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INTRODUCTION

The National Park Service (NPS) has been involved in subsistence management in Alaska since establishment of the Alaska National Monuments in 1978. Congress recognized the uniqueness and importance of a subsistence way of life to rural residents by identifying it as one of the purposes of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. Through Title VIII of ANILCA, Congress established a policy 1) that rural residents engaged in a subsistence way of life be provided the opportunity to do so, consistent with sound management principles and the conservation of healthy fish and wildlife populations; 2) that the utilization of public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence resources; 3) the non-wasteful subsistence uses of fish and wildlife be the priority consumptive use should it become necessary to restrict the taking; and 4) that in managing subsistence activities the federal land managing agencies shall cooperate with adjacent landowners and land managers, including Native corporations, state and federal agencies.

To achieve this complex synthesis of protection and use, Congress felt it was important to include input from those who have a personal knowledge of traditional subsistence activities and resources on federal lands. Local advisory committees and regional advisory councils were established within the state, and specifically for national parks and monuments, subsistence resource commissions were established to advise the Park Superintendent, Secretary of the Interior and Governor of Alaska on a hunting program for the park areas.

Since the mid 1980’s, the Denali Subsistence Resource Commission (SRC) and Denali park staff have been discussing and developing a subsistence management program specific to Denali National Park and Preserve. With the assumption of Federal subsistence management on Federal Public lands in 1990, park staff and the Denali SRC have also been actively involved in many subsistence issues with the Southcentral, Eastern and Western Interior Regional Advisory Councils and the Federal Subsistence Board (FSB).

Several years ago, the NPS initiated a review of subsistence law and regulations. The intent of this exercise was to initiate a continuing dialog with all affected individuals and organizations through a review of the law, regulations and legislative history, and to identify and establish actions necessary to resolve subsistence management issues. During this review the NPS adopted the following mission statement for subsistence to help guide and ensure the continued opportunity for local rural residents to engage in subsistence use of resources on National Park Service lands in Alaska.
National Park Service Subsistence Mission Statement

The National Park Service will manage subsistence as a legislated use consistent with provisions of the Alaska National Interest Lands Conservation Act, the Organic Act of 1916, and each park's enabling legislation to:

--- protect the opportunity for qualified local rural residents to continue traditional subsistence activities. These subsistence uses shall have priority over competing consumptive uses;

--- recognize that the subsistence ways of life may differ from region to region, and are continuing to evolve, and where appropriate, park management practices may reflect regional diversity;

--- promote local involvement and participation in processes associated with subsistence management;

--- ensure that management practices involving the utilization of public lands adequately consider the potential for restriction of subsistence uses and impacts upon subsistence resources;

--- ensure that management of park resources is consistent with the conservation of unimpaired ecosystems and natural and healthy populations of fish and wildlife, incorporating scientific data and principles with traditional knowledge and cultural values;

--- promote effective communication and mutual understanding of subsistence uses and related cultural and social values, and park purposes and protection, between the NPS, subsistence users, the State of Alaska and the public.

One of the recommendations produced by the review of subsistence laws and regulations was that the SRC's and NPS should work together to expand and develop the topics and elements addressed within the subsistence hunting program recommendations, and to further develop comprehensive Subsistence Management Plans for their respective areas.
Relationship of Various Park Plans

Several of Denali’s planning documents discuss subsistence use and management at various levels of detail and are reviewed and updated for different periods of time. For example, the General Management Plan (GMP) which provides overall guidance to park management for preservation and use of park resources has a planning period usually between ten to fifteen years. Stepped down from the GMP is the Resource Management Plan (RMP) which provides detailed descriptions of resource management programs, activities and proposed future actions for a period of approximately five years. Stepped down from the RMP is the Subsistence Management Plan (SMP) which is intended to provide the most detailed clarification of the management of subsistence uses and practices by addressing major topics specifically related to subsistence with reviews and updates as necessary and a planning time frame of one to five years.

General Management Plan (1986)

The general management plan (GMP) is typically a longer range planning document and is one of several plans used to guide park staff in decision making and problem solving. The purpose of the general management plan is to provide guidance for the protection of Denali’s ecosystems while accommodating recreation, subsistence, and other valid uses. Denali’s GMP is a combined document consisting of the general management plan, the land protection plan, and the wilderness suitability review for Denali.

When Congress expanded Denali National Park and Preserve, it recognized that subsistence uses were appropriate activities that should be allowed to continue in the new park and preserve additions. The subsistence section of the GMP includes a general discussion of Title VIII of ANILCA, a commitment to prepare a subsistence management plan for the park, what the general goals of the subsistence management plan should be, and a discussion of subsistence access.


Denali’s resource management plan (RMP) is both a short and long-range planning document which describes the resource management aims and objectives and the action necessary to achieve them. The RMP documents knowledge of and status of the park and preserve’s natural, cultural, and subsistence resources; describes and evaluates current resource management activities; prescribes an action program; and identifies funding and personnel needs. In addition, the RMP strives to address the number, type and source of internal and external threats to the resources and users of Denali National Park and Preserve; to develop project statements to address these issues and concerns; and to describe what mitigation actions can be taken to reduce or limit the impacts to resources or users. The resource management plan is stepped down from the GMP and outlines park management programs and activities for roughly five years.
Subsistence resources and uses are addressed in the “Introduction”, “Present Resource Status”, “Management Objectives”, and “Park Resource Program” sections of the RMP. Subsistence related project statements have been written for subsistence fishing, hunting management, trapline management, timber and cabin log management, customary and traditional use patterns, traditional access, subsistence program management, ethnographic resources, and numerous wildlife species.

Subsistence Management Plan (2000)

The subsistence management plan (SMP) is intended to provide clarification in the management of subsistence uses by addressing major topics related to subsistence such as: timber cutting and use, shelters and cabins, trapping and trapline management, eligibility and resident zones, access, acquisition of resource data, and resolution of user conflicts and possible closures. The approved subsistence hunting program of the Denali Subsistence Resource Commission is an important component of the subsistence management plan. As the SRC makes changes to the subsistence hunting program for the park, those changes will be incorporated into the plan.

The SMP is a dynamic document that is intended to be responsive to new information. Modifications to the SMP will be made at least once every year depending on the level of activity of the Subsistence Resource Commission and the NPS in advancing new issues and recommendations. Significant revisions to the plan will be made available for a minimum 60 days public review and comment period.

Consultation

ANILCA section 808 directed the National Park Service to work with the Subsistence Resource Commissions in developing a comprehensive Subsistence Hunting Program for the park. The General Management Plan for Denali further committed the NPS to prepare a subsistence management plan for the park, a component of which would be the Subsistence Resource Commission’s hunting program.

The Subsistence Management Plan was developed in cooperation with all affected parties; including the Denali Subsistence Resource Commission, the State of Alaska, the Southcentral Regional Advisory Council, and the Eastern and Western Interior Regional Advisory Councils, Local Advisory Committees, and knowledgeable individuals. Comments from other Federal agencies and Native groups with park related resource management concerns were also solicited.

The final draft plan was available for public review and comment for a period of about 100 days prior to its approval (September 1-December 10, 1999). After completion of public and agency reviews, this final Subsistence Management Plan was approved by the park Superintendent and the Subsistence Resource Commission.

Compliance

The Subsistence Management Plan is not a decision making document. Therefore National Environmental Protection Act (NEPA) requirements have not been met. As aspects of this plan reach a stage where a decision is to be made the appropriate level of NEPA compliance will be completed when and where required.
Environmental assessments will be prepared when necessary in accordance with NEPA and categorical exclusions will be on file for each applicable project proposal before implementation. If a proposed action may affect an endangered species or their habitat, consultation will be made with the Fish and Wildlife Service as required by section 7 of the Endangered Species Act. Various other legal and regulatory requirements such as wetland and floodplain findings and Corps of Engineers permits will be obtained as appropriate.

Finally, Section 810 of ANILCA requires an evaluation of potential impacts of proposed actions on subsistence uses and needs. These evaluations will be completed as required. Appendix H contains a listing of environmental compliance documents relating to subsistence issues as well as ANILCA Section 810 subsistence analyses.

**SUBSISTENCE RESOURCE CONDITIONS & TRENDS**

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. Accordingly, Congress provided for traditional subsistence uses by qualified local rural residents within the ANILCA additions to Denali National Park and Preserve. Many native and non-native local rural residents engage in, and depend upon, resources from the park and preserve for personal consumption, cultural identity, and to maintain a subsistence way of life.

In authorizing subsistence uses within Denali National Park and Preserve additions, Congress intended that traditional National Park Service management policies be maintained which strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem, while recognizing that subsistence use by local rural residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the food chain. In addition to providing for traditional subsistence opportunities, Congress directed the NPS to take appropriate steps when necessary to insure that consumptive uses of resources within the park and preserve not be allowed to adversely disrupt the natural balance which has been maintained for thousands of years.

Subsistence activities are dynamic and diverse with hunting usually occurring in the fall and winter months, fishing concentrated during the summer and fall, and trapping efforts occurring in mid to late winter months when snow cover is adequate for travel and fur is prime. For obvious reasons, berry picking and use of plant greens occur in the summer and fall months. Timber harvest typically occurs in the winter when frozen rivers, lakes and snow cover make access and transportation more efficient.

Subsistence harvests may vary considerably from previous years because of such factors as weather, migration patterns, natural cyclic population fluctuations, or from political and regulatory factors. Although the magnitude of subsistence use was probably much greater historically than it is now in Denali, the seasonal rounds, use patterns, and relative importance of certain species are similar today. Changing environmental and political conditions and the seasonal availability of many resources make flexibility and adaptability, as key components of a successful subsistence life style, just as important today as they have been in the past.
Community profile studies had been conducted for most of Denali's subsistence communities in the early to mid 1980's. Studies indicate a dependence primarily upon moose, caribou, rock and willow ptarmigan, spruce grouse, hare, ducks and geese, salmon and a few species of freshwater fish. Less frequently used large mammals include black bear, brown bear and Dall sheep. Large mammals account for 70% of the resources used, and fish account for 21%. Fresh water fish include burbot, dolly varden, grayling, lake trout, northern pike, rainbow trout and whitefish. Important fur animals include marten, mink, red fox, wolf, lynx, weasel, wolverine, land otter, beaver, and muskrat.

Reported harvest information for large animals, furbearers, waterfowl and fish can be found through the Alaska Department of Fish and Game harvest records, sealing documents, and registration permits. Most of this harvest information is lumped together for the entire Game Management Unit or subunits irrespective of park or preserve boundaries, making review or use of the data very difficult. Harvest information is reported on a voluntary basis resulting in highly variable reliability of data. Much of the older harvest data has not been digitized or entered into computer databases. With such a range and variety of subsistence resource information, which is often gathered in the short term and not related to other works, it makes it difficult to formulate the information into a long term consistent database for subsistence management. Particularly noticeable, is a lack of information regarding subsistence use for the southern additions to Denali National Park and Preserve.

Subsistence uses of plant materials include spruce and birch trees for cabins, shelters, structures, and firewood. Diamond willow, spruce burls, birch, cottonwood and birch bark are used for making furniture, and other hand crafted items such as dog sleds, snowshoes and bark baskets. Abundant and commonly used berries include blueberry, lingon berry, high- and low-bush cranberry and raspberry. Wild greens include: fireweed, lambsquarter, and ferns.

**Local Rural Subsistence Users**

The NPS determines eligible local rural subsistence users through the use of resident zone communities and issuance of subsistence use permits. The communities of Cantwell, Lake Minchumina, Nikolai and Telida are identified as subsistence resident zones communities containing a significant concentration of residents who have customarily and traditionally used Denali National Park lands for subsistence purposes. In addition, there are fifteen other local rural families with subsistence use permits who do not live within one of these designated resident zone communities but have traditionally engaged in subsistence activities within the park.

Based upon 1990 U.S. Census Bureau data for the above subsistence use communities there are approximately 320 local rural residents eligible to engage in subsistence use activities within Denali National Park. A comparative review of 1980 and 1990 census data indicates that three of Denali's resident zone communities experienced a population growth and one showed a decrease. Any residents permanently residing within one of these resident zones is an eligible subsistence user of park resources. Individuals moving to and permanently residing in a resident zone assume the communities' eligibility even if they have no past personal or family history of using park resources. The number of potential subsistence users continues to grow along with these communities population.

For social, political, economic, or regulatory reasons, not all members of these communities are active subsistence users. Since 1980 the overall populations for most communities surrounding Denali has increased, but the relative number of subsistence users actively involved in subsistence use at Denali is decreasing. Effort and harvest levels for most subsistence species have remained about the same as in the past or have decreased slightly. Overall the subsistence trapping effort, which is a significant
component of subsistence for the northern regions, has declined along with the decreasing price received for furs.

Cash wages and subsistence activities form a mixed economy in the subsistence communities that surround the park and preserve. Many Native and non-native rural residents engage in, and depend on, subsistence activities for both personal consumption and cultural identity. Barter and customary trade are also recognized as an important part of the subsistence lifeway and economy, especially for the more remote communities in the northern and western region of the park and preserve. Subsistence activities are dynamic, varying in intensity and scope depending on the seasonal availability of wildlife, fish, plants and the availability of wage earning work. Changes in socio-economic conditions, such as fur prices and availability of seasonal jobs, greatly influence the reliance on, and ability to engage in traditional hunting, gathering, fishing, and trapping activities.

There are many potential threats to the continuation of a customary and traditional subsistence way of life. Any activity that impairs the overall health of an ecosystem, natural processes or resource availability has the potential to adversely impact subsistence uses for both the short and long term. Any actions by management or regulatory authorities that restrict customary and traditional uses of resources or means of access can also unavoidably alter subsistence patterns of use and use areas. Internal and external threats from access, industrialization, plant and wildlife harvests, settlements and population increases all have the potential to contribute to impacts.

Increasing numbers of recreational users in the developed areas of the park and particularly in the remote backcountry areas have increased the potential for conflicts between consumptive and non-consumptive users. Increasingly, special interest groups and organization are exerting political and public pressure to limit, close or restrict subsistence use areas or activities. International fur markets and trapping policies can significantly affect trapping effort and harvest. A significant potential exists in Denali's preserve areas for increased competition for resources and use areas by sport hunters, trappers and fishermen. Both private and governmental facility development further increases visitor use, community growth, and alteration of habitat which may adversely impact subsistence resources or subsistence activities.

The Federal Subsistence Board makes customary and traditional use determinations for use of fish and wildlife species on a community or area basis. For the most part, these community and area C&T determinations are adequate to meet local rural users needs, but occasionally they exclude individuals who have traditionally utilized park resources but do not live in the community or area with a positive use determination. The FSB recently established a process for making individual customary and traditional use determinations for subsistence users eligible to utilize National Park and Monument lands. This process has resolved several long-standing issues at Denali National Park and Preserve.

**Natural Resource Conditions**

The NPS is charged with conserving natural and healthy populations of fish and wildlife on parklands and healthy populations in the preserves. To that end, the NPS is developing guidelines to help evaluate and protect natural and healthy populations. As with all other issues, involvement from subsistence users, advisory groups and others will be sought. Currently, the only wildlife population considered to be seriously stressed is the Denali Caribou Herd, which has been closed to both federal subsistence and state hunting since 1977. Overall, wildlife populations are still regulated by nature within the park and preserve and subsistence harvest within the new additions is considered to be of minimal influence at this time.
It is recognized that certain basic inventories and ongoing condition assessments are lacking at Denali, so detailed resource trend analyses for all species, use areas, or systems are premature. Existing information does allow some intuitive conclusions about the condition of park resources. In general, the natural resources of Denali National Park and Preserve are still in excellent condition. The habitat within and surrounding the park and preserve is still basically intact, the structure and composition of the ecosystem is still unaltered, and ecosystem processes are still functioning naturally.

The continuation of traditional subsistence activities depends directly on the availability of healthy and diverse wildlife, plant and fish populations. The natural diversity and abundance of resources important to subsistence activities is, in turn, directly dependent upon intact and healthy ecosystems. These systems and the subtle interplay of natural processes, including subsistence use, must be carefully protected. In order to protect these resources and social values, the traditional ecological knowledge of Native people and other long-term residents must be integrated with the technical scientific approach to park management.

Traditional Trapping

Subsistence trapping and bartering of fur animals has long been a customary and traditional activity for the Denali area. Trapping continues to be one of the predominant subsistence activities occurring on park and preserve lands. Winter travel in pursuit of furbearers can be extensive and in the northern and western regions is supported by a network of winter trails, shelters and cabins which are accessed by the use of dog teams or snowmachines.

Local social norms and traditions of trapping differ greatly from culture to culture and from region to region within Denali. Particularly evident in the north and western regions of Denali, local residents have evolved and continue to maintain strong informal norms associated with the use of trapping areas and "ownership" of cabins on public lands. In some communities, families or individuals are known to utilize large trapping areas, with support trails and cabins, for decades. These social norms and traditions, which serve to allocate use territories, are integral in the conservation of fur animals and to manage social conflict. In the eastern and southern regions of the park and preserve these social norms and traditions are not as evident and in some cases no longer exist.

Trapping in Denali's northern region operates on the basis of formal and informal agreements between individuals since there is no recognized legal guarantee that extends ownership or property rights to a trapline or the public lands where the trapping occurs. In recent years, this system of social norms and peer pressure has been threatened by increasing numbers of users. Strict agency regulations regarding the construction of new cabins, the reconstruction of collapsed cabins, and the use of existing subsistence use cabins has impacted traditional trapping practices which has reduced the number of trappers, spacing and use of cabins, and the distance and length of traplines. Park policies regarding maintenance and brushing of old winter trapline trails, and brushing of new winter trails may have further affected trapping traditions. Different trapping management practices and harvest strategies by local subsistence users may also influence local furbearer populations and distributions.

Access

The different means and methods of subsistence access and the seasonal timing of use are critical for acquiring resources and are as diverse as the resources being sought. Common methods of traditional
access include hiking, skiing, snowshoeing, dog sled teams, horses, snowmachines, motor boats, canoes, motor vehicles, and in some cases such as near Cantwell and in the Kantishna Hills, the use of off road vehicles. Subsistence users from McKinley Village, and more recently individuals from Cantwell, use motor vehicles for driving the Park Road to access the Kantishna Hills. Currently, there is no known use of aircraft by local rural subsistence users to access preserve lands for the taking of subsistence fish or wildlife.

There have been repeated efforts over the history of the park to establish an additional public access road along the Stampede Trail to the Kantishna area. In recent years, substantial pressure has been exerted by political and private interests for establishing a northern road or railroad access to Kantishna resulting in several feasibility studies and proposals.

The Alaska Department of Transportation has considered routes for a new road to interior Alaska along the northern region of the park and preserve connecting Lake Minchumina, Telida, Nikolai and McGrath. A spur road into the Kantishna area was included in this study. In the eastern region of the park there is an RS 2477 easement extending into the Dunkle Hills south of Cantwell. Proposals for the Southside Development Concept Plan for Denali call for improved bridge access and parking areas along the Dunkle Hills road as well as improvements to the existing Petersville Road in the Tokositna area.

In 1986, the Denali Subsistence Resource Commission submitted to the Secretary of the Interior a formal hunting program recommendation and subsequently reiterated their position with letters in 1993 and 1994 stating that the Commission strongly opposes any construction of new roads or railroads in Denali National Park and Preserve. The Commission is concerned that routes being considered will have adverse impacts on the livelihood and social lifestyles of subsistence users. Suggested routes through the park and preserve will traverse lands that have been proposed for wilderness designation and would open areas to increased accessibility which could have severe impacts on vegetation, wildlife and fish resources or their habitats. This in turn could significantly affect the livelihood of local subsistence users. Additionally, new roads or railroads would open areas presently used by subsistence users, exposing subsistence traplines, cabins, caches and structures to vandalism. The Commission is concerned that this could result in theft or damage to cabins, supplies and equipment and would result in hardship to someone dependent on these resources.

The use of motorized ATV's, snowmachines and road-based vehicles has increased dramatically in recent years. Greatly improved technology and capabilities of these machines have allowed access and use to spread over much larger areas of the park and preserve. Some regions of the park are used intensively during certain periods of the year increasing stress on natural resources as well as creating potential conflicts between user groups. Some forms of mechanized access such as ATV’s have a very high potential to physically damage vegetation and soil resources even with limited use.

Use of aircraft for subsistence taking of fish and wildlife from parklands is restricted by NPS regulations with few exceptions. The ANILCA legislative record is clear that Congress intended that only in rare cases, under extraordinary situations, should aircraft be used for subsistence hunting, trapping or fishing in parks or monuments. NPS regulations do not restrict the use of aircraft for access to take fish or wildlife in the preserves for either sport or subsistence users. For economic, social or regulatory reasons, local rural subsistence users have not historically and do not currently utilize aircraft for taking fish or wildlife in Denali National Park and Preserve. People engaged in sport hunting, trapping and fishing, on the other hand, utilize aircraft as the primarily means of access to Denali’s two preserve areas.
Currently, most sport hunting occurs in the Alaska Range, part of Denali's southern preserve, which is a remote and rugged area of the Alaska Range where trophy size animals are most likely to be found. The primary means of access for sport hunters, trappers and fishermen to this preserve is by aircraft. Subsistence hunting, in contrast, is more opportunistic in nature and occurs mainly in areas more easily accessed by rivers and roads utilizing traditional ground access methods. Thus, to a large extent, the areas used for sport hunting and the areas used for subsistence hunting tend to be geographically distinct. Should this trend shift and sport hunters increase their use of the northern preserve, competition for wildlife with subsistence users could significantly increase.

**National Preserves**

There are two preserve areas within Denali National Park and Preserve. The northern preserve is located north of the Alaska Range on the western side of the park and the southern preserve is located on the south side of the Alaska Range on the western side of the park (see map of land status in Appendix E). The northern preserve is utilized extensively by the subsistence communities of Lake Minchumina and Telida, and historically by Nikolai. The southern preserve is remote and difficult to access which is a significant limiting factor for subsistence use. Very little subsistence use occurs on the southern preserve lands, with the nearest community being Skwentna on the Yentna River, approximately 50 miles down drainage from the preserve boundary. Access by riverboat is expensive, and difficult due to varying water levels and river conditions. Snow depths and overflow conditions make winter access difficult and dangerous.

For preserve lands, eligible local rural subsistence users are defined by the FSB's customary and traditional species use determinations. These determinations identify which communities and areas are eligible for subsistence use of a species on federal public lands. The FSB's customary and traditional determinations typically are more liberal than NPS eligibility for use of National Park lands, but occasionally may be more restrictive. The number of eligible subsistence users for the preserve can vary greatly depending upon which communities and areas are determined to have customarily and traditionally used a fish or wildlife population. In general, since the federal assumption of subsistence management, the length of subsistence hunting seasons and harvest limits have gradually increased where the wildlife populations could sustain it to more accurately reflect traditional subsistence practices and needs.

State sport and subsistence hunting and trapping of wildlife is allowed on preserve lands subject to State of Alaska hunting and trapping regulations, and NPS regulations. Both the north and south preserves are remote and have difficult ground access making use of aircraft for sport hunting and trapping the most reasonable and popular method of access. Currently most sport hunting efforts and harvests are focused primarily within the southern preserve and are considered to be minimal. Two sport hunting guides provide services in the southern preserve under a concessions permit issued by the NPS. Brown bear are the most sought after species for sport hunters, followed by moose and caribou, then sheep and black bear. ANILCA provides preferences for local rural subsistence users should a shortage of subsistence resources occur and allocation of harvest becomes necessary. Currently there are no wildlife species being allocated under this provision.

**Kantishna Firearms Discharge Closure**

Dramatic increases of recreational use and private facility development in the Kantishna area have occurred in the last decade. Due to concerns for public health and safety near the Kantishna visitor
service and transportation facilities, a temporary closure to the discharge of firearms is established during the periods of high summer visitation on parklands within one mile on either side of the Kantishna Road. This temporary closure may affect subsistence users by limiting an area of approximately 10 square miles to the discharge of a firearm during the first half of the moose season.

**Subsistence Program Administration**

**Denali Subsistence Resource Commission**

In 1984 the Denali Subsistence Resource Commission (SRC) was established for Denali National Park to advise and recommend to the Secretary of the Interior and the Governor of Alaska a program for subsistence hunting within the park. The SRC is comprised of nine members representing different geographical, cultural, and user groups for the Denali area. Three members are appointed by the Secretary of the Interior, three appointed by the Governor of Alaska, and three appointed by Federal Regional Advisory Councils. The Commission meets at least twice a year to review proposals and make recommendations which may address major topics such as eligibility, access, harvest monitoring, methods and means of taking, research needs, use of cabins and shelters, trapline management, and timber management.

The SRCs task is to recommend a program for subsistence hunting on parklands. Seven formal hunting program recommendations have been made by the Commission to the Secretary and the Governor regarding eligibility, access and hunting seasons. The SRC and park staff have prepared a Subsistence Management Plan for the park and preserve to provide additional clarification in the management of subsistence. The Subsistence Management Plan will incorporate the approved subsistence hunting program of the SRC and therefore will be revised as necessary to incorporate future SRC actions.

The SMP is a dynamic document that is intended to be responsive to new information. Modifications to the SMP will be made at least once every year depending on the level of activity of the Subsistence Resource Commission and the NPS in advancing new issues and recommendations. Significant revisions to the plan will be made available for a minimum 60 days public review and comment period.

**Federal Subsistence Management Program**

On July 1, 1990 the Federal Government assumed responsibility for the management of subsistence taking of fish and wildlife on Federal public lands in Alaska. The Federal Subsistence Board (FSB) was established to oversee the Federal Subsistence Program and is the decision making body that makes rural/non-rural determinations, customary and traditional use determinations which define what communities and areas have subsistence use of wildlife populations, which species and populations are subject to harvest, when seasons open and close, how many animals may be harvested, and the method and means by which an animal may be taken. The subsistence harvest of wildlife in Denali National Park and Preserve by NPS qualified subsistence users is subject to Federal subsistence management regulations as well as specific NPS regulations.
The FSB relies heavily upon the review and recommendations from nine Federal Regional Advisory Councils, which were established to represent the different regions of the state. Denali National Park and Preserve lands are included within portions of the Southcentral, Eastern Interior and Western Interior Regional Advisory Councils (see Regional Advisory Council's maps in Appendix E). Subsistence users, advisory groups, state agencies, and the public participate in the development and review of federal regulations by submitting proposals to make changes, commenting on proposals, and testifying at public meetings. Although ANILCA Section 808 provides a linkage between the SRC and the Secretary of the Interior regarding hunting programs on park lands, the SRC also utilizes the FSB's annual regulatory cycle for changes to harvest regulations since that process provides a more expedient way to make needed changes. The Denali SRC schedules its meetings to provide timely input on proposals and programs to the Regional Advisory Councils and the Federal Subsistence Board. The Federal Regional Advisory Councils rely heavily upon Denali's SRC, agency staff, and local advisory groups to provide input on regulatory changes which may affect the park and preserve areas.

In March of 1995, the Ninth Circuit Court of Appeals found, in a case dealing with subsistence fisheries, that the United States has jurisdiction on navigable waters for which the U.S. has reserved waters for the purposes of implementing Title VIII of ANILCA. The U.S. Supreme Court's refusal to hear the State's appeal significantly expands Federal subsistence management of fisheries beyond the boundaries of Federal conservation units in Alaska. On October 1, 1999, in compliance with an order from the 9th Circuit Court of Appeals, the Federal Subsistence Board assumed management of subsistence fisheries on waters in and adjacent to conservation units in Alaska. The Governor, the Alaska Congressional Delegation, and the Alaska Legislature are currently working to resolve the subsistence issue.

**State Fish and Game Management**

Both federal subsistence and State of Alaska hunting, trapping and fishing activities are permitted in Denali’s two preserves. The Alaska Board of Game regulates state harvests while the Federal Subsistence Board regulates federal subsistence harvests.

Rarely are fish or wildlife populations confined to the boundaries of a federal conservation unit. More frequently, fish and wildlife populations utilize lands in the Park and Preserve as well as lands adjacent to Denali under State management. Close coordination between State and Federal managers is imperative in such situations. Managers must collaborate on research and monitoring of these populations as well as on allocation of the resource to ensure the health of the population now and into the future.

Regardless of the management jurisdictions, fish and wildlife populations within the park must remain “natural and healthy” and those within the preserve units “healthy” in order to allow for consumptive uses.
SUBSISTENCE PLAN ORGANIZATION AND LAYOUT

This plan is constructed in such a way that it can easily be modified. Each page is numbered and has a revision date in the lower right corner. These numbers will change as the plan is modified. The table of contents will indicate the most recent revision dates for each chapter. Vertical black bars in the left and right hand margins indicate where changes have been made since the previous version of the document was distributed. In subsequent releases of those pages, the “old” bars will be removed and new bars will appear. This method of identifying changes is intended to easily bring the SRC members’ attention to new information in the document.

The plan is broken down into four parts and color coded according to the following scheme:

YELLOW PAGES. The first page or two of each section are yellow. These pages contain a description of the issue that is being addressed, what the NPS policy is on this issue, and under what authority.

SALMON PAGES. Following the yellow pages there are generally one to several salmon color pages. These pages describe SRC proposed actions. Proposed actions are those actions the SRC has prepared "formal" hunting plan recommendations for or actions the SRC has passed a motion on during one its meetings. The first hunting plan recommendation submitted by the Denali SRC was in 1986.

A "formal" hunting plan recommendation has gone through the prescribed consultation process (for a description of the process refer to chapter 1) and been transmitted to the Secretary of Interior and Governor of the State of Alaska. Each salmon page contains a brief summary of the action, the Department of Interior, State of Alaska and public response to the SRC’s recommendation, and the current status of the issue.

GREEN PAGES. The third section in each chapter is NPS proposed actions, which appear on green colored paper. The document, “NPS Subsistence Management Program”, dated August 1997 (Appendix B) is the basis for the majority of the “NPS proposed actions”. This document was widely circulated for review and comment in 1996 and 1997.

LAVENDER PAGES. The last section of each chapter are lavender pages containing a history of actions recommended by the SRC or NPS that have been completed. Each lavender page contains a description of the action recommended, who recommended the action, a chronology of correspondence and actions taken relating to the issue, and a description of the final resolution.
The purpose of the Commission is to devise and recommend to the Governor and the Secretary of the Interior a program for subsistence hunting within Denali National Park.

Commission hunting program recommendations may address major topics related to management of subsistence, such as access, customary and traditional use determinations, eligibility, season and harvest limits, methods and means, traditional use areas, trapping, customary trade, cabin use, and research. After consultation with appropriate local advisory committees and regional councils, the recommendations of the Commission are conveyed directly to the Secretary of the Interior and the Governor. Guidelines for submission of hunting plan recommendations to the Secretary and Governor are summarized on page 5 of this chapter.

The Secretary must implement the hunting plan recommendation unless the recommendation:
(1) violates recognized principles of wildlife conservation;
(2) threatens the conservation of healthy populations of wildlife in the park;
(3) is contrary to the purposes for which the park was established; or
(4) would be detrimental to the satisfaction of subsistence needs of local residents.

If approved by the Secretary, such recommendations are implemented by any one of several appropriate means.

The Federal Advisory Committee Act and the Commission charter direct the operation of the Commission. The charter contains information required by both regulation and the Department of Interior’s administrative procedures. Secretary of Interior, Bruce Babbitt signed the current charter in March of 1996 (pages 3-4).

The Commission reports to the Superintendent of Denali National Park and Preserve. However, since the establishment of the Federal Subsistence management program in 1990, the SRC has been making recommendations on harvest limits and customary and traditional use proposals affecting Denali National Park directly to the Regional Advisory Councils and the Federal Subsistence Board.

The Commission is comprised of nine local rural residents representing geographic, cultural, and user diversity from within the region. Each member's term on the Commission is for three years unless they resign or are removed for cause by the appointing source. The members are appointed as follows:

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<tr>
<td>Florence Collins (Lake Minchumina)</td>
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**AUTHORITY:**
ANILCA, Section 808  Park Subsistence Resource Commissions
Charter for Denali National Park Subsistence Resource Commission
Federal Advisory Committee Act (FACA)
CHARTER

SUBSISTENCE RESOURCE COMMISSION

DENALI NATIONAL PARK, ALASKA

1. The official designation of the committee is the Subsistence Resource Commission for Denali National Park.

2. The purpose of the Commission is to devise and recommend to the Secretary and the Governor of Alaska a program for subsistence hunting within Denali National Park. 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 of Alaska and the U. S. Department of the Interior, information submitted by, and after consultation with the appropriate local advisory committees and federal 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 national park. Each year thereafter, the Commission, after consultation with the appropriate local committees and federal regional advisory councils, considering all relevant data and holding one or more additional hearings in the vicinity of the Park, shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which the Commission deems necessary.

3. In view of the objectives, scope and purposes of the Commission, it is expected to continue beyond the foreseeable future. The provisions of Section 14(b) of the Federal Advisory Committee Act, requiring a biennial rechartering, are inapplicable to this Subsistence Resource Commission. However, there shall be a biennial review of this Commission to determine if its purposes are being fulfilled.

4. The Commission reports to the Superintendent, Denali National Park, P. O. Box 9, Denali National Park, Alaska 99755.

5. Support for the Commission is provided by the National Park Service, U. S. Department of the Interior.

6. The duties of the Commission are solely advisory and are as stated in paragraph 2 above.

7. The estimated annual operating cost of the Commission is $12,700, which includes approximately one-fifth work year of staff support.

8. The Commission will meet approximately twice a year, or more often as circumstances require. The Commission shall not hold any meetings except at the call or with the advance approval of the Superintendent, Denali National Park. All meetings will be open to the general public. Any organization, association, or individual may attend or file a statement before the Commission regarding topics on a meeting agenda. All meetings of the Commission shall be subject to the provisions of the Federal Advisory Committee Act.

9. The Commission's membership as set forth in P. L. 96-487 (December 2, 1980) shall consist of nine members appointed for 3-year terms, or until the member's resignation or removal by the appointment source, as follows:

   a. three appointed by the Secretary of the Interior;
   b. three appointed by the Governor of the State of Alaska;
   c. two appointed by the Southcentral Federal Regional Advisory Council, and one appointed by the Eastern Interior Federal Regional Advisory Council, both councils established pursuant to Section 805 of P.L. 96-487 which have jurisdiction within Denali National Park. Each member must also be a member of either the federal regional advisory councils, or a local advisory committee within the region and also lawfully engaged in subsistence uses within the national park.

If no successor is appointed on or prior to the expiration date of a member's term, the incumbent may continue to serve until a new appointment is made, provided that a charter under the Federal Advisory Committee Act is in effect. Appointments made to fill vacancies created during a term will be for the length of time remaining in the unexpired term. Members appointed by the Secretary of the Interior under 9a, shall represent the interests of the subsistence users of the park.

The chairperson is elected annually by the members of the Commission.

10. Members of the Commission shall serve without compensation as such, except that the Secretary of the Interior may pay the expenses reasonably incurred by the Commission in carrying out its responsibilities upon presentation of vouchers signed by the chairperson and approved by the Superintendent, Denali National Park.

11. The designated Federal Officer, pursuant to Section 10(a) of the Federal Advisory Committee Act, shall be the Superintendent, Denali National Park and Preserve, or his/her designee.

**Denali Subsistence Resource Commission Membership**

All members serve for three-year terms. The charter allows a member to continue to serve until the appointing source takes action to reappoint or make a new appointment.

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ANILCA SECTION 808 GUIDELINES FOR SUBMITTING HUNTING PLAN RECOMMENDATIONS TO THE SECRETARY OF THE INTERIOR AND THE GOVERNOR OF ALASKA

I. SRC develops "Draft Hunting Plan Recommendation" during regular meeting.

II. SRC passes motion approving "Draft Hunting Plan Recommendation" during regular meeting.

III. SRC sends "Draft Hunting Plan Recommendations" to appropriate local advisory committees and federal regional councils. Consultation is required pursuant to Section 808.

A. Attach SRC Chairperson's cover letter requesting comments within a stated time of not less than 60 days from the date of mailing. Document letters sent to local advisory committees and federal regional councils. Use SRC stationary for all SRC correspondence. Do not use NPS Stationary.

B. All responses to the "Draft Hunting Plan" become part of the SRC administrative record. Written comments should be sent to the SRC Chairperson and copied to the Superintendent. NPS SRC manager provides SRC members with copies of comments prior to next SRC meeting.

IV. During a regular meeting, the SRC analyzes all comments received as a result of the consultation process. SRC should consider testimony received on the "Draft Hunting Plan" from the public during any hearings or meetings.

V. SRC should modify, edit, re-write or eliminate or adopt the "Draft Hunting Plan Recommendation".

VI. The "Draft Hunting Plan Recommendation" becomes a final "Hunting Plan Recommendation" when the SRC passes a motion approving the final language within the recommendation.

VII. SRC Chairperson sends the SRC approved "Hunting Plan Recommendation" to both the Secretary of the Interior and the Governor of Alaska. Attach a Chairperson's cover letter of introduction to the plan.

VIII. Secretary will take no action on a submission of a commission for sixty days during which period he shall consider any proposed changes in the recommendations submitted by the commission which the Governor provides him.

IX. Secretary shall promptly implement the 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 monument; is contrary to the purposes for which the park or monument is established; or would be detrimental to the satisfaction of subsistence needs of local residents.
**SRC PROPOSED ACTION:**
Recommendations to improve subsistence management in the parks.

**ISSUE BACKGROUND:**

- In their review of the document, "Review of Subsistence Law and National Park Service Regulations" the Denali SRC made a number of recommendations for improvement of subsistence management. They indicated that their comments were intended to result in greater flexibility for the Superintendent in decision-making regarding subsistence management issues and in other situations would enable some decisions to be made on a regional basis by individual parks rather than a rigid NPS statewide subsistence policy. The SRC recommended that:

1. Management decisions made by the agency and the Secretary of Interior should be made more quickly than in the past. Examples given were of delayed responses to cabin reconstruction requests, traditional ATV determinations and the proposed roster regulations.

   On May 17, 1999 NPS responded to this recommendation, saying that staff are working on bringing closure to the issues on the backlogged list. In addition, staff discussed the possibility of the Secretary delegating response to hunting plan recommendations to the Regional Director of Alaska. Such a delegation would allow a direct response to the SRC without working through the Secretary of Interior's office. The Secretary has not yet decided whether or not to make that delegation. Staff continue to work through his office to respond to current recommendations (see page 10 and 11).

2. Subsistence decisions should usually be made at the park level based upon the area or regions traditional practices and traditions in response to environmental conditions and resource availability. NPS needs to recognize and allow for regional diversity in its statewide subsistence management program.

3. NPS recognize that within a given region or park subsistence uses and traditional practices are not rigid in time or place. Subsistence, by its own nature is dynamic; changing and evolving subsistence practices which are developing as new traditions need to be recognized and allowed so long as they are not impacting or detrimental to the resource.

4. Regulatory change proposals that affect subsistence users should be reviewed by the appropriate SRCs before final draft or proposed regulations are implemented. This
NPS responded to this recommendation in a letter dated May 17, 1999. NPS stated that many subsistence managers in parks and in the Anchorage office have been in their positions for many years and have a wealth of experience. In many ways, they provide the continuity in tenure in staffing. NPS agrees that subsistence plans should help document the institutional knowledge of those that move on to other positions (see pages 10-11).

- The SRC chairs met in Anchorage in October of 1998 and compiled a list of 9 recommendations. Recommendation number 2 indicated the Chairs' unhappiness over the long time frames required for a response from the Secretary of Interior when hunting plan recommendations are sent to Washington. Some SRCs have waited 5-10 years for a response on a hunting plan recommendation.

The Regional Office prepared a list of backlogged hunting plan recommendations from all 7 SRCs. The list included 8 recommendations dating from March of 1986 through 1998. Two hunting plan recommendations from Denali were included on the list: 1) a recommendation for roster regulations dating back from July of 1986, and 2) a recommendation requesting a charter amendment to allow the SRC to report to the Federal Subsistence Board as well as the Superintendent instead of the Alaska Regional Director. In March 96, the Secretary amended all SRC charters to state that SRCs can also report to the appropriate superintendent. The roster regulations have yet to be approved.

- A second SRC Chairs recommendation (#4) addressed the need for longevity in the tenure of park Superintendents. The Chairs' felt that knowledge of subsistence issues comes with tenure and that when personnel changes occur frequently that the parks and subsistence communities lose the experience and knowledge base. There is a need to retain institutional knowledge. The Chairs noted several improvements in this area. Notably: 1) greater authority has been delegated from the Regional Office to the Superintendents in recent years; 2) parks and the Regional Office have more consistent long-term employees on staff; and 3) the recent effort to develop park subsistence hunting plans has proven useful in documenting institutional knowledge.

NPS responded to this recommendation in a letter dated May 17, 1999. NPS stated that many subsistence managers in parks and in the Anchorage office have been in their positions for many years and have a wealth of experience. In many ways, they provide the continuity in tenure in staffing. NPS agrees that subsistence plans should help document the institutional knowledge of those that move on to other positions (see pages 10-11).

- The SRC Chairs met in October 1999 and made several recommendations which NPS responded to in February 2000 (letter is in Appendix B, pages 3-4). The SRC Chairs recommendations, NPS and Denali SRC responses follow (the Denali SRC letter is in Appendix B, page 4 and 5):

1. NPS should develop an appeal/reconsideration procedure for hunting program recommendations that are responded to by the NPS Alaska Regional Director.

NPS Response: The authority to respond to SRC hunting program recommendations has been delegated to the NPS Alaska Regional Director. NPS feels that this will allow more timely responses to recommendations made by the SRCs. The opportunity for the SRC to
request in writing that the Secretary of Interior review the Regional Directors responses currently exists. If the SRC disagrees with the Regional Director, the SRC can write to the Secretary with their concerns.

Denali SRC Response: The Commission believes the delegation of authority to the Regional Director will expedite decisions and are happy to be reassured that recourse to the Secretary is possible if necessary.

2. The seven SRCs should work more closely together to resolve issues and the SRCs should exchange meeting minutes and hunting program recommendation correspondence.

NPS Response: NPS agrees and will do what they can to facilitate a closer exchange between Commissions. Meeting minutes and correspondence will be circulated to all SRCs.

Denali SRC Response: The SRC appreciates the offer to help SRCs communicate better and look forward to receiving copies of meeting minutes from other SRCs. Most SRCs have common interests and can offer common solutions to problems if they know each others ideas.

3. SRCs should meet twice a year.

NPS Response: There is no specific limit to the number of times the SRCs can meet in a year. Most already meet twice per year. Rather than identify a number of meetings to have per year NPS asks that the SRCs work with their individual park to meet as often as necessary (as park budgets permit).

Denali SRC Response: The SRC appreciates NPS funding for SRC and SRC Chairs’ meetings and wish funding and time constraints could allow for more frequent meetings for both groups.

4. NPS should hold two SRC Chairs/NPS meetings annually instead of one.

NPS Response: This was not a consensus item identified by the Chairs. NPS is unable to fund two meetings per year at this time. However, if there are special issues that require a second meeting, NPS will consider doing so or arranging for a way that all can meet by teleconference.

Denali SRC Response: Same as for number 3 above.

- In the February 4, 2000 letter to the SRC Chairs (see Appendix B, pages 3-4) NPS stated that they are considering a revision of the National Park Service Subsistence Management Program document (contained in Appendix B beginning on page 7). NPS asked that each SRC review the document and forward any suggestions for improvement to Judy Gottlieb, the Associate Regional Director for Resources.
The SRCs comments on the draft paper, dated August 29, 1996 (see appendix B, pages 1-2) continues to represent the views of the Denali SRC with the exception of the one year residency recommendation (see chapter 2: Resident Zone Eligibility).

**Current Status:**
- NPS is also unhappy about the amount of time required for a response from the Secretary of Interior and is actively seeking a delegation of authority for decision making on certain key issues. A delegation of response to SRC recommendations to the Regional Director in Alaska should expedite the process. Furthermore, NPS is currently expending a great deal of effort in preparing subsistence plans, proposal analysis, a subsistence users' guide, etc. designed to benefit subsistence users as well as assist in retaining institutional knowledge on subsistence issues into the future.
Ms. Florence Collins, Chair
P.O. Box 10159
Fairbanks, Alaska 99752

Dear Ms. Collins:

Since it is halfway between our joint meeting last October and our next meeting this fall, it is fitting to look both backwards and forwards in this letter to you. First, I have recently assumed the role of representing the National Park Service on the Federal Subsistence Board. Paul Anderson, who has been doing this for a number of years, has moved into other areas of responsibility. I have worked for the National Park Service for 5 years, and have lived in Alaska for 23 years. I look forward to working more closely with all of you as we work together on the issue of subsistence.

Our joint meetings with you have been very helpful to us, and we look forward to continuing them in the future. If we meet again as we did last year, the date for our next SRC Chairs meeting will be Tuesday, October 19th, the day before the AFN convention begins. I will ask our park subsistence managers to contact you directly to see if that date will work for you.

Finally, far too much time has passed since last October and we apologize for not responding earlier to the recommendations that you gave to us. Your recommendations have been much on our minds, but we have slipped on getting a response on paper. In order to give a detailed reply, I will repeat each of your recommendations, then follow with a response.

**SRC Chairs' Recommendations**

1) The SRC's will discuss the proposed one-year residency requirement (including an exception for persons moving from one resident zone to another). They will also consider possible exceptions for persons who travel outside of a resident zone for jobs or other reasons. All SRC's are to provide their comments and/or recommendations to John Vale and the Wrangell-St. Elias FSB will consolidate and act.

RESPONSE: It is our understanding that this issue was discussed at all recent commission meetings. The Aniakchak commission is in support, but has not yet written a letter to John Vale. The Gates of the Arctic commission has already sent a letter of support. The Denali commission decided that it has no need for a one-year requirement at this time, but is supportive of the Wrangell-St. Elias commission request for their area. The Lake Clark commission chose not to address the issue. The Wrangell-St. Elias SRC just submitted a hunting plan recommendation to the Secretary requesting a one-year residency requirement for Wrangell-St. Elias. We just received a copy of that recommendation and will be working to prepare a response as soon as possible.

2) SRC Chairs recommend that park superintendents follow SRC recommendations for making C&T determinations on an individual basis. Denali and Wrangell-St. Elias SRC's have made such recommendations.

RESPONSE: While the regulation permitting the making of individual C&T determinations on National Park Service lands has been in the Federal Subsistence Board (FSB) regulations since 1992, it has not implemented until this year. The making of C&T determinations, whether for individuals or communities, is reserved to the FSB, so the final determinations are beyond the authority of park superintendents. Last year, the FSB requested a legal opinion from the Department of Interior Solicitors Office on the issue of individual C&T. That opinion was just recently completed. It found that the FSB regulation on individual C&T is valid, and that individual C&T determinations may be made at the FSB's discretion. As you may have already heard, the FSB met last week and approved proposals for individual C&T as recommended by the two SRCs involved. The FSB did decide to limit the extension of individual C&T to National Park and park monument lands only (not to national preserve lands).

3) Secretarial response time to SRC recommendations is unacceptable. Some recommendations have waited 5-10 years or more for response. The regional office (Clarence Summers and Bob Gerhard) should compile a list of all backlog SRC recommendations and circulate the list to parks and to SRC Chairs. The "roster regs" is one good example. SRC interest in immediate implementation has waned, but SRC Chairs feel that there is still a need to implement a regulation now so that it can be implemented in the future if necessary.

RESPONSE: We agree that the response time to many of your recommendations has been unacceptable, or that Secretarial responses have not been acted on in a timely manner. The backlog list that you requested was prepared shortly after the meeting in October and sent to you along with other notes from the meeting. We are still working to bring some of the issues on that list to closure. In addition, we have had preliminary discussions with the Secretary of the Interior's office concerning the possibility of the Secretary delegating the response to your hunting plan recommendations to the Regional Director in Alaska. Such a delegation would allow us to respond directly to your requests instead of working with the Secretary's office on a response. Unfortunately, the Secretary has not yet decided whether or not to make that delegation, so we are still working through his office to respond to the current recommendations.

4) SRC Chairs recommended more consistency (longevity) in tenure of park superintendents. Knowledge of subsistence issues comes with tenure—when changes occur often, the parks (and the subsistence communities) lose that experience and knowledge base. There is a need to retain institutional knowledge. The Chairs do
note the following positive improvements in this area: a) more authority has been
deleagated from the regional office to superintendents in recent years, b) parks and the
regional office have more consistent long-term employees on staff, and c) the recent
effort with park subsistence hunting plans have proved useful in documenting
institutional knowledge.

RESPONSE: There is probably nothing that we can do to directly respond to this
recommendation. However, we believe that the tenure of superintendents has increased
in recent years. We are very proud of the superintendents that we have in Alaska, and we
are equally proud of their subsistence managers and the staff in our Anchorage office that
work on subsistence issues. Many of these people have been in their positions or in other
Alaska parks for many years, and have a wealth of experience. There will always be
some turnover in park staffs—both for the career development of individuals and in order
to staff the parks with top-quality employees as needs demand and budgets allow.
Finally, as you noted, we are pleased with the development of the park subsistence
management plans and various user guides that we are working closely with you on. We
feel these documents go a long way to preserving in a useful format the institutional
record of subsistence management issues in the parks.

5) SRC Chairs recommend that each park and park SRC make individual determinations
on what ATV/ORV use is acceptable in that park, and include consideration of new,
yet unknown technologies and shifting seasons. A statewide ATV/ORV policy is not
realistic.

RESPONSE: We agree that determinations on ATV/ORV use must be made on an
individual park basis, since the issue depends on findings of what uses are traditional in
any area. Any such findings, of course, must be implemented in accordance with Title 8
of ANILCA and any other applicable laws and regulations. As you may know,
ATV/ORV use for subsistence in Wrangell-St. Elias is already permitted in traditional
use areas. In addition, the NPS is currently conducting an ATV study for Katmai preserve
lands in response to a request from the Bristol Bay regional advisory council, and is also
considering whether ATV/ORV use in certain specific areas of Denali is traditional.

6) SRC Chairs acknowledge that data on wildlife populations is necessary but expensive
to obtain. Chairs recommend that parks/SRC’s explore ways to incorporate local
knowledge, and offer the assistance of the SRC’s in obtaining that knowledge.

RESPONSE: There are tremendous needs for more and better data on wildlife
populations, and our budgets to do so will probably never catch up with the need. We
agree that local traditional knowledge should be integrated with scientific data in making
good subsistence decisions, and we look forward to working with you in obtaining that
information, just as the FSB depends on the regional advisory councils for local
knowledge. We welcome your offer to work together in obtaining the best information
on wildlife populations and subsistence uses in your areas.

7) SRC Chairs request a clarification of the relationship between the Migratory Bird
Treaty Act and NPS regulations (backlog recommendation from Wrangell-St. Elias
SRC). Chairs request that fall hunting of migratory birds be permitted, and say that
harvest of bird eggs may also be an issue.

RESPONSE: This is an issue that we have struggled with for some time. The
indications from our Solicitor’s office suggest that Congressional action may be
necessary to authorize us to permit the taking of migratory birds and bird eggs in national
parks and national park monuments. The taking of migratory birds is permitted in
national preserves as long as such taking is consistent with the Migratory Bird Treaty
Act. However, we need to look into this issue more thoroughly before we can be
comfortable with a definitive response. We understand that the taking of migratory birds
is an important part of customary and traditional subsistence use patterns in many parts of
Alaska, and we believe that those uses, where traditional, should be allowed to continue.
We will continue to work on this, and will contact you directly or through the park
superintendents when we have more definitive information.

8) SRC Chairs recommend that parks/SRC’s move in the direction of “taking”
regulations, and move away from seasons and means based on a sport hunting model.
Subsistence regulations should be based on subsistence needs. For example, move
towards “seasons” that are open year-round, and if there is a resource problem with an
open season, handle it by limiting the number of permits, not restricting the season.

RESPONSE: We agree that subsistence regulations should be based on customary and
traditional uses. As you know, these regulations are determined by the FSB, not the NPS.
That board has over the years been able to approve a very high percentage of all
recommendations from the regional advisory councils. We urge each of your
commissions to work with your local superintendent and the applicable regional advisory
council or councils to recommend regulations applicable to your area.

9) SRC Chairs recommend that NPS continue to work on the issue of trapping
regulations, and the prohibition of use of firearm under a trapping license. This
position is consistent with the recommendation to move toward “taking” regulations
above.

RESPONSE: This has been another difficult issue for us. While a strict reading of NPS
regulations suggests that the use of a firearm is not permitted under a trapping license on
NPS lands, we have already acknowledged that there is a longstanding practice of doing
so under state regulations. We will continue to work with SRC’s, Regional Advisory
Councils and others to evaluate or further define traditional practices for use of firearms
as a method of trapping, but feel that it may be difficult to attempt a change in our
regulations at this time.
In addition to the nine specific recommendations discussed above, there are two other issues from the October meeting that we should discuss. During the meeting, you asked that we "spread the word" about our response to the Western Interior Regional Advisory Council regarding "customary trade" and the sale of handicraft items. We agreed to send you a followup letter that clearly summarized the issue. This letter was sent to you in December. I hope that it provided the clarity that you requested.

And finally, near the end of our meeting in October, Delbert Rexford suggested that we have the joint SRC Chairs/NPS meeting twice each year instead of once. While we agree that there may be times when more meetings might be desirable, we do not want to commit to more than one meeting at this time. A second meeting is a greater financial burden (particularly on the parks who provide the funds for your travel), and some of you have already expressed a desire not to do so. However, if there are special issues requiring the need for a second meeting, we will consider doing so.

Thank you for your patience in getting through this lengthy response. Again, I look forward to meeting with all of you in October.

Sincerely,

Judy Gottlieb
Associate Regional Director, Resources.

cc: Park Superintendents
matter of fact, your office just directed us to sign a response to recommendations from the Aniachak SRC. A formal delegation of this authority would be consistent with this most recent action on SRC recommendations.

If you concur with this delegation, there may still be occasions when we will need to request the assistance of your office in preparing a response to an SRC. A specific example is currently before us, with the 1996 Wrangell-St. Elias SRC recommendations regarding the harvest of migratory birds. Since their recommendation relates to a harvest which is controlled by the Migratory Bird Treaty Act, we feel it is proper that your office provide a coordinating role in an interagency review of this issue. Most SRC hunting plan recommendations will not, however, require this level of review.

Robert D. Barbee
**SRC COMPLETED ACTION:**
Amend the charter to allow the SRC to report not only to the park Superintendent, but to the Federal Subsistence Board on issues relating to Denali’s hunting plan or proposals effecting seasons and bag limits and C&T use determinations on park lands.

**CHRONOLOGY:**
- The SRC submitted a hunting plan recommendation to Secretary Lujan in March of 1992 requesting a charter amendment and funding to enable the Chairperson or an appointed designee to attend and testify before the Federal Subsistence Board (letter on page 15).
- In 1992 the Secretary responded to the SRC’s recommendation saying that SRC participation at Federal Subsistence Board meetings was unnecessary because there is already adequate opportunity for the SRC’s concerns to be taken into account by the Federal Subsistence Board. He also stated that SRC participation at Federal Subsistence Board meetings was unnecessary because Section 808 of ANILCA provides a mechanism for the SRC to recommend actions directly to the Secretary (letter on page 15-16).
- The SRC must continue to make their concerns regarding seasons and bag limits, C&T use determinations, and other issues known to the Regional Councils and the Federal Board through existing mechanisms.

**RESOLUTION:**
- Currently the Western Interior and Southcentral Regional Advisory Councils have a member serving on their council who is also a member of Denali’s SRC. This greatly enhances the exchange of information between the advisory groups.
- The Eastern Interior Regional Advisory Council does not have a Denali SRC member serving on the Council. When pressing issues have come before the Advisory Council on Denali matters, the Park has provided support and travel for attendance of a representative from the Denali SRC.

**AUTHORITY:**
- ANILCA, Section 808: Park Subsistence Resource Commissions
- Federal Advisory Committee Act (FACA)
- 41 CFR 101-6
- 50 CFR Part 100 Federal Subsistence Management
March 9, 1992

Mr. Manual Lujan  
Secretary of the Interior  
Main Interior Building  
18th and C Street, NW  
Washington, D.C. 20240

Dear Mr. Lujan,

The Denali National Park Subsistence Resource Commission met on March 6, 1992 to discuss subsistence hunting plans for Denali National Park.

Denali's Subsistence Resource Commission feels it is very important to be able to send an official representative from our commission before the Federal Subsistence Board to testify and comment on issues relating to Denali's hunting plan or proposals affecting season and bag limits on park lands.

We respectfully request that Denali's SRC charter be amended and funding provided that will enable the Chairperson or an appointed designee to attend and testify before the Federal Subsistence Board.

Thank you for your consideration and attention in this matter.

Sincerely,

Florence Collins, Chairperson  
Denali Subsistence Resource Commission

Ms. Florence Collins  
Chairperson  
Denali National Park Subsistence Resource Commission  
Post Office Box 9  
Denali Park, Alaska 99755

Dear Ms. Collins:  

Thank you for your March 9, 1992, letter regarding Subsistence Resource Commission (SRC) representation at Federal Subsistence Board meetings. Your letter asks that Denali's SRC charter be amended and funding provided to enable the Chairperson or an appointed designee to testify before the Federal Subsistence Board.

While I appreciate the special concerns facing subsistence users in park areas, I believe that the representation you are now seeking is unnecessary because there is already adequate opportunity for the SRC's concerns about Denali's hunting plan or proposals affecting season and bag limits to be taken into account by the Federal Subsistence Board.

As you know, ANILCA provides for the establishment of an SRC for each National Park or Park Monument in Alaska in which subsistence uses are permitted. The Secretary of the Interior, the Governor of Alaska and the Regional Advisory Council for the area in which the Park unit is located each appoint three (3) members to the various SRCs. Each of the SRC members appointed by the Regional Advisory Council must be a member of either the Regional Advisory Council itself or a local advisory committee serving the Regional Advisory Council. As a result of this unique, interlocking system of representation, each Park unit's SRC has direct involvement in the functions of the Regional Advisory Council serving the Park unit. In turn, each Regional Advisory Council has the opportunity to bring before the Federal Subsistence Board the concerns of the SRCs.

Another reason SRC representation at Federal Subsistence Board meetings is unnecessary is because Section 808 of ANILCA provides the mechanism for a park SRC to recommend directly to the Secretary of the Interior solutions to problems relating to the SRC's special area of responsibility. The Secretary must implement those recommendations unless he finds to the contrary based on the criteria set forth in Section 808.
Because of these existing opportunities for SRC participation and involvement in the decision-making process, I do not believe it is essential for the SRC to send a representative to the Federal Subsistence Board meetings or that it is appropriate for the Federal Government to underwrite such travel costs.

I appreciate the continued advice and counsel of the Denali National Park Subsistence Resource Commission on this and other matters affecting the park. I hope the SRC will avail itself of all appropriate avenues to express its views.

Sincerely,

[Signature]
**SRC COMPLETED ACTION:**
Amend the charter to allocate one representative to the Denali SRC from the Western Interior Regional Advisory Council.

**CHRONOLOGY:**
- In November, 1993, the Western Interior Regional Advisory Council requested a change to the Denali SRC charter to permit the appointment of one of the Commission members from that Council (letter on page 18).
- The SRC responded favorably to this proposal in a letter dated December 1, 1993 (page 19). The Commission agreed to submit an amendment to the charter expiring in January 1995 allocating one seat on the Commission to each of three Subsistence Advisory Councils: Eastern Interior, Southcentral, and Western Interior.
- Regional Council appointees to the SRCs must be both a subsistence user of the park and also serve on a local advisory committee or regional council. A review of potentially eligible persons for this regional council revealed no candidates. It was recommended that a person from this region be appointed by one of the other two appointing authorities, the Governor of Alaska or the Secretary of Interior.

**RESOLUTION:**
- Although a change to the Commissions’ charter has not been made, a representative from Telida, within the Western Interior region appointed by the Governor, is currently seated on the Commission. Also, a representative from McGrath, appointed by the Secretary of Interior, is seated on the Commission. Those Commission members provide the representation from the Western Interior Region sought by the Council.

**AUTHORITY:**
ANILCA, Section 808: Park Subsistence Resource Commissions
Federal Advisory Committee Act (FACA)
41 CFR 101-6
50 CFR Part 100 Federal Subsistence Management
Western Interior Alaska Subsistence
Regional Advisory Council

c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
101 12th Avenue, Box 20
Fairbanks, Alaska 99701
Phone (907) 456-0406; Fax 456-0428
Toll Free 800-801-5108

November 15, 1993

Denali Subsistence Resource Commission

c/o Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

To the Denali Subsistence Resource Commission:

We are seeking your support in changing the Federal Charters of the Denali SRC, the Western Interior Regional Council, and the Southcentral Regional Council to assure that one of the Regional Council appointments to the Denali SRC be allocated to the Western Interior Council. The Western Interior Council has a vested interest in the Denali SRC because two subsistence resident zone communities (Nikolai and Telida) are located in the Western Interior region. The problem is that Regional Council appointments to an SRC can be made only by the Council in the region where the appointees live. Because the Western Council currently has no appointment authority, residents of Nikolai and Telida are automatically excluded from being one of the three Council appointees to the Denali SRC.

We think it is important that all subsistence users who live in designated "subsistence resident zones" have the potential of being appointed to the SRC by a Regional Council. We feel this way because the legal criteria for the three members chosen by the Regional Councils are unique in that the Council appointees must be current subsistence users of the Park. This is not a requirement for the other six appointments made by the Secretary and the Governor. We believe that the Regional Councils are inherently more responsive to the local subsistence point of view than are the Secretary and Governor whose appointments to the SRC are not legally required to be subsistence users of the Park.

Under the old State Regional Council system, there was only one interior region and the Council for the Interior region appointed Steve Eluska from Telida to the Denali SRC. Under the current Federal Regional Council system, however, there are now two interior regions only one of which - the Eastern Interior Council - has the authority to make one appointment to the Denali SRC. The Southcentral Regional Council has the authority to make two appointments. We recommend that one of the Southcentral appointments to the Denali SRC be allocated to the Western Interior Council. This change would give each of the three Regional Councils the right to appoint one member. The Secretary of the Interior and the Governor of Alaska could be encouraged to balance the board with their appointments of the other six members.

The Western Interior Council's intention is first to develop mutual agreement among the Denali SRC, the Western Interior Council, and the Southcentral Council. Therefore, identical originals of this letter will be separately addressed and sent to the Denali SRC (cc: Superintendent, Denali National Park & Preserve; Regional Director, National Park Service) and the Southcentral Regional Advisory Council (cc: Eastern Interior Advisory Council; Chair, Federal Subsistence Board). If all are in agreement, the second step would be to request the Secretary of the Interior to modify the Denali SRC charter (January 1995); and to request the Secretaries of the Interior and Agriculture to modify the Western Interior and Southcentral Council's charters (December 1994).

Thank you for your consideration and assistance in this matter.

Sincerely,

Harold Huntington
Acting Chair, Western Interior
Advisory Council

cc: Superintendent, Denali National Park and Preserve
Regional Director, National Park Service
December 1, 1993

Western Interior Regional Advisory Council
Office of Subsistence Management
101 13th Avenue, Box 20
Fairbanks, Alaska 99701

To: Harold Huntington
Acting Chair, Western Interior

In regards to your letter of November 11, 1993, seeking support to change Denali’s Subsistence Resource Commission’s charter to allocate one appointee from the Western Interior, one from Eastern Interior, and one from Southcentral Regional Councils.

At the present time to our knowledge, people from the two resident zone communities of Nikolai and Talida do not use park lands for subsistence. On the other hand, the Canwell resident zone community contains a relatively large number of subsistence users who do utilize park lands. The Southcentral Regional Council’s representative presented a strong case for maintaining the current allocation of appointing two Denali SRC members.

However, Denali’s commission is concerned that the Western Interior Region has no representation on our Commission under the present arrangement. Therefore, we voted in favor of your proposal asking for a change in Denali Subsistence Resource Commission’s charter which will allocate one representative from the Eastern Interior Regional Council, one from the Western Interior Regional Council, and one from the Southcentral Regional Council.

Denali’s Subsistence Resource Commission’s charter will expire in January, 1995, at which time changes to the charter may be made. In the interim, Steve Elke, from Talida, will continue to serve as an SRC member until the Eastern Interior Regional Council makes its appointment in February, 1994.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

cc: Superintendent, Denali National Park and Preserve
Regional Director, National Park Service
Southcentral Regional Council
Eastern Interior Regional Council
**SRC COMPLETED ACTION**
Support limited expansion of Title VIII subsistence to selected lands within Denali National Park and Preserve.

**CHRONOLOGY:**
- The SRC reviewed a petition to extend Federal jurisdiction beyond Federal public lands at its February 17, 1995 meeting. The petition was submitted by the Northwest Arctic Subsistence Regional Advisory Council and other Native groups to the Secretaries of Interior and Agriculture. The SRC’s response to the Federal Subsistence Board (on page 21) was generally in agreement with a limited expansion of federal jurisdiction, particularly in cases where use of lands selected but not yet conveyed could be opened to subsistence uses. However, the SRC did not favor a blanket expansion of federal subsistence management beyond conservation system unit boundaries or restrictions on activities off of federal public lands.

- Federal subsistence regulations for wildlife harvests do not provide for ANILCA subsistence on selected lands located within national parks or monuments and no state general/sport hunting is allowed. However, the Departments of Interior and Agriculture published a final rule in the Federal Register indicating their intent to amend the definition of “public lands” to include selected lands (Reference: *Federal Register*, Vol. 64, No. 5, p. 1287-88). NPS believes that the federal subsistence program should extend to selected lands. The regulation is expected to go into effect on October 1, 1999.

**RESOLUTION:**
- On October 1, 1999 Federal Subsistence Regulations governing the harvest of fish for subsistence purposes were published. These regulations contain a provision allowing for the harvest of subsistence resources on selected lands located within conservation system units. Therefore, as of this date, hunting, trapping and fishing is permitted on selected lands within the National Park Service units where these activities are authorized by the provisions of ANILCA.

**AUTHORITY:**
- § 4(2) 50 CFR Part 100 Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition to Include Waters Subject to Subsistence Priority; Final Rule
February 17, 1995

Federal Subsistence Board
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Board Members,

The Denali Subsistence Resource Commission considered, at our February 17, 1995, meeting, the petition to extend federal jurisdiction* submitted by the Northwest Arctic Subsistence Regional Advisory Council and other Native groups to the Secretaries of Interior and Agriculture. This request is for an expansion of federal subsistence management jurisdiction beyond the federal public lands. We have not, however, seen the full document and these comments are based only on the information presented in the comment period announcement.

We agree that a limited expansion of federal jurisdiction, in order to facilitate subsistence use of some lands that have been selected but not yet conveyed, could be beneficial. The process should be used on specific areas and species to enable local subsistence users to resume federal Title VIII subsistence uses denied them since 1990 when selected lands were determined to be closed to federal subsistence program. In the Denali National Park area, for instance, lands tentatively selected but not conveyed to the ANTHA and Doyon Native Corporations or the State of Alaska are closed to the federal subsistence program. Many of these lands were originally selected for their subsistence resources.

We do not, however, favor a blanket expansion of federal subsistence management beyond conservation unit boundaries, or restrictions "on activities off of federal public lands when it is necessary to protect subsistence uses of federal public lands". We feel this part of the proposal, as we understand it, is too broad and could be used to extend federal control beyond the lands necessary to protect the needs of subsistence users and wildlife populations.

Denali National Park Subsistence Resource Commission supports expanding Title VIII subsistence to selected lands within Denali National Park and Preserve.

Sincerely,

Florence Collins
Chair, Denali National Park Subsistence Resource Commission

CC:
Superintendent, Denali National Park and Preserve
National Park Service, Alaska Regional Office
Northwest Arctic Subsistence Regional Advisory Council
Eastern Interior Subsistence Regional Advisory Council
Western Interior Subsistence Regional Advisory Council
Southcentral Subsistence Regional Advisory Council
Honorable Tony Knowles, Governor of Alaska
Secretary of the Interior, Bruce Babbitt
ANTHA Regional Native Corporation
Doyon Regional Native Corporation
**SRC COMPLETED ACTION**
Request Commission member's attendance at meetings or their resignation.

**CHRONOLOGY:**
- In December 1993 the SRC sent a letter to Commission member Ken Leavitt asking whether he intended to continue as a member of the Commission. Mr. Leavitt had only been able to attend one Commission meeting. A response was requested by January 15, 1994 (letter on page 23).
- Another letter was sent in December 1993 to Harry Johns, Sr asking if he intended to remain a member of the Commission. Mr. Johns had not attended a meeting since his appointment by the governor. A response was requested by January 15, 1994 (letter on page 23).
- Harry Johns Sr responded to the SRC letter on December 21, 1993 with a letter of resignation. Due to poor health and the distance he lived from the Park he was unable to fulfill his obligations as an SRC member (letter on page 24).
- In January 1994, Hollis Twitchell phoned Mr. Leavitt and asked if he intended to remain on the SRC. He responded that due to work commitments he would be unable to fulfill his term on the Commission. Hollis sent a letter to Terry Haynes at ADF&G informing him of Mr. Leavitt's decision so the State could take appropriate action (letter on page 24).

