

SJR

5

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/27/99

FURTHER:

Date of 5-Day Notice: 1/28/99
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/3/99

Resources Committee considered

SENATE JOINT RESOLUTION NO. 5

Opposing the closure of the former Mount McKinley portions of Denali National Park and Preserve to snowmachine use.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PAS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>Alan Gammell</i>	✓				
<i>Thomas Taylor</i>	✓				
<i>Lyle Green</i>	✓				
CHAIR: <i>Rick Halford</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>SPES</i>	<i>1/29</i>	<i>X</i>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill



Official Business

Alaska State Legislature

Senate

**RICK
HALFORD**

State Capitol
Juneau, Alaska
99801-1182
Phone (907) 465-4958
Fax (907) 465-4928

P.O. Box 670190
Chugiak, Alaska 99567
Phone (907) 694-4958
Fax (907) 694-0549

600 E. Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 376-4958

Senate Joint Resolution 5 Sponsor Statement

"A Resolution opposing the closure of the former Mount McKinley portions of Denali National Park and Preserve to snowmachine use."

In November of 1998, the National Park Service announced their plan to temporarily close two million acres of Denali National Park snowmachine access.

This proposed closure, without prior documentation of detrimental impacts to the resource values of the park and preserve, is not in compliance with the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) which guarantee traditional access and set out specific procedures for regulatory action affecting that access.

The law is clear – ANILCA, Section 1110, expressly authorizes access to federal conservation system units for traditional activity. Allowing the National Park Service to ignore clear legislative direction and impose this closure without regard to the procedure specifically outlined in law is not only improper, but has tremendous implications in setting undesirable precedent for the over 200 million acres of other Federal Conservation Units throughout Alaska

Passage of this resolution will reiterate the Alaska State Legislature's continued opposition to extra-jurisdictional action by federal agencies, and the Legislature's resolve to preserve access to all Federal Conservation Units as was promised in their enabling legislation.

I urge the members support for this resolution.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SJR 5

Revision Date 1/27/99 Dept. Affected none
 Title Snowmachine use in Denali National Park BRU _____
 Component _____
 Sponsor Halford
 Requester _____ Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services						0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES []						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution is anticipated to have no fiscal impact on state agencies.

Prepared by Senate Resources Committee
 Division _____
 Approved by Senator Rick Halford, Chairman *Rick Halford*
 Agency _____

Phone 465-4907
 Date 1/29/99
 Date _____

ALASKA BOATING ASSOCIATION



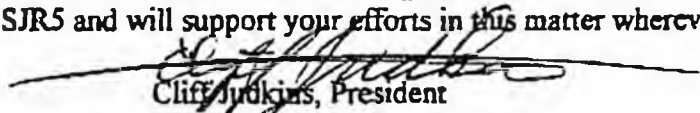
Rick Halford Senator
Chairman, Senate Resources Committee
Alaska State Legislature
State Capitol (MS3100)
Juneau, Alaska 99801-1182

January 28, 1999

Dear Senator Halford:

Thank you for the opportunity to comment on SJR 5. The Alaska Boating Association continues to appreciate your commitment to maintaining traditional access to Alaska's resources for all Alaskans. We are definitely in support of SJR 5. While it is not suppressing it is certainly disparaging that the National Park Service would act to close Denali Park and Preserve to snowmachine use in complete disregard of the letter and the spirit of the Alaska National Interest Lands Conservation Act. Snowmachines are a traditional means of access to and transportation within the Denali Park and Preserve. I have personally snowmachined in the area as far back as 35 years ago. In fact I still have the old 1960 Fox Track that was used in those days-albeit in pieces. We are committed to the support of equal access for all user groups.

In these days of revenue shortfalls, the tourism and recreational industries are becoming more and more important to our economy. Motorized recreation enthusiasts spend thousands of dollars at businesses along our highways in pursuit of their activities. Area closures such as this will have a negative effect on the Alaskan economy. Again we endorse SJR5 and will support your efforts in this matter wherever we can.


Cliff Judkins, President
Alaska Boating Association

cc.
Co-sponsors

Senators:
Drue Pearce
Pete Kelly
Robin Taylor
Gary Wilken
Dave Donley
Jerry Ward
Loren Leman
Mike Miller

Cliff Judkins • President • P.O. Box 874124 • Wasilla, Alaska 99687
(907) 373-3591 • Fax 373-3592 • E-Mail: cjudkins@customcpu.com

Subject: Resolution
Date: Wed, 27 Jan 1999 15:48:46 -0900
From: "Michele Trainor" <mtt@knix.net>
To: <Senator_Rick_Halford@legis.state.ak.us>

Senator Halford,

It was brought to my attention your intent to introduce a resolution opposing the Denali closures as an attack on ANILCA. For your information, I am forwarding a copy of a letter ASSA mailed to Governor Knowles recently. His office was approached on this matter earlier, but no answer was ever forthcoming. Take care, and thanks so much for taking the time to address this matter. It is much appreciated.

Michele

Michele T. Trainor
President, ASSA
mtt@knix.net

Subject: =20
Date: Wed, 27 Jan 1999 15:47:23 -0900

Dear Governor Knowles:

Although I have not yet received a response from you concerning this matter, I'm sure you are aware of the National Park Service's move to prohibit snowmobiles in the wilderness zone of Denali National Park and Preserve. Even though use of snowmobiles is guaranteed under section 1110a of ANILCA, Steve Martin, Park Superintendent, is intent on closing what he terms the "old park" to snowmobiling. While this proposed closure currently affects only snowmobilers, Martin's disregard for the specific provisions of ANILCA raises concern among more than just Alaskans who snowmobile. Our position has always been one of cooperation and compromise from our first meeting with Martin in 1997. We even suggested some areas to be left closed. Superintendent Martin chose to ignore us and continues to this day.

Congressman Don Young's letter to Don Barry, Assistant Secretary of Fish & Wildlife, is evidence of the importance of this issue to Alaskans.

Additionally, we expect the legislature to oppose the closure, along with numerous other outdoor groups, in state and out of state. Also, the Alaska State Snowmobile Association has retained Bill Horn, of Birch, Horton, Bittner and Cherot to represent us in this matter. Since Bill Horn was involved with the drafting and implementation of ANILCA he has a unique insight into and understanding of the document. Mr. Horn is anxious to assist in any way possible, including a cooperative effort with the Attorney Generals office.

While this may at first glance seem to be a "federal" matter best handled as such, the National Park Service disregard for ANILCA, a document drafted specifically to protect the rights of Alaskans, demands a response from our state at the highest level. What started out as a snowmobile issue has now escalated into Alaska's struggle to preserve the original intent and purpose of ANILCA. The Alaska State Snowmobile Association has two requests. We ask that the Office of the Governor issue a statement opposing the closure of the wilderness zone of Denali National Park and Preserve to snowmobile use, with an appeal to the NPS to work with us. Such a statement will insure the National Park Service realizes ANILCA is a document not subject to interpretation. Second, we request you have the Attorney Generals office contact us or Bill Horn to see if there is anything they can do to assist us in our struggle. How this matter is resolved will affect future closure actions for all lands falling under ANILCA guidelines. Let us make sure ANILCA stands as written and does what it was designed to do.

Thank you for your time and consideration.

Michele T. Trainor
President, Alaska State Snowmobile Association

Subject: Date: Fri, 29 Jan 1999 14:47:47 -0900
From: "Darrell L. Bohn" <dlb@gvea.COM>
To: "senator_rick_halford@legis.state.ak.us"
<Senator_Rick_Halford@legis.state.ak.us>

Dear Sir

I do not support the closing of Denali Park by the National Park Service. I think ANILCA gave us the right to ride in the park. (Which I have done every year since 1987.) I see no reason why snowmachine's shouldn't be allowed in the park, it is unproven that snowmachine cause any damage to plants, wildlife or add to soil erosion. Please help block another Federal reversal on agreed procedure. I see no reason that Denali Park couldn't become the kind of winter tourist attraction that Yellowstone Park is.

