

Noatak National Preserve  
Alaska

National Park Service  
U.S. Department of the Interior



NOATAK NATIONAL PRESERVE  
FOUNDATION STATEMENT

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# Noatak National Preserve Foundation Statement

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# Elements of a Foundation Statement

The Foundation Statement is a formal description of Noatak National Preserve's (preserve) core mission. It is a foundation to support planning and management of the preserve. The foundation is grounded in the preserve's legislation and from knowledge acquired since the preserve was originally established. It provides a shared understanding of what is most important about the preserve. This Foundation Statement describes the preserve's purpose, significance, fundamental resources and values, primary interpretive themes, and special mandates.

The legislation that created Noatak National Preserve guides the staff in understanding and documenting why Congress and the president created the preserve. The Foundation Statement includes the following elements:

- **Purpose Statement**

The purpose statement identifies why Congress and the president established the preserve as a unit of the national park system. The purpose of the preserve is based on the enabling legislation.

- **Significance Statement**

Guided by legislation and the knowledge acquired through management, research, and civic engagement, statements of significance define what is *most important* about the preserve's natural and cultural resources and values.

The significance statements are used to guide planning and management decisions to ensure that the resources and values that Congress and the president wanted preserved are the first priority.

- **Fundamental Resources and Values**

The National Park Service works to preserve those resources and values fundamental to maintaining the significance of Noatak National Preserve. Through identifying and understanding the resources and values that support each significance statement, managers and their staff gain a clearer understanding of what is truly most important about the preserve. That which is *most important* about the preserve could be jeopardized if these resources and values are degraded.

- **Primary Interpretive Themes**

Primary interpretive themes describe the key stories or concepts that will help visitors understand and appreciate the purpose and significance of the preserve. The primary interpretive themes provide the foundation on which the preserve's educational and interpretive program is based.

- **Special Mandates**

Special mandates are legal requirements and administrative commitments that apply to the preserve. These special mandates may include direction from Congress or formal agreements with other public or private entities that are consistent with NPS legal mandates. The special mandates are identified to ensure their consideration in planning and decision making for Noatak National Preserve.

# Establishment of Alaska National Parks

The National Park Service Organic Act of 1916 states that units of the national park system are established to “conserve the scenery and the natural and historic objects and the wild life therein and to provide for enjoyment of the same in such manner and by such means as to leave them unimpaired for the enjoyment of future generations.” This statement represents the most basic mission of Noatak National Preserve.

Most of the national parks in Alaska, including Noatak, were established or expanded under the Alaska National Interest Lands Conservation Act (ANILCA), which was adopted on December 2, 1980. The passage of this act culminated more than 20 years of deliberation on federal land claims after Alaska statehood.

Prior to Alaska becoming a state in 1959, nearly all land was federal. The Alaska Statehood Act granted the state the right to select 104 million acres of federal land. Within a few years the state land selection process began to include lands traditionally used by Alaska Natives. This led to objections that eventually resulted in a freeze on further state land selections pending congressional settlement of the Native claims.

In 1971 Native claims were resolved by passage of the Alaska Native Claims Settlement Act (ANCSA). This act, in addition to Native land claims, also provided for withdrawal of 80 million acres for possible designation as national parks, fish and wildlife refuges, national forests, and wild and scenic rivers. Noatak is among those park areas first established in 1978 by Presidential Proclamation by President Carter when he withdrew over 100 million acres of federal land, including 56 million acres as national monuments.

ANILCA mandates the specific purposes for each park established. Congress also provided that ANILCA would allow some key activities necessary to perpetuate the rural Alaskan lifestyle, such as subsistence uses, traditional uses, access, cabins, and hunting and trapping. Providing for ANILCA’s mandates and special uses makes management of Alaska parks unique within the national park system.

