



P.O. Box 78, Denali Park, AK 99755
October 4, 1999

Steven Martin, Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Subject: Spruce Creek 4 DEIS Comments

Mr. Martin,

The Denali Citizens Council has reviewed the draft environmental impact statement (DEIS) for the proposed access to the Spruce Creek #4 parcel in the Kantishna Hills of Denali National Park. The following comments are submitted for your consideration during the preparation of the final EIS.

All four access alternatives presented in the DEIS conflict with park management plans and EIS studies. The proposed access alternatives conflict with the:

- 1986 Denali National Park General Management Plan
- 1986 Denali National Park Land Protection Plan
- 1994 Denali Task Force Recommendations
- 1997 Denali National Park Entrance Area & Road Corridor DCP/EIS

A right-of-way (ROW) request may be denied if the access route conflicts with park protection plans for the area. The Alaska National Interest Lands Conservation Act (ANILCA) regulations require the NPS to permit a right-of-way (ROW) desired by an inholder unless certain conflicts exist. ANILCA regulation 43 CFR 36.10(3) states the ROW may be denied if the route or method of access “would be inconsistent with the management plan(s) for the area or purposes for which the area was established and adequate and feasible access otherwise exists”.

Adequate and feasible access already exists to this mine claim. This area has been mined since the early 1900s and access for that purpose has always been allowed, even after formation of Denali National Park in 1917. Access has improved over the years, including construction of a road through the park to Kantishna in the 1930s. Access along the park road and existing trails is currently allowed within the established vehicle allocation system during summer months. Off road access is allowed during winter months.

Although ANILCA allows access through the park to inholdings, the access is subject to reasonable regulations issued by the Secretary of Interior to protect the natural and other values of the park. A detailed vehicle access allocation system was developed for Denali National Park to protect the resources. Vehicle limitations were implemented as far back as 1972. Additional refinements to the allocation system were developed after ANILCA was passed by Congress in 1980. The latest version of the vehicle allocation system was published in the 1997 Entrance Area & Road Corridor DCP/EIS, and is currently being codified into regulations. The access control system currently allows up to 13 percent of all vehicles within the annual limit to travel to the Kantishna area. This limit is necessary to protect the park and complies with the ANILCA definition of reasonable access regulations issued for park protection.

We recommend the four access alternatives presented in the DEIS be revised so that they are within the existing Kantishna vehicle allocation limit. The DEIS indicates that an increase in the allocation is necessary for the proposed development to be economical. The economic feasibility of the proposed lodge

facility is not part of this EIS as stated on page 1-12. The proposed transition of the Spruce Creek #4 mine claim into a lodge site is in conflict with land protection plans for the area does not warrant increasing the Kantishna vehicle allocation limit. The access limit to Kantishna bound vehicles was published before the applicant purchased the mine claim. There is no justification to expand this limit.

The proposed expansion of the Kantishna vehicle allocation has social, economic, and environmental affects that were not evaluated in the DEIS. Increasing the Kantishna vehicle allocation will require a decrease in other allocations in order to remain within the overall limit of 10,512 vehicles per season. A decrease in the allocation of public tours or shuttle vehicles will reduce employment in the tour business, reduce public access to the park, and affect tour operations that depend on the Denali National Park segment of their tour operation. A reduction in the number of ranger patrols could affect public safety, park resource protection, and employment. If the reallocation remains a component of the proposed action in the final EIS, the social, economic, and environmental consequences of the reallocation must be addressed.

The allocation of additional vehicles to Kantishna each time a new development is proposed sets a precedent that has social, economic, and environmental consequences that were not evaluated in the DEIS. Page 1-12 of the DEIS states that NPS dismissed the idea of establishing an access priority system to Kantishna. But increasing the allocation in effect grants access priority to inholders. If access priority is given to inholders at the expense of tour operations, then the only way for tour companies to maintain their access allocation into the park would be to buy property in Kantishna and become an inholder. This scenario would increase demand for property in Kantishna and drive up prices. An increase in property values would make the NPS buyout of inholdings more difficult to implement. Also, increased development in Kantishna is counter to existing park management plans.

We recommend you add another alternative in the EIS that includes a condemnation of the property with fair market compensation to the owner. The no action alternative presented in the DEIS does not clearly define methods of compensating the inholder if feasible and adequate access cannot be accommodated within the confines of park protection plans. The condemnation and buyout alternative would eliminate the conflict between access rights and park protection plans, and would fully comply with ANILCA.

Thank you for considering these comments during the preparation of the final EIS for proposed access improvements to the Spruce Creek #4 parcel. Please contact me at hfriedman@customcpu.com if you have any questions or need additional information.

Sincerely,

Henry Friedman
President, Denali Citizen's Council