

DISAPPOINTING SUPREME COURT DECISION AFFIRMS HEALY GAS LICENSE

THE ALASKA SUPREME COURT SHOWS NO LOVE FOR DCC ON VALENTINE'S DAY

by Charlie Loeb

Instead of a nice card on February 14, 2014, the Court sent DCC a decision on the case of Denali Citizens Council vs. State of Alaska Department of Natural Resources and Usibelli Coal Mine, Inc. denying all but one of DCC's contentions in the lawsuit. DCC had filed an administrative appeal with the Alaska Department of Natural Resources (DNR) three years ago after then-DNR Commissioner Tom Irwin affirmed a Best Interest Finding for a Healy Basin Gas-Only Exploration License, awarding Usibelli Coal Mine (UCM) the right to explore for natural gas under 208,000 acres of land in the northern Denali Borough. The lands involved include those under the towns of Healy and Ferry, as well as the Panguingue Creek subdivision and the eastern portions of the Wolf Townships.

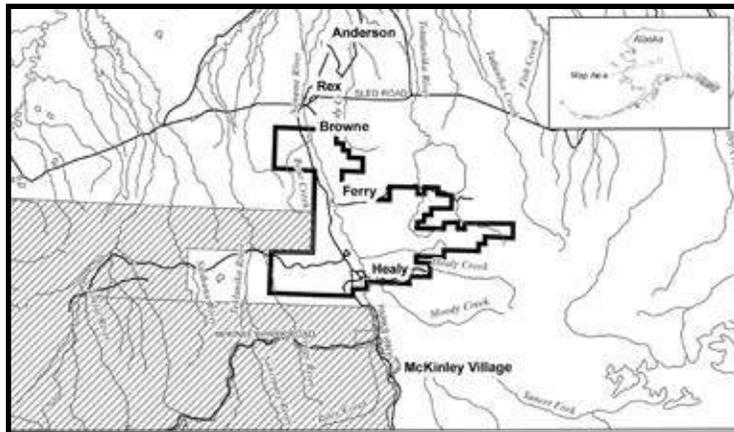
The Supreme Court decision marks the beginning of a new phase in the ongoing discussion about and action around natural gas development in the Denali Borough. DCC has followed UCM's gas project since the company first announced its plans under the now defunct coalbed methane leasing program in 2003. Even before the documentary Gasland and the wide publicity of environmental and health hazards surrounding development of the Marcellus Shale in the northeastern U.S., stories

circulated about coalbed methane projects that had disastrous consequences in places like the Powder River Basin in Wyoming and the San Juan Basin straddling the New Mexico-Colorado border. Concerned about the implications of local gas development, DCC published information, held forums, and appeared before the Denali Borough Assembly to educate our members and the community about the

potential impacts of gas development. Our activities helped to spark an outpouring of citizen opposition to the Preliminary Best Interest Finding, as well as an ordinance to regulate or limit gas development by the Denali Borough Assembly. Ultimately these efforts helped lead to a long delay in the process, and DNR did not issue the Final Finding until 2010.

DCC entered into litigation in response to the Final Finding, knowing that the Alaska statutes were heavily stacked in favor of the oil and gas industry. Although the Alaska constitution mandates that the state's resources be used for the "best interest" of its citizens, succeeding statutes have virtually defined oil and gas development as being the state's "best interest," with little regard for competing uses of the land. Nonetheless, the Best Interest Finding had some important flaws that opened it to legal challenge.

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Map shows the 208,000 acre Healy Gas License area. Usibelli Coal Mine, Inc., holder of the license, must develop a Plan of Operations before exploration can occur. The plan will involve a public comment opportunity.

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FROM THE BOARD

Michael Raffaeli

Another year has begun. What better way to start it than to venture out into our winter wonderland, or so I thought. Just before the start of the warm weather spell that plagued Denali in the last half of January, another musher and I headed out on what was supposed to be a 15-day dog-mushing trip out the Stampede and into the northern portions of the park and its wilderness. The above freezing temperatures and plethora of open water sent us scurrying back home a few days early, our original plan to do a loop unable to be completed. Once again I was humbled by the unknown and unexpected of the Alaska wilderness.

As the park had opened the northern portions of the new park to snowmachining for traditional activities, we found a well-packed trail to the Sushana River. No winter trails had been established past the East Fork of the Toklat River and travel through last summer's Lower Toklat wildfire burn was somewhat arduous. Interestingly, caribou had already been making use of the area. Fresh tracks and sign of cratering for food abounded along this leg of the trail. Once we made it to the main fork of the Toklat River and continued up the Clearwater, we could see from where the caribou had come. Solid river ice and a trench through the deep snow left by who knows how many caribou traveling in the country made for a good path for us and the dogs to follow. And so we continued deeper into the park until our travel was stymied, but always further from the distractions of our civilized lives back home. Our goals were to go someplace we had never been before and to explore this landscape that is our backyard. We desired to be surrounded by this vast and open place, to step away from the world and its woes for a few days, to catch a glimpse of the returning sun and maybe even a hard-earned peek of Denali. And of course, we expected to be humbled.

We seek challenges because they make us stronger. Facing hardship and failure offers us lessons. Places like Denali and the wild lands that surround it can be this testing ground. And, in contrast to being severe and relentless these places also offer the opportunity to reflect, to quiet our minds, to find peace and solitude.

On this 13-day trip, the only other humans we saw were on our first day into the backcountry and on our last day out. In those two days, the lot we saw was varied. A trapper with two clients on snow machines came past as we set up our first camp above the Teklanika River. That same evening, a dog musher training his dogs for an upcoming long distance race came by, his dogs harnessed to a snow machine. Followed by nobody for 11 days. On the way back, again at the Teklanika River, we chatted with a couple of scientists heading out to track coyotes. Nearer the Savage River, we came upon a dog musher with a client going out for a three-day trip. Maybe what brought us all out into this land was the same, I thought. Then again, perhaps each of us was out there for a different reason. I don't know because our brief encounters didn't allow for those conversations.



Alaska Native Knowledge Network



Photo courtesy of JJ Neville

This land means different things to different people. And unless we express its importance to those around us, to those that manage these lands, and to those with the political power to affect these lands far into the future, its meaning will sway towards whatever some other voice has to say.

Read on to see what our collective voice currently has to say about the Denali area and the challenges that we are facing. As a way to start another year, we hope that the contents of these pages encourage you to reflect on what you value in Denali. And, ultimately we wish for those around us to see the value in the way we experience this land and to join our voice in conserving its splendor for many years to come. 

THANK YOU MEMBERS AND DONORS

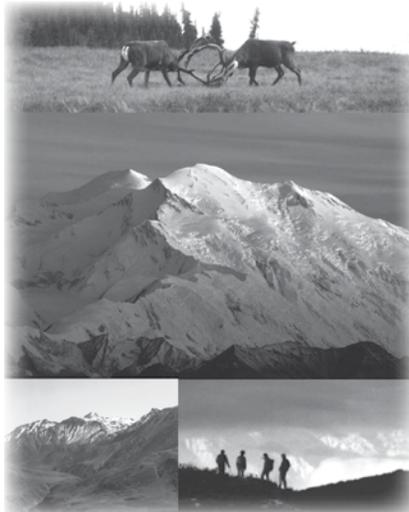
As you can see from the list below, we have much to celebrate as 2014 begins. Because of your generosity, we have been able to complete payment of our legal invoices, and are prepared to move forward with an ambitious program of activities. We are planning for a fun and engaging Annual Meeting in late May, ongoing attendance at local meetings to keep DCC's message at the forefront, relationships and consultation with agency leaders, and a strong presence in online media.

Sadly, we will be bidding farewell to our wonderful president, Charlie Loeb, in early June when he and his family relocate to Oregon. As we go through this period of transition, we'll be seeking new board members. If you would like to join, our election is coming up in late April. No experience is necessary, only a passionate interest in our mission. Send an email to Charlie if interested...charlie@denalicitizens.org.

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DISAPPOINTING SUPREME COURT DECISION

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It also deviated significantly from promises made in both the Preliminary Finding and verbally by DNR staff. DNR had stated in the Preliminary Finding that the best interest of local residents was of “critical importance” to the decision, but deleted this assertion in the Final Finding after discovering that local residents didn’t want gas development around their residences or other sensitive areas. DNR also verbally promised protective measures for residents of similar strength to the Mat-Su Borough’s enforceable standards, but did not deliver them in the Preliminary Finding and weakened mitigation measures further in the Final Finding.

Righteous indignation, for better or worse, is not a good basis for a legal argument. DCC’s case before the Supreme Court therefore rested on an important mandate for DNR: that the agency’s decisions must have a rational basis. DCC challenged the rationale for two decisions in the Final Finding, the size of the license area and the weakening of the mitigation measures between the Preliminary and Final findings.

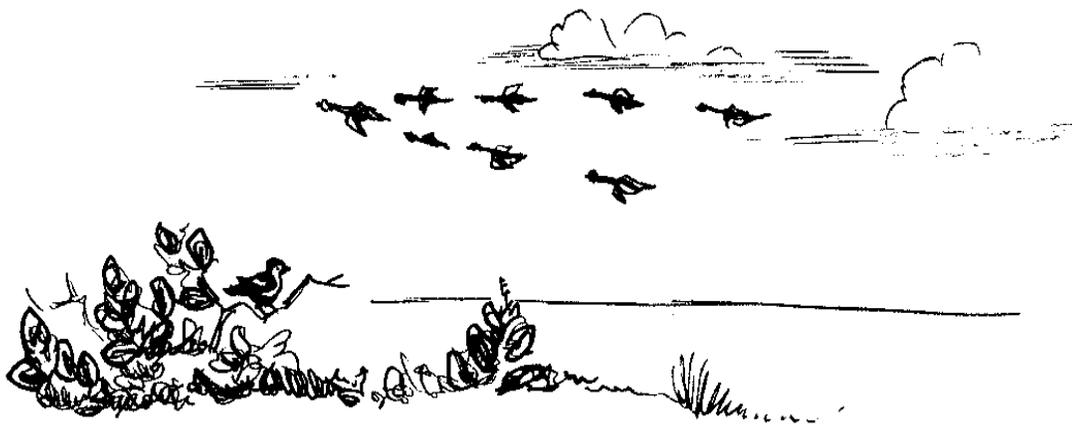
Our arguments questioned DNR’s defense of license area size and mitigations

As for the size of the area, DCC contended that DNR had not provided a rational basis for dismissing our arguments that a smaller license area – excluding lands west of the Nenana River – would be in the best interest of the State and local citizens. DNR stated only that reducing the size of the area “might make the project economically unfeasible,” but provided no basis for that assumption. The Supreme Court’s response: “Consideration of the economic feasibility of the license as proposed simply does not require consideration of the feasibility of alternatives to the proposal.” That’s not really our point. If DCC demonstrates that the State’s best interest might be served by using state resources west of the Nenana River for some purpose other than gas development, and the State’s only response is an unsupported statement that the smaller area “might” not be feasible, then some additional justification should be required or the State may well be sacrificing the best interest of its citizens.

For the second contention, DCC argued that the weakening of mitigation measures between the Preliminary Finding and the Final Finding was arbitrary and capricious. Essentially, DNR deferred to UCM’s concerns about the measures in the Preliminary Finding, but did not provide any justification. The Supreme Court’s response: “reasonable basis review is deferential, and DNR’s explanation for its change of course need not be exhaustive.” In other words, the decision-making of state agencies is given a great amount of deference by the Court, and as long as the agency provides even an unsupported rationale for a decision, the Court will defer to that decision.

The Supreme Court did provide DCC with one victory related to mitigation measures. In the Preliminary Finding, DNR had provided an avenue for UCM to wiggle out of implementing some mitigation measures if the company could show complying with the measure would not be “feasible or prudent.” In the Final Finding, the company could qualify for this blanket exception if it could show complying with the measure would not be “practicable.” At oral arguments, both DNR and UCM asserted that the standards were the same, even though the definitions were different and DNR had stated the change was responsive to a UCM comment on the Preliminary Finding. The Supreme Court concluded essentially that DNR did not provide a rationale for this change, but that if the “not practicable standard” is applied so as to be no more permissive than

the “not feasible or prudent” standard, then no change really occurred, so no rationale is needed. Thus, DNR is locked into the standard from the Preliminary Finding, which includes the consideration of public costs – not just private costs – in determining whether UCM can avoid implementing mitigation measures.



THE ALASKA SUPREME COURT SHOWS NO LOVE FOR DCC

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Further legal action is not possible

There is no opportunity for appeal beyond the Alaska Supreme Court, so now exploration for gas in the Healy Basin will enter a new phase. UCM has an exploration license that is good for 10 years, and it must expend at least \$500,000 exploring for gas during that time period. However, if UCM finds gas which is economic to extract, it can then obtain leases for development without going back through the Best Interest Finding process. Before starting operations, UCM will need to develop a Plan of Operations and will likely require several other permits. DCC jointly published a primer, *The Alaska Citizen's Guide to Natural Gas Permitting*, with the National Parks Conservation Association. You can download a copy at the following link; <http://www.denalicitizens.org/healy-basin-gas-exploration-license-2/alaska-citizens-guide-to-natural-gas-permitting/>. This booklet outlines the steps in gas exploration and development, and describes where public involvement can make a difference.

DCC will continue with education and activism in the Denali Borough

DCC also moves into a new phase. DCC has never opposed all gas development in the Denali Borough, but has taken the reasonable position that a portion of the license area is more important for wildlife habitat protection and residential use. As a result, we always assumed that some gas development would occur and have been preparing for that eventuality. Our strategy will involve education of local residents (already begun with publication of *The Alaska Citizen's Guide to Natural Gas Permitting* and providing landowner information on our website), developing the technical capacity to watchdog development activities, and working with the Denali Borough Assembly to ensure protection of landowner rights. We do advise all landowners to file for their water rights immediately. You can find instructions on the DCC website at <http://www.denalicitizens.org/healy-basin-gas-exploration-license-2/attention-landowners/>.

DCC will also continue to seek legal assistance as needed. Regulations governing various aspects of gas development are complex, and the organization may need the assistance of attorneys. DCC would also like to be able to provide guidance to landowners who may be in a position of negotiating a surface use agreement with UCM for the placement of gas facilities on their property. Typically landowners are at a severe disadvantage in this negotiation compared to developers, who hire lawyers specialized in getting the best deal for their clients.

We are eager to move forward, with no regrets

Despite the adverse opinion from the Supreme Court, DCC's action has proven valuable and worthwhile in several respects. First, there has been a delay in starting exploration that has provided time for state regulators to catch up on modern gas development practices, such as the pending rules on hydraulic fracturing ("fracking") from the Alaska Oil and Gas Conservation Commission. Second, the litigation highlighted the importance of the Wolf Townships to a local and statewide audience, which will help buttress future efforts at protection. Third, the development of the organizational, fundraising, and technical capacity necessary to carry off the litigation enhanced DCC's capabilities, placing us in a more sophisticated and knowledgeable position to fight for residents and wildlife as industrial activities begin to occur. Finally, the Supreme Court did hand us a partial victory in its decision, stating that DNR and Usibelli had committed themselves to considering public costs and benefits in implementing mitigation measures, not just the private costs to the developer.

In short, the DCC Board of Directors has no regrets about filing this lawsuit. Although justice was certainly on our side, the law – as interpreted by the court system – apparently was not. We engaged in the action fully aware of the long odds and the expense, and feel the investment was worthwhile even though we hoped for more. DCC thanks its many donors and supporters for staying with us during this process – your enthusiasm for this cause and your generosity made all of these gains possible. DCC is now ready to continue leading action to protect the wildlife, wild lands, and wonderful homes that we share in this community. 



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BOARD OF GAME COMPLETES REGION III DELIBERATIONS

AT THE SAME TIME, RESOLUTION TO SUPPORT BUFFER DISCUSSION APPEARS IN THE STATE LEGISLATURE

by Nancy Bale

The Alaska Board of Game (BOG), composed of seven members who rule on wildlife management proposals for selected regions of Alaska every two years, met in Fairbanks recently to discuss Region III, a broad area covering most of the interior of Alaska and including Denali National Park. As expected, the board advanced its war on predators, including wolves and bears, in its votes on many of the proposals, and enshrined hunter opportunity as the most important guiding principle on state lands bordering Denali. By contrast, as the board was preparing to deliberate, House Representative Andy Josephson introduced a resolution in the State Legislature to promote discussion of the wolf easement idea. First, let's consider the BOG deliberations.

Bag limit for hunting wolves increased from 5 to 10 per season in Units 12, 19, 20, 21, 24, and 25

One of the most shocking actions by the board was when it amended Proposal 51, originally a hunting season extension request, to increase bag limits for hunting wolves across a broad swath of territory both next to and quite distant from Denali. Claiming to "average" existing bag limits, which varied from 5 to 10 animals per season to one area with a bag limit of 10 wolves per day, the board chose a bag limit of 10 wolves per season, keeping the "season" at August 10 – May 31st. The board had little rationale for raising this number other than a stated "attempt to be consistent" with regulations across many Game Management Units. What the Board did not consider in its deliberations, however, was the regional differences in wolf numbers across those very same units. It is well known that wolf numbers are down inside Denali National Park, and the Department of Fish and Game has stated that their densities are lower across the entirety of Unit 20C, which includes the Wolf Townships. By contrast, Unit 20A, just east of 20C and including the Rex Trail, the Yanert Valley and many areas popular with hunters, has a higher population of wolves. This unscientific decision only serves to support the conclusion that the Alaska Board of Game is interested only in wolf killing, not wolf conservation.

