

DCC NEWS

Denali Citizens Council

Since 1974, advocating for Denali's wildlife, wilderness and way of life

Summer 2013

DCC ANNUAL MEETING KICKS OFF A BUSY SUMMER

by Erica Watson


Though it's hard to imagine now, after record-breaking heat, wildfires, and some notable downpours, DCC started off the summer with a snowy walk to the still-frozen Nenana River. To kick off our annual meeting on May 23, board member and local naturalist Nan Eagleson led early arriving attendees on a bird walk through the Denali Education Center campus. Though migration, like many aspects of the Denali spring, was a little late and a little unusual this year, the group was able to identify violet-green swallows, a yellow-rumped warbler, a northern flicker and others on our short walk. Two days later, the river ice below campus finally started to move, bringing summer a bit closer.

The meeting continued with more than 40 members, supporters, and newcomers sharing drinks and desserts in the Charles Sheldon Center, updating each other on the year's events. Denali Superintendent Don Striker, who has been in the park since January, joined us to speak about his management philosophy and background in the National Park Service. For many at the meeting, this was the first opportunity to meet and talk with Striker. Charlie Loeb then unveiled DCC's six issue papers, documents which the board has been working on over the winter, intended to summarize DCC's areas of interest (issue papers can be found on our website at <http://www.denalicitizens.org/issues>).




Denali Superintendent Don Striker was a featured guest at DCC's annual meeting. *DCC photo*

After a discussion, a slideshow, and a drawing for two vintage DCC t-shirts donated by Linda Franklin, many attendees stayed around to listen to now-former board member J.J. Neville and others play music.

Thanks again to those who attended the meeting, and to the Denali Education Center for once again sharing its campus with us! It was a great evening in excellent company. 

DCC PARTNERS WITH DENALI EDUCATION CENTER TO SCREEN THE FILM *CHASING ICE* ON SEPTEMBER 5

Through the efforts of DCC Board member Brian Napier, in cooperation with the Denali Education Center, the film *Chasing Ice* will be screened at the Charles Sheldon Center on Thursday, September 5, 2013, at 7 PM. The event will be free and will include a presentation by NPS glaciologist Rob Burrows on the glaciers of Denali National Park.

Chasing Ice evolved over many years, as photographer James Balog and his team placed time-lapse cameras on several continents to record a multi-year record of glacial change. Their project, titled The Extreme Ice Survey (EIS), continues today, with new locations recently added in Antarctica. As its website states, "EIS imagery preserves a visual legacy, providing a unique baseline - useful in years, decades and even centuries to come - for revealing how climate change and other human activity impact the planet." To learn more about the ongoing work of EIS, visit the website at <http://extremeicesurvey.org/>. 

see next page for informational flier on the screening

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FROM THE DCC BOARD - MAKE THE MATCH!

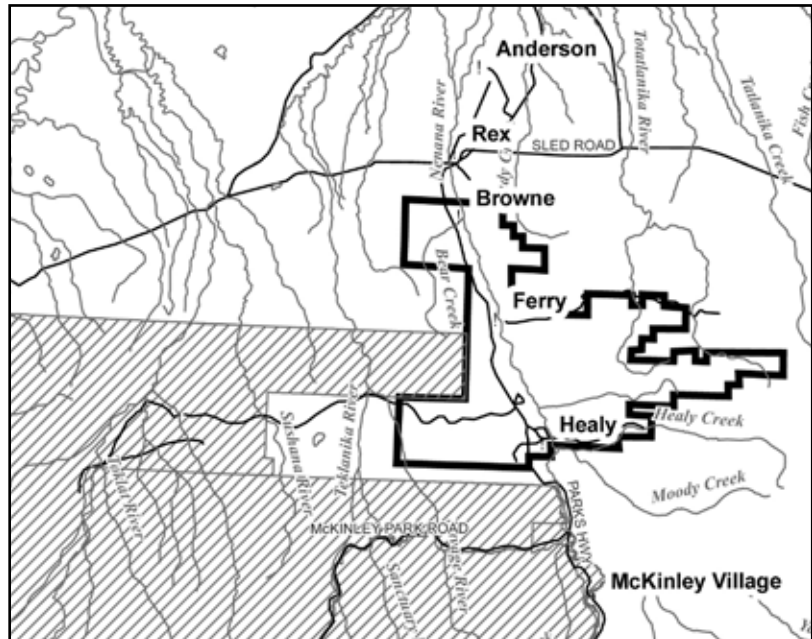
by Charlie Loeb

Make the Match!...and support DCC's efforts to keep gas development out of critical wildlife habitat and residents' backyards.

As regular readers of DCC News know, for over 2 years DCC has been fighting a state Best Interest Finding for a gas exploration license in the Healy Basin, adjacent to Denali National Park and Preserve and including many residential areas and critical wildlife habitat in the Wolf Townships. We are now in the endgame on that court case, with oral arguments to be heard in the Alaska Supreme Court in mid-September. For details, see the article on page 4. The legal challenge continues to play an important part in DCC's overall strategy for addressing the prospect of gas development.

DCC has managed to pay many of the legal costs through donations to its Gas Legal Fund. However, we need to cover the last expenses. A generous donor has offered to match dollar-for-dollar every Gas Legal Fund contribution up to \$7,500 between now and the Supreme Court hearing. While this will leave a small bill still to pay, the total should clear much of the legal cost. Several donors have already stepped forward to help Make the Match, so we already have over \$1600 raised.

Can you help? This donor is serious that he does not want to independently pay for legal expenses unless others care enough to help out, so this really is a dollar-for-dollar opportunity, and we will not receive the full \$7,500 unless enough donations arrive in the next month and a half. To donate, just click the "Gas Legal Fund" link on the DCC homepage at www.denalicitizens.org, or send a check to P.O. Box 78, Denali Park, AK 99755 with "Gas Legal Fund" on the memo line. Help us Make the Match. Thank you. ☞



Map showing Healy Basin Gas Exploration area as it fits into the northeast boundary of Denali National Park. by Alaska Dept. of Natural Resources

Denali Education Center, Polar Educators International & Denali Citizens Council cordially invite you to a screening of...

CHASING ICE

When: September 5th, 2013 at 7 pm
 Where: Charles Sheldon Center, DEC Campus

After the film Park Glaciologist-Rob Burrows will present information and answer questions about the glaciers of Denali National Park.

All are welcome. Admission is free. Bring a friend.

Chasing Ice is the story of one man's mission to change the tide of history by gathering undeniable evidence of climate change. Using time-lapse cameras, his videos compress years into seconds and capture ancient mountains of ice in motion as they disappear at a breathtaking rate.


For more information visit:

<http://www.denali.org/> <http://www.denalicitizens.org/> <http://www.chasingice.com/>

JOIN US FOR *CHASING ICE* SCREENING

Chasing Ice promises to be visually stunning and highly relevant to Alaska, where 99% of glaciers are in retreat, according to the USGS. Mark your calendars and plan to attend this film!

