

ALASKA QUIET RIGHTS COALITION
P.O. Box 202592
Anchorage, AK 99520

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Dan Beutel
Division of Parks and Outdoor Recreation
550 W. 7th Ave., Suite 1380
Anchorage, AK 99501

Re: Proposed Revision of State Park Regulations

Dear Mr. Beutel,

The following are the comments of the Alaska Quiet Rights Coalition (AQRC) on the proposed revision of the State Park regulations. We do appreciate the chance to comment on this proposal. But the public comment period was open for only 30 days—and this is during the summer when people are very busy—for comment on a large number of proposals, many of them quite controversial. This is extremely restrictive and doesn't allow enough time for comment. There should have been several public meetings conducted throughout the state.

Founded in 1996, AQRC is dedicated to protecting the rights of Alaskans to quiet places for the benefit of public land users, home and cabin owners, communities, businesses, visitors, future generations, and wildlife. We believe that natural sounds and natural quiet should receive the same consideration given to other ecological values, such as clean air and water, fish, wildlife, soils, vegetation, scenic beauty, and wilderness character. Although there are many places in Alaska that look the same as they did 100 or more years ago, very few sound as they did just 10 or 20 years ago.

In addition to protecting ecological values, one of AQRC's specific goals is a fair and equitable overall balance on the public lands between those managed for quiet, human-powered, truly traditional forms of recreation like hiking, canoeing, kayaking, snowshoeing, and cross-country skiing, and those where motorized recreation is allowed, and dominates.

Consistent with our mission, we will focus on the proposals dealing with e-bikes, snowmobiles, ORVs, electric trolling motors, and hunting access, as well as on an activity that State Parks has failed to address--the recreational use of drones.

General. These proposed revisions continue a very disturbing pattern or trend in the recreation management of Alaska's public lands, waters, and air ("public lands") by the current administration. The Dear Alaskan letter (6/28/2021) makes things very clear: In bold type we're asked "Why Do We Need These Regulations Now?" The answer: DNR "is proposing to revise its regulations to allow additional use of Alaska State Parks...." And later: DPOR "**wants to**

allow use of snowmobiles, bicycles including electric bicycles, hunting, and use of trolling motors in areas in state parks which are currently closed to these activities.”

Wanting is not a reason; it’s not an explanation. It’s a declaration. And that entire statement is shockingly broad, and would give the Director the right to open currently protected areas of State Parks to a variety of impacts. Areas that are currently closed to motorized uses were determined to be closed following joint planning efforts between State Parks and the public. Unique Master Plans and Management Plans were developed using public input to ensure that good management decisions were made and regulations written. The Director has not shown any concrete reasons to implement these proposed regulations.

We strongly oppose these ill-advised proposals to: 1. increase access on public lands which in many cases are already over-crowded; and 2. increase motorized vehicle use on these lands; already there is a gross imbalance on Alaska’s state lands that heavily favors the use of motorized vehicles, to the detriment of both ecological values (see above) and those visitors seeking a quiet, natural, human-powered, non-motorized experience. A good example of this is one of Alaska’s most spectacular State Parks, Denali State Park. Denali is a de facto wilderness park of more than 325,000 acres—yet not a single backcountry acre is closed to recreational snowmobiling.

Management of the public lands that seeks to increase access regardless of the effects on the resource and the quality of the visitor experience is both irresponsible and poor stewardship. A recent, and especially egregious, example is the repeal of the jet ski prohibition in the Kachemak Bay Critical Habitat Area in spite of the belief by ADF&G biologists that the prohibition continues to be justified.

All public lands have a carrying capacity, both ecological and social, a fact which the current administration seems to be ignoring. A number of Alaska State Parks units are already overcrowded, negatively impacting both the environment and the visitor experience—at a time when the division is already short of both funding and ranger personnel to manage the crowding. Access for even more people is not the answer.

Similarly, State Parks has all too often developed facilities or other infrastructure that it does not have the resources to operate and maintain. Those resources are still lacking, yet over-development continues (for example, at South Fork Eagle River; and on the CSP Hillside, where a clearly excessive number of single-track trails are being developed). State Parks should have learned a lesson long ago, but doesn’t seem to have: Don’t encourage increased visitor use, and types of access (e.g., motorized), that often create significant problems and conflicts, when you don’t have either the funding or the rangers to manage that use.