**RESOLUTION:**
- The Commission accepted the resignations of the two SRC members and other individuals filled their seats.
December 1, 1993

Ken Leavitt
P.O. Box 118
Talkeetna, AK 99676

Dear Ken:

We enjoyed having you at the one commission meeting you attended, and have been sorry you have been unable to join us since then. If you are finding that other business makes it too difficult to attend our meetings, we are wondering if you wish to continue as a member of the commission. Since it is difficult to get a quorum to hold an official meeting, we feel that members should be able to attend quite regularly.

Please let us know by January 15, 1994 if you wish to continue as a member of the commission. Should you desire to remain on the commission, our next scheduled meeting is June 8, 1994.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

cc: Terry Haynes, Statewide Subsistence Coordinator, ADF&G
Superintendent, Denali National Park
Regional Director, National Park Service

December 1, 1993

Harry Johns Sr.
P.O. Box 77
Copper Center, AK 99573

Dear Mr. Johns:

We heard with interest some time ago that you had been appointed by the Governor to be a member of the Denali Subsistence Resource Commission. You have been unable to attend any of our meetings since your appointment, however, and as your home is a long distance from the park, we are wondering if you wish to continue as a member of the commission. Since it is difficult to get a quorum to hold an official meeting, we feel that members should be able to attend quite regularly.

Please let us know by January 15, 1994 if you wish to continue as a member of the commission. Should you desire to remain on the commission, our next scheduled meeting is June 8, 1994.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

cc: Terry Haynes, Statewide Subsistence Coordinator, ADF&G
Superintendent, Denali National Park
Regional Director, National Park Service
December 21, 1993

Florence Collins
Chair, Denali Subsistence Resources Commission
Denali National Park & Preserve
Subsistence Resources Commission
PO Box 50
Lake Minchumina, Alaska 99757

Dear Ms. Collins:

Please accept this letter as my resignation to the Denali Subsistence Resources Commission. It is with deepest regret that I must turn in my resignation, due to the distance and the time it takes to travel. It was a great honor to be appointed to this Commission by the Governor, but I feel, with my health condition and the distance it takes to travel, I would not be able to attend most of the meetings. I would like to wish the Denali Subsistence Resources Commission good luck in the future.

Sincerely,

Harry Johns, Sr.

January 25, 1994

Florence Collins, Chair
Denali Subsistence Resources Commission
P.O. Box 50
Lake Minchumina, AK 99757

Dear Ms. Collins:

During the November 30, 1993 Subsistence Resources Commission meeting, a motion was passed that the commission would write a letter to absent SRC members expressing concern about their lack of attendance and inquiring whether they desire to continue to serve.

Letters were mailed to commission members Ken Leavitt and Harry Johns, Sr. on December 1, 1993 which requested a response to the SRC by January 15, 1994 if they wish to serve on the commission.

Harry Johns, Sr. submitted a letter of resignation on December 21, 1993 stating that his health condition and the long distance involved in traveling to meetings would prevent him from attending most meetings. No response was received from Ken Leavitt.

As you requested during our telephone conversation on January 24, 1994, I called Ken Leavitt and inquired if he wishes to continue serving as a Denali SRC member. Ken said he did not want to continue serving as a member and requested that I inform you of his decision. Ken stated that his business commitments conflicted with SRC meeting dates and locations making his attendance at meeting very difficult.

A copy of this letter will be mailed to Terry Haynes so that he may take appropriate action on behalf of the State.

Sincerely,

Hollis Twitchell

United States Department of the Interior

NATIONAL PARK SERVICE
Denali National Park and Preserve
Post Office Box 59
Denali Park, Alaska 99755

cc: Terry Haynes, State of Alaska, Subsistence Coordinator
Clarence Summers, DPS, Alaska Regional Office
RESIDENT ZONE ELIGIBILITY

It was the intent of Congress to limit eligibility for subsistence activities within Denali National Park to local rural residents who have a personal or family history of use of park resources. It was also Congress' intent that the NPS should manage eligibility by identifying eligible communities to the greatest extent possible, rather than basing eligibility upon an individual permit system. Through NPS rulemaking in 1981, four communities near Denali National Park were designated as Subsistence Resident Zone Communities for the Park. Cantwell, Lake Minchumina, Telida and Nikolai were identified as communities with a significant concentration of subsistence users who have customarily and traditionally utilized park resources. After consultation with Denali’s SRC, boundaries for these resident zone communities were established. Resident zones authorize all permanent residents within these zones to participate in subsistence activities on NPS lands without a subsistence use permit (13.44).

Individuals who reside outside of the resident zone communities, who have customarily and traditionally used park subsistence resources, may apply to the Superintendent for a subsistence use permit (13.44). Approximately 320 local rural residents qualify for subsistence use activities within Denali National Park and Preserve.

Resident zones may be added or deleted based upon whether a community contains a significant concentration of subsistence users who have customarily and traditionally utilized park resources. For changing resident zone communities who may no longer be able to meet the significant concentrations criteria, the Denali and Lake Clark SRCs have recommended that the NPS adopt a third method (rosters), which would identify specific groups of people who would be authorized to participate in subsistence activities on NPS lands without having to get individual subsistence use permits. While the concept of the roster system was adopted by the Secretary of Interior implementing roster regulations have yet to be adopted.

Recently the NPS conducted a review of subsistence regulations and laws and received many comments and recommendations. This review has highlighted the complexity of many issues, particularly eligibility, and the need to conduct further discussions to resolve eligibility concerns.

The NPS recognizes the necessity for continued development and modification of the subsistence program based on review and input from the subsistence users, advisory councils and commissions, the general public, and legal and technical advisors. Future review of eligibility, including resident zones, will be done with the full participation of the above named parties.

AUTHORITY:
36 CFR 13.42, Definition of 'Local Rural Resident' and 'Resident Zone'
36 CFR 13.43, Determination of resident zones
36 CFR 63(a) Denali National Park subsistence resident zone communities
SRC PROPOSED ACTION:
Recommendations on determining eligibility of resident zone communities.

ISSUE BACKGROUND:
- In their comments on the “Draft Review of NPS law and regulations” the Denali SRC made reference to two aspects of subsistence eligibility that they had concerns about. In one comment, the SRC indicated their support for the concept of roster regulations. The Commission members also stated that they do not want to be responsible for picking the roster list members. They felt that they, as a group, were not familiar enough with all the individuals living in the resident zone to be able to fairly identify all eligible users (Appendix B, page 2).

- Another comment from the SRC stated that, “If a resident zone community is deleted and changes to a roster list of eligible subsistence users, then the people living there at that time, who have established a long-term pattern of subsistence use, would be eligible for a 13.44 permit or roster listing. In addition, people with the same qualifications (a long term pattern of subsistence use) that move out of an existing resident zone to a local rural area should also be eligible for a 13.44 permit.” The purpose of their motion was to ensure eligibility to people who entered the resident zone after the 1980 cutoff date (as proposed in the “draft review...”) and who have established a pattern of subsistence use of park resources, would be eligible for a roster system or 13.44 permit, provided they maintain a customary and traditional subsistence lifestyle and are still local rural residents to the park. The SRC felt this might alleviate problems of subsistence families disappearing from an area by allowing more recent subsistence users who have adopted and established the “customary and traditional” lifestyle to continue (Appendix B, pages 2-3).

- At their meeting in October 1998, the SRC chairs recommended that all SRC’s discuss the issue of a one year residency requirement and provide comments to John Vale (Wrangell St. Elias National Park Subsistence Resource Commission Chair) for consolidation and action. The one year residency requirement would include an exception for persons moving from one resident zone to another and other possible exceptions for persons who travel outside of a resident zone for a job or other reasons. The Aniakchak and Gates of the Arctic Commissions support the recommendation. The Denali SRC decided there was no need for such a requirement in their area but were supportive of the Wrangell-St. Elias Commission’s request (see letter on page 4). The Lake Clark SRC chose not to address the issue. At their meeting in April, the Wrangell-St. Elias SRC submitted a hunting plan recommendation to the Secretary requesting a one year residency requirement for the park (see SRC Chairs’ Recommendation number 1, page 8, Chapter 1, SRC Functions).

Federal fisheries regulations, published on October 1, 1999, contain a provision that requires a person to have lived in the State for one year prior to being eligible for
subsistence harvest of resources. This provision will partially address the issue raised by the Wrangell-St. Elias SRC.

- At the October 17, 1999 meeting of the SRC Chairs’, the group discussed the one year residency requirement for resident zones proposed by the Wrangell-St. Elias National Park SRC the previous year. At the conclusion of the meeting the SRC Chairs recommended that each SRC determine if the one year residency requirement is needed since the October 1, 1999 federal subsistence regulations require an Alaska resident license.

- NPS responded in February 2000 saying that while the Alaska resident license requirement would limit people moving into the State from hunting under subsistence regulations for one year it does nothing to prevent someone from moving from another part of the State from hunting immediately once they establish residency in a resident zone. NPS asked that each SRC make recommendations on this issue and solicit recommendations from Regional Advisory Councils as well. If all SRC’s support the Wrangell-St. Elias SRC proposal then NPS will look at the issue for all parks and monuments in the State (see pages 3-4, Appendix B).

- The Denali SRC revisited their position on the one year residency requirement at their February 14, 2000 meeting in Healy. The Commission agreed with the Wrangell-St. Elias SRC that a residency requirement should be in place that applies to Alaskans moving into resident zones, as well as the present requirement for non-Alaskans. The SRC passed a motion for a residency requirement with the same exceptions (for military service, college attendance, etc) that the Wrangell-St. Elias SRC proposed, but with a three-year stay required for eligibility instead of the one-year requirement they proposed. This longer requirement was considered necessary in order to reduce hunting pressure and preserve resources for long-time residents who have traditionally depended on them. The SRC felt it takes more than one year to sufficiently learn the area and the traditional use practices of the community (letter in Appendix B, page 5).

**Current Status:**

- The recent review of subsistence regulations and laws (found in Appendix B) highlighted the complexity of many issues, particularly eligibility, and the need to conduct further discussions to resolve eligibility concerns. NPS recognizes the need for continued development and modification of the subsistence program and the importance of review and input from subsistence users, advisory councils, SRC’s, the public and legal and technical advisors. When a comprehensive review of subsistence eligibility is undertaken, comments received from the SRC will be considered in the process. Furthermore, the SRC will be consulted on any changes NPS may propose in revision of the system of eligibility currently in use.
March 4, 1999

John Vale, Chair
Wrangell-St. Elias National Park
Subsistence Resource Commission
P.O. Box 439
Copper Center, Alaska 99573

Wrangell-St. Elias Hunt Plan Recommendation 97-01, Residency Requirement for Resident Zones:

Commission members,

The Denali Subsistence Resource Commission, at its February 26, 1999, meeting, discussed the Wrangell-St Elias SRC’s proposed hunting plan recommendation 97-01 regarding a one year residency requirement for resident zone citizens before becoming eligible for subsistence uses on park lands. We had discussed this proposal in our previous August 28, 1998, meeting but did not express a formal opinion on it then. At our most recent meeting, the Denali Commission discussed it further and passed a motion by unanimous vote, stating the Commission does not feel the one-year residency is appropriate for Denali National Park resident zones, but the Denali Commission does appreciate Wrangell-St. Elias’s concerns and needs for such program.

If this Hunting Plan recommendation is passed, it should be specific to Wrangell-St. Elias National Park and not be applicable to other park areas unless supported by their respective SRC’s. The Denali Commission also had concerns for former residents and individuals who have had traditional use of Wrangell-St. Elias Park and Preserve who have moved away for various reasons and are now returning to one of Wrangell’s resident zones. We believe these former residents should be excepted from having to serve the one-year wait before being eligible.

We appreciate being informed of your concerns. If you have any further questions, please contact Florence Collins, Chair, Denali Subsistence Resource Commission. (907) 457-2674.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

CC:
Steve Martin, Superintendent Denali National Park and Preserve
Subsistence Resource Commissions at Lake Clark, Cape Krusenstern/Kobuk Valley, Gates of the Arctic, and Aniakchak:
**SRC PROPOSED ACTION:**

Begin process of investigating Tanana for resident zone status and issue 13.44 subsistence use permits to eligible residents.

**ISSUE BACKGROUND:**

- The Eastern Interior Regional Advisory Council sent a letter to the Superintendent of Denali asking the NPS to assist the village of Tanana in gaining resident zone status (letter on page 7). The vote on this issue occurred at the Regional Council meeting in Tanana on February 4-5, 1997.

- The Denali National Park SRC requested that NPS evaluate the community of Tanana for possible inclusion as a resident zone. The SRC further requested that the NPS visit the community and issue subsistence use permits (13.44) to eligible people in the community (see meeting minutes for March 28, 1997, page 5, in Appendix C).

- The NPS provided the SRC a synthesis of the available literature regarding Tanana’s use of the Park in the spring of 1997 (analysis on pages 7-11).

- Denali’s subsistence coordinator scheduled a meeting in Tanana on August 20th, 1997 to issue subsistence use permits (13.44) to eligible subsistence users. Five hours were spent in the community working with the Tanana Tribal Council but no applicants applied for a permit. One individual, known to be interested in applying for a permit, was unable to meet with Denali’s Subsistence Coordinator during the scheduled time. Denali’s Coordinator agreed to return for another meeting in September at a time and date set up by the community leaders to give residents another opportunity to apply for subsistence use permits.

- The Denali subsistence coordinator returned to Tanana in September. No community members applied for permits. An individual who expressed interest in using the park area declined to apply for a permit stating that the park area was too far away from him to reasonably access it, so he is no longer interested in applying for a permit.

**CURRENT STATUS:**

- Denali National Park has begun an ethnographic overview and assessment study for the Park area. A component of this study will include preparation of village history reports for Tanana, Telida, Nikolai, Cantwell and Lake Minchumina. The village history reports are being prepared by representatives from the communities. Information on subsistence uses will be documented as well as other topics.

- A Native place names mapping project has been initiated. Information collected will help document the extent of use territories for the five Native groups (Upper Kuskokwim, Lower Tanana, Ahtna, Koyukon, and Dena’ina) associated with Denali.
The Tanana Tribal Council member appointed to the Eastern Interior Regional Advisory Council stated that the park staff had worked with the community of Tanana to issue subsistence use permits for the park, but no one was interested in applying for one.

**AUTHORITY:**

36 CFR, 13.43 Adding resident zone communities
Preamble to NPS regulations in Federal Register, Vol. 46, No. 116, p. 31850
Eastern Interior Alaska Subsistence
Regional Advisory Council
c/o U.S. Fish and Wildlife Service
101 12th Avenue, Box 19
Fairbanks, Alaska 99701
Phone: (907)-456-0277, Fax: (907)-456-0208
Toll Free: 1-800-267-3997

February 21, 1997

Steve Martin
Park Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, Alaska 99755

Dear Superintendent Martin:

The Eastern Interior Regional Advisory Council at its recent February meeting in Tanana
unanimously appointed Paul Starr of Tanana to serve on the Denali National Park and Preserve
Subsistence Resource Commission. The Regional Council appoints one seat on the Commission.
Mr. Starr is currently eligible to hunt and trap within parklands.

Also, during the meeting the Regional Council unanimously passed a motion requesting Denali
National Park staff assist the community of Tanana with the process of becoming a resident zone
community for Denali National Park and Preserve. The community of Tanana was supportive of
becoming a resident zone community and need assistance in understanding the process of
achieving resident zone status.

We continue to look forward to working with the National Park Service and the Subsistence
Resource Commissions on improving communication and cooperation between your agency, our
Council, and the Commission.

Sincerely,

Craig Fleener,
Chair of the Eastern Interior Regional Advisory Council

cc: Florence Collins, Chair of the Denali Subsistence Resource Commission
    Hollis Twitchell, Subsistence Coordinator, Denali National Park
    Bob Barbee, Field Director, National Park Service
    Julie Roberts, Tanana Tribal Council
    Paul Starr, Tanana

Information Regarding the Addition of Tanana to the Resident Zone
for Denali National Park
Prepared for the Denali Subsistence Resource Commission
March 1997

At the February 4-5 meeting of the Eastern Interior Regional Advisory Council a motion
was passed asking that the National Park Service consider adding the community of
Tanana to the resident zone for Denali National Park. This document was prepared in
response to that recommendation.

The process by which resident zone communities are added

NPS regulations in 36 CFR 13.43(a)(2) set forth the criteria by which resident zone
communities or areas may be added or deleted. This section states, in part, that a
resident zone shall include --

The communities or 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 and wildlife for subsistence
uses...have customarily and traditionally engaged in subsistence uses within a
national park or monument.

The preamble to these regulations (46 FR 31841, June 17, 1981) clarifies how the
agency intended the "significant concentration" criteria be interpreted. As a result of
public comment on the 1981 proposed rule, NPS determined that wording changes
were necessary in order to fairly apply the criteria. Recognizing that there would
necessarily be limitations in any numerical data developed to make such decisions NPS
determined that an evaluation of communities or areas eligible for inclusion in a
resident zone would need to consider the unique variables associated with each area.

The preamble notes that, in establishing the criteria for adding and deleting resident
zones, NPS chose to substitute the word "significant" for "preponderant" in the
phrase "communities and areas...which contain significant concentrations of rural
residents who...have engaged in subsistence uses within a national park or
monument." The term "preponderant" implied more numerical precision than is
possible without an extensive standardized study of rural villages in the state.
The term "significant" was adopted to clarify that the subsistence experts must
exercise some discretion in examining the nature and needs of each community.

Furthermore, the National Park Service stated that concentrations may be "significant"
in relative quantity (predominant numbers) or quality (e.g., cultural vitality, community
leadership and influence)(46 FR 31850, June 17, 1981). Again, NPS recognized the
variability in the subsistence harvest of resources across the state and the
incomparable factors that define individual communities and people in each region that
should be considered in such an evaluation.
Information related to the use of resources in Denali National Park by residents of Tanana

The following is a synthesis of the published literature regarding the use of Denali National Park and Preserve by Koyukon people who may now reside in the modern day community of Tanana. The report does not contain a comprehensive analysis of all groups using the park; only those groups who may in some way be related to the Koyukon people of Tanana.

References made as to the use of park lands describe any use occurring within the park boundary. There was no differentiation made as to whether the resource harvest occurred in the "old" park, "new" park or "preserve". Although distinction between use of park and preserve lands is critical to the decision on resident zone status for Tanana, more generalized descriptions of use areas tend to paint a more accurate picture of the harvest patterns of the Koyukon people discussed in this paper.

Composition of the Modern Day Community of Tanana

Tanana is located near the site of a long-standing gathering site for Athapaskan tribes. During the late 19th and early 20th centuries, Athapaskans living in camps and seasonal settlements along the lower Tanana, Yukon and upper Koyukuk rivers settled in the community of Tanana. Tanana's growth may be attributed, in part, to the social and economic influences of a US military fort, trading posts, a mission, and a regional hospital (Case and Halpin 1990).

Most residents of Tanana (79%) are Athapaskan Indian, and most of are Koyukon descent (Clark 1981:582 in Case and Halpin 1990). The average length of residency in 1987 for household heads was about 27 years with a range of 2 to 62 years (N=128). A significant portion of the newer, non-indigenous population are not temporary, seasonal, or wage oriented, but have an active interest in the use of local fish and wildlife resources (Case and Halpin 1990:25).

About 57.8% of the population was born in Tanana or its surrounding settlements or camps (Old Station, Kokrines, Cos Jacket, and the Rapids). About 53% of household heads have moved to Tanana from elsewhere, including about 31% from Fairbanks and Anchorage and other rural communities, and about 22% from other states and Canada. Sixty percent of household heads are Alaska Native, 76% of spouses are Alaska Native, and in 1986 eighty two percent of the population was Alaska Native (Case and Halpin 1990:23-24).

Today the population of Tanana is 345 people with about 79% being Athapaskan Indians (Alaska Department of Labor 1991). One point must be emphasized in this discussion; at least some residents of modern day Tanana were born in the village of Cosna Jacket on the lower Tanana. This point becomes important in the following discussions.

Interactions Among Koyukon, Lower Tanana and Upper Kuskokwim Athapaskans

In the mid-to late 1800s Koyukon speakers advanced southward into Upper Kuskokwim Athapaskan territory, part of which was in the Kantishna drainage, settling between the Lower Tanana and Upper Kuskokwim Athapaskans living there (Figure 1 and 2) (Gudgel-Holmes 1991:14 and Gudgel-Holmes in Griffen 1990:292). After the Koyukon arrived they inhabited Lower Tanana territory to the west and north of the Toklat River; areas within what is now Denali National Park. Other Koyukon speakers outside of the Kantishna region occupied territory along the Koyukuk River, lower and middle Yukon River, and the Nowitna drainage.

Koyukon Athabaskans are divided into two or three major divisions; one being the Upper Yukon division including the Koyukon living along the Yukon River from Stevens Village to Koyukuk (including Tanana) and the poorly known Koyukon people of the lower Tanana and Kantishna rivers (Figure 3) (McFadyen Clark 1981:582-3). This latter group appear to comprise two groups based on linguistic evidence: Minchumina-Bearpaw and Cosna-Manley. The delineation of the Upper Yukon subdivisions is particularly uncertain, as there have been extensive population movements in this area in the historical period and the modern settlements are of mixed origin (Clark 1981:582).

The Cosna group of Koyukon Athapaskans inhabited a territory that included the areas near the mouth of the Tanana River, the Cosna and Kantishna rivers, part of the Toklat River uplands, the Muddy River and the Kuskokwim Mountains (Gudgel-Holmes in Griffen 1990:293). At least part of this area is within Denali National Park. The Cosna and Kantishna rivers towards the mouth of the Tanana River, the Cosna and Kantishna rivers of Telida (Gudgel-Holmes in Griffen 1990:293). The village site of Cosna is located on the Tanana River, 5 miles upstream from Cos Jacket and about 35 miles from the modern day village of Tanana.

The Upper Kuskokwim dialect is otherwise very distinct from its Athapaskan neighbors, but it was understood by Koyukon speakers near Minchumina and Cos Jacket by the late 1800s through social contact and intermarriage (Gudgel-Holmes 1991:13). The Minchumina group, for example, often traveled to Cos Jacket for potlatches and to the aboriginal trade fairs at the mouth of the Tanana River. The 1910 census, at Cos Jacket, indicated there were many residents in the village from the Kuskokwim region although it is speculated that they were most likely there as potlatch guests rather than
permanent residents (Gudgel-Holmes 1991:15). Well defined routes connect them with neighboring groups and resource areas (Gudgel-Holmes in Griffen 1990:292).

Although the native population was considered to be quite large at one time frequent wars between the Tanana and Koyukon Athapaskan groups and epidemics (measles, diphtheria, influenza and TB) reduced their numbers considerably (Gudgel-Holmes 1991:27-8). Small groups continued to endure throughout the Kantishna area until the early 1940s. By the early 1940s Lake Minchumina people dispersed to Tetlin and Cosna (Gudgel-Holmes 1991:28-9). The move to larger villages has been attributed to the desire to be near schools, stores and employment opportunities.

Significant to this discussion is the fact that Upper Kuskokwim, Koyukuk and lower Tanana Athapaskans for some time maintained a very amicable relationship. They intermarried and socialized together at potlatches and trade fairs.

Historical Use of Subsistence Resources in Denali National Park, late 19th and early 20th century

Cosna (Cos Jacket) Athapaskan people traveled along the Cosna River to hunt in the Bitzhimiti Mountains and to the upper Toklat River. The upper Toklat was a productive hunting area that drew people from long distances (Gudgel-Holmes in Griffen 1990:294). In 1903 Wickersham (1938) reportedly met the Cosna group at Toklat where they had formerly lived for the greater part of the year. Wickersham described the trip made by the Tena from the mouth of the Tanana River to their hunting grounds.

This band of Tena had left their winter-camp on the lower Tanana in the latter days of February for their annual early spring-hunt. A dozen toboggan sleds of native type and manufacture, ten feet long, constructed of split spruce boards, with high curved bow, corded on each side with moose thongs, carried their supplies and baggage. Day after day this sorry cavalcade had struggled towards the head waters of the Kantishna, to the old Toklat camp, which their ancestors had thus visited time out of mind... Finally they had reached the old site at the mouth of the Tokkat where they had camped and prepared for the hunting season... Now, after a good spring-hunt, they were on their way back to the fish-camps at the junction of the Tanana and the Yukon (223, 225).

The Cosnakat Indians still have their hunting grounds on this stream, and formerly used to live there for the greater part of the year, and hence were called, Toforotana, i.e., 'dwellers on the Toktat.' (233)

A spring camp on the Muddy River attracted people from as far away as Cosna, Tolovana, Minchumina and Bearpaw (Gudgel-Holmes in Griffen 1990:295). Spring camps were used for the harvest of a variety of species including waterfowl, muskrat, beaver, freshwater fish and sometimes black bear. Toklat and Muddy River are only two of the many spring camps used. Some years Cosna people traveled north across the Tanana to set up a spring camp.

The Cosna group fished for salmon during the summer on the lower Tanana River and along the Yukon. Fishing for salmon also occurred along the Toklat and Bearpaw rivers (Gudgel-Holmes 1991:23). Oral history accounts attest to the importance of these areas to the Koyukon people of the region. Abbie Joseph describes an area about five miles above Diamond where there is an important late run of salmon spawn (Figure 4)(see following map, site numbers 59-62).

[It was the last nomadic hunt my father went on before he died in 1913.] So we camped at the canyon. There's a trail going out that way across there on the other side of that area is a river called Khutena'ee No'. It's also called the Ch'edzaye No'. (Joseph 1982-83:71 in Gudgel-Holmes 1991:71).

Here is Khutena'eeedenh where we used to camp. We went there to fish when there was a lot of [summer] chum and fall chum. Here is Ch'edzaye. It [Kantishna Hills?] extends this way, down this way. This is the place they used to call Bearpaw (Joseph 1982-83:710 in Gudgel-Holmes 1991:71).

Another site, Neech'oolakhdenh or 'terminus of fish run', is considered highly significant due to its long history and important salmon resources (Gudgel-Holmes 1991:74 A7:78). This site is located about eight miles above Diamond on Moose Creek (Figure 4, site number 637). Other names in this area, such as Khutenal'eeedenh or 'fish camp', ch'enok'et and possibly Gal Neelekh No' were other important fishing areas located in the park (Bren Albert, former resident of Bearpaw village in Gudgel-Holmes 1991:74).

Summer was also a time for caribou hunting and trade fairs. The closest trade fair, Noochu Gholyet, was at the mouth of the Tanana where the community of Tanana was later established.

Two points are important in this discussion, 1) some people in modern day Tanana were born in Cos Jacket, the site of an historic Koyukon Athapaskan settlement, and 2) the territory of the Cosna group was quite large extending from the Yukon River to the Kantishna and over to the mouth of Birch Creek in Denali National Park and Preserve.

Contemporary Use of Subsistence Resources in Denali (20th century)

Case and Halpin conducted survey research in the community of Tanana in 1987. Their research was designed to enhance the current understanding of fish (particularly chum salmon) and waterfowl usage as well as other local resources use and facilitate the development of appropriate harvest regulations for local residents. To accomplish these goals geographic areas used by especially active harvesters in the community of Tanana were surveyed. Particular attention was given to areas used in the Nowitna National Wildlife Refuge.

Forty five households were interviewed resulting in a 35% sample. Of those 86% were
high harvesters, 32% were medium harvesters and 11% were low harvesters (Case and Halpin 1990: 8).

Early in the 20th century residents of Tanana became less mobile yet they still relied on resources for food, clothing and exchange for cash and imported goods. Residents of the area were beginning to settle more permanently in Tanana, Koknnes, Ruby, Rampart, Cos Jacket and Old Station although they continued to travel to seasonal camps for varying lengths of time (Case and Halpin 1990:22).

Case and Halpins research did not indicate there was a pattern of harvest of resources by residents of Tanana in Denali National Park and Preserve (see discussion below on mapped data). However, there may have been some households engaged in hunting activities in the park that were not interviewed in their study. Likewise, historical use of resources prior to 1968 are not included in Case and Halpins report. An example of historical use is described in the story of Abbie Joseph interviewed by Dianne Gudgel-Holmes in the early 1980s.

The idea that there may be households in Tanana who have or had previously harvested resources in Denali National Park is supported by the oral history interviews conducted by Gudgel-Holmes in the 1980s (1991). Abbie Joseph was born in the Kantishna drainage, probably at Birch Creek, in the early to mid 1850s. Abbie and some of her children lived in Cos Jacket, Birch Creek and Minchuminia until the early 1920s, then resided near Fish Creek (near Tanana) after her second marriage, to Edgar Joseph (Gudgel-Holmes 1991:28). From there she made seasonal trips to Birch Creek until about 1940. Her last few decades (Abbie died in 1986) were spent in Tanana. Abbie was a speaker of the Bearpaw-Minchumina subdialect of Upper Creek until about 1940. In her last few decades (Abbie died in 1986) she would have shown a pattern of use of resources in Denali, but the use would have occurred prior to 1968 (the first year the data represents). This use would not have been represented on the maps and may also not have been reflected in the survey data.

As part of Case and Halpins research individual maps were drawn showing harvest areas for 30 households that used the Nowitna Refuge. Of these, 16 mapped their entire inventory of use areas for all resources. This number was deemed sufficient to thoroughly depict common use areas for hunting and gathering activities. In addition, 10 households were contacted and these mapped their trapping areas. Four other mapped fishing and trapping areas. A map of salmon fishing areas was compiled with the help of two key respondents. This sampling method was intended to produce maps depicting total community use areas for all activities. Each respondent interviewed in mapping sessions was asked to describe areas used for two time periods, a 20 year period (1968-1988) and a 5 year period (1983-1988). In most cases, both time periods depict the same areas. The two time periods were the same for caribou, bear, waterfowl, and small game hunting and plant gathering. Moose hunting, trapping and fishing each showed some areas used during the 20 year time span that were not used during the recent 5 year period (Case and Halpin 1990:3-5). None of the maps show the harvest of resources as far south as Denali National Park and Preserve (see maps attached at the end of the report).

Meeting the "significant concentrations" or "cultural vitality" test

There was clearly ancestral use of portions of Denali National Park relating to people that reside in Tanana. Oral histories indicate that Koyukon people who had once lived near and used resources in the park but who had since moved on continued, at least for a time, to travel back and forth to the Denali area for a portion of the year to harvest resources in familiar territory. Some individuals from this community still do.

However, the number of people or households that may have or currently do engage in the subsistence harvest of resources in the park cannot be quantified from the published literature. If asked the question, 'Are there a "significant concentration" of subsistence users in Tanana that customarily and traditionally use resources in Denali National Park?', it would be difficult to answer. Although there does not appear to be any general agreement on the percentage that constitutes a "significant concentration"; the NPS issue paper suggests that 51% might be adequate.

Another measure that may be evaluated is by "cultural vitality". This question is equally difficult to answer. The answer may depend on the relative number of people that have ancestral ties to the Denali region versus those people in Tanana that have stronger ties to resource harvest areas and Athapaskan groups that reside north of the Yukon and downriver. Sharing networks, kinship ties and affiliation to ancestral sites may provide a measure of cultural vitality, but these data are not easily discernible from the literature available.

Additional study of this community is necessary before a decision on resident zone status can be made. A visit to the community to talk with those people who have connections to the Denali area may lead to a better understanding of the relative proportion of the community that have engaged in the harvest of resources in Denali. A focused "study" of this nature may require no more than about 10 days of a persons time and should not be a large financial burden.

Bibliography


**The references in bold are those I was not able to review for this report.**
**SRC PROPOSED ACTION:**
Establish an alternative system of group eligibility (roster regulation).

**ISSUE BACKGROUND:**

- In 1986 the Lake Clark SRC, faced with increased numbers of new residents to two of their resident zone communities, proposed that an alternative system of eligibility be established. At the request of the SRC the resident zone status for two communities would be deleted and be replaced by a group authorization. In the same year the Denali SRC made a hunting plan recommendation asking for a similar system of eligibility for the community of Cantwell (recommendations and public hearing summary on pages 15-16).

- On April 22, 1988 the Secretary of Interior responded to the Denali SRC stating that he would direct the NPS to draft a rule that would implement that portion of the Commission's hunting program regarding subsistence eligibility for Cantwell (letter on page 17).

- Governor Steve Cowper responded to the SRC's recommendation directly to Secretary of Interior Manuel Lujan in August of 1989. The State opposed the proposed regulatory change for 3 reasons: (1) the State regulates subsistence uses, (2) concern over the long-term implications of the proposed rule on the State's ability to manage wildlife resources, and (3) the rule would unnecessarily complicate hunting regulations and discourage local cooperation and compliance (letter on pages 18-19).

- In September of 1989 the Acting Director of the NPS wrote to the State of Alaska's Director of State/Federal relations saying he felt a delay in publication of the proposed rule until the spring of 1990 would allow time for the NPS and the State to iron out differences they may have before publication of the draft regulations (letter on page 20).

- In 1991 the National Park Service drafted a proposed rule, which provided a group registration alternative to the resident zone/13.44 eligibility system. The proposed rule was sent to the Department of Interior for review before being published (letter from NPS Alaska Regional Director to the Director of the NPS, dated July 5, 1991 appears on page 21; the regulations follow on pages 21-31).

- The Alaska Regional Director sent a letter to the Director of NPS on July 9, 1993 in an attempt to get the draft regulation published (letter on page 32).

- The Denali SRC sent a letter to Secretary of Interior Bruce Babbitt on February 17, 1995 asking that the Department expedite the publication of the roster regulation (letter on page 33).
The NPS Acting Field Director, Paul Anderson responded to the SRC letter (June 5, 1995) to the Secretary indicating that NPS continued to support the Commission in their recommendation to implement an alternative form of eligibility (letter on page 34).

Comments from the Denali SRC in its August 29, 1996 letter to the NPS on the “Draft review of Subsistence Law and NPS Regulations” again addressed eligibility. The SRC recommended that if a resident zone were deleted and eligibility were changed to a roster list then people living in the community at the time who had established a long term pattern of use would be eligible for a subsistence use permit (13.44) or roster listing. Also people who move from a resident zone to another rural area in the local area would be eligible for a subsistence use permit (13.44) (SRC comments in Appendix B).

They also indicated their support for the concept of roster regulations. However, the Commission stated that they do not want to be responsible for picking the roster list members. The Commission felt that they, as a group, were not familiar enough with all the individuals living in the resident zone to be able to fairly identify all eligible users (Appendix B).

Subsequent to sending the draft roster eligibility regulation to Washington D.C. for publication, NPS withdrew the rule from consideration based on the perception that the Lake Clark and Denali SRCS no longer supported such an action.

In October of 1998 the Aniakchak SRC submitted a hunting plan recommendation to the Secretary of Interior directing the NPS to develop a roster or group eligibility system alternative to the resident zone/13.44 permit eligibility system. The NPS responded to their recommendations indicating that NPS will re-submit the draft proposed rule for the roster eligibility system. The proposed rule will only establish a mechanism for the implementation of a roster system for subsistence eligibility. In the future, when there is a need to replace existing resident zone communities with a roster eligibility system a second rulemaking will be initiated. Any such action will be done in full cooperation with the SRC and with public notice and meetings in the affected area (a portion of the letter to the Aniakchak SRC on recommendation 92-3 is on page 34, right side).

**Current Status:**

- The draft rule has not yet been approved by the Department of Interior for publication as a proposed rulemaking.

- At the October 1998 meeting of the SRC Chairs the roster regulation was used as an example of the long period of time that passes between an SRC recommendation and a response from the Secretary of Interior. Although the SRC interest in immediate implementation of the roster regulation has waned, the SRC Chairs feel that there is still a need to implement the regulation now so that it can be implemented in the future if necessary.
July 10, 1986
Secretary Donald Hodel
Department of the Interior
18th & C Street, N.W.
Washington, D.C. 20240

Dear Secretary Hodel:

The Denali National Park Subsistence Resource Commission has completed the initial recommendations for a subsistence hunting plan as required by Section 608 of Public Law 96-487, the Alaska National Interest Land Conservation Act (ANILCA). The enclosed recommendations represent the combined efforts of our nine-member commission which has met several times at various locations in and near the park since July 1984.

In August, 1985, copies of the proposed recommendations were sent to each appropriate State Fish and Game Advisory Committee and Regional Advisory Council for consultation. A public comment period was made available the fall of 1985. In April of 1986 public hearings were held in Cantwell and Minchumina and as a result of those hearings our original recommendations were slightly altered. Enclosed are our recommendations with justifications. I am also sending our recommendations for a subsistence hunting plan to the Governor of Alaska as required by Section 608 of ANILCA.

We will be eagerly awaiting your reply.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

Enclosure

The first three recommendations given below address problems, or require actions; the last three are included because the Commission wishes to record its opinion on these subjects. Taken together, they address present and foreseeable problems related to subsistence hunting and we believe constitute a viable hunting program that can help keep the wildlife population of Denali National Park natural and healthy, and protect the subsistence lifestyle of local rural residents, as well.

1. RECOMMENDATION: The Cantwell local resident zone should be changed to a permit system. People living in the zone on or before April 17, 1986 (the date of this action) will qualify for permits if they choose to apply for them. The Cantwell resident zone will become obsolete concurrent with this action.

The Cantwell local resident zone has been defined as an area enclosed by a circle about three miles in radius centered on the Cantwell Post Office, this being the distance from the post office to the boundary of the park. Population growth in this area has put increasing hunting pressure on nearby parts of the Park. In order to preserve the natural and healthy wildlife populations there, we feel that hunting and trapping should be limited to local residents who have traditionally used the area, and that this can be done most effectively by using the permit system. At a hearing held in Cantwell on April 16, 1986, a majority of the people attending supported the change to a permit system. No opposition was expressed formally, and informal conversations with those present demonstrated that many people were strongly in favor of the change. Some permit holders living outside the zone stated that the permit system is working satisfactorily for them, and the National Park Service believes that issuing permits for this area will not greatly increase its work load.

2. RECOMMENDATION: The Minchumina local resident zone should be retained, and its boundary established as 1 and 1/2 miles from the lake, perpendicular to the lake shore as shown on the D-5 Mt. McKinley 1:63,360 topographic map, 1953 edition.

In August, 1985, the commission recommended changing Minchumina from a local resident zone to a permit system, since we felt that state and other land sales in the area would greatly increase the local population and change its character. Many people at Minchumina, as individuals and through the local advisoryBUFFERED, opposed the change and requested a hearing. This was held on April 15, 1986, and was attended by eight commission members and a majority of the local residents. Lake Minchumina is about 100 miles from the nearest road that is open year round, and although it is very close to Denali National Preserve, it is about 20 miles from the nearest part of the park additions. The addition is seldom hunted by local people, though a few of them have traplines within it. The expected increase in the local population has not occurred, and local residents feel that any newcomers would be bound by tradition and social pressure not to establish traplines too close to those of their neighbors. In view of the arguments...
The hearing was called to order at 7:04 pm in the Cantwell School auditorium by Florence Collins, chair of the Denali Subsistence Resource Commission.


Florence gave a history of the Commission and explained its duties as mandated by ANILCA. The Commission is responsible for suggesting a hunting program for subsistence use in Denali National Park and so is holding a public hearing to get ideas from the local communities. Although the Commission can make recommendations they cannot change the boundary of the park, they cannot change the state hunting regulations nor can they change the definition of subsistence as defined by Congress. Recommendations are presented to the Governor and Secretary of Interior for approval. Even though the Commission makes recommendations it does not necessarily mean they will be implemented. The recommendations cannot do anything that would degrade the resources of the Park. The Commission members were introduced. The floor was opened for discussion regarding changing Cantwell from a resident zone to a permit system.

There was some confusion regarding the difference between a resident zone and a permit system. Some persons present were permit holders because they did not live in the Cantwell resident zone. Florence explained that ANILCA recognized 4 communities as resident zones - that meant that anyone who lived in the resident zone of Cantwell, Minto/Hamlin, Nikolai or Telde was a qualified subsistence user. They do not have to apply for a permit. They do have to be a permanent resident of the community to qualify and people moving to the community permanently can subsist in the park also. If you live outside of one of those resident zones you have to apply to the Park service for a permit. Several asked why Healy was not included as a resident zone. John Dalle-Holle explained those decisions had been made in Washington and apparently there had not been input from the Healy community. Park Service staff at Denali had not been questioned about which communities should be resident zones.

Florence emphasized that this was the chance for the community to protect their way of subsistence living. It was Congress' intent when they included the area near Cantwell as Park land that subsistence continue at the historical level. A permit system would protect those people who actually depended on subsistence. She also explained the difference between the Park and Preserve. Several people were confused over the terms and only remembered that area being designated as a monument. There was some concern from some people that this was a Park Service idea to change from resident zone to permit and that the Park Service should not have the ultimate authority in deciding who would get permit. Much discussion about some individual permits - how long it took to get them, how one trapping permit listed an individual species rather than small fur bearer, one individual who had been denied a permit since he used an airplane for access some of the time. All these comments were from nonresidents of Cantwell. John explained that the early permits did take a long time. There were no regulations or guidelines in place for the park to issue the permit. Now the process is quicker and simpler. Two nonresidents said they did not think there was a need to change the system. One Cantwell resident said he would favor a change to the system as long as he would be eligible to get a permit. He had lived in the Cantwell area 10 years.

Discussion about permit criteria: presently there are 3 criteria for a subsistence permit. You must be a local, rural resident; have a history of use in the Park area; and you cannot use an aircraft for access. Some people expressed they wouldn't mind permit system but wanted some other authority than Park Service to issue the permit. If a person is denied a permit what recourse would they have? The appeal process explained is that you could appeal to the Regional Director. This was a concern to a few individuals because they are NPS employees and would in a sense be petitioning their 'bosses'. Some wanted to know if the Commission could be the body to bring an appeal to. Florence explained she felt due to the time delays because of mail that would be impractical. John suggested contacting their legislator for help.

Discussion of resident zone boundary. General agreement of a 3 mile radius circling the post office. Discussion of Park area used revealed a desire to define that area open for hunting on a permit rather than specific drainages since game could move. Trapping is different since people use specific tramp lines in this region.

Florence reviewed the major concerns as follows:
1) There should be some other body involved as the issuing authority rather than Park Service
2) Subsistence hunting listed on permits should be a defined area not a specific drainage
3) Size of resident zone
4) Clearer definition of use of an airplane for subsistence - if you use an airplane a few times are you disqualified?
5) Whether or not Cantwell should be changed to a permit system

Meeting was adjourned at 9:26 pm.
Dear Mrs. Collins:

Thank you for submitting the Subsistence Resource Commission’s recommendations for a subsistence hunting program in Denali National Park. The Department of the Interior appreciates the many hours of effort that have gone into developing the subsistence hunting program recommendations submitted to the Secretary of the Interior. We have found your recommendations to be generally within the guidelines stated in ANILCA Section 808 and other applicable laws, regulations and policies that direct the management of the National Park System.

The Commission has recommended replacing the Cantwell resident zone designation with an individual permit system. This recommendation has been made in response to the fluctuating nature of the population of Cantwell. The Commission’s recommendation would require that individual eligibility to engage in subsistence uses be based on having maintained a permanent and principal place of residence within Cantwell prior to April 17, 1986. The Commission’s recommendation is consistent with Congress’ intent to protect opportunities for the subsistence lifestyle by local rural residents who have or are members of a family that has an established and historical pattern of subsistence hunting in the park.

Congress expected the National Park Service to implement this intent primarily by designating resident zones composed of residents with established patterns of subsistence use. In managing subsistence uses activities in the park, Congress intended the Service to avoid initially the use of subsistence permits or other devices that focus on individuals rather than communities.

The recommendation to adjust the boundary of the part on the north side where the river has created a new channel is unnecessary since the boundary description concerning this portion of the part is a “floating” boundary depending upon the location of the river itself. In other words, if the river in this area changes its course, the boundary of the park is automatically changed.

The Commission’s role of developing, recommending, and monitoring subsistence hunting programs for the park is a continuing role. We hope that you will continue to stay in tune with subsistence hunting activities within the park and make appropriate recommendations to this office and the Governor of Alaska. The Service will incorporate, by addendum, those aspects of the Subsistence Resource Commission’s recommendations that can be implemented into the General Management Plan for Denali National Park. If a comprehensive subsistence management plan is developed by the Service for the park at some point in the future, the Commission’s subsistence hunting program recommendations, as implemented, will become the foundation for such a plan.

Please share this letter with each Commission member. The Department of the Interior looks forward to your future recommendations.

Sincerely,

(Sgd) Susan Reece

Deputy Assistant Secretary for Fish and Wildlife and Parks

Subsistence Management Plan
Denali National Park and Preserve

Chapter 2: Resident Zone Eligibility, Page 17

Revised 8/18/00

United States Department of the Interior
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 22 1988

Mrs. Florence Collins
Chairperson, Denali Subsistence
Resource Commission
Denali National Park and Preserve
P.O. Box 9
Denali Park, Alaska 99755

Dear Mrs. Collins:

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Sincerely,

(Sgd) Susan Reece

Deputy Assistant Secretary for Fish and Wildlife and Parks

Subsistence Management Plan
Denali National Park and Preserve

Chapter 2: Resident Zone Eligibility, Page 17

Revised 8/18/00
The National Park Service (NPS) is proposing changes in the way the agency determines who is eligible to hunt and fish for subsistence purposes in Alaskan national parks and monuments. The proposal would replace the present concept of a "resident zone community" with a list of individual eligible users. In a preliminary stage is a proposed regulation that refers specifically to the Denali National Park, but also would apply to Lake Clark and other park units whose Subsistence Resource Commissions (SRC) recommend deletion of a resident zone.

The State of Alaska objects to this proposal for several reasons. First, the responsibility for regulating subsistence use lies with the State, and the National Park Service has not availed itself of our regulatory process to address this issue. Second, the substance of the proposal is not justified by the facts. Third, the proposal would foster divisiveness in rural communities at a time when the State is working hard to minimize conflicts among subsistence and other resource users.

The premise behind the agency's proposal is a concern that population growth in or near certain resident zone communities will result in increased competition for and overharvest of park wildlife resources. Consequently, members of the Denali and Lake Clark Subsistence Resource Commissions have suggested that these communities be deleted from the resident zone and that a "roster" comprised of those with a personal or family history of use of the park be developed.

The State has no evidence of significant changes occurring in either community structure or resource use in these park areas that would warrant such a drastic change to the current regulatory system. There also is no evidence that subsistence use is having any adverse effect on the resources of the park.

When Congress faced the question of subsistence use in passing ANILCA in 1980, it examined several alternative means for distinguishing who should be able to use the parks for subsistence. They rejected setting criteria for making individual determinations, and they rejected distinctions based on race. What Congress settled upon was a preference for such use by all residents of local, rural communities or areas having a customary dependence upon subsistence activities. That preference is not to be restricted or limited except to protect the viability of a wildlife population, and only in that case are individual, rather than community, allocations called for. Whenever restrictions are necessary, Section 804 of ANILCA specifies the criteria to be used: customary and direct dependence, local residency, and the availability of alternative resources. The agency's proposal does not reflect consideration of this provision.

I also am concerned about the long-term implications of this proposed rule on the State's ability to effectively manage wildlife resources. In 1982, the Alaska Department of Fish and Game and the NPS signed, pursuant to ANILCA, a Master Memorandum of Understanding (MMOU). The MMOU specifies 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 (emphasis added).

The Joint Boards of Fisheries and Game regularly consider subsistence uses and have a public process that encourages local participation to tailor management and regulatory schemes to local needs. Rather than bringing concerns about resource use in the park to the Boards, the Park Service developed the proposed eligibility rules unilaterally.
Further, the State has wildlife population and resource use information that can be used to address concerns such as whether increased human population is putting pressure on wildlife. But until very recently, for example, State biologists and subsistence resource specialists were not included on the agenda of the Subsistence Resource Commission meetings and often were not even notified of the meetings. Participation, involvement, and exchanges of information between State and park officials and local commission members could go a long way toward dispelling concerns that resources are in jeopardy. This, in our view, is preferable to restrictive rulemaking and would promote consistency between State and federal approaches to subsistence use.

Finally, the proposed rule will unnecessarily complicate hunting regulations in many rural areas of Alaska and discourage local cooperation and compliance. Over time this type of distinction will create divisions within the communities where now all residents, because of the nature of the community, may qualify to hunt in parks. I believe the Congress intended to minimize this type of disruption and delete the resident zones only as a last resort if community harvests and use patterns in park areas changed significantly. The NFS has not demonstrated that any growth which may be occurring in park areas is actually jeopardizing park resources or causing use levels to exceed those of 1980.

The State of Alaska supports the implementation in national park areas of sound management programs in keeping with provisions of the MMOU. I urge you to abandon the proposed rulemaking and recommend that the NFS use the State's regulatory system to address concerns expressed by the SRCs, instead of taking unilateral regulatory action which preempts the State's management authorities.

Thank you for your consideration of this matter.

Sincerely,

Steve Cowper
Governor

cc: Senator Ted Stevens
   Senator Frank Murkowski
   Congressman Don Young

bcr: Vern Wiggins, Deputy
     Undersecretary for Alaska Affairs
     Susan Reece, DOI
     James Ridenhour, Director NPS
     John W. Kats
     Commissioner Don Collinsworth
     Native Regional Corporations
     Native Nonprofit Corporations
     Alaska Federation of Natives
     Regional Offices
Dear Mr. Katz:

In taking a close look at the issues Governor Cooper raised in his letter of August 2, 1988, to Secretary Lujan, I have found that a great deal of effort was directed towards the issue of subsistence uses at Lake Clark and Denali in the mid-80's. This is not a new issue. For your information I have attached copies of some of the correspondence concerning this issue in the hope that we can thrash this one out without too much trouble.

Your review of the materials will show that there recommendations were not directly from the park Subsistence Resource Commission in August of 1985. As you know these commissions are made up of members representing local, State and Federal appointments.

I notice a letter of appreciation from Governor Sheffield dated August 5, 1985, to Ms. Florence Collins, Chair of the Denali Subsistence Resource Commission, for the hard work the Commission put into the proposal. From the correspondence it appears that former Governor Sheffield thought the proposed recommendations were sound.

Further correspondence signed by Susan Rebecca, Deputy Assistant Secretary for Fish and Wildlife and Parks, indicated that the National Park Service should move forward with the rule-making process. This was dated April 22, 1988.

It appears that we had the green light to move forward at that time and, if we are guilty of anything, it is delay. However, since we do have a number of balls in the air, I offer the suggestion that we not proceed with the proposed rule on this subject until the spring of 1990. Possibly this will give the staff of the National Park Service and the State of Alaska the time to work out any differences that may occur. I do want to emphasize that a draft of a proposed rule was being worked on in our Alaska Region and had not been transmitted to the Washington Office when the Governor's letter came to my attention.

Please get back to me if you see a need for a different course of action. John, could I count on you to run this thought past the Governor's office? I would appreciate it.

Sincerely,

John M. Morehead
James M. Aiken
Director

cc: Connie Harrison, Jack Morehead, Boyd Nelson and Vern Wiggins
Memorandum

TO: Director, National Park Service, WASO

FROM: Regional Director, National Park Service, Alaska Region

SUBJECT: Proposed Regulation Regarding Subsistence Eligibility in National Parks in Alaska

Enclosed you will find a copy of a proposed regulation regarding subsistence eligibility in national parks in Alaska. We request that the review and publication of this proposed regulation be expedited as it fulfills a commitment of the Secretary made in 1988.

The proposed rulemaking will amend 36 C.F.R. Part 13, Subpart B - "Subsistence" to establish an alternative process for deletion of a resident zone community or area based upon an approved recommendation of a Subsistence Resource Commission (SRC) established pursuant to 16 U.S.C. 3118.

In addition, this rulemaking deletes certain communities and areas from resident zone status at Lake Clark National Park based upon the recommendation of the Lake Clark SRC approved by the Secretary of the Interior on April 22, 1988. A process is established whereby the SRC may submit a group application to the Superintendent of Lake Clark National Park to authorize the continued subsistence use of eligible residents of the deleted communities.

Both aspects of the proposed regulation have been prepared in response to the direction of the Secretary of the Interior's 1988 approval of earlier recommendations of the Denali and Lake Clark SRCs.

Should you or your staff have any questions concerning the proposed regulation please contact Subsistence Division Chief Lou Waller, or Subsistence Specialist John Hiscock at FTS 869-2646.

JOHN M. MOREHEAD

Enclosure

bcc: (w/c encl) LACL DENA ARO-RS

JHiscock:6/28/91
National Park Service to begin the rulemaking that would implement the portion of the Commission's program regarding subsistence eligibility in the Cantwell area. These proposed regulations will delete the community of Cantwell as a subsistence resident zone community, and will establish in its place a system whereby local rural residents of Cantwell with an established history of customary and traditional subsistence uses in the park will be identified as a group permitted to continue to engage in such uses.

DATES: Written comments will be accepted through
(60 days after publication in the FEDERAL REGISTER).

ADDRESS: Comments should be addressed to:
The Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali National Park, AK 99755-0009

FOR FURTHER INFORMATION, CONTACT:
Lou Waller
National Park Service
Alaska Regional Office
2525 Gambell Street, Room 107

SUPPLEMENTARY INFORMATION:

Background

In 1980, the Alaska National Interest Lands Conservation Act (ANILCA; P.L. - 96-187) was passed by Congress. This act, among other things, identified and set aside certain areas of federal land in Alaska as being of a high public interest. These "public interest" lands included units to be designated as national parks, monuments, and preserves. In creating these parklands, Congress also provided for the protection of the opportunity for local rural residents with an established and historical pattern of subsistence uses within certain park units to continue to engage in this established subsistence lifestyle. Consequently, section 203 of ANILCA specifically provides that "subsistence uses by local residents shall be allowed...where specifically permitted by this Act, in national monuments and parks."

Congress recognized that park lands were to be managed differently than other state and federal lands since hunting within national parks is generally prohibited nationwide. Consequently, they made this specific exception in law for subsistence hunting to continue in certain park and monument areas in Alaska for certain qualified subsistence users. The
The main requirement of this exception is that only those with a "history" of subsistence use within the park or monument can continue to engage in such activities (Congressional Record, House; November 12, 1980; H10541). On other state and federal lands, subsistence hunting is normally permitted without this "history of use" test.

Further realizing the importance of this exception on national park lands, Congress also created Secretarial advisory committees to develop subsistence hunting programs for each of the parks where subsistence uses are allowed by law. These nine member advisory committees -- the Subsistence Resource Commissions -- are made up of knowledgeable residents appointed in equal numbers of three each by the Governor of the State of Alaska, the Secretary, and the regional advisory councils established pursuant to ANILCA section 805. The purpose of the commissions as stated in section 808 of ANILCA is to "recommend to the Secretary (of Interior) and the Governor (of the State of Alaska) a program for subsistence hunting within the park or park monument."

The commission for Denali has held several public meetings and hearings from 1984 until present to develop a hunting program for Denali National Park. This program was completed in 1985, and was approved in part by the Secretary on April 22, 1988. These proposed regulations address the aspects of the hunting program requiring regulation change to implement, and were developed by a committee of the Denali Subsistence Resource Commission, with assistance from the National Park Service in preparing them for publication.

Summary of Hunting Program

The portion of the Denali Subsistence Resource Commission hunting program addressed by these proposed regulations is the recommendation to delete the community of Cantwell from the park resident zone. Resident zone communities were established, in part, as an attempt to identify specific eligibility of subsistence hunters for park and monument lands, as opposed to more general eligibility determinations for other state and federal lands. There was also a desire to avoid as far as possible a regulatory permit system. In the House Congressional Record for November 12, 1980, which serves as part of the legislative history for ANILCA, Congress noted that it was consistent with their policy for subsistence that:

"communities which contain concentrations of local residents with established or historical patterns of subsistence use of wildlife within those units be identified and designated as "resident zones". Persons whose primary permanent place of residence is within a zone should be permitted to harvest wildlife within the park or monument for subsistence uses without obtaining a National Park Service permit." (H10541).
The intent that such subsistence uses were not to significantly exceed the level of use existing at the time of passage of ANILCA was discussed in the House Congressional Record, November 12, 1980, where it was recognized that "there is a need to continue the opportunity for subsistence uses...within certain National Parks and Monuments by local rural residents who have, or are a member of a family which has, an established or historical pattern of subsistence uses within such units." (H10541).

Therefore, Congress recognized that, "...the resident zone approach to subsistence hunting is consistent with the protection of park and monument values only so long as such zones remain composed primarily of concentrations of residents with an established or historical pattern of subsistence uses of wildlife within the units." (H10541).

Authority was given, and regulations were promulgated, to implement an individual permit system in lieu of the resident zone system if rural communities began to evolve much beyond an existing level of historical subsistence use patterns (not including community growth by members of families with such a history of use). While Congress recognized that the National Park Service could devise other means to determine eligibility, in lieu of the resident zone, Congress also was clear that local rural community residents who maintain their primary permanent home within these communities "should have the opportunity to decide for themselves the course, pace, and extent, if any, of their own lifestyle and community evolution." (H10541).

The probability of imminent changes to the Cantwell area began occurring at the time of the Subsistence Resource Commission deliberations. In their efforts to assure subsistence privileges for established subsistence users of the park, the Commission became concerned about new plans for the construction of the military's Over-the-Horizon Backscatter radar project, and the proposed Susitna dam project. These projects raised the probability of a large number of workers without an established history of subsistence use of the park to move into the Cantwell community. The commission was also aware that Cantwell, being a community located along one of the few roads in the state, would always be faced by the imminent possibility of further increases to the population of the Cantwell area by new persons without a history of subsistence use, or without being from a family with such a history.

The existing definition of a resident zone in regulations at 36 CFR 13.42 currently allows these new persons to participate in subsistence hunting in the park as long as the community is designated as a resident zone. For example, people moving into a resident zone from an urban area, with no prior history of
subsistence use or connection with the local existing culture, would automatically acquire subsistence privileges in the park. Such equal access to subsistence resources would increase competition for these resources. Even if the resource initially remains healthy, the new users can disrupt established uses and users by preempting traplines, campsites, wildlife crossings, etc. Consequently, the Denali Subsistence Resource Commission -- three of its members being from Cantwell -- after conducting public meetings and a hearing in Cantwell, recommended that the Cantwell resident zone be changed to an individual permit system:

"1. RECOMMENDATION: The Cantwell local resident zone should be changed to a permit system. People living in the zone on or before April 17, 1986 (the date of this action) will qualify for permits if they choose to apply for them. The Cantwell resident zone will become obsolete concurrent with this action."

The Commission justified this recommendation in their hunting plan to the Secretary as follows:

"In order to preserve the natural and healthy wildlife populations there [the park], we feel that hunting and trapping should be limited to local residents who have traditionally used the area, and that this can be done most effectively by using the permit system."

This recommendation was arrived at after several public meetings of the full commission, and after a hearing held in Cantwell in April of 1986. In the recommendation, the Commission wrote:

"At a hearing held in Cantwell on April 16, 1986, a majority of the people attending supported the change to a permit system. No opposition was expressed formally, and informal conversations with those present demonstrated that many people were strongly in favor of the change. Some permit holders living outside the zone stated that the permit system is working satisfactorily for them..."

The hunting program was completed and submitted to the Secretary and the Governor on July 10, 1986.

The Secretary's and Governor's Response

According to law, this subsistence hunting program must be "promptly implemented" by the Secretary unless he finds that any of the recommendations "violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park..., is contrary to the purposes for which the park... is established, or would be detrimental to the satisfaction of subsistence needs of local residents." (ANILCA Section 808). On April 22, 1988, the Secretary responded to the Chair of the Denali Subsistence Resource Commission. The following excerpt from this letter deals specifically with the resident zone issue:

"[copy letter verbatim through first paragraph on page 2]"
regarding changing the resident zone eligibility test to a system that would be more effective in implementing congressional intent to protect those subsistence users with an established history of use. The Lake Clark Commission was also seeing increases of people moving into the area with no established history of subsistence uses of the park. Their recommendation proposed the substitution of the resident zone with a list of those permanent local residents who had an established history of hunting in the park prior to December 2, 1980 (the date of passage of ANILCA).

The Secretary responded on April 22, 1988 to the Commission, writing, in part, that "The Commission's proposal to develop a list of those having subsistence eligibility [in response to increases in and changing nature of area resident zone populations] thus is consistent with congressional intent."

For the purpose of consistency, the Secretary requested that the Denali Subsistence Resource Commission determine subsistence eligibility for the park in a manner similar to the Lake Clark proposal, i.e., by identifying local rural residents "who have, or are members of a family that has established patterns of subsistence use within the park." By establishing the same system to determine eligibility for both park areas -- a list in lieu of individual permits -- the Secretary feels that the result will "achieve the same result as proposed by the Commission while maintaining continuity between park areas." This process will also follow congressional intent of determining eligibility by an established history of use.

The Denali Commission also submitted a copy of their hunting plan to the Governor of Alaska, pursuant to Section 808 of ANILCA.

The Governor responded as follows:

There were no further formal comments received from the State on the hunting program.

Summary of Proposed Regulations

These proposed regulations will effectively implement that portion of the Denali Commission hunting program calling for the deletion of Cantwell from the Park resident zone, and respond to the Secretary's direction to identify eligible subsistence users in such a manner as to conform to the Commission's intent in their hunting program. (These regulations will also be applicable in implementing the Lake Clark or other approved park or monument Commission program which recommends the deletion of a resident zone).
13.43. Determination of resident zones. The current regulation implements Congressional intent to designate communities or areas that have a significant concentration of rural residents who have customarily and traditionally engaged in subsistence uses within a national park or monument. Communities may be added to or deleted from a resident zone if they evolve to a point where these significant populations are altered.

The proposed regulation would leave all parts of 13.43 in effect, and would add a paragraph "(3)" to part "(b)" which would allow for the deletion of a community or area from a resident zone based upon a recommendation in an approved subsistence hunting program of the appropriate Subsistence Resource Commission. This regulation reflects Congressional intent that communities be able to determine to a large extent for themselves the nature and extent of future community change. Under this proposed regulation, a resident zone community or area could request deletion of their community from resident zone status through a public hearing held by the established Subsistence Resource Commission for their area. Such a request from a community could reflect, for example, evidence of imminent future change in population make-up, and a consequent concern for increased impacts upon the natural and healthy park and subsistence resources. Under the proposed regulation, any future hunting programs approved by the Secretary recommending a permit or list system in lieu of a resident zone could be easily implemented.

13.44. Subsistence permits for persons whose primary, permanent home is outside a resident zone. The current regulation provides for individual subsistence permits to be issued to local rural residents living outside of a resident zone as long as they can demonstrate that they have, or are a member of a family which has, customarily and traditionally engaged in subsistence uses within the park. This could also apply to individuals in a community that had been deleted from the park resident zone. Currently, however, there is no method in regulation to determine eligibility prior to the effective deletion of a zone.

The proposed regulation change would allow the identification and permitting of eligible subsistence users of the community (those permanent residents of a resident zone with a customary and traditional history of subsistence use in the park) 45 days prior to the effective date of deletion of the zone. Current regulations in section 13.51 require that a Superintendent make a determination within 45 days of receipt of an application pursuant to 13.44. Consequently, this proposed regulation change uses the same 45 day time limit to determine eligibility prior to the effective date of deletion of a resident zone.
The proposed regulation change to 11.44 will also allow for the Subsistence Resource Commission to apply to the Superintendent for a group subsistence permit in lieu of individual permits for all eligible community residents. This change, as an added paragraph "(a)" and "(b)", reflects the Secretary's desire in approving the subsistence hunting programs for Denali and Lake Clark National Parks that individual permits be avoided if possible, and a list of eligible subsistence users be established and approved by the Superintendent as a group. "Subsistence permit" is defined to reflect authorization for either an individual or a group to participate in subsistence uses within a park or monument area. This allows for either a group or individual to be determined eligible for subsistence uses, thereby greatly easing the personal and administrative burden of developing a list of eligible subsistence users pursuant to the Secretary's intent.

Under this proposed change, those permanent residents with a history of subsistence use living within a resident zone community that will be deleted from resident zone status may be included in a group application of the appropriate park or monument Subsistence Resource Commission. Once compiled and reviewed by the Commission, the applicants may be approved as a group by the Superintendent. This application will, upon approval, recognize customary and traditional uses pursuant to law and regulation for all names in the group, and their resident families and descendants. The only difference between the group and the resident zone is that only resident family members of the group can be "added" to the group, whereas current resident zones allow by effect, if not intent, for increases to subsistence users by persons without an established history of use, or without a family with such a history.

The provision for any local rural resident to apply, at any time, for a subsistence permit pursuant to 36 CFR 13.44 is not changed. Similarly, the application procedure stipulated in 36 CFR 13.51 is still applicable for all application procedures.

The intent and effect of these regulations is to protect the natural and healthy park and subsistence resources, and to provide for and protect the subsistence opportunity for people with an established history of customary and traditional subsistence use, by preventing competition from people without such a history. Such new users normally have other alternatives, and are not dependent upon the park's subsistence resources.
These regulations have no effect on State determinations of subsistence eligibility; for instance, all rural residents in the area may continue to engage in a subsistence lifestyle on other lands than the park, both state and federal, pursuant to state and federal law and regulations. As noted above, neither do these regulations have an effect on any local rural resident being able to apply at any time for an individual subsistence permit pursuant to 36 CFR 13.44 and 13.51.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking.

Drafting Information

The primary author of this regulation is Tony Sista of the Subsistence Division, Alaska Regional Office, in cooperation with a working committee of the Denali Subsistence Resource Commission, Cantwell, Alaska.

Compliance with Other Laws

The Department of Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The economic effects of this rulemaking are local in nature and negligible in scope. The National Park Service has determined that this rulemaking will not have a significant effect on the quality of the human environment, health, and safety because it is not expected to:

(a) Change public hunting habits to the extent of adversely affecting wildlife or other natural ecosystems;
(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;
(c) Conflict with adjacent ownerships or land uses; or
(d) Conflict with any plan prepared under section 1604 of title 43, United States Code, for the multiple use management of Federal lands.

Paperwork Reduction Act

The information collection requirements contained in existing 36 CFR 13.44 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. This rulemaking, which modifies 36 CFR 13.44, does not contain any additional or different information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.
1. Cause a nuisance to adjacent owners or occupants.

2. Based on this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects

36 CFR Part 13:
National Parks; Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter 1 as follows:

PART 13, SUBPARTS B & C - NATIONAL PARK SYSTEM UNITS IN ALASKA

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

Authority: 16 U.S.C. 1, 3, 462(k), 3101 et seq.; Section 13.65(b) also issued under 16 U.S.C. 1361, 1531.

2. Section 13.43 is amended by adding a subpart (3) to

3. In Section 13.44, paragraph (a) is redesignated as paragraph (c) and revised; paragraphs (b) and (c) are redesignated as paragraphs (e) and (f); and new paragraphs (a), (b) and (d) are added, to read as follows:

(a) As used in this section and in section 13.51, a "subsistence permit" shall mean a written authorization for either an individual person or a group of people to engage in subsistence uses that are otherwise prohibited, restricted, or regulated.

(b) At least 45 days prior to the effective date of the deletion of a community or area from a park or monument resident zone, application for a subsistence permit may be
made by the park Subsistence Resource Commission to the appropriate superintendent on behalf of the permanent rural residents, and their families, of the area or community being deleted.

(c) Any rural resident whose primary permanent home is outside the boundaries of a resident zone of a national park or monument, and who has not otherwise had application made pursuant to part (b) of this section, may apply to the appropriate superintendent for a subsistence permit authorizing the permit applicant to engage in subsistence uses within the national park or monument.

(d) Any application made for a subsistence permit on the basis of criteria in this section shall be made pursuant to procedures set forth in 13.51. 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 (d)(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.

3. In Section 13.51(a), remove both section references "§ 13.44(a)" and add, in their place, the section reference "§ 13.44."

4. In Section 13.63(a), the word "Cantwell" is removed.
Memorandum

To: Director, National Park Service, WASO

From: Regional Director, Alaska Region

Subject: Follow-up on proposed regulation regarding subsistence eligibility in National Parks in Alaska

This memorandum is intended to reemphasize the need for publication of the Alaska Region’s proposed regulation (copy enclosed), originally submitted by memorandum of July 1991, regarding adjustment of existing regulations governing the subsistence eligibility process regionwide and, specifically, in Lake Clark National Park. The drafting of these regulations was originally directed by the Secretary of the Interior in 1986 in response to recommendations of the Lake Clark and Denali National Park Subsistence Resource Commissions (SRCs) submitted in 1986. The regulation was conceived and reworked at various stages with participation from the SRCs, park superintendents, regional office staff, WASO office staff (WASO/ARO revision of October 1991 enclosed), and the Regional Solicitors Office. We understand that the regulation was reviewed and found legally sufficient by the Solicitors Office in Washington some time ago.

Both the NPS in Alaska and the Lake Clark and Denali SRCs have been distressed by the delay in publication of this regulatory package. This delay has seriously affected the credibility of the NPS and the Department in effectuating recommendations of SRCs which have garnered the approval of the Secretary’s office. As ANILCA states, upon review and approval of the Secretary, such SRC program recommendations are to be "promptly" implemented. The Chairman of the Lake Clark SRC, Glen Alsorth, personally contacted the Secretary in 1992 questioning the delay of the proposed regulation (copy enclosed). Associate Director, Jack Davis, responded stating that the Service and Department would proceed with publication of the proposed rule as quickly as possible (copy enclosed).

