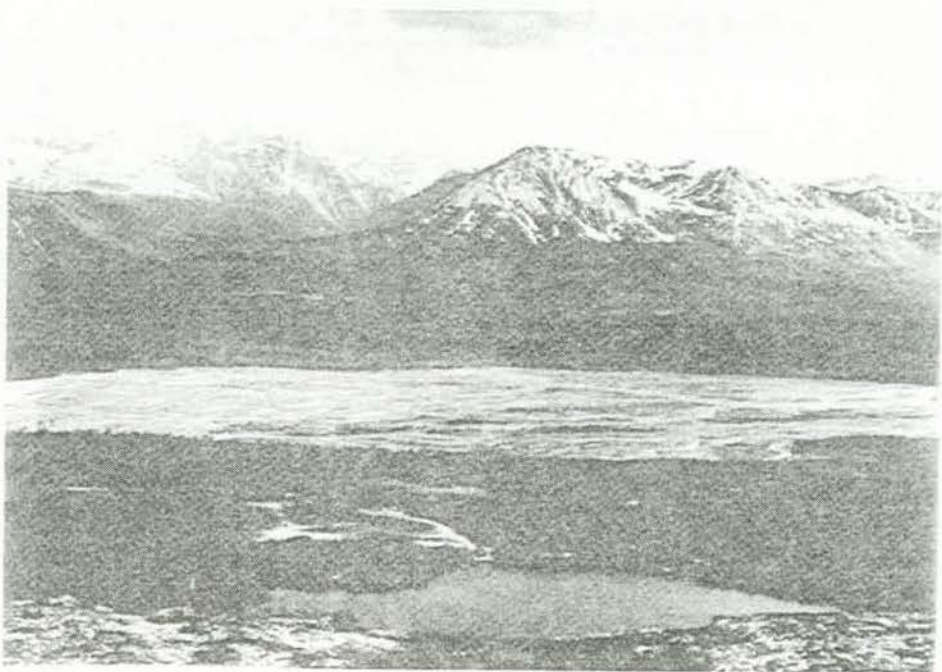


**appendixes/bibliography  
preparers and consultants**



## APPENDIX A: NPS PLANNING PROCESS

### ANILCA REQUIREMENTS

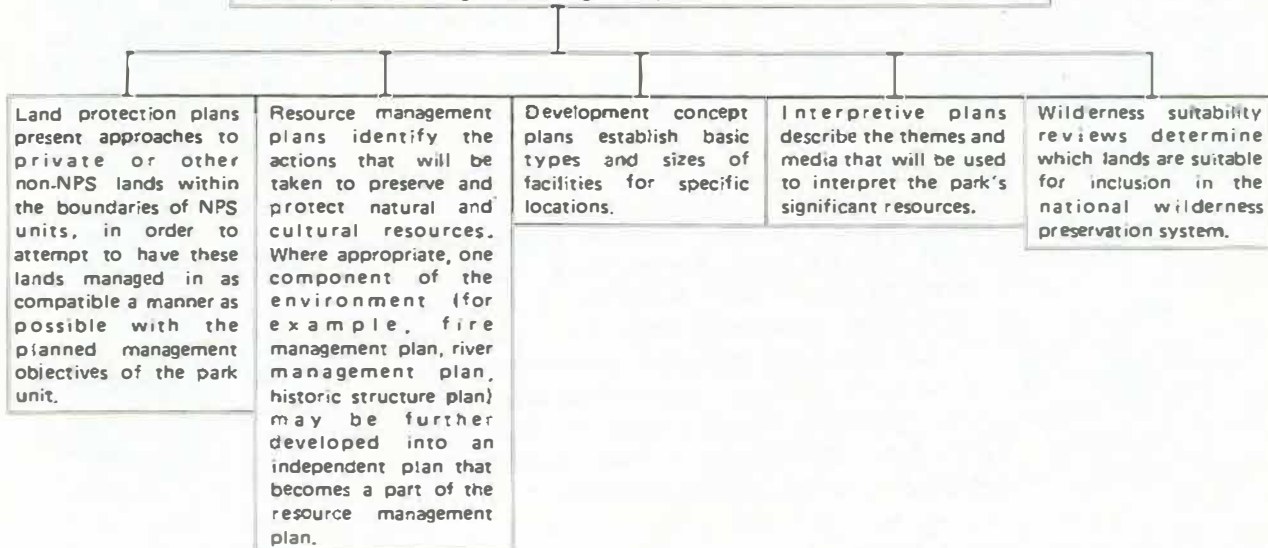
Section 1301 of the Alaska National Interest Lands Conservation Act (ANILCA: PL 96-487) requires the preparation of conservation and management plans for each unit of the national park system established or enlarged by ANILCA. These plans are to describe programs and methods for managing resources, proposed development for visitor services and facilities, proposed access and circulation routes and transportation facilities, programs and methods for protecting the culture of local residents, plans for acquiring land or modifying boundaries, methods for ensuring that uses of private lands are compatible with the purposes of the unit, and opportunities for mutually beneficial cooperation with other regional landowners.



### NPS PLANNING DOCUMENTS

The National Park Service planning process for each park (preserve, monument, or other unit of the system) involves a number of stages, progressing from the formulation of broad objectives, through decisions about what general management direction should be followed to achieve the objectives, to formulation of detailed actions for implementing specific components of the general management plan.

The general management plan addresses topics of resource management, visitor use, park operations, and development in general terms. The goal of this plan is to establish a consensus among the National Park Service and interested agencies, groups, and individuals about the types and levels of visitor use, development, and resource protection that will occur. These decisions are based on the purpose of the park, its significant values, the activities occurring there now, and the resolution of any major issues surrounding possible land use conflicts within and adjacent to the park. The following kinds of detailed action plans are prepared concurrently with or after completion of the general management plan.



Depending largely on the complexity of individual planning efforts, action plans may or may not be prepared simultaneously with the general management plan. If they are prepared after the general plan, the NPS public involvement and cooperative planning efforts are continued until all of the implementation plans are completed.

## APPENDIX B: THE MANDATE FOR DENALI

### ESTABLISHMENT

The central portion of Denali was originally dedicated as Mount McKinley National Park on February 26, 1917, and "set apart as a public park for the benefit and enjoyment of the people." Congress specified that the park was established to serve as a "game refuge," and the secretary of the interior was directed to manage it for "the freest use . . . for recreation purposes by the public and for the preservation of animals, birds, and fish and . . . the natural curiosities and scenic beauties thereof." Subsequent legislation expanded the park boundaries and allocated funds "for the adequate housing, feeding, and transportation of the visiting public and residents."

In 1978 President Carter ordered extensive additions to the park, and using the central Alaskan native name for the "High One," he designated the area Denali National Monument. With the passage of the Alaska National Interest Lands Conservation Act (PL 96-487, section 202(3)(a)) on December 2, 1980, the former park with slightly modified additions was redesignated by Congress as Denali National Park and Preserve.

### CONGRESSIONAL INTENT

All the new additions to the national park system established by ANILCA were to be administered pursuant to the act of August 25, 1916, which created the National Park Service (39 Stat. 535, as amended and supplemented in 16 USC 1, et seq.). That act states that lands within the system will be managed "to conserve scenery and the natural and historic objects and the wildlife . . . and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Specific to Denali, Congress stated that the intent was

to protect and interpret the entire mountain massif, and additional scenic mountain peaks and formations; and to protect habitat for, and populations of fish and wildlife including, but not limited to, brown/grizzly bears, moose, caribou, Dall sheep, wolves, swans and other waterfowl; and to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering and other wilderness recreational activities. Subsistence uses by local residents shall be permitted in the additions where such uses are traditional (ANILCA, sec. 202 (3)(a)).

### SUBSISTENCE AND SPORT HUNTING

The congressional guidance for the management of subsistence and sport hunting and trapping differs for the original park and for the new park

and preserve additions. Within former Mount McKinley National Park, where all hunting was prohibited at the time of the passage of ANILCA, such use (and any associated shelters and equipment) will continue to be prohibited. Subsistence harvests are authorized within the new park and preserve additions, pursuant to title VIII of ANILCA. Local rural residents engaged in a subsistence lifestyle may continue to do so in a manner consistent with the perpetuation of natural and healthy wildlife populations in the park and healthy wildlife populations in the preserve (ANILCA, section 815). Trapping (by other than eligible subsistence users) and sport hunting are prohibited on all park lands, including the new park additions, but they are permitted on preserve lands. With this exception, the preserve is managed the same as the national park. ANILCA created a subsistence resource commission and charged it with establishing a subsistence hunting plan for the park. The commission's recommendations will be forwarded to the secretary of the interior for review and implementation in accordance with section 808(b) of the act.

In accordance with section 1316(b) of ANILCA, the National Park Service proposes not to allow the establishment on NPS lands of any new "tent platforms, shelters and other temporary facilities and equipment directly and necessarily related to" the taking of fish and wildlife in Denali National Preserve. Such new facilities or equipment would constitute a significant expansion of existing facilities or uses that would be detrimental to the purposes for which the preserve was established. Temporary structures in support of subsistence activities are authorized under existing regulations (36 CFR 13.17).

#### MINING AND MINERAL DEVELOPMENT

Mining within the park was first addressed in the 1917 park enabling legislation, which stipulated that existing valid claims and entry and location rights could not be affected by park designation and that existing mineral land laws, in particular the Mining Law of 1872, would continue to apply to all lands within the boundary. Subsequent legislation in 1931 (46 Stat. 1043) authorized the secretary of the interior to prescribe regulations for the surface use of lands within Mount McKinley provided that no one was denied entrance to the park for prospecting and mining purposes.

The Mining in the Parks Act of 1976 (PL 94-429, 16 USC 21-54) closed the park to any further mineral entry and location and placed a four-year moratorium on surface disturbance for mineral explorations and development of existing valid claims. This legislation also required that unpatented claims within the park boundary be recorded, and that the secretary of the interior recommend to Congress whether any valid or patented claims should be acquired by the federal government. The act also precipitated the promulgation of federal regulations governing all mining activities on patented or valid unpatented mining claims in all NPS areas. These regulations (36 CFR 9A) enable the National Park Service to prevent or minimize damage to resource values through control of mining activities.

ANILCA, section 206, withdrew all federal lands within Alaskan units of the national park system from mineral entry and location and from disposition under the mineral leasing laws, subject to valid existing rights.

#### WILDERNESS MANAGEMENT

Section 701 of ANILCA designated approximately 1,900,000 acres of Denali National Park as wilderness and directed that this wilderness be managed in accordance with the Wilderness Act of 1964 except as otherwise expressly provided for in ANILCA. The Wilderness Act states that wilderness areas "shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness."

Wilderness is then defined (in part) as "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitations, which is protected and managed so as to preserve its natural conditions."

ANILCA made certain exceptions to the Wilderness Act that apply only to the management of wilderness areas in Alaska. These are summarized below.

Section 1110(a) provides that the secretary will permit in conservation system units, which by definition in section 102(4) includes units of the national wilderness preservation system,

the use of snowmachines (during periods of adequate snow cover), 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 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 National Park Service has incorporated this provision into 43 CFR 36.11 which covers the special access in Conservation system units in Alaska.

The continued use of airplanes in designated wilderness is allowed under the above cited sections of ANILCA and the Code of Federal Regulations. Helicopter landings are prohibited except in compliance with a permit issued by the superintendent.

Motorboats may also be used on bodies of water within wilderness. Snowmachine access occurs throughout the 1980 additions to the park and preserve and will continue to be allowed in the designated wilderness

under the above cited sections of ANILCA and the Code of Federal Regulations. No other forms of motorized access are permitted except as provided by ANILCA sections 1110 and 1111.

The Wilderness Act, section 4(c), states that subject to existing private rights there shall be "no commercial enterprise and no permanent road within any wilderness area . . . and except as necessary to meet minimum requirements for the administration of the area for purposes of this Act (including measures required in emergencies involving health and safety of persons within the area), there shall be no temporary road . . . and no structure or installation within the area."

Section 1303(a)(3) of ANILCA, however, authorizes the use and occupancy of existing cabins or other structures in national park system units under a permit system. Cabins and other structures not under a permit system may be used for official government business, for emergencies involving health and safety, and for general public use. Also under section 1303(a)(4), the secretary may permit the construction and maintenance of cabins or other structures if it is determined that the use is necessary for reasonable subsistence use. Section 1315 of ANILCA states that "previously existing public use cabins within wilderness . . . may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area."

Section 1315 also allows the construction of new cabins and shelters if necessary for the protection of public health and safety. Appropriate congressional committees must be notified of the intention to remove existing public use cabins or shelters or to construct new ones in wilderness.

Section 1310 provides for access to and the operation, maintenance, and establishment of air and water navigation aids, communications sites and related facilities, and facilities for weather, climate, and fisheries research and monitoring in wilderness areas, subject to reasonable regulation.

Section 1316 provides that the secretary will permit, subject to reasonable regulations, temporary shelters and facilities on lands open to the taking of fish and wildlife (i.e., national preserves). However, such use may be denied if the secretary determines, subject to adequate notice, that such facilities constitute a significant expansion of existing facilities or are detrimental to unit purposes, including wilderness character, and thereupon deny such use. A finding of significant expansion is contained in the discussion of temporary facilities and cabins in the "General Management Plan" section of this document.

The decision-making process established in title XI of ANILCA for the siting of transportation and utility systems applies to designated wilderness in Alaska.

Wilderness management under the above cited mandates has been integrated with other aspects of visitor use and resource management for the park and preserve which are discussed elsewhere in this document.

APPENDIX C: FINAL RULES ON PUBLIC  
USE OF NATIONAL PARK SYSTEM UNITS IN  
ALASKA (36 CFR 1.5 and 13 and 43 CFR 36)

31854 Federal Register / Vol. 46, No. 116 / Wednesday, June 17, 1981 / Rules and Regulations

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

**Subpart A—Public Use and Recreation**

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13.2 Applicability and scope.  
13.3 Penalties.  
13.4 Information collection.  
\* ~~13.10 Snowmachines.~~  
\* ~~13.11 Motorboats.~~  
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**Subpart C—Special Regulations—Specific Park Areas in Alaska**

- 13.60 Aniakchak National Monument and Preserve.  
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Sec.

- 13.70 Lake Clark National Park and Preserve.  
13.71 Noatak National Preserve.  
13.72 Sitka National Historical Park.  
13.73 Wrangell-St. Elias National Park and Preserve.  
13.74 Yukon-Charley Rivers National Preserve.

Authority: Sec. 3 of the Act of August 15, 1916 (39 Stat. 535, as amended (16 U.S.C. 3); 16 U.S.C. 1. 1a-1, 1c. 462); Alaska National Interest Lands Conservation Act (ANILCA), 94 Stat. 2371 and 1261; Pub. L. No. 96-487 (December 2, 1980); and the Paperwork Reduction Act of 1980, 94 Stat. 2812, Pub. L. No. 96-511.

**Subpart A—Public Use and Recreation**

**§ 13.1 Definitions.**

The following definitions shall apply to all regulations contained in this part:

- \* (a) The term "adequate and feasible access" means a reasonable method and route of pedestrian or vehicular transportation which is economically practicable for achieving the use or development desired by the applicant on his/her non-federal land or occupancy interest, but does not necessarily mean the least costly alternative.

(b) The term "aircraft" means a machine or device that is used or intended to be used to carry persons or objects in flight through the air, including, but not limited to airplanes, helicopters and gliders.

(c) The term "ANILCA" means the Alaska National Interest Lands Conservation Act (94 Stat. 2371; Pub. L. 96-487 (December 2, 1980)).

(d) The term "carry" means to wear, bear or carry on or about the person and additionally, in the case of firearms, within or upon a device or animal used for transportation.

(e) The term "downed aircraft" means an aircraft that as a result of mechanical failure or accident cannot take off.

(f) The term "firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designated to or may readily be converted to expel a projectile by the action of expanded gases, except that it does not include a pistol or rifle powered by compressed gas. The term "firearm" also includes irritant gas devices.

(g) The term "fish and wildlife" means any member of the animal kingdom.

\*Regulations that were revised as of Sept. 4, 1986

including without limitation any mammal, fish, bird (including any migratory, nonmigratory or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, produce, egg, or offspring thereof, or the dead body or part thereof.

(h) The term "fossil" means any remains, impression, or trace of any animal or plant of past geological ages that has been preserved, by natural processes, in the earth's crust.

(i) The term "gemstone" means a silica or igneous mineral including, but not limited to (1) geodes, (2) petrified wood, and (3) jade, agate, opal, garnet, or other mineral that when cut and polished is customarily used as jewelry or other ornament.