E-bikes. We oppose the use of e-bikes on trails where motorized use is not presently allowed. To state the obvious: e-bikes have motors; that’s the point of an e-bike. By definition they should be excluded from non-motorized trails. On motorized trails, e-bikes would presumably be far preferable to traditional gas-powered dirt bikes and ATVs, producing less noise, doing less damage, and creating fewer conflicts. But because of safety issues, noise conflicts, a potentially

large and detrimental increase of recreationists, and the fact that they are motorized, e-bikes don't belong on non-motorized trails.

We are aware that the industry manufactures three types of e-bikes: pedal assisted, 20 mph maximum (Type 1); throttle only, 20 mph maximum (Type 2); and pedal assisted, 28 mph maximum, 17 years or older (Type 3). All three types are motor driven and all three types produce noise, a high-pitched whine that increases with speed. One of the problems with selectively allowing one type or another on public trails is from an enforcement perspective because it is difficult to tell these types apart without actually stopping the individual and inspecting their bike. Consequently, we do not believe State Parks should make a regulatory distinction among these types of e-bikes at this point in time. On non-motorized trails e-bikes of all types should be prohibited.

The provision of conflict-free, high-quality human-powered recreation opportunities on the public lands becomes more important every day, and that is not going to change. As populations grow, and development continues, more and more of us will be seeking refuge in the outdoors from the increasing mechanization, motorization, noise and artificiality of our daily lives. Allowing e-bikes on non-motorized trails would be a substantial step backwards.

Safety, and whether one feels safe when hiking, is another significant concern. Mountain bikers on traditional mountain bikes, if they're riding too fast around blind corners, can result in near, or actual, pedestrian/bike collisions. This is a problem especially, but not exclusively, for families with small children, and for the less mobile. Adding speedy e-bikes to traditional mountain bike use increases the risk to hikers and decreases their ability to fully enjoy their hike without worrying about their or their family's safety.

Another safety issue concerns bear/human encounters. A literature review for Parks Canada found that although intensity of use by mountain bikers was much less than for hikers on a trail in Banff NP, mountain bikers accounted for a disproportionately high incidence of conflicts with bears. The speed and relative silence of mountain bikes (and of course e-bikes as well, which can at this time reach top speeds of 20-28 mph) makes inadvertently surprising a bear more likely on a bike than on foot. Just outside of Glacier NP a ranger was fatally mauled by a grizzly bear when he collided with the bear while mountain biking. Adding e-bikes to non-motorized trails will only make this type of conflict more likely.

We are also concerned about what new—or existing—technology State Parks might decide to allow on non-motorized trails. One company has put pedals on an off-road motorcycle. This heavier bike with narrower tires could do significant trail damage. Might it, since it can be pedaled, be allowed on non-motorized trails? We would certainly hope not. And it's far from unreasonable to be concerned about the possible appearance of new types of motorized recreation vehicles: Who would ever have imagined that e-surfboards would be developed and become the next new thing?

Similarly, e-bikes at this time are generally limited to speeds no greater than 20-28 mph and a range of 50-75 miles. This could change in the future. There is talk in the industry of speeds as

high as 80mph and ranges as great as 245 miles. E-bikes with these capabilities would be totally inappropriate in Alaska State Parks.

In conclusion, the proposed addition of electric bicycles to the limited mountain biking and multi-use trails will lead to conflicts between user groups. Hikers, walkers, backpackers, birders, skiers, etc., may not safely share trails with e-bikes which, according to proposed regulations, may legally go 28mph. As we suggested, technology is changing rapidly and one wonders what the e-bikes will be capable of, what they will sound like in a few years? And, again, there is the problem of adding more traffic to crowded trails and full parking lots.

Snowmobiles, ATVs. Please see the statement of AQRC's mission and goals at the beginning of this letter, and its general comments, in regard to snowmobiles, ORVs, electric trolling motors, and hunter access.

