

DEBATE CONTINUES OVER DENALI BOROUGH GAS EXPLORATION & DEVELOPMENT ORDINANCE

BOROUGH ASSEMBLY STRUGGLES WITH QUESTIONABLE LEGALITY OF ORDINANCE

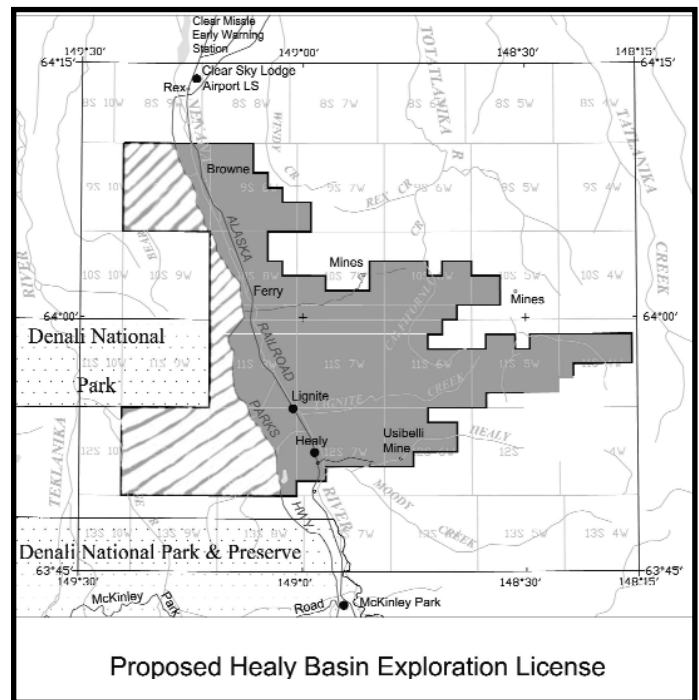
by Julia Potter

Denali Borough Ordinance 05-21, titled Gas Exploration and Development, and recently introduced Ordinance 08-07 which intends to address the concerns of 05-21, continue to plague the borough assembly with issues of legality. Ordinance 05-21 was crafted in an effort to provide some protection to local residents and property owners following the August 2005 release of a Preliminary Best Interest Finding for an application by Usibelli Coal Mine for a gas only exploration license in the Healy Basin Area (see map at right).

Ordinance History

Ordinance 05-21, passed in March 2006, has been questioned as to its legality by the Department of Natural Resources, Division of Oil and Gas, and by Usibelli Coal Mine. The ordinance restricts areas of the proposed exploration license and has therefore raised the question as to whether the borough has the authority to exclude certain portions of the borough from gas exploration and development.

Assembly member David Evans introduced Ordinance 08-07 at the February assembly meeting. The ordinance retains the full extent of Prohibited Areas in Section A (as in Ordinance 05-21) but deletes Section C, Surface Use Agreements. No action was taken during the meeting and the ordinance was postponed. During the March assembly meeting held in Anderson, assembly member Baxter Mercer moved to substitute Version B of Ordinance 08-07 in which the Prohibited Areas were changed from townships to subdivisions. The remainder of 08-07 was



Map showing proposed Healy Basin exploration license area with portions excluded west of the Parks Highway, as detailed in both Ordinance 05-21 and Ordinance 08-07 Version A. Most lands being used for residential development lie in this zone west of the Highway. Also, sensitive habitat and recreational lands in the Wolf Townships lie in this zone.

unchanged. Version B failed introduction. During assembly discussion of 08-07 Version A, assembly member Robert Kohlsdorf motioned to amend Version A, by deleting Section A, Prohibited Areas, and replacing it with the wording "none." Mercer seconded, although he stated he

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OUR VISION - MEMBERS SPEAK OUT

Dear Friends and Members,

In our January-February 2008 issue of *DCC News*, we published a letter from one of our members stating that, from his vantage point, Denali Park had declined to the point that some aspects of our Vision were no longer attainable. We asked you to give us your opinion and you responded with broad ideas and specific suggestions. Below is one of your responses, and you will find more on pages 12, 13 and 14. We plan to discuss your specific suggestions at our next board meeting. We appreciate your interest and involvement, and encourage you to keep in touch.

Nancy Bale

March 15, 2008

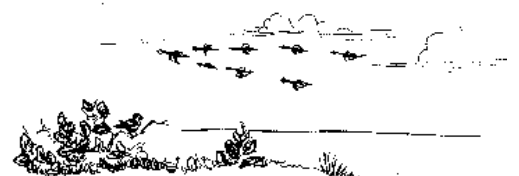
Dear DCC,

Tom Klein's letter in the January newsletter needs many responses, particularly to its premature hopelessness. This is one. First, as a long-absent observer, Tom's eyes are potentially valuable. Those who pass through the park irregularly are among the most likely to notice cumulative damage caused by incremental change. Imagine not seeing yourself in a mirror for 15 years and catching up with all that aging at once.

Unfortunately, the perspective of the irregular viewer is easily clouded by emotion. My wife and I have paddled many northern rivers. Each becomes sacred in its own way. Only once have we violated our rule not to go back to a river, and we experienced many of the feelings Tom expresses. As changes seemed negative, and we slipped easily into blaming increased use. Relocation of a wolf den and a peregrine nest probably did result from the change from virtually zero visitation to perhaps 50 people per season. But everything else had a different and more interesting explanation, often in the weather. For example, more than a quarter of the island's musk oxen died because of a winter rain-on-snow event. If we are going to be useful to vision and planning, we irregular visitors must differentiate our observations from our feeling that a place is desecrated because it isn't the exact image we made sacred.

