>	3 modified	We don’t support a new facility in the Cantwell/Broad Pass area unless there is a demonstrated need. We recommend changing “ <i>would operate</i> ” to “ <i>could operate</i> ”.
<u>Administrative Camps</u>	3	Retain the status quo.
<u>Information & Education</u>	3 modified	We support the educational opportunities outlined in Alternative 3 with the elimination of designated campsites in Kantishna. Designated campsites could be created when and if resource impacts show a demonstrated need.

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AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798
Telephone (301) 695-2000 • Fax (301) 695-2375
www.aopa.org

July 13, 2005

Mr. Paul Anderson
Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

RE: Denali National Park and Preserve Revised Draft Backcountry Management Plan

Dear Mr. Anderson:

The Aircraft Owners and Pilot's Association (AOPA), on behalf of over 405,000 general aviation pilots, including over 4,500 pilots in Alaska, supports continued general aviation access throughout Denali National Park and Preserve with a Back Country Management Plan that ensures future general aviation access consistent with existing regulations as highlighted in Alternative Five of the revised draft plan. AOPA contends that Alternative Five would provide the least impact on general aviation operations while preserving the natural sound resource throughout the park. However, AOPA is concerned with the Natural Sound Disturbance standards that have been established based solely on human observations and a few automated sound stations.

Access:

At over six million acres in size, aviation provides an essential means for the public to experience Denali, as well as ensuring the opportunity to access remote locations of the park. And while Denali National Park is nearly the size of the state of Maryland, it is served by a single 88-mile gravel road. Access by air is a critical component for visitors and the Park Service staff alike. We appreciate that the National Park Service (NPS) plans to continue to allow non-commercial general aviation landings in the Old Park. AOPA supports continued access for general aviation in all portions of the Old Park, park additions and preserve, to provide access to the backcountry.

Overflights:

AOPA supports and commends the NPS on its action to establish an overflights working group as proposed in all action alternatives. AOPA opposes limitations on general aviation aircraft overflights and re-affirms our willingness to participate in the overflights working group with a goal of developing voluntary guidelines to protect park resources, while preserving airspace access.

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Soundscape:

AOPA is concerned with the proposed soundscape standards as a basis to limit access to either airspace or landing areas in Denali National Park. There is insufficient base line data available to evaluate the impact of the standards proposed in the plan. The limited data that has been collected indicates that Stampede, a relatively “quiet” region of the park, exceeds the proposed standards at least part of the time. At this time we are unable to establish whether this is the result of an overly restrictive sound standard, or placement of the sound monitoring equipment with respect to the airstrip.

While AOPA is sensitive to noise considerations, we need to see a scientifically valid plan for soundscape monitoring, and baseline data acquired over a full range of seasons to establish if the proposed standards are realistic. Though NPS proposes to revisit the standards after more baseline data has been collected, we believe it is premature to adopt them for use in operational management of the park.

Visitor Education:

Even while NPS works to establish soundscape standards for Denali National Park, it is important to manage visitor expectations concerning the role of aircraft as part of the nation’s transportation system, and their role in management of the park itself.

Sources of air traffic include commercial jets at cruise altitude, and smaller general aviation aircraft traveling between Alaskan communities whose flight path just happens to over fly the park.

The limited road access in an area over six million acres in size requires the NPS itself to use aircraft and helicopters for law enforcement activities, game surveys, search and rescue and other management activities. While the NPS plans to evaluate its own administrative use of aircraft, it is difficult to see a scenario that reduces the reliance on aviation significantly. Yet the low-altitude nature of these operations are often what cause visitor complaints.

AOPA believes it is imperative to educate users as to the role aviation plays in the transportation system that supports Denali and allows the NPS to maintain the park with the lack of surface transportation that would otherwise be developed. A strong aviation education program combined with efforts to reduce motorized noise where possible should serve as a winning combination to continue to enjoy high quality visitor experience, and provide resource protection consistent with the goals of the park. The overflights working group should be used as a resource in assisting the development of visitor education on the important role aviation plays at Denali.

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Response to Comments

AOPA-1

The National Park Service agrees that data from the Stampede area, as well as elsewhere in the park, are limited, and leads to the types of questions raised. Nonetheless, the agency is appropriately establishing provisional indicators and standards for natural sound disturbance. The application of indicators and standards through the Visitor Experience-Resource Protection (VERP) process is the recommended methodology for NPS managers to meet statutory requirements for addressing carrying capacity in GMP documents. The NPS VERP Handbook (NPS 1997b) provides guidance to managers on the entire process. The handbook specifically recommends establishing provisional indicators and standards in instances where additional information is needed to assure validity and monitoring feasibility. The National Park Service acknowledges that more information is needed to fully inform the discussion of standards for natural sound in the backcountry, but believes enough information exists to establish provisional indicators and standards while additional data are collected.

AOPA-2

The BCMP proposes a wilderness education program for all park visitors, and a discussion of the role of aviation in providing access to wilderness in Alaska could be a part of that program. The National Park Service highlights in its educational programs the importance of scientific research at Denali, which also brings to the fore the role of aviation in supporting research activities. However, the 2000 survey of overnight backpackers at Denali (Swanson et al. 2002) found that backpackers who arrived at the park with no knowledge of aircraft activity were more likely to report that overflights annoyed them and detracted from their experiences when informed about aircraft activity prior to their trip than when the presence of aircraft was not mentioned. It cannot be assumed that better information will mitigate impacts on experiences.

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Public Safety:

Given the lack of surface access in Denali, the NPS is encouraged to enhance existing and historical landing areas for visitor access and for use by park service personnel in management of the park. AOPA supports the concept of portals introduced in the plan, but would like to see them extend beyond the glacier landing areas to provide access in remote portions of the park, particularly in the west and north units far from the park road. It would be beneficial to chart these landing areas so that backcountry visitors may know their locations as possible points to enter or exit the backcountry, and in case of emergency or changes of plan which may require rescue and evacuation.

3

We note the Wrangell St. Elias National Park has made constructive use of backcountry airstrips and public use cabins that support low-impact use of the backcountry and promote public safety. In that park, a partnership has been developed with an aviation organization that donates labor to support the upkeep of the airstrips, helping keep park maintenance costs at a minimum. AOPA would support such a partnership in Denali.

AOPA appreciates the opportunity to provide comments and recommendations on the revised draft plan and encourage the NPS to take all appropriate measures to ensure general aviation access is maintained throughout Denali National Park and Preserve.

Sincerely,



Heidi J. Williams
Director
Air Traffic Services

Response to Comments

AOPA-3

Portal management areas were designed to be areas that have a substantially higher level of use than surrounding areas. Although there are many airplane landing areas in parts of the backcountry that are not designated as Portals, the BCMP prescriptions do not intend for those areas to develop into extremely busy landing locations as is true for the Portals on the glaciers. At present, use at these other landing areas is believed to be very low and even significant increases in use would not lead to a violation of management area standards in those areas. The National Park Service is presently inventorying landing areas and could consider charting them in the future.

Comments

July 15, 2005

Mr. Paul Anderson
Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

RE: Denali National Park and Preserve Backcountry Management Plan

Dear Mr. Anderson:

The Alaska Airmen's Association, representing over 2,000 general aviation members in Alaska, applauds the efforts of the Park Service staff to produce an inclusive and comprehensive plan for Denali Back Country, and supports it with minor suggestions.

Access for general aviation is our most important issue. The backcountry in Denali has essentially no road access, and very few trails which provide surface access. Consequently, aviation is vital to be able to access the park. Not only do our members use aircraft to access remote regions of Denali, but the National Park Service uses aviation for a variety of management activities, ranging from search and rescue to wildlife studies. Based on our concerns regarding access, we support Alternative 5.

We support the adaptive management concept outlined in the plan, which employs a graduated series of management tools to protect park resources. However, we are concerned that the soundscape standards presented in the plan may set standards not based on good scientific data and may be too restrictive. We feel that a better sound monitoring program must be developed and several years of data collected before these standards are adopted.

Santa Monica Airport, with several sound monitors and many years of measuring has set a standard 80dBA and aircraft as small as some Cessna Citations are excluded. 40dBA for the majority of Denali Park does not appear to be scientifically appropriate. We are willing to participate in flyover testing to assess dBA at various altitudes with different aircraft.

The Airmen's Association supports an overflights working group, as a means to define voluntary measures to address issues concerning the park. Our association is willing to participate in this forum.

Response to Comments

AAA-1

See AOPA-1.

AAA-2

Santa Monica airport is located in one of the largest metropolitan areas in the United States, and the standards appropriate there may not be appropriate at Denali. A standard of 40 dBA was proposed for parts of the Denali backcountry based on its wilderness resources, suggested guidance in draft documents from the NPS Natural Sounds Program, and data from Denali that suggest the standard is achievable in many locations.

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Comments

We believe the studies cited in the plan concerning the impact of aircraft noise on park visitors suggest that NPS needs to do a better job managing the visitor expectations. In order to manage a park of this size, in an almost completely roadless fashion, the use of aircraft and helicopters is essential. Consequently, park visitors need to be educated concerning the uses of aircraft they may see while traveling in the park. Explaining the role of aviation with regard to the lack of surface access is very important to visitors understanding this relationship, as the aircraft often generating complaints are those operating at low-level on park service missions.

3

Finally, the Airmen's Association would like to see the concept of portals expanded from the glacier areas to other remote areas in the park. Airstrips should be charted and maintained at appropriate levels to provide access for backcountry hikers and other visitors. We also would like to see public use cabins provided in association with backcountry airstrips both for recreational use and as a matter of public safety given the harsh climate and lack of infrastructure

4

Thank you for the opportunity to comment on this plan. We look forward to continue working with NPS as the plan is developed.

Sincerely,

Felix M. Maguire, Director
Chair Legislative Committee
Alaska Airmen's Association

Response to Comments

AAA-3

See AOPA-2.

AAA-4

See AOPA-3 regarding airstrips and SoA-25 concerning public use cabins.



Comments

Alaska Outdoor Council

PO Box 73902
Fairbanks, AK 99707-3902
(907) 455-4AOC (4262)
aoc@alaska.net
www.alaskaoutdoorcouncil.org

July 13, 2005

Mr. Paul Anderson
Superintendent
Denali NP and Preserve
PO Box 9
Denali Park, Alaska 99755

RE: Comments on the Revised Draft Backcountry Management Plan

General Comments

The Alaska Outdoor Council (AOC) represents over 10,000 Alaskans who fish, hunt, trap and recreate on public lands and waters in Alaska. AOC participated in the public process which resulted in the passage of Public Law 96-487, the Alaska National Lands Conservation Act (ANILCA).

One of the purposes of ANILCA is to "... preserve wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing and sport hunting ..." (Title I, Sec.101 (b)).

ANILCA added vast acreages to Mt. McKinley National Park and re-designated the entire unit as Denali National Park and Preserve. The stated management purposes of the park additions and preserve lands include: "... to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness recreational activities" (Title II, Sec.202 (3)(a)). The same Section also specifies that subsistence uses by local rural residents shall be permitted in the additions to the park where such uses are traditional.

Many AOC members and other Alaskans vividly remember the intense political struggles to have included in the purposes of Denali National Park and Preserve accommodation of the activities cited above, which are so integral to Alaskan traditions, lifestyles, and values.

The AOC objects to and opposes the diminishment in the Revised Draft Back Country Management Plan of the opportunities specifically provided for in ANILCA. These opportunities are threatened by the NPS's reliance on orders of questionable relevance, such as those relating to "soundscape preservation", "wilderness management", and in the backcountry Draft, the "commercial services plan". Ignoring the legislative distinctions among pre-existing park lands, park additions, and preserve lands and their

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stated management purposes threatens the hard-won accommodation of traditional Alaskan resource uses.

Painting all “back country” with minor variations of the same pristine preservation purposes brush betrays the formal recognition of the diverse values Congress finally provided. Congressional recognition must be respected and supported by the National Park Service.

Wilderness Designations and Management:

The AOC opposes the application of indicators or standards that would apply The Wilderness Act of 1964 prohibition of recreational activities on lands not designated Wilderness by Congress. Denali Park additions and Preserve are not managed under the Wilderness Act regulations. Restrictions on “traditional activities” proposed on additions to the pre-ANILCA Mt. McKinley NP in Alternatives 2 thru 5 are arbitrary and capricious actions.

Under the heading Need For Plan (page 5, Denali Revised Draft Backcountry Management Plan, 2005) the NPS writes “Visitation has grown dramatically for some backcountry activities-use is much more dense, creating concerns about damage to resource and generating conflicts among different user groups. For many locations and activities, the NPS has little information about the extent and character of use.” The Denali Revised Backcountry Management Plan (BMP) fails to provide the data necessary to substantiate their claims of resource damage or user conflicts on lands added to Denali National Park and Preserve. The numbers of backcountry overnight stays in Denali NP and P have oscillated between 26,029 in 1985 to 34,016 in 2004. (Page 164, table 3-9) The Denali BMP fails to state how many of these backcountry overnight stays occurred on 3.73 million acres of park addition and preserve lands, not designated as Wilderness.

Traditional Activities:

The Minimally Acceptable Resource and Social Conditions (page 39-49) proposed for lands added to the preexisting park, by ANILCA Section 202(3)(a), are far more restrictive than Congress ever intended. Adherence to qualitative and quantitative standards for Natural Sound Disturbance (Table 2-5) for Denali Park additions and Preserve would virtually eliminate motorized access for “traditional activities” such as subsistence and sport hunting and fishing, as well as recreational snowmobiling and boating. These “traditional activities” are clearly protected by law under Section 1110 of ANILCA.

Access:

The NPS has made their intentions clear regarding recreational motorized uses on Denali park additions and preserve lands, “If in the future the term “traditional activities” were defined to exclude recreational use, such recreational use would be prohibited by existing NPS regulation.” (Page 397) Natural sound disturbance

Response to Comments

AOC-1

The Wilderness Act does not “prohibit recreational activities” and the application of indicators and standards in the BCMP does not prohibit recreational opportunities. Indicators and standards provide guidance for acceptable levels of impact from visitor activities, and are the recommended tool for the National Park Service to address carrying capacity as provided for in the National Parks and Recreation Act of 1978. Indicators and standards do not by themselves restrict recreational activities either, although the National Park Service could take action in the future to manage activities in order to assure standards are met. While the park additions and preserve are not designated wilderness under the Wilderness Act, ANILCA does state that purposes for the park include “preserve wilderness resource values and related recreational opportunities” and “provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness recreational opportunities.” The indicators and standards chosen for park additions and preserve are consistent with those statutory purposes. None of the alternatives in the plan propose specific restrictions on “traditional activities” in the park additions and preserve, although Alternatives 2 and 3 would define the term similar to the way it is defined for the Old Park.

AOC-2

See AT-1 and ISMA-1. While overnight use has fluctuated over time, it has been slowly trending upward. Chapter 3 of the *Revised Draft EIS* provides numbers that are available, including those for mountaineering registration on Mt. McKinley, voluntary registrations from other mountaineering destinations, and overnight backcountry use primarily in the Old Park. Day use by airplane, snowmachine, and foot are among the most rapidly increasing forms of visitation at Denali, but only data from commercial airplane landings is available. The landings data show tremendous increases in visitation and are provided in the Visitor Use section of chapter 3. The National Park Service is responsible for managing visitor use to protect park resources in the park additions as well as the Denali Wilderness.

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descriptors of sound for Denali park additions and preserve is nothing more than a veiled attempt to circumvent existing laws allowing traditional activities.

Commercial Services:

Sport hunting is one of the wilderness resource values and related recreational opportunities included in ANILCA Section 101. (Page 8) All Denali Preserve lands are open to non-subsistence hunters, when local resident subsistence harvest needs are being met.

Guided Sport Hunting concessions should be made available in the entire Denali Preserve.

4

Conclusion:

Thank you for the opportunity to comment on the Denali Revised Draft Backcountry Management Plan. The AOC believes management of backcountry recreational opportunities and the preservation of resource values in Denali National Park and Preserve can be achieved without unnecessarily restricting traditional activities. Alternatives 2 thru 5 are over restrictive regarding traditional activities on Denali Park additions and Preserve. AOC supports Alternative 1 as the only viable option for legally adhering to the congressional mandate of ANILCA; Section 101, Section 202(3)(a), Section 1301(b)(4), Section 1317(c), Section 1314, and Section 1110(a).

The AOC supports Alternative 1, until such time as the NPS revises their Denali Backcountry Management Plan to separate regulations pertaining to the pre-ANILCA portion of the Park, congressionally designated Wilderness, from park additions and the preserve created by ANILCA. A revised Denali Backcountry Management Plan should contain the necessary data to substantiate alleged recreational user conflicts and resource damage in Denali National Park additions and Preserve areas separate from the old Mt. McKinley NP.

Sincerely,

Rod Arno, Executive Director of the Alaska Outdoor Council

Cc. U.S. Senator Ted Stevens
U.S. Senator Lisa Murkowski
U.S. Representative Don Young
Alaska Governor Frank Murkowski

Response to Comments

AOC-3

The sound standards specifically allow for a level of motorized access for traditional activities based on data presented in the natural sound sections of chapters 3 and 4. However, the total amount of motorized noise is still limited to protect natural soundscapes and other resources and values. ANILCA 1110(a) subjects access for traditional activities to “reasonable regulations by the Secretary to protect the natural and other values of the conservation system units.” The National Park Service is committed to providing legal access with accompanying reasonable regulation.

AOC-4

See APHA-1.

Comments

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

1155 CONNECTICUT AVENUE, N.W. • SUITE 1200 • WASHINGTON, D.C. 20036 • TELEPHONE (202) 659-5800 • FACSIMILE (202) 659-1027

T. HORTON (1944 - 1998)

• Y.A. B. ANDREYUK;
RONALD G. BIRCH**
WILLIAM H. BITTNER
KATHRYN A. BLACK
SUZANNE CHEROT
KIMBERLY A. DOYLE
KATHLEEN TORRERI
MARK E. FIDEMAN, P.E.
GREGORY S. FISHER

DOUGLAS S. FULLER*
MAX D. GARNER
CRETCHEN L. GASTON**
DAVID KARL GROSS
DINA M. GROVER
PATRICIA M. HARDON
WILLIAM P. HORN*
STEPHEN H. HUTCHINGS
ROY S. JONES, JR.*

DANIEL C. KENT
THOMAS F. KLINNER
HARVEY A. LEVIN**
STANLEY T. LEWIS
GREGORY A. MILLER
MICHAEL J. PARRIS
TIMOTHY J. PETUMENDS
ELISABETH H. ROSS**

OF COUNSEL:
JENNIFER C. ALEXANDER
JOHN M. DEVORE**
SHELLEY D. EBENAL
KENNETH E. VASSAR

1127 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501-3399
(907) 276-1550
FACSIMILE (907) 276-3880

* D.C. BAR
** D.C. AND ALASKA BAR
† MARYLAND BAR
‡ NEW YORK BAR
§ ALL OTHERS ALASKA BAR

July 1, 2005



Mr. Paul Anderson
Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Dear Mr. Anderson:

The following comments on the Revised Draft Denali Backcountry Plan are submitted on behalf of the Alaska Professional Hunters Association (APHA).

Hunting Opportunities

APHA strongly supports opening the entire southwestern Preserve area to guided hunting and dividing the area into two guide units. This will effectively re-open an area closed for many years, assure two economically viable guide units, and expand recreation opportunities within the Preserve.

Additionally, we support those elements of Alternative 5 that would create new guided opportunities in the northern Preserve unit proximate to Lake Minchumina. We do not perceive any conflicts with subsistence users in the area. The text of the Plan notes that Lake Minchumina is primarily a non-Native community and that most subsistence taking in Denali is associated with Cantwell (see pages 143-146, 153). Similarly, the population of Telida is declining and makes very limited demands on the wildlife resources of the Preserve. These facts provide support for expanding guided hunting opportunities in the northern Preserve area.

Access

We continue to oppose efforts to regulate ANILCA-guaranteed access on the basis of "social conditions", the "experiential values" of Wilderness backpackers, or the aesthetic sensibilities of some backcountry users. This is inconsistent with the law and greatly facilitates the ability of NPS, and other federal agencies, to impose restrictions and closures on airplane and motorboat access. Nothing in the law gives this subset of users (i.e., backpacking wilderness enthusiasts) special status that allows their subjective perceptions to become the basis for restricting other less sensitive users of the public lands (see pages 168-169). Motorized access

Response to Comments

APHA-1

Unlike the southwest preserve, the northwest preserve has active subsistence users who are dependent upon the resources of the area and who feel that additional pressure on resources from guided sport hunting would be detrimental to their use. The National Park Service is choosing to be cautious in authorizing new guide areas in the northwest preserve until persuaded that the resources can withstand the additional use and that the commercial service would be necessary and appropriate.

APHA-2

See ISMA-2. Under the modified preferred alternative, the National Park Service would address airplane and motorboat access using the Access Management Tools in Table 2-11. These tools are employed whenever management area standards are approached or exceeded. Standards are defined to protect Denali's resources and values, which are identified in the purposes of the park identified in ANILCA. These purposes include "preserve wilderness resource values and related recreational opportunities" and provide opportunities and reasonable access for "wilderness recreational activities." Consideration of intangible resource values is essential for realizing the statutory purposes of the park and preserve. Restrictions and closures may not be necessary for achieving the standards identified in the plan, and the modified preferred alternative commits the National Park Service to using the "least restrictive mechanism or 'tool' to accomplish the goals of the plan.

Comments

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restrictions and closures must be based on demonstrable and detrimental impacts to physical, tangible resources. And then, the closures should be the smallest practicable in time and space to address the impacts.

To that end, we support the hierarchy of tools identified in the plan (page 50-51). Using actual closures as the tool of last resort is fully consistent with ANILCA. We note that section 1110(a) grew out of express promises made to APHA by then Alaska Lands Subcommittee Chairman Rep. John Seiberling that Congress would make special provisions to assure access via airplanes, motorboats, and snowmachines notwithstanding the traditional restrictions associated with Park or Wilderness status.¹ It is critical that the letter and spirit of the access guarantee enshrined in ANILCA be honored completely. At this point, the Plan – excepting the tools approach – fails to do that.

Thank you for the opportunity to comment on the Plan.

Sincerely,

BIRCH, HORTON, BITTNER
AND CHEROT


Gretchen L. Gaston

cc: Drue Pearce
Cam Toohey
The Honorable Ted Stevens
The Honorable Lisa Murkowski
The Honorable Don Young

¹ Hearings before the Subcommittee on General Oversight and Alaska Lands, No. 95-16, Part XII, August 20, 1977, page 179.

Response to Comments

Comments

Paul Anderson, Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Dear Mr. Anderson:

The purpose of this letter from the Alaska Quiet Rights Coalition (AQRC) is to submit comments on the Revised Draft Backcountry Management Plan for Denali National Park and Preserve (Plan).

The Alaska Quiet Rights Coalition is a statewide, nonprofit organization which, like the National Park Service, regards the natural soundscape as a natural resource to be protected, like other resources, by the managers of public lands. Our advocacy for natural quiet in the backcountry is not just to eliminate sounds of motors, but to create opportunity for the quiet recreationist to experience the intangible values, such as peace, solitude and self sufficiency, that a natural soundscape affords. On lands managed by agencies with a multiuse mandate, AQRC calls for a fair balance of recreational opportunities for the motorized and nonmotorized recreationist, both summer and winter. We advocate for both road-accessible and backcountry opportunities for the quiet recreationist. AQRC is also concerned with the rights of cabin owners to have peace and quiet and for wildlife to be free from the noise of recreational machines in the backcountry.

AQRC applauds the efforts made in this Plan to articulate, in a straightforward manner, the unique wilderness and resource values of this Park and NPS's legal obligations under the Organic and Wilderness Acts and ANILCA to honor, protect and preserve such values. These values are both tangible, such as natural sounds, and intangible, such as wilderness values like solitude. The governing laws set a very high management standard: to manage parks so that the scenery, natural and historic objects and wildlife are left unimpaired for the enjoyment of future generations (Organic Act); or if Wilderness, the Act speaks of land which has outstanding opportunities for solitude or a primitive and unconfined type of recreation. The specific mandate of Section 203(a) of ANILCA requires management "to provide continued opportunities, including reasonable access, for wilderness recreational activities ". (For the record, we note that though state government apparently fails to believe that NPS has the authority or obligation to protect intangible values, the Constitution of the State of Alaska recognizes that intangible values do in fact exist and are to be preserved and protected, as established by Section VIII which authorizes the legislature to acquire "areas of natural beauty".) AQRC also appreciates the emphasis this Plan places on the discussion and analysis of the natural soundscape as one of the Park resources to be protected.

We fully support a number of the premises and constraints adopted in the Plan. For example, we believe that this Plan successfully makes the case that the land contained in the Park and Preserve, for historical

Response to Comments

Comments

and legal reasons, is different from, and is to be managed differently than, the surrounding public lands where such values are not necessarily protected. We further note that about 3.7 million acres of the park additions and preserve have been deemed suitable, and of that amount, 2.25 million acres have been proposed to be recommended, for formal wilderness designation. Under NPS policy such lands are required to be managed in a manner which will not diminish their wilderness character or jeopardize their eligibility for formal designation. AQRC also finds very useful for our analysis, the framework for examining recreational opportunities in a wilderness park, set forth at pages 384-5, which categorizes recreational activities based on the degree to which the activities are "wilderness dependent". The Plan concludes that under this framework "Recreational activities that depend on wilderness conditions, such as experiencing solitude and isolation, observing natural ecological processes, or challenging oneself with wilderness travel" are most consistent with Denali's statutory guidance. It further concludes that snowmachine racing and highmarking fall into a different category, which is for activities which occur outdoors but do not need wilderness conditions.

The issue to be discussed in these comments is whether AQRC, after review of the Plan, finds that, the Preferred, or any other, alternative, provides a management framework which in the future will restore and maintain Denali National Park and Preserve as a wilderness park. AQRC does not believe that the Preferred Alternative provides management which satisfies both the legal and policy requirements of a wilderness park. In our opinion, the Preferred Alternative inappropriately attempts to accommodate activities which compromise the very wilderness values for which the Park was created and is required to be managed. For example, 11% of the lands are to be classified as Management Area A whose purpose is to "provide a diversity of opportunities for wilderness recreational activities that are relatively accessible to day users and to those who have limited wilderness travel skills or equipment". Is this the type of activity envisioned when Section 203(a) of ANILCA added the four million acres or appropriate in possible Wilderness or is this the type of activity which should be limited to the Frontcountry areas? In Management Area A, natural sounds can be "frequently disturbed" by motorized noise up to 25% of any hour and there may be up to 25 motorized noise intrusions per day that exceed natural ambient sound. The Preferred Alternative would permit snowmachining for "traditional activities", but the failure to define the term means snowmachining could occur anyplace at any time throughout the 4 million acres in the park additions and preserve. Indeed, 64% of the park additions and preserve would be open to snowmachining (p. 274). which since the Old Park is closed, means that 64% of the park additions and preserve would be open to snowmachining. Moreover, in the event that Congress designated additional wilderness, the Preferred states that NPS would seek an exception (to the prohibition of any motors in Wilderness) to continue to permit recreational snowmachining in the designated Corridors.

AQRC supports the People for Parks Alternative which we believe provides the most protection of the wilderness and resource values of the Park.

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We strongly support extending the existing definition for traditional activities currently in use for the Old Park to the 1980 Park Additions and Preserve. Section 1110(a) of ANILCA requires no more than to allow snowmachining for "traditional activities" and that activity is then further subject to reasonable regulations. As set forth in the analytic framework to determine wilderness dependent recreational activities, recreational snowmachining does not fall into the third category which the Plan indicates are the type of activities most consistent with Denali's statutory guidance. We contend that recreational snowmachining is, in fact, in conflict with wilderness values. The purpose of the "snowmachine corridors" set forth in alternatives 3, 4 and 5, is not to control or necessarily channel snowmachine traffic, but to inform snowmachiners and others using the corridors, or adjacent lands, of what to expect in terms of possible noise and presence of other parties. We see no way to preserve the wilderness values and resources of the Park, particularly its natural soundscape, except to prohibit recreational snowmachining in all areas of the Park. That traffic can be accommodated on the surrounding public lands which were not established with the same requirements to preserve wilderness values.

We strongly support the formation of an "Aircraft Overflights Working Group" and strongly recommend that group include representation of people, such as cabin owners, who are directly impacted by the noise of air tourism, though located outside of the Park boundaries. It has never been apparent to AQRC why those who built a cabin in the backcountry for the very purpose of experiencing living in the backcountry, have to sacrifice their experience for that of the momentary experience, which is all facilitated by a public agency, of the flightseeing tourist. It well may be that voluntary measures will not work to preserve the Park values adversely affected by relentless overflights and in that case we recommend NPS seek legislation which would permit some limitations of overflights in order to protect the unique wilderness values of Denali. In turn, any limitations would help restore the opportunities for experiencing natural sounds by cabin owners now directly impacted by overhead flightseeing routes.

Whichever alternative is adopted, AQRC is very concerned about the ability of NPS to actually manage this Plan. A Plan based on desired future conditions requires clear, quantifiable standards and conditions, a monitoring plan with specific timelines and an extensive monitoring and enforcement capability. Unless this can be guaranteed, this Plan should not be approved. The Final needs to address this concern explicitly and what NPS will do in the absence of adequate additional funding and staffing. There is no way to tell from the budget on page 520 whether the figures are adequate to support the additional monitoring staff and resources required since a cost analysis is not set forth. As a small, but essential, step, we suggest that the language in whatever alternative is selected be strengthened wherever possible by changing "shall" from "may" or "could", etc., in order to both inform the public as well as NPS staff as to the standard. We recommend, and strongly urge, that NPS set up a citizen's monitoring advisory committee to help develop a specific annual monitoring plan and priorities, provide oversight to the monitoring efforts and results and help gain

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AQRC-1

See NPCA-9 and NPCA-10.

Comments

public support for NPS's management efforts in Denali.

AQRC appreciates the emphasis this Plan places on the value of natural sound as an inherent natural resource of a national park—"they (natural sounds) are inherent components of the "scenery and the natural and historic objects and wild life" protected by the Organic Act". The Plan further points out that due to the wilderness character of the Denali backcountry areas, human generated sounds which intrude on the natural soundscape, such as planes or snowmachines, are to be characterized as noise under NPS policy. We believe, however, that the standard set for "minimally acceptable resource conditions" for natural sound disturbance permits too much disturbance, reaches the level of impairment and fails to meet NPS's soundscape policy. For example, in Management Area A, the desired future condition is the standard of "High" which permits motorized noises to be audible up to 25% of any hour and up to 25 motorized noise intrusions (over natural ambient sounds) per day. The Plan does not consider this level of noise to be excessive; we disagree. We do not believe this amount of noise should be allowed in a wilderness park and recommend a standard of lower impacts throughout most of the management areas. While the Plan makes clear that most of the noise is caused by planes and thus out of NPS's jurisdiction to manage, NPS does have the option of prohibiting recreational snowmachining and limiting flightseeing landing (as advocated in the People's Alternative) in order to protect and restore the natural soundscape to the backcountry of this wilderness park. AQRC further takes issue with the Plan's conclusion on page 282 that "Natural sound disturbances do not represent permanent changes in park resources; however if plan actions allow indefinitely recurring seasonal disturbances the affects would be considered long term". This statement appears to address the sounds of a natural soundscape that are momentarily "masked" by the sounds of a machine, such as a plane, but why could not that noisy interval qualify as a permanent change? At what point does a long term impact become permanent? Does permanent mean forever or simply lasting beyond the life of the plan? Must an impact be permanent before it is considered to be an impairment? Is it not an impairment of the natural soundscape if for most of the life of the plan the natural sounds in X place no longer include certain animal or bird sounds due to displacement by recreational motors? The conclusion appears to say that if the soundscape at some point during the life of the plan can be restored, there can be no impairment. Under that "moving" standard, you could permit unlimited motorized recreational traffic in the Park additions and Preserve for years without finding impairment of the resource or having to take action since in the last year of the plan, you could prohibit snowmachining and restore the natural soundscape. We believe the Plan needs clearer standards throughout.

In summary, Denali National Park and Preserve is a backcountry wilderness park, mandated to be managed differently from surrounding state and federal public lands and obligated by law and NPS policy to protect the Park's tangible natural resources as well as its intangible values. To manage this park NPS must adopt strict and clear standards

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AQRC-2

See NPCA-16.

AQRC-3

The referenced text on p.282 in the *Revised Draft EIS* refers to definitions presented on p.212-214, which includes a definition for impairment. "Impairment" occurs whenever "a resource would no longer fulfill the specific purposes identified in the park's establishing legislation or its role in maintaining the natural integrity of the park." Both conditions are potentially true for the natural sound resource, and the National Park Service concluded that Alternative 1, the no-action alternative, would result in impairment of this resource. The conclusions regarding impacts to natural sounds in both the *Revised Draft EIS* and the *Final EIS* in no way assert that because natural sound could be restored at any time, then impairment could not occur. In fact, the analysis assumes that in locations where there is high demand for motorized access, noise levels would increase to the limits defined by standards. However, the NPS believes that this amount of noise would not impair the natural sound resource under the modified preferred alternative, although major adverse impacts would occur.

Comments

and indicators to accurately measure the impact of activities on the resources to be protect and then have the capacity and commitment to monitor the standards in such a way that NPS can and will have the political will to, through adaptive management, change direction in order to protect impacted Park resources. As written, however, this Plan erodes the very values it purports to protect by attempting to accommodate activities, such as recreational snowmachining, which have no place in a wilderness park.

Thank you for this opportunity to comment.

Sincerely yours,

Trisha Herminghaus, President

Alaska Quiet Rights Coalition

PO Box 202582

Anchorage, AK 99520

Response to Comments

Comments



THE AMERICAN ALPINE CLUB

LLOYD F. ATHEARN
DEPUTY DIRECTOR

July 15, 2005

Paul R. Anderson, Superintendent
Denali National Park and Preserve
PO Box 9
Denali Park AK 99755

Dear Superintendent Anderson:

On behalf of The American Alpine Club, I would like to respond formally to the revised draft Backcountry Management Plan for Denali National Park and Preserve that was released in late April. The BMP will have a tremendous impact on AAC members and other climbers worldwide who desire to climb the highest peak in North America, as well as the other significant peaks in the park. The AAC has shared its thoughts and suggestions during the scoping phase, at a January 2002 mountaineering workshop in Anchorage, and during the June 2003 comment phase on the original draft BMP. The AAC is encouraged to see the refinement of many concepts contained in the revised draft BMP, but also is concerned that significant flaws exist in the document we hope can be resolved before the final plan is adopted.

IMPACT ON AAC MEMBERS

The American Alpine Club, founded in 1902, is the premiere national organization representing the interests and concerns of American mountaineers and rock climbers. Since our inception we have worked to promote climbing knowledge, conserve mountain environments and serve the American climbing community. Beyond our work domestically, the AAC is the official representative of American climbers in the UIAA (Union Internationale des Associations d'Alpinisme), the International Mountaineering and Climbing Federation, an international representative body for climbers worldwide.

The AAC's current membership numbers about 7,000 individuals throughout the US and abroad, including more than 160 in Alaska. We also represent more than 40 climbing-related businesses that have joined our corporate membership program. Our members are frequent visitors to wilderness areas and National Parks, with members climbing an average of 74 days per year according to a membership survey conducted in 2000. That study showed that 33% of our members who live outside of the state have climbed in Alaska, while another 32% plan to do so within the next couple of years. (Denali National Park and Preserve likely was the primary destination due to its international reputation among climbers and great wealth of climbing objectives.)

MANAGEMENT GOALS

The AAC concurs with the general vision articulated on pages 10-11, which focuses on preserving the natural and cultural resources contained in the Old Park, park additions and preserve areas, as well as managing recreational opportunities that are "compatible with the unique resources and values for which the park was established." However, after thoroughly reviewing the document, we question whether the revised Backcountry Management Plan's preferred alternative will allow that vision to be realized, since it authorizes activities that are neither related to, nor compatible with the resources and values for which the park was established. Further, it appears that the revised BMP spends more effort accommodating popular, but questionably appropriate recreational activities than it does rectifying degradation to intended activities and preventing further resource degradation. The environmental analysis itself acknowledges that the

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preferred alternative will provide “little overall mitigation for past actions” and will still allow “cumulative major adverse impacts” to wilderness resources and natural soundscapes.”

For example, snowmachines and aircraft are clearly authorized under ANILCA to provide access for “traditional” and “subsistence” activities, as well as those purposes specifically mentioned in ANILCA like mountaineering and other “wilderness recreational activities.” It is unclear, however, whether either activity is allowed for purely recreational purposes. (The draft BMP alludes to this in the response to State of Alaska comments near the top of page 440 when it cites that the Senate Report “guarantees access subject to reasonable regulations by the Secretary...for traditional or customary activities, such as subsistence and sport hunting, fishing, berry picking, and travel between villages,” but asks the State to provide examples from the legislative history showing that Congress intended “traditional activities” to include sightseeing, wildlife viewing and picnicking.) The BMP must, but currently does not, distinguish between the *method* of access and the *purpose* necessitating the access. We do not believe they are one and the same. This is an important distinction because both activities have grown significantly in recent years, and both contribute to significantly degraded wilderness character of the park additions for the intended purpose of mountaineering and climbing. The preferred alternative neither rectifies past damage to natural soundscapes experienced by climbers, nor provides sufficient protection against further degradation. Thus, it is hard to see how the preferred alternative will achieve the general vision articulated in this section.