Bears are fair game, too, and baiting is an accepted hunting technique

In its continuing program of increasing the pressure on bears, the board approved Proposal 104, which would allow incidental take of brown bears over black bear bait stations in Unit 20A. Black bear baiting is already allowed in Unit 20C, which contains the Wolf Townships. Although we don't think that any bait stations have yet been set up in the Wolf Townships, we're concerned that baiting bears just outside Denali National Park has serious safety implication, both in residential areas near Healy and in the national park backcountry, where clean camping is stressed as a way to avoid unpleasant animal encounters and habituated bears. A second set of proposals, due to be considered at the Statewide Regulations meeting coming up in Anchorage March 14-18, would make it unnecessary even to salvage the meat of a brown bear taken over a bait station.

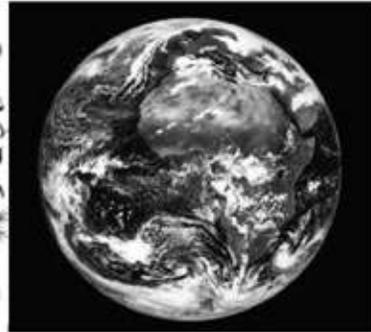
A small silver lining appeared at the meeting when the board voted not to allow motorized hunting in the Wood River Controlled Use Area east of Healy, or airboats for moose hunting in the Minto Flats Management Area, important moose habitat near Nenana. It appears that the board is sympathetic to hunters who are offended by the noise and damage from motorized vehicles in the backcountry.

Legislative resolution encourages dialogue on buffer easement: we support it

Alaska State House Representative Andy Josephson, from Anchorage, recently introduced a resolution, House Concurrent Resolution 17, encouraging Governor Parnell and Interior Secretary Jewell to hold talks on the concept of a buffer easement on state lands outside Denali, like the one described by Barbara Brease in the last issue of *DCC News*. Alaskans should write or call their legislator and support this resolution. The resolution has been referred to the House Resources Committee. View it at: <http://legiscan.com/AK/text/HCR17/id/956662>. For more information, go to the legislature's website at the following link: http://www.legis.state.ak.us/basis/get_bill.asp?bill=HCR%2017&session=28. 



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Forever Wild

Celebrating Earth Day
and the 50th Anniversary
of the Wilderness Act



Susan Grace

the Alaskan Troubadour

And The Fairbanks Peace Choir

Join us for a special celebration
of Alaskan Wilderness in joyful Song,
Images and Poetry...For all ages!

Tuesday, April 22, 2014
7:00-9:00 PM

At Pioneer Park Theater

\$12.00 at the door

\$6.00 Students, Seniors, Military

For more information contact: 479-0780
The Fairbanks Committee for 50th Anniversary
of the Wilderness Act



This year is the 50th Anniversary of the passage of the Wilderness Act. It was signed by President Lyndon Baines Johnson, on September 3, 1964, after more than 60 drafts and eight years of work. As part of the celebration, Susan Grace, Alaskan singer/songwriter, will host this event on Earth Day 2014. If you are going to be in Fairbanks, plan to attend.

STAMPEDE STATE RECREATION AREA BILL HAS LOCAL SUPPORT HOWEVER, HB 148 LANGUISHES IN THE STATE LEGISLATURE

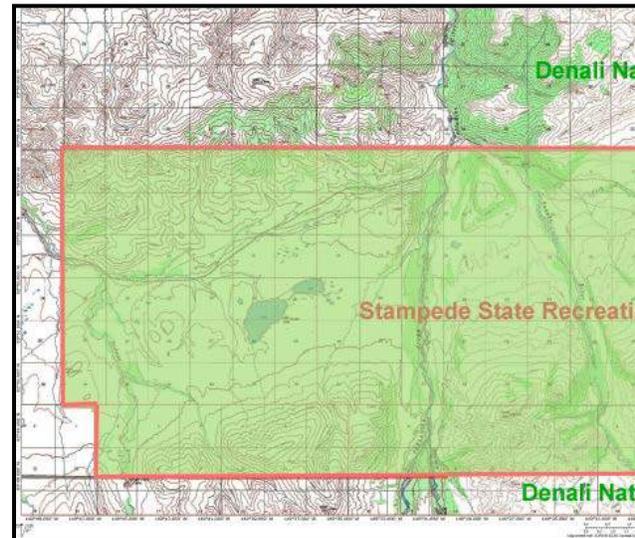
by Hannah Ragland

Broad array of support forwarded to Juneau

The Denali Borough Assembly, Planning Commission, and the Middle Nenana Fish and Game Advisory Committee all renewed their support for the proposed Stampede State Recreation Area (SRA) in the first two months of 2014. For the Denali Borough Assembly, the resolution passed in February represents the sixth resolution of support since the Borough Assembly first proposed the Stampede SRA idea in 2007. The Alaska Department of Natural Resources (DNR) adopted the Yukon Tanana Area Plan in early January, pointing to the local government and our local state legislators as the leaders in pursuing some form of legislative designation for the Wolf Townships. These latest resolutions affirm that the local government is behind the Stampede SRA idea. DCC appreciates the continued support from this diverse group of governing bodies.

The need for recreation management is increasingly evident

Over the years, increased use of the Stampede Trail corridor has led to greater impacts and an increasing need for more active recreation and land management. Four tour companies now operate along the Stampede Trail. The trail has deteriorated to the point that one tour operator has asked DNR for a permit (and was granted one) to provide the trail maintenance themselves. The maintenance proposed by this private operator may improve access for some motorized users, but does not aim to improve the conditions for those on foot or traveling by bike. Opening weekend of hunting season regularly brings over forty vehicles to the pullouts near Eightmile Lake. Trash and human feces are commonplace at most pullouts, particularly around the Eightmile Lake area. At Eightmile Lake the portion of the road that is maintained by the Department of Transportation (DOT) ends, and the Department of Natural Resources (DNR) assumes management responsibility. Currently, neither agency plans or manages for overuse or trail impacts in the Eightmile area or the Stampede Trail itself.