Thank You

Darrell Bohn
1504 27 Ave
Fairbanks Ak. 99701

Delta Snow Seekers



PO Box 324 ♦ Delta Jct., AK 99737
Fax 907-895-4254 ♦ Email mtt@knix.net

2 February 1999

Senator Rick Halford
Alaska State Senate
Room 121
Juneau, Alaska 99801-1182.

Dear Senator Halford,

The Delta Snow Seekers Snowmobile Club extends its support in passage of Senate Joint Resolution 5. As snowmobilers and as Alaskans we realize the importance of passing such a resolution. First and foremost to a snowmobile club, it is crucial in retaining access to snowmobile areas. Past experience shows once land loss begins it is difficult to keep in check. Special interest groups use the opportunity to attempt to shut riders out of other areas, creating a snowball effect.

Additionally, Superintendent Steve Martin's proposed ban is in violation of ANILCA. ANILCA states plainly that snowmobiling will be allowed in the event of adequate snow cover. If Superintendent Martin is allowed to interpret ANILCA as he sees fit he is undermining the principles of the document. How this is handled in reference to Denali will set a precedence for other ANILCA areas. It will be used to dictate access to other user groups and set policies for other preserves and land areas falling under ANILCA measures.

On behalf of the Delta Snow Seekers, I thank you and all your co sponsors for taking the time to prepare and present SJR 5.

Sincerely,

A handwritten signature in cursive that reads "Dale Williby".

Dale Williby
President, Delta Snow Seekers

ELLIS

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use. Alaska has become our most backward State in regard to snowmobile useage. Other States now have thousands of Miles of Trails all State, City, and Fed. maintained. We have an uphill fight everyday just to mantain what Riding we have. I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Subject: Support SJR No. 5
FirstName: Mr. Lynn
LastName: Ellis
Address: P O Box 105
City: Glennallen
State: AK
Zip: 99588

Email: lellis@alaska.net

Senator Rick Halford

Re: Senate Joint Resolution No. 5

Sir,

The Fairbanks Snow Travelers would like to express it's support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

We appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

John E. Johnston
President, FST Board of Directors

12N
To:
Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Subject: Support SJR No. 5

FirstName: sheila
LastName: gauna
Address: 7421 silver birch dr
City: anchorage
State: ak
Zip: 99502

Email: sjgauna@juno.com

snogooz@alaska.net wrote:

Senator Halford.

The Copper Country Snowmobile Club sends this email in support of passage of Senate Joint Resolution 5. If Superintendent Steve Martin is allowed to impose a ban contrary to ANILCA it will not only begin a process of land denials to snowmobiler, but will also undermine the ANILCA document. The CCSC commends Senator Halford and all co-sponsors for taking the time to draft and present this Resolution. Not only does this affect snowmobilers, but it will set standards against which other areas covered by ANILCA will be judged.

Respectfully,

Eric P. Goozen
President, Copper Country Snowmobile Club

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

As a Snowmobile Club President, and member of the Board of Directors for the Montana Snowmobile Association, I see first hand the direction our public lands are headed. There is a concerted effort by those extremist groups who profess locking them up to everyone but "them" is the answer. We in Montana have plenty of congressionally declared Wilderness, just as you do in Alaska. Enough is enough. What we need is responsibly managed multiple use public lands.

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted,

Guyle Guderian

Subject: Support SJR No. 5
FirstName: Guyle
LastName: Guderian
Address: 609 Redwood
City: Missoula
State: MT
Zip: 59802
Email: KGSnowline@aol.com

Subject: SJR 5
Date: Mon, 01 Feb 1999 07:08:20 -0900
From: "Scott Heidorn" <sheidorn@igloo.pplant.uaf.edu>
To: Senator_Rick_Halford@legis.state.ak.us

February 1, 1999

Senator Rick Halford

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support in favor of the Senate Joint Resolution No. 5 to oppose the closure of any portion of Denali National Park and preserve to snowmachine use.

Over the years I have ridden with friends and family in DNP+P and found the snowmobile an outstanding means for accessing this winter wonderland. As a conservationist I am always concerned with my potential to impact the environment I enjoy and I can say with confidence that the thousands of miles I've ridden in DNP+P have had no significant impact on the Park.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to Alaska National Parks is maintained as outlined in ANILCA.

Respectfully,

Scott Heidorn
PO Box 84591
Fairbanks AK, 99708

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

As an officer of the Alaska State Snowmobile Association and a recreationist, I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use. You will hopefully be receiving many letters of support on this resolution. As the former President of both the ASSA as well as the Anchorage Snowmobile Club, I have had the opportunity to speak with you on several issues. Your input on the Ptarmigan Valley trail issue was most helpful.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Kevin Hite
Alaska State Snowmobile Association

Subject: Support SJR No. 5
FirstName: Kevin
LastName: Hite
Address: 8050 Summerset Drive
City: Anchorage
State: AK
Zip: 99518

Email: kehite@gci.net

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Subject: Support SJR No. 5
FirstName: Charlie
LastName: Little
Address: 22306 - 36th Ave. W
City: Mountlake Terrace
State: WA
Zip: 98043

Email: EFI60JCAT@aol.com

To:
Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Subject: Support SJR No. 5

FirstName: Jeff

LastName: Mausolf

Address: 4404 Oakley St

City: Duluth

State: MN

Zip: 55804-1226

Email: MnUSA1@aol.com

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

I currently ride my snowmobiles in New Hampshire, Maine, and the Province of Quebec, Canada. Though Alaska is a far stretch for me to go my fear is that if I decided to plan a trip I would be restricted.

Respectfully submitted

Guy T. Pappalardo

Subject: Support SJR No. 5
FirstName: Guy T.
LastName: Pappalardo
Address: 9 McKinley Ave.
City: Methuen
State: Ma
Zip: 01844
Email: GUY.PAPPALARDO@COMPAQ.COM

To: Senator Rick Halford

State Capitol, Room 121

Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Why does the US Government want to take away my rights and also force me to pay for something I can not use.

Respectfully submitted
Bert Smith

Subject: Support SJR No. 5
FirstName: Bert
LastName: Smith
Address: 1415 Butte St
City: Green River
State: Wy
Zip: 82935
Email: bsco@sweetwater.net

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

If we do not stop this closer who will be there to stop them from closing other parks to riding?

What will stop them at just snowmachines, are 4-wheelers next. Many Alaskans find enjoyment on their public lands with these forms of transportation.

Respectfully submitted

Subject: Support SJR No. 5

FirstName: Lance
LastName: Stevens
Address: 17419 Kantishna
City: Eagle River
State: AK
Zip: 99577

Email: gizmo@arctic.net

Subject: Fw: sjr 5
Date: Fri, 29 Jan 1999 20:05:17 -0900
From: glenn e swan <tgswan_j@juno.com>
To: Senator_Rick_Halford@legis.state.ak.us

----- Forwarded message -----

From: tgswany@juno.com
To: senator_risk_halford@legis.state.ak.us
Date: Fri, 29 Jan 1999 19:34:47 -0900
Subject: sjr 5 Message-ID: <19990129.193606.-424565.1.tgswany@juno.com>

AS THE PRESIDENT OF THE ANCHORAGE SNOWMOBILE CLUB WE ARE
IN STRONG SUPPORT OF SJR 5 ITS TIME THAT THE STATE OF ALASKA
STOOD UP TO THE FEDERAL GOVERNMENT AND ASSERT STATE RIGHT
REMEMBER ITS THE FEDS THAT WANT USE TO CHANGE ARE
CONSTITUTION TO GET IN COMPLIANCE OF ANILCA AND HERE THEY
ARE NOT EVEN FOLLOWING WHAT IS ALL READY THERE SOME ONE IN
JUNO SHOULD BRING THAT UP!!!!