The metaphors of disease, death, nightmare, and sterility are overdone. Animals not seen on a single drive are a random observation. On my first drive into the Park in August 1974, with no less an observer than Celia Hunter, we saw a jaeger and a few caribou. Tom's anecdotal report of dissatisfied visitors fares badly against survey evidence gathered by the NPS and the cruise tour industry. Denali worn out? Study Yellowstone and Yosemite before labeling; keep fighting for better visitor experiences. Denali is at the bleeding edge of the 21st Century's challenge to wild public lands. The land will stay neither wild nor public unless it has a constituency to preserve it. Building constituency requires authentic experience with the land. Every authentic experience leaves a footprint. Preservation and constituency vibrate in constant tension. We could love Denali to death, but she could also die of loneliness. Basic fairness requires recognizing that the NPS deals with this bleeding edge problem locally, regionally and nationally. It needs all the help we can give. I perceive DCC's vision to be consistent with maximizing preservation in a context of affording authentic experiences in Denali, both because the citizen-owners have that entitlement and because we must develop new constituency in every generation. Some will disagree with DCC positions on grounds of principle, others for greed. But those disagreements, even when embodied in a brush cutting machine, are not reasons to abandon the voice for the vision.

*Charlie Bird
San Diego*



Native Knowledge Network

FROM THE COMMUNITY ORGANIZER

by Julia Potter

Time once again for bright sunlight and clear blue skies as spring takes hold and we begin to feel the effects of increasing daylight. The receding snow will soon be replaced with wet, soggy, and muddy ground - what we call "breakup." Soon the birch and willow will start to sprout new green growth, birds will begin their spring migration and fur will be shed for new sleek summer coats. And typical of Alaska, it will all happen in what seems a blink of the eye - fast!



Native Knowledge Network

In our last issue of DCC news, we asked you, our members, if DCC's *Vision for Denali* needs revision. This issue highlights the comments we received. I looked over our *Vision for Denali* and this is my opinion on the subject:

I wondered if DCC was being too optimistic, if some of our members are being too pessimistic, or if the *Vision for Denali* is indeed overly idealistic rather than practical and attainable. Is it idealistic to set such lofty goals? It has always been my principle to stand up for what you most believe in no matter how idealistic it may seem to others. Throughout history individuals and groups have set lofty goals and have succeeded in achieving them. Maybe we need a new approach to reaching our goals. Maybe the public needs to be made more aware of why it is so important that we have places like Denali National Park & Preserve. Maybe we need to educate the public more about what sustainable development really is and is not. Maybe we need to reach out to people and show them how "being green" and "conservation" really is a form of economic development without the development of more buildings and roads. Maybe people need to understand that there truly is a time and a place for everything, and that Denali is a place to spend time in quiet solitude and in appreciation of our natural world. Maybe we do need to revise and update our *Vision for Denali*. We all know that nothing remains the same, everything changes with time. But I don't see that as reason enough to give up on our idealistic view of what might, after all, be possible. I tend to believe that as long as we don't give in, as long as we keep striving towards our ideals, we can and will make a difference for the better. Not just for Denali National Park & Preserve, but for our communities, our neighbors, our friends and our families. Maybe I'm a dreamer and maybe I'm an idealist. That's okay by me. Having a positive outlook and knowing that I am working towards something worthwhile gives me a tremendous amount of self-satisfaction. What do you think about our *Vision for Denali*? Send me an email, a letter, or give me a call. ☞

THANK YOU
NEW AND RENEWING MEMBERS SINCE
OUR LAST NEWSLETTER

SUMMIT
 Anita Stelcel

NORTH PEAK
 Chris & Nancy Bataille

TAIGA/TUNDRA
 Kurt Rein
 Juliann Schamel
 Jane Tarlow
 Larissa Yocum & James Walton

IN MEMORIAM
STEVEN EARL BARB

At the request of the Barb Family donations in the name of Steven Earl Barb have been made to Denali Citizens Council. We extend our sympathy to the Barb Family and express our thanks to those who made contributions.

Florence Anderson	Julie Kaufman
Kathleen Babchuk	Celia & Charlie Kirk
Mary Anna Beasley	Donna & Merlin Knauss
Robert Beasley	R. Lacey
Catherine & Mark Brinker	Shirley & Ray Lanum
Jane Cox	Barbara Lowe
George & Kathy Freese	Mrs. Stewart Neff
Nadine & Kenneth Gleason	Hortonville Friends
Mr. & Mrs. Robert Goff	Jan St. Peters
Richard & Jane Hughes	Charles Sursa
Mrs. Mary Caswell Jones	Mary Jane Sursa
	Pam & Jim Wingate

GAS EXPLORATION AND DEVELOPMENT ORDINANCE

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would like to see limitations. The motion to amend failed. Mercer requested that Version B be brought back for the April assembly meeting.

Latest Discussion and Action on Ordinance 08-07

The borough assembly met on April 9, 2008 in Healy, with a full house and a full agenda. During the public hearing portion of the meeting several residents spoke to Ordinance 08-07. The views were varied. While residents of the Stampede area were in favor of retaining the prohibited areas and protecting lands which have higher value for wildlife, habitat, and recreation as well as the residential areas, others spoke in favor of gas development, and some are fearful of possible litigation with the state.


The assembly spent considerable time discussing Ordinance 08-07 despite the late hour. Mayor Talerico asserted that he had conversations with DNR, as well as with an assistant State Attorney, and if the assembly does not take action on the ordinance they should plan to have funds in the budget for litigation. He did not state any specifics of the conversation(s). It has not yet been verified what DNR's intentions are regarding any possible litigation. Nevertheless, the assembly motioned to amend the ordinance deleting Section A entirely. The motion was passed. A motion to adopt the ordinance was then made but further discussion brought about comments from members Walker and Winklmann opposing the amendment. Walker then moved to postpone to the next meeting. This motion passed, giving the ordinance one last hearing before the public.