Map of SRA – by DCC



photo courtesy of Hannah Ragland

Current land management is not equipped for the volume of use

DOT's involvement along Stampede Road is limited to plowing the four miles of road through the subdivision during the winter months, grading the four miles beyond the subdivision in the summer months and occasionally plowing to Eightmile Lake in the springtime. DNR's involvement is more extensive, with the authority to grant land use permits on both the trail (beyond Eightmile Lake), and also the state land that surrounds the road and the trail. Although DNR's Division of Mining, Land and Water (DMLW) has actively engaged local residents in land use permits, this state division is not equipped to deal with extensive use occurring on the Stampede Trail. For example, lack of management on the Rex Trail, also under DMLW's management, has led to closure of trails for some motorized use until the damage to the trails can be repaired.

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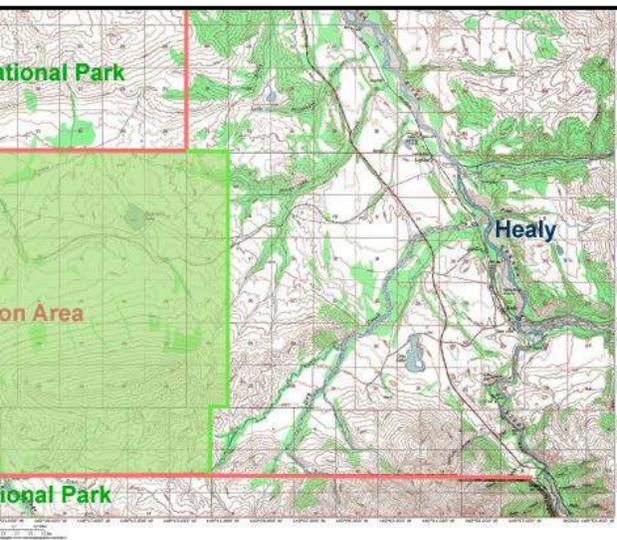
HB 148 LANGUISHES IN THE STATE LEGISLATURE

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Creation of a Stampede SRA leaves some of DCC's priorities unchanged

DCC has long sought a protective land status that would secure protection for the habitat, wildlife and way-of-life of the Stampede. Two issues would remain with the passage of a Stampede SRA, that of natural gas exploration by Usibelli Coal Mine and aggressive wildlife policies by the Board of Game. The proposed bill to create a Stampede SRA does not preclude development of the mineral estate or gas exploration, and leaves the authority to manage fish and wildlife in the hands of the Board of Game. Still, DCC supports the SRA proposal because it would create a permanent land management designation that would better protect sensitive habitat from disposal and provide scrutiny on the increasing demands of surface use. DCC also believes that management guidance under the Alaska Division of State Parks and Outdoor Recreation will provide

better oversight, and that this state division is better equipped to deal with the unique needs of the Wolf Townships when compared to the current land manager, the Alaska Division of Mining, Land and Water.



Local support falls on deaf ears in Juneau

Since 2007, local residents and businesses, government officials and public boards, have worked collaboratively to support a proposal to create a Stampede State Recreation Area. The reasons for supporting this legislative proposal are many, and the public opposition has been limited. During the 2010-11 legislative session the Alaska Miner's Association spoke out in opposition to the proposed SRA, even though the bill does not preclude natural gas development or the development of the mineral estate.

Any legislative designation of land can be a long and often contentious process. Concerns raised to the legislature from a special interest group, especially one representing mining interests, are difficult to overcome even if those groups are ill-informed, no matter how many individuals, businesses, and local governing bodies comment in support. The comments showing abundant support from the general public seem to have fallen on deaf ears

among legislators in Juneau. Our current Representative David Guttenberg and former Senator Joe Thomas have brought this local idea to Juneau over the course of four different legislative sessions. Spanning two years for each session, this bill has been on the Legislature's docket since 2008, yet only was scheduled for a few hearings. Committee chairs are responsible for scheduling hearings for bills, but there is no requirement that a bill be scheduled, no matter how much public support it has. DCC hopes that local persistence will prevail, and that the Stampede SRA will be given a fair hearing this legislative session.

Redistricting leaves uncertainty for future years

As the Denali Borough voters are bounced around with statewide redistricting rearrangements, an entirely new legislative District will be in effect beginning next year. It's unclear what the future of the Stampede SRA proposal will be with these undulations in representation. DCC hopes that the Stampede SRA gets the attention it merits during this session, and that whoever is elected to represent us in the coming years will carry this proposal forward if it is not acted upon this session. 



photo courtesy of Hannah Ragland

HOLLAND AMERICA-PRINCESS ACQUIRES MCKINLEY CHALETS

EMPLOYEE HOUSING RELOCATED TO HEALY

by Sarah Bartholow and Erica Watson

It's hard to miss the changes afoot in the Nenana Canyon and in Healy. Buildings that have served as employee housing at the McKinley Chalets Hotel were hauled into the parking lot months ago, awaiting transport, and flood lights illuminated early mornings in the canyon. Construction is visible from the highway in Healy as well, and those who live and work near the construction adjoining the Princess North Star complex, at the intersection of the Parks Highway and Ranch Road, are more than aware of the crews working 12 hours a day, 7 days a week since fall.