A delay of 5 years in implementing mandated departmental action seems unreasonable. We hope that the new administration will make the publication of this proposed regulation a priority. We will gladly provide any assistance that may be needed.

John M. Morehead

Enclosures

bcc: ARO-RS
Supt., LACL
C. Bockson, Reg. Sol.
T. Sisto, Ranger Activities, WASO

JWHISCOCK: 06/28/93; \ROSTERS\REGULATN\REMEMO.MEM
February 17, 1995

Secretary Bruce Babbitt
Department of the Interior
18th and C streets, NW.
Washington, D.C. 20240

Dear Secretary Babbitt,

On July 10, 1986, the Denali National Park Subsistence Resource Commission completed initial recommendations for a subsistence hunting plan as required by Section 808 of Public Law 96-487.

One of the recommendations submitted requested that the Cantwell resident zone be changed to a permit system. People living in the zone on or before April 17, 1986 (the date of that action) would qualify for permits, if they chose to apply for them. The Cantwell resident zone would become obsolete concurrent with this action.

On April 22, 1988, the Office of the Secretary responded to the Denali Subsistence Resource Commission stating that the Department will approve implementation of a plan for Cantwell similar to that proposed for the Lake Clark National Park communities. "Instead of an individual permit system for Cantwell, the Subsistence Resource Commission for Denali National Park will be asked to develop a list of Cantwell local rural residents who have or are members of a family that has established patterns of subsistence use within the park."

Denali National Park and Lake Clark National Park Commissions' recommendations required a change in the existing regulations. The Department asked the National Park Service to begin rule-making to revise 36 CFR Part 13 to allow deletion of resident zones and provide for a list of individuals who meet eligibility requirements, for those villages that wished to make this change. This has become known as the proposed "Roster Regulation."

It has been seven years since we submitted our proposal and nearly as many years since the proposed Roster Regulations have been submitted to the Department. Lake Clark National Park Subsistence Resource Commission has written to the Secretary's Office on several occasions requesting that the Department expedite action on these Roster Regulations.

Denali National Park Subsistence Resource Commission feels this delay is inappropriate. We respectfully request that the Department take action on the proposed Roster Regulations by July 1, 1995. If no action is taken by that date, we request a written explanation as to why no action has been taken.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission
Superintendent, Denali National Park and Preserve
Regional Director, Alaska Regional Office
Honorable Tony Knowles, Governor of Alaska
Ms. Florence Collins, Chairperson
Denali National Park Subsistence Resource Commission
PO Box 80
Lake Minchumina, Alaska 99757

Dear Ms. Collins:

Your letter to Secretary Babbitt, dated February 17, regarding the status of the "roster regulation" has been forwarded to our office for response.

The National Park Service (NPS) appreciates the Commission's concern about the amount of time that has passed since the regulation was first proposed. We continue to support the proposal and have been in communication with the Department of Interior in Washington, D.C., urging that the regulation be moved forward at the earliest possible date. We are hopeful for further action by July 1, as you have requested.

We appreciate your patience and willingness to work with the NPS on subsistence management in Denali National Park. If you have any questions or would like additional information, please continue to consult with Superintendent Martin.

Sincerely,

Paul R. Anderson
Robert D. Barbee
Field Director

RECOMMENDATION 92-3

Your third recommendation directs the NPS to develop a roster or group eligibility system alternative to the resident zone/13.44 eligibility system. This recommendation is consistent with Congress' intent to protect opportunities for subsistence use by local rural residents who have, or are members of a family that has, established patterns of subsistence use within the monument.

As you may know in July 1993, the NPS sent a roster eligibility draft proposed rule to Washington D.C. for publication. Prior to publication, the NPS removed the draft proposed rule from consideration based on the perception that the Lake Clark and Denali SRCs no longer supported such action. In response to your recommendation and the fact that the Lake Clark and Denali SRC do in fact still support the roster regulation, the NPS will re-submit a draft proposed rule for a roster eligibility system. The proposed rule, as it will be drafted, will only establish a mechanism for the implementation of a roster system for subsistence eligibility—it will not automatically implement a roster eligibility for Aniakchak resident zone communities. If in the future, there is a need to replace existing resident zone communities with a roster eligibility system, we will have to initiate a second rulemaking to specifically do so. Any such action would be done in full cooperation with your commission and with public notice and meetings in the area.

You should be aware that the rulemaking process would require a series of formal public hearings, compliance with the National Environmental Policy Act, and a Section 810 of ANILCA analysis and statement of findings. The NPS will see that all necessary steps will be taken to speed this process along and will keep the SRC informed of the progress.

RECOMMENDATION 92-4

Your fourth recommendation addresses concerns of the SRC regarding customary and traditional use determinations for key subsistence species. The SRC asks that residents of Chignik, Chignik Lake, Chignik Lagoon, Chignik Bay, Meshik, Port Heiden, Ivanoff Bay, Perryville and residents of Unit 9E be determined to have customary and traditional use of all caribou, moose, brown bear, hares (snowshoe and Arctic) and ptarmigan within Aniakchak National Monument and Preserve.

We support the SRC's interest in attempting to protect harvest opportunities of local rural residents if a recognized consistent and traditional subsistence use of that species exists. We believe the Federal Subsistence Board customary and traditional use determination process will provide a comprehensive as well as sound basis for subsistence resource allocation decisions for communities surrounding Aniakchak National Park and Preserve. Based on the information that you have provided, I am directing the Superintendent to...
**NPS Proposed Action**
Conduct a comprehensive review of NPS eligibility

**Issue Background:**
- The recent review of subsistence regulations and laws (found in Appendix B) highlighted the complexity of many issues, particularly eligibility, and the need to conduct further discussions to resolve eligibility concerns. This review identified the many conflicts, problems, and unresolved issues relating to eligibility. Some of these issues include:
  - Federal C&T determinations that are inconsistent with NPS resident zone determinations.
  - How should patterns of subsistence use established after 1980 be dealt with?
  - Standards for issuing 13.44 permits.
  - How should we determine who are local rural residents for preserve areas?
  - Dealing with individual C&T determinations.
  - Should resident zones include large, sparsely populated areas outside the park?
  - How can we get a roster system implemented.

These and similar issues have caused confusion and frustration for subsistence users and park managers alike. The review of these issues focused on interpretation and implementation of the existing regulations. It is now time to look further than the existing regulations. We need to take the experiences of the last 16 years and take a fresh and critical look at these regulations, which were, when implemented in 1981, identified as “interim guidance.” Subsistence resource commissions, regional advisory councils, the federal subsistence program, and the information gained and lessons learned in the past 18 years were not available to the NPS when these regulations were adopted. We look forward to working with subsistence advisory groups, the state of Alaska, and other interested individuals and organizations as we conduct this further review.

- The SRC commented on several aspects of NPS eligibility when the “Draft Review NPS law and regulations” was circulated in 1996 and 1997. Their comments included:

  - The “significant concentrations” measure of 51% is not appropriate, but the term “cultural vitality” was generally appropriate (comments in Appendix B, page 3). The SRC felt that if the resident zone designation was changed at any time to a roster list, that these percentages would be unnecessary. The SRC and resident zone members would recognize a problem when it arose and could act on it at that time.

The “Draft Review…” initially stated that to be eligible for resident zone status NPS regulations require that the community be near the national park or monument and contain a significant concentration of rural residents who, without the use of aircraft as a means of access, have customarily and traditionally...
engaged in subsistence uses within the park or monument. The significant concentrations test can be met by considering two factors: quantity of users and cultural vitality. NPS's initial interpretation of these two factors indicated that to meet the “quantity” tests a community must have 51% or more of the residents who would essentially qualify for a 13.44 permit. Furthermore, to meet the “cultural vitality” test, at least 51% of the community must be linked to subsistence use of park resources through cultural or family association, and that subsistence use must be consistent with local subsistence use customs. Based on comments from the Denali SRC and other, NPS later changed their interpretation. The statement regarding the requirement for “51% or more of the residents” to meet the tests was changed to “the majority of a community” for both the “quantity” and “cultural vitality” measures. “Cultural vitality” would be community based. Both factors may be used together in making resident zone community determinations.

The SRC indicated their support for the concept of roster regulations. The Commission also stated that it does not want to be responsible for picking the roster list members. The Commission members felt that they, as a group, were not familiar enough with all the individuals living in the resident zone to be able to fairly identify all eligible users (Appendix B, page 3).

Finally, the SRC stated that “If a resident zone community is deleted and changed to a roster list of eligible subsistence users, then the people living there at that time, who have established a long-term pattern of subsistence use, would be eligible for a 13.44 permit or roster listing. In addition, people with the same qualifications (a long term pattern of subsistence use) that move out of an existing resident zone to a local rural area should also be eligible for a 13.44 permit.” The purpose of their motion was to ensure eligibility to people who entered the resident zone after the 1980 cutoff date (as proposed in the “draft review...”) and who have established a pattern of subsistence use of park resources, would be eligible for a roster system or 13.44 permit, provided they maintain a customary and traditional subsistence lifestyle and are still local rural residents to the park. The SRC felt this might alleviate problems of subsistence families disappearing from an area, by allowing more recent subsistence users who have adopted and established the “customary and traditional” lifestyle to continue (Appendix B, page 2-3).

Current Status:
- NPS recognizes the need for continued development and modification of the subsistence program and the importance of review and input from subsistence users, advisory councils, SRCs, the public and legal and technical advisors. When a comprehensive review of subsistence eligibility is undertaken, comments received from the SRC will be considered in the process. Furthermore, the SRC will be consulted on any changes NPS may propose in revision of the system of eligibility currently in use.
**SRC COMPLETED ACTION**
Define the boundary of the Lake Minchumina resident zone.

**CHRONOLOGY:**
- The Denali SRC submitted a hunting plan recommendation to the Secretary and Governor in 1986 suggesting retention of the community as a resident zone and establishment of a boundary 1 and ½ miles from the lake (Governors response is on page 38 and the recommendation is on pages 38-39).

- The Assistant Secretary for Fish Wildlife and Parks responded to the SRCs recommendation on August 19, 1986 saying that the Commission would be advised in writing by the Secretary of any inappropriate recommendations or procedures in the plan (letter on page 40).

- On April 22, 1988 the Deputy Asst. Secretary for Fish Wildlife and Parks responded to the SRC indicating that he would direct the Superintendent of Denali to implement the recommendation by following proper public notice procedures (letter on page 17 of this chapter).

**RESOLUTION:**
- Public notice of the new boundary for the Lake Minchumina resident zone was posted in the community along with a map (page 40-41). The boundary was thereafter established and the map placed on file in the Superintendent’s office.

**AUTHORITY:**
36 CFR 13.63 Subsistence Resident Zone - Denali National Park
Ms. Florence Collins, Chair  
Denali Subsistence Resource Commission  
Denali National Park and Preserve  
U.S. Department of the Interior  
P. O. Box 9  
Denali Park, AK 99755  

Dear Ms. Collins:

Thank you for forwarding the Denali National Park Subsistence Resource Commission's recommendations for a subsistence hunting program. The proposed plan appears to be a sound response to local conditions and appropriate to the different situations at Cantwell and Lake Minchumina. I have forwarded copies to the Departments of Fish and Game and Natural Resources.

It is obvious that you and other Commission members have worked hard on the recommendation. I appreciate your efforts.

Sincerely,

Bill Sheffield  
Governor

cc: Commissioner Don Collinsworth, ADF&G  
Commissioner Kevin Munaikke, ADNR  
Lou Nailer, NPS
DENALI NATIONAL PARK
SUBSISTENCE RESOURCE COMMISSION
HUNTING PROGRAM

The first three recommendations given below address problems, or require actions, that last three are included because the Commission wishes to record its opinion on these subjects. Taken together, they address present and foreseeable problems related to subsistence hunting and, we believe, constitute a viable hunting program that can help keep the wildlife population of Denali National Park natural and healthy, and protect the subsistence lifestyle of local rural residents, as well.

1. RECOMMENDATION: The Cantwell local resident zone should be changed to a permit system. People living in the zone on or before April 17, 1986 (the date of this action) will qualify for permits if they choose to apply for them. The Cantwell resident zone will become obsolete concurrent with this action.

The Cantwell local resident zone has been defined as an area enclosed by a circle about three miles in radius centered on the Cantwell Post Office, this being the distance from the post office to the boundary of the park. Population growth in this area has put increasing hunting pressure on nearby parts of the Park. In order to preserve the natural and healthy wildlife populations there, we feel that hunting and trapping should be limited to local residents who have traditionally used the area, and that this can be done most effectively by using the permit system. At a hearing held in Cantwell on April 16, 1986, a majority of the people attending supported the change to a permit system. No opposition was expressed formally, and informal conversations with those present demonstrated that many people were strongly in favor of the change. Some permit holders living outside the zone stated that the permit system is working satisfactorily for them, and the National Park Service believes that issuing permits for this area will not greatly increase its work load.

2. RECOMMENDATION: The Minchumina local resident zone should be retained, and its boundary established as 1 and 1/2 miles from the lake, perpendicular to the lake shore as shown on the D-5 Mt. McKinley 1:63,360 topographic map, 1993 edition.

In August, 1985, the commission recommended changing Minchumina from a local resident zone to a permit system, since we felt that state and other land sales in the area would greatly increase the local population and change its character. Many people at Minchumina, as individuals and through the Local Advisory Committee, opposed the change and requested a hearing. This was held on April 15, 1986, and was attended by eight commission members and a majority of the local residents. Lake Minchumina is about 100 miles from the nearest road that is open year round, and although it is very close to Denali National Preserve, it is about 20 miles from the nearest part of the park additions. The addition is seldom hunted by local people, though a few of them have trampling within it. The expected increase in the local population has not occurred, and local residents feel that any newcomers would be bound by tradition and social pressure not to establish trampling too close to those of their neighbors. In view of the arguments in favor of the resident zone, and desires of the local residents, the Commission is recommending retention of the resident zone, with the suggestion that the situation be reviewed at least once a year by the Commission and by the Local Advisory Committee, to forestall damage to either the ecosystem or the local subsistence lifestyle.

Local people also suggested a resident zone boundary between one and three miles from the lake shore. The Commission is recommending a 1 and 1/2 mile distance because this includes the homes of all the present local residents, and excludes more distant areas where land sales have taken place or are proposed.

3. RECOMMENDATION: The boundary between Denali National Park and Denali National Preserve on the Kantishna River should be changed from the old to the new active channel in Townships 11 and 12 South, Range 20 west. (See attached map.)

Almost all the volume of this large river is now flowing along the new channel, which is about 6 miles long and one to two miles north of and roughly parallel to the old channel. Hunters are now bringing ATVs upriver on boats and using them for hunting in the old channel. For this reason, and because the new channel is easier for people to identify as a boundary, we recommend the change. This is not intended to set a precedent, however; other possible boundary changes based on river movements should be determined on their own merits.

4. RECOMMENDATION: If the land in the Dunkle mining area is transferred from the National Park Service to the State of Alaska, the Commission recommends that the healthy and natural resources and subsistence use be protected.

Members of this Commission recognize that transfer of the Dunkle property could result in activity and use, such as mining, not in keeping with subsistence lifestyle or goals. We feel that if protective conditions are attached to the transfer, preservation of subsistence resources will be maintained.

5. RECOMMENDATION: Mining should be monitored and regulated to prevent damage to subsistence resources.

The Commission is concerned over the pollution or degradation of fish and game streams and wildlife populations as a result of mining activity. The maintenance of healthy streams is a top priority for the subsistence lifestyle and natural and healthy wildlife populations.

6. RECOMMENDATION: Roads are detrimental to subsistence uses and their way of life. The Commission opposes construction of any new roads within the Park.

New roads provide access, and where access exists increased activity follows. Almost always this results in deteriorations of fish and game populations, and hence a serious decrease in subsistence use and resources.

April 1986
Ms. Florence Collins  
Chair, Denali Subsistence Resource Commission  
Denali National Park and Preserve  
Post Office Box 9  
Denali Park, Alaska 99755

Dear Ms. Collins:

Thank you for your letter of July 10 to Secretary Hodel submitting the Denali National Park Subsistence Resource Commission's recommendations for a subsistence hunting plan for Denali National Park. We appreciate the effort that the Commission members have made to prepare this plan.

Before implementation of the recommended hunting plan, the Department of the Interior will review it in accordance with title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) to assure the plan is consistent with the provisions and terms of ANILCA and other applicable legislation. Among the factors the plan will be reviewed for are: consistency with recognized principles of wildlife conservation; consistency with the conservation of natural and healthy populations of wildlife in the national park; consistency with the purposes for which the park was established; provision for the satisfaction of subsistence needs of local residents without engaging in habitat manipulation or control of some species, such as wolves, to benefit other animals for the purpose of maintaining subsistence uses within the national park; provision for subsistence use of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes; and consistency with provisions for a continuation of current (1980) levels of subsistence use to occur.

The Commission will be advised in writing by the Secretary of any inappropriate recommendations or procedures in the plan. Thank you, again, for your efforts in this endeavor.

Sincerely,

(Sgd) P. Daniel Smith  
Acting Assistant Secretary for Fish  
and Wildlife and Parks

In 1981, Minchumina was believed to contain significant concentrations of rural residents who had customarily and traditionally engaged in subsistence uses within Denali National Park and, therefore, was designated as a resident zone community in Title 36, Code of Federal Regulations, Part 13, Subpart C. Individuals whose primary permanent residence is within the Minchumina resident zone are eligible to participate in subsistence hunting or fishing activities in Denali National Park without first obtaining a National Park Service permit.

At the request of the Denali Subsistence Resource Commission, the National Park Service is hereby establishing the boundary of the Minchumina resident zone as 1 and 1/2 miles from Lake Minchumina, perpendicular to the lake shore as shown on the D-S Mt. McKinley 1:63,360 topographical map, 1953 edition.

Local rural residents outside of this established resident zone boundary who have a personal or family history of customary and traditional use of Park lands may apply for a subsistence permit from the Park Superintendent authorizing activities in the Park.

Further information on the resident zone boundary or Park permitting procedures may be obtained from Hollis Twitchell, Subsistence Coordinator, Denali National Park and Preserve, P.O. Box 9, Denali Park, AK 99755; telephone (907) 683-2294.
**SRC COMPLETED ACTION**

Define the boundaries of the Nikolai and Telida resident zones.

**CHRONOLOGY:**

- In June of 1994 the Denali SRC sent a letter to Superintendent Berry recommending resident zone boundaries be established for the communities of Nikolai and Telida. Maps indicating the proposed boundaries for the resident zone communities were included with the letter (letter and maps on pages 43-45).

**RESOLUTION:**

- The boundary descriptions and maps were posted in the communities and were subsequently established. Copies of the maps are on file in the Superintendent’s office.

**AUTHORITY:**

36 CFR 13.43 Determination of Resident Zones
Preamble to 36 CFR (1981), page 71
Subsistence Resident zone for the village of Nikolai, Alaska.

Description: All persons living within the area encompasses by a one mile radius from a point at the east end of the airstrip.

June 9, 1994

Memorandum

To: Russell Berry Jr., Superintendent, DEWA

From: Denali Subsistence Resource Commission

Subject: Telida & Nikolai Resident Zones

At the June 8, 1994 meeting of the Denali Subsistence Resource Commission, Denali National Park asked the opinion of the commission on resident zones boundaries for the communities of Telida and Nikolai.

At Nikolai, the resident zone is bounded by a circle with a one mile radius centering on the east end of the airfield. As this boundary included both present and proposed housing in the area, the SRC concurs with the zone and its boundaries.

At Telida, the community lies between the airfield to the south and the Swift Fork of the Kuskokwim to the north; these act as north and south boundaries of the zone. East and west boundaries are drawn from each end of the airfield north to the river. As these bounds include all the inhabitants of the area, the SRC concurs with this zone as well.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

For Denali SRC meeting
June 8, 1994.
Subsistence Resident zone for the village of Talida, Alaska.

Description: The area bounded on the north, by the south bank of the Swift Fork of the Kuskokwim, on the south by a line one half mile along the south edge of the air strip. And on the east and west, by two parallel lines extending north at an angle 90 degrees to the south boundary edge.

For Denali SRC meeting of June 8, 1994.
**SRC COMPLETED ACTION**

Define the boundary of the Cantwell resident zone.

**CHRONOLOGY:**

- In 1981-82, the NPS administratively established a boundary for the Cantwell resident zone. The boundary was set at a 3 mile radius around the post office.

- At the first meeting of the Denali SRC on May 10, 1984, the Commission discussed the Cantwell boundary and concurred with the boundary established by NPS (see meeting minutes in Appendix C for that date, page 4).

**RESOLUTION:**

- The boundary descriptions and maps are on file in the Superintendent’s office. A copy of the map is on page 47 of this chapter.

**AUTHORITY:**

36 CFR 13.43 Determination of Resident Zones
Preamble to 36 CFR (1981), page 71
RESERVE ELIGIBILITY

ANILCA specifies that Preserves should be managed in the same manner as parks, with few exceptions. One exception is that sport hunting is allowed in preserves but not in parks and monuments.

The preamble to the 1981 NPS regulations states that, “the need to identify local rural residents in the preserves is not as pressing as in the parks and monuments since sport hunting is allowed in the preserves.” If in the future the NPS determines a need to further define eligibility regulations for the preserve, it will work closely with subsistence advisory groups to develop those regulations.

Local rural residents are eligible to hunt for subsistence purposes in the preserve. The term "local rural resident" has not been defined for preserves. However, any person who lives in the resident zone for Denali National Park or who has been issued a subsistence use permit (13.44) is eligible to hunt in the preserve provided they meet all the following requirements:

- are a local rural Alaska resident
- as an individual or as a member of a community have been determined by the Federal Subsistence Board to have a customary and traditional use of resources
- possess a valid State of Alaska resident hunting and/or trapping license
- comply with season and harvest limit regulations
- comply with any State or Federal permits, harvest tickets or tag requirements

Recently the NPS concluded a review of subsistence regulations and law and received many comments and recommendations on preserve eligibility (see document in Appendix B). The NPS does not believe there is a pressing need to further define local rural eligibility for the preserves at this time. The Federal Subsistence Board’s customary and traditional use determinations appear to be adequate to define local rural residency for preserve eligibility. If in the future there appears to be a need to further define or regulate preserve eligibility, the NPS will undertake a public process to determine the best method of doing so.

AUTHORITY:

ANILCA Section 1313 Administration of National Preserves
36 CFR 13.21(d) Hunting and Trapping
36 CFR 13.41 Applicability
36 CFR 13.42 Definition for local rural resident
SUBSISTENCE USE PERMIT (13.44)

A person or family that does not have their primary permanent residence within one of the four resident zone communities may apply for a subsistence use permit by calling or writing the Superintendent. The applicant must demonstrate that they have been or are a member of a family that has a history or pattern of using the ANICLA additions to the national park for subsistence purposes at the time ANILCA was passed (1980) without the use of an aircraft for access. Park staff will interview the applicant and document his or her use. If qualified, the applicant will be issued a subsistence use permit authorizing the applicant to utilize subsistence resources from the ANILCA additions to Denali National Park and Preserve. The subsistence use permit is only valid in Denali National Park.

The Federal Subsistence Board decides what subsistence wildlife species are open to harvest, which communities and areas are eligible to harvest, when seasons open and close, how many animals may be harvested, the methods by which an animal may be taken, etc. Compliance with these regulations is made a condition of the NPS subsistence use permit.

The subsistence use permit does not expire and may cover all permanent residents of the household. When children leave the household they must obtain their own subsistence use permit. If the permittee changes his or her primary permanent residence the permit is void. A permit may be easily amended if the composition of the household changes due to marriage, birth, adoption, or if the permittee moves to a different rural residence. Approximately 12 subsistence use permits are currently active for Denali National Park.

Recently the NPS conducted a review of subsistence regulations and laws and received many comments and recommendations. This review has highlighted the complexity of many issues, particularly eligibility, and the need to conduct further discussions to resolve eligibility concerns. The NPS recognizes the necessity for continued development and modification of the subsistence program based on review and input from the subsistence users, advisory councils and commissions, the general public and legal and technical advisors. Future review of eligibility, including subsistence use permitting, will be done with the full participation of the above named parties.

The subsistence use permit (13.44) does not replace the requirement to have "positive C&T" before engaging in subsistence uses in the national park.

AUTHORITY:

36 CFR 13.44 Subsistence permits for persons whose primary, permanent home is outside resident zone

36 CFR 13.51 Application procedures for subsistence permits and aircraft exceptions
**SRC COMPLETED ACTION**

Amend regulations to allow re-issuance of subsistence use permits (13.44) for people residing along the Parks Highway between mileposts 216-239 that were revoked by NPS.

**CHRONOLOGY:**

- In 1988 subsistence use permits issued to residents residing in the McKinley Village area were revoked by NPS. The Alaska Board of Game had ruled that the area was "non-rural" resulting in their inability to qualify for subsistence hunting in the park and preserve.

- In June of 1988 the SRC prepared a letter to the Alaska Board of Game expressing concern over recent changes in the customary and traditional use findings for moose and caribou. The change from a "positive" to "negative" finding resulted in a group of people living between Healy and Cantwell to lose their ability to hunt moose and caribou in Denali National Park and Preserve (letter on page 4).

- In July, 1988 the Alaska Department of Fish and Game responded to the SRC letter. Their response said that the joint Boards of Fish and Game had acted appropriately in changing the customary and traditional use determinations for moose and caribou in Units 20(A) and (C). The joint Boards were unable to decide in favor of the residents along the Parks Highway because they did not meet the eight criteria used in making a customary and traditional use determination. ADF&G suggested the SRC work with the NPS to have permits re-issued (letter on pages 4-5).

- In December of 1989 the SRC again wrote to ADF&G asking that they attempt to resolve the problem (letter on page 5).

- The SRC prepared a letter to the Federal Subsistence Board in March 1991 asking that regulations be revised to allow re-issuance of permits revoked by the NPS (letter on page 6).

- In September 1991 (the year is uncertain) NPS responded to the SRC request on behalf of the Federal Subsistence Board. NPS indicated that they could only re-issue permits to people for those species in which they had a "positive" customary and traditional use finding (letter on pages 6-7).

- On November 23, 1993 the Eastern Interior Regional Advisory Council sent a letter to Ron McCoy, Chair of the Federal Subsistence Board. The Council stated that the Parks Highway C&T determination for the area near Denali National Park and Preserve should be given the highest priority for resolution (letter on page 7).

- In 1994 and 1995 NPS re-issued subsistence use permits to residents in the McKinley Village area.
• In February 1995, the SRC requested that the Superintendent of Denali inform the original subsistence use permit (13.44) holders what possible actions they might pursue to get their permits back (letter on page 8).

• On June 5, 1995, the Southcentral Regional Advisory Council made a recommendation to the Federal Subsistence Board asking that they review C&T use determinations for the area along the Parks Highway between mileposts 216 and 239 (letter on page 8).

• An SRC letter to the Federal Subsistence Board and the Regional Advisory Councils in the Southcentral, Western and Eastern Interior (June 1995) requested a review of the existing C&T determinations in the Denali area. The SRC asked the Board to grant a waiver to the 6 individuals whose permits had been revoked should the eight factors not be met by the community or areas as a whole (letter on page 9).

• The Denali SRC submitted a proposal (#19) to change the customary and traditional use determinations for moose and caribou in Units 20(C) and 13(E) for people living along the Parks Highway between mileposts 216-239 for the 1996-97 regulatory year.

• On April 26, 1996 the Denali SRC wrote a letter to the Federal Subsistence Board recommending adoption of proposal #19 as modified by staff analysis (letter on page 9).

**Resolution:**

• The Federal Subsistence Board made a “positive” customary and traditional use determination for residents along the Parks Highway between mileposts 216 and 239 (letter on page 10). NPS permits that had been re-issued in 1994 and 1995 became valid for those species recognized under the new C&T determination.

**Authority:**

50 CFR 100
36 CFR 13.44
June 18, 1988

Alaska Department of Fish and Game
Board of Game
Box 3-2000
Juneau, AK 99802

Dear Board Members,

The Subsistence Resource Commission for Denali National Park held a meeting on June 17, 1988 and attending as visitors were some persons who until recently had permits for continuing their "traditional and customary" subsistence use of part of the ANILCA additions to the park. They pointed out that recent decisions by the Alaska Board of Game made their subsistence activities illegal according to State law. They live along the Parks Highway between Cantwell and Healy. That area was recently declared rural, but residents there were then found to have no "customary or traditional" use of caribou and/or moose.

The commission, of course, can take no action with respect to state decisions. We are, however, interested in actions that affect subsistence within the park, and are concerned that former subsistence permittees in the Denali area have been excluded from subsistence in the Park because of Board of Game decisions.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

cc. Bob Cunningham, Superintendent, Denali
Lou Walker, ARO
Shariell Peterson, ADfG
Terry Hayes, ADfG

July 12, 1988

Ms. Florence Collins, Chair
Denali Subsistence Resource Commission
Box 9
Denali Park, AK 99755

Dear Ms. Collins:

Thank you for your letter concerning subsistence hunting in Denali National Park. The Joint Board of Fisheries and Game met in Anchorage during March 1988 to decide whether the area along the Parks Highway between mileposts 216 and 300 could be classified as a rural area. Under state law, "rural area" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principle characteristic of the economy of the community or area. (AS 16.05.940(25))

The Board of Fisheries and the Board of Game act jointly to determine whether a community or area is rural. In their separate meetings, they examine the question of whether a particular resource use is customary and traditional, using eight criteria. I have enclosed a copy of those criteria for your review.

During the public hearing, the board was told that because their earlier action excluded this area from the list of rural places, the U. S. Park Service would not allow people living within the park to continue hunting. This was verified by the Park Service representative who attended the meeting. The Joint Board then amended the proposal to exclude the Park compound and Clear Air Force Base and passed the proposal.

The board assumed that this action would allow the Park Service to reissue the subsistence hunting permits it canceled last year.

In the following Game Board session, the board went ahead and examined the question of whether people domiciled in this area had customary and traditional uses of moose and caribou in Units 20(A) and 20(C). Based on their review, the board was
unable to conclude that the people in this area met the criteria. The board is bound by Alaska Statutes and their own regulations but has no control over the Park Service. I can only suggest that the people who have been denied permits work with the Park Service to resolve their problem.

Thank you for your interest in the state's regulatory system.

Sincerely,

Beth Stewart
Executive Director
Enclosure
March 25, 1991

United States Fish and Wildlife Service
Subsistence Board
10 East Tudor Road
Anchorage, AK 99503

Dear Board Members:

The Denali National Park Subsistence Resource Commission is concerned about the revocation of subsistence permits for people residing between Mile 216 and 231 on the Parks Highway. Subsequent to ANILCA, Denali National Park issued the permits to accommodate the subsistence needs of these people.

The Alaska Board of Game concluded that residents along that stretch of highway did not have customary and traditional use of game animals. Based on that conclusion, the National Park Service revoked the permits which had allowed the people to hunt in the park additions.

This commission has been informed that the Board of Game has reviewed their findings and has reversed their earlier decision. Regardless, Denali National Park has declined to re-issue the permits, stating that the temporary federal regulations prohibit them from doing so.

At your earliest convenience, this commission requests that the Subsistence Board review this situation and take action to amend appropriate regulations to allow re-issuance of the permits by the National Park Service. We realize, of course, that the park superintendent is the approving authority on an individual permit basis. We simply ask that such authority be returned to the superintendent concerning the individuals living between mileposts 216 and 231, Parks Highway.

Copies of two previous letters from this commission to the Alaska Board of Game, and the Board’s responses, are enclosed for your information.

Finally, please notify this commission when a date has been selected for board review of this issue. A commission member will attend the meeting and present appropriate testimony.

Sincerely,

Lew Basnar
Vice-Chairman
Denali Subsistence Resource Commission

March 23, 1991

Mr. Lee Basnar
PO Box 95
Cantwell, AK 99729

Dear Mr. Basnar:

This letter provides a formal response to your letter transmitted to the Federal Subsistence Board (Board) regarding National Park Service (NPS) subsistence permit policies for Denali National Park, and federal customary and traditional (C&T) determinations for local residents along the Parks Highway.

The taking of fish and wildlife on NPS lands for subsistence uses is restricted to local Alaska residents of rural areas or communities. The area along the Parks Highway between mileposts 216 and 239 was determined to be rural by the Board on January 1, 1991. The Board’s rural determination for the Parks Highway was consistent with the previous state rural determination.

NPS regulations (36 CFR Part 13 Subpart B Section 13.44) require any person who permanently resides within a rural area outside a designated resident zone community to obtain a subsistence permit prior to hunting within the park.

Each permit applicant must demonstrate that, without using aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses, the applicant has, either individually or as a member of a family, customarily and traditionally engaged in subsistence uses within the national park. The designated resident zone communities for Denali National Park are Cantwell, McKinley, Nikolai and Telida. Residents of designated resident zone communities are not required to obtain individual permits to subsistence hunt within the park. Even so, resident zone communities must be determined by the Board to be rural and have C&T use of a wildlife population.

Within a national park all subsistence hunters of a particular wildlife population must have C&T use of that particular population. When the federal government implemented its interim subsistence regulations, the state Board of Game’s determinations for C&T uses were adopted. The current determinations preclude Parks Highway residents between mileposts 216 and 239 from subsistence use of caribou and moose within Game Management Unit 20C, which includes portions of Denali National Park. Accordingly, Parks Highway residents are not qualified to subsistence hunt within Denali National Park for those animals.
However, the superintendent is authorized to issue permits to Parks Highway residents who meet NPS eligibility criteria for other subsistence uses within Denali National Park.

The Board intends to adopt a process for making C&T determinations prior to July 1, 1992. Once a process is adopted, the Board will review existing determinations for consistency with that process. It is the policy of the Department of the Interior to afford the public an opportunity to comment during the rulemaking process. There should be a time period when interested persons may submit written comments on C&T determinations.

Please be assured that we will keep you apprised of future developments concerning this issue. If we may be of any further assistance regarding this or any other matter, please let us know.

Sincerely,

John H. Morehead
Regional Director

Eastern Interior Alaska Subsistence Regional Advisory Council

Mr. Ron McCoy
Interim Chair
Federal Subsistence Board
1689 C Street, Suite 100
Anchorage, Alaska 99501-5126

At the Eastern Interior Regional Council's meeting on October 7, 1993 the subject of customary and traditional determinations generated a great deal of discussion and concern among the Council members. The Council concluded that the highest priority CAT issue is the situation along the Parks Highway in the vicinity of Denali National Park & Preserve. The Council voted unanimously in support of the recommendation that the Federal Subsistence Board make a customary and traditional determination for the McKinley Village area as soon as possible. The Council feels that residents of McKinley Village, including Pat O'Connor, deserve prompt consideration of their request for a CAT determination because this problem has been "in resolution" for an unreasonably long time despite all the time and effort that Mr. O'Connor in particular has devoted to it.

Thank you for your consideration of this matter.

Sincerely,

Lee Titus
Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
February 17, 1995

Steve Martin, Acting Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Dear Steve,

The negative "Customary and Traditional" determination for use of moose and caribou for the area along the Parks Highway between miles 216 and 239 continues to be a problem for those individuals residing in this area who were once issued subsistence use permits to hunt in the 1980 additions to Denali National Park. This negative customary and traditional determination for use of moose and caribou was appealed to the State Game Board between 1987 to 1990. After federal assumption of subsistence management on federal lands occurred in 1991, the appeal was filed with the Federal Subsistence Board.

Subsistence users affected by this determination have been unable to hunt on park lands for many years. The Denali Subsistence Resource Commission discussed the situation again at its February 17, 1995, meeting, and voted to ask the Superintendent of the Park to be sure the original permittees know about possible actions they could take to expedite the appeal process or how to apply for and individual exception to the determination.

Sincerely,

Florence Collins,
Chair, Denali Subsistence Resource Commission

cc:
National Park Service, Alaska Regional Office
Federal Subsistence Board

Southcentral Alaska Subsistence
Regional Advisory Council

c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1611 East Tudor Road
Anchorage, Alaska 99503

March 6, 1995

Mr. Robert D. Barbee
Field Director
Alaska Field Office
National Park Service
2525 Gambell
Anchorage, Alaska, 99503

Dear Mr. Barbee:

At their meeting in October 1994, the Southcentral Alaska Subsistence Regional Advisory Council (regional council) made a recommendation to the Federal Subsistence Board (Board) to give high priority to rural residents residing between Milepost 216 and Milepost 239 of the Parks Highway for customary and traditional use eligibility of moose and caribou in Unit 20.

This recommendation was revisited at the winter 1995 meeting at which time the regional council unanimously adopted a motion to ask the National Park Service to give first priority to this request. The regional council would like the Parks Highway C&T to supersede Copper River Basin C&T work. Please refer to a copy of the pertinent pages of the meeting transcript, attached.

On behalf of the regional council, I want to express appreciation for your timely consideration of this request.

Sincerely,

Helga Eakon, Regional Advisory Council Coordinator

Attachment
June 16, 1995
Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Board Members,

The Denali Subsistence Resource Commission, at its June 16, 1995 meeting, discussed the customary and traditional determinations for moose and caribou in Wildlife Management Unit 20(C). This determination excludes subsistence use of moose and caribou for residents of the area along the Parks Highway between mileposts 216 and 239.

Denali Subsistence Resource Commission requests that the Federal Subsistence Board reexamine the existing customary and traditional determination for this area. If the area does not meet the customary and traditional criteria for subsistence use of moose and caribou, we believe the Federal Subsistence Board should grant a waiver to the individuals residing in that area who have subsistence use permits issued by the National Park Service.

Presently there are six individuals with current National Park Service subsistence use permits who have been adversely affected by this determination since 1988.

Both the Eastern Interior Subsistence Regional Advisory Council and the South Central Subsistence Regional Advisory Council have written letters to the Federal Subsistence Board requesting "high priority" and "prompt consideration" for review of the existing determination.

Sincerely,

Florence Collins
Chair, Denali National Park Subsistence Resource Commission

April 29, 1996
Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Board Members,

The Denali Subsistence Resource Commission, at its April 29, 1996 meeting, discussed the customary and traditional determinations for moose and caribou in Wildlife Management Units 20(C) and 13(E). This determination excludes subsistence use of moose and caribou for residents of the area along the Parks Highway between mileposts 216 and 239.

The Denali Subsistence Resource Commission unanimously supports adoption of Proposal 19, as modified in the Staff Analysis. The Southcentral and Eastern Interior Regional Advisory Councils also adopted Proposal 19 as modified.

Sincerely,

Florence Collins
Chair, Denali National Park Subsistence Resource Commission

CC:
Western Interior Subsistence Regional Advisory Council
Southcentral Subsistence Regional Advisory Council
Eastern Interior Subsistence Regional Advisory Council
Superintendent, Denali National Park and Preserve
This letter is to inform the Southcentral Regional Council of actions taken by the Federal Subsistence Board at its April 29 - May 3, 1996, meeting. As you know, the primary purpose of the Board meeting was to act on proposed changes to the Subpart D regulations governing seasons, harvest limits, and methods and means for subsistence harvest of wildlife on Federal public lands for the 1996-1997 regulatory year. Additionally, for the first time, the Board acted on proposed changes to the Subpart C regulations governing customary and traditional use determinations. I would like to note that the Board continues to be very pleased with the involvement of the Regional Subsistence Advisory Councils in the Federal Subsistence Management Program. Regional Council participation in the Board’s decision-making process is assuming a prominent role, and the Councils have proven themselves to be an invaluable source of the local knowledge and experience necessary to develop sound subsistence management decisions. The Board believes the Councils are fulfilling the role that Congress intended, and is committed to supporting the Councils’ continued participation in this process.

Following is an explanation of Board actions. Please note that when the Board rejected the Council’s recommendation, the rationale for the rejection is provided as required by Section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 (Public Law 96-447, 16 U.S.C. 3111-3126).

Proposal 12 - Positive customary and traditional use determination for residents of the McKinley Village and the area between mileposts 216 and 229 on the Parks Highway for the use of caribou and moose within Unit 13(E) and for moose in Unit 20(A) and (C).

The Southcentral and Eastern Interior Regional Councils supported the proposal with the modification to include residents of McKinley Village and the area along the Parks Highway between mileposts 216 and 229, except households of the Denali National Park Headquarters, for positive customary and traditional subsistence use of moose and caribou in Units 13(E), 20(A), and 20(C), with no change to existing eligibility determinations for the community of Healy. The Board adopted the Regional Council’s recommendation to modify the proposal as described above.
**SUBSISTENCE ACCESS**

ANILCA provides guidance as to the means of access permitted for subsistence use on public lands in Alaska. Other provisions within ANILCA, 36 CFR Part 13, 43 CFR Part 36, management policies, and presidential executive orders further restrict some types of access on public lands and wilderness units within park and preserve areas.

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 provisions 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 rural residents, subject to reasonable regulations.

The NPS may restrict or close a route or area to use of snowmachines, motorboats, dog teams, or other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses if it is determined that such use is causing, or is likely to cause, an adverse impact on public health or safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of threatened or endangered species, or the purposes for which the park area was established.
Motorboats and Dog Teams: Motorboats may be used in the ANILCA additions to the park and preserve and dog teams may be used in both the park and preserve for traditional purposes, including subsistence.

Snowmachines: Snowmachines may be used for traditional purposes, including subsistence, in the ANILCA park and preserve additions providing there is sufficient snow cover.

Off-Road-Vehicles (ORV): ORV's are generally not permitted for subsistence within NPS lands, but their use may be permitted in specific areas if such vehicles were traditionally employed for subsistence purposes in those specific areas. In such cases ORV use may only occur on designated trails where it has been determined that their use will not adversely affect the natural, aesthetic or scenic values of the park lands. There are no designated trails or routes identified at this time in Denali National Park and Preserve.

Airplanes: The use of aircraft to access Denali National Preserve lands for subsistence purposes is permitted. In Denali National Park, airplanes are not permitted for providing access for subsistence taking of fish and wildlife. Subsistence users may not land outside the park, in the preserve, or on private land within the park/preserve boundary, and walk into the park to engage in subsistence hunting and trapping (see memo from the Office of the Solicitor, pages 3-4). A qualified subsistence user for Denali may use an aircraft in the park or preserve to carry supplies to a base camp or cabin but may not utilize an aircraft to work a trapline.

Motor Vehicles: Qualified subsistence users may travel the Park Road to the Kantishna Hills area for subsistence purposes by use of motor vehicles. A road access permit will be issued to subsistence users at Park Headquarters. Firearms carried while traveling in the old Mt. McKinley National Park area must be unloaded, cased and out of sight. They are to be made inoperable until such time as the subsistence user enters an area where subsistence hunting or trapping is allowed.

Authority:
ANILCA, Section 811 Access
ANILCA, Section 1110 Special access and access to inholdings
36 CFR 13.46 Use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed
36 CFR 13.45 Prohibition of Aircraft Use
36 CFR 13.73 Aircraft Use
Executive Orders 11644 and 11989

Subsistence Management Plan
Denali National Park and Preserve

Chapter 5: Subsistence Access, Page 2
Revised 8/18/00
IN KLY tt, TQ
NPS.AK.OI;

MEMORANDUM

TO: Regional Director
National Park Service
Alaska Regional Office

FROM: Attorney
Office of the Regional Solicitor
Alaska Region

SUBJECT: The Use of Aircraft to Access a Park or Monument for Subsistence Hunting or Fishing

This is in response to your request for an opinion regarding the use of an airplane to access a national park or monument for subsistence taking of fish or wildlife. The applicable regulation, 36 CFR 13.45, provides, with certain exceptions, that 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 use within the national park or monument is prohibited.

In an August 14, 1985 letter, the Assistant Secretary for Fish and Wildlife and Parks noted that it would not be proper for a subsistence hunter to land on private land or preserve land and walk from the aircraft into the park for subsistence hunting. The Assistant Secretary went on to note that this was a clear use of aircraft as a means of access for subsistence hunting which is not permissible under the regulation. On October 29, 1985 the Assistant Secretary wrote to the Chairman of the Wrangell-St. Elias Subsistence Resource Commission and noted that a July 2, 1985 memorandum from the Alaska Regional Office of the Park Service is the current departmental position regarding the prohibition of aircraft use for subsistence activities. As you are aware, your July 2, 1985 memorandum stated that use of an aircraft to directly access fish or game for subsistence purposes in a park or monument or to indirectly access fish or game of the park for subsistence is prohibited. Finally, a February 6, 1986 letter from the Associate Director, Park Operations, National Park Service in Washington, D.C. stated that subsistence hunters may not fly to a point in a national preserve with the intent of walking across the park preserve boundary into a park or monument for subsistence hunting. Similarly, it was noted that subsistence hunters may not fly to private inholdings for the purpose of entering a park to subsistence hunt. In essence, your opinion request asks whether these several interpretations of 36 CFR 13.45 are correct.

The short answer to your question is: yes, this is the correct interpretation of 36 CFR 13.45. The word "access," which is clearly the operative word in the regulation, is defined as "the action of going to or reaching." Application of this definition to the regulation would clearly encompass and prohibit a person wishing to engage in subsistence hunting or fishing from landing along side a park or monument boundary or within an inholding within the park or monument.

The conclusion that the interpretation placed on the regulation by various departmental personnel is correct is further bolstered by the plain language of Section 811 of ANILCA (16 U.S.C. § 1321). Subsection (b) of Section 811 provides in part that "the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation." In most circumstances Congress meant to exclude aircraft as a means of access to subsistence resources on public lands. When Congress wished to allow the use of airplanes in conservation system units, it did so by specifically mentioning them. See Section 1119(a) of ANILCA, 16 U.S.C. § 3119. The legislative history of ANILCA also supports the Department's position prohibiting the use of aircraft for subsistence hunting and fishing in parks and monuments. The legislative history provides:

This section also recognizes the importance of the use of snowmobiles, motorboats, and other means of surface transportation traditionally employed for subsistence purposes on the public lands. Although aircraft are not included within the purview of this section, reference to means "traditionally employed" for subsistence purposes is not intended to foreclose the use of new, as yet unidentified means of surface transportation, so long as such means are subject to reasonable regulation necessary to prevent waste or damage to fish, wildlife or terrain.
The regulation is an accurate reflection of the congressional proclamation. As noted in the preamble when the regulation was published, the prohibition of aircraft use for subsistence was described as a key provision for protecting park values including subsistence. The regulation was described as implementing the intent of Congress that aircraft use for subsistence purposes is the rare exception, not the rule. 46 F.R. 31836, 31841 (June 17, 1981).

While it is clear that the Park Service's common-sense definition of the word "access" is appropriate, it does require the exercise of some discretion in determining whether or not a violation of the regulation has occurred. If an inholder uses an airplane to access private property within the park and then goes subsistence hunting, the regulation has not been violated because an aircraft was not used for access to lands and waters within a park or monument for subsistence purposes. Instead, the aircraft was used to access the inholding, an activity clearly allowed.

In enforcing 36 CFR 13.45, it is important to remember that the prohibition on the use of aircraft for subsistence use is limited to national parks or monuments. There is currently no prohibition in the regulation against using aircraft to access national preserves for the taking of fish and wildlife. This is consistent with the provision that hunting shall be permitted in areas designated as national preserves. See Sections 203 and 1313 of ANILCA, 16 U.S.C. 410hh-2 and 3201.

In conclusion, based upon the legislation, the legislative history, the regulation and the preamble to the regulation, the Department's interpretation of 36 CFR 13.45 is correct. The regulation precludes not only the use of aircraft to land in national parks or monuments for subsistence taking of fish and wildlife, but also precludes accessing parks and monuments for subsistence uses by landing an aircraft on inholdings within parks and monuments or adjacent to the park or monument and walking into the park or monument to subsistence hunt or fish.

F. Christopher Bockmon
**SRC PROPOSED ACTION**
Designate ATV routes into the park for use by residents of Cantwell for subsistence moose and caribou hunting.

**ISSUE BACKGROUND:**
- The General Management Plan for Denali National Park and Preserve (1986)(page 38, Table 2, footnote 3) states: The use of off-road vehicles (ORVs) for subsistence purposes will be restricted to designated routes in areas where their use is customary and traditional. The Superintendent will designate routes in accordance with Executive Orders 11644 and 11989 and 36 CFR 36.10. Another section (page 45) on subsistence access states: ORVs are permitted for subsistence access where they can be shown to be a traditional means of access. Existing information indicates that ORVs have not regularly been used.

- In 1991 the NPS officially began prohibiting the use of ORVs and included a condition on all Federal Subsistence Registration Permits issued stating that ORVs could not be used in the Park.

- In 1992-93, the park boundary in the Cantwell and Wolf Township-Stampede areas were posted with “no ORV use” signs and Rangers began to officially enforce the ORV prohibition during hunting season patrols.

- In 1992 the park received a letter from Vern Carlson (Cantwell) and 8 affidavits from other Cantwell residents describing their use of ORVs for subsistence purposes. They asked that Superintendent Berry review the letters and remove the ORV restrictions.

- Superintendent Berry responded to Carlson in 1992 stating that 8 letters from a community of 147 was not conclusive, but that there was sufficient reason to open the question whether certain modes of transportation may have been traditionally employed for subsistence purposes. The park agreed to make an assessment of such uses and further evaluate the issue.

- In 1993 NPS held a public meeting in Cantwell to gather information and comments regarding pre-ANILCA use of ORVs in support of subsistence activities within the park additions. Sixteen people attended the meeting, completed a questionnaire and identified areas used on topographical maps. The public comment period was open for 30 days.

- In total, 24 subsistence users in Cantwell commented on their use of ORVs for subsistence purposes in the park. Comments came from the meeting in Cantwell in 1993 as well as the 8 letters describing ORV use that the Park received from Cantwell residents in 1992. One individual’s use began in the 1940s, three in the 1960s, twelve in the 1970s and four in the 1980s.
• Also in 1993 NPS staff made phone calls to Federal Registration Permit holders in an effort to gather more information from subsistence users regarding ORV use. Eight telephonic interviews were made. No maps were received from these individuals showing ORV use areas.

• Superintendent Berry extended the comment period indefinitely in hopes of collecting more information from subsistence users on ORV uses in the park.

• In 1994-95 an NPS subsistence work group was formed to determine a process by which ORV access determinations would be made. No further action by Denali National Park and Preserve was taken on the Cantwell ORV issue pending recommendations by the work group.

• In 1995, the Denali SRC requested that ORV use be put on the agenda for the upcoming June 16, 1995 meeting.

• Also in 1995, Superintendent Steve Martin and Hollis Twitchell accompanied Vern Carlson on the ORV trails he has utilized in the Windy and Cantwell Creek areas. They also accompanied Lee Basner on portions of the Dunkle Hills road.

• Comments by the SRC on the “Draft Subsistence Law…” specifically addressed ORV use in Cantwell. The SRC said that people in Cantwell had traditionally used ORVs and that ORV use for retrieval of moose meat from subsistence hunts should be permitted. They recommended monitoring of the situation to assess impacts and suggested that a trial period of use, perhaps one hunting season with restrictions, be allowed as a test of the advisability of continuing ORV use in the park (comments in Appendix B).

**Current Status:**

• The NPS is in the process of preparing an environmental assessment on subsistence ORV use by Cantwell subsistence users.

**Authority:**

ANILCA Section 811 Access  
Executive Order 11644 and 11989
 SRC PROPOSED ACTION  
Allow access to Denali at the same level as 1980, with reasonable restrictions to preserve the environment.

ISSUE BACKGROUND:
- The Denali SRC indicated in their comments on the NPS subsistence program document (See appendix B for a copy of the SRCs comments and the document) that access should be allowed at the same level as 1980, with reasonable allowances for restrictions to preserve the environment.

- The comments the Denali SRC provided to the NPS in August 1996 on the document, “Draft of Subsistence Law and NPS Regulations” document indicate that the SRC supports determinations made on a community basis and on the basis of routes and effects, but not on an individual basis. They also commented that the determination should not be based on vehicle type because retaining flexibility in allowing new vehicle types could lead to less damage from them than from older machines (see SRC comments in Appendix B).

- In October 1998, the SRC chairs prepared a recommendation on ATV/ORV use, stating that each park and park SRC should make individual determinations on what ATV/ORV use is acceptable in that park, and include consideration of new, yet unknown technologies and shifting seasons. The Chairs’ felt that a statewide ATV/ORV policy was not realistic.

NPS agrees that determinations on ATV/ORV use must be made on an individual park basis (see page 9, number 5 in chapter 1: SRC Functions) in accordance with Title VIII of ANILCA and other applicable laws and regulations.

CURRENT STATUS:
- After consideration of comments received, NPS revised their position on ATV/ORV access. ORVs are prohibited for subsistence use except where found to have been traditionally employed. Determinations of where ORVs have been traditionally employed should be made on a community or area basis. Where found to have been traditionally employed, their use for subsistence purposes is subject to reasonable regulation to protect park values and park resources (see “NPS Subsistence Management Program”, Appendix B).
**NPS PROPOSED ACTION**
Define the term "traditionally employed".

**ISSUE BACKGROUND:**
- A method needs to be developed to recognize and allow for the natural evolution of technology within a culture.
- The Denali General Management Plan (1986) discusses subsistence access (page 45). The plan states that,

> 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.

> Any additional information about traditional means will be reviewed on a case-by-case basis.

A definition of “traditional” is provided in Appendix I of the General Management Plan.

**CURRENT STATUS:**
- NPS will work with the SRCs and other advisory groups on a case-by-case basis to further define, monitor and regulate the use of ORVs and ATVs.

**AUTHORITY:**
ANILCA Section 811 Access
RESOLUTION OF USER CONFLICTS AND CLOSURES

Planning and Consultation

Park planning provides a foundation for decision making and represents an organizational commitment to the public and to the Congress on how parks will be managed. Denali’s SRC contributes significantly to park management by identifying and providing recommendations to the Superintendent for resolution of user conflicts.

Several of Denali’s planning documents discuss subsistence use and management at various levels of detail and are reviewed and updated for different periods of time. For example, the General Management Plan (GMP), which provides overall guidance to park management for preservation and use of park resources, typically has a planning period of ten to fifteen years. Stepped down from the GMP is the Resource Management Plan (RMP) which provides detailed descriptions of resource management programs and activities and proposed future actions for a period of approximately five years.
Stepped down from the RMP is the Subsistence Management Plan (SMP) which is intended to provide the most detailed clarification of subsistence uses and practices with review and updates as necessary with a planning timeframe of one to five years.

For complex planning efforts the NPS prepares development concept plans (DCPs). The DCP is the next stop toward implementation of development goals described in general terms in the GMP. Often these documents are very detailed, containing design drawings and multiple alternatives for development.

Examples of detailed development concept plans that the SRC have actively been consulted on are the South Side of Denali Development Concept Plan and the Front Country Development Concept Plan.

Denali staff will actively consult with the SRC on all planning efforts and DCPs undertaken in the park that may have an effect on subsistence resources or uses. Other major issues such as the northern access feasibility study have been brought before the Commission for their recommendations.

Active participation by the SRC has led to modification in these plans which has minimized or eliminated potential user conflicts between subsistence users and other park visitors.

Rural Preference

ANILCA provides a preference for local rural residents over other consumptive users should a shortage of subsistence resources occur and allocation of harvest become necessary. This is particularly important for National Preserves when state subsistence and general hunting and trapping is allowed in addition to Federal subsistence use. When harvest must be limited, state subsistence and general hunting opportunities must be restricted first before any reduction in the harvest for Federal subsistence users occurs.

Subsistence Allocation

When there is not enough of a resource for everyone, only subsistence users most dependent on wild foods may hunt and trap. In this case, criteria identified in Section 804 of ANILCA are used to differentiate among qualified subsistence users. Those three criteria are:

1) customary and direct dependence upon the population as a mainstay of livelihood;
2) local residency; and
3) the availability of alternative resources.
Subsistence and Land Use Decisions

Section 810 of ANILCA requires that the park prepare an evaluation of potential impacts to subsistence users and resources for agency actions involving the withdrawal, reservation, lease, or permitted use and occupancy of park or preserve lands. This analysis is to address potential impacts to habitats, and the potential impacts to subsistence users by increased competitive resources. If the proposed action is found to have a significant impact to subsistence, reasonable steps must be taken to minimize the adverse impact upon subsistence uses and resources.

Closures

The Superintendent of Denali National Park and Preserve may close an area or restrict an activity on an emergency, temporary or permanent basis. Temporary or emergency closures are implemented for reasons of public health and safety, administration, or resource protection. The SRC may play a role in this process by recommending to the Superintendent and the Federal Subsistence Board when and where closures should be implemented if subsistence uses or values are at stake.

Authority:

36 CFR 13.30 Closure procedures
36 CFR 13.50 Closure to subsistence uses of fish and wildlife
ANILCA, Section 802
ANILCA, Section 804
ANILCA, Section 810
**SRC PROPOSED ACTION**

Provide comments on the northern access feasibility study.

**ISSUE BACKGROUND:**

- Under development by State and NPS planners is an objective study of the practicality and feasibility of a new northern access route into Denali. The deadline for completion of the preliminary study was March 1997. A questionnaire regarding north access was distributed to Commission members at its August 9, 1996 meeting. Individual SRC members submitted comments in response to the questionnaire (copies of the comments appear on pages 5-10).

- The Denali SRC had on several instances in the past expressed their opposition to road construction in Denali National Park and Preserve. In April 1986 the Denali SRC made a hunting plan recommendation opposing construction of any new roads within the park (recommendation on pages 10-11).

- On December 1, 1993 the SRC sent letters to Secretary of Interior Bruce Babbitt and Commissioner Campbell of the State of Alaska reiterating their position on road construction previously transmitted under hunting program recommendation #6 of April 1986 (letters on pages 11-12).

- Commissioner Campbell responded to the SRC letter on December 21, 1993. The Commissioner stated that indeed there was consideration being given to an access road from the Parks Highway to McGrath with access to Kantishna. This route would require crossing Denali Park and Preserve lands. He said the development process is an open public process and that the SRC would be put on the Department of Transportation’s mailing list to receive information on the project as it progresses (letter on pages 12-13).

- Secretary of Interior Bruce Babbitt responded to the SRC letter on December 23, 1993 stating that he appreciated the SRC sharing their concerns with him (letter on page 13).

- In a February 17, 1995 letter to Secretary of Interior Bruce Babbitt the Denali SRC opposed the construction of a road or railway bed from the Parks Highway to Kantishna (letter on page 14).

**CURRENT STATUS:**

- The task group has completed their report on the feasibility of road construction and submitted it to the Secretary of Interior. The report has not been transmitted to Congress as of August 1, 1997. Senator Murkowski has submitted a bill for $300,000 in funding for additional studies for this project.
September 16, 1996

Mr. Stephen P. Martin
Superintendent
Denali National Park and Preserve
Denali Park, AK 99755

Dear Steve:

During the August 9th, 1996 Subsistence Resource Commission meeting held in Healy, park staff presented information on the North Access Feasibility Study. A questionnaire regarding north access was distributed, and commission members who wished to comment were asked to submit their recommendations on the study by September 6th.

Enclosed are several individual commission members' comments regarding the north access questionnaire. These comments represent the individual's own opinion. The official Denali Subsistence Resource Commission position has been expressed in a formal Hunting Plan recommendation dated April 1986, and in several monographs passed by the Commission in November 1993 and February 1995: "The Commission strongly opposes any construction of new roads or railroads in Denali National Park and Preserve."

Thank you for the opportunity to comment on this important issue.

Florence Collins
Chair, Denali Subsistence Resource Commission

Enclosures:
Florence Collins
Dan Ashbrook
Miki Collins
Vernon Carlson
Percy Duyck

Comments on proposed North Access route, Denali Nat'l Park

The Denali Subsistence Resource Commission has expressed strong opposition to a road or railroad from the Parks Highway to Kantishna (or beyond) on special occasions:

1. In our Hunting Program, dated April 1986: "RECOMMENDATION: Roads are detrimental to subsistence users and their way of life. The Commission opposes construction of any new roads within the Park."

2. On December 1, 1993, we wrote to Interior Department Secretary Daboll: "At a meeting of Denali Nation's Subsistence Resource Commission held November 30, 1993, the commission discussed recent proposals by the State of Alaska for construction of new roads into or across Denali National Park and Preserve. The Commission strongly opposes any construction of new roads in Denali National Park and Preserve. Routes being considered by the Alaska Department of Transportation will have adverse and negative impacts on the livelihood and social lifestyles of subsistence users. Suggested routes through Denali National Park and Preserve will also traverse lands that have been proposed for wilderness designation. These proposed routes would not only cross hundreds of miles of the park and preserve lands, but would open wide areas to increased accessibility which could have severe impacts on vegetation, fish and wildlife. This in turn could significantly affect the livelihood of local subsistence users."

On February 17, 1995, we again objected to a proposed railroad or road in the same area: "...we were told of proposals to build a railroad and an all-weather highway from the Parks Highway through the Kantishna Hills to Kantishna...Our previously stated objections, based on impacts to wilderness values and wildlife, also would apply to a railroad; even if it were operated only seasonally, it would bring such an increase in the human population that the object of the visit--to see wildlife and experience wilderness--would be defeated. Both of these projects would be extremely expensive, not only to construct, but to maintain, and would require additional management responsibilities on the part of the National Park Service. A road or railroad would also open areas presently used by local subsistence users to vandalism. This could result in theft or damage to crops, haystacks, or road which could result in hardship to someone dependent on these supplies."

Where would a road or railroad put gravel for a roadway? If the proposed Moose Creek gravel source is used, the road or railroad building would probably want to use it too.

Florence Collins, August 1996
The proposed traffic of 500,000 riders per year would require extensive facilities for shelter, food, water, and waste management. Does the railroad plan to handle or contract for this or would they expect the Park Service to do it? How could the Park Service effectively oversee such operations? The projected numbers would probably mean more than 2000 people per day in the summer and as many as 200 per day in the winter. If their plan to operate year round were to be carried out, the Draft Entrance Area and Road Corridor Development Concept Plan, EIS of June, 1996, does not contemplate any such influx and would, of course, have to be re-written to address the problems such a population explosion would cause.

September 6, 1996
By Fax: 683-9612

Hollis Twitchell
National Park Service
Denali National Park & Preserve
Box 9
McKinley Station, Alaska 99755

Dear Hollis:

The following is my responses to the scoping questions from the subsistence meeting held on 8/11/96.

Physical Resources

A. Would air quality be affected by road or rail road construction activities (emission and fugitive dust) and long term use by motor vehicles (vehicle emission), and if so how?

Air quality impact is unknown pending an environmental assessment to determine the current mean air quality and projected air quality. However, prevailing winds over much of the route should make for excellent air quality.

B. What streams or water bodies occur adjacent to potential transportation routes?

9 mile Lake, Savage River, Teklanika River, Sushana River, East Fork of the Toklat River, the Toklat River, Clearwater River, Myrtle Creek, Willow Creek, Spruce Creek, Moose Creek, Glen Creek, Dry Creek, Rainy Creek, Cascade Creek, and Wonder Lake.

C. Would the water quality of streams or water bodies be effected by road or railway construction activities or increased use of the area by visitors?

Yes, undoubtedly only during the construction phase, not during the operational phase.

D. Do flood plains occur in or adjacent to potential north access transportation routes? If so, a flood plain data base should be developed.

Flood plains occur on the Toklat and Clearwater and Moose Creek portions of the route, similar to the occurrence on the park road now.

E. What soil types are in the area? Do any erodible soils occur near any potential transportation routes?

Soil types are unknown to this respondent.
Biological Resources

A. What vegetation types occur along potential transportation corridors? How would these communities be affected by road construction and increased recreational use?

Unknown, however, vegetation has not been adversely affected nearby to heavy recreational use and roadway traffic in the Kantishna area.

B. Do wetland occur in or adjacent to potential northern transportation routes? What wetland types occur in the area? The NPS should make a wetland determination using the cowardian classification system. How would wetlands be affected by possible road construction?

Wetlands effects should be able to be minimized with proper culvert installation. In any event, according to cowardian classification, 99% of Alaska is wetlands. This area should be no different than the rest of Alaska.

C. What species of fish occur in streams or lakes near potential transportation routes? What are the probable fish stocks and life cycle uses of the water bodies, that is, (e.g. migration, spawning and rearing)? Would stocks be susceptible to increased sport or subsistence consumption? Would aquatic habitats be affected by road construction and increased visitor use of the area?

I see no increase to subsistence utilization and consumption of aquatic stocks. Sport utilization could be regulated. Habitats should be negligibly affected.

D. What wildlife species/habitat occur in and adjacent to the potential transportation routes? What is the current status of moose, bear, caribou, and fur bearing populations in the study area? Do any major wildlife migration/crossing corridors occur along the potential transportation corridor? How would species be affected by road construction, physical presence of the road, and increased recreational use in the area?

Migratory animals would not suffer from a road or railroad. Example the migration route south of Cantwell does not cause unnecessary suffering of migratory animals.

E. Do any threatened or endangered species, candidate species or critical habitat occur in the area? What species exist in the area and where is the habitat located? Potential species include American Paragon falcons, (endangered), No American lynx, harlequin ducks, olive-sided fly catcher, (papaver albor osseum, paraacum carneucoloratum, and thiaspi arcticunv. It is unknown to this respondent.

Public Access

A. Do subsistence uses occur in and near the potential transportation corridor? What animal and plant species are harvested in the area for subsistence purposes and who harvests the resource? What effect, if any, would be the potential action have on fish and wildlife populations used for subsistence purposes? Would the action affect subsistence user access? Would the action increase competition for subsistence resources?

Yes, subsistence uses of animal and plant species occur all along the rout. I personally utilize the area for moose, cranberries, blueberries, greyling, wool, and all the fur bearers from Kantishna to the Stampede Airstrip. Other utilize the route for the same items from Stampede to the east. Access would be better with a road.

B. What types of non-consumptive recreational activities and levels of use currently occur in the potential transportation corridor? Would existing activities and use levels be affected by increased access in the area? Would increased access change the type and level of recreational use of the area?

Horse trail rides, llama treks and snow machine use currently occurs at the eastern end of the route. Dog sledding occur along all the route and skiing at Kantishna. Use levels would be affected and the level and types would out of necessity be effected.

C. Do hunting, fishing and trapping occur in the general vicinity of the transportation corridor? What is the historical and current level of use of these activities? If these activities occur in the area would they be affected by development and increased public access to the area? What are the wildlife viewing opportunities along the potential transportation corridor?

Hunting, fishing and trapping do occur in the vicinity of the proposed road corridor as well as berry and wood gathering. Currently the use level is under-used. The historic use was much higher when Kantishna was an active community and had many subsistence users before being surrounded by the park. I feel that the present subsistence users would not be negatively affected by the increased public use. The visual qualities would still be there for the multitudes.

D. Do cultural and historical resources occur along the proposed transportation route? Would these resources be affected by construction activities or increased recreational use of the area?

Historical and cultural artifacts have occurred from the Stampede Mine to Kantishna (those that have not been eradicated by the park service).
Response to Northern Access Study Environmental Considerations Scoping Questions

Physical Resources: Obviously any road/railroad building project of this scale would adversely impact air quality from both emissions and, during dry spells, dust. Air quality would also be impacted by long-term use, especially if an unsurfaced road was used during dry spells.

Rivers and streams that will be impacted (depending on the route) include Panguingue, Fish, Savage, Teklanika, Sushana, East Fork of the Toklat, Toklat, Clearwater and its many tributaries, and Moose Creek and its tributaries. However, countless other streams will be impacted by increased access, especially by snowmachines. These include the Bearpaw river, Bear Creek, McKinley River, and possibly rivers farther west and north as well (Slippery, Muddy, Birch, Foraker) and their many tributaries.

Water quality of streams is always impacted by increased use and human activities. Pollution, water-borne diseases like giardia, and muddying of water (especially on salmon streams such as the Toklat) are of particular concern.

Biological Resources:

Wetlands: Much of the proposed route could be across wetlands and would disrupt their continuity and watersheds, wildlife and migrating and nesting ducks, geese, swans, loons, grebes, and other migrating birds.

Fish: Obviously increased access would increase fish consumption, primarily by sport fishing. The Toklat is supposed to be an important salmon spawning stream; subsistence fishing has already been restricted downriver, and road/railroad construction without disruption of the Toklat would be impossible. Both construction and visitation/use would adversely affect rivers and streams, causing erosion, pollution, contamination, and litter.

The proposed route would cross critical wintering habitat for caribou, which could be forced back from the road corridor if it was open year-round. Furbearers include wolves, wolverine, lynx, marten, mink, beaver, muskrat, weasel and fox, all of which are important resources for subsistence users. Some of these species are particularly susceptible to habitat disturbance/encroachment and would be especially impacted by winter use/snowmachines. Other animals would also be impacted. It is obvious that any road through the area would impact those animals currently residing there, as other road systems have shown.

Threatened/endangered species: Certainly lynx inhabit the area, as lesser mountains. This would depend partially on whether the route ran high or low and of course on air quality and weather. (Arctic haze from circumpolar pollution during the spring has dramatically decreased view quality in the past few years.) People who prefer their views uncluttered by human impact will no longer find such a place, with a railroad or road. Both silence and unimpacted views will be qualities of the past. Given the developers’ use predictions, "Access to wilderness areas" is an oxymoron.