THANK YOU, MEMBERS AND DONORS

We welcome our new and renewing member-donors. Your generosity is awe-inspiring. Thanks to you our Spring Membership Drive was a success. We encourage you to stay in touch with us at our email address, mail@denalicitizens.org 

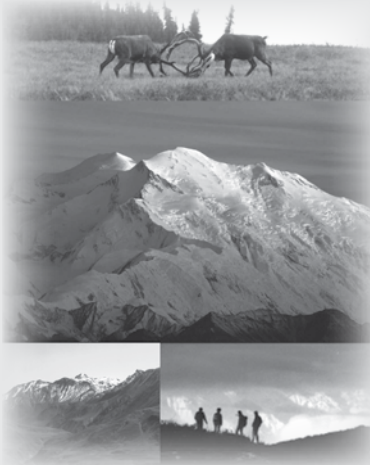


Alaska Native Knowledge Network

DONATIONS SINCE OUR LAST NEWSLETTER

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- Natural Resources Foundation of Wisconsin

Your donations are tax-deductible - DCC's Tax ID is 92-0060459

ALASKA SUPREME COURT TO HEAR HEALY BASIN GAS APPEAL


by Nancy Bale

After Superior Court judge Andrew Guidi ruled for the state in our appeal of the Healy Basin Gas Exploration License, the DCC Board discussed our next move in great detail, fully aware of the potentially expensive strategy of taking an appeal to the Alaska Supreme Court. When all was said and done, we went ahead with a Supreme Court appeal, feeling that our points were strong and this case deserved an additional hearing. Over the past few months, as our astute attorney, Peter Van Tuyn, assisted ably by fellow attorneys Karen Schmidt and Teresa Clemmer, developed the Supreme Court briefs, we remained very positive about our decision to appeal. All the briefs and reply briefs have been filed, and we now have a firm date for the oral arguments in this case. We would appreciate your personal attendance at this important event.




WEDNESDAY, SEPTEMBER 18, 2013, 1:30 PM, SUPREME COURT HEARING ROOM, 303 K ST., ANCHORAGE

As in the Superior Court case, DCC's primary contention is that the Department of Natural Resources acted arbitrarily in its decision on the Best Interest Finding for the gas exploration license. In particular, DCC has questioned whether the State made rational decisions about including the entire requested area within the license, and about the mitigation measures required to protect the State's interest. In both instances, it appears that the State was looking more after the interests of the developer (Usibelli Coal Mine) than the interests of the state and its citizens.

If DCC's case is successful, the judges would send the Best Interest Finding back to the Department of Natural Resources to fix the errors. At that point, it would take some successful activism to obtain a better result out of a revised Best Interest Finding. Usibelli Coal Mine first announced its intent to pursue gas development in 2003, 10 years ago. DCC continues to think that both the State and Usibelli would benefit by seriously addressing the concerns of the local community. DCC has never opposed gas development outright, and would prefer a negotiated solution to protect landowners and critical habitat to a continuation of legal and administrative battles over the project. 

ALASKA SUPREME COURT JUSTICES

The Supreme Court hears oral arguments monthly, in the jurisdiction where they were brought, and travels to Fairbanks, Juneau and other Alaskan communities. The Court meets bi-weekly to discuss cases. The Court also administers the state's judicial system. Supreme Court justices are appointed by the governor and are subject to judicial retention elections. The justices choose one of their own members to serve a three-year term as Chief Justice. Photos of the current Alaska Supreme Court justices appear below. 

For more information and extensive biographies, go to <http://courts.alaska.gov/ctinfo.htm>



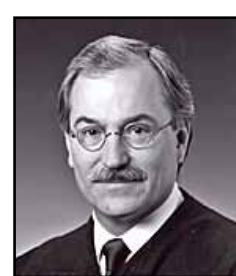
Justice Joel Bolger



Justice Peter Maassen



Chief Justice Dana Fabe



Justice Craig Stowers



Justice Daniel Winfree

KILLING OF MOOSE COW, WITH TWO CALVES ORPHANED, PROMPTS CONCERN OVER FUTURE OF DENALI'S WILDLIFE

JUNE 6 SHOOTING FOLLOWS KILLING OF GRIZZLY AT TATTLER CREEK

by Cass Ray

Is the future for Denali's wildlife changing? Is Denali's protected wildlife less protected now? Is change coming to man's role in the natural systems in what always has been touted as a nearly-intact subarctic ecosystem? Is the future changing for Denali's slice of "America's best idea?" What is the future for Denali's wildlife?

Consider:

☞ Two spring moose calves were orphaned June 6 after their mother was shot, practically in the shadow of the Denali Visitor Center, by a park visitor. He and other members of his hiking group, fresh off the Triple Lakes Trail, prepared to snap photos of the cow before opting to run and try to hide behind trees. The charging cow was shot in the head by a Ruger Black Hawk 41-caliber magnum revolver. The 26-year-old man who shot the cow was not prosecuted.

☞ A park grizzly had to be shot to death near the Toklat River last August after a hiker, evidently in pursuit of that "National Geographic"- quality photo, allowed the boar to get so near that it mauled and killed him. It was believed to be the first fatal wildlife attack on a human in Denali's 95 years. Twenty-six photos in the hiker's camera, recovered at the scene of the mauling, were taken over eight minutes, with the last five photos taken over thirteen seconds. The sequence and time stamps on the photos indicated the 49-year-old hiker changed position to gain a better angle for his photos, but did not try to move away from the boar. Those concerned about the role that cameras played in these two recent incidents could be forgiven the mordant humor of "Guns don't kill wildlife, cameras do."

☞ Another park grizzly was killed in May 2010 at Tattler Creek by seven to nine shots from a 45-caliber semi-automatic handgun wielded by a young man who reported the boar "startled" his girlfriend. It was believed to be the first time a park visitor had shot and killed a bear in the "old park" portion of Denali, which until 33 years ago was named Mt. McKinley National Park. The killing of the bear came only three months after it became legal to carry loaded firearms, open or concealed, in the park, and occurred on only the second weekend of the new season that shuttle buses carried visitors deep into Denali. The young man who killed the grizzly was not prosecuted.

☞ A bull moose was harvested inside the park in September 2007, and a year later a local resident was convicted of the poaching and assessed \$4,750. The park now is prosecuting a more recent case of moose poaching in Kantishna.



A cow with twin calves was photographed near the Denali Visitor Center on June 6, 2013

photo by Cass Ray

☞ The number of Denali wolves has declined to only 49, partly due to the recent hunting and trapping of some wolves just outside park boundaries, where a closure to wolf hunting and trapping existed for more than ten years, until being eliminated three years ago. Those trapped included a radio-collared breeding female from the Grant Creek pack. Twenty-two years ago, Denali counted 134 wolves in the park; as recently as seven years ago, there were 116 park wolves, and in 2008, only five years ago, there were 99, more than twice as many as now. The percentage of Denali's collared wolves whose deaths can be attributed to "human-caused mortality," i. e. trapping and hunting outside the park, has nearly doubled in recent years.

