

# STATE OF ALASKA

*SEAN PARNELL, Governor*

## **CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS**

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September 30, 2011

Elwood Lynn, Acting Superintendent  
Wrangell St. Elias National Park & Preserve  
P.O. Box 439  
Copper Center, AK 99573-0439

Dear Mr. Lynn:

The Citizens Advisory Commission on Federal Areas has reviewed the Nabesna Off-Road Vehicle Management Plan and Final Environmental Impact Statement. We offer the following comments for consideration before the Record of Decision is signed.

### **Closure of Park to Off-Road Vehicles**

The Commission is strongly opposed to the ill-considered decision in the new preferred alternative (Alternative 6) to close the entire park area within the Nabesna District to non-subsistence off-road vehicle use. We are seriously disappointed that the National Park Service has effectively undermined the open, cooperative and impartial process diligently followed by the Project Manager and the Wrangell St. Elias staff throughout this planning effort by making this eleventh hour change in its preferred alternative.

From our review of the comments submitted on the draft EIS by major special interest groups, including a massive e-mail campaign, and the agency's response we view this decision as one of conciliation rather than one based on an objective and balanced application of the agency's management authorities and prerogatives. The newly crafted Alternative 6 fails to adequately recognize the history and tradition of off road vehicle use in both the park and preserve, provisions of the Alaska National Interest Lands Conservation Act (ANILCA) and the compromises reached during its passage. Most troubling, however, is the fact that the alternative is another example of the steady 30 year erosion of those ANILCA compromises resulting from overly restrictive Department of the Interior and National Park Service management policies.

The Commission recognizes that a considerable number of local area residents are also concerned about so-called recreational off road vehicle use. We are aware that a group

representing those local residents recommended closing the park to all off road vehicle users except federally qualified subsistence users. While we respect their concerns about off road vehicle use for non-subsistence uses and potential conflicts between user groups, we cannot support an alternative that will disenfranchise other Alaskans, many of whom also have a long personal and family history of use of the area. Most Alaskans do not qualify to hunt or trap in the park under Federal subsistence regulations and National Park Service eligibility restrictions, but can legitimately harvest fish and game in the preserve for personal use and consumption under the State of Alaska's general hunting regulations, as well as fish in the park under State regulations. The new preferred alternative will make it much more difficult for them to continue those traditional activities.

The Wrangell St. Elias Subsistence Resource Commission (SRC) recognized this in their comments on the draft EIS and pointed out that the term "recreational ORV use" is misleading and stated: "*The vast majority of non-subsistence ORV use in Wrangell St. Elias National Park and Preserve is by other Alaskans hunting and fishing under general State of Alaska hunting and fishing regulations. This is a very utilitarian use in that it provides access in support of a traditional activity.*" It was clear from the discussion of the draft EIS at the October 2010 SRC meeting in Tok that members also wanted non-subsistence users and uses protected.

This Commission's overall support of the preferred alternative in the draft EIS was predicated on the continued use of off road vehicles use by subsistence users, general hunters and recreational users within both the park and preserve. Although we had concerns about aspects of the original preferred alternative, it nevertheless recognized that off road vehicle use in the Nabesna area is a legitimate use that was well established prior to the creation of Wrangell St. Elias NP&P. It also outlined a balanced management strategy to allow off road vehicle use to continue in the park under reasonable regulation and monitoring designed to protect park resources.

Closure of the trails within the park to "recreational" off road vehicle use represents a loss of 60% of the trails currently available to off road vehicle use for non-subsistence users and will significantly restrict a number of activities, such as sport fishing in the park and portions of the preserve. General hunting in the preserve, historically accessed via trails through the park such as the Tanada Lake and Boomerang Trails, will also be significantly restricted because of the proposed trail closures. With the loss of use of some 60% of the available trails, even with the planned upgrade of the remaining trails, we strongly disagree with the statement in the final EIS that: "*Based on the projected future use level, the overall change for motorized users under Alternative 6 is considered to be a beneficial impact.*" (pg. 4-191).

We believe that the closure of the trails within the park to recreational off road vehicle use under this new alternative represents a substantial change and a significant restriction of existing uses that should be subjected to additional public review and comment.

### **Subsistence Off Road Vehicle Use in Designated Wilderness**

The Commission previously recommended removal of the proposal in the original preferred alternative to restrict subsistence use of off road vehicles to trails within designated wilderness. We note that the new preferred alternative maintains the restriction, except to retrieve game

within ½ mile of a trail. This restriction constitutes a closure to an existing use and requires compliance with the regulations at 36 CFR §13.460, which involve notice and hearings in the affected area before the closure can be implemented. The Commission does not support the closure of any wilderness area to off road vehicle use for subsistence activities.

### **Access to Inholdings**

We are concerned about statements in the final EIS (pg. 2-7) that “*Administrative actions such as trail closures proposed with the range of management alternatives considered in this document may apply to ORV use for accessing private inholdings in certain circumstances.*” As the final EIS states (pg. 4-200) any temporary or permanent closure of a trail use to access inholdings would have a major and adverse impact on affected individuals.

Private property owners within conservation system units have a guaranteed right of adequate and feasible access for economic and other purposes under Section 1110(b) of ANILCA. The final EIS appears to acknowledge that in the event of a trail closure to off road vehicle use to access an inholding, alternate adequate and feasible access would need to be provided. The Record of Decision should clarify how and in what circumstances adequate and feasible access would be provided in the event of a trail closure.

### **Local Hire**

The Commission continues to work with our Congressional delegation to restore the ANILCA Section 1308 Local Hire Program. We congratulate the National Park Service on its continuing efforts to hire local residents for park programs. We are particularly pleased about the fact that all of the individuals hired in 2010 to work on the trail crew were from the local area. We also understand a recent trail upgrade project involved local volunteers and local hires. We are pleased that Wrangell St. Elias National Park and Preserve and the Alaska Regional Office have found ways to overcome some of the obstacles created by the Office of Personnel Management and hire local residents.

### **Prioritizing Trail Improvements**

We appreciate the explanation (pg. 5-83) that funding for repair of existing motorized trails will be requested before funding requests are made for minor repairs or construction of non-motorized trails. We also appreciate that funds may actually be received out of sequence from when they were requested, possibly resulting in the construction of a non-motorized trail before repair of an existing trail occurs. The Commission encourages the National Park Service to make every effort to make certain that funding is requested and received in the sequence described in the final EIS, as we consider upgrading of existing trails to be a much higher priority than construction of new non-motorized trails. As we have stated in the past, we are committed to providing whatever support we can to secure the necessary funding for trail upgrades and re-routes where necessary.

We appreciate the opportunity to comment as well as the cooperation we have received from the Project Manager, Bruce Rogers, and other members of the Wrangell St. Elias staff in agreeing to

meet with the Commission on several occasions to discuss the plan and EIS, answer questions and provide information.

In conclusion, we ask that you reconsider the decision to close the park within the Nabesna District to non-subsistence off-road vehicle use under this newly prepared preferred alternative. We do not believe it is either necessary or desirable to eliminate this long standing use from the Wrangell St. Elias National Park.

Sincerely,

A handwritten signature in black ink that reads "Stan Leaphart". The signature is written in a cursive style with a large, stylized initial "S".

Stan Leaphart  
Executive Director