Glenn Swan
pres. ASC

To:
Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Glenn Swan

Subject: Support SJR No. 5

FirstName: glenn
LastName: swan
Address: po box 770794
City: eagle river
State: ak
Zip: 99577

Email: tgswany@juno.com

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Machines are more reliable today and emissions and noise have been reduced as the machines are improved. This leads to increased safety to humans and more environmentally friendly to the land.

I have been to Denali Park in the fall and would love to see the area again in the winter time.

Respectfully submitted,

Glenn Warren
442 Bundy Hollow
Dayton, WA 99328

Email: flyingw@bmi.net

Subject: SJR5 Legislation
Date: Fri, 29 Jan 1999 12:49:14 -0800
From: "Steven J. & Linda L. Wilhelmi" <wilhelmi@alaska.net>
Organization: S & L Enterprise
To: Senator_Rick_Halford@legis.state.ak.us

Thank you for introducing and sponsoring the trails liability legislation. I strongly support it.

Steven J. Wilhelmi
1801 Crescent Drive
Anchorage, AK 99508

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Tylor Wilson
5906 Mego
Anchorage Alaska
99507
aktufftrucks@usa.net



Citizens' Advisory Commission on Federal Areas

3700 Airport Way
Fairbanks, Alaska 99709-4699
(907) 451-2775
Fax: 451-2781

December 15, 1998

Mr. Steve Martin
Superintendent
Denali National Park & Preserve
Post Office Box 9
Denali Park, AK 99755

Dear Mr.  Martin:

The Citizens' Advisory Commission on Federal Areas strongly opposes the National Park Service proposal to implement temporary closure regulations for snowmachine use in the former Mt. McKinley National Park portion of Denali National Park & Preserve. There are a number of reasons we oppose the proposed action, foremost of which is the continuing failure of the NPS to follow its own regulatory procedures under 36 CFR Part 13 and 43 CFR Part 36 for implementing these types of closures. Until such time as these procedural requirements are met, we do not believe that a legitimate and meaningful discussion of the appropriateness of restricting snowmachine use in any portion of this park unit can occur.

Additionally, we are particularly concerned about the inaccurate and misleading information contained in the handouts distributed by the NPS at the November public meetings. At best, these handouts demonstrate little understanding of the provisions of the Alaska National Interest Lands Conservation Act (ANILCA), its legislative history or the history of this particular issue. At worst, they represent a revisionist history that needlessly complicates the issue and further confuses the public.

Mr. Steve Martin
December 15, 1998

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For example, the handouts wrongly assert that snowmachine use in the former Mt. McKinley portion of Denali National Park & Preserve is not allowed because such use did not occur there prior to 1980. There is no dispute that little snowmachine use occurred in most of the original park area prior to 1980. Nor is there any dispute that their use was prohibited by regulation. Under the provisions of ANILCA, however, these facts are irrelevant and provide no legitimate justification for the current proposed action. Section 1110(a) of ANILCA, which authorizes use of snowmachines for traditional activities in all conservation system units in Alaska, superseded any regulation in place at the time of passage of the statute and clearly authorized their use in the entire park, including the former Mt. McKinley.

There is a general misconception, which has been carefully nurtured by the NPS, that the special access provisions of ANILCA 1110(a) somehow do not apply to the parks and monuments which predated ANILCA. There is absolutely no evidence of this found in the statute, nor the legislative history. In fact, ANILCA Section 1110(a) applies to all conservation system units. Conservation system unit is defined in Section 102 as "any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic River Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument, including existing units, units established, designated, or expanded by or under the provisions of this Act, additions to such units, and any such unit established, designated, or expanded hereafter." (emphasis added) Not only is there no exclusionary language for the pre-ANILCA park units, those units are specifically included by definition.

The supplementary information accompanying publication of the final Title XI regulations (43 CFR Part 36) in September 1986 further supports this interpretation:

"Other comments suggested that the provisions of this section should not apply to parks and monuments which predated ANILCA. The argument is made that Congress did not intend to open the pre-ANILCA areas to the uses described in section 1110(a), since these pre-ANILCA areas had been closed to such uses prior to the enactment of ANILCA. Interior does not find any statutory support for this position, since section 1110(a) provides no exception for the pre-ANILCA areas. Accordingly,

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no exception for pre-ANILCA areas is provided for in these regulations." (51 FR 31627)

Even before the Title XI regulations were adopted in 1985, the National Park Service recognized that ANILCA authorized the use of snowmachines in the former Mt. McKinley National Park. Proposed regulations, which would have closed portions of the original park to snowmachines and other motorized access were released in April 1983. While these proposed regulations were never adopted, given that the NPS felt it necessary to promulgate regulations to close portions of the old park to snowmachine and other motorized uses, the obvious conclusion which must be drawn from that action is that ANILCA not only authorized snowmachine use in all of Denali National Park, but that the NPS recognized that it did so. Is the NPS now suggesting that the agency was in error in that instance? We would welcome the opportunity to review any legal analysis that would support such a change in interpretation.

Previous actions, notwithstanding, the NPS now claims that snowmachine use is not allowed in the former Mt. McKinley since their use was not allowed prior to 1980 and is, therefore, not a traditional activity. It cites statements in the park's 1986 General Management Plan which documented the fact that snowmachine use did not occur in the original Mt. McKinley National Park as support for this claim. The fact that the 1986 GMP contains such a statement is also irrelevant to the current issue. More importantly, no documentation that such use occurred prior to ANILCA is required under the law. Congress was quite clear that use of snowmachines (and other motorized uses) for conducting traditional activities, where such activities are otherwise allowed, was to continue in the park units created or expanded by ANILCA. On the issue of special access and access to inholdings, the legislative history of ANILCA states:

The Committee amendment guarantees access subject to reasonable regulation by the Secretary on conservation system units, National Recreation Areas and National Conservation Areas, for traditional or customary activities such as subsistence and sport hunting, fishing, berry-picking, and travel between villages.

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The Committee recommends that traditional uses be allowed to continue in those areas where such activities are allowed. This is not a wilderness type pre-existing use test. Rather, if uses were generally occurring in the area prior to its designation, those uses shall be allowed to continue and no proof of pre-existing use will be required.

The transportation modes covered by this section are float and ski planes, snowmachines, motor boats, and dog sleds. The adverse environmental impacts associated with these transportation modes are not as significant as roads, pipelines, railroads, etc. both because no permanent facilities are required and because the transportation vehicles cannot carry into the country large numbers of individuals. Existing law does not guarantee this form of access into Parks, Wildlife Refuges, Wild Rivers, or Wildernesses, although in all cases the law does permit provision of such access in the land manager's discretion. Even in wilderness, access by airplane and motorized boat may be permitted at pre-existing levels of intensity.

In order to prevent the land manager from using his discretion to unnecessarily limit such access, the Committee amendment provides that such access shall not be prohibited unless the Secretary finds after holding a hearing in the area that it would be detrimental to the resource values of the unit." (Senate Report 96-413, pp 247-248)

The NPS mistakenly argues that in order for snowmachine use to be allowed in the former Mt. McKinley, the use itself must be recognized as a "traditional" activity. What the statute clearly says is that snowmachine use is permitted for traditional activities (where such activities are permitted by this Act or other law). This is a critical distinction. Obviously, snowmachines to support sport hunting would not be allowed as that use is not allowed in this portion of Denali. However, there are a number of winter-time activities, such as camping, ice-fishing, and sight-seeing that may be supported by use of snowmachines and are activities that are allowed and were generally occurring in the area of Mt. McKinley National Park before its 1980 expansion.