Park Hosts Public Meeting on Moose Shooting

A July 2 public meeting, at Denali's Murie Science and Learning Center, drew two dozen, lasted more than two hours, and was hosted by Don Striker, park superintendent; Philip Hooge, assistant superintendent for resources, science, and learning; Pete Webster, chief law enforcement ranger; Pat Owen, wildlife biologist; and Miriam Valentine, chief of park planning. Details of the shooting and investigation were reviewed, and it was emphasized that park employees and others had devoted many hours to a futile effort to locate and capture the orphaned calves. In one instance, nine searchers combed the woods for three and a half hours.

Members of the audience noted that through the first few days following the shooting, the calves made regular appearances at the kill site, with little effort to capture them by park employees, who instead hazed them.

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CONCERN OVER FUTURE OF DENALI WILDLIFE

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It was argued that the kill site should have been closed, in the interest of visitor safety in case bears were attracted to the site, or in case the vocalizations of the isolated calves could have been heard by other lactating cows, who might have adopted them. Also debated at the meeting was whether capture and placement in a zoo or rehab center and eventually being returned to the park were the best fates for the orphaned calves. Meanwhile, the calves were believed by some to be capable of browsing willow and thus no longer dependent on cow's milk. Although the park assumed one of the two calves had fallen victim to a predator, weeks later an unconfirmed report had both calves still alive, and as this article was written, the fate of the two calves was unknown.

At the meeting it was confirmed that the shot that injured the cow was fired in the direction of the visitor center, and some members of the audience wondered whether the shooting of a park visitor or employee would have to occur before the danger posed by firearms in the park is taken sufficiently seriously. The injured cow was dispatched by a ranger's two shotgun blasts to the head. All five NPS law enforcement rangers investigating the shooting agreed charges should not be brought against the man who shot the cow, and it was agreed the assistant U. S. attorney would not support pressing charges.

Loaded Guns are Legal--Discharging Them is Not

The law allowing park visitors to carry loaded firearms in Denali took effect in February 2010 and had appeared nine months before as a short amendment, a so-called "rider," attached to unrelated federal legislation, the Credit Card Accountability, Responsibility and Disclosure Act; ten days after the rider was introduced, it was signed into law by the President. The firearms rider was touted as ensuring that citizens would not be deprived of their Second Amendment rights in "units of the National Park System." "Unelected bureaucrats and judges," it was noted, "cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land." The new law was intended to counter "any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System...if... the possession of the firearm is in compliance with the law of the state in which the unit of the National Park System... is located."

While it became legal to carry loaded firearms in Denali's wilderness, it remains illegal to discharge a gun or shoot wildlife. Campground hosts and other park employees report the ongoing "flaunting" of pistols, rifles, and ammunition by park visitors who feel they may need to "defend themselves" against Denali's wildlife.

Does the Shooting of Wildlife 'Change Life in Denali Significantly?'

That Denali already has lost a grizzly and a cow moose to pistol-packing park visitors has surprised many. Seven months before the law went into effect, and only ten months before the boar was killed at Tattler Creek, the park's then-chief law enforcement ranger, speaking at DCC's annual meeting, called the new law "more of a poster child issue" and predicted it would not "turn the world upside down" and was not likely to "change life in Denali significantly." Visitors to nearby Denali State Park also were allowed to carry loaded firearms, he noted, yet he was aware of no resulting carnage to either wildlife or people.

Given that the age of the average Denali visitor is late-50s, that many park visitors arrive via the cruise industry, and that so many visitors access Denali by riding shuttle or tour buses into and back out of the park, he added, it seemed unlikely that many of those visitors would avail themselves of their new right to carry loaded firearms into the park. Recent years, he noted, had seen no cases of shootings justified by the defense of life and property in the park additions or preserve, in which the carrying of loaded firearms already was allowed for certain activities protected by the 1980 Alaska National Interest Lands Conservation Act (ANILCA). Unfortunately, none of those reassurances or that optimism, appreciated though it was, spared the lives of the Denali wildlife killed thus far.

"Defense of life and property" would be the standard for whether guns could be fired in the park, noted the then-chief law enforcement ranger. Yet for the park's first 93 years, wildlife did not have to be killed to protect visitors; now, suddenly, immediately in the wake of the passage of this ill-conceived, right-pandering law, park visitors need to arm themselves and even kill the wildlife?

Education versus Congratulations

There is talk of having park employees drive to Fairbanks and Anchorage to meet with people who are comfortable with firearms and may visit Denali. Topics would include the protected status of the park's wildlife and the BMW--bear, moose, and wolf--encounter rules that rangers share with as many visitors as possible, and which have proved effective in countless instances. Surely that goal to better educate potential visitors, particularly those who may bring firearms, is laudable, but one can't help but wonder how much weight those efforts will have against the congratulatory high-fives offered to a young man returning home from shooting a park bear or moose.

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CONCERN OVER FUTURE OF DENALI WILDLIFE *continued from previous page*

Everyone concerned about the future of Denali's wildlife can be forgiven for dreading eventually seeing bumper stickers reading, "I shot a bear in Denali." Ours is a red state; check the public comments following articles on the park in our state's daily newspapers online.

Park visitors carrying loaded firearms may feel less need to resort to the BMW encounter rules or even to exercise common sense or restraint. Visitors who are armed may not feel the need to avoid surprising bears or moose in thick alder and willow by talking loudly or singing silly songs. They may not even feel the need to forego snapping that way too up-close and personal wildlife photo. Their insurance against being mauled or stomped is in the holsters on their hips.

"Will a hiker declare he was threatened by a grizzly or moose before he dispatched it?" we asked in these pages four years ago, months before the new law took effect. We were "disappointed that the present federal administration allowed this measure to slip into law, as a rider to an unrelated bill, and look forward to monitoring its effect on the park." We remain disappointed, more than ever, and it is with more than a tinge of sadness and dread that we continue monitoring the effects of man's firearms on this ecosystem and its wildlife. 🐾

CACFA HOLDS "FEDERAL OVERREACH" SUMMIT IN ANCHORAGE

The Citizens Advisory Commission on Federal Areas (CACFA) held a summit on "federal overreach" in Anchorage in early August. CACFA was created by the Alaska Legislature in July 1981. Governor Jay Hammond made the first appointments to the Commission in February 1982, and its first meeting occurred in March of that year. In its first annual report to the Legislature, CACFA described itself as "a state-sanctioned advisory watchdog to protect Alaskans' land rights..." considering that the Alaska National Interest Lands Conservation Act had placed 124 million acres of Alaska's land mass (roughly 60%) into conservation system units. As the report put it, the "Commission facilitates the establishment and maintenance of a good working relationship between Alaskans and federal agencies." The Commission was originally composed of 16 members, eight appointed by the Governor and eight by the Legislature.