Denali Citizens Council Maintains our Position and Comments to Borough Assembly

Throughout the public process of both the Preliminary Best Interest Finding and the Gas Exploration and Development Ordinance, Denali Citizens Council has maintained our belief that it is in the best interest of Borough residents that gas development not occur in areas that have greater value for recreation, tourism, wildlife and residential uses.

DCC has also questioned why the State cannot release its final BIF prior to borough action on the ordinance. Only very vague reasons were provided by DNR during the January 2008 assembly meeting and it would be interesting to see those reasons spelled out in writing by the Division of Oil and Gas. Contemplation of changes in the ordinance would be greatly facilitated by understanding the contents of the final BIF, since if the BIF is deficient in protecting the interests of borough residents, the borough might want to enact additional changes to the ordinance that are within its regulatory purview. We have asked the borough to formally request that the state release the final BIF prior to changes in the ordinance, and if that does not occur, then the borough should be provided with a written clarification explaining why the State is unwilling to do so.

We have requested the borough assembly accompany any new gas ordinance with a resolution stating that the borough's position on no gas development west of the Parks Highway has not changed. We feel the resolution should further indicate that the Borough reserves the right to put forth additional ordinances regulating land use within its authority if the BIF does not satisfactorily address the concerns of the citizens of the Borough.

The next Denali Borough Assembly meeting is scheduled for May 14th at the McKinley Village Community Center. The public hearing portion of the meeting begins at 6:45p.m. This will most likely be the last hearing and discussion for Ordinance 08-07 with the possibility of it being adopted at this meeting. If you would like additional information about this issue please contact me at 907-683-3396. 



Native Knowledge Network

DE FACTO PREDATOR CONTROL IN & NEAR DENALI HAS FAR REACHING EFFECTS

AGGRESSIVE MANAGEMENT ON NEARBY STATE LANDS PROMOTES SIGNIFICANT CONFLICTS

By Nancy Bale

Some visitors to Denali National Park and Preserve may be surprised to hear that hunting is legal in areas of the Park. A brief review of ANILCA discloses the fact that, when 4 million acres were added to Denali in 1980, two Preserves were established. Hunting is legal in the Preserves and is managed under Alaska Department of Fish and Game regulations. In addition, ANILCA permitted subsistence hunting in the Park, in areas where it could be shown to have been traditional, and one such area exists near Cantwell. Subsistence harvest regulations are managed by the Federal Subsistence Board, and are similar to State regulations.

The presence of hunting in National Parks, although legal and defensible under ANILCA, presents wildlife management problems. NPS wildlife management policy prefers to let the park ecosystems function naturally (sometimes referred to as managing for “natural and healthy populations”). State of Alaska wildlife management policy follows the principle of maximum sustained yield, leading to intensive management of predator populations in order to provide more hunting opportunities for people. Regulations for hunting, where it is allowed in the Park, are generally developed by the State of Alaska, creating an inevitable “drift” in the direction of management for human use, in contrast with management for “natural and healthy populations.”

Many of these hunting regulations provide for liberal harvest of predators, harvest that is not necessarily based on reliable scientific data. Below are some figures for wolf bag limits on GMUs (Game Management Units) adjacent to and within the park (some dates subject to change).

Hunting next to park

Unit 13E (near Cantwell)	- 10 wolves, Aug 10 – April 30
Unit 16B (south of Park, Susitna Valley)	- 5 wolves, Aug 10 – April 30
Unit 19C and D (west of Park, upper Kuskokwim)	- 10 wolves/day, Aug 1- May 31
Unit 20C (north of Denali, except where closed)	- 5 wolves, Aug 10 - May 31

Trapping next to park (especially intense along NW boundary near Healy)

All Units have **no limit** on number of wolves trapped, trapping season varies, beginning the first of October in some areas, the first of November in other areas, and ending April 30th.

Sport hunting in Park Preserves

Unit 16B (area within SW Park Preserve)	- 5 wolves, Aug 10 – April 30
Unit 20C (area within NW Park Preserve)	- 5 wolves, Aug 10 – May 31

Subsistence Hunting inside Denali Park additions

Conducted in a specified area near Cantwell	- 10 wolves, Aug 10 – April 30
Kantishna (during permitted moose hunt)	- 10 wolves, Sept 1 – Sept 30

In addition aggressive predator management and outright aerial predator control are practiced in three State Game Management Units that border the park - Unit 13E, Unit 16B, and Unit 19D.

Intensive management of black bears in Unit 16B this year proposes an unlimited harvest of black bears (not the limit of 3 usually proposed for hunters). Two baiting periods have been approved as well, one in the spring and one in the fall. This activity will not be permitted in the SW Denali Preserve.

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DE FACTO PREDATOR CONTROL *continued from page 5*

It is clear from the above data that where there is hunting in Alaska, there is generally a liberal attitude toward the shooting and trapping of wolves and other predators. Scientific data to show the need or justification for this practice is just not widely available. We are concerned about this trend. We are especially concerned about the 10-wolf bag limit allowed in subsistence and other hunting areas **inside** Denali National Park. It is tantamount to predator control and should not be on the books for Denali.

Wolf buffers remain inadequate

The great size of Denali National Park and Preserve was meant to protect entire ecosystems. However, some species, notably caribou and wolves, range far outside the park. Protection for them is partial at best. The situation for wolves is especially troubling because of well-documented winter forays of park wolves from deep inside Denali to state lands at the northeast edge of the Park.

The winter movement of wolves onto unprotected state lands within the Wolf Townships north and east of Denali is well documented and was the subject of an article in the most recent issue of *National Park Science* entitled "Wolf Foraging and Related Social Variations in Denali National Park," by Gordon C. Haber. Dr. Haber has decades of experience tracking, photographing, and observing wolves in and near Denali, and has documented his observations on a website www.alaska-wolves.org. Maps on the site demonstrate this preference through radio-location data.