*We care for those special places in Alaska saved by the American people as a part of a national system of parks so that all may experience our heritage. We serve residents and visitors who seek inspiration, recreation and education, as well as those who come for traditional activities, subsistence and scientific study. We cooperate with local communities, tribes and others to protect the natural and cultural resources in these special places for this and future generations to experience and enjoy.*

Alaska Region Mission Statement (2004)

# Summary

## **PURPOSE STATEMENT**

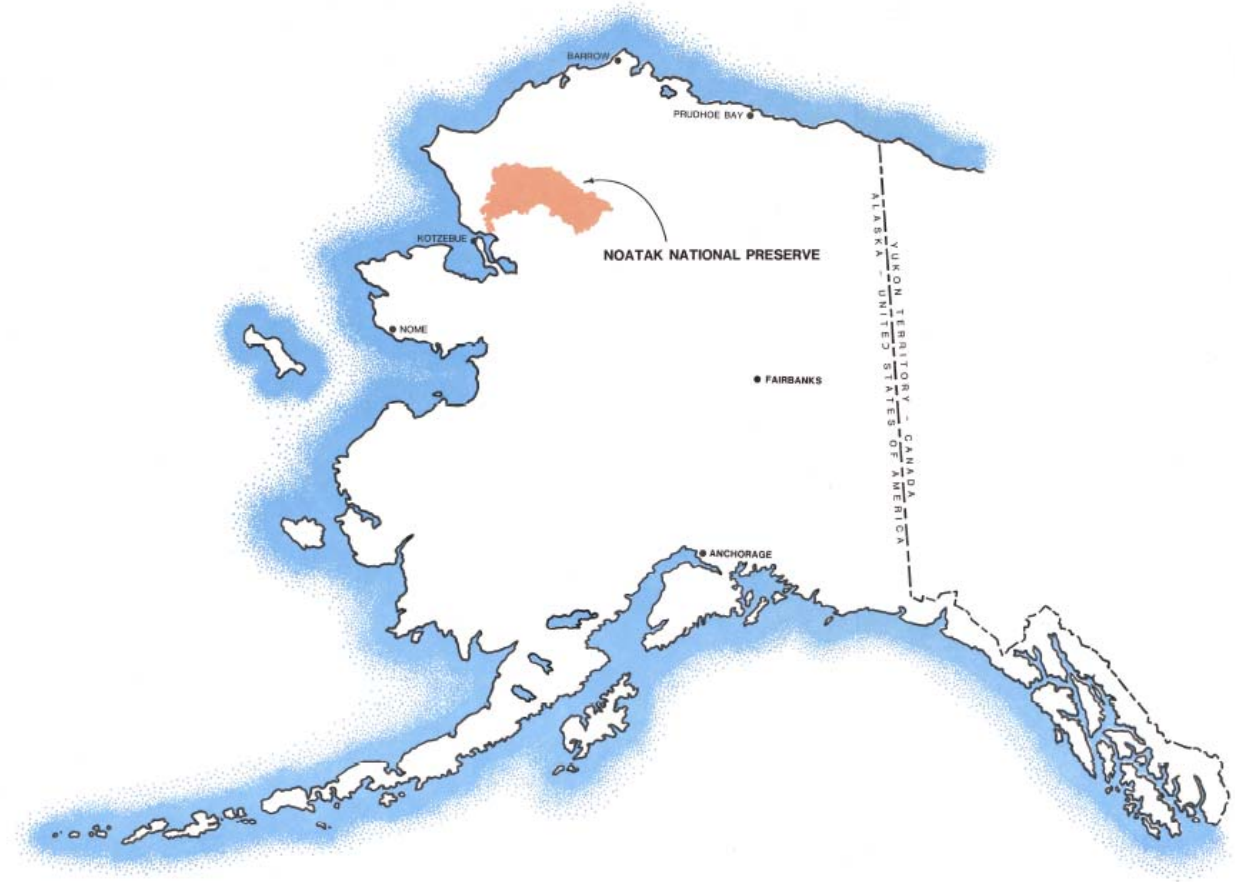
The purpose of Noatak National Preserve is to protect an intact 6.7-million-acre, mountain-ringed river basin ecosystem for outstanding scientific research and wilderness opportunities within an arctic-subarctic environment.

## **SIGNIFICANCE STATEMENTS**

1. Noatak National Preserve, largely unaffected by adverse human activity, protects a nationally significant, intact, and biologically diverse arctic-subarctic river basin ecosystem.
2. Noatak National Preserve fosters exceptional opportunities for scientific research of unaltered arctic-subarctic ecosystems.
3. Noatak National Preserve protects natural resources and native habitats that provide the opportunity for local rural Alaska residents to engage in customary and traditional subsistence uses.
4. The Noatak Wilderness constitutes the western half of a 13-million-acre designated arctic wilderness that limits development and protects the nation's largest unaltered river basin and free-flowing wild river.