(j) The term "National Preserve" shall include the following areas of the National Park System:

Alagnak National Wild and Scenic River, Aniakchak National Preserve, Bering Land Bridge National Preserve, Denali National Preserve, Gates of the Arctic National Preserve, Glacier Bay National Preserve, Katmai National Preserve, Lake Clark National Preserve, Noatak National Preserve, Wrangell-St. Elias National Preserve, and Yukon-Charley National Preserve.

(k) The term "net" means a seine, weir, net wire, fish trap, or other implement designed to entrap fish, except a landing net.

(l) The term "off-road vehicle" means any motor vehicle designed for or capable of crosscountry travel on or immediately over land, water, sand, snow, ice, marsh, wetland or other natural terrain, except snowmachines or snowmobiles as defined in this chapter.

(m) The term "park areas" means lands and waters administered by the National Park Service within the State of Alaska.

(n) The term "person" means any individual, firm, corporation, society, association, partnership, or any private or public body.

(o) The term "possession" means exercising dominion or control, with or without ownership, over weapons, traps, nets or other property.

(p) The term "public lands" means lands situated in Alaska which are federally owned lands, except—

(1) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act (72 Stat. 339) and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act (85 Stat. 688) which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(q) The term "snowmachine" or "snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow and steered by a ski or skis on contact with the snow.

(r) The term "Superintendent" means any National Park Service official in charge of a park area, the Alaska Regional Director of the National Park Service, or an authorized representative of either.

(s) The term "take" or "taking" as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

(t) The term "temporary" means a continuous period of time not to exceed 12 months, except as specifically provided otherwise.

(u) The term "trap" means a snare, trap, mesh, or other implement designed to entrap animals other than fish.

(v) The term "unload" means there is no unexpended shell or cartridge in the chamber or magazine of a firearm; bows, crossbows and spearguns are stored in such a manner as to prevent their ready use; muzzle-loading weapons do not contain a powder charge; and any other implement capable of discharging a missile into the air or under the water does not contain a missile or similar device within the loading or discharging mechanism.

(w) The term "weapon" means a firearm, compressed gas or spring powered pistol or rifle, bow and arrow, crossbow, blow gun, speargun, hand thrown spear, slingshot, explosive device, or any other implement designed to discharge missiles into the air or under the water.

#### § 13.2 Applicability and scope.

(a) The regulations contained in this Part 13 are prescribed for the proper use and management of park areas in Alaska and supplement the general regulations of this chapter. The general regulations contained in this chapter are applicable except as modified by this Part 13.

(b) Subpart A of this Part 13 contains regulations applicable to park areas. Such regulations amend in part the

general regulations contained in this chapter. The regulations in Subpart A govern use and management, including subsistence activities, within the park areas, except as modified by Subparts B or C.

(c) Subpart B of this Part 13 contains regulations applicable to subsistence activities. Such regulations apply to park areas except Kenai Fjords National Park, Katmai National Park, Glacier Bay National Park, Klondike Gold Rush National Historical Park, Sitka National Historical Park, and parts of Denali National Park. The regulations in Subpart B amend in part the general regulations contained in this chapter and the regulations contained in Subpart A of this Part 13.

(d) Subpart C of this Part 13 contains special regulations for specific park areas. Such regulations amend in part the general regulations contained in this chapter and the regulations contained in Subparts A and B of this Part 13.

(e) The regulations contained in this Part 13 are applicable only on federally owned lands within the boundaries of any park area. For purposes of this part, "federally owned lands" means land interests held or retained by the United States, but does not include those land interests: (1) tentatively approved, legislatively conveyed, or patented to the State of Alaska; or (2) interim conveyed or patented to a Native Corporation or person.

#### § 13.3 Provides

Any person convicted of violating any provision of the regulations contained in this Part 13, or as the same may be amended or supplemented, may be punished by a fine not exceeding \$500 or by imprisonment not exceeding 6 months, or both, and may be adjudged to pay all costs of the proceedings (16 U.S.C. 3).

#### § 13.4 Information collection.

The information collection requirements contained in §§ 13.13, 13.14, 13.15, 13.16, 13.17, 13.31, 13.44, 13.45, 13.49, and 13.51 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0015. The information is being collected to solicit information necessary for the Superintendent to issue permits and other benefits. This information will be used to grant statutory or administrative benefits. In all sections except 13.13, the obligation to respond is required to obtain a benefit. In § 13.13, the obligation to respond is mandatory.

**\*\* § 36.10 Access to inholdings.**

(a) This section sets forth the procedures to provide adequate and feasible access to inholdings within areas in accordance with section 1110(b) of ANILCA. As used in this section, the term:

(1) "Adequate and feasible access" means a route and method of access that is shown to be reasonably necessary and economically practicable but not necessarily the least costly alternative for achieving the use and development by the applicant on the applicant's nonfederal land or occupancy interest.

(2) "Area" also includes public lands administered by the BLM designated as wilderness study areas.

(3) "Effectively surrounded by" means that physical barriers prevent adequate and feasible access to State or private lands or valid interests in lands except across an area(s). Physical barriers include but are not limited to rugged mountain terrain, extensive marsh areas, shallow water depths and the presence of ice for large periods of the year.

(4) "Inholding" means State-owned or privately owned land, including subsurface rights of such owners underlying public lands or a valid mining claim or other valid occupancy that is within or is effectively surrounded by one or more areas.

(b) It is the purpose of this section to ensure adequate and feasible access across areas for any person who has a valid inholding. A right-of-way permit for access to an inholding pursuant to this section is required only when this part does not provide for a adequate and feasible access without a right-of-way permit.

(c) Applications for a right-of-way permit for access to an inholding shall be filed with the appropriate Federal agency on a SF 299. Mining claimants who have acquired their rights under the General Mining Law of 1872 may file their request for access as a part of their plan of operations. The appropriate Federal agency may require the mining claimant applicant to file a SF 299, if in its discretion, it determines that more complete information is needed. Applicants should ensure that the following information is provided:

(1) Documentation of the property interest held by the applicant including, for claimants under the General Mining Law of 1872, as amended (30 U.S.C. 21-54), a copy of the location notice and recordations required by 43 U.S.C. 1744;

(2) A detailed description of the use of the inholding for which the applied for right-of-way permit is to serve; and

(3) If applicable, rationale demonstrating that the inholding is effectively surrounded by an area(s).

(d) The application shall be filed in the same manner as under § 36.4 and shall be reviewed and processed in accordance with §§ 36.5 and 36.6.

(e)(1) For any applicant who meets the criteria of paragraph (b) of this section, the appropriate Federal agency shall

specify in a right-of-way permit the route(s) and method(s) of access across the area(s) desired by the applicant, unless it is determined that:

(i) The route or method of access would cause significant adverse impacts on natural or other values of the area and adequate and feasible access otherwise exists; or

(ii) The route or method of access would jeopardize public health and safety and adequate and feasible access otherwise exists; or

(iii) The route or method is inconsistent with the management plan(s) for the area or purposes for which the area was established and adequate and feasible access otherwise exists. The method is unnecessary to accomplish the applicant's land use objective.

(2) If the appropriate Federal agency makes one of the findings described in paragraph (e)(1) of this Section, another alternate methods and/or method(s) of access that will provide the applicant adequate and feasible access shall be specified by that Federal agency in the right-of-way permit after consultation with the applicant.

(f) All right-of-way permits issued pursuant to this section shall be subject to terms and conditions in the same manner as right-of-way permits issued pursuant to § 36.9.

(g) The decision by the appropriate Federal agency under this section is the final administrative decision.

**\*\* § 36.11 Special access.**

(a) This section implements the provisions of section 1110(a) of ANILCA regarding use of snowmachines, motorboats, nonmotorized surface transportation, aircraft, as well as off-road vehicle use.

As used in this section, the term:

(1) "Area" also includes public lands administered by the BLM and designated as wilderness study areas.

(2) "Adequate snow cover" shall mean snow of sufficient depth, generally 6-12 inches or more, or a combination of snow and frost depth sufficient to protect the underlying vegetation and soil.

(b) Nothing in this section affects the use of snowmobiles, motorboats and nonmotorized means of surface transportation traditionally used by rural residents engaged in subsistence activities, as defined in Title VIII of ANILCA.

(c) The use of snowmachines (during periods of adequate snow cover and frozen river conditions) for traditional activities (where such activities are permitted by ANILCA or other law) and for travel to and from villages and homesites and other valid occupancies is permitted within the areas, except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with the procedures of paragraph (h) of this section.

(d) Motorboats may be operated on all area waters, except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with the procedures of paragraph (h) of this section.

(e) The use of nonmotorized surface transportation such as domestic dogs, horses and other pack or saddle animals is permitted in areas except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with the procedures of paragraph (h) of this section.

(f) Aircraft

(1) Fixed-wing aircraft may be landed and operated on lands and waters within areas, except where such use is prohibited or otherwise restricted by the appropriate Federal agency, including closures or restrictions pursuant to the closures of paragraph (h) of this section. The use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish and wildlife for subsistence uses therein is prohibited, except as provided in 38 CFR 13.45. The operation of aircraft resulting in the harassment of wildlife is prohibited.

\*\* Sept. 4, 1986, revisions--43 CFR 36.10, 36.11, and 36.12.

(2) In imposing any prohibitions or restrictions on fixed-wing aircraft use the appropriate Federal agency shall:

(i) Publish notice of prohibition or restrictions in "Notices to Airmen" issued by the Department of Transportation; and

(ii) Publish permanent prohibitions or restrictions as a regulatory notice in the United States Flight Information Service "Supplement Alaska."

(3) Except as provided in paragraph (f)(3)(i) of this section, the owners of any aircraft downed after December 2, 1980, shall remove the aircraft and all component parts thereof in accordance with procedures established by the appropriate Federal agency. In establishing a removal procedure, the appropriate Federal agency is authorized to establish a reasonable date by which aircraft removal operations must be complete and determine times and means of access to and from the downed aircraft.

(i) The appropriate Federal agency may waive the requirements of this paragraph upon a determination that the removal of downed aircraft would constitute an unacceptable risk to human life, or the removal of a downed aircraft would result in extensive resource damage, or the removal of a downed aircraft is otherwise impracticable or impossible.

(ii) Salvaging, removing, possessing or attempting to salvage, remove or possess any downed aircraft or component parts thereof is prohibited.

except in accordance with a removal procedure established under this paragraph and as may be controlled by the other laws and regulations.

(4) The use of a helicopter in any area other than at designated landing areas pursuant to the terms and conditions of a permit issued by the appropriate Federal agency, or pursuant to a memorandum of understanding between the appropriate Federal agency and another party, or involved in emergency or search and rescue operations is prohibited.

(9) Off-road vehicles.

(1) The use of off-road vehicles (ORV) in locations other than established roads and parking areas is prohibited, except on routes or in areas designated by the appropriate Federal agency in accordance with Executive Order 11644, as amended or pursuant to a valid permit as prescribed in paragraph (g)(2) of this section or in §§ 36.10 or 36.12.

(2) The appropriate Federal agency is authorized to issue permits for the use of ORVs on existing ORV trails located in areas (other than in areas designated as part of the National Wilderness

Preservation System) upon a finding that such ORV use would be compatible with the purposes and values for which the area was established. The appropriate Federal agency shall include in any permit such stipulations and conditions as are necessary for the protection of those purposes and values.

(h) Closure procedures.

(1) The appropriate Federal agency may close an area on a temporary or permanent basis to use of aircraft, snowmachines, motorboats or nonmotorized surface transportation only upon a finding by the agency that such use would be detrimental to the resource values of the area.

(2) Temporary closures.

(i) Temporary closures shall not be effective prior to notice and hearing in the vicinity of the area(s) directly affected by such closures and other locations as appropriate.

(ii) A temporary closure shall not exceed 12 months.

(3) Permanent closures shall be published by rulemaking in the Federal Register with a minimum public comment period of 60 days and shall not be effective until after a public hearing(s) is held in the affected vicinity and other locations as deemed appropriate by the appropriate Federal agency.

(4) Temporary and permanent closures shall be (i) publishing at least once in a newspaper of general circulation in Alaska and in a local newspaper, if available; posted at community post offices within the vicinity affected; made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity; and designated on a map which shall be available for public inspection at the office of the appropriate Federal agency and other places convenient to the public; or (ii) designated by posting the area with appropriate signs; or (iii) both.

(5) In determining whether to open an area that has previously been closed pursuant to the provisions of this section, the appropriate Federal agency shall provide notice in the Federal Register and shall, upon request, hold a hearing in the affected vicinity and other locations as appropriate prior to making a final determination.

(6) Nothing in this section shall limit the authority of the appropriate Federal agency to restrict or limit uses of an area under other statutory authority.

## \* \* § 36.12 Temporary access.

(i) Except as otherwise specifically permitted under the provisions of this section, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

(j) Any person convicted of violating any provision of the regulations contained in this section, or as the same may be amended or supplemented, may be punished by a fine or by imprisonment in accordance with the penalty provisions applicable to the area.

(a) For the purposes of this section, the term:

(1) "Area" also includes public lands administered by the BLM designated as wilderness study areas or managed to maintain the wilderness character or potential thereof, and the National Petroleum Reserve—Alaska.

(2) "Temporary access" means limited, short-term (i.e., up to one year from issuance of the permit) access which does not require permanent facilities for access to State or private lands.

(b) This section is applicable to State and private landowners who desire temporary access across an area for the purposes of survey, geophysical, exploratory and other temporary uses of such non-federal lands, and where such temporary access is not affirmatively provided for in §§ 36.10 and 36.11. State and private landowners meeting the criteria of § 36.10(b) are directed to use the procedures of § 36.10 to obtain temporary access.

(c) A landowner requiring temporary access across an area for survey, geophysical, exploratory or similar temporary activities shall apply to the appropriate Federal agency for an access permit by providing the relevant information requested in the SF 299.

(d) The appropriate Federal agency shall grant the desired temporary access whenever it is determined, after compliance with the requirements of NEPA, that such access will not result in permanent harm to the area's resources. The area manager shall include in any permit granted such stipulations and conditions on temporary access as are necessary to ensure that the access granted would not be inconsistent with the purposes for which the area was established and to ensure that no permanent harm will result to the area's resources and section 810 of ANILCA is complied with.

## § 13.17 Cabins and other structures.

(a) *Purpose.* It is the purpose of this section to provide procedures and guidance for those occupying and using existing cabins and those wishing to construct new cabins within park areas.

(b) *Existing cabins or other structures.*

(1) This subsection applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument.

(2) Cabins or other structures existing prior to December 18, 1973, may be occupied and used by the claimants to these structures pursuant to a nontransferable, renewable permit. This use and occupancy shall be for terms of five years. *Provided, however,* That the claimant to the structure, by application:

(i) Reasonably demonstrates by affidavit, bill of sale or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(ii) Submits an acceptable photograph or sketch which accurately depicts the cabin or structure and a map showing its geographic location;

(iii) Agrees to vacate and remove all personal property from the cabin or structure upon expiration of the permit;

(iv) Acknowledges in the permit that he/she has no interest in the real property on which the cabin or structure is located; and

(v) Submits a listing of the names of all immediate family members residing in the cabin or structure.

Permits issued under the provisions of this paragraph shall be renewed every five years until the death of the last immediate family member of the claimant residing in the cabin or structure under permit. Renewal will occur unless the Superintendent determines after notice and hearing, and on the basis of substantial evidence in the administrative record as a whole, that the use under the permit is causing or may cause significant detriment to the principal purposes for which the park area was established. The Superintendent's decision may be appealed pursuant to the provisions of 43 CFR 4.700.

(3) Cabins or other structures, the occupancy or use of which began between December 13, 1973, and December 1, 1978, may be used and occupied by the claimant to these structures pursuant to a nontransferable, nonrenewable permit. This use and occupancy shall be for a maximum term of 1 year: *Provided, however*, That the claimant, by application, complies with § 13.17(c)(1) (i) through (iv) above. Permits issued under the provisions of this paragraph may be extended by the Superintendent, subject to reasonable regulations, for a period not to exceed one year for such reasons as the Superintendent deems equitable and just.

(4) Cabins or other structures, construction of which began after December 1, 1978, shall not be available for use and occupancy, unless authorized under the provisions of paragraph (d) of this section.

(5) Cabins or other structures, not under permit, shall be used only for official government business: *Provided, however*, That during emergencies involving the safety of human life, or where designated for public use by the Superintendent through the posting of signs, these cabins may be used by the general public.