Beyond this overall concern about whether the preferred alternative will achieve the ambitious and appropriate general vision, the AAC is concerned very specifically that the “Objectives” listed on page 11 are incomplete because they do not properly acknowledge the need to protect and preserve the primitive, wilderness-dependent recreational opportunities established in the Wilderness Act and the specific purposes outlined in ANILCA for the park additions and preserves. The second bullet in this section should note the need to protect “opportunities for a primitive and unconfined type of recreation,” which comes directly from the Wilderness Act’s definition of wilderness. The BMP cannot claim that opportunities for wilderness “solitude” must be protected without simultaneously protecting opportunities for “primitive recreation” since both are found in the same sentence of the Wilderness Act. Further, ANILCA Section 202(3)(a) specifically lists as one of three principal management purposes for the park additions and reserve: “to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering and other wilderness recreational activities.” It is not appropriate to excerpt two components from the Wilderness Act and ANILCA—“wilderness character” and “opportunities for solitude”—without acknowledging that both documents also establish a third component: wilderness-dependent recreational activities, specifically climbing and mountaineering.

On a related point, the paragraph on the top of page 385 describing the methodology for determining appropriate recreational opportunities is not complete. The paragraph provides a clear description of the multi-tiered approach to determining which activities are dependent upon and appropriate for conditions established in the park’s authorizing legislation. While examples are given for activities that do not depend upon and actually degrade wilderness conditions (snowmachine racing and high-marking) and activities that, while not wilderness dependent are enhanced by wilderness (scenic air tours), the paragraph provides no examples of the highest tier of wilderness dependency—those activities that actually depend upon wilderness conditions. The obvious example that should be included, but was not, is mountaineering on the natural features found only in the wilderness portions of the park. These features, including the high point in North America, simply cannot be replicated any place else in the world.

MANAGEMENT AREA DESCRIPTIONS

The AAC is pleased with the way planners have developed new management area designations for the revised draft BMP. We are particularly encouraged by development of management area “C” that provides for the unique needs and experiences of climbing and mountaineering expeditions in the southern park additions. One must recall that these additions to the park were made by ANILCA with a specific three-fold intent, one of which was to “provide continued opportunities, including reasonable access, for mountain climbing, mountaineering and other wilderness recreational activities.” The initial draft BMP did not adequately reflect the unique status climbing was given by ANILCA in these areas, and establishment of a

Response to Comments

AAC-1

The National Park Service agrees that the *Revised Draft EIS* does not always specifically distinguish between the “method” and “purpose” of access. Usually it is very difficult to separate the two. For example, if a person is hiking in the Denali backcountry, is hiking the “purpose” in and of itself, or is it the means of transportation for wildlife and scenic viewing, wilderness experience, or ecological learning? Valid purposes for accessing the park and preserve are those specified in legislation for the national park and the National Park Service. Valid means of access are those that are consistent with resource protection and statutory and regulatory guidance. The modified preferred alternative for the most part relies on existing statutory and regulatory guidance for modes of access, which is outlined in chapter 1, without recommending specific new constraints. However, the modified preferred alternative also sets thresholds that define visitor experience goals and resource conditions the National Park Service seeks to protect in accordance with statutory purposes. If valid means of access do not threaten to exceed these thresholds, further action to manage the means of access would not be necessary.

AAC-2

The National Park Service agrees that providing wilderness recreational opportunities, including reasonable access, should be a stated objective of the plan and has amended the text of chapter 1 accordingly.

AAC-3

The National Park Service agrees with this criticism and has amended the page in question to provide some examples of wilderness-dependent activities.

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management zone dedicated to these experiences helps identify how adequately the Park Service is protecting these intended activities from degradation in each of the action alternatives.

The “C” zone descriptions generally provide good minimal acceptable resource and social conditions one would expect to find in these remote areas. Wilderness climbing like that found in Denali National Park is an activity that relies on intact natural environments. In contrast to many other park visitors, climbers do not expect that nature should be modified significantly to provide for comfort or convenience. Any modifications made by climbers (e.g. fixed anchor placements, construction of snow walls around tents, etc.) are minimal in scope, necessary for visitor safety and generally are not permanent. However, climbing has unique social factors that must be respected. For example, natural topography and hazards often necessitate that climbers camp within sight and sound of each other in basecamps or higher camps/bivy areas. Proximity to others is infinitely less significant to climbers than the safety of any camping area. Similarly, due to the wide open spaces above timberline and on rock faces, it is often possible to see and be seen by other climbers without interfering in their climbing experiences.

The seasonal West Buttress Corridor does a good job of setting up appropriate minimal acceptable resource and social conditions for this highly traveled climbing route. This zoning overlay has existed in other prior plans, but was focused largely on the maximum encounter level allowed. We fully support the move away from focusing solely on encounters with other climbers toward an approach that seeks to establish a broader range of natural resource and social conditions appropriate for a climbing route that has seen 87% of all climbing use on Mount McKinley over the last five seasons, and 92% in 2004.

The one issue where we have significant objections with the management area descriptions provided for zones “C” and the West Buttress Corridor involves the minimally acceptable conditions for natural sound disturbance. In both instances we believe the conditions listed are too high for these zones given the activities appropriate for them and the conditions allowed in other adjacent zones. For example, it does not logically follow that disturbance of natural sounds will be higher in zone “C,” which is tailored to people making long-term use of these backcountry areas for primitive, wilderness-dependent recreation, than is allowed in zone “B,” which is geared towards people making day trips or remote, self-reliant overnight trips. Nevertheless, zone “C” allows “high” disruption of natural sounds (up to 25% of each hour and 25 times per day), while zone “B” allows “medium” degradation of natural sounds (up to 15% of any hour and 10 times per day). Logic would dictate that degradation of natural soundscapes would be less in the zone focused on longer term, wilderness-dependent recreational pursuits since an absence of human-generated noise is more integral to the wilderness character of the lands being visited and the activities in which visitors are engaging.

The West Buttress Corridor provides a particularly perplexing example of this natural sounds standard. The principal landing site providing access to the West Buttress Corridor is located outside of the corridor itself in a “Portal-Major Landing Area” zone. This zoning designation allows for “very high” disturbance of natural sounds, which should provide allowance for noise associated with frequent air taxi takeoffs and landings. Once in the corridor itself, however, there are no landing areas and no need to have a high standard to cover aircraft takeoffs and landings—especially since natural features and the conventional takeoff and approach patterns shield the West Buttress Corridor from much of the aircraft noise at the landing site. Nevertheless, the minimally acceptable resource conditions allow for a “high” level of natural sound disturbance. This is curious given that the area over which the corridor designation is laid allows for significantly lower levels of soundscape degradation—in most alternatives the “OP1” zone calls for “low” natural sound disturbance, while the “B” zone in Alternative 5 calls for “medium” natural sound disturbance. It would be almost physically impossible given the configuration of the corridor to fly through the corridor without passing over the adjacent zones that have significantly lower levels of tolerance for disturbing natural sounds.

We have noted in the past that climbers tend to be viewed as an added “attraction” by scenic flight passengers. Recent studies have shown that scenic flight passengers tend to feel sighting climbers adds to the enjoyment of their trips. However, this added benefit for scenic flight passengers comes at the direct

Response to Comments

AAC-4

The preferred alternative of the *Revised Draft EIS* and the modified preferred alternative of the *Final EIS* both provide for the same natural sound conditions in Management Areas B and C. Both allow a “medium” level of natural sound disturbance that allows audible motorized noise up to 15% of any hour and a maximum of 10 motorized noise intrusions per day that exceed natural ambient sound.

AAC-5

The National Park Service agrees with this criticism and has amended the natural sound disturbance indicator on the West Buttress route to correspond with that of the surrounding area.

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expense of degraded conditions and experiences for mountaineers on the ground. The National Park Service would not allow scenic flights to degrade natural conditions for wildlife just so passengers could obtain better views of these attractive animals. It is therefore unclear why it is acceptable to degrade the natural conditions enjoyed by human visitors in this particular corridor. The higher levels of natural sound disturbance allowed in the West Buttress Corridor almost seems to invite intentional aircraft overflights of the climbing route since the only activities occurring within the corridor itself that contribute to higher levels of sound disturbance are helicopter flights, which are related principally to exceptional rescue events and infrequent administrative flights over the course of the climbing season.

BACKCOUNTRY REGISTRATION

The AAC is generally supportive of registering backcountry visitors so the Park Service can obtain accurate statistics about visitor use patterns. Accurate statistics should allow for more informed decision making regarding visitor management. The lack of accurate information, however, continues to plague the revised draft BMP despite our noting the flaws in your data in the previous draft BMP. For example, Table 3-11 on page 174 (inaccurately referred to in the narrative on page 173 as Table 3-18) and the accompanying narrative on page 173 purport to show a “rapid increase in visitor use of Alaska Range destinations” other than Mount McKinley. NPS climbing summaries from past decades, while not fully comprehensive either due to their voluntary nature, refute this assertion.

These older summaries prepared by the NPS indicate that climbing use has been highly erratic, not consistently increasing, on virtually all of the peaks listed in Table 3-11. For example, more than 11 times the number of climbers attempted Mount Silverthorne in 1978 (24) and 1988 (25) than the recent eight-year average listed (2). Attempts on Mount Foraker exceeded the recent eight-year average (30) on 3 of 5 years in the first half of the 1980s. While climbing use on peaks other than McKinley has increased over the years, Table 3-11 appears to illustrate how incomplete user data viewed in isolation can provide inaccurate visitor use trends and result in potentially unneeded backcountry regulations.

Alternative 3 and 4 propose generally similar backcountry registration proposals affecting climbers in the southern park additions east of the Kahiltna Glacier during winter and for overnight trips. The difference is that Alternative 3 would immediately require registration affecting all overnight visitors throughout the park and preserve, as well as winter day-use visitors east of the Kahiltna Glacier. The preferred alternative, however, would impose the registration requirement only when user conflicts and/or resource degradation was noted. Alternative 4 also would lessen the scope of lands potentially affected by registration such that registration would apply principally to climbing and mountaineering in the areas east of the Kahiltna, activities that pose little threat to natural resources, wildlife or soundscape degradation. In fact, the principal impact of climbing comes from human waste, an impact that is directly addressed by enhanced pack-out requirements. Glaringly absent from your proposed registration requirements in the preferred alternative is any mention of requiring registration for recreational day-use snowmachine activities. This is a significant flaw because of the tremendous potential for harm to the physical resource, wildlife and natural soundscapes, as well as the potential for user group conflicts posed by largely unregulated snowmachine use in Alternative 4’s zone “A” areas.

Our support for any backcountry registration system is predicated on several factors:

- Backcountry registration will be free.
- There will be no advance registration period like the 60-day requirement for climbing Mounts McKinley and Foraker.
- The park will utilize on-line registration, self-registration, or phone-in registration to the greatest extent possible so that registration is quick and easy for the backcountry visitor.

Climbers are highly dependent on weather and route conditions in determining the viability of a given route or peak attempt. Some routes are not reliably in condition, and climbers wishing to attempt them must be able to respond immediately when conditions are favorable. Advance registration requirements and

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AAC-6

The National Park Service agrees that data are incomplete for mountaineering use in the Alaska Range. Regardless of what happened in earlier time periods, the noticeable rise in use over the past few years in areas other than Mount McKinley has been accompanied by observations of resource impacts, such as large amounts of exposed human waste on the Pika Glacier. While the National Park Service also wishes to avoid unnecessary regulation, we agree that it could be important to obtain accurate visitor use data through registration in areas where resource impacts are occurring if other methods for obtaining this information would be ineffective.

AAC-7

The BCMP does commit the National Park Service to establishing convenient mechanisms for backcountry registration where it is required. The 60-day advance registration requirement and mountaineering fees for Mount McKinley and Mount Foraker are driven by conditions specific to those peaks, and are not anticipated to serve as a model for any additional registration requirements in mountaineering areas. However, decisions about fees or advance registration are implementation-level decisions that are not considered in this plan, but these concerns would be taken into account if new registration requirements were proposed during implementation.

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registration delays can have a profound impact on climber safety and success by making climbers wait to attempt routes that may be in condition for only a very brief period of time.

COMMERCIAL SERVICES

It is important to recognize that National Parks, by regulation (36 CFR 5.3), are set aside as commercial free zones. Commercial activities, with few exceptions, must be specifically authorized by park management and must meet certain minimum conditions. As the revised draft BMP notes on page 56, NPS management policies require that the Park Service determine that: 1) the proposed commercial service is “necessary and appropriate” and cannot be achieved outside of the park boundaries, 2) that the provision of the commercial service will be provided “in a manner that furthers the protection, conservation, and preservation of the environment and park resources and values,” and 3) the proposed commercial service will “enhance visitor use and enjoyment without causing unacceptable impacts to park resources or values.”

The BMP on page 57 indicates that in park additions and preserve areas where the numbers of visitors are limited, guided or educational use would be limited to less than a majority of total potential use of the area. In the Old Park, guided and educational use would generally be less than 25% of the total potential use. While the BMP does not address this issue directly, AAC analysis of past NPS mountaineering reports finds that actual historic guided climbing use of Mount McKinley has averaged 29% of total climber use over 21 years dating back to 1978. (The number of commercial guides and clients is not reported in every year.) Nevertheless, in no instance during this period did total commercial use exceed 25% of the proposed 1,500 climber cap proposed for Mount McKinley. The AAC views guided climbing use as a legitimate method of making this experience available to those who, for various reasons, are not able to arrange an independent expedition. We support this commercial use limit, but are concerned about the inclusion of the phrase “generally be less than” since it seems to provide a malleable cap that could be open to abuse in the future.

A significant concern exists in the area of commercial service provision for scenic flight glacier landings and the potential for commercial snowmachine access. The BMP does not articulate when and how a determination was made that scenic flight glacier landings meet the requirements set forth in NPS management policies for an allowed commercial activity. The methodology articulated on page 385 of the BMP notes that scenic air tours “are appropriate in Denali’s backcountry because the wilderness setting enhances them, but they do not require wilderness.” This seems to conflict with the standard required to authorize a commercial service in the park, which requires that the activity *cannot* be achieved outside of the park. The activity also seems to conflict with the requirements that the commercial use not cause “unacceptable impacts to park resources or values” since the rapid growth in scenic flight glacier landings has been principally responsible for the degradation of natural sounds—especially in areas adjacent to major landing areas. Finally, the BMP seems to leave open the opportunity for other commercial activities not specifically listed in the BMP within management zone “A.” One could read into this that commercial snowmachine trips could be authorized in these areas of the park additions. Clarification on these points in the final BMP will be important to ensure that commercial activities are limited to those activities that are truly appropriate and do not conflict with park resources and values.

CLIMBING-SPECIFIC REGULATIONS

The AAC is pleased with the climbing-specific regulations contained in the revised draft BMP. Over the past four years an open exchange of information has occurred between the AAC, park planners and park managers, such that the plan contains pragmatic, well-reasoned and defensible approaches to managing climbing use in Denali National Park and Preserve. There is little we would seek to change in the following areas:

1. Mount McKinley Seasonal Capacity

As we noted in the 2003 draft BMP, the AAC believes that the number of people climbing Mount McKinley has flattened substantially and that it is unlikely that demand will exceed the 1,500 climber seasonal limit proposed in the plan. Even in the current season where a devalued U.S. Dollar increased the number of foreign climbers on the mountain, use increased only slightly above the previous all-time high of 1,305 climbers set in 2001 (Chart 1). The seasonal average for climbers on Mount McKinley has not changed

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AAC-8

The phrase was changed in the modified preferred alternative to remove the malleability of the allocation between guided and non-guided uses.

AAC-9

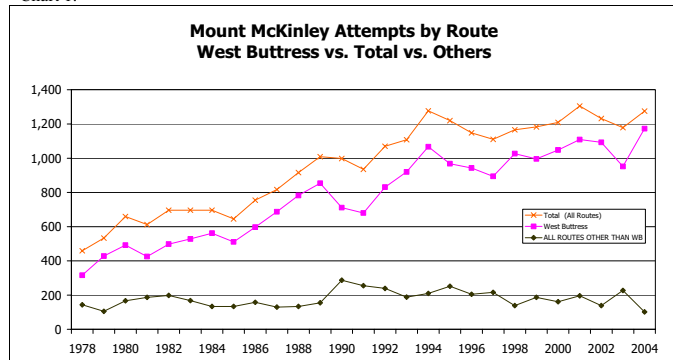
The two standards do not conflict. Although scenic air tours do not require wilderness, they do require access to the mountains and glaciers of the Alaska Range and Mount McKinley, which cannot be achieved outside of the park. The point of scenic air tours – particularly the authorized commercial landings – is to provide visitor experience and interpretation about these park resources that are specifically identified in legislation. The standards articulated in the plan are designed to prevent unacceptable impacts to park resources and values while still allowing a level of visitor use, including necessary and appropriate commercial services. Management Area A does allow new types of commercial services, but any such new service would still have to be “necessary and appropriate” and meet the other criteria described in the Commercial Services portion of this plan.

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significantly over the past 15 years—1,268 for the past five years, 1,216 for the past decade and 1,185 for the past 15 years. Use has been relatively flat over this period, and we do not expect this use to change based on overall demographic and visitor use trends affecting the broader outdoor industry.

Chart 1.



Beyond this overall flat trend in climbing use on Mount McKinley, the other important trend is a growing concentration of climbers on the well-managed West Buttress route. This means that any increase in climbing use would be assumed to be taking place on a route that can accommodate the use and that is heavily patrolled by the NPS climbing rangers.

2. Management of Fixed Climbing Anchors

The AAC supports the prohibition on the use of power drills throughout the park additions and preserve, an action that is in keeping with the wilderness character of these lands and one that will prevent widespread proliferation of fixed anchors. The proposed policy for fixed and removable anchors will ensure that these climbing tools—which are historic and necessary wilderness climbing tools—remain available to climbers for use in appropriate situations, but also will work to limit any excessive or inappropriate use. The policy proposed on pages 55-56 has been used successfully for several years at Rocky Mountain National Park, and it resembles the approach being proposed as a national policy for use by the four federal land management agencies in their wilderness areas.

3. Human Waste Management

The AAC was an early supporter of efforts to remove, as much as is practical, human waste generated by climbers in these high alpine zones where biodegradation is not possible. The AAC provided grant funding to develop the initial prototype “Clean Mountain Can” canisters, and provided a second grant to provide an adequate supply for initial field testing. Beyond merely providing funding, the AAC provided staff assistance to help test the canisters and then heavily promoted their use in Club publications and broader climbing industry magazines. In light of the recent epidemiological study regarding gastroenteritis outbreaks among climbers on the West Buttress route¹, we believe effective management and removal of human waste is of paramount importance to protecting the natural resource, as well as the health of climbers in the park and preserve.

Initially, the CMCs were designed to remedy human waste problems at the 17,000-foot camp where on-site disposal poses the greatest problems. We support the requirement that canisters will be required at and

¹ J.B. McLaughlin, B.D. Gessner, A.M. Bailey, “Gastroenteritis Outbreak Among Mountaineers Climbing the West Buttress Route on Denali—Denali National Park, Alaska, June 2002,” *Wilderness and Environmental Medicine*, 16, p. 92-96, 2005.

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above the 14,000-foot camp on the West Buttress route, as well as within 0.5 miles of glacier landing sites in other parts of the park. The AAC also believes that use of CMCs and removal of waste is feasible in areas on the West Buttress below the 14,000-foot camp where sleds are used, and we very much support the Park Service facilitating this environmentally beneficial practice. Nevertheless, we wish to emphasize that the current configuration of the CMCs makes them too big and bulky for use on more technical climbing routes. We do not want to see this protocol required in such areas where their use could pose a safety hazard to climbers.

The revised BMP is confusing regarding the overlap between the new human waste removal policy and the current policy (2004 Superintendent's Compendium), which the BMP notes would remain in place. Specifically, will CMCs be used exclusively at Kahiltna Base Camp since it is a campsite within 0.5 miles of a glacier landing site, or does the NPS intend to use the customary latrine as is noted in the current policy? This potential conflict needs to be clarified in the final BMP.

4. West Buttress Corridor

The AAC fully supports establishment of the seasonal West Buttress Corridor as a means of allowing the current high level of primitive recreational use occurring on the route. We do not believe that existing use on the West Buttress route violates any Congressional intent regarding wilderness solitude, but this special corridor sets appropriate expectations for the social conditions experienced on the route. As we have pointed out in prior communication, unique natural factors associated with travel in glaciated alpine terrain, such as crevasses and avalanche run-out zones, dictate that climbers travel and camp in established areas that concentrate use more than would occur in other areas of the park and preserve. The BMP must acknowledge and respect this unique aspect of mountaineering.

NATURAL SOUNDSCAPE PROTECTION AND RESTORATION

NPS Director's Order #47 clearly states that natural soundscapes are intrinsic elements in the park environment and are to be protected no less than wildlife or other natural resources. The NPS is directed to protect, maintain and restore the natural soundscape resource "to the fullest extent possible" to a condition "unimpaired by inappropriate or excessive noise sources." The directive mandates that soundscapes be protected if they are not currently impaired, and in the case of impaired soundscapes, they are to be restored "to the level consistent with park purposes, taking into consideration other applicable laws."

The revised draft BMP documents that aircraft in flight and during takeoff currently are degrading the natural soundscape for backcountry visitors in the park and preserve. The EIS portion of the revised draft BMP indicates that most sound sampling data would violate all but the most tolerant proposed standard most of the time in many of the sampling locations—particularly those in the high alpine zones where lack of vegetation prevents attenuation of these unnatural sounds. Thus, the question for the BMP's forward-looking policy must be how to restore the degraded soundscape, not how additional degradation can occur through new and expanded uses causing soundscape degradation, such as allowing recreational snowmobile activity throughout a wide swath of the southern park additions. It is particularly disturbing to see that the draft BMP proposes allowing this significant soundscape degradation to continue for five years of further study before commencing any enforcement action. The Park Service is required to manage these wilderness-suitable lands to protect their wilderness character, but the draft BMP notes on page 312 that unchecked aircraft and snowmachine noise would impair the wilderness resource and possibly make these park additions unsuitable for wilderness designation. Clearly, waiting a further five years before taking action is wholly unacceptable and would lead to significant further degradation of natural soundscapes and wilderness character.

Given the mandate in Director's Order #47 to restore degraded soundscapes, it is shocking that the Park Service would put forward a plan that allows some backcountry areas to have degraded soundscapes up to half of any hour in the day and up to 50 motorized noise intrusions a day. This could translate into more than two motorized noise intrusions every hour throughout a 24-hour period, or more than four intrusions every hour if use occurs primarily within a 12-hour period. Even more shocking is the fact that Table 4-1 on page 283 indicates that this absurdly high standard would have been violated in the Ruth Amphitheater

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AAC-10

The modified preferred alternative clarifies that if a pit latrine is provided at a landing area then CMCs are not required.

AAC-11

Successful implementation of the Visitor Experience-Resource Protection planning model – of which indicators and standards are a part – requires the use of accurate information. The National Park Service recognizes that more information is needed before full implementation could occur, and believes that 5 years is sufficient time to gather data to share with the public.

Although environmental analysis concluded that the natural sound resource would be impaired within the 20-year life of the plan if no action is taken, the National Park Service does not believe that would be the case within 5 years, particularly given other proactive measures in the plan such as addressing overflights through the Aircraft Overflights Working Group and limiting the geographic area available to scenic air tour landings.

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more than 57% of the days based on sound sampling performed for seven days during July 2002. One expects degradation of soundscapes at this level at an urban airport, not well inside the boundary of one of the largest wilderness parks in the United States.

The AAC is aware that some may minimize the impact of degraded soundscapes to park visitors. Skeptics may say that the noise is only transitory and leaves no permanent impact on the landscape. However, for a climber or backcountry skier who invests a significant amount of time and resources to experience the Denali backcountry, the temporary disruption is all they will experience. The soundscape degradation will occur during their entire visit, and in some places like the Ruth Amphitheater, it will last for more than half the hours they are visiting the park. These factors effectively make the intrusion permanent. The skeptic's argument is analogous to saying that trampling of summer wildflowers is only temporary since it only occurs during a brief window when visitation occurs. This brief window of plant activity, however, is the only period during the whole year when the wildflower is not dormant. Since Director's Order #47 makes natural soundscapes equivalent in importance to natural and wildlife resources, we find it hard to believe the NPS would put forward a plan that allows half of the wildlife in the park to be harmed or half the vegetation to be trampled. Given the park's own policies, soundscape degradation of this magnitude cannot continue and restoration must begin immediately.

The revised draft BMP dances around the root cause of this soundscape degradation—tremendous growth in scenic flight traffic. The BMP is conspicuous in the omission of data reporting the number of overflights that do not land in the park. One suspects, however, that they exceed the number of flights that include glacier landings. Even when looking at the flights that do land on glaciers, which must be reported to the NPS, one finds wholly incomplete data showing long-term trends. Tables that are included indicate that the vast majority of flights and the most significant area of growth over the past six years are attributable to scenic flights, not air taxi landings. As table 3-16 notes, scenic flights that land on glaciers represented 67% of all aircraft that landed on glaciers in the park between 1999 and 2004. Further analysis of Table 3-16 shows that between 1999 and 2004, total air taxi flights declined by 7% despite carrying 17% more air taxi passengers into the Denali backcountry. Meanwhile, total scenic flights that land on glaciers increased by 20% and transported 47% more passengers. (As a means of comparison, climbing use on Mount McKinley—which the BMP felt needed to be capped to prevent excessive growth—increased only 8% during the same period.) Given the recent significant increases in primarily scenic flights driven by the influx of cruise ship passengers, one suspects that scenic flight glacier landings have increased at a significantly more dramatic rate than climbing use on Mount McKinley. Clearly, degradation of natural soundscapes has occurred primarily through increased scenic flights, a factor that is not addressed adequately in the draft BMP and must be rectified in the final BMP.

Though aircraft currently pose the greatest degradation to existing soundscapes, the potential for incursions by snowmachines is also quite concerning. As the draft BMP notes, snowmachines are already entering the southern park additions, and the concern is that more powerful snowmachines will allow riders to expand the area of the park that is subject to snowmachine noise and pollution. The fact that snowmachines have proceeded past the icefall, through the Ruth Gorge and into the Don Sheldon Amphitheater raises serious concerns that snowmachines will soon be a major new source of soundscape degradation in many areas that historically have been used solely by climbers if they are not tightly controlled. Given the broad area designated as zone "A" in the preferred alternative in which purely recreational snowmachine use will be allowed, only terrain and technological limitations will forestall climber/snowmachine conflicts at the Kahiltna Base Camp, the Ruth Gorge and Amphitheater, and many other popular climbing destinations in the southern park additions.

Soundscape preservation may be an esthetic concern to most wilderness and backcountry visitors, but to climbers it is also a significant safety issue. Climbers rely on voice commands to communicate with their partners. Sometimes partners may be more than 165 feet apart—often vertically—where communication is difficult even with only the background noise of wind, rockfall, and avalanches. The duration and intensity of soundscape intrusions can create hazardous situations in which a climber cannot communicate with his/her partner. When coupled with the fact that most scenic flights fly over the Ruth Glacier, the Kahiltna

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AAC-12

Any soundscape degradation, whether it is considered transitory or permanent, is of concern to the National Park Service. However, as long as the resource is not impaired the National Park Service can allow some degradation to accommodate visitor use. Although standards in the Ruth Glacier Special Use Area do allow natural sound disturbance up to 50% of any hour, this area comprises a small fraction of the area of the park and preserve for a 5-month season. Because the modified preferred alternative calls for restoration of the natural soundscape over the Denali Wilderness, allows very high levels of natural sound disturbance over only a small portion of the park additions, and limits the disturbance even in that area, the National Park Service concluded that impairment would not occur. As a result, the actions of the modified preferred alternative are within the National Park Service's legal and policy authorities. This conclusion would hold whether the described impacts are characterized as "temporary" or "permanent." The one place where the characterization of "permanent" could conceivably make a difference is in the evaluative tool used to determine an impact level of negligible, minor, moderate, or major. The cumulative adverse impact to natural soundscape is already determined to be "major."

AAC-13

The National Park Service agrees that the growth of scenic air tours are a primary reason for the degradation of natural soundscapes at Denali and that they have increased at a much faster rate than climbing and mountaineering activity in the Alaska Range. The data cited by the comment appears in chapter 3: Affected Environment of the *Revised Draft EIS* and supports these assertions. No additional data are available concerning scenic air tours that fly over but do not land at Denali, so the National Park Service cannot make specific conclusions on this subject. Nonetheless, the cumulative impacts analysis does appropriately highlight the role of scenic air tours in increasing motorized noise at the park, concluding the following:

Denali National Park and Preserve has become a noisier place since the park expansion in 1980. Aircraft are primarily responsible for increased natural sound disturbance, particularly the expansion of scenic air tours since the late 1980s, which produce much of the existing motorized noise over the eastern portion of the Old Park, around Mount McKinley, and along the south side of the Alaska Range between the Kahiltna and Eldridge Glaciers.

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Glacier, the West Buttress, and the summit of Mount McKinley—all terrain used principally by mountaineers—the soundscape impacts on climbers exceed those for other park visitors. These safety concerns related to soundscape degradation are not discussed in the revised draft despite being raised by the AAC two years ago. They need to be addressed in the final BMP.

The AAC believes Alternative 3 strikes the best balance between soundscape preservation and recreational access. Alternative 3 will allow air taxis to land throughout the park additions and preserve, which will continue access to current climbing areas and the potential to provide access to future climbing areas. The prohibition on scenic flight landings between 9 p.m. and 9 a.m. will lessen the most intrusive noise impacts for backcountry visitors camped at or near landing areas during half the day when people are generally sleeping. The prohibition on landing at the Kahiltna Base Camp prior to July 1 of each year will minimize conflicts between climbers and sightseers. As the BMP notes on page 373, these combined restrictions would have affected only 10% of scenic flight landings. Given the fact that even the most tolerant soundscape standards will require shifting use out of the Ruth Amphitheater, these restrictions will ensure scenic flight landings do not overrun other climber destinations in the southern park additions as already occurred in the Ruth Gorge and Amphitheater. Prohibitions on recreational snowmachine use will virtually guarantee that there are no future user conflicts between climbers and snowmachine operators in historic climbing terrain.

Unfortunately, there is little in Alternative 4 that will restrict future growth in soundscape degradation through aircraft and snowmachine use. The BMP notes on page 376 that “Businesses providing scenic flights could therefore be expected to experience steady growth in income from this activity during the near future and throughout the 20-year life of the plan.” If soundscape standards in one major landing area are exceeded, tour operators need only scout a new location within the “A” zone. The only exception is the restriction on landing scenic flights at the Eldridge and Pika Glacier landing areas when climbers are present. Otherwise, scenic flight operators could pioneer glacier landing areas within the expanded Ruth Glacier Special Use Area and the “A” zone limited only by topography and conditions of the glaciers. Similarly, allowing recreational snowmachine access throughout the “A” zones will mean potential user conflicts wherever technology and terrain allow visitors to travel. The effect will be to give motorized uses preference to these remote backcountry areas over climbing and other wilderness-dependent uses that were a reason for protection of these areas in the first place.

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VISITOR USE AND EXPERIENCE

Aircraft access to the park and preserve is a double-edged sword. Due to the great distances, harsh terrain and length of time needed to approach climbing objectives by foot, aircraft are the principal means of access to the Alaska Range. However, scenic flights and glacier landings have grown dramatically over the years to the point that they now dominate all air travel over the park. Because aircraft noise currently is the greatest contributor to degraded soundscapes, the AAC believes the NPS must refocus management regulations contained in the BMP on the purposes for which Denali National Park and Preserve was established. If soundscape protection standards necessitate limits on use, preference should be given to uses that were listed by Congress as reasons for establishment of the park or its additions and preserve areas rather than uses that were not specifically intended and may not even be appropriate.

Facilitating mountaineering access was the catalyst for pioneering flights into the Mount McKinley area, first with a landing in 1932 on the Muldrow Glacier, then with the establishment of commercial flights from Talkeetna to the Kahiltna Glacier in 1954. Ferrying mountaineers was the mainstay of flight services for many years, but they eventually discovered that there were far more tourists desirous of a 90-minute scenic flight over the Alaska Range than there were climbers wanting to embark on multi-day climbing expeditions. The explosive growth in scenic flights over the last few years has been fueled in large measure by the package tour and cruise ship industry that brings in ever larger numbers of visitors to the park. As the draft BMP notes, new hotels in adjacent communities built to serve the package tour business portend even greater numbers of tourists who will seek to experience Denali National Park and Preserve largely by scenic flights.

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Since the cumulative impacts analysis concludes that major adverse impacts have occurred to natural soundscapes and that aircraft, particularly scenic air tours, are primarily responsible, the National Park Service believes this point was adequately addressed in the *Revised Draft EIS* and *Final EIS*.

AAC-14

Safety has been added as a topic of concern for the Aircraft Overflights Working Group, which can include both safety for aircraft and passengers as well as safety for mountaineers on the ground. The National Park Service does not have any reports of aircraft noise drowning out belay commands, and so was unable to address this concern in any greater detail.

AAC-15

The plan establishes limits for soundscape degradation through the expressed standards, and identifies the tools the National Park Service would use to enforce those limits. Additional growth in air tour business could come at least in part through heightened efficiency of passenger seating and use of the areas available. For instance, the move to larger planes and more complete use of seating on each flight allowed the concessioners to collectively increase passenger volume by about 1,300 people, about 11%, from 2000 to 2004, while actually decreasing the number of glacier landings from 3,117 to 2,880. The National Park Service remains concerned about the volume of airplanes continuing to rise over time and spreading to presently unused portions of the range. In 2005, the number of landings reached 3,223 and record numbers of landings were reported on both the Pika and Eldridge glaciers. However, given the carrying capacity restrictions in the modified preferred alternative, the National Park Service anticipates the scenic air tour business will have a strong incentive to continue finding efficiencies and finding ways to decrease impacts (for example, use of quiet technology) in order to allow for continued business growth.

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The AAC is aware of the limited powers the NPS has to manage scenic flights that do not actually land in the park. We support your efforts to provide scenic flight operators with management designations of the park and encourage them to route flights over the appropriately designated zones. We also support the establishment of an overflight advisory committee, but request that at least one mountaineering organization be a part of that committee. Climbers are probably the most significantly affected visitor group in the park from overflights and glacier landings, since the routes generally chosen fly over the most dramatic climbing terrain and the summit of McKinley, and the landings occur almost exclusively in landing sites adjacent to major climbing base camp areas. Though not specifically listed in the draft BMP, the AAC would like to see greater emphasis placed on achieving the soundscape goal of Director's Order #47 to "reduce the noise level consistent with the best technology available." Scenic flight operators should be encouraged through incentives to adopt the best technology available for their planes, and use of best available technology should be required of concessionaires who are allowed to land in the park. This would not lessen the number of overflights that visitors see, but it would lessen the degradation of soundscapes.

Though both air taxis and scenic flights degrade the natural soundscape, the AAC believes there is a major distinction between the two. The former is a means of access for people who endeavor to experience the mountain environment in its purest form. ANILCA specifically listed mountaineering and wilderness recreation as purposes for the park addition and preserve areas, and it allowed for "reasonable access" to these areas, which we interpret as aircraft access. As the revised draft BMP notes, the average climber on Mount McKinley stays 17 days, so flights in and out are small intrusions on the natural soundscape relative to the length of time these visitors will spend in the backcountry. In contrast, the average scenic flight passenger spends 90 minutes flying over the park—two hours if a glacier landing is involved—and essentially all of the time is spent in the plane. Assuming a total of three hours is required to fly in and fly out a McKinley climber, that person damages the natural soundscape for a less than 1% of the climber's visit, while the scenic flight passenger damages the natural soundscape for almost 75% of his visit.

PREFERRED ALTERNATIVE

After considerable review, the AAC rejects the Park Service's endorsement of Alternative 4 as the preferred alternative. As your own analysis notes, Alternative 4 will not address past degradation of wilderness character and natural soundscapes, and it provides little protection against future degradation of these and other natural resource conditions. We believe it is untenable for the Park Service to endorse an alternative that it acknowledges will not meet the goals and objectives set forth for the management plan.

The AAC believes Alternative 3 provides the best protection of the natural resources, social conditions and settings in which intended, wilderness-dependent recreational activities can occur over the 10-20-year anticipated lifespan of this Backcountry Management Plan. Listed below are some of the reasons the AAC believes Alternative 3 is far superior to Alternative 4 in meeting the goals and objectives established in the BMP.

- Alternative 4 allows recreational snowmachine access throughout all areas contained in management zone "A" and designated access corridors. This would allow snowmachines to gain access to most of the established climbing and mountaineering areas noted in Map 2-6, which would provide further degradation to wilderness conditions required for climbing. In contrast, Alternative 4 only allows snowmachine use for "traditional" and "subsistence" purposes.
- Alternative 3 protects a more balanced allocation of management area zones providing a broader array of recreational uses appropriate for the purposes set forth in Denali National Park and Preserve's authorizing legislation. Specifically, Alternative 3 protects 33% of the park addition/preserve lands for extended expeditions where other parties and signs of civilization are generally not encountered, while Alternative 4 protects no lands with this as a goal. Similarly, Alternative 3 zones roughly 50% more lands for primitive climbing and mountaineering experiences—one of three reasons Congress protected these lands initially—than does Alternative 4.
- The areas protected in zone "C" under Alternative 4 do not in any way correlate to areas possessing current, historic or potential significant climbing destinations; the designation appears

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to be placed over those areas that are not viewed as desirable for scenic flight purposes. Of the nine “popular climbing and mountaineering areas” listed on Map 3-4, only three (Little Switzerland/Pika Glacier, Rampart Mountains, and Eldridge Glacier) appear to be contained by zone “C” designation in Alternative 4. In contrast, Alternative 3 appears to add the Moose’s Tooth (Buckskin Glacier area), Mount Hunter, and the Kahiltna Base Camp to those areas protected by this zone, though it appears the Rampart Mountains would drop out into the less protective zone “B.” Though Alternative 3 is preferable to Alternative 4, even here it does little to protect the popular climbing areas between the Ruth Special Use Area and the wilderness boundary that should be protected for their wilderness climbing characteristics.