# Location



# Purpose Statement

The purpose of Noatak National Preserve is to protect an intact 6.7-million-acre, mountain-ringed river basin ecosystem for outstanding scientific research and wilderness opportunities within an arctic-subarctic environment.

Specifically, section 201 of the Alaska National Interest Lands Conservation (ANILCA) states that the preserve shall be managed for the following purposes, among others:

- to maintain the environmental integrity of the Noatak River and adjacent uplands within the preserve in such a manner as to assure the continuation of geological and biological processes unimpaired by adverse human activity;
- to protect habitat for and populations of fish and wildlife, including but not limited to caribou, grizzly bears, Dall sheep, moose, wolves, waterfowl, raptors, and other species of birds;
- to protect archeological resources;
- to provide opportunities for scientific research.

# Arctic-Subarctic River Basin Ecosystem

## SIGNIFICANCE STATEMENT

Noatak National Preserve, largely unaffected by adverse human activity, protects a nationally significant, intact, and biologically diverse arctic-subarctic river basin ecosystem.

## FUNDAMENTAL RESOURCES AND VALUES

- **Arctic-Subarctic Transition Zone**  
The preserve contains the northwestern-most fringe of boreal forest in North America. It provides visitors the opportunity to observe and study dynamic processes for plants and animals in this transition zone.
- **Wildlife Populations**  
The preserve protects habitat for, and populations of, fish and wildlife including caribou, moose, Dall's sheep, grizzly bears, wolves, waterfowl, and raptors. It also encompasses a major portion of the migratory range of the Western Arctic Caribou Herd.
- **Migratory Birds**  
The Noatak basin is a major avian breeding area and contains a rich variety of bird life, including several unique migratory Asiatic species.
- **Diverse Ecosystems**  
The Noatak basin supports one of the richest floral assemblages in the northern latitudes. It includes geomorphically diverse mountain-rimmed tributaries where biological and geological processes continue to unfold as they have throughout history.



*Aerial view of Eli River drainage in Noatak National Preserve during peak fall colors.*

## PRIMARY INTERPRETIVE THEME

Noatak National Preserve protects a dynamic, vast, and sweeping landscape of arctic and subarctic terrain, features, landforms, and wildlife.

# Scientific Research

## SIGNIFICANCE STATEMENT

Noatak National Preserve fosters exceptional opportunities for scientific research of unaltered arctic-subarctic ecosystems.

## FUNDAMENTAL RESOURCES AND VALUES

- **Cultural**  
The preserve provides opportunities to study the cultural ecology of the Nuataagmiit homeland and the development of some of the earliest New World cultural adaptations.
- **Intact Ecosystems**  
The preserve protects vast, intact wilderness ecosystems for study and provides the opportunity to collect valuable baseline information against which to measure environmental change.
- **Partnerships**  
NPS managers coordinate an integrated research effort with the scientific community.
- **Archive/Curation**  
The National Park Service maintains numerous databases and scientifically collected specimens for future reference.



*Archeological investigations in Noatak National Preserve during summer 2006.*

## PRIMARY INTERPRETIVE THEME

Scientific research is a major component of contiguous protected arctic lands, serving as a giant laboratory for research of global significance.

# Subsistence

## SIGNIFICANCE STATEMENT

Noatak National Preserve protects natural resources and native habitats that provide the opportunity for local rural Alaska residents to engage in customary and traditional subsistence uses.

## FUNDAMENTAL RESOURCES AND VALUES

- **Western Arctic Caribou Herd**  
The preserve provides for the unimpeded movement of the Western Arctic Caribou Herd which is an essential regional subsistence resource.
- **Subsistence Resources**  
The preserve contains a wide variety of wildlife, fish, and plants that provide the fundamental base for the subsistence way of life. Residents hunt, trap, fish, and gather these resources to support their way of life.
- **Habitat**  
The preserve protects a range of habitats that support a diversity of plants, fish, and wildlife.
- **Cultural Knowledge**  
NPS managers work collaboratively with local residents to document their subsistence way of life for educational purposes and to inform management decisions.



*Caribou getting ready to cross the Noatak river, heading south in the fall.*

## PRIMARY INTERPRETIVE THEME

Local residents depend on the use of Noatak resources as the foundation of their subsistence way of life.