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If we extend the NPS interpretation to other forms of access, wintertime park visitors who may access the park by dog team or cross-country skis could not engage in an activity while in the park unless that activity had occurred prior to 1980. It is not the method of access that must meet the "traditional" test, it is the underlying activity which must do so. This is a critical element among the compromises that were made in enacting this statute. Snowmachine, aircraft and motorboat use within a park unit may be an anathema to some, but they are, nevertheless, a statutorily recognized, legitimate means of access.

The National Park Service also claims that the proposed temporary closure maintains the "status quo" because the area continues to be closed by the park's General Management Plan. In fact, no portion of Denali National Park or any other national park unit in Alaska can be legally closed to snowmachine use under the terms or provisions of a management plan. This has been acknowledged numerous times by the NPS during the development of the General Management Plans and other planning documents for Alaskan park units. Any closure of a National Park Service managed area to snowmachine use or other means of access specifically provided for under Section 1110(a) of ANILCA requires compliance with the regulations at 36 CFR §13.30 and 43 CFR 36.11. These procedures have never been followed for Denali National Park & Preserve. This so-called "status quo" is artificial and is precisely the reason that the current "closures" have been determined to be legally insupportable.

The National Park Service also claims that it continues to prohibit, through the Superintendent's Compendium, all snowmachine use in the former Mt. McKinley portion of Denali National Park & Preserve. We find this particularly objectionable because of our longstanding opposition to the use of compendia in Alaskan park units to implement these types of closures and because your agency has acknowledged that legal deficiencies exist with these documents. We strongly protest use of these improper compendium restrictions as justification for the current action.

In an August 1994 letter to this Commission, Steve Shackleton, Chief, Branch of Law Enforcement for the National Park Service Alaska Region, stated that the NPS would recommend special regulations be proposed to address procedural concerns about snowmachine use restrictions contained in the compendium for Denali NP&P. Shackleton and other regional office staff have also verbally acknowledged that

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adopting these types of restrictions in a park compendium was inappropriate and that the snowmachine closures in the compendium were not legally enforceable. To now use these same legally flawed documents to support this regulatory effort is completely unacceptable. Such misuse clearly validates our original fears that these illegal compendium restrictions and closures would, at some future point, be used for precisely this purpose.

The National Park Service asserts that recreational use of snowmachines in Denali National Park has not been the subject of any planning documents or been analyzed in any National Environmental Protection Act (NEPA) document. No analysis of snowmachine use in a planning document or a NEPA document for Denali NP is required for that use to continue. As we have shown, snowmachine use in this park is statutorily recognized. We view this purported need to complete a NEPA document before this use can be "allowed" as simply another attempt to justify this closure. However, any closure of any portion of the park and preserve, even on a temporary basis, does require compliance with ANILCA standards, including presentation of the necessary findings of resource impacts.

National Park Service has stated that a literature review documenting impacts from snowmachine use in other protected areas has been completed. Documentation of impacts on resources in the area in question, in this case Denali NP, are required under ANILCA and the regulations at 43 CFR Part 36. The supplementary information published with these regulations states: "For purposes of this section, only if it is determined that a proposed use otherwise authorized by this section would be detrimental to the resource values of a particular area may that area be closed to the use, unless the closure is authorized under other agency law." (51 FR 31627, September 4, 1986) We believe that studies conducted elsewhere, while useful as background information for beginning the examination of potential impacts in Denali NP&P, do not, by themselves, meet the threshold required by the regulations.

We want to make it clear that this Commission is willing to discuss certain restrictions on snowmachine use should the NPS decide first to comply with the statutory and regulatory requirements for making such restrictions. This includes collection and presentation of park specific findings that continued snowmachine use is detrimental to the resource values of the park. In the current action, the NPS has failed to adequately support the need for implementing the proposed closure. Additionally, it is inappropriate for the NPS

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to restrict a statutorily permitted use while it conducts planning activities. This current proposed action is precisely the type of discretionary and arbitrary use restriction that Congress intended to prevent when it adopted Section 1110(a) of ANILCA.

In conclusion, while we do not question the legal authority of the National Park Service to implement closures of this nature, we must point out that it must comply fully with the legal standards and procedural requirements established by ANILCA and its implementing regulations. The agency has not met those standards or requirements. Therefore, this proposed temporary closure must be withdrawn.

Because of our working relationship with you and your staff, an explanation of our adamant opposition to this proposed closure is perhaps appropriate. The issue at hand has far less to do with snowmachine use in this or any other park unit in Alaska than it does with process and precedent. It has less to do with an agency's ability to exercise its legal power and authority than with that agency acting responsibly and dealing with the public in an open and honest manner. It has to do with the National Park Service meeting its responsibilities, not only for the land it manages, but also to the public for which it manages them. The significance of this issue transcends Denali National Park and Preserve. If this Commission acquiesces to this failure of process and allows statutorily protected activities to be improperly restricted, then we will have failed to meet our legal mandate. We strongly urge you to reconsider your approach to addressing this issue.

Sincerely,



Stan Leaphart
Executive Director

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Governor Tony Knowles
Robert Barbee- Alaska Regional Director

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DENALI NATIONAL PARK AND PRESERVE

Temporary Regulation Information: Recreational Snowmachine Use in the Former Mt. McKinley National Park Portion of Denali National Park and Preserve

November 1998

Public Meetings

What will this temporary regulation do?



This temporary regulation will preserve the existing pattern of winter use in Denali National Park and Preserve while the National Park Service develops a backcountry management plan. The 12-month temporary regulation will clarify that recreational snowmachine use is not allowed in the former Mt. McKinley portion of Denali

National Park and Preserve, which is approximately 1/3 of the park. Snowmachine use for traditional activities will continue to be allowed, subject to reasonable regulations, in the other 2/3 of the park that was added by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA).

Send us your comments by December 1, 1998:

• Write us at:
Superintendent's
Office

Denali National
Park and Preserve

P.O. Box 9
Denali Park, AK
99755

• Email us at:
denalisnowmach-
necomments@nps.
gov

Why is a temporary regulation needed now?

The possibility of extensive snowmachine use in the former Mt. McKinley National Park portion of Denali National Park and Preserve represents a new level of use and a major departure from the established management policies of the area. The National Park Service (NPS) is required by the National Environmental Policy Act (NEPA) to evaluate any new uses that could have significant environmental impacts and any highly controversial actions before allowing them to occur. The last five years of technological advances in equipment and increased popularity of recreational snowmachine

use has clearly demonstrated that this activity will continue to increase rapidly. The potential for rapid change as snowmachine use moves into new areas and becomes increasingly common, coupled with uncertainty about the impacts that will result, places internationally significant resources at risk. Since the level of risk is uncertain and the consequences of error could be extremely high, resources of high value such as the core area of Denali should not be exposed to that risk. A temporary closure provides the time to plan and accurately evaluate impacts as required by law.

What will happen in the future?



During the next 2-3 years, Denali National Park will work on a backcountry management plan and general management plan amendment to address snowmachine use and many other issues. An interim regulation on snowmachine use may be initiated after the temporary regulations to maintain existing winter use patterns until the backcountry management plan is complete. The backcountry management plan will include an environmental impact statement in compliance with the National Environmental Policy Act and continuing op-

portunities for public comment. Management options such as zoning for different uses and creating designated, maintained trails will be considered in this process. The NPS believes that many opportunities for economic development of snowmachine-related winter tourism exist in other areas of Denali and throughout the state. Denali National Park staff will continue gathering and analyzing data on snowmachine use during the next several winters.

What area will be closed and what will remain open?

