



United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Regional Office
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

IN REPLY REFER TO:

March 27, 2006

Dear Alaskan:

Enclosed is the second draft of "A User's Guide to Accessing Inholdings in a National Park Service Area in Alaska." Based on extensive public comments in 2005, the National Park Service (NPS) made several revisions to the original draft. We are accepting public comments on the second draft until May 27, 2006. Comments may be sent to the addresses noted at the bottom of this letter. Also, we will hold public meetings to both explain the changes and gather additional comments and will notify you separately of those times and locations.

Six changes in this draft merit particular attention because they were of concern to a significant number of people who commented on the 2005 version. These include:

- **Existing Access versus New Access** -- Many comments were received stating that existing access routes needed to be treated differently than proposals for new routes. We agree. In Wrangell-St. Elias National Park and Preserve, where the largest number of existing access routes are located, the NPS will combine its review of multiple routes in a "programmatic environmental assessment" beginning this year. In addition, park staff will set up meetings with landowners to understand their access routes and needs, assist landowners in applying for access permits, and undertake required environmental reviews at NPS expense. Processing existing access routes in other parks will follow in a similar process.

Requests for new access routes across park land will be handled individually and, depending on the complexity and controversy of the request, may require either an environmental assessment or an environmental impact statement. In addition, some established access routes may not be sustainable, and may require extensive construction, realignment and/or investigation of alternative means of access because of ongoing or potential new environmental impacts. Addressing these specific complex access cases will require the same authorization process used for a new access route or facility. A more detailed discussion of the authorization process for a new route or facility begins on Page 2 of the guide.

- **Fees** -- As explained on Page 7 of the guide, NPS-Alaska proposes to waive fees for the application, monitoring, land rental and NEPA costs associated with right-of-way permits that can be processed with an environmental assessment. Costs to prepare environmental impact statements can not be waived. The regional policy on fees is based on the Alaska National Interest Lands Conservation Act and committee report language from Congress, and on the authority of the NPS regional director to waive certain fees.

- **Duration of permits** – We received several comments that a right-of-way permit duration of 10 years is insufficient to provide landowners certainty, marketability of their property and the ability to obtain financing. We agree with these comments and propose to issue right-of-way permits with terms of up to 30 years. In addition, permits will be written with a clause that anticipates renewal unless conditions or needs have changed. While National Park Service policy specifies that right-of-way permits will be issued for 10 years, it allows for longer terms at the discretion of the regional director. The 30-year duration with a renewal clause will give landowners certainty of access and the ability to obtain financing for improvements on their property. Page 7 of the guide provides additional detail.
- **Issuance of a permit** -- Several commenters stated that permits were not necessary or that a right-of-way should be associated with the parcel of land rather than provided to an individual. Applicable regulations do not allow such a change. Permits for the use of public land will be issued to the owners or valid occupiers of inholdings. The permit process is explained beginning on Page 4 of the guide; additional information on permits begins on Page 9 in the Frequently Asked Questions section.
- **Regulations** -- Some comments stated the NPS was writing new regulations rather than a policy guide. This draft guide provides guidance and clarification to landowners and park managers on the right-of-way process which currently exists in law, regulation and policy.
- **National Environmental Policy Act** -- Some commenters stated that the National Environmental Policy Act did not apply to access to inholdings in national park units in Alaska. The Department of Interior regulations for access to inholdings under ANILCA clearly require the use of NEPA to evaluate the impacts of the proposed routes and facilities on park resources. These regulations are our official interpretation of ANILCA and were developed with public input almost twenty years ago. The law requires NPS make a decision on your application, and NEPA is the appropriate, public decision-making process. To streamline the process, the NPS will be preparing programmatic EAs that consider similar existing routes, at no expense to the applicant. Further, the NPS will bear all costs associated with the preparation of environmental assessments to insure that these costs do not become a barrier that keeps landowners from obtaining an access permit. Pages 5 and 16 of the guide provide additional detail on environmental assessments.

Three public meetings are planned to gather comment and to answer questions from participants. The meetings will be held at the following times and locations:

McCarthy: May 3, noon, at the Community Church
 Slana: May 4, 6:30 p.m., at the Slana School
 Anchorage: May 11, 3-5 p.m. at the Alaska Public Lands Information Center, 605 W. 4th Ave.

The National Park Service appreciates your time to read and comment on this draft and participate in the public process. To download the document for review and comment, go to the following website: <http://parkplanning.nps.gov/> and select the link "Plans/Documents Open for Comment" located at the lower left corner of the page. From the following "Plan/Document List" select the link "Draft User's Guide to Accessing Inholdings in a National Park Service Area in Alaska (Revised, March 27th, 2006)". To register comments on the document, select the link "Comment on document" in the menu on the left side of the page and enter your comments.

Copies of the guide also may be requested by writing Regional Director, National Park Service, 240 W. 5th Avenue, Anchorage, Alaska 99501, or by calling (907) 644-3510. Comments sent by mail to the above address must be postmarked by May 27, 2006.

Sincerely,

Marcia Blaszak
Regional Director