The area has a long history of mining, hunting and trapping and early Park use, as well as a rich archeological potential with several important ancient sites already discovered near the route. Construction could destroy some unknown sites, and excessive visitors to historical cabins and sites would lead to deterioration and possibly vandalism.
Would air quality of the area be affected by road or railroad construction activities (emissions and fugitive dust) and long-term use by motor vehicles (vehicle emissions). If so, how. Yes, creates lots of dust and emissions.

What streams or water bodies occur adjacent to potential transportation routes? Toklat River, Bearpaw River, Teklanika River, McKinley River etc.

Would the water quality of streams or water bodies be affected by road or railway construction activities or increased use of the area by visitors? Yes, disturbs fish habitat, more garbage from humans.

Do floodplains occur if or adjacent to potential north access transportation routes? If so, a floodplain data base should be developed. Yes, may cause more damage.

What soil types are in the area? Do any erodible soils occur near potential transportation routes? Roads or railways would alter course of waterways resulting in erosion.

What vegetation types occur along potential transportation corridors? How would these communities be affected by road construction and increased recreational use?

Do wetlands occur if adjacent to potential north access transportation routes? Yes, if there are wetlands. The NPS should make a wetland determination using the Cowardin classification system. How would wetlands be affected by possible road construction? MOUNTAINS, LARGE STREAMS, RIVERS.

More people, resulting in damaged habitat.

What species of fish occur in streams/lakes near potential transportation routes? What are the probable fish stocks and life cycle uses of the water bodies (e.g., migration, spawning, rearing)? Would stocks be susceptible to increased sport or subsistence consumption? Would aquatic habitats be affected by road construction and increased visitor use of the area? Yes.

What wildlife species/habitat occur in and adjacent to the potential transportation routes? What is the current status of moose, bear, caribou, and furbearer populations in the study area? Do any major wildlife migration/crossing corridors occur along the potential transportation corridor? How would species be affected by road construction, physical presence of the road, and increased recreational use of the area? Moose, Caribou, Deer, Bear, Eagles, would cause animals to leave area.
Do any threatened or endangered species, candidate species or critical habitat occur in the area? What species exist in the area and where is the habitat located? Potential species include American peregrine falcon (endangered), North American lynx, harlequin duck, olivet-sided flycatcher, Papaver alboroseum, Tanacetum carneolatum, and Thaumis arctica.

Public Access

Do subsistence use occur within and near the potential transportation corridor? What animal and plant species are harvested in the area for subsistence purposes and who harvests the resources? What effect, if any, would the potential action have on fish and wildlife populations used for subsistence purposes? Would the action affect subsistence user access? Would the action increase competition for subsistence resources? Might changes in the area result in changes in resource availability? Would increased access change the types and level of recreational use of the area? Would increased access change the type and level of recreational use of the area? What is the current level of use in the area? What is the visual quality of the area in the potential transportation corridor? Would existing activities and use levels be affected by increased access in the area? Would increased access change the type and level of recreational use of the area?

Would the values of designated wilderness be affected by the sights and sounds of road or railroad construction and use adjacent to the wilderness boundary? Would the visual quality of the area be affected by increased access in the area? Would increased access change the type and level of recreational use of the area? Would increased access change the type and level of recreational use of the area? Would increased access change the type and level of recreational use of the area?

Do cultural and historical resources occur along the proposed transportation route? Would these resources be affected by construction activities or increased recreational use of the area? Would increased access to and use of designated wilderness areas affect wilderness values?

Do any threatened or endangered species, candidate species or critical habitat occur in the area? What species exist in the area and where is the habitat located? Potential species include American peregrine falcon (endangered), North American lynx, harlequin duck, olivet-sided flycatcher, Papaver alboroseum, Tanacetum carneolatum, and Thaumis arctica.

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Do cultural and historical resources occur along the proposed transportation route? Would these resources be affected by construction activities or increased recreational use of the area? Would increased access to and use of designated wilderness areas affect wilderness values?
in favor of the resident zone, and desires of the local residents, the Commission is recommending retention of the resident zone, with the suggestion that the situation be reviewed at least once a year by the Commission and by the Local Advisory Committee, to forestall damage to either the ecosystem or the local subsistence lifestyle.

Local people also suggested a resident zone boundary between one and three miles from the lake shore. The Commission is recommending a 1 and 1/2 mile distance because this includes the homes of all the present local residents, and excludes more distant areas where land sales have taken place or are proposed.

3. RECOMMENDATION: The boundary between Denali National Park and Denali National Preserve on the East winds River should be changed from the old to the new active channel in Townships 11 and 12 South, Range 20 west. (See attached map.)

Almost all the volume of this large river is now flowing along the new channel, which is about 6 miles long and one to two miles north of and roughly parallel to the old channel. Hunters are now bringing ATV’s upriver on boats and using them for hunting in the old channel. For this reason, and because the new channel is easier for people to identify as a boundary, we recommend the change. This is not intended to set a precedent, however; other possible boundary changes based on river movements should be determined on their own merits.

4. RECOMMENDATION: If the land in the Dunkle mining area is transferred from the National Park Service to the State of Alaska, the Commission recommends that the healthy and natural resources and subsistence uses be protected.

Members of this Commission recognize that transfer of the Dunkle property could result in activity and use, such as mining, not in keeping with subsistence lifestyle or goals. We feel that if protective conditions are attached to this transfer, preservation of subsistence resources will be maintained.

5. RECOMMENDATION: Mining should be monitored and regulated to prevent damage to subsistence resources.

The Commission is concerned over the pollution or degradation of fishing streams and wildlife populations as a result of mining activity. The maintenance of healthy streams is a top priority for the subsistence lifestyle and natural and healthy wildlife populations.

6. RECOMMENDATION: Roads are detrimental to subsistence users and their way of life. The Commission opposes construction of new roads within the Park.

New roads provide access, and where access exists increased activity follows. Almost always this results in deterioration of fish and game populations, and hence a serious decrease in subsistence use and resources.

April 1986

Florence Collins
Chair, Denali Subsistence Resource Commission

cc: Superintendent, Denali National Park and Preserve
Regional Director, National Park Service

December 1, 1993

Secretary Bruce Babbitt
U.S. Department of Interior
18th and C Street N.W.
Washington, D.C. 20240

Dear Secretary Babbitt:

At a meeting of Denali National Park’s Subsistence Resource Commission held November 30, 1993, the commission discussed recent proposals by the State of Alaska for construction of new roads into or across Denali National Park and Preserve.

The commission strongly opposes any construction of new roads in Denali National Park and Preserve. Routes being considered by the Alaska Department of Transportation will have adverse and negative impacts on the livelihood and social lifestyles of subsistence users. Suggested routes through Denali National Park and Preserve will also traverse lands that have been proposed for wilderness designation.

These proposed routes would not only cross hundreds of miles of the park and preserve lands, but would open wide areas to increased accessibility which could have severe impacts on vegetation, fish and wildlife. This in turn could significantly effect the livelihood of local subsistence users.

By notice of this letter, Denali Subsistence Resource Commission wishes to reiterate and emphasize our Hunting Program Recommendation #8 of April, 1986, which states: "Roads are detrimental to subsistence users and their way of life. The Commission opposes construction of new roads within the Park".

I am also, at this date, sending a letter to the Alaska Department of Transportation expressing our opinion opposing new roads in Denali National Park and Preserve.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission
December 1, 1993

State of Alaska
Department of Transportation and Public Facilities
3132 Channel Drive
Juneau, Alaska 99801-7898

Dear Commissioner Campbell:

At a meeting of Denali National Park's Subsistence Resource Commission held November 30, 1993, the Denali commission discussed recent proposals by the State of Alaska for construction of new roads into or across Denali National Park and Preserve.

The Denali commission strongly opposes any construction of new roads in Denali National Park and Preserve. Routes being considered by the Alaska Department of Transportation will have adverse and negative impacts on the livelihood and social lifestyles of subsistence users. Suggested routes through Denali National Park and Preserve will also traverse lands that have been proposed for wilderness designation.

These proposed routes would not only cross hundreds of miles of the park and preserve lands, but would open wide areas to increased accessibility which could have severe impacts on vegetation, fish and wildlife. This in turn could significantly effect the livelihood of local subsistence users.

By notice of this letter, Denali Subsistence Resource Commission wishes to reiterate and emphasize our Hunting Program Recommendation #6 of April, 1986, which states: "Roads are detrimental to subsistence users and their way of life. The Denali Commission opposes construction of any new roads within the Park".

I am also, at this date, sending a letter to Secretary Bruce Babbitt of the U.S. Department of Interior expressing our opinion opposing new roads in Denali National Park and Preserve.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

cc: Statewide Subsistence Coordinator, ADF&G
Citizen's Advisory Commission on Federal Areas

December 21, 1993

Florence Collins, Chair
Denali Subsistence Resource Commission
P.O. Box 50
Lake Minchumina, AK 99757

Dear Ms. Collins:

Thank you for the December 1, 1993 letter expressing concerns about the possibility of new roads into or across Denali National Park and Preserve.

The Department of Transportation and Public Facilities (DOT&PF) is currently developing a location study for a proposed road from the Parks Highway to McGrath, with access to Kantishna. If, in the future, a facility is developed to McGrath, it very likely would involve crossing Denali Park and Preserve. Certainly, road access to Kantishna would involve such land.

The location study will analyze the social, economic and environmental effects of several possible alternatives, including doing nothing, and identify a recommended alternative. The study will be completed to the satisfaction of Federal Highway development guidelines and National Environmental Protection Act (NEPA) regulations. That process will address your concerns as well as those of other affected landowners, agencies, residents, communities and interested parties. If such a road is built, it will incorporate measures, to the extent practical, to mitigate adverse impacts on people and environment.

Development of a route that requires the establishment of right of way within Denali National Park and Preserve would also require processing under Title XI of the Alaska National Interest Lands Conservation Act (ANILCA). That process is intended to ensure that park resources are specifically addressed in the project development process.

The entire highway development process, including the location study, is an open public process. It will include gathering input such as yours from all interested parties. It will also include meetings and hearings, as well as public review processes.
Ms. Florence Collins

December 21, 1993

A copy of your letter has been forwarded to the Northern Region Director of DOT&PF so that your input can be included in the location study process and to assure that the Denali Subsistence Resource Commission is included on the project mailing list.

If you have questions regarding the status of or the schedule for the location study, please contact:

Mr. Joe Keeney, P.E., Project Manager
Alaska Department of Transportation & Public Facilities
2301 Peger Road
Fairbanks, AK 99709

Again, thank you for your input.

Sincerely,

[Signature]

cc: Stephen C. Sisk, P.E., Regional Director, Northern Region

Ms. Florence Collins
Chair
Denali Subsistence Resource Commission
P.O. Box 30
Lake Minchumina, Alaska 99757

Dear Ms. Collins:

Secretary Babbitt has received your letter of December 1, 1993, expressing opposition to the proposal to construct new roads into or across Denali National Park. Please be assured that the Secretary appreciates your sharing your concerns with him.

Thank you for your continued interest in the Department of the Interior.

Sincerely,

[Signature]

Paddy J. McGuire
Special Assistant to the Secretary and
Acting Director of the Executive Secretariat
February 17, 1995

Denali Task Force
c/o Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Dear Task Force members,

The Denali Subsistence Resource Commission has studied the Denali Task Force Report of October 21, 1994, and we wish to make a correction to item 30, page 28, which describes the Dunkle Mine road. This paragraph states that a "right of way already exists" along the Dunkle Mine Road. For most of the road this is true, but one section, including one end of the Chulitna River bridge, is on private property. The Commission understands the owner does not wish to have trespassers on his property.

Item 22b, page 24, recommends providing the opportunity for visitor tours, similar to the current Natural History Tour on the north side, be developed for the Dunkle Hills, with access via the Dunkle Mine Road right-of-way. The Commission is strongly opposed to either development or significant recreational use in the Dunkle Hills area, as it could have negative impacts on important caribou habitat or affect wildlife movement patterns. As you are aware, the Dunkle Hills has historically been an important calving area for the Denali Caribou Herd.

The Commission is also opposed to other supplemental public development in the Board Pass area, including trailheads, campgrounds, or visitor contact centers, because of the potential impacts they will have on wildlife habitat or the disruption of wildlife movements. Denali National Park lands in the Broad Pass area are very important to local subsistence users. Significantly increasing recreational use of this region will increase conflicts between subsistence and recreational users.

Sincerely,

Florence Collins
Chair, Denali National Park Subsistence Resource Commission

cc:
Superintendent, Denali National Park and Preserve
Regional Director, National Park Service
SRC PROPOSED ACTION
Review the EIS for access to an inholding along Spruce Creek in the Kantishna Hills and recommend purchase of the property on a willing buyer/willing seller basis.

ISSUE BACKGROUND:
- The National Park Service (NPS) is considering an application for access to an inholding along Spruce Creek in the Kantishna Hills of Denali National Park and Preserve. The applicants purchased a 20-acre parcel of land, called Spruce #4, in June 1997, and they subsequently applied for a right-of-way (ROW) permit for access to their parcel. They seek permission to construct and maintain a road and airstrip for the purposes of constructing and operating a remote wilderness lodge with 30 double-occupancy cabins for overnight visitors to the park.

- NPS has prepared a draft EIS. A 60-day comment period will begin on approximately July 21 and conclude on September 21, 1999. Public hearings on the EIS are scheduled for Anchorage, Fairbanks, McKinley Village and Kantishna the week of August 23. The following week a hearing will be held in Washington DC. The NPS has not chosen a preferred alternative. Four action alternatives and a no action alternative are being proposed in the EIS:

MOOSE CREEK ACCESS: The applicants proposed a route up Moose and Spruce Creeks with use of the Glen Creek airstrip. The route consists of 9.7 miles of mining access trail along and through Moose Creek and 0.5 miles of new road and improvement of the Glen Creek airstrip.

NORTH BENCH ROUTE: This route goes up the Moose Creek mining access trail to the first crossing of Moose Creek, then mostly new road would be constructed along the north bench of Moose Creek to Spruce Creek with use of the Glen Creek airstrip and segments of existing mining access. This route consists of 5.5 miles of existing mining access trail and 3.5 miles of new road and improvement of the Glen Creek airstrip.

SKYLINE DRIVE ROUTE: This route follows the existing Skyline Drive and parts of mining trails in the Glen Creek Valley, and new construction would occur between Skyline Drive and the Glen Creek drainage and over the saddle between Glen and Spruce Creeks, to the Spruce #4 parcel. The applicants would use the Kantishna Airstrip. This route uses about 12 miles of existing mining access trail and requires about 2 miles of new road.

AIRSTRIP AND SPUR ROAD: This alternative consists of constructing a new airstrip by Spruce Creek and building a spur road to the Spruce #4 parcel of land. It includes about 0.5 miles of new road and airstrip.
- Approximately 400 letters have been received on the draft EIS. About 95% of the comments were in favor of the "no action" alternative and encourage NPS to purchase the property. NPS has made an offer to purchase the property but the two sides have not been able to reach agreement on a sale price.

- The DENA SRC passed a motion at their meeting in February 1999 requesting that NPS purchase the Spruce 4 property on a willing buyer-willing seller basis to prevent this new development. The SRC believes the development would have an adverse impact on subsistence resources and uses in the park (see letter on page 17).

- The comment period on the draft Environmental Impact Statement evaluating the impacts of allowing access to the in-holding on Spruce Creek was open from about July 21 through September 21, 1999. At the August 6, 1999 meeting, the SRC passed a motion requesting that NPS purchase the property on a willing seller-willing buyer basis to prevent new development that the Commission believes will have an adverse impact on subsistence resources and uses in the park.

**Current Status:**

- The Spruce 4 Draft EIS was put on hold while the owners considered the NPS purchase offer. The NPS offer has been stalled in Congress, primarily by Senator Murkowski. The purchase deal has a sunset date of February 28 after which time NPS would release the final EIS. The NPS preferred alternative is air access only after the lodge is constructed but that could change with the new Secretary of the Interior.
March 1, 1999

Steve Martin
Superintendent Denali National Park and Preserve
P.O. Box 9
Denali Park, Alaska, 99755

Dear Steve:

At the February 26, 1999 meeting of the Denali Subsistence Resource Commission, we discussed the new recreational development and request for improved road access caused by private inholders of the Spruce Four property in the Kantishna Hills area within the northern park addition. The Commission passed a motion, by a vote of seven members in favor and one abstention, requesting that Denali National Park purchase this property, on a willing buyer-willing seller basis, to prevent new development that we believe will have an adverse impact on subsistence resources and uses in the park.

Thank you for your consideration in this matter. If you need further information, please contact me at (907) 457-2674.

Sincerely,

Florence Collins,
Chair, Denali Subsistence Resource Commission

CC:
Bruce Babbitt, Secretary of the Interior
Bob Barbee, Director, Alaska Regional Office
**SRC COMPLETED ACTION**

Provide input into the South Side Development Concept Plan.

**CHRONOLOGY:**

- NPS working with the State, Mat-Su and Denali Borough, Cook Inlet Region Inc. and AHTNA, Inc. reviewed ways to provide for visitor access and use while protecting the outstanding resources and existing public uses of the area. A draft plan and environmental impact statement (EIS) was distributed for public review in March, 1996. The final plan and EIS was released in December 1996.

- The proposed plan included construction of a new visitor center, a campground, public use cabins and interpretive trails in the Tokositna area on the western side of Denali State Park. The plan also called for improvements to the Petersville Road to provide access to the new facilities.

- The Denali SRC prepared comments on development in the Dunkle Hills and Broad Pass area of the Park in reviewing the Denali Task Force report of October 1994. These areas are considered in the Denali South Side Development Concept Plan as well, making the SRC comments on the issue relevant to this issue. The SRCs February 17, 1995 letter to the Task Force opposes development or significant recreational use in the Dunkle Hills area due to the potential negative impacts on caribou habitat. The Commission also opposed additional public development in the Broad Pass area because of potential impacts on wildlife habitat and disruptions in movement patterns as well as the potential for a significant increase in recreational use creating increased conflicts with subsistence users (letter on page 19).

- The Southcentral Regional Advisory Council, at its June 5, 1995 meeting, unanimously adopted a motion to support the Denali SRC in opposing development in the Dunkle Hills area and maintaining it open for subsistence uses (letter on page 19).

- Superintendent Russ Berry responded to the Southcentral Regional Advisory Councils letter on January 31, 1994. In the letter he said the proposed trails in the Windy-Riley Creek and Dunkle Hills areas were no longer being considered in the South Side Plan (letter on page 20).

- The final South Side Denali Plan was released in January 1997 and a record decision followed in February of that year.

**RESOLUTION:**

- The SRCs main concerns were addressed in the plan.
February 17, 1995

Denali Task Force

c/o Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Dear Task Force members,

The Denali Subsistence Resource Commission has studied the Denali Task Force Report of October 21, 1994, and we wish to make a correction to item 30, page 28, which describes the Dunkle Mine road. This paragraph states that a "right of way already exists" along the Dunkle Mine Road. For most of the road this is true, but one section, including one end of the Chulitna River bridge, is on private property. The Commission understands the owner does not wish to have trespassers on his property.

Item 22b, page 24, recommends providing the opportunity for visitor tours, similar to the current Natural History Tour on the north side, be developed for the Dunkle Hills, with access via the Dunkle Mine Road right-of-way. The Commission is strongly opposed to either development or significant recreational use in the Dunkle Hills area, as it could have negative impacts on important caribou habitat or affect wildlife movement patterns. As you are aware, the Dunkle Hills has historically been an important calving area for the Denali Caribou Herd.

The Commission is also opposed to other supplemental public development in the Board Pass area, including trailheads, campgrounds, or visitor contact centers, because of the potential impacts they will have on wildlife habitat or the disruption of wildlife movements. Denali National Park lands in the Board Pass area are very important to local subsistence users. Significantly increasing recreational use of this region will increase conflicts between subsistence and recreational users.

Sincerely,

Florence Collins
Chair, Denali National Park Subsistence Resource Commission

cc:
Superintendent, Denali National Park and Preserve
Regional Director, National Park Service

Southcentral Alaska Subsistence Regional Advisory Council

c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
Anchorage, Alaska 99503

JUN 5 1995

Denali Task Force

c/o Denali National Park and Preserve
P.O. Box 9
Denali Park, Alaska 99755

Dear Task Force members:

At their winter meeting which was held from February 28—March 2, 1995, the Southcentral Alaska Subsistence Regional Advisory Council (regional council) unanimously aborted a motion to support the Denali Subsistence Resource Commission in opposing development in the Dunkle Hills area and maintaining it open for subsistence purposes.

Enclosed is a copy of the pertinent pages of the meeting transcript to support the regional council position on this topic.

Sincerely,

Helga Eakon, Regional Advisory Council Coordinator

Attachment

cc:
Members of the Regional Council
Denali SRC, through Hollis Twitchell, Denali National Park & Preserve
Regional Director, National Park Service
Eastern Interior Subsistence Regional Advisory Council
through Vince Mathews, Acting Regional Council Coordinator
Taylor Breitford, FWS Office of Subsistence Management
January 31, 1994

Mr. Roy S. Evan, Chair
Southcentral Alaska Subsistence
Regional Advisory Council
Box 215
Gakona, Alaska 99586

Dear Mr. Evan:

This letter acknowledges receipt of the Southcentral Regional Advisory Council's recommendation opposing the Windy Creek-to-Riley Creek trail in the Cantwell area, and the Dunkle Hills trail which were proposed in the draft South Slope Development Concept Plan for Denali National Park and Preserve.

I appreciate your interest and commitment pertaining to subsistence issues associated with Denali National Park and Preserve. As a result of the planning, public review, and decision making process; the proposed trails in Windy Creek-Riley Creek and Dunkle Hills areas are no longer being considered in the South Slope Plan.

We anticipate the final plan to be finished in the fall of 1994. Again, thank you for comments, and we look forward to corresponding with you in the future.

Sincerely,

[Signature]

Russell W. Berry, Jr.
Superintendent

cc: Regional Director, National Park Service
    Helga Eakon, Southcentral Regional Coordinator
**SRC COMPLETED ACTION**
Implement a public safety firearms discharge closure in the developed area of the Kantishna Hills within Denali National Park.

**CHRONOLOGY:**

- In a letter dated February 17, 1995 addressed to the Federal Subsistence Board, the Denali SRC supported a proposal (#53) implementing a closure, in approximately 10 square miles of the Kantishna Valley, to subsistence hunting. The SRC stated concern for visitor safety as their primary reason for support of the proposal (letter on page 23).

- At its April 10-14, 1995 meeting, the Federal Subsistence Board deferred action on proposal 53. They recommended that the agency resolve the issue through its own agency administrative authority and implement a closure, if desirable, under provisions of 36 CFR.

- At the SRCs June 16, 1995 meeting, Hollis Twitchell, Denali Subsistence Coordinator, informed the SRC of the Federal Subsistence Board action (see meeting notes of that date in Appendix C, page 4). The SRC recommended that NPS promulgate a closure under 36 CFR as specified in proposal 53, with a modification that the ending date for the closure be September 12 instead of September 30th.

- The NPS developed a proposed rule that would establish a recurring annual closure to the discharge of firearms on federal public lands in the developed area of Kantishna. The justification for the action was that this period is the time of heaviest overlap between hunting and other seasonal visitor activities. The intent of the proposal is to protect public health and safety while accommodating the various public user groups to the fullest extent possible. The purpose of the closure is to reduce the level of risk of firearm-related injury inherent in heavy use-areas. The restriction would not apply to private or State property.

The regulation in 36 CFR Part 13 §13.63(g) "Firearms" reads:

*Beginning June 1 and ending at midnight of the second Thursday following Labor day, the discharge of firearms, except in defense of life or property, is prohibited on or across federal public lands within one mile of the State Omnibus Act Road right-of-way from the former Mt. McKinley National Park boundary at mile 87.9 to the north end of the Kantishna airport.*

- NPS initiated a temporary closure as specified in proposal 53.
• In 1996 the NPS prepared draft regulations establishing a reoccurring annual closure to the discharge of firearms during the period of high recreational visitor use activity and hunting season. The draft rule is being submitted to the Federal Register for public comment.

• In the 1997 Annual Report of the Southcentral Regional Advisory Council (April 1998), the Council recommended that the Kantishna firearm restriction be viewed as a one-time action and asked that NPS give the Council some written assurance that the action would not be interpreted as precedent setting for possible similar actions elsewhere on park lands in Alaska.

The Federal Subsistence Board responded to this recommendation (August 13, 1998) by saying that they noted the Council’s concerns and understood that NPS would respond to their recommendation in the Annual Report (see page 23-25).

• Superintendent Martin responded to Southcentral Regional Advisory Council Chair Ewan’s comments by saying that the Kantishna closure was a response to a very unique set of circumstances and NPS does not considered it to be precedent setting. Martin emphasized that the firearms discharge closure is not a subsistence hunting prohibition and that the length of the moose hunting season in the Kantishna Hills region is longer than any other moose hunting season in the Southcentral Region except for a 120 day season in Denali National Preserve in Unit 16B (letter on pages 25-26).

**RESOLUTION:**

- The draft regulations establishing a re-occurring annual closure to the discharge of firearms in the Kantishna area is in Washington waiting publication in the Federal Register. Once published the regulation will be open for public comment.
- A map showing the area affected by the firearms discharge closure is on page 27.

**AUTHORITY:**

36 CFR 13.30 Closure procedures
50 CFR Part 100 Federal Subsistence Management
February 17, 1995

Secretary Bruce Babbitt
U.S. Department of the Interior
18th and C Street, N.W.
Washington, D.C. 20240

Dear Secretary Babbitt,

When the Denali National Park Subsistence Resource Commission met on February 17, 1995, we were told of proposals to build a railroad and an all-weather highway from the Parks Highway through the Kantishna Hills to Kantishna. The Commission has already expressed strong opposition to any new roads within Denali National Park and Preserve as a component of Denali's Subsistence Hunting Program. Also, please review the enclosed letter to you dated December 1, 1993.

Our previously stated objections, based on impacts to wilderness values and wildlife, also would apply to a railroad; even if it were operated only seasonally, it would bring such an increase in the human population that the object of the visit — to see wildlife and experience wilderness — would be defeated.

Both of these projects would be extremely expensive, not only to construct, but to maintain, and would require additional management responsibilities on the part of the National Park Service. A road or railroad would also open areas presently used by local subsistence users to vandalism. This could result in theft or damage of a cabin, firewood, or food which could result in hardship to someone dependent on these supplies.

Sincerely,

Florence Collins
Chair, Denali National Park Subsistence Resource Commission

cc:
Superintendent, Denali National Park and Preserve
Regional Director, Alaska Regional Office
Denali Task Force
When the Board of Game met in Anchorage from November 14 - 16, 1997, the members listened to two days of public testimony about conflicts between ATV users and non-ATV users, impact of ATVs on wildlife habitat, and the health and size of ungulate populations in GMU 13. A temporary Board of Game ATV Committee was established to address these issues. The co-chairs of the committee are Greg Roczicka and Bob Churchill, and the following are members: Ken Johns, Jack Learner, Dan Crowson, Rich Holstrom, Don Hurrell, Mike Tinker, Mike Chapin, George Esslinger, David Maizac, Wesley Warner, Nelson Widenbaugh, and La Donna Westfall.

The members consist of current and former Board of Game members, Fish and Game Advisory Committee members, and citizen consumptive users of game.

The mission of the committee is to use information from residents of GMU 13 and from ADF&G to make recommendations to the Board as to how the issues may be effectively addressed.

The committee may also use relevant information from other State and Federal agencies such as Alaska Department of Natural Resources, Alaska Department of Fish and Wildlife Protection, and the U.S. Fish and Wildlife Service, to develop their recommendations to the Board of Game.

The committee has met three times: on January 20 and 11, February 7 & 8, and March 7-8, 1998. They have come up with draft recommendations on concepts referred by the Board of Game, namely:

Concept 1: Separation in time and/or space of different hunting use patterns
Concept 2: Separation of hunting and transporting game uses
Concept 3: Restricting same day use of ATVs
Concept 4: Changes to communal use areas (add new areas or delete/modify existing areas)
Concept 5: ATV registration
Concept 6: ATV user education

A reference copy of the minutes of the three committee meetings are enclosed.

The Board supports Regional Council involvement and comments at these meetings as well as providing travel funds to key Council members interested in participating. Please note that the next meeting of the committee will be on December 5 and 6, 1998. At your September 1998 meeting, you may wish to designate your Chair or a member to attend the committee meeting.

2) Recommend that Kantishna Closure not set a precedent

Proposal 53, submitted by the National Park Service in 1995, requested creation of a public safety corridor within one mile of either side of the Kantishna Road in Unit 20(C) from the Kantishna airport to the former Mt. McKinley National Park boundary by closing the area to all subsistence hunting from June 1 to September 30. The Board tabled action on Proposal 53 at its April 1995 public meeting, recommending that the NPS resolve the issue through its own agency administrative authority. Since then, the NPS, after consultation with the Denali Subsistence Resource Commission, is developing a proposed rule that would annually close the developed area of Kantishna to the discharge of firearms between Sept. 1 - Sept. 15. While the Regional Council appreciates that the purpose of the closure is to reduce the risk of firearm-related injury inherent in heavy use areas such as Kantishna, it recommends that this closure be viewed as a one-time action. The Regional Council would like written assurance from the NPS that this action will not be interpreted as a precedent for possible similar actions elsewhere on Park lands in the State of Alaska.

The Board takes note of the Council concerns, and understands that the NPS is pursuing a response to the Regional Council.

3) Recommend Regional Council Review of Subsistence Plans

The Regional Council would like to encourage Federal land managing agencies to include its members on the mailing list for review of agency subsistence plans, such as the Wrangell-St. Elias Subsistence Management Plan. That kind of information-sharing is essential. The Regional Council invites the Kenai National Wildlife Refuge and the Bureau of Land Management to keep the members up to date on any activities that might impact subsistence use areas in the region. The Regional Council expresses appreciation to the Chugach National Forest for sending the members a copy of the quarterly newsletter.

The Board notes that ANILCA requires agencies to share subsistence related information with their respective Regional Advisory Councils.

4) Decline of Mentasta Caribou Herd and Need for Predator Control

The Southcentral Regional Advisory Council expressed their concern over the present decline of the Mentasta Caribou Herd which has necessitated the closure of the subsistence season. The Council recognized the need for this closure is due to lack of recruitment because of poor calf survival. The Regional Council feels that this problem is directly caused by predation and would appreciate any exceptions that could be brought forth to encourage predator control in this area.

The Board will take no action on this topic because the NPS and other federal agencies have specific policies which prevent predator control programs. More complete
United States Department of the Interior
NATIONAL PARK SERVICE
Denali National Park and Preserve
Post Office Box 9
Denali Park, Alaska 99755

L3014.1 (DENA-RRP)
Regional Advisory Council

Mr. Roy Ewan, Chair
Southcentral Regional Advisory Council
/c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Mr. Ewan:

This letter is in response to your inquiry about the temporary Kantishna Firearms Discharge Closure and your recommendation that it should not set a precedent for possible similar actions elsewhere on park lands. We do not consider the Kantishna closure to be precedent setting for Denali National Park or anywhere else for that matter. It is in response to a very unique set of circumstances associated with the Kantishna community which consists of private inholdings and commercial businesses, special access rights via a public road, and high levels of associated visitor use focused within a narrow corridor during a very specific period of time.

While existing federal subsistence hunting regulations prohibit shooting from, on, or across a highway such as the Kantishna Road (50 CFR 100.25(b)(1)(i)), that restriction is not sufficient to provide an acceptable measure of public safety in and near the developed area of Kantishna during periods of high public visitation.

It is not possible to significantly reduce the level of transit and associated public use of federal public lands in the area due to access rights of private landowners and businesses in and near the Kantishna community. For this reason a limited firearm closure is considered the least restrictive measure that will provide for public health and safety on the federal public lands in this area. Allowable uses of firearms on other, adjacent, and less-heavily-congested federal public lands and on private lands is not affected by this action.

As you are aware, the Federal Subsistence Board tabled action on Proposal 53 during its April 1995 public meeting, recommending that the Park Service resolve the issue through its own agency administrative authority. After further consultation with the Denali Subsistence Resource Commission, several modifications were made to the initial proposal to minimize potential impacts to subsistence use.

First, the ending date of the firearms discharge closure has been shortened to September 15th which allows for moose hunting with a firearm within the developed Kantishna area for the remaining 15 days of the fall moose hunting season, after the public safety issue is no longer a factor. You should also be aware that the Denali Subsistence Resource Commission recommended and the FSB established a winter moose hunting season from November 15th to December 15th for this region in 1995. The fall and winter moose hunting seasons provide for a combined opportunity of 45 days for taking a moose within the Kantishna area after the temporary restriction is removed. Other adjacent federal public lands beyond the one mile closure area along the Kantishna Road are open for a total of 60 days of moose hunting opportunity.

Secondly, the Kantishna firearms discharge closure is not a subsistence hunting prohibition. Other legal methods and means of taking wildlife such as the use of bow and arrows are not restricted by this firearms
discharge closure. The closure is based upon concerns for public safety resulting from the discharge of high power firearms within a developed area which consist of relatively open habitat, and receives high levels of visitor use.

Finally, it is interesting to note that the current 60 days of moose hunting provided for in the Kantishna Hills region, including the Kantishna Closure, is longer than any other moose hunting season provided for in the Southcentral Region 2, with the one exception of Denali National Preserve’s subsistence moose hunting season in Unit 16B, which is open for a total of 120 days. We believe these season lengths and dates more accurately reflect the traditional moose harvest practices for our region and at current moose populations and harvest levels are biologically sustainable.

Seasonal use and visitation to the Kantishna businesses and community occurs each year for a specific period of time during the summer months after the Park Road opens. This reoccurring need for a temporary closure has prompted the NPS, after further consultation with the Denali Subsistence Resource Commission, to develop a proposed agency rule that would annually establish a temporary closure in the developed area of Kantishna. Interested public and advisory groups will have an opportunity to review and comment on this proposed regulation during a formal public comment period after it is published in the Federal Register.

In closing, thank you for your interest and concerns regarding subsistence programs at Denali. We look forward to working with the Denali Subsistence Resource Commission, the Federal Regional Advisory Councils, the Federal Subsistence Board, the State of Alaska, and the Secretary of the Interior to ensure the continued opportunity for traditional subsistence uses and activities.

Sincerely,

Stephen P. Martin
Superintendent

cc:
Florence Collins, Chair, Denali Subsistence Resource Commission
Carl Morgan, Chair, Western Interior Regional Advisory Council
Charles P. Miller, Sr., Chair, Eastern Interior Regional Advisory Council
Mitch Demientieff, Chair, Federal Subsistence Board
Governor Tony Knowles, State of Alaska
Secretary Bruce Babbitt, Department of the Interior
Private Inholdings
1 - Wally Cole at Camp Denali (683-2290)
2 - Jeff Barney (907-479-2082)
3 - Dan Ashbrook at Mt. McKinley Gold Camp (479-2277)
4 - Mike Mark Anthony at Galena Gold Claim (277-2562)
5 - Allen Cornelison at Denali Backcountry Lodge (683-1650)
6 - Don Phillips at Northwest Explorations, Inc. (206-780-1935)
7 - Ray Kreig (907-276-2025)
8 - Marie Monroe at Kantishna Roadhouse (683-1475)
9 - Paul Shearer (503-697-4378)
10 - Steve Neff (520-296-6275)
**SRC COMPLETED ACTION**

Ensure protection of fish and wildlife populations and subsistence uses from the impacts of mining in the Park.

**CHRONOLOGY:**

- In a July 1986 recommendation (#4) the Denali SRC requested that if the Dunkle mining area were transferred from NPS to the State of Alaska that maintenance of natural and healthy populations and a continuation of subsistence uses be protected. They recommended that protective conditions be attached to the transfer (letter and recommendation on pages 29-30).

- Another recommendation (#5) made at the same time (July 1986) addressed mining activities in general. The SRC expressed concern over the pollution or degradation of fishing streams and wildlife populations as a result of mining activities. The recommendation stated that maintenance of healthy streams was a top priority for the subsistence lifestyle and natural and healthy populations (letter and recommendation on pages 29-30).

**RESOLUTION:**

- No further action on the issue is necessary.

**AUTHORITY:**

- 36 CFR 13.30 Closure procedures
- 50 CFR Part 100 Federal Subsistence Management
July 10, 1986
Secretary Donald Hodel
Department of the Interior
18th & C Street, N.W.
Washington, D.C. 20240

Dear Secretary Hodel:

The Denali National Park Subsistence Resource Commission has completed its
initial recommendations for a subsistence hunting plan as required by
Section 808 of Public Law 96-487, the Alaska National Interest Lands
Conservation Act (ANILCA). The enclosed recommendations represent the
combined efforts of our nine-member commission which has met several times
at various locations in and near the park since July 1984.

In August, 1985, copies of the proposed recommendations were sent to each
appropriate Local Fish and Game Advisory Committee and Regional Advisory
Council for consultation. A public comment period was made available the
fall of 1985. In April of 1986 public hearings were held in Cantwell and
Minchumina and as a result of those hearings our original recommendations
were slightly altered. Enclosed are our recommendations with
justifications. I am also sending our recommendations for a subsistence
hunting plan to the Governor of Alaska as required by Section 808 of ANILCA.

We will be eagerly awaiting your reply.

Sincerely,

Florence Collins
Chair, Denali
Subsistence Resource Commission

Enclosure
In favor of the resident zone, and desires of the local residents, the Commission is recommending retention of the resident zone, with the suggestion that the situation be reviewed at least once a year by the Commission and by the Local Advisory Committee, to forestall damage to either the ecosystem or the local subsistence lifestyle.

Local people also suggested a resident zone boundary between one and three miles from the lake shore. The Commission is recommending a 1 and 1/2 mile distance because this includes the homes of all the present local residents, and excludes more distant areas where land sales have taken place or are proposed.

3. RECOMMENDATION: The boundary between Denali National Park and Denali National Preserve on the Kantishna River should be changed from the old to the new active channel in Townships 11 and 12 South, Range 20 west. (See attached map.)

Almost all the volume of this large river is now flowing along the new channel, which is about 6 miles long and one to two miles north of and roughly parallel to the old channel. Hunters are now bringing SITKA upriver on boats and using them for hunting in the old channel. For this reason, and because the new channel is easier for people to identify as a boundary, we recommend the change. This is not intended to set a precedent, however; other possible boundary changes based on river movements should be determined on their own merits.

4. RECOMMENDATION: If the land in the Dunkle mining area is transferred from the National Park Service to the State of Alaska, the Commission recommends that the healthy and natural resources and subsistence uses be protected.

Members of this Commission recognize that transfer of the Dunkle property could result in activity and use, such as mining, not in keeping with subsistence lifestyle or goals. We feel that if protective conditions are attached to the transfer, preservation of subsistence resources will be maintained.

5. RECOMMENDATION: Mining should be monitored and regulated to prevent damage to subsistence resources.

The Commission is concerned over the pollution or degradation of fishing streams and wildlife populations as a result of mining activity. The maintenance of healthy streams is a top priority for the subsistence lifestyle and natural and healthy wildlife populations.

6. RECOMMENDATION: Roads are detrimental to subsistence users and their way of life. The Commission opposes construction of any new roads within the Park.

New roads provide access, and where access exists increased activity follows. Almost always this results in deteriorations of fish and game populations, and hence a serious decrease in subsistence use and resources.

April 1986
WILDLIFE HARVESTS

Subsistence harvest of wildlife is allowed in the ANILCA additions to Denali National Park and Preserve by qualified subsistence users subject to Federal subsistence management regulations. Sport and general harvest of wildlife is allowed in the preserve additions to Denali subject to State of Alaska hunting regulations. State harvests are regulated by the Alaska Board of Game while federal subsistence harvests are regulated by the Federal Subsistence Board. Regardless of the type of hunt you participate in, an Alaska resident hunting license is always required, unless you are under the age of 16. Harvest tickets and tags are generally required for the harvest of all large mammals.

Often there are federal subsistence hunts and State hunts occurring simultaneously in the preserve. In those cases, you may not add harvest limits from federal subsistence and state hunts to increase your total harvest limit.

ANILCA provides a preference for local rural residents over other consumptive users should a shortage of subsistence resources occur and allocation of harvest becomes necessary. This is particularly important for National Preserves where State sport hunting and trapping is allowed in addition to Federal subsistence hunting and trapping.

Denali Park Additions

To be eligible to hunt for subsistence purposes in the ANILCA additions to Denali National Park an individual must live in a resident zone or have been issued a subsistence use permit (13.44) and have a positive customary and traditional use determination for the area (and species) which they are hunting. The
hunter must also hunt within the confines of the published season and bag limit listed in the Federal Subsistence Management Regulations booklet for the area in which they are hunting and comply with all requirements and restrictions set forth in that document.

**Customary and Traditional Use Determinations**

Customary and traditional use determinations (C&T) define which communities or areas have customarily and traditionally taken a wildlife population. To hunt in a particular area or for a particular species an individual must have a "positive" C&T determination. These determinations are listed in the Federal Subsistence Management Regulations booklet by game management unit.

**Federal Subsistence Board**

The Federal Subsistence Board is the decision-making body that determines what the C&T determination will be for a given area or species, when seasons open and close, how many animals may be harvested, the method by which an animal may be taken, etc. The Board makes changes to the regulations on an annual basis according to a regular schedule. The deadlines vary somewhat from year to year but the general pattern remains consistent:

- **Late October/Early November**: Deadline for submission of proposals to change regulations
- **February through March**: Each of the 10 Regional Advisory Councils meet to consider proposals received and public comments. At these winter meetings the Councils prepare recommendations to the Board on what actions they feel should be taken on each proposal affecting their area.
- **May**: The Federal Subsistence Board meets and makes decisions on each proposal based on SRC, Regional Advisory Council and other public input.
- **July 1**: New regulations go into effect.
The Role of the SRC

The SRC plays an important role in this decision making process. The Commission may develop season and bag limit, method and means, or C&T proposals, and submit them to the Federal Subsistence Board during the annual regulatory change process. The Southcentral, Eastern Interior and Western Interior Regional Advisory Councils rely on the SRC’s input on all regulatory change proposals that affect Denali National Park and Preserve. Likewise, the SRC and Regional Advisory Councils’ input on proposals may influence the NPS position on proposals as well as the thinking of Federal Subsistence Board members.

Federal Registration Permits

In some locations where there are concerns about the health of a wildlife population, a federal registration permitting system may be required. This allows managers to closely track the harvest of a wildlife population. Sometimes a harvest quota is set and when the number is reached, the hunt will be closed.

The Federal Subsistence regulations list which species and what areas have established federal registration permit hunts. This information can be found in the harvest limits section of the regulation booklet. When Federal registration permits are required, subsistence users are not required to have State permits, harvest tickets or tags.

Be aware that some Federal Registration permits issued for hunts in Denali are also valid on Bureau of Land Management (BLM) lands to the east of the park. Federal Registration permits for hunts occurring in Denali National Park may be obtained by contacting the subsistence manager in Denali Park at 683-2294 or 456-0595.

If the regulations indicate that a State registration permit is required, you may obtain your permit from the local Alaska Department of Fish and Game (ADF&G) office. Details about State registration permit hunts and applications can be found in the State Registration Permit Hunt Supplement; available at hunting license vendors and ADF&G offices.

Permits, harvest tickets and tags are important tools used by wildlife managers to monitor and protect wildlife populations. Subsistence users are required to follow harvest reporting rules.

Summary

Subsistence harvest of wildlife is allowed in the ANILCA additions to Denali National Park and Preserve by qualified subsistence users subject to Federal subsistence management regulations. These regulations are subject to change on an annual basis.
To be eligible to hunt in the ANILCA additions to Denali National Park you must meet all of the following requirements:

♦ be a rural Alaska resident,
♦ have a C&T use determination for the species and wildlife management unit where you intend to hunt or trap.
♦ permanently reside in Denali National Park and Preserve, in a Denali National Park resident zone community or hold a subsistence use permit (13.44) for Denali National Park
♦ possess a valid resident State of Alaska hunting license
♦ comply with Federal subsistence season and harvest limit regulations
♦ comply with any State or Federal permits, harvest tickets or tag requirements

_Authority:_

ANILCA Title VIII Subsistence Management and Use
ANILCA, Section 202 Additions to existing areas
50 CFR 100 Federal Subsistence Management Regulations
36 CFR 13 Subpart B Subsistence
36 CFR 13.63 Denali National Park and Preserve
**SRC PROPOSED ACTION**

Proposed wolf buffer zone to close hunting and trapping on the north-eastern areas of the park and preserve.

**ISSUE BACKGROUND:**

- At the August, 2000 meeting, the SRC spent a great deal of time listening to presentations on various aspects of wolf management in and around Denali. This included proposals for a no hunting-trapping buffer zone on adjacent State lands along the east and northeast edges of the park and a proposed subsistence wolf buffer zone within the ANILCA park additions east of the Toklat River and north of the former Mount McKinley National Park boundary.

- The SRC considered the proposals and decided not to support either request for the following reasons: 1) The SRC felt they were not in a position to dictate actions that might be taken on state or private lands in the area, 2) the buffer zone would have a minimal effect in protecting wolves, 3) efforts to protect one or two packs for the benefit of visitors does not fit the “natural and healthy” guidelines of ANILCA, and 4) the SRC is concerned that the precedent of buffer zones might be extended to other animals important to subsistence users in the future. The SRCs full justification for denying the two proposals is contained in a letter dated August 19, 2000, to Board of Game Chair Lori Quakenbush (see page 6 of this chapter).

**CURRENT STATUS:**

- At the Alaska Board of Game’s fall 2000 meeting the Board created a wolf buffer zone of about 20,000 acres on State lands near Denali National Park and Preserve closing those lands to the hunting and trapping of wolves through the year 2002.

- A proposal to close subsistence hunting and trapping of wolves within Denali National Park east of the Toklat River was submitted to the Federal Subsistence Board for the 2001-2002 regulatory cycle.
August 19, 2000

Lori Quakenbush, Chair
Alaska Board of Game
333 Raspberry Road
Fairbanks, Alaska 99709

Dear Lori and Board members:

At our August 18, 2000, meeting the Denali Subsistence Resource Commission spent much time listening to presentations on various aspects of wolf management in and around Denali National Park and Preserve. This included proposals for a buffer zone on adjacent lands along the east and northeast edges of Denali National Park, and a proposed subsistence buffer zone within the park east of the Toklat River and north of the former Mount McKinley National Park boundary. After considerable discussion, the commission unanimously approved the following motion:

"The Denali Subsistence Resource Commission does not support the buffer zone proposal for lands outside of Denali National Park, nor the request for a subsistence buffer zone inside of Denali National Park east of the Toklat River to the eastern park boundary."

We sympathize with the desire of many people to preserve the Toklat and Sanctuary wolf packs that frequent the eastern and northern part of the park (and occasionally roam beyond park boundaries onto adjacent lands). However, we feel that we are not in a position to dictate actions that might be taken on state or private lands in the area. In addition we feel that the buffer zone would have a minimal effect in providing further protection for the two packs in question. We believe that the Toklat and Sanctuary packs are already well protected as they rarely travel beyond the boundaries of the former Mount McKinley National Park, an area where no consumptive harvests are allowed. In addition, we believe there is a healthy population of wolves in the area and no biological reason for creating a buffer zone, which would adversely affect subsistence users in the area.

The commission members believe wolves are more threatened by proposed new roads, railroads, possible developments, and urbanization in the area in question.

In addition to the Toklat and Sanctuary packs, we believe other wolf packs associated with the Park Road are becoming habituated to people and could provide viewable wildlife opportunities. Nice as it is for visitors to view wildlife, the park is not to be operated as a large-scale zoo, and efforts to protect one or two packs for the benefit of visitors does not follow the "natural and healthy" guidelines of ANILCA.

We are also concerned that the precedent of buffer zones, now proposed for wolves, might be extended to other animals important to subsistence users in the future.

We appreciated the time and effort of Chair Lori Quakenbush of the Board of Game in attending our meeting and describing the interest and concerns of the Board in dealing with wolf issues in the state.

Thank you for the opportunity to comment on this important issue.

Sincerely,

Florence Collins, Chair
Denali Subsistence Resource Commission

Cc: Steve Martin, Superintendent, Denali National Park and Preserve
    Denali Wolf Advisory Committee
    Paul Jodin, Alaska Wildlife Alliance
    Leo Keeler
    Layne Adams, U. S. Geological Survey, Biological Research Division
NPS PROPOSED ACTION
Define the term "natural and healthy".

ISSUE BACKGROUND:
- Long term protection of fish and wildlife populations is necessary to ensure the continuation of the opportunity for a subsistence way of life. Consequently, subsistence uses on public lands must be conducted in a manner consistent with the conservation of natural and healthy populations in Parks as mandated by ANILCA.

- The term "conservation of healthy populations of fish and wildlife" is defined in Federal Subsistence regulations but the term "natural" is not included as part of the definition. Congress, in writing ANILCA, clearly intended for parks to be managed differently, with respect to fish and wildlife resources, from other Federal lands.

- In addition to the requirements of ANILCA, National Parks must be managed for the purposes mandated by the NPS Organic Act of 1916 and the 1978 amendment to the National Park Act.

CURRENT STATUS:
- A team of NPS natural resource managers from across the State have been asked to work on a definition of "natural and healthy". Their definition will be presented to the SRC for review when it is completed.

AUTHORITY:
ANILCA Section 101(b) and (c) Purposes
ANILCA Section 815 Limitations, savings clause (natural and healthy)
ANILCA Section 816(b) Closure to subsistence uses
16 USC 1 NPS Organic Act
**SRC COMPLETED ACTION**
Align wolf hunting season dates with the trapping season dates in Denali Park lands.

**CHRONOLOGY:**
- In 1996, the SRC submitted proposal #31 to the Federal Subsistence Board to align the wolf hunting season dates within Denali National Park in GMU 20C with the current trapping season dates. The later season would only allow wolf to be harvested when their pelts are in good condition.

- The Eastern Interior, Western Interior and Southcentral Regional Advisory Councils did not support proposal 31 because they felt there was no biological reason for reducing the opportunity, and that it would be confusing to subsistence users not having consistent season dates within this subunit.

**RESOLUTION:**
- The Federal Subsistence Board followed the Regional Advisory Council’s recommendation and did not pass proposal 31.
**SRC COMPLETED ACTION**

Establish an additional fall hunting season for subsistence users in Unit 20(C).

**CHRONOLOGY:**

- The SRC prepared a hunting plan recommendation in 1993 requesting that a second season for hunting antlered bull moose on park lands in GMU 20(C) be established from November 15 to December 15, with a bag limit of one bull moose. They also recommended the restriction on taking white phased or albino moose be retained (see letter on pages 10-11).

- In response, the Secretary (January 1994) directed NPS to investigate the biological ramifications of the additional hunting season on the moose population and to determine whether moose were customarily and traditionally hunted in the late fall. The Secretary further directed the Federal Subsistence Board to take positive action on this proposal if the NPS analysis concluded that a natural and healthy population of moose could be maintained with the additional season (letter on page 11).

- The State’s response (January 1994) contained additional requests for NPS data and analysis before they would make a decision on the recommendation. The State asked for: (1) moose survey data, (2) data on current harvest levels, (3) estimates of harvestable surplus, and (4) projected future harvest levels if the recommendation is adopted (letter on page 12).

- In a July 8, 1994 memo to Secretary of Interior Babbitt and “To Whom it May Concern” the SRC changed the boundary of the hunt area (letters on page 13).

- Proposal #59 (1994) was developed to address this regulation change.

**RESOLUTION:**

- The additional hunting season was established by the Federal Subsistence Board effective as of the 1994-95 regulatory year.

**AUTHORITY:**

50 CFR 100
Dear Secretary Babbitt:

The Denali National Park Subsistence Resource Commission has completed recommendation 7 of Denali's Subsistence Hunting Plan authorized by Section 808 of Public Law 96-487, the Alaska Interest Lands Conservation Act (ANILCA).

RECOMMENDATION 7: ALTERNATE WINTER MOOSE SEASON

The Denali Commission recommends that a second season for hunting antlered bull moose on park lands in Game Management Unit 20-C be established from November 15 to December 15. The total annual bag limit of one bull moose will be retained for the two hunting seasons. Also, the current restriction against taking white phased or partial albino (more than 50 percent white) moose will be retained.

Discussion

We feel that this resolution addresses a valid concern of local rural subsistence users who utilize the park area in the winter, and who do not have the means to process and preserve moose meat taken during the earlier fall season from September 1 through September 30th. Several of Denali's subsistence users travel long distances by dog sled and/or snowmachine to reach their winter use areas. After arriving in the area, their subsistence use activities often extends from late November through February. Currently they must harvest their moose in the fall (Sept), process the meat as best they can during the warm fall season, then transport the meat some distance to reach their winter use areas in Denali National Park. It would be far more efficient to allow them an opportunity to harvest their one bull moose once they have arrived in Denali for their winter subsistence activities.

Our hunting proposal has been submitted for comment to four local advisory committees, two regional advisory councils, and to two State Regional Subsistence Coordinators of the Alaska Department of Fish and Game. After several months of distribution of this proposal, no unfavorable comments have been received; it has been approved by the Lake Minchumina Local Advisory Committee.

I am also, at this date, sending this recommendation for Denali Subsistence Hunting Plan to the Governor of Alaska as required by Section 808 of ANILCA.

We will be looking forward to your reply.

Sincerely,

Florence Collins, Chairperson
Subsistence Resource Commission
Denali National Park

October 18, 1993

Florence Collins, Chairperson
Subsistence Resource Commission
Denali National Park
Ms. Florence Collins  
Chairperson, Subsistence Resource Commission  
Denali National Park and Preserve  
P.O. Box 50  
Lake Knik, Alaska 99757

Dear Ms. Collins:

Thank you for your hunting plan recommendation #1, dated October 18, 1993, to Secretary Babbitt and for the opportunity to address the concerns of the Subsistence Resource Commission. We appreciate the time and effort volunteered by each member of the commission in developing recommendations.

We have carefully reviewed your recommendation under the guidelines stated in Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA) and other applicable laws and policies that direct the management of the National Park Service (NPS).

The commission has recommended establishing an additional season for hunting moose on park lands in Unit 20C from November 15 to December 15. Based upon the information which you have provided, we are directing the NPS to investigate the biological ramifications of the additional hunting season on the moose population in that portion of Unit 20C on Denali park lands and the customary and traditional basis of any possible late fall moose hunt in the area. The NPS shall present its report and recommendations to the Federal Subsistence Board (FSB), which sets Federal subsistence seasons, as soon as possible.

We are further directing the FSB to take positive action upon establishing this additional season for moose, in that portion of Unit 20C within Denali National Park and Preserve, contingent upon the following conditions: that the natural and healthy condition of the moose population in that portion of Unit 20C on Denali park lands can be maintained with the additional late fall hunting season and that there is a customary and traditional subsistence practice of taking moose in the area during the proposed period.

We expect the NPS and the FSB, by November 1994, to closely coordinate their efforts on this issue to either provide the requested season for the 1994-1995 subsistence regulatory year or develop their reasons in writing as to why the recommendation cannot be implemented.

The commission is encouraged to continue working closely with the park superintendent. Please continue to make recommendations pertaining to subsistence hunting issues within the park in accordance with Section 808 of ANILCA. We look forward to corresponding with you in the future.

Again, thank you very much for your commitment to the work of the commission.

Sincerely,

George T. Frampton, Jr.
Assistant Secretary for Fish and Wildlife and Parks
January 24, 1994

The Honorable Bruce Babbitt
Secretary of the Interior
18th and C Street N.W.
Washington, DC 20240

Dear Mr. Secretary:

Governor Hickel has directed me to review the subsistence hunting plan recommendations submitted to you by the Denali, Gates of the Arctic, Kobuk Valley, and Cape Krusenstern subsistence resource commissions. My staff is working with park officials to ensure the state's active and timely participation in the commission process in the future. I believe the commission members have made important contributions to the subsistence management of national park lands in Alaska.

I request that the state's enclosed comments be given careful consideration as you determine what actions to take on these subsistence hunting plans. If you have any questions or need further information regarding our positions and concerns, please contact me at your convenience.

Sincerely,

Carl L. Rosier
Commissioner

Enclosure

cc: Governor's Office
Florence Collins
Raymond Paneak
Walter Sampson
Pete Schaeffer

Subsistence Hunting Plan Recommendations
January 24, 1994

Denali Subsistence Resource Commission
Comments on Subsistence Hunting Plan dated 10/18/93

Recommendation 7 requests establishment of a November 15-December 15 antlered moose hunting season on "park lands" in Game Management Unit 20C. This season would authorize local residents who are eligible to hunt in the park to legally harvest a moose during the early part of the trapping season. The state is concerned about the status of the moose population in Unit 20C and requests that the National Park Service consider and provide the following information to the state for review before a decision is made on this recommendation: (1) National Park Service moose survey data for Unit 20C; (2) the estimated current moose harvest levels in the park and preserve portions of Unit 20C; (3) estimates of the harvestable surplus of moose from park lands in Unit 20C; and (4) the projected future participation and harvest levels if the recommendation is adopted.

The state also wants to know if this proposed regulation would apply both to park and preserve lands or only to the park additions in Unit 20C, as this will significantly affect the number of persons eligible for the hunt. If the recommendation is implemented as written, the National Park Service should carefully monitor this hunt and share the resulting information with the state so that the moose population status and harvest data can be evaluated in the context of the state-administered hunt in Unit 20C.

Gates of the Arctic Subsistence Resource Commission
Comments on Subsistence Hunting Plan dated 10/20/93

Recommendation 7 asks that ANILCA Section 809 cooperative agreements be established between the National Park Service, the North Slope Borough, the Tanana Chiefs Conference, and the North Slope Borough for the purpose of preparing a subsistence hunting plan for Gates of the Arctic National Park. The State of Alaska does not support this recommendation. The Gates of the Arctic Subsistence Resource Commission has been one of the most productive of the seven park commissions in Alaska, in terms of formulating substantive subsistence hunting plan recommendations. The achievements of all seven commissions have been limited by the absence of guidelines for developing these hunting plans. Lack of guidelines has also led to frustration and disappointment when the recommendations are rejected.

ANILCA Section 809 agreements are not necessary to prepare these plans and not only will complicate the process but also will increase the costs incurred by the National Park Service. The
July 8, 1994

Secretary Bruce Babbitt
Department of Interior
18th and C Street N.W.
Washington, D.C. 20240

Dear Secretary Babbitt:

The Denali National Park Subsistence Resource Commission has passed a change of the Boundary regarding their Draft Hunting Plan Recommendation 7. The Denali Subsistence Resource Commission is recommending that the area be described as "from the Toklat River westward within Unit 20C, from November 15 to December 15th."

At the June 6th, 1994 meeting of the Commission, it was discussed that the former boundary of the "Kantishna Hills" was too vague and a more clearly defined land form was more appropriate.

Comments can be sent to Florence Collins, Subsistence Resource Commission Chairperson, through the above address.

Sincerely,

Florence Collins
Chairperson

Attachment: Recommendation #7


**SRC COMPLETED ACTION**

Establish a fall federal subsistence waterfowl hunt and allow spring and summer harvest of migratory birds and their eggs.

**CHRONOLOGY:**

- In April 1994 the Wrangell-St. Elias National Park SRC submitted a hunting plan recommendation requesting a fall subsistence harvest of waterfowl. They also requested the Secretary's assistance in amending the Migratory Bird Treaty Act to protect the subsistence harvest of bird eggs.

- The Secretary's response (September 12, 1994) said that a fall hunting season was in conflict with existing Federal subsistence management regulations that exclude migratory bird harvest for subsistence. Opening a fall season would require promulgation of new regulations. He said that he was willing to consider the matter further upon receipt of a formal hunting plan recommendation.

- In December 1996, the Wrangell-St. Elias SRC submitted a hunting plan recommendation requesting a fall subsistence season and bag limit for waterfowl consistent with the State season and harvest limit. They also requested a general exception to the spring and summer harvesting of migratory birds and their eggs for subsistence purposes for qualified subsistence users.

- The Eastern Interior supported the Commission's recommendation in a letter dated March 1996.

- On November 18, 1998, Chairman Vale submitted a letter to all SRC chairs requesting their comments and position on waterfowl hunting and egg collecting on park lands. The Denali Commission responded with a letter dated March 4, 1999, indicating they did not have a particular concern with migratory waterfowl hunting or egg collecting on Denali park lands. However, they do support efforts by the Wrangell-St. Elias SRC to ensure that traditional hunting and harvesting practices are protected (page 16).

- In May 1999, the Gates of the Arctic SRC commented on this issue. They stated that waterfowl are harvested in Gates of the Arctic National Park by subsistence users and feel this harvest should be allowed to continue. They questioned the solicitor's opinion and asked to have his findings on paper to review.

**RESOLUTION:**

- In May 2000 NPS responded to the Wrangell-St. Elias SRC on the migratory bird issue. Their response indicated that there is nothing in ANILCA that specifically prohibits the
taking of migratory birds for subsistence purposes within National Parks or Monuments where subsistence uses are otherwise allowed. Although the Migratory Bird Treaty Act does not provide a preference for the taking of migratory birds, the traditional harvest of migratory birds may be permitted in parks and monuments as long as such harvest is consistent with the MBTA. Only local rural residents are allowed to harvest migratory birds within parks and monuments (letter on page 16-17).

**AUTHORITY:**
Migratory Bird Treaty Act
March 4, 1999

John Vale, Chair
Wrangell-St. Elias National Park
Subsistence Resource Commission
P.O. Box 439
Copper Center, Alaska 99573

Wrangell-St. Elias SRC requests for comments on waterfowl harvests on park lands.

Commission members,

The Denali Subsistence Resource Commission, at its February 26, 1999, meeting, discussed the Wrangell-St. Elias SRC's requests for comments on migratory waterfowl hunting and egg collecting on park lands. To the best of our knowledge there is no subsistence harvest of migratory waterfowl or eggs from Denali National Park lands. However, local subsistence users do occasionally harvest them from adjacent lands and rarely from Denali National Preserve lands.

The Denali Commission unanimously passed a motion stating that, although we do not have a particular concern with migratory waterfowl hunting or egg collecting on Denali park lands, the Denali Commission does support efforts by the Wrangell-St. Elias SRC to ensure that traditional hunting and harvesting practices are protected.

We appreciate being informed of your concerns. If you have any further questions, please contact Florence Collins, Chair, Denali Subsistence Resource Commission. (907) 457-2674.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

CC:
Steve Martin, Superintendent Denali National Park and Preserve
Subsistence Resource Commissions at Lake Clark, Cape Krusenstern/Kobuk Valley, Gates of the Arctic, and Aniakchak.
Migratory Bird Treaty Act. Earlier analysis of the impact of these two sections led us to believe that the taking of migratory birds could not be permitted in national parks and monuments, because such use could not be considered a subsistence taking as permitted in ANILCA. This is not the case. In fact, the language of Section 815, and delegations of the Secretary of Interior, only determines what regulations should govern such taking. The Secretaries of Interior and Agriculture have delegated the authority to regulate most subsistence hunting and fishing in Alaska to the Federal Subsistence Board. As you know, these regulations do not include migratory birds. Section 815 mandates that such taking be regulated in accordance with the MBTA, and the Secretary of Interior has delegated the authority to regulate taking of migratory birds to the FWS, not the Federal Subsistence Board.

Your hunting plan recommendation 96-1 requests the establishment of a fall subsistence season and bag limit for migratory waterfowl, consistent with the State season and bag limit for waterfowl on State land. As stated above, this harvest is permitted as long as it is consistent with the regulations promulgated under the MBTA. Because ANILCA and any regulations promulgated pursuant to ANILCA also govern such harvest, only local rural residents are permitted to harvest migratory birds within parks and monuments. In addition, the prohibition in NPS regulations against the use of aircraft for subsistence in parks and monuments extends to the taking of migratory birds.

Your hunting plan recommendation 96-2 requests a general exception to the spring and summer harvesting of migratory birds and their eggs for subsistence purposes to qualified subsistence users, as is the case for western Alaska. For a number of years, the FWS has had a policy limiting enforcement of the general prohibition of spring and summer harvesting of migratory birds and their eggs in western Alaska. However, this policy will be cancelled as regulations permitting such take are adopted. The U.S. Senate recently ratified protocols amending migratory bird treaties with Canada and Mexico. These protocols provide for legal, regulated spring subsistence hunting and egg harvest in Alaska. The FWS is currently in the process of establishing management bodies that will allow subsistence users to be involved in the development of those regulations. In response to your request, we are providing a copy of your recommendation and this response to the FWS for its consideration as it moves forward with the development of spring harvest regulations. The FWS has stated that it intends to have regulations finalized in 2001.

Again, we commend you and the Commission's efforts in addressing these complex subsistence issues, and we thank you for your patience while we worked through this issue. The Commission's role in defining the subsistence hunting program in Wrangell-St. Elias National Park is a continuing one and we look forward to your future involvement and recommendations.

Sincerely,

Robert D. Barbee
Regional Director
Trapping and bartering of fur animals has long been a customary and traditional activity for the Denali area. Trapping continues to be one of the predominant subsistence activities occurring on park and preserve lands. Winter travel in pursuit of furbearers can be extensive and in the northern and western regions supported by a network of winter trails, shelters and cabins which are accessed by the use of dog teams or snowmachines.

Local social norms and traditions of trapping differ greatly from culture to culture and from region to region within Denali. In the northern and western regions of Denali, local residents of communities have evolved and continue to maintain strong informal norms associated with the use of trapping areas and "ownership" of cabins on public lands. In some communities, families or individuals are known to utilize large trapping areas with support trails and cabins for decades.

Thus, local community norms encourage the sustainable harvest of fur in these areas and help provide for the orderly and peaceful relationships between members of the community who harvest furs. These social norms and traditions, which serve to allocate use territories, are integral in the conservation of fur animals and management of social conflict. They are not as evident and in some cases no longer exist in the eastern and southern regions of the park and preserve.
Subsistence trapping of wildlife is allowed in the ANILCA additions to Denali National Park and Preserve by qualified subsistence users subject to Federal subsistence management regulations. Sport and general trapping is allowed in the preserve additions to Denali subject to State of Alaska general trapping regulations. ANILCA provides a preference for local rural residents over other consumptive users should a shortage of subsistence resources occur and allocation of harvest becomes necessary. This is particularly important for National Preserves where State sport hunting and trapping is allowed in addition to Federal subsistence hunting and trapping.

To be eligible to trap for subsistence purposes in the ANILCA additions to Denali National Park an individual must live in a resident zone or have been issued a subsistence use permit (13.44) and have a positive customary and traditional use determination for the area and species they intend to trap. The trapper must also trap within the confines of the published season and bag limit listed in the Federal Subsistence Management Regulations booklet for the area in which they are trapping and comply with all other requirements and restrictions set forth in that document.

Customary and traditional use determinations (C&T) define which communities or areas have customarily and traditionally taken a wildlife population. To trap in a particular area or for a particular species an individual must have a "positive" C&T determination. These determinations are listed in the Federal Subsistence Management Regulations booklet by wildlife management unit.

**Federal Subsistence Board**

The Federal Subsistence Board makes C&T determinations, and determines when seasons open and close, how many animals may be harvested, the method and means by which an animal may be taken, etc. The Board makes changes to the regulations on an annual basis according to a regular schedule. The deadlines vary somewhat from year to year but the general pattern remains consistent:

- **Late October/Early November**: Deadline for submission of proposals to change regulations
- **February through March**: Each of the 10 Regional Advisory Councils meet to consider proposals received and any comments from the public on them. The Councils then prepare recommendations to the Federal Subsistence Board on what actions they feel should be taken on each proposal affecting their area.
May

The Federal Subsistence Board meets and makes decisions on each proposal after consultation with the SRCs, Regional Advisory Councils and consideration of other public input.

July 1

New regulations go into effect.

The Role of the SRC

The SRC plays an important role in this decision making process. The Commission may develop season and bag limit, method and means or C&T proposals and submit them to the Federal Subsistence Board during the annual regulatory change process. The Regional Advisory Councils rely on the SRCs input on all regulatory change proposals that affect Denali National Park and Preserve. Likewise, SRC input on proposals may influence the NPS position on proposals as well as the thinking of Federal Subsistence Board members from other agencies that vote on each proposal.

Use of Aircraft for Trapping

Aircraft may be used to access the preserve for the taking of wildlife under both State and Federal regulations. However, airplanes are not permitted for access to the ANILCA park additions for subsistence harvesting of wildlife. A qualified subsistence user may use an aircraft in the park to carry supplies to a trapping base camp or cabin, but may not utilize the aircraft for working the trapline, setting traps, checking traps, harvesting furbearers or transporting furbearers from park lands.

NPS Definition of Trap

NPS regulations define the term “trap” to mean a snare, trap, mesh or other implement designed to entrap animals other than fish. Under the NPS definition of trap, a firearm is not an approved method of taking free roaming furbearers under the authority of a trapping license. The NPS does acknowledge the long-standing practice of doing so under State regulations, but has concern for high trapping harvest limits for many furbearers.