The temporary action applies to only about one-third of Denali National Park and Preserve, the original Mount McKinley National Park, most of which was designated as the Denali Wilderness by ANILCA. The remaining two-thirds of the park and preserve – some 4 million acres – remains open to snowmachine use when there is adequate snow cover for traditional activi-

ties. Snowmachine riding on the south side of the range near the Yentna, Kahiltna, and Ruth Glaciers is unchanged, as is riding in the Dunkle Hills and areas southwest of the West Fork of the Chulitna River. The Stampede Corridor and northern tier of the park in the ANILCA additions remain open.

How much other public land is open to recreational snowmachine use in Alaska?



Millions of acres of multiple use lands of similar geographic character and accessibility are available as alternative recreation sites in south-central and interior Alaska. According to Alaska State Parks figures, over 95% of south central Alaska public lands are open to recreational snowmachine use. Of the

87.7 million acres in Alaska under Bureau of Land Management jurisdiction, only 16,281 acres are closed to snowmachine use. Of the 2,598,920 acres of legislatively designated lands managed by the Alaska Division of Lands, 99% are open to snowmachine use.

Didn't ANILCA open the former Mt. McKinley to Snowmachine use?

In a Conservation System Unit such as the Denali Wilderness, ANILCA provides for:

"...the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers),...for traditional activities (where such activities are permitted by the Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system

units... and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area."

The legislative history of ANILCA lists several examples of traditional activities: "subsistence and sport hunting, fishing and berry picking, and travel between villages." It also states that the traditional activity must also have been generally occurring in the CSU before its designation by ANILCA in 1980.



Did recreational use of snowmachines by the general public ever occur in this area prior to ANILCA?

The legal use of mechanized equipment for winter recreation by the general public never occurred in the core 2 million acres of Denali National Park and Preserve from 1917 to 1980. In fact, this portion of the park (former Mt McKinley National Park) was specifically closed to public recreational

snowmachine use by a nationwide regulation in 1972. This closure was in direct response to the increasing use of snowmachines and a growing concern from the public about their impacts to the resources and other values of park areas.

How has the NPS managed snowmachine use in this area since ANILCA?

The historic focus on non-motorized use has continued. Since passage of ANILCA in 1980, the NPS managed this core area for non-motorized winter recreation such as dog mushing, snowshoeing, and cross-country skiing. Three dog sled tour businesses now use the park area and their services depend on the wilderness resources of the area such as solitude and natural quiet. The NPS has continued to prohibit recrea-

tional snowmachine use in the core area of Denali, and park staff have continued to patrol boundaries. Information on the location of park boundaries has been provided to snowmachine users, boundary signs have been placed at likely access points, and signs informing the public of the continued closure have been erected and maintained.



How much recreational snowmachine use has occurred in this area since ANILCA?

Unauthorized snowmachine use of the former Mt. McKinley National Park area was extremely infrequent and occurred near the boundaries. Only very recently has the growing popularity of recreational snow-

machine use on adjacent lands begun to expand into this core area, requiring clearer regulations to prevent harm to resources and other values of the area.

How often does the NPS use snowmachines in this area?

The NPS experimented with new mechanized transport technology that became available in the 1950s and 1960s for administrative purposes. By the mid 1970s, the NPS determined that these new forms of technology were both ineffective and inappropriate for use in Mt. McKinley National Park. Park managers returned to relying on dog teams for winter patrols in the park. This commitment to retain the

non-motorized tradition of the area continues today with park dog teams traveling hundreds of miles each winter to patrol and maintain facilities. In recent years, snowmachines have only been used in emergency rescue operations such as the death last year of a recreational snowmachiner who was caught in an avalanche at over 6,000 feet on a steep mountain-side.

How much is known about the impacts of snowmachine use on the environment?

Studies conducted elsewhere indicate that snowmachine use can harm resource values critical to Denali, especially in the former Mt. McKinley National Park area. Snowmachine use is known to cause a variety of animals to alter activity patterns or in some cases avoid areas altogether. Snowmachine use occurs during the time of year when food supplies are low and an animal's ability to conserve energy may be critical to survival. Other studies indicate that packed trails created by snowmachines change the distribution of animals. Changes in animal populations can occur due to alterations in natural survival rates from increased movements outside of protected areas, improved access for predators, or altered access to food resources.

These changes in the core area of Denali could result in altering the summer viewing opportunities enjoyed by about 300,000 park visitors each year. Snowmachine use causes direct damage to

vegetation and soils during periods of inadequate snow cover, and other studies have documented indirect damage from compacted trails created by snowmachines. Visible evidence of regularly used winter trails can appear in the summer months. Observations in areas adjacent to Denali National Park and Preserve confirm that these impacts can occur. The impact of snowmachine use on the values of solitude and natural quiet is one of the most significant concerns. Motorized activities displace many non-motorized users who depend upon these protected areas. A major unknown factor is the long-term, cumulative impact of snowmachine use, especially from widespread, crosscountry travel. Additional studies are needed to adequately evaluate this region, and the temporary regulation will provide time to initiate these studies and begin the planning process required by law.



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INTERNET AT:

DENALISNOWMACHINECOMMENTS@NPS.GOV

(3) requirements to insure that activities in connection with the right-of-way will not violate applicable air and water quality standards and related facility siting standards established pursuant to law;

(4) requirements, including the minimum necessary width, designed to control or prevent—

(A) damage to the environment (including damage to fish and wildlife habitat),

(B) damage to public or private property, and

(C) hazards to public health and safety;

(5) requirements to protect the interests of individuals living in the general area of the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and

(6) requirements to employ measures to avoid or minimize adverse environmental, social or economic impacts.

(b) **WILD AND SCENIC RIVERS SYSTEM.**—Any transportation or utility system approved pursuant to this title which occupies, uses, or traverses any area within the boundaries of a unit of the National Wild and Scenic Rivers System shall be subject to such conditions as may be necessary to assure that the stream flow of, and transportation on, such river are not interfered with or impeded, and that the transportation or utility system is located and constructed in an environmentally sound manner.

(c) **PIPELINE RIGHTS-OF-WAYS.**—In the case of a pipeline described in section 28(a) of the Mineral Leasing Act of 1920, a right-of-way issued pursuant to this title shall be issued in the same manner as a right-of-way is granted under section 28, and the provisions of subsections (c) through (j), (l) through (q), and (u) through (y) of such section 28 shall apply to rights-of-way issued pursuant to this title.

STUDY OF TRANSPORTATION AND UTILITY SYSTEMS

SEC. 1108. Except for systems which do not require an environmental impact statement, no application shall be approved pursuant to this title after two years from the date of enactment of this provision unless the need for such system has been identified in a study of the regional requirements for transportation and utility systems which—

(1) has been conducted by the State in consultation with the Secretaries of Transportation, the Interior, and Agriculture and the Alaska Land Use Council;

(2) is updated in a similar manner no less than every five years; and

(3) includes the considerations set forth in section 1104(f)(1)(B) through (I).

EXPEDITED JUDICIAL REVIEW

SEC. 1109. (a) It is the intent of Congress that any judicial review of any administrative actions, including compliance with the National Environmental Policy Act of 1969, pursuant to this title shall be expedited to the maximum extent possible.

(b) Any proceeding before a federal court in which an administrative action, including compliance with the National Environmental Policy Act of 1969, pursuant to this title is challenged shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way by such court, and such court shall render its final decision relative to any challenge within one hundred and twenty days from the date such challenge is brought unless such court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(c) No court shall have jurisdiction to grant any injunctive relief lasting longer than ninety days against any action pursuant to this title except in conjunction with a final judgment entered in a case involving an action pursuant to this title.

SPECIAL ACCESS AND ACCESS TO INHOLDINGS

SEC. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natu-

ral and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this act or other law.