These changes are the result of the Fall 2013 purchase of the Chalet property from Aramark Sports and Entertainment Services by the Holland America Lines' subsidiary Holland America-Princess Alaska. This purchase adds 42 acres and 345 guest rooms to Holland America-Princess Alaska's two additional canyon hotels, bringing their room total at Denali to over 1,000. Management personnel have indicated that they have no immediate plans to build additional guest rooms, though they may consider expanding as the market recovers. Holland America Line president and CEO Stein Kruse said in an October 2013 press release, "acquiring the McKinley Chalets Hotel provides Holland America Line with great potential for growth in Denali and enables us to expand the appeal of our brand as a leader in Alaska travel."

Impacts of enlarged housing in Healy concern local residents

Of more immediate concern to many Healy residents than possible future expansion in the Canyon is the decision to move all employee housing for the company thirteen miles north to the "Healy Homestead" facility. Under its previous ownership, Chalet employee housing was located on the grounds near the hotel, but plans now call for a dozen new buildings in Healy to house up to 300 more employees, bringing the capacity of the seasonal housing area to approximately 700. Forested areas have been cleared and the ground leveled in preparation for the new development. Healy Homestead's neighbors already experience noise, property damage, and human-caused fires that threaten property and safety in the neighborhood, and the dramatic increase in housing capacity is of great concern. One resident of Ranch Road who commuted to Fairbanks for work stated at a Denali Borough Assembly meeting last fall that "living in Fairbanks was quieter and safer than Ranch Road in the summer." Many of Healy Homestead's neighbors feel left out of the planning process, and frustrated that maintaining their quality of life does not appear to be a priority for the company.

These changes will also put an extra strain on the Denali Borough's emergency services, which are run on a mostly volunteer basis. The hospitality industry does contribute funds to the Borough to pay EMT staff during the summer tourism season, and many hope that Holland America-Princess Alaska will commit more resources to the Tri-Valley Fire Department due to their increased impact and demand for services. Other precedents for cooperation between industry and the local communities include the traffic lights and crosswalks in the Canyon. Borough mayor Clay Walker recently met with DOT officials to discuss the possible need for pedestrian crossings in Healy, given the inevitable increase in foot traffic on the highway. Questions remain as to how water withdrawal permitting, which is managed by the Department of Environmental Conservation, will be handled.



photo courtesy of Sarah Bartholow

Quality of life for both Healy residents and seasonal employees not assured

It's not only the quality of life for year-round residents of Healy at stake, but for the hundreds of employees who will live at the Healy Homestead each summer. Some community members see this as an opportunity for the borough and the industry to work together in planning for and accommodating the growth in tourism and infrastructure, suggesting development of recreational, commercial, and transportation resources that would serve the needs of

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EMPLOYEE HOUSING RELOCATED TO HEALY

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seasonal and year-round residents. Much of the trespassing onto private property by seasonal employees in Healy can be traced to the fact that they are isolated from the recreational and social activities available to seasonal employees within the park boundary or in the Canyon. Most employees do not have their own vehicles, and are restricted by limited transportation offered by their employer. This could be further exacerbated by DOT's planned highway construction between Healy and the park this coming summer. Some residents believe that development of trails, a commercial "city center" in Healy, or a rec center would bring money to the community and also provide seasonals with a place to go during their off-hours other than their neighbors' front yards. "This could be an opportunity to step up and really move forward with borough planning," a Healy resident said at a Borough meeting in October.



photo courtesy of Charlie Loeb

This development in Healy and in the Canyon is concurrent with other changes to the face of corporate tourism at Denali, like the recently announced rebranding of Aramark's expanded McKinley Village hotel and adjacent property as "Denali Village and Marketplace." Our next newsletter will contain a more in-depth article on this tourism phenomenon at Denali Park's southern entrance. 

PREVENT STATE OVERREACH IN DENALI PRESERVES

by Joan Frankevich

The State of Alaska continues its war on predators, including inside Denali. In 1994 the State passed the Intensive Management Act which specifies that the highest and best use of wildlife is management for human consumption, thus beginning a long series of actions across the state to decrease the number of bears, wolves and other predators, in order to enhance the supply of moose and caribou for human hunters. This policy affects federal lands in Alaska, because one-third of National Park Service lands in Alaska are designated as Preserves, including 1.3 million acres in Denali National Park. Sport hunting is allowed in these Preserves and the state Board of Game sets the hunting regulations. While it's undisputed that the State can't openly pursue predator control on NPS lands, it sidesteps this by increasing bag limits, lengthening hunting seasons and allowing extraordinary methods and means to hunt black bears, grizzly bears, wolves and coyotes.

For example, new methods authorized by the State in the Denali Preserves involve using bait to hunt grizzly bears and "spotlighting" black bears – a hunting practice that involves shining light into the dens of hibernating bears and shooting them. NPS has repeatedly requested that preserves be exempted from such practices, but they are consistently ignored.

The State of Alaska is free to implement its Intensive Management policies on state land. The problem is when the state tries to overstep its authority and mandate that NPS lands, with higher conservation requirements, be treated the same as general state land. By law, wildlife in NPS Preserves is managed to maintain natural populations and cannot be manipulated to promote one species over another. Currently, NPS plans to enact temporary regulations to prevent these practices in the Preserves. Our members have the opportunity to support these temporary regulations by testifying at hearings in Denali Park and Anchorage.

Please attend a hearing and support these regulations at the following locations:

Murie Science and Learning Center, Denali: March 13, 6:30 – 8:00 PM

Russian Jack Springs Chalet, Anchorage: March 18, 6:45 – 8:15 PM

Look for more information in DCC alerts and on the website. 

SYNESTHESIA AND THE WINTER BEAR

by Erica Watson

The word “synesthesia” refers, in its most basic sense, to the experience of sensory input by another sense, like the association of a letter, number, or song with a color, or a color with a musical note. This is the word that kept coming to mind during January’s warm spell, as we all experienced a strange sort of disconnect between what our senses were telling us and how we made sense of that information. “It was so warm I didn’t think I’d need a headlamp,” I said, repeatedly surprised to find myself stumbling home in the dark, barely even needing a jacket. It felt a little disorienting to watch the auroras on a cloudless night bare-headed and bare-handed. I walked a mile—slowly, to avoid slipping on the ice—carrying an uncovered cactus flower to a friend, and it was still untouched by cold when I delivered it to her. In January.