- The seasonal Ruth Glacier Special Use Area, which accommodates intensive use by scenic flight trips, is significantly expanded in Alternative 4. In contrast, the area in Alternative 3 is more closely matched with areas currently used by flight services.
- Alternative 3 provides reasonable restrictions on the hours scenic flights may fly and contains safeguards that lessen the impact of scenic flight glacier landings on those areas used primarily by wilderness-dependent mountaineers. A seasonal restriction would reserve the Kahiltna Base Camp glacier landing strip for air taxi access through the end of the customary climbing season, and would prohibit landings between the hours of 9 p.m. and 9 a.m.—not an academic concern given the near constant light during the tourist and climbing seasons.

In short, Alternative 3 focuses regulations so that they provide reasonable future growth for activities that are consistent with the park’s intended purposes as expressed by Congress, but would seek to restrain inconsistent activities that are proving to be detrimental to park resources and values.

CONCLUSION

The AAC is conflicted by the revised draft Backcountry Management Plan. The overall vision is laudable, but simply cannot be achieved based on the timid management actions proposed by the BMP.

Mountaineering, a congressionally intended activity that was specifically listed as a reason for designating the park additions and preserve areas, is the only activity requiring advance permitting. Despite flattening of use over the last half-decade, climber levels on Mount McKinley will be capped, and registration is likely to be expanded to other areas to monitor climbing use. Mountaineering causes effectively no impact on the physical park resource beyond the disposal of human waste, which the BMP intends to lessen through a detailed pack-out program. Attention is placed on the tools allowed for climbing and the social impacts climbers have on each other, though neither has an appreciable impact on other park visitors or natural resources.

Meanwhile, the BMP is largely silent regarding the rapidly growing threat posed by scenic flights and snowmachines, both of which are growing rapidly and cause significant degradation of natural soundscapes, harassment of wildlife and, in the case of snowmachines, cause significant impacts to soils, plants and water sources. Little analysis is included about the rapid growth of both activities, and the few tables that contain such information is not analyzed in much detail. Neither use was specifically intended by Congress for either the “Old Park” or the park additions and preserve areas, and there is some question about whether these activities can be allowed legally. Yet, the revised draft BMP’s preferred alternative will set aside almost three-times as much area in the park additions and preserve areas to accommodate these non-conforming uses as is set aside to accommodate wilderness-dependent climbing.

The AAC is troubled that the preferred alternative will not achieve the overarching themes contained in the BMP’s goals and visions, does little to rectify past degradation of natural soundscapes and wilderness character, and provides scant protection against further degradation to physical and social resources and values of Denali National Park. We believe the preferred alternative will impair the resource, and recommend that the final Backcountry Management plan adopt Alternative 3 as a more reasoned, effective means of ensuring the park’s viability for the next 10-20 years.

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Please do not hesitate to contact me should you have any questions or concerns regarding the points raised in this letter.

Regards,

A handwritten signature in black ink, reading "Lloyd F. Athearn". The signature is written in a cursive, flowing style.

LLOYD F. ATHEARN
DEPUTY DIRECTOR

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Comments and support materials also sent via regular mail.

July 5, 2005

Superintendent Paul Anderson
Denali National Park
PO. Box 9
Denali Park, AK 99755-0009

RE: Comments on Revised Draft Backcountry Management Plan for Denali National Park and Preserve

Dear Superintendent Anderson:

On behalf of Bluewater Network -- a division of Friends of the Earth, and the countless concerned citizens we represent I respectfully submit the following comments on the Park Service's (NPS) revised draft backcountry management plan (RDEIS) for Denali National Park and Preserve.

Bluewater Network appreciates the time and effort that went into the plan. We fully support the NPS desire to bring its backcountry management into compliance with recent legislative mandates, visitor patterns, and new recreational technologies. The RDEIS is a step in the right direction. Bluewater Network supports the "People for the Parks Alternative: A Better Future for Denali" because it best protects park resources while permitting appropriate recreation activities and visitor services. We urge the NPS to adopt this alternative.

Issues that Need More Attention

Previous Comments

First, we ask that all comments Bluewater Network has submitted on previous versions of this backcountry management plan be included in the RDEIS official record. A copy of those comments is enclosed.

In addition, we provide the following information to provide a proper context as well as counter some incorrect information so that the NPS may better judge its current alternatives against the "Better Future" alternative. Specifically we draw the NPS attention to the following; the Organic Act compliance of its preferred alternative, Alaska's interpretation of federal law such as ANICLA and the Wilderness Act, the non-traditional use of off-road vehicles such as ATV and snowmobiles, and climate change.

Organic Act Compliance

Bluewater Network is concerned that the RDEIS does not comply with the legislative mandates contained within the Organic Act and its amendments. The Organic Act

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requires the NPS to leave park resources and wild life under its care “unimpaired” for the enjoyment of present and future generations. Unfortunately, the preferred alternative does not meet this requirement. In fact, the NPS admits on page 25 of the RDEIS that unless the agency receives staffing and funding increases – which are unlikely occurrences -- “it would not be possible to prevent impairment of park resources values given increases in visitor use.” To wit, Denali’s 2004 budget was down \$262,000 from the previous year. Despite the decreased budget, 2004 visitation was actually up roughly 20 percent from last year, placing increased demand upon already tight NPS resources. We fear that adopting alternative four is an unwarranted leap of faith by the Park Service and will only make matters worse, ultimately leading to the impairment of park resources, wild life, and values.

ORV and Snowmobile Use

On page 27 of the RDEIS the NPS states that off-road vehicle (ORV) operation and snowmobile access in the old park was considered but is not addressed in this plan. If we understand the NPS correctly, this means that plans and regulations addressing these uses will not be promulgated for the old park. We support these decisions. However, we urge the NPS to address ORV and snowmobile operation on park lands outside the old park.

Specifically, we ask the NPS to follow New York State’s lead which is finalizing policy to eliminate the recreational use of thrillcraft such as all terrain vehicles (ATV) on state lands. Specifically, the state’s draft ATV policy states that New York will not “encourage ATV use on [state] lands.” However, the state recognizes that ATV can be used as “means” to access other activities such as hunting, fishing, camping, hiking, etc. In other words, the recreational use of ATV will be prohibited. The state is adopting this new plan in order to address the “critical” and “impending impacts of public ATV access.”

Alaska Interpretation of ANICLA

Next, the NPS is giving too much weight to Alaska’s May 30, 2003 comments on the 2003 Draft Backcountry Management Plan. First, the state’s interpretation of the Alaska National Interest Conservation Lands Act (ANICLA) is seriously flawed. In particular, Alaska asserts that ANICLA section 1110(a) requires that NPS to show damage to “real” resources before it can restrict access. Moreover, the state implies that those resources do not include immeasurable, intangible aesthetic values and experiences such as soundscapes. However, ANICLA does not place any limits on the NPS’ ability to define the resources and experiences it is required to protect. Rather it states the Secretary can prohibit an activity if it damages “the resource values of the unit or area.” If Congress had meant to limit protection to what the state defines as “real” resources it would have explicitly stated such in the law. It did not. Rather, Congress requires the NPS to protect the area’s “resources values” which clearly includes the protection of non-tangible and more esoteric resources.

Along with a questionable reading of federal law, the state asserts that federal regulations require a factual determination of impact “on tangible, measurable resources of the unit as part of the rulemaking process.” The state appears to have made this requirement up out of whole cloth, for 43 CFR Part 36.11(h) merely restates the ANICLA requirement

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See NPCA-9.

BN-2

Statute and regulation already appear to provide the necessary emphasis on utilitarian usage of off-road vehicles and snowmachines. Generally, ORVs are only permitted in the Denali backcountry where traditionally employed for subsistence purposes. Some owners of land within park boundaries are also permitted to use ORVs by Section 1110(b) of ANILCA for access to their land. The use of snowmachines is allowed “for traditional activities” and “for subsistence purposes.” See the discussion in chapter 1, Applicable Laws, Regulations, and Policies. Also, see NPCA-18 and TWS-16.

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that closures be based on impacts to “resource values” and makes no mention of limiting determinations to tangible or measurable resources.

Third, in statements such as “ANICLA mandated access and use may not be subjectively curtailed by noise concerns” the state seems to argue that the NPS has no leeway to interpret its ANICLA mandates. Putting aside the fact that the state’s analysis appears to allow the NPS to limit access based on “non-subjective” noise analysis, the courts have consistently held that federal agencies such as the NPS are free to reasonably interpret their legislative mandates. This is exactly what the 2001 management policies do when they require the agency to protect soundscapes and other intangible resources. Finally, if the state believes so strongly that the 2001 policies violate ANICLA they could have easily challenged them in court. They didn’t, seriously calling into question the reality of their position.

Climate Change

We also urge the NPS to begin addressing climate change and its impact upon park resources. The RDEIS is an excellent opportunity to begin the process of preventing and mitigating changes that will result from rising global temperatures. Over the past 100 years, emissions of greenhouse gas pollution have led to increased global temperatures of more than 1°F, an unprecedented event in the last 1,000 years. Scientists worldwide predict that the pace of global climate change will accelerate over the next century and impact ecosystems with increasingly dramatic results. Average global temperature increase is projected to result in reduced water availability, increased catastrophic wildfires and storms, and habitat impacts that could wipe out entire species and ecosystems. Scientists predict a rise in sea level of up to 2.89 feet as a result of projected global temperature increases. Coupled with increasingly severe storm events, a sea level rise of this magnitude will reshape coastlines and submerge low-elevation islands entirely in both the U.S. and abroad. These global climate change impacts will occur so rapidly that many plant and wildlife species will not survive.

The Arctic in general and Denali National Park in particular will not be immune to these impacts. For example, the park’s diverse ecosystem could be altered, with warmer temperatures causing the melting permafrost, severe storms, drought, and exotic species spread. The National Park Service should encourage further study of global warming impacts and incorporate a plan for mitigation measures from such impacts in the park.

Conclusion

National Parks such as Denali are a great gift. Our grandparents put aside their short-term interests and invested in protecting these areas so that we may enjoy them today. At a minimum we owe it to our grandchildren to do the same. Selfish, short term, profit motivated interest should not guide the Park Service’s backcountry management plan. Rather, a long term vision, based upon the common good must be the guiding philosophy for all park management decisions. The RDEIS must also preserve as many options as possible for those future generations. In this light we urge the NPS adopt People for the

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The impacts of climate change are outside the scope of the backcountry management plan, which is only a limited General Management Plan amendment that primarily addresses visitor use in the park backcountry.

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Parks Alternative: A Better Future for Denali. It best protects park resources and values, while insuring appropriate and adequate public enjoyment.

Sincerely,

Sean Smith
Public Lands Director
Sean Smith
Bluewater Network
a division of Friends of the Earth
311 California St. #510
San Francisco, CA 94044
(w) 415-544-0790 x. 19
(f) 415-544-0796
www.bluewaternet.org

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Northern Alaska Environmental Center
830 COLLEGE ROAD, FAIRBANKS, ALASKA 99701-1535
PHONE: (907) 452-5021 FAX: (907) 452-3100
<http://www.northern.org> ♦ info@northern.org



PO Box 78 Denali Park, Alaska 99755
907-683-3396 www.denalicitizens.org

July 15, 2005

Paul Anderson
Superintendent, Denali National Park and Preserve
PO Box 9
Denali Park, Ak 99755

Dear Superintendent Anderson,

On behalf of Denali Citizens Council (DCC) and the Northern Alaska Environmental Center (NAEC), thank you for the opportunity to comment on the Revised Draft Backcountry Management Plan for Denali National Park and Preserve. We appreciate the assistance we've received from you and your entire planning staff over the course of this plan. We intend, with these comments, to provide you with substantive suggestions (numbered serially and in bold type) for how to create a final plan that better protects and preserves the unique resources and values of Denali's almost 6 million acres of backcountry, nearly 4 million acres of which are suitable for Wilderness designation and 2 million acres of which are statutory Wilderness.

The 300+ members of Denali Citizens Council and the 1,000+ members of the Northern Alaska Environmental Center favor maintaining Denali's natural integrity and wilderness character. Our founders actively supported increasing the size of Denali National Park and Preserve through the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. We continue to support the purpose for adding these 4 million acres - maintenance of an intact ecosystem including the entire Denali mountain massif, and provision opportunities for wilderness recreational activities. In addition, ANILCA specifies that the northern additions were made for ecosystem protection and protection of subsistence lifestyles. With this intent in mind, we are grateful that backcountry management guidelines for the northern additions emphasize resource protection and wilderness character in the RDEIS.

We recognize the importance of selecting a backcountry management strategy that accurately carries out the intent of legislation and park policy for Denali. We also recognize the importance of maintaining the "National Park difference" when managing Denali's backcountry. National Park Service's enabling legislation, the Organic Act, set down this "difference." It provided for the highest degree of resource protection on Park Service lands, and required that use of these lands must be consistent with protection of resource values. Other public lands do not carry this preservation mandate to such a high degree, and focus instead on multiple use and accommodation of a wide range of consumptive use and the attendant negative ecological impacts.

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The Park Service’s commitment to preservation of wilderness resources such as natural sound, intact ecosystem function, and the opportunity for solitude and primitive and unconfined types of recreation is essential to the continued health of one of our park system’s most internationally recognized achievements. To this end, DCC and NAEAC have invested a large amount of time and energy engaging the public and discussing appropriate management measures with our Board, members, and community.

With that in mind, we are concerned that the Park Service has undertaken the creation of a Backcountry Management Plan that does not focus enough on monitoring the health of the Park and Preserve. Because of the unique wilderness resources and values of the Denali backcountry, the Backcountry Management Plan should focus on analyzing the health of the ecosystem, mitigating impacts that are presently occurring, and preventing future impacts. In this regard, both the design of the plan and the actions common to all alternatives are incomplete. Problems include:

- Creation of management zones in the backcountry that will impair wilderness resources and damage the Denali ecosystem
- An inadequate Wilderness Management Plan
- Inadequate mitigation of existing impacts to the Denali ecosystem
- Incomplete description of how NPS and the public will monitor and enforce the standards in the RDEIS.

NPS obligation to avoid impairment

Denali National Park and Preserve is one of the largest and longest protected intact ecosystems in the world. We, as you, are dedicated to retaining the protections forever. Your obligation begins in the Organic Act, which directs NPS to “conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them *unimpaired for the enjoyment of future generations*.” (16 U.S.C. §1) This obligation not only requires you to mitigate resource impairments as they are found, but to anticipate and avoid them. This preservation mandate is further enforced by the Redwood Act amendments to the Organic Act, which state

The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided for by Congress.
(16 U.S.C. §1-1a)

The Wilderness Act

Much of Denali National Park is wilderness. This condition is well described in the Wilderness Act of 1964 as one in which geography and wildlife exist in a natural condition, where there are opportunities for solitude in a place relatively unaffected by modern technology, and where the intrusion of mechanized activity is absent. The 2 million acre core park is already designated statutory Wilderness. Most of Denali’s additions are suitable for Wilderness designation and must be managed for Wilderness suitability. We commend the NPS planners for listing opportunities for solitude, wilderness recreation, and natural soundscape as resource values in the RDEIS, and for providing indicators and standards with which to track these values. See our comments on the Wilderness Plan below.

Significance of ANILCA

The Alaska National Interest Lands Conservation Act added 4 million acres to then Mt. McKinley National Park in 1980. ANILCA instructed the parks to prepare management plans for all the parks,

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leading to this very plan, instructed all parks to review their lands for recommendation as statutory Wilderness, and provided some exceptions to then existing park management for certain activities on park lands. The two main exceptions were:

- Subsistence activities, including hunting and trapping, would be permissible on conservation system units established by ANILCA, if they were well established on those lands prior to 1980.
- Special access by snowmachines, airplanes and motorboats to reach inholdings and for traditional activities was permitted, subject to regulations to protect park resources.

Much is made of these exceptions to normal park management in the BCMP, but, as explained below, ANILCA's access provisions were created for special situations that existed prior to 1980, where there were pre-existing rural communities on lands incorporated into conservation system units, communities who relied on motorized transport between villages and for the consumptive activities consistent with living a rural life. Other than providing for reasonable, regulated access for existing traditional activities or to existing inholdings, nothing in ANILCA intends to expand the nature or scope of allowable activities within Alaska's national parks.

Relationship of this Plan to prior Denali Planning Documents

We are aware that the Final Backcountry Plan will be an amendment to the General Management Plan of 1986, prepared pursuant to ANILCA. The GMP laid out policy guidelines and facility planning for the future of Denali National Park and Preserve. The GMP recognized the many trends that would affect policy and planning for Denali over the next 20 years, including:

- Growth of large scale tourism in the Denali area, and the need to cap vehicle use on the park road.
- Desirability of developing an alternative visitor center on the South side of the mountain.
- Need for continuous resource management and monitoring.
- NPS intent to purchase the surface estate of mining claims in the park.
- NPS intent to perform and complete a Wilderness Suitability Review.

With the passage of nearly 20 years, the planning objectives of the GMP remain only partially realized. Motorized use by snowmachines in parts of the southern additions has become established, use of aircraft for scenic overflights and airplanes for access both in Kantishna and at several landing areas in the mountaineering area south of the park has increased dramatically. The growth of hotel accommodations in areas just outside the entrance to Denali has placed a great deal of pressure on park resources.

The Entrance Area and Road Corridor Plan, completed in 1997, planned for facilities development at the entrance area of the park to accommodate some of this demand and laid down stipulations for the park's road corridor to cap vehicle numbers there. Its companion document, this Backcountry Management Plan, will complete the planning guidance for the entire park and will amend the GMP, along with the South Denali Implementation Plan, still in draft form. These four documents will, as a whole, provide guidance for managing Denali into the next decade or two.

As such, it is important that these documents present a consistent message that prioritizes protection of the resource as a necessary precursor for a quality visitor experience.

To this end, we have three suggestions.

- 1. Clarify the difference in vision between management for the Park Frontcountry and the Backcountry.**

The Final Entrance Area and Road Corridor Plan, under General Vision (p. 14), states

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The National Park Service agrees that the backcountry experience is distinct from the frontcountry experience at Denali, and believes the General Vision expressed in the plan is consistent with NPS intent, as are the management actions. However, while the National Park Service intends for the frontcountry to be the location where visitor facilities and services such as food and restrooms are provided, the intent is not to restrict the entire backcountry only to those visitors who are capable of launching extended, independent backcountry expeditions. There are experiences to be had in the Denali backcountry that are appropriate for those visitors who want to learn about park resources that are not accessible from the road, or for those who want to learn how to travel in a wilderness setting, or for those who want to push themselves a little past their comfort level to experience wilderness on its own terms. These visitors may not wish or be able to spend as much time in the backcountry, or they may need the assistance of a guide. The backcountry should be accessible to these visitors.

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*The general vision for the frontcountry of Denali National Park and Preserve is for an area that, 15-20 years from now, still offers the nation's premier opportunities to observe large wildlife species and the highest peak in North America in a primitive, natural setting. The frontcountry area services and facilities would allow **as many visitors as possible** to view and experience these resources without degrading the resources or the premier visitor experience. (FEIS, p. 14)(emphasis added)*

The Revised Backcountry Management Plan, under General Vision, states

The National Park Service will preserve outstanding opportunities to view wildlife and mountain scenery, to experience wilderness, and to study wildlife, habitat and ecosystem patterns and processes in the backcountry of Denali National Park and Preserve.

***Denali will retain its unique status as a park that offers an undeveloped Alaskan wilderness park experience** distinct from the wilderness and park experience in the other states, while being more accessible than most national parks in Alaska because of the adjacent highway system and interior park road. In order to preserve the park's character and unique recreational opportunities, the National Park Service will seek to provide recreational opportunities in the Denali Park backcountry that are compatible with the unique resources and values for which the park was established. Other recreational activities can occur on adjacent public lands that possess excellent wildland qualities but also have broader management mandates that are more appropriate for some uses... (RDEIS, p. 10) (emphasis added)*

The final plan should emphasize that the backcountry experience is different from the frontcountry experience. For a more directed, comfortable and low time commitment Park experience, the frontcountry would be the appropriate location for a visitor. For experiences that may require more effort and time, and less convenience or assistance, the backcountry would be the preferred choice. It is unnecessary to provide convenient, quick and easy experiences in the backcountry and the two areas of the park should complement one another to provide the full range of opportunities.

2. Clarify the meaning and applicability of management zones in prior plans to promote internal consistency with the RDEIS.

In the GMP, the following terms are used to refer to zones or classifications of park lands. Are they being replaced by different terms in the RDEIS for Backcountry Management? *Natural Area, Park Development Zone, Special Use Zone, Outstanding Natural Feature Subzone*
In the Entrance Area and Road Corridor EIS, the following terms are used to describe areas adjacent to the park road that verge on the backcountry. Do they still exist for the Revised Backcountry Plan? *Backcountry Day Use Zone, Development Zone D-1 and D-2, Motorized Sightseeing Zones 1,2 and 3, Hiker.*

3. Recognize that caps and limits to access and types of activities will be necessary to preserve Denali's wilderness backcountry, rather than assuming that South Denali development will absorb the extra demand, as stated in the GMP.

The General Management Plan (1986), at page 15, states that

...visitors who cannot be accommodated on the north side of the park can be accommodated on the south side once the proposal for south-side development is implemented. In fact, development of the south side of Denali as an alternative visitor destination is expected to provide additional recreational opportunities for

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DCC-2

Additional language has been added to chapter 1 to clarify the relationship among management zones between the 1986 *General Management Plan* and subsequent amendments, including this one.

DCC-3

The plan recognizes that caps on visitor use may be necessary to preserve wilderness resource values and other park resources. Establishing limits on the number of visitors is one of the tools for managing access to achieve the standards in the plan. However, the goal of the plan is not to limit visitation, but to protect park resources and a range of visitor opportunities. Caps on visitor use would be established only if necessary to protect park resources.

2

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Comments

visitors to Denali, resulting in a leveling off of demand for transportation services and accommodations in the northern part of the park.

This language is outdated, in view of rising demand and the need to protect this park into the distant future, when world population and demand will continue to rise. It is no longer easy to predict that south side development will absorb ALL the extra demand to visit Denali National Park and Preserve. NPS needs to take the opportunity provided by this Plan to assert a well known truth, that is, *to protect the resource and the visitor experience, caps on some types and levels of use are appropriate and necessary to protect resources.*

General Vision – Preferred Alternative 4

In an overview of Alternative 4, the preferred alternative, the RDEIS states that this plan would *provide opportunities for a variety of wilderness recreational activities and experiences by establishing areas to serve those visitors who want to experience the wilderness resource values of the Denali backcountry but require services, assistance or short time commitments. However, the areas would be of sufficient size to accommodate anticipated growth in the next 20 years and would be focused along the park road in the Old Park and Kantishna; at the Ruth, Tokositna and Kahiltna Glaciers; and in the Dunkle Hills/Broad Pass area. The remainder of the backcountry would be managed for dispersed, self-reliant travel, and would include opportunities for extended expeditions in very remote locations.* (RDEIS, p. 70)

Denali Citizens Council disagrees with the selection of Alternative 4 as the preferred alternative, for several reasons:

- NPS is not obliged to provide easy access to a “backcountry experience” through use of corridors and crowded portals. As stated above, these more convenient, assisted experiences should, where at all possible, be confined to the frontcountry.
- Management Area A designations for the identified areas (Kantishna, the Ruth, Tokositna and Kahiltna Glaciers and Dunkle Hills area) would, in our opinion, allow impacts that would impair suitability for Wilderness suitability in areas that you have agreed to manage for Wilderness suitability. There are no hard and fast rules out there that state unequivocally where the line is crossed to impairment, but Management Area A permits *High* encounter rates and natural sound disturbance, and *Medium* levels of Trail disturbance and evidence of modern human use. Taken as a whole, these standards seem too likely to impair wilderness character.
- The presence of high use corridors and air access portals in the Management Area A designations further impairs Wilderness suitability by setting the upward limit for its indicator at *Very High* encounter rates and *High* evidence of modern human use. Granted some of the corridors are in Kantishna, where much of the area is not deemed suitable for Wilderness designations. Simply because there are already over 200 overnight guests in Kantishna, however, does not justify the further encouragement of backcountry use, guided backpacking, and designated campsites. \

4. Our suggestion: Apply the Vision expressed in the Overview for Alternative 2 in the RDEIS, p. 61 to the Final Plan, as follows:

This alternative would distinguish a unique Denali experience based on dispersed use in a wilderness landscape with few sights or sounds of people or mechanized civilization. There would be few services, facilities or signs of management presence. This alternative would most clearly distinguish the backcountry experience in Denali

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DCC-4

Corridor and Portal management areas are necessary to provide access where travel options are limited. They are not in themselves necessary to provide “easy access” or “convenient, assisted experiences.” They are necessary to allow for access in some locations where airplane landing areas are limited or where travel corridors are confined, as on rivers. Visitors can use the Corridors or Portals for access before dispersing into surrounding areas for backcountry experiences that may in fact be quite arduous and lengthy.

DCC-5

Although Management Area A, Corridors, and Portals do allow for higher levels of use than in other portions of the park, it is difficult to conclude that they would impair wilderness resource values. There are many designated wilderness areas in the Lower 48 that receive this much use. Although Alaskan parks, and Denali in particular, should be held to a high standard for reasons articulated in chapter 1, it seems reasonable that some parts of the park and preserve could allow for higher levels of use that might be more typical of wilderness areas in more crowded parts of the country. Refer to the definition of impairment in the general Methodology section of Chapter 4: Environmental Consequences.

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from the surrounding public lands, providing a place primarily for visitors who are very self-reliant, and would include many opportunities for extended expeditions in very remote locations. Backcountry users seeking other experiences would find those opportunities on neighboring lands.

This is arguably the only Vision that will protect and preserve the Denali Park Backcountry through many generations into the future. This Vision makes a *high quality wilderness recreation experience* more likely for our great grandchildren.

Wilderness Management

Denali National Park and Preserve was founded and expanded in part to preserve unaltered ecosystems in their natural state and to preserve wilderness values.¹ The Park and Preserve additions were specifically added to provide continued wilderness recreation activities.² ANILCA also adopted the definition of wilderness from the Wilderness Act.³ This definition states

A wilderness, in contrast with those areas where man and his own works dominated the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which

(1) generally appears to have been affected primarily by forces of nature, with the imprint of man's work substantially unnoticeable;

(2) has outstanding recreation opportunities for solitude or a primitive and unconfined type of recreation;

(3) has at least five thousand acres of land or is of sufficient size to make practicable its preservation and use in an unimpaired condition; and

(4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historic value.⁴

As noted in your Wilderness Suitability Review, about 3.73 million acres of the Park and Preserve additions were found suitable for wilderness designation.⁵ Although NPS ultimately recommended wilderness designation for 2.25 million acres, the Secretary of the Interior and President never forwarded the request to Congress. Despite this fact, and although new activities are proposed in the Backcountry Management Plan that could degrade wilderness resources, the RDEIS proposes to present a legitimate Wilderness Management Plan.

To meet this statutory obligation, NPS must forward Wilderness recommendations, manage suitable Wilderness as de facto Wilderness, provide a valid Wilderness Management Plan, and mitigate ongoing activities that either impair wilderness resources or preclude future designations.

(1) Wilderness Designation and Recommendation

¹ 16 U.S.C. §§ 3101-3223 (See §101)

² Id. (See § 202)

³ Id. (See § 102)

⁴ 16 U.S.C. §§ 1131-1136.

⁵ NPS. Denali General Mgt. Plan/Land Protection Plan/Wilderness Suitability Review (1986).

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As stated above, the Secretary of Interior has failed to complete the Wilderness Designation process. During this time, there have been changes to the resources of the Park and Preserve additions. For example, in the twenty years since the Suitability Review, there have been reclaimed areas in the Kantishna Hills that would likely be identified as suitable for designation. There has also been a large increase in snowmachine use and other unacceptable impacts to the Park Preserve and Additions. Despite the fact that no action has been taken on this ANILCA mandate, NPS puts Wilderness Suitability and Wilderness Recommendations under the “Planning Issues Considered but Not Addressed” section of the document.⁶

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(2) Management of Lands Suitable for Wilderness Designation

As discussed above, the Park Service has made a formal finding that 3.73 million acres of the Park and Preserve are “suitable” for wilderness designation. Both the General Management Plan and Park Service regulations require that these lands be managed as statutory wilderness until the formal designation process is complete. As stated in the RDEIS, Chapter 6, Section 6.3.1 of Park Service Management Policies describes this obligation in detail:

For the purpose of applying NPS wilderness policies, the term ‘wilderness’ includes the categories of suitable, study, proposed, recommended and designated wilderness. NPS wilderness policies apply regardless of category . . . In addition to managing these classified areas for the preservation of their wilderness values, planning for these areas must ensure that the wilderness character is likewise preserved . . . The National Park Service will take no action that would diminish the wilderness suitability of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. Until that time, management decisions pertaining to lands qualifying as wilderness will be made in expectation of eventual wilderness designation.⁷

The Denali General Management Plan, to which the Backcountry Plan is an amendment, similarly concludes that

[a]ll lands determined suitable for wilderness designation will be managed under the terms of ANILCA to maintain the wilderness character and values of the lands until designation recommendations have been proposed and Congress has acted on these proposals.⁸

Despite these mandates, however, the Park Service states that it will only manage the 2.25 million acres of *recommended* wilderness for wilderness values.⁹ This statement impermissibly lessens the management responsibility for the 1.48 million acres of remaining *suitable* wilderness that was not recommended. The Park Service must recognize that all lands suitable for wilderness must be managed as wilderness.¹⁰

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Similarly, you are obligated to manage the areas in the Kantishna Hills that are now suitable for wilderness as de facto wilderness. As stated in a 2002 Park Service guidance memorandum: “wilderness review is an on-going affirmative NPS obligation.”

⁶ RDEIS, pg. 26.

⁷ RDEIS, pg. 21.

⁸ Id.

⁹ RDEIS, pg. 26.

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DCC-6

See P&P-6.

DCC-7

This plan specifies that the National Park Service would manage the backcountry of Denali to protect wilderness resource values throughout the park and preserve because of legal direction from ANILCA, Denali’s specific management history and philosophy, public interest, and NPS Management Policies. NPS Management Policies specify that the agency “will take no action that would diminish the wilderness suitability of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed.” The statements in chapters 1 and 3 that referred to “recommended” wilderness have been removed in the modified preferred alternative.

Comments

(3) Wilderness Management Plan

Although the Backcountry Management Plan is proffered as a substitute for a Wilderness Management Plan, the preferred alternative under the Backcountry Management Plan allows heightened impacts to wilderness, authorizes illegal activities incompatible with wilderness, ignores the Park Service's failure to finish the Wilderness Recommendation process, and does not adequately evaluate and mitigate park wide and site specific impacts to the backcountry.

An adequate wilderness management plan must focus on the wilderness as a whole and provide for mitigation of impacts, monitoring of resources and strict enforcement. However, the RDEIS gives only a half hearted effort at producing a full fledged Wilderness Plan. The Wilderness Plan as included in the RDEIS is not a discreet plan but instead a hodge-podge of page references.

In appendix B, p. 489, you list the requirements for a full fledged Wilderness Plan. However, you admit that

This plan does not, however, follow the outline recommended in Appendix D of Reference Manual 41 for constructing Wilderness Management Plans since its primary purpose is to serve as a General Management Plan amendment and several wilderness plan components are addressed in other park planning documents.

Our suggestions are as follows:

- | | |
|---|----|
| <p>5. Compile a separate, free-standing or appended Wilderness Management Plan organized according to the outline shown in Appendix B of the RDEIS. Combine within this plan the bits and pieces that appear throughout the Backcountry Plan and other planning documents, that describe the Wilderness Act, legislative history, and your commitment to preserving wilderness resource values. Changes and additions are suggested below.</p> | 8 |
| <p>6. Under "A. Goals and Objectives of the Plan," we applaud your inclusion of wilderness character and opportunities for solitude as core values and agree that they are measurable and can be tracked using visitor surveys and monitoring activities. The Goal Statement should reassert NPS resolve to forward Wilderness recommendations to Congress in a timely fashion for Denali's additions. We support the NPS recognition that Denali's northern additions have high wilderness values and relatively little impairment at present and urge you to insert language in the Wilderness Plan that supports non-degradation of the high resource values in this area.</p> | 9 |
| <p>7. Under "Goals and Objectives" please include language that Denali's additions, 3.75 million acres of which have been deemed suitable for Wilderness designation, will be managed in a way to retain their Wilderness suitability,</p> | 10 |
| <p>8. Under "B. Establish Desired Future Conditions," we argue that not all of the Management Areas to which you refer here could be applied to areas suitable for Wilderness designations, since they will allow encounter rates, evidence of modern use, trail and campsite disturbance and natural sound disturbance to reach a level that impairs Wilderness suitability. These areas are as follows: Management Area A,</p> | 11 |

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DCC-8

The outline for a Wilderness Management Plan provided in NPS Reference Manual 41 provides recommended content only. Because almost all of the Denali backcountry falls under the provisions of NPS Management Policies that require a Wilderness Management Plan, and because so many elements of the GMP amendment and the Wilderness Management Plan would overlap, the sensible and efficient approach is to combine the two. The organization of the document adds coherency as compared to the recommended organization in Reference Manual 41.

DCC-9

See P&P-6.

DCC-10

One of the plan's objectives is to "protect and preserve the park's wilderness resource values, including its wilderness character and outstanding opportunities for solitude." It is elsewhere clarified that wilderness resource values are found throughout the backcountry, particularly in the Denali Wilderness and on lands deemed suitable for wilderness designation.

DCC-11

See above, DCC-5.

Comments

Portals, Corridors, Management Area C, and the mountaineering special use areas. A Wilderness Management Plan cannot set desired future conditions that would violate the principles of Wilderness Management. In other words, the Backcountry Management Areas described in the RDEIS cannot be applied in their entirety to the management structure of a Wilderness Management Plan.

9. Under “C, Establish Monitoring Indicators & D. Establish Standards for Indicators,” the indicators and standards that allow high levels of natural sound disturbance, high encounter rates and medium trail and campsite disturbance are again inappropriate to use for managing Wilderness and suitable wilderness, and thus should not be included in a Wilderness Plan.

10. Under, “Establish Visitor Use Levels,” the Wilderness Plan should commit to a reasonable monitoring strategy that has the intention of developing quotas for each Backcountry Unit that exists within areas suitable for Wilderness designation. This would include monitoring by at least two backcountry rangers plus a valid interview strategy to gather information from visitors and yearly analysis of data for at least the first five years of the plan.

12

11. Hiking group size. We support the establishment of a maximum group size of 12, as a general concept. However, the Wilderness Plan and the entire Backcountry Management Plan, should qualify this number by stating, “it may be necessary in some areas to limit group size to prevent resource damage and preserve a wilderness experience.” This would be especially true in the more mountainous areas of the park that are not ice or snow bound, such as the headwaters of the Teklanika, Sanctuary, Savage, Thorofare, Clearwater and Muddy Rivers, and all areas in OP-2.

13

Access Management – Snowmachines

One of the purposes of this plan will be to provide access management advice to the National Park Service. We agree that access is one of the most contentious aspects of the RDEIS, since access management covers mechanized activities in the park and additions, including snowmachine access, aircraft overflights, and aircraft landings for scenic and other purposes.

While we recognize that ANILCA granted access to snowmachines for traditional activities into the additions of Denali National Park and Preserve, this access is not unfettered. We urge NPS to get a handle on de facto recreational snowmachining by promulgating a rulemaking to define traditional activities for snowmachine use in the park additions. Below you will find the legal basis for our recommendation, based on the definition of traditional activities, and also on the resource impacts that are sure to occur from snowmachining.

(1) Traditional Activities

The preferred alternative permits recreational snowmachine use in the Park and Preserve under three alternatives, including the Park Service’s preferred alternative. The Park Service justifies this by failing to enforce ANILCA’s § 1110(a) which allows special snowmachine access “for traditional activities . . . and for travel to and from villages and homesites.”¹¹ Under several alternatives, including the preferred alternative, the RDEIS ignores ANILCA’s mandate and fails to distinguish between recreational

¹¹ 16 U.S.C. § 3170(a)

Response to Comments

DCC-12

See above, DCC-3

DCC-13

The modified preferred alternative establishes a maximum group size of six in Management Areas OP-2 and D. The Access tools provide additional flexibility to limit group size if necessary.