(c) *New Cabins or Other Structures Necessary for Subsistence Uses or Otherwise Authorized by Law.* The Superintendent may issue a permit under such conditions as he/she may prescribe for the construction, reconstruction, temporary use, occupancy, and maintenance of new cabins or other structures when he/she determines that the use is necessary to accommodate reasonably subsistence uses or is otherwise authorized by law. In determining whether to permit the use, occupancy, construction, reconstruction or maintenance of cabins or other structures, the Superintendent shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, research activities, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation and other management considerations necessary to ensure that the activities authorized pursuant to this section are compatible with the purposes for which the park area was established.

(d) *Existing Cabin Leases or Permits.* Nothing in this section shall preclude the renewal or continuation of valid leases or permits in effect as of December 2, 1980, for cabins, homesites, or similar structures on federally owned lands. Unless the Superintendent issues specific findings, following notice and

an opportunity for the leaseholder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat or a significant impairment to the purposes for which the park area was established, he/she shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit subject to such reasonable regulations as he/she prescribe in keeping with the management objectives of the park area. Subject to the provisions of the original lease or permit, nothing in this paragraph shall necessarily preclude the Superintendent from transferring such a lease or permit to another person at the election or death of the original permittee or leasee.

#### § 13.18 *Camping and picnicking.*

(a) *Camping.* Camping is permitted in park areas except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30, or as set forth for specific park areas in Subpart C of this part.

(b) *Picnicking.* Picnicking is permitted in park areas except where such activity is prohibited by the posting of appropriate signs.

#### § 13.19 *Weapons, traps and nets.*

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument.

(b) Firearms may be carried within park areas in accordance with applicable Federal and State laws, except where such carrying is prohibited or otherwise restricted pursuant to § 13.30.

(c) Traps, bows and other implements authorized by State and Federal law for the taking of fish and wildlife may be carried within National Preserves only during those times when the taking of fish and wildlife is authorized by applicable law or regulation.

(d) In addition to the authorities provided in paragraphs (b) and (c) of this section, weapons (other than firearms) traps and nets may be possessed within park areas provided such weapons, traps or nets are within or upon a device or animal used for transportation and are unloaded and cased or otherwise packed in such a manner as to prevent their ready use while in a park area.

(e) Notwithstanding the provisions of this section, local rural residents who are authorized to engage in subsistence

uses, including the taking of wildlife pursuant to § 13.48, may use, possess, or carry traps, nets and other weapons in accordance with applicable State and Federal laws.

#### § 13.20 *Preservation of natural features.*

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park, the former Mt. McKinley National Park, Glacier Bay National Monument, and Katmai National Monument.

(b) *Renewable Resources.* The gathering or collecting, by hand and for personal use only, of the following renewable resources is permitted:

(1) Natural plant food items, including fruits, berries and mushrooms, but not including threatened or endangered species:

(2) Driftwood and uninhabited seashells:

(3) Such plant materials and minerals as are essential to the conduct of traditional ceremonies by Native Americans; and

(4) Dead or downed wood for use in fires within park areas.

(c) *Rocks and Minerals.* Surface collection, by hand (including hand-held gold pans) and for personal recreational use only, of rocks and minerals is permitted: *Provided, however*, That (1) collection of silver, platinum, gemstones and fossils is prohibited, and (2) collection methods which may result in disturbance of the ground surface, such as the use of shovels, pickaxes, sluice boxes, and dredges, are prohibited.

(d) *Closure and Notice.* Under conditions where it is found that significant adverse impact on park resources, wildlife populations, subsistence uses, or visitor enjoyment of resources will result, the Superintendent shall prohibit the gathering or otherwise restrict the collecting of these items. Portions of a park area in which closures or restrictions apply shall be (1) published in at least one newspaper of general circulation in the State and designated on a map which shall be available for public inspection in the office of the Superintendent, or (2) designated by the posting of appropriate signs, or (3) both.

(e) *Subsistence.* Nothing in this section shall apply to local rural residents authorized to take renewable resources.

#### § 13.21 *Taking of fish and wildlife.*

(a) *Subsistence.* Nothing in this section shall apply to the taking of fish and wildlife for subsistence uses.

(b) *Fishing.* Fishing is permitted in all park areas in accordance with applicable State and Federal law, and such laws are hereby adopted and made a part of these regulations to the extent they are not inconsistent with § 2.13 of this chapter. With respect to the Cape Krusenstern National Monument, the Malaspina Glacier Forelands area of the Wrangell-St. Elias National Preserve, and the Dry Bay area of Glacier Bay National Preserve, the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law—including any use of park area lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips which is directly incident to the exercise of such rights or privileges—may continue: *Provided, however,* That the Superintendent may restrict the use of park area lands directly incident to the exercise of these rights or privileges if he/she determines, after conducting a public hearing in the affected locality, that such use of park area lands constitutes a significant expansion of the use of park area lands beyond the level of such use during 1979.

(c) *Hunting and Trapping.* Hunting and trapping are permitted in all National Preserves in accordance with applicable State and Federal law, and such laws are hereby adopted and made a part of these regulations: *Provided, however,* That engaging in trapping activities, as the employee of another person is prohibited.

(d) *Closures and Restrictions.* The Superintendent may prohibit or restrict the taking of fish or wildlife in accordance with the provisions of § 13.30. Except in emergency conditions, such restrictions shall take effect only after consultation with the appropriate State agency having responsibility over fishing, hunting, or trapping and representatives of affected users.

#### § 13.22 Unattended or abandoned property.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park and Sitka National Historical Park, or as further restricted for specific park areas in Subpart C of this part.

(b) Leaving any snowmachine, vessel, off-road vehicle or other personal property unattended for longer than 12 months without prior permission of the Superintendent is prohibited, and any property so left may be impounded by the Superintendent.

(c) The Superintendent may (1) designate areas where personal property may not be left unattended for any time period, (2) establish limits on the amount, and type of personal property

that may be left unattended, (3) prescribe the manner in which personal property may be left unattended, or (4) establish limits on the length of time personal property may be left unattended. Such designations and restrictions shall be (i) published in at least one newspaper of general circulation within the State, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected community, and designated on a map which shall be available for public inspection at the office of the Superintendent, or (ii) designated by the posting of appropriate signs or (iii) both.

(d) In the event unattended property interferes with the safe and orderly management of a park area or is causing damage to the resources of the area, it may be impounded by the Superintendent at any time.

#### § 13.30 Closure procedures.

(a) *Authority.* The Superintendent may close an area or restrict an activity on an emergency, temporary, or permanent basis.

(b) *Criteria.* In determining whether to close an area or restrict an activity on an emergency basis, the Superintendent shall be guided by factors such as public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with the purposes for which the park area was established.

(c) *Emergency Closures.* (1) Emergency closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or nonmotorized surface transportation shall be made after notice and hearing; (2) emergency closures or restrictions relating to the taking of fish and wildlife shall be accompanied by notice and hearing; (3) other emergency closures shall become effective upon notice as prescribed in § 13.30(f); and (4) no emergency closure or restriction shall extend for a period exceeding 30 days, nor may it be extended.

(d) *Temporary closures or restrictions.* (1) Temporary closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or nonmotorized surface transportation or to the taking of fish and wildlife, shall not be effective prior to notice and hearing in the vicinity of the area(s) directly affected by such closures or restrictions, and other locations as

appropriate; (2) other temporary closures shall be effective upon notice as prescribed in § 13.30(f); (3) temporary closures or restrictions shall not extend for a period exceeding 12 months and may not be extended.

(e) *Permanent closures or restrictions.* Permanent closures or restrictions shall be published as rulemaking in the *Federal Register* with a minimum public comment period of 60 days and shall be accompanied by public hearings in the area affected and other locations as appropriate.

(f) *Notice.* Emergency, temporary and permanent closures or restrictions shall be (1) published in at least one newspaper of general circulation in the State and in at least one local newspaper if available, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, and designated on a map which shall be available for public inspection at the office of the Superintendent and other places convenient to the public; or (2) designated by the posting of appropriate signs; or (3) both.

(g) *Openings.* In determining whether to open an area to public use or activity otherwise prohibited, the Superintendent shall provide notice in the *Federal Register* and shall, upon request, hold a hearing in the affected vicinity and other locations as appropriate prior to making a final determination.

(h) Except as otherwise specifically permitted under the provisions of this part, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

#### § 13.31 Permits.

(a) *Application.* (1) Application for a permit required by any section of this part shall be submitted to the Superintendent having jurisdiction over the affected park area, or in the absence of the Superintendent, the Regional Director. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application.

(2) The Superintendent shall grant or deny the application in writing within 45 days. If this deadline cannot be met for good cause, the Superintendent shall so notify the applicant in writing. If the permit application is denied, the Superintendent shall specify in writing the reasons for the denial.

(b) *Denial and appeal procedures.* (1) An applicant whose application for a permit, required pursuant to this part, has been denied by the Superintendent has the right to have the application reconsidered by the Regional Director by contacting him/her within 180 days of the issuance of the denial. For purposes of reconsideration, the permit applicant shall present the following information:

(i) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in the section under which the permit application is made.

(ii) The basis for the permit applicant's disagreement with the Superintendent's findings and conclusions; and

(iii) Whether or not the permit applicant requests an informal hearing before the Regional Director.

(2) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

#### Subpart B—Subsistence

##### § 13.40 Purpose and policy.

(a) Consistent with the management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each park area was established, designated, or expanded by ANILCA, the purpose of this subpart is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law.

(b) Consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of park areas is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska.

(c) Nonwasteful subsistence uses of fish, wildlife and other renewable resources by local rural residents shall be the priority consumptive uses of such resources over any other consumptive uses permitted within park areas pursuant to applicable State and Federal law.

(d) Whenever it is necessary to restrict the taking of a fish or wildlife

population within a park area for subsistence uses in order to assure the continued viability of such population or to continue subsistence uses of such population, the population shall be allocated among local rural residents engaged in subsistence uses in accordance with a subsistence priority system based on the following criteria:

(1) Customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) Local residency; and

(3) Availability of alternative resources.

(e) The State of Alaska is authorized to regulate the taking of fish and wildlife for subsistence uses within park areas to the extent such regulation is consistent with applicable Federal law, including but not limited to ANILCA.

(f) Nothing in this subpart shall be construed as permitting a level of subsistence use of fish and wildlife within park areas to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife.

##### § 13.41 Applicability.

Subsistence uses by local rural residents are allowed pursuant to the regulations of this Subpart in the following park areas:

(a) In national preserves;

(b) In Cape Krusenstern National Monument and Kobuk Valley National Park;

(c) Where such uses are traditional (as may be further designated for each park or monument in Subpart C of this part) in Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, and the Denali National Park addition.

##### § 13.42 Definitions.

(a) *Local rural resident.* (1) As used in this part with respect to national parks and monuments, the term "local rural resident" shall mean either of the following:

(i) Any person who has his/her primary, permanent home within the resident zone as defined by this section, and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to, the permanent address indicated on licenses issued by the State of Alaska Department of Fish and Game, driver's license, and tax returns, and the location of registration to vote.

(ii) Any person authorized to engage in subsistence uses in a national park or monument by a subsistence permit issued pursuant to § 13.44.

(b) *Resident zone.* As used in this part, the term "resident zone" shall mean the area within, and the communities and areas near, a national park or monument in which persons who have customarily and traditionally engaged in subsistence uses within the national park or monument permanently reside. The communities and areas near a national park or monument included as a part of its resident zone shall be determined pursuant to § 13.43 and listed for each national park or monument in Subpart C of this part.

(c) *Subsistence uses.* As used in this part, the term "subsistence uses" shall mean the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing for personal or family consumption; and for customary trade. For the purposes of this paragraph, the term—

(1) "Family" shall mean all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "Barter" shall mean the exchange of fish or wildlife or their parts taken for subsistence uses—

(i) For other fish or game or their parts; or

(ii) For other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature; and

(3) "Customary trade" shall be limited to the exchange of furs for cash (and such other activities as may be designated for a specific park area in Subpart C of this part).

##### § 13.43 Determination of resident zones.

(a) A resident zone shall include—

(1) the area within a national park or monument, and

(2) the communities and areas near a national park or monument which contain significant concentrations of rural residents who, without using aircraft as a means of access for purposes of taking fish or wildlife for subsistence uses (except in extraordinary cases where no reasonable alternative existed), have customarily and traditionally engaged in subsistence uses within a national park or monument. For purposes of

determining "significant" concentrations, family members shall also be included.

(b) After notice and comment, including public hearing in the affected local vicinity, a community or area near a national park or monument may be—

(1) Added to a resident zone, or

(2) Deleted from a resident zone, when such community or area does or does not meet the criteria set forth in paragraph (a) of this section, as appropriate.

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

**§ 13.44 Subsistence permits for persons whose primary, permanent home is outside a resident zone.**

(a) Any rural resident whose primary, permanent home is outside the boundaries of a resident zone of a national park or monument may apply to the appropriate Superintendent pursuant to the procedures set forth in § 13.51 for a subsistence permit authorizing the permit applicant to engage in subsistence uses within the national park or monument. The Superintendent shall grant the permit if the permit applicant demonstrates that:

(1) Without using aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses, the applicant has (or is a member of a family which has) customarily and traditionally engaged in subsistence uses within a national park or monument; or

(2) The applicant is a local rural resident within a resident zone for another national park or monument, or meets the requirements of paragraph (1) of this section for another national park or monument, and there exists a pattern of subsistence uses (without use of an aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses) between the national park or monument previously utilized by the permit applicant and the national park or monument for which the permit applicant seeks a subsistence permit.

(b) In order to provide for subsistence uses pending application for and receipt of a subsistence permit, until August 1, 1981, any rural resident whose primary permanent home is outside the boundaries of a resident zone of a national park or monument and who meets the criteria for a subsistence permit set forth in paragraph (a) of this section may engage in subsistence uses in the national park or monument without a permit in accordance with applicable State and Federal law. Effective August 1, 1981, however, such

rural resident must have a subsistence permit as required by paragraph (a) of this section in order to engage in subsistence uses in the national park or monument.

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

**§ 13.45 Prohibition of aircraft use.**

(a) Notwithstanding the provisions of § 13.12 the use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish or wildlife for subsistence uses within the national park or monument is prohibited except as provided in this section.

(b) *Exceptions.* (1) In extraordinary cases where no reasonable alternative exists, the Superintendent shall permit, pursuant to specified terms and conditions, a local rural resident of an "exempted community" to use aircraft for access to or from lands and water within a national park or monument for purposes of taking fish or wildlife for subsistence uses.

(i) A community shall qualify as an "exempted community" if, because of the location of the subsistence resources upon which it depends and the extraordinary difficulty of surface access to these subsistence resources, the local rural residents who permanently reside in the community have no reasonable alternative to aircraft use for access to these subsistence resources.

(ii) A community which is determined, after notice and comment (including public hearing in the affected local vicinity), to meet the description of an "exempted community" set forth in paragraph (b)(1) of this section shall be included in the appropriate special regulations for each park and monument set forth in Subpart C of this part.

(iii) A community included as an "exempted community" in Subpart C of this part may be deleted therefrom upon a determination, after notice and comment (including public hearing in the affected local vicinity), that it does not meet the description of an "exempted community" set forth in paragraph (b)(1) of this section.

(2) Any local rural resident aggrieved by the prohibition on aircraft use set forth in this section may apply for an exception to the prohibition pursuant to the procedures set forth in § 13.51. In extraordinary cases where no reasonable alternative exists, the Superintendent may grant the exception upon a determination that the location of the subsistence resources depended upon and the difficulty of surface access

to these resources, or other emergency situation, requires such relief.

(c) Nothing in this section shall prohibit the use of aircraft for access to lands and waters within a national park or monument for purposes of engaging in any activity allowed by law other than the taking of fish and wildlife. Such activities include, but are not limited to, transporting supplies.

**§ 13.46 Use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.**

(a) Notwithstanding any other provision of this chapter, the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within park areas except at those times and in those areas restricted or closed by the Superintendent.

(b) The Superintendent may restrict or close a route or area to use of snowmobiles, motorboats, dog teams, or other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses if the Superintendent determines that such use is causing or is likely to cause an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or the purposes for which the park area was established.

(c) No restrictions or closures shall be imposed without notice and a public hearing in the affected vicinity and other locations as appropriate. In the case of emergency situations, restrictions or closures shall not exceed sixty (60) days and shall not be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such extension is justified according to the factors set forth in paragraph (b) of this section. Notice of the proposed or emergency restrictions or closures and the reasons therefor shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if appropriate, and information about such proposed or emergency actions shall also be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All restrictions and closures shall be designated on a map which shall be available for public inspection at the office of the

Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions or closures, or both.