Like their human neighbors, a female bear and her cub also experienced some kind of disconnect between what their senses told them—most likely, according to NPS biologist Pat Owen, “the warm weather over the past few weeks may have melted the snow cover over den holes or caused water to drip into dens, making them uncomfortable.” I imagine myself as a bear, feeling water dripping onto my fur, and imagine in my bear-mind that water and the warmth accompanying it mean spring, and food. After emerging from the den, the bears found instead frozen ground, too hard to dig into even where the snow melted, and ice on the rivers. The world their senses told them to expect was very different from the one they found as they roamed the Nenana River near McKinley Village. It’s been almost a week since the sighting.

We all felt a little alien in the world on those warm days, when navigating in any of the usual methods felt tedious, dangerous, and sometimes, just absurd. The surfaces of things were coated in wet ice, and cars and feet were not reliable. Where there wasn’t ice, brown replaced white; photos of the Stampede Trail showed a thin hard-packed white stripe across brown tundra. Walking meant boots sinking into holes with water at the bottom and the defeated noise of slush with each step. For a few days, it felt like an unknown science-fiction world, where the input about light and dark, warm, cold, wet and dry, footwear choices and safe transport of houseplants just wasn’t matching up. I imagine this is how the bears felt, but instead of a car in a ditch or a bruised tailbone from a fall on the ice, it was a matter of survival.

There was a lot of complaining about the warmth, about the Midwest “stealing winter,” about the disappearing snow, thawed skating ponds, the skiing and mushing conditions, the scary roads. I heard several people, as words of comfort, offer that the winter’s nowhere near over, and “we’ll all forget about it as soon as it snows again.” And now that it has snowed again, one glorious blizzardy Thursday that draped the spruce branches in white and, for many, made the world feel right again. The cold came back. But now that the temperature matches what the hours of light and dark lead us to expect, is it right to forget the discrepancies? So much of knowing a place is recognizing when it changes, and then remembering that it happened. ❧



Alaska Native Knowledge Network

EARLY OPENING OF DENALI NATIONAL PARK ROAD BEGAN FEBRUARY 15TH

Despite DCC's concerns about Denali National Park's plan to plow the park road to the Mountain Vista Trailhead on a trial basis for 3-5 years, snow removal can and did commence on February 1st and the road was opened to the public as of February 15th. The road from mile 3 to mile 12 will no longer be part of the winter backcountry hiker area for the month of February as was designated in the 2006 Backcountry Management Plan. Commercial vehicles will also now be allowed to travel to the Mountain Vista Rest Area until the summer season begins in the middle of May.

Denali Park staff received four or five inquiries about operating commercial road-based tours along the section of the park road opening on February 15th. These individuals were referred to the NPS Alaska Regional Office, which considers all Commercial Use Authorization applications for Alaska Regional parks. As of February 11th, the NPS had only received one application (from Alaska Alpine Adventures, which has three 15-passenger vans) for winter vehicle tours (personal communications with Martha Armington, Commercial Services, DNP&P).



"Park Road, unplowed, at Mile 8" NPS photo

Winter opening was posed in a 2013 Environmental Assessment

An EA proposing this action received a Finding of No Significant Impact (FONSI) in June 2013 after it was recommended by Superintendent Don Striker and approved by the National Park Service Alaska Regional Director. The FONSI stated that, "Local governments and businesses have expressed an interest in bringing visitors to the park during the winter months for mountain viewing." The document also noted that, "the purpose of this plan is to maintain the opportunities for physically active and/or backcountry winter recreationalists while at the same time allowing more visitors in vehicles access to an additional nine miles of the Park Road."

"The NPS received 63 comments with various concerns, with more commenters supporting the no action alternative over the other alternatives," yet the park still chose the preferred alternative with a few minor changes. DCC was one of the commenters that weighed in on the plan. We offered that there might be ways to enhance visitation during the winter months without losing the backcountry essence of the area from miles 3-12, also noting that the plan targeted a particular set of users, those in vehicles. We are still concerned about the inevitable drift toward further development in the entrance area, including yet-earlier openings of the road, the unaddressed need to monitor wildlife impacts of this action, and the associated costs of the plan.

DCC will continue to encourage NPS to monitor this change as it has promised. We plan to be active in realistically evaluating whether it is in the best interest of the park's winter visitors and the resources that the park was established to protect to open the road in February. 

DCC MAKES CONTRIBUTION TO ALASKA YOUTH FOR ENVIRONMENTAL ACTION

by Nancy Bale

Although no students from Tri-Valley School will be attending the annual Civics and Conservation Summit in Juneau this year, DCC has made a contribution to the Alaska Youth for Environmental Action to help provide extra support to the program. This year, the summit will take 20 teens to Juneau from March 17-21, where they will learn about the legislative process and actually meet with representatives and senators to advocate on selected environmental issues. 

BRIEF NEWS AND VIEWS

AREA LAND USE PLAN ACKNOWLEDGES VALUE OF WOLF TOWNSHIPS

The Alaska Department of Natural Resources (DNR) adopted the Yukon Tanana Area Plan (YTAP) on January 3, 2014. The plan covers much of Interior Alaska, including most of the Denali Borough. DCC has been active in the public process, and has advocated for several sensitive areas within the Denali region. DCC was happy to see that the state is planning to acknowledge in YTAP that a legislatively designated area (LDA) such as the proposed Stampede State Recreation Area would be appropriate in the Wolf Townships. Still, the final recommendation is vague in that it does not recommend a specific legislative designation. Instead, it states that the “DNR prefers that local government and their state representatives develop what they believe is the correct management approach for the Stampede Townships area and advance that approach legislatively.” DCC had also requested that the plan provide intermediary options for land management (i.e. a step-down management plan) should legislative action to create a Stampede SRA continue to move at a snail’s pace. Instead, the state deferred to future legislative designation.