Comments

snowmachining, which includes racing, touring, and highmarking, and snowmachining for truly “traditional activities.” Congress provided for several examples of traditional activities for which it meant to grant access in § 1110(a): “subsistence and sport hunting, fishing, berrypicking, and travel between villages,” provided that the activity was generally occurring in the area before its designation in ANILCA.¹²

The Park Service has previously provided a definition for traditional activities, but has only applied the definition to the 2 million acres that makes up the Old Park. Tracking Congress’ intent, this definition states that a “traditional activity” is one that:

“generally and lawfully occurred in the Old Park contemporaneously with the enactment of ANILCA, and that was associated with the Old Park, or a discrete portion thereof, involving the consumptive use of one or more natural resources of the Old Park such as hunting, trapping, fishing, berry picking or similar activities. Recreational use of snowmachines was not a traditional activity. If a traditional activity generally occurred only in a particular area of the Old Park, it would be considered a traditional activity only in the area where it had previously occurred. In addition, a traditional activity must be a legally permissible activity in the Old Park.”¹³

This definition, which is based upon the Park Service’s statutory mandate to allow special access as an exception to the general prohibition, is reasonable and was adopted after a lengthy public process in which there was overwhelming support for protecting the unique character of Denali from the emerging non-traditional use of recreational snowmachines.

The RDEIS alternatives are formulated under the incorrect assumption that the Park Service has the latitude to interpret “traditional activities” in a manner that is inconsistent with the enabling legislation. While Alternatives 2 and 3 would correctly apply the Old Park definition to the ANILCA Park and Preserve additions, Alternatives 1, 4, and 5 allow recreational snowmachining by providing no additional guidance on what qualifies as a “traditional activity.”¹⁴ In the preferred alternative (Alt. 4), the Park Service simply states that snowmachining would be allowed for traditional activities. Placing their proverbial head in the sand, the Park Service pretends that by not defining traditional activities, they will not have to address the increasing illegal recreational snowmachine intrusions into Denali National Park and Preserve.

Despite this, the RDEIS states that “[t]he preferred alternative contains no explicit authorization for recreational snowmachine access.”¹⁵ This is ostensibly because the Backcountry Management Plan allows snowmachining only for undefined “traditional activities.” As any Denali area resident can tell you (and as many stated during the public hearings), there are often crowds of snowmachiners recreationally riding on Park and Preserve lands. This use, which is apparently not ‘explicitly’ authorized, is even implicitly encouraged through Park Service press releases letting the public know that the Park and Preserve additions are open for snowmachining.¹⁶

The Park Service must define “traditional activities” for the entire Park and Preserve. ANILCA does not apply only to certain sections of the Park. Defining a statutory mandate for one area of the Park and

¹² S. Rep. No. 96-413, at 247-248 (1980), reprinted in 1980 U.S.C.A.N. 5191-92.

¹³ 36 C.F.R. 13.63(h)

¹⁴ Alternative 3, however, still illegally allows snowmachining in management areas designated as “corridors.”

¹⁵ RDEIS Executive Summary, pg. 4.

¹⁶ See, e.g., Denali National Park and Preserve News Release dated December 11, 2003 (“Snowmobiling for Traditional Activities Currently Available in Some Portions of Denali National Park and Preserve”).

Response to Comments

DCC-14

Two alternatives of the *Revised Draft EIS* plan contained a proposed definition for “traditional activities.” The National Park Service considered public comment favoring adoption of those or similar alternatives as well as the two alternatives that did not include a definition, and chose an alternative that did not include a definition for the preferred alternative. The National Park Service believes that a definition is not required at this time in order to achieve the goals and standards described in the plan, but retains the discretion to define “traditional activities” for the park additions and preserve in the future if it becomes necessary to do so.

Comments

Preserve and then using the lack of a definition for another area to implicitly allow an activity expressly banned by the operative definition is disingenuous at best, and constitutes an arbitrary and capricious decision that is not in accordance with ANILCA. Indeed, the folly of not defining the term was recognized during the promulgation of the final rule banning recreational snowmachines from the Old Park. There the Park Service stated that

*NPS intends to define traditional activities and apply such definitions to other park areas, including the remainder of Denali National Park and Preserve, in subsequent processes, such as future rulemakings to implement backcountry management plans for some of the national parks in Alaska.*¹⁷

The Park Service has proffered no reason why this promise and statutory mandate is only met in two of the non-preferred alternatives.

Even if the Park Service were to justify snowmachining as a “traditional activity” by finding some level of recreational snowmachine use in the Park and Preserve additions prior to the adoption of ANILCA, the Park Service would have to limit snowmachine use to that level and to that area of the Park and Preserve where it occurred. The Park Service, having provided no examples of pre-ANILCA snowmachine use for legitimate “traditional activities” in the Park and Preserve additions can therefore permit no use even if recreational snowmachining was defined as a “traditional activity.” It is unclear how a “large but unquantified expansion of snowmachine use in Denali during the 1990s”¹⁸ can be justified as a “traditional activity” occurring at the time of adoption of ANILCA.

The Park Service has abdicated both its responsibility to manage the Park and Preserve additions under ANILCA’s special access guarantee and its responsibility to undertake and present to the public a detailed analysis of the impacts of activities likely to occur under the Plan. The disingenuous lack of a “traditional activities” definition is a de facto illegal authorization of recreational snowmachining. As promised in 2000, a legally adequate definition of “traditional activities” is required under the Backcountry Management Plan.

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(2) Impairment

Regardless of the definition of what constitutes a “traditional activity,” it is quite clear that recreational snowmachining causes unacceptable impacts to the ANILCA additions to the Park and Preserve. While the RDEIS provides only a general picture of potential impacts from the alternatives, the description of snowmachine impacts make quite clear that recreational snowmachine use is both incompatible with the purpose of the Park and Preserve and causes unacceptable impacts that rise to the level of illegally impairing Park and Preserve ecological and wilderness resources. .

16

A brief review of the RDEIS description of the general impacts of snowmachining is quite stark. Impacts occur to nearly all resource categories analyzed, including:

- Impacts to wildlife, including behavioral alteration, habitat avoidance (including denning displacement), and increased energy expenditure at critical times when animals are under extreme stress (such as winter, when energy conservation is critical).¹⁹

¹⁷ 65 Fed Reg 37867 (June 19, 2000).

¹⁸ RDEIS, pg. 217.

¹⁹ RDEIS, pg. 257.

Response to Comments

DCC-15

Chapter 4: Environmental Consequences provides in general terms an accurate picture of the type of use likely to take place under the alternatives of the plan, given the limitations of available data, including the type of snowmachine use (see the Assumptions section and discussion under most of the impact topics). See PpP-5 for a discussion of the “traditional activities” definition. There is no requirement for the National Park Service to define “traditional activities” at this time or in this plan.

DCC-16

The use of snowmachines for traditional activities and for subsistence purposes is provided for by statute. The use of snowmachines specifically for recreational purposes is not provided for in the plan. The management area standards and adaptive management framework in the modified preferred alternative would provide the tools necessary to assure that legal use of snowmachines would not impair park resources.

Comments

- Compaction of snow over ice-rich permafrost soils thereby altering snowmelt, increasing soil moisture, reducing the length of the growing season, and lowering soil temperatures beneath the trail and altering physical processes. This includes reducing the suitability of a site for seed germination and spring flower viability as well as increasing surface runoff, reducing infiltration, increasing surface runoff, impeding gas exchange between soil and air, inhibiting root growth, and adversely affecting soil organisms.²⁰
- Direct loss of vegetation through the creation of trails, structural damage to plant tissues, and increased erosion. This leads to change in plant community composition. Indirect effects include changes in the thermal properties of snow from compaction which causes both a reduction in the insulating property of the snow and the lengthening of the duration of snow cover, which, in turn, shortens the growing season for plants.²¹
- Excessive degradation of soundscape through the displacement of ambient natural sound by motorized intrusion.²²
- Degradation of wilderness character through increased encounters with other parties, evidence of modern human use (including the creation of informal trails), and lack of solitude.²³
- Impacts to subsistence resources through interference with traplines, displacement of furbearers, and creation of paths that encourage animals to travel farther from places where subsistence activities generally occur.²⁴
- Impacts to cultural resources as snowmachine use increases and cultural sites are more prone to increased visitation.²⁵

Beyond the resource categories examined by the Park Service, there are other unacceptable impacts from snowmachining. These include emission of airborne toxins including nitrogen oxides, carbon monoxide, ozone, particulate matter, aldehydes, 1,3 butadiene, benzenes, and extremely persistent polycyclic aromatic hydrocarbons (PAH). Several of these compounds are listed as “known” or “probable” human carcinogens by EPA. All are believed to cause deleterious health effects in humans and animals well short of fatal doses.²⁶ Toxic raw fuel and air emissions accumulate in the snowpack along rivers, streams and lakes. 80% of the pollutants in the snowpack have been found to be released during the first 20% of snowmelt, and this acid pulse is a major cause of death for aquatic insects and amphibians.²⁷

The Park Service reviews and proposes no real studies on the impacts to the Park’s ecological processes and wilderness resources. For example, “[n]o quantitative studies have been completed on the impacts of snowmachine use on vegetation in the Denali National Park area . . .”²⁸ However, “[v]isual assessments in the Bull River/Foggy Pass area and the Windy-Foggy-Easy Pass area have indicated that broken shrub stems, stripped bark (from abrasion), trail development, and late-melting snow were evident in high-use snowmachine areas.”²⁹ Specific impacts on vegetation, wildlife, air, water, and soil beyond these visual assessments are not evaluated or provided in the RDEIS. Without such an analysis and a finding of no impairment, the Park Service simply cannot permit recreational snowmachining on Park and Preserve additions.

²⁰ RDEIS, pg. 221.

²¹ RDEIS, pg. 232.

²² RDEIS, pg. 286.

²³ RDEIS, pg. 311.

²⁴ RDEIS, pg. 333.

²⁵ RDEIS, pg. 359.

²⁶ Environmental Protection Agency. 1993. Motor Vehicle-Related Air Toxics Study.

²⁷ Rawlins, C.L. 1993. *Sky’s Witness: A Year in the Wind River Range*. Henry Holt and Company, New York.

²⁸ RDEIS, pg. 232.

²⁹ Id.

Response to Comments

DCC-17

The standards contained in the modified preferred alternative are anticipated to accommodate only relatively low levels of snowmachine use in the park additions and preserve. While it is the goal of the National Park Service to reduce anthropogenic emissions wherever feasible within park boundaries, expected ambient concentrations of emissions from projected levels of dispersed snowmachine activity are likely to be below National Ambient Air Quality Standards, and therefore were not addressed in the BCMP. The accumulation of toxic airborne contaminants in the environment from localized as well as international sources is also of concern to the agency. However, there is insufficient data to presume that deleterious levels of contaminants would be released into the ecosystem from anticipated levels of snowmachine use. The National Park Service retains its ability to utilize the tools identified in the Access section of this plan to protect park resources from air pollutants or toxic releases if clear problems were identified.

DCC-18

The National Park Service provided all of the relevant information related to snowmachine impacts to vegetation, wildlife, water, and soil for which definitive information was available and for which NPS resource experts felt the data could support conclusions regarding adverse impacts. The National Park Service does not authorize recreational snowmachining in this plan. Snowmachines access remains allowed “for traditional activities,” travel to and from villages and homesites, and subsistence use as authorized by law. Additional monitoring for vegetation damage would occur as part of plan implementation as described in Table 2-2.

Comments

These problems with both the Park Service's management of Denali and the lack of information provided on the impacts of snowmachining were made quite clear in official comments on the first EIS by the United States Environmental Protection Agency. EPA stated:

*We have focused our review on the potential impact of snowmobile use on the environment at Denali National Park because we believe that snow machine use, among all proposed uses under the Backcountry Management Plan, has the greatest potential to cause significant environmental impacts . . .*³⁰

EPA further admonished the Park Service for the generality of their discussion of snowmachine impacts and suggested that the Park Service

*does not tie these impacts to locations of concern in the Park additions where the most valuable or sensitive resources might be. Thus, the impacts remain largely undefined. The uncertainty raises concerns because this EIS will, for the first time at Denali National Park, result in the establishment of guidelines permitting widespread snowmobile use without a full understanding of the risk to environmental resources within the Park Addition.*³¹

This reservation on the part of EPA is particularly valid for the Bull River-Dunkle Hills area, marked Management Area A in the RDEIS and shot through with three high use corridors. This area is known to have been caribou calving grounds as recently as 1996 and caribou spend time in the Cantwell area during the winter. This general area is known to be valuable moose habitat as well. The preferred alternative and the entire Revised Backcountry Plan in general avoid discussing how impacts to park wildlife will be monitored and mitigated in the higher use areas, Management Area A and Corridors).

The area is, in addition, important for subsistence users. The Denali Subsistence Resource Commission has gone on record as concerned regarding user conflicts with recreational snowmachining.

We concur with the EPA, whose comments have not been addressed in the revised DEIS. The Park Service must examine both the park wide and site specific impacts of snowmachining. These will confirm what should realistically be the Park Service's default assumption that snowmachines are now or will in the future impair a variety of Park and Preserve resources.

It is also unclear how the Park Service reconciles the de facto authorization of widespread snowmachine use with the findings of the Final Rule on the closure of the Old Park to recreational snowmachining. There the Park Service stated quite clearly that *"any snowmachine use in the Old Park would be detrimental to the resource values of the area."*³²

Citing the same impacts as presented in this RDEIS, the Park Service concluded that the degradation of wildlife, vegetation, soils, and air and water quality coupled with conflicts between snowmachine use and other recreation and subsistence users, led to a need to ban snowmachine use.³³ A complete reversal in this RDEIS is arbitrary and capricious.

³⁰ RDEIS, pg. 470.

³¹ RDEIS, pg. 471.

³² 65 Fed Reg 37867 (June 19, 2000).

³³ NPS, "Statement of Findings, Permanent Closure," June 2000.

Response to Comments

DCC-19

The modified preferred alternative includes specific direction for monitoring impacts of visitor activity on park wildlife. The management actions described under the Access section of the modified preferred alternative provide management options if monitoring demonstrates a need for action. In addition, the modified preferred alternative has provisions for restricting access if necessary to protect park resources, including wildlife habitat during critical times. For example, if, in the future, caribou crossed into the Dunkle Hills to calve, the National Park Service could temporarily close the Dunkle Hills to all snowmachine access during the calving period, which would provide a reasonable remedy without having to take the more drastic action of closing the entire area to snowmachine access for traditional activities.

DCC-20

The modified preferred alternative is a GMP amendment that addresses management of snowmachine use very broadly. No site-specific proposals were made for snowmachine use or management, so no site-specific impact analysis is necessary or possible. If during implementation there are site-specific measures taken – for example, implementing winter season Corridor management areas that could be used by snowmachines – then site-specific analysis would be appropriate.

Comments

(3) Recreational Opportunities on Surrounding Lands

Finally, the Park Service fails in following their own directive to “define the recreational opportunities of the Denali backcountry and wilderness in the context of a spectrum of recreational opportunities available on public lands in the Denali region.”³⁴ Analysis of snowmobile use on 34.3 million acres of federal and state lands in Southcentral Alaska shows that over 95% of those lands (32.8 million acres) are currently open for snowmachine use.³⁵ It is unclear how the Park Service reconciles the need for increased recreational snowmachine access in the one area managed for “preservation of wilderness character and . . . protecting the park’s intact natural ecosystem”³⁶ which is surrounded by lands managed for multiple use.

Our suggestions regarding snowmachine access are as follows:

12. Promulgate a rule to limit snowmachine access in Denali’s additions by defining traditional activities. This will involve a public process and an open investigation of the intent of ANILCA. It is our firm belief that traditional activities does not include recreation. It is the best course of action.

13. Remove all Corridors from the Final Plan. Most of these were designed with a high encounter rate and high tolerance for natural sound disturbance. In reality, they appear to have been designed to confine snowmachines to high use corridors. However, it is unclear how such corridors can be effectively enforced. Even if recreational snowmachining were authorized somehow, these corridors allow use levels that will impair Denali’s unique resource values and the Wilderness suitability of the lands upon which they are located.

14. Remove the Management A category from the Bull River area in the preferred alternative and replace with Management Area B.

15. Snowmachining, for traditional activities or not, is unsafe on glaciers and should not be allowed there. A high use corridor on the Kanikula Glacier authorized in the preferred alternative should be eliminated from the Final Plan.

Access Management – Airplanes

The use of airplanes as access to wilderness recreation outside the road system for purposes is an established tradition in Alaska and also occurs in Denali Park on various airstrips south of the McKinley massif, for purposes of climbing.

Although Denali Citizens Council supports this concept in general, we oppose general aviation landings in the core Wilderness Park. This is an activity not generally allowed in designated Wilderness and it should not be allowed in Denali.

³⁴ RDEIS, pg. 11.

³⁵ Alaska Department of Natural Resources, 1996.

³⁶ RDEIS, pg. 3.

Response to Comments

DCC-21

Corridors are designated for different reasons. On the Tokositna and Kantishna/Muddy Rivers, boat traffic is the primary means of access to the surrounding areas. Although use on the ground in these areas is very dispersed, there is a much higher likelihood of encountering people and watercraft – including motorized watercraft – on the rivers. In Kantishna, the Moose Creek and Skyline routes were formerly constructed to provide mining access. They remain an important means of access for foot traffic and some motor vehicle access by both subsistence users and private inholders during summer months. Again, there is a much higher likelihood of encountering other visitors, motorized equipment, and noise along these routes than in the surrounding area; these are access routes used by visitors before dispersing further into the backcountry. The Corridors in the Dunkle Hills area likewise provide access to the Old Park boundary and lands of the park additions that surround the Corridors. It is intended that these Corridors would be used by nonmotorized users seeking access to the Old Park as well as by subsistence users or others who use snowmachines for traditional activities. These winter-season Corridors would be mapped for users, GPS waypoints would be established, and, if necessary, route markers could be installed. If monitoring reveals that the Corridors are not being used appropriately then additional actions could be taken. The analysis presented in chapter 4 does not conclude that these few Corridors would impair wilderness resource values of the park additions. The National Park Service believes that limits on the levels of use would maintain the suitability of the area for wilderness designation, and the commenter provides no substantiation or standards for concluding otherwise in either case.

DCC-22

In the modified preferred alternative, Management Area A was not removed entirely from the Bull River area, but it was reduced in size to minimize the chance of conflict between subsistence users and other park users. The Bull River rather than Cantwell Creek is now the eastern boundary of this portion of Management Area A.

Comments

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Our suggestions are as follows:

16. We urge NPS to begin the process of closing the Wilderness Core Park to airplane landings, except for emergencies, by closing Wonder Lake to airplane landings.
17. In the ANILCA additions, we do not oppose general aviation or air taxi access, but this access must be limited so as to be in compliance with the *Low* Natural Sound disturbance indicator. We support a system of voluntary reporting for general aviation landings in Denali's additions, and we support mandatory registration for all commercial air taxi landings in the additions and for all backpackers who are delivered to the backcountry in planes. We are open to the concept that during implementation of this plan, NPS may decide to close certain areas of the park additions to general aviation or air taxi landings if conflicts with subsistence use or other user conflicts dictate it.
18. We support mandatory registration for day and overnight hikers in all regions of the park, by whatever mode of access they enter the park. Registration can be done at their point of entry into the park with a few survey questions. This will be necessary to support the VERP process of monitoring indicators and standards for the Management areas.
19. We oppose scenic air tour landings in any of Denali's ANILCA additions. We reluctantly accept scenic air tour landings as an established use on certain glaciers south of Denali, as indicated in Management Area A on the Alternative 3 Map. We agree that air taxi landings to support climbing are a legitimate access, however scenic air tour landings do not constitute what is meant by "wilderness recreation" and therefore are not a legitimate form use of the backcountry of a wilderness park. We urge the NPS to use education, negotiation and collaboration to work with scenic air tour providers to reduce natural sound impairment from all air access activities in the climbing areas of Denali. We oppose scenic air tour landings at the Ramparts, Eldridge Glacier and Little Switzerland. Elsewhere their numbers should be limited and air taxi access given priority if mitigation is necessary.
20. We support continuation of the Aircraft Overflights Working Group for maintaining a collaborative atmosphere and helping to develop voluntary measures and agreements for achieving desired conditions.
21. We support the cap of 1500 climbing permits for Mt. McKinley per year. Since this cap has not been reached, the Final Plan should state that it is not a goal, just a cap, and that numbers can be limited to a lower level if resource impairment dictates. If increased climbing results in increased air taxi access, some scenic landings may have to be reduced or eliminated.

Access – Off road and other vehicles

Recently, a limited finding that ORVs were traditionally employed for subsistence activities in Denali on three drainages was made and awaits implementation through an extended NEPA process. Such use of ATVs is allowed by ANILCA, as long as it does not impair resources. ORVs may be permitted pursuant to Section 1110 (b) of ANILCA for access to inholdings, along designated mining routes. Otherwise the use of ORVs is now and has been continuously illegal on park lands because of inevitable vegetation and soils damage they cause. We support the closure of Denali National Park and Preserve to

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Response to Comments

DCC-23

In the preferred alternative of the *Revised Draft EIS*, Corridors were proposed only to the toes of the Kanikula, Tokositna, and Ruth Glaciers. In the modified preferred alternative, all three of these are eliminated or scaled back, with one optional Corridor extending up the Tokositna and Kanikula Rivers only to the mouth of Wildhorse Creek. The National Park Service agrees that riding snowmachines on glaciers is unsafe and park staff recommend against doing so. However, many backcountry activities carry some inherent risk and that is not a sufficient reason to prohibit them. Climbing Mount McKinley is a clear example of an activity that results in injuries every year and fatalities most years, yet is actually supported by an extensive NPS patrol and search-and-rescue presence.

DCC-24

Regulations implementing ANILCA 1110(a) opened the Old Park to airplane landings although it had previously been closed. The National Park Service recognizes that some parts of the Old Park may be particularly sensitive to airplane landings because of ecological, wildlife, or other resource values or there may be significant visitor safety concerns. The modified preferred alternative has added language indicating that the National Park Service would inventory and evaluate these areas in the Old Park and take action necessary to protect them.

DCC-25

Section 202(3)(a) of ANILCA designates the park additions in part "to protect and interpret the entire mountain massif, and additional scenic mountain peaks and formations." Scenic air tour landings provide the opportunity for the general public to understand the scale of the Alaska Range and the glacier and mountain environment, in a way that is impossible from distant viewing locations. Although opportunities for this activity must be balanced with other uses and purposes, providing some level of opportunity is consistent with the statutory purposes of the park additions. The modified preferred alternative would limit locations for scenic air tour landings and establish natural sound disturbance and other standards that would insure an appropriate balance.

Comments

ORVs except under special conditions and in areas specifically authorized under ANILCA. We also support prohibition of helicopter landings and use of jet skis in Denali National Park and Preserve.

Management Areas – General concerns about Adaptive Management

We applaud the crafters of this RDEIS for their effort to describe various management areas for the backcountry of Denali National Park and Preserve in terms of measurable indicators and standards. This effort represents an attempt to establish desired future conditions for various areas in Denali as a way to protect wilderness character and prevent impairment. Such plans, however, depend upon several elements in order to be successful:

- Adequate **indicators and standards** that cover a range or possible impacts to both the resources themselves and to visitor enjoyment and experience (the VERP Process), and that set conditions that support backcountry values.
- A well funded system of **monitoring**, including park staff who will analyze visitor comments and rangers who will personally monitor the backcountry.
- A well funded **enforcement** plan that provides specific actions that will be taken to reduce or avoid impairment of resources. These actions need not await actual impairment but can be applied if the likelihood of impairment exists.
- A scenario for how the park will be managed in the absence of funding for monitoring and enforcement of plan stipulations.

We feel that the Adaptive Management Plan described in the RDEIS fails to pass the above tests for adequacy. A few reasons are given below:

- Indicators are often quite general and qualitative and developing a valid assessment tool to measure them may be difficult. Example, using terms such as *occasional* or *few* social trails when describing Trail and Campsite Disturbance.
- There are no indicators or standards to describe the impacts of activities allowed under this plan upon wildlife. This is an important consideration, as protection of wildlife is a key value for all planning at Denali.
- Monitoring will be analyzed too infrequently. For encounters, camping density and evidence of modern use, analysis is only every five years by visitor survey.
- There is no evidence that the NPS will be able to afford the infrastructure necessary for monitoring. Several backcountry technicians will be required for the sound monitoring program alone, and also for monitoring the backcountry for the above indicators and standards by rangers. With ongoing budget cuts to NPS, despite strong capital appropriations, manning this monitoring program will not be easy. This problem is especially noteworthy in view of the large jump in cost between Alternative 2 and Alternatives 3 and 4. The more the need for monitoring, the more an absence of funding will hurt the monitoring and enforcement piece of the plan.

Our suggestions are as follows:

22. Add indicators and standards for wildlife health to the final plan, or tie the final plan to resource management activities that will be specifically targeted to measuring impacts of backcountry activities, especially in key areas like the Bull River and Kantishna areas.

23. Reconsider those Indicators and Standards that permit *High* and *Very High* levels of natural sound disturbance, backcountry encounters, camping density, evidence of modern human use, and camping density. These types of standards may be more appropriate, if appropriate at all, for the frontcountry, and may detract from Wilderness suitability for those areas where they are applied.

Response to Comments

DCC-26

The only indicators that are not quantified or quantifiable are those for accessibility and administrative presence. Under “Process for Evaluation” in Table 2-2, there is an indication that the “medium” descriptor for trail and campsite disturbance is intended to match current conditions in the Old Park near the road corridor. Data exist that would be used to establish an objective measure of the degree of trail and campsite disturbance for “medium” and “low” standards, and more information would be gathered during the initial stage of implementation.

DCC-27

The modified preferred alternative contains a commitment to monitor the relationship between visitor use and wildlife population, demographics, and distribution, from which specific indicators and standards would be developed.

DCC-28

In general, the National Park Service believes that the standards described for “medium” or “low” levels of disturbance are most appropriate for areas of the park additions and preserve that are suitable for wilderness designation. There are other purposes for the park unit as well, and some of those are best served by allowing a higher level of use in carefully defined and managed areas. Much as the National Park Service allows a very high number of climbers on the West Buttress route on Mount McKinley – which is in designated wilderness – it makes sense to allow a level of airplane use to accommodate non-mountaineering visitors who wish to experience the mountains and glaciers, or to allow higher levels of use at access points or on designated trails. These carefully defined areas do not compromise the suitability of an area for wilderness designation, but are recognized as exceptions within the normal framework of wilderness management. For all these areas, the higher standards would be approached only during certain seasons, and the landscape would retain the characteristics of wilderness: undeveloped, without permanent improvements or human habitation, preservation of natural condition, generally appearing to be affected primarily by the forces of nature with man’s imprint substantially unnoticeable, and having outstanding opportunities for solitude or primitive and unconfined type of recreation.

Comments

24. Affirm in the final plan that NPS will be monitoring the Backcountry Units in the additions to obtain information on establishment of quotas for overnight use, beginning with those units adjacent to the Kantishna Area additions.
25. Specify in the Final EIS how monitoring activities will take place, how many staff are required, frequency of monitoring and method of analysis. (Example: Perform survey analysis yearly for the first five years. Provide at least two full time field rangers for backcountry patrol and monitoring on the north side and two on the southside (in mountaineering areas at that season, in the backcountry otherwise).
26. Specify in the Final Plan how NPS will protect the park if monitoring and enforcement efforts are not funded. How will NPS prioritize scarce resources? Will the NPS adjust the boundaries or standards for Management Areas? What other techniques may be used?

Management Areas – General Concerns about Monitoring and Mitigation

One of our specific concerns regarding the adaptive management scheme outline for the RDEIS is that there is little in the plan about the specifics of the mitigation and monitoring and enforcement programs. In addition, NPS has a great deal of discretion in the use of tools to enforce those future conditions. We are left in the dark as to how exactly NPS will avoid impairment using the standards and tools listed in the RDEIS. The plan allows that NPS has at least ten identified tools to manage the park, including education, enforcement of existing regulations, voluntary restrictions, registration, commercial management, caps on visitor numbers, temporal restrictions, and closures. Some of the tools would require NEPA compliance and promulgation of new regulations. Some, we are told, will be more useful than others in a specific situation. The only commitment NPS has made is to start with the least restrictive tool appropriate to a particular problem.

We would like to see a more thorough plan for monitoring and mitigation in the Final EIS.

The best discussion of mitigation and monitoring is found in the CEQ's "Forty Most Asked Questions Concerning CEQ's NEPA Regulations."³⁷ Question 34c discusses what provisions should be in the ROD and states that

Lead agencies 'shall include appropriate conditions [including mitigation measures and monitoring and enforcement programs] in grants, permits or other approvals' and shall 'condition funding of actions on mitigation.' Section 1505.3. Any such measures that are adopted must be explained and committed in the ROD. The reasonable alternative mitigation measures and monitoring programs should have been addressed in the draft and final EIS. The discussion of mitigation and monitoring in a Record of Decision must be more detailed than a general statement that mitigation is being required, but not so detailed as to duplicate discussion of mitigation in the EIS. The Record of Decision should contain a concise summary identification of the mitigation measures which the agency has committed itself to adopt. The Record of Decision must also state whether all practicable mitigation measures have been adopted and if not, why not. Section 1505.2(c). The Record of Decision must identify the mitigation measures and monitoring and enforcement programs that have been selected and plainly indicate that they are adopted as part of the agency's decision. If the proposed action is the issuance of a permit or other approval, the specific details of the mitigation measures shall then be included as appropriate conditions in whatever grants, permits, funding or other

³⁷ 46 Fed Reg 18026 (March 23, 2981), as amended, 51 Fed Reg 15618 (April 25, 1986).

Response to Comments

DCC-29

The general monitoring strategy for the various indicators is described in the tables that articulate each standard. More specific protocols would be developed as part of implementation, and details on frequency of monitoring and methods of analysis are best developed in conjunction with that process. The number of staff needed is estimated in the Park Operations and Management section of Chapter 4: Environmental Consequences. See also the response to PfP-4.

DCC-30

The National Park Service is responsible for preventing harm to park resources. If inadequate funding compromises the park's ability to know whether harm is occurring, the agency would act proactively to manage visitor use to assure that resources are not impaired. As articulated in chapter 1, the National Park Service need not wait for actual damage to occur before taking protective action to prevent degradation to wildlife and other natural resources. As indicated in the response to PfP-4, one aspect of the plan would be to provide a basis for seeking necessary funding to implement the actions called for by the plan.

DCC-31

See PfP-4.

Comments

approvals are being made by the federal agency. Section 1505.3(a), (b). If the proposal is to be carried out by the federal agency itself, the Record of Decision should delineate the mitigation and monitoring measures in sufficient detail to constitute an enforceable commitment, or incorporate by reference the portions of the EIS that do so.

The responsibility to discuss mitigation measures is found largely in the regulations detailing an appropriate range of alternatives. The alternatives must include “appropriate mitigations measures not already included in the proposed actions or alternatives” (40 CFR 1502.14 (f)) and the discussion of environmental alternatives must include “means to mitigate adverse environmental impacts” (40 CFR 1502.16(h)). Mitigation measures must “cover the range of the impacts of the proposal” and “must be considered even for impacts that by themselves would not be considered ‘significant’” (“Forty Most Asked Questions Concerning CEQ’s NEPA Regulations” Question 19a). These mitigation measures “**must** be developed where it is feasible to do so.” (Id., emphasis added). The CEQ’s Question 19b highlights the importance of the agency discussing mitigation in detail. It states that

[b]ecause the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation. However, to ensure that environmental effects of a proposed action are fairly assessed, the probability of the mitigation measures being implemented must also be discussed. Thus the EIS and the Record of Decision should indicate the likelihood that such measures will be adopted or enforced by the responsible agencies. Sections 1502.16(h), 1505.2. If there is a history of nonenforcement or opposition to such measures, the EIS and Record of Decision should acknowledge such opposition or nonenforcement. If the necessary mitigation measures will not be ready for a long period of time, this fact, of course, should also be recognized.”

Final adoption of a concrete mitigation and monitoring plan should be part of the EIS process and should be discussed in the Final EIS so that a finalized plan can be adopted with the Record of Decision. 40 CFR 1505.2(c) discusses the Record of Decision (filed at the conclusion of the EIS decision process) and states that the agency shall

[s]tate whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.

The Park Service therefore cannot defer the development of monitoring methodologies, but must have a plan ready for implementation with the signing of the ROD.

Management Areas – Specific Concerns

- OP – 1 This classification covers a large part of the Old Park Wilderness and provides for known higher uses that occur adjacent to the park road. It tolerates **Medium** encounters and **Medium** Trail and Campsite disturbance. In general these are acceptable standards. However, when hikers and backpackers get further away from the park road, the expectation should move to lower encounter rates and evidence of trails and campsites.
- OP – 2 Consistent with the type of experience one would expect in the western Old Park, where access is limited by distance from the park road and by high rivers in the summer. To retain the experience here, we have advocated elsewhere for a closure of the Old Park to general aviation landings

Response to Comments

DCC-32

The National Park Service did not identify mitigation measures under any of the alternatives. The NPS considers the plan’s indicators and standards, associated monitoring strategies, and access management tools as alternative actions, not mitigation measures. As a result, the quoted statements from the “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulation” do not apply. The Code of Federal Regulations citations referenced by the commenter also do not apply as they pertain to mitigation, and to monitoring that is specifically related to mitigation, but do not apply to monitoring in general.

Comments

- A Tolerates **High** encounter rate and natural sound disturbance along with **Medium** indicators for trail and campsite disturbance, accessibility and administrative presence. This designation is more appropriate for the frontcountry.
- B Acceptable indicators and standards. Suitable for areas with moderately easy access from transportation systems
- C Allows climbing to occur at levels higher than recommended for other types of backcountry recreation, but may be acceptable in view of the choices preferred by climbers. **High** encounter rate is disturbing, but may be acceptable to most climbers. Presence on glaciers has less impact to wildlife.
- D Supports low indicators and standards in all areas, and describes a wilderness backcountry experience.
- E Reserved for very remote sections of the park. **Very Low** encounter rate standard may help to control airplane landings in areas where permitted. We are concerned that the preferred alternative fails to highlight the excellent wilderness qualities of the northern and western park additions by leaving Management Area E entirely out of the alternative.
- Corridors Are inappropriate for wilderness backcountry recreations. Allow **High** natural sound disturbance, **Very High** encounter rate. Their impacts will “bleed out” into surrounding lands.
- Portal Tolerates **Medium** to **Very High** sound disturbance and Medium to high camping density. These exemplify what happens when air access is highly developed and must be avoided in the northern additions and all areas of the backcountry whose future as Wilderness areas is still a possibility.
- Backcountry Hiker This area represents the insertion of the frontcountry into the backcountry, when a trail is built beginning in the road corridor or a developed area defined as frontcountry and extends into the backcountry. **Very High** encounters with people violates management intent of OP 1 lands through which it travels. We favor a no trails policy, unless they are necessary to avoid impacts.
- Mountaineering Special Use Areas These are places where **High** and **Very High** encounter rates and soundscape disturbance can occur. May be acceptable to fly in recreationists and climbers but are not appropriate for NPS backcountry. We may be forced to accept these because of a motivated user group that tolerates the noise.

Our suggestions on Management Areas are as follows:

27. Reduce the amount of Management Area A to a minimum, perhaps leaving only a small area in the climbers region on the south side of Denali. Make the Kantishna Area Management Area B, and the Dunkle Hills Area B. This designation will allow Medium encounters and sound disturbance, which will tend to cap damaging uses earlier.

28. Eliminate high use corridors, which encourage derogation of park resources.

Response to Comments

DCC-33

The modified preferred alternative uses a Management Area D that is a hybrid of Management Areas D and E from the *Revised Draft EIS*, and applies it to much of the northern and western portions of the park additions and preserve. While acknowledging that chance encounters may occur in this area, the general expectation would be that visitors would not encounter other parties.

DCC-34

In response to a broad range of interests in public comment including subsistence users, lodge owners, mountaineers, public interest groups, and others, several management area designations were changed in the modified preferred alternative. The Kantishna Hills were designated as Management Area B, Management Area A in the Dunkle Hills/Broad Pass area was restricted to the west side of the Bull River, and the Coffee and Buckskin Glacier watersheds were switched to Management Area C and B.

Comments

29. Reduce the standard for encounters with people in Backcountry Hiker area to from *Very High to High*, except at the park entrance.

30. Reduce scenic air tour landings at Portals to be consistent with the Alternative 3 map.

31. Designate areas that are more than approx 10 miles from the park road as OP -2, to set a higher wilderness recreation standard for them. This would make the Toklat-Stony flats and the crest of the Alaska Range east of Anderson Pass OP -2.

Soundscape Plan

We applaud NPS efforts to support the preservation of natural sounds in Denali's backcountry by including the health of the natural soundscape among the indicators and standards for this plan. Although the natural soundscape as a resource is relatively new in the park system, it has been well studied at Denali for a number of years now. This RDEIS purports to serve as a Soundscape Preservation and Noise Management Plan as required by NPS Directors Order 47.

We are concerned that the Revised Denali Backcountry Management Plan Preferred Alternative will not carry forth the intent of Director's Order #47 for Soundscape Preservation. The order advocates, "to the fullest extent practicable, the protection, maintenance, or restoration of the natural soundscape resource in a condition unimpaired by inappropriate or excessive noise sources." In addition, DO-47 identifies "the obligation to protect or restore the natural soundscape to the level consistent with park purposes, taking into account other applicable laws." Finally DO-47 states that, "where the soundscape is found to be degraded, the objective is to facilitate and promote progress toward the restoration of the natural soundscape." We argue that certain Management Areas and designations in the Preferred Alternative will allow levels of natural sound disturbance that will impair the natural soundscape. Although these designations may, in some cases, represent actual conditions that are difficult to mitigate (for example, air traffic in the Ruth Amphitheater over several months of the year), in other cases (Corridors), the Preferred Alternative will permit new impairment to occur in the future, in violation of the intent of DO-47.