Map depicting wolf buffer areas outside Denali National Park & Preserve in the Wolf Townships and along the Parks Highway. *Map courtesy of NPS*

Some areas adjacent to Denali are already protected from wolf hunting and trapping. The Board of Game located these Wolf Buffers in 2004, and has stated that it would not consider them again for several years. The existing buffers are shown on the left as the dark areas within the Wolf Townships and along the Parks Highway. The unprotected area of concern is shown north of the park boundary between these two buffer zones. There are three known traplines within this area. Hunting is also permitted.

The easy access of this area for hunting and trapping, its value as winter habitat for park caribou and wolves, and its questionable seasons and bag limits, all these factors have led to multiple wolf deaths and injuries. Many of these wolves come from highly visible and stable Denali packs.

Recently two wolves with snares tightening around their necks were viewed within the Park and in the

Healy canyon. Park Biologist Tom Meier was ready to assist with capture of these wolves and removal of the snares, but no opportunities have yet occurred.

NPS has maintained that its populations of wolves are not threatened as a whole. This may be true. However, State hunting and trapping regulations that target predators without scientific justification are currently the norm, affect Park resources as detailed in this article, and should be re-examined. We urge NPS to use its influence with the State of Alaska and the Federal Subsistence Board to encourage a review of these regulations, in order to avoid the potential for excessive killing of wolves by humans both inside and surrounding Denali National Park and Preserve. **END**

WHERE HAVE ALL DENALI'S DALL SHEEP GONE? by Tom Walker

The whispers that last year turned into rumors became out loud denunciations this past month. Denali Park's Dall sheep population, like the sheep population statewide, has crashed and wolves are to blame, or so announced a poster and spokespersons at the Great Alaska Sportsman's Show held in Anchorage recently. According to the poster displayed prominently behind the Foundation for North American Wild Sheep's show booth, the sheep population statewide has dropped 40 to 60% and "predator control" was much needed and long overdue. Beneath the bold type trumpeting the crash was a picture of a wolf hovering over the remains of a large Dall ram, a photo taken on the Toklat River in the early 1990's. The person exhorting people to sign up in support of predator control told me that wolves had killed all the sheep in Denali, "everyone knows it," because of the park's "love affair with wolves."

The poster and these comments harken back to the middle of the last century, when wolves were blamed for a crash in the park sheep population, forcing the park service into wolf control within park boundaries. (See Adolph Murie's *Wolves of Mt. McKinley* and Timothy Rawson's *Changing Tracks* for a complete overview. In reality the harsh winters of 1928 and 1932 decimated the park's Dall sheep population that at one point bottomed out at 500, down from perhaps as many as 15,000 earlier.) While I personally believe that the park sheep population has declined in the last twenty years, or at best has changed its summering points away from the park road, I don't believe wolves are responsible for a population shift or decline.

To get a more accurate picture of the wolf-sheep issue I spoke with ADF&G sheep biologist Tony Hollis, who told me that sheep populations in Interior Alaska have been stable, a few actually increasing over the last 10 years. In the areas he surveyed, the Brooks Range, the White Mountains, and Alaska Range, he said he has seen no such dramatic die offs as alleged at the sportsman's show. He documented a decline of 30% in the White Mountains sheep population over the winter of 2004-5 due to severe winter weather but added that that population has stabilized and increased somewhat since then. He further said that he has heard of no dramatic population crashes anywhere in the state as claimed by the predator-control advocates in Anchorage.

For well over 20 years the park service has offered a sheep population estimate of 2,500, a totally unreliable figure. To the dismay of many observers, the last aerial survey of Dall sheep was conducted in 1995, 13 long years ago. A traditional and annual road survey was cancelled a few years ago. In truth no one knows how many sheep are in the park, with the population trend, up, down, or stable. Currently park biologists are planning a survey for July, 2008 and are currently working on permitting and compliance. Managers plan to use fixed-wing aircraft and perhaps some ground surveys for a better composition count. They plan to count the entire area between the Nenana River and the Muldrow Glacier.

Censusing Dall sheep is hazardous work. Expert, experienced pilots and observers, which the park service has available, are needed, as well as good weather to allow the dangerous mountain flying to proceed. For the new count to be meaningful it has to include and be compared to the same areas counted in 1995. I am confident a professional, reliable count will be conducted.

Although I hope I am wrong, I suspect that this summer's survey will show a diminished sheep population. Here's why: Until the early 1960's and the construction of the Parks Highway, sheep used to seasonally migrate across the Nenana River near the site of the Princess Hotel. Adolph Murie annually observed the movements. The park's first naturalist, Bill Nancarrow, who aided Murie, tells of watching in amazement as the sheep swam the raging river. No longer does this movement occur. Sheep also used to cross the Park Road at about Mile 9, but it has been more than 15 years since this seasonal migration has been observed. Large numbers of sheep used to cross the road on the flat above and just east of the Sanctuary River, a movement to and from Mt. Wright. This migration has dwindled



Ewe and lambs in Denali National Park & Preserve
NPS photo - Rick McIntyre

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DENALI'S DALL SHEEP *continued from page 7*

to a shadow of what it once was. I would guess that development and human interference have affected these migratory routes. Sheep more than any other animal are highly dependent on “herd knowledge,” which includes routes to and from winter and summer range. Once this “knowledge” is lost, it is lost forever with disastrous results. Many sheep transplants in the lower 48 have failed simply because the sheep did not know where to find winter range, even when close to summer range, because none of the transplanted animals possessed that specific “knowledge.”

Not since the late 1980's have large numbers of sheep been seen in their traditional haunts along the Park Road: Mt. Wright, Igloo Mtn., Cathedral Mtn., Hankins Ridge, Polychrome West, and the slopes above the Toklat Ranger Station. Yes, we still see a few sheep in these places, but not in the numbers once commonplace. By visitor surveys, sheep might be seen from the bus once or twice per visit, yet twenty years ago such a bus ride to Eielson might have resulted in sightings of five or six or more bands of sheep, the once most commonly seen animals in the park.