Customary Trade

NPS regulations recognize customary trade to be the exchange of furs for cash and such other activities as may be designated for a specific park area in 36 CFR Subpart C. In December of 1998 in response to suggestions made by the SRC Chairs and the Western Interior Regional
Advisory Council, the NPS clarified the interpretation of customary trade regulations for park units by stating that the following activities are permitted under NPS subsistence regulations:

- The making and selling of handicraft articles out of non-edible byproducts of fish and wildlife resources taken for personal or family consumption, (in all parks, monuments, and preserves where subsistence uses are permitted) 36 CFR 13.41 and 36 CFR 13.42.

- The exchange of furs for cash (as customary trade), (in all parks, monuments, and preserves where subsistence uses are permitted) 36 CFR 13.41, 36 CFR 13.42, and 36 CFR 13.41(3).

- The selling of handicraft articles made from plant material taken by local rural residents of the park area (as customary trade) (only in Kukuk Valley National Park and Gates of the Arctic National Preserve which contains the Kobuk River and its tributaries) 36 CFR 13.46(a)(3) and 36 CFR 13.69(a)(2).

**Commercial Operations**

On park and preserve lands a person may not engage in trapping activities as an employee of another person. The legislative history clearly indicates that Congress did not intend the park and preserve lands to be a place where more extensive forms of commercial trapping would be allowed and trapping itself becomes a business with employees paid to support the trapping operation.

**Trail Maintenance**

In areas where there have been long established, traditionally used winter trapline trails, a subsistence user may maintain use of their winter trails by periodic brushing.

**Trapping Cabins**

For more detailed information on trapping cabins and shelters see Chapter 10, “Subsistence Cabins and Shelters”.

**Summary**

Subsistence harvest of furbearers is allowed in the ANILCA additions to Denali National Park and in Denali National Preserve by qualified subsistence users subject to Federal subsistence...
management regulations. To be eligible to trap in the ANILCA additions to Denali National Park all of the following requirements must be met:

- be a rural Alaska resident
- have a customary and traditional use determination for the species trapped and the area you are trapping in
- permanently reside in Denali National Park and Preserve, in a Denali National Park resident zone community or hold a subsistence eligibility permit (13.44) for Denali National Park
- possess a valid resident State of Alaska license for hunting and/or trapping
- comply with Federal subsistence season and harvest limit regulations
- comply with any State or Federal permits, harvest tickets or tag requirements

**AUTHORITY:**

50 CFR 100 Federal Subsistence Management Regulations
36 CFR 13 Subpart B Subsistence
36 CFR 13.63 Denali National Park and Preserve
**NPS PROPOSED ACTION**
Clarify the NPS definition of “trap” in 36 CFR regarding the use of firearms

**ISSUE BACKGROUND:**

- The NPS prepared a draft rule in 1994 recommending the clarification of the existing regulation at 36 CFR 1.4 and 13(u). The intent was to eliminate confusion about the use of firearms under a trapping license. The draft regulation was circulated widely across the State for comment prior to publication.

- In a June 16, 1995 memo from the Denali SRC to Regional Director Barbee of NPS, the SRC expressed their opposition to the NPS trapping clarification prohibiting the taking of free ranging furbearers with a rifle (meeting minutes of that date are in Appendix C, page 5 and comments on NPS subsistence program, Appendix B, page 4). The SRC recommended the definition be changed to include the taking of free ranging furbearers by any traditional and customary means, including a firearm or bow and arrow (letter on page 8).

- In 1997, the NPS responded to comments received on the use of firearms as an approved method of taking free-roaming furbearers under the authority of a trapping license as a long-standing customary and traditional use in Alaska. The NPS position on this issue was not changed, but additional language was added to the “NPS Subsistence Program” document indicating that the NPS acknowledges the long-standing practice of allowing the use under state regulations (see Appendix B).

- In August 1998, the NPS responded to the Western Interior Regional Advisory Councils concern about the issue of trapping and customary trade. NPS did not support the Councils suggestion to allow the Federal Subsistence Management Regulations to supercede NPS regulations on this issue. The Deputy Director did say a long term solution to this issue was desirable.

The Council also said that NPS regulations on customary trade stated that only furs could be exchanged for cash. The Deputy Director did not agree with this statement but did promise to revise the language in the NPS Subsistence Management Program report to help clarify the regulation (see pages 8-9).

- At their meeting in October 1998, the SRC chairs made a recommendation that NPS continue to work on the issue of trapping regulations and the prohibition on the use of a firearm under a trapping license.

NPS responded in May 1999 (letter on pages 8-10 in Chapter 1: SRC Functions) to the SRC Chairs’ recommendation. This has been a difficult issue for the NPS. While the
regulations suggest that use of a firearm is not permitted under a trapping license on NPS lands, NPS acknowledges that there is a longstanding practice of doing so under State regulations. NPS will continue to work with the SRCs, Regional Advisory Councils and others to evaluate or further define traditional practices for use of firearms as a method of trapping. It may be difficult at this time to attempt to change the regulations.

- During the October 1999 meeting of SRC chairs in Anchorage, the Chairs recommended that NPS change its regulations in 36 CFR to allow subsistence users with a trapping license to take free ranging furbearers with a firearm. NPS responded to this recommendation in a February 4, 2000 letter indicating that a change in the regulations in the near future was doubtful. NPS believes that an attempt to change the regulations would be unsuccessful and may lead to unexpected consequences. Environmental groups will likely oppose any action they feel is a "relaxation" of the regulations (see letter on page 3, Appendix B).

- In a February 14, 2000 letter to NPS, the Denali SRC reiterated their position regarding trappers' use of firearms to take free roaming furbearers as a traditional practice under a trapping license. The Commission was unanimously in favor of this position. (See letter on page 5 of Appendix B).

**Current Status:**
- The NPS will retain the existing regulation concerning the allowable methods for trapping. NPS has taken no action on the draft rule intended to clarify NPS definition of a trap.

- NPS has acknowledged the long-standing practice of allowing the taking of free-roaming furbearers with a firearm under the authority of a trapping license. NPS will work with the SRCs, the Regional Advisory Councils and others to evaluate or further define traditional practices for use of firearms as a method of trapping.

**Authority:**
- 36 CFR 1.4 Definition of "trap"
- 36 CFR 13(u) Definition of "trap"
June 16, 1995

Robert D. Barbee
Field Director
National Park Service
2525 Gambell Street
Anchorage, Alaska 99503-2892

Dear Mr. Barbee:

The Denali Subsistence Resource Commission, at its June 16, 1995 meeting, discussed the proposed National Park Service rule to clarify restriction on the use of firearms and other weapons by trappers.

The Denali Subsistence Resource Commission unanimously opposed the restriction of use of firearms in taking furbearers under a trapping license.

The National Park Service definition of trapping should be changed to redefine trapping to include the taking of free ranging furbearers by any traditional and customary means. This includes the use of firearms and bow and arrow.

This customary and traditional practice of utilizing a firearm or bow and arrow predates ANILCA by many hundreds of years, and this practice continues today.

Sincerely,

Florence Collins,
Chair, Denali Subsistence Resource Commission

cc:
Gates of the Arctic National Park Subsistence Resource Commission
One of the primary mandates of the NPS is to ensure that natural and healthy populations of wildlife are maintained on NPS lands. Where permitted by law, subsistence uses must be consistent with that mandate. We acknowledge that there may be a legitimate need for bona fide trap-pers—actively working a trapline—to be able to use a firearm to take fur-bearers (and certainly to disable fur-bearers already in a trap). Historically, the need for enforcement of the NPS regulation has been minimal to non-existent.

Unfortunately, relatively little is known about the health of many fur-bearer populations on NPS lands. Before we make any changes to our regulations, we would like to explore other options for gathering biological and harvest information, which may reduce our need to rely on traditional regulatory systems. Two projects are already underway. The community of Wiseman, working with the NPS has developed a community harvest reporting system. In Northwest Alaska, the NPS and U.S. Fish and Wildlife Service, local communities and schools are all working together to better understand the biology and demography of wolverine in the region. We are excited about such cooperation with local subsistence users on harvest reporting systems and biological research, and want to give these and other such projects a chance to succeed before we revisit our regulations. We welcome your involvement and your ideas in how we can expand such programs.

The second issue in your letter relates to customary trade, and to our statement in the August 1997 NPS Subsistence Management Program Report that the "NPS regulation for customary trade states that only furs may be exchanged for cash." Your letter says that this statement "is in direct conflict with the ANILCA’s definition of customary trade within the definition of subsistence uses in Section 803,..." and you request that NPS regulations be "corrected" to allow the sale of handicrafts made from nonedible byproducts of fish and wildlife resources.

In fact, what you request is and always has been permitted under ANILCA and under NPS regulations. However, we understand that there may have been some misunderstanding on this issue both within the NPS and with subsistence users. We will add language to clarify this issue the next time we reissue the NPS Subsistence Management Program Report.

In your letter, you suggest that the phrase "for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption" is part of the definition of "customary trade." In fact, that phrase is the second of four phrases that constitute the definition of "subsistence uses" in Section 803. The first is "for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation." The second is "for barter, or sharing for personal or family consumption", and the fourth is "for customary trade." These definitions are repeated in the NPS regulations at 36 CFR 13 42. Therefore, the NPS regulation that defines "customary trade" (36 CFR 13 42(c)(3)) is only a definition of the last of four types of permitted uses under the definition of "subsistence uses." It does not define or restrict any of the other three types of uses, all of which are permitted under ANILCA and under NPS regulations.

Therefore, the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption is permitted. "Customary trade" constitutes any or all other legitimate subsistence uses where the exchange of cash for subsistence resources is involved. On NPS lands, this is restricted to the sale of furs for cash (except where other uses are specifically authorized—currently the Kobuk unit of Gates of the Arctic National Preserve and Kobuk Valley National Park where the sale of handicrafts made from plant material is permitted).

Thank you for taking the time to review and comment on our subsistence management program. I hope the information we have provided in this letter is helpful to you. We look forward to continuing our relationship with the council, and with the subsistence users in the region.

Sincerely,

[Signature]

Paul R. Anderson
Deputy Regional Director
HARVEST OF TIMBER AND PLANT MATERIALS

Non-commercial cutting of live standing timber for appropriate subsistence uses, such as firewood or house logs (greater than 3" diameter at ground height) are allowed on federal public lands. A permit is required and may be obtained from the Superintendent (see Denali National Park and Preserve policy on subsistence use of timber resources on page 2).

Harvest of Live Timber

House log permits: Live timber may be harvested for construction of a primary permanent residence or subsistence use cabin. Timber harvested or structures built under a subsistence permit may not be used for commercial purposes. Logs may only be harvested from Federal public lands within the ANILCA additions to Denali National Park and Preserve. Live timber harvest permits are issued by the Superintendent.

Firewood permits: Firewood permits may be issued to qualified subsistence users for the non-commercial cutting of live standing timber for use as firewood. Permits are only issued if there is no adequate and reasonably available supply of dead or down wood. A permit allows harvest of live standing timber greater than 3 inches in diameter at ground height. The harvest of live timber for firewood will be limited to what is reasonably required for heating, cooking, etc. at the applicant’s primary place of residence or subsistence use cabin.

Harvest of Dead or Down Logs

Firewood: Collection and use of dead or down wood, from Federal public lands within the ANILCA additions to the park and preserve, for personal use is allowed. The wood may be used in campfires, home stoves and fireplaces for cooking and warming. No permit is required for this activity.

Permits are required for any use of a chain saw on Federal public lands in Denali National Park and Preserve regardless of the type of use.

Gathering of fruit, berries, mushrooms and other plant materials for subsistence uses is allowed in the ANILCA additions to the Park and in the Preserve. No permit is required.

AUTHORITY:

36 CFR 13.49 Subsistence use of timber and plant material
36 CFR 13.20 Preservation of natural features
36 CFR 2.12 Audio Disturbances
SUBSISTENCE USE OF TIMBER RESOURCES
ANILCA ADDITIONS
DENALI NATIONAL PARK AND PRESERVE

It is the policy of the Superintendent, Denali National Park and Preserve, to allow for the non-commercial, subsistence harvest of timber and plant materials in accordance with the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII, and 36 CFR, Part 13.49. The preamble to 36 CFR Part 13 dated June 17, 1981, states the following with regard to subsistence use of timber and plant materials:

Section 13.49(a) relaxes the general public use regulations by allowing local rural residents in park areas where subsistence uses are allowed to obtain a permit to cut standing live timber of greater than three inches diameter at ground height for subsistence needs such as shelter or fuel. Before issuing a permit, the Superintendent must determine that the proposed cutting is compatible with the purposes for which the park area was established. Furthermore, the Superintendent will include in the permit any stipulations deemed necessary to protect the resources of the park area.

Of primary concern to the National Park Service is the maintenance and protection of forest resources and other park values. Subsistence timber harvest permits will only be issued if it can be shown that harvest will not impair or otherwise degrade the viability of the forest resource and other park values.

CRITERIA FOR ISSUING FIREWOOD PERMITS

The collecting of personal-use firewood from Federal lands within ANILCA additions to Denali National Park and Preserve is permitted by Federal law and regulations subject to certain restrictions. Consistent with the provisions of the ANILCA Title VIII, and 36 CFR Part 13, the following criteria are established for the issuance of firewood permits:

-- No permit is required to collect dead or down wood for personal use in fires within park or preserve areas. This includes both campfires and home stoves and fireplaces used for either cooking or warming. The critical determining factors are the wood must be dead or down when collected and must be utilized for personal use only. This authority is contained in 36 CFR 13.20.

-- Firewood permits may be issued to qualified subsistence residents for the non-commercial cutting of live standing timber for subsistence use as firewood. These permits will be issued only if there is no adequate and reasonably available supply of dead or down wood which can be collected without a permit. A permit is required for the cutting of live standing timber greater than three inches in diameter at ground height. Qualified subsistence users are allowed to cut live standing timber less than three inches in diameter without a timber cutting permit unless restricted by the Superintendent. This authority is contained in 36 CFR 13.49.

-- There is no authority for the collecting of firewood for commercial purpose. Permits will not be issued to individuals who intend to utilize the wood for commercial purposes such as sale or utilization in a commercial operation.

-- Permits for the use of a chain saw on any Federal lands within Denali National Park and Preserve are required regardless of the type of use. This authority is contained in 36 CFR 2.12.

CRITERIA FOR ISSUING CABIN LOG PERMITS

The subsistence harvest of timber for cabin logs from Federal lands within ANILCA additions to Denali National Park and Preserve is permitted by Federal law and regulations subject to certain restrictions. Consistent with the provisions of the ANILCA Title VIII, and 36 CFR Part 13, the following criteria are established for the issuance of cabin log permits:

-- The logs must clearly be intended for subsistence and not commercial purposes.

-- The number of logs allowed to be cut under each permit will not exceed the minimum required of a primary place of residence. This determination will be made on a case by case basis. It would include that number of logs reasonably required of a building plan submitted with the application request.

-- The availability of timber on a person's personal property would be considered in this decision process.

-- The applicant must be a permanent full-time resident of the local area and have a history of subsistence use.

-- The application for a log permit must be in writing or given orally to park staff, and plans for the structure submitted.

-- With the exception of designated shared use subsistence cabins built on Federal public lands, the applicant for a cabin log permit must own the land upon which he/she intends to build.

-- With reference to §8...compatible with the use for which the park area was established...a cabin log cutting will be allowed when and where it does not significantly alter the composition and age classes of live standing white spruce stands. Nor would it be allowed to adversely impact the natural scene as viewed from the water or air.

The Special Use Permit (10-114) shall be the permitting instrument. Subsistence timber permits may only be issued by the Superintendent or his designee. Violation of the terms and conditions of the permit may result in an immediate revocation of the permit by the Superintendent.

Stephen P. Martin
Superintendent, Denali National Park and Preserve
**SRC PROPOSED ACTION**

Include the practice of making, selling or trading handicraft items made from plant materials by subsistence users as an authorized use under customary trade.

**ISSUE BACKGROUND:**

- The SRC passed a motion stating that there has been a customary and traditional practice, by subsistence users at Denali National Park and Preserve, of gathering, making, selling or trading handicraft items from natural materials such as non-edible animal parts, minerals and vegetative materials.

- The SRC believes this customary and traditional practice should be recognized and authorized as a customary trade practice in NPS regulations for Denali National Park and Preserve.

- In January, 1998 the Western Interior Regional Advisory Council wrote to NPS Regional Director Robert Barbee regarding the issue of customary trade. Their concern was that NPS regulations governing customary trade state that only furs may be exchanged for cash. The Council saw this as a direct conflict with the definition of subsistence uses in Section 803 of ANILCA. They requested that NPS regulations, or their interpretation, be corrected to allow for the sale of handicrafts made from non-edible byproducts of fish and wildlife resources in conformance with ANILCA (see letter on page 5).

- NPS responded to Western Interior Regional Council comments on customary trade saying that what the Council requested is and always has been allowed under ANILCA and NPS regulations. NPS promised to add language to clarify the issue in the next release of the NPS Subsistence Management Report (see letter on page 6-7). The report referred to is in Appendix B.

- At the joint SRC chairs/NPS meeting in Anchorage in October 1998, one of the items discussed was the issue of "customary trade" and the "making and selling of handicraft articles out of non-edible byproducts of fish and wildlife resources taken for personal or family consumption." As explained in the August 24, 1998 letter to the Western Interior Regional Advisory Council, both these activities are permitted under NPS regulations.

The NPS regulation for customary trade states that only furs may be exchanged for cash or other non-edible by-products of fish and wildlife resources taken for personal or family consumption. There are currently two exceptions to this: one in Gates of the Arctic National Preserve and one in Kobuk Valley National Park, which permit the sale of handicrafts made from plant material. To authorize the sale of handicrafts made from materials other than furs, under the NPS definition of customary trade, a change to NPS "Special Regulations" under 36 CFR Subpart C §13.63 would need to be made (see letter on page 7).
At the October 1999 meeting of the SRC chairs a recommendation was made that each SRC should review the NPS customary trade regulations to ensure that local customary trade practices are recognized and authorized under the current NPS regulations. They further recommended that NPS customary trade regulations be consistent with Federal Subsistence Board regulations.

NPS responded to the SRC chairs recommendation in February 2000 agreeing that customary trade regulations should to the extent possible address local customary practices. NPS asked that each SRC review the customary trade regulations and provide comments and specific information on local practices.

The Denali SRC made a statement regarding customary trade during the February 14, 2000 meeting. The SRC reiterated their position of August 22, 1996 (see appendix B, pages 1-2). The Commission unanimously passed a motion stating, “The SRC supports the customary trade of any handicraft items made by subsistence individuals who are gathering, making, and selling crafts made from natural materials such as animal, mineral, or vegetation. The Commission believes the sale of these handicrafts by subsistence individuals should not be illegal since it has been a customary and traditional practice to make, sell, or trade these handicraft made from natural resources.” The Commission members compiled a list of some of the resources and materials used in both past and present for items customarily traded. The list is contained in their letter located in Appendix B, page 5.

**Current Status:**
- A review of NPS regulations pertaining to customary trade may need to be made in light of changes made by Federal Subsistence Fisheries Regulations providing for the non-commercial exchange of subsistence foods through customary trade.

**Authority:**
36 CFR 13.41 Applicability
36 CFR 13.42 Definitions
36 CFR 13.63 Denali National Park and Preserve
January 21, 1998

Robert Barbee, Regional Director
National Park Service
2525 Gambell Street
Anchorage, Alaska 99503

Dear Director Barbee:

The Western Interior Regional Advisory Council is concerned about two conflicts between National Park Service regulations and Alaska National Interest Lands Conservation Act (ANILCA) and Federal Subsistence Program regulations. The two areas of conflict are trapping and customary trade on Park Service lands.

TRAPPING: We are requesting your office submit a proposal to the Federal Subsistence Board to alleviate the apparent conflict with customary and traditional trapping practices currently occurring in Gates of the Arctic, Denali, and Lake Clark National Parks. The proposal would request that the existing Federal Subsistence Program regulations apply and/or supersede existing National Park Service regulations on all Park Service lands. This would result in uniformity of trapping regulations across Federal public lands making it easier for user compliance and enforcement. The Regional has taken an active role in aligning Federal trapping seasons with more liberal State trapping seasons by submitting alignment proposals for beaver and wolf for the region.

The conflict's root starts in the 36 CFR definition of a trap where a firearm is not an approved method of taking free roaming furbearers under the authority of a trapping license. Your National Park Service Subsistence Management Program Report (August 1997) on page 25 acknowledges that existing Park Service regulation does not conform to longstanding practice of customary and traditional uses in Section 803, (ANILCA) and Federal Subsistence Program regulations. The two areas of conflict are trapping and customary trade on Park Service lands.

CUSTOMARY TRADE: On page 27 of your August 1997 Report, it states, "The NPS regulation for customary trade states that only furs may be exchanged for cash." This is in direct conflict with the ANILCA's definition of customary trade within the definition of subsistence uses in Section 803.

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. (Emphasis added)

Further, your reference to Senate Report 96-413, pg. 234, does not indicate a need for restricting customary trade on Park Service lands to only furs exchanged for cash. It only refers to not permitting the establishment of a significant commercial enterprise under the guise of subsistence uses. There has been trade in Alaska since the first occupation of Alaska by humans. Trade in the sense of cash exchange has existed in Alaska for hundreds of years. This trade was never limited to furs alone. It included handicrafts made from various parts of animals and various plant materials.

We strongly request that Park Service regulations conform to ANILCA and be corrected to allow the sale of handicrafts made from nonedible byproducts of fish and wildlife resources. Implementing this action would recognize and honor the longstanding practice of customary trade that continues on Park Service lands.

In conclusion, we applaud your efforts with an open door approach with your National Park Service Subsistence Management Program Report and we look forward to working cooperatively together on subsistence issues.

Yours truly,

Carl Morgan, Chair

cc: Tom Boyd, Assistant Regional Director, Office of Subsistence Management Subsistence Resource Commission Chairs for Gates of the Arctic, Denali, and Lake Clark
Taylor Brelsford, Office of Subsistence Management
Dear Mr. Morgan:

This letter is in response to your letter of January 21st, expressing concern about the issues of trapping and customary trade, and the relationship between National Park Service (NPS) and Federal Subsistence Management Program (FSMP) regulations. This letter is also responsive to that part of the Council's 1997 Annual Report submitted to the Federal Subsistence Board on May 6, 1998, in which the same issues were raised.

On the issue of trapping, you requested that the existing FSMP regulations apply and/or supersede existing NPS regulations on all lands. Your reason for requesting this is based on the fact that NPS regulations do not include a firearm as an approved method of taking free-roaming furbearers under the authority of a trapping license. As you stated in your letter, we have acknowledged (in our Subsistence Management Program Report distributed last year) that there is a long-standing practice of using a firearm for such take under State trapping regulations. However, the report also expressed concern for the high harvest trapping limits for many furbearers.

While a long-term solution to this issue is desirable, we cannot support your suggestion to make FSMP regulations supersede NPS regulations. The FSMP regulations clearly state that they "...do not supersede agency specific regulations." (50 CFR 100.3). Each individual agency operates under specific laws, passed by Congress, which define the mission of the agency. In ANILCA, for example, Congress recognized the difference in the NPS mission from other agencies, and specified that in national parks and monuments the NPS is to manage for "natural" and healthy wildlife populations, rather than "healthy" populations described for other conservation system units. Each agency develops the regulations necessary to carry out its particular Congressional mandate. The FSMP regulations cover the taking of fish and wildlife for subsistence uses on all federal lands where subsistence is authorized. When a FSMP regulation conflicts with an agency specific regulation, the agency regulation must take precedence, or the agency will not be fulfilling its Congressional mandate. For this reason, we cannot support, legally, nor in policy, revising the FSMP regulations to make them supersede the NPS regulations.

One of the primary mandates of the NPS is to ensure that natural and healthy populations of wildlife are maintained on NPS lands. Where permitted by law, subsistence uses must be consistent with that mandate. We acknowledge that there may be a legitimate need for bona fide trappers—actively working a trapline—to be able to use a firearm to take furbearers (and certainly to dispatch furbearers already in a trap). Historically, the need for enforcement of the NPS regulation has been minimal to non-existent.

Unfortunately, relatively little is known about the health of many furbearer populations on NPS lands. Before we make any changes to our regulations, we would like to explore other options for gathering biological and harvest information, which may reduce our need to rely on traditional regulatory systems. Two projects are already underway. The community of Wiseman, working with the NPS has developed a community harvest reporting system. In Northwest Alaska, the NPS and U.S. Fish and Wildlife Service, local communities and schools are all working together to better understand the biology and demography of wolverine in the region. We are excited about such cooperation with local subsistence users on harvest reporting systems and biological research, and want to give these and other such projects a chance to succeed before we revisit our regulations. We welcome your involvement and your ideas in how we can expand such programs.

The second issue in your letter relates to customary trade, and to our statement in the August 1997 NPS Subsistence Management Program Report that the "NPS regulation for customary trade states that only furs may be exchanged for cash." Your letter says that this statement "is in direct conflict with the ANILCA's definition of customary trade within the definition of subsistence uses in Section 803,..." and you request that NPS regulations be "corrected" to allow the sale of handicrafts made from nonedible byproducts of fish and wildlife resources.

In fact, what you request is and always has been permitted under ANILCA and under NPS regulations. However, we understand that there may have been some misunderstanding on this issue both within the NPS and with subsistence users. We will add language to clarify this issue the next time we reissue the NPS Subsistence Management Program Report.

In your letter, you suggest that the phrase "for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption" is part of the definition of "customary trade." In fact, that phrase is the second of four phrases that constitute the definition of "subsistence uses" in Section 803. The first is "for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation." The third is "for barter, or sharing for personal or family consumption", and the fourth is "for customary trade." These definitions are repeated in the NPS regulations at 36 CFR 13.42. Therefore, the NPS regulation that defines "customary trade" (36 CFR 13.42(f)(3)) is only a definition of the last of four types of permitted uses under the definition of "subsistence uses." It does not define or restrict any of the other three types of uses, all of which are permitted under ANILCA and under NPS regulations.
Therefore, the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption is permitted. "Customary trade" constitutes any or all legitimate subsistence uses where the exchange of cash for subsistence resources is involved. On NPS lands, this is restricted to the sale of furs for cash (except where other uses are specifically authorized—currently the Kobuk unit of Gates of the Arctic National Preserve and Kobuk Valley National Park where the sale of handicrafts made from plant material is permitted).

Thank you for taking the time to review and comment on our subsistence management program. I hope the information we have provided in this letter is helpful to you. We look forward to continuing our relationship with the council, and with the subsistence users in the region.

Sincerely,

Paul R. Anderson
Deputy Regional Director
Subsistence cabins and shelters

Trapping continues to be one of the predominant subsistence activities occurring on park and preserve lands. Winter travel in pursuit of furbearers can be extensive and in the northern and western regions is supported by a network of winter trails, shelters and cabins which are accessed by the use of dog teams and snowmachines. In some communities, families or individuals are known to utilize large trapping areas with support trails and cabins for decades.

Use of cabins for subsistence purposes within Denali National Park and Preserve is allowed by permit from the Superintendent. Use of cabins for subsistence purposes require that a person be a local rural resident who is eligible for subsistence hunting in the Park or Preserve where the structure is located. A permit is required for use and occupancy of a permanent or temporary cabin or other structure in the Park or Preserve.

The Superintendent may designate cabins or other structures that may be shared by local rural residents. Occupancy of structures specifically designated for shared use does not require a permit.
The Superintendent may permit the construction of a new cabin or other new structure for subsistence purposes only if a tent or other temporary facility would not adequately and reasonably accommodate the applicant's subsistence uses without significant hardship and if no other type of cabin or structure would adequately and reasonably accommodate the applicant's subsistence uses. The decision is based on impacts on the values and purposes for which the park was established. The Superintendent must provide for shared use of new cabins by other local rural subsistence users as well as the permittee.

In July 1999 a subsistence cabin study was completed documenting the historical and contemporary use of cabins and structures associated with subsistence use activities in the north additions to Denali National Park and Preserve (see section on Acquisition of Resource and User Data, Resource Management Plan project statement number S-100.006). The park has evaluated and authorized three traditional subsistence trapline cabin re-constructions. A list of environmental assessments and ANILCA, Section 810 evaluations for the cabin re-constructions can be found under Appendix H.

**AUTHORITY:**
36 CFR 13.17 Cabins and other structures
**SRC PROPOSED ACTION**

Revise 36 CFR 13.17 “cabin” regulations.

**ISSUE BACKGROUND:**

- In comments to the “Draft Review of Subsistence Law and NPS Regulations” the SRC expressed a desire to revise several sections of the 36 CFR 13 cabin regulations that were either too restrictive or were inadequate to cover existing needs of subsistence users in the Park (SRC comments, page 4, Appendix B). The SRC felt the regulations needed to distinguish between “new” and “replacement” cabins and the latter should not be subject to the strict requirements that exist for new cabins. They felt that replacement cabins – built to replace one no longer useable – should be permitted anywhere along traditional trapline trails, provided the total number of cabins on any of these traditional traplines does not increase. It should be recognized that cabins do need periodic replacement due to rotting logs and roofs, stove fires, undercutting by rivers, forest fires, or changes in trail use, etc. Historically cabins are not always built on the same foundation for the same reasons, and also because vegetative resources such as firewood, which gradually become reduced in the immediate area over time, need time for regeneration.

- Secondly the SRC recommended changing the regulation requiring that all cabins be shared use cabins. The SRC said it is not traditional to have ‘shared use’ of a new or replacement cabin by all subsistence users, although exclusive use is not required in most cases. Mandatory designation of all new cabins as shared use cabins may not be appropriate (see SRC comments, page 4, Appendix B)

**CURRENT STATUS:**

- The NPS position on cabins and shelters was articulated in the “National Park Service Subsistence Management Program” document found in Appendix B (page 24). The NPS response to the SRCs comment on differentiation between new and replacement cabins was:

> The construction of any cabin should undergo the same thorough scrutiny, however, the fact that a proposed cabin is to replace a cabin no longer usable may be a mitigating factor in the review.

The NPS response to the SRC comment on shared used of cabins was as follows:

> NPS cabin regulations and the preamble to those regulations are clear that new cabins must be on a shared use basis. The preamble states that “All new cabins authorized under this subsection will be used on a shared rather than exclusive use basis.”
The NPS responded further to comments on the “Draft Review” paper, saying that, where appropriate, parks should develop specific cabin management guidelines as part of their subsistence management plans. Such guidelines would be subject to review and comment by the SRCs, advisory groups, the State and the public prior to implementation. The Parks Resource Management Plan calls for development of a Cabin Management Plan for Denali after completion of the subsistence cabins and shelters study for the north additions to Denali National Park and Preserve.

**Authority:**

36 CFR 13.17 Cabins and other structures
ACQUISITION OF RESOURCE AND USER DATA

Subsistence Resource Data

Each National Park is required to prepare a Resource Management Plan (RMP) identifying a program for monitoring, inventory, research, mitigation and enforcement activities required to protect the parks natural resources and natural and cultural processes, and to achieve the park’s purposes and objectives. Denali’s RMP includes sections on natural resources, cultural resources, and subsistence resources. The plan is updated periodically whenever natural resource objectives for the park are changed or when studies result in new knowledge which may influence objectives and management needs.
The Denali National Park and Preserve subsistence section of the RMP contains several project statements of interest to subsistence users:

1) Subsistence Management Program (pages 4-9);
2) Customary and Traditional Uses (pages 10-13);
3) Subsistence Access (pages 14-16);
4) Subsistence Trapline Management (pages 17-20), and
5) Subsistence Hunting Programs (pages 21-24).

Each project statement contains a description of the program or issue in terms of a “problem statement”, “current management actions being taken” and “recommendations for future actions” that may be required to resolve the problem or reach the objective. Components of the SRC’s hunting plan that require an action be taken by the park are described in the RMP as well.

The actions described in the project statements listed above will be completed as staff and funding allow. However, in the interim there is a need to acquire current resource and user information necessary for day-to-day management of subsistence activities. Additional subsistence-related material may be found in the natural resource and cultural resource sections of the RMP.

User Data

Reported harvest information for large animals, furbearers, waterfowl and fish can be found through the Alaska Department of Fish and Game harvest records, sealing documents, and registration permits. Most of this harvest information is lumped together for the entire Game Management Unit or subunits irrespective of park or preserve boundaries, making review or use of the data very difficult. Much of the older harvest data has not been digitized or entered into computer databases. With such a range and variety of subsistence resource information, which is often gathered in the short term and not related to other works, it is difficult to formulate the information into a long term consistent database for subsistence management. Particularly noticeable is a lack of information regarding subsistence use for the southern additions to Denali National Park and Preserve.

Community Profile Studies

Several of Denali’s resident zone communities had subsistence community profile studies done by the State Division of Subsistence in the early 1980s but the data is not complete. No community profile study has been completed for the community of Lake Minchumina. Most of these profile studies are fifteen to seventeen years old and need to be updated with current information. The research design and information gathered need to be modified from these earlier studies in order to provide the type of information needed to guide current management issues.
**NPS Proposed Action**

Gather and document past and current information on subsistence uses and resources in Denali National Park and Preserve.

**Issue Background:**

- **ANILCA** states that subsistence use by local residents shall be permitted in the park and preserve, where such uses are traditional. A review of existing information needs to be initiated that identifies both contemporary and historical traditional subsistence uses and use areas for each resident zone community.

- The Denali RMP identifies three areas where information required for the management of subsistence is either outdated or non-existent. Subsistence community-use profiles and traditional-use areas are two of the priority needs. Some subsistence use information is available from studies conducted by the State in the early 1980s but the data is dated and sometimes incomplete. No community profile studies have been conducted for Lake Minchumina.

- Park staff will make a coordinated effort to obtain population monitoring and harvest data for the Denali region from the ADF&G and US Fish and Wildlife Service databases. Some information has already been compiled. Harvest data for large mammals and wolf have been summarized and appear in this chapter beginning on page 25.

- Park staff and the SRC will work with local hunters and trappers to establish community harvest monitoring programs for Denali's resident zones. Park staff will work with the ADF&G, US Fish and Wildlife Service, the SRC, and local subsistence users to develop harvest reports for wildlife that are more specific in identifying harvest that occurs on park and preserve lands.

- The SRC and Regional Advisory Councils will be consulted prior to initiation of any of the studies identified above. NPS is committed to hiring qualified personnel for these studies, with high professional and ethical standards and sensitivity to local subsistence issues and users' needs.

- Park staff met with community members to recruit harvest monitoring personnel in Cantwell, Lake Minchumina, Nikolai and Telida.

**Current Status:**

- In 2000, the NPS entered into a cooperative agreement with the Alaska Department of Fish and Game Subsistence Division to conduct subsistence community profile updates for Cantwell, Lake Minchumina, Telida and Nikolai.
SUBSISTENCE PROGRAM MANAGEMENT

PROJECT CODE: DENA-S-100

SERVICEWIDE ISSUES:
N19. Loss of Park Resources Due to Consumptive Practices
N20. Lack of Basic Data

STATEMENT OF PROBLEM

The Alaska National Interest Lands Conservation Act (ANILCA) is one of the most significant and complex pieces of conservation legislation in this Nation's history. Implementation of ANILCA mandates have provided many challenges and opportunities for the Federal conservation agencies and the courts, not the least of which is subsistence management.

Congress recognized the uniqueness and importance of a subsistence way of life to rural residents by identifying it as one of the purposes of ANILCA. Through Title VIII of ANILCA, Congress established a policy that rural residents engaged in a subsistence way of life be provided the opportunity to do so, consistent with sound management principles and the conservation of healthy fish and wildlife populations; that the utilization of public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence resources; that the non-wasteful subsistence use of fish and wildlife be the priority consumptive use should it become necessary to restrict the taking; and that in managing subsistence activities the Federal land managing agencies shall cooperate with adjacent landowners and land managers, including Native Corporations, State and Federal agencies.

Language in ANILCA specific to Denali states that subsistence uses by local residents shall be permitted in the park additions, where such uses are traditional, in accordance with the provisions of Title VIII. As such, subsistence uses are also allowed in Denali National Preserve (ANILCA 201(3)(a), 203).

Subsistence activities encompass a living tradition that is not static in time and place. Patterns of subsistence use vary from time to time and from place to place depending on the availability of wildlife and other renewable natural resources. In addition, subsistence customs and traditions evolve as users adapt and adjust to new technologies, economies, and social and political influences. The National Park Service (NPS) recognizes the necessity for continued development and modification of the subsistence program based on review and input from resource managers, subsistence advisory groups, subsistence users, the public, and legal and technical advisors.

To achieve the complex synthesis of protection and use mandated by ANILCA, Congress felt it was important to provide an administrative structure which would allow rural residents the opportunity to have a meaningful role in the management of fish and wildlife and subsistence use on public lands in Alaska.

Present Condition

Title VIII of ANILCA specifies many subsistence management activities which require both NPS and public participation. Section 804 deals with the allocation and preference for subsistence users if it becomes necessary to limit take of fish and wildlife to protect the viability of populations. Section 805 directs the coordination and consultation with regional subsistence advisory councils. Section 806 established and directs the coordination and consultation with the park Subsistence Resource Commission. Section 810 mandates the evaluation of any proposed actions on park and preserve lands to determine if there is a potential to impact subsistence users or resources. Section 811 ensures that subsistence users have reasonable access to subsistence resources. Section 812 directs agencies to undertake research on fish and wildlife and subsistence uses needed to help guide subsistence management. Section 814 directs the Secretary through the regulatory process to develop regulations as necessary and appropriate to carry out responsibilities under Title VIII.

In 1981, the NPS promulgated regulations to implement and clarify the mandates and programs specified by ANILCA. These regulations were the minimum necessary for the interim administration of Alaska park areas addressing access, use of cabins, carrying firearms, camping, preservation of natural features, subsistence eligibility and use of resources, and application procedures.

In 1985, the Denali Subsistence Resource Commission (SRC) was formed to advise the park Superintendent, the Governor of the State of Alaska, and the Secretary of the Interior regarding a subsistence hunting program for the park. The commission continues to meet regularly to provide recommendations on the park's subsistence hunting program, and to advise the recently established Federal Regional Subsistence Advisory Councils and the Federal Subsistence Board regarding Denali's subsistence users needs.
The State of Alaska managed statewide subsistence harvests until 1989, when the Alaska Supreme Court ruled that rural residency preference required by Federal law violated the Alaska Constitution. As a result, in 1990 the Federal government established a Federal Subsistence Management Program to manage subsistence take of fish and wildlife on Federal public lands in Alaska. Nine Federal Regional Subsistence Advisory Councils were established to advise and make recommendations to the Federal Subsistence Board regarding subsistence use of fish and wildlife. The Federal Subsistence Board oversees subsistence harvests on all Federal public lands in Alaska. The State Board of Game oversees the general and sport wildlife harvest authorized in Denali National Preserve.

In March of 1995, the Ninth Circuit Court of Appeals found, in a case dealing with subsistence fisheries, that the United States has jurisdiction in navigable waters for which the U.S. has reserved waters for purposes of implementing Title VIII of ANILCA. The U.S. Supreme Court's refusal to hear the State's appeal significantly expands Federal subsistence management of fisheries beyond the boundaries of Federal conservation units in Alaska.

Current Management Actions and Results

As a result of recent court cases which have increased management responsibilities regarding subsistence use of fish and wildlife resources on Federal public lands in Alaska, a full time position has been established at Denali to administer the park and preserve subsistence program. The Subsistence Specialist is dedicated to coordinating and participating in both natural and cultural research activities related to subsistence use, coordinating activities with public advisory groups and regulatory boards, and performing the administrative duties required by ANILCA and federal regulations.

Currently the NPS is reviewing subsistence law and regulations affecting Alaska park and preserve areas to gain insights into the intent of those laws and regulations, and to review the legislative history as appropriate. Through this review process, the NPS hopes to identify issues and establish actions necessary to resolve subsistence management concerns. This review effort is one step in an ongoing process to develop a program for management of subsistence use that meets the mandates specified in ANILCA and the long term need for preservation of the park areas. The continued development and modification of the NPS's subsistence program will be based on review and input from the public in general, subsistence users, subsistence advisory groups, and legal and technical advisors. Denali's SRC has an active role in this review and evaluation process (USNPS, 1995).

The Denali SRC meets regularly, at least twice, a year to discuss specific subsistence issues affecting Denali and to make recommendations regarding the park's subsistence hunting program. In addition, the Commission submits proposals, reviews other proposals, and submits comments to the Federal Regional Advisory Councils and the Federal Subsistence Board for changes to the Federal subsistence regulations.

It was the intent of Congress to restrict eligibility for subsistence activities within Denali National Park to local rural residents who have a personal or family history of use of park resources. It was also Congress' intent that the NPS should manage eligibility by identifying eligible communities to the greatest extent possible rather than basing eligibility upon an individual permit system. Through NPS rulemaking in 1981, four communities near Denali National Park were designated as Subsistence Resident Zone Communities for the Park. Cantwell, Lake Minchumina, Telida and Nikolai were identified as communities with a significant concentration of subsistence users who have utilized park resources. After consultation with Denali's SRC, boundaries for these resident zone communities were established. Individuals who reside outside of the resident zone communities, who have had a customary and traditionally used park subsistence resources, may apply to the Superintendent for a subsistence use permit. Approximately 320 local rural residents qualify for subsistence use activities within Denali National Park and Preserve.

RECOMMENDED ACTIONS:

No document on subsistence can be all inclusive nor can it predict all of the issues that may confront managers and subsistence users in the future. Park staff recognizes the necessity for continued development and modification of the subsistence program based on input and review from subsistence users, legal and technical advisors and the public in general.

Park staff will work to continue to maintain the balance Congress intended between conservation of renewable resources according to NPS and ANILCA mandates while allowing traditional subsistence uses by local rural residents. Park staff will administer the NPS and Federal Subsistence Management Programs by conducting and coordinating public meetings; providing a forum for meaningful public and advisory group participation; gathering and providing data and information on fish and wildlife populations and community use patterns; administer and issue special hunting, trapping, fishing, and cabin permits as required by Federal regulations; assist in the development of the SRC hunting program, trapping and cabin management plans; develop proposals for and coordinate subsistence research studies; establish cooperative subsistence use monitoring programs; provide administrative support the Denali's Subsistence Resource Commission; develop educational and information outreach programs.
A. Program Administration and Planning

S-100.001: Manage Subsistence Eligibility

Congress intended that a community based eligibility system for National Parks be utilized to the greatest extent possible as long as the community consists of a significant population of subsistence users. Park staff will continue to work closely with the Denali SRC and the Advisory Councils to more clearly define what constitutes a significant concentration of subsistence users within Denali's resident zones. Park staff will periodically evaluate and report to the SRC the status of Denali's four resident zones communities.

As recommended by the Lake Clark and Denali SRC's, the NPS will continue to work on promulgating the "Roster Regulations" which would establish the roster list concept as an alternative method for determining eligibility for communities. As guided by NPS regulations, park staff will continue to receive and process individual subsistence eligibility permits for qualified persons residing outside of the designated Denali resident zones. In consultation with Denali's SRC and Regional Advisory Councils, park staff will periodically evaluate whether there is a need to establish a Federal eligibility system for Denali's National Preserves.

S-100.002: Coordination with Subsistence Advisory Groups

Park staff will continue consultation and coordination with the Denali Subsistence Resource Commission regarding subsistence use of the park and preserve. Administrative assistance will be provided for planning, scheduling, and conducting at least two SRC meetings annually. SRC meetings will be coordinated so that timely comments may be submitted to the Federal Regional Advisory Councils and Federal Subsistence Board.

Park staff will intensify efforts to provide biological data on fish and wildlife populations, reported fish and wildlife harvest levels, and other pertinent information to the Denali Subsistence Resource Commission, local advisory committees, regional advisory councils, and Federal and State fish and wildlife boards. Park staff will continue to provide assistance to the SRC in the development and submittal of hunting plan proposals to the Secretary of the Interior, and annual hunting regulation recommendations to the Federal Regional Advisory Councils, the Federal Subsistence Board, and the Secretary of the Interior.

S-100.003: Coordination and Consultation with Native Groups and Associations and Interested Organizations

Several neighboring villages have organized tribal or village councils which are not formally linked to the Federal subsistence program. Park staff will provide notification of subsistence issues which may affect their members and locations and dates of public subsistence meetings should they wish to submit comments.

Several native villages and regional corporations have selected lands or conveyed inholding within Denali National Park and Preserve boundaries. Under current Federal regulations for Title VIII subsistence use, these selected and conveyed lands are not open for Federal subsistence activities. Denali's Subsistence Resource Commission has recommended that subsistence use should be allowed on selected or conveyed lands within Denali National Park. Proposed Federal regulations are pending which will open selected lands within conservation units to subsistence use. Park staff will continue to work with village and regional corporations to resolve land selection issues and provide subsistence use opportunities.

S-100.004: Denali SRC Subsistence Hunting Plan

As directed by Section 808 of ANILCA, park staff will continue to assist Denali's SRC in developing a comprehensive Subsistence Hunting Plan for the park, and where appropriate, for subsistence hunting in the preserve. Components of this plan should include recommendations regarding eligibility for the park and if necessary the preserve; subsistence access; educational and interpretation needs for subsistence users and the general public; subsistence harvest monitoring programs for hunting and trapping; review of annual harvest regulations and proposals and coordination with the Federal Regional Advisory Councils and Federal Subsistence Board; and identification of subsistence research needs.
Park staff will provide technical information and other pertinent data from field studies or investigations to assist the Commission in formulation of the plan. The park will assist by providing administrative support for developing Hunting Plan recommendations and facilitating the consultation process with local advisory committees and regional advisory councils. As stated in Denali's GMP, the approved hunting program of the subsistence resource commission will be a primary component of the subsistence management plan.

S-100.005: Subsistence Cabin Management Plan

Upon completion of the current Subsistence Cabins and Shelters study for the north additions to Denali National Park and Preserve (see S-100.012), park staff will begin development of a Subsistence Cabin Management Plan. This study describes the historical and contemporary use of cabins and other shelters associated with trapping by local rural residents in and around the north additions of Denali National Park. Utilizing information regarding the customary and traditional use of subsistence cabins and the guidelines stipulated in NPS regulations, park staff will develop a management program for the use of subsistence cabins. The subsistence cabin program will include inventory, monitoring, and maintenance components, as well as construction or replacement guidelines.

S-100.006: Employee Training

Training programs to educate park employees and managers about ANILCA subsistence mandates and policies will be made available. Subsistence staff will provide orientation and seasonal employee training. Subsistence users will be invited to employee orientation and training session to discuss their needs and perspectives.

S-100.007: Develop Subsistence Reference Material

Park staff will continue to develop a subsistence photo collection, conduct subsistence oral histories interviews, and acquire subsistence and culturally related publications and literature. A complete listing of bibliographic references, location of collections, legal documents, and unpublished reports will be developed. Past interviews, transcriptions, and tapes regarding subsistence activities or resource use will be collected and incorporated into the park resource files.

Other subsistence-related databases such as the State's Subsistence Community Use Profile Data Base, Subsistence Research Strategies, and the Department of Fish and Game's fish and wildlife harvest records will be acquired and incorporated into Denali's subsistence information (ADF&G, Division of Subsistence, CPDB., Division of Game, Annual Harvest Reports., Division of Subsistence, Research Strategies).

S-100.008: Develop GIS data base

The park's GIS subsistence database will continue to be developed and expanded. Park staff will contact other agencies for pertinent information and data acquisition. The park's capabilities to store and reproduce mapped thematic data will be expanded.

B. Research

S-100.011: Subsistence Community Use Profile and Traditional Use Areas Study

ANILCA states subsistence use by local residents shall be permitted in the park, where such uses are traditional. A review of the existing information, and possibly a study, needs to be initiated in cooperation with the SRC and regional advisory councils to identify contemporary and historical traditional subsistence use areas for each resident zone community. Many terms and criteria must be agreed on before any such research can be undertaken. Some subsistence use information is available for several of Denali's resident zone communities from the Subsistence Community Profile studies done by the State Division of Subsistence in the early 1980's, but the database is not complete. No community profile studies have been completed for the Lake Minchumina community. Most of the State's community profile studies were completed in the early 1980's and need to be updated. Research will be conducted by a qualified specialist, as specified by NPS professional and ethical standards, selected for their experience, involvement and sensitivity to local subsistence programs and issues.

S-100.012: Denali Subsistence Cabin Use Study

This study will document the historical and contemporary use of cabins and structures associated with subsistence use activities in the northern additions to Denali National Park and Preserve. The study will describe the established traditions regarding cabin construction, including residences, base cabins
(summer and winter), trampoline cabins and other shelters associated with subsistence uses such as fish camps, hunting shelters, elevated caches, smoke houses, steam baths, dog shelters, etc.

The customs and traditions associated with the use and occupancy of cabins will be documented, such as: ownership and transfer practices, frequency of use, length of stay, season of occupancy, construction types, styles and materials used, spacing of cabins and size of structures, means of access and trail networks, maintenance practices, reconstruction and relocation patterns, and efficiency and health and safety concerns.

S-100.013: Ethnographic Study:

An initial Ethnographic Overview and Assessment is needed to summarize and evaluate existing information regarding contemporary and historic cultural systems in Denali. The overview and assessment would provide information to develop management plans to protect cultural resources; to understand the cultural significance of certain sites, structures or natural areas; to understand and protect traditional subsistence practices; to develop working relationships with appropriate Native or ethnic groups; to develop relevant interpretative programs; and to provide the context for developing specialized ethnographic studies. See Project Statement C-300.021.

S-100.014: Record and Preserve Oral History of Subsistence Users

Through the existing AKSO/University of Alaska Cooperative Agreement (#CA 9700-1-9020), record and preserve park oral history of subsistence users of Denali. Interviews will be conducted and appropriate supportive material such as photographs and maps will be located to complement the oral record of subsistence use in Denali. Historical themes related to subsistence users and the subsistence way of life will be developed for this study. Planning will include identifying, searching for, locating and scheduling past users for interviews. Interviews will be recorded, copied and transcribed. Transcripts will be edited, indexed, automated, and archived into the appropriate repositories. Historical and contemporary photographs of subsistence users and/or subsistence use activities will be reproduced when available, then archived in the park historical photo collection. See Project Statement C-300.022.

S-100.015: Support Independently Funded Subsistence Research

C. Monitoring

S-100.031: Establish Monitoring Program For Denali Resident Zones Communities

Park staff will work with the subsistence advisory groups to develop the criteria which will be used to evaluate whether a resident zone community has a significant concentration of subsistence users. Denali’s four Resident Zone Communities of Cantwell, Lake Minchumina, Telida and Nikolai will be periodically monitored to evaluate whether they still contain significant concentrations of subsistence users. Reports and recommendations regarding the status of the resident zones will be made to the Subsistence Resource Commission.

S-100.032: Establish Monitoring Program for Use of Subsistence Cabins

A component of the Subsistence Cabin Management Plan will be to establish a Subsistence Cabin monitoring program. The focus of this program would be to ensure the appropriate subsistence use and maintenance of cabins occurs.

D. Interpretive and Educational Actions

S-100.041: Increase Public Awareness About Subsistence Use

Interpretive information in park brochures, newsletters, and media publications would be used to increase awareness of, and understanding about, and importance of subsistence use to local rural residents. Interactive computer programs such as Project Juke-box would be used to educate visitors regarding subsistence activities and the realities of life in a remote part of Alaska.

Park staff will contact local schools to inquire what interests and opportunities there are for presenting educational school programs. Programs regarding the park will be developed to meet the community or teachers interests.

S-100.042: Increase Presence in Subsistence Communities

Park staff will spend more time in subsistence communities to exchange information and foster communications.
### STAFFING & FUNDING

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### COMPLIANCE

All appropriate NEPA, NHPA, and ANLCA compliance documents will be prepared prior to initiation of any project and will be maintained on file at Denali National Park and Preserve headquarters.

### REFERENCES


**Alaska Department of Fish and Game, 1995.** Community Profile Database, Juneau AK.


**USNPS, 1996b.** Oral history of subsistence users project statement, DENA C-300.22. On file at Denali NP&P, Division of Research and Preservation.


CUSTOMARY AND TRADITIONAL USES

STATEMENT OF PROBLEM

Customary and traditional use is the cornerstone upon which both the Federal Subsistence Program and National Park Service subsistence programs are based. The term "subsistence uses" is defined in ANILCA as the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption. All subsistence uses authorized in Federal regulations are based upon some determination or criteria regarding customary and traditional uses.

In Denali National Park for example, the enabling legislation in Section 202(3)(a) of ANILCA states "...Subsistence uses by local residents shall be permitted in the park, where such uses are traditional, in accordance with the provisions of Title VIII". The statute offers no further specifics regarding where subsistence uses are traditional. Since the legislative guidance is incomplete, the NPS has decided not designated traditional use areas until additional information is developed through research, public comment, and advice from local committees, subsistence resource commissions, and federal regional advisory councils.

Designation of Denali National Park's resident zone communities for subsistence eligibility are based upon those communities having a significant concentration of local rural residents which have customarily and traditionally engaged in subsistence activities within the park. Resident zone communities need to be periodically evaluated to ensure that they still meet the criteria. Individuals who reside outside of the residents zones who receive individual subsistence use permits must also demonstrate a personal or family customary and traditional use.

The Federal Subsistence Board through the annual hunting regulatory process determines which wildlife species or fish stocks have been customarily and traditionally taken as a subsistence resource and identifies which communities or areas are eligible to harvest them.

This will be a significant task since the customary and traditional determinations are to be made for each wildlife species within each Wildlife Management Unit. There are many species which have not had determinations made yet and numerous appeals of existing determinations made by the State before Federal assumption occurred in 1990.

At Denali National Park, traditional modes of subsistence access and traditional use of subsistence trapline cabins are important issues to subsistence users, the Subsistence Resource Commission and park managers. Several residents from Cantwell have requested that a traditional determination for the use of ATV as a form of subsistence access be authorized. Denali has also received several request to reconstruct traditional subsistence trapline cabins.

Present Condition

In 1981 the NPS promulgated regulations to implement and clarify the mandates and programs specified by ANILCA. Since the legislative guidance on where subsistence uses are traditional in the five specified areas is incomplete the NPS decided not to designate traditional "subsistence hunting zones" for these areas in this interim rulemaking. Rather, the NPS intends to gather additional information and to receive public comment on this issue through research, further rulemaking endeavors, and most importantly, advice from the Subsistence Resource Commissions, local committees and Federal regional councils.

In 1985 the Denali Subsistence Resource Commission was formed to advise the park Superintendent, the Governor of the State of Alaska, and the Secretary of the Interior regarding a subsistence hunting program for the park. The commission continues to meet regularly to provide recommendations on the park's subsistence hunting program, and to advise the recently established Federal Regional Subsistence Advisory Councils and the Federal Subsistence Board regarding Denali's subsistence users needs.

In 1990 the federal government established a Federal Subsistence Management Program to manage subsistence take of fish and wildlife on federal public lands in Alaska. Nine Federal Regional Subsistence Advisory Councils were established to advise and make recommendations to the Federal Subsistence Board regarding...
subsidence use of fish and wildlife. The Federal Subsistence Board oversees subsidence harvests on all federal public lands in Alaska.

Current Management Actions and Results

Currently the National Park Service is reviewing subsidence law and regulations affecting Alaska park and preserve areas to gain insights into the intent of those laws and regulations, and to review the legislative history as appropriate. Through this review process the NPS hopes to identify issues and establish actions necessary to resolve subsidence management concerns. This review effort is one step in an ongoing process to develop a program for management of subsidence use that meets the mandates specified in ANILCA and the long term need for preservation of the park areas. The continued development and modification of National Park Service's subsidence program will be based on review and input from the public in general, subsidence users, subsidence advisory groups and legal and technical advisors.

Denali's Subsistence Resource Commission has an active role in this review and evaluation process and has submitted written comments and recommendations to the NPS.

After Federal assumption of subsidence fish and wildlife management on Federal public lands in 1990, Denali National Park and Preserve established a Subsistence Coordinator position to assist in managing Denali's subsidence programs. Park staff is active in reviewing and commenting on proposed regulations for the Federal hunting programs. Park comments and concerns are sent to the Federal Regional Advisory Councils representing the Denali area and to the Federal Subsistence Board. Park staff in consultation with the Denali Subsistence Resource Commission have prepared and presented proposals at the Regional Council meetings and before the Federal Subsistence Board.

Park staff have processed and authorized three traditional subsidence trapline cabin reconstructions, and another two requests are under consideration. In 1994, a Subsistence Cabin Study was initiated to document the historical and contemporary use of cabins and structures associated with subsidence use activities in the north additions to Denali National Park and Preserve (See S-100.006). This study will further document the customs and traditions regarding subsidence trapline activities.

During the Denali General Management Plan process in 1986, the National Park Service did not receive evidence establishing the traditional use of ORVs/ATVs and has therefore maintained that they are not permitted in Denali for subsidence purposes. At that time, existing information indicated that specific off-road vehicle within Denali National Park and Preserve has not been regularly used for subsidence purposes although some ATV subsidence use was known to occur in the Cantwell and Kantishna areas. The General Management Plan states that any additional information about traditional access will be reviewed on a case-by-case basis, and that off-road vehicle could be permitted for subsidence access where they can be shown to be a traditional means of access.

Several Cantwell residents requested the Superintendent make a traditional subsidence ATV access determination for use of certain routes and trails in the Windy Creek, Cantwell Creek, and Bull River areas near Cantwell.

A held public meeting in Cantwell to collect comments and information on past ATV subsidence use on park additions for the Cantwell area. Sixteen individuals attended the meeting and submitted written information and maps of their subsidence ATV use. The comment period for subsidence users to submit additional information was open for the following year. No additional written comments were received. To gather further information, the park telephoned numerous subsidence users from the Cantwell area.

In 1993, the superintendent and subsidence coordinator accompanied a several Cantwell subsidence users along routes and trails they identified as traditional subsidence ATV routes. Aerial photographs were taken of the park lands in the Cantwell and Dunkle Hills region to depict current visible routes and trails. In 1996, a preliminary archeological inspection was conducted along several of the proposed traditional ATV routes in the Cantwell area. Additional information will be needed before a traditional ATV designation can be made.

RECOMMENDED ACTIONS:

A. Program Administration and Planning

S-110.001: Identify Traditional Use Zones

The enabling legislation for the park and preserve states subsidence use by local residents shall be permitted in the park, where such uses are traditional. A review of the existing information, and possibly a study, needs to be initiated in cooperation with the Subsistence Resource Commission and Federal Regional Advisory Councils associated with the Denali area to identify contemporary and historical traditional subsidence use areas for each resident zone community. Many terms and criteria must be agreed on before any such research can be undertaken.
S-110.002: Species Customary and Traditional Determinations

Park staff will work with USFWS subsistence staff, the Denali Subsistence Resource Commission, and Federal Regional Councils to review customary and traditional determination requests for wildlife species and use areas which are being processed through the annual regulatory cycle. Where appropriate, Denali staff will take the lead in preparing and presenting the regulatory analysis for the Regional Councils and the Federal Subsistence Board. In other cases, Denali staff will serve as a consultant to other agency personnel who are assigned to prepare the analysis.

Denali will work to update the Community Profile Studies conducted by the Alaska, Subsistence of Division, in the 1980's. The park will seek funding to conduct a Lake Minchumina Community Profile Study since that community's use has not been documented. Subsistence community use information is needed to provide recent, reliable, summary information about the subsistence harvests and uses within rural communities.

B. Research

S-110.003: Evolution of New Sub Customs and Traditions

This study will identify and document the emergence of contemporary subsistence practices, the adoption and use of new technologies regarding subsistence activities, the evolution of customs and traditions and the time frame in which that occurs, and the impact or impacts of National Park Service and Federal Subsistence Management regulations and policies on the subsistence way of life.

Today many pressures are being exerted on traditional subsistence users such as increasing numbers of people seeking “rural lifestyles”, complex and changing land status in and around communities and subsistence use areas, new restrictive management strategies evolving from private land owners, new developments on public and private lands, and increasing competition for local resources from newly arriving subsistence users as well as the ever-increasing pressure from sport hunting, trapping and fishing interests.

Subsistence activities encompass a living tradition that is not static in time and place. Patterns of subsistence use vary from time to time and from place to place depending on the availability of wildlife and other renewable natural resources. In addition, subsistence customs and traditions do evolve as users adapt and adjust to new technologies, economies, and social and political influences. This study will identify the current changes and patterns of the contemporary subsistence way of life.

Traditional Cabin Study:

See Project Statement: S-100.006:

The customs and traditions associated with the use and occupancy of cabins will be documented such as ownership and transfer practices; frequency of use, length of stays, and season of occupancy; construction types, styles and materials used; spacing of cabins and size of structures; means of access and trail networks; maintenance practices, reconstruction and relocation patterns; and efficiency and health and safety concerns.

This study will document the historical and contemporary use of cabins and structures associated with subsistence use activities in the northern additions to Denali National Park and Preserve. The study will describe the established traditions regarding cabin construction, including residences, base cabins (summer and winter), trapline cabins and other shelters associated with subsistence uses such as fish camps, hunting shelters, elevated caches, smoke houses, steam baths, dog shelters, etc.

Research will be conducted by qualified specialists, as specified by NPS professional and ethical standards.

Traditional Access Study:

See Project Statement: S-120.003:

A research study will be conducted to document and evaluate what are the traditional modes of access for subsistence purposes in Denali National Park and Preserve. Particular focus will be on what areas utilized ATVs, what types of ATVs or ORVs were used, when this use began, what routes were used, what subsistence activities the ATV use was in support of, what the frequency and consistency of use has been, to what extent the communities as a whole have depended upon ATV use to engage in subsistence activities and whether this use could be considered traditional.

The study would focus on the road and trail accessible areas of Windy Creek, Cantwell Creek, Bull River, Dunkle Hills, the Stampede Road corridor and the Kantishna Hills. A ground assessment of the ATV use areas will be made documenting and mapping all roads, routes and trails. Historical photo records and files would be gathered from military aerial photographs, landsat imagery, local agencies or users themselves to reference when trails, roads or other signs of vegetative impacts started to show up. The present extent of impacts to vegetation and soils would be evaluated, ground monitoring plots established and accurate maps of existing trails and road would be developed. Aerial photographs of existing routes and trails will be taken and aerial photo points established utilizing GPS coordinates and altimeter.
STAFFING & FUNDING

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COMPLIANCE

All appropriate NEPA, NHPA, and ANILCA compliance documents will be prepared prior to initiation of any project and will be maintained on file at Denali National Park and Preserve headquarters.

REFERENCES


SUBSISTENCE ACCESS

PROJECT CODE: DENA-S-120

SERVICEWIDE ISSUES:
N19 Loss of Park Resources Due to Consumptive uses.
N18 Visitor Use Impact on Backcountry Park Resources.

STATEMENT OF PROBLEM

Congress specified in Section 811 that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources. And that the Secretary shall permit on public lands for subsistence purposes the appropriate use of snowmachines, motorboats, and other means of surface transportation traditionally employed by local rural residents subject to reasonable regulation.

Congress intended to limit the use of aircraft as a means of access for the subsistence taking of wildlife in most units of the National Park Service, except in cases of extraordinary hardship (Senate Report 96-413, p. 169). Congress provided little guidance regarding the use of All Terrain Vehicles (ATVs) for subsistence purposes.

The legislative history of ANILCA indicates that it was not Congress intent 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.

At the time of passage of ANILCA (1980), some subsistence users from the Cantwell area were utilizing all terrain vehicles for fall hunting activities on park additions in the Windy Creek, Cantwell Creek and Bull River areas. A few subsistence users from the McKinley Village area used ATVs on mining roads in the Kantishna Hills area. Subsistence use of ATVs for fall hunting of moose and caribou continued through the 1980s. In 1992, Denali National Park began enforcing a no subsistence ATV use policy.

As in many areas of Alaska, conflict exists between the current access regulations for parks and preserves units and the desires of local rural subsistence users to employ modern technology for subsistence harvesting. Subsistence users from the Cantwell area, and the Denali Subsistence Resource Commission have requested that ATV use on certain routes in the Cantwell region be authorized as a traditional subsistence access route for that community. No formal traditional access study has been completed.

Present Condition

The current authorized means of access for subsistence uses in Denali National Park and Preserve are snowmachines, motorboats and dog teams, which are governed by existing regulations in (36 CFR 13.46 and 43 CFR 36.11). 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. In the early 1980's, Cantwell subsistence users were asked to limit their use of ATVs to routes that have been traditionally used for subsistence purposes. No subsistence ATV routes have been formally documented or designated.

During the Denali General Management Plan process in 1986, the National Park Service did not receive evidence establishing the traditional use of ORVs/ATVs and has therefore maintained that they are not permitted in Denali for subsistence purposes. At that time, existing information indicated that specific off-road vehicle within Denali National Park and Preserve has not been regularly used for subsistence purposes although some ATV subsistence use was known to occur in the Cantwell and Kantishna areas. The General Management Plan states that any additional information about traditional access will be reviewed on a case-by-case basis, and that off-road vehicle could be permitted for subsistence access where they can be shown to be a traditional means of access.

In other park areas, the National Park Service has documented impacts from ORV use and has concerns about protecting resources from these impacts. The National Park Service has not documented the historical methods and means used to access hunting and trapping grounds by local rural residents, or what were the customary and traditional access practices.

Current Management Actions and Results

After the General Management Plan was approved in 1986, it was the park's policy that ATVs use for subsistence activities was generally prohibited, although enforcement of that policy was not actively pursued. Some subsistence ATV use continued in the Cantwell area on selected trails and routes primarily to extract moose and caribou harvests.
Subsistence use in the Kantishna Hills ceased in 1987 as a result of the Alaska Board of Game determination that McKinley Village subsistence users did not have customary and traditional use of moose and caribou for that area.

In 1992, Denali National Park began enforcing the ATV restriction in the Cantwell area. This resulted in several Cantwell residents requesting that the Superintendent make a traditional subsistence ATV access determination for use of certain routes and trails in the Windy Creek, Cantwell Creek, and Bull River areas near Cantwell.

A public meeting was held in Cantwell to collect comments and information on past ATV subsistence use on park additions for the Cantwell area. Sixteen individuals attended the meeting and submitted written information and maps of their subsistence ATV use. The comment period for subsistence users to submit additional information was open for the following year. No additional written comments were received. To gather further information, the park telephoned numerous subsistence users from the Cantwell area.

The Cantwell ATV issue and information collected were discussed at two subsequent Subsistence Resource Commission meetings. With only twenty-four comments received, it was recommended that further information should be collected. The Subsistence Resource Commission recommended that a limited use of ATVs to extract moose harvests be allowed through use of permits or other authorizations until the needed information to make a traditional determination can be collected.

In 1995, the superintendents and subsistence coordinator accompanied several Cantwell subsistence users along routes and trails they have utilized for subsistence ATV access. Aerial photographs were taken of the park lands in the Cantwell and Dunkle Hills region to depict current visible routes and trails. In 1996, a preliminary archaeological inspection was conducted along several of the proposed traditional ATV routes in the Cantwell area.

RECOMMENDED ACTIONS:

A. Program Administration and Planning

S-120.001: Manage subsistence use of ATVs

Work with the AKSO to establish a program and process for making traditional access determinations for the National Park Service in Alaska. Conduct the Traditional Access Study for Denali and if ATV use is found to be traditional, designate traditional access routes for the Cantwell area. Evaluate where and when traditional ATV subsistence use may be authorized without significant degradation of park resources. Identify purpose and time of year of authorized ATV use for subsistence access. Establish a permitting program for use on identified routes. Consult with the Denali Subsistence Resource Commission regarding proposed actions and plans.

B. Research

S-120.003: Conduct Traditional Subsistence Access Study

A research study will be conducted to document and evaluate what are the traditional modes of access for subsistence purposes in Denali National Park and Preserve. Particular focus will be made on what areas utilized ATVs, what types of ATVs or ORVs were used, when the use began, what routes were used, what subsistence activities the ATV use was in support of, what the frequency and consistency of use has been, to what extent the communities as a whole have depended upon ATV use to engage in subsistence activities and whether this use could be considered traditional.

The study would focus on the road and trail accessible areas of Windy Creek, Cantwell Creek, Bull River, Dunkle Hills, and the Stampede Road corridor and the Kantishna Hills. A ground assessment of the ATV use areas will be made documenting and mapping all roads, routes and trails. Historical photo records and files would be gathered from military aerial photographs, Landsat imagery, local agencies or users themselves to reference when trails, roads or other signs of vegetative impacts started to show up. The present extent of impacts to vegetation and soils would be evaluated, ground monitoring plots established and accurate maps of existing trails and road would be developed. Aerial photographs of existing routes and trails will be taken and aerial photo points established utilizing GPS coordinates and altimeter.

C. Monitoring

S-120.004: Initiate A Monitoring Program For ATV Routes

Monitor subsistence use of roads and impacts related to ATV use along routes in the Cantwell area. The present extent of impacts to vegetation and soils would be evaluated, ground monitoring plots established and accurate maps of existing trails and road would be developed. Aerial photo points would be established for periodic photo documentation.
D. Mitigation Activities

S-120.005: ATV Use on Selected Lands within Denali Park

Park Staff will coordinate with the Native Corporations which have selected lands within the park in the Cantwell area regarding the use of and potential authorization of ATV's for subsistence purposes. Nearly all of the requested traditional ATV routes are on selected lands near Cantwell.