(d) Motorboats, snowmobiles, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated (1) in compliance with applicable State and Federal law, (2) in such a manner as to prevent waste or damage to the park areas, and (3) in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

(e) At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams, and other means of surface transportation in accordance with §§ 13.10, 13.11, 13.12, and 13.14, respectively.

#### § 13.47 Subsistence fishing.

Fish may be taken by local rural residents for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law, including the provisions of §§ 2.13 and 13.21 of this chapter. *Provided, however,* That local rural residents in park areas where subsistence uses are allowed may fish with a net, seine, trap, or spear where permitted by State law. To the extent consistent with the provisions of this chapter, applicable State laws and regulations governing the taking of fish which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

#### § 13.48 Subsistence hunting and trapping

Local rural residents may hunt and trap wildlife for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law. To the extent consistent with the provisions of this chapter, applicable State laws and regulations governing the taking of wildlife which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

#### § 13.49 Subsistence use of timber and plant material.

(a) Notwithstanding any other provision of this part, the non-commercial cutting of live standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in park areas where subsistence uses are allowed as follows:

(1) For live standing timber of diameter greater than three inches at ground height, the Superintendent may permit cutting in accordance with the specifications of a permit if such cutting is determined to be compatible with the purposes for which the park area was established;

(2) For live standing timber of diameter less than three inches at ground height, cutting is permitted unless restricted by the Superintendent.

(b) The noncommercial gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the noncommercial gathering of dead or downed timber for firewood, shall be allowed without a permit in park areas where subsistence uses are allowed.

(c)(1) Notwithstanding any other provision of this part, the Superintendent, after notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular plant population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For the purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(2) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular plant population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(3) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and at least one local newspaper if available, and information about such actions and reasons also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected

community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

#### § 13.50 Closure to subsistence uses of fish and wildlife.

(a) Notwithstanding any other provision of this part, the Superintendent, after consultation with the State and adequate notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(b) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(c) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and reasons also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

#### § 13.51 Application procedures for subsistence permits and aircraft exceptions

(a) Any person applying for the subsistence permit required by § 13.44(a), or the exception to the prohibition on aircraft use provided by

§ 13.45(b)(2), shall submit his/her application to the Superintendent of the appropriate national park or monument. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application. Each application must include (1) a statement which acknowledges that providing false information in support of the application is a violation of Section 1001 of Title 18 of the United States Code, and (2) additional statements or documentation which demonstrates that the applicant satisfies the criteria set forth in § 13.44(a) for a subsistence permit or § 13.45(b)(2) for the aircraft exception, as appropriate. Except in extraordinary cases for good cause shown, the Superintendent shall decide whether to grant or deny the application in a timely manner not to exceed forty-five (45) days following the receipt of the completed application. Should the Superintendent deny the application, he/she shall include in the decision a statement of the reasons for the denial and shall promptly forward a copy to the applicant.

(b) An applicant whose application has been denied by the Superintendent has the right to have his/her application reconsidered by the Alaska Regional Director by contacting the Regional Director within 180 days of the issuance of the denial. The Regional Director may extend the 180-day time limit to initiate a reconsideration for good cause shown by the applicant. For purposes of reconsideration, the applicant shall present the following information:

(1) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in paragraph (a) of this section:

(2) The basis for the applicant's disagreement with the Superintendent's findings and conclusions; and

(3) Whether or not the applicant requests an informal hearing before the Regional Director.

(c) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

#### Subpart C—Special Regulations— Specific Park Areas in Alaska

##### § 13.63 Denali National Park and Preserve.

(a) *Subsistence*—(1) *Resident Zone*. The following communities and areas are included within the resident zone for Denali National Park addition:

Cantwell  
Minchumina  
Nikolai  
Telida

(b) *Camping*. Camping is prohibited along the road corridor and at Wonder Lake, except at designated areas. Camping is allowed in other areas in accordance with the backcountry management plan.

(c) *Unattended or Abandoned Property*. Leaving unattended and abandoned property along the road corridor, at Wonder Lake, and in the areas included in the backcountry management plan, is prohibited.

(d) [Reserved]

(e) *Fishing limit of catch and in possession*. The limit of catch per person per day shall be 10 fish but not to exceed 10 pounds and one fish, except that the limit of catch of lake trout (mackinaw) per person per day shall be two fish including those hooked and released. Possession of more than one day's limit of catch by one person at any one time is prohibited.

(f) *Mountain Climbing*. Registration is required in advance on a form provided by the Superintendent for climbing Mount McKinley and Mount Foraker.

[46 FR 31854, June 17, 1981, and 45 FR 78120, Nov. 25, 1980, as amended at 48 FR 30295, June 30, 1983]

**§ 1.5 Closures and public use limits.**

(a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:

(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.

(2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

(3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (a)(1) or (2) of this section.

(b) Except in emergency situations, a closure, designation, use or activity restriction or condition, or the termination or relaxation of such, which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park's natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit, or is of a highly controversial nature, shall be published as rulemaking in the **FEDERAL REGISTER**.

(c) Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action. That determination shall set forth the reason(s) the restriction, condition, public use limit or closure authorized by paragraph (a) has been established, and an explanation of why less restrictive measures will not suffice, or in the case of a termination of a restriction, condition, public use limit or closure previously established under paragraph (a), a determination as to why the restriction is no longer necessary and a finding that the termination will not adversely impact park resources. This determination shall be available to the public upon request.

(d) To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with the criteria and procedures of § 1.6 of this chapter.

(e) Except in emergency situations, the public will be informed of closures, designations, and use or activity restrictions or conditions, visiting hours, public use limits, public use limit procedures, and the termination or relaxation of such, in accordance with § 1.7 of this chapter.

(f) Violating a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited. When a permit is used to implement a public use limit, violation of the terms and conditions of a permit is prohibited and may result in the suspension or revocation of the permit.

## APPENDIX D: MANAGEMENT OBJECTIVES

### Resource Protection

Identify and evaluate all natural and cultural resources within the park and preserve, including wildlife, flora and historical, cultural, and geological resources, so that management has adequate information and data upon which to base decisions for their protection and preservation.

Identify threats and potential threats to all natural and cultural resources and analyze these threats and develop means to mitigate or resolve them so as to reduce or possibly eliminate adverse human effects on park and preserve resources.

Collect data on current conditions and uses of natural and cultural resources to serve as a basis for preparing and implementing both a resource management plan and a general management plan.

In accordance with the provisions of the Wilderness Act (1964) and the Alaska National Interest Lands Conservation Act (1980), and based upon a reevaluation of the management objectives that have evolved since the establishment of Mount McKinley National Park in 1917, develop and implement plans to protect and preserve designated wilderness areas.

Elicit the cooperation of knowledgeable individuals, groups, institutions, and agencies to collect the most current and complete information and data about cultural and natural resources.

Work cooperatively with the Alaska Department of Fish and Game in regulating consumptive uses of natural resources to preserve habitat and maintain healthy populations of wildlife.

To the fullest extent possible make management decisions that will allow natural forces to shape the substances of the park and preserve environment.

Seek the cooperation of mining interests for the purpose of maintaining high environmental standards and protecting and preserving natural and cultural resources.

Prepare and implement programs to encourage subsistence users of the park and preserve and sport hunters of the preserve to understand and respect the natural forces at work and to avoid actions that might disrupt natural balances.

Locate and identify all historic and prehistoric sites and structures for possible designation on the National Register of Historic Places and on the Alaska Heritage Resources Survey.

Assemble natural and cultural resource information and data to be used in interpretive materials and programs for the purpose of enhancing the enjoyment and education of visitors.

Prepare and implement plans to protect and preserve essential wildlife habitats and populations.

Conduct studies about fire in the area--both natural and otherwise--for the purpose of collecting information and data as a basis for updating the current interagency management plan and implementing the new version.

#### Information and Interpretation

Provide visitors with services, materials, and programs for the purpose of enhancing their knowledge of park and preserve resources and their opportunities for enjoyable, safe, and educational visits.

For the purpose of minimizing conflicts among various users of park and preserve resources, prepare and present informative materials about the differences between land use management categories and regulations for Alaskan park units and those of parks in other states.

Devise information and interpretive programs to afford visitors with opportunities to present their views to management in order that the programs might become more meaningful.

Provide information and programs for local communities so that citizens might be kept informed about the operations of the park and preserve.

Upgrade and maintain study collections of natural and cultural objects, the park library, and slide and photographic files to have adequate sources for interpreting Denali's cultural and natural history.

#### Administration

Provide adequate staff so that resources can be protected and preserved, visitors can be served effectively, cultural and natural resources information and data can be updated and kept current, and interpretive materials and programs can be made more meaningful.

Employ innovative management approaches in staffing plans and training and development programs that recognize the knowledge and skills of local persons and severe environmental working conditions so that there is a continuing effective staff to protect and preserve resources and to provide visitor services.

Work toward the implementation of the various sections of ANILCA including the formation of subsistence councils, mandatory studies and plans, and access routes, to comply with the legislation as soon as possible.

#### Visitor Use and Safety

Provide all visitors and potential visitors with information to enhance their opportunities for enjoyable, meaningful, and safe park experiences.

Provide recreational facilities, efficient public transportation and other visitor services which enable visitors to use and enjoy park resources in the safest and freest possible manner compatible with protection of park resources.

Specifically manage visitor use in the interest of public safety with respect to potential dangers associated with grizzly and black bear encounters and activities in subarctic wilderness conditions such as mountain climbing, hiking, camping, snowmobiling, and cross-country skiing.

Determine what feasible methods park management can employ for the purpose of better accommodating handicapped visitors.

#### Visitor Protection and Safety

Have well-trained, well-equipped field personnel for the purpose of operating effectively in emergencies in matters of search and rescue and law enforcement.

Provide information and programs to the public about the hazards in the park and preserve so that visitors are prepared to take the necessary precautions to avoid them.

Monitor mountaineering activities and conduct studies for the purpose of collecting information and data as a basis for a mountaineering management plan that will address such particulars as the injury and fatality rates; the logistics, costs, and coordination of search and rescue missions; the litter and human waste left by climbers; and the qualifications of persons on climbs and expeditions.

#### Concessions

Identify appropriate levels and types of commercial services and issue concessions contracts, permits, and commercial licenses as appropriate to those commercial operators best able to meet the needs of visitors and protect resources.

### Cooperation

Work cooperatively with various local, state, and federal agencies that have mutual concerns about and interests in the park and preserve area, and when necessary develop memoranda of agreement, so that ideas and information can be shared and conflicts minimized.

Work especially close to the Division of State Parks in matters relative to uses and developments in Denali State Park and in the national park and preserve so that the state park and the national park and preserve complement each other both in protecting and preserving resources and in providing services to visitors.

Share information with and provide technical assistance to private interests and local and regional governments in matters of community and regional planning so that the purposes of the park and preserve receive due consideration in community and regional plans.

## APPENDIX E: PRELIMINARY COST ESTIMATES

The preliminary cost estimates cover only development proposals for the north-side park road corridor. The proposal for the south side of Denali remains too conceptual to estimate the costs of implementation. Further studies for the south side will be undertaken cooperatively with the state of Alaska, and they will provide the necessary level of detail. It is hoped that significant portions of any south-side development will be accomplished by private enterprise.

The following estimated construction costs include construction supervision, cultural resource compliance, and contingencies.

### Preliminary Cost Estimates

Riley Creek/Hotel Area	
Interpretive center, roads, parking	\$ 3,700,000
Depot interpretive information support	225,000
Park Road	
Comprehensive sign program, mileposts	66,000
Place power lines and transformers underground	131,000
Wayside exhibits at 11 sites (25 exhibit panels total)	73,000
Eielson Visitor Center	
Interim renovation and grounds improvements	1,048,000
*Option 1 - Expansion of existing building	2,620,000
*Option 2 - Replacement of existing building	5,240,000
Campground Improvements (excluding Riley Creek)	
Expand Wonder Lake campground	655,000
Wonder Lake trail system (assumes contract construction)	721,000
Transient bunkhouse	384,000
Access roads, trailer pads with utilities, paving of main road and maintenance area	452,000
Toklat	
Ranger station renovation and storage building	210,000
Seasonal employee housing--6 units	214,000
Trailer pads (8) with utilities	211,000
Transient bunkhouse	286,000
Maintenance facilities	1,146,000

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\*Only one option will be selected. The total range of costs shows both options.

Wonder Lake Ranger Station	
Rehabilitate or replace existing ranger station	131,000
Seasonal employee cabins (4 units)	491,000
Central shower/laundry/toilet/fire and rescue cache building (this may not be needed if existing facilities in basement of ranger station can be retained)	262,000
Utility building, fuel pumps, and storage (at maintenance area)	550,000
Parkwide Radio System	<u>413,000</u>
Total	\$13,989,000 to \$16,609,000

APPENDIX F: COORDINATION BETWEEN THE NATIONAL  
PARK SERVICE AND THE STATE OF ALASKA REGARDING  
THE DEVELOPMENT OF A VISITOR ACTIVITY AND SERVICE  
CENTER ON THE SOUTH SIDE OF DENALI

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MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE NATIONAL PARK SERVICE,  
THE ALASKA DEPARTMENT OF NATURAL RESOURCES,  
AND  
THE ALASKA DEPARTMENT OF TRANSPORTATION AND  
PUBLIC FACILITIES

ARTICLE I. BACKGROUND AND OBJECTIVES

The objective of this memorandum of understanding is to establish an agreement between the signatories regarding processes for cooperative planning and development of visitor services and facilities in the region south of the Mount McKinley massif. It is the intent of the signatories to continue to work cooperatively during the design, development, and operational stages. Following public comment on alternative systems of recreation services and facilities as set forth in the initial planning document, the signatories intend to come to a mutual decision on one of the alternatives and, through an addendum to this agreement, to set forth their respective roles in designing and developing this alternative.

It is recognized that a previous memorandum of understanding dated September 27, 1978, between the state of Alaska, the U.S. Department of the Interior, and the Matanuska-Susitna Borough set forth a similar intent to cooperate in providing visitor facilities in the south Denali area. The basic intent of that memorandum of understanding is still valid; however, this memorandum modifies the previous agreement in that (1) means of access in addition to the Petersville Road and locations other than the Peters Hills area will also be considered and (2) more extensive involvement of private enterprise is anticipated.

WHEREAS, the Mount McKinley massif and surrounding public lands constitute a valuable public resource, and

WHEREAS, improving the public's opportunity to view and experience this resource will benefit the citizens of Alaska and visitors to the state and will help carry out the purpose of Denali National Park and Preserve and Denali State Park, and

WHEREAS, access, interpretive services, recreation facilities and accommodations for the visitor to Denali National Park and Preserve are concentrated north of the Alaska Range, and

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WHEREAS, the extension of a system of access, services, facilities and visitor accommodations to the region south of the range will (1) better distribute human impact on the natural resources of the region, (2) shorten travel distance from Anchorage and therefore reduce costs of reaching the resource for many people, and (3) enable public enjoyment of a different and equally spectacular aspect of the Mount McKinley massif and its surrounding geologic features and natural resources, and

WHEREAS, public lands immediately south of the Alaska Range are under the management of the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, and the Department of the Interior, National Park Service, and

WHEREAS, the Alaska Department of Transportation and Public Facilities has the primary responsibility for planning and developing means of access in the state, and

WHEREAS, the Alaska Department of Natural Resources is responsible for determining the future use of state park lands and is interested in coordinating its planning processes with the National Park Service, and

WHEREAS, the National Park Service is preparing a general management plan for submission to Congress by December 2, 1985, and

WHEREAS, the Park, Parkway and Recreation Area Study Act of May 23, 1936, charges the Secretary of the Interior with responsibility "to promote the coordination and development of effective programs relating to outdoor recreation."

## ARTICLE II. STATEMENT OF WORK

NOW, THEREFORE,

1. The signatories to this memorandum of understanding agree to cooperate in defining and describing at least three alternative systems of access, interpretive services, recreational facilities and visitor accommodations for the region immediately south of the Alaska Range. These alternative systems will be designed to provide a variety of opportunities year around for enjoyment of the lands and resources of the area, including opportunities to view the Mount McKinley massif and surrounding mountain scenery, opportunities for close contact with glaciers, and opportunities for hiking, skiing, camping, wildlife viewing, and for the use and enjoyment of lakes and waterways in the region. Appropriate points of interpretation of natural features and resources will be included within this system.

These descriptions shall suggest state, federal, and private roles in developing and operating the alternative systems and

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include preliminary budget estimates for publicly funded components. Consideration will be given to the role of private enterprise both inside and outside the park boundaries. Participation by private parties will be proposed for those elements for which private enterprise is the most effective means of accomplishment.