(b) Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands.

TEMPORARY ACCESS

SEC. 1111. (a) IN GENERAL.—Notwithstanding any other provision of this Act or other law the Secretary shall authorize and permit temporary access by the State or a private landowner to or across any conservation system unit, national recreation area, national conservation area, the National Petroleum Reserve—Alaska or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, in order to permit the State or private landowner access to its land for purposes of survey, geophysical, exploratory, or other temporary uses thereof whenever he determines such access will not result in permanent harm to the resources of such unit, area, Reserve or lands.

(b) STIPULATIONS AND CONDITIONS.—In providing temporary access pursuant to subsection (a), the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit, area, Reserve or lands.

NORTH SLOPE HAUL ROAD

SEC. 1112. (a) IN GENERAL.—So long as that section of the North Slope Haul Road referred to in subsection (c) is closed to public use, but not including regulated local traffic north of the Yukon River, regulated industrial traffic and regulated high occupancy buses, such regulation to occur under State law, except that the Secretary, after consultation with the Secretary of Transportation, and the Governor of Alaska shall agree on the number of vehicles and seasonality of use, such section shall be free from any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulations thereunder. Prior to executing an agreement pursuant to this subsection, the Secretary and the Governor of Alaska shall consult with the head of any unit of local government which encompasses lands located adjacent to the route of the North Slope Haul Road. The State of Alaska shall have the authority to limit access, impose restrictions and impose tolls, notwithstanding any provision of Federal law.

(b) RELEASE.—The removal of restrictions shall not be conditioned upon repayment by the State of Alaska to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in subsection (c), and the obligation of the State of Alaska to repay these amounts is hereby released so long as the road remains closed as set forth in subsection (a).

(c) APPLICATION OF SECTION.—The provisions of this section shall apply to that section of the North Slope Haul Road, which extends from the southern terminus of the Yukon River Bridge to the northern terminus of the Road at Prudhoe Bay.

VALID EXISTING RIGHTS

SEC. 1113. Nothing in this title shall be construed to adversely affect any valid existing right of access.



ANCHORAGE SNOWMOBILE CLUB

Dear Snowmobiler,

As a user group of the Alaskan outdoors and a proponent of the Alaskan way of life, I am sure you are aware of the National Park's Service's recent attempt to close the Old Denali Park to snowmobilers.

Park Superintendent Steve Martin has initiated this closure without following due process of the law. No findings of environmental damage have been made available to the public, nor has any of the required studies been conducted. Congressman Don Young wrote a strong letter to Don Barry, Assistant Secretary of Fish, Wildlife and Parks, Department of Interior, requesting this ban be lifted as Martin did not follow due process of the law.

What started out as a snowmobile issue has escalated into an interpretation and manipulation of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. Snowmobilers were merely dealt the first blow. If the National Parks Service is allowed to interpret and manipulate ANILCA without following due process of the law ANILCA's intent and purposes will be undermined. Alaskans will find rights granted under ANILCA severely eroded.

ASSA has employed the services of Bill Horn of Birch, Horton, Bittner and Cherot. Bill Horn was involved with the drafting of ANILCA and has a unique insight into the legal ramifications of the document. Per ASSA's request, he drafted a six page letter to Don Barry. To date, no reply has been forthcoming to either the ASSA, Congressman Young or Bill Horn.

The ASSA has made it clear since 1997 it is willing to accept closures of certain areas as long as ANILCA is not stepped on. Only a portion of the Park has been requested for riding purposes.

The Alaska State Snowmobile Association is asking your support as we continue to pursue this legal battle with the National Parks Service. A Denali Access Defense Fund has been created to finance this endeavor. Remember, Denali is not the only area in Alaska to fall under ANILCA. This action will set a precedence to be followed.

Equally important is writing or emailing your legislature, the National Parks Service, Congressman Don Young and Senators Stevens and Murkowski. It is imperative they realize that Alaskans understand the purpose of the ANILCA document.

For more information, addresses or telephone numbers, call the ASSA hotline at 1-888-825-7669. Your call will be returned. Thank you very much for your time and consideration.

Sincerely,

Michele T. Trainor
President, ASSA



P.O. BOX 210427 ANCHORAGE, AK 99521-0427

27 January 1999

Governor Tony Knowles
Office of the Governor
PO Box 11001
Juneau, AK 99811

Dear Governor Knowles:

Although I have not yet received a response from you concerning this matter, I'm sure you are aware of the National Park Service's move to prohibit snowmobiles in the wilderness zone of Denali National Park and Preserve. Even though use of snowmobiles is guaranteed under section 1110a of ANILCA, Steve Martin, Park Superintendent, is intent on closing what he terms the "old park" to snowmobiling. While this proposed closure currently affects only snowmobilers, Martin's disregard for the specific provisions of ANILCA raises concern among more than just Alaskans who snowmobile. Our position has always been one of cooperation and compromise from our first meeting with Martin in 1997. We even suggested some areas to be left closed. Superintendent Martin chose to ignore us and continues to this day.

Congressman Don Young's letter to Don Barry, Assistant Secretary of Fish & Wildlife, is evidence of the importance of this issue to Alaskans. Additionally, we expect the legislature to oppose the closure, along with numerous other outdoor groups, in state and out of state. Also, the Alaska State Snowmobile Association has retained Bill Horn, of Birch, Horton, Bittner and Cherot to represent us in this matter. Since Bill Horn was involved with the drafting and implementation of ANILCA he has a unique insight into and understanding of the document. Mr. Horn is anxious to assist in any way possible, including a cooperative effort with the Attorney General's office.

While this may at first glance seem to be a "federal" matter best handled as such, the National Park Service disregard for ANILCA, a document drafted specifically to protect the rights of Alaskans, demands a response from our state at the highest level. What started out as a snowmobile issue has now escalated into Alaska's struggle to preserve the original intent and purpose of ANILCA.

The Alaska State Snowmobile Association has two requests. We ask that the Office of the Governor issue a statement opposing the closure of the wilderness zone of Denali National Park and Preserve to snowmobile use, with an appeal to the NPS to work with us. Such a statement will insure the National Park Service realizes ANILCA is a document not subject to interpretation. Second, we request you have the Attorney General's office contact us or Bill Horn to see if there is anything they can do to assist us in our struggle. How this matter is resolved will affect future closure actions for all lands falling under ANILCA guidelines. Let us make sure ANILCA stands as written and does what it was designed to do.

Thank you for your time and consideration.

Michele T. Trainor
President, Alaska State Snowmobile Association

NOTICE OF PUBLIC HEARINGS



Since 1917, the core of Denali National Park has been closed to motorized uses, including snowmachines. This core area is a key place in interior and northern Alaska where wildlife protection has been assured through minimal summer or winter disturbance to wildlife and habitat. This area is essential to the experience of more than a quarter-million visitors who travel into the park's interior each season.

The current rules are inadequate to legally maintain this 81-year tradition. Therefore, public hearings will be held on a proposed regulation to close the pre-ANILCA portion of Denali National Park and Preserve to snowmachine use. This leaves about two-thirds of the 6-million acre park and preserve open to snowmachine use during adequate snow cover. The 1980 additions to the park, such as the areas near the Tokositna, Ruth and Yentna Glaciers, remain open.

The hearings will inform the public of the nature and extent of the closures, gather information on concerns of effects on park resources, and collect information on any traditional snowmachine activity that occurred before 1980 in the area of the closure.

Maintaining the status quo for the wilderness core of Denali is an important action to prevent any deterioration in wildlife habitat and use patterns, and to maintain the traditional non-motorized visitor use area. This closure is in accordance with the provisions of Title 36 Code of Federal Regulations (CFR), Section 13.30 and 43 CFR 36.11(h). This closure will begin December 1, 1998 and will be in effect for one year.