The Commission produced annual reports yearly between 1983 and 1993, then the reports became less frequent, the next one being in 1996. In 1999, funding for the Commission was eliminated and there was a hiatus in its functioning until 2008. When the Commission was revived by new state legislation in 2007, its membership was reduced to twelve, six appointed by the Governor and six by the Legislature. Its duties were restated in greater detail and its office was located at the Department of Natural Resources Northern Regional Office in Fairbanks. The Commission produces an informative newsletter monthly, the *Alaska Lands Update*, available for download from the DNR website. The newsletter follows planning and regulatory process on all federal land entities in Alaska.

Although the Commission purports to represent Alaskans' public interests on federal lands in Alaska, it has, over the years, come to represent the interests of resource development, motorized access and intensive wildlife management. As such, its publications and meeting themes have represented the federal government's regulations in Alaska as unfair and not in the interests of everyday Alaskans. It is within this context that the meeting, at the Dena'ina Center in Anchorage, was held. Its title, the "Federal Overreach Summit," is a perfect expression of the bias that seems to characterize this group. Agenda topics included issues of public access on federal lands, natural resource development and mining, wildlife management conflicts and forestry practices. Known resource development advocates and folks with little sympathy for the federal presence were scheduled to speak. No federal agency employees were invited to speak.

Although we at DCC do not agree with the federal government on all of its activities in Alaska, we view the Federal Overreach Summit as a rehash of tired and inflexible attitudes from people unable to give sufficient credit to the value of national interest lands in Alaska and the contribution these lands have made to the Alaskan economy and international reputation. We'd be happier with this Commission if it would provide a more even-handed assessment of the federal presence in Alaska and consider the benefits of that presence, while tactfully considering and debating problem areas.

To learn more about the specific deliberations and recommendations from this meeting, visit the CACFA website at <http://dnr.alaska.gov/commis/cacfa/index.htm>. 🐾



ALASKA'S SECOND ATTEMPT AT HYDRAULIC FRACTURING REGULATION GOES PUBLIC

by Hannah Ragland

The State of Alaska has issued a second draft of administrative regulations (initially released for comment in December, 2012) on hydraulic fracturing, or “fracking.” Many of the changes are positive, although much more could be accomplished with these regulations to ensure clean freshwater resources are protected. The Alaska Oil and Gas Conservation Commission (AOGCC) has proposed what are arguably some of the strongest regulations in the nation for managing hydraulic fracturing operations. AOGCC’s proposal includes requirements for a variety of information, including fracking fluid composition, geologic information, and well casing standards.

Loopholes in federal laws require no disclosure of information related to fracking (in May a rule was proposed by the Department of the Interior to regulate the process, but only on public lands). Some states have moved forward to regulate on their own. Still, the regulations vary widely from state to state, and a number of studies have pointed out issues that states have had in keeping up with oversight. Also, most other states have loopholes in their own regulations, allowing for certain proprietary information to be withheld from the public as confidential. Meanwhile, many people and organizations have pointed to fracking as the cause of a number of problems across the nation, including aquifer and groundwater contamination, triggering of seismic activity, air and noise pollution, and industrialized land use.

More details required on fracking fluid composition

While the first draft of the AOGCC regulations did require companies to disclose a substantial amount of information both before and after fracking operations, it failed to require some key information. In the draft, some chemical information was only required for undefined “principle fluids.” The new regulations clarify that industry must identify all base liquids and their additives, along with anticipated or maximum concentration of chemicals, Chemical Abstracts Service Registry numbers, and both proposed and actual volumes to be injected.

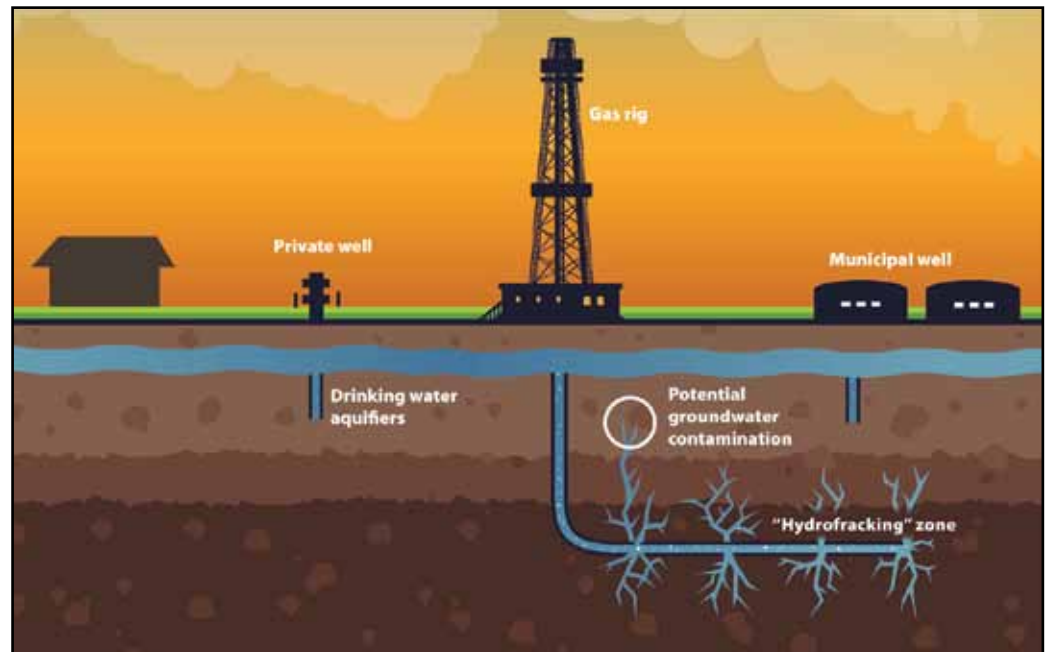


Diagram of fracking from WXPI, Williamsport Community Radio, Pennsylvania, shows potential for the fracking process to contaminate ground water.

The addition of chemical concentrations and expanding disclosure to more than simply “principle fluids” were suggested in comments that DCC submitted during the first round of public comment, and were also endorsed by DCC in separate comments submitted by the Wilderness Society, and are changes we support. Unfortunately, much of this information will be released only to landowners within a half mile of the wellbore trajectory (see below), and would only be reported to the general public after fracking operations have occurred through FracFocus, a Ground Water Protection Council and Interstate Oil and Gas Compact Commission website. While moving toward the use of an online database is commendable, there has been much criticism of this website and the limited range of information it reports.

Area for public notice requirements expanded, still falls short

Notification requirements changed somewhat between the first and second proposals. In the first draft of the regulation, permit applications had to show that landowners within $\frac{1}{4}$ mile of the wellbore trajectory had received notice of operations and the permit application. The updated version requires notice to landowners within $\frac{1}{2}$ mile, although the landowner must then request a copy of the permit application. Other changes to geographic areas include identification of known or suspected faults and fractures, water wells, and freshwater aquifers within a $\frac{1}{2}$ -mile radius of the gas well (was $\frac{1}{4}$ mile before, or had no defined extent).

