

January 31, 2006

Superintendent Paul Anderson  
PO Box 9  
Denali Park, Alaska 99755  
RE: Cantwell Subsistence ORV EA

Dear Supt. Anderson,

Thank you for the opportunity to provide comments during scoping on the Cantwell Subsistence ORV EA. We appreciate the fact that NPS has already gone beyond the expected public scoping for an EA. Denali Citizens Council, a locally based public interest group with 350 members, was founded in Cantwell in 1974. Our members want the process of managing ORV use by qualified subsistence users to be fair, to protect park resources, and to provide opportunities for adjustment over time. The National Park Service has a statutory duty to avoid impairment of park resources. When granting a use (ORV access) that has a high likelihood, over time, of causing impairment, NPS bears an extra measure of responsibility to show how it will avoid impairment.

### **General Concerns**

Below are some problems with implementing the Traditional Use Determination in the Cantwell area;

1. Significance of this project truly suggests an EIS – The Cantwell Traditional ORV Use Determination overturned 20 years of NPS policy. The new policy will introduce a potentially very damaging activity, the use of ORVs. This implementation plan, therefore, should really be an EIS, in that the changes mandated are significant and new. In fact, we think it will be difficult for NPS to come to a Finding of No Significant Impact for this Implementation Plan. The impacts will be significant. We reluctantly accept the EA as implementation, but we hope NPS will provide a quality of analysis and public comment that more reflects the EIS protocol and in addition, opportunities for periodic formal review of the implementation plan.
2. The likelihood that use and therefore damage will increase over time – We wonder how this plan will deal with the inevitable increase in ORV users over time as the Cantwell resident

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#### **DCC Board and Staff**

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zone population increases. This is a “cumulative impacts” issue. Eventually, if not immediately, permitting systems will have to occur, but can they only be legally triggered by impairment? Can they be triggered by Backcountry Plan standards? Will subsistence uses be independent of recreational use levels mandated under the BCMP? The ORV Determination showed a great many identified traditional routes. Is NPS obligated to provide trails along every one of these routes?

3. Coordination with standards of the Final Backcountry Management Plan may be tricky (Area B, Encounter rate is “almost always alone....2 or fewer parties a day”). Subsistence uses can occur in a non hunting context – berry picking and root gathering, for instance. Such subsistence use could occur practically non-stop during the summer season. How will NPS deal with the inevitable conflicts between motorized subsistence and non motorized recreational uses? How will NPS manage safety issues during hunting season?
4. Monitoring must be guaranteed – NPS needs to stipulate in detail the resources required for adequate monitoring and mitigation, and what the agency will do if funds are not available. Voluntary or self monitoring is not an option.
5. ORV use should be limited to those parts of Denali National Park that have been identified near Cantwell. Cantwell subsistence users have been permitted to hunt in the Kantishna area and might wish to extend their ORV permissions to that area. Could they assert this right, especially if numerical limits had bumped them from using the Cantwell trails? NPS has been reassuring on this matter up to this point, but we remain concerned.
6. Permit systems must be fair, clear, legal and applicable. The permitting system used during the 2005 hunting season involves permitting for hunting moose and caribou only. Can a permit system that limits use of ORVs to these activities only pass legal analysis? Won't all sorts of subsistence activities qualify under the ORV determination? NPS needs to explain why or why not. We are especially concerned with a “definition drift” here for the term *subsistence activities*, in view of the types of activities that now occur in Denali's additions under the label of “traditional activities.”
7. Is the resident zone the most reasonable basis for subsistence permitting?

## Preparing the Best Alternative

Here are our suggestions for developing the best alternative, keeping in mind the above general concerns.

1. **Clear definition:** The EA must be very clear regarding the definition of subsistence activities covered under the finding. Moose and caribou hunting only? Berry picking, ptarmigan shooting? Willow gathering? Firewood gathering?
2. **Hardened trails:** In most cases, only creekbeds or pre-existing trails where the soils are gravelly and hardened are acceptable for ORV routes/trails. If trails must be established for short sections in soft areas, hardening techniques must be used. Trails in softer areas require more frequent monitoring. If retrieval of game takes a party off the established route, recovery should be done, wherever possible, on foot. If done by machine, as few passes as possible with as small a machine as possible should be the standard.
3. **Baseline data:** The plan must establish important **objective baseline data** for identified ORV routes or trails in the national park. This data is necessary for determining when damage has occurred.
4. **Clear standards of impairment:** The best alternative will provide objective criteria to indicate actual damage or impairment. Criteria for impairment based on trail width and depth must be clear. In the event of the impairment of a section of trail, the trail must be closed. The development of multiple side by side trails should be prevented. All standards must be enforced in a timely manner, because use can be expected to increase. Mitigation methods should be stipulated in the EA.
5. **Vehicle standards based on science:** In establishing standards for vehicles NPS should consult with state and federal agencies with some experience in ORV management (BLM, for existence). One of the best systems for establishing vehicle size is weight per square inch. There may need to be limits on overall weight of vehicle.
6. **Phasing in of the plan:** How successful was the limited opening in the hunting season of 2005? Are more designated routes needed or requested? Can new routes be tentatively identified but not used until needed for the future? If NPS mandates a certain weight or type of ORV, there should be a plan for gradually phasing in this vehicle if no households own such a vehicle at the time of the implementation.

7. **Closures to recreation during hunting season:** NPS should consider closing the identified ORV subsistence use area to recreational uses during hunting season. This is a reasonably small area with potential for concentrated use along trails during caribou and moose season. Safety concerns would suggest a closure to recreational uses at that time.
8. **Local involvement:** Although objective monitoring by outside observers is necessary, the local users have a stake in protection of their resources and should be involved in monitoring in a formalized way, perhaps as a citizens advisory committee or a subcommittee of the Denali Subsistence Resource Commission.
9. **Periodic Review:** The EA must stipulate periodic review of the implementation plan, in order to incorporate best practices resulting from research and new technology in ORV construction, to review monitoring data, and to discuss permitting criteria. Closures and limitations must, of course, be made immediately whenever there is a finding of impairment.

Again, thank you for the opportunity to be involved in this important public process.

Sincerely,

A handwritten signature in black ink that reads "Nancy Bale". The signature is written in a cursive, flowing style.

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