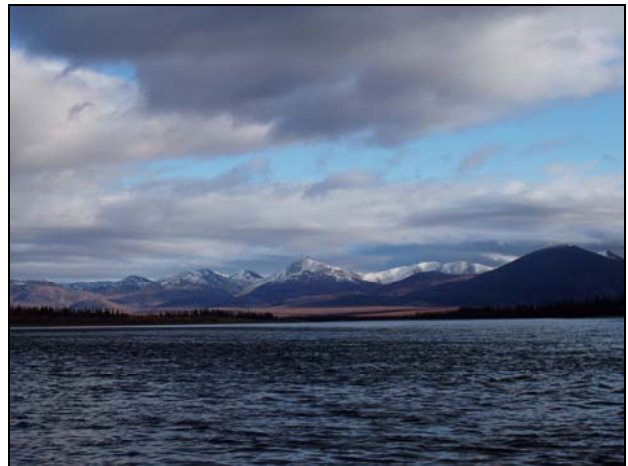
# Arctic Wilderness

## SIGNIFICANCE STATEMENT

The Noatak Wilderness constitutes the western half of a 13-million-acre designated arctic wilderness that limits development and protects the nation's largest unaltered river basin and free-flowing wild river.

## FUNDAMENTAL RESOURCES AND VALUES

- **Wilderness Experience**  
Wilderness offers visitors the opportunity to experience solitude, mental and physical challenge, and spiritual enrichment.
- **Natural Sound**  
The preserve protects soundscapes dominated by natural sounds.
- **Wild River**  
The preserve protects the nation's longest free-flowing wild river, which is designated as a component of the national wild and scenic rivers system. This designation allows for unimpeded fish migration. The Noatak River provides an opportunity for a wilderness float experience.
- **Science**  
The preserve offers exceptional opportunities for scientific studies of wilderness characteristics and values.
- **Partnerships**  
NPS managers work collaboratively with stakeholders to preserve the multiple values of wilderness.



*Noatak River with the Maiyumerak Mountains in the background.*

## PRIMARY INTERPRETIVE THEME

Of all the units in the national park system, Noatak is among the largest, wildest, and most free of human influences and intrusions.



# Special Mandates and Administrative Commitments

## **Public Law 96-487, Sec. 201 (8a):**

The Secretary may establish a board consisting of scientists and other experts in the field of arctic research in order to assist him in the encouragement and administration of research efforts within the preserve (see appendix A for complete content to Sec. 201).

## **Public Law 96-487m Sec. 201 (8):**

Section 201(8) of ANILCA provides not only for the establishment of Noatak National Preserve, but also for the expansion of the Preserve's boundary near the village of Noatak. (see Appendix A for complete text)

Kikiktagruk Inupiat Corporation, for the village of Kotzebue, and NANA Regional Corporation, for both the NANA region and the village of Noatak, have submitted their final, irrevocable priorities for conveyance to the Bureau of Land Management pursuant to the Alaska Land Transfer Acceleration Act of 2004. The lands that will not be conveyed in the Noatak area and that will become part of Noatak National Preserve total approximately 45,000 acres.

# Participants

## **Western Arctic National Parklands**

George Helfrich, Superintendent, Western Arctic National Parklands  
Nancy Swanton, Acting Superintendent, Bering Land Bridge National Preserve  
Thomas Heinlein, (former) Superintendent, Bering Land Bridge National Preserve  
Ken Adkisson, Subsistence Manager  
Nichole Andler, Park Ranger, Interpretation  
Eileen Devinney, Acting Cultural Resource Program Manager  
Bob Gal, Archeologist  
Willie Goodwin, Subsistence Coordinator/Community Liaison  
Linda Hasselbach, Botanist  
Linda Jeschke, Acting Chief of Interpretation  
Jan Maslen, Administrative Officer  
Mike Thompson, Park Ranger, Law Enforcement  
Fred Tocktoo, Subsistence Ranger  
Tara Whitesell, Biological Technician – Arctic Network

## **Alaska Regional Office**

Judy Alderson, Environmental Specialist  
Herbert Anungazuk, Alaska Native Liaison and Heritage Specialist  
Zach Babb, Outdoor Recreation Planner  
Don Callaway, Anthropologist  
Joan Darnell, Team Manager Environmental Planning and Compliance  
Lisa Fox, Environmental Protection Specialist  
Tim Hudson, Associate Regional Director, Operation & Resources Leader  
Sandy Rabinowitch, Subsistence Manager

## **Denver Service Center**

Chris Church, Natural Resource Planner  
Stephan Nofield, Community Planner

# Appendix A - Legislation

Appendix A includes selected excerpts from ANILCA that are most relevant for the day to day management of Noatak National Preserve.