It is truly sad that the park is once again facing a possible wolf-sheep controversy, but in no small measure the park service must take a share of the blame for putting the park in this position. Dall sheep are the signature species for this park, the species which the original proponents of the park fought so hard to protect. To allow a dozen years to go by without monitoring or surveying the sheep population is a gross oversight at best, incompetence at worst. Tens of thousands of dollars have been spent on studies of the glamour animals, wolves and bears, and nothing on sheep. We cannot refute the critics and those crying wolf if we have no facts and figures. This is incomprehensible, especially for a species whose exposed, alpine habitat might be the first to suffer from the effects of global weather change. Also, in my opinion, the component of the ongoing road capacity study that includes Dall sheep is invalid based on the absolute lack of recent population trend data.

I hope my recent observations of park sheep are wrong, and that the population is as strong and numerous as ever. I also hope this summer's survey brings good news, instead of launching us back into the old predator-prey debate that is so hard to defend against and so destructive to both wildlife and park management. ~~so~~

HB 256 PASSES HOUSE, STALLS IN SENATE

ACTIVE GAME MANAGEMENT BILL COULD ELIMINATE SCIENCE FROM THE MANAGEMENT OF HERD POPULATIONS

by Jean Balay

On March 26, the state house approved HB256, a bill that proposes changes to the state game management policy. The key provision of the bill would change the Board of Game approach to managing big game. Human use would become the top priority for managing populations of caribou, moose, and deer. Current law allows the Board of Game to engage in active management, mainly predator control, only when there is evidence of a decline in herd populations. Proponents of the HB256 describe it as a change from emergency management to a policy of ongoing active management, allowing for maximum herd size for human consumption. Opponents charge that this management policy would eliminate science from the management equation, and that the Board of Game would be crossing the line from game management into ranching. After passing in the House, the bill moved on to the Senate, where, as of March 27, it was referred to the Senate Judiciary Committee.




Native Knowledge Network

The bill was introduced in the House in May 2007 accompanied by a letter from Governor Palin stating that currently, “the Board of Game must adopt a predatory control program before they can reduce hunting of an identifiable wildlife population unless the board makes findings or there is an emergency action (both of which are complex and easily challenged). The bill eliminates that unworkable process.” Governor Palin further states, “The bill clarifies statutory language requiring the board to identify moose, caribou and deer populations that are important for high levels of harvest by humans so that these important game herds will be managed for both abundant numbers and abundant harvest opportunities. This should assist the courts and the public in understanding the goals and requirements of active management programs. The bill defines the new term ‘active management’ which is used in place of ‘intensive management’. It would also eliminate several

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HB 256 PASSES HOUSE *continued from page 8*

current definitions which have proven to be problematic for both the board and courts.” She concludes by stating the bill “makes game management programs legally defensible.”

HB 256, Governor Palin’s letter and the legislative journal for the bill can be found at www.legis.state.ak.us. 

(Ed. Note: HB 256 failed to make it out of committee in the Senate. DCC is relieved that this bill, that would reduce the legitimate role of wildlife science in the development of hunting regulations, did not become law.)

SHOULD LOADED GUNS BE ALLOWED IN DENALI?

U.S. SENATORS PUSHING TO ALLOW CONCEALED WEAPONS IN NATIONAL PARKS

by Joan Frankevich




Native Knowledge Network

The National Rifle Association, claiming the need for personal protection, is pushing the Bush Administration to allow visitors to carry concealed weapons in national parks and refuges. In February, Secretary of the Interior Dirk Kempthorne received a letter orchestrated by the NRA and signed by 50 senators (including Lisa Murkowski and Ted Stevens) asking for the change and claiming the current regulations are “confusing, burdensome, and unnecessary.” The letter from the senators inaccurately states that guns are prohibited in national parks. In actuality, current regulations allow guns to be transported through a national park as long as they are unloaded and stored out of sight. This regulation was designed to be the least restrictive possible and still prevent the unlawful killing of wildlife. Additionally, in Alaska, guns are allowed in all park units that allow subsistence or sport hunting. There are few instances where the current regulation has created confusion or difficulty for park visitors.

In early April, in response to the Senators’ letter, Secretary Kempthorne received a letter in support of the current regulations, which have been in place since the Reagan administration, from all seven former directors of the National Park Service. Current NPS Director Mary Bomar has also stated her support. In addition to DCC, other organizations sharing the NPS Director’s view include: the National Parks Conservation Association, the Association of National Park Rangers, the Ranger Lodge of the Fraternal Order of Police, and the Coalition of National Park Service Retirees (CNPSR). Bill Wade, Executive Council Chair for CNPSR, explains their position as follows: *“Our overstretched and underfunded national parks do not have the staff required to deal with a major uptick in poaching activity. Parks are ‘living museums,’ set aside with the highest protection available and their own set of laws to carry out that mission. It is because these places are special, subject to the highest level of protection that you can even see the animals in Yellowstone, or Grand Canyon, or the Everglades. We don’t need to downgrade that protection when it has worked so well for so long.”*

DCC believes the existing firearm regulations work well and should remain in place. We know of no incident in Denali where a gun would have improved the situation. On the other hand, it’s not hard to imagine a nervous visitor mistaking normal grizzly behavior as threatening and a gun being used unnecessarily and possibly escalating the situation.

National parks are some of the safest places in the world. The NRA is proposing to “fix” a problem that doesn’t exist. However, this issue really isn’t about public safety, about parks, or even about guns. This is about politics and the NRA flexing its muscles in an election year. Unfortunately, national parks are being caught in the political crossfire. New regulations allowing loaded and concealed weapons in national parks and national refuges are expected shortly. We will let our members know when the proposed changes are released and available for public comment. 

NATIONAL ENVIRONMENTAL POLICY ACT WORKSHOP

NON-PROFIT CONSERVATION ORGANIZATIONS LEARN ABOUT NEPA POLICY, PROCEDURES AND PROCESS FOR ENVIRONMENTAL IMPACT STATEMENTS

by Cass Ray

The National Environmental Policy Act (NEPA) of 1969 “doesn’t require the government to do anything that a reasonable person wouldn’t do anyway,” noted the presenter at a recent two-day workshop in Anchorage. The “advanced training for non-profit conservationists” and its dozens of case studies explored NEPA and its alphabet soup world of fun acronyms—EA, ROD, FONSI, EIS, CEQ, CatEx—and a real crowd pleaser, CAFÉ (corporate average fuel economy). For the record, and for those readers eager to test their knowledge of, or skill at guessing, the meanings of specific acronyms, the half dozen examples above are short for, respectively, environmental assessment, record of decision, finding of no significant impact, environmental impact statement, Council on Environmental Quality, and categorical exclusion. Expect a quiz at the end of this article. Award yourself a bonus point if you knew that “estoppel” is a noun meaning something that has put a stop to something else.

The training, at the Anchorage Hilton February 25 and 26, was hosted by Trustees for Alaska and funded by the Bullitt Foundation. Among the two dozen workshop participants were Denali Citizens Council board members Nancy Bale, Joan Frankevich, and Cass Ray. Among the more than a dozen other organizations represented were the National Parks Conservation Association, Alaska Center for the Environment, Alaska Marine Conservation Council, Alaska Wilderness League, Alaskans for Responsible Mining, Center for Science in Public Participation, Defenders of Wildlife, Northern Alaska Environmental Center, and the Wilderness Society.

Leading the training was Owen L. Schmidt, recently retired after more than thirty years with the federal government. He was senior counsel with the U. S. Department of Agriculture (USDA), Office of the General Counsel, in Portland, Oregon, specializing in providing advice on NEPA to the Forest Service, Natural Resources Conservation Service, and other USDA agencies in Oregon and Washington D. C. Schmidt also was a special assistant U. S. Attorney in the district of Oregon. His B. A. and M. A. were in biology, and for several years he worked as an environmental specialist. Among many interests, for fourteen years Schmidt edited “Oregon Birds,” a quarterly journal of Oregon Field Ornithologists, and is a long-time member of the Oregon Bird Records Committee.

NEPA declares a “national policy which will encourage productive and enjoyable harmony between man and his environment” and seeks to promote “efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man,” and to “enrich the understanding of the ecological systems and natural resources important to the nation.” Among other things, NEPA thus declares environmental policies for agencies of the federal government, dictates procedures to be followed by those agencies, with those procedures being the minimum legal requirements, and requires a “detailed statement” at the time of a recommendation or report on a proposed action; today that detailed statement is known as an EIS.

Governmental agencies always should be expected to explain, in the FONSI, specific reasons why the impact of the proposed action is not significant, noted Schmidt, who suggested a “three-column table technique.” The three columns were labeled “Context (what),” “Intensity (how much),” and “Reasons that thing of that size is not significant.” Included in Schmidt’s “Writing the perfect EA/FONSI or EIS: Eight questions any EA or EIS should readily answer” was what he dubbed “the heart of the NEPA process.” “This is why we have NEPA,” he said, pointing to question #7, “Are there any ways to mitigate adverse effects?” Of the near-countless EAs and EISes that he has seen throughout his career, Schmidt recalled, he never has seen one that included that question and its answer. The “Do”’s and “Don’t”’s of his “practice pointers” noted the conservationist “is looking at ‘left-over’ adverse consequences, those not mitigated at all and those left-over even after mitigation. The agency has a duty to investigate the possibility of mitigation, even though it may choose not to mitigate...The usual mistake is to disclose an adverse effect and move on, without an analysis of mitigating that effect.”

Employing a little algebra—and another trio of those fun acronyms—Schmidt introduced EC (existing condition), PA (proposed action), and DFC (desired future condition). Hence, $EC + PA = DFC$. And $EC = DFC - PA$. And $PA = DFC - EC$. Declining to be pigeon-holed into a single academic discipline, Schmidt urged everyone to “try a grammatical approach”: “Needs are nouns. A noun is a ‘thing.’ Problems and opportunities are things. Therefore, problems and oppor-

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NATIONAL ENVIRONMENTAL PROTECTION ACT WORKSHOP

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tunities are nouns...We proposed to take action, a verb, in order to meet a problem or opportunity, a noun...Purposes are adjectives, and are decision factors. At the time of decision, one of the alternatives will be selected over the others..."

Species extinction and global warming made appearances in a discussion of the need to "always get to zero," in terms of no significant impact of the agency's proposal. Offering "How to write the perfect FONSI," Schmidt noted, "'No effect at all' is very convincing. If the EA shows that investigations were made but no cultural sites, no listed species, and no sensitive species would be affected at all—that is excellent support for the ultimate conclusion that impacts will not be 'significant' on those grounds. The 'intensity' is zero." "Zero is a very good number," opined Schmidt, "when trying to prove effects are 'not significant'...Zero may be the only good number...Reasonable people will not always agree that an effect greater than zero is 'not significant' just because it is small, or temporary, or a good trade-off. Get to zero...The working hypothesis here is that every effect is zero when viewed at some scale of time and space...In the case of an EA, if the assessment is not brought to the scale where the consequences are zero, then the FONSI cannot get to zero on the basis of what is in the EA...If every effect in the EA is brought out to the scale where the effect is zero, and the scale is reasonable, then reasonable people will agree with the FONSI."