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FRACKING REGULATIONS - SECOND ROUND *continued from previous page*

Existing state statute could allow critical information to be concealed

Although AOGCC's proposed regulations do not specifically allow developers to withhold proprietary information, DCC is concerned about how easily accessible the information will be made to the general public. Landowners within ½ mile of the well's trajectory would be offered the permit application directly before the state considers approval. Much of the information required by these new regulations would be included in this application.

Yet, if the exploration occurs just over ½ mile away from private property lines (such as on state land west of the Panguingue Subdivision), only the state would receive the permit application. The existing state statute (AS 31.05.035) says that this permit application can be withheld as confidential, if requested by the developer, for up to two years after the permit is filed. Although a drinking water aquifer may stretch for miles below a gas well, nearby residents will only be guaranteed the information required by the proposed regulations if living within a half mile of the well's trajectory. This falls short of protecting the public interest.

New variance allows for state to consider skipping parts of the process

The second draft includes a clause that allows for major exceptions to the permitting process for developers. In this addition, the regulations allow for operators to request AOGCC to “**modify a deadline...** upon a showing of good cause, **approve a variance from any other requirement...** if the variance provides at least an equally effective means of complying with the requirement, or **approve a waiver of a requirement...** if the waiver will not promote waste, is based on sound engineering and geoscience principles, will not jeopardize the ultimate recovery of hydrocarbons, will not jeopardize correlative rights, and will not result in an increased risk to health, safety, or the environment, including freshwater (emphasis added).” DCC is concerned that this variance would allow for more information to be withheld from the public, or allow operators to skip review of some pieces of information that would otherwise be required. We are also concerned about what opportunities (if any) the public would be given to provide input on a variance request.


With Healy Basin gas on the table, this matters for Denali Borough residents

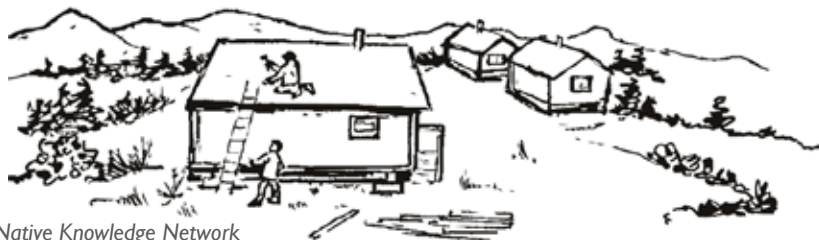
So why does it matter who gets notified, or whether information comes before or after fracking? Posting information after-the-fact does little to assist those dealing with water contamination, if it does arise. Unless there is water quality monitoring before development occurs, it is difficult to unequivocally prove that contamination did indeed come from the development and was not naturally occurring. Knowing the chemical components added to fracking fluid allows testing for these chemicals before and after fracking operations. As the use of fracking near communities increases, regulations have lagged far behind.

The Healy Basin gas license envelops a number of communities and rural residential areas in the Denali Borough. Although DCC has appealed the state's Best Interest Finding on Healy Gas and is currently waiting for an Alaska Supreme Court hearing of our case, we have not asked for full prohibition on gas development, just stricter requirements and an exclusion of lands important for rural lifestyles, habitat and recreation. We believe that gas exploration will occur in the Denali Borough, which makes it all the more important to be involved in state and national efforts to ensure that the process is as safe as it can be.

Regulation is better than nothing, but leaves questions

Although DCC does commend AOGCC for proposing regulations to protect clean freshwater resources, in the emerging regulatory environment and the patchwork of state regulations that vary widely throughout the United States, we are left with many questions. DCC is committed to remaining involved throughout this process to protect healthy environments and the rights of Denali citizens to clean water. We submitted comments on the second round of fracking regulations on August 5, 2013. They are posted on our website.

DCC supports responsible energy development, but not at the cost of rural lifestyles and exceptional areas for wildlife and recreation. If you would like to support our commitment to this, you may donate to DCC's Healy Gas Fund (see page 2). Contact DCC Board Member Hannah Ragland (hbragland@hotmail.com) with questions or concerns. 



INCREMENTAL DE-WILDING – HOW MUCH IS TOO MUCH?

by Charlie Loeb

The National Park Service recently took comment on a draft Environmental Assessment for placing telecommunications sites and weather stations in the Denali backcountry (the “Telecom EA”), including the Denali Wilderness. If the actions proposed in the EA are approved, NPS would make permanent two communication sites that have been used experimentally over the past several years on East Branch Ridge (known as Geode Mountain to some) and Double Mountain, move and make permanent a similar site near Mount Eielson, adjust the locations of a repeater at Wonder Lake and a seismic data relay station on Double Mountain, place a weather station near Wigand Creek in the northern park additions (outside designated wilderness), and place a weather station near the West Buttress route on Mount McKinley. These facilities would join other communications facilities, weather stations, and research equipment placements around the park backcountry. In addition the facilities would require at least annual visits by helicopter or some other means for regular maintenance.

There is always concern, when placing equipment in the backcountry, that the wilderness values of Denali – or any wilderness park – will be disrupted. How many backcountry users want to finish scrambling up a steep mountain in an apparently pristine

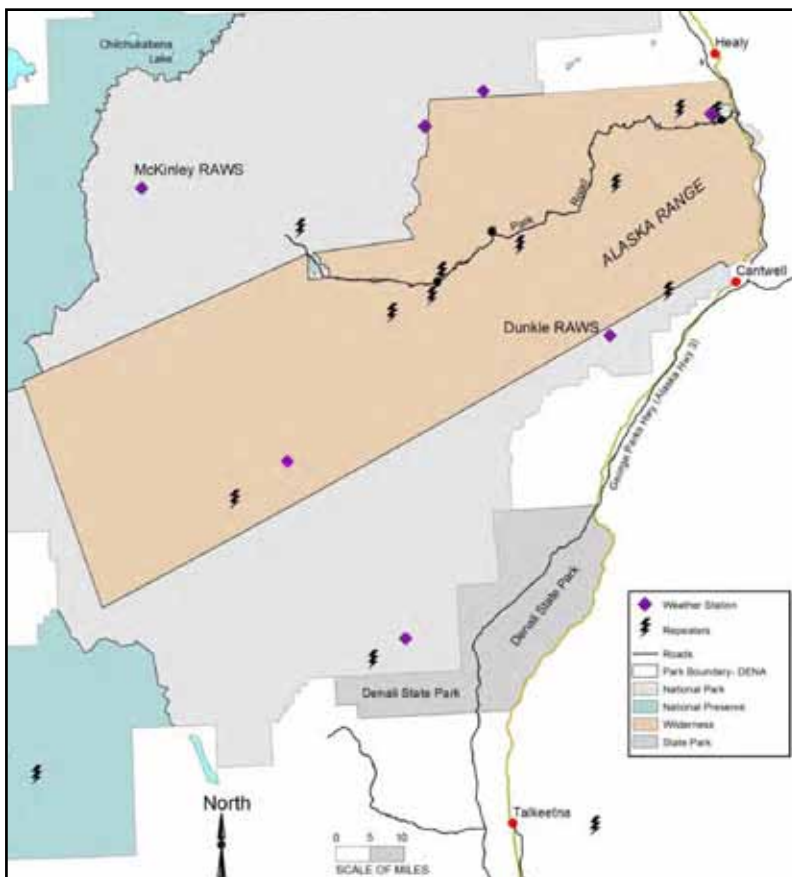
wilderness landscape only to find a piece of humming machinery at the top? Almost all the proposed equipment would be placed in the Congressionally-designed Denali Wilderness, which NPS must legally manage under the provisions of the Wilderness Act. However, even the weather station at Wigand Creek in the northern park additions is in an area eligible for wilderness designation. By national policy NPS is supposed to manage the area to preserve its ability to be designated wilderness in the future, and the Denali Backcountry Management Plan is clear that preservation of wilderness values and recreational opportunities is important for that area of the park.