With regard to specific indicators of impairment, we argue that High and Very High Natural Sound Disturbance, which is a potential standard for Management Area A, Ruth Amphitheater Special Use Area, West Buttress Special Use Area, Corridors and Portals, go against the spirit of DO-47. Although we recognize that there is established seasonal use by aircraft of climbing areas on the south slope of Denali, and that this user group may tolerate the additional soundscape disturbance associated with air access, the acceptance by NPS of increases in this impairment, or even the current level of impairment, is against established policy. See our suggestions under Management Areas, above.

We encourage NPS not to apply management designations that have a high probability of impairing the natural soundscape. It is acceptable, in fact required under DO-47, to give areas with impaired natural soundscapes a management designation that requires mitigation. The effort that such mitigation will trigger, such as consultation with user groups, education and even closures, may take time, but it is effort well taken. If limits on air access to protect the soundscape are required, we suggest that access for climbing has greater historic legitimacy than access for scenic air tours, although even access for climbing may need to be limited.

We argue, finally, that allowing repeated impairment of the natural soundscape in an area will also reduce or eliminate its suitability for Wilderness designation, something NPS has pledged not to do.

Response to Comments

DCC-35

The Backcountry Hiker areas include all existing and planned trails that cross the wilderness boundary in the Old Park as well as those trails to be constructed in the Kantishna Hills. While some of the trails are not likely to exceed the "high" standard for encounters with people, others such as the Savage River trail would likely exceed it regularly. Because trails are only used in limited areas where overuse creates specific resource concerns and because the National Park Service wishes to encourage visitors to remain on the trails where they are provided, the National Park Service concluded that the "very high" standard would be appropriate for Backcountry Hiker areas. However, this standard remains a limit, not a goal, so on most trails visitors would likely encounter many fewer people than allowed by the standard.

DCC-36

The designation of OP-1 for areas of the Old Park distant from the park road but east of the Muddy River is consistent with the encounter rate standard now used to define overnight backcountry quotas in these areas. To change the management area designation to OP-2 would require reducing the overnight backcountry quotas and reducing the level of use that presently could occur. The National Park Service believes these areas are more similar to the rest of OP1 rather than OP2 in terms of the type of backcountry expeditions that could occur, and the agency sees little justification for reducing presently allowed use levels.

DCC-37

The analysis presented in Chapter 4: Environmental Consequences demonstrates that the standards proposed in the various management areas would not lead to resource impairment. The standards themselves do not indicate when impairment would occur; they only describe the greatest level of visitor impact that would be allowed. Although these standards represent the most impacts that could occur, they represent a limit – not a goal. The National Park Service would work through the Aircraft Overflights Working Group and other mechanisms to pursue the objective of Director's Order #47 to minimize natural sound disturbance and thereby protect, maintain, and restore the natural soundscape resource.

Comments

Monitoring and Enforcement problems

Although the Plan gives a reasonably complete analysis of the ambient soundscape in Denali on pp 132-138, it does little to describe how it will manage soundscape impairment except by setting desired soundscape conditions for each Management Area, and then stating that one of the tools in the toolkit can and will be used to manage damage soundscape.

The Plan does not state how NPS will mitigate existing damaged soundscapes, although data in the RDEIS indicate that a Medium level of sound disturbance had been experienced by 11 % of park visitors in 2002. However, since NPS has no authority to regulate overflights and other sources of airborne sound disturbance, we acknowledge the understandable difficulty to describe what actions other than consultation and collaboration will be taken.

Cumulative Impacts

DCC and NAEC argue that cumulative impacts from increased snowmachine activity and widespread scenic air tour landings as proposed in alternative 4 make this alternative in violation of the statutory obligation to anticipate and avoid impairment. While NPS may argue that impacts to soundscape are impermanent and seasonal and therefore do not rise to the level of impairment, we disagree. In addition, damage to vegetation, wilderness character and wildlife are inevitable with high encounter rate management designations that include snowmachines. It is the NPS obligation to anticipate and avoid impairment and the preferred alternative does not accomplish this goal. Accepting impairments in parts of the park because “overall” there is minimal impact is inappropriate. Impacts should be mitigated as they occur, and, ideally, prevented.

40

Commercial Services

The Final Backcountry Plan will serve also as a Commercial Services Plan, and on pp. 56 and 57 describes the criteria for allowing commercial uses in Denali National Park and Preserve. We support the allocation between guided hiking-educational programs and independent users in the backcountry of the park, as quoted on page 57.

We are more guarded in our support of the NPS method of prioritization of various guided activities in the park. We agree that Ranger led programs should take precedence in prioritizing available capacity for guided activities. After that the hierarchy becomes more difficult: Murie science and Learning Center Education programs, followed by accredited education and other programs of non profit educational organizations under a cooperative agreement, and finally programs of other entities, including non profits, schools and for profit businesses. It may be difficult to allocate among various commercial organizations, as it will be difficult to show how great the education component is in each one. We acknowledge that this is difficult and urge you to collaborate with various providers to establish a mutual agreement for prioritizing commercial services.

41

Our suggestions:

32. Commercial airplane landings: We support the language of Alternative 3.

33. Guided Hiking: We support the language of Alternative 3 with the following changes- do not form designated campsites in the Kantishna Area, and remove Management Area A designation, replacing it with Management Area B. We guardedly support making the Rock Creek, Roadside, Jonesville, Nenana River and Triple Lakes trails available for

Response to Comments

DCC-38

Director’s Order #47 does not appear to have a requirement to “give areas with impaired natural soundscapes a management designation that requires mitigation.” If the resource were impaired, the National Park Service would have a legal obligation under the Organic Act to remedy the situation. The management actions suggested are within the options available to the National Park Service under the modified preferred alternative to assure natural sound disturbance standards are achieved.

DCC-39

The National Park Service agrees that soundscape degradation contributes to a loss of wilderness character and suitability. Natural sound disturbance was included as a factor in the environmental impact analysis for Wilderness Resources. However, the National Park Service concluded impairment would not occur for either for the natural sound or wilderness resources under the modified preferred alternative.

DCC-40

The comment neither disputes the impairment definition provided in the General Methodology section of Chapter 4: Environmental Consequences, nor provides an alternative. Without further information, the National Park Service believes its impairment finding is correct.

DCC-41

The National Park Service agrees with this critique of the hierarchy proposed in the *Revised Draft EIS*. The language has been altered to remove the four-part hierarchy; however, the plan does still make clear that in places where capacity is limited, NPS programs and Murie Science and Learning Center programs would receive first priority. This prioritization is implemented in the eastern portion of the Old Park backcountry, where no off-trail commercial day-hiking services are offered because of an expectation that MSLC programs and NPS Discovery Hikes will utilize available capacity in the near future. Because both of these programs are internally directed by the National Park Service, the agency retains the option to limit these activities in the future if there is a feeling that a commercial guided hiking opportunity would better serve the interests of the public and the park.

Comments

guided hiking as long as some room is left for independent hikers. Otherwise we favor use of entrance area trails by educational programs only.

34. **Sport Hunting:** We support the language of Alternative 3 or 4, whichever is preferred by affected parties.
35. **Other Commercial Activities:** We support the language of Alternative 3. Commercial air taxi services should be subject to consistent monitoring through reporting requirements for the air taxi and for backcountry users transported. The principle would be to manage air access to the additions for wilderness recreational opportunities only, not for scenic landings and to limit their number to correspond to the Low or Very Low encounter rate required by the Management Areas.

Backcountry Facilities

36. **Trails:** We support the no trails policy articulated in Alternative 2, but we must accept the fact that sometimes social trail formation makes trail building necessary to avoid impairment to resources. Trails should not be built in the backcountry for convenience, but only to avoid impairment.
37. **Campsites:** We support Alternative 2, no designated campsites in the park backcountry. We support the preparation of a DCP for Kantishna, in which the purpose of Kantishna can be more thoroughly explored and a thorough vision and development concept plan for the area developed.
38. **Information facilities:** Alternative 2. Authorizing a contact station in the Cantwell/Broad Pass Area is premature. Such development will not require authorization from this plan, if it becomes desirable.
39. **Shelters and cabins:** We could support rest rooms, plug ins and a warming hut at headquarters if needed to support use, but this facility is not needed right now. The new Murie Center is currently serving as a winter contact station and should continue to do so until the need for another facility becomes apparent.
40. **Park Road:** Alternative 3.
41. **Educational Programs:** Alternative 3, with allocations to protect independent users as on page 57 in the RDEIS.
42. **Administrative Camps:** Alternative 3, retain the 14, 000 foot camp on Mt. McKinley.

Easements and Boundary Changes

43. We support an NPS effort to free the stranded access to Denali Park through private land in Cantwell, if it is what the local people want. We are not certain of how much support this proposal has.
44. We support the land exchange on the Tokositna Coffee and Ruth Rivers to realign the boundary to conform to the river and to free up 137 acres of inholdings.

Response to Comments

Comments

In conclusion the Northern Alaska Environmental Center and Denali Citizens Council thank you for your attention to our comments and look forward to continuing our long standing collaboration on the important issues facing Denali National Park and Preserve. These comments reflect a strong attachment to the Vision in Alternative 2 of the RDEIS, with specific comments on individual aspects of the plan that incorporate aspects of Alternative 3 as well. Maps are attached at the end of these comments that provide a more graphic representation of our concerns and suggestions.

We urge you to be proactive in avoiding impacts and to recognize that you are under no obligation to provide opportunities in the backcountry that will degrade the wilderness recreational experience for future generations. If you have any questions regarding specific comments, feel free to contact us.

Sincerely,

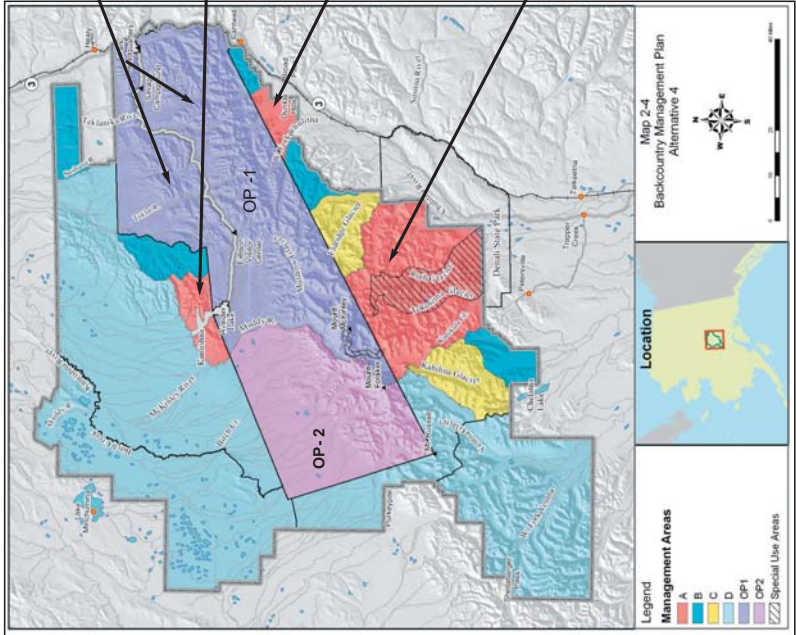
Nancy Bale, President DCC
PO Box 78
Denali Park, Alaska 99755
907-277-3825
nancy@denalicitizens.org

David van den Berg, Executive Director NAEC
830 College Road
Fairbanks, Alaska 99701
907-452-5021
david@northern.org

Response to Comments

NPS Preferred Alternative 4

This alternative contains Management Areas and Corridors that will result in a loss of Wilderness suitability for lands in Denali's ANILCA additions. Standards for higher levels of visitor encounters and noise are too often accepted in this Alternative. The growth of de facto recreational snowmachining is accepted.

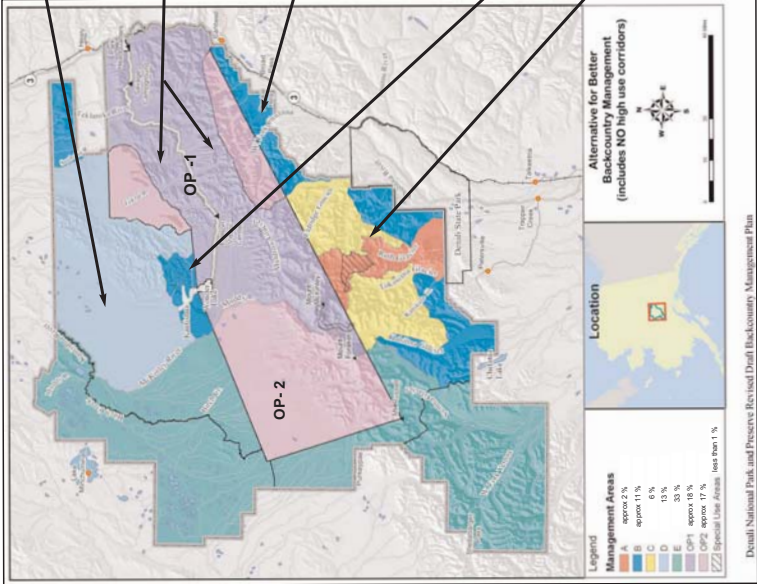


Old Park 1 - Preferred Alternative sets too much of the Wilderness Core of the park as OP -1, where higher levels of encounter rates and human disturbance are accepted. Even so, there are selected areas under flightseeing corridors where OP - 1 standards are likely exceeded. The final plan should identify these areas and propose mitigation activities.	Kantishna - Kantishna is developed, but hotel guests there should expect a backcountry experience more like OP - 1 than Management Area A. The Kantishna experience should not be allowed to become an urban experience. Park management of Kantishna should reflect overall park policy of maintaining the northern additions in pristine condition, and overall park policy opposed to northern access with Kantishna as a terminus.	Management Area A - Allows high levels of human encounters and high levels of sound disturbance, both of which will impair Wilderness suitability. In addition, this area is sensitive caribou habitat. Conflicts with subsistence users may occur. Where conflict occurs, subsistence has been recognized as a priority use. High use corridors should be eliminated in this area and all areas.	Management Area B - This is an area of heavy mountaineering and scenic flight use. The Management Area A allows too much scenic landing and too high a level of sound disturbance. It needs to be decreased in size. In addition, the High sound tolerance abutting the entire border with Denali State Park commits that state park to potential damage inconsistent with its mission.	Indicators, Standards and Monitoring 1. It is appropriate to apply tighter standards and management designations to areas where current impairment already suggests mitigation. This is a far better strategy than accepting damaging uses by designating damaged areas for current conditions. 2. The Final Plan should lay out more monitoring and mitigation specifics and also provide a realistic cost analysis. 3. The Final Plan should detail a strategy, with priorities, for monitoring and enforcement if funding is reduced or unavailable.
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Response to Comments

A New Map for Better Management

This map carries forward the vision of Alternative 2, to protect a unique backcountry experience. Visitors with a short time frame or who require assistance would more likely complete their visit in the frontcountry of the park. This map is predicated upon adequate funds for monitoring and enforcement and upon active protection for park wildlife and physical resources.



Comments

- Northern Additions** - Management Areas in the northern additions would carry with them indicators and standards that will preserve wilderness character, an established priority for these areas. Commercial aircraft landings for access to wilderness recreation could be allowed, subject to commercial use authorization and limits to meet standards and conditions.
- Old Park 1** - Preferred Alternative sets too much of the Wilderness Core of the park as OP -1, where higher levels of encounter rates and human disturbance are accepted. Upper reaches of the Alaska Range and much of the Toklat Basin are sensitive habitat and should be designated OP-2, whose standards will result in fewer adverse impacts to park resources.
- Dunkle Hills-Bull River** - Has high likelihood of user conflicts between snowmachine use, subsistence use and wildlife values. Designation as Area B will reduce potential impacts by triggering action sooner. NPS should define traditional activities to exclude recreational snowmachining from the park additions.
- Kantishna** - Designation as Management Area B provides for an experience similar to that in OP-1. Areas closer to the park road, Kantishna airstrip, skyline drive, and private inholdings would have greater encounter rates. However, the federal lands surrounding these inholdings should be kept to a tighter standard in order to offer a wilderness recreation experience to Kantishna guests. Kantishna would not be targeted for designated campsites and high use corridors by this plan, but local stakeholders and the public would have the opportunity to craft a plan for the area within the next 3 years.
- Management Area A** - Although the indicators and standards for Management Area A tend to cause impairment of natural soundscape and opportunities for solitude, this map minimizes the size of Area A, and does so only in an area of the park with established access by aircraft and a population of climbers who, we are told, are tolerant of the additional noise and crowding. This map minimizes opportunities for scenic air tour landings while maintaining opportunities for access to climbing. Some mitigation could be required. It is a compromise.

Response to Comments

Comments

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LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

A PROFESSIONAL CORPORATION

1155 CONNECTICUT AVENUE, N.W. • SUITE 1200 • WASHINGTON, D.C. 20036 • TELEPHONE (202) 659-5800 • FACSIMILE (202) 659-1027

R. HORTON (1944 - 1998)

• YVONNE ANDREWSYUK;
• DONALD G. BIRCH**
• WILLIAM H. BITTNER
• KATHRYN A. BLACK
• SUZANNE CHEROT
• KIMBERLY A. DOYLE
• KATHLEEN TOBIN ERB
• MARK E. FINEMAN, P.E.
• GREGORY S. FISHER

• DOUGLAS S. FULLER*
• MAX D. GARNER
• GRETCHEN L. GASTON**
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• PATRICIA M. HAREINA
• WILLIAM P. HORN*
• STEPHEN H. HUTCHINGS
• NOY S. JONES, JR.*

• DANIEL C. KENT
• THOMAS F. KLINKNER
• HARVEY A. LIPPIN*
• STANLEY T. LEWIS
• GREGORY A. MILLER
• MICHAEL J. PABST
• TIMOTHY J. PETUMENOS
• ELISABETH H. ROSS**

OF COUNSEL:
• JENNIFER C. ALEXANDER
• JON M. DEVORE**
• SHELLEY D. EBENAL
• KENNETH E. VASSAR

1127 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501-3389
(907) 276-1950
FACSIMILE (907) 276-3680

* D.C. BAR
** D.C. AND ALASKA BAR
* MARYLAND BAR
† NEW YORK BAR
‡ ALL OTHERS ALASKA BAR

July 11, 2005

Mr. Paul Anderson
Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

RE: Comments on Draft Backcountry Management Plan

Paul
Dear Mr. Anderson:

The International Snowmobile Manufacturers Association ("ISMA") has reviewed the Denali National Park and Preserve Revised Draft Backcountry Management Plan ("Proposal"). While ISMA commends the National Park Service's ("NPS") efforts to establish a plan to manage recreational uses within Denali National Park and Preserve ("Park"), ISMA is deeply concerned with several aspects of the Proposal. The clear intention to manage the Denali Addition lands as a Wilderness Area is contrary to law and sets the stage for unnecessary and improper limitations or prohibitions on motorized access, especially snowmachines, to these lands. ISMA submits the following comments regarding these concerns.

Access

1. ANILCA

As you know, management of and access to all conservation system units ("CSUs") in Alaska are governed by the Alaska National Interest Land Conservation Act ("ANILCA"). *Pub.L. 96-487*. Specifically, section 1110(a) of ANILCA guarantees the use of snowmachines (when there is adequate snow cover) to access CSU's for "traditional activities." § 1110(a). Such access is subject only to "reasonable regulations by the Secretary to protect the natural and other values of the conservation system units . . . and *shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area.* *Id.* (emphasis added).

Among the reasons NPS identifies for developing a new backcountry management plan is that the former backcountry planning document predated ANILCA and did not apply to the lands added to the Park and Preserve by ANILCA. *Proposal at 5*. NPS further recognizes that

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BIRCH, HORTON, BITTNER AND CHEROT
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Mr. Paul Anderson
July 11, 2005
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ANILCA “created legal mandates for special access that have never been addressed in backcountry planning.” *Id.* However, in describing the other reasons for establishing the Proposal (i.e., increased visitation, new uses, and resource protection based on increased visitation and use), it quickly becomes clear that the latter reasons improperly swallow the first.

For instance, NPS indicates that, in addition to applying ANILCA to backcountry management, the Proposal also is needed to address increased visitation for backcountry use, including snowmachine use, and anticipated increases in other activities. *Id. at 6.* Specifically, the Proposal states that while snowmachines “can be an important means to access remote backcountry areas; [] conflicts with other users, especially non-motorized winter recreationists and subsistence users, are increasing, and concerns have been raised about the effects of snowmachine use on wildlife, vegetation, water quality, air quality, and natural soundscapes, and other park resources.” *Id. at 7.* Additionally, NPS states that the Proposal is needed to ensure that certain resources values, such as “wildlife, vegetation, natural ecological relationships, natural sounds, and wilderness resource values” are not compromised. *Id.*

First, NPS fails to quantify either the conflict among users or the alleged impacts on the identified resources or “values.” Despite the fact that each alternative would severely curtail ANILCA’s access guarantee for snowmachines, the Proposal is essentially void of any studies, data, or information to establish the need for such use restrictions. Such a change in longstanding management policy without sufficient explanation and substantiation is arbitrary and capricious agency action.

Second, while ISMA supports NPS’s efforts to manage backcountry activities to protect “resources” related to subsistence needs and to preserve “resources” such as lands, waters, wildlife populations and wildlife habitat, as directed under ANILCA, ISMA objects to any implication that Congress directed NPS to manage the Denali Addition land to preserve subjective amenity “values” such as “natural sounds” or unspecified “wilderness resource values.” *See Id. at 8, 212.* Similarly, ISMA objects to NPS’s use of “social conditions” as an indicator to gauge the visitor experience and resource conditions in the Park. *Id. at 40.* ANILCA does not authorize NPS to manage section 1110(c) access for social (non-resource) purposes.

Notably, none of the Denali Addition lands have been designated as Wilderness by Congress. In fact, ANILCA clearly provides the Addition lands are not to be managed as Wilderness areas until Congress specifically designates them as part of the Wilderness System. § 1317(c). Nonetheless, the Proposal provides that all backcountry areas would be managed as if it were a designated Wilderness area (i.e., managed to leave “the imprint of man’s work substantially unnoticeable” and to provide “opportunities for solitude or a primitive and unconfined type of recreation”). *Proposal at 53-56.* NPS must clarify that the Denali Addition lands are not to be managed as Wilderness and that aesthetic and social values that may be

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ISMA-1

The Denali Subsistence Resource Commission has identified conflicts between recreational snowmachine users and subsistence users on many occasions, and the minutes of several specific meetings are referenced in the Subsistence Resources and Opportunities analysis of Chapter 4: Environmental Consequences (e.g., page 346 of the *Revised Draft EIS*). Some plan actions, particularly the management area designations in the Broad Pass area, were developed to respond to this documented conflict. Conflicts with other non-motorized recreational users were identified anecdotally during plan scoping and verified by public comment on the *Draft EIS*. However, although conflicts with these users remains an identified concern under the project’s purpose and need, no proposals in the modified preferred alternative were developed specifically to alleviate this conflict. Instead, the management framework developed is intended primarily to safeguard the park’s resources and values. Contrary to the assertion of the letter that the plan is “void” of studies that establish a need for management, several sections of chapter 4: Environmental Consequences clearly describe and document the potential adverse impacts of snowmachine use, including sections on ice-rich permafrost soils, vegetation, wildlife, and natural sounds. Finally, the modified preferred alternative does not propose any immediate restrictions on snowmachine use, but sets up an adaptive management framework for monitoring visitor use impacts and responding appropriately.

ISMA-2

The National Parks and Recreation Act of 1978 directs the National Park Service to consider carrying capacity as part of a general management plan or amendment. The National Park Service recommends establishing carrying capacity through the Visitor Experience and Resource Protection (VERP) process, which calls for defining desired future conditions that are expressed through indicators and objective standards that can reasonably be measured over time. These indicators and standards should be chosen to gauge as accurately as possible changes in the resources of the park unit. ANILCA specified that a purpose of the act was to “preserve wilderness resource values and related recreational opportunities” on the public lands designated under the act (ANILCA Sec. 101(b)), and specifically for the Denali additions to provide “continued opportunities, including reasonable access, for mountain climbing, mountaineering and other wilderness recreational activities” (ANILCA Sec. 202(3)(a)). ANILCA furthermore states that the term “wilderness” is defined the same as in the Wilderness Act (ANILCA Sec. 102(13)). Since the Wilderness Act defines “wilderness” partly through

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determinative in management of Wilderness areas do not carry similar force and effect in the Denali Addition lands.

In sum, this issue does not boil down to the usual philosophical debate between preservation of resources versus use of and access to resources. Here, NPS is trying to extend its discretion to limit use and access of resources beyond that authorized by law based on purported impacts to subjective aesthetic values including some non-users' enjoyment in 'just knowing the Park is there.' Such subjective perceptions certainly were not intended to constitute a "resource value" under Section 1110(a) of ANILCA. Rather, ANILCA expressly provides that snowmachine access is guaranteed and "shall not be prohibited unless . . . the Secretary finds that such use would be detrimental to the resource values of the unit or area." ANILCA simply does not identify aesthetic or social values as a "resource value," for purposes of Section 1110(a). Therefore, transmitting the aesthetic and social values of some users into tangible "resources" flatly violates Section 1110(a).

2. "Traditional Activities"

Another potential tool that could be extrapolated from the Proposal to undermine ANILCA's access guarantee is the agency's definition of "traditional activity." Section 1110(a) guarantees the use of snowmachines (when there is adequate snow cover) to access CSU's for "traditional activities." § 1110(a). Since ANILCA's enactment in 1980, "traditional activities" have been generally understood to include fishing, hunting, sightseeing, camping, picnicking, photography, etc. This range of bona fide traditional activities occurred throughout the Denali Addition lands before ANILCA and has continued during the intervening 24 years. Moreover, this range of activities is recognized as "traditional" on millions of acres of other NPS lands in Alaska as well as wildlife Refuges, Monuments, and Wilderness areas managed by the U.S. Fish and Wildlife Service and the U.S. Forest Service.

When these activities were permissible in the Park, individuals were afforded by law the right to use snowmachines, airplanes, and motorboats to access the Park in order to engage in these "traditional activities." Unfortunately, the former Clinton Administration upset this longstanding practice by redefining "traditional activities" in the pre-ANILCA lands to exclude camping, sightseeing, photography, picnicking, and other similar activities in order to force through the 2000 snowmachine closure for the 1.9 million acres of "Old Park."

Now the NPS is proposing to extend this ill-conceived and incorrect definition of "traditional activity" to the Denali Addition lands. *Proposal at 61, 187.* As stated in the Proposal, the effect of applying this definition "would be to close the park and preserve to recreational snowmachine use", with few exceptions. *Plan at 66.* Thus, the only conceivable reason to continue to apply the irrational definition of "traditional activities" is to press another attack on Section 1110(a)'s access guarantee. ISMA strongly encourages the agency to revise

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"social conditions" – e.g. opportunities for solitude – it is appropriate that the Denali BCMP would include indicators and standards for these conditions.

In addition, it is important in implementing the VERP process to choose indicators to "indicate" the condition of multiple resources. For example, the number of encounters with people in the backcountry not only helps to indicate the degree of wilderness solitude to be expected in an area, but is also correlated with use density, which in turn affects many other variables, such as the likelihood of seeing wildlife and potential impacts to vegetation.

Natural sound is not an "amenity" value but a physical, measurable resource that has implications for wilderness resource values, biological values, and visitor experience.

ANILCA does not have a section 1110(c).

ISMA-3

The BCMP does not commit the National Park Service to manage the Denali park additions "as wilderness." However, it does place an emphasis on protecting "wilderness resource values" and "wilderness recreational activities" as prescribed by ANILCA. ANILCA Section 1317(c) does not preclude the NPS from doing so (see SOA-1).

ISMA-4

Based on the extensive public scoping process conducted for this plan and analysis of ANILCA legislative history, the NPS disagrees that "traditional activities" have been "generally understood" to include the activities listed. In fact, disagreement over the definition of "traditional activities" – and thus the extent of snowmachine access protected by ANILCA 1110(a) law and regulation – remains one of the major unresolved issues of ANILCA. Contrary to the assertion in the letter, the U.S. Fish and Wildlife Service has not defined "traditional activities" on any of its lands in Alaska, and the National Park Service has in regulation only the definition for the former Mount McKinley National Park, which includes only consumptive activities that are part of a traditional Alaskan lifestyle, not sightseeing, picnicking, photography, or other purely recreational activities. The 1979 Senate Report on ANILCA also did not refer to sightseeing and photography and explained that the Energy Committee understood that section 1110(a) provided Special Access for "...sport hunting, fishing, berry-picking and travel between villages" (p. 247-248).

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this definition in order to encompass the actual, longstanding meaning of “traditional” activities, which includes activities such as sightseeing and picnicking that have been occurring in the Park for decades.

To ensure that ANILCA’s access guarantee is properly applied and an appropriate level of access by snowmachine is maintained, ISMA supports and encourages NPS to stand by its proposal to apply a hierarchy of tools beginning with the least restrictive means to reasonably regulate guaranteed access. *Proposal at 50-51*. Additionally, as an overarching measure, ISMA recommends that NPS also update its Management Policies to reflect a similar hierarchical structure as well as a management approach that more appropriately implements NPS’s Organic Act mandates.

Current NPS Management Policies referred to throughout the Proposal are contrary to applicable law and, therefore, NPS should not base its backcountry management plan on these flawed policies. For instance, ANILCA expressly provides that the Denali Addition lands are not to be managed as Wilderness areas until Congress specifically designates them as part of the Wilderness System. § 1317(c). However, in the Proposal, NPS improperly relies on NPS Management Policies that “direct the NPS to ‘take no action that would diminish the wilderness suitability of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed.’” *Proposal at 309*. As a result, the Proposal provides that all backcountry areas would be managed as if it were a designated Wilderness area. *Proposal at 53-56, 309*. NPS relies primarily on a document entitled “Wilderness Management” to examine the recreational opportunities at Denali (Old Park and Additions). *Proposal at 384*. NPS should revise the Management Policies to rectify this and other inconsistencies between the applicable laws and NPS Management Policies. We note that under federal administrative law agency policies cannot be used to trump statutes.

Alternatives

ISMA agrees with NPS’s efforts to provide a revised backcountry management plan for Denali National Park and, therefore, does not support Alternative 1, the no action alternative. ISMA also does not support Alternatives 2-4 because they essentially require the majority of Denali’s backcountry to be managed as a Wilderness area, which it is not. Even the preferred alternative, Alternative 4, which boasts “opportunities for a variety of wilderness recreational activities and experiences” (*Proposal at 70*), eviscerates ANILCA’s access guarantee by limiting snowmachine access in the Addition lands to a crabbed definition of “traditional activities.” As indicated above, when explaining the use of “traditional activities”, the Proposal states that the effect of applying this definition “would be to close the park and preserve to recreational snowmachine use”, with few exceptions. *Proposal at 66*. Clearly, Alternative 4 would have a similar effect.

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ISMA-5

The preferred alternative of the *Revised Draft EIS* and the modified preferred alternative of the *Final EIS* do not propose to extend the Old Park definition of “traditional activities” to the Denali additions.

ISMA-6

Updating NPS Management Policies is beyond the scope of the backcountry management plan.

ISMA-7

The National Park Service disagrees that NPS Management Policies are contrary to law and therefore not applicable to the management of Denali. As described above, the decision to manage the Denali backcountry to protect wilderness values and wilderness recreational activities – using the Wilderness Act definition of “wilderness” – comes primarily from ANILCA itself. This direction is supported by overwhelming public interest as reflected in scoping comments and comments on both the original and revised draft plans. It is also influenced by the history and tradition of this particular park unit, as articulated in the Wilderness section of Chapter 3: Affected Environment. Finally, the direction is supported by and consistent with NPS Management Policies, but they are not the only or even the most important reason for the management actions in the Final BCMP. See also SOA-1.

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Out of the five alternatives, ISMA believes Alternative 5 provides the most appropriate measures to manage backcountry recreational activities. Alternative 5 essentially splits the Park and the Addition lands to provide one large area of highly dispersed, self-reliant travel and another large segment to provide continued opportunities for greater intensity and high volume use. Alternative 5 also provides the greatest socio-economic benefits to the communities surrounding Denali National Park and Preserve.

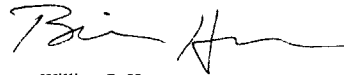
However, even Alternative 5 proposes to apply the inappropriate definition of "tradition activities" as applied for use in the Old Park. ISMA strongly opposes NPS's application of this definition as contrary to ANILCA § 1110(a).

Conclusion

Thank you for the opportunity to review and provide comments on the Revised Draft Backcountry Management Plan. ISMA is persuaded that if NPS revises its Management Policies and appropriately applies the hierarchy of management tools identified in the Proposal the 5.6 million acres of the Park may be managed to accommodate ANILCA's access guarantee and provide opportunities for visitors to engage in various backcountry activities, while also conserving the Park resources.

Sincerely,

BIRCH, HORTON, BITTNER
AND CHEROT



William P. Horn

cc: Drue Pearce
Cam Toohey
The Honorable Ted Stevens
The Honorable Lisa Murkowski
The Honorable Don Young

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Comments

National Parks Conservation Association
750 W. 2nd Ave. #205 Anchorage, AK 99501

15 July 2005

Paul Anderson
Superintendent
Denali National Park
P.O. Box 9
Denali Park, AK 99755

Dear Superintendent Anderson,

Denali National Park and Preserve is one of the premier wilderness national parks in America. Established in 1917, the original Mt. McKinley National Park encompassed about two million acres and, in 1980 with the passage of the Alaska National Interest Lands Conservation Act, it was expanded to six million acres and renamed Denali National Park & Preserve. It is unsurpassed by any other park in the system for supporting fully functional ecosystems while providing the opportunity for hundreds of thousands of visitors every year to experience Alaska's wildlife and wilderness.

The National Parks Conservation Association (NPCA) has reviewed the Denali National Park & Preserve Revised Draft Backcountry Management Plan Environmental Impact Statement (Revised Draft) and offers the following comments. NPCA is America's only private nonprofit advocacy organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. Founded in 1919, NPCA has more than 300,000 members of which 1,000 reside in Alaska.

Consistent with the first draft, the Revised Draft's goal is to "provide future generations with a variety of opportunities to experience the park backcountry while protecting park wildlife and other natural resources, wilderness values, and subsistence uses," (page 1) and that this amendment to the Park's General Management Plan "does not change the fundamental purposes of the park as established in law and policy. Throughout the history of the park, management decisions have been oriented to the preservation of the intangible values of wilderness." (Page 3)

In reading the Purpose and Need (Chapter One of the Denali Backcountry Revised Draft Management Plan), there is no doubt that the Park Service is fully aware of its legal obligation to protect and perpetuate wilderness and other park resources, and that the Park Service is committed to selecting a management regime that does not impair park

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values or negatively impact park resources, including wilderness, solitude, and soundscape. The Purpose and Need section has been improved from the original draft by recognizing and emphasizing the importance of intangible values such as the ability to experience solitude in an untrammelled landscape where the sounds of nature predominate. We are further pleased to see that the revisions recognize that this plan “will seek to provide recreational opportunities in the Denali Backcountry that are compatible with the unique resources and values for which the park was established” (page 11). And that “Other recreational activities can occur on adjacent public lands that possess excellent wildland qualities but also have broader management mandates that are more appropriate for some uses” (page 11).

Denali is different than other public lands in the region. Denali was established and expanded by ANILCA with authorizing language that clearly states that the purpose of national parks in Alaska includes “preserve unrivaled scenic and geological values,” “maintain sound populations, and habitat for, wildlife species,” “preserve extensive, unaltered ecosystems,” “protect resources related to subsistence needs,” and “preserve wilderness resource values and related recreational opportunities such as hiking, canoeing, fishing, and sport hunting.” The Revised Draft is specific in its recognition that protecting wildlife, soundscape, wilderness, and subsistence values are the primary guiding principles at Denali for this and future management plans. The revised draft includes important language about NPS management policies and reminds us that “the impairment of park resources and values may not be allowed unless directly and specifically provided by statute.” (page 14) What is unclear is why the Park Service, in clear contradiction to the direction provided in ANILCA, prefers an alternative that causes some degree of impact or possibly impairment, for almost all proposed management actions.

For while the Park Service has demonstrated an understanding of its obligation to manage the park so as to not impair the park’s resources and to support a wide range of park values, including soundscape, solitude and wilderness, there is a disconnect between the recognized need to protect the park’s resources and the plan’s proposed preferred alternative (Alternative 4). NPCA recognizes the very same need to not impair park resources and to support a wide spectrum of park values and, as such, we helped develop and support the People for Parks Alternative. The People for Parks Alternative provides a better future for Denali by blending parts of the preferred alternative with parts of alternatives #2 and #3, both of which, we feel, are more environmentally preferred and provide a higher level of protection for park values and resources.