2. The signatories agree to divide the task of defining and describing alternate systems as follows:
  - a. The National Park Service, in consultation with other participants, shall prepare a draft description and map depicting the alternative systems. The National Park Service planner assigned to this project shall work closely with the other two participants, spending time as necessary within their offices.
  - b. The Department of Natural Resources, Division of Parks and Outdoor Recreation, shall provide information on land ownership as needed to define and evaluate the alternative systems.
  - c. The Alaska Department of Transportation and Public Facilities shall provide a preliminary analysis of cost and feasibility of various means of access as needed to define the alternative systems (cost not to exceed \$10,000).
  - d. Wherever feasible the signatories shall share facilities, equipment, field opportunities, information, and staff in accomplishing this agreement.
  - e. Each signatory shall designate a planner to provide review and advice to the National Park Service in describing and defining alternatives. In addition, the following agencies shall be requested to designate representatives to provide review and advice in the definition and drafting of alternative systems: Matanuska-Susitna Borough, Alaska Department of Commerce and Economic Development, Alaska Federation of Natives, Alaska Visitors Association, and the Alaska Department of Fish and Game. The National Park Service shall be responsible for calling and chairing meetings, circulating materials for review, and otherwise initiating contact as necessary to obtain information, advice, and review from the other signatories and the advisory agencies.
  - f. The National Park Service, in consultation with representatives of the other two agencies, shall prepare a draft public participation program for this project, noting the time and place of all public meetings and the comment

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period on any documents issued to the public. This program shall be subject to the approval of each of the signatories of this agreement. The participation of both state and federal parties in this project shall be equally recognized at all public meetings and on any documents issued to the public.

3. It is the intent of the signatories to obtain public review and comment on concepts for alternative systems as part of the process of public review for the general management plan for the Denali National Park and Preserve during the fall of 1984. Prior to public review the concepts involving state land shall be subject to approval of the state.
4. Following concept review, the draft of alternative systems shall be detailed and completed, printed in a separate document and released for public review and comment. The three signatories shall approve this document for purposes of public review and comment before it is released. It is anticipated that this phase of the project shall be completed by fall 1985.
5. To test the marketability and economic feasibility of the alternatives, the signatories may request expressions of interest from the private sector.
6. After public comment has been received and analyzed, the signatories will attempt to come to a mutual choice for one of the alternatives and through an addendum to this agreement, to set forth their respective roles in designing and developing this alternative. It is intended that these decisions will be made by spring 1986. It is recognized that the state has final approval authority over state lands and the National Park Service has final approval authority over National Park Service lands.

### ARTICLE III. TERM AND TERMINATION

This agreement shall be effective for five years from the date of the last signature. It is the intent of the signatories to develop addenda to this agreement specifying their joint approval of one of the alternative systems of access, interpretive services, recreation facilities, and visitor accommodations, and outlining their participation in the design, development, and operation of the selected system. At the end of five years this agreement shall be reviewed to determine whether it should be renewed, modified, or terminated.

Any signator to this agreement may terminate the agreement by providing 60 days' written notice to the others.

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#### ARTICLE IV. REQUIRED CLAUSES

During the performance of this agreement, the participants agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, or national origin.

No member or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

State of Alaska  
Department of Natural Resources

State of Alaska  
Department of Transportation  
and Public Facilities

/s/Esther C. Wunnicke

/s/David T. Haugen

Title      Commissioner

Title      Deputy Commissioner

Date      July 26, 1984

Date      July 3, 1984

Department of the Interior  
National Park Service

/s/Roger J. Contor

Title      Regional Director

Date      August 1, 1984

APPENDIX G: POSSIBLE RS 2477 RIGHTS-OF-WAY

Trail 16 (winter trail, no name)

Identification: Quad 81, T29N, R10&9W

Description: The trail runs northwest through the Dutch Hills to Bear Creek, where it turns and runs parallel to Dutch Creek almost as far as Stony Creek.

Trail 18 (no name)

Identification: Quad 81, T26N, R12-8W

Description: The trail leaves the townsite of Peters Creek via Black Creek, crosses Spruce Creek and Fox Gulch, goes by Sunset up to Granite Creek, goes down through the landing strip at Treasure Creek, crosses the lake, Sunflower and Camp creeks, goes through Collinsville, crosses to Clearwater Creek, and ends at Youngstown bend on the Yentna River.

Trail 90 (no name)

Identification: Quad 81, Telida southeast to Little Mt. Mine

Description: The trail runs from Telida southeast to Slow Fork, goes southeast along Slow Fork to Slow Fork Hills, turns east along the north side of Slow Fork Hills, turns south along the base of the hills to approximately T20S, R27W, FM, then goes southeast over Giles Lake to the edge of the map at T22S, R25W, FM.

Trail 6: Bull River road

Identification: Quad 87, T20S, R10W, FM

Description: The trail runs from Colorado on the Alaska RR across Bull River and on the west fork of the Chulitna River to the Golden Zone Mine.

Trail 7: Dunkle Mine road

Identification: Quad 87, T19S, R10W

Description: The trail runs from Bull River up to the Dunkle Mine, a distance of about 3.5 miles.

Trail 8: Savage River trail

Identification: Quad 87, T14S, R9W, FM

Description: The trail runs from the Savage River campground up the Savage River about 8 miles.

Trail 9: Igloo Mountain ranger station trail

Identification: Quad 87, T14S, R9W, FM

Description: The trail runs from McKinley Park Road to the ranger cabin.

Trail 10: Lignite to Clearwater Fork

Identification: Quad 87, T12S, R12W

Description: The trail runs from Lignite Station (mile 363 on RR) west across Middle, Chisana, and Toklat rivers, up Crooked Creek and down Bearpaw River to Glacier City, and from there up Moose Creek, terminating at the Kantishna post office.

Trail 11: Windy Creek trail

Identification: Quad 87, T17S, R7W

Description: The trail runs from Cantwell. One branch goes up Windy Creek to a cabin just outside the Denali National Park boundary. The other branch goes downstream to the Alaska RR about 4 miles from Cantwell.

Trail 13: Diamond/Bearpaw sled road

Identification: Quad 88, T11S, R17W, FM

Description: The trail runs from Bearpaw up the Bearpaw River to Diamond.

Trail 84: Kantishna/Moose Creek trail

Identification: Quad 88, Kantishna River, T11S, R19W, FM

Description: The trail runs from a junction with the Kantishna trail (Rex/Eureka Creek) at the Kantishna River (T11S, R19W, FM), southeast to a Junction with the Kantishna trail at lower canyon on Moose Creek (T15S, R18W, FM).

Trail 84A (loop trail)

Identification: Quad 88, T14S, R19W, FM

Description: The trail runs from a junction with trail 84 near the Kantishna River due south for approximately 9 miles, then southeast to connect with trail 84 in T14S, R19W, FM (loop and spur also).

Trail 85: Junction of trail 84 - Glacier/Caribou Creek

Identification: Quad 88, Glacier/Caribou Creek, T13S, R19W, FM

Description: The trail runs from a junction with trail 84 (T13S, R19W, FM) due east for 6 miles, thence south to Glacier, from Glacier south on the divide between Glacier Creek and Caribou Creek to the base of Glacier Peak, thence north to Caribou Creek, thence upstream on Caribou Creek to a cabin about 2 miles east of Crevice Creek (T15S, R16W, FM).

Trail 86: Kantishna/Glacier Creek

Identification: Quad 88, Kantishna trail to Glacier Creek

Description: The trail runs from a junction with the Kantishna trail near Canyon Creek northeast across Flat Creek to a cabin on Glacier Creek.

Trail 87: Fish Lake to Deep Creek

Identification: Quad 88, T14S, R26W, FM

Description: The trail runs from a cabin on Fish Lake (T16S, R26W, FM) north to Deep Creek (T14S, R26W, FM).

Trail 89: Toklat River/Lake Minchumina/Telida

Identification: Quad 88, T26S, R24E, KRM

Description: The trail begins on the Kantishna trail (T10S, R15E, FM) and runs northwest to Bearpaw, thence southwest to a junction with the Kantishna trail at the Kantishna River, thence westerly to the village of Lake Minchumina, thence southwesterly via Thirty Eight Mile Lake to Highpower Creek, thence down Highpower Creek to the north shore of Lower Telida Lake and a point west of the lake, thence south to Telida, thence west across the north fork, crossing the southwest corner of T24S, R26E, thence southwest to Berry Lake, and ending in T26E, KRM.

Trail 92: Kantishna/Slate Creek

Identification: Quad 88, Kantishna/Slate Creek, T16S, R18W, FM

Description: The trail runs from Kantishna southwest on Eldorado Creek and Slate Creek, ending at a mine (T16S, R18W, FM).

Trail 171: Lignite/Kantishna trail (85-mile trail)

Identification: Quad 88, part of trail 87-10

Description: The trail runs from Lignite Station (mile 363 on RR) west across the middle Chisana and Toklat rivers, up Crooked Creek and down Bearpaw River to Glacier City, thence up Moose Creek, terminating at the Kantishna post office.

Trail 172: Kantishna trail

Identification: Quad 88, Kantishna trail

Description: The trail runs from Rex westerly across the Teklanika and Toklat rivers, thence southwesterly along the Toklat River to Little Bear Creek, up Little Bear Creek to its head, then south to Crooked Creek, west to Crooked Creek, over the Kantishna Hills to Bearpaw Creek, down Bearpaw Creek to Glacier, south to Lower Canyon, then along Lower Canyon to Kantishna.

Trail 173: Diamond/Glacier trail

Identification: Quad 88, Diamond/Glacier

Description: The trail runs from Diamond up Moose Creek and down to Glacier.

Trail 174: part of Kantishna trail

Identification: Quad 88, Mount McKinley National Park Point/Kantishna

Description: The trail begins at a junction of trail 237 on the west side of the Toklat River, goes south along the foothills of the Kantishna Hills and west of Clearwater Creek to the junction of trail 92 near Kantishna, 33 miles.

Trail 237: Rex/Kantishna trail

Identification: Quad 88, T13S, R14W, FM

Description: The trail runs west from Rex, paralleling Bearpaw Trail (the Kantishna trail) to the Toklat River, gradually curves south to the Toklat River, then goes up the Toklat to the junction of trails 171 and 257 (T13S, R14W, FM).

Trail 244: Roosevelt/unnamed lake trail

Identification: Quad 88, T10S, R18W

Description: The trail runs from the Kantishna River at a point almost due south of Bearpaw Mountain (T10S, R18W) to an unnamed lake (T11S, R18W) approximately 4 miles away.

Trail 245: Cutoff on Kantishna trail

Identification: Quad 88, T10S, R15W

Description: The trail runs from the junction of trails 237 and 172 at the Toklat River southwest to about 6 miles past Nineteen Mile in T10S, R15W, thence south to a point between Nineteen Mile and Bearpaw, thence southwesterly to Diamond.

Trail 252: Diamond (winter trail)

Identification: Quad 88, T11S, R18W

Description: The trail runs from Diamond northwesterly to intersect with winter trail 89 in T11S, R18W.

Trail 253: Kantishna/Glacier/Diamond loop

Identification: Quad 88, T13&14S, R18W, FM

Description: The trail is a loop bypassing Glacier off trail 172 (Kantishna) to trail 173 (Diamond/Glacier) in T13&14S, R18N, FM.

Trail 256: McKinley River/Wonder Lake

Identification: Quad 88, McKinley River/Wonder Lake

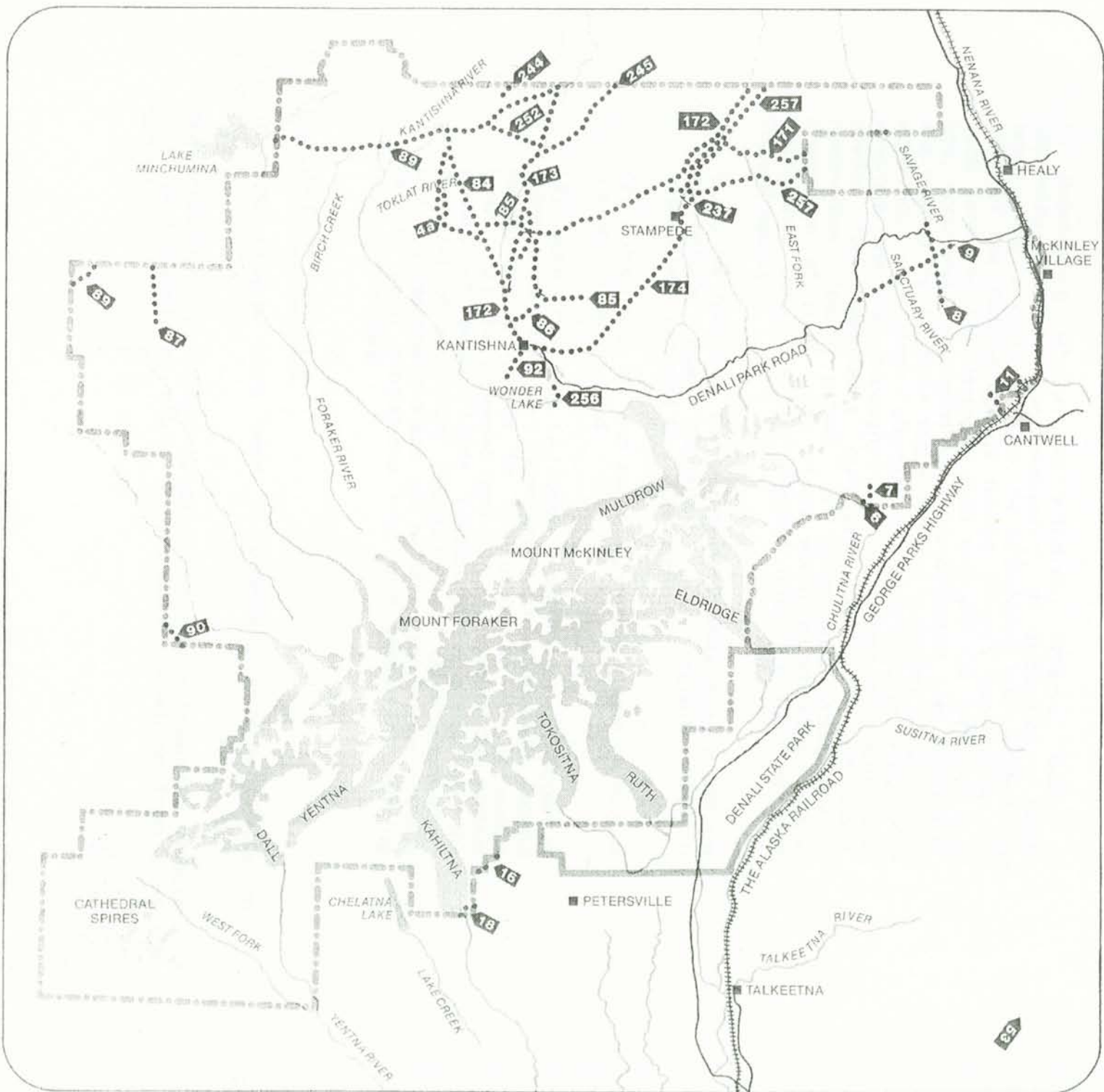
Description: The trail is a short independent trail between McKinley River and Wonder Lake beginning at McKinley River and going north on a curve to the west to Wonder Lake.

Trail 257: 10 mile branch from trail 171

Identification: Quad 88, T13S, R14W, FM

Description: The trail begins on trail 171 on the Toklat River at T13S, R14W, then goes east 10 miles, crossing Wigand Creek (T12S, R13W).

THIS MAP DOES NOT ESTABLISH THE VALIDITY OF THESE POTENTIAL RIGHTS-OF-WAY AND DOES NOT PROVIDE THE PUBLIC THE RIGHT TO TRAVEL OVER THEM. THIS MAP HAS BEEN PROVIDED BY THE STATE TO ILLUSTRATE RIGHTS-OF-WAY THAT THE STATE HAS IDENTIFIED AND CONTENDS MAY BE VALID UNDER RS 2477. THE USE OF OFF-ROAD VEHICLES IN LOCATIONS OTHER THAN ESTABLISHED ROADS OR DESIGNATED ROUTES IN UNITS OF THE NATIONAL PARK SYSTEM IS PROHIBITED (E.O. 11644 AND 11639 AND 43 CFR 36.11(g)). IDENTIFICATION OF POSSIBLE RIGHTS-OF-WAY DOES NOT CONSTITUTE THE DESIGNATION OF ROUTES FOR OFF-ROAD VEHICLE USE.



