



121 W. FIREWEED SUITE 120 | ANCHORAGE, ALASKA | 99503 | 907.563.9229 | ALASKAMINERS.ORG

August 9, 2024

Kevin McKay
Branch Chief, Realty Management
National Park Service
WASO Land Resources Division, Park Planning, Facilities and Lands
1849 C Street NW, 2nd floor
Washington, DC 20240

submitted electronically to:

<https://www.federalregister.gov/documents/2024/06/10/2024-12605/rights-of-way>

RE: National Park Service ROW Rule – RIN 1024-AE75

Dear Mr. McKay,

The Alaska Miners Association (AMA) offers the following comments on The National Park Service's Proposed Right-of-Way Rule (36 CFR parts 1 and 14) published in the Federal Register on Monday, June 10, 2024.

AMA is a professional membership trade organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,400 members that come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Our members include individual prospectors, geologists, engineers, suction dredge miners, small family mines, junior mining companies, major mining companies, Alaska Native Corporations, and the contracting sector that supports Alaska's mining industry.

Our members hold federal mining claims and other property rights within National Park System units in Alaska, including Native lands acquired under the Alaska Native Claims Settlement Act (ANCSA). AMA members hold property rights and operate within the boundaries of several National Park Units, including Denali National Preserve, Yukon-Charley National Preserve, Gates of the Arctic National Park, Glacier Bay National Park, and Wrangell-St. Elias National Park.

We are concerned that the proposed rule makes no mention of access provisions and assurances in the Alaska National Interest Lands Conservation Act (ANILCA), P.L. 96-487. The Proposed Rule also fails to reconcile with ANILCA's ROW application procedures. Relevant ANILCA provisions include Section 1102 (definitions); Sections 1104-1106 (Transportation and Utility Systems), Section 1107 (ROW Terms and Conditions); Section 1110(b) (Access to Inholdings); Section 1111 (Temporary Access); and Section 1310 (Navigation Aids and Other Facilities). We are concerned that the procedures and requirements in the proposed rule are both inconsistent with, and redundant of, ROW provisions in ANILCA and the Department of Interior's ANILCA implementation regulations at 43 CFR Part 36. We further note that



ANILCA was signed into law in December 1980, after the current 36 CFR Part 14 rule was adopted earlier in 1980. The ANILCA “Title XI” regulations, 43 CFR Part 36, have governed ROW authorizations on National Park lands in Alaska since 1986.

AMA requests the Proposed Rule be revised to exempt Alaska National Park lands altogether as much of the rule is both redundant of and inconsistent with ANILCA and its implementing regulations. If Alaska is not exempted from the Proposed Rule, it must be withdrawn and revised to acknowledge and be made consistent with ANILCA.

AMA’s concern arises in part from the Proposed Rule’s complete failure to acknowledge the existence of ANILCA’s access provisions that are critical for future access across Federal lands, including National Park lands, in Alaska.

Thank you for the opportunity to comment on the Proposed Rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "D Skibinski".

Deantha Skibinski, Executive Director
Alaska Miners Association

Cc:

Sarah Creachbaum, Alaska Regional Director, National Park Service
Senator Lisa Murkowski
Senator Dan Sullivan
Representative Mary Peltola