Summary Position

In support of the need to provide maximum protection for the parks resources, NPCA urges the Park Service to:

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1. **Adoption of the People for Parks Alternative** - By selecting parts of alternatives #2, #3, and #4, this improves the plan's management direction for both resource protection and visitor experience and does a better job of providing for a better future for Denali.
2. **Use the Precautionary Principle** – The National Park Service Organic Act directs parks to be managed so that the scenery, natural and historic objects and wildlife are left “*unimpaired for the enjoyment of future generations.*” This plan's style of management based on “desired future conditions” may sometimes delay action until after damage occurs. In order to fulfill the congressional mandate of the Organic Act, this plan needs strengthening to give park managers the authority to act easily and decisively before park resources are impacted, not after.
3. **Emphasis on a Quality Visitor Experience** – We support and endorse the plan's emphasis on intangible values such as the ability to experience solitude in an untrammelled landscape where the sounds of nature predominate. These values are necessary to preserve Denali's wilderness character for future generations of backcountry users. It is the Park Service's responsibility to manage the park for these values.
4. **Determine Funding and Details for Monitoring Program First** - Before implementing this plan, it is imperative NPS has a detailed and fully funded monitoring program developed with public involvement. This plan also needs to detail how NPS will monitor and enforce the stipulations of this plan if little or no additional funding is made available. We assume much of this needed monitoring information will be in the Record of Decision and we look forward to working with NPS on this critically important part of this process.
5. **Adopt the Old Park regulation for Traditional Activities** – Only two of the alternatives define traditional activities and one of those does so in a manner that still provides for recreational snowmobiling. NPCA continues to be perplexed about how NPS can implement ANILCA Section 1110(a) in the park's 1980 additions without defining traditional activities. The de facto result is allowing recreational snowmobiling, which NPCA strongly feels was not what Congress intended when they passed ANILCA. Recreational snowmobiling is illegal in Denali, damages park resources, and must not be authorized in this plan. To accomplish this the definition for traditional activities currently in use for the Old Park needs to be extended to the 1980 Park Additions and Preserve.
6. **Protect Denali's Soundscape From Impairment** - We are extremely concerned with the high levels of noise allowed in Management Area A, Portals, Corridors, West Buttress Special Use Area, Major Landing Areas, and the Ruth Glacier Special Use Area. We feel the standards of audible motorized noise of 25%-50% of any hour are way beyond reasonable impacts for backcountry areas of a wilderness park. In fact, we believe levels of 50% easily exceed the threshold to be considered impairment. We request both the standards for High and Very High either be completely removed or lowered considerably in the final plan.

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7. **Complete the Wilderness Recommendation** - As required by the Alaska National Interest Lands Conservation Act (ANILCA) the Park Service conducted a wilderness review in 1988 and concluded that approximately 3.73 million additional acres were suitable to be designated as Wilderness. NPS must fulfill its ANILCA obligation to complete the process by having the President forward its recommendation to Congress. In the meantime, NPS can take no action to either diminish the wilderness suitability of the area or reduce the probability of a wilderness designation.

Specific Comments On Revised Draft Plan

The premise of this plan, whose proper implementation is potentially impacted by the real world of 21st Century public land politics, does contain a certain logic. The Park Service identifies Desired Future Conditions for park resources (including values such as solitude and sound), sets standards and indicators that will tell us when those Desired Future Conditions are being exceeded, establishes a monitoring program to tell us when and if Desired Future Conditions are being negatively impacted by human activity, provides for a “toolbox” of actions should those Desired Future Conditions be impacted, and allows for changes in those Desired Future Conditions when new information is made available. This process should work well in the abstract. However, the reality of its application causes us great concern.

Park Service Must Retain Its Discretion to Prevent Impairment - Against this proposed management strategy, one must remember the Organic Act and the fundamental principles established for not only Denali, but all national parks. Pursuant to its Organic Act, the Park Service must manage Denali National Park and Preserve so as to “conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them *unimpaired for the enjoyment of future generations.*” (emphasis added). This preservation mandate is further enforced by the Redwood Act amendments to the Organic Act, which state “The authorization of activities shall be construed and the protection, management, and *administration of these areas shall be conducted in light of the high public value and integrity of the National Park System* and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided for by Congress.”

Nothing in the Alaska Lands Act diminishes these clear directives. In implementing this Desired Future Conditions management approach, the Park Service must recognize that while it may have the discretion to choose the most appropriate tool or mechanism to achieve its desired future resource and social conditions for a particular area, it must adhere to its Congressionally mandated duty to manage the park in a way that ensures its scenery, natural and historic objects, and wildlife will be preserved and left *unimpaired*

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for the enjoyment of future generations. In other words, park managers must act to *prevent* impairment of park resources.

With this reminder of how parks are to be managed, we feel this proposed approach, if not properly implemented with full funding, will lead to impairment of park resources by providing too much flexibility to political influences that would question identified impacts with a desire for “more study” and would weaken or postpone management actions necessary to protect impacted resources. Critical to this whole management approach is timely identification of real, possible, probable, or potential changes or impacts to Desired Future Conditions so that clear and decisive management action can be taken in a timely manner so as to protect park resources. Park Superintendents must be given the authority to take action when they see or anticipate a problem.

Allowing the Superintendent to take action based on what he/she sees or anticipates as impacts to Desired Future Conditions is critical to the success of this management approach. The plan must be clear that both the authority to monitor and the authority to take action lies with the Superintendent. The plan must be clear that if a Superintendent anticipates that an action could or will cause impairment, they are empowered to act BEFORE damage occurs to control or restrict a harmful recreational activity. Anticipating and preventing damage to park resources is more important than reacting to an impact once it starts to occur. The Superintendent must be able to take action as he/she sees fit to respond to actions that are impacting park resources or that COULD impair park resources. Should there be any question of the impact level, the plan must also provide the Superintendent with the direction to err on the side of caution.

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Unlike much of the world, Denali National Park and Preserve sustains a vast functioning ecosystem. That ecosystem functions because of 89 years of strict protective measures taken by the National Park Service. Ecosystems can be significantly modified by human actions, often to the detriment of that ecosystem’s sustainability. The cost of rebuilding or rehabilitating an impacted ecosystem is oftentimes staggering. At Denali we have done it right the first time, so far. Aldo Leopold said that the first rule of tinkering is not to throw away all the pieces. Since we have the pieces at Denali to sustain and perpetuate that functioning ecosystem, then Superintendent must be given the authority to err on the side of conservation. If he/she later finds that a rule, regulation, or emergency order was too strict, it can be loosened. If it is virtually impossible to take an action that is too permissive, and damaging to the resource, and tighten it up. Caution is the key word and the plan must be explicit in its direction to embrace the precautionary principle.

React Decisively to Resource Threats – In Actions Common to all alternatives, general guidance for Access does not give the superintendent the necessary authority to react to real or potential threats to park resources. Direction is given on page 50 that the Park Service “would use the least restrictive mechanism or ‘tool’ necessary to accomplish the goal” and “The park superintendent is free to pick whichever tool is required so long as the ‘least restrictive’ criterion is heeded.” Forcing a park manager to use the least restrictive tool would seem to prevent that manager from exercising the precautionary

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Response to Comments

NPCA-1

Case law is cited in Chapter 1: Purpose and Need, which demonstrates that the National Park Service has legal authority to act before actual damage occurs to park resources. Text in the “general guidance” of the Access section in the modified preferred alternative has been clarified to indicate the responsibility of the National Park Service to act before standards are exceeded.

NPCA-2

The guidance in the Access section of the modified preferred alternative is clear that the superintendent is not obligated to pick the least restrictive management tool, but the least restrictive management tool that would work to accomplish the goal. Specifically the text reads, “If it becomes necessary to manage travel in any area to achieve desired future resource and social conditions for an area, to reduce visitor conflict, or to protect visitor safety, the National Park Service would use the least restrictive mechanism or ‘tool’ necessary to accomplish the goal.” This language provides the National Park Service great flexibility in managing access to insure that desired future conditions are achieved.

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principle and prevent him/her from taking action using the mechanism or 'tool' that would clearly and without a doubt stop resource damage. That tool may not always be the least restrictive. Least restrictive implies a decision that should work, not one that will definitely work. Preventing resource damage should be the primary function of this plan, yet constricting the range of mechanisms or 'tools' a superintendent can use to that which is the least restrictive handicaps a park manager that wants to exercise caution.

Furthermore, that section says that "restrictions and closure would be accomplished consistent with the process outlined in 43 CFR 36.11..." It must be made clear that 36.11 only applies to Title XI/traditional activity closures. At the persistent insistent of the state, the public is being trained to believe that all access in parks for any purpose fits under a traditional activity definition and therefore is under Title XI rules. The access guaranteed under Title XI is not for all access, otherwise why would Congress have made a special exemption? This persistent confusion is another example of the need to define traditional activities so the public will know what is covered by Title XI and what is covered by "other relevant regulations."

Improving the Monitoring Program - As the Superintendent monitors the Desired Future Conditions, there must be clear standards and indicators for when those conditions are met or exceeded. Key to monitoring these standards and identifying any changes in the indicators is a solid understanding and documentation of existing conditions and, better yet, conditions as they were when ANILCA passed. The discussion of standards and monitoring in the Actions Common section reference "existing data." A summary of existing data should be in this plan. We find it difficult to determine if we can endorse or support the standards established in the plan without any data showing how these proposed standards relate to what is actually happening on the ground right now or, better yet, during the time since ANILCA passed. There very much needs to be baseline data against which to measure the efficacy of these proposed standards. We are concerned that the extent of existing baseline data is not sufficient to support a monitoring program that can withstand scrutiny from those that will oppose any restrictions or closures. Besides soundscape, are there other areas where existing conditions already exceed the standards?

The methodology for measuring change over time for those standards that include encounters with people or human disturbance relies on a visitor survey conducted every five years. Where did five years come from? That seems too long a time period. There can be significant shifts in recreational visitation, with resulting potential impacts to park resources, in only one year (12.3% increase from 2003 to 2004), what could happen if there was this much increase in each of five years without any monitoring by NPS? Backcountry camping has changed as much as 25% (1993 to 1994) in one year, though shifts in the 10%/year range are more common. Still, if we increased 10%/year over 5 years, NPS would be looking at a 50% increase.

As the visitor survey seems to be the primary tool by which you are basing your monitoring plan, we suggest that all survey data collection be done on an annual basis for

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NPCA-3

The National Park Service agrees that the process for closures or restrictions in 43 CFR 36.11 only applies to the "special access" provisions of ANILCA 1110(a). The modified preferred alternative accurately states, "Restrictions and closures would be accomplished consistent with the process outlined in 43 CFR 36.11 and/or other relevant regulations."

NPCA-4

All available data is presented or referenced in the plan in chapters 3 and 4. Although the data has many gaps, the National Park Service believes it provides sufficient information to set provisional indicators and standards. The application of indicators and standards through the Visitor Experience-Resource Protection (VERP) process is the recommended methodology for NPS managers to meet statutory requirements for addressing carrying capacity in General Management Plan documents. The NPS VERP Handbook (NPS 1997b) provides guidance to managers on the entire process. The Handbook specifically recommends establishing provisional indicators and standards in instances where additional information is needed to assure validity and monitoring feasibility. It is essential to have good data in order to provide a realistic picture of what the standards imply for management. However, this "baseline" is mostly important for determining the realism of a standard, because ultimately standard setting is a subjective process based on what is desired for the future, not on current conditions.

NPCA-5

The monitoring language related to visitor surveys has been adjusted to indicate that such surveys would take place "at least once every five years." The detailed monitoring program to be developed during implementation would establish the optimal time periods for repeating surveys.

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at least the first five years after which adjustments can be made for a longer time period if it can be shown a longer time period will impact the quality of data needed track changes to the backcountry conditions that make Denali such a desirable place to visit.

For changes in physical conditions to trails and campsites you only cite “field observations” to describe how these will be monitored. The plan needs to include much more information about these “field observations,” such as who is making these observations? How often are they made? Weekly? Monthly? Seasonally? What form will this data be collected so that it can withstand the scrutiny it undoubtedly will receive when it is used by park managers to seek restrictions or closures based on resource damage? There must be a rigorous data collection plan so that all data is uniformly observed, cataloged, and evaluated so it CAN withstand such scrutiny.

The Achilles Heel to this whole plan is the monitoring program. In times of limited funds, NPCA is very concerned that funding for the monitoring necessary to properly implement this plan simply will not be available, leaving wilderness, wildlife, solitude, natural quiet and other park resources at risk. Key among these impacts are those from recreational snowmobiling, an activity that the NPS preferred alternative says can occur in the four million acres added to the park in 1980.

NPCA asks that the National Park Service not implement this plan until a monitoring program is fully developed in partnership with the public, including formation of a Citizens Advisory Committee, and fully funded in the operating budget of the park. Major details of and a specific implementation timeline for the monitoring program should be included in the Final EIS and the Record of Decision (ROD), as discussed in Council on Environmental Quality’s (CEQ) “Forty Most Asked Questions Concerning CEQ’s NEPA Regulations. Question 34c states, in part, that “the discussion of mitigation and monitoring in a Record of Decision must be more detailed than a general statement that mitigation is being required.” Detail, which is lacking in the Revised Draft, must be included in Final EIS and the ROD.

When NPS selects a final preferred alternative and details its specific impacts, NPS must also include a mitigation plan that specifically addresses those impacts. We look forward to reviewing this mitigation plan in the FEIS.

The Record of Decision must also discuss the necessary funding for the monitoring plan. What is the cost of the monitoring program? The cost analysis on page 520 appears overly generalized to be of much use. Nonetheless, it is clear that Alternatives 2 and 3 are significantly more cost effective than Alternatives 4 and 5. This makes sense since the higher number alternatives rely more on goal setting and standards than prescriptive management. In recent years Denali has had a declining budget and as a result has cut a number of staff positions. Nevertheless, successful implementation of this plan relies heavily on monitoring and enforcement – two items requiring a great deal of money and staff. Based on the numbers presented in the cost analysis it appears a more prescriptive approach to backcountry management is better not only to protect park resources, but also more cost effective.

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Response to Comments

NPCA-6

See TWS-8 and PpP-4.

NPCA-7

See the discussion under PpP-4 and NPCA-10. See discussion of mitigation and monitoring at DCC-32. Mitigation will be discussed in the Record of Decision as required by CEQ regulations.

NPCA-8

The National Park Service did not identify mitigation measures under any of the alternatives. The BCMP is largely a management strategy to respond to existing and expanding uses in the Denali backcountry. As a result, the NPS considers the plan’s indicators and standards, associated monitoring strategies, access management tools, and most other provisions as alternative actions, not mitigation measures, although they are in a sense “mitigating” the impacts of existing use. The Record of Decision will address mitigation as required by regulation.

NPCA-9

Adequate funding is necessary to implement the plan, and the National Park Service intends to use the finalized BCMP as a tool to articulate needs for funding for monitoring and management. The National Park Service would also take advantage of existing funded efforts such as the Central Alaska Network’s Vital Signs Monitoring Program and the mandated Resource Stewardship Plan to accomplish many of the indicated actions. However, if funding were not available for adequate monitoring and enforcement, the National Park Service would act proactively to prevent harm to park resources by managing visitor use through rule-making or other more prescriptive means.

Comments

As the monitoring plan moves ahead several key funding questions still loom. Will there be new funding made available to implement the monitoring program? If no new funds are made available, how does the Park Service propose to monitor its Desired Future Conditions with existing staff that is already overloaded with work? What existing park functions will stop to provide for the necessary funding for the monitoring program? These questions must be answered in the Record of Decision.

NPCA suggests formation of a Citizens Advisory Committee to assist NPS with developing and implementing the monitoring program. This is going to be especially important during the development stage of the monitoring plan. This entire plan hinges on monitoring for changes. It cannot be emphasized enough that monitoring data needs to be annually collected, collection protocols consistently applied, and the results rigorously tested to ensure that it can withstand the pressure that will come when NPS uses the data to propose closures and restrictions.

10

Define Traditional Activities – ANILCA section 1110 (a) provides for access by snowmobile, airplane, motorboat, and other non-motorized methods for traditional activities, and for travel to and from villages and homesites. In making the regulatory determination that snowmobiles are not allowed in the Old Park, NPS rightly defined traditional activities to be those actions necessary to perpetuate a rural lifestyle, actions such as sport hunting, fishing, managing a trapline, and berry picking. NPCA appreciates the addition of alternatives (#2 and #3) in the revised draft that recognize the need to define traditional activities for the park and preserve the same as for the Old Park. This definition is key to future management of the park especially regarding snowmobiles. The RDEIS specifically recognizes that this definition should be applied to the new park additions in its discussion of Alternative #2 where the draft plan clearly states that the Park Service would define traditional activities “for all areas of the park and preserve and for all modes of access using the present definition employed for snowmachine access in the Old Park (36CFR 13.63(h)).”

This Old Park definition clearly recognizes that Congress did not anticipate recreational snowmobile use when it acknowledged snowmobile use for traditional activities. The legislative intent is clear that a traditional activity was to support the continuation of a rural lifestyle and that recreational use was NOT to be considered a traditional activity. And in support of this Congressional intent, the National Park Service, clearly recognizes in its Old Park definition that recreation was not a traditional activity envisioned by Congress when it passed ANILCA.

It is unclear why the National Park Service is not applying the Old Park definition of traditional activities to the park additions and the preserve. It is unclear how the National Park Service can make recommendations in this plan to permit snowmobile access to the park in its preferred alternative without this basic definition. The ONLY way that snowmobiles can be allowed in Denali is for traditional activities. Recreational snowmobiling, including high-marking, powder-surfing, and glacier exploration, are not

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Response to Comments

NPCA-10

The National Park Service encourages public involvement in the development of the monitoring program. In the Implementation section of the modified preferred alternative, the formation of a chartered FACA (Federal Advisory Committee Act) committee would advise the National Park Service on all aspects of plan implementation, with subcommittees addressing topics of particular concern such as overflights (Aircraft Overflights Working Group), hiking impacts, and monitoring.

NPCA-11

See P&P-5.

Comments

the kinds of activities Congress envisioned when they provided for access to perpetuate the traditional rural lifestyle. Yet the Revised Draft preferred alternative addresses the need to define traditional activities by dismissing it. Without a traditional activities definition, the Park Service has NO BASIS for determining what kind of snowmobile access can be allowed in the park additions and preserve.

We support adopting the definition of traditional activities currently in use in the Old Park for the entire Park & Preserve. We are disappointed the preferred alternative does not define traditional activities and strongly urge you to include this in the final decision.

State of Alaska misguided on Title XI implementation - In their comments on the Plan's first draft in 2003, the State of Alaska frequently states that basic park management techniques (such as zoning, permits, or use limits) constitute a closure and are illegal under ANILCA. We strenuously challenge this assertion and find no language in ANILCA to back their claim. While the Park Service has a duty to allow the use of snowmobiles, motorboats, airplanes and other means of non-motorized surface transportation for access to traditional activities according to ANILCA Section 1110(a), such use is neither unlimited nor absolute. First of all, this provision is a narrow exemption that only applies to special access for the continuation of "traditional activities". It is not a general statement for all proposed park activities for all purposes that overrides nationwide NPS regulations and prohibitions as the State implies. Secondly, the use of these transportation methods are subject to "*reasonable regulations...to protect the natural and other values*" of parks (ANILCA 1110(a)). Finally, the Secretary may prohibit the use of these certain modes of transportation if it is "*detrimental to the resource values of the unit or area*" (ANILCA 1110(a)). Other than providing for reasonable, regulated access for existing traditional activities, nothing in ANILCA Section 1110(a) or elsewhere purports to expand the nature or scope of allowable activities within Alaska's national parks.

No Recreational Snowmobiling – NPCA is opposed to recreational snowmachining in national parks. What NPS proposes in the preferred alternative does not fall under the special access provisions of ANILCA 1110(a) and is clearly illegal. While the Revised draft plan states "the preferred alternative contains no explicit authorization for recreational snowmachine access" (p. 2), this is simply not true. In the preferred alternative NPS proposes two types of snowmobiling, both of which include recreation and both of which NPCA opposes for the following reasons.

1. Snowmachine Corridors – "Access for Wilderness Recreation"
The Park Service is proposing snowmachine corridors under the guise they are necessary "*to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering and other wilderness recreational activities*" in accordance with ANILCA section 202(3)(a). However, this reasoning is disingenuous at best. It is simply an excuse to allow illegal recreational riding. In reality the corridors are not providing access by snowmobile to something. If the corridors led to an ice-climbing route inaccessible by plane, and visitors used a

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Response to Comments

NPCA-12

Corridors are designated to provide high-use travel routes into the backcountry from which visitors would disperse. The winter Corridors in the Dunkle Hills/Broad Pass and Tokositna areas provide access for all park users, not just those utilizing snowmachines for traditional activities. It is hoped that they would in part be used by non-motorized winter visitors who wish to access the Denali Wilderness on the south side of the Alaska Range, where snow conditions are often better than on the north side. This plan is intended to be valid for 20 years; the National Park Service is not only planning for present demand, but also to accommodate and guide future demand. Recognizing that present needs may not require these winter-season Corridors, the text of the modified preferred alternative was adjusted to indicate that the winter season Corridors on the south side of the Alaska Range would be implemented only "if demand is sufficient."

Comments

snowmobile as transportation to go climbing, it would make sense. However this is not the case. No one requires or has requested such access. The snowmobile corridors are not providing transportation to a recreational activity. The snowmobiling is the activity. Therefore in essence, this provision authorizes recreational snowmachine use.

2. Access for “Undefined” Traditional Activities

NPCA honors the narrow exemption ANILCA section 1110(a) makes to allow snowmobile use for access to traditional activities, such as subsistence and sport hunting, fishing, berry picking, and travel between villages. However, by not clarifying a definition for traditional activities for the park additions and preserve, NPS is making a de facto decision to allow all types of snowmobiling, including for recreation. This is clearly in violation of the intent outlined in ANILCA and the Congressional record for access for traditional activities.

Soundscape Must Be Protected – One of the greatest assets of our national parks is they provide a refuge to escape the sights and sounds of the workaday world, a place where the sounds of nature, not man, predominate. Hearing the chatter of a squirrel, the call of a thrush, or the babbling of a brook does much to reconnect our harried selves to the natural world and renew our spirits. The intrinsic value of natural soundscape is of great importance a large wilderness park such as Denali. The direction of Directors Order 47, the Organic Act, and NPS Management Policies all make clear the obligation to protect Denali’s natural soundscape. One of our greatest concerns with this plan is the impact allowed to the natural soundscape of Denali’s backcountry.

NPCA staff Joan Frankevich recalls a 5-day backpacking trip she took in Denali’s Old Park in 1984. On the last day, looking up into the sky, she saw a contrail from a jet and realized that with the exception of her two companions, she had been completely out of sight and sound of the manmade world. What a rare and magnificent experience Denali provided. To read the backcountry observational data (pages 136-137) and learn that such an experience has practically disappeared in 20 years and may no longer be available for future generations is truly distressing. One of Denali’s greatest assets is it provides an accessible wilderness experience to a wide variety of backcountry users. It is the duty of this plan to preserve such experiences, especially in the designated Wilderness (Old Park). NPCA regrets the loss of the voluntary flight restrictions around the Wilderness core of the park as outlined in the preliminary alternatives presented in the Denali Dispatch in 2001. We support this plan’s proposal to form an Aircraft Overflights Working Group and request at least two environmental seats comprise this group. We strongly urge NPS and this Working Group to create voluntary flight corridors to protect and improve the soundscape of the Old Park. Additionally, we request Wonder Lake be closed to private airplane landings due to its outstanding scenic setting, nesting loons, and other resource values.

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Response to Comments

NPCA-13

The composition of the Aircraft Overflights Working Group would include balanced representation from all parties that have an interest in aircraft activities over Denali. However, the exact number and composition of the working group would be determined during plan implementation. Likewise, while voluntary flight corridors could be a method used to achieve desired natural sound conditions, the modified preferred alternative concerns itself only with setting the goals and identifying the tools that could be used to achieve the goals. Specific prescriptions are deferred to implementation, and voluntary flight corridors remain only one tool of many that could be utilized.

NPCA-14

See DCC-24.

Comments

In order to support a range of mountaineering experiences on the park's southside that includes some climbing areas free from the noise and intrusion of scenic air tours we support allowing scenic air tour landings on glaciers in all areas designated as

Management Area A of our revised Management Area map. Should that map not be adopted as the final, we would strongly suggest the following change to the existing preferred alternative - *scenic air tours should be exempted from the Eldridge Glacier, Little Switzerland, Pika Glacier, and the Ramparts. Additionally, in order to provide some quieter time for backcountry users, as well as cabins and homes in the flight paths, scenic air tours should be allowed to operate from 9am to 9pm or less.*

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We are concerned with the extraordinary growth in glacier landings on the south side of the park. In just ten recent years, from 1991 to 2001, the number of scenic landings on the Ruth Glacier increased more than 800%, from 220 to 1800. In 2002 aircraft were audible in more than 50% (maximum 80%) of the sound monitoring samples collected every five minutes between 8 a.m. and 8 p.m. on good weather days in the Ruth Glacier area. While flightseeing provides a spectacular park experience, it should not be so sacred to be exempt from reasonable limits and regulations. Occasionally park buses fill and a visitor must wait a day to travel the park road. This principle should apply to air visitors as well. Also, the visitor who is in the air one day is more than likely to be a visitor on the ground the next. When on the ground this same visitor will likely appreciate the ability to hear the natural sounds of Denali more than the sounds of aircraft.

We commend the Park Service for the depth with which they discuss and include important intangible resources such as soundscape into the Revised Draft. However, we are concerned with the standards set for allowed noise intrusions, especially by snowmobiles in corridors, airplane overflights in the Old Park, and landings in Portals and Major Landing Areas. We find the standards for both the High (up to 25% noise intrusions in any hour) and Very High (up to 50%) categories for Natural Sound Disturbance to be unacceptable. Based on seminars, conferences, and conversations with NPS that NPCA staff have had over the years, we understand that appropriate noise levels for backcountry areas are considered to be in the 5% - 15% range. Noise levels of 25% seem quite high for the recommended Wilderness portions of the Denali backcountry, with 50% completely unwarranted. To be in the backcountry and be unable to hear the sounds of nature half the time seems to us to have easily reached the level of impairment. We question the statements made in the section on Environmental

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Consequences for Natural Soundscape (pages 281-308). All action alternatives state they would "not result in impairment of park resources". Interestingly, the No Action Alternative concludes that soundscape impacts "could" result in impairment. We ask what criteria did you use to determine what does and does not constitute impairment? What is the threshold level for when a major impact reaches impairment? We request both the standards for High and Very High either be completely removed or lowered considerably in the final plan.

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OHV use needs to be clarified - The Revised Draft considered, but did not address ORV use in Denali by recognizing that ORV uses can only occur on state rights-of-way, under

Response to Comments

NPCA-15

See P&P-7.

NPCA-16

The National Park Service agrees that standards for natural sound disturbance in areas protected for their wilderness resource values should be set at a medium level (as described in the modified preferred alternative) or below. However, some level of natural sound disturbance is necessary to provide for other statutory park purposes, such as providing access for wilderness recreational activities or for scenic viewing and interpretation of Mount McKinley and surrounding mountain peaks and formations. The amount of natural sound disturbance allowed within Management Area A and the Ruth Glacier Special Use Area is presently necessary in order to accomplish these park purposes, but the direction of the modified preferred alternative is to keep the size of these areas to a minimum and direct increases in backcountry visitation that is not wilderness-related to these areas.

NPCA-17

The definition of impairment for resource values and the definitions for minor, moderate, and major impacts are all contained within the introduction to Chapter 4: Environmental Consequences. The definition for impairment reads, "A resource would no longer fulfill the specific purposes identified in the park's establishing legislation or its role in maintaining the natural integrity of the park." NPS believes that major adverse impacts can occur without impairment, as is the case with natural sound disturbance under the modified preferred alternative. Although some small areas of the park additions do have major adverse impacts, the protection of the rest of the park additions and preserve, along with conditions that are anticipated to improve within the designated wilderness of the Old Park, lead to a conclusion that impairment would not occur. See the analysis for Natural Soundscape in chapter 4.

Comments

an 1110(b) access permit to inholdings in Kantishna, and that the GMP does not authorize ORV use under ANILCA Section 811 because they were not traditionally employed for subsistence purposes. However, we are aware of the on-going effort to review subsistence ORV use in and around Cantwell. The Final BCMP needs to recognize that there is a process for changing the GMP's no-subsistence use position through a separate "Finding" process, such as the effort in the Cantwell Area. That recognition in the Final BCMP needs to clearly state that any change to the ORV prohibition will only come about through a determination that shows such use is well established over a long period of time, is multi-generational, and that historically documented community-wide subsistence ORV use occurred on the trail(s) in question prior to the enactment of ANILCA. If a determination is issued, the subsequent subsistence ORV use is subject to reasonable regulation necessary to prevent waste or damage to fish, wildlife, terrain, and other Park resources or values and in such a matter as to prevent the harassment, hazing, or herding of wildlife. Subsistence ORV use should be managed under a permit system and only allowed on designated trails. Until a final determination is made in the Cantwell Area, the Revised Draft is clear that subsistence ORV use is not allowed in the park.

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NPS Must Acknowledge its Wilderness Management Responsibilities - Denali National Park & Preserve is in fact a wilderness park and its purposes under the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 are to preserve those wilderness values. In 1986, as required by ANILCA section 1317 (a), the National Park Service conducted a wilderness suitability review of the 4 million acre New Park. The final environmental impact statement concluded that approximately 3.73 of the 4 million additional acres were suitable for wilderness designation. At that time NPS forwarded a wilderness recommendation of 2.25 million acres to the Secretary of the Interior but the Secretary did not send it to the President as required by ANILCA. There has been no formal action since continuing NPS' failure to comply with statutory and regulatory mandates with respect to wilderness.

The Revised Draft identifies the purpose of the BCMP as the place to address issues for which the guidance in the 1986 General Management Plan is out of date (page 21). The Revised Draft acknowledges that the wilderness suitability review included in the 1986 GMP is now out of date since a new suitability study would likely result in additional acreage identified as suitable in the Kantishna Hills (page 26).

Yet despite this admission and a clear legal mandate, NPS refuses to address wilderness suitability in the preferred alternative "because of the complexity of the process and the fact that wilderness designation requires congressional action" (page 26). The NPS process for reviewing and recommending wilderness is clearly outlined and within the purview of the National Park Service and Department of the Interior. Only actual designation requires congressional action. In addition, the Revised Draft provides no explanation as to when it will fulfill its obligations to complete the assessment and recommendation process. NPS must take immediate and effective action to bring the National Park System into compliance with its wilderness assessment, recommendation,

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Response to Comments

NPCA-18

Subsistence use is outside the scope of the Backcountry Management Plan. Since ORV use under Section 811 is entirely related to subsistence use, it was not considered within the framework of the BCMP. Text changes to chapter 1 and chapter 2 in the *Final EIS* make factual corrections to statements regarding ORVs in light of the recent finding regarding traditionally employed ORV use in the Cantwell area.

NPCA-19

See P&P-6.

Comments

and planning mandates. NPS must complete the unfinished business of ANILCA section 1317 to effectively complete the backcountry planning process.

Wilderness Needs a Wilderness Plan - NPS Management Policies state that all parks with wilderness resources must have wilderness plans or equivalent documents. And Wilderness Plans and Backcountry Plans are not equivalent documents. In order for a backcountry plan to be an “equivalent document” it must contain the area specific objectives and prescriptions needed to maintain wilderness qualities and attributes. The Revised Draft encompasses both wilderness and non-wilderness resources and as such is not focused adequately on protecting the area’s unique wilderness qualities.

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The Wilderness Act is different than the NPS Organic Act and as such dictates a different management regime. The need for a differing regime calls for a specific wilderness management plan. Wilderness resources are distinct from other NPS backcountry resources and to maintain the unique qualities that qualify them as wilderness or potential wilderness they need to be managed as distinct areas within the NPS. Management by Desired Future Conditions sets up a situation where wilderness resources are managed only when something bad looks to or has actually occurred. This management by reaction works against wilderness preservation goals because management direction can easily be shaped by a succession of minor decisions. The cumulative results of such decisions may be undesirable and hard to reverse in wilderness.

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As a result, the National Park Service must manage all suitable 3.73 million acres of backcountry in Denali National Park as wilderness to protect wilderness character, consistent with the direction of NPS Management Policies (section 6.3.1), that includes categories of suitable, study, proposed, recommended, and designated wilderness within the scope of its wilderness resource management policy (NPS 2001). Wilderness character includes the natural and scenic condition of the land, natural numbers and interactions of wildlife and the integrity of ecological processes. At its core, wilderness character is more than a physical condition. ANILCA section 101 specifically identifies “preserve wilderness resource values” as a fundamental purpose of the Act.

Despite these mandates, however, the Park Service states that it will only manage the 2.25 million acres of recommended wilderness for wilderness values (page 26). This statement impermissibly lessens the management responsibility for the 1.48 million acres of remaining suitable wilderness that was not recommended. The Park Service must recognize that all lands suitable for wilderness must be managed as wilderness.

Adjusting Management Areas for Better Park Protection - Application of the standards and indicators for Desired Future Conditions is in management areas proposed for the entire park and preserve. NPCA has reviewed the draft management area assignments and, like the People for Parks Alternative, find that none of the existing maps accurately reflects how we would like to see these management areas applied on the ground. Using Alternative #3 as the closest to our thinking, we are submitting an alternative management area designation map for NPS consideration (copy attached). The primary

Response to Comments

NPCA -20

NPS Management Policies clearly indicate that Wilderness Management Plans should include all wilderness resources, including on lands that have been determined suitable or have been recommended for wilderness designation. Since almost the entire backcountry falls into one of these categories, and since statutory and policy direction places an emphasis on protecting “wilderness resource values” and “wilderness recreational opportunities,” it is reasonable to incorporate the Wilderness Management Plan requirements into the BCMP. This plan does “contain the area specific objectives and prescriptions needed to maintain wilderness qualities and attributes” and has a significant focus on protecting the area’s unique wilderness qualities. The objectives are contained within the Management Area descriptions and the prescriptions needed to maintain these wilderness qualities and attributes are spelled out in the remainder of the plan’s actions.

NPCA -21

Management through the VERP process is not reactive if it is appropriately implemented. Monitoring is intended to reveal trends in resource conditions, and if the trends indicate that standards would be exceeded in the future, the National Park Service can and should take proactive management steps to manage use and assure that the standards are met. The modified preferred alternative does commit the National Park Service to manage all categories of wilderness within the framework of its wilderness management plan.

Comments

differences being a change in the area around Kantishna from A to B and changes in parts of the Old Park from OP1 to OP2.

While Kantishna does support a number of backcountry lodges, there is no need to sacrifice the visitor experience in that area by allowing high levels of contact. It is an area that lends itself to spreading out use and the goal should be to provide Kantishna visitors with at least a medium encounter rate with minimal trail disturbance and evidence of modern human use. Ensuring this level of visitor experience will be greatly enhanced with the completion of the Kantishna Master Plan. No significant changes to Kantishna Area management should occur until that plan is completed. As such, a change from A to B is suggested.

A medium encounter rate with people and evidence of modern human use is appropriate for the Old Park east of the Muddy River and within seven miles of the park road. But beyond the seven-mile mark, which we think is about the extent of even the most aggressive day-hikers, the Old Park east of the Muddy should be managed as OP2 for very low encounter rates and low evidence of modern human use.

Impact Analysis Needs Improving - The environmental consequences analysis of not only the preferred alternative, but of all the alternatives, seems to be built upon anticipated changes to the current conditions of both park resources and the visitor experience by the proposed actions. Those changes are described in the plan from negligible to major in the summary table of Environmental Consequences (page 93). Yet some of the current conditions, as is the case with soundscape, are already at a level that certainly impact the park and could be classified as impairment. How can a plan be developed that measures the impact of a range of alternatives when the baseline against which those alternatives are measured is already showing distress? NPCA is concerned that the impact descriptions in the Revised Draft do not take into account impacts that are already occurring. Any course of action proposed by the Park Service to mitigate these impacts must include not only the anticipated future changes but also the changes that have already impacted park resources and values. This lack of recognition of the impact of the existing conditions in the park needs to be remedied in the Final Plan and a true description of impacts to park resources, which includes those changes that have already taken place, must be included.

Backcountry Facilities

We support the use of communication facilities to support park management, although we highly endorse the use of satellite phones to limit structures in the park. Providing a cell tower network for commercial communications however, is unacceptable to NPCA.

Easements and Boundary Changes

NPCA supports the need to secure a 17(b) easement near Windy Creek and the proposed boundary adjustment with the State of Alaska.

Response to Comments

NPCA -22

See DCC-34 and DCC-36.

NPCA -23

The summary table necessarily leaves out some information. The complete analysis in Chapter 4: Environmental Consequences clearly describes existing levels of impact and reaches conclusions about cumulative consequences to park resources from past, present, and future actions unrelated to the actions in the BCMP. The results of plan actions are then evaluated to determine their impacts as well as the overall cumulative affects of the plan actions plus the other past, present, and future actions. See also TWS-9.

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Comments

People for Parks Alternative Blends A Better Future For Denali – In reviewing the actions specific to the four alternatives presented in the Revised Draft, NPCA and others felt that a blending of alternatives #2, #3, and #4 provided the best management direction for the future of Denali. Those specific actions, transmitted to the National Park Service in previous correspondence, are again listed here with a bit more explanation.