HEARING LOCATIONS:

- **Sunday, November 22, from 5:30 p.m. to 7:30 p.m. In the East Gold Room of the Westmark Hotel, 813 Noble St., Fairbanks**
- **Monday, November 23, from 6 p.m. to 8 p.m. In the McKinley Village Community Center, Mile 230 Parks Highway**
- **Tuesday, November 24, from 6 p.m. to 8 p.m. In the Library of the Susitna-Valley High School, Mile 98.6 Parks Highway**
- **Wednesday, November 25, from 5:30 p.m. to 7:30 p.m. In Space 1 of the Egan Convention and Civic Center, 555 West Fifth Avenue, Anchorage**

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November 10, 1998

CONTACT: Jane Tranel

FOR IMMEDIATE RELEASE

Public Information Office: (907) 683-9583

Snowmachine Proposal Extends Riding Prohibition in Wilderness Core of Denali National Park

The National Park Service is establishing temporary regulations to maintain the closure of a portion of Denali National Park and Preserve to snowmachine use this winter.

This continued closure of the two million acres that formed the pre-Alaska National Interest Lands Conservation Act of 1980 (ANILCA) portion of Mount McKinley National Park will be effective for one year while the National Park Service gathers additional information on potential impacts of snowmachine use and begins work on a backcountry management plan. Public hearings on the temporary regulations will be held in Fairbanks, the Healy-Cantwell area, the Talkctna/Trapper Creek area, and Anchorage during the week of November 22, 1998. The National Park Service intends to introduce additional regulations in early 1999 to allow completion of planning in 2001.

The temporary action applies to about one-third of Denali National Park and Preserve. The original Mount McKinley National Park, most of which was designated as wilderness ANILCA, has never been open to snowmachine. The remaining two-thirds of the park and preserve – some 4 million acres – remains open to snowmachine use when there is adequate snow cover for traditional activities. Snowmachine riding on the south side of the range near the Yentna, Kahiltna, and Ruth Glaciers is unchanged, as is riding in the Dunkle Township and areas southwest of the West Fork of the Chulitna River. The Stampede Corridor and northern tier of the park in the ANILCA additions remain open.

"We're taking the proposed action to protect park resources and values such as wildlife habitat, natural vegetation, wilderness recreation, and traditional recreational uses in this area. Recreational snowmachine use outside the core of Denali National Park and Preserve is increasing rapidly, and this use is expanding into some pre-ANILCA park areas such as the south side of the Alaska Range near the Parks Highway at Broad Pass," said Superintendent Steve Martin. "The existing closure established under the 1986 General Management Plan needs to be clarified to the public," he said.

While traditional snowmachine use in the park additions and the preserve was provided for in the 1980 law, it was not allowed in the former Mount McKinley National Park. "We believe the potential for entirely new levels and locations of use is an unacceptable risk for an internationally significant resource. No public input, planning, resource studies, or National Environmental Policy Act compliance supports this use of snow machines in the pre-ANILCA areas of the park," Martin said.

ANILCA provides that snowmachine use for traditional activities will continue to be allowed in the

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park additions, subject to reasonable regulation. Denali National Park is beginning work on a backcountry management plan and general management plan amendment to address this and many other issues. The plan will include a management strategy for snowmachine use and an environmental impact statement in compliance with the National Environmental Policy Act.

The proposed temporary regulation will allow time for the necessary planning, information gathering, and public input. Regulations can be amended after the plan is completed in two to three years.

The National Park Service does not believe any traditional activities provided for ANILCA will be affected by the proposed action. Any current use in the closed area is very recent or of a type that does not reflect the traditional uses protected by the 1980 law. Recreational use of snowmachines in the former Mount McKinley National Park was neither customary or traditional, and was, in fact, prohibited by regulation.

The proposed regulation applies only to the one-third of Denali National Park and Preserve which has a unique history relative to snowmachine use. The National Park Service believes other adequate opportunities for economic development of snowmachine-related winter tourism exist.

Public hearings have been scheduled to provide information on the temporary closure and to solicit comments and ideas from the public to ensure that all information has been considered.

Date Time Location

November 22, 1998 5:30-7:30 p.m. Westmark Hotel, 10th and Noble Streets, Fairbanks

November 23, 1998 6-8 p.m. McKinley Village Community Center, Mile 230 Parks Highway

November 24, 1998 6-8 p.m. Susitna Valley High School Mile 99 Parks Highway

November 25, 1998 5:30-7:30 p.m. Egan Center, Anchorage

Comments will also be accepted by mail, and further information is available, by writing to Steven P. Martin, Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali Park, Alaska 99755. Telephone (907) 683-2294.

- END -



IN REPLY REFER TO

United States Department of the Interior

NATIONAL PARK SERVICE
Denali National Park and Preserve
Post Office Box 9
Denali Park, Alaska 99756

By Stephen P. Martin
Superintendent, Denali National Park and Preserve

In the heart of Denali, on lands designated by Congress in 1917 as Mount McKinley National park, a special relationship has developed between people and the natural environment. This core area is a key place in Interior and Northern Alaska where wildlife and habitat have been protected through minimal summer or winter disturbance. This area is essential to the experience of more than a quarter-million visitors who travel into the park's interior each season. The wildlife and scenery, the rugged and essentially untrammelled wilderness are key ingredients to the region's economic success; a wild Denali is the icon for Alaska.

Since 1917, the National Park Service has managed this core area of Denali (about one-third of the total park and preserve) for non-motorized winter recreation such as dog mushing, snowshoeing and cross-country skiing. The area was closed to snowmachine use prior to the 1980 Lands Act and continues to be closed by the park's General Management Plan. The 1930 law provided for use by snowmachines in Denali for traditional activities only where such use was generally occurring at the time. This use is to be regulated to insure it does not conflict with the natural and other values of the park.

The core of Denali contains important wintering ground for moose, sheep, wolves and caribou and is denning habitat for wolves and bears. Research has shown unregulated snowmobile use could change the distribution of wildlife and other natural and aesthetic park values. Snowmachine use in the core area would end the quiet and solitude that dog mushers, cross-country skiers and other non-motorized users have long enjoyed.

Maintaining the status quo is the primary reason the Park Service has continued the long-time closure of the old park to snowmachine use. We've started a plan to establish reasonable regulations for snowmachine use in the portions of the park and preserve added by ANILCA and will review the long-standing closure of the original park. Until this plan is complete, continuing the closure of snowmachine use in the heart of Denali and maintaining the existing motor vehicle limits on the park road are essential to protect outstanding visitor experiences and natural systems in the park. Public involvement in decision making is an integral part of managing Denali. Allowing snowmachines in the

core of the park without meeting our public involvement and environmental review responsibilities would be a breach of the public trust.

The status quo allows continued snowmachine use in the other 66 percent of Denali (about 4 million acres) during periods of adequate snow cover. Riding on the south side of the Alaska Range near the Yentna, Kahiltna, and Ruth Glaciers is unchanged, as is riding in the Dunkle Township and areas southwest of the West Fork of the Chuitna River. The Stampede Corridor and the northern tier of the park in the ANILCA additions remain open. Other park areas are unaffected by this month's action.