## POSSIBLE R S 2477 RIGHTS-OF-WAY DENALI National Park and Preserve

 PARK BOUNDARY

 PRESERVE BOUNDARY

 GLACIERS

 POSSIBLE R S 2477 TRAIL

R S 2477 TRAIL NO.

(This number corresponds to the Alaska Existing Trails System. Source: State of Alaska Department of Transportation/Public Facilities. Submitted April 1974.)



APPENDIX H:  
SUBSISTENCE EVALUATION  
(Compliance with Section 810 of ANILCA)

I. INTRODUCTION

Section 810(a) of ANILCA states:

In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency -

(i) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;

(2) gives notice of, and holds, a hearing in the vicinity of the area involved; and

(3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

II. EVALUATION CRITERIA

The following criteria were used to determine adverse effects on subsistence:

large reductions in the abundance of harvestable resources because of adverse impacts on habitat or increased competition from sport harvests

major redistributions of resources because of alteration of habitat or migration routes

substantial interference with harvester access to active subsistence sites through physical or legal barriers

### III. PROPOSED ACTION ON FEDERAL LANDS

The National Park Service proposes to implement a general management plan, land protection plan, and wilderness suitability review for Denali National Park and Preserve. The general management plan will guide resource management, visitor use, and development for a ten-year period. The land protection plan will guide management activities related to private lands for a period of two years. The wilderness suitability review evaluates lands in Denali for their suitability or nonsuitability for inclusion in the national wilderness preservation system; it will be valid until such time as a formal recommendation is transmitted to Congress.

### IV. ALTERNATIVES CONSIDERED

#### A. General Management Plan

Continue present management (alternative A)

Develop a visitor service and activity center on the south side, accompanied by a reduction in overnight use on the north side (alternative B, selected as the proposed general management plan)

Perpetuate existing levels of mineral development in the Kantishna Hills and Dunkle Mine areas (alternatives A and B)

#### B. Land Protection Plan

Acquire surface estates in the Kantishna Hills

Acquire fee title to mining properties in the Kantishna Hills wherever an adverse threat to park resources is recognized

Acquire the wolf townships

Adjust the boundary along the Swift Fork and Tokositna rivers

### V. AFFECTED ENVIRONMENT

ANILCA authorizes subsistence harvests within the new park additions and the preserve. Subsistence use is not considered extensive. Resident zones established for Denali include the communities of Cantwell, Minchumina, Nikolai, and Telida. In addition, 16 subsistence use permits are held by individuals who are not residents of those four communities.

The principal subsistence activities are hunting for caribou and moose and trapping for marten and lynx.

## VI. EVALUATION

### A. The Potential to Reduce Populations, Redistribute Resources, or Interfere with Access

No action of the general management plan or the land protection plan will significantly reduce populations through impacts on habitat or increased competition from nonsubsistence harvest. Implementation of the proposed resource management strategy will result in better understanding of the natural processes at Denali and in corrective actions being taken where necessary to eliminate threats to wildlife populations. The proposal for visitor use and general development also attempts to reduce impacts on wildlife by limiting vehicle use on the north side of the park complex. Mining operations in the Kantishna Hills, if continued at existing levels, will damage riparian habitat and cause minor reductions in the populations of species dependent on that habitat, principally moose, marten, and fox. None of the reductions in population would be expected to be significant. The land protection plan supports the objective of reducing traffic on the north side of Denali by recommending the acquisition of the surface estates on patented mining properties to reduce the potential for recreational development within the interior of the park. The land protection plan also seeks the inclusion of the wolf townships within the park to protect the wildlife populations using those lands from sport hunting.

No action of the general management plan or the land protection plan will adversely affect the distribution or migration patterns of subsistence resources. Therefore, no change in the availability of subsistence resources is anticipated as a result of the implementation of either plan.

All rights of access for subsistence harvests granted by section 811 of ANILCA will be maintained by the general management plan and the land protection plan. Regulations implementing section 811 of ANILCA are currently in place, and the two plans do not suggest changing those regulations.

### B. Availability of Other Lands for the Proposed Action

Established in 1917 and significantly enlarged in 1980, Denali National Park and Preserve was included as a unit of the national park system because of the wealth of outstanding natural resources and dramatic features. No other lands would be suitable for the specific purpose of preserving those resources and providing for their enjoyment by the public. The only other major land use addressed by the plans is mineral development, which will occur on patented or valid unpatented claims. The proposed plans are

consistent with the mandates of ANILCA, including title VIII, and with the National Park Service Organic Act.

C. Alternatives

The alternatives considered during this project were limited to the park complex and lands immediately adjacent to the park and preserve. None of the alternatives, including the proposal, would have a significant effect on subsistence use.

VII. CONSULTATION AND COORDINATION

See the consultation and coordination section of this document for information.

VIII. Based on the above process and considering all available information, this evaluation concludes that the proposed actions will not result in a significant restriction in subsistence use in Denali National Park and Preserve.

## APPENDIX I: DEFINITION OF TRADITIONAL

In applying the provisions of ANILCA as related to "means of surface transportation traditionally employed" (section 811) and "the use of snowmachines . . . , motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities" (section 1110), the National Park Service has relied on the following definitions of "tradition(al)" from Webster's Third New International Dictionary of the English Language (unabridged), 1976:

2. The process of handing down information, opinions, beliefs, and customs by word of mouth or by example; transmission of knowledge and institution through successive generations without written instruction. . . .

3. An inherited or established way of thinking, feeling or doing; a cultural feature (as an attitude, belief, custom, institution) preserved or evolved from the past; usage or custom rooted in the past (as of a family or nation); as a (1): a doctrine or practice or a body of doctrine and practice preserved by oral transmission (2): a belief or practice of the totality of beliefs and practices not derived directly from the Bible. . . .

5.a: Cultural continuity embodied in a massive complex of evolving social attitudes, beliefs, conventions, and institutions rooted in the experience of the past and exerting an orienting and normative influence on the present b: the residual elements of past artistic styles or periods.

The National Park Service recognizes that it would be valuable to pursue, with those affected, the refinement of this definition in the context of the legislative history. In the interim, the Park Service will continue to use this definition in applying the above-referenced provisions of ANILCA. To qualify under ANILCA, a "traditional means" or "traditional activity" has to have been an established cultural pattern, per these definitions, prior to 1978 when the unit was established.

APPENDIX J:

(copy)

MASTER MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE ALASKA DEPARTMENT OF FISH AND GAME  
JUNEAU, ALASKA  
AND  
THE U.S. NATIONAL PARK SERVICE  
DEPARTMENT OF THE INTERIOR  
ANCHORAGE, ALASKA

This Master Memorandum of Understanding between the State of Alaska, Department of Fish and Game, hereinafter referred to as the Department, and the U.S. Department of the Interior, National Park Service, hereinafter referred to as the Service, reflects the general policy guidelines within which the two agencies agree to operate.

WHEREAS, the Department, under the Constitution, laws, and regulations of the State of Alaska, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State on the sustained yield principle, subject to preferences among beneficial uses; and

WHEREAS, the Service, by authority of the Constitution, laws of Congress, executive orders, and regulations of the U.S. Department of the Interior is responsible for the management of Service lands in Alaska and the conservation of resources on these lands, including conservation of healthy populations of fish and wildlife within National Preserves and natural and healthy populations within National Parks and Monuments; and

WHEREAS, the Department and the Service share a mutual concern for fish and wildlife resources and their habitats and desire to develop and maintain a cooperative relationship which will be in the best interests of both parties, the fish and wildlife resources and their habitats, and produce the greatest public benefit; and

WHEREAS, the Alaska National Interest Lands Conservation Act (ANILCA) and subsequent implementing Federal regulations recognize that the resources and uses of Service lands in Alaska are substantially different than those of similar lands in other states and mandate continued subsistence uses in designated National Parks plus sport hunting and fishing, subsistence, and trapping uses in National Preserves under applicable State and Federal laws and regulations; and

WHEREAS, the Department and the Service recognize the increasing need to coordinate resource planning and policy development;

NOW, THEREFORE, the parties hereto do hereby agree as follows:

(copy)

THE DEPARTMENT OF FISH AND GAME AGREES:

1. To recognize the Service's responsibility to conserve fish and wildlife and their habitat and regulate human use on Service lands in Alaska, in accordance with the National Park Service Organic Act, ANILCA, and other applicable laws.
2. To manage fish and resident wildlife populations in their natural species diversity on Service lands, recognizing that nonconsumptive use and appreciation by the visiting public is a primary consideration.
3. To consult with the Regional Director or his representative in a timely manner and comply with applicable Federal laws and regulations before embarking on management activities on Service lands.
4. To act as the primary agency responsible for management of subsistence uses of fish and wildlife on State and Service lands, pursuant to applicable State and Federal laws.
5. To recognize that National Park areas were established, in part, to "assure continuation of the natural process of biological succession" and "to maintain the environmental integrity of the natural features found in them."

THE NATIONAL PARK SERVICE AGREES:

1. To recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.
2. To recognize the right of the Department to enter onto Service lands after timely notification to conduct routine management activities which do not involve construction, disturbance to the land, or alterations of ecosystems.
3. To manage the fish and wildlife habitat on Service lands so as to ensure conservation of fish and wildlife populations and their habitats in their natural diversity.
4. To cooperate with the Department in planning for management activities on Service lands which require permits, environmental assessments, compatibility assessments, or similar regulatory documents by responding to the Department in a timely manner.
5. To consider carefully the impact on the State of Alaska of proposed treaties or international agreements relating to fish and wildlife resources which could diminish the jurisdictional authority of the State, and to consult freely with the State when such treaties or agreements have a significant impact on the State.

(copy)

6. To review Service policies in consultation with the Department to determine if modified or special policies are needed for Alaska.
7. To adopt Park and Preserve management plans whose provisions are in substantial agreement with the Department's fish and wildlife management plans, unless such plans are determined formally to be incompatible with the purposes for which the respective Parks and Preserves were established.
8. To utilize the State's regulatory process to the maximum extent allowed by Federal law in developing new or modifying existing Federal regulations or proposing changes in existing State regulations governing or affecting the taking of fish and wildlife on Service lands in Alaska.
9. To recognize the Department as the primary agency responsible for policy development and management direction relating to subsistence uses of fish and wildlife resources on State and Service lands, pursuant to applicable State and Federal laws.
10. To consult and cooperate with the Department in the design and conduct of Service research or management studies pertaining to fish and wildlife.
11. To consult with the Department prior to entering into any cooperative land management agreements.
12. To allow under special use permit the erection and maintenance of facilities or structures needed to further fish and wildlife management activities of the Department on Service lands, provided their intended use is not in conflict with the purposes for which affected Parks or Preserves were established.

THE DEPARTMENT OF FISH AND GAME AND THE NATIONAL PARK SERVICE MUTUALLY AGREE:

1. To coordinate planning for management of fish and wildlife resources on Service lands so that conflicts arising from differing legal mandates, objectives, and policies either do not arise or are minimized.
2. To consult with each other when developing policy, legislation, and regulations which affect the attainment of wildlife resource management goals and objectives of the other agency.
3. To provide to each other upon request fish and wildlife data, information, and recommendations for consideration in the formulation of policies, plans, and management programs regarding fish and wildlife resources on Service lands.

(copy)

4. To recognize that the taking of fish and wildlife by hunting, trapping, or fishing on certain Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented Park or Preserve goals, objectives or management plans.
5. To recognize for maintenance, rehabilitation, and enhancement purposes, that under extraordinary circumstances the manipulation of habitat or animal populations may be an important tool of fish and wildlife management to be used cooperatively on Service lands and waters in Alaska by the Service or the Department when judged by the Service, on a case by case basis, to be consistent with applicable law and Park Service policy.
6. That implementation by the Secretary of the Interior of subsistence program recommendations developed by Park and Park Monument Subsistence Resource Commissions pursuant to ANILCA Section 808(b) will take into account existing State regulations and will use the State's regulatory process as the primary means of developing Park subsistence use regulations.
7. To neither make nor sanction any introduction or transplant of any fish or wildlife species on Service lands without first consulting with the other party and complying with applicable Federal and State laws and regulations.
8. To cooperate in the development of fire management plans which may include establishment of priorities for the control of wildfires and use of prescribed fires.
9. To consult on studies for additional wilderness designations and in development of regulations for management of wilderness areas on Service lands.
10. To resolve, at field office levels, all disagreements pertaining to the cooperative work of the two agencies which arise in the field and to refer all matters of disagreement that cannot be resolved at equivalent field levels to the Regional Director and to the Commissioner for resolution before either agency expresses its position in public.
11. To meet annually to discuss matters relating to the management of fish and wildlife resources on, or affected by, Service lands.
12. To develop such supplemental memoranda of understanding between the Commissioner and the Regional Director as may be required to implement the policies contained herein.
13. That the Master Memorandum of Understanding is subject to the availability of appropriated State and Federal funds.

(copy)

14. That this Master Memorandum of Understanding establishes procedural guidelines by which the parties shall cooperate, but does not create legally enforceable obligations or rights.
15. That this Master Memorandum of Understanding shall become effective when signed by the Commissioner of the Alaska Department of Fish and Game and the Alaska Regional Director of the National Park Service and shall continue in force until terminated by either party by providing notice in writing 120 days in advance of the intended date of termination.
16. That amendments to this Master Memorandum of Understanding may be proposed by either party and shall become effective upon approval by both parties.

STATE OF ALASKA

U.S. DEPARTMENT OF THE INTERIOR

Department of Fish and Game

National Park Service

By /s/ Ronald O. Skoog \_\_\_\_\_

By /s/ John E. Cook \_\_\_\_\_

Ronald O. Skoog

John E. Cook

Commissioner

Regional Director, Alaska

Date 14 October 1982

Date October 5, 1982

APPENDIX K: LAND ACQUISITION AUTHORITY

94 STAT. 2474

PUBLIC LAW 96-487—DEC. 2, 1980

LAND ACQUISITION AUTHORITY

16 USC 3192.

SEC. 1302. (a) GENERAL AUTHORITY.—Except as provided in subsections (b) and (c) of this section, the Secretary is authorized, consistent with other applicable law in order to carry out the purposes of this Act, to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of any conservation system unit other than National Forest Wilderness.

(b) RESTRICTIONS.—Lands located within the boundaries of a conservation system unit which are owned by—

(A) the State or a political subdivision of the State;

(B) a Native Corporation or Native Group which has Natives as a majority of its stockholders;

(C) the actual occupant of a tract, title to the surface estate of which was on, before, or after the date of enactment of this Act conveyed to such occupant pursuant to subsections 14(c)(1) and 14(h)(5) of the Alaska Native Claims Settlement Act, unless the Secretary determines that the tract is no longer occupied for the purpose described in subsections 14(c)(1) or 14(h)(5) for which the tract was conveyed and that activities on the tract are or will be detrimental to the purposes of the unit in which the tract is located; or

(D) a spouse or lineal descendant of the actual occupant of a tract described in subparagraph (C), unless the Secretary determines that activities on the tract are or will be detrimental to the purposes of the unit in which the tract is located—

may not be acquired by the Secretary without the consent of the owner.

(c) EXCHANGES.—Lands located within the boundaries of a conservation system unit (other than National Forest Wilderness) which are owned by persons or entities other than those described in subsection (b) of this section shall not be acquired by the Secretary without the consent of the owner unless prior to final judgment on the value of the acquired land, the owner, after being offered appropriate land of similar characteristics and like value (if such land is available from public lands located outside the boundaries of any conservation system unit), chooses not to accept the exchange. In identifying public lands for exchange pursuant to this subsection, the Secretary shall consult with the Alaska Land Use Council.

(d) IMPROVED PROPERTY.—No improved property shall be acquired under subsection (a) without the consent of the owner unless the Secretary first determines that such acquisition is necessary to the fulfillment of the purposes of this Act or to the fulfillment of the purposes for which the concerned conservation system unit was established or expanded.

(e) RETAINED RIGHTS.—The owner of an improved property on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or recreational purposes, as the case may be, for a definite term of not more than twenty-five years, or in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the owner's interest in the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his

Post. pp. 2493,  
2494.

determination that such right is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(f) **DEFINITION.**—For the purposes of this section, the term “improved property” means—

“Improved property.”

(1) a detached single family dwelling, the construction of which was begun before January 1, 1980 (hereinafter referred to as the “dwelling”), together with the land on which the dwelling is situated to the extent that such land—

(A) is in the same ownership as the dwelling or is Federal land on which entry was legal and proper, and

(B) is designated by the Secretary to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or

(2) property developed for noncommercial recreational uses, together with any structures accessory thereto which were so used on or before January 1, 1980, to the extent that entry onto such property was legal and proper.