Wilderness Act restricts mechanized equipment

The Wilderness Act of 1964 is one of the most idealistic pieces of conservation legislation ever passed by Congress. The Act’s definition of wilderness is striking, and bears reprinting in its entirety:

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 untrammeled 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.

For areas of federal land designated as wilderness, the Wilderness Act mandates that “...there shall be no commercial enterprise and no permanent road...,” and further prohibits temporary roads, motorized equipment and vehicles, mechanical transport of any kind, and structures and installations except for those “necessary to meet the minimum requirements for administration of the areas for the purposes of this Act...” Scientific purposes are among those public purposes recognized by the Wilderness Act.



Map from EA shows location of existing and proposed Remote Automated Weather Stations (RAWS) as diamonds and Repeater sites as jagged lines. NPS image

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INCREMENTAL CHANGES IN WILDERNESS CHARACTER WOULD OCCUR UNDER TELECOM EA

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The Wilderness Act sets up some tension when evaluating the placement of facilities. On the one hand, they are allowed if they help meet the scientific purposes of the area (Denali staff are careful to assess whether those purposes could be just as easily met outside the park) or if they represent the “minimum requirement” for administering the area as wilderness. However, they also inevitably impact the very resource Congress clearly sought to protect, bringing development, evidence of human habitation, and unnatural conditions to the landscape.

So, when choosing to add new equipment to the Denali Wilderness or backcountry, how do we know when incremental impacts have gone too far, when we have crossed a threshold that means the damage to the wilderness character of the park is too great to justify the perceived management requirements? Or are we forced to accept that incremental degradation will continue forever, with each future generation of park managers and users starting with a new baseline and feeling that their small changes will not make that much difference, and allowing for ever more expansive definitions of “required”?

Management Zone Indicators are designed to protect wilderness character

The 2006 Denali Backcountry Management Plan (BCMP) addressed this problem by instituting a set of measurable indicators that stand in for wilderness quality. The plan anticipated a national wilderness monitoring framework that is being promoted by a federal interagency team, which is taking four key qualities identified in the Wilderness Act and developing ways to measure them. These qualities are:

- Untrammeled – wilderness is essentially unhindered and free from modern human control or manipulation.
- Natural – wilderness ecological systems are substantially free from the effects of modern civilization.
- Undeveloped – wilderness is essentially without permanent improvements or modern human occupation.
- Outstanding opportunities for solitude or a primitive and unconfined type of recreation – Wilderness provides outstanding opportunities for people to experience solitude or primitive and unconfined recreation, including the values of inspiration and physical and mental challenge.

How does this work? As an example, the Denali BCMP specifies an indicator for monitoring and managing for “opportunities for solitude” by the number of “encounters with people.” Off-trail in the Denali Wilderness, the plan states visitors should “encounter 2 or fewer parties per day.” Other management zones could allow up to 10 encounters a day.



Helicopters and telecommunications equipment constitute "evidence of modern human use," an indicator to be tracked closely in Denali's Wilderness. NPS photo

Another indicator related to solitude is camping density; in the Denali Wilderness “visitors are always able to camp out of sight and sound of others.” Operationally, NPS can measure these indicators with a visitor survey to determine – for example – whether the quotas for overnight backcountry use are working appropriately to protect the park’s wilderness character.

Now, going back to the Telecom EA, how do all this law, theory, and planning apply? What indicators are appropriate to determine whether the incremental addition of this equipment ends up impairing the wilderness character of the Denali backcountry?

The BCMP has been criticized for basing its indicators primarily on just one of the wilderness characteristics – “opportunities for solitude or a primitive and unconfined type of recreation.” However, there is a BCMP indicator which directly addresses the concept of “undeveloped”: the Evidence of Modern Human Use. According to the BCMP, in all places where the EA proposes new or permanent equipment – with the exception of the weather station near the West Buttress route – the Evidence of Modern Human Use should be “low,” meaning that backcountry travelers should have at most one encounter per trip with modern equipment or a landscape modification. “Modern equipment” specifically includes communication facilities and similar devices. The West Buttress Special Use Area allows up to 5 such encounters. Because of helicopter traffic associated with installing and maintaining the sites, the BCMP’s natural sound disturbance standards should also be relevant to evaluating this project.

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INCREMENTAL CHANGES IN WILDERNESS CHARACTER WOULD OCCUR UNDER TELECOM EA

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The BCMP provides excellent guidance on when there are too many research or communications sites in the backcountry, or too many administrative flights. The standards should make part of the EA easy to write, addressing the cumulative, incremental impact of these additional equipment sites on the wilderness character of the park's backcountry.


Telecom EA ignores Backcountry Plan indicators

There is one problem, however: NPS does not even mention the BCMP indicators and standards in the EA, much less report on whether the placement of new equipment would result in backcountry plan standards being exceeded.

In fact, in the 7 years since the completion of the BCMP, NPS has never published a comprehensive report on whether the BCMP standards are being met, although conversations with park staff indicate that such a report is in process. Some data, like the natural sound disturbance standards, have been more available and regularly reported to the Denali Aircraft Overflights Advisory Council. But even that natural sound information was not provided in

the Environmental Assessment to demonstrate whether additional helicopter flights would result in exceeding specified standards.


In its comments on the Environmental Assessment, DCC argued that this project should not move forward until NPS can demonstrate that it can be accomplished within the BCMP standards. Seven years is more than long enough for NPS to develop and implement a monitoring system that provides good public information to inform the environmental compliance process. It certainly seems that NPS should be prioritizing funds to complete its monitoring before it spends money putting facilities in the backcountry. Accountability to its own planning documents is important, particularly since NPS is asking the public to trust the agency with a similar management framework on the Denali park road.

We also argued that the reasons used to justify the telecommunications sites did not apply to the Mount Eielson/Herning Cabin repeater, and that this site did not meet the "minimum requirement" threshold for locating facilities in designated wilderness. Finally, we asked that NPS include a plan for servicing the sites using non-motorized means when possible. As of this writing, NPS has not published its conclusions or action regarding the Telecom EA. 

NPS PLANS WINTER ROAD OPENING TO MOUNTAIN VISTA REST STOP

by Nancy Bale

Despite many thoughtful comments from DCC and others, NPS determined that it would adopt, unchanged, the Preferred Alternative in its EA for Winter Access to Denali, plowing the park road early enough to open the Mt. Vista Rest Stop (Mile 12) on February 15th, rather than beginning to plow the road in early March. We asked NPS to preserve traditional ski and dogsled access as a priority over strictly motorized access, and asked NPS to consider impacts to wildlife by earlier road opening, impacts not considered at all in the EA. We also felt that no power or heat should ever be provided to accommodate vehicles or visitors at Mt. Vista and that a shuttle from headquarters could be used for access by visitors reluctant to park their cars at a cold rest stop. Our proposal for a shuttle was rejected. We felt NPS spent little time considering impacts to the Savage River ecosystem by both commercial buses and by skiers. NPS stated in its response to comments that wildlife impacts need not be considered because the increased access would be on the road only. Really?

Of course, it is possible that opening the road to Mile 12 a month earlier will be without severe impacts. However, our suggestion that NPS commit to no earlier opening was turned down, and instead a trial period, as proposed in the EA, left open the possibility of earlier opening in the future. We're fearful that the aurora-watching market from Fairbanks will pressure NPS for the opportunity to bring a coach to Denali in January for a possible snapshot of the mountain from inside the park, and a quick retreat back to a warm hotel in Fairbanks. Lots of carbon spent here for a possible snapshot. Is that a park experience? 



Mountain Vista Rest Stop parking area and SSTs - Currently, no electricity or heat is provided at Mountain Vista. We urge NPS to resist adding further amenities to this rest stop for enhanced winter use.

LATE SPRING AND HOT SUMMER BREAK RECORDS, SPAWN FIRES

by Nancy Bale

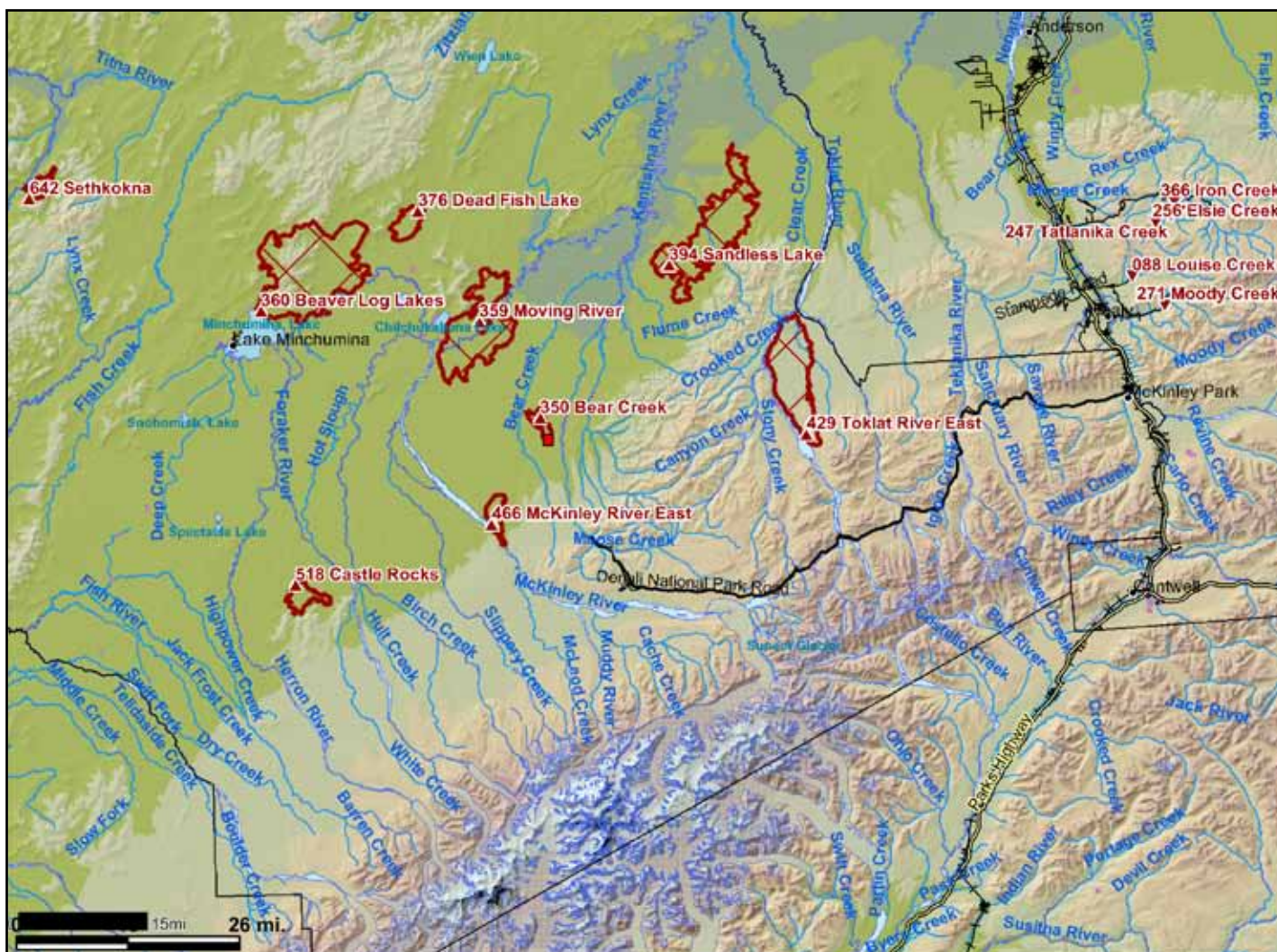
The summer of 2013 will be remembered as unique for many reasons. Late snows and cold weather troubled the opening of the park road and affected nesting behavior of spring bird migrants. Then, in late June and again in July, unprecedented runs of hot, dry weather spawned fires both inside Denali National Park and on the tundra north of the park.

Fairbanks and Anchorage broke records set in 2004, Fairbanks for number of days in a row above 80 degrees F., and Anchorage for number of days above 70 degrees F. My niece and her family visited in late July from the Midwest, and we experienced hot and dry weather with no rain for their entire two week stay.

We've enjoyed great gardening, earlier greenhouse tomatoes, and more trips to the local pond or lake for refreshing swims. The fires have been a less pleasant reminder of what warm weather can wreak in Alaska - evacuations near Fairbanks, property losses, and the need for aggressive fire-fighting in the Kantishna and Toklat drainages. Depending on wind direction, the acrid smell and glare of smoke have made hikes near Kantishna and Eielson less pleasant. Whether or not it was caused by this unique combination of late snow and intense heat, the blueberry crop has been fantastic this year. Stories of gallons picked in a couple of hours circulate, and on a recent trip to Kantishna, blueberry pancakes were the culinary choice for breakfast. ☘



Alaska Native Knowledge Network



Fires around Denali as of August 11, 2013 - Map prepared by the Alaska Interagency Coordination Center. Updated information is available at the website <http://fire.ak.blm.gov/>.

