



## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 13

[NPS-DENA-NPS0042811; PPAKDENAS0, PPMPSPD1Z.YM0000]

RIN 1024-AF11

### Denali National Park and Preserve; Vehicle Use

**AGENCY:** National Park Service, Interior

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) proposes to amend special regulations for Denali National Park and Preserve to clarify the number of vehicles that can travel on the restricted section (miles 15-90) of the Denali Park Road in accordance with a Vehicle Management Plan that the NPS has been implementing since 2012. The rule would clarify that no more than 160 vehicles may travel on the restricted section of the road per 24-hour period during the visitor season (also referred to as the “annual allocation season”), defined in the park’s General Management Plan as beginning on the Saturday before Memorial Day and ending on the second Thursday after Labor Day. This limit allows the NPS to meet growing visitor demand while maintaining a high-quality experience for visitors.

**DATES:** Comments must be received by 11:59 PM ET on [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**ADDRESSES:** You may submit comments by any of the following methods:

(1) Electronically:

- Go to the Federal Register website: <https://www.federalregister.gov>. In the search box, enter 1024-AF11, the regulation identifier number (RIN) for this rulemaking. Click on the green “Submit a Public Comment” button at the top

of the document and follow the instructions for submitting comments; or

- Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter 1024-AF11, the RIN for this rulemaking. On the resulting page, select the Dockets tab and then click on the title of the rule. Next, click the “Open for Comments” box, then click the blue “Comment” box and follow the instructions for submitting comments.

(2) By hard copy:

- Mail to: Superintendent, Denali National Park and Preserve, PO Box 9, Denali Park, AK 99755.

*Document Availability:* The Denali Park Road Vehicle Management Plan and Environmental Impact Statement and related Record of Decision provide information and context for this proposed rule and are available online at <https://parkplanning.nps.gov/dena> by clicking the link titled “Denali Park Road Vehicle Management Plan” and then the link titled “Document List.”

*Instructions:* Comments will not be accepted by fax, email, or in any way other than those specified above. All submissions received must include the words “National Park Service” or “NPS” and must include the docket number or RIN (1024-AF11) for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted.

*Docket:* For access to the docket to view the proposed rule and comments received, go to <https://www.regulations.gov> and search for “1024-AF11.” Be sure to check the Dockets Tab, Documents Tab, and Comment Tab for possible results.

**FOR FURTHER INFORMATION CONTACT:** Brooke Merrell, Superintendent, Denali National Park and Preserve; (907) 683-958; [brooke\\_merrell@nps.gov](mailto:brooke_merrell@nps.gov). Individuals

in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. In compliance with the Providing Accountability Through Transparency Act of 2023, the plain language summary of the proposal is available on Regulations.gov in the docket for this rulemaking.

#### **SUPPLEMENTARY INFORMATION:**

##### **Denali Park Road and Vehicle Management Plan.**

In 1917, Congress established Mount McKinley National Park as a “game refuge” with the intent that it be “set apart as a public park for the benefit and enjoyment of the people” (39 Stat. 938). In 1980, Congress passed the Alaska National Interest Lands Conservation Act (ANILCA, Public Law 96-487), which enlarged and renamed the park Denali National Park and Preserve. A general purpose of all ANILCA lands is to preserve them for the benefit, use, education and inspiration of present and future generations. 16 U.S.C. 3101(a). The Denali Park Road (“park road”) serves both of these purposes. Built over 16 years (1922-1938), the historic 92-mile park road is an important means of access to the park and is one of the best places in the world for the public to observe large northern mammals in their natural habitat. Visitors traveling the park road often observe Dall’s sheep, caribou, wolves, grizzly bears, moose, and foxes. Nowhere else in America can visitors observe such concentrations of these large species of wildlife in such an accessible natural setting. Visitors traveling the road also have many opportunities to observe smaller mammals and birds, some of which are rarely seen elsewhere in North America. Alaska Range features, such as glacially carved mountains, “the mountain,” and the open views of dynamic alpine landscapes, also are a source of visitor enjoyment and inspiration. The park road facilitates wilderness recreational opportunities and supports

freedom of discovery, a sense of adventure, and a connection to nature.

The NPS's ability to balance the protection of park resources while offering quality visitor experiences is exemplified in the management of the park road. Road crews use graders and haul gravel to maintain it, rangers patrol it, and commercial services staff manage the transportation contract for it, so visitors can ride buses to view wildlife and access the park's wilderness. In 2012, planning staff, with public input, worked to create the Denali Park Road Vehicle Management Plan and Environmental Impact Statement (VMP), which established measurable indicators and standards for visitor experience and resource protection. These include crowding standards for the number of vehicles at wildlife stops, in a viewscape, and at a rest area; the spacing of vehicles to ensure time for sheep crossings; restrictions to night-time traffic volumes; and restrictions to large (construction-related) vehicle traffic. On September 27, 2012, the Regional Director, Alaska signed a Record of Decision (ROD) selecting the preferred alternative in the VMP for implementation. One standard in the preferred alternative limits the maximum level of vehicle use on the restricted section (miles 15-90) of the park road to 160 vehicles per 24-hour period in the visitor season, defined in the park's General Management Plan (GMP) as the season beginning on the Saturday before Memorial Day and ending on the second Thursday after Labor Day. This standard allows the NPS to meet growing visitor demand while maintaining a high-quality experience. The NPS has been managing vehicle use on the park road consistent with the VMP since 2012. Resources staff monitor this and other indicators in the VMP to ensure the road is managed according to the plan.