# An Act

## Public Law 96-487

To provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National [H.R. 39] Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. This Act may be cited as the “Alaska National Interest Lands Interest Lands Conservation Act”.**

\* \* \* \* \*

## **TITLE I—PURPOSES, DEFINITIONS, AND MAPS**

### **PURPOSES**

SEC. 101. (a) In order to preserve for the benefit, use, education, and inspiration of present and future generations certain lands and waters in the State of Alaska that contain nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values, the units described in the following titles are hereby established.

(b) It is the intent of Congress in this Act to preserve unrivaled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable value to the citizens of Alaska and the Nation, including those species dependent on vast relatively undeveloped areas; to preserve in their natural state extensive, unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems; to protect the resources related to subsistence needs; to protect and preserve historic and archeological sites, rivers, and lands, and to preserve wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing, and sport hunting, within large arctic and subarctic wildlands and on free-flowing rivers; and to maintain opportunities for scientific research and undisturbed ecosystems.

(c) It is further the intent and purpose of this Act consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each conservation system unit is established, designated, or expanded by or pursuant to this Act, to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so.

## **TITLE II—NATIONAL PARK SYSTEM**

### **ESTABLISHMENT OF NEW AREAS**

SEC. 201. The following areas are hereby established as units of the National Park System and shall be administered by the Secretary under the laws governing the administration of such lands and under the provisions of this Act:

(8)(a) Noatak National Preserve, containing approximately six million four hundred and sixty thousand acres of public lands, as generally depicted on map numbered NOAT-90,004, and dated July 1980. The preserve shall be managed for the following purposes, among others: To maintain the environmental integrity of the Noatak River and adjacent uplands within the preserve in such a manner as to assure the continuation of geological and biological processes unimpaired by adverse human activity; to protect habitat for, and populations of, fish and wildlife, including not limited to caribou, grizzly bears, Dall sheep, moose, wolves, and for waterfowl, raptors, and other species of birds; to protect archeological resources; and in a manner consistent with the foregoing, to provide opportunities for scientific research. The Secretary may establish a board consisting of scientists and other experts in the field of arctic research in order to assist him in the encouragement and administration of research efforts within the preserve.

\* \* \* \* \*

## **GENERAL ADMINISTRATION**

SEC. 203. Subject to valid existing rights, the Secretary shall administer the lands, waters, and interests therein added to existing areas or established by the foregoing sections of this title as new areas of the National Park System, pursuant to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and, as appropriate, under section 1313 and the other applicable provisions of this Act: Provided, however, That hunting shall be permitted in areas designated as national preserves under the provisions of this Act. Subsistence uses by local residents shall be allowed in national preserves and, where specifically permitted by this Act, in national monuments and parks.

\* \* \* \* \*

## **TITLE VI—NATIONAL WILD AND SCENIC RIVERS SYSTEM**

### **PART A—WILD AND SCENIC RIVERS WITHIN NATIONAL PARK SYSTEM ADDITIONS**

SEC. 601. DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1274(a)), is further amended by adding the following new paragraphs:

“(33) NOATAK, ALASKA.—The river from its source in the Gates of the Arctic National Park to its confluence with the Kelly River in the Noatak National Preserve; to be administered by the Secretary of the Interior.

\* \* \* \* \*

## **ADMINISTRATIVE PROVISIONS**

SEC. 605. (a) Rivers in paragraphs (25) through (37) in units of the National Park System, and (38) through (43) in units of the National Wildlife Refuge System are hereby classified and designated and shall be administered as wild rivers pursuant to the Wild and Scenic Rivers Act.

\* \* \* \* \*

## **TITLE VII—NATIONAL WILDERNESS PRESERVATION SYSTEM**

## DESIGNATION OF WILDERNESS WITHIN NATIONAL PARK SYSTEM

SEC. 701. In accordance with subsection 3(c) of the Wilderness Act (78 Stat. 892), the public lands within the boundaries depicted as “Proposed Wilderness” on the maps referred to in sections 201 and 202 of this Act are hereby designated as wilderness, with the nomenclature and approximate acreage as indicated below:

(7) Noatak Wilderness of approximately five million eight hundred thousand acres;

\* \* \* \* \*

## TITLE VIII—SUBSISTENCE MANAGEMENT AND USE FINDINGS

SEC. 801. The Congress finds and declares that—

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence;

(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;

(3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management;

(4) in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents; and

(5) the national interest in the proper regulation, protection, and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

\* \* \* \* \*

## POLICY

SEC. 802. It is hereby declared to be the policy of Congress that—

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands, consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

(2) nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the



continued viability of a fish or wildlife population or the continuation of subsistence uses of such population, the taking of such population for nonwasteful subsistence uses shall be given preference on the public lands over other consumptive uses; and

(3) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies, and other nations.

\* \* \* \* \*

## DEFINITIONS

SEC. 803. As used in this Act, the term “subsistence uses” means 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 section, the term—

(1) “family” means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) “barter” means the exchange of fish or wildlife or their parts, taken for subsistence uses—

(A) for other fish or game or their parts; or

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

\* \* \* \* \*

## PREFERENCE FOR SUBSISTENCE USES

SEC. 804. Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:

(1) customary and direct dependence upon the populations as the mainstay of livelihood;

(2) local residency; and

(3) the availability of alternative resources.

\* \* \* \* \*

## COOPERATIVE AGREEMENTS

SEC. 809. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and, acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

\* \* \* \* \*

## SUBSISTENCE AND LAND USE DECISIONS

SEC. 810. (a) 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—

(1) 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.

(b) If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act, he shall provide the notice and hearing and include the findings required by subsection (a) as part of such environmental impact statement.

\* \* \* \* \*

## ACCESS

SEC. 811. (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 regulation.

\* \* \* \* \*

## RESEARCH

SEC. 812. The Secretary, in cooperation with the State and other appropriate Federal agencies, shall undertake research on fish and wildlife and subsistence uses on the public lands; seek data from, consult with and make use of, the special knowledge of local residents engaged in subsistence uses; and make the results of such research available to the State, the local and regional councils established by the Secretary or State pursuant to section 805, and other appropriate persons and organizations.

\* \* \* \* \*

## LIMITATIONS, SAVINGS CLAUSES

SEC. 815. Nothing in this title shall be construed as—

(1) granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife within a conservation system unit 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.

(3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law;

Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777777K), or any amendments to any one or more of such Acts.

\* \* \* \* \*

## CLOSURE TO SUBSISTENCE USES

SEC. 816. (b) Except as specifically provided otherwise by this section, nothing in this title is intended to enlarge or diminish the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, 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. If the Secretary 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 Secretary may immediately close the public lands, or any portion thereof, to the subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made, shall not extend for a period exceeding sixty days, and may not subsequently be extended unless the Secretary affirmatively establishes, after notice and public hearing, that such closure should be extended.

\* \* \* \* \*

## ALASKA MINERAL RESOURCE ASSESSMENT PROGRAM

SEC. 1010. (a) MINERAL ASSESSMENTS.—The Secretary shall, to the full extent of his authority, assess the oil, gas, and other mineral potential on all public lands in the State of Alaska in order to expand the data base with respect to the mineral potential of such lands. The mineral assessment program may include, but shall not be limited to, techniques such as side-looking radar imagery and, on public lands other than such lands within the national park system, core and test drilling for geologic information, notwithstanding any restriction on such drilling under the Wilderness Act. For purposes of this Act, core and test drilling means the extraction by drilling of subsurface geologic samples in order to assess the metalliferous or other mineral values of geologic terrain, but shall not be construed as including exploratory drilling of oil and gas test wells. To the maximum extent practicable, the Secretary shall consult and exchange information with the State of Alaska regarding the responsibilities of the Secretary under this section and similar programs undertaken by the State. In order to carry out mineral assessments authorized under this or any other law, including but not limited to the National Uranium Resource Evaluation program, the Secretary shall allow for access by air for assessment activities permitted in this subsection to all public lands involved in such study. He shall consult with the Secretary of Energy and heads of other Federal agencies carrying out such programs, to determine such reasonable requirements as may be necessary to protect the resources of such area, including fish and wildlife. Such requirements may provide that access will not occur during nesting, calving, spawning or such other times as fish and wildlife in the specific area may be especially vulnerable to such

activities. The Secretary is authorized to enter into contracts with public or private entities to carry out all or any portion of the mineral assessment program. This section shall not apply to the lands described in section 1001 of this Act.

(b) REGULATIONS.—Activities carried out in conservation system units under subsection (a) shall be subject to regulations promulgated by the Secretary. Such regulations shall ensure that such activities are carried out in an environmentally sound manner—

(1)which does not result in lasting environmental impacts which appreciably alter the natural character of the units or biological or ecological systems in the units; and

(2)which is compatible with the purposes for which such units are established.

\* \* \* \* \*

## **SPECIAL ACCESS AND ACCESS TO INHOLDINGS**

SEC. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), 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, national recreation areas, and national conservation areas, 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. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

(b) Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands.

\* \* \* \* \*

## **TEMPORARY ACCESS**

SEC. 1111. (a) IN GENERAL.—Notwithstanding any other provision of this Act or other law the Secretary shall authorize and permit temporary access by the State or a private landowner to or across any conservation system unit, national recreation area, national conservation area, the National Petroleum Reserve— Alaska or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, in order to permit the State or private landowner access to its land for purposes of survey, geophysical, exploratory, or other temporary uses thereof whenever he determines such access will not result in permanent harm to the resources of such unit, area, Reserve or lands.

\* \* \* \* \*

## **TITLE XIII—ADMINISTRATIVE PROVISIONS**

## MANAGEMENT PLANS

SEC. 1301. (a) Within five years from the date of enactment of this Act, the Secretary shall develop and transmit to the appropriate Committees of the Congress a conservation and management plan for each of the units of the National Park System established or to which additions are made by this Act.

(b) NATIONAL PARK SERVICE PLAN REQUIREMENTS.—Each plan for a unit established, redesignated, or expanded by title II shall identify management practices which will carry out the policies of this Act and will accomplish the purposes for which the concerned National Park System unit was established or expanded and shall include at least the following:

(1) Maps indicating areas of particular importance as to wilderness, natural, historical, wildlife, cultural, archeological, paleontological, geological, recreational, and similar resources and also indicating the areas into which such unit will be divided for administrative purposes.

(2) A description of the programs and methods that will be employed to manage fish and wildlife resources and habitats, cultural, geological, recreational, and wilderness resources, and how each conservation system unit will contribute to overall resources management goals of that region. Such programs should include research, protection, restoration, development, and interpretation as appropriate.

(3) A description of any areas of potential or proposed development, indicating types of visitor services and facilities to be provided, the estimated costs of such services and facilities, and whether or not such services and facilities could and should be provided outside the boundaries of such unit.

(4) A plan for access to, and circulation within, such unit, indicating the type and location of transportation routes and facilities, if any.

\* \* \* \* \*

## NAVIGATION AIDS AND OTHER FACILITIES

SEC. 1310. (a) EXISTING FACILITIES.—Within conservation system units established or expanded by this Act, reasonable access to, and operation and maintenance of, existing air and water navigation aids, communications sites and related facilities and existing facilities for weather, climate, and fisheries research and monitoring shall be permitted in accordance with the laws and regulations applicable to units of such systems, as appropriate. Reasonable access to and operation and maintenance of facilities for national defense purposes and related air and water navigation aids within or adjacent to such areas shall continue in accordance with the laws and regulations governing such facilities notwithstanding any other provision of this Act. Nothing in the Wilderness Act shall be deemed to prohibit such access, operation and maintenance within wilderness areas designated by this Act.

(b) NEW FACILITIES.—The establishment, operation, and maintenance within any conservation system unit of new air and water navigation aids and related facilities, facilities for national defense purposes, and related air and water navigation aids, and facilities for weather, climate, and fisheries research and monitoring shall be permitted but only (1) after consultation with the Secretary or the Secretary of Agriculture, as appropriate, by the head of the Federal department or agency undertaking such establishment, operation, or maintenance, and (2) in accordance with such terms and conditions as may be mutually agreed in order to minimize the adverse effects of such activities within such unit.