Category	Alternative	Explanation/Rationale
General Concept	2	Denali should continue to be managed as a wilderness park with non-motorized opportunities for wilderness experiences that are markedly different than surrounding public lands. This has been consistently commented on in this letter and our proposal for using alternative #2 language is consistent with our comments. The park superintendent should not be held to the least restrictive tool when a slightly more restrictive tool would better guarantee no damage to park resources.
Motorized Access	2/3 modified	As described previously in this letter, apply the definition of <i>traditional activities</i> currently used in the Old Park to the entire Park & Preserve.
Registration	2	We support convenient registration for all backcountry day users in order to provide park managers with information for better management. Any study of a registration program should only need to look at how best to implement a system, not whether it is needed. The heavy emphasis in this plan on Desired Future Conditions is contingent upon the Park Service having up-to-date data on park users. We fail to see how the Park Service could even consider not requiring registrations to provide such sorely needed data while at the same time endorsing a management regime that is data dependent.
Climbing Limits	3	We agree that a modest increase of climbers over current levels to 1500 to be reevaluated in 10 years is a needed and reasonable limit.
<u>Commercial Airplane Landings</u>	3	In order to support a range of mountaineering experiences that includes some climbing areas free from the noise and intrusion of scenic air tours we support allowing scenic air tour landings on glaciers in all areas designated as Management Area A of our revised Management Area map. Should that map not be adopted as the final, we would strongly suggest the following change to the existing preferred alternative, <i>except scenic tour landings would not be allowed on the Eldridge Glacier, Little Switzerland or the Ramparts. Scenic air tour landings</i>

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Response to Comments

NPCA-24

The National Park Service agrees that data on visitor use are important for successful plan implementation. The process of registering visitors involves a commitment of resources that may not always be cost-effective given use levels or availability of other indicative data. The modified preferred alternative establishes criteria for imposing new registration requirements, imposing requirements only

- 1) in areas where use levels are sufficient enough that user conflicts and/or resource damage are occurring or would occur and
- 2) when other methods for obtaining accurate information on visitor use and conveying essential visitor safety and resource protection information are unlikely to succeed.

NPCA-25

See P&P-7.

Comments

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		<i>would be restricted to 9 am to 9 pm.</i>
<u>Commercial Guided Hiking</u>	3/4 modified	We support the guided hiking options in Alternative 3 with the following modifications: <i>No guided backpacking should be allowed in the Kantishna Hills until there is a comprehensive plan for management of the Kantishna region.</i> Only educational programs should use the entrance area trails, with the exception of the trails listed in Alternative 4 which could be used for guided hiking.
<u>Guided Sport Hunting</u>	2	Retain the status quo.
<u>Other Commercial Activities</u>	2	Retain the status quo.
Trails	4	While we support the “no formal trails” policy for Denali’s backcountry we recognize that several unplanned social trails exist and that park resources are best protected by constructing trails as needed in the areas listed in Alternative 4. We assume EAs will be written and the public involved when any trail construction moves forward in the park.
Park Road	no choice	We support improved access for non-motorized winter sports such as cross-country skiing, ski-joring, and dog mushing. Any combination of alternatives 1-4 that achieves this goal and is amenable to local users is acceptable.
Campsites	2 modified	We recommend no campsites be designated in the Kantishna Hills as they are not needed at this time. If resource damage appears to be imminent, then NPS should look at options ranging from closing the site to hardening it and creating a designated campsite.
Shelters and Cabins	3	We support facilities at the park entrance that promote opportunities for non-motorized winter recreation.
<u>Information Facilities</u>	3 modified	We don’t support a new facility in the Cantwell/Broad Pass area unless there is a demonstrated need. We recommend changing “ <i>would operate</i> ” to “ <i>could operate</i> ”.
<u>Administrative Camps</u>	3	Retain the status quo.
<u>Information & Education</u>	3 modified	We support the educational opportunities outlined in Alternative 3 with the elimination of designated campsites in Kantishna. Designated campsites could be created when and if resource impacts show a demonstrated need.

Denali National Park is the crown jewel of Alaska’s national park system. The Revised Draft Backcountry Management Plan has the opportunity to perpetuate Denali’s uniqueness by protecting its wildlife, natural sound, solitude, and wilderness character IF

Comments

the proper alternative is ultimately chosen. That alternative needs to provide the park superintendent with the management authority to take action to prevent resource impacts and reduce threats that could lead to impairment without the threat of meddling by those with a political agenda. That alternative needs to recognize that extending the Old Park definition of traditional activities to the new park additions would serve to protect many of the park's resources that we feel are at risk. That alternative needs to provide for appropriate visitor use and a high quality visitor experience without changing the park's wilderness character. We trust the Park Service will provide the public with a revision of their current preferred alternative and that the park will be better for it.

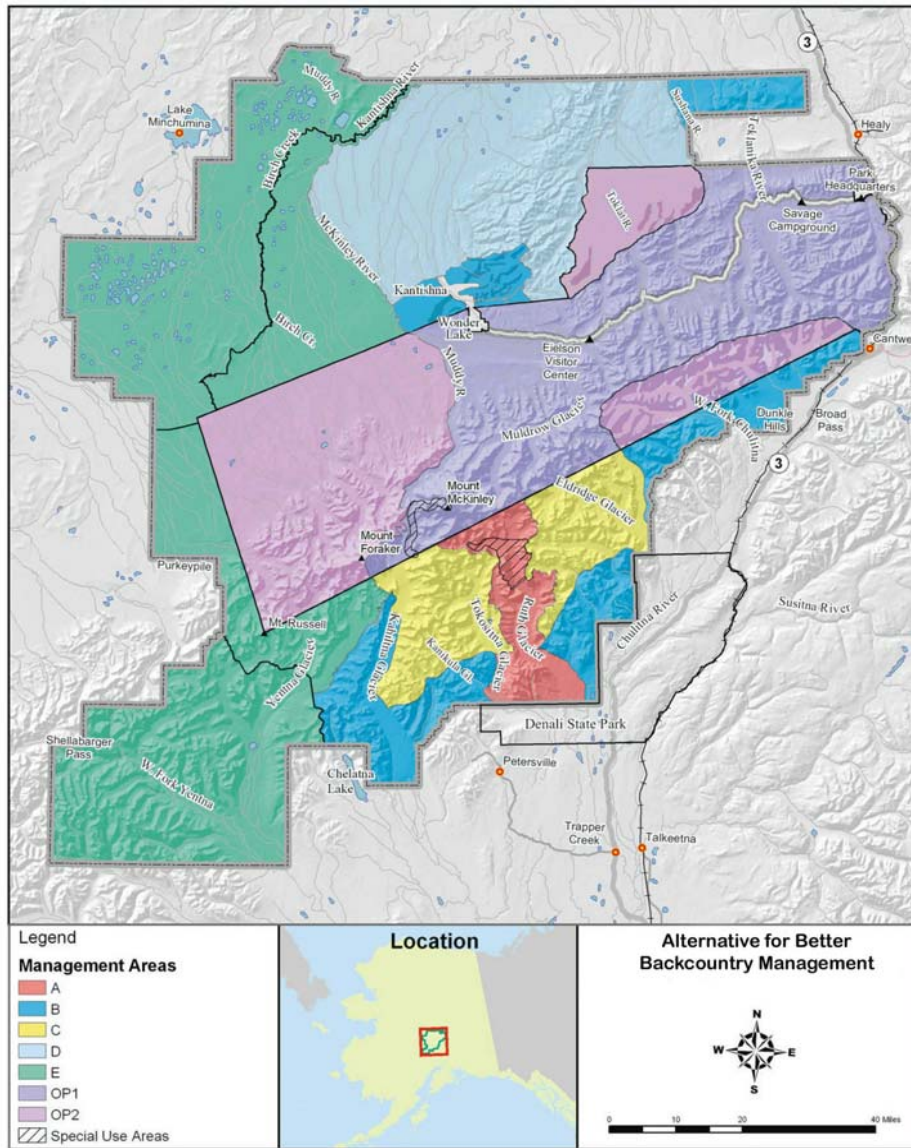
Sincerely,

Jim Stratton
Alaska Regional Director

Response to Comments

Comments

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Comments

The Wilderness Society* Alaska Center for the Environment Natural Resource Defense Council *Alaska Chapter of the Sierra Club

July 15, 2005

Paul Anderson, Superintendent
Denali National Park & Preserve
P.O. Box 9
Denali Park, AK 99755

Thank you for the opportunity to provide comments on the Revised Draft Environmental Impact Statement (RDEIS) for Denali National Park & Preserve Backcountry Management Plan (BCMP) prepared by the National Park Service (NPS) and released for public review April 25, 2005. The comments below are presented on behalf of The Wilderness Society, Natural Resource Defense Council, Alaska Center for the Environment and Alaska Chapter of the Sierra Club. These comments supplement the comments previously submitted by our respective organizations on March 15, 2001; July 18, 2002; May 30, 2003 and June 16, 2005. In addition, we incorporate by reference here the comments submitted by the National Parks Conservation Association July 15, 2005.

While we applaud the Park Service for revising the original draft plan, we are disappointed in the Park Service's failure to adequately address our concerns with the February 2003 DEIS and we are deeply troubled by the agency's proposed changes to the underlying management framework and accompanying preferred alternative. We fail to understand how the Park Service can claim an alternative that allows recreational snowmachining in a significant portion of the Park, reduces wilderness suitability and by the agency's own admission allows increased impacts to wildlife, vegetation, natural soundscape, subsistence and cultural resources meets its legal and policy mandates much less the criteria as the "environmentally preferred alternative" for one of the nation's premier Parks.

The Park Service clearly details in the RDEIS the agency's duty under governing law, regulation and policy to assure that national park resources are protected in an unimpaired state for the benefit and enjoyment of this and future generations. Unfortunately the Park Service then selectively applies them. We respectfully request NPS adopt the *People for the Parks Alternative* as the only alternative that meets the Park Service's law and policy mandates. The *People for the Parks Alternative* provides a better future for Denali National Park and Preserve, a future that supports fully functional ecosystems while providing a range of opportunities for hundreds of thousands of visitors every year to experience Alaska's wildlife and wilderness.

I. SUMMARY OF KEY CONCERNS AND RECOMMENDATIONS

The NPS mission was clearly elucidated by Congress and has been reaffirmed over the years. NPS has an **affirmative** responsibility to implement management actions that ensure full compliance, or go well beyond simple compliance, with law, regulation and policy now and in the future. NPS has an affirmative responsibility to **prevent** impairment of park resources including but not limited to solitude and natural soundscapes. Upon review of the above referenced RDEIS we have found significant failings in the alternatives and the subsequent environmental effects analysis. We are concerned these failings place the extraordinary resources of Denali at risk. We respectfully request NPS adopt the *People for the Parks Alternative* as the only alternative that meets the Park Service's law and policy mandates.

Specifically:

- In describing the current situation, the RDEIS details the Park Service's failure to effectively manage park resource values. By proposing an even less prescriptive management framework than in the 1986 General Management Plan or in the February 2003 DEIS, the NPS fails to fulfill its affirmative management responsibility.
- The desired future conditions framework is designed with so much flexibility it is unclear what if any standards will be mitigated and where. At a minimum, the FEIS must detail a monitoring and

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enforcement plan and allow opportunities for public comment. The BCMP can not be implemented until this plan is completed and fully funded.

- The Environmental Consequences Analysis is fundamentally flawed and inadequate under NEPA. NPS measures the impacts of the action alternatives against the illegal activity in the existing conditions as portrayed in the no-action alternative. Furthermore, NPS arbitrarily applies impact levels and impairment findings. NPS must complete a new analysis in the FEIS.
- The preferred alternative violates the Wilderness Act, the National Park Service Organic Act, ANILCA and National Park Service policies by allowing recreational snowmobiling in the 1980 park and preserve additions (New Park).
- NPS recognizes it's legal mandate to protect equally the range of resource values including intrinsic values (solitude, natural soundscape) but the NPS non-impairment findings for motorized recreational uses in the New Park are arbitrary and capricious under the Administrative Procedures Act.
- Contrary to NPS assertions, the preferred alternative does not satisfy NEPA Sec. 101 criteria and therefore can not be the "environmentally preferred alternative" as defined in 40 CFR 1505.2(b).
- Contrary to NPS assertions, a traditional activities definition is necessary prior to NPS adoption of any of the action alternatives.
- NPS fails to adequately address the significant adverse impacts of overflights on Park resources and values. The RDEIS can not assume environmental benefits from "voluntary" guidelines yet to be developed or agreed upon by the interested parties.
- The RDEIS interim soundscape plan fails to meet the agency's statutory and regulatory mandates by arbitrarily allowing significant impacts to the natural soundscape. The Park Service must develop a stronger Soundscape Preservation and Noise Management Plan prior to adopting a preferred alternative that does not allow high and very high noise disturbance thresholds.
- The preferred alternative fails to fulfill NPS statutory and regulatory mandates for designated and suitable wilderness. The Park Service must complete a Wilderness Management Plan prior to adopting a preferred alternative and complete the ANILCA 1317 wilderness review process.

We are encouraged by the Park Service's continued commitment to safeguard the 2 million acre Wilderness core of Denali, the former Mount McKinley National Park (Old Park). The designated Wilderness of Denali has been free of snowmobiles since it was established in 1917 and the NPS June 2000 regulation (65 FR 37863) solidified this long-standing prohibition. **We also applaud** the Park Service's continued strong position on off road vehicles, personal watercraft and airboats (RDEIS p.188 and p.458).

The future of Denali National Park and Preserve is at a crossroads. The choice before the Park Service is simple: to uphold protections of Denali from the adverse impacts of motorized recreation or to allow degradation of this national treasure. The ultimate choice will have a profound and far-reaching impact on all of Alaska's national parks.

II. THE LEGAL AND POLICY FRAMEWORK FOR THE PREEMINENT PARK NPS RESPONSIBILITY: PROTECTION OF RESOURCES

Denali National Park must comply with the Organic Act, the Redwood Act, the Wilderness Act, NPS regulations, NPS Management Policies and Executive Orders 11644 and 11989. The level of motorized access and motorized recreation proposed for the New Park in the RDEIS preferred alternative violates these existing laws and regulations. The purpose of the National Park System is clear: to protect park resources and ensure that visitor use does not cause impairment.

Specific impacts and findings will be discussed in sections III- VII.

A. Highest Standard: The Organic Act of 1916

The National Parks are intended to preserve the nation's treasures in perpetuity. This can only be accomplished by preserving and maintaining each park's special features and the ability of citizens to enjoy those features. When it created the National Park Service in 1916, Congress gave the agency a clear mission:

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...to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (16 U.S.C. §1 et seq)

Congress reaffirmed and further clarified the Park Service mission in the 1978 Redwood Act, stating:

...the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park system and shall not be exercised in derogation of the values and purposes for which these various areas have been established....

The fundamental purpose of parks also includes “enjoyment” of park resources. This enjoyment is meant broadly to include people who visit parks as well as those who derive benefit from simply knowing that our national parks exist. The courts have time and again interpreted the Organic Act as holding conservation of park resources preeminent over enjoyment of them; visitor use must not cause impairment of park resources and values.

Congress provided the National Park Service with the discretion to manage national parks, but limited that discretion by the requirements of the Organic Act that park resources and values be left “unimpaired” for future generations. This duty to avoid impairment establishes the primary responsibility of the National Park Service. “The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park.” (NPS Management Policies at 1.4.4). The Park Service has an affirmative duty to prevent degradation of park resources and values. “NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values.” (NPS Management Policies at 1.4.3)

Impairment is an impact which affects a resource or value that is “necessary to fulfill specific purposes” identified in formation of the park or “key to the natural and cultural integrity of the park or to opportunities for enjoyment of the park”. (NPS Management Policies at 1.4.5). The “park resources and values” that fall under the impairment standard include scenery, wildlife, natural soundscapes and smell, and all natural process and features. Also not to be impaired is “the park’s role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system.” (NPS Management Policies at 1.4.6).

B. NPS Regulations Are Protective and Presumptive Against Snowmobiles

Snowmobiles are generally prohibited in national parks except when “their use is consistent with the park’s natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources.” (36 CFR 2.18(c))

Furthermore, even where such use may be consistent with Park Service regulations, the Park Service determined that, given the inevitable adverse impacts of these machines, if “equally desirable [snowmobiling] opportunities exist on adjacent lands,” then “snowmobile use is more appropriate on the adjacent lands which do not have the specific preservation mandate of the National Park Service.” (44 Fed. Reg. 47,413 (1979)).

There are millions of acres of other nearby public lands available for recreational snowmobiling outside of designated Wilderness and National Parks. In fact, the allocation of winter recreational opportunities in the region unfairly and disproportionately favors motorized recreationists over those seeking a quiet recreational experience, and could result in unacceptable environmental harm. For example, the Alaska Department of Natural Resources studied snowmobile access in an area covering 34.3 million acres of federal and state lands in Southcentral Alaska and concluded that about 32.8 million acres—over 95% of the total area—are open to snowmobile use. This study specifically excluded Denali National Park. These lands are generally accessible by highway to major population centers in the state, including Anchorage.

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The RDEIS acknowledges that quality recreation snowmobile terrain is available outside the Park yet the RDEIS fails to explain why millions of acres of accessible terrain is not enough to satisfy this interest. Furthermore the RDEIS fails to reconcile this decision with the direction in 44 Fed. Reg. 47,413 (1979).

C. NPS Regulations Are Protective and Presumptive Against All Terrain Vehicles (ATVs)

The National Park Service generally considers ORV use to be incompatible with purposes and values in Denali National Park and Preserve. The RDEIS clearly articulates NPS policy. "The use of ORVs is generally prohibited throughout the national park and preserve consistent with existing regulations (36 CFR 4.10, 43 CFR 36.11, EO 11644 and 1986 *General Management Plan*.). ORV use can occur on state right of ways and has been authorized in the past. ORVs are not authorized for subsistence purposes under ANILCA 811 because they were not traditionally employed for subsistence purposes" (RDEIS p.459).

The RDEIS did not further address ORV use in Denali. However, we are aware of the on-going effort to review subsistence ORV use in and around Cantwell. The FEIS needs to recognize that there is a process for changing the GMP's no-subsistence use position through a separate "Finding" process, such as the effort in the Cantwell Area. That recognition in the FEIS needs to clearly state that any change to the ORV prohibition will only come about through a determination that shows such use is well established over a long period of time, is multi-generational, and that historically documented community-wide subsistence ORV use occurred on the trail(s) in question prior to the enactment of ANILCA. If a determination is issued, the subsequent subsistence ORV use is subject to reasonable regulation necessary to prevent waste or damage to fish, wildlife, terrain, and other Park resources or values and in such a matter as to prevent the harassment, hazing, or herding of wildlife. Subsistence ORV use should be managed under a permit system and only allowed on designated trails. Until a final determination is made in the Cantwell Area, the RDEIS is clear that subsistence ORV use is not allowed in the park.

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D. Executive Orders 11644 and 11989 Prohibit Adverse Snowmobile and ATV Impacts

In the 1970s, with off-road vehicles causing increasing damage to public lands across the nation, Presidents Nixon and Carter signed Executive Orders 11644 and 11989 (respectively). The first required that the Park Service:

ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of these lands...

Executive Order 11644, issued in 1972, directs agency officials to specify, through regulation, the areas and trails on public lands on which ORV use will be permitted. Those areas where ORV use is permitted will be based on, among other things, "the protection of the resources of the public lands," *Id* at §3(a), and shall "be located to minimize harassment of wildlife or significant disruption of wildlife habitats." *Id* at §3 (a) (2). Within national parks, such trails shall only be designated "if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values." *Id* at §4. The EO also requires agencies to establish a mechanism to monitor ORV use and impacts and to respond appropriately to such information. *Id* at §8.

In 1977, EO 11644 was amended by EO 11989. The second order directed that when the Park Service determines:

that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands[it shall] immediately close such areas or trails to the type of off-road vehicle causing such effects...(EO 11989 42 Fed. Reg 26959(1977) reprinted in 42 U.S.C. §4321).

E. Recreation vs. Transportation in Parks: A Critical Distinction Upheld by Courts

NPS policy on use of motorized equipment requires that "Where such use is necessary and appropriate, the least impacting equipment, vehicles, and transportation systems should be used..." (NPS Management Policies at 8.2.3). As a transportation system for the parks, snowmobiles clearly fail to meet policy standards. And as a form of recreation, the law is as clear: damaging forms of recreation have no place in national parks.

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See NPCA-18.

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The District Court of Utah recently clarified that the Park Service is not in the business to provide recreational opportunities if those recreational pursuits contravene NPS policy and the Organic Act. Protection of the resource comes first and all visitor access must be in harmony with preservation. (*Southern Utah Wilderness Alliance v. Dabney* (1998 WL 703956 (D. Utah)). At issue was the ‘right’ of four-wheel drive enthusiasts to recreate in sensitive riparian areas in Canyonlands National Park. The Court based its decision to deny continued access on the Organic Act.

The relevant provision of the Organic Act provides that the Park Service is to “regulate the use of” national parks by means that conform to their “fundamental purpose”, namely: “to conserve the scenery and natural historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations”. (Organic Act (16 U.S.C. §1a-1).

The Court went on to clarify the oft-cited Organic Act notion of “visitor enjoyment”: user groups attempt to broaden the concept of “visitor enjoyment” to denote a right to recreate in or access the parks in any way seen fit. The Court disagreed. “[V]isitor enjoyment” as used in the statute refers to visitor enjoyment of park scenery, wildlife, and natural and historic objects that are to be preserved. As used in this sense, visitor enjoyment does not refer to visitor enjoyment of outdoor recreational activities. Opportunities for outdoor recreation are provided on lands managed by the Bureau of Land Management and the Forest Service....[G]iven...the availability of less-invasive forms of access, permanent impairment...in order to permit the continued use [of four wheel drive vehicles in Salt Creek Canyon] cannot be reconciled with the Organic Act’s overarching goal of resource protection.” (*Southern Utah Wilderness Alliance v. Dabney* (1998 WL 703956 (D. Utah)).

Even if NPS continues to try to rationalize that snowmachines are merely a form of “access to wilderness recreation”, the agency never analyzed alternative winter transportation options i.e. snowcoaches and/or airplanes. Without that analysis NPS violates management policy 1.4, which requires NPS to determine the most reasonable alternative.

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F. NPS Policy Requires Highest Protection and Restoration of National Parks

NPS Management Policies of 2001 cover all of the impact areas addressed in the RDEIS. The “General Management Concepts” of the policies build upon the overarching policy that “preserving park resources and values unimpaired is the core, or primary, responsibility of NPS managers.” (NPS Policies at 4.1). To fulfill this primary responsibility, it is necessary that “[i]n cases of doubt as to the impacts of activities on park natural resources, the Service will decide in favor of protecting the natural resources.” (NPS Policies at 4.1). Moreover, NPS is directed to go beyond protection to restore natural systems. “The Service will seek to return human-disturbed areas to the natural conditions and processes characteristic of the ecological zone in which the damaged resources are situated.” (NPS Policies at 4.1.5). This restoration may be accomplished through means such as “restoration of natural soundscapes”. (NPS Policies at 4.1.5).

III. New RDEIS Management Framework a Risk to Park Resources

Pursuant to its Organic Act, the Park Service must manage Denali National Park and Preserve so as to “conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them *unimpaired for the enjoyment of future generations.*” 16 U.S.C. §1 (emphasis added). This preservation mandate is further enforced by the Redwood Act amendments to the Organic Act. This mandate is consistent with Section 202(3)(a) of the Alaska National Interest Lands Conservation Act (ANILCA). Section 203 of ANILCA expressly directs the Park Service to manage new and redesignated units of the park system in accordance with the Organic Act.

The Park Service must recognize that while it may have the discretion to choose the most appropriate tool or mechanism to achieve its desired future resource and social conditions for a particular area, it must adhere to its Congressionally mandated duty to manage the park in a way that ensures its scenery, natural and historic objects, and wildlife will be preserved and left *unimpaired* for the enjoyment of future generations. Park managers must act to *prevent* impairment of park resources.

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There is an important distinction between the preferred alternative in the *Revised Draft EIS* and the preferred alternative in the original draft. In the original draft plan, the National Park Service proposed a special regulation to open portions of the park additions and preserve to recreational snowmachine use. In the *Revised Draft EIS* and *Final EIS*, the National Park Service proposes no such authorization. Snowmachine use that occurs is assumed to be only for “traditional activities,” village-to-village travel, and subsistence purposes, although a very limited provision is included to provide for recreational snowmachine access on winter season corridors if wilderness designation occurs in the future. The use of snowcoaches for winter recreation access was considered and dismissed as an alternative in the *Revised Draft EIS*, p.79. Air taxis would continue to provide winter access in the park additions and preserve in the modified preferred alternative.

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While the concept of designing management plans based on “desired future conditions” allows the Park Service access to a broad array of tools to prevent impairment of park resources, the use of these tools is necessarily dependent on comprehensive monitoring and enforcement. Without the proper funding for such monitoring and enforcement, the Park Service will be ill-equipped to prevent impairment to park resources or to even assess the levels of impairment. In an era where the Park Service is struggling to secure funding for even basic operational expenses, it does not seem wise to tie the success of an entire management plan to such drastic funding increases.

The Environmental Protection Agency raised significant concerns with the management approach in the February 2003 DEIS which was even more prescriptive than the framework in this RDEIS. “Once the precedent for broader snowmachine use is established, it may be difficult to eliminate or even curtail it later, even if environmental impacts prove significant or conflicts between subsistence use and recreational use become more common....We are concerned with the approach because under the proposed plan, protection of environmental resources in the Park additions from snowmobiles would rely heavily on enforcement and monitoring (RDEIS, p. 472).

We feel this proposed approach, if not properly implemented with full funding, will lead to impairment of park resources by providing too much flexibility to political influences that would question identified impacts with a desire for “more study” and would weaken or postpone management actions necessary to protect impacted resources. Critical to this whole management approach is timely identification of real or probable changes or impacts to Desired Future Conditions with enough support so that clear and decisive management action can be taken in a timely manner so as to protect park resources. Park Superintendents must be given the authority to take action when they see or anticipate a problem.

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Allowing the Superintendent to take action based on what he/she sees or anticipates as impacts to Desired Future Conditions is critical to the success of this management approach. The plan must be clear that both the authority to monitor and the authority to take action lies with the Superintendent. The plan must be clear that if a Superintendent anticipates that an action could or will cause impairment, they are empowered to act **BEFORE** damage occurs to control or restrict a harmful recreational activity. Anticipating and preventing damage to park resources is more important than reacting to impairment once it starts to occur. The Superintendent must be able to take action as he/she sees fit to respond to actions that are impairing park resources or that **COULD** impair park resources. Should there be any question of the impact level, the plan must also provide the Superintendent with the direction to err on the side of caution.

Unlike much of the world, Denali National Park and Preserve sustains a vast functioning ecosystem. That ecosystem functions because of 89 years of strict protective measures taken by the National Park Service. Ecosystems can be significantly modified by human actions, often to the detriment of that ecosystem's sustainability. The cost of rebuilding or rehabilitating an impacted ecosystem is oftentimes staggering. At Denali we have done it right the first time, so far. Aldo Leopold said that the first rule of tinkering is not to throw away all the pieces. We have the pieces at Denali and to sustain and perpetuate that functioning ecosystem, the Superintendent must be given the authority to err on the side of the conservative. If he/she later finds that a rule, regulation, or emergency order was too strict, it can be loosened. If is virtually impossible to take an action that is too permissive, and damaging to the resource, and tighten it up. Caution is the key word and the plan must be explicit in its direction to embrace the precautionary principle.

One only has to look at the complete failure of this management approach in Yellowstone National Park to understand why this is not a solution for Denali. In the 1990's the level of recreational snowmachine use spiraled out of control. The Park Service crashed through its target maximum threshold in the second year of a ten year winter use management plan but the Park Service lacked the political will to effectively implement the necessary tools to prevent impairment. At the end of the day, despite good intentions, the management framework failed dramatically to protect Park Resources and Park employees.

A. Monitoring Plan Must Be in Place Prior to Signing the Record of Decision

The Achilles Heel to this whole plan is the monitoring program. In times of limited funds, we are very concerned that funding for the monitoring necessary to properly implement this plan simply will not be available, leaving wilderness, wildlife, solitude, natural quiet and other park resources at risk. Key among

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See NPCA-1 and PfP-4.

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these impacts are those from recreational snowmobiling, an activity that the NPS preferred alternative says can occur in the four million acres added to the park in 1980.

We ask that the Park Service not implement this plan until a monitoring program is fully developed in partnership with the public, including formation of a Citizens Advisory Committee, and fully funded in the operating budget of the park. Major details of and a specific implementation timeline for the monitoring program should be included in the FEIS and the Record of Decision (ROD), as discussed in Council on Environmental Quality's (CEQ) "Forty Most Asked Questions Concerning CEQ's NEPA Regulations. Question 34c states, in part, that "the discussion of mitigation and monitoring in a Record of Decision must be more detailed than a general statement that mitigation is being required." Detail, which is lacking in the RDEIS, must be included in FEIS and the ROD.

4

The FEIS and ROD must also discuss the necessary funding for the monitoring plan. Will there be new funding made available to implement the monitoring program? If no new funds are made available, how does the Park Service propose to monitor its Desired Future Conditions with existing staff that is already overloaded with work? We endorse the idea of an Advisory Committee to assist with developing and implementing the monitoring program.

5

As the Superintendent monitors the Desired Future Conditions, there must be clear standards and indicators for when those conditions are met or exceeded. Key to monitoring these standards and identifying any changes in the indicators is a solid understanding and documentation of existing conditions and, better yet, conditions as they were when ANILCA passed. The discussion of standards and monitoring in the Actions Common section do reference "existing data." That data should be in this plan. We find it impossible to determine if we can endorse or support the standards established in the plan without any data showing how these proposed standards relate to what is actually happening on the ground right now or, better yet, during the time since ANILCA passed. There very much needs to be baseline data against which to measure the efficacy of these proposed standards. We are concerned that the extent of existing baseline data is not sufficient to support a monitoring program that can withstand scrutiny from those that will oppose any restrictions or closures. Are existing conditions already exceeding the standards?

6

The methodology for measuring change over time for those standards that include encounters with people or human disturbance relies on a visitor survey conducted every five years. Where did five years come from? That seems too long a time period. There can be significant shifts in recreational visitation, with resulting potential impacts to park resources, in only one year (12.3% increase from 2003 to 2004), what could happen if there was this much increase in each of five years without any monitoring by NPS? Backcountry camping has changed as much as 25% (1993 to 1994) in one year, though shifts in the 10%/year range are more common. Still, if we increased 10%/year over 5 years, NPS would be looking at a 50% increase.

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As the visitor survey seems to be the primary tool by which you are basing your monitoring plan, we suggest that all survey data collection be done on an annual basis for at least the first five years after which adjustments can be made for a longer time period if it can be shown a longer time period will to impact the quality of data needed track changes to the backcountry conditions that make Denali such a desirable place to visit.

For changes in physical conditions to trails and campsites you only cite "field observations" to describe how these will be monitored. The plan needs to include much more information about these "field observations," such as who is making these observations? How often are they made? Weekly? Monthly? Seasonally? What form will this data be collected so that it can withstand the scrutiny it undoubtedly will receive when it is used by park managers to seek restrictions or closures based on resource impairment? There must be a rigorous data collection plan so that all data is uniformly observed, cataloged, and evaluated so it CAN withstand such scrutiny.

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B. RDEIS Soundscape Plan Illustrates Failure of Management Framework

The RDEIS acknowledges that natural sounds are "inherent components of the scenery and the natural and historic objects and wild life" protected by the NPS Organic Act," and the Park Service must "protect and

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See Pfp-4, DCC-32, and NPCA-8.

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See NPCA-9.

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Clear indicators and standards are presented in Tables 2-1 to 2-9 and associated text. Data that the National Park Service presently has is presented in the plan, either in Chapter 3: Affected Environment or Chapter 4: Environmental Consequences (for example, see the "Natural Sounds" sections of both chapters and the Visitor Use section of chapter 3). The National Park Service recognizes that it would be desirable to have more extensive data that describe current conditions. However, as articulated in the answer to AOPA-1 the National Park Service can and should develop provisional standards in the absence of complete data. The desired conditions described provide for a high level of resource protection.

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See NPCA-5.

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The Monitoring section of Table 2-2 provides a three-tiered approach to monitoring trail and campsite disturbance impacts, including specific variables, a system for determining locations to be monitored, and a monitoring frequency. Additional detail would be developed during implementation, and would rely on rigorous scientific methodology. Much of the monitoring of these impacts would be accomplished in conjunction with existing vegetation monitoring that takes place as part of the Central Alaska Network's Vital Signs program, and would require little added expense. See also Pfp-4.

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restore natural soundscapes as it would any natural resource of the parks" (RDEIS p.133). Despite this recognition that the National Park Service is obligated pursuant to the Organic Act to protect and preserve natural soundscapes as a park resource, the RDEIS fails to meet this mandate by arbitrarily allowing significant impacts to natural soundscapes.

An inherent flaw in the soundscape plan, and one present throughout the Environmental Consequences Analysis, is the use of the no-action alternative as a baseline for measuring the impacts of the action alternatives. Such comparisons result in unacceptably high impacts. While the RDEIS recognizes these cumulative impacts to the natural soundscape, they are summarily and arbitrarily dismissed in each action alternative.

This arbitrary approval of significant impacts is perhaps best illustrated by the establishment of "high" and "very high" threshold levels in the action alternatives. Such thresholds permit substantial impacts to the natural soundscape and are a violation of the Park Service's nonimpairment mandate under the Organic Act. Additionally, the RDEIS recognizes that the established threshold levels, as applied under the various action alternatives, will often be exceeded at the very outset of implementation.

The RDEIS fails to address what actions, if any, will be undertaken to prevent the impacts associated by these threshold violations, or when such actions will be initiated. This is exacerbated by the lack of a detailed monitoring and enforcement plan. These threshold violations, as well as the lack of adequate mitigation to address the accompanying impacts, violate the Organic Act.

The RDEIS soundscape plan fails to meet the agency's statutory and regulatory mandates. The Park Service must develop a stronger Soundscape Preservation and Noise Management Plan prior to adopting a preferred alternative that prevents impacts to park resources.

C. NPS Must Complete a Wilderness Management Plan

Wilderness Plans and Backcountry Plans are not equivalent documents. NPS Management Policies state that all parks with wilderness resources must have wilderness plans or equivalent documents. In order for a backcountry plan to be an "equivalent document" it must contain the area specific objectives and prescriptions needed to maintain wilderness qualities and attributes. The RDEIS encompasses both wilderness and non-wilderness resources and as such is not focused adequately on protecting the area's unique wilderness qualities.

The Wilderness Act is different than the NPS Organic Act and as such dictates a different management regime. Wilderness resources are distinct from other NPS backcountry resources and to maintain their unique qualities that qualify them as wilderness or potential wilderness they need to be managed as distinct areas within the NPS. Further, "as wilderness is a composite resource with interrelated parts, its management must be focused on the whole, comprehensively not on its component parts. For wilderness, therefore, one should not develop separate management plans for vegetation, wildlife or recreation [or fire]. Rather, one plan must deal address comprehensively with the interrelationships between these and all other component parts of the wilderness resource [Hendee and Dawson 2002, p. 193].

Wilderness management is a struggle to maintain the qualities and attributes of an area that led to its being identified as having wilderness potential, or to its designation as Wilderness. These conditions are, as stated in the Wilderness Act. A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are *untrammelled by man*, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land *retaining its primeval character and influence, without permanent improvements or human habitation*, which is protected and managed so as to preserve its natural conditions and which (1) *generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable*; (2) *has outstanding opportunities for solitude or a primitive and unconfined type of recreation*; (3) *has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition*; and (4) *may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value*.¹⁶ U.S.C. § 1131(c)(emphasis added).

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TWS-9

This comment inaccurately characterizes the National Park Service environmental impact analysis. For natural soundscapes, as for other resources, each analysis identifies the impacts that have occurred or are likely to occur outside of the scope of plan actions, identifies the impacts that would be caused by the actions proposed in the plan, and then identifies the cumulative effects of the actions in the plan plus the other past, present, and future actions. The no-action alternative is provided for comparative purpose, but in no way serves as a "baseline" for evaluating impacts. The National Park Service does, however, indicate when the actions in the plan change from current conditions, and indicate when current conditions are adversely affected under existing use. Thus, in the preferred alternative it is correct to assert that the natural soundscape of the park has a major cumulative adverse impact from motorized access (primarily airplanes, most of which never enter NPS's regulatory jurisdiction), while at the same time concluding that the actions in the preferred alternative would result in negligible additional adverse impacts to the existing cumulative impacts. The final conclusion states that there are ongoing major adverse cumulative impacts, which this action does not correct.

The establishment of "high" and "very high" standards for natural sound disturbance is not arbitrary, but calculated to allow higher levels of motorized access in some areas of the park and preserve while minimizing the geographic extent of highly impacted areas. This focuses high levels of disturbance in just two particular areas to serve explicit park purposes (see NPCA-16). As a result, the National Park Service believes that the non-impairment standard articulated in the introduction to Chapter 4: Environmental Consequences is met. The high level of protection afforded the natural soundscape over 94% of the park and preserve and the limits placed on soundscape degradation over the remaining 6% of the park and preserve seem adequate to claim that the natural sound resource would continue to "fulfill the specific purposes identified in the park's establishing legislation" and "its role in maintaining the natural integrity of the park."

TWS-10

The preferred alternative of the *Revised Draft EIS* and the modified preferred alternative in the *Final EIS* clearly express the tools that the National Park Service has available to respond if thresholds (standards) are approached. As described above, the National Park Service is fully able to take proactive action to respond to changes in visitor use if it believes the standards would be exceeded in the future; the agency does not have to wait

response continued next page

Comments

Management by reaction works against wilderness preservation goals because management direction can easily be shaped by a succession of minor decisions. The cumulative results of such decisions may be undesirable and hard to reverse in wilderness. Unplanned management can be recognized by a shifting of focus from problem to problem, inconsistent, conflicting actions, and a loss of overall direction towards wilderness preservation goals. [Hendee and Dawson 2002, p. 210.]