Inadequate regulation of snowmobiles and ATVs is a **major** problem from both an environmental and a user conflict standpoint. We're limiting our comments on these two types of motorized recreational vehicles at this time not because they don't all too often create serious problems, but because these issues have already been discussed and argued in great detail many, many times, unlike the issues surrounding the much newer e-bikes and drones.

So for these purposes we'll just say that more trails and areas open to snowmobiles and ATVs are certainly not warranted; and that more places closed to snowmobiles and ATVs are. We oppose regulations opening additional trails or areas to the use of snowmobiles and/or ATVs.

Electric trolling motors. For a number of reasons, electric trolling motors are preferable to gas powered motors. But that hardly means that they should be allowed on lakes where visitors presently have the rare opportunity to have a quiet, human-powered recreational experience free of reminders of their highly mechanized daily lives. We oppose the use of trolling motors on Tanaina Lake.

Hunter access. Increasing hunter access by allowing more motorized access is a mistake. In many places, excessive motorized access has already produced a less enjoyable hunting experience. It has also driven game farther into the backcountry, and made foot hunting (which a number of hunters prefer and are seeking) harder and harder to undertake successfully. We oppose regulations increasing motorized hunter access--and would ask whether ADF&G thinks this is a wise policy?

Drones. We are very concerned with how drone use is affecting the public lands. All of the State of Alaska's land managing agencies—and certainly State Parks—should have regulations in place governing their use. Drones have become increasingly available and affordable, and their use has become "immensely popular and versatile" (Kealia Pond National Wildlife Refuge website). They are being used for both commercial and recreational purposes. A number of us have encountered drones flying over the public lands or other natural areas. Drones can of course have positive attributes, such as for search and rescue, fire look-out, wildlife population counts, and certain types of photography. But they can also have significantly negative consequences, some of which we've documented below. We believe that drones should be

prohibited (except perhaps as approved in writing by the land manager) in units of the Alaska State Park system (as well as in other special Areas; on undesignated public lands, drones should be carefully and responsibly regulated in an enforceable manner).

Alaska's State Park units offer fabulous recreational opportunities, and provide protection to fish, wildlife and many other ecological values. In order to protect these opportunities and values, as well as people's expectations, it is absolutely essential that visitor activities be managed. Being filmed, followed, or otherwise disturbed by a drone is very disturbing to many people. Any regulations to control, rather than ban, drone use will be extremely difficult to enforce. Consequently, State Parks should adopt the cautionary approach— that is, be very conservative and cautious before considering drone use to be an appropriate activity. This is a relatively new activity, and at least until we know more about the possible and real effects we need to be very careful. Other government agencies that manage public lands (including Denali National Park, National Wildlife Refuges such as Kealia Pond National Wildlife Refuge—and Chugach State Park) have concluded that operating drones is not a desirable activity and have banned, at least on an interim basis, their recreational use.

For the reasons described below AQRC believes that the use of drones in units of the State Park System should be prohibited:

- Noise disturbance that degrades the natural soundscape
- Disturbance and harassment of wildlife
- Privacy issues
- Causes conflicts between park users
- Degrades quality of backcountry experience
- Unethical for searching for game while hunting (even though ADF&G prohibits drone use for spotting game, it is difficult to enforce)
- Already, large custom drones have been used to pull skiers and snowboarders across the snow, turning drone technology from an aerial platform into a vehicle
- Drone technology is advancing very rapidly and it is impossible to anticipate just how they will be able to be used in the future and how their use will affect other park visitors and wildlife

Alaska's State Parks have been established for the obvious reason that they are very special places. Many people visiting these areas expect a unique experience in Alaska. AQRC believes that drone use will have a detrimental effect on many park visitors, wildlife, and other resources and values. There are many square miles of other beautiful Alaska state lands that do not have special designations and where activities are far less managed, or hardly managed at all, and where a reasonable assessment might conclude that responsible drone use (use that is sensitive to other people, wildlife, etc.) is appropriate. But not in the State Park System.

Thank you again for the opportunity to comment on these proposals, which if adopted would be likely to have a significant adverse effect on both the environment and the visitor experience.

Sincerely,

Brian Okonek.

President, Board of Directors, AQRC