

SUBSISTENCE MANAGEMENT

One of the purposes of ANILCA is to provide the opportunity for local, rural residents engaged in a subsistence way of life to continue to do so, consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each conservation system unit is established (ANILCA, section 101(c)). Section 202(3)(a) of ANILCA permits local residents to engage in subsistence uses within the 1980 additions to Denali National Park and Preserve in accordance with the provisions of title VIII of ANILCA.

Title VIII of ANILCA addresses subsistence management and uses. Section 802 presents the subsistence policy of ANILCA. This section states that, consistent with sound management principles and the conservation of healthy populations of fish and wildlife, the utilization of public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence use of the resources of such lands; that nonwasteful subsistence uses of fish and wildlife and other renewable resources on the public lands shall be given preference over other consumptive uses; and that federal land managing agencies, in managing subsistence activities and in protecting the continued viability of all wild renewable resources, shall cooperate with adjacent landowners and land managers.

Section 805(d) of ANILCA directs that the secretary of the interior shall not implement portions of the subsistence provisions if the state of Alaska enacts and implements subsistence preference laws which provide for the taking of fish and wildlife on federal lands for subsistence purposes, and which are consistent with the other applicable sections of ANILCA. The state did enact a law which meets the above criteria within the specified time. Consequently the state of Alaska's fisheries and game boards set the bag limits, methods of take, the seasons of take, and other factors related to the taking of fish and wildlife for subsistence purposes within Alaska, including the park units. Insofar as state laws and regulations for the taking of fish and wildlife are consistent with the provisions of ANILCA and the applicable federal regulations, the state shall continue to regulate the subsistence harvests of fish and wildlife within the park units.

"Trapping or any other customary trade practice within parks and monuments" is not intended "to be or become a solely or predominantly commercial enterprise beyond its traditional role as part of the subsistence regimen" (Federal Register, vol. 46, no. 116, June 17, 1981, "Rules and Regulations"). The National Park Service will work with the state of Alaska in monitoring the "customary trade" aspect of subsistence (including trapping), and will promulgate regulations consistent with the intent of title VIII of ANILCA (Senate Report 96-413, p. 234).

section 810 of ANILCA requires the heads of federal agencies to evaluate the effects upon subsistence uses of any proposed land withdrawal, reservation, lease, occupancy, use or other disposition of federal lands.

These evaluations will be conducted by the National Park Service for all such actions. An 810 evaluation for this plan is contained in appendix H.

Section 814 directs the secretary of the interior to prescribe regulations, as necessary and appropriate, to implement title VIII of ANILCA. Regulations to implement the provisions of ANILCA, including title VIII, became effective on June 17, 1981, following a public comment period on proposed regulations. These regulations (36 CFR 13) address numerous aspects of subsistence management and uses within the park units in Alaska, including determination of which rural residents qualify to engage in subsistence activities in the park units, what means and methods of access may be used in conducting subsistence activities, what laws and regulations apply to the taking of fish and wildlife for subsistence purposes, subsistence use of trees, and how and under what conditions subsistence uses may be temporarily terminated. Residents of the following communities are authorized by 36 CFR 13.63(a)(1) to engage in subsistence activities in Denali National Park and Preserve: Cantwell, Minchumina, Nikolai, and Telida. These regulations are considered interim regulations and are subject to refinement and change as better understandings of the requirements of subsistence uses in the park units, and its management, are attained.

SUBSISTENCE RESOURCE COMMISSION

Sections 805 and 808 of ANILCA authorize the establishment of subsistence advisory councils and subsistence resource commissions, respectively. The councils and commissions have been established and are executing their duties as defined by ANILCA. The regional subsistence advisory councils currently advise on subsistence matters on both federal and state lands. Section 808 of ANILCA states that

the Secretary and the Governor shall each appoint three members to a subsistence resources commission for each national park or park monument within which subsistence uses are permitted by this Act. The regional advisory council established pursuant to section 805 which has jurisdiction within the area in which the park or park monument is located shall appoint three members to the commission each of whom is a member of either the regional advisory council or a local advisory committee within the region and also engages in subsistence uses within the park or park monument. Within eighteen months from the date of enactment of this Act, each commission shall devise and recommend to the Secretary and the Governor a program for subsistence hunting within the park or park monument. Such program shall be prepared using technical information and other pertinent data assembled or produced by necessary field studies or investigations conducted jointly or separately by the technical and administrative personnel of the State and the Department of the Interior, information submitted by, and after consultation with the appropriate local advisory committees and regional advisory councils, and any testimony received in a

public hearing or hearings held by the commission prior to preparation of the plan at a convenient location or locations in the vicinity of the park or park monument. Each year thereafter, the commission, after consultation with the appropriate local committees and regional councils, considering all relevant data and holding one or more additional hearings in the vicinity of the park or park monument, shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which the commission deems necessary.