IV. SNOWMOBILES IMPAIR PARK RESOURCE AND VALUES SNOWMOBILES VIOLATE NPS GUIDING LAW, REGULATION, AND POLICY

A. NPS Issues June 2000 Finding that Snowmobiles Impact Resource Values in the Old Park

For over two years, the Park Service analyzed the published literature related to snowmobile impacts and applied those studies to examine the impacts on the resource values of the Old Park should snowmobile use be allowed there. In June 2000, the Park Service published a “Statement of Finding, Permanent Closure” that analyzed and discussed a number of key issues, including:

- the detrimental effects that snowmobiles would have on wildlife, vegetation, soils, and air and water quality of the Old Park;
- the degradation of the pristine air and water quality within the Old Park that would be caused by snowmobile use there;
- the conflicts that snowmobile use in the Old park would create with historically-occurring recreational uses and resource values;
- the interference snowmobiles can present to subsistence opportunities on nearby state and federal lands.

In the June 2000 “Statement of Finding, Permanent Closure” the Park Service found that snowmobiles in the Old park would cause wildlife to abandon Old Park habitat, alter historic predator-prey relationships, and directly harm individual animals through intentional harassment by snowmobile riders. The Park Service also found that snowmobiles would diminish the Old Park’s pristine air and water quality, help create permanent trails, and damage vegetation. Finally, the Park Service found that snowmobiles would degrade the experience of visitors to the Old Park year-round by leaving visible trails across the tundra and shattering the natural soundscape over large geographical areas.

These studies represented the culmination of three years of public involvement and Park Service study. In the end, over 300 Alaskans testified at public meetings, and over 7,400 people submitted public comments on the proposed regulatory closure of Old Denali.

B. NPS Acknowledges that New Park Resource Values are the Same as Old Park Resource Values

The RDEIS acknowledges that the values of the lands determined suitable for wilderness designation in the New Park are the same as the values in the Old Park. The level of proposed motorized recreation and motorized access in the preferred alternative far surpass the level of motorized activity considered detrimental in the NPS. “Statement of Finding, Permanent Closure,” June 2000. Furthermore, under Section 1110(a) of ANILCA, as well as other laws, NPS has a responsibility to ensure that any new activity or change in existing activities does not have a detrimental effect on resource values. Section 1110(a) provides for closure by the Secretary of the Interior if use “would be detrimental to the resource values of the unit or area.” Thus, in meeting its responsibilities, NPS need not wait for actual physical damage to occur before taking protective action to prevent degradation to wildlife and other natural resources. In light of these facts, the RDEIS fails to adequately justify a non-impairment finding.

C. The Park Service Should Not Change Existing Law to Authorize Snowmachine Use in Denali

There are currently only four ways that the Park Service may potentially authorize snowmachine use in national parks: 1) on specific routes that have been designated by special regulation (36 C.F.R. §2.18); 2) for the continuation of certain traditional activities, subject to reasonable regulation (16 U.S.C. §3170(a), 43 C.F.R. §36.11); 3) for subsistence, where appropriate and subject to reasonable regulation (16 U.S.C. § 3121, 36 C.F.R. §13.46); and for access to an inholding, following application for and issuance of a right-of-way permit (16 U.S.C. §3170(b) and 43 C.F.R. §36.10).

Response to Comments

for damage to occur. A detailed monitoring plan is an implementation level step, and the guidance given for monitoring is sufficient for a general management plan document.

TWS-11

See NPCA-20.

TWS-12

Although the wilderness resource values of the park and preserve addition lands are the same as those of the designated wilderness of the Old Park, the National Park Service believes there is a distinction between the two when determining detriment. As pointed out in the 2000 *Environmental Assessment for Permanent Closure of the Former Mount McKinley National Park to Snowmachine Use*, the Old Park was closed to snowmachine use prior to ANILCA. Thus, there was no existing pattern of use in the Old Park. That EA also provided evidence that the Old Park was inadvertently included within the special access provisions of ANILCA, and that the inclusion had not been intended by Congress. By contrast, Congress clearly did intend that some level of snowmachine use continue in the park additions, including that permitted by ANILCA section 811(b) for subsistence purposes and by 1110(a) for traditional activities and travel to and from villages and homesites. So while the wilderness resource values are the same for the Denali Wilderness and the park and preserve additions, the standard for detriment is different.

The analysis in this *Final EIS* demonstrates that snowmachine use would not cause impairment under the modified preferred alternative.

Comments

Before the Park Service may authorize snowmachine corridors or designated routes, the agency would be required to promulgate special regulations setting out such routes. 36 C.F.R. §2.18. This would only be possible if the Park Service concluded that snowmachine use was consistent with the park's natural, cultural, scenic, and aesthetic values, safety considerations, park management objectives, and that it would not disturb wildlife or damage park resources. *Id.* at §2.18(c). We do not support such regulatory designations in the Denali Additions.

Before the Park Service may authorize dispersed snowmachine use for recreational purposes, the Park Service would need to promulgate new regulatory authority. To do so would represent a relaxation of the mandates in 36 C.F.R. §2.18, which we feel would be inappropriate. While such a relaxation may perhaps be authorized under 36 C.F.R. 1.2(c), we feel that this course would be ill-advised due to the detrimental impacts that dispersed snowmachine use would have on a number of resources of the Park.

In addition, for NPS to guarantee recreational snowmachine use on a par with the guaranteed use of snowmachines for traditional activities under Section 1110(a), a change to ANILCA would be required. We do not support any such changes. We recommend against adoption any of these types of regulatory or statutory changes to allow snowmachine use in Denali to occur, or taking any actions in the Plan that would require their adoption.

D. NPS Must Adopt the Old Park "Traditional Activities" Definition for the New Park

The Park Service recognizes throughout the RDIES that snowmachine use -- including purely recreational use -- has grown in the New Park in ways that were not foreseen or planned for by the agency. All of this expanded snowmachine use -- both current and prospective -- appears to be illegal: it is not occurring on routes designated by special regulations pursuant to 36 C.F.R. §2.18, and it is not for subsistence or for a traditional activity for which Congress meant to preserve access. The "no action" alternative is consistently held up as an example of what NOT to do, because of its reactionary posture and the resulting environmental impacts.

The Park Service repeatedly shuns the "hands-off" approach taken in the past as exemplified by the "no action" alternative, yet it refuses to proactively define "traditional activities" for the New Park and limit the uses occurring there accordingly. The NPS should not allow the existing pattern of laissez-faire management to continue. .

It should be noted that in adopting a definition for the New Park, the Park Service may not include purely recreational pursuits among those traditional activities for which Congress preserved access in Section 1110(a). Purely recreational activities were simply not meant to be included in "traditional activities" in Section 1110(a). While it may have made sense to apply a definition to the New Park in a process separate from the Old Park due to their unique management histories, it is only the *application* that should be different -- the definition should stay the same. Congress in Section 1110(a) meant to preserve access for a limited universe of activities -- not including recreation. In our thorough review of the legislative history we have found no evidence to the contrary, and in the multiple rounds of federal court litigation, those urging such an expanded definition have pointed to none. Surely, in all of the legislative history, Congress would have said so if that was what it intended. But it did not.

Those advocating for including recreational snowmachining in the definition of "traditional activities" are attempting to create an exception that would overwhelm the rule. Section 1110(a) is titled "special access," and that is just what it provides -- special access that accommodates the unique rural Alaska lifestyle in which individuals use federal lands for utilitarian, consumptive activities. Section 1110(a) represents the balance in ANILCA between, on the one hand, preservation and protection of conservation lands and, on the other hand, preservation and protection of access to such lands for traditional activities. Inclusion of recreational snowmachining in the definition of "traditional activities" would upset this delicate balance and be contrary to the intent of ANILCA.

This need to prohibit expanding illegal recreational snowmachine use is based not only on NPS regulations but also on the mandates of the NPS Organic Act and its implementing regulations. Snowmachines have been widely acknowledged to have significant impacts on wildlife, air and water quality, vegetation and

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TWS-13

Neither the preferred alternative of the *Revised Draft EIS* nor the modified preferred alternative of the *Final EIS* authorize recreational snowmachining in the park additions or preserve. See TWS-2, PfP-5, TWS-16.

Snowmachine use that occurs legally in Denali is either for traditional activities or travel to and from villages and homesites (ANILCA 1110(a), 43 CFR § 36.11(c)) or for subsistence purposes (ANILCA 811(b), 36 CFR § 13.46(a)). The "Corridors" that could be designated under the modified preferred alternative are not intended as snowmachine routes under 36 CFR §2.18. These are management area designations that allow higher levels of use than the surrounding area, but they provide no additional authorization for snowmachine access. The modified preferred alternative does suggest that in the event of future wilderness designation these winter season Corridors could provide routes for recreational snowmachine access.

TWS-14

See PfP-5.

Comments

soils, wetlands, and Wilderness values and users. See NPS, “Statement of Finding: Permanent Closure of the Former Mt. McKinley National Park,” June 2000; NPS, “Environmental Assessment for Proposed Permanent Closure,” Nov. 1999.

The Park Service analyzed and documented these impacts in the Environmental Assessment and Statement of Finding for the permanent closure of the Old Park to snowmachine use. In those documents, the Park Service found that the use of snowmachines in the Old Park would have a detrimental impact on the myriad resource values found there. The agency found that Section 1110(a) of ANILCA, as well as other laws, imposed a responsibility “to ensure that any new activity or change in existing activities does not have a detrimental effect on resource values.” NPS EA at 27. The Park Service also found that it must close an area if a use “would be detrimental to the resource values” of an area, and that “in meeting its responsibilities, NPS need not wait for actual physical damage to occur before taking protective action to prevent degradation to wildlife and other natural resources.” Id.

In the RDEIS the Park Service acknowledges that “the values of lands determined suitable for wilderness designation in the park additions are the same as the Old Park. Thus the Park Service’s allowance of snowmachines in the vast majority of the additions that were identified as suitable for Wilderness designation is contrary to law, since it will cause detrimental impacts to resource values. The Park Service must prevent these snowmachine impacts to resource values before they occur. If they are allowed to occur, they will constitute an impairment of the resource values of the affected Park and Preserve.

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In the RDEIS the Park Service acknowledges these widespread and serious impacts from snowmachine use, yet it authorizes snowmachining and thereby does not prevent the impacts. The Park Service must maintain the scenery and natural environment of Denali National Park and Preserve unimpaired for the enjoyment of future generations, and cannot allow any permanent damage to park resources. 16 U.S.C. §1. The direct, indirect, and cumulative impacts from expanded snowmachine use rise to the level of impairment.

E. ANILCA 202(3) Provides for Reasonable not Unlimited or Unregulated access

When applying the purposes expressed in Section 202 of ANILCA, we urge the Park Service to give effect to each word and to view the provisions in context with the other laws and provisions that remain applicable to Denali -- the NPS Organic Act, the Wilderness Act, NPS regulations and executive orders, and NPS Management Policies. Only by doing so can the Park Service fully implement the will of Congress to protect this wild and undeveloped Park.

In applying the legislative mandates applicable to Denali National Park and Preserve expressed in Section 202(3), the Park Service should view access provisions in context with the other purposes for which the Park was set aside. For instance, when considering the direction to provide “reasonable access” for “wilderness recreational activities,” we urge the Park Service to view this in conjunction with its mandate to maintain the habitat for and populations of fish and wildlife. Park Service studies have clearly established that snowmachine use damages wildlife habitat by altering vegetative cover, as well as harming wildlife populations by changing distribution patterns due to harassment and creation of artificial travel corridors. When considering any potential mode of access for a wilderness recreation activity, the Park Service must test them against these equally-important Congressional mandates.

Congress provided for “reasonable access” for wilderness recreational activities. This shows an intent by Congress to limit the universe of potentially-permissible modes of access. For instance, any mode of access that would degrade Park values, impact fish and wildlife habitat or populations, or that would impact solitude or scenic beauty would necessarily be unreasonable. When considering any means of access for any “wilderness recreational” activity, the Park Service should first evaluate whether that means of access is indeed “reasonable” given the purposes for which the area was set aside, keeping in mind that what may be reasonable in some areas of the country is not reasonable in designated or suitable Wilderness.

The Park Service should be aware that it does not need to permit every possible mode of access in an attempt to provide “reasonable access” for “wilderness recreational activities.” The provision for “reasonable access” is in the general “purposes” discussion for Denali National Park and Preserve, and does not trump the specific provisions of the Wilderness Act that apply to the designated Wilderness (and,

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TWS-15

See above, TWS-12.

TWS-16

The National Park Service agrees that “reasonable access” for wilderness recreational activities does not mean unregulated access, nor does it mean every mode of access must be allowed. The modified preferred alternative does not claim that snowmachines use is allowed in the park additions and preserve to provide such “reasonable access”; snowmachine use is allowed only for traditional activities, subsistence activities, and village-to-village travel (see TWS-13). The plan does suggest that in the event of wilderness designation, the designated winter season Corridors could be used to provide recreational access by snowmachine along the Tokositna River and to the Old Park boundary in the Dunkle Hills area. The National Park Service believes that this type of limited access by snowmachine could be considered reasonable for that portion of the park additions, even if the area were designated wilderness.

Comments

by application of the NPS 2001 Management Policies, all suitable Wilderness) of Denali National Park and Preserve. The Wilderness Act prohibits the introduction of new motorized uses into designated Wilderness. Nothing in ANILCA changes that regime for Denali, where according to the 1986 General Management Plan, the use of snowmachines is "neither traditional nor necessary for wilderness recreational activities." We urge you to reaffirm this position, and to apply it by prohibiting the use of snowmachines in designated Wilderness and suitable Wilderness lands in Denali National Park and Preserve -- even for any alleged "wilderness recreational activity."

We urge the Park Service to apply the "reasonable access" and "wilderness recreational opportunities" provisions in the enabling legislation for Denali National Park and Preserve conservatively, by viewing them in context with the purposes for which the Park was set aside and with other federal-land conservation laws. In declaring the purposes of Denali, Congress simply did not mean to mandate any and all means of access, for any and all outdoor activity. On the contrary, Congress meant to allow people to continue to enjoy this Wilderness park in its wild and pristine state.

V. AIRPLANE LANDINGS and AIRCRAFT OVERFLIGHTS

Growing demand for flightsightseeing tours has dramatically increased air traffic over our nation's National Parks. By some estimates, Denali is second only to the Grand Canyon now as the Park with the most congested airspace. In just ten recent years, from 1991 to 2001, the number of scenic landings on the Ruth Glacier increased more than 800%, from 220 to 1800. In 2002 aircraft were audible in more than 50% (maximum 80%) of the sound monitoring samples collected every five minutes between 8 a.m. and 8 p.m. on good weather days in the Ruth Glacier area. Denali Wilderness Program Manager Joe Van Horn was quoted in a 2003 Ned Rozell column in the Daily News as saying: "I think it's probably the most common negative report we get back, other than mosquitoes and rain. I've been here for 23 years and I think the increase in aircraft-related noise is the single biggest change in the park's wilderness character that I've noticed."

The swelling use has increased conflicts with hikers, climbers and local property owners. Natural quiet and the opportunity to hear and enjoy natural sounds are rapidly disappearing on nearly all of Alaska's accessible public lands. Denali is so far no exception, but it ought to be. The Park Service should do whatever it takes to establish meaningful overflight regulations and limits on scenic tour landings. To achieve desired future resource conditions, NPS must adequately address both flight patterns and levels of use.

A. National Park Overflight Act Provides a Valuable Framework

The 1987 National Park Overflight Act provides a valuable framework for restoring natural sounds, reducing wildlife harassment and minimizing visitor conflicts. The Act calls for development of Air Tour Management Plans and recommends a litany of methods for resolving airspace issues. These tools, as well as the guiding principles for their use spelled out in the Act, should provide the foundation for Park Service management direction in Denali

B. RDEIS Provides Inadequate Direction to Reduce Adverse Impacts from Overflights

While the RDEIS recognizes there has been an enormous increase in air tour and transport services throughout Denali National Park and Preserve, the RDEIS fails to outline sufficient steps to reduce the adverse impacts from overflights. The preferred alternative recommends establishing a voluntary Aircraft Overflights Working Group but fails to outline the specifics of how an undefined voluntary working group can help the agency meet its management objectives. In fact the RDEIS does not even mention or include the proposed Flightseeing and Air Taxi Route maps included in the NPS Winter 2001 Edition of the Denali Dispatch.

C. NPS Must Develop Overflight Agreements Prior to Completing the BCMP

NPS must develop interim operating agreements between NPS, FAA and air tour operators prior to completion of the Backcountry Management Plan. Where possible NPS must include incentives and restrictions in air taxi concession permits. Without these agreements in place it is impossible for NPS to accurately assess the environmental consequences of each alternative.

Response to Comments

TWS-17

As a GMP amendment, this planning document focuses on setting goals for the backcountry of Denali, and identifies tools that can be used to meet these goals. During the planning process it was recognized that it was premature to specify particular routes for flightseeing or air taxi use when there was no broader shared understanding of what goals were to be accomplished and when the National Park Service had no authority to regulate airspace. Once the modified preferred alternative goes into effect, the Aircraft Overflights Working Group would address specific methods by which the goals could be accomplished.

TWS-18

There is no requirement or need for the National Park Service to enter into an agreement with FAA over management of air tours prior to completion of the BCMP. Air taxi and scenic tour operators who land in the park do so under a concession contract. A prospectus for a new contract consistent with the terms of the plan would be issued following the Record of Decision. For overflights that do not land, the National Park Service intends for the Aircraft Overflights Working Group to consider a variety of means for achieving desired conditions for the soundscape of the park, including some of the ones mentioned in the comment. Regulation might not be necessary to achieve these goals, but remains an option within the Access Management Tools. The National Park Service believes that the actions proposed in the plan would achieve the goals specified, and therefore believes the environmental analysis accurately reflects the impacts of the alternatives.

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Comments

Identified in the NPS 1995 *Report on Effects of Aircraft Overflights on the National Park System* as important tools to minimize adverse impacts, the following actions should be included in the operating agreements:

- Flight-free zones and flight corridors
- Minimum altitude restrictions over wildlife, visitors (climbers and hikers) and communities
- Natural sound should prevail in the park for the majority of the time
- Helicopters for flightseeing or recreational access should not be allowed

If the FAA can not develop regulations to minimize the adverse impacts of overflights then the Park Service and the public must turn to Congress to ask for Alaska to be included in the National Park Overflight Act.

D. Airplane Landings in New Park

Denali National Park's backcountry zoning and mass transit system serve as role models for the country. These affirmative management tools have enabled the Park Service to achieve desired future conditions while allowing visitor access and enjoyment. Carrying capacities must also be applied to airplane landings in the New Park.

- Mandatory registration should be required for general aviation landings
- Scenic flightseeing trips and glacier landings numbers should be capped.
- Alternative 3 map best reflects the appropriate level of scenic air tour landings
- Scenic air tour glacier landings should not be allowed in Eldridge, Little Switzerland or Ramparts
- Helicopter landings should continue to be prohibited

VI. IMPACTS ANALYSIS IS FLAWED AND INADEQUATE UNDER NEPA

The methodology for determining the environmental consequences for the proposed actions is detailed in the RDEIS on p.211. The impacts are assessed in relation to the baseline conditions existing before any actions are taken under the backcountry plan; in this case, pre-existing conditions are those described in the no action alternative. The baseline conditions described in the no action alternative are misleading and can not serve as the foundation for an adequate NEPA analysis. If the Park Service continues to insist that the agency simply could not monitor and enforce legal levels of use in the no action alternative as a foundation for its impact analysis then that simply further demonstrates the problems with RDEIS' proposed management regime that is solely dependent on an undefined monitoring program. Failure to manage is not the foundation of an impacts analysis.

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In addition, the Park Service arbitrarily applies impact levels and non impairment findings. There is often no direct correlation between the cited research and the associated impact findings. There is often inadequate information and as a result subjective impact findings. There are even direct contradictions within the same impact analysis on particular resources. We urge the Park Service to complete a new analysis in the FEIS. When an adequate impacts analysis is completed, we feel confident that the Park Service will find the preferred alternative causes unnecessary impairment to park resources and subsequently choose a new preferred alternative.

A. Current Illegal Snowmobile Use is Not a Valid Baseline Condition from Which to Measure Consequences

"Recreational snowmachine use is now widespread in the southern park additions and growingly rapidly (RDEIS p. 6)."

Recreational snowmobile use is not legal in Denali National Park and Preserve. The regulation 36 CFR 2.18(c) generally prohibits snowmobiles in national parks except when "their use is consistent with the park's natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources." In the event a national park does promulgate a rule to allow recreational snowmobiles, 36 CFR 2.18 (c) limits snowmobiles to designated routes or waterways. 36 CFR 2.18(c) applies to all units of the National Park Service and closes all areas to snowmobile use

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Response to Comments

TWS-19

The description on p. 211 of the *Revised Draft EIS* inaccurately characterizes the methodology by which the environmental analysis was conducted. Please see TWS-9 above for a more accurate depiction. Impacts of plan actions are not assessed in comparison to the no-action or any other alternatives. Impacts are simply described and their magnitude assessed, along with the cumulative impacts of the plan actions and all past, present, or reasonably foreseeable future actions that are outside the scope of the plan.

TWS-20

Because there is no statute or regulation that defines the term "traditional activities" in the park additions and preserve, it is unclear whether snowmachining for recreational purposes is legal under 43 CFR § 36.11(c). While that uncertainty remains, the National Park Service has no mechanism for enforcing other regulatory prohibitions on snowmachine access. Please see also the discussion under PfP-5.

Comments

unless specifically opened by regulation. There has never been a rule promulgated to open Denali National Park to recreational snowmobiles much less dispersed snowmobile use under this authority. The designated Wilderness of Denali has been free of snowmobiles since it was established in 1917 and the NPS June 2000 regulation (65 FR 37863) solidified this long-standing prohibition. Winter access to the New Park for snowmobiles is only allowed for subsistence and traditional activities. Until NPS promulgates a rule to define traditional activities for the New Park or promulgates a rule under 36 CFR 2.18, recreational snowmobile use is not legal in Denali.

The no action alternative should reflect the 1986 *General Management Plan* direction whereby the Park Service has an affirmative management responsibility to prohibit non-traditional recreational snowmobile use is the New Park. References in the RDEIS consistently misrepresent the existing management direction and therefore application of impact levels and subsequent impairment findings is fundamentally flawed. For example:

- The RDEIS asserts opening all 4 million acres of the New Park to snowmobiling in the preferred alternative will provide a benefit to wilderness by lowering the impact level. How can increasing access for snowmobiling only cause negligible impacts to wilderness but in comparison causes major adverse impacts to wilderness in the no action alternative where recreational snowmobile use is not even allowed (RDEIS p.322)? Even if NPS were to argue the existing snowmobile access in the no action alternative is legal certainly the impact level assessment should be similar in the NPS preferred where the agency allows both dispersed use and concentrated corridor use.

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- Similarly, the RDEIS measures soundscape impacts against the existing conditions in the no action alternative. This is contrary to Director Order #41 under which soundscape impacts must be measured against natural ambient sounds- not sounds generated by illegal recreational snowmobile use. The RDEIS claims there will be benefits in the preferred alternative to the natural soundscape even though the preferred alternative allows recreational snowmobile in all 4 million acres of the New Park. How can the park Service claim there are major adverse impacts to the natural soundscape (RDEIS p.286) in the no action alternative but only negligible impacts in the preferred alternative where there is a larger amount of motorized use being allowed? Again even if NPS were to argue the existing snowmobile access in the no action alternative is legal certainly the impact level assessment should be similar and not prejudiced by NPS desired outcome.

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B. Arbitrary application of impacts levels and impairment findings

Throughout the Environmental Consequences section NPS cites existing research that documents significant impacts to resource values fundamental to the purposes of the Park's enabling legislation and the Wilderness Act. Yet NPS consistently dismisses the same science when determining impact levels and impairment findings. For example:

- Studies indicate that exposure of wildlife to snowmobile use can result in behavioral alteration, habitat avoidance and increased energy expenditures at a time when the animals are under extreme stress. The survival of individual animals depends on the severity of energy expenditures (RDEIS p.275). Yet in the preferred alternative where all 4 million acres of the New Park are open to snowmobile use, NPS determines overall impacts to wildlife will be minor to moderate (RDEIS p.274). The adverse impacts to wildlife are not moderate or temporary when increased energy expenditures decrease chances of survival.
- Studies indicate that one mere passing of a snowmobile can permanently damage to vegetation 78% of the time (RDEIS p.232). NPS further cites visual assessments of adverse impacts to vegetation already occurring in Denali including broken shrubs, stripped bark and trail development. How does the preferred alternative allowing snowmobile use in 4 of the 6 million acres of the park only constitute moderate impact level to only 11% of the Park?

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Even when the RDEIS does allow impacts to reach the highest impact level (major) in the preferred alternative the action, the Park Service fails to find impairment to the resources that fulfill the purposes identified in the enabling legislation of the Park. These direct, indirect, and cumulative impacts are affecting the very resources and values for which the Park was established. For example:

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TWS-21

The preferred alternative of the *Revised Draft EIS* and the modified preferred alternative of the *Final EIS* do not include a change that would open the park additions and preserve to recreational snowmachining. Snowmachine use for undefined traditional activities would continue as in the no-action alternative. However, the modified preferred alternative does contain provisions that would keep impacts to natural sound, vegetation, and wilderness resource values from snowmachine use for traditional or subsistence activities (or any other access mode) to acceptable levels. Defining those limits and creating a management plan for addressing resource harm are the reason that the preferred alternative had many fewer impacts than the no-action alternative, in which no such management plan is in place.

TWS-22

The impact analysis of the *Revised Draft EIS* does not measure soundscape impacts against “existing conditions in the no action alternative.” It identifies impacts of the actions in each alternative, and the cumulative effects. The adverse impacts are much greater in the no-action alternative for the reasons cited above in TWS-21. See also TWS-9.

TWS-23

The adverse impacts associated with snowmachine use in the park are of great concern to the National Park Service, as documented in the *Revised Draft EIS* and *Final EIS*. However, the environmental analysis appropriately uses the research information available to reach conclusions about the likely impacts. Although snowmachines could be used for traditional activities throughout the park additions, they are not likely to be used everywhere. For example, a significant portion of the acreage is composed of inaccessible glaciers and mountains. In non-glaciated areas there are many places that snowmachines are unlikely to access, and even fewer where they are likely to be used intensively (such as the Tokositna valley and the Dunkle Hills/Broad Pass area). Management area standards for trail disturbance and wildlife would provide a mechanism for taking management action in these areas if thresholds are approached or exceeded, further minimizing potential impacts. The assumptions for analysis of the preferred alternative in the *Revised Draft EIS* and the modified preferred alternative in the *Final EIS* do not include high levels of snowmachine use throughout the park and preserve, nor unmanaged use where substantial snowmachine use does occur, so adverse impacts should be within the range indicated.

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- In the enabling legislation of the Park, Congress identified habitat for fish and wildlife as a purpose for the establishment of Denali. The preferred alternative is found to cause major cumulative impacts to vegetation and wetlands, which constitute the most productive fish and wildlife habitat in the Park, yet it is not found to cause impairment to park resources that fulfill specific purposes identified in the enabling legislation (RDEIS p.93).
- Wilderness resource values are also identified in the Park's enabling legislation as purposes for its establishment. The RDEIS allows major adverse cumulative impacts to wilderness resources and values that will preclude future wilderness designation yet the RDEIS does not find this to impair the wilderness purposes of Denali (RDEIS p. 95).
- The preferred alternative is found to cause major cumulative impacts to subsistence but no impairment (RDEIS p.95).

There are often inconsistencies in the impact analysis. The Park Service regularly asserts there are only minor or moderate impacts to a particular resource value but a few sentences later also acknowledges major cumulative impacts to the same resource value. This is true in the case of vegetation, subsistence, wilderness and soundscape resource values. The Park Service acknowledges the major cumulative impacts will have "serious ramifications on the visitor experience and condition of the park" yet the agency still argues the preferred alternative will not cause impairment because the agency will add new staff to help manage the resource (RDEIS p. 412).

NPS application of impact levels is arbitrary and capricious. It is unclear how the Park Service has come to the conclusion that major cumulative impacts to these resources and values do not constitute impairment to the purposes and values for which the Park was established. The Park Service can not abdicate it's legal responsibilities in this plan simply because the agency has failed to manage the current situation. At a minimum there must be a detailed monitoring, enforcement and funding plan in place before the Park Service can predetermine the agency's ability to manage the preferred alternative for environmental consequences.

C. EPA Finds NPS Impact Analysis Inadequate

The United States Environmental Protection Agency states in the RDEIS on p.472

We have focused our review on the potential impact of snowmobile use on the environment at Denali National Park because we believe that snow machine use, among all proposed uses under the Backcountry Management Plan, has the greatest potential to cause significant environmental impacts . .

EPA further admonished the Park Service for the generality of their discussion of snowmachine impacts and suggested that the Park Service

does not tie these impacts to locations of concern in the Park additions where the most valuable or sensitive resources might be. Thus, the impacts remain largely undefined. The uncertainty raises concerns because this EIS will, for the first time at Denali National Park, result in the establishment of guidelines permitting widespread snowmobile use without a full understanding of the risk to environmental resources within the Park Addition

We concur with the EPA, whose comments have not been addressed in the RDEIS. The impacts of snowmobiles are significant but are not discussed except generally and there is incomplete or unavailable information. This violates 40 CFR 1502.16. and 40 CFR 1502.22. The agency is required to assess the specific impacts of snowmobiling, or if unable because it is impossible to obtain this information or it costs too much, explain that the information is lacking, its relevance to the analysis, and a summary of existing relevant information. The Park Service must examine both the park wide and site specific impacts of

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The application of impact levels is not arbitrary. The levels are spelled out clearly at the end of the General Methodology section of Chapter 4: Environmental Consequences. Although major adverse impacts to park resources are not desirable, they are allowable under NPS Management Policies as long as impairment of those resources does not occur. The definition of impairment is also clearly specified and is distinct from the definition of "major" impacts. While it is a valid criticism of the preferred alternative that it insufficiently remedies the major adverse cumulative impacts to some park resources that have already occurred, the agency is nonetheless acting within its legal responsibilities. The actions in the modified preferred alternative would not generally add substantially to adverse impacts already sustained; instead, the modified preferred alternative would largely prevent park resources from becoming impaired in the face of rising visitor use of the backcountry. See also TWS-9 and NPCA-23.

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snowmobile These will confirm what should realistically be the Park Service's default assumption that snowmobiles are impairing a variety of Park and Preserve resources.

VII. WILDERNESS SUITABLE LANDS IN THE NEW PARK

The National Park Service must manage all backcountry areas of the national park to protect wilderness character, consistent with the direction of NPS Management Policies (section 6.3.1), that includes categories of suitable, study, proposed, recommended, and designated wilderness within the scope of its wilderness resource management policy (NPS 2001). Wilderness character includes the natural and scenic condition of the land, natural numbers and interactions of wildlife and the integrity of ecological processes. At its core, wilderness character is more than a physical condition. ANILCA section 101 specifically identifies "preserve wilderness resource values" as a fundamental purpose of the Act.

A. NPS Fails to Fulfill Statutory and Regulatory Mandates for Suitable Wilderness

NPS has long acknowledged and admitted its abysmal failure to comply with statutory and regulatory mandates with respect to wilderness. The Alaska Region is no exception. A 1993 NPS Wilderness Task Force made the stunning admissions that the NPS response to field advisory recommendations for wilderness suitability has been "ineffective at best and past agency leadership has not met its responsibilities in wilderness management." Following these stark observations, in August 2000 the NPS Acting Associate Director of Park Operations and Education distributed an internal NPS study detailing park-by-park a litany of NPS' continued legal violations with regard to wilderness. The report cites NPS' failure to act on the wilderness qualified lands in Alaska Parks as a major deficiency and directs the Regional Director to complete inventories and formulate recommendations to submit to the Secretary of the Interior and the President.

Two years later, a 2002 NPS guidance memorandum acknowledged the scope of NPS' continued disregard of its wilderness responsibilities: "[I]t has become increasingly apparent that knowledge and details of the wilderness review process have been lost since few of these reviews have been conducted by the National Park Service over the past two decades." The same memorandum admitted NPS' obligation: "Because of past lapses, expansion of the National Park System, and changed circumstances, wilderness review is an on-going affirmative NPS obligation."

Denali National Park & Preserve is in fact a wilderness park and its purposes under the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 are to preserve those wilderness values (RDEIS p.53 and p.438). In 1988, as required by ANILCA section 1317 (a), the National Park Service conducted a wilderness suitability review of the 4 million acre New Park. The final environmental impact statement concluded that approximately 3.73 of the 4 million additional acres were suitable for wilderness designation. At that time NPS forwarded a wilderness recommendation of 2.25 million acres to the Secretary of the Interior but the Secretary did not send it to the President as required by ANILCA. There has been no formal action since continuing NPS' failure to comply with statutory and regulatory mandates with respect to wilderness.

B. RDEIS Dismisses Responsibility to Complete Wilderness Recommendation

The RDEIS identifies the purpose of the BCMP as the place to address issues for which the guidance in the 1986 *General Management Plan* is out of date (DBCMP at p.21). The DEIS acknowledges that the wilderness suitability review included in the 1986 GMP is now out of date since a new suitability study would likely result in additional acreage identified as suitable in the Kantishna Hills (RDEIS at p.26).

Yet despite this admission and a clear legal mandate, NPS refuses to address wilderness suitability in the preferred alternative "because of the complexity of the process and the fact that wilderness designation requires congressional action" (RDEIS at p.26). The NPS process for reviewing and recommending wilderness is clearly outlined and within the purview of the National Park Service and Department of the Interior. Only actual designation requires congressional action. In addition, the RDEIS provides no explanation as to when it will fulfill its obligations to complete the assessment and recommendation process. NPS must take immediate and effective action to bring the National Park System into compliance with its wilderness assessment, recommendation, and planning mandates. APA, 5 U.S.C. § 706. NPS must

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See P&P-6.

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complete the unfinished business of ANILCA section 1317 to effectively complete the backcountry planning process.

C. NPS Fails To Preserve Wilderness Character: Snowmobiles Impair Wilderness Values

NPS must manage inventoried wilderness according to the Wilderness Act, the National Park Service Organic Act, ANILCA, Executive Orders, Mount McKinley National Park enabling legislation and National Park Service policies. NPS can take no action to either diminish the wilderness suitability of the area or reduce the probability of a wilderness designation until the legislative process by Congress has been completed. While we are pleased NPS acknowledges the agency's responsibility to preserve the wilderness character of the 3.73 million acres of suitable wilderness, we believe science and public opinion support our conclusion that the preferred alternative impairs wilderness values and therefore violate NPS law and policy.

In the preferred alternative, NPS claims the proposed actions will not lead to impairment of the park's wilderness character because the limits embodied in the expressed, desired conditions for management areas will still meet the intent of ANILCA and the Wilderness Act. Yet the Park Service recognizes the intangible values of wilderness and the agency's responsibility to forego actions that would detract from the idea of wilderness as a place where human convenience and expediency do not dominate. The preferred alternative allows snowmobile use in 100% of the New Park. This level of motorized use does not meet the intent of the Wilderness Act.

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The Wilderness Act applies stringent standards. Wilderness "shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, [and] the preservation of their wilderness character." 16 U.S.C. § 1131(a). The Wilderness Act prohibits specific human imprints in wilderness lands, including motorized vehicles, roads, structures, and commercial enterprise. 16 U.S.C. § 1133(c). The natural, scenic condition of the land, natural numbers and interactions of wildlife, integrity of ecological processes and opportunities for solitude are all essential characteristics of wilderness. At its core, wilderness character, like personal character, is much more than a physical condition.

Furthermore, the RDEIS acknowledges that the values of the lands determined suitable for wilderness designation in the New Park are the same as the values in the Old Park. The NPS, "Statement of Finding, Permanent Closure," June 2000 found that snowmobile use would result in several impacts to Wilderness resource values.

VIII. CONCLUSION

The future of Denali National Park and Preserve is at a crossroads. The choice before the Park Service is simple: to uphold protections of Denali from the adverse impacts of motorized recreation or to allow degradation of this national treasure. The ultimate choice will have a profound and far-reaching impact on all of Alaska's national parks.

Again, we appreciate the opportunity to provide input. We look forward to working with you throughout the process, and look forward to completion and implementation of a Denali Backcountry Plan that will protect and enhance the values of this great national park for present and future generations.

Sincerely,

Eleanor Huffines
Alaska Regional Director
The Wilderness Society

Eric Uhde
Public Lands Advocate
Alaska Center for the Environment

Charles Clusen
Director Alaska Projects
Natural Resource Defense Council

Paul Foreman
Chair
Alaska Chapter of the Sierra Club

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The park additions are not designated wilderness under the Wilderness Act. However, as has been noted in the Wilderness section of Chapter 3: Affected Environment and other responses in this chapter, the preservation of wilderness resource values and related recreational opportunities is fundamental to the management of the Denali backcountry. Congress intended to allow some motorized use within the ANILCA conservation system units, even within some areas designated as wilderness. The BCMP for Denali defines the maximum amount of impacts acceptable from such motorized use by establishing standards for various indicators that represent facets of wilderness character, among other park resource values. The National Park Service believes that the modified preferred alternative appropriately defines these standards given the various statutory mandates applicable to the Denali additions, including the Wilderness Act and ANILCA.