FAREWELL, LOUISE GALLOP


by Nancy Bale

Alaskan author, teacher, poet, friend of Denali, and master gold panner Louise Gallop passed away on Tuesday, August 6, 2013 in Anchorage, at the age of 90. Louise first came to Alaska on vacation in 1959, fell in love with Alaska, and left New York in 1961 to settle here permanently. She taught at Rabbit Creek Elementary School in Anchorage for 18 years, retiring in 1979.

Louise had a genuine interest in native cultures and stories. She incorporated these themes into her writing, producing a successful children's book, *Owl's Secret*, in 1993. She was a prolific poet and participated in writing groups on a regular basis. She encouraged poetry among school children as well, selecting and editing poems for the *Pencils Full of Stars* series produced for many years by the Anchorage School District. She was a docent and volunteer at the Anchorage Museum for 33+ years, giving her final tour of the Alaska Gallery last year at age 89. She also worked in the museum shop and amassed a stunning collection of carved ivory and native masks over the years.

Louise was a guest at Camp Denali in 1960, and it was not long before she joined the summer staff as "camp cook." She became very interested in gold panning during those years, and eventually purchased a gold claim on Friday Creek in Kantishna. Known as "Kantishna Lou," she brought Camp guests to the creek and showed them how to pan for the tiny nuggets lost in black sands. Louise was a regular guest at Camp Denali even after she no longer worked for the original owners Celia Hunter and Ginny Wood, and I met her during those years, when she arrived to do her annual "assessment work" at the claim. In 1982 and 1983, Louise contracted to have her claim mined professionally. Some large nuggets were found during this process! One of them is on display in the Anchorage Museum's exhibit on the Alaska gold rush. Another large nugget adorns a necklace, which Louise wore during her museum tour, concealed beneath her blouse, only pulling it out at the end of the tour along with a postcard of her old cabin at Friday Creek, for show and tell. The original cabin was in disrepair when I first saw it, and was replaced by a newer cabin, where she lived during the mining season. When it came time, Louise sold her gold claim to the National Park Service, and her little cabin, now used by rangers and researchers, is still known as the Gallop Cabin. Louise chose themes for some of her poetry from her experiences at Denali.

Louise had many friends, corresponded regularly with family in the lower 48 and gladly mentored aspiring writers and poets. She was a beloved elder at the Unitarian Universalist Fellowship in Anchorage, belonged to the Pioneers of Alaska and was active in the Delta Kappa Gamma Society of women educators. Louise was a philanthropist, giving generously to the Anchorage Museum and her fellowship, and to many other organizations, with a focus on social and environmental justice.

Her friends, family, fellow writers, dining companions and Denali lovers will miss Louise, and we won't forget her courage and spirit. Louise will be buried in the Anchorage Memorial Park Cemetery, Pioneers Section. Although she requested no memorial service, a simple gathering for poetry reading is being planned. Farewell, Louise. 



"Kantishna Lou," in front of her cabin, holding a few of the precious nuggets mined nearby. *photo by Jane Bryant*



Louise on Friday Creek, in her element, ready to pan. *photo by Jane Bryant*



Louise at the Anchorage Museum in 2010. She volunteered countless hours in the galleries and the museum shop. *Museum photo*

NEON PERMIT GRANTED

On July 10, 2013, after nearly three years of public meetings and input, the National Ecological Monitoring Network (NEON) received a permit from the State of Alaska Division of Mining, Land and Water to operate a monitoring site on 3.48 acres of state lands near Mile 5.7 of the Stampede Road. NEON is a nationwide data collection effort under the National Science Foundation. Its stated purpose, according to its website (<http://www.neoninc.org/about>) is "...to gather and synthesize data on the impacts of climate change, land use change and invasive species on natural resources and biodiversity. Data will be collected from 60 sites across the U.S. (including Alaska, Hawaii and Puerto Rico) using instrument measurements and field sampling. The sites have been strategically selected to represent different regions of vegetation, landforms, climate, and ecosystem performance."

Early issues for the local site included how it would obtain power, how it would be set up and taken down, and whether these activities would leave long-term scars. Through strong involvement of Friends of Stampede and DCC board member Hannah Ragland, changes were made in the original proposal that addressed the biggest problems. We are happy with the terms of the resulting permit. NEON is expected to begin construction of the site in winter 2014. The construction is expected to take up to six months and the site will be in operation for 5-7 years, after which it will be dismantled and relocated to another site in Alaska. There will be a year-round crew of two people, who will visit the site for 2-3 days twice a month to perform maintenance. Between April and September a maximum of 20 research technicians will collect samples on 30-50 plots around the site.

We'd like to thank DNR, Division of Mining, Land and Water, for its responsiveness to citizen concerns during the permitting process, specifically David Hite, Natural Resource Specialist, who worked closely with interested parties. We're hoping that NEON staff will establish close communications with the local community, the school district, the National Park Service and local government. We are very interested in what the NEON research reveals about changing climate in the Denali region. ☞

DCC ROLLS OUT "CITIZEN'S GUIDE TO GAS PERMITTING"

At the June Denali Borough Assembly and the July Borough Planning Commission meetings, DCC Director Nancy Bale presented members of both bodies with a copy of the "Alaska Citizen's Guide to Gas Permitting," and reviewed its salient features. DCC has been involved with gas exploration proposals within the Denali Borough since 2003, and submitted extensive input during the Healy Basin Gas Best Interest Finding process between 2005 and 2010. It was our feeling, from the beginning, that gas development of some kind would occur in the Denali Borough, and we wanted citizens to understand the details of the permitting process in order to protect their interests. We were able to hire a bright young intern, Claire Pywell, through the Alaska Conservation Foundation internship program, in partnership with the National Parks Conservation Association. Claire worked diligently throughout her 6-month internship to develop the guide, and with design assistance from the NPCA team, produced a visually stunning and easy-to-use guide. DCC thanks the Assembly, Mayor Walker, Clerks Gail Pieknik and Linda Paganelli, and the Planning Commission for their support and interest in this issue. We would be glad to offer copies of the guide to interested local citizens. If you would like a copy, please contact Nancy Bale at 907-244-2510, or nancy@denalicitizens.org. ☞

DCC News

Join Denali Citizens Council and receive a subscription to *DCC News*.

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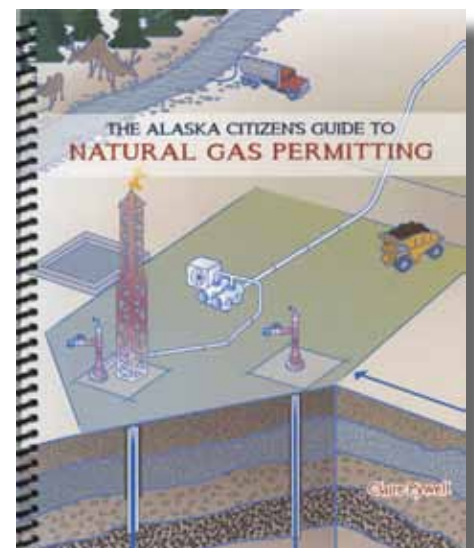
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