**Proposed Rule.**

This rule would update the park's special regulations to reflect NPS management of the park road in accordance with the VMP. The current version of the applicable special regulations state that the NPS will issue no more than 10,512 motor vehicle

permits for travel on the restricted section of the park road during the visitor season that was defined in the GMP. This regulatory text would be replaced with a statement that no more than 160 vehicles may travel on the restricted section of the road per 24-hour period during the visitor season. The rule also would make a minor change to the regulatory text by deleting text that departs from the visitor season, as it was defined in the GMP, by ending the season on September 15 if that comes before the second Thursday after Labor Day. The rule would clarify that the season always ends on the second Thursday after Labor Day, providing additional opportunities for recreation and access by lengthening the season in some years. The rule also would clarify that any vehicle traveling on the park road counts toward the vehicle limit, not just vehicles operating under a permit. The VMP evaluated impacts from all motor vehicle use on the road, permitted or not. Some vehicles that use the road do not have a permit, such as tour buses that operate under concession contracts and vehicles used by the NPS for administrative purposes.

NPS requests comments on potential alternatives and potential economic impacts of this proposed rule if it were to be finalized.

**Compliance with Other Laws, Executive Orders, and Department Policy.**

*Regulatory Planning and Review (Executive Orders 12866 and 14192)*

This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is an Executive Order 14192 deregulatory action.

*Regulatory Flexibility Act.*

This proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). No small entities would be directly regulated by this rule, which would update outdated regulations to reflect the NPS's management of the park road since 2012 in accordance with the VMP. This action is not expected to have adverse economic effects on any sector, including small entities. For these reasons, the NPS certifies that this rule will not

have a significant economic impact on a substantial number of small entities; therefore, a regulatory flexibility analysis is not required.

*Congressional Review Act.*

This proposed rule is not a major rule under 5 U.S.C. 804(2). This proposed rule:

- (a) Would not have an annual effect on the economy of \$100 million or more.
- (b) Would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

*Unfunded Mandates Reform Act.*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess whether a rule would impose a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year. As of 2025, that threshold is approximately \$206 million (2024 dollars). This regulation will not result in expenditures by State, local, or Tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.”

*Takings (Executive Order 12630).*

This proposed rule would not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

*Federalism (Executive Order 13132).*

Under the criteria in section 1 of Executive Order 13132, this proposed rule would not have sufficient federalism implications to warrant the preparation of a federalism

summary impact statement. This rule would only affect use of federally administered lands and waters. It would have no direct effects on other areas. A federalism summary impact statement is not required.

*Civil Justice Reform (Executive Order 12988).*

This proposed rule complies with the requirements of Executive Order 12988.

This proposed rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

*Consultation with Alaska Native Tribes and Alaska Native Corporations (Executive Order 13175 and Department Policy).*

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. NPS staff communicated with local tribal groups regarding the VMP. The planning alternatives were developed with consideration that project actions would avoid or minimally disturb resources or values important to affiliated Alaska Native Tribes. The planning alternatives did not entail new construction or ground disturbance and are not anticipated to impede access to places of traditional religious, ceremonial, or other customary activities. NPS has evaluated this proposed rule under the criteria in Executive Order 13175 and under the Department's consultation policy and has determined this rule will have no substantial direct effect on Alaska Native Tribes or Alaska Native Corporation lands, water areas, or resources. However, any consultation and communication with Alaska Native Tribes and Alaska Native Corporations is welcome and will be considered by the NPS throughout the rulemaking process.

*Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)*

This proposed rule contains no new information collections. All information collections require approval under the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 et seq.). The NPS may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

*National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 et seq.)*

The NPS prepared an environmental impact statement as part of the VMP in compliance with NEPA. This proposed rule merely conforms the regulatory text to the ROD as it has been implemented for over a decade, which identifies the limits for vehicle use that would be stated in the rule. Copies of these documents are available online at <https://parkplanning.nps.gov/dena> by clicking the link titled “Denali Park Road Vehicle Management Plan,” then the link titled “Document List.”

*Effects on the Energy Supply (Executive Order 13211).*

This proposed rule is not a significant energy action under the definition in Executive Order 13211; this proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and this proposed rule has not otherwise been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. A Statement of Energy Effects is not required.

**List of Subjects in 36 CFR Part 13**

Alaska, National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 13 as set forth below:

**PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA**

1. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 3101 et seq.; 54 U.S.C. 100101, 100751, 320102; Sec. 13.1204 also issued under Pub. L. 104-333, Sec. 1035, 110 Stat. 4240, November 12, 1996.

2. Revise § 13.930 to read as follows:

**§ 13.930 Do I need a permit to operate a motor vehicle on the Denali Park road west of Savage River?**

Yes, you must obtain a permit or other form of written authorization from the superintendent to operate a motor vehicle on the restricted section of the Denali Park road during the visitor season. The restricted section begins at the west end of the Savage River Bridge (mile 14.8) and continues to the former Mt. McKinley National Park boundary north of Wonder Lake (mile 87.9). The visitor season begins on the Saturday of Memorial Day weekend and ends on the second Thursday following Labor Day. Each permit allows one vehicle one entry onto the restricted portion of the Denali Park road. Other forms of written authorization may have different terms and conditions than permits.

3. Revise § 13.932 to read as follows:

**§ 13.932 How many motor vehicles may travel on the Denali Park road?**

No more than 160 motor vehicles may travel on the restricted section of the Denali Park road per 24-hour period during the visitor season.

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**Kevin J. Lilly,**  
*Principal Deputy Assistant Secretary*  
*Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks*