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Denali Citizens Council

Serving to Protect Denali National Park and Environs

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Paul Anderson
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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 of 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.

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 NAEC 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,

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

*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

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

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).

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

(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

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.

(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:

- 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.**
- 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.**
- 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,**
- 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,**

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.**
- 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.**

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)

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.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”).

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.

(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. .

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.

- 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 R DEIS, 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.

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.

(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.

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

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.**

- 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, 1981), as amended, 51 Fed Reg 15618 (April 25, 1986).

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

- 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.**

- 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.

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.

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.

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

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.

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,

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