S-120.006: Evaluate Alternative Times and Access Modes for Subsistence Moose Hunting

The primary issue regarding ATV use in the Cantwell region centers around the need to have fall access to moose resources in Wildlife Management Unit 13E which currently has only a September season for moose hunting. Providing an alternative late fall or early winter moose hunting season would provide an opportunity to harvest moose resources when adequate snow cover makes snowmachine access feasible. Park staff and the Subsistence Resource Commission should evaluate the status of the moose population in the Broad Pass region, past and current harvest levels of eligible subsistence moose hunters from the Cantwell area, past customary and traditional moose hunting seasons for this region, and desires of the Cantwell subsistence community to have an alternative season. Proposals would be submitted to the Federal Subsistence Board for a change in the Federal Subsistence harvest regulations.

COMPLIANCE

All appropriate NEPA, NHPA, and ANILCA compliance documents will be prepared prior to initiation of any project and will be maintained on file at Denali National Park and Preserve headquarters.

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REFERENCES


SUBSISTENCE TRAPLINE MANAGEMENT

PROJECT CODE: DENA-S-130

SERVICEWIDE ISSUES:
N19 Loss of Park Resources Due to Consumptive Practices.
N20 Lack of Basic Data.

STATEMENT OF PROBLEM

Subsistence trapping and bartering of furbearing mammals has long been a customary and traditional activity for native peoples in Alaska. After Russian and American contact, trapping, trading and selling of furbearers became a significant socio-economic activity for both native and non-native subsistence users. ANILCA provides for the continuance of personal or family use, bartering, sharing and customary trade of subsistence wildlife resources.

Customary trade is not explicitly defined in ANILCA. However, the legislative history (Senate Report 96-413) states that customary trade is not intended to be or become a significant commercial enterprise beyond its traditional role as part of the subsistence regime.

Subsistence trapping is allowed in the ANILCA additions to Denali National Park and Preserve by eligible local rural residents. Trapping is the predominant subsistence activity occurring on Denali National Park and Preserve lands. Trapping activities commence in November and continue through March, constituting approximately six months of activity which is significantly longer and more intensive than any other type of subsistence use. Winter travel in pursuit of furbearers can be extensive and is generally supported by a network of winter trails, shelters and cabins, which are accessed by the use of dog teams or snowmachines.

The customs and traditions involved in trapping differ from region to region within Alaska, and may differ between communities within a particular region of Alaska. For example, in the northern regions of Denali National Park and Preserve, traplines and winter travel in pursuit of furbearers can be extensive in distance and duration which generally necessitates use of shelters, caches and maintenance of winter trails. Traplines in the southern region tend to be more proximate to communities and operate without the network of trails and shelters typical in the north. These customs and traditional practices must be understood in order to protect and manage the activities associated with trapping.

In recent years trapping in general, and use of humane traps in particular, has been receiving a significant amount of scrutiny by the public and special interest groups.

In order to ensure the continued opportunity for traditional subsistence use, park managers need reliable information regarding traditional land uses and practices.

Present Condition

Eligible subsistence trappers utilizing Denali National Park and Preserve are permanent residents from Denali's resident zone communities of Nikolai, Telida, Lake Minchumina and Cantwell. In addition, several individuals from Healy, Nenana, Tanana and Broad Pass area have subsistence use permits.

Trappers are active in all regions of Denali, but the intensity of effort and extent of traplines are greatest on the north side of the Alaska Range. Marten, mink, red fox, wolf, lynx, weasel, wolverine, land otter, beaver, muskrat, and coyote are important fur animal resources. Trapping seasons generally open in early November and continue through February for most species. Beaver, muskrat and otter are typically trapped during early spring. With the exception of beaver, most furbearer species have no harvest limits.

As is the case elsewhere in Alaska, trapping in Denali's northern region operates on the basis of formal and informal agreements between individuals since there is no recognized legal guarantee that extends ownership or property rights to a trapline or the public lands where the trapping occurs. In recent years, this system of social norms and peer pressure has been threatened by increasing numbers of users. On occasion, the NPS and the courts have been asked to settle disputes between trappers who could not reach agreement between themselves regarding the claims to and use of traplines.

Marten continue to be the most sought after furbearer species by trappers in interior Alaska due to their abundance, ease of capture, and high pelt prices (eg. $100 average price). Marten are the primary furbearer species for trapper utilizing the north side of Denali National Park and Preserve.

Since 1930 the marten seasons have opened and closed irregularly with essentially the same pattern, large harvests following a closed season, followed by a period of significantly declining harvest, and then a closed season again. In the past
regulations have been inconsistent and overly reactive due to a lack of biological information upon which to base a better program (Lensink 1993).

Marten research is needed to help managers and subsistence users maintain a healthy furbearer (marten) populations in the park and preserve. Quantitative data is needed to evaluate the effects of harvest on marten distribution and numbers and to develop guidelines which individual trappers can use to determine the optimal annual marten harvest on each trapline to insure the resource is not overexploited.

Denali's Subsistence Resource Commission is concerned about increasing rural populations and competition for trapping resources due to BLM and the State of Alaska's land disposals near the resident zone community of Minchumina. As a result, the boundaries for the Lake Minchumina resident zone have been established to exclude these developing areas from the resident zone eligibility. The current belief is that there is very little unappropriated trapping resource areas available.

Trappers have expressed concerns about the need for buffer zones between traplines, fearing that new trappers to the area may be infringing upon current active traplines or those sections of their traplines current users are leaving fallow for a year or two for management purposes.

Trapping of wolves near Denali National Park became a significant political issue after a wolf was illegally trapped near the park's eastern boundary. A proposal to close State lands adjacent to the park's boundary was submitted to the State Board of Game, and numerous letters were sent to the park Superintendent asking that the park be closed to subsistence trapping.

Denali has received several requests from subsistence users to re-roof and/or reconstruct subsistence use cabins associated with traplines. Three cabin reconstruction permits have been issued in the past and two requests are pending. The Park Service needs to assess what are the subsistence trappers current needs and what are the customs and traditions that have governed trapping activities and the use of cabins.

**Current Management Actions and Results**

In an effort to understand the land uses of the north additions to Denali National Park and Preserve, park managers have undertaken several subsistence related studies. In 1978, a "Subsistence Resource Use in the Proposed North Additions to Mt. McKinley National Park" study was conducted to document current and recent subsistence use in the proposed north additions to the park (Bishop, 1978).

In 1984, a "Land Use in the North Additions of Denali National Park and Preserve: An Historical Perspective" study was conducted to complement the earlier work of Richard Bishop and provide park managers with additional information for understanding the land uses of the north additions. This report identifies and describes significant places and trapping areas within and areas near the park and preserve (USNPS, 1984).

Between 1986 and 1993 the park sponsored an extensive wolf research project including the areas north of the Alaska Range. This has been the only significant furbearer study that the park has conducted.

In 1994, a Subsistence Cabin Study was initiated to document the historical and contemporary use of cabins and structures associated with subsistence use activities in the north additions to Denali National Park and Preserve.

Some initial marten harvest data has been cooperatively collected from Denali subsistence users. Data from the ADF&G furbearer harvest and sealing records has been acquired and incorporated into the park's data base. Information from the State's Community Profile data base for selected communities associated with the Denali area has been acquired.

The issues regarding subsistence trapping such as trapline cabin use, season and bag limits for certain furbearers, clarification of NPS trapping regulations, harvest reports for wolves, proposals to the ADF&G to create trapping buffer zones around Denali, and petitions to the Superintendent to close park lands to trapping have been brought before the Denali Subsistence Commission for review and comment.

**RECOMMENDED ACTIONS:**

A. **Program Administration and Planning**

S-130.001: Develop Trapline Management Program

After completing the research studies identified below, park staff will work cooperatively with the Denali Subsistence Resource Commission and subsistence trappers to develop a trapline management plan for the park and preserve. The plan would address ownership and exchange of traplines, the need to register or provide protection for established traplines, use of trapline cabins and maintenance programs, cooperative furbearer harvest monitoring programs, trapline management strategies such as rotation or fallow practices for sections of their traplines, trapline dispute resolution, trail brushing and maintenance practices, utilization of humane trapping...
practices, criteria to more clearly define was is meant by customary trade, and work to clarify National Park Service trapping regulations and definitions.

B. Research

Denali Subsistence Cabin Use Study:
See Project Statement S-100.006

This study will document the historical and contemporary use of cabins and structures associated with subsistence use activities in the northern additions to Denali National Park and Preserve. The study will describe the established traditions regarding cabin construction, including residences, base cabins (summer and winter), trapline cabins and other shelters associated with subsistence uses such as fish camps, hunting shelters, elevated caches, smoke houses, steam baths, dog shelters, etc.

The customs and traditions associated with the use and occupancy of cabins will be documented such as ownership and transfer practices; frequency of use, length of stay, and season of occupancy; construction types, styles and materials used; spacing of cabins and size of structures; means of access and trail networks; maintenance practices; reconstruction and relocation patterns; and efficiency and health and safety concerns regarding the use of tents and cabins.

S-130.011: Customs and Traditions Governing Subsistence Trapping

This study would focus on the contemporary use of traplines and the associated support activities of subsistence and commercial trappers in both the northern and southern regions of Denali. Documentation will be made of the customs and traditions currently used to govern ownership, exchange and use of traplines. Also documented will be the construction and brushing of trapping trails, and the construction and use of winter base camp cabins and trapline cabins defining their size, type and spacing along trails. The practices and need for reconstruction of cabins or the use of other alternatives will be assessed. The study will review means of accessing both the trapping area and the trapline itself, the frequency a line is trapped and the extent of buffer zones between traplines. The study will identify past and current trapping techniques and trapline management practices. The study will investigate traditional knowledge of furbearers by elders and seek ways to incorporate such knowledge into management strategies. Information on the species trapped and the approximate amounts of harvest will be collected. Documentation will be made of how trappers settled trapline disputes and when a trapline is considered abandoned. Adverse impacts associated with trapping activities will be assessed such as fuel transport and storage, trash disposal, timber harvest and food cache management. Ways to mitigate these concerns will be evaluated.

S-130.012: Conduct Marten Trapping Study

After consulting with subsistence trappers and Denali’s Subsistence Resource Commission, park staff will propose that the NPS enter a cooperative agreement with several local trappers and the Alaska Department of Fish and Game to conduct a marten study within the Lake Minchumina area and the north additions to Denali National Park and Preserve. Of particular interest will be an assessment of the affects upon marten population dynamics and demography resulting from “3-year trapping/3-year fallow” management practices utilized on some traplines compared to annual age class and composition trapping management practices used on others.

Information developed from these work elements will be used to design guidelines and management strategies which individual trappers could use to determine optimal marten harvest while maintaining healthy marten populations.

C. Monitoring

S-130.003: Initiate A Furbearer Harvest Monitoring Program

Park staff and the Subsistence Resource Commission will work with local trappers and the State to establish a furbearer harvest monitoring program. Information will be obtained from the ADF&G and the USFWS data bases on furbearer population monitoring studies and harvest data information. Data will be organized and where appropriate entered into the park’s computerize data base. Data will be evaluated to identify gaps in furbearer information and prepare proposals for future population monitoring studies. Staff will work with the ADF&G, USFWS, Subsistence Resource Commission, and local subsistence users to develop harvest reports for furbearers that are more specific in identifying harvest that occur from park or preserve lands.
### STAFFING & FUNDING

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### COMPLIANCE

All appropriate NEPA, NHPA, and ANILCA compliance documents will be prepared prior to initiation of any project and will be maintained on file at Denali National Park and Preserve headquarters.

### REFERENCES


SUBSISTENCE HUNTING PROGRAMS

PROJECT CODE: DENA-N-369

SERVICEWIDE ISSUES:
- N19 Loss of Park Resources Due to Consumptive Uses
- N20 Lack of Basic Data

STATEMENT OF PROBLEM

ANILCA provides for the continuation of consumptive subsistence practices in the new additions to Denali National Park and Preserve by local rural residents as long as fish and wildlife populations remain "healthy" in preserve areas and "natural and healthy" in the park areas. Since ANILCA did not define these terms, considerable debate will be necessary to understand what these terms mean in regards to management of wildlife resources on park and preserve lands.

In authorizing subsistence uses within Denali National Park and Preserve, Congress intended that certain traditional National Park Service values and management practices be maintained and that the agency should strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem. The National Park Service recognizes that subsistence uses by local rural residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain.

Accordingly, Congress expects the NPS to take appropriate steps when necessary to insure that consumptive uses of fish and wildlife not be allow to disrupt or drive the natural balance which has been evolving for thousands of years.

In addition, ANILCA provides a preference for local rural residents over other consumptive users should a shortage of subsistence resources occur and allocation of harvests becomes necessary. This is particularly important for National Preserves where State sport hunting and trapping are allowed in addition to Federal subsistence hunting and trapping.

The State of Alaska managed statewide subsistence harvests until 1989 when the Alaska Supreme Court ruled that rural residency preference required by Federal law violated the Alaska Constitution. As a result, in 1990 the Federal government established a Federal Subsistence Management Program to manage subsistence take of fish and wildlife on federal public lands in Alaska.

The Federal and State programs each operate under separate legislation and regulations. The Federal Subsistence Board oversees subsistence harvests on all Federal public lands in Alaska including park and preserve lands. In National Preserves where sport hunting and trapping are allowed, the Alaska State Board of Game oversees the general and sport wildlife harvest. Alaska's dual wildlife management programs for State and Federal hunting and trapping activities are the most complex in the nation.

The management and conservation of renewable resources requires considerable knowledge of the populations levels, compositions, age class structures, productivity, critical habitat and ranges, seasonal distributions and movements, and harvest levels by sport and subsistence users. Many wildlife species have large home ranges which extend well beyond the park and preserve boundaries onto state and native lands. Management of these wildlife resources will require cooperative efforts with neighboring agencies and land owners. Dual advisory programs and regulatory processes require a significant amount of time and commitment by the public and agencies.

Present Condition

In 1985, the Denali Subsistence Resource Commission was formed to advise the park Superintendent, the Governor of the State of Alaska, and the Secretary of the Interior regarding a subsistence hunting program for the park. The Commission continues to meet at least twice a year to provide recommendations on the park's subsistence hunting program, and to advise the recently established Federal Regional Subsistence Advisory Councils and the Federal Subsistence Board regarding Denali's subsistence users needs.

As a result of recent court cases which have increased management responsibilities regarding subsistence use of fish and wildlife resources on Federal public lands in Alaska, a full time position has been established at Denali to administer the park and preserve hunting programs. The Subsistence Specialist is dedicated to coordinating and participating in both natural and cultural research activities related to subsistence use, coordinating activities with public advisory groups and regulatory boards, and performing the administrative duties required by ANILCA and Federal regulations.
In 1992, nine Federal Regional Subsistence Advisory Councils were established to advise and make recommendations to the Federal Subsistence Board regarding subsistence use of fish and wildlife on Federal public lands in Alaska. The Regional Councils meet twice a year to receive public comments and review proposals to change Federal Subsistence regulations. The Federal Subsistence Board meets annually to decide on changes to seasons, harvest limits, methods and means, and customary and traditional use determinations related to taking of fish and wildlife on Federal public lands.

In a similar manner, the state of Alaska through the Department of Fish and Game, manages subsistence resources on nonfederal lands and sport hunting on certain Federal lands where authorized by ANILCA. The Board of Game meets regularly to receive comments and proposals to change state hunting regulations from the public and Local Fish and Game Advisory Committees.

The main subsistence species hunted in Denali are moose, caribou, ptarmigan, spruce grouse, and hare. In general, black and grizzly bears are not actively hunted, but are taken when they pose a threat to life or property, incidental to other hunting, or when other meat is not available. Large mammals account for 70% of the resources used and are typically hunted in the fall or in early winter. Some furbearers (coyote, fox, lynx, wolf and wolverine) also have established hunting seasons and harvest limits. Marten, mink, red fox, wolf, lynx, weasel, wolverine, land otter, beaver, muskrat, and coyote are important fur animal resources. Trapping seasons generally open in early November and continue through February for most species. Beaver, muskrat and otter are typically trapped during early spring. With the exception of beaver, most furbearer species have no trapping harvest limits.

### Current Management Actions and Results

Park staff periodically conduct wildlife censuses and monitoring studies for large mammals which are frequently hunted such as moose, caribou, bear and sheep. Wildlife populations are surveyed within both the old park area, which is not open to consumptive uses, as well as in the new park and preserve additions. Whenever possible, park staff work cooperatively with the ADF&G and USFWS on wildlife census and monitoring projects.

Park staff prepare and review proposals for changes in hunting and trapping regulations to both the State and the Federal regulatory processes. Park staff will occasionally take the lead in preparing and presenting a detailed staff analysis for a proposed regulatory change which directly affects Denali resources or its users. Park staff frequently consult with USFWS staff regarding wildlife proposals, status of wildlife resources, and subsistence use activity.

Biological data, harvest information, and community use data are shared with other wildlife management agencies. Some harvest report statistics and community profile databases for the Denali area have been acquired from the ADF&G and the USFWS.

A National Park Service workgroup has been formed to begin work on clarifying what is meant by the terms “healthy” and “natural and healthy” as they apply to preserves and parks.

There are three Federal Registration Permit Subsistence Hunts authorized within the current subsistence hunting regulations. Because of the special eligibility requirements for subsistence hunting on NPS lands, Denali National Park staff is responsible for issuing the annual permits for moose and caribou hunting in Wildlife Unit 13E and moose in Wildlife Unit 16B. Park staff travel to Cantwell and Skwentna to facilitate issuance of registration permits. Permits are also issued throughout the hunting season from park headquarters.

Due to concerns for visitor health and safety in the developed area of Kantishna, a temporary closure to the discharge of firearms during a portion of the hunting season when the commercial facilities are in operation is implemented. The closure encompasses an area of approximately ten square miles along the Kantishna Road from the Kantishna airport to the old McKinley Boundary.

### RECOMMENDED ACTIONS:

**A. Program Administration and Planning**

**N-369.001: Acquire past wildlife population and harvest data**

Resource management staff will make a coordinated effort to obtain population monitoring and harvest data for the Denali National Park and Preserve from the ADF&G and USFWS. Data will be organized and filed, and where appropriate, entered into a computerized data base. Staff will evaluate existent data for consistency, identifying gaps and seek cooperative agreements and funding to accomplish needed population censuses and monitoring. Park staff will work with ADF&G and local subsistence users to obtain harvest reports that are more specific to NPS lands and represent local subsistence uses.
N-369.002: Manage Federal Registration Permit Hunt Program and Kantishna Firearms Closure

Park staff will continue to manage the Federal Registration permit Hunts for moose and caribou in Wildlife Management Unit 13 and moose in Wildlife Management Unit 168 as authorized in the Federal Hunting Regulations. Additional National Park Service regulations regarding eligibility requirements will guide issuance of permits for park lands. For non-park Federal lands, Denali staff will continue to issue Registration Permits to rural residents that meet the general Federal requirements for moose or caribou hunting on other Federal lands in Wildlife Unit 13, but are not qualified for use of park lands.

Park staff will work to promulgate a special regulation to establish a recurring annual closure to the discharge of firearms in the developed area of Kantishna during periods of high visitor use activity. In the interim, park staff will instigate a temporary firearms closure during the period of high recreational visitor use activity and hunting season. Park staff will continue to work with the Denali Subsistence Resource Commission to address this public health and safety issue and potential conflict with visitor use and subsistence hunting opportunities.

N-369.003: Develop Cooperative Management Plans

Park staff will seek to develop cooperative management plans with other agencies and/or organizations for wildlife species that are dependant upon habitat both within and adjacent to the park and preserve. Cooperative opportunities exist for management of moose, black bear and grizzly bears along the southside of Denali National Park and Preserve; Dall sheep in the southern preserve; wolf management areas along the exterior eastern boundaries of the park; and waterfowl in the lakes region the northern park and preserve. Where appropriate, the park will seek partners with adjoining land management agencies such as the Denali State Park, Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, and the Ahtna and CIRI Regional Native Corporations.

N-369.004: Criteria for the terms “healthy” and “Natural and Healthy”

Park staff will continue to work with the task group assigned to define what is meant by the terms “healthy” in preserve areas and “natural and healthy” in the park.

B. Research

C. Monitoring

N-369.005: Initiate A Cooperative Harvest Monitoring Program

Park staff and the Subsistence Resource Commission will work with local hunters and trappers to establish a harvest monitoring program. Information will be obtained from the ADF&G and the USFWS data bases on wildlife population monitoring studies and harvest data information. Data will be organized and where appropriate entered into the park’s computerized database. Data will be evaluated to identify gaps in wildlife information and prepare proposals for future population monitoring studies. Staff will work with the ADF&G, USFWS, Subsistence Resource Commission, and local subsistence users to develop harvest reports for wildlife that are more specific in identifying harvest that occur from park or preserve lands.

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STAFFING & FUNDING
COMPLIANCE

All appropriate NEPA, NHPA, and ANILCA compliance documents will be prepared prior to initiation of any project and will be maintained on file at Denali National Park and Preserve headquarters.

REFERENCES


CUSTOMARY AND TRADITIONAL USE DETERMINATIONS (C&T)

ANILCA Section 803 defines the term “subsistence uses” to 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; and for barter, or sharing for personal or family consumption; and for customary trade”.

NPS Determinations

Where Traditional. The enabling legislation for the ANILCA additions to Denali National Park and Preserve states that subsistence uses are allowed in the Park where such uses are traditional in accordance with the provisions in Title VIII. The NPS has not defined traditional use zones for Denali but other actions have served to help define traditional use areas, notably the C&T use determinations made over the years by the State of Alaska and later by the Federal Subsistence Board.

While C&T use determinations provide some guidance in the determination of traditional use zones they are specific to individual fish and wildlife species. The NPS believes that, in defining traditional use zones, it must look further to the full range of subsistence uses which may include but not be limited to: use of plants (berries and timber), subsistence cabins, shelters and trails, cultural and religious sites, etc.

The NPS also believes that it must work more closely with subsistence advisory groups in this process. Neither C&T determinations nor subsistence resource commissions and regional advisory councils were in place in 1981 when the NPS regulations were adopted. The preamble to the NPS regulations state that, “local input…is essential to developing the ‘subsistence hunting zones’ for the five park areas” and that “local committees, regional councils, and park and monument commissions should facilitate such local input into these designations.” Public input, particularly from subsistence advisory groups, will be sought in this process.

Title 36, Part 13, Code of Federal Regulations, section 13.41 gives the NPS the option of designating areas “where such uses are traditional” as a management tool, if necessary, but it remains an option and not a fundamental directive of the law or the regulation itself.

NPS Eligibility. To be eligible to hunt, trap or fish for subsistence purposes in the ANILCA additions to Denali National Park an individual must live in one of Denali’s resident zone
communities or have been issued a subsistence use permit (13.44). Denali’s four resident zone communities, identified and designated through NPS rulemaking in 1981, and individual subsistence use permit (13.44) are issued on the basis of customary and traditional use of park lands for subsistence. In the case of “resident zones” the NPS applies customary and traditional use criteria to “significant concentrations” of people who have used park resources. In the case of subsistence use permits for those individuals who live outside of a resident zone community, the Superintendent applies the C&T use criteria to an individual’s personal or family use of park resources.

**Customary Trade.** NPS regulations recognize customary trade to be the exchange of furs for cash and such other activities as may be designated for a specific park area in 36 CFR Subpart C. In December of 1998 in response to suggestions made by the SRC Chairs and the Western Interior Regional Advisory Council, the NPS clarified the interpretation of customary trade regulations for park units by stating that the following activities are permitted under NPS subsistence regulations:

- The making and selling of handicraft articles out of non-edible byproducts of fish and wildlife resources taken for personal or family consumption, (in all parks, monuments, and preserves where subsistence uses are permitted) 36 CFR 13.41 and 13.42.

- The exchange of furs for cash (as customary trade), (in all parks, monuments, and preserves where subsistence uses are permitted) 36 CFR 13.41, 13.42, and 13.41(3).

- The selling of handicraft articles made from plant material taken by local rural residents of the park area (as customary trade)(only in Kokuk Valley National Park and Gates of the Arctic National Preserve which contains the Kobuk River and its tributaries) 36 CFR 13.46(a)(3) and 13.69(a)(2).

**Federal Subsistence Board Determinations**

**Community or Area Based C&T:** Customary and traditional use determinations, made by the Federal Subsistence Board (Board) identify which wildlife species or fish stocks have been customarily and traditionally taken as a subsistence resource and which communities or areas are eligible to harvest them. To hunt or fish in a particular area or for a particular species an individual must have a "positive" C&T determination. These determinations are listed in the Federal Subsistence Management Regulations booklet by game management unit and fishery management area.
The *Federal Subsistence Board* determines what the C&T determination will be for a community or area. Although C&T determinations are intended to be made and retained for a long time period, the Board will accept proposals for changes to the determinations on an annual basis. The deadlines for submission of proposals and review by the Federal Subsistence Board vary somewhat from year to year but the general pattern remains consistent:

- **Late October/Early November** Deadline for submission of proposals to change regulations
- **February through March** Each of the 10 Regional Advisory Councils meet to consider proposals received and public comments. At these meetings the Councils prepare recommendations to the Board on each proposal affecting their area.
- **May** The Federal Subsistence Board meets and makes decisions on each proposal based on SRC, Regional Advisory Council and other public input.
- **July 1** New regulations go into effect.

The SRC plays an important role in this decision making process. The Commission may develop C&T proposals and submit them to the Federal Subsistence Board during the annual regulatory change process. The Regional Advisory Councils rely on the SRC’s input on all regulatory change proposals that affect Denali National Park and Preserve. Likewise, SRC input on proposals may influence the NPS position on proposals as well as the thinking of Federal Subsistence Board members from other agencies that vote on each proposal.

C&T determinations affecting harvest of wildlife in Denali National Park are summarized on pages 5-6.

**Individual C&T determinations:** Federal Subsistence Management regulations provide a mechanism for the Federal Subsistence Board to make individual C&T determinations for NPS lands. Individuals interested in seeking such a determination must apply directly to the Federal Subsistence Board. A March 1999 Solicitors opinion (pages 25-26) affirms the Federal Subsistence Boards’ authority to make customary and traditional use determinations on an individual basis for parks. By Federal Subsistence Board policy, these individual determinations apply only to National Park and Monument lands (page 26-27). The US Fish and Wildlife Service and the local NPS Superintendent will maintain the list of individuals having customary and traditional use on National Parks and Monuments.
ANILCA Section 804 Eligibility: When it is necessary to limit the harvest of a fish or wildlife population in order to protect the viability of the population, criteria identified in Section 804 of ANILCA are used to differentiate among qualified subsistence users. Those 3 criteria are:

1) customary and direct dependence upon the populations as the mainstay of livelihood;
2) local residency, and
3) the availability of alternative resources.

A UTHORITY:

50 CFR 100 Subpart B Section 16(a): Individual C&T determinations for NPS managed lands
50 CFR 100 Subpart B Section 16 C&T use determination process
50 CFR 100 Subpart C Section 24 C&T use determinations
Customary and Traditional Use Determinations
Unit 13(E)
For the period from July 1, 2000 – June 30, 2001

Black Bear
• All rural residents

Brown Bear
• Residents of Unit 13

Caribou
• Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence priority for the residents of Denali National Park headquarters).

Moose
• Rural residents of Unit 13 and the residents of Chickaloon and McKinley Village, and the area along the Parks Highway between milepost 216 and 239, except no Federal subsistence priority for the residents of Denali National Park headquarters.

Goat and Sheep
• All rural residents

Coyote, Red Fox (including Cross, Black and Silver phases), Hare, Lynx, Wolverine, Beaver, Marten, Mink, Weasel, Muskrat and Otter
• All rural residents

Wolf
• Rural residents of Units 6, 9-10 (Unimak Island only), 11-13 and the residents of Chickaloon, and 16-26.

Grouse and Ptarmigan
• Rural residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.

Customary and Traditional Use Determinations
Unit 16(A) and 16(B)
For the period from July 1, 2000 – June 30, 2001

Black Bear
• 16(A) All rural residents
• 16(B) Residents of Unit 16(B)

Brown Bear
• No Federal subsistence priority

Caribou
• All rural residents

Moose
• Unit 16(A) No Federal subsistence priority
• Unit 16(B) Rural residents of Unit 16(B)

Sheep
• No Federal subsistence priority

Coyote, Red Fox (including Cross, Black and Silver phases), Hare, Lynx, Wolverine, Beaver, Marten, Mink, Weasel, Muskrat and Otter
• All rural residents

Wolf
• Rural residents of Units 6, 9-10 (Unimak Island only), 11-13 and the residents of Chickaloon, and 16-26.

Grouse and Ptarmigan
• Rural residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Customary and Traditional Use Determinations
Unit 19(C) and 19(D)
For the period from July 1, 2000 – June 30, 2001

Black Bear
• All rural residents

Brown Bear
• 19(C) - No Federal subsistence priority
• 19(D) - Residents of Unit 19(A), 19(D), and residents of Tuluksak and Lower Kalskag.

Caribou
• 19(C) – Residents of Unit 19(C), and residents of Lime Village, McGrath, Nikolai and Telida.
• 19(D) – Residents of Unit 19(D), and residents of Lime Village, Sleetmute and Stony River.

Moose
• 19(C) – Rural residents of Unit 19
• 19(D) – Rural residents of Unit 19 and residents of Lake Minchumina

Sheep
• All rural residents

Bison
• 19(C) and (D) – No federal subsistence priority

Coyote, Red Fox (including Cross, Black and Silver phases), Hare, Lynx, Wolverine, Beaver, Marten, Mink, Weasel, Muskrat and Otter
• All rural residents

Wolf
• Rural residents of Units 6, 9 10 (Unimak Island only), 11-13 and the residents of Chickaloon, and 16-26.

Grouse and Ptarmigan
• All rural residents

Customary and Traditional Use Determinations
Unit 20(C)
For the period from July 1, 2000 – June 30, 2001

Brown Bear
• All rural residents

Caribou
• Rural residents of Unit 20(C) living east of the Teklanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nikolai, Tanana, Telida, and those domiciled between milepost 216 and 239 of the Parks Highway and between milepost 300 and 309. No subsistence priority for residents of households of the Denali National Park headquarters.

Moose
• Rural residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300 - 309, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239. No Federal subsistence priority for residents of households of the Denali National Park headquarters.

Sheep
• All rural residents

Bison
• All rural residents

Coyote, Red Fox (including Cross, Black and Silver phases), Hare, Lynx, Wolverine, Beaver, Marten, Mink, Weasel, Muskrat and Otter
• All rural residents

Wolf
• Rural residents of Units 6, 9 10 (Unimak Island only), 11-13 and the residents of Chickaloon, and 16-26.

Grouse and Ptarmigan
• All rural residents.
SRC PROPOSED ACTION
Designate the entire ANILCA park and preserve additions as a traditional use area.

ISSUE BACKGROUND:
- In its comments on the “Draft Review of Subsistence Laws and Regulations”, the Denali SRC made a statement about identifying traditional use areas in Denali. Their comment read, “The Denali SRC’s opinion is that historically the whole park was a traditional subsistence use area, though we recognize that the original Mt. McKinley National Park has been excluded consumptive use of any kind since its creation.” Congress excluded subsistence activities from the original Mt. McKinley Park including the highest parts of the Alaska Range and other large areas representing various habitats which are historically and archeologically known to have been used by subsistence users. The remaining portions of Denali National Park and Preserve lands have all been used by local rural people for subsistence. This subsistence use shifts geographically with time, making formal designations difficult to make and to maintain; consumptive use can be adequately controlled by seasons, bag limits, and other NPS regulations as needed. If formal boundaries are needed in the future, they can be established at that time, and the boundaries should be made on a historical basis, not on a modern/contemporary or archeological basis.

- On-going research studies for Denali National Park and Preserve such as the Native place names mapping project, ethnographic overview and assessment, village history reports and the traditional use of subsistence cabins and traplines study will further document traditional use areas and practices.

- Past research specific to Denali such as the “Subsistence Use in the North Additions to Denali National Park and Preserve”, an archeological overview and assessment, history of Denali, Kantishna Native place names, and “Subsistence Use in the Proposed North Additions to Mt. McKinley National Park” provide additional documentation of traditional use areas and practices.

- Administrative histories and early ranger reports document the displacement of subsistence users from areas within the former Mt. McKinley National Park.

- Administrative records and research studies indicate that all of the ANILCA additions to the Park and Preserve were traditional subsistence use areas. Archeological and historical studies and administrative reports also indicate that certain areas within the original Mt. McKinley National Park were also significant subsistence use areas both archeologically and historically.
CURRENT STATUS:

- Existing and on-going research studies and administrative reports support the SRC’s recommendation that all of the ANILCA Park and Preserve additions were traditionally used by subsistence users.

- Title 36, Part 13, Code of Federal Regulations, section 13.41 gives the NPS the option of designating areas “where such uses are traditional” as a management tool, if necessary, but it remains an option, not a fundamental directive of the law or the regulation itself.

- Denali National Park is not intending to make a traditional use area determination at this time.
**SRC PROPOSED ACTION**
Participate in revision of the C&T use determination process

**ISSUE BACKGROUND:**
- During a joint Regional Council chair and Federal Subsistence Board meeting in May 1998, the difficulties faced by both groups in making C&T determinations was discussed. As a result, the Board appointed a task group to seek Regional Council review of C&T determinations.

- In August of 1998 the task group released a document requesting input from the Regional Advisory Councils on the C&T process. The document focused on why C&T determinations are made and presented 3 alternatives for revising the existing process. Input on the process and the concepts in this document were requested by December 1998.

- On August 31, 1998, the Denali SRC provided comments to the C&T Task Group on their request for input on the C&T determination process. The SRC supported the “Modified Factor Option” on page 3 of their report with the following changes to the 5 factors: Factor 1: drop the words “wide diversity” from the sentence which then reads “…reliance upon fish and wildlife resources”; Factor 2: add the words “proximity to resources” to this sentence to read “…influenced by local characteristics and proximity to resources reasonably accessible from the community or area,” and Factor 6: add a sixth factor – “Local traditional knowledge from residents, Commission and Council members representing the community or area should have significant influence in making C&T determinations.” (see letter on page 10).

In regards to the question of whether C&T determinations protect subsistence uses or unnecessarily restrict subsistence users, the Denali SRC supported the following position:

> C&T determinations can provide protection to local rural subsistence users as directed by ANILCA, but where inappropriately applied can drastically and unnecessarily restrict legitimate subsistence use of the resources as was the case with the McKinley Village-Parks Highway C&T determination which took a decade to correct. The Commission recommends that the Federal Subsistence Board make no C&T determinations unless one is needed to protect the resource.

**CURRENT STATUS:**
- The task group reviewed comments received on the August 1998 request for input on the C&T process but was unable to reach consensus on a new direction. The C&T process will continue as set for now. Further discussion on this issue may occur in the future.
Federal Subsistence Board  
Task Group on Customary and Traditional Use Determination Process  
c/o U.S. Fish and Wildlife Service  
1011 East Tudor Road  
Anchorage, AK  99503

Dear Task Group members:

The Denali Subsistence Resource Commission, at our recent meeting of August 28, 1998, reviewed the Draft sheet dated August 26, 1998 from the Task Group, titled “Request For Regional Advisory Council Input on Customary and Traditional Use Determination Process”. After review and discussion, the Commission passed a motion of support for the “Modified Factor Option” on page #3 with the following changes to the listed five factors:

1. Drop the words “wide diversity” from this sentence so that it will read “...reliance upon fish and wildlife resources;”

2. Add the words “proximity to resources” to this sentence so that it will read “...influenced by local characteristics and proximity to resources reasonably accessible from the community or area;”

3. Add a sixth factor stating: “Local traditional knowledge from residents, Commission and Council members representing the community or area should have significant influence in making C&T use determinations.”

In regards to the question “Do C&T determinations protect subsistence uses, or do C&T determinations unnecessarily restrict subsistence users?” the Denali Subsistence Resource Commission supported the following position.

That C&T determination can provide protection to local rural subsistence users as directed by ANILCA, but where inappropriately applied can drastically and unnecessarily restrict legitimate subsistence use of the resources as was the case with the McKinley Village-Parks Highway C&T determination which took a decade to correct. The Commission recommends that the Federal Subsistence Board should make no C&T determinations unless one is needed to protect the resource.

Sincerely,

Florence Collins  
Chair, Denali Subsistence Resource Commission
**SRC COMPLETED ACTION**

Change regulations to show a "positive" customary and traditional use of moose and caribou in Unit 20(C) for people residing along the Parks highway between mileposts 216-239.

**CHRONOLOGY:**

- In 1988 subsistence use permits issued to residents residing in the McKinley Village area were revoked by NPS. The Alaska Board of Game had ruled that the area was "non-rural", resulting in their inability to qualify for subsistence hunting in the park and preserve.

- In June of 1988 the SRC prepared a letter to the Alaska Board of Game expressing concern over recent changes in the customary and traditional use findings. The change from a "positive" to "negative" finding resulted in a group of people living between Healy and Cantwell losing their ability to hunt in Denali National Park and Preserve (letter on page 13).

- In July, 1988 the Alaska Department of Fish and Game responded to the SRC letter. Their response said that the joint Boards of Fish and Game had acted appropriately in changing the customary and traditional use determinations for moose and caribou in Units 20(A) and (C). The joint Boards were unable to conclude in favor of the residents along the Parks Highway because they did not meet the eight criteria used in making a customary and traditional use determination. ADF&G suggested SRC work with the NPS to have permits re-issued (letter on pages 13-14).

- In December of 1989 the SRC again wrote to ADF&G asking that they attempt to resolve the problem (letter on page 14).

- The SRC prepared a letter to the Federal Subsistence Board in March 1991 asking that regulations be revised to allow re-issuance of permits revoked by the NPS (letter on page 15).

- In September 1991 (the year is uncertain) NPS responded to the SRC request on behalf of the Federal Subsistence Board. NPS indicated that they could only re-issue permits to people for those species in which they had a "positive" customary and traditional use finding (letter on pages 15-16).

- On November 23, 1993 the Eastern Interior Regional Advisory Council sent a letter to Ron McCoy, Chair of the Federal Subsistence Board. The Council stated that the Parks Highway C&T determination for the area near Denali National Park and Preserve should be given the highest priority for resolution (letter on page 16).
In 1994 and 1995 NPS re-issued subsistence use permits to residents in the McKinley Village area.

In February 1995, the SRC requested that the Superintendent of Denali inform the original subsistence use permit holders what possible actions they might pursue to get their permits back (letter on page 17).

On June 5, 1995, the Southcentral Regional Advisory Council made a recommendation to the Federal Subsistence Board asking that the Board request NPS to work on C&T eligibility determinations for the area along the Parks Highway between mileposts 216 and 239 before the Copper River Basin area (letter page 17).

An SRC letter to the Federal Subsistence Board (with copies to the Southcentral, Eastern and Western Interior Regional Advisory Councils) (June 1995) requested a review of the existing C&T determinations in the Denali area. The SRC asked the Board to grant a waiver to the 6 individuals whose permits had been revoked should the eight factors not be met by the community or areas as a whole (letters on page 18).

The Denali SRC submitted a proposal (#19) to change the customary and traditional use determinations for moose and caribou in Units 20(C) and 13(E) for people living along the Parks Highway between mileposts 216-239 for the 1996-97 regulatory year.

On April 29, 1996 the Denali SRC wrote a letter to the Federal Subsistence Board recommending adoption of proposal #19 as modified by staff analysis (letter on page 19).

**RESOLUTION:**

- The Federal Subsistence Board made a “positive” customary and traditional use determination for residents along the Parks Highway between mileposts 216 and 239 (letter on page 18). NPS permits that had been re-issued in 1994 and 1995 became valid for those species recognized under the new C&T determination.
June 18, 1988

Alaska Department of Fish and Game
Board of Game
Box 3-2000
Juneau, AK 99802

Dear Board Members,

The Subsistence Resource Commission for Denali National Park held a meeting on June 17, 1988 and attending as visitors were some persons who until recently had permits for continuing their "traditional and customary" subsistence use of part of the ANILCA additions to the park. They pointed out that recent decisions by the Alaska Board of Game made their subsistence activities illegal according to State law. They live along the Parks Highway between Cantwell and Healy. That area was recently declared rural, but residents there were then found to have no "customary or traditional" use of caribou and/or moose.

The commission, of course, can take no action with respect to state decisions. We are, however, interested in actions that affect subsistence within the park, and are concerned that former subsistence permittees in the Denali area have been excluded from subsistence in the Park because of Board of Game decisions.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

cc. Ron Cunningham, Superintendent, Denali
Lou Weller, ABO
Ernarrill Patterson, ADP+G
Terry Mayne, ADP+G

July 12, 1988

Ms. Florence Collins, Chair
Denali Subsistence Resource Commission
Box 9
Denali Park, AK 99755

Dear Ms. Collins:

Thank you for your letter concerning subsistence hunting in Denali National Park. The Joint Board of Fisheries and Game met in Anchorage during March 1988 to decide whether the area along the Parks Highway between mileposts 216 and 300 could be classified as a rural area. Under state law, "rural area" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principle characteristic of the economy of the community or area. (AS 16.05.940(25))

The Board of Fisheries and the Board of Game act jointly to determine whether a community or area is rural. In their separate meetings, they examine the question of whether a particular resource use is customary and traditional, using eight criteria. I have enclosed a copy of those criteria for your review.

During the public hearing, the board was told that because their earlier action excluded this area from the list of rural places, the U. S. Park Service would not allow people living within the park to continue hunting. This was verified by the Park Service representative who attended the meeting. The Joint Board then amended the proposal to exclude the park compound and Clear Air Force Base and passed the proposal.

The board assumed that this action would allow the Park Service to reissue the subsistence hunting permits it canceled last year.

In the following Game Board session, the board went ahead and examined the question of whether people domiciled in this area had customary and traditional uses of moose and caribou in Units 20(A) and 20(C). Based on their review, the board was...
Dear Board Members,

On June 18, 1988, the Commission wrote you about some people living between Healy and Nenana who have lost their subsistence permits in Denali National Park as a result of some Board of Game decisions. As the situation has not changed since we first wrote you, we still are concerned about these permit losses, and hope that you can address the problem and resolve it soon.

Sincerely,

Beth Stewart
Executive Director

Enclosure

Unable to conclude that the people in this area met the criteria. The board is bound by Alaska Statutes and their own regulations but has no control over the Park Service. I can only suggest that the people who have been denied permits work with the Park Service to resolve their problem.

Thank you for your interest in the state’s regulatory system.

Sincerely,

Beth Stewart
Executive Director

cc: Russell Berry, Superintendent, Denali
Lou Haller, Regional Office, NP8
Terry Haynes, ADFG

Alaska Department of Fish and Game
Board of Game
Box 3-2000
Juneau, Alaska 99802

Sincerely,

Florence R. Collins
Chairman
Denali Subsistence Resource Commission

Lake Minchumina
Alaska 99757
December 14, 1989

Subsistence Resource Commission
Denali National Park
March 26, 1991

United States Fish and Wildlife Service
Subsistence Board
10 East Tudor Road
Anchorage, AK 99503

Dear Board Members:

The Denali National Park Subsistence Resource Commission is concerned about the revocation of subsistence permits for people residing between mile 216 and 231 on the Parks Highway. Subsequent to ANILCA, Denali National Park issued the permits to accommodate the subsistence needs of these people.

The Alaska Board of Game concluded that residents along that stretch of highway did not have customary and traditional use of game animals. Based on that conclusion, the National Park Service revoked the permits which had allowed the people to hunt in the park additions.

This commission has been informed that the Board of Game has reviewed their findings and has reversed their earlier decision. Regardless, Denali National Park has declined to re-issue the permits, stating that the temporary federal regulations prohibit them from doing so.

At your earliest convenience, this commission requests that the Subsistence Board review this situation and take action to amend appropriate regulations to allow re-issuance of the permits by the National Park Service. We realize, of course, that the park superintendent is the approving authority on an individual permit basis. We simply ask that such authority be returned to the superintendent concerning the individuals living between mileposts 216 and 231, Parks Highway.

Copies of two previous letters from this commission to the Alaska Board of Game, and the board's responses, are enclosed for your information.

Finally, please notify this commission when a date has been selected for board review of this issue. A commission member will attend the meeting and present appropriate testimony.

Sincerely,

Lee Basnar
Vice-Chairman
Denali Subsistence Resource Commission

L30[ARO-RS] 11 31

Mr. Lee Basnar
PO Box 95
Cantwell, AK 99709

Dear Mr. Basnar:

This letter provides a formal response to your letter transmitted to the Federal Subsistence Board (Board) regarding National Park Service (NPS) subsistence permit policies for Denali National Park, and federal customary and traditional (C&T) determinations for local residents along the Parks Highway.

The taking of fish and wildlife on NPS lands for subsistence uses is restricted to local Alaska residents of rural areas or communities. The area along the Parks Highway between mileposts 216 and 239 was determined to be rural by the Board on January 1, 1991. The Board's rural determination for the Parks Highway was consistent with the previous state rural determination.

NPS regulations (36 CFR Part 13 Subpart B Section 13.49) require any person who permanently resides within a rural area outside a designated resident zone community to obtain a subsistence permit prior to hunting within the park.

Each permit applicant must demonstrate that, without using aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses, the applicant has, either individually or as a member of a family, customarily and traditionally engaged in subsistence uses within the national park. The designated resident zone communities for Denali National Park are Cantwell, Hinchumina, Nikolaik, and Telida. Residents of designated resident zone communities are not required to obtain individual permits to subsistence hunt within the park. Even so, resident zone communities must be determined by the Board to be rural and have C&T use of a wildlife population.

Within a national park all subsistence hunters of a particular wildlife population must have C&T use of that particular population. When the federal government implemented its interim subsistence regulations, the state Board of Game's determinations for C&T uses were adopted. The current determinations preclude Parks Highway residents between mileposts 216 and 239 from subsistence use of caribou and moose within Game Management Unit 20C, which includes portions of Denali National Park. Accordingly, Parks Highway residents are not qualified to subsistence hunt within Denali National Park for those animals.

Cantwell 99709
However, the superintendent is authorized to issue permits to Parks Highway residents who meet NPS eligibility criteria for other subsistence uses within Denali National Park.

The Board intends to adopt a process for making C&T determinations prior to July 1, 1992. Once a process is adopted, the Board will review existing determinations for consistency with that process. It is the policy of the Department of the Interior to afford the public an opportunity to comment during the rulemaking process. There should be a time period when interested persons may submit written comments on C&T determinations.

Please be assured that we will keep you apprised of future developments concerning this issue. If we may be of any further assistance regarding this or any other matter, please let us know.

Sincerely,

John M. Morehead
Regional Director

Eastern Interior Alaska Subsistence Regional Advisory Council

c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
101 12th Avenue, Box 20
Fairbanks, Alaska 99701
Phone (907) 456-0406; Fax 456-0428
Toll Free 800-801-5108
November 23, 1993

Mr. Ron McCoy
Interim Chair
Federal Subsistence Board
1689 C Street, Suite 100
Anchorage, Alaska 99501-5126

Dear Mr. McCoy:

At the Eastern Interior Regional Council's meeting on October 7, 1993 the subject of customary and traditional determinations generated a great deal of discussion and concern among the Council members. The Council concluded that the highest priority C&T issue is the situation along the Parks Highway in the vicinity of Denali National Park & Preserve. The Council voted unanimously in support of the recommendation that the Federal Subsistence Board make a customary and traditional determination for the McKinley Village area as soon as possible. The Council feels that residents of McKinley Village, including Pat O'Connor, deserve prompt consideration of their request for a C&T determination because this problem has been "in resolution" for an unreasonably long time despite all the time and effort that Mr. O'Connor in particular has devoted to it.

Thank you for your consideration of this matter.

Sincerely,

Lee Titus
Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
February 17, 1995

Steve Martin, Acting Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Dear Steve,

The negative "Customary and Traditional" determination for use of moose and caribou for the area along the Parks Highway between miles 216 and 239 continues to be a problem for those individuals residing in this area who were once issued subsistence use permits to hunt in the 1980 additions to Denali National Park. This negative customary and traditional determination for use of moose and caribou was appealed to the State Game Board between 1987 to 1990. After federal assumption of subsistence management on federal lands occurred in 1991, the appeal was filed with the Federal Subsistence Board.

Subsistence users affected by this determination have been unable to hunt on park lands for many years. The Denali Subsistence Resource Commission discussed the situation again at its February 17, 1995, meeting, and voted to ask the Superintendent of the Park to be sure the original permittees know about possible actions they could take to expedite the appeal process or how to apply for and individual exception to the determination.

Sincerely,

Florence Collins,
Chair, Denali Subsistence Resource Commission

cc:
National Park Service, Alaska Regional Office
Federal Subsistence Board

Southcentral Alaska Subsistence
Regional Advisory Council

Mr. Robert D. Barbee
Field Director
Alaska Field Office
National Park Service
2325 Gambell
Anchorage, Alaska 99503

Dear Mr. Barbee:

At their meeting in October 1994, the Southcentral Alaska Subsistence Regional Advisory Council (regional council) made a recommendation to the Federal Subsistence Board (Board) to give high priority to rural residents residing between Milepost 216 and Milepost 239 of the Parks Highway for customary and traditional use eligibility of moose and caribou in Unit 20.

This recommendation was revisited at the winter 1995 meeting at which time the regional council unanimously adopted a motion to ask the National Park Service to give first priority to this request. The regional council would like the Parks Highway C&T to supersede Copper River Basin C&T work. Please refer to a copy of the pertinent pages of the meeting transcript, attached.

On behalf of the regional council, I want to express appreciation for your timely consideration of this request.

Sincerely,

Helga Eakon, Regional Advisory Council Coordinator

Attachment
June 16, 1995

Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Board Members,

The Denali Subsistence Resource Commission, at its June 16, 1995 meeting, discussed the customary and traditional determinations for moose and caribou in Wildlife Management Unit 20(C). This determination excludes subsistence use of moose and caribou for residents of the area along the Parks Highway between mileposts 216 and 239.

Denali Subsistence Resource Commission requests that the Federal Subsistence Board reexamine the existing customary and traditional determination for this area. If the area does not meet the customary and traditional criteria for subsistence use of moose and caribou, we believe the Federal Subsistence Board should grant a waiver to the individuals residing in that area who have subsistence use permits issued by the National Park Service.

Presently there are six individuals with current National Park Service subsistence use permits who have been adversely affected by this determination since 1988.

Both the Eastern Interior Subsistence Regional Advisory Council and the South Central Subsistence Regional Advisory Council have written letters to the Federal Subsistence Board requesting "high priority" and "prompt consideration" for review of the existing determination.

Sincerely,

Florence Collins
Chair, Denali National Park Subsistence Resource Commission

cc:
Eastern Interior Subsistence Regional Advisory Council
Southcentral Subsistence Regional Advisory Council

June 16, 1995

Eastern Interior Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Council Members,

The Denali Subsistence Resource Commission, at its June 16, 1995 meeting, discussed the customary and traditional determinations for moose and caribou in Wildlife Management Unit 20(C). This determination excludes subsistence use of moose and caribou for residents of the area along the Parks Highway between mileposts 216 and 239.

Denali Subsistence Resource Commission requests that the Federal Subsistence Board reexamine the existing customary and traditional determination for this area. If the area does not meet the customary and traditional criteria for subsistence use of moose and caribou, we believe the Federal Subsistence Board should grant a waiver to the individuals residing in that area who have subsistence use permits issued by the National Park Service.

Presently there are six individuals with current National Park Service subsistence use permits who have been adversely affected by this determination since 1988.

Both the Eastern Interior Subsistence Regional Advisory Council and the South Central Subsistence Regional Advisory Council have written letters to the Federal Subsistence Board requesting "high priority" and "prompt consideration" for review of the existing determination.

Sincerely,

Florence Collins
Chair, Denali National Park Subsistence Resource Commission

cc:
Western Interior Subsistence Regional Advisory Council
Southcentral Subsistence Regional Advisory Council
April 29, 1996

Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Board Members,

The Denali Subsistence Resource Commission, at its April 29, 1996 meeting, discussed the customary and traditional determinations for moose and caribou in Wildlife Management Units 20(C) and 13(E). This determination excludes subsistence use of moose and caribou for residents of the area along the Parks Highway between mileposts 216 and 239.

The Denali Subsistence Resource Commission unanimously supports adoption of Proposal 19, as modified in the Staff Analysis. The Southcentral and Eastern Interior Regional Advisory Councils also adopted Proposal 19 as modified.

Sincerely,

Florence Collins
Chair, Denali National Park Subsistence Resource Commission

cc: Western Interior Subsistence Regional Advisory Council
Southcentral Subsistence Regional Advisory Council
Eastern Interior Subsistence Regional Advisory Council
Superintendent, Denali National Park and Preserve

Mr. Roy Ewan
Southcentral Regional Subsistence Advisory Council
P.O. Box 215
Gakona, Alaska 99586

Dear Mr. Ewan:

This letter is to inform the Southcentral Regional Council of actions taken by the Federal Subsistence Board at its April 29 - May 3, 1996, meeting. As you know, the primary purpose of the Board meeting was to act on proposed changes to the Subpart D regulations governing seasons, harvest limits, and methods and means for subsistence harvest of wildlife on Federal public lands for the 1996-1997 regulatory year. Additionally, for the first time, the Board acted on proposed changes to the Subpart C regulations governing customary and traditional use determinations. I would like to note that the Board continues to be very pleased with the involvement of the Regional Subsistence Advisory Councils in the Federal Subsistence Management Program. Regional Council participation in the Board’s decision-making process is assuming a prominent role, and the Councils have proven themselves to be an invaluable source of the local knowledge and experience necessary to develop sound subsistence management decisions. The Board believes the Councils are fulfilling the role that Congress intended, and is committed to supporting the Councils’ continued participation in this process.

Following is an explanation of Board actions. Please note that when the Board rejected the Council’s recommendation, the rationale for the rejection is provided as required by Section 205(c) of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 (Public Law 96-447, 16 U.S.C. 3111-3125).

Proposal 12—positive customary and traditional use determination for residents of the McKinley Village and the area between mileposts 216 and 239 on the Parks Highway for the use of caribou and moose within Unit 13(E) and for moose in Unit 20(A) and (C).

The Southcentral and Eastern Interior Regional Councils supported the proposal with the modification to include residents of McKinley Village and the area along the Parks Highway between mileposts 216 and 239, except households of the Denali National Park Headquarters, for positive customary and traditional subsistence use of moose and caribou in Units 13(E), 20(A), and 20(C), with no change to existing eligibility determinations for the community of Healy. The Board adopted the Regional Council’s recommendation to modify the proposal as described above.
**SRC COMPLETED ACTION**
Individual C&T determinations for NPS lands.

**ISSUE BACKGROUND:**

- Federal Subsistence Management regulations provide a mechanism for the Federal Subsistence Board to make individual C&T determinations for NPS lands.

- In March 1997, Dan O’Connor, of Healy, petitioned the Federal Subsistence Board for an individual customary and traditional use determination for use of moose in GMU 20(C) and 13(E). The community of Healy, where he resides, does not currently have a positive C&T determination for these two subunits (letter on page 22). His request was the first made under this relatively new regulation.

- The SRC prepared a letter in March 1997 to the Federal Subsistence Board lending their support to O’Connor’s request and asked that the decision be made prior to the start of the moose hunting season (letter on page 22).

- The Eastern Interior, Western Interior and Southcentral Regional Advisory Councils considered the O’Connor proposal at their winter meeting in 1998. The Councils modified a proposal to grant Dan O’Connor individual C&T use and recommended a process of recognizing NPS subsistence use permittees (13.44 permittees) as a group to have individual C&T use on NPS lands without listing the individuals names in the Federal Regulations booklet.

- NPS Deputy Director Paul Anderson, in August 1998, sent a letter to Dan O’Connor indicating that his proposal had been deferred. He said that the Regional Solicitors office had been requested to conduct a legal review of the regulation allowing for individual C&T determinations (letter on page 23).

- On August 31, 1998 the Denali SRC sent letters to the Federal Subsistence Board, to the Secretary of Interior and to Dan O’Connor saying they were disappointed that the Federal Subsistence Board had deferred action on Dan O’Connors’ individual C&T determination. The SRC also said they did not believe that the deferral and legal review were necessary. They requested the legal review be expedited and that the O’Connor proposal be placed before the Board at the earliest possible date (see letters on page 24).

- At the October 13, 1998 meeting of the SRC chairs for NPS areas, the chairs recommended that the Park Superintendents’ follow the SRC’s recommendations for making C&T determinations on an individual basis. Denali and Wrangell-St. Elias SRCs have made such recommendations.

NPS responded to this recommendation (letter dated May 1999 appears in Chapter 1: SRC Functions, pages 8-10) saying that a solicitor’s review of the regulation confirmed...
that the responsibility to make individual C&T determinations lies with the Federal Subsistence Board. This responsibility cannot be delegated to Park Superintendents. At the Federal Subsistence Board’s meeting in May 1999, two proposals for individual C&T determinations were acted on in favor of the proponent. The FSB decided at that time to limit the extension of individual C&T determinations to National Park and Monument lands only. Therefore, these determinations will not apply in National Preserves.

- In December 1998, the Western Interior Regional Advisory Council (RAC) sent a letter to Solicitor Goltz asking for an expedited positive finding that authority exists to implement individual C&T determinations on NPS lands and that a similar process on other lands could also be implemented. They expressed their disappointment in the deferral of Dan O’Connors’ request for an individual C&T and recommended that all 36 CFR 13.44 permittees be granted a positive C&T determination for Park lands (see letter on page 25).

**Resolution:**
- A solicitors’ review of the section of the Federal Subsistence regulations allowing the Board to make individual C&T determinations was completed on March 23, 1999. The Solicitor concluded that the Board does have the authority to make individual C&T determinations on lands administered by the NPS (letter on pages 26-27).

- The Federal Subsistence Board gave Dan O’Connor a positive individual C&T determination for moose in Units 13E and 20(C) at their meeting in May 1999. On April 30, the Board adopted a policy whereby individual C&T determinations would be limited to National Park and Monument lands only (not preserves) (see pages 27-28).

**Authority:**
50 CFR Part 100 Federal Subsistence Management
March 14, 1997

Chair, Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Dear Mitch Demientieff, Chair:

My name is Dan O'Connor and I am a qualified subsistence user for Denali National Park and Preserve. I grew up in the McKinley Village area just east of the park and have utilized subsistence resources in and near Denali National Park all my life. My father, Pat O'Connor, and myself have utilized moose resources in Alaska since 1947, and specifically from the park and surrounding areas since 1972.

In 1987, the State Game Board passed a negative determination for the subsistence use of moose in wildlife unit 20(C) for McKinley Village and Healy areas. The Federal Subsistence Board recently reviewed the State's determination and reauthorized McKinley Village and the Parks Highway from mile post 216 to 239 to have customary and traditional use of moose in unit 20(C) and 13(E). Healy was not reauthorized. In 1981, I moved my family to Healy, Alaska, where we currently reside. I am currently unable to utilize subsistence moose resources on Federal lands because of the negative determination for Healy.

This letter is a formal request for reconsideration under 50 CFR, Subpart B, Section 100.16(a) of the Federal subsistence regulations for an individual exception to the existing customary and traditional determination for my use of moose in units 20(C) and 13(E). As specified in the regulation, this individual exception would apply only to areas managed by Denali National Park and Preserve.

I have submitted documentation and information to Denali National Park which will support my family's customary and traditional use of moose resources from park lands. This information was used in determining that I am a qualified subsistence user for the park.

Please review this request at the earliest possible time, this has been a difficult issue for many years and has significantly impacted my subsistence uses. Thank you for your consideration, if you have further questions, please do not hesitate to contact me.

Sincerely,

Dan O'Connor

Superintendent, Denali National Park and Preserve

March 29, 1997

Chair, Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Mitch Demientieff, Chair:

The Denali Subsistence Resource Commission met March 28, 1997, and reviewed Dan O'Connor's letter dated March 14, 1997 to the Federal Subsistence Board requesting an individual exception to the existing customary and traditional determination for moose in Wildlife units 20(C) and 13(E). Dan O'Connor currently lives in Healy, a community that does not have a positive customary and traditional determination for moose. The Commission is familiar with the O'Connor family's subsistence use of moose resources in Denali National Park and believes his request should be granted.

Thank you for your consideration of this request. Please take up this matter before this year's moose hunting season opens so that Dan may be able to participate. If you have any further questions, please do not hesitate to contact the Commission.

Sincerely,

Florence Collins

Florence Collins, Chair
Denali Subsistence Resource Commission

cc:
Superintendent, Denali National Park and Preserve
Dan O'Connor
Mr. Dan O'Connor  
P.O. Box 274  
Healy, Alaska 99743  

Dear Mr. O'Connor:

As the primary agency affected by proposal #38 for an individual customary and traditional use determination the National Park Service wanted to communicate to you the recent actions by the Federal Subsistence Board. The Board has deferred action on your proposal and has asked the Regional Solicitor of the Department of the Interior to do a legal review. Typically, the Board takes such a step when there is reason to pause in the decision making process. This review will focus on whether or not there is legal authority for the Board to make customary and traditional use determinations on an individual basis. When this step is completed, proposal #38 will come back before the Board for consideration.

We realize that this deferral occurred late in the annual regulatory cycle and that the timing is quite frustrating to you. To that end, we offer our apologies. The Board has had few requests for individual customary and traditional use determinations during its eight year history, nor has the Board ever taken a definitive action on a request. As the Board agencies and the National Park Service considered the issue of individual customary and traditional determinations as found in 50 CFR 100 Section 16 (a) regulations, questions were raised about the legal unpinning of the regulation itself leading to the Board's decision to defer action.

In regard to a customary and traditional finding for use of moose for the community of Healy, the Board most recently reconsidered this question in 1996. Proposal #19 was submitted by the Southcentral Subsistence Regional Advisory Council asking for review of the existing customary and traditional determination which excluded use of moose for the McKinley Village and Parks Highway area. Healy was considered in that proposal's analysis. The written record shows the Board considered the customary and traditional use finding for moose for the community of Healy in portions of Unit 13 and 20, however, the Board's decision at that time was not to include Healy.

If you have any questions about the status of your proposal, please contact Sandy Rabinowitch, Alaska Regional Office, National Park Service, 257-2653.

Sincerely,

Paul R. Anderson  
Deputy Regional Director  

cc: FSB members  
Tom Boyd, FWS
August 31, 1998

Dan O'Connor
P.O. Box 274
Healy, AK 99743

Dear Dan:

The Denali Subsistence Resource Commission, at our recent meeting of August 28, 1998, was very much disappointed to learn that the Federal Subsistence Board, during its May 1998 meeting, deferred action on Proposal #38. The Board asked the Regional Solicitor of the Department of the Interior to do a legal review, focusing on whether or not there is legal authority for the Board to make customary and traditional use determinations on an individual basis.

The Federal Subsistence Board normally makes customary and traditional use determinations offish and wildlife populations for subsistence based on the past use of a community or area. On National Park Service lands the Federal Subsistence Board may determine customary and traditional use for a fish or wildlife population on an individual basis. This provision, within the Federal Subsistence Management Regulations, was provided to accommodate local rural subsistence users who are eligible to use national parks and monuments but reside in a rural community or area that does not have a customary and traditional use determination. FR 50 CFR Part 100 B.16[a]

The Denali Subsistence Resource Commission does not believe that the deferral and legal review are necessary. This regulation has been in place many years, specifically to address situations such as yours. However, since the Board has taken this action, the Commission has written letters to the Secretary of the Interior and the Federal Subsistence Board requesting that the legal review be expedited and that Proposal #38 come back before the Board at the earliest possible date. The delay in resolution of this matter has been extremely frustrating to both you and the Denali Subsistence Resource Commission.

We are deeply concerned that your family’s traditional subsistence use of moose from Denali National Park lands has been impacted by state and federal use determinations for a decade. And that the Board’s recent deferral continues to present hardships to your family, and affects your ability to pass on customary and traditional skills and knowledge to your children.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission

Chair, Denali Subsistence Resource Commission

August 31, 1998

Secretary Bruce Babbitt
U.S. Department of Interior
18th and C Street N.W.
Washington, D.C. 20240

Dear Secretary Babbitt:

The Denali Subsistence Resource Commission, at our recent meeting of August 28, 1998, was very much disappointed to learn that the Federal Subsistence Board, during its May 1998 meeting, deferred action on Proposal #38. The Board asked the Regional Solicitor of the Department of the Interior to do a legal review, focusing on whether or not there is legal authority for the Board to make customary and traditional use determinations on an individual basis.

Proposal #38, submitted by Dan O’Connor, requested an individual customary and traditional use determination for moose on Federal Public lands within Denali National Park. Dan O’Connor holds a National Park Service subsistence use permit, however, he cannot harvest moose on Federal public lands since he resides in Healy, a community which does not have a positive customary and traditional use determination for moose.

The Federal Subsistence Board normally makes customary and traditional use determinations of fish and wildlife populations for subsistence based on the past use of a community or area. On National Park Service lands the Federal Subsistence Board may determine customary and traditional use for a fish or wildlife population on an individual basis. This provision, within the Federal Subsistence Management Regulations, was provided to accommodate local rural subsistence users who are eligible to use national parks and monuments but reside in a rural community or area that does not have a customary and traditional use determination. FR 50 CFR Part 100 B.16[a]

The Denali Subsistence Resource Commission does not believe that the deferral and legal review are necessary. This regulation has been in place many years, specifically to address situations such as Dan O’Connor’s. However, since the Board has taken this action, the Commission requests that the legal review be expedited and that Proposal #38 come back before the Board at the earliest possible date. The delay in resolution of this matter has been extremely frustrating to both the O’Connor family and the Denali Subsistence Resource Commission.

The O’Connor family’s traditional subsistence use of moose from Denali National Park lands has been impacted by state and federal use determinations for a decade. The Board’s deferral continues to present hardships to the family, and affects their ability to pass on customary and traditional skills and knowledge to their children.

Sincerely,

Florence Collins
Chair, Denali Subsistence Resource Commission
December 2, 1998

Keith Goltz
Office of Solicitor, Alaska Region
4230 University Drive, Suite 300
Anchorage, Alaska 99508-4626

Dear Solicitor Goltz:

We are requesting an expedited positive finding that authority exists to implement individual customary and use determinations (C&T) on National Park Service and that similar process on other Federal public lands could be implemented. The Regional Council is disappointed to hear of the Board’s deferral of Proposal 38, Mr. O’Connor’s request for an individual C&T determination on Park lands. The C&T issue along the Parks Highway has gone on too long. Qualified subsistence users are being denied subsistence opportunity to continue their traditional activities on Park lands. The lengthy delays appear to result from the various layers of bureaucracy and agency resistance. The Alaska National Interest Lands Conservation Act (ANILCA) stated purpose is to provide for the opportunity for rural residents engaged in a subsistence way of life to continue to do so. Mr. O’Connor, recognized by various advisory groups and even by the National Park Service has been denied his opportunity to continue his subsistence way of life on Park lands. Timely Board action can resolve this issue.

We further recommend the Board be advised to incorporate our recommendation in support of the Eastern Interior Regional Advisory Council’s recommendation that all CFR 13.44 permittees be granted a positive individual C&T determination for Park lands. This recommendation would streamline the process for individuals with a history of subsistence use on Park lands to be allowed to continue their traditional subsistence practices as well as keeping the regulations booklet from being cluttered with a long list of qualifying names.

In light of this discussion on individual C&T determinations, we hope also for a positive finding for developing a similar process of individual C&T determinations on other Federal public lands. This would allow individuals to continue to practice their subsistence lifestyle with full protection of ANILCA. It would provide protection for families living on remote parcels and Native allotments outside of recognized communities. A prime example for the need for individual determinations are individuals living in the Dalton Highway Corridor that are clearly living a traditional lifestyle but their C&T use is not recognized the Federal Subsistence Program because they live outside qualifying communities.

Thank you for your time and consideration with this request. We look forward to your positive findings on these individual C&T determinations processes before our next meeting in March 1999.

If you have any questions, please call me at (907) 675-4384 or contact our Regional Coordinator, Vince Mathews, at (907) 456-0277. This letter is the result of a motion passed at our October 1998 meeting in Allakaket. The vote was unanimous in support of the motion (Vote: 9-0-0-0).

Sincerely,

Ron Sam, Vice Chair

cc: Mitch Demientieff, Chair of the Federal Subsistence Board
Federal Subsistence Board members
Chuck Miller, Chair of the Eastern Interior Regional Advisory Council
Florence Collins, Chair of Denali Subsistence Resource Commission
Steve Martin, Denali National Park & Preserve
Since the adoption of the Federal Subsistence Regulations in 1990, they have consistently made a distinction between NPS-administered lands and other Federal public lands in regard to C&T determinations. In the temporary Subsistence Management Regulations for Public Lands in Alaska (Temporary Regulations), adopted on June 29, 1990, the definition of customary and traditional use determinations are community or geographic area based, except that outside established subsistence resident zones in certain National Parks, Park Monuments, or Park Preserves determinations may be specific to individuals. 55 Fed. Reg. 27114, 27116 (June 29, 1990). Elsewhere in these same regulations, in the section setting out the powers of the newly established Federal Subsistence Board, the temporary regulations provided: "For areas managed by the National Park Service, where subsistence uses are allowed, the C&T determinations may extend to individual local rural residents." Id., 55 Fed. Reg. at 27123 (emphasis added).

The final Rule adopting Subsistence Management Regulations for Public Lands in Alaska (Final Rule) was promulgated on May 29, 1992, after consideration of extensive public testimony and written comments. In words identical to the statement of the Board's authority contained in the temporary regulations, it provided for the Board to make individual C&T determinations for lands administered by the NPS. Final Rule, 57 Fed. Reg. 22940, 22948 (May 29, 1992). Further recognizing the differential treatment in ANILCA of subsistence uses in NPS-administered areas, the Final Rule also provided that: "This section does not limit the authority of the National Park Service to regulate further the eligibility of those individuals qualified to engage in subsistence uses on National Park Service lands in accordance with specific authority in ANILCA and National Park Service regulations at 36 CFR Part 13." 57 Fed. Reg. at 11953, codified in 50 C.F.R. § 100.5(d).

The supplementary explanation accompanying the Final Rule responded to public comments on the proposed individual C&T regulation as follows:

"Several commentors felt that customary and traditional use determinations should be made on an area basis rather than on an individual species or community basis. People also suggested that any species within the area should be considered a subsistence.

1 The 1992 Final Rule setting out the process for C&T determinations, including determinations for individual local residents in areas administered by the NPS, is codified in 50 C.F.R. § 100.16, subsection (a) of which is quoted on page 1 of this memorandum.

2 The NPS' authority under 36 C.F.R. Part 13 is separate from the Board's C&T determinations. The NPS determines resident zones and may grant individual eligibility permits for National Parks and Monuments pursuant to 36 C.F.R. §§ 13.43 & 13.44, but the Board makes the subsistence C&T determinations for communities, areas and individuals under 50 C.F.R. §§ 100.16 and 100.24."
resource. The legislative history of ANILCA clearly indicates that, with the exception of lands managed by the National Park Service, customary and traditional uses should be evaluated on a community or area basis, rather than an individual basis.

Final Rule, 57 Fed. Reg. at 22948. Thus, at the time of the regulation’s adoption, the difference in treatment of NPS-administered lands as compared with other Federal public lands was clearly recognized.

ANILCA itself does not explicitly address the process for C&T determinations, whether for communities, areas or individuals. When an issue like this is not addressed explicitly in the statute, courts generally give a great deal of deference to the administrative interpretation adopted by the agency charged with implementing the law, as expressed in its duly promulgated regulations. See, e.g., Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984), reh’g den., 468 U.S. 1227, 105 S.Ct. 28 (1984); INS v. Cardoza-Fonseca, 480 U.S. 421, 107 S.Ct. 1207, 94 L.Ed.2d 434 (1987).

Where the statute is silent, the agency’s administrative interpretation in its regulations is generally upheld if it is found to be based on any permissible construction of the statute. Chevron, supra, 467 U.S. at 843-45. A longstanding, consistent agency interpretation, such as is the case here with the subsistence regulations, is particularly persuasive. INS, supra, 480 U.S. 421, 426, n. 30.

Furthermore, there is no compelling legislative history which indicates a Congressional intent contrary to the approach adopted in the Final Rule. Like the Act itself, the key committee reports which accompanied ANILCA did not address the issue of individual C&T determinations at all. See Sen. Rept. No. 96-413, 96th Cong. 1st Sess. (November 14, 1979), reprinted in 5 U.S. Code Cong. & Adm. News 5070 (1980); House Rept. 96-97, Parts I and II, 96th Cong. 1st Sess. (April 18 & 23, 1979). The legislative history of ANILCA does contain one brief statement in extended remarks appended to the House floor debate in 1980 indicating that as a general matter C&T determinations should be done on a community or area basis rather than an individual basis. Cong. Rec. H10527, 10546, 96th Cong., 2nd Sess. (November 12, 1980) (statement of Congressman Udall). Elsewhere in the same remarks, however, Congressman Udall’s statement recognized the distinction in ANILCA’s treatment of subsistence on lands administered by the NPS, and indicated that subsistence resident zones and an individual permit system could be appropriate in some circumstances. Id., Cong. Rec. H10541.

In sum, we believe the approach to C&T adopted in both the Temporary Regulations and the Final Rule reflects a reasonable administrative interpretation of ANILCA and is legally supportable. The legislative history is inchoative and, as the Supreme Court has stated, “we are hesitant to rely on that inconclusive legislative history ... to supply a provision not enacted by Congress ....” United States v. American College of Physicians, 475 U.S. 834, 106 S.Ct. 1591, 1598, 89 L.Ed.2d 841 (1986)(emphasis added). We conclude, therefore, that the Board may make individual C&T determinations for areas administered by the NPS as the regulations provide in 50 C.F.R. §§ 100.16 and 100.24, in its discretion when appropriate cases for doing so are presented to it.

FEDERAL SUBSISTENCE BOARD
INDIVIDUAL
CUSTOMARY AND TRADITIONAL USE DETERMINATIONS.

The Board has received several proposals seeking individual customary and traditional (C&T) use determinations for use of wildlife in National Park Service managed areas. This document provides guidance in making these determinations. As stated in 50 CFR 100.16(a) and 36 CFR 242.16(a), "The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis."

Process and Procedures

1. In which NPS areas will the Board make individual determinations?

The regulation, 50 CFR 100.16, states, "...for NPS managed areas." The three types of areas in Alaska are National Parks, National Monuments and National Preserves (including Wild and Scenic Rivers managed by the NPS). However, the Board will make individual determinations for national parks and monuments only. Section 1313 of ANILCA states that national preserves "...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...". Only subsistence hunting is permitted in national parks and monuments. There is no need to make individual determinations in national preserves since both subsistence hunting and sport hunting are permitted in preserves as they are on most other lands in the state. Also, when Congress established Subsistence Resource Commissions for national parks and monuments (but not for preserves or other conservation system units), it implied that subsistence uses in national parks and monuments may be managed in a manner different from other units.

The language in the last line of Section 16(a) allows the Board discretion in making individual C & T use determinations. Therefore, the Board will make individual customary and traditional determinations only for National Parks and Monuments. Customary and traditional use determinations for Preserves will continue to be made on a community or area basis as are other Federal lands.

2. Who may apply for an individual C&T use determination for National Park Service areas?
For National Parks and National Monuments, individuals who live in residents zone communities (See 36 CFR 13.43) respectively for each park or monument and people who already hold a Section 13.44 subsistence use permit issued by the superintendent (See 36 CFR 13.44) may apply for an individual C & T use determination.

3. How do people apply for an individual C&T use determination?

Individuals would apply to the Board within the annual proposal period prescribed during each regulatory cycle. Proposals for individual C & T use determinations will not be considered through the Special Actions process.

4. What criteria are used to evaluate individual C&T requests?

The criteria will be the same as the Board uses for communities and areas. These eight factors are found at 50 CFR 100.16 (b) and 36 CFR 242.16(b).

5. What regulations implement this process?

The regulation at 50 CFR 100.24 (a) Customary and Traditional Use Determinations provides for a list of individuals whom have been granted an individual C&T use determination. It reads:

(a) The Federal Subsistence Board has determined that rural Alaska residents of the listed communities, areas, and individuals have customary and traditional use of the specified species on Federal public land in the specified areas. Persons granted individual customary and traditional use determinations will be notified in writing by the Board. The Fish & Wildlife Service and the local NPS Superintendent will maintain the list of individuals having customary and traditional use on National Parks and Monuments. A copy of the list is available upon request.

6. What role will the Subsistence Resource Commissions play?

The Subsistence Resource Commission (SRC), for each National Park and National Monument, established by ANILCA section 808 will play the same role it does in any other proposal before the Board. The Board will provide each respective SRC with copies of individual C&T proposals. The SRC's can provide useful information and recommendations to the Regional Councils.

7. What role will the Regional Advisory Councils play?

The Regional Councils established under the Board's regulations, 50 CFR 100.11 will play the same role they do in any other proposal before the Board. The Board will provide each respective Regional Council with copies of individual C&T proposals. Prior to their deliberation on an individual C & T proposal, the Regional Council will solicit the recommendation of the pertinent SRC.
HARVEST OF FISH

Status on Resolution of Alaska's Subsistence Management Impasse

On October 1, 1999 final regulations were implemented expanding federal management of subsistence fisheries in Alaska. The action complies with the 1995 federal court decision in the Katie John case (Alaska v. Babbitt, 54 F.3d 549 (9th Cir. 1995)) and expands federal management to include all waters in the State where the federal government has a reserved water right. Federal management now extends to approximately 60% of Alaska's rivers and lakes including almost 2000 miles of rivers and streams in Denali National Park and Preserve.

The Department of Interior supports a subsistence priority and a return to state management of fish and wildlife for all uses, including subsistence management.

Final Fisheries Regulations

The final federal subsistence fisheries regulations are very similar to existing State of Alaska subsistence fishing regulations. Few changes in subsistence harvests are anticipated at the outset of federal management. The regulations incorporate and respond to public review comments received from more than thirty public hearings held throughout Alaska.

Photo courtesy of Percy Duyck
The regulations identify the federal waters involved and acknowledge existing authorities of the Secretaries of Agriculture and Interior to intervene off of federal lands and waters to protect subsistence harvests on federal lands and waters. The regulations also determine the customary and traditional uses for fisheries and establish federal subsistence seasons, harvest limits, and methods and means restrictions.

Waters Included Under These Regulations

The regulations apply on inland waters within the exterior boundaries of national wildlife refuges; national parks, monuments and preserves; national conservation and recreation areas; national wild and scenic river corridors; the National Petroleum Reserve; and the Chugach and Tongass National Forests. Jurisdiction extends to fresh waters flowing through state, private, and Alaska Native corporation lands (except the Metlakatla Reservation), within the boundaries of these federal land units. A map showing the areas in Denali National Park and Preserve subject to Federal fisheries management is located in Appendix F.

Other Important Changes Included in These Regulations

Included in these regulations are two other important changes to the federal subsistence management program. These regulations provide for the non-commercial exchange of subsistence foods through customary trade and extend jurisdiction for subsistence wildlife management to selected but not conveyed lands within federal conservation unit areas.

The Role of the SRC

At the outset of federal subsistence management of fisheries, few changes will occur in the existing advisory and decision making structure that is currently in place. The 10 regional advisory councils will continue to meet as scheduled and will consider fisheries regulation changes and issues along with wildlife regulatory change proposals and issues. The SRC will continue to function as the primary advisory group for actions taken in the park under the expanded federal subsistence program.

Over time it may become necessary to re-evaluate the existing advisory council structure if the additional work required to manage fish becomes too overwhelming or to consider a different method of addressing regulatory changes. Likewise, the SRC may find it necessary to re-evaluate their additional workload and may choose to lengthen meetings or meet more frequently.

Authority:

50 CFR Part 100 Subsistence Taking of Fish and Wildlife
**SRC PROPOSED ACTION**
Collect historic information on the harvest of fish from local users and elders and include this information in the official records.

**ISSUE BACKGROUND:**
- The SRC supports the gathering of traditional ecological knowledge (TEK) on the harvest of fish in the park. This data will be collected during the on-going community profile update for the resident zone communities of Cantwell, Lake Minchumina, Nikolai and Telida.

**CURRENT STATUS:**
- In a letter to Superintendent Steve Martin and Federal Subsistence Board Chair Mitch Demientieff dated February 14, 2000, the SRC stressed the need to collect baseline historical data regarding fisheries for the Denali area. The SRC reiterated that local people have that knowledge; they need to be involved in a process where the information can be documented for use in analyzing proposals in the future (letters on page 4-5).

- In the same letters, the SRC also unanimously supported the proposal to establish a community harvest monitoring assessment program for the resident zone communities of Cantwell, Lake Minchumina, Telida, and Nikolai and to update the existing information in the Subsistence Community Profile Database. The SRC felt the study would help provide both current and past baseline information on the community’s fish and wildlife needs and annual harvest. The Commission recommended working closely with community elders and tribal entities to ensure they have a meaningful role in collecting local information and keeping harvest data up to date (letters on page 4-5).

- In the letter to Superintendent Martin of February 14, 2000, SRC members commented on their own historical fisheries observations (letter on page 4):
  1) now is a good time to check Highpower Creek (on the west edge of the northern Preserve) as it was an important fishery use area in the past but is not a significant use area today.
  2) There were “lots” of chum salmon in Moose Creek until mining was started upstream in the Kantishna Mining District.
  3) King Salmon are present in Clear Creek (a tributary to the Kantishna River just above the mouth of the Toklat River), and there were some King Salmon below Bearpaw River.
Dear Steve:

The Denali Subsistence Resource Commission, at its meeting in Healy on February 14, 2000, discussed several fisheries and subsistence research proposals for the Denali Park and Preserve area for this coming season. The Commission unanimously supports the following study proposals:

Tanana River Drainage Fall Season Salmon Stock Assessment Project for a Mark-Recapture study on the Kantishna River Drainage. This study builds upon the existing ADF&G fishery mark-recapture study for the Toklat River drainage. Establishing a third recovery wheel on the upper Kantishna River near the Bearpaw River would help determine the populations and distribution of salmon in both the Toklat and upper Kantishna River drainage's. This would be valuable in estimating abundance, migration, timing of runs, and estimating harvest and escapement levels. The Commission was particularly pleased by the plan to hire a local subsistence user from this area to operate the recapture wheel on the upper Kantishna River.

The Commission passed a motion stating that in addition to collecting current biological information, there is a great need to collect baseline historical data regarding fisheries for the Denali area. It is very important for future proposals to concentrate efforts on getting historical information of fisheries resources and use. What were the past salmon runs, harvests amounts and harvest areas, methods and means used, and distribution and abundance of fish? Local people have that knowledge; we need to involve local people, especially elders, and tribal entities to extract and document that information. That data needs to be made part of the public record.

The Commission also supported the proposal to establish Community Harvest Monitoring Assessment Programs for the park’s resident zone communities of Cantwell, Lake Minchumina, Telida and Nikolai and to update the existing Subsistence Community Use Profile Information for those communities. These studies will help to provide both current and past baseline information on the community’s fish and wildlife needs and annual harvests. The objectives of these projects will be to work cooperatively with Denali’s subsistence resident-zone communities in building community involvement and support. As stated above, the Commission recommends working closely with community elders and tribal entities, ensuring they have a meaningful role in collecting local information and keeping harvest data up to date.

Commission members made the following comments on historical fisheries observations: (a) now is a good time to check Highpower Creek (on the west edge of the northern Preserve) as it was an important fishery use area in the past but is not a significant use area today. (b) There were “lots” of chum salmon in Moose Creek until mining was started upstream in the Kantishna Mining District. (c) King salmon are present in Clear Creek (a tributary to the Kantishna River just above the mouth of the Toklat River), and there were some King Salmon below Bearpaw River.

Please contact Chair, Florence Collins, if you need any further details. (907) 457-2674.

Sincerely,

Florence Collins, Chair
Denali Subsistence Resource Commission

CC:
Wrangell Saint Elias Subsistence Resource Commission
Lake Clark Subsistence Resource Commission
Gates of the Arctic Subsistence Resource Commission
Aniakchak National Monument Subsistence Resource Commission
Kobuk Valley National Park Subsistence Resource Commission
Cape Krusenstern National Monument Subsistence Resource Commission
Eastern Interior Regional Advisory Council
Western Interior Regional Advisory Council
Southcentral Regional Advisory Council
February 14, 2000

Chair, Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Ak 99503

Mitch Demientieff, Chair

The Denali Subsistence Resource Commission held a meeting in Healy on February 14, 2000. The Commission unanimously approved the FY2000 proposal for a salmon stock mark-recapture study of the Toklat and Kantishna Rivers. Establishing a recovery wheel on the Kantishna River near Moose Creek and the Bearpaw River would help determine the populations and distribution of salmon in the Kantishna River drainage. This would be valuable in estimating abundance, migration, timing of runs, and estimating harvest and escapement levels. The Commission was particularly pleased by the plan to hire a local subsistence user for this area to operate the recapture wheel on the Kantishna River.

The Denali Commission also passed a motion stating in addition to collecting current biological information; there is a great need to collect baseline historical data regarding fisheries for the Denali area. It is very important in future proposal to concentrate efforts on getting historical information of fisheries resources and use. What were the past salmon runs, harvest amounts and harvest areas, methods and means used, and distribution and abundance of fish? Local people have that knowledge; we need to involve local elders and local people to extract and document that information. That data needs to be made part of the record.

Thank you for considering our recommendations regarding these fishery proposals. Please contact Chair, Florence Collins, if you need any further details. (907) 457-2674.

Sincerely,

Florence Collins, Chair
Denali Subsistence Resource Commission
NPS PROPOSED ACTION
Establish an NPS fisheries management program for the Denali, Gates of the Arctic and Yukon-Charley National Park and Preserve cluster.

ISSUE BACKGROUND:
• NPS has organized Denali National Park and Preserve, Gates of the Arctic National Park and Preserve and Yukon-Charley National Preserve into a cluster for the purposes of dealing with fisheries management issues.

• In the spring of 2000, NPS hired Fred Andersen as the fisheries manager for the cluster.

• In 2000 fisheries research proposals were submitted to the US Fish and Wildlife Service for funding. Those proposals were:

1) Kantishna River fall season salmon stock assessment project. This cooperative project between the ADF&G and NPS involves the use of live capture fishwheels for the marking and recapturing of chum salmon on the Kantishna and Toklat Rivers. The project was funded by the US Fish and Wildlife Service for two years starting in 2000.

2) Gather traditional ecological knowledge on the use of fisheries in Denali historically (see the previous salmon color page for details on this project and SRC actions relating to it).

3) Aerial stream survey counts of salmon in Denali. This project was funded by the park and the Bering Sea Fisherman’s Association ($1800). The surveys were flown in the summer and fall of 2000.

• The SRC supported the projects in letters to Superintendent Steve Martin and to the Federal Subsistence Board Chair Mitch Demientieff dated February 14, 2000. These letters appear in the chapter on pages 4-5.

CURRENT STATUS:
• The Kantishna River fishwheel project was started in the summer of 2000 and will continue in 2001.
• The aerial stream survey of salmon was also begun the summer of 2000.
managed for the purpose of protecting their suitability for
wilderness designation pending revision of the initial plans; and
(4) unless expressly authorized by Congress the Department of
Agriculture shall not conduct any further statewide roadless
area review and evaluation of National Forest System lands in
the State of Alaska for the purpose of determining their suitabil-
ity for inclusion in the National Wilderness Preservation
System.

TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

FINDINGS

16 USC 3111. 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, tradi-
tional, 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 the 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 requires that an adminis-
tative structure be established for the purpose of enabling rural
residents who have personal knowledge of local conditions and
requirements to have a meaningful voice in the management of
fish and wildlife and of subsistence uses on the public lands in
Alaska.

PRIORITY CRITERIA

16 USC 3112. 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 cooper-
ate with adjacent landowners and land managers, including
Native Corporations, appropriate State and Federal agencies,
and other nations.

DEFINITIONS

16 USC 3113. 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 perma-
nent 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

16 USC 3114. 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.

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LOCAL AND REGIONAL PARTICIPATION

16 USC 3115.

Sec. 805. (a) Except as otherwise provided in subsection (d) of this section, one year after the date of enactment of this Act, the Secretary in consultation with the State shall establish—
(1) at least six Alaska subsistence resource regions which, taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;
(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and wildlife game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3) of this subsection; and
(3) a regional advisory council in each subsistence resource region.

Each regional advisory council shall be composed of residents of the region and shall have the following authority:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;
(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any manner related to the subsistence uses of fish and wildlife within the region;
(C) the encouragement of local and regional participation pursuant to the provisions of this title in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;
(D) the preparation of an annual report to the Secretary which shall contain—
(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
(ii) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;
(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and
(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and wildlife game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to and assist the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) The Secretary shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

The Secretary shall reimburse the State, from funds appropriated to the Department of the Interior for such purposes, for reasonably necessary costs relating to the establishment and operation of the regional advisory councils established by the State in accordance with subsection (d) and the operation of the State fish and game advisory committees so long as such committees are not superseded by the Secretary pursuant to subparagraph (2) of subsection (a). Such reimbursement may not exceed $5,000 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior for such purposes, for reasons stated in section 3115.

(2) Total payments to the State under this subsection shall not exceed the sum of $5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection are adequate to ensure the effectiveness of the program established by this Act to provide the preference for subsistence uses of fish and wildlife set forth in section 804.

FEDERAL MONITORING

Sec. 806. The Secretary shall monitor the provisions by the State of the subsistence preference set forth in section 804 and shall advise the State and the Committee on Interior and Insular Affairs and the Committee on Energy and Natural Resources and the House of Representatives and Public Works of the Senate annually and at such other times as
he deems necessary of his views on the effectiveness of the implementation of this title including the State's provision of such preference, any exercise of his closure or other administrative authority to protect subsistence resources or uses, the views of the State, and any recommendations he may have.

JUDICIAL ENFORCEMENT

Sec. 807. (a) Local residents and other persons and organizations aggrieved by a failure of the State or the Federal Government to provide for the priority for subsistence uses set forth in section 804 (or with respect to the State as set forth in a State law of general applicability if the State has fulfilled the requirements of section 804(d)) may, upon exhaustion of any State or Federal (as appropriate) administrative remedies which may be available, file a civil action in the United States District Court for the District of Alaska to require such actions to be taken as are necessary to provide for the priority. In a civil action filed against the State, the Secretary may be joined as a party to such action. The court may grant preliminary injunctive relief in any civil action if the granting of such relief is appropriate under the facts upon which the action is based. No order granting preliminary relief shall be issued until after an opportunity for hearing. In a civil action filed against the State, the court shall provide relief, other than preliminary relief, by directing the State to submit regulations which satisfy the requirements of section 804; when approved by the court, such regulations shall be incorporated as part of the final judicial order, and such order shall be valid only for such period of time as normally provided by State law for the regulations at issue. Local residents and other persons and organizations who are prevailing parties in an action filed pursuant to this section shall be awarded their costs and attorney's fees.

(b) A civil action filed pursuant to this section shall be assigned for hearing at the earliest possible date, shall take precedence over other matters pending on the docket of the United States district court at that time, and shall be expedited in every way by such court and any appellate court.

(c) This section is the sole Federal judicial remedy created by this title for local residents and other residents who, and organizations which, are aggrieved by a failure of the State to provide for the priority of subsistence uses set forth in section 804.

PARK AND PARK MONUMENT SUBSISTENCE RESOURCE COMMISSIONS

Sec. 808. (a) Within one year from the date of enactment of this Act, 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 committee established pursuant to section 805(d) 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 member of the commission shall devise and recommend to the Secretary and the Governor a program for subsistence uses 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 advisory 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.

(c) Pending the implementation of a program under subsection (a) of this section, the Secretary shall permit subsistence uses by local residents in accordance with the provisions of this title and other applicable Federal and State law.

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
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(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.

(4) the role of subsistence uses in the economy and culture of rural Alaska;

(5) comments on the Secretary's report by the State, the local advisory councils and regional advisory councils established, by the Secretary or the State pursuant to section 805, and other appropriate persons and organizations;

(6) a description of those actions taken, or which may need to be taken in the future, to permit the opportunity for continuation of activities relating to subsistence uses on the public lands; and

(7) such other recommendations the Secretary deems appropriate.

A notice of the report shall be published in the Federal Register and the report shall be made available to the public.

REGULATIONS

Sec. 814. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out his responsibilities under this title.

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. No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual;

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1978, or enlarging or diminishing the Secretary's authority to manipulate habitat on any portion of the public lands;

(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; or

Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777-777k), or any amendments to any one or more of such Acts.

16 USC 3126

Sec. 816. (a) All national parks and park monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

(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.

TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

43 USC 1631

Sec. 901. (a) Notwithstanding any other provision of law, the ownership by a Native Corporation or Native Group of a parcel of submerged land conveyed to such Corporation or Group pursuant to the Alaska Native Claims Settlement Act or this Act, or a decision by the Secretary of the Interior that the water covering such parcel is not navigable, shall not be subject to judicial determination unless a civil action is filed in the United States District Court within five years after the date of execution of the interim conveyance if the interim conveyance was executed after the date of enactment of this Act, or within seven years after the date of enactment of this Act if the interim conveyance was executed on or before the date of enactment of this Act. If a parcel of submerged land was conveyed by a patent rather than an interim conveyance, the civil action described in the preceding sentence shall be filed within five years after the date of execution of the patent if the patent was executed on or before the date of enactment of this Act. The civil action described in this
August 29, 1996

Mr. Robert Barbee
Field Director
National Park Service
2525 Gambell Street, Room 104
Anchorage, Alaska 99503

Dear Mr. Barbee:

Thank you for the opportunity to review and comment on the "Draft Review of Subsistence Law and National Park Service Regulations" recently distributed by the National Park Service.

At the August 9, 1996 Denali Subsistence Resource Commission meeting, the Commission discussed the Draft Review item by item, and we came to the following conclusions. Our opinions that are expressed as formal motions are so noted; others are less formal and represent a general consensus. Each statement is keyed to the page and line numbers of the Draft Review.

Some of our suggestions would result in the Superintendent having more flexibility in decision-making regarding subsistence management issues, and in other situations would enable some decisions to be made on a regional basis by individual parks rather than a rigid NPS statewide subsistence policy. We want to emphasize, however, that we agree with the Park Service that its mandate to protect both natural and healthy populations and ecosystems is the overriding consideration. Possibilities of both immediate and cumulative damage should be taken into account. We also assume that members of the biological and cultural park staff will be involved in evaluating decisions and potential impacts.

The Commission felt that management decisions made by the agency and the Secretary of the Interior should be made more quickly than in the past. Examples of delayed subsistence questions are cabin reconstruction requests, traditional ATV use determinations, and the proposed roster regulation. All of these have been under consideration, for various reasons, for much too long, and still are not settled.

The Commission felt that different parks have different problems and may need different solutions. We believe that subsistence decisions should usually be made at park level based upon the area or regions traditional practice, and not be held to a rigid state-wide standard. Culturally and traditionally, people from different regions of the state have adapted and evolved their own practices and traditions in response to environmental conditions and resource availability. In this regard the NPS management needs to recognize and allow for regional diversity in its statewide subsistence management program.

In addition, within a particular region or park, subsistence uses and traditional practices are not rigid in time or place. Subsistence, by its own nature is dynamic; changing and evolving subsistence practices which are developing as new traditions need to be recognized and allowed so long as they do not impact, or are detrimental to the resource.

Concerns were also expressed that agency proposals for specific National Park Service regulations, which affect subsistence users, should be reviewed by the appropriate SRCs before final draft or proposed regulations are implemented. These concerns arose out of the NPS submitting, without formal SRC consultation, the Proposed Trapping Clarification Regulations which would prohibit the use of firearms for the taking of furbearers.

PAGE SPECIFIC COMMENTS

GENERAL SUBSISTENCE ISSUES:

P. 3, line 27-28: Subsistence traditional use areas: A MOTION was made and passed unanimously that "The Denali SRC opinion is that historically the whole park was a traditional subsistence use area, though we recognize that the original Mt. McKinley National Park has been excluded from consumptive use of any kind since its creation." Congress excluded subsistence use activities from the original Mt. McKinley Park including the highest parts of the Alaska Range and other large areas representing various habitats which are historically and archeologically known to have been used by subsistence users. The remaining portions of Denali National Park and Preserve lands have all been used by local rural people for subsistence. This subsistence use shifts geographically with time, making formal designations difficult to make and to maintain; consumptive use can be adequately controlled by seasons, bag limits, and other NPS regulations as needed. If formal boundaries are needed in the future, they can be established at that time, and the boundaries should be made on a historical basis, and not on a modern/contemporary or archaeological basis.

P. 3, line 35-40: Selected lands (selected by Native or State entities but not yet conveyed) in Denali National Park and Preserve should be open to Title VIII subsistence use under the park's jurisdiction— that is, under federal seasons and bag limits.

ELIGIBILITY:

P. 4, line 12-17: A MOTION was made that "If a resident zone community is deleted and changes to a roster list of eligible subsistence users, then the people living there at that time, who have established a long-term pattern of subsistence use, would be eligible for 13.44 permit or roster listing. In addition, people with the same qualifications (a long term pattern of subsistence use) that move out of an existing resident zone to a local rural area should also be eligible for a 13.44 permit." The purpose of the motion is to ensure eligibility to people who entered the resident zone after the 1980 cutoff date (proposed on line 14) and who have established a pattern
of subsistence use of park resources, would be eligible for a roster system or 13.44 permit, provided they maintain a customary and traditional subsistence lifestyle and are still local rural residents to the park. This might alleviate problems of subsistence families disappearing from an area, by allowing more recent subsistence users who have adopted and established the "customary and traditional" lifestyle to continue.

P.4, line 30-33: The Local-rural and Resident Zone paragraphs were generally approved. Denali's resident-zone communities have already been delineated and boundaries established. Healy, another local-rural community, has shown no interest in being a resident zone.

P.5, line 1-12: The "Significant concentration" definition was discussed but no changes were suggested. However, the Commission did not feel that the 51% figure is necessarily appropriate, and that if the resident zone designation is changed at any time to a roster list, these percentages are unnecessary. The SRC and resident zone members would recognize a problem when it arose and could act on it then. "Cultural vitality" was explained and examples given, the general concept was agreed to be appropriate.

P.6, line 39-4: Roster Regulations: The Denali SRC has stated in the past that we support the roster regulation concept. The Commission has also stated that we do not want to be the responsible party for picking the roster list members. The Commission as a group is not familiar enough with all the individuals within the resident zone populations to be able to fairly identify all eligible users.

ACCESS:

The use of airplanes as presented on page 7, line 1-13, line 45-47 was generally accepted.

P.7, line 15-43: A MOTION was made and passed unanimously: "Access should be allowed at the same level as 1980, with reasonable allowances for restrictions to preserve the environment." At Denali for instance, people in the Cantwell resident zone have used ATVs traditionally; an examination of access routes suggests that in some areas, because of lack of vegetation and presence of a harder, less-erosing surface, ATV use for retrieval of moose meat from subsistence hunting should be permitted. It is understood that the situation would be monitored and if a detrimental change to the environment should result from ATV use, the permission to use ATVs would be suspended. It was also suggested that a trial period, perhaps of one hunting season, with restrictions (to mapped routes, etc.), be opened to determine the advisability of continuing the ATV use.

P.7 line 29: ATV use should not be determined on the basis of vehicle type, as is implied here. The Commission feels, as is suggested on lines 34-37, that flexibility in vehicle type could result in less, not more, damage to the environment. We also feel, referring to P. 8, lines 25-28, that determinations should be community-wide, and be made on the basis of routes and effects, not on an individual basis.

CABIN USE:

P.8, line 42-52, and P.9, line 1-10: A MOTION was made and passed unanimously pointing out that "The present cabin regulations for subsistence users are inadequate." The Commission feels strongly that current regulations for replacing cabins are too restrictive and cause significant hardship to subsistence users. The regulations do not differentiate between new cabins and replacement cabins; the latter should not have the strict requirements needed for a new cabin. A replacement cabin—built to replace one no longer useable—should be permitted anywhere along trape line trails, provided the total number of cabins on any line does not increase. It must be recognized that cabins do need periodic replacement due to rotting logs and roofs, stove fires, undercutting by rivers, forest fires, or changes in trail use, etc. Traditionally cabins are not always built on the same foundation for the same reasons, and also because resources such as firewood, which becomes gradually depleted in the immediate area over time, need time for regeneration.

A second MOTION was passed stating "It is not traditional to have 'shared use' of a new or replacement cabin by all subsistence users", although exclusive use is not required in most cases. Mandatorily designating all cabins as shared use cabins may not be appropriate.

TRAPPING:

P.9, line 20-42: The Denali SRC has already expressed an opinion of the NPS "no firearms" provision for taking free roaming furbears under a trapping license (line 33-36). The SRC disapproves of the NPS position. A MOTION was passed unanimously on June 16, 1993 to change NPS trapping regulations by redefining trapping to include customary and traditional means, such as firearms, bows and arrows.

CUSTOMARY TRADE:

P.9, line 46-52; P.10, line 1-2: A MOTION was made and passed unanimously that "The SRC supports the customary trade of any handicraft items made by subsistence individuals who are gathering, making, and selling crafts made from natural materials such as animal, minerals or vegetation." The SRC believes the sale of these handicrafts by subsistence individuals should not be illegal, since it has been the customary and traditional practice to make, sell or trade these handicrafts made from natural resources.

SUBSISTENCE RESOURCE COMMISSIONS:

P.12, line 8: "Other subsistence uses" should be added to this list.

Sincerely,

Florence Collins
Chair, Subsistence Resource Commission
Denali National Park and Preserve
Dear Ms. Collins:

In what is becoming an annual event, I am pleased to report back to you on the National Park Service/Subsistence Resource Commission Chairs workshop that we jointly participated in last October. Once again, we feel that the workshop was very worthwhile, and we appreciate your taking time out of your schedules to meet with us and discuss important areas of mutual interest. A copy of our notes from the workshop is enclosed. If you have any comments or corrections to the notes, please let us know directly or through your park subsistence manager and we will make the necessary corrections. I will respond to your recommendations from the workshop in the body of this letter, but, before doing so, there are a couple of other items that I would like to share with you.

It is a busy time in the subsistence business. With the expansion of the federal program into fisheries management on navigable waters, we are heavily involved in a number of interagency efforts to implement the expanded program. As you know, expanded and revised regulations were adopted on October 1, 1999. Now we are in the process of planning how we can implement those regulations, adopt new calendars for regional advisory councils to review and make recommendations on the fishery regulations, and coordinate fishery research and monitoring efforts with the state of Alaska and other groups.

In order to provide us with the resources to expand into fisheries management, the National Park Service (NPS) received an addition to our subsistence budget this fiscal year. While it was not all that we had hoped to get, we are in the process of recruiting for one position for the Anchorage office and for four fishery biologist/subsistence manager positions to work in the parks. We hope to have all these positions filled later this winter. We had also hoped to have additional funds to conduct necessary fishery research and resource monitoring activities on NPS waters, but in a decision made in the Secretary of the Interior's office in Washington, all the separate Interior agency funds for resource monitoring were consolidated into the U.S. Fish and Wildlife Service budget. We are now participating in an interagency work group to insure that all agencies needs are being met.

In another matter, we have had recent communication with Frank Rue, the Commissioner of the Alaska Department of Fish and Game (ADFG) concerning attendance by members of his staff at the annual SRC Chairs/NPS workshop. We had intended to invite Dr. Terry Haynes from the ADFG Division of Subsistence to sit in on the meeting last fall, but failed to contact him in time. As you know, the state of Alaska does have a role in the operations of the SRC's, since all hunting plan recommendations are to be submitted to the governor as well as the Interior Department. We have invited Dr. Haynes to sit in on our meeting next fall, and hope that you will concur with our decision to do so.

In looking ahead, I understand that the AFN convention next fall will be held during the week of October 16th. If we meet as we have the last several years, our next meeting will be on Tuesday, October 17th. I hope that date will work for you, and as we get closer, we will work with the park subsistence managers to confirm that with you.

And now for the suggestions you gave us at the meeting. As we did last year, I will summarize each of your recommendations, then provide a response.

1) You suggested that each SRC should review the NPS customary trade regulations to ensure that local customary trade practices are recognized and authorized under current NPS regulations, and that NPS customary trade regulations should be consistent with Federal Subsistence Board regulations.

RESPONSE: We agree our customary trade regulations should to the extent possible address local customary trade practices. Before we contemplate any changes to the existing regulations, we would ask that each of the SRC's review this issue and provide us with your recommendations. In addition, your commissions can assist by providing whatever specific information you have about those practices. It may be that we can make a single statewide change to our regulations (if necessary), or we may need to consider specific regulations for individual park units. By this letter, I am asking you, and the park subsistence managers, to see that the customary trade issue gets put on the agenda of your next meeting and that you provide a recommendation. Once we have any recommendations, we will be able to determine the best procedure for moving forward. At the same time, we will be able to review our regulations for consistency with the Federal Subsistence Board regulations.

2) You asked that the NPS should change its current regulations in order to allow subsistence users with a trapping license to take free ranging furbearers with a firearm.

RESPONSE: This has been a continuing difficult issue without a prospect for change in the near future. We continue to believe that an attempt to change in our regulations in this area will be unsuccessful and may lead to unexpected consequences. National environmental and conservation groups will likely get interested in this issue if a regulatory change is proposed and will almost certainly oppose any "relaxation" of our regulations.

3) You suggested that each SRC should determine if the resident zone one-year requirement is needed since the October 1, 1999 federal subsistence regulations require an Alaska resident license as an eligibility condition.

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3) You suggested that each SRC should determine if the resident zone one-year requirement is needed since the October 1, 1999 federal subsistence regulations require an Alaska resident license as an eligibility condition.
RESPONSE: As we discussed in October, the revised federal regulations now state that federal subsistence users must possess an Alaska resident license where required (earlier regulations only required an Alaska license). The result of this is that anyone newly moving into Alaska from another state will not be able to conduct subsistence hunting or trapping activities until after they have lived in the state for one year and become eligible for a resident license. This, of course, does not apply to a long term Alaska resident who moves from an urban area into a rural area. That person would immediately be an eligible subsistence user. The Wrangell-St. Elias SRC has already submitted a hunting program recommendation for a one-year residency requirement, and we will respond to that as soon as we can. But, once again, we feel that it would be beneficial to get recommendations from each of the SRCs on this issue, and perhaps from the regional advisory councils. If all SRCs support the Wrangell-St. Elias SRC proposal, then we can look at the issue for all parks and monuments in the state. For any SRCs that have not already addressed this issue, we ask that you do so, and give us your recommendation. We will consider those recommendations in our response to the Wrangell-St. Elias SRC.

4) You suggested that the NPS should develop an appeal/reconsideration procedure for hunting program recommendations that are responded to by the NPS Alaska Regional Director.

RESPONSE: As you know from our discussion in October, the authority to respond to SRC hunting program recommendations has been delegated to the NPS Alaska Regional Director. We feel that this delegation will help us be more responsive (in a more timely fashion) to your recommendations. We understand that you may not always agree with the response you receive, and would like the opportunity to express that disagreement directly to the Secretary. The opportunity for the SRC to request in writing that the Secretary review Regional Director responses currently exists. The Secretary retains the authority to review any decision made pursuant to a delegation. If you have a disagreement with a response from the Regional Director, you can write to the Secretary with your concerns.

5) You suggested that the seven SRCs should work more closely together to resolve issues and that the SRCs should exchange meeting minutes and hunting program recommendations correspondently.

RESPONSE: We agree, and will do what we can to help facilitate a closer exchange between commissions. I will commit the assistance of this office to ensuring that any SRC meeting minutes and hunting program recommendations are circulated to all other SRCs.

6) You suggested that each of the seven SRCs should meet twice a year.

RESPONSE: There is no specific limit to the number of times that an SRC can meet, and many if not most already meet twice a year. Rather than identifying a specific number of times to meet, we would prefer that SRCs work with their individual park unit subsistence managers to meet as often as necessary (and as park subsistence budgets permit).

7) You suggested that the NPS should hold two SRC Chairs/NPS meetings annually instead of the one that we currently have.

RESPONSE: This was not a consensus item identified by the Chairs, but was suggested by one Chair just before the end of the meeting (much as it was at the end of the October 1998 meeting). We continue to be concerned about the budget, agenda, and time considerations of scheduling two meetings a year, and after doing a cost analysis are unable to do so at this time. But, as we said last year, if there are special issues that require the need for a second meeting, we will consider doing so or arrange for a way that we can all meet by teleconference.

Finally, we briefly discussed the issue of the National Park Service Subsistence Management Program (issue paper) document in October. As we said then, we are considering a revision to the document that we finalized in August of 1997. We would appreciate your review of the issue paper, and any suggestions of how you think we can improve it or make it more complete.

Once again, thank you very much for your excellent service to the National Park Service and to the subsistence users of your area. Our dialog and work together is extremely important to us, and I look forward to working with all of you in the future. See you in October (if not before)!

Sincerely,

[Signature]

Judith C. Gottlieb
Associate Regional Director, Resources

Enclosure

cc: Subsistence Park Superintendents
  AKSO Superintendent
  John Vale
February 14, 2000

Ms. Judy Gottlieb
Associate Regional Director, Resources
National Park Service
2525 Gambell Street, Room 104
Anchorage, Alaska 99503

Dear Ms. Gottlieb:

Your letter of February 4, 2000 to the Chair of Denali National Park Subsistence Resource Commission was received and the subjects addressed in it were discussed at our meeting on February 14, 2000 meeting. We were glad to have your comments on fisheries management and are also supportive of Dr. Terry Haynes (ADF&G, Subsistence Division) being asked to sit in on the proposed Chairs' meeting next fall. We especially appreciated having your response to the comments to the SRC Chair's recommendations were agreed to unanimously. The numbered paragraphs below refer to the numbers on paragraphs in your letter.

1. In regard to customary trade, we wish to reiterate our position as presented in our August 22, 1996 comments addressed to NPS Alaska Regional Director, Mr. Bob Barbee, on the "Draft Review of Subsistence Law and National Park Service Regulations" (NPS position paper). The Denali Commission unanimously passed a motion stating "The SRC supports the customary trade of any handicraft items made by subsistence individuals who are gathering, making, and selling crafts made from natural materials such as animal, mineral, or vegetation. The Commission believes the sale of these handicrafts by subsistence individuals should not be illegal since it has been a customary and traditional practice to make, sell, or trade these handicraft made from natural resources". The Commission members compiled a list of some of the resources and materials used in both the past and present for items customarily traded. They include fish such as salmon (usually dried salmon strips). Plant materials include: (a) birch wood used to make sleds for trade, snowshoes, spoons and other utensils; (b) birch bark used for baskets, lamp shades, and other objects needing a smooth flexible surface, and for fire-starting fuel; (c) birch punk used for burning as bug dope or to make ash for chewing, smoking moose and caribou hides, or as a dye for art work; (d) diamond willow for lamps, canes and other decorative objects; (e) split willow spruce roots and high bush cranberry shoots for bindings around baskets; (f) ochre for paints; (h) cottonwood bark for carving handicrafts and trade. Berries of many varieties were collected, traded and exchanged. And prehistorically, obsidian and chert were traded for microblades and the latter for arrowheads and knives.

2. The Denali Commission again voted unanimously to retain our position regarding trappers' use of firearms to take free roaming furbearers as a traditional practice under a trapping license. Our motion, originally passed on June 16, 1996, was to change the NPS trapping regulations by redefining trapping to include customary and traditional means such as firearms and bows and arrows.

3. We revisited our position on the one-year-residency proposal originally suggested by the Wrangell Saint Elias SRC. One of our members is concerned about newcomers from other parts of Alaska moving into the Cantwell resident zone community and immediately becoming eligible to subsistence hunt in the National Park. The Commission agrees with the Wrangell Saint Elias SRC that a residency requirement should be in place that applies to Alaskans moving into resident zones, as well as the present requirement for non-Alaskans. A motion was passed unanimously asking for a residency requirement, with the same exceptions (for military service, college attendance, etc.) that the Wrangell Saint Elias SRC proposed, but with a three-year stay required for eligibility instead of the one-year requirement they proposed. The reason for the longer requirement is to reduce hunting pressure on the local area and to preserve resources for long-time residents who have traditionally depended upon them. We believe it takes more that just one year for individuals to sufficiently learn the area and the traditional use practices for the community.

4. The Commission believes the delegation of authority by the Secretary of the Interior to the Wrangell Saint Elias SRC that a residency requirement should be in place that applies to Alaskans moving into resident zones, as well as the present requirement for non-Alaskans. A motion was passed unanimously asking for a residency requirement, with the same exceptions (for military service, college attendance, etc.) that the Wrangell Saint Elias SRC proposed, but with a three-year stay required for eligibility instead of the one-year requirement they proposed. The reason for the longer requirement is to reduce hunting pressure on the local area and to preserve resources for long-time residents who have traditionally depended upon them. We believe it takes more that just one year for individuals to sufficiently learn the area and the traditional use practices for the community.

5. We appreciate your offer to help SRCs communicate with each other, and look forward to getting copies of their minutes and hunting plan recommendations. Most SRCs, especially those comparatively near each other, often have common interests and can offer common solutions to problems if we know each other's ideas.

6. We appreciate NPS funding for SRC and SRC Chairs' meetings and wish funding and time constraints could allow for more frequent meetings for both groups.

The Denali SRC is not directly involved with migratory bird hunting, but is glad to be informed on the progress of this issue.

Our August 29, 1996 reply to the NPS Subsistence Management Issue Paper continues to represent our views with the modification to the item on residency given above.

Please contact Chair, Florence Collins, if you need any further details. (907) 457-2674.

Sincerely,

The Denali Commission

February 14, 2000
Sincerely,

Florence Collins

Florence Collins, Chair
Denali Subsistence Resource Commission

CC:
Steve Martin, Superintendent Denali National Park and Preserve
Eastern Interior Regional Advisory Council
Western Interior Regional Advisory Council
Southcentral Regional Advisory Council
Wrangell Saint Elias Subsistence Resource Commission
Lake Clark Subsistence Resource Commission
Gates of the Arctic Subsistence Resource Commission
Aniakchak National Monument Subsistence Resource Commission
Kobuk Valley National Park Subsistence Resource Commission
Cape Krusenstern National Monument Subsistence Resource Commission
Section 1. INTRODUCTION AND MISSION STATEMENT

The National Park Service (NPS) was involved in subsistence management in Alaska even before passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. Interim rules for the new Alaska National Monuments, including a section related to subsistence uses, went into effect on December 26, 1978. On June 17, 1981, specific regulations for national park system units in Alaska were published. Subpart B of these regulations pertain to subsistence. Since 1990, the NPS has been deeply involved, with the other federal agencies comprising the Federal Subsistence Board, in the management of the statewide federal subsistence program.

Several years ago, the NPS initiated a review of the subsistence law and regulations. At the outset, this review was primarily internal, but we then circulated earlier draft versions of this document widely throughout the subsistence community and to other interested individuals and organizations. This document (in its draft versions) has been reviewed by regional advisory councils, subsistence resource commissions, the state of Alaska, and others.

The intent of this exercise was to initiate a continuing dialog with all affected individuals and organizations through a review of the law, regulations and legislative history and to identify and establish actions necessary to resolve subsistence management issues. As such, this document, or at least the process behind it, will be a continuing one, as new issues arise and program emphasis must shift. The NPS recognizes the necessity for continued development and modification of the program based on review and input from the subsistence users, the general public, and legal and technical advisors. The preamble for the NPS subsistence regulations, promulgated in 1981, state that those regulations "are the minimum necessary for interim administration of Alaska park areas" and that "Further rulemaking efforts will involve more expansive public guidance on the implementation and interpretation of ANILCA."

When the NPS regulations were published in 1981, there were no subsistence regional advisory councils or NPS subsistence resource commissions in place. The state of Alaska's subsistence management program was in its infancy, and the NPS had limited experience in dealing with the issue. Title VIII of ANILCA (and the NPS subsistence regulations) stress the importance of working with and adopting wherever possible the recommendations of local subsistence users and advisory groups.

Discussions focused on earlier drafts of this paper with interested individuals and organizations around the state have taken place over the last several years. To the extent possible, we have incorporated the input received into this document. But in many cases, this review has only highlighted the complexity of many issues, particularly issues related to eligibility. The NPS eligibility regulations were adopted, as stated above, as interim regulations. Over the years, park managers (and more importantly, subsistence users) have had to deal with situations where NPS eligibility conflicted with state or federal eligibility (customary and traditional use determinations).
Subsistence advisory groups have made recommendations related to eligibility issues that remain unresolved. One outcome of this review is the realization that we need to continue a further, complete review of all eligibility issues. Current regulations for eligibility are complicated and confusing for the general public. This review, which could take a couple of years to complete, may affect discussions in the eligibility section which follows. The review will be done with full participation by subsistence advisory groups, the state of Alaska, and other interested individuals and organizations.

Title VIII of ANILCA recognizes Alaska's uniqueness and the national interests in the proper regulation, protection and conservation of fish and wildlife, and the purposes for which the parks were established. To achieve this complex synthesis of protection and use, Congress felt it important to include input from those who have a personal knowledge of traditional subsistence activities and resources on federal lands.

The NPS is charged with conserving natural and healthy populations of fish and wildlife (healthy in preserves) on lands it manages. Subsistence uses of park resources have a priority over other consumptive uses, but only as long as natural and healthy or healthy populations are appropriate are conserved. The NPS believes that its major role is to see that these populations are conserved. To that end, we are developing guidelines (separate from this document) to help evaluate and protect natural and healthy or healthy populations. As with all other issues, involvement from subsistence users, advisory groups and others will be sought. If natural and healthy or healthy populations are conserved, then the recommendations of ANILCA advisory groups on allocation and eligibility issues can more easily be adopted as appropriate.

The following mission statement is written to bring a coordinated view of subsistence management on National Park Service lands in Alaska.

National Park Service Subsistence Mission Statement

The National Park Service will manage subsistence as a legislated use consistent with provisions of the Alaska National Interest Lands Conservation Act, the Organic Act of 1916, and each park's enabling legislation to:

-- ensure that management practices involving the utilization of public lands adequately consider the potential for restriction of subsistence uses and impacts upon subsistence resources;

-- ensure that management of park resources is consistent with the conservation of unimpaired ecosystems and natural and healthy populations of fish and wildlife, incorporating scientific data and principles with traditional knowledge and cultural values;

-- promote effective communication and mutual understanding of subsistence uses and related cultural and social values, and park purposes and protection, between the NPS, subsistence users, the state of Alaska and the public.

Notes

1. One commenter supported the statement as written. One commenter said that the wording should be changed in several sections to include tribal entities as managers of subsistence harvests and resources and insert the word "Native" along with "local rural".

Response: The ANILCA preference is for rural residents (both Native and non-Native), therefore the suggested changes are not necessary.

2. Two commentors said that priority exists only during times when there is a shortage of resources. Two commentors said that NPS should not base eligibility on family and personal history of use when Title VIII mandates determinations be made on a community basis.

Response: ANILCA mandates a priority for subsistence use of resources over other uses, not solely in times of shortage. Title VIII does not mandate community eligibility determinations. Both Federal and NPS regulations provide for community and individual based eligibility determinations. The wording of this section was modified to clarify that the NPS will protect the opportunity for all qualified local rural residents.

3. Two commentors said that the term "unimpaired ecosystems" is ambiguous. One commenter said that man should be considered part of the ecosystem and included in the definition of "unimpaired ecosystems". One commenter recommended that the term "unimpaired ecosystems" be replaced with "ecosystem conservation".

Response: The term "unimpaired" is taken directly from the NPS Organic Act, which states that "the fundamental purpose of ... parks, monuments, and reservations ... is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (U.S.C., title 16, sec. 1.) Where subsistence is authorized by ANILCA, such subsistence uses are not inconsistent...
with "unimpaired ecosystems". Where legislatively authorized, the activities related to subsistence uses can and will be considered a part of "unimpaired ecosystems".

4. One commentator said that the document should address local and state management of subsistence. Two commentors noted the lack of reference to coordination and communication with the State of Alaska.

Response: This document is not the place to describe management of subsistence by other agencies. No changes made. We concur with the comment on communication and coordination with the state. The phrase, "the State of Alaska" was added to the last line based on this comment.

Section 2. GENERAL SUBSISTENCE ISSUES

Title VIII of ANILCA protects and provides the opportunity for continued subsistence uses on public lands by rural residents of Alaska. With respect to NPS lands in Alaska, the law (and its legislative history) are clear that Congress intended that subsistence uses be permitted only where specifically permitted. Therefore subsistence uses are not permitted in Katmai National Park, Glacier Bay National Park, lands within the pre-1980 Mount McKinley National Park, Kenai Fjords National Park, Klondike Gold Rush National Historical Park and Sitka National Historical Park. The following bullet statements provide further guidance and interpretation of the general applicability of Title VIII on NPS lands.

In addition to the following items, one commentator said that the NPS should restore the section on "natural and healthy" that appeared in an earlier version of the document. An NPS work group is presently analyzing and defining the term "natural and healthy", but their work is not yet ready to add to this document. Before it is added to this document, the work group intends to seek further input from subsistence advisory groups and other interested individuals and organizations.

Four commentators also recommended that the NPS permit decision-making for parks at the Superintendents level, in order to allow for regional diversity in NPS policy and regulations governing subsistence. As a result of recent restructuring in the NPS, the majority of decision-making for subsistence issues in Alaska is now vested in the Superintendents of parks where subsistence uses occur, but is still subject to review at the regional and national levels as appropriate. In accordance with the language of Section 808 of ANILCA, Subsistence Resource Commission (SRC) hunting plan recommendations must still be submitted to the Secretary of Interior (and the Governor of Alaska), but many issues can and are being resolved at the local level. The NPS agrees with the need for flexibility in interpreting law and regulation and setting policy based on regional diversity. Of course, such flexibility must be consistent with the guidance of ANILCA and federal regulation. The need for diversity is a major reason that Congress established regional subsistence advisory councils and specific subsistence resource commissions for parks and monuments where subsistence uses are permitted.

- ANILCA provides that subsistence uses be permitted in national preserves and "where specifically permitted" in national monuments and parks. Those areas include: Aniakchak National Monument and Preserve, Bering Land Bridge National Preserve, Cape Krusenstern National Monument, Gates of the Arctic National Park and Preserve, Glacier Bay National Preserve, Katmai National Preserve, Kobuk Valley National Park, Lake Clark National Park and Preserve, Noatak National Preserve, Wrangell-St. Elias National Park and Preserve, Yukon Charley Rivers National Preserve, and the ANILCA additions to Denali National Park and Preserve. (Reference: ANILCA, Section 203).

- Congress intended to provide the opportunity for continued subsistence uses within NPS units for "...local rural residents who have, or are a member of a family which has,
an established or historical pattern of subsistence uses within such units." (Reference:
Senate Report 96-413, page 169)  

• Subsistence use in park areas (where authorized by ANILCA) is an allowed use that
must be provided for, consistent with stated park purposes and values. (Reference:
ANILCA, Section 101 on purpose of the act and Section 201 and 202 on NPS permitted
activities and allowed uses)

• There are five park areas; Gates of the Arctic, Wrangell-St. Elias, Lake Clark,
Denali, Aniakchak, with subsistence allowed "where such uses are traditional." (Reference:
ANILCA, Section 201 and 202; 36 CFR 3.41, preamble to NPS regulations, Federal Register, Vol. 46, No. 116, pp. 31840, 31848)  

• Title VIII only applies to "Public Lands" as defined in Section 102 of ANILCA.
Current federal regulations do not provide for ANILCA subsistence on selected lands
located within national parks or monuments and no state general/sport hunting is allowed,
except where hunting can legally occur on these lands. However, the Department of Interior
and Agriculture have published in the Federal Register an Advance Notice of Proposed
Rulemaking which indicates their intent to amend the definition of "Public Lands" to
include selected lands. (Reference: Federal Register, Vol. 61, No. 66, p. 15014)  

Notes.

1. This and the previous bullet statement were split out from a single item in previous drafts of
this document in order to clarify the difference between references to ANILCA itself (the
identification of which units subsistence is allowed in) and the intent language found in the
legislative history of ANILCA.

One commentator said that the definition of "historical pattern of subsistence use" was not clear.

Response: The term has not been specifically defined in either law or regulation, but may
be defined as part of a further review of eligibility.

One commentator said that there needs to be an Alaska Native policy that would allow tribal
memberships to serve as the basis for eligibility rather than residency.

Response: Since the ANILCA subsistence priority is for rural residents of Alaska, tribal
memberships rolls would not represent non-native subsistence users across the State and
therefore could not serve as the sole basis for determining eligibility.

2. Two commentators said that the whole park area is a traditional use area. Two commentators said
that if boundaries need to be established they should be determined based on historical data and
archaeological evidence. One commentator said that the word "should" in the 3rd sentence of the
previous draft be replaced with "will", and that traditional use zones be identified and mapped
as they existed on the date ANILCA was signed. One commentator said that the NPS should work
towards a geographic rather than a species approach. One commentator said that the NPS should
combine "customary and traditional (C&T) and "where traditional" questions into one issue. Two
commentators said that C&T should be given to all resident zone communities for all species within
the park.

Response: The NPS has not defined traditional use zones for the five park areas, but other
actions have served to help define traditional use areas, notably the C&T determinations
made over the years by the state of Alaska and later the Federal Subsistence Board. While
the C&T determinations provide some guidance in the determination of traditional use
zones, they are specific to individual fish and wildlife species. The NPS believes that it
must look further to the full range of subsistence uses, including plant uses (berries,
timber) subsistence cabins and shelters and other uses, and further believes that it must
work closely with subsistence advisory groups in this process. Neither C&T determinations nor subsistence resource commissions and regional advisory councils were
in place in 1981 when the NPS regulations were adopted. The preamble to the NPS
regulations state that "local input ... is essential to developing the 'subsistence hunting
zones' for the five park areas" and that "local committees, regional councils, and park
and monument commissions should facilitate such local input into these designations." (p.
31840). The Gates of the Arctic staff is currently responding to the Gates of the Arctic
SRC recommendation that the entire park be considered "where traditional". Among
other factors, they will consider whether Federal Subsistence Board C&T determinations
can be used to define traditional use areas. Public input, particularly from subsistence
advisory groups, will be sought in this process, and the comments above will also be
considered.

3. One commentator said that State- and Native-selected land should not be included among areas
subject to ANILCA management. Two commentators support the extension of federal subsistence
management on selected lands. One commentator said that the NPS should clarify the term
"selected lands".

Response: The NPS still believes that the federal subsistence program should extend to
selected lands. Based on the Advance Notice of Proposed Rulemaking cited above, the
NPS assumes that the interpretation of the definition of "federal public lands" will
eventually include selected lands. Therefore, the action item from the previous draft
relating to specific NPS action on this issue was deleted.
Section 3. SUBSISTENCE ELIGIBILITY

The ANILCA subsistence priority is provided for rural residents of Alaska, both Native and non-Native. Title VIII of ANILCA (and its legislative history) further restrict eligibility for this priority on NPS lands to "local" residents. Thus, since NPS regulations were adopted in 1981, the NPS has provided for a subsistence opportunity for "local rural residents". For national parks and monuments, the NPS regulations provide for two methods of determining local rural residents: resident zones and 13.44 permits. Resident zones (as codified in the NPS regulations) permit all permanent residents within those zones to participate in subsistence activities on NPS lands without a permit. Local rural residents who live outside established resident zones can apply for an individual permit (under 36 CFR 13.44) to participate in subsistence activities on NPS lands. In the 1980's, two subsistence resource commissions recommended that the NPS adopt a third method (rosters) that would identify specific groups of people (although not necessarily all residents of a community or area) who would be "permitted" to participate in subsistence activities on NPS lands without having to get individual permits. While the concept of a roster system for group eligibility was approved by the Secretary of the Interior, implementing regulations have yet to be adopted.

While the subsistence priority in national preserve areas is also limited to local rural residents, the regulations relating to national parks and monuments described above were not extended to national preserves. The preamble to the 1981 NPS subsistence regulations states "The Park Service believes that the need to identify local rural residents in preserves is not as pressing as in parks and monuments....".

As stated earlier in this document, there are many conflicts, problems, and/or unresolved issues relating to eligibility. Some of these issues include:

-- Federal (and prior to 1990, state) C&T determinations that are inconsistent with NPS resident zone determinations.
-- How should we deal with patterns of subsistence use established after 1980 (by virtue of residence in a resident zone community)?
-- Standards for issuing 13.44 permits
-- How do we determine who are local rural residents for preserve areas?
-- Dealing with individual C&T determinations (federal regulations provide for C&T determinations to be made on an individual basis for NPS areas, but to date no individual determinations have been made)
-- Can resident zones include large, sparsely populated areas outside park units?
-- How can we get a roster system implemented—or do subsistence resource commissions still want us to do so?

These and similar issues have caused confusion and frustration for subsistence users and park managers. The review of these issues over the last several years focused on interpretation and implementation of the existing regulations. It is now time look further than the existing regulations. We need to take the experiences of the last sixteen years and take a fresh and critical look at those regulations, which were, when implemented in 1981, identified as "interim guidance". Subsistence resource commissions, regional advisory councils, the federal subsistence program, and the information gained and lessons learned in the last sixteen years were not available to the NPS when those regulations were adopted. We look forward to working with subsistence advisory groups, the state of Alaska, and other interested individuals and organizations as we conduct this further review.

Resident Zones

- People who permanently reside within the boundary of the parks or monuments, including non-federal land, are within the designated resident zone and therefore are eligible for subsistence uses within the park or monument. (Reference: 36 CFR 13.42 and 13.43, preamble to NPS regulations, Federal Register, Vol. 46, No. 116, p. 31850, bottom left paragraph)

- Where appropriate, and with SRC involvement, resident zone communities and areas should be mapped with boundaries delineated.

- It is not the intent of the regulations to include large unpopulated or sparsely populated areas within the resident zone except for those areas within a park or monument. However, the SRC's for Cape Krusenstern and Kobuk Valley have requested that the resident zones for the two areas coincide with the boundaries of the NANA Region. At the direction of the Secretary of the Interior, their request is currently being reviewed through NEPA and ANILCA Section 810 compliance. If the SRC's recommendation is found to have merit, it may result in an exception to the general intent above. (Reference: 36 CFR 13.42(b), preamble to federal regulations, Federal Register, Vol. 46 No. 116 June 17, 1981, pg 31850, bottom left paragraph)

- The "significant concentrations" test for resident zone community designation can be met by considering two factors: quantity of users and cultural vitality. To meet the "quantity" test the majority of residents of a community must essentially qualify for a 13.44 permit. To meet the "cultural vitality" test, the majority of a community must be linked to subsistence use of the park resources through cultural or family association, and that subsistence use must be consistent with local subsistence use customs. "Cultural Vitality" would be community-based. Both factors may be used together in making resident zone community determinations. The NPS will work with SRC's when considering resident zone community determinations. (Reference: Preamble to NPS regulations, Federal Register, Vol. 46, No. 116, p. 31850, right column, middle paragraph)
Roster Regulations

- The NPS has been directed by the Secretary of Interior to implement an alternate method for determining user eligibility within communities. The option of a roster system for determining eligibility is an appropriate tool for managing subsistence eligibility.  

13.44 Eligibility: National Parks and Monuments

- In order to qualify for a CFR 13.44 permit, the applicant must demonstrate that at the time of ANILCA (1980), he or she had an established or historical pattern of subsistence use of the subsistence resources on the lands or waters within the park area in question, or is a member of a family with such established or historical patterns. An applicant who has established eligibility by virtue of residence in a resident zone community and who has established a pattern of subsistence use of subsistence resources within the park area in question, may qualify for a 13.44 permit if he or she moves out of a resident zone community but remains a local rural resident. (Reference: ANILCA, Section 803 for definition of family; Senate Report 96-413, page 169, 2nd paragraph)

- Rural residents that live outside of the designated "resident zone" may apply for a 13.44 eligibility permit.

- The 13.44 eligibility regulations currently only apply to parks/monuments.

Preserve Eligibility

- ANILCA specifies that Preserves should be administered and managed in the same manner as parks, except as otherwise specified in the law. Congress clearly intended that Preserves be managed differently in some ways, since sport hunting is permitted in preserves but not parks or monuments. (Reference: ANILCA, Sec. 1313)

- 36 CFR defines "local rural" only for parks and monuments.

Action Items:

- Seek resolution to the Cape Krusenstern and Kobuk Valley resident zone recommendation, work with both Subsistence Resource Commission's to reach a mutually agreeable solution.

- Promulgate "Roster Regulations" establishing the roster list concept as an alternate method or determining eligibility for communities. Change the requirement for the person (as an individual or as a member of a family) to demonstrate a "customary and traditional use" to demonstrate a "history or established pattern of customary and traditional use as part of a subsistence lifestyle". As appropriate all documents in Resource Management Plans, Statements for Management, and General Management Plans should be amended to reflect this change.

- Eliminate the first sentence in 13.44(b), which was only applicable before August 1, 1981.

Notes

1. One commentor said that there is no support in ANILCA or the legislative history for the idea that subsistence eligibility is automatically conferred based on residency within the park or monument, but agreed that eligibility should be conferred to those persons residing in subsistence resident zones that are entirely within or overlap the unit boundaries. Two commentors supported the statement as written.

Response: The NPS regulations define a resident zone as any area within a park or monument and any communities or areas identified in the regulations. Therefore all permanent residents within the national parks and monuments are eligible for subsistence. This is consistent with the legislative intent found in Senate Report 96-413, p. 170, which states that "Persons whose primary, permanent place of residence is within a zone should be permitted to harvest wildlife within the park or monument for subsistence purposes without obtaining a National Park Service permit."

2. Three commentors said that mapping would be okay as long as there was extensive local involvement in the process. One added that mapping should only be undertaken at this time if there is a resource management issue or other compelling need. A fourth commentor opposed mapping, but added that if it was necessary it should be overseen by local governments, corporations, or local advisory committees. One commentor said that mapping must be done based on 1980 information, and said that the NPS should establish a time line to do so. One commentor said that it is not necessary to map Aniakchak resident zone boundaries at this time. One commentor said that the entire NANA Region should be the resident zone boundary for Cape Krusenstern and Kobuk Valley.

Response: The statement was modified to indicate that boundaries should be mapped where appropriate and that SRC involvement will be sought in any mapping that takes place. Park managers and staff will work with subsistence advisory groups to identify needs for mapping of resident zone boundaries, and will work closely with those groups when communities are mapped.

3. Two commentors responded to a bullet statement in the previous draft that stated that "communities and areas" refers to obvious clusters or groupings of people living in close proximity to one another. Both agreed that "communities" refers to clusters or groupings of people, but both said that "areas" could refer to larger, less density-populated regions.
Response: The NPS has removed that bullet at this time, since it duplicates language in the bullet statement retained above.

The commentors also disagreed with the retained statement that large, unpopulated areas (outside of parks or monuments) be automatically excluded from the resident zones.

Response: The intent of that statement was not changed as written in the previous draft, but additional language relating to the Cape Krusenstern and Kobuk Valley SRC recommendations was added because the Secretary of the Interior has directed the NPS to consider their recommendations prior to his final response to the SRC's. The NPS regulations define a resident zone as "the area within, and the communities and areas near, a national park or monument..." The question of whether the lands included within the two SRC's recommendation would qualify as "communities and areas near" the units has yet to be answered, since neither the legislative history nor the NPS regulations give any further guidance to the term "areas near". The ANILCA mandate for regional advisory councils confirms the need for regional differences in a subsistence management program in a state as large and varied as Alaska. In an area such as Northwest Alaska, with over 90% of the population being Native Alaskans with very strong cultural and historic ties to the entire region, the recommendation of the two SRC's may have merit.

4. Four commentors opposed the use of the 51% level for determining eligibility. Another three commentors opposed the use of any percentage level. One of the commentors said that these eligibility tests are more restrictive than Congress intended. Two of the commentors said that resident zone community determinations should be up to SRC's. One commentor said that a higher numerical threshold for resident zone eligibility is necessary and suggested that resident zone eligibility be determined by a minimum of two-thirds of residents who would otherwise qualify for a 13.44 permit.

Response: The statement was not changed from the previous draft, except that the reference to the cultural vitality meeting several of the eight C&T factors was removed. This part of the statement was not adequately defined, and will be included if appropriate after a further review of all eligibility issues. The preamble to the NPS regulations does give some guidance to the issue of quantity vs. cultural vitality when it states that the concentrations of subsistence users "may be 'significant' in relative quantity (e.g., predominant numbers) or quality (e.g., cultural vitality, community leadership and influence)."

5. One commentor said that the roster concept may thwart legitimate subsistence use of parklands. Two commentors expressed support for the roster concept. Three commentors expressed opposition to the concept of a roster for their own area, but said that they would not oppose it where other SRC's wanted it.

Response: The bullet has been retained based on the Secretary's direction to the NPS (in response to the Lake Clark and Denali SRC recommendations) to implement roster regulations. However, members of at least one of the two SRC's may no longer support the roster concept for their area. Since the Secretary's order was based on the recommendations of that SRC, this issue will have to be further evaluated along with all other eligibility issues. The previous draft of this document suggested that a roster system should be implemented only as an alternative for resident zone communities that can no longer meet their significant concentration test. In fact, a roster system could be implemented (where appropriate at the request of SRC's) for communities which still meet the significant concentration test, or for other eligible communities not currently included as resident zone communities. The wording of this section was modified to remove the suggestion that it could be used for one reason only.

6. One commentor said that eligibility for a 13.44 permit should be allowed based on a pattern of use on any lands within a park area, not just on public lands within the area (as it appeared in the previous draft of this document). One commentor expressed concern about the definition of "family" and suggested the words "extended family" be used. Two commentors questioned the statement that the pattern of subsistence use had to be prior to 1980, pointing out that someone who established a pattern of subsistence use while a resident of a resident zone community may not qualify for a 13.44 permit if he or she moves out of the resident zone community. One commentor said that the statement reflects the intent of ANILCA and suggested a new action item to re-evaluate existing 13.44 permits in light of this policy. One commentor said that Wiseman should remain a resident zone community. One commentor said that all local residents should qualify to hunt unless game stocks are depleted. One commentor said that safety concerns for trappers should allow them to take friends along with them, not just family members who may not be available.