Summing up that discussion, Schmidt noted, "The only compelling reason for finding non-significance is some version of the form, 'zero,' 'no,' and 'not.' Every environmental consequence is 'significant' at some scale of time and space. Every environmental consequence is 'not significant' at some scale of time and space." For complex reasons of that "scaling," which may have moved more than one Anchorage workshop participant to harken back to the long ago days of high school calculus and limits, species extinction and global warming were cited as the only two known exceptions to that need to "always get to zero" via manipulation of the scale.

Rather than the promised quiz, we close this article with humor. "Why make it simple when it's so simple to make it complicated?" queried Schmidt's last PowerPoint slide—if you don't count the one that declared, "This space reserved for a clever phrase, as soon as I find one that hasn't already been taken." ❧

STAMPEDE STATE RECREATION AREA BILL FAILS TO MOVE

by Charlie Loeb

Bills to establish the Stampede State Recreation Area have not progressed much during the 90-day legislative session. The House bill, HB 241, was heard in the House Resources Committee on March 26. However, debate over a resolution on a different subject took most of the committee's time and left only 15 minutes for consideration of the SSRA. Denali Borough Mayor Dave Talerico and Assembly Chair Armeda Bulard were able to express their support for the bill along with Division of State Parks and Outdoor Recreation Director James King. However, at least four others, including Stampede property owner Stewart Cubley, waited for over an hour to testify and were not able to participate when the clock ran out on the meeting schedule. Initial reaction from Resources Committee members was not supportive of the bill. Members expressed concern about effects on private landowners within the proposed recreation area, allegedly heavy-handed management by State Parks and the problem of fees.

It is clear from the experience this session that a much more active approach will be required to shepherd the SSRA bill through the legislature, including providing more information to key committee members prior to the start of the session. Gathering more information (e.g. regarding the support/opposition of private landowners in the proposed recreation area) will also be key.

Local citizens who support the Stampede State Recreation Area should be thankful to their Mayor and Borough Assembly, and also to Representative Guttenberg and staffer Christian Gou-Leonhardt for spending time on this bill. If area citizens remain interested, our legislators are willing to introduce an SRA in the next legislature. Volunteers interested in working on this issue should contact Julia at the DCC office at 907-683-3396. ❧



Native Knowledge Network

OUR VISION - MEMBERS SPEAK OUT

February 28, 2008

Vision for Denali

- ☞ *Denali, a haven for exposure to natural wonders and sounds.*
- ☞ *Kantishna, a wilderness destination. A place to experience first hand and take part in rural Alaskan life styles.*
- ☞ *Local communities embrace Denali National Park and Denali State Park and assist in planning for an application of management techniques. This ensures pristine quality experiences and educational opportunities to all visitors.*
- ☞ *That land management is based on land's realistic carrying capacity, ability to regenerate and sustain its current quality. The melding of park lands and local communities in a mutually supporting philosophy and policy is the ultimate outcome.*



Native Knowledge Network

This rewrite offers a little broader and flexible vision statement. The educational opportunities should have a little more emphasis. I do not believe it is in the park's, Kantishna's or the local communities' best interest to allow larger, modern facilities to be constructed on park grounds. Every time something like that is built, we lose another piece of our identity. The very reason people come to visit gets diminished more every year.

It is crucial that communities become an active part of the planning for development design, location/setting, blending with the existing environment (even hidden from view), so that no scars or other negative impacts occur. If we (as communities) develop standards that must be met by every developer, put them in place, in writing, they essentially become the law of the land. Such a practice will not deter growth, growth is good, but it will direct the traffic. Corporations will know up front what the requirements are and how important and fragile the environment is.

If profits made today are so important that long-term planning is only a nuisance, then there will be no long term profit opportunities. Why would we even consider diminishing the wilderness experience factors within the time span of one generation. That is not only greed, it is immoral and unethical.

All my life I have been taught to plan for seven generations. We should not make any decision unless we have weighed its impact on the next seven generations. I'm not particularly fond of what has happened in the past seven generations.

All of that said, it is most important to be able to show how our vision can be achieved. We need to have a "road map" that guides us from here, to the realization of our vision. Such planning of goals and objectives is considerably more involved than just rewriting our vision statement. However, any rewrite finalized should lend itself to easy expression in the form of goals and objectives to attain it.

The work that DCC does is awesome! I do not criticize, I merely offer some suggestions/thoughts that may add both ease in approach and validity of statements. DCC, as a non-profit organization, does more planning, takes more realistic action, participates in local development issues and has better communication in place, than the borough government. I and Judy thank you so much for all your efforts.

Curry Ridge, the proposed southern route, has a danger of becoming another Glitter Gulch if local communities do not help with planning and sharing responsibilities. This can happen because there are no standards in place to prevent it. Development is just able to "happen" as it wishes.

Chuck Saylor

continued . . .

OUR VISION - YOUR RESPONSES *Continued from Previous Page*

February 28, 2008

It seems like no matter how many years pass, we are always still dealing with the same issues so I guess I would say our mission statement is still current and appropriate. One concern I have is how many of our animals are radio collared now. It seems like many of the animals on the corridor are thus viewed. Is that something that has been discussed with NPS? Any numbers in percentages over the years, how they've increased and why? Just a thought.

Jan St. Peters

March 2, 2008

I think the 2001 vision is still to be achieved and that those goals should be retained. It seems as though Doyon is turning the visitor's experience into virtual Denali. Perhaps it is because their clients are now more elderly and less inclined to get dirty. Perhaps we need a campaign to get younger people to get off the bus and start using the campgrounds and the trails.