(b) The Secretary shall promptly implement the program and recommendations submitted to him by each commission unless he finds in writing that such program or recommendations violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park or park monument, is contrary to the purposes for which the park or park monument is established, or would be detrimental to the satisfaction of subsistence needs of local residents. Upon notification by the Governor, the Secretary shall take no action on a submission of a commission for sixty days during which period he shall consider any proposed changes in the program or recommendations submitted by the commission which the Governor provides him.

The commission for Denali National Park and Preserve is proceeding with the formulation of a program. If any of the recommendations of the commission, which are accepted by the secretary of the interior, are in conflict with components of the general management plan, land protection plan, or other park planning documents, these planning documents will be amended or revised to incorporate the commission's recommendations.

SUBSISTENCE MANAGEMENT PLAN

The National Park Service will prepare a subsistence management plan for Denali National Park and Preserve to provide additional clarification in the management of subsistence uses. This management plan will address the major topics related to management of subsistence, such as timber cutting, shelters and cabins, trapping, resident zones, access, acquisition of resource and user data, and resolution of user conflicts and possible closures. The approved subsistence hunting program of the subsistence resource commission will be a primary component of the subsistence management plan. The subsistence management plan will incorporate the approved subsistence hunting program of the subsistence resource commission and will be revised as necessary to incorporate any future revisions to the approved subsistence hunting program.

The subsistence management plan will be developed in cooperation with all affected parties, including the state of Alaska, and the appropriate regional advisory councils and subsistence resource commission. Following adequate notification a draft plan will be available for public review and comment for a minimum of 60 days prior to its approval. Significant revisions to the plan require the same public involvement procedures.

SUBSISTENCE ACCESS

Access to subsistence resources is provided for in section 811 of ANILCA which states:

(a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulations.

Authorized means of access for subsistence uses in Denali National Park and Preserve are snowmachines, motorboats, and dog teams, and they are governed by existing regulations (36 CFR 13.46). If another means of surface access is shown to have been traditionally employed in the unit for subsistence purposes, it may be permitted in that unit subject to reasonable regulations. The existing regulations contained in 36 CFR 13.46 do not allow for transportation modes other than snowmobiles, motorboats, and other means of surface transportation traditionally employed. Any additional information about traditional means will be reviewed on a case-by-case basis. A definition of "traditional" is provided in appendix I.

The legislative history of ANILCA indicates that it was not Congress's intention to foreclose the use of new or presently unidentified means of surface transportation (Senate Report 96-413, p. 275). New modes of access that are developed and implemented for general use in rural Alaska and originate from technological advances which cannot be shown to have been traditionally employed may be allowed in the future for subsistence purposes under circumstances that prevent waste or damage to fish, wildlife, or terrain and would not degrade other park resources or values. The effect of new technology on areas and intensity of subsistence use would also need to be addressed. Off-road vehicles are permitted for access for subsistence purposes where they can be shown to be a traditional means of access. Existing information indicates that specific ORV use has not regularly been used for subsistence purposes.

The use of aircraft as a means of access to areas within the park and preserve for purposes of taking fish or wildlife for subsistence purposes is prohibited except in cases of extraordinary hardship, when a permit may be granted by the superintendent pursuant to 36 CFR 13.45. In allowing for exceptions to the ban on aircraft use for subsistence activities, the legislative history of ANILCA states that "these types of situations are the exception rather than the rule and that only rarely should aircraft use for subsistence hunting purposes be permitted within National Parks, National Monuments and National Preserves" (House, Nov. 12, 1980, Congressional Record H 10541).

General provisions for subsistence access are summarized in table 2.