In determining when and to what extent a property is to be considered an “improved property”, the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1980, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed before such date.

(g) **CONSIDERATION OF HARDSHIP.**—The Secretary shall give prompt and careful consideration to any offer made by the owner of any property within a conservation system unit to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result in, undue hardship.

(h) **EXCHANGE AUTHORITY.**—Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native Groups, Village Corporations, Regional Corporations, and the Urban Corporations, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

48 USC note  
Prec. 21.

(i)(1) The Secretary is authorized to acquire by donation or exchange, lands (A) which are contiguous to any conservation system unit established or expanded by this Act, and (B) which are owned or validly selected by the State of Alaska.

(2) Any such lands so acquired shall become a part of such conservation system unit.

APPENDIX L: SPECIFIC LAND  
PROTECTION RECOMMENDATIONS

The recommended means of land protection for nonfederal land in Denali National Park are in priority order below. Ownership, location, acreages involved, minimum interest needed for protection, and justification are also given. Priorities may be readjusted if incompatible uses develop, as additional information is obtained, or to address emergencies or hardships. The land protection plan will be reviewed every two years and revised as necessary to reflect new information and changing uses and priorities. Review and revision procedures, including public involvement, are discussed in the introduction to the "Land Protection Plan" section of this document.

"Owner" as it pertains to privately owned real property inside the park or preserve is defined as follows:

The person(s), corporation, or other entity who first received patent or other conveyance from the United States of America or the State of Alaska. When the title to real property is conveyed by the United States of America or the State of Alaska (in the case of state land disposals), no records are required to be maintained by the government covering future transfers of ownership. Those records are maintained in each recording district. Abstracts of such records are available from various title insurance companies throughout the state.

Area 1

Owner: State of Alaska

Tract \_\_\_\_\_ (Fairbanks T12S R9W, T12S R10W, T12S R11W, T13S R7W, T13S R8W, T13S R9W, T13S R10W, T13S R11W)

Size (acres): 91,570 (approx.)

Minimum interest needed: Fee

Justification: These lands have long been identified as belonging to the original Mount McKinley National Park ecosystem. These are essential to preserve habitat for moose, wolves, bear, sheep, and caribou which migrate annually into the area from present park lands. For the past several years the Denali caribou herd has wintered in the Stampede area. Protection of the area would maintain the integrity of the Savage, Sanctuary, and Teklanika watersheds and preclude adverse development.

Recommended method of acquisition: Exchange

Priority: 1

Area 2

Owner: Geoprize, Ltd.; Swainbank (Nimbus 1-10, Nim 4-160)  
Tracts AA 028909 and AA 029075 (Fairbanks T19S R10W)  
Size (acres): 3,420  
Minimum interest needed: None (delete from park)  
Justification: The National Park Service intends to exchange the lands containing these mining claims for other lands, thus excluding these claims from the boundary of the park.  
Recommended method of deletion: Exchange  
Priority: 1

Area 3

Owner: Foster, Hawley, Zink (Golden Flower 1-6)  
Tracts AA 023357-62 (Fairbanks T19S R10W)  
Size (acres): 60  
Minimum interest needed: None (delete from park)  
Justification: The National Park Service intends to exchange the lands containing these mining claims for other lands, thus excluding these claims from the boundary of the park.  
Recommended method of deletion: Exchange  
Priority: 1

Area 4

Owner: Enserch (Golden Bob 14-16)  
Tracts AA 029978-80 (Fairbanks T19S R11W)  
Size (acres): 60  
Minimum interest needed: None (delete from park)  
Justification: The National Park Service intends to exchange the lands containing these mining claims for other lands, thus excluding these claims from the boundary of the park.  
Recommended method of deletion: Exchange  
Priority: 1

Area 5

Owner: Foster (Colorado 1-9)  
Tract AA 023363-71 (Fairbanks T19S R10W)  
Size (acres): 180  
Minimum interest needed: None (delete from park)  
Justification: The National Park Service intends to exchange the lands containing these mining claims for other lands, thus excluding these claims from the boundary of the park.  
Recommended method of deletion: Exchange  
Priority: 1

#### Area 6

Owner: 41 patented lode claims, Kantishna Tract

Size (acres): 804.881 (approx. 20 each claim)

Minimum interest needed: Less than fee

Justification: These claims were originally staked for their mineral interest. Acquisition of the surface estate would preclude adverse development not directly connected with the mineral industry. Such development might include subdivision, highrise buildings, or development causing increased road travel over the park road. Recent research has shown that increased traffic along the park road is detrimental to park wildlife. In addition, the surface of these lands is mostly undisturbed, and attempts to develop would cause considerable scarring, loss of vegetation, and erosion.

Recommended method of acquisition: Purchase interest in the surface estate of each patented lode claim, reserving to the owner the right to use the surface for the exploration and development of the minerals

Priority: 2

#### Area 7

Owner: Kantishna Mines, Anthony

Tract F 001169, 2 lode claims (Whistler, Bright Light)

Size (acres): 40.497

Minimum interest needed: Fee

Justification: These claims are the only patented lode claims situated on the west side of Moose Creek. They are covered with vegetation. Acquisition could preclude further disturbance to scenic and habitat values on the western side of the Moose Creek valley.

Recommended method of acquisition: Purchase

Priority: 3

#### Area 8

Owner: Fuksa (Comstock 1-8, Eagles Den 1 and 2, Lucky Tuesday 1 and 2, Eldorado 1-4, and Virginia City 1 and 2)

Tracts FF 059042-49, FF 059032,33, FF 059027,28, FF058991-94, and FF 058995,96 (Fairbanks T16S R18W)

Size (acres): 360

Minimum interest needed: Mineral interest

Justification: All unpatented claims will undergo validity determination. Acquisition of the mineral interest of valid claims could prevent further disturbance at these sites for the development of access and help maintain the scenic and habitat values of this less disturbed west side of the Moose Creek drainage.

Recommended method of acquisition: Purchase

Priority: 4

### Area 9

Owner: Taylor (Last Chance Creek lodes 1-6)

Tracts FF 052416-21

Size (acres): 120

Minimum interest needed: Mineral interest

Justification: All unpatented claims will undergo validity determination. Acquisition of the mineral interest of valid claims could prevent further disturbance for the development of access and further tailing piles at the sites. Protection of this area will help maintain the scenic and habitat values in the Caribou Creek drainage.

Recommended method of acquisition: Purchase

Priority: 4

### Area 10

Owner: Northwest Exploration (Willow 1-8 and Liberty 22-54)

Tracts FF 59258-65 and FF 59209-41

Size (acres): 820

Minimum interest needed: Mineral interest

Justification: All claims will undergo validity determinations. Acquisition of the mineral interest of relatively undisturbed valid claims could prevent further damage to scenic values and aquatic and riparian habitat, maintain fish passage to Upper Moose Creek, and maintain a caribou calving area and habitat for moose, birds, and other wildlife. Moose Creek flows out of the Denali wilderness. It is popular with hikers and backpackers and is readily accessible from the park road. It supports a large grayling population.

Recommended method of acquisition: Purchase

Priority: 4

### Area 11

Owner: Talkeetna Mines Trust, Jacobsen

Tract AA 05037, Tokachitna unpatented claims 1-8 (Seward T30N R8W)

Size (acres): 160

Minimum interest needed: Mineral

Justification: The area is currently without mining access in the remote south of Denali National Park. Acquisition would preclude impacts from development and access into this otherwise primitive area of the park and would protect the natural setting.

Recommended method of acquisition: Donation

Priority: 5

Area 12

Owner: State of Alaska

Tract AA06910

Size (acres): 640

Minimum interest needed: Fee

Justification: Lands in these tracts are the only remaining inholdings in the southwest preserve. Their acquisition would consolidate management.

Recommended method of acquisition: Exchange

Priority: 6

Area 13

Owner: Genet

Tract AA 5488 (Seward T30N R6W)

Size (acres): 79.96

Minimum interest needed: Less than fee

Justification: Present residential use is compatible with park resources and uses of this area. The park would want to acquire an easement on this property if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.

Recommended method of acquisition: Purchase

Priority: 7

Area 14

Owner: State of Alaska

Tract \_\_\_\_\_ (Seward T29N R6W)

Size (acres): not available

Minimum interest needed: Fee

Justification: A land exchange would place boundaries along the Tokositna River and simplify identification by park visitors and NPS and state officials. Basic acreage would not change. The boundary would be the west bank of the Tokositna River.

Recommended method of acquisition: Exchange

Priority: 8

Area 15

Owner: Barron  
Tract AA 3990 (Seward T30N R6W)  
Size (acres): 47  
Minimum interest needed: Less than fee  
Justification: Present residential use is compatible with park resources and uses of this area. The park would want to acquire an easement on this property if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.  
Recommended method of acquisition: Purchase  
Priority: 9

Area 16

Owner: Basil headquarters site  
Tract AA 1076 (Seward T30N R6W)  
Size (acres): 4.98  
Minimum interest needed: Less than fee  
Justification: Present residential use is compatible with park resources and uses of this area. The park would want to acquire an easement on this property if an adverse use was imminent, to prevent further intrusion on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.  
Recommended method of acquisition: Purchase  
Priority: 10

Area 17

Owner: State of Alaska  
Size (acres): 3,635 (50 acres Tokositna River, 1,895 acres Kantishna River, 1,230 acres Muddy River)  
Minimum interest needed: Cooperative agreement  
Justification: Mining could occur in the beds of rivers determined to be navigable, because title to these riverbeds is vested in the state. The National Park Service needs to prevent the degradation of habitat, water quality, and scenic values on all rivers within the park boundary. A cooperative agreement with the state of Alaska could preclude mineral entry and leasing under state law and otherwise prevent the destruction of riparian habitat and scenic values along any rivers determined to be owned by the state.  
Recommended method of protection: Cooperative agreement  
Priority: 11

Area 18

Owner: Application, Cantwell Village Corp. (12(b))  
Tract FF 14844A2 (Fairbanks T17S R8W, sec. 25, 36, and T18S R8W, sec. 1)  
Size (acres): 1,860  
Minimum interest needed: Less than fee  
Justification: This area is adjacent to the community of Cantwell and serves as habitat for moose in the Windy Creek drainage. The area is at the base of the hills above the town and is forested. Land sales, growth, and development could impact this area which is now used by local rural residents for subsistence purposes. A scenic easement could allow compatible development and lessen impacts on habitat and other values.  
Recommended method of acquisition: Purchase or exchange  
Priority: 12

Area 19

Owner: Application, AHTNA Native Corporation  
Tract AA 16172 (Fairbanks T18S R9W)  
Size (acres): 7,860  
Minimum interest needed: Fee  
Justification: This area is important to the habitat and scenic values of the adjacent Denali wilderness.  
Recommended method of protection: Relinquishment  
Priority: 13

Area 20

Owner: AHTNA Native Corporation (12(c))  
Tract AA 810402 (Fairbanks T17S R9W, sec. 35, 36)  
Size (acres): 375.0  
Minimum interest needed: Fee  
Justification: This parcel is needed to consolidate ownership and management in the area and to maintain the integrity of the watershed on the Foggy Pass side of the former Mount McKinley National Park. The parcel blocks a small valley on the existing park side and is important for the movement of wildlife.  
Recommended method of acquisition: Exchange  
Priority: 14

### Area 21

Owner: Application, Doyon, Ltd. (12(c))

Tract FF 02190156 (Fairbanks T10S R20W)

Size (acres): 6,073 in current boundary

Minimum interest needed: Fee

Justification: This area northeast of the Muddy River flats was set aside by Congress because of its high resource values. It is composed of wetlands and low wooded hills which serve as moose habitat. Local rural residents depend primarily on these moose for subsistence. Acquisition is necessary to preclude any land disposal, subdivision, or adverse development in the area and to maintain the habitat.

Recommended method of acquisition: Exchange

Priority: 15

### Area 22

Owner: Application, Doyon, Ltd. (12(c))

Tract FF 2190491 (Fairbanks T10S R21W)

Size (acres): 19,108 in current boundary

Minimum interest needed: Fee

Justification: This is the northern end of the Muddy River flats. It is important marshland habitat for trumpeter swans and seasonal riparian habitat for moose. Local rural residents depend primarily on these moose for subsistence. Fee is necessary to preclude any land disposal, subdivision, or adverse development in the area.

Recommended method of acquisition: Relinquishment (or exchange, as appropriate)

Priority: 16

### Area 23

Owner: Application, Doyon, Ltd. (14(h)(8))

Tracts FF 40216-219 (Fairbanks T11S R20W)

Size (acres): 22,662 (5,760, 5,697, 5,445, and 5,760)

Minimum interest needed: Fee

Justification: These applications are at the north end of Lake Chilchukabena, an area identified as important habitat for moose and migrating waterfowl. Local rural residents rely on this area for subsistence. This is the largest lake in the park, and its shoreline should be protected for its scenic and other values. Acquisition is needed to preclude any land disposal, subdivision, or adverse development in the area.

Recommended method of acquisition: Relinquishment or exchange, as appropriate

Priority: 17

#### Area 24

Owner: Application, Minchumina Natives, Inc.  
Tracts AA 11184 (Fairbanks T11S R23W) and FF 22396 (T11S R22W)  
Size (acres): 3,010  
Minimum interest needed: Fee  
Justification: The tracts are near Lake Minchumina. This area is important habitat for migrating waterfowl, including trumpeter swans. If these lands are conveyed, acquisition will be necessary to preclude adverse use, subdivision, or land development.  
Recommended method of acquisition: Purchase or exchange  
Priority: 18

#### Area 25

Owner: Sheldon headquarters site  
Tract AA 445 (Fairbanks T22S R17W)  
Size (acres): 4.90  
Minimum interest needed: None  
Justification: The current historical pattern of use is compatible with park resources. If incompatible uses occurred, the National Park Service would want to acquire the property. Subdivision or high-rise buildings would be considered incompatible uses. This property is currently used commercially as a shelter for climbers and skiers.  
Recommended method of acquisition: None  
Priority: None

#### Area 26

Owner: Application, Doyon, Ltd.  
Tract FF 22715 (Fairbanks T12S R17W)  
Size (acres): 160  
Minimum interest needed: Cooperative Agreement  
Justification: The area is a cemetery/historic site important to native Athapascans. Designation as national park lands currently protects these historic sites by federal law. These lands and historic values should remain federally owned and can be managed and protected respecting native concerns.  
Recommended method of acquisition: Relinquishment  
Priority: 19

Area 27

Owner: Application, Doyon, Ltd.  
Tract FF 22818 (Fairbanks T12S R21W, sec. 6)  
Size (acres): 629  
Minimum interest needed: Cooperative Agreement  
Justification: The area is a cemetery/historic site important to native Athapascans. Designation as national park lands currently protects these historic sites by federal law. These lands and historic values should remain federally owned and can be managed and protected respecting native concerns.  
Recommended method of acquisition: Relinquishment  
Priority: 20

Area 28

Owner: Application, Doyon, Ltd.  
Tract FF 22843 (Fairbanks T12S R21W, sec. 11-13)  
Size (acres): 26  
Minimum interest needed: Cooperative Agreement  
Justification: The area is a cemetery/historic site important to native Athapascans. Designation as national park lands currently protects these historic sites by federal law. These lands and historic values should remain federally owned and can be managed and protected respecting native concerns.  
Recommended method of acquisition: Relinquishment  
Priority: 21

Area 29

Owner: University of Alaska (Stampede Mine)  
Tract FF 79301 and 79302 (Ridge Claims 3 and 4)  
Size (acres): 21.552  
Minimum interest needed: Mineral interest  
Justification: Ridge Claims 3 and 4 are situated on a ridge above the main block of the Stampede Mine claims. They are unpatented and have not been mined. It is preferable that the activity at the Stampede Mine be confined to the already disturbed area, which is more out of sight and a mile away from the highly visible ridgetop.  
Recommended method of acquisition: Relinquishment of the mineral interest in the claims  
Priority: 22

Area 30

Owner: Application, State of Alaska  
Tract F 034740 (Fairbanks T18S, R8W)  
Size (acres): 6,141

Minimum interest needed: Fee

Justification: Acquisition of an approximately 1,000-acre portion of this parcel, from the ridgetop down the west drainage of Windy Creek, is necessary to maintain the integrity of the Windy Creek watershed. This area is adjacent to the town of Cantwell. A cooperative agreement for the remainder of the parcel will be sufficient.