Tom Collopy

March 17, 2008

I may be too late for this, but here are some thoughts on the vision statement:

In my opinion bullet #1 is too ambiguous. "Special" can mean a lot of things. Bullet #3 seems to be very odd. The majority of Denali's land is "wilderness", and it's strange that there is a vision like this for one of the few places inside the park boundaries that is obviously not wilderness and has remained private and commercial. I believe that many landowners in the area have exerted their legal property rights to this fact as well. It's true that there is a lot of park-owned land in the area that could be converted to a "wilderness" designation, but the name Kantishna will always bring to mind commercial placer mining and lodging operations. It seems confusing to me. To me, the "emphasis on quiet recreation" is an idea worthy of its own exclusive and park-wide vision statement (which it is in bullet #4) and this idea for the Kantishna area (and the private businesses) should be re-evaluated or at least re-worded without the loaded "wilderness" label.

Bullet #8 seems to null bullet #2 because as far as I know the road capacity number and traffic pattern allowed has never been based on "sound" science or "standards." If DCC does not want more traffic on the road, it should just say so and remove the vision of using "sound/standard" info to make management decisions.

DCC mentions "quality southside destination" in bullet #5, but it is odd that this is the only vision DCC has for visitors and visitor services. How about a vision such as "The National Park Service, with its partners, offers high-quality interpretive programming and educational services to all visitors."

Hopefully some of these thoughts might be useful for your discussion.

David Tomeo

continued . . .



OUR VISION - YOUR RESPONSES *Continued from Previous Page*

March 1, 2008

Thank you for the opportunity to comment on DCC's vision statement. I believe my comments and concerns address the following focus points:

- ☞ Management of lands inside and outside the park is based on sound information and standards.*
- ☞ Adherence to vehicle limits set in the year 2000 preserves the unique experience along the park road - a journey into remote Alaska with unmatched opportunities to encounter the wildlife of Interior Alaska.*

While development along the park road is maybe necessary to meet visitors' needs, a balance of services should be evaluated. Facility development which replaces old and antiquated structures may be essential to the visitor; however new construction that adds a new use to the park should undergo public comment before approval. The Eielson Visitor Center/Toklat Rest Stop is an example where this process should take place. The original Environmental Assessment (EA) addressed the need to construct a temporary visitor contact station at the Toklat Rest Area during Eielson Visitor Center construction. The temporary structure (fabric tent) was to be removed when Eielson was completed, directing the visitor contact and cooperating association sales functions to move to the new visitor center. The EA called for construction of a pavilion-style structure at Toklat Rest Area similar to that used at Teklanika Rest Area once the fabric tent was removed. Cooperation association sales functions and visitor contact functions were to cease at Toklat once Eielson construction was completed.

Your September 8, 2007 response to the Denali National Park Superintendent addresses these concerns. I ask that DCC continue to pursue this matter that allows continued public comment to address the departure from the original Environmental Assessment and the subsequent findings of no significant impact.

Thank you,

DCC Member

BRIEF NEWS & VIEWS

DCC MEMBERS TO RECEIVE BALLOTS SOON

It's that time again! Every three years DCC Board members must sit for re-election. We will send all of our members a ballot soon. It looks as if each of the current members plans to run again, but there is still room for additional board member candidates. Our board members support the goals of the organization, write for our newsletter, and attend and comment at important meetings. We meet by teleconference approximately once a month. We are there to help you on issues of concern. Call us!

TRI-VALLEY SCIENCE FAIR CONSERVATION AWARD

Denali Citizens Council again sponsored the Conservation Award for the Tri-Valley Science Fair. This year's award went to Isaac Van Horn for his project on water conservation. Isaac questioned whether a bath or a shower uses more water. He conducted experiments measuring the volume of water used for taking a shower versus taking a bath. The result? A bath uses less water. Prizes for the award were donated by Alaska Geographic (formerly Alaska Natural History Association). Congratulations to all the Science Fair grand prize winners who went on to represent Denali Borough at the Fairbanks Science Fair. There were many outstanding projects this year - good job to all who participated!

BRIEF NEWS & VIEWS

COMMERCIAL ACTIVITIES AT TOKLAT

REST STOP

Over the past few months, DCC has worked actively on this issue, sending letters back and forth to NPS, both at the local and regional level. Our position is simple: temporary commercial activities (the tent with bookstore and contact station) at Toklat Rest Stop were only permitted until Eielson Visitor Center is opened (slated for some time this summer). Last summer, a Categorical Exclusion was signed allowing commercial activities at Toklat to continue indefinitely. We disagree with this exclusion. It is important that the National Park Service pay close attention to its own planning guidelines for rest stops along the park road, and those guidelines, published in the Entrance Area and Road Corridor EIS of 1997, have zoned all of Denali's rest stops non-commercial. Look for more action from DCC on this matter soon.

APPLICATION FOR CONDITIONAL USE PERMIT DENIED FOR PROPOSED S. DENALI LODGE

The Mat-Su Borough Planning Commission unanimously denied the CUP application for the proposed 60-room tourism hotel at Mile 135.5 of the Parks Highway. Denali Citizens Council submitted comments to the Mat-Su Planning Commission, requesting that it deny the CUP. Members of the public attended and spoke against the CUP at the planning commission meeting held April 7, 2008.

BOARD OF GAME MODIFIES ANTLERLESS HUNT IN UNIT 20A

The Alaska Board of Game considered many proposals and testimony at their spring meeting held in Fairbanks February 29 - March 10, 2008. The Middle Nenana Fish & Game Advisory Committee voted during its February 4th meeting to close the antlerless hunt in all of Unit 20A with the exception of two zones near Delta and allowing for 20 permits in Nenana. Several proposals were submitted by 20A residents asking for the antlerless hunt to end or be eliminated. Fish & Game biologist Don Young presented testimony in favor of continuing the antlerless hunt. The Board of Game reauthorized the hunt, modifying the bag limit for all antlerless moose hunts to prohibit the taking of calves and cows with calves, and to increase the number of any bull drawing permits. The Middle Nenana Fish & Game Advisory Committee will be holding a meeting May 5, 2008, 6:00 p.m. at the Tri-Valley Community Center, Healy, to review and discuss actions taken by the Board of Game.

DCC NEWS

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