Keeping an 81-year-old tradition in place still could become a nasty fight. But we're hopeful the Park Service, the snowmobile community, non-motorized interests and all park users can map out a path of mutual benefit. Consider a few possibilities:

- The 1996 development plan for Denali's South Side calls for trails and cabins. Can we join with State Parks, residents and the visitor industry to get these facilities built for year-round use?
- Snowmachine use can develop as a significant draw for winter tourism. The Lower 48 lesson is that riders seek a variety of experiences, from groomed trails to unmarked country. Alaska is big enough to offer all options. Snowmachine use in Denali needs to be linked to a winter park visit and done in a manner that protects resources and provides balanced opportunities. Can the snowmachine community, landowners and Park Service advance a plan that includes groomed trails, shelters, and parking, helps grow a year-round economy, and protects unique park values?
- Alaskans and our visitors are an untapped market for packages that offer snowmachine and cross country ski vacations. Can the snowmachine community and the Park Service work with businesses to promote a mix of skiing or dog mushing in the heart of Alaska's oldest wilderness and snowmachining outside the core of Denali?

We think these are exciting possibilities and hope you choose to join in an effort that looks after not only the heart of Denali National Park but the future of winter recreation across interior Alaska.



IN REPLY REFER TO

United States Department of the Interior

NATIONAL PARK SERVICE
Denali National Park and Preserve
Post Office Box 9
Denali Park, Alaska 99755

Briefing Statement

November 9, 1998

Region/Office: Alaska Region/Denali National Park and Preserve

Project/Issue: Snowmachine Use - Temporary Closure of Pre-ANILCA (Alaska National Interest Lands Conservation Act) Mt. McKinley National Park

- Denali National Park is establishing a temporary closure to the use of snowmachines in the pre-ANILCA (1980) portions of the park. This represents about 2.2 of the 6.2 million acres of park lands. The temporary closure is required to prevent snowmachine use in an area that has been administratively closed to mechanical winter access since 1917. A recent interpretation of ANILCA based regulations requires a specific regulatory action to continue to enforce this closure. This 12 month closure will be done according to 36 Code of Federal Regulations (CFR), Section 13.30, and 43 CFR 36.11(h). The temporary closure will give the NPS time to establish longer term regulations so that study, planning and compliance can take place on parkwide snowmachine use. This will be done through the currently funded GMP amendments and is anticipated to take 2-3 years.
- A snowmobile advocacy group is currently encouraging its members to ride throughout the former Mt. McKinley National Park, especially along the park road corridor and on the south side of the Alaska Range near the Parks Highway at Broul Pass.
- The only snowmachine use allowed by ANILCA is for traditional activities generally occurring in 1980. The 1986 General Management Plan (GMP) documented the fact that snowmachine use for traditional activities did not occur in the original pre-ANILCA Mt. McKinley National Park. There are no traditional activities occurring currently in this part of the park that require the use of snowmachines, and no requests for this access have occurred.
- New levels and locations of use and resource impacts may potentially present unacceptable risks for an internationally significant resource. No public input, planning, resource studies, or National Environmental Policy Act (NEPA) compliance supports this dramatic change in park management.

BACKGROUND INFORMATION

- From 1917 until 1980 the core two million acres of Denali National Park and Preserve have been closed to the use of any mechanized travel, including snowmachines in the winter. Beginning in 1980, Title XI of ANILCA provided for snowmachine use in Denali National Park for traditional activities. The congressional record on ANILCA clarifies the use of snowmachines to include only those uses generally occurring in an area prior to 1980. ANILCA provides for using snowmachines for travel to and from villages and homesites, subsistence activities, and in support of other traditional activities. Snowmachine

- use and other traditional uses are subject to reasonable regulations to protect the natural and other values of the park unit.
- Recreational use of snowmachines in Denali National Park has not been the subject of any planning documents or been analyzed in any NEPA document.
- Analysis of extensive information on natural resources and park values strongly indicates that snowmachine use within the former Mt. McKinley National Park would be detrimental to the resource values of the park by impacting wildlife habitat, natural vegetation, wilderness recreation, and natural sounds.
- When the park was expanded in 1980 from approximately 2 million acres to 6 million acres, the NPS realized that a greater level of protection was needed for the park. Regulations prohibiting snowmachine use in the core wilderness area of the park is consistent with the enabling legislation of the original Mt. McKinley National Park and the need to protect the natural balance in wildlife populations within the core wilderness area of the park.
- The former Mt. McKinley National Park was closed to snowmachine use from 1917 until 1980 by the Code of Federal Regulations, providing for nonmotorized wilderness recreation during the winter.
- The 1986 GMP stated that recreational snowmachining would only be allowed where it was traditional. "Traditional" was defined as a pattern of use that occurred prior to ANILCA. Based on this public planning process, the NPS continued to prohibit, through the Superintendent's Compendium, all snowmachine use in the former Mt. McKinley National Park. Park staff patrolled and contacted snowmachine users, providing information on the location of park boundaries, marking the boundary, maintaining signs stating that this particular portion of the park was closed to snowmachine use. Violations were infrequent.
- In the late 1980s, recreational snowmachine use began to increase dramatically throughout the state because of technological improvements in equipment. While the additional use did not occur in the former Mt. McKinley National Park except in a limited area on the south side of the Alaska Range, it became common in the ANILCA additions by 1995.
- Scientific research shows that detrimental environmental and social changes can occur when snowmachine use is introduced into an ecosystem and a recreational setting such as the area of Denali that has been traditionally closed to snowmachine use.

CURRENT ACTIONS

- Denali National Park staff will continue gathering and analyzing data on snowmachine use during the next several winters. A literature review documenting impacts from snowmachine use in other protected areas has been completed. Documented impacts include noise, packed trails, stress on wildlife when food supplies are low and when animals need to conserve energy that is critical to their survival, and damage to vegetation and soils. The impact of snowmachine use on the values of solitude and natural quiet is one of the most significant concerns.
- New site-specific studies are planned to determine the impact of additional snowmachine use on park values in ANILCA additions to Denali.
- To insure that no resource impacts occur during the planning process, a longer term regulatory action is required. A proposed regulation which will close the pre-ANILCA portions of Denali National Park until the planning for parkwide snowmachine use is completed will be published in draft form early in 1999.

CONCLUSION

- The possibility of extensive snowmachine use in the former Mt. McKinley National Park has created a threat to one of the most important ecosystems and wilderness resources on earth. The last five years of technological advances and increased popularity have clearly demonstrated that this use pattern can quickly move into new areas and reach a high density. The potential for such rapid change, coupled with the lack of information on the impacts that could result, places extremely valuable resources at risk. Since the level of risk is unknown and the consequences of error extremely high, Denali should be protected until uncertainty can be removed.
- The NPS does not believe that any traditional activities provided for in ANILCA will be affected by this closure. Any current use in the closure area is very recent or of a type that does not reflect the traditional uses that were intended to be protected by ANILCA.
- Millions of acres of multiple use lands of similar geographic character and accessibility are available as alternative recreation sites in south-central and interior Alaska. This decision applies to only the one-third of Denali National Park and Preserve which has a unique history relative to snowmachine use. The NPS believes ample opportunities for economic development of snowmachine-related winter tourism exist in other areas.
- Snowmachine use for traditional activities will continue to be allowed in the park additions. The NPS will provide for recreational snowmachine use in the park additions and the preserve, subject to reasonable regulations, according to ANILCA. Denali National Park is beginning work on a backcountry management plan and a general management plan amendment to address this and many other issues. The plan will include a management strategy for snowmachine use and an environmental impact statement in compliance with the National Environmental Policy Act.
- Statewide snowmobile organizations, recreation users, other interested groups, and the State of Alaska have been consulted about the proposed regulations to close the former Mt. McKinley National Park to snowmachine use.
- Public hearings as required by 36 CFR 13.30 and 43 CFR 26.11(h), will be held in Fairbanks, the Healy-Cantwell area (McKinley Village), Talkeetna/Trapper Creek, and Anchorage during the week of November 22, 1998. The NPS will provide information on the temporary closure and solicit comments and ideas from the public and ensure that all the information that is provided is considered.

Contact: Stephen P. Martin, Superintendent, Denali National Park and Preserve (907) 683-9581.