The final YTAP did adopt one of DCC’s priorities – changing the unit designations of state-owned lands in the Yanert River valley to recreation and wildlife habitat from a more general classification. In the area around the Toklat Springs DCC requested additional habitat classification. In this case, the state responded that the existing unit classifications provide adequate protection, and maintained that a change was not needed. A critical habitat area is still recommended by the plan for the Toklat Springs area. DCC applauds the YTAP planning process for thorough consideration of and response to comments. It is refreshing to see a state agency respond to public interests, a process that seems to be increasingly rare in state agencies. See the plan at <http://dnr.alaska.gov/mlw/planning/areaplans/ytap/>. 

DNR ACKNOWLEDGES NEED TO RE-EXAMINE HB 77

The controversial bill HB77 (dubbed by its detractors as the “Silencing Alaskans Act”) has received a substantial amount of negative publicity since introduced by Governor Sean Parnell in January 2013 along with its companion Senate bill SB26. Although heard in committees during the first year of this Legislative Session, no hearings for either bill have been scheduled yet this year. Ed Fogels, Deputy Commissioner of the Alaska Department of Natural Resources (DNR), acknowledged the immense opposition to certain provisions of HB 77 in an interview with Alaska Public Radio Network on January 10th. He stated that DNR was looking carefully at sections that would change water reservation statutes, general land use permits, and restrictions on who can appeal DNR decisions. According to Fogels, “We’re trying to solve very specific problems that we see...HB 77 was our attempt to solve those problems. We’ve heard from a lot of people that we’re taking the wrong approach. We are now in the process of revisiting those provisions, and we’re working to see if we can craft different solutions, potentially, to those problems.”

When asked what specific changes DNR would be considering, Fogels explained that the intent of the general permit provision was only to include small activities with minor impacts, and thinks that DNR can work to clarify that in the bill. As proposed, the provision for general permits would authorize any activity on state land that does not create “significant and irreparable harm,” a term that is undefined in the proposed bill. DCC remains concerned that sensitive areas, such as state lands in the Wolf Townships, would be lumped into general permit authorizations that would apply to all state lands, without any site-specific consideration. Fogels also acknowledged that provisions for in-stream water reservations are also being looked at. He affirmed that DNR’s opinion was that rights to public resources should be held by public entities, and suggested that DNR would look into ways to incorporate tribal authority in some way. His comments fell short of assuring that public interest groups would have any ability to petition for in-stream water reservations, for example reserving water quantities in order to protect salmon. Fogels did not explain whether DNR would be looking more closely at the limitations proposed that would restrict who can appeal a DNR permitting decision. DCC will remain attentive to future actions related to the Silencing Alaskans Act, and encourages members to find out more about how to become involved on our website. 

BRIEF NEWS AND VIEWS

NPCA APPOINTS W. CLARK BUNTING ITS NEW PRESIDENT AND CEO

The National Parks Conservation Association, a national organization founded in 1919 to “protect and enhance” the national parks, and a strong partner with DCC on Alaska park issues, recently appointed a new President and CEO, W. Clark Bunting, formerly president and general manager of the Discovery Channel. According to a NPCA press release dated November 4, 2013, “Bunting was previously with the Discovery Channel, based in Silver Spring, MD, where he most recently served as president and general manager. In that role, Bunting oversaw the flagship network, which now reaches nearly 98.6 million subscribers in the United States. He oversaw production of some of the company’s most successful and highest rated shows... In addition to network programming, Bunting was closely involved with the network’s environmental advocacy and stewardship. In 2010, Bunting, in partnership with Oceana worked closely with then Sen. John F. Kerry (D-MA) to introduce legislation to further the crusade for shark protection... Over the course of his career, he has held board and leadership advisory roles at the American Humane Society, the National Fish and Wildlife Foundation, the World Wildlife Fund, the Ocean Conservancy, the Smithsonian National Zoo Advisory Board, the Wolf Trap National Park for the Performing Arts, and the Jackson Hole Wildlife Film Festival... Bunting earned a Masters of Arts and Bachelor of Arts degrees from Michigan State University. He resides in Potomac with his wife, Karen. He and his wife have two adult children.” Bunting replaces Tom Kiernan, who served as President and CEO from 1998 to 2013, and presided over a period of growth and expansion for the organization. Kiernan began a new role as CEO of the American Wind Energy Association in May of 2013. 

DCC NEWS

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HB 201 WOULD RESTORE PUBLIC OVERSIGHT OF PESTICIDE APPLICATION NEAR WATER

In April 2013, Alaska Representative Les Gara introduced HB 201, "An Act relating to the application of non-aerial pesticides and broadcast chemicals near fish habitat or water for human consumption, and in public places." HB 201 is in response to the Alaska Department of Environmental Conservation’s 2013 change in its process of issuing permits for pesticide application, a change that restricts public involvement. As Gara stated when introducing the bill, “This bill addresses the concerns of many Alaskans about the need to protect salmon and their habitat from harmful chemicals. Deep concerns have been expressed by the public about the potential contamination of our drinking water sources, which is viewed by many as a critical public health issue. This bill offers protection of these vital resources and re-establishes right-to-know provisions and public involvement in decisions about pesticide use in public places.” Although scheduled to be heard by the Alaska House Special Committee on Fisheries on February 13th, 2014, the bill was not addressed on that day. We assume that it will be taken up at the committee’s next regular hearing date, normally Tuesdays and Thursdays at 10 AM. DCC thanks Representative Gara for using this bill to shine a light on deficits in the current approach to pesticide permitting. This issue is of particular relevance to the Denali Borough, where the Alaska Railroad has been authorized to use herbicides along its track and in its rail yards. You can track this bill at http://www.legis.state.ak.us/basis/get_bill.asp?bill=HB%20201&session=28. 



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