Recommended method of acquisition: Relinquishment or exchange  
Priority: None

Area 31

Owner: Travers  
Tract F 29984 (Fairbanks T16S R17W, sec. 29NW, NW)  
Size (acres): 0.517

Minimum interest needed: None

Justification: Current historical pattern of use is compatible with park resources. If incompatible uses occurred or were proposed, the National Park Service would want to acquire the property. Subdivision, highrise buildings, improved access, or other obtrusive development or use causing increased travel over the park road would be considered incompatible uses. Recent research has shown that increased travel on the park road is detrimental to park wildlife. Part of this tract was sold; however, a parcel 150' x 150' in the southwest corner was retained by Mr. Travers. A small cabin sits on the property.

Recommended method of acquisition: None  
Priority: None

Area 32

Owner: Hunter  
Tract F 9215 (Fairbanks T16S R17W, sec. 19NE, 20NW)  
Size (acres): 12

Minimum interest needed: None

Justification: Current historical pattern of use is compatible with park resources. If incompatible uses occurred, the National Park Service would want to acquire the property. Subdivision, highrise buildings, improved access, or other obtrusive development or development causing increased travel over the park road would be considered incompatible uses. Recent research has shown that increased travel on the park road is detrimental to park wildlife.

Recommended method of acquisition: None  
Priority: None

Area 33

Owner: Olsen homestead site  
Tract F 2627 (Fairbanks T12S R17W, Diamond, AK)  
Size (acres): 15.39  
Minimum interest needed: None  
Justification: Use as a single residence or parttime residence without further improvements to the land or improved access is compatible. Otherwise, fee interest by purchase would be recommended.  
Recommended method of acquisition: None  
Priority: None

Area 34

Owner: Cole (Camp Denali)  
Tract F 9215 (Fairbanks T16S R17W, sec. 19NE and 20NW)  
Size (acres): 55.306  
Minimum interest needed: Less than fee (easement)  
Justification: Camp Denali is a private lodge located near the Kantishna Mining district. It operates guided activities in Denali National Park by concession permit. The complex consists of a lodge, dining room, outbuildings, and guest cabins designed to accommodate 32 people on a regular basis. Subdivision, highrise buildings, improved access, or development causing increased travel over the park road would be considered incompatible uses. Recent research has shown that increased travel on the park road would be detrimental to park wildlife. An easement limiting development and occupancy to present levels would ensure that road use limits would be maintained.  
Recommended method of acquisition: Purchase  
Priority: 23

Area 35

Owner: Van Wickle homesite  
Tract FF 6085 (Fairbanks T16S R17W, sec. 09SE, NE, SE, SE and 10SW, NW, SW, SW)  
Size (acres): 4.99  
Minimum interest needed: Less than fee (easement)  
Justification: This is a highly visible nonmining property. Subdivision, highrise buildings, improved access, or other obtrusive development or increased development causing increased travel over the park road would be considered incompatible uses. Recent research has shown that increased travel on the park road would be detrimental to park wildlife. An easement limiting development and occupancy to present levels would ensure that road use limits would be maintained.  
Recommended method of acquisition: Purchase  
Priority: 24

Area 36

Owner: Ashbrook homesite (Kantishna Roadhouse)

Tract F 20831 (Fairbanks T16S R18W, sec. 13)

Size (acres): 5.0

Minimum interest needed: Less than fee (easement)

Justification: The Kantishna roadhouse is a small hotel, restaurant, and bar which caters to both organized tours and walk-in traffic. It currently consists of a private home, lodge, historic roadhouse, five cabins, and several weatherport tents. Subdivision, highrise buildings, improved access or development causing increased travel on the park road would be considered incompatible uses. Recent research has shown that increased travel on the park road would be detrimental to park wildlife. An easement limiting development and occupancy to present levels would ensure that road use limits would be maintained.

Recommended method of acquisition: Purchase

Priority: 25

Area 37

Owner: Hunter headquarters site (Eagle's Nest)

Tract F 34584 (Fairbanks T16S R17W, sec. 17)

Size (acres): 4.99

Minimum interest needed: Less than fee (easement)

Justification: This is a highly visible nonmining property. Subdivision, highrise buildings, improved access, or other obtrusive development or increased development causing increased travel over the park road would be considered incompatible uses. Recent research has shown that increased travel on the park road would be detrimental to park wildlife. An easement limiting development and occupancy to present levels would ensure that road use limits would be maintained.

Recommended method of acquisition: Purchase

Priority: 26

Area 38

Owner: Cole (Hawk's Nest)

Tract F 29984 (Fairbanks T16S R17W, sec. 29NW, NW)

Size (acres): 4.483

Minimum interest needed: Less than fee (easement)

Justification: This is a highly visible nonmining property. Subdivision, highrise buildings, improved access, or other obtrusive development or increased development causing increased travel over the park road would be considered incompatible uses. Recent research has shown that increased travel on the park road would be detrimental to park wildlife. An easement limiting development and occupancy to present levels would ensure that road use limits would be maintained.

Recommended method of acquisition: Purchase

Priority: 27

Area 39

Owner: Crabb (North Face Lodge)  
Tract F 12691 (Fairbanks T16S R17W)  
Size (acres): 4.75

Minimum interest needed: Less than fee (easement)

Justification: This is a highly visible small hotel with 15 rooms, accommodating up to 30 guests, located on the park road past Wonder Lake. It has been offered for sale, and such sale, to be profitable, would require extensive development of the property, which would increase its visibility and road use. Subdivision, highrise buildings, improved access, or development causing increased travel over the park road would be considered incompatible uses. Recent research has shown that increased travel on the park road would be detrimental to park wildlife. An easement limiting development and occupancy to present levels would ensure that road use limits would be maintained.

Recommended method of acquisition: Purchase

Priority: 28

Area 40

Owner: John  
Tract F 2624 (Fairbanks T12S R21W, sec. 12W2)  
Size (acres): 160

Minimum interest needed: None

Justification: This is an Alaska native allotment. Present residential use is compatible with park resources. The park would want to acquire this property in fee if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.

Recommended method of acquisition: None

Priority: None

Area 41

Owner: Menke  
Tract FF 1268 (Fairbanks T11S R21W, parcel C, and  
T11S R22W, parcel B)

Size (acres): 80

Minimum interest needed: None

Justification: This is an Alaska native allotment. Present residential use is compatible with park resources. The park would want to acquire this property in fee if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.

Recommended method of acquisition: None

Priority: None

Area 42

Owner: Application, Chase

Tract FF 16597A (Fairbanks T11S R20W)

Size (acres): 110

Minimum interest needed: None

Justification: This is an Alaska native allotment. Present residential use is compatible with park resources. The park would want to acquire this property in fee if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.

Recommended method of acquisition: None

Priority: None

Area 43

Owner: Nikolai

Tract FF 17523 (Fairbanks T15S R28W, sec. 18A, and T16S R27W, sec. 28 and 33B)

Size (acres): 160

Minimum interest needed: None

Justification: This is an Alaska native allotment. Present residential use is compatible with park resources. The park would want to acquire this property in fee if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.

Recommended method of acquisition: None

Priority: None

Area 44

Owner: Nikolai

Tract FF 17524 (Fairbanks T15S R27W, sec. 34)

Size (acres): 80

Minimum interest needed: None

Justification: This is an Alaska native allotment. Present residential use is compatible with park resources. The park would want to acquire this property in fee if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development. The property sits between Highpower and Deep creeks in the western end of the park.

Recommended method of acquisition: None

Priority: None

Area 45

Owner: Rudolph Chase  
Tract FF 17876 (Fairbanks T11S R20W, sec. 31, and T12S R20W, sec. 6)  
Size (acres): 160  
Minimum interest needed: None  
Justification: This is an Alaska native allotment. Present residential use is compatible with park resources. The park would want to acquire this property in fee if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.  
Recommended method of acquisition: None  
Priority: None

Area 46

Owner: Application, Starr  
Tracts FF 19491 C (Fairbanks T12S R20W, sec. 9), FF 19491 B (T11S R21W, sec. 3 and 10), FF 19491 A (T11S R21W, sec. 6), and FF 19491 D (T11S R21W, sec. 18)  
Size (acres): 160  
Minimum interest needed: None  
Justification: This is an Alaska native allotment. Present residential use is compatible with park resources. The park would want to acquire this property in fee if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.  
Recommended method of acquisition: None  
Priority: None

Area 47

Owner: Harrison  
Size (acres): 0.25  
Minimum interest needed: None  
Justification: Present residential use is compatible with park resources and uses of this area. The park would want to acquire this property in fee if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.  
Recommended method of acquisition: None  
Priority: None

Area 48

Owner: Barb

Size (acres): 0.25

Minimum interest needed: None

Justification: Present residential use is compatible with park resources and uses of this area. The park would want to acquire this property in fee if an adverse use was imminent, to prevent further intrusions on lands basically primitive in character and to minimize impacts on wildlife habitat and subsistence uses. Adverse uses would include subdivision or commercial development.

Recommended method of acquisition: None

Priority: None

Area 49

Owner: University of Alaska (Stampede Mine)

Tract FF 079305-7 and FF 59096-7 (Fairbanks T13S R15W)

Size (acres):

Minimum interest needed: None

Justification: This mineral interest is owned by the University of Alaska, School of Mining. It is administered under an agreement with the National Park Service. The National Park Service intends to continue managing the area under the agreement to provide educational opportunities to students.

Recommended method of protection: Cooperation

Priority: None

Area 50

Owner: Cordasci (Absolution)

Tract AA 13539 (Fairbanks T20S R11W, sec. 5NW)

Size (acres): 20

Minimum interest needed: None

Justification: This claim will be examined for validity. If it is determined valid, it will be managed according to federal and state regulations to ensure land protection of the area.

Recommended method of protection: Regulation

Area 51

Owner: Ohio Creek Mining Corp. (Glacier Queen)

Tract AA 034579 (Fairbanks T20S R12W, sec. 18NE)

Size (acres): 20

Minimum interest needed: None

Justification: This claim will be examined for validity. If it is determined valid, any operations will be managed according to federal and state regulations to ensure land protection of the area.

Recommended method of protection: Regulation

#### Area 52

Owner: Wilson (Don 1, 2, 9, and 10)  
Tracts AA 032502-3 and AA 032510 (T20S R11W)  
Size (acres): 60  
Minimum interest needed: None  
Justification: These claims will be examined for validity. If claims are determined valid, any operations will be managed according to federal and state regulations to ensure land protection of the area.  
Recommended method of protection: Regulation

#### Area 53

Owner: Unpatented lode claims, Kantishna Hills Tract  
Size (acres): 1,320  
Minimum interest needed: None  
Justification: All unpatented claims will undergo validity determinations. On any valid lode claims, land protection will be achieved through compliance with plans of operations pursuant to title 36, Code of Federal Regulations, part 9(A), and other applicable state and federal laws.  
Recommended method of protection: Regulation

#### Area 54

Owner: Unpatented placer claims, Kantishna Hills Tract  
Size (acres): 3,500  
Minimum interest needed: None  
Justification: All unpatented placer claims will undergo validity determinations. On any valid claims, land protection will be achieved through compliance with plans of operations pursuant to title 36, Code of Federal Regulations, part 9(A), and other applicable state and federal laws.  
Recommended method of acquisition: None  
Priority: None

#### Area 55

Right-of-Way: State of Alaska  
Tract: Alaska Railroad right-of-way  
Size (acres):  
Minimum interest needed: None  
Justification: The Alaska Railroad right-of-way is the result of congressional action. Use of the right-of-way is the subject of a memorandum of understanding between the state of Alaska and the National Park Service.  
Recommended method of acquisition: None  
Priority: None

Area 56

Right-of-Way: State of Alaska

Tract: George Parks Highway

Size (acres):

Minimum interest needed: None

Justification: The current highway is maintained by the state of Alaska and is the major link between Anchorage and northern Alaska.

Recommended method of acquisition: None

Priority: None

APPENDIX M: ENDANGERED SPECIES ACT COMPLIANCE

FISH AND WILDLIFE SERVICE  
1011 E. TUDOR RD.  
ANCHORAGE, ALASKA 99503  
(907) 276-3800

Mr. Roger J. Contor, Regional Director  
National Park Service, USDI  
2525 Gambell Street  
Anchorage, Alaska 99503

Dear Mr. Contor:

This responds to your April 4, 1984, memorandum in which you requested a list of threatened or endangered species present in Denali National Park and Preserve and in three adjacent areas. Based on information currently available to us, no listed or proposed threatened or endangered species occur in the areas you identified. The only exception to this is the possible presence of the endangered peregrine falcon (Falco peregrinus anatum) during spring and fall migration.

There are currently 30 species of plants in Alaska which are considered candidates for possible future listing under the Endangered Species Act. Two of these, Smelowskia borealis var. villosa and Taraxacum carneocoloratum, are known to occur within the park/preserve. Smelowskia borealis var. villosa is associated with calcareous scree at high elevations on Sable Mountain, at Dry Creek, and at Rainbow Mountain. Taraxacum carneocoloratum is an alpine species known from Stoney Pass and two sites outside the planning area. Although not presently afforded protection pursuant to the Endangered Species Act, we urge you to consider these candidate species in the environmental planning process.

We look forward to reviewing the general management plan when it is available. Thank you for your continued interest in Alaska's endangered wildlife.

Sincerely,  
Assistant Regional Director

Alaska Regional Office  
2525 Gambell Street, Room 107  
Anchorage, Alaska 99503-2892

D18(ARO-ONR)  
(X)N1621

Memorandum

To: Regional Director, United States Fish and Wildlife Service  
Anchorage, Alaska

From: Acting Regional Director, Alaska Region, National Park Service

Subject: Section 7, Informal Consultation on Denali National Park and  
Preserve General Management Plan

The National Park Service is currently developing a general management plan for Denali National Park and Preserve. In order to insure that the direction of the plan would not jeopardize any threatened or endangered species within the park and preserve, input from the Fish and Wildlife Service is requested. We would appreciate a list of threatened or endangered plants or animals which occur within the park, and also those which occur within adjacent lands, specifically the Tokositna drainage. Curry Ridge and Byers Lake within Denali State Park, as the plan is considering these sites as alternatives for potential development. Thank you for your cooperation.

(Sgd) Robert L. Peterson

bcc:  
Joan Hirschman (DSC)

A. Lovaas:lf:04/03/84

## APPENDIX N: CULTURAL RESOURCE COMPLIANCE

On April 2, 1985 the National Park Service provided copies of the draft plan and environmental assessment to the Advisory Council on Historic Preservation for their review and comment. On September 19, 1985, the regional director was notified that the document did not qualify for inclusion under the programmatic memorandum of agreement between the Advisory Council, the National Park Service, and the National Conference of State Historic Preservation Officers. The GMP did not present cultural resource information in sufficient scope and detail to allow for substantive review and section 106 compliance under the programmatic memorandum of agreement. Therefore, pursuant to section 106 of the National Historic Preservation Act, as amended in 1980, and until more specific planning documents are developed, the National Park Service will continue to consult with the Alaska state historic preservation officer and the Advisory Council on a case-by-case basis prior to implementing any action under the general management plan that may affect cultural resources.

APPENDIX O: FINDING OF NO SIGNIFICANT IMPACT

The National Park Service is proposing to implement the final general management plan and land protection plan for Denali National Park. The general management plan is intended to guide the management of the park and preserve for a period of ten years and addresses all the major topics of management, including resources management, general public use, subsistence, access, and development. The land protection plan is reviewed, and revised as necessary, every two years, and presents proposals for the nonfederal land within and near the park and preserve.

A draft of the General Management Plan/Environmental Assessment, Land Protection Plan, Wilderness Suitability Review was distributed to the public in the spring of 1985, and comments were accepted until the end of August. A subsequent revised draft was distributed for a 60-day public comment period in December of 1985.

The environmental assessment analyzed the impacts of two alternative management strategies for the park and preserve, including the impacts on wildlife, vegetation, cultural resources, park operations, and the local economy. It was determined that the proposal will cause no adverse impacts on the public health, public safety, or rare or endangered species. No highly uncertain or controversial impacts, or significant cumulative effects, were identified. Any negative environmental effects will be minor and/or temporary. The proposal will result in positive effects upon natural and cultural resources within the park and preserve as a result of natural resource research and monitoring, and through cultural resource identification and protection. A complete evaluation of impacts resulting from the proposal and alternatives can be found in the March draft plan and environmental assessment.

Based on the environmental analysis and public and agency comment on the proposed plans, I have determined that the proposed federal action will not significantly affect the quality of the human environment, and therefore an environmental impact statement will not be prepared.

\_\_\_\_\_  
Regional Director Alaska Region

11/20/86  
Date