\* \* \* \* \*

## ADMINISTRATION OF NATIONAL PRESERVES

SEC. 1313. A National Preserve in Alaska shall be administered and managed as a unit of the National Park System in the same manner as a national park except as otherwise provided in this Act and except that the taking of fish and wildlife

for sport purposes and subsistence uses, and trapping shall be allowed in a national preserve under applicable State and Federal law and regulation. Consistent with the provisions of section 816, within national preserves the Secretary may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having responsibility over hunting, fishing, and trapping activities.

\* \* \* \* \*

### **TAKING OF FISH AND WILDLIFE**

SEC. 1314. (a) Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as may be provided in title VIII of this Act, or to amend the Alaska constitution.

(b) Except as specifically provided otherwise by this Act, nothing in this Act is intended to enlarge or diminish the responsibility and authority of the Secretary over the management of the public lands.

(c) The taking of fish and wildlife in all conservation system units, and in national conservation areas, national recreation areas, and national forests, shall be carried out in accordance with the provisions of this Act and other applicable State and Federal law. Those areas designated as national parks or national park system monuments in the State shall be closed to the taking of fish and wildlife, except that—

(1) notwithstanding any other provision of this Act, the Secretary shall administer those units of the National Park System, and those additions to existing units, established by this Act and which permit subsistence uses, to provide an opportunity for the continuance of such uses by local rural residents; and

(2) fishing shall be permitted by the Secretary in accordance with the provisions of this Act and other applicable State and Federal law.

\* \* \* \* \*

### **WILDERNESS MANAGEMENT**

SEC. 1315. (a) APPLICATION ONLY TO ALASKA.—The provisions of this section are enacted in recognition of the unique conditions in Alaska. Nothing in this section shall be construed to expand, diminish; or modify the provisions of the Wilderness Act or the application or interpretation of such provisions with respect to lands outside of Alaska.

\* \* \* \* \*

### **ALLOWED USES**

SEC. 1316. (a) On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act or other applicable State and Federal law the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities. Such facilities and equipment shall be constructed, used, and maintained in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend with, and are compatible with, the immediately surrounding landscape. Upon termination of such activities and uses (but not upon regular or seasonal cessation), such structures or facilities shall, upon written request, be removed from the area by the permittee.

(b) Notwithstanding the foregoing provisions, the Secretary may determine, after adequate notice, that the establishment and use of such new facilities or equipment would constitute a significant expansion of existing facilities or uses which would be detrimental to the purposes for which the affected conservation system unit was established, including the wilderness character of any wilderness area within such unit, and may thereupon deny such proposed use or establishment.



# Appendix B – Legislative History

Appendix B includes legislation that, while superseded by ANILCA, offers contextual background information regarding the establishment of Noatak National Preserve.



# Noatak National Monument

*By the President of the United States of America*

## A Proclamation

The Noatak River basin is the largest mountain-ringed river basin in the Nation still virtually unaffected by technological human activity. This basin has been designated as a Biosphere Reserve under the United Nations' auspices, in recognition of its international importance for scientific study and research.

The area includes landforms and ecological variations of scientific interest. The Grand Canyon of the Noatak River is a dissected valley 65 miles long. The area contains the northwestern most fringe of boreal forest in North America, and is a transition zone and migration route for plants and animals between subarctic and arctic environments. The diversity of the flora is among the greatest anywhere in the earth's northern latitudes.

The Noatak Valley area contains a rich variety of birdlife including several Asian species. The area is crossed twice a year by two-thirds of the Western Arctic caribou herd, and is prime habitat for the barren ground grizzly bear, moose, and several predator species.

Nearly 200 archeological sites, dating as far back in time as 5,000 years, are within the area. They give promise of future discoveries leading to a deeper understanding of the area's prehistory.

The Noatak basin is an area where indigenous plants and animals perpetuate themselves naturally, in a freely functioning ecosystem. Protection of this area will assure the preservation of an essential base against which scientists may judge environmental dynamics of the future.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends upon subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

Now, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Noatak National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Noatak National Monument on the map numbered NOAT-90,004 attached to and forming a part of this Proclamation. The area reserved consists of approximately 5,800,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged

lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21 ).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17 (d) (1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of Alaska v. Morton, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lauds thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER  
President of the United States