Response: The NPS agrees with the first comment and has removed the requirement that eligibility be established on public lands only. The NPS understands the concern of the two commentors who noted that eligibility which can be established by residency in a resident zone community may subsequently be lost if the person moves out of the resident zone community (but remains a local rural resident) if the initial eligibility was established after 1980, and has added language to the bullet to indicate that such eligibility will not necessarily be lost. The Senate Report section cited above states the commitment "to the protection and continuation of the lifestyle of local rural residents who have, or who are a member of a family which has, an established or historical pattern of subsistence hunting within the park or monument..." It is the belief of the NPS that anyone who has legally "established" a pattern of subsistence use based on residency in a resident zone community should not be forced to lose that eligibility if he or she moves out of a resident zone community and has to apply for a 13.44 permit. The requirement that the qualifying use be obtained prior to ANILCA is based on language in Section 101 of ANILCA which states, "...to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so." The fact that a local resident can immediately be qualified based on residency in a resident zone, but must show a pattern of use prior to 1980 if he or she chooses to live in a rural area outside of a resident zone community is a good example of why the NPS believes that this, and other eligibility issues, need a more thorough review.
Section 4. SUBSISTENCE ACCESS

ANILCA provides guidance as to the means of access permitted for subsistence use on public lands in Alaska. The legislative history of ANILCA reflects Congress' intent that the use of aircraft for access to subsistence hunting within national parks and monuments should only rarely be permitted. Off-road vehicles (ORV's) are generally not permitted for subsistence within NPS lands, but their use may be permitted if such use is found to be traditional. The bullet statements below center around the interpretation and implementation of these issues.

1. Reasonable access to subsistence resources shall be provided, this does not necessarily equate to unlimited access. Such access must be reasonably regulated to insure that purposes for which the park unit was established are protected, that all means of access are compatible with the protection of park resources and do not cause an unacceptable adverse impact on natural and cultural resources. (Reference: ANILCA, Section 811; and Senate Report 96-413, page 275)

2. Use of aircraft to access the parks and monuments for subsistence taking of fish and wildlife is prohibited. However, an inholder may use an airplane to access private property pursuant to Sec. 1110(b). (Reference: Senate Report 96-413, page 169, third paragraph; and preamble to NPS regulations, Federal Register, Vol. 46, No. 116, pp. 31841-31851, right column, middle of page)

3. Exceptions to the aircraft prohibition within parks and monuments are allowed, but should be rare and should be true exceptions due to extraordinary circumstances, where no reasonable alternative exists. (Reference: Senate Report 96-413, page 169, 3rd paragraph and 36 CFR 13.45 (b)(ii))

4. Use of aircraft to access preserves for subsistence activities is permitted. (Reference: preamble to NPS regulations, Federal Register, Vol. 46, No. 116, p. 31851 right column)

5. Snowmobiles, motorboats, dog teams, and other forms of surface transportation traditionally employed for subsistence activities are allowed, subject to reasonable regulation. Clarification of "reasonable regulation" can be found in 36 CFR 13.46(b) & (d). (Reference: ANILCA, Section 811 and Senate Report 96-413, page 275)

6. ANILCA and NPS regulations do not specifically recognize ORV's as a form of access for subsistence, except that the law did provide for "other means of surface transportation traditionally employed". Therefore, ORV's are prohibited for subsistence use except where found to have been traditionally employed. Determinations of where ORV's have been traditionally employed should be made on a community or area basis. Where found to have been traditionally employed, their use for subsistence purposes is subject to
reasonable regulation to protect park values and park resources. (Reference: ANILCA, Section 811 and Senate Report 96-413, page 275)\textsuperscript{9}

- The NPS will assess the actual and potential impacts to the park by use of various means of surface access used for subsistence. The parks will monitor ORV uses and manage such uses where appropriate to insure that impacts from such use do not result in unacceptable impacts to the resources and purposes of the park unit.\textsuperscript{7}

- The legislative history of ANILCA reflects Congress' intent to allow for the natural evolution of technology within a culture and allow for this in the "traditionally employed" determination. Any new and currently unforeseen technology will have to be consistent with subsistence use patterns and compatible with the purposes and values of the park area. (Reference: ANILCA, Section 811, and Senate Report 96-413, page 275)\textsuperscript{9}

- Subsequent to a "traditionally employed" determination, ORV use must be subject to reasonable regulation designed to protect park values and the purposes for which the park was established. The NPS will monitor ORV use of this type to make sure the use does not compromise park purposes, values and resources. (Reference: ANILCA, Section 811, and Senate Report 96-413, page 275)\textsuperscript{9}

- In park and monument areas aircraft may only be used to supply a base camp but not for working the trapline or accessing the trapline during the trapping season. (Reference: 36 CFR 13.45(c), preamble to NPS regulations, Federal Register, Vol. 46, No. 116, p. 31852, middle column, middle of page)\textsuperscript{10}

- In preserve areas, furbearers may be taken under state regulations with the use of aircraft to support and work the trapline.\textsuperscript{11}

Two commentors suggested that the word "significant" be added before the word "adverse" since any means of access has some level of impact on resources. One commentor said that the NPS should manage access to NPS lands to minimize trespass and damage to private lands. One commentor said that access should not be allowed in traditional national park areas closed to all hunting, and that NPS should adopt language from an earlier draft of this document. One commentor said that "reasonable access" should not result in red tape and unreasonable restrictions to access, and said that NPS should work with SRC and people most affected by restrictions.

Response: The word "unacceptable" was added before the word "adverse" to clarify that it is not the intent of the NPS to utilize a zero tolerance standard for subsistence access impacts. At the same time, the NPS may not wait until a "significant" adverse impact has occurred before management actions are taken. What constitutes an adverse impact may vary between park areas, or within a park area, depending on environmental conditions such as topography, soils, moisture, vegetation, time of year, and the particular legislative mandates for each unit.

2. Several commentors requested a regulatory change to allow the use of aircraft to access park or monument land for subsistence harvesting of fish or wildlife resources. Two commentors said that subsistence users should be allowed to fly in to preserves or private inholdings and then walk into a park or monument in order to engage in subsistence activities. One commentor agreed with use of aircraft as presented above.

Response: The statement above was not changed from previous drafts of this document. The ANILCA legislative record is clear that Congress intended that only rarely, under extraordinary situations, should aircraft be used for subsistence hunting, trapping and fishing purposes in parks and monuments.

3. One commentor agreed with the use of aircraft as presented above. One commentor said that it is difficult to justify any subsistence use of aircraft. One commentor said that there should be special provisions for use of aircraft for subsistence in Wrangell-St. Elias, because it is a large park, aircraft use predated snowmachines, and leave only minimal impacts. One commentor asked if it was necessary to restrict use of aircraft for subsistence.

Response: This section was not changed from the previous draft of this document. The Congressional record is clear that the use of aircraft in parks and monuments for the
taking of subsistence fish and wildlife should be limited and only allowed when necessary to alleviate extraordinary circumstances. Such circumstances could include situations like at Anaktuvuk Pass, where caribou herds, which are the village’s sole source of subsistence resources, alter their migration patterns, or where unusual weather conditions may restrict access to resources and there are no alternative resources available, such as at the Malaspina Forelands in Wrangell-St. Elias.

4. One commentor agreed with the use of aircraft as presented above. One commentor said that NPS should prohibit use of aircraft for subsistence in preserves, at least when sport and subsistence seasons diverge or in 804 situations.

Response: This section was re-worded for more clarity from the previous draft, but was not changed to prohibit use of aircraft for subsistence in preserves as the second commentor suggested. Senate Report 96-413 specifically identified national parks and monuments as areas where aircraft use for subsistence should only rarely be permitted. In addition, current regulations only prohibit use of aircraft in parks and monuments and the preamble to the regulations specifically states that the regulations “do not prohibit use of aircraft for subsistence uses in national preserves”.

5. One commentor said that such traditional uses should not be eliminated or further restricted in any way. One commentor said that subsistence users should be allowed to use whatever means possible to get the animal as economically as possible, and that technology should not be capped at the 1980 level.

Response: This statement was not changed from the previous draft. As stated above, documentation of subsistence access methods and use areas for both pre- and post-ANILCA is needed to guide management decision making and ensure reasonable access. Many of the subsistence access issues within park areas will not be resolved until credible information is gathered and documented. Coordination and communication with local users and subsistence advisory groups is fundamental in gathering this information and will be actively sought.

6. One commentor said that NPS should exercise discretion and flexibility with respect to ORV use for subsistence, and that the NPS has the responsibility to document pre-ANILCA ORV use in order to honor Congressional access guarantees. One commentor said that NPS should find that ORV’s were “traditionally employed” in Aniakchak National Monument. One commentor said that ORV policy should consider non-hunting subsistence ORV uses (e.g. berry picking). One commentor said that ORV use on trails is okay and if there are resource damages, NPS should correct them (like corduroy to keep people from going around wet areas). One commentor said that subsistence users should not be restricted in means of access, new forms of transportation should not be prohibited. Two commentors said that the determination of “traditionally employed” should be made on a group or community basis as opposed to an individual determination.

Response: These and other appropriate comments will be incorporated in any actions the NPS takes in relation to the management of ORV’s.

7. One commentor said that the NPS should document modes of access used for traditional and subsistence purposes prior to passage of ANILCA before restricting motorized access, recommended that NPS consider ORV restrictions only where significant environmental degradation is documented, and recommended that NPS consider alternatives such as bridges or corduroy to protect sensitive trail sections. One commentor recommended that ORV use determinations should not be made on the basis of vehicle type, since flexibility could result in less, not more damage to the environment, and said that determinations should be community-wide, and made on the basis of routes and effects, not on an individual basis. One commentor said that subsistence users will not have a problem with working out the best way to access a trail without overly impacting the vegetation, but that NPS needs to avoid being overly restrictive.

Response: These other appropriate comments will be incorporated in any actions the NPS takes in relation to the management of ORV’s.

8. One commentor said that the NPS should be flexible in interpreting the term “traditionally employed” and that a 20-year test should not apply to specific types of motorized vehicle access. One commentor said that access should be allowed at the same level as 1980, with reasonable allowances for restrictions to preserve the environment. One commentor said that the multi-generational terminology is unnecessary and that any machines used in subsistence should be allowed. One commentor said that the NPS should document modes of access used for traditional and subsistence purposes prior to passage of ANILCA before restricting motorized
access, recommended that NPS consider ORV restrictions only where significant environmental degradation is documented, and recommended that NPS consider alternatives such as bridges or corduroy to protect sensitive trail sections. One commentor said that allowing new technology to be considered traditionally employed appeared to be a contradiction in terms. One commentor said that new technology should not be excluded.

Response: The definition of “traditionally employed” found in the previous draft of this document was removed. The NPS will work with Subsistence Resource Commissions and other advisory groups on a case-by-case basis to further define and regulate the use of ORV’s. See notes following previous bullet statements for further discussions of ORV issues.

9. One commentor said that if NPS gets too restrictive on definitions like this it will cause a major hardship on subsistence users and that NPS should work with SRC’s to identify what the problems are before making decisions.

Response: The NPS will work with subsistence users, SRC’s, advisory groups and others to establish reasonable regulations and monitoring programs.

10. One commentor recommended that the NPS prohibit the use of aircraft to supply subsistence base camps. One commentor recommended the NPS use flexibility to allow use of aircraft to check traps in unusual weather conditions (i.e., ice goes out earlier than expected preventing ground travel).

Response: Clarification of the NPS position on this issue is found in the preamble to the NPS regulations, which specifically state that “...a local rural resident may, for example, use aircraft in parks and monuments to carry supplies to a cabin....” Therefore, a qualified subsistence user may use an aircraft in a park, monument or preserve to carry supplies to a base camp or cabin, but may not utilize the aircraft for working the trapline.

11. One commentor recommended that to NPS prohibit the use of aircraft in preserves to support and work subsistence and sport traplines. One commentor said that he could see no reason to regulate or restrict the use of airplanes or restrict trapping on preserve lands.

Response: The NPS does not believe it is necessary to restrict aircraft access for sport or subsistence users within national preserves at this time. If it becomes necessary to restrict method or means or reduce seasons or harvest limits, regulatory procedures are available through the Federal Subsistence regulations, state hunting and trapping regulations or NPS regulations.

Section 5. SUBSISTENCE RESOURCE COMMISSIONS

Section 808 of ANILCA established a subsistence resource commission for the seven national parks or monuments and directed that each commission “devise .... a program for subsistence hunting within the park or park monument.” Subsistence resource commissions were not established for national preserves. The bullet statements below relate to meetings of the SRC’s, hunting plans, appointments to the SRC’s, and to the commissions’ scope.

SRC Meetings:

• All SRC meetings are considered “public meetings” and should allow for public input or “testimony” on SRC recommendations as they are being developed or finalized.

• A "hearing" as used in Section 808 of ANILCA does not require court reporters and transcripts. The "hearings" should be tape recorded and a summary of minutes prepared and maintained in the park.

• The requirement to hold meetings in "convenient locations" means convenient to the subsistence users of the park/monument. This is to ensure that those most affected by SRC recommendations would have an opportunity to provide input.

• The SRC’s are required to have a public meeting at least once a year, but they may meet more often if necessary.

• The NPS will facilitate an annual meeting between the Chairs of the SRC’s and NPS staff.

Hunting Plans:

• The words “hunting plan”, “hunting program”, “hunting plan recommendations” should be considered synonymous.

• In addition to the four stated reasons for the Secretary of Interior not to implement SRC recommendations, other existing laws and regulations may preclude the Department from implementing SRC recommendations.

• The SRC’s shall submit their program recommendations to the Secretary of the Interior and to the Governor with the assistance of the NPS. If the SRC wishes their recommendations to be forwarded to other parties, they should request that assistance from the Superintendent. The park will forward SRC recommendations to a "reasonable" number of other parties.
The following elements are identified as possible elements of a Hunting Plan outline. This listing should not be considered all-inclusive. The SRC should determine which elements are an appropriate part of the Hunting Plan. Possible elements to include are: Eligibility, access, education and interpretation, harvest monitoring, process for commenting on harvest limits, etc., methods and means, and research needs.

**SRC Appointments:**

- Regional Advisory Council appointments to the SRC's must be a member of either the regional advisory council or a local advisory committee within the region and also must engage in subsistence uses within the park or park monument. "Engage in" means current or recent use of subsistence resources in the park or monument. It was the intent that these appointees have direct and "first hand" experience with subsistence uses in the park/monument, and that they serve as spokespersons for the subsistence users of the park or monument. 2

- If Regional Councils make appointments to SRC's which do not meet statutory requirements a letter should be sent to the Regional Council and appointee. The NPS can not provide travel and per diem expenses and the appointee will not be considered a voting member.

- The charter for each SRC will specify how many appointments each Regional Council will make to the SRC. Each Regional Council which has a portion of the park/monument within the region is not necessarily given an appointment to the SRC.

**Scope of SRC's:**

- ANILCA does not authorize SRC's for National Preserves.

- The SRC's statutory authority only extends to recommendations concerning parks/monuments, however, where the SRC can demonstrate some direct linkage between situations occurring within the preserve and subsistence uses in the park, then the SRC can make recommendations for resolution of that issue.

- Local Advisory Committees and Federal Regional Councils should be able to meet the advisory need functions for independent preserves such as Yukon-Charley, Katmai, Glacier Bay, and Bering Land Bridge.

- The Federal Regional Advisory Councils can provide input on preserve subsistence issues under the authority of section 805. The Regional Advisory Councils have recommendation authority similar to the SRC's.

**Action Items:**

- Park staff and the regional director's office should seek ways to reduce the length of time required for Secretary of Interior responses to SRC hunting plan recommendations.

- The NPS should insure that SRC’s, the state of Alaska and other appropriate agencies and advisory groups are given an opportunity to review all NPS draft regulations that affect subsistence prior to finalization of such regulations.

**Notes**

1. Two commentors said that the SRC's should meet at least two times a year. One commentor agreed that having one meeting a year was very important and said that some years an SRC may require 2-3 meetings.

   **Response:** The statement as written in the previous draft set the minimum requirement only. Nothing in the regulations prohibits SRC’s from having more than one meeting a year, provided that there are issues to be dealt with and sufficient funding to support the necessary travel costs. The statement was modified to clarify that SRC’s can, if necessary, meet more than once a year.

2. One commentor questioned the term “actively engages in” used in the previous draft of this document, but agreed with the intent of the statement. One commentor agreed that appointees should be actively engaged in subsistence harvest in order to have first hand knowledge of the park or monument that they represent.

   **Response:** The word "actively" used in the previous draft was removed and the statement was modified to more closely track the language of Section 808.

3. One commentor said that SRC’s should not be precluded from addressing issues in preserves, although acknowledged that such recommendations may not be entitled to the same deference granted recommendations formulated under Section 808(b). One commentor agreed with the statement as written, but said that SRC’s should deal with preserve issues that impact the adjoining parks.

   **Response:** The statement was not changed from the previous draft. SRC’s can make recommendations directly to the Federal Subsistence Board or other bodies when they feel it is appropriate. The following bullet statement provides additional clarification of this issue.
Section 6. CABINS

- The regulations on cabin use and provide that the issuance of cabin permits should occur only after an analysis is done that cabins are a necessary and traditional part of subsistence uses in the area, and that the park purposes would not be compromised by their construction. Cabin construction requires an Environmental Assessment, cultural resource clearances, section 810 analysis and other considerations.¹

- The exclusive use of a designated subsistence use cabin cannot be authorized in the case of a permit for new cabin construction, thus insuring the opportunity for shared use of a cabin or structure by all subsistence users. (Reference: 36 CFR 13.17, and preamble Federal Register, Vol. 51, No. 182, September 19, 1986, p. 33482, 3rd column) ²

- Designation and management of subsistence cabins should be done with input from the SRC, and/or affected users. The parks, as appropriate, should develop specific cabin management guidelines as part of their Subsistence Management Plans.³

Notes

1. One commentor said that the cabin regulations should differentiate between new cabins and replacement cabins and that replacement cabins should not have the same strict requirements needed for a new cabin.

Response: The construction of any cabin should undergo the same thorough scrutiny; however, the fact that a proposed cabin is to replace a cabin no longer usable may be a mitigating factor in the review.

2. One commentor said that to require shared use of all subsistence cabins is not traditional in all cases, although exclusive use is not required in most cases.

Response: This section was not changed. The NPS cabin regulations and the preamble to those regulations are clear that new cabins must be on a shared use basis. The preamble states that “All new cabins authorized under this subsection will be used on a shared rather than exclusive use basis.”

3. One commentor supported a cabin management program on park lands based on an understanding of how cabins were used in park areas prior to passage of ANILCA, and said that cabin management guidelines should be subject to review and comment by SRC’s, the State and the public before being implemented.

Response: The NPS agrees with this comment. Any cabin management guidelines will be subject to review and comment by SRC’s, advisory groups, the State, and the public prior to implementation.

Section 7. TRAPPING

- Qualified subsistence users may trap in park areas in accordance with applicable state and federal law.

- A person may not engage in trapping activities as an employee of another person in national parks, monuments or preserves. (Reference: Senate Report 96-413, p. 307) ¹

- The NPS should actively work with trappers to manage wildlife resources. The NPS, trappers and SRC’s should develop and implement traditional strategies, guidelines and/or regulations for subsistence trapping management, acknowledging that there are regional and cultural differences in trapping customs throughout the state. ³

- Under the 36 CFR definition of trap, a firearm is not an approved method of taking free roaming furbearers under the authority of a trapping license. The NPS acknowledges the longstanding practice of doing so under state regulations, but has a concern for high trapping harvest limits for many furbearers. The NPS will work with Subsistence Resource Commissions, Regional Advisory Councils and others to evaluate or further define traditional practices for use of firearms as a method of trapping, and then consider regulatory changes as appropriate.³

Notes

1. Three commentors all questioned whether there is a difference between commercial, recreational, and subsistence trapping. One of the three acknowledged that NPS regulations prohibit engaging in trapping activities as the employee of another person, and said that the NPS should not attempt to define trapping as “commercial” or “subsistence” since most trapping results in some cash sale.

Response: The statement was modified to more clearly reflect the intent that persons not be allowed to engage in trapping as the employee of another. This is consistent with the legislative history which states that “The Committee clearly does not intend the preserves would be a place where more extensive forms of commercial trapping would be allowed where, for example, the trapping itself becomes a business with employees paid to support the trapping operation.”

2. One commentor said that state management of furbearers should be continued under the sustained yield principal that ensures natural and healthy populations. One commentor said that the statement or may not be good depending on the NPS philosophy, and said that if the NPS believes that an animal is over- or under-trapped, then it should put in a proposal to change the bag limit.
Response: The general intent of the section was not changed, but the term "workable threshold values" in the previous draft was replaced for more clarity.

One commentor requested clarification of what is meant by "appropriate trapping regulations". One commentor said that if NPS have concerns about trapping regulations they should be brought up at SRC or other appropriate advisory committee meetings.

Response: The NPS reviews all subsistence related regulations including trapping regulations to ensure that they are appropriate to conserve natural and healthy populations, provide for subsistence opportunity, and do not conflict with NPS mandates. Any proposed regulations will be discussed with SRC's and other appropriate advisory groups as part of the rulemaking process.

3. Five commentors opposed the NPS position on the use of firearms as an approved method of taking free-roaming furbearers under the authority of a trapping license. Several said that the use of firearms under the authority of a trapping license has long been customary and traditional in Alaska.

Response: The general intent of this section was not changed, but additional language was added to include the NPS's acknowledgment of the long practice of allowing the use of firearms under a trapping license in Alaska, and to express it's desire to work with SRC's, RAC's and others to resolve the issue.

Section 8. CUSTOMARY TRADE

- The NPS regulation for customary trade states that only furs may be exchanged for cash. There are currently two exceptions to this: one in Gates of the Arctic National Preserve, Kobuk Unit and one in Kobuk Valley National Park permitting the sale of handicrafts made of plant material. It was clearly the intent of Congress that "customary trade" resulting from use of park resources not involve significant quantities of cash and be a part of a subsistence lifestyle. (Reference: 36 CFR 13.42, 13.64, 13.69, Senate Report 96-413, p. 234)

Notes

1. Six commentors responded to this statement on customary trade. To varying degrees, all six objected to or disagreed with the statement as written. One said that the NPS should fully document all customary trade practices in place prior to ANILCA, and stated that the NPS regulation was not consistent with state regulations on customary trade. Several commentors listed additional items (dried fish, crafts, utensils, clothing, meat from hares, any handicrafts made from animal, mineral or vegetation) that should be permitted for sale under customary trade.

Response: The NPS understands that the issues related to customary trade are controversial and have been debated at length under both the federal and state subsistence programs. We will work with the Federal Subsistence Board and the state, as appropriate, to ensure that all customary trade practices are recognized and permitted.
Dates of Denali SRC Meetings

August 18, 2000
February 14, 2000

August 6, 1999
February 26, 1999

August 28, 1998
February 13, 1998

August 29, 1997
March 28, 1997

August 9, 1996
April 29, 1996

February, 17, 1995
June 16, 1995

June 8, 1994

November 30, 1993
June 28, 1993

May 28, 1992
March 6, 1992

February 26, 1991

December 9, 1989
July 14, 1989

June 17, 1988

June 5, 1987

April 17, 1986

August 9, 1985
April 15, 1985

July 13-14, 1984
May 10-11, 1984
February 14, 2000
Summary Minutes
DENALI SUBSISTENCE RESOURCE COMMISSION
February 14, 2000

I. Call to Order by Chair
The meeting was called to order at the North Star Inn, Healy, AK at 9:04 AM by Florence Collins, Chair.

II. Roll Call and Confirmation of a Quorum
NPS DENA: Hollis Twitchell, Jane Bryant, Sharon Kim.
ADF&G: Terry Haynes, Alaska Department of Fish and Game.
Others: Dick Collins, Paul Joslin
A quorum was present with six Subsistence Resource Commission members attending.

III. Superintendent's Introduction
Hollis Twitchell welcomed SRC members and guests.

IV. Approval of Minutes from Last Meeting
Ray Collins moved to adopt the draft minutes of the previous meeting. Jeralyn Hath seconded the motion. Minutes approved by a unanimous vote.

V. Additions or Corrections to Agenda
None

VI. Business
Proposal 00-02: Hollis Twitchell described the proposal, submitted by the office of Subsistence Management, which would align 25 Federal trapping seasons across Alaska with State trapping season dates. A change in the Federal season length would only occur in cases where the Federal subsistence season was shorter than the State season. In cases where Federal seasons were more liberal, the Federal season would remain unchanged. Only three of the season changes would affect Denali National Park and Preserve. Motion: Ray Collins moved to support the proposal as written, Vernon Carlson seconded the motion, and the vote was unanimously in favor.

Proposal 00-13: Reduce the Federal subsistence caribou bag limit in Unit 13 from two caribou to one, and reduce hunting time in Unit 13. The existing plan allowed for two seasons, the fall season lasting from August 10 through September 30 and the winter season lasting from October 21 through March 31. Under the proposed plan the fall season would be truncated to last from August 10 until September 20 and the winter season would remain unchanged. Ray Collins stated that subsistence hunters should be allowed to harvest two caribou per season because the subsistence harvest in the Nelchina caribou population is minimal. He also points out that hunters often harvest to share with other subsistence users, and allowing one person to take two caribou would make this sharing more efficient as it would be possible to return from one hunt with food for two families. Motion: Vernon Carlson moved to allow two bulls with a 600 animal cap and a season from August 10 through September 20 and October 21 through March 31. Jeralyn Hath seconded the motion, and the vote was unanimously in favor.

Proposal 00-20: The proposal was to change the existing regulation requiring that external sex organs to remain attached to the animal in areas where the harvest is limited to one sex. Under the proposed change subsistence users in units 11 and 13 need not leave sex organs attached any moose harvested, as long as they retained the antlers for proof of sex. No action was taken.

Proposal 00-22: The proposal involved a change in sheep regulations in unit 13. Since there are no sheep in the park additions where they would be available for hunting, the change in regulations was not considered relevant. No action was taken.

Proposal 00-23: Would increase beaver hunting opportunities in Unit 13. No action taken, the SRC did not feel this action would affect subsistence users or resources in Denali Park.

Proposal 00-24: The proposal would change Federal subsistence wolf hunting bag limits in Unit 13 from 5 per day to 10 per day to align with State regulations. Motion: Vernon Carlson moved to support the proposal as written, and Ray Collins seconded the motion. The vote was unanimously in favor. Justification: The proposal aligns Federal seasons with State seasons to eliminate confusion for the user. It was also felt that the Federal subsistence season should not be more restrictive than the State season.

Proposal 00-25: The proposal would change the Federal subsistence bag limit for ptarmigan in Unit 13 from 20 per day, 40 in possession to 10 per day, 20 in possession. This would align it with the State bag limit. Motion: Ray Collins moved to reject the
Proposal 00-26: Expand the Federal subsistence beaver seasons and bag limits to match the State seasons and bag limits in Units 6, 13 and 16. **Motion:** Vernon Carlson moved to support the proposal as written, and Ray Collins seconded that motion. The vote was unanimously in favor.

Proposal 00-27: The proposal would align weasel seasons with marten seasons, since weasels are often caught in marten sets. **Motion:** Vernon Carlson moved to support the proposal, with the change that the dates be aligned with the dates included in Proposal 2 (Nov 10-Feb 28). This way not only would the weasel and marten seasons be aligned with each other, they would also be aligned with State seasons. Jeralyn Hath seconded the motion. The vote was unanimously in favor.

Proposal 00-45: The proposal would expand the Federal subsistence winter season for moose from Dec. 1 through Dec. 15 to new dates of Dec. 1 through Dec. 31 to align the Federal season with the State season. Terry Haynes mentioned the State season was probably going to be changed soon. **Motion:** Vernon Carlson moved to leave the Federal season unchanged since the seasons would be misaligned again when the State season is changed. Ray Collins seconded the motion. Vote was all in favor.

Proposal 00-49: Proposal 49 would expand the Federal subsistence hunting harvest limit for coyotes in unit 19 from 2 coyotes to 10 coyotes, with a seasonal restriction of no more than 2 coyotes before October 2. This would align the Federal subsistence season and bag limit to match the State season and bag limit. **Motion:** Ray Collins moved to support the proposal as written. Vernon Carlson seconded the motion. The vote was unanimously in favor of the proposal, as it would support alignment of State and Federal regulations and would probably have no significant impact on harvest levels.

**Proposed Federal Subsistence Fisheries Projects for 2000**

Hollis Twitchell described the three projects.

1. Aerial and Ground surveys to assess salmon stock in Denali National Park region in the Kantishna River drainage. The objectives are to provide estimates of summer Chinook and fall Coho salmon in the upper Kantishna through the use of aerial surveys and ground surveys. The intention is to build upon past ADF&G aerial counts. The effort would give the Park Service information as to which streams salmon are currently spawning in.

2. Kantishna River Fall Season Stock Assessment. This project is a mark-recapture study that was initiated on the Kantishna River last year. Salmon were captured, marked and released at the confluence of the Kantishna and the Tanana. Two recapture wheels were then operated on the Toklat River to ascertain how many were returning. ADF&G wants to establish what portions of the run turn up the Toklat River, and which utilize the upper Kantishna Drainage. ADF&G will operate a capture wheel at the confluence of the Kantishna and Tanana, and will operate two recapture wheels on the Toklat River. This proposal would incorporate a recapture wheel in the Bearpaw / Moose Creek area of the Kantishna. Most of the estimated $11,500 for the project would go towards paying a local subsistence user to operate the recovery wheel, call in the data, and take care of the fieldwork. Ray Collins moved to support the proposal, and Jeralyn Hath seconded the motion. The vote was all in favor.

3. Fisheries harvest-monitoring component for Lake Minchumina, Telida, and Nicolai. The focus of the project is to start a subsistence harvest-monitoring program within the communities. The intention of the proposal is to coordinate with tribal councils and communities to have someone locally gather and report community harvests and needs.

**Motion:** Jeralyn Hath moved that the SRC support aerial and ground salmon surveys in Denali National Park, and also the project for the community fisheries harvest assessment programs (Above proposals #1 and #3). Percy Dyke seconded the motion, and it passed unanimously.

Hollis Twitchell said the three proposals were sent to the Fish and Wildlife Service for review before a Fisheries Advisory Group, who recommended moving forward with the Kantishna recapture project as a way to build upon the existing fishery information for the area. The Advisory group also supported the aerial and ground surveys, but recommended these projects begin after the recapture project was drawing to a close.

The Advisory Group also recommended the community harvest monitoring project be delayed until guidelines for community harvest monitoring are set up to ensure better uniformity of data. Hollis Twitchell said the three fisheries proposals needed to show strong consultation with local subsistence users, communities, and tribal organizations. They also needed to show coordination with State programs, particularly those which were already underway, rather than initiating new projects that duplicate or closely parallel programs that are already underway by other entities.

Ray Collins suggested that future proposals should make a concerted effort to use local people as a way of establishing an historical base of knowledge about traditional fish populations and harvest numbers. Ray thought it especially important to interview people with historical knowledge of harvest numbers to establish a baseline of historical
use. Hollis Twitchell said the park has some information on late fall salmon spawning areas from aerial stream surveys. It was mentioned that village elders have information concerning where salmon used to aggregate that reaches much further back since those people needed to know such things simply to subsist.

**Motion:** Ray Collins moved that in future proposals a concerted effort be made to gather historical data on fisheries in the Tanana and upper Kuskokwim, and that such efforts should involve local people where feasible. Jeralyn Hath seconded the motion, and it passed unanimously.

Ray Collins commented that he wanted the interviews with elders concerning historical use in the park to be in the park database where it will be available to the public. He wanted it to be known that the park area had been in use by Athabaskans for thousands of years. Ray wanted to make it clear that it is possible to use an area yet maintain it as wilderness.

Hollis Twitchell mentioned that this year’s fishery proposals were set up quickly so they could be initiated this summer season; if the SRC has more issues to focus on in the next few years they should begin forming them into proposals. He recommended writing to the Federal Subsistence Board and the Superintendent of Denali National Park about concerns and issues that should be addressed, and what information the SRC needs to have to make decisions about fisheries resources.

**Lunch**
12:40-1:55

**Meeting Resumes:**
Hollis Twitchell mentioned that the Park will be funding a project this year to update the community use profiles for subsistence communities around Denali. The project will update and expand the community use profile studies for Cantwell, Minchumina, Nicolai, and Telida by looking at a full range of resource use, particularly with regards to use inside the Park and Preserve. The project will help document historical and traditional uses, and try to identify if traditions are emerging. This project would help the park with Customary and Traditional Use Determinations. The Park plans to cooperate on the project with the ADF&G Subsistence Division. The intention is to go to Tribal Councils or other community representatives, and identify what their concerns are and gain their support for this project. Local individuals will be hired to assist with the project.

Jeralyn Hath asked if resource specialists who would collect the data would be residents of rural communities. Hollis Twitchell responded that there would be a lead anthropologist going into the communities and asking questions, but in each community there would be a local hired who would assist in gathering information. Terry Haynes added that whenever the ADF&G Division of Subsistence is involved in a project their first step is to talk to people in the community and explain what is being proposed, and ask for support. Without support they do not continue. He went on to say that they always ask if there are other things locals would like to see done, and ask for suggestions on doing those things. He said whenever possible the Division of Subsistence tries to involve local people.

Hollis Twitchell said that where there is willingness in the community, he would like to see a community harvest-monitoring program set up. He thinks that a component of this would be to hire a local from each community to gather information concerning harvest numbers. Those numbers would be lumped together and reported to the Park Service as harvests for the community as a whole, not on an individual harvests basis. He is not concerned with method of harvest, but rather whether the community is able to gather the resources they need. The reporting individual would be hired on a salary or stipend. Hollis Twitchell anticipates gathering harvest information three times each year, once at the end of the fishing season towards the end of the summer, once after most hunting seasons are completed in the fall, and again after the trapping season in the spring.

Concern was raised that residents would not provide information simply because they do not like government intrusion in their lives. Hollis Twitchell felt that having a local person gather the information was probably the best way of getting around the resentment of government involvement. The only information reported would be what the community needs are, not who the individual harvesters are. Terry Haynes said getting the support of local leaders and respected individuals would be very important to getting accurate information. Hollis Twitchell would like to do the community profile update and community harvest monitoring program simultaneously so it would not be necessary to gain public support for each program individually.

Florence Collins began a discussion concerning a letter from the National Park Service to the Subsistence Resource Commission Chairs. In the letter were seven suggestions, discussed as follows:

1. The first issue involved the sale and trade of handicrafts made from resources described as customary trade regulations. All the SRC chairs agreed in the October meeting that it should be possible to trade other things that can be made into crafts, for example certain plant and mineral products. Judith Gottlieb, Associate Regional Director of Resources of United States Department of Interior wanted to know what the SRC feels should be considered customary and traditional trade items. She also asked for specific examples of things that are used for customary trade besides fish and game.

Hollis Twitchell mentioned there is a provision in the Federal regulations that would allow under customary trade the sale of subsistence salmon as long as the
sale is to other users of salmon, not to the commercial market. When that provision is more clearly defined, the NPS regulations may need to be modified to align Federal and NPS allowances for customary trade. Hollis suggested that may be a good time to include the SRC recommendations for customary trade. **Motion:** Florence Collins moved that the SRC include in a letter to Judith Gottlieb on (NPS) the standing Denali SRC position on customary trade. The position of the Denali SRC is to support the customary trade of any handcraft items made by subsistence individuals who are gathering, making and selling crafts made from natural material such as animals, minerals, or vegetation. The SRC believes that the sale of these handmade crafts by subsistence individuals should not be illegal since it has been the customary and traditional practice to make, sell, or trade these handmade crafts made from natural resources. Some examples resources commonly used for trade are: diamond willow; birch bark; birch wood for sleds, snowshoes and wooden spoons; willow for making birch bark baskets; berries; elder bark for red dye; high bush cranberry for birch bark baskets; cottonwood bark; fungus from birch trees for art; ochre; and spruce roots for birch bark baskets. Jeralyn Hath seconded the motion, and it passed unanimously.

2. The SRC chairs at the meeting in October had voted unanimously that the NPS should change its regulations in order to allow subsistence users with a trapping license to take free ranging furbearers with a firearm. **Motion:** Ray Collins moved to include letters to other Regional Advisory Councils, such as Northwest Arctic, Southwest, Western Interior, Eastern Interior, Southcentral and others areas which might be affected, asking them to include the issue on their agenda. Vernon Carlson seconded the motion, and it passed unanimously. Hollis Twitchell mentioned that it may be possible to change the hunting regulations for areas inside the park to match the trapping season, thereby circumventing the issue of including firearms as a method customarily and traditionally used by trappers for the taking of furbearers under a trapping license.

3. This issue involves the Wrangell-St. Elias SRC’s proposal for a one-year residency in a Resident Zone before becoming eligible to hunt in Park Areas. Currently it is necessary to have an Alaska resident hunting license (meaning having lived in the State for one year) but it is not necessary to have maintained a residence in a Residence Zone for a year before becoming eligible to hunt in the park. The problem was that a person could move in from outside the State and hunt in a year, or a resident from other areas of the State could and hunt in the Park that same year, without having lived in the Residence Zone for any length of time. **Motion:** Vernon Carlson moved that a three-year residency in a residence zone be required before being considered an eligible user of the Park areas for that Residence Zone. Vernon Carlson wanted to adopt Wrangell-St. Elias’s provisions for maintaining eligibility for those people who left the RZ for reasons such as school, seasonal employment, military service, etc. Ray Collins seconded that motion, and it passed unanimously.

4. The SRC Chairs asked that the NPS develop an appeal/reconsideration procedure for hunting program recommendations that are responded to by the Alaska Regional Director. The NPS Alaska Regional Director has been delegated the authority to respond to SRC hunting program recommendations. It is currently possible for the SRC to appeal a decision by the Alaska Regional Director to the Secretary of the Interior.

5. The SRC Chairs suggested that each of the seven SRC’s should work more closely together, and that they should share meeting minutes so they can learn the steps that other SRC’s may have taken to deal with similar issues. Florence Collins said she had received some minutes from other SRC’s, and that she would like to receive more. She said she would summarize their actions and bring the summaries to meetings, particularly in issues that the Denali SRC is concerned with.

6. The SRC Chairs suggested that each of the seven SRC’s should meet twice a year. The response was that most SRC’s already do meet twice a year, and that there was no reason to require them to meet a set number of times. The only limiting factor is how often the SRC’s want to meet, and whether they have the funds to do so.

7. The SRC Chairs suggested holding two SRC Chair meetings each year rather than one as is currently done. The problem with doing this was in lack of funding.

8. Progress report on the subsistence taking of migratory birds. Florence Collins said the United States and Canada recently came to an agreement allowing migratory birds to be taken in the spring in Alaska by subsistence hunters. The subsistence taking of migratory birds on Parks and Monuments land is currently being reviewed by the Solicitors in Washington D.C.

VII. Public and Other Agency Comments:
Paul Joslin of the Alaska Wildlife Alliance discussed proposals to protect wolves in the northern and eastern regions of Denali National Park from hunting and trapping. Paul Joslin said the wolves in the Toklat pack recently declined to a low of two wolves. He said the Park Service had been studying the pack for 60 years. According to Joslin, the wolves are the most viewed and photographed in the world, and they have attracted photographers from around the globe.
Joslin said about 12% of people riding a bus in Denali see wolves. He mentioned that though Denali has fewer wolves than Yellowstone, and fewer tourists, there are still more wolf sightings reported in Denali than in Yellowstone. He said the reason for this is the controlled situation in Denali Park that keeps the visitors from harassing the wolves, which would make them afraid of humans. He said wolves have been seen with pups on the road, and said it was a sign that wolves trust humans very much. Paul Joslin said on average a tourist is willing to pay $300 for the chance to see a wolf. Paul Joslin said the last time he talked to the SRC, their feeling was that hunting and trapping losses of wolves in Denali Park were so small as to not be significant to the wolf population. Paul Joslin presented ten years of radio collared wolf data. The average take of wolves among radio-collared wolves was around 6%. In more recent years the number has increased to about 15%. He claimed that the radio-collared wolves were the alpha wolves, and therefore the most wary. He said that the 15% was therefore much too low of a percentage to represent the average, as the radio collared wolves would be the most difficult to catch.

Joslin suggested stationing a video camera near a wolf den to provide videotapes of wolves for the general public. Paul Joslin also wanted to see a program of tourists going to the roadside near where wolves had been the previous night to listen for howling wolves. He would like to keep the public about 1/4 mile from the location of the wolves. The program would occur at the peak howling time for wolves, the end of July to the beginning of August.

Paul Joslin brought attention to a letter from Governor Knowles. The Governor’s letter said the tourism generated by the wolves was very valuable. Paul Joslin urged the SRC to give the wolves full legal protection on park and State lands. He said the Denali Caribou herd had been given full legal protection starting in 1976, and wanted the same protection to be given to the two wolf packs near the park entrance in Denali National Park.

Joslin was concerned about Parvo virus among wolves, and about lice that have come from dogs and spread to wolves. Joslin used this as an example of a case where it would be advisable for people to interfere and inoculate the wolves against the virus, as the virus is unique to dogs, and therefore the problem stems from humans. Since the problem is coming from humans, Joslin thinks the solution should as well.

Jeralyn Hath said there is evidence that points to a high rate of wolves leaving their home pack to join another. This would mean loose pack boundaries and large rates of member exchange. Paul Joslin said this was true, but that if the Toklat pack or the Sanctuary pack were to die off, and the area were to be filled by different wolves, the new wolves would be more difficult to see that the current Toklat and Sanctuary packs. Joslin hopes the Toklat and Sanctuary packs might, though dispersion into other wolf packs, teach those wolf packs to lose their fear of humans.

Sharon Kim raised the concern that the wolves becoming habituated might not be a good thing, as it could lead to the wolves endangering themselves by coming too close to humans and being hit by cars, or possibly by becoming even more habituated and coming into more populous areas. It was mentioned that most of the wolves collared in the Toklat pack are juveniles, and therefore not the oldest, wisest wolves Paul Joslin refers to. Half of the radio-collared animals among the East Fork pack are young animals - not the alpha animals. It was also pointed out that there is complete genetic turnover in the Toklat pack area every two generations of wolves, meaning there is so much change that every two generations is essentially a different pack of wolves.

Jeralyn Hath said she has driven a bus inside the park for many years. She was there when the park road was re-opened to busses, and said it took about six years for the wolves to become habituated to busses. Jeralyn said she does not think the Toklat and Sanctuary packs are the only ones habituated to busses.

Joslin said the Alaska Wildlife Alliance wanted to find a cooperative solution with subsistence users to come up with a mutually acceptable program. Hollis Twitchell said that past tactics used by the Alaska Wildlife Alliance had soured relations between the Alliance and subsistence users. He said the trust and communication required for a cooperative solution may be difficult to rebuild.

Sharon Kim said she is a conservationist, but that she is concerned that the Alaska Wildlife Alliance is focused on the Toklat and Sanctuary packs for the wrong reasons. She thought the Wildlife Alliance seemed to be focused on these two packs simply because they were viewed often. Paul Joslin responded that the watchable wildlife portion was part of the reason for focusing on these particular wolves, and also said that the long history of study conducted on these wolves was another reason for protecting them in particular. Paul Joslin spoke of his hopes that wolf collars would become smaller and less visible than they currently are. He also said he wanted to be sure the animals were properly taken care of when tranquilized to avoid health problems.

The Denali SRC took no action on Paul Joslin’s proposal to close park and adjacent lands to subsistence and general hunting and trapping.

Florence Collins thanked Paul Joslin for his presentation.

Terry Haynes said there are several Board of Game proposals to be taken up in their March meeting that involve the park area. He gave a brief summary of each proposal that may affect the park:

No. 3: Changes to lynx season in unit 20
No. 7: Changes to brown bear season in unit 19, and try to synchronize State and Federal seasons.
No. 11: Changes to brown bear season in unit 20 C.
No. 48: Pertains to caribou hunting in unit 20 C.
No. 54: Pertains to unit 19 G moose.
No. 80, 81: Proposals by the Alaska Wildlife Alliance and individuals interested in the Toklat and Sanctuary wolf packs.
No. 94: Would require some type of identification on snares with 3/32" diameter cable or larger.
No. 100, 101: Address wolf control in unit 19.
No. 124: Would prohibit trapping in 20 C within 1/2 mile of the Park's Highway between mile 276 and 243 and would prohibit trapping within 1 mile of residential areas or private driveways.
No. 125: Would establish a regulation to provide for a community based harvest permit system. Under certain circumstances a rural community could establish a harvest quota and would not have to use harvest tickets, though there would be a reporting system set up.
No. 128: Would amend existing Customary and Traditional findings in the State regulations. Would list negative and positive findings, rather than just positive findings. Would also include amount allowed.
Last Proposal (not numbered): Would make customary and traditional findings for furbers.

VIII. Time and Place of Next SRC Meeting
Time: Before August 20, and on a Saturday if possible.
Place: Maybe Cantwell

IX. Adjournment
Jeralyn Hath moved to Adjourn. Paul Joslin Stair seconded the motion. Meeting is adjourned at 5:00 PM.

END
August 6, 1999
Summary Minutes
DENALI SUBSISTENCE RESOURCE COMMISSION
August 6th, 1999

I. Call to Order by Chair
The meeting was called to order at the McKinley Village Community Center, McKinley Village, Alaska at 9:00 AM by Florence Collins, Chair.

II. Roll Call and Confirmation of a Quorum
NPS DENA: Russ Wilson, Deputy Superintendent; Hollis Twitchell, Andrea Hansen, Janis Meldrum, Frank Norris
ADF&G: Terry Haynes, Alaska Department of Fish and Game.
Others: Dick Collins

A quorum was present with five Subsistence Resource Commission members attending.

III. Superintendent's Introduction
Acting Deputy Superintendent Russ Wilson welcomed SRC members and guests.

IV. Approval of Minutes from Last Meeting
Ray Collins moved to adopt the draft minutes of the August 28, 1998 meeting. Jeralyn Hath second the motion. The minutes were approved by a unanimous vote.

V. Additions or Corrections to Agenda
Election of Officers: Motion made by Dan Ashbrook to retain the existing elected Commission Officers, Florence Collins as Chair and Ray Collins as ViceChair. Jeralyn Hath seconds motion, Passed by unanimous vote.

Spruce 4 update:
Motion by Jeralyn to resubmitt the SRC letter and position regarding Spruce Four access during the comment period for the Spruce Four EIS. Motion seconded by Ray Collins. Motion approved by a vote of 4 in favor and one abstention.

Final version of the Subsistence User Guide distributed.
Recommendations for improving educational information.

VI. New Business

(a) Subsistence Management Plan Review.

Federal Subsistence Program update:
Dan O'Connor's customary and traditional determination approved by FSB.

Temporary Snowmachine Closure:
Significantly increasing recreational snowmachining in the Broad Pass area has been reported to displace furbearers from the drainages utilized by local trapper, often to the point where most trappers will pull their sets and cease trapping by mid winter. The local subsistence caribou winter hunting season is open until March 31 on Denali ANILCA park additions. Caribou utilize the area around Cantwell for winter range, notably in the Windy Creek and Cantwell Creek drainages. High levels of recreational snowmachining use has the potential to displace caribou resources from these areas making local subsistence users travel further to harvest animals.

(f) Agency Reports:

Wildlife Updates:
Hollis presented summary reports on current wildlife studies for caribou, bears and wolves. Charts and graphs depicting the population trends for the Denali caribou herd and Denali wolf populations were included in the meeting notebook.

Cultural and Subsistence Updates:
Terry reported on the progress of the Ethnographic Overview and Assessment, and the progress being made on the Village History reports for Cantwell, Nikolai, Telida and Tanana. He expects them to be finished by the end of this summer, and the overall project completed by the end of the year. Ray Collins was selected by the Tribal Councils for Nikolai and Telida to prepare their Village History reports. Hollis stated that Jane Bryant and Ann Kain are organizing the Lake Minchumina community report.

Hollis reported on the Cultural Themes project, Park Road Landscape Report, the Native Place Names Mapping project, and the Administrative History report. A computerize interactive oral history project known as “Jukebox” will begin this year under a cooperative agreement with the University of Alaska. The first theme will be on the mountaineering history and exploration. The second theme will be on Native cultures and Native place names for the Denali area. Hollis stated that Resource Management Specialist, Ken Stalhnecker has left Denali Park and we don’t know when his position will be filled.

Spruce Four Access Request:
Steve Martin said a draft environmental impact assessment (EIS) to evaluate a proposal for access to a private inholding on Spruce Creek in the Kantishna Hills will be done in about 6 weeks. The applicant has proposed to upgrade a nine-mile gravel route from Mile 88 of the Denali Park Road near Kantishna up Moose Creek along an existing mining access trail to the private inholding on Spruce
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Creek. He would also like the use of an airstrip near Glen Creek as an additional method of transportation. The existing mining route which was bulldozed years ago crosses Moose Creek 24 times, Spruce Creek 4 times and Jumbo Creek and Glen Creek once each for a total of 30 stream crossings. About .5 miles of new road construction is requested. He intends to construct and operate a lodge with 30 double occupancy cabins. He hopes to drive buses or 15 passenger carryall vehicles to the lodge, depending on road and water conditions. The property has two personal cabins on it now; the materials brought in by snow machine and 4 wheel drive vehicles. The property would be open commercially primarily in summer, but he is considering also operating the winter.

The road would not be for general recreational use and would probably be gated for use by all inholders. Non-motorized recreational access by foot, bike or fourwheel drive travelers would not be restricted. The Park has considered a buy-out but the governments appraised purchase price is below the seller's asking price. Conservation groups and private foundations are considering pooling purchase money with park funds to facilitate possible buy-outs. Jeralyn asked if the purchase price includes the value of the road? (ie surveying, monitoring, other expense to park) Steve Martin said yes, but it hasn't been included in discussions yet. The park is still hoping for a sale, as the best solution.

Steve Martin said the draft EIS will consider several other alternative routes as well as the applicants proposed route up Moose Creek. (*) The North Bench Route follows the first three miles of the posted Moose Creek route. Then it would cross Moose Creek by a bridge and stay on the benches north of Moose Creek all the way to Spruce Creek. This route includes a total of 4 stream crossings over a distance of 9.7 miles. About 5 miles of new road would be constructed. The Glen Creek Airstrip would be extended and used for access during winter and for alternative access in summer. (*) The Skyline Drive Route follows a mountain ridge route from mile 91 of the Denali Park Road until it drops into the west fork of Glen Creek. From there it would follow an existing mining access route down Glen Creek, and then over a bench to Spruce Creek. This 12.1 mile route crosses Glen Creek 24 times, and would require about 2 miles of new road construction. (*) The Airstrip and Spur Road (air access only) alternative would use a 2,500' airstrip on lands adjacent to the east side of Spruce Creek with a short spur road to Spruce 4. No stream crossings would be needed to access the property, but one ford would be needed on Spruce 4. (*) The No-Action alternative would follow existing management direction, with unimproved access. Under this scenario a lodge would likely not be built. The owners would continue to apply for unimproved temporary access and use the property for personal recreational use. They could also sell the property to the NPS.

Jeralyn asked what about the effect on subsistence? Hollis asked for input from the Commission regarding concerns and impacts. Potential impacts to fisheries and moose resources would be greatest with the Moose Creek routes. This area has the greatest importance to subsistence users since the caribou season has closed for many years in this region and moose are the primary species hunted in the Kantishna area now. The Skyline Route traverses primarily caribou habitat, so there could be impacts associated with this route if the caribou season is reopened. But the Skyline Drive road continues well beyond the cut off to Glen Creek for a significant ways providing access to good caribou habitat in the Caribou Creek and Glacier Creek drainages. The importance of the upper Moose Creek drainage to subsistence users has increased even further as a result of the temporary fire disinfection closure during the first half of the moose hunting season in the more developed area of Kantishna. Upper Moose Creek drainage provides very good moose habitat with reasonable access via the old mining road for subsistence users.

Florence said she prefer an airfield alternative if improved access has to be allowed fulfilling the park's obligation. This alternative would have fewer impacts on natural resources, wilderness areas, and subsistence users. It would also reduce potential conflicts between subsistence users and recreational users. Hollis said that moose, caribou and fisheries resources, and subsistence users would be less affected by use of an airfield than by a land access route. Paul asked who would permit bringing in heavy equipment for airfield construction and maintenance? Steve Martin said the park would permit transportation of it. Jeralyn asked if the Moose Creek access route could be banned if an airfield is built? Steve Martin said that the selected alternative has to be somewhat feasible, and the applicants says air access only would not be feasible for his planned operations.

Dan thought that the North Bench Route would be the best ground alternative as opposed to the Skyline Drive Route. The hilltop route much would be more difficult to maintain and travel. Dan said there are a number of private land holdings on the Skyline route which the road travels through. Vern asked if there are other private properties on the other routes? Steve Martin said there are some on Rainy Creek, a short distance from the Moose Creek routes.

Bill Perhatch said that development of the North Bench Route for the first 8-10 miles to Spruce Creek from the west would make it easier for justifying and building the proposed north access road from Healy to Kantishna. Bill suggested that if Spruce Four only has airstrip access it will be difficult to market trips through the park on the Denali Park Road and therefore might want a longer season.

Terry asked about current subsistence use in the Kantishna Hills. Hollis stated that past use of the Kantishna area was primarily by the 16 families with subsistence use permits from the McKinley Village and Healy areas. The State's negative C&T determinations in the late 80's impacted those users for a number of years, preventing their continued use of the Kantishna area. Many of those issues are finally being resolved and use is increasing. In the past several years some residents from Cantwell have begun to utilize the Kantishna Hills. Over the last four years the number of subsistence users have varied between 1 to 6 people per year.

MOTION: By Jeralyn and seconded by Vern, that the Commission requests the Park Service purchase this property, on a willing seller-willing buyer basis, to prevent new development that the Commission believes will have an adverse impact on subsistence resources and uses in the park. Vote 7 members in favor and one abstention.

VII. Old Business

(a) Wrangell-St. Elias SRC Hunting Proposals:

The Wrangell-St. Elias SRC Hunting Plan recommendation 97-01 to establish a one-year residency requirement before being eligible for subsistence users in Wrangell-St. Elias National Park was reviewed. The Denali SRC discussed this proposal at the August 28th Commission meeting but did not express a formal opinion on it then.

The Denali Commission came to the opinion that if this Hunting Plan recommendation is passed, it should be specific to Wrangell-St. Elias National Park and not be applicable to other park areas unless supported by their respective SRC's. The Commission also has concerns for former residents and individuals who have had traditional use of Wrangell-St. Elias park who have moved away for various reasons and are now returning to one of Wrangell's resident zones. The Commission believes these former residents should be excepted from having to serve the one-year wait before being eligible.

MOTION: To send a letter to Wrangell-St. Elias SRC stating that the Denali Commission feels the one year residency requirement for Denali's residents zones would not be appropriate, but the Commission does appreciate Wrangell-St. Elias' concerns and needs for such a program. The Commission understands Wrangell's interest in having a one year residency requirement for
newcomers to their resident zones, but believe it should not deny subsistence to any eligible subsistence person moving in from another area. Motion by Jeralyn, seconded by Vern, passed by unanimous approval.

The Wrangell-St. Elias SRC requested comments on waterfowl harvests on park lands was discussed. Wrangell-St. Elias wants to authorize subsistence egg gathering and migratory waterfowl hunting on park lands. ANILCA Title VIII subsistence section does not include the use of migratory waterfowl. Migratory waterfowl may be taken under State regulations in accordance with the International Migratory Bird Treaty Act. These regulations apply on National Preserve lands but not on National Park and Monument lands where the only authorized taking is under Title VIII subsistence. The Denali Commission discussed if there was a need for, or a traditional use, of taking waterfowl from ANILCA park land in the Denali area.

**MOTION:** To send a letter to the Wrangell-St. Elias SRC stating that the Denali Commission does not have a particular concern with migratory waterfowl hunting or egg collection on Denali park lands, the Commission does support efforts by the Wrangell-St. Elias SRC to ensure that traditional hunting and harvesting practices are protected. Motion by Jeralyn, seconded by Vern, motion passed unanimously.

(b) Final draft Subsistence User Guide:

Hollis thanked the Commission for the comments on the draft Denali Subsistence User Guide. It is now ready for a final review by Denali Park staff, after which it will be printed and mailed out to our local rural subsistence users.

(c) Regional Advisory Council Application Period:

Hollis stated that the Federal Subsistence Board is accepting applications through March 26, 1999 for appointments to the Federal Regional Advisory Councils. The regional councils are a crucial link between subsistence users and the Federal Subsistence Board as their recommendations carry a great deal of weight in decisions before the Board. We are very fortunate to have Denali SRC members, Ray Collins and Gilbert Dementi serving on the Western Interior and Southcentral Regional Advisory Councils. They have done a tremendous job in carrying forward the concerns and issues for the Denali area to the respective Councils. We do not have that critical link to the Eastern Interior Regional Advisory Council. If you know of any Denali area individuals residing within the Eastern Interior region who may be interested in serving, please forward their name.

Hollis mentioned that Gilbert Dementi’s term with the Southcentral Regional Advisory Council will expire in 1999. He has applied to serve again, would the Commission be interested in writing a letter of support.

**MOTION:** That the Commission send a letter of support for the reappointment of Gilbert Dementi to the Southcentral Regional Advisory Council. Motion by Jeralyn, seconded by Dan, motion passed unanimously.

Ray commented that his term will expire in 1999 also and he is considering reapplying for the Western Interior Regional Advisory Council.

**MOTION:** That the Commission send a letter of support for the reappointment of Ray Collins to the Western Interior Regional Advisory Council. Motion by Jeralyn, seconded by Vern, motion passed unanimously.

(d) Draft Subsistence Management Plan:

Hollis recommended that the next SRC meeting devote the entire agenda for discussing and working on the Subsistence Management Plan. Park staff have made numerous revisions since distributing the first draft version adding the comments and recommendations from the review of the NPS issue paper. We have added the Denali SRC comments as well as the current NPS position on issues. He wants the Commission to make a thorough review of the draft Plan documenting and clarifying things that are unique to Denali.

Vern stated that even within Denali there are unique differences between geographic regions such as Cantwell’s traditions and practices and those that are employed in the lake Minchumina area. Hollis said it will be important to recognize, document and develop those traditional differences in this planning process. A good example would be the importance and dependence of trapping, cabins, trails and shelters that are unique the northwestern regions of the park and preserve. I don’t believe other park’s subsistence management plans go into that level of detail, but it will be important for Denali’s Plan to incorporate as much “local traditional knowledge” as possible. As NPS employees and staff will change over time, it becomes ever more important to have a well establish record of traditions, practices and policies to educate and guide future management.

Hollis discussed the new sections in the most recent version of the plan; a new introduction section, and several new Appendices listing significant Environmental Assessments, section 810 subsistence impact evaluations, regulatory proposal analyses, etc. He suggest just listing these documents in the appendices since they are too voluminous to include in the draft plan, with the actual document being kept on file in the Denali National Park library at Park Headquarters. There is a great deal of subsistence related data included in this documentation. Ray asked what maps will be in the map section (Appendix E)? Hollis said land use and status maps, regional council area maps, fisheries management maps, special use closures such as the Kantishna firearms closure area map, etc.

Hollis informed the Commission that the NPS has recently formed a Subsistence Advisory Council composed of field subsistence managers and regional office staff to work on subsistence issues and make recommendations to the Alaska Superintendents and Regional Director.

VIII. Public and Other Agency Comments:

Stan Leaphart said he thought the draft Denali Subsistence Management Plan is an excellent start and will be important in the management of subsistence at Denali. Vern asked if the legislature talking about subsistence? Stan said not much right now since they are preoccupied in dealing with this year’s budget. Terry said the legislature is also waiting on the legislature lawsuit challenging the validity of ANILCA.

Ray said the talk is mostly about the budget, with some talk about a special session later this summer.

Terry stated that fisheries management is quite different from wildlife management and questioned if the Federal Government is ready assume management. He doesn’t know what the State will do next.

Bill Perhatch asked about holding the next meeting at Kantishna? Hollis stated that housing and conference room space might be a problem during the main summer season.
IX. Time and Place of Next SRC Meeting

The Commission recommended the next SRC meeting be held on August 6th. Ray Collins suggested that we consider Kantishna for a summer meeting place if logistics and scheduling can be worked out.

X. Adjournment

Motion: Vernon moved and Steve Eluska seconded a motion to adjourn. Meeting was adjourned at 5:10 P.M.
February 26, 1999
I. Call to Order by Chair

The meeting was called to order at the North Starr Inn, Healy, Alaska at 9:00 AM by Florence Collins, Chair.

II. Roll Call and Confirmation of a Quorum


NPS DENA: Steve Martin, Superintendent; Linda Buswell, Deputy Superintendent; Hollis Twitchell, Jane Bryant. ARO: Bob Gerhart

ADF&G: Terry Haynes, Alaska Department of Fish and Game.

Others: Stanley Leaphart: Citizen's Advisory Commission on Federal Areas. Bill Perhatch, Dick Collins

A quorum was present with eight Subsistence Resource Commission members attending.

III. Superintendent's Introduction

Superintendent Steve Martin welcomed SRC members and guests.

IV. Approval of Minutes from Last Meeting

Ray Collins moved to adopt the draft minutes of the August 28, 1998 meeting. Jeralyn Hath second the motion. The minutes were approved by a unanimous vote.

V. Additions or Corrections to Agenda

A report by Gilbert Dementi on the State ATV Planning meeting for Unit 13 was added to the agenda under New Business. Wrangell-St Elias SRC hunting proposals regarding a backlog SRC hunting plan recommendations for action. 4) Recommend more consistency-longevity in tenure of park staff and superintendents, 5) Each park and SRC make determinations on what ATV/ORV use is acceptable in that park since a statewide ATV/ORV policy is not realistic, 6) NPS/ SRC explore ways to incorporate local knowledge on wildlife populations, 7) Provide a clarification of the relationships between the Migratory Bird Treaty Act and NPS regulations, 8) Parks/SRC move in the direction of "taking" regulations and move away from seasons and means based on a sport hunting model, 9) NPS needs to continue to work on the issue of trapping regulation to resolve the prohibition on use of firearms for taking free roaming fur-bearing animals under a trapping license.

Recommendations 1, 2, and 7 are on this meetings agenda. Recommendations 2, 5, 6 and 9 are discussed in the draft Denali Subsistence Management Plan. The Commission discussed Recommendation No. 8, suggesting a move away from seasons and bag limits, but the consensus was that this change is unlikely in the near future. Another general comment was that a "hunting plan proposal" for plant products is needed. Hollis commented that this subject will be discussed in the Subsistence Management Plan section on use of plants and timber harvest. Steve Martin said the NPS wants to continue working on these issues with the SRC.

(b) Federal Subsistence Program update:

Bob Gerhart said the Federal Subsistence Fishery Regulations were published in the Federal Register on Jan. 8, 1999, and will be ready for implementation by the Oct. 1, 1999 deadline if the Alaska Legislature fails to take constructive action. Congress appropriated $11 million for implementation of subsistence fisheries management. If the State legislature passes a satisfactory bill by the Oct deadline the state will receive the $11 million, if no constructive action is taken by Oct 1st the $11 million will go to the federal government for implementing the federal subsistence fisheries takeover.

The regulations apply on inland waters within and adjacent to conservation units in Alaska in which the federal government has reserved water rights. Once these regulations take affect they will extend to approximately 60% of Alaska's rivers and lakes. The regulations acknowledge existing authorities of the federal government to intervene off of federal lands and waters to protect subsistence harvests on federal lands and waters in necessary. Included in these regulations are two other important changes to the federal subsistence management program. The regulations provide for the non-commercial exchange of subsistence foods through customary trade and extend the jurisdiction for subsistence wildlife management to selected but not conveyed lands within federal conservation units.

Vernon asked if this provision for use of wildlife would extend to the selected BLM lands along the Denali Highway. Bob stated that the selected BLM land in question were not set aside as conservation unit lands by ANILCA, so this provision would not be applicable there. However, the State and Native selected lands within Denali National Park near Cantwell would be opened to Title VIII subsistence use under the federal program.

A brief summary of the SRC Chairs' recommendations are: 1) SRC's need to discuss Wrangell-St. Elias SRC's proposed one year residency for eligibility in resident zones and send comments to Chair John Vale, 2) Park Superintendents should follow SRC recommendations for making individual C&T determinations, 3) Secretarial response time to SRC recommendations is unacceptable, NPS should compile a of backlog SRC hunting plan recommendations for action, 4) Recommend more consistency-longevity in tenure of park staff and superintendents, 5) Each park and SRC make determinations on what ATV/ORV use is acceptable in that park since a statewide ATV/ORV policy is not realistic, 6) NPS/ SRC explore ways to incorporate local knowledge on wildlife populations, 7) Provide a clarification of the relationships between the Migratory Bird Treaty Act and NPS regulations, 8) Parks/SRC move in the direction of "taking" regulations and move away from seasons and means based on a sport hunting model, 9) NPS needs to continue to work on the issue of trapping regulation to resolve the prohibition on use of firearms for taking free roaming fur-bearing animals under a trapping license.

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Steve Martin commented that most fishery issues will have little effect here in Denali National Park. Hollis stated that the customary trade provisions for acquiring fishery resources may play a role for the Denali area since fishery resources are limited here.

Stan asked if the SRCs are to be addressing fishery issues? Steve Martin stated they will do so if this is needed relative to subsistence programs at Denali. Hollis stated we look to the Denali SRC for advice and recommendations regarding subsistence uses and activities for the Park as well as the Preserve lands. This includes hunting, trapping and fishing. Bob Gerhart stated other SRC and advisory groups are also doing that. Hollis stated we also ask for the Commission’s advice on other issues such as planning and development which could have potential impacts or affects upon subsistence users or subsistence activities.

Terry clarified that State fishery regulations are not exactly like the federal regulations, although they are close, and that the State never prohibited customary trade. Paul Starr asked in a rod and reel may the old Mt McKinley Park to snowmachining use, except for two routes: (1) In the Cantwell Creek drainage upstream to the Cantwell icefall. (2) And the Easy Pass route connecting the upper Bull River and the West Fork of the Chulitna River. The closure will last 12 months, while the effects of snowmachining on those routes is evaluated. The park is working on longer-term regulations which would close most of the old Mt. McKinley Park area to use of snowmachines. The Backcountry and General Management Plans will address snow machines as well as all other park uses.

Hollis stated an ANILCA section 810 subsistence impact analysis was prepared utilizing information from previous SRC minutes which discuss concerns from recreational snowmachining affects upon ptarmigan, moose and furbearers populations and their distributions. The importance of the old McKinley Park area as place where wildlife could retreat to if displaced by increasing levels of recreational snowmachining use on near by ANILCA park additions was discussed.

Significantly increasing recreational snowmachining in the Broad Pass area has been reported to displace furbearers from the drainages utilized by local trapper, often to the point where most trappers will pull their sets and cease trapping by mid winter. The local subsistence caribou winter hunting season is open until March 31 on Denali ANILCA park additions. Caribou utilize the area around Cantwell for winter range, notably in the Windy Creek and Cantwell Creek drainages. High levels of recreational snowmachining use has the potential to displace caribou resources from these areas making local subsistence users travel further to harvest animals.

Paul said he thought the old Mt. McKinley Park has always been closed to snowmachining and emphasized he thought it should remain that way. Dan wondered if the road could be opened from Wonder Lake to Kantishna. Steve Martin agreed to study this. Jeralyn asked what will be the effects of snowmachines on resources or wildlife in Easy Pass? Steve said park staff will be monitoring and evaluating uses both this year and next.

Vern said this issue will be very large politically and publicly and asked why so much publicity has been given to the closure? Steve Martin said the subject came up because the NPS needs formal authority to close the old Mt. McKinley Park area. Snowmachines groups said there was no formal closure for this area, therefore, they are planning to enter and ride in this area this winter to make it an issue. Easy Pass was left open for recreational snowmachining because it was already in use and could be utilized to monitor affects. Steve said the state estimates that 90% of Southeast Alaska is open to snowmachines.

Jeralyn asked about the impact on subsistence in the additions to the park? Steve Martin said we don’t know the extent of impacts, but many long time residents have expressed serious concerns about the change from relatively low intensity traditional snowmachining practices to the high intensity, saturation level of snowmachining occurring in some areas. Effects of high intensity snowmachining in the ANILCA park additions are most likely to be displacement of moose, caribou and furbearers. Jeralyn asked if there will be money for programs to monitor Easy Pass, etc? Steve Martin said we will refine our monitoring and evaluating techniques this winter and continue to improve monitoring efforts next year.

Paul said he has heard from Nenana trappers complaining about Fairbanks snowmachiners in the Minto Flats going along spring tramp lines and springing traps. Lots of problems with them leaving trash. Hollis described the very different snowmachining values and riding styles even within his own family. Vern said that closing the old park area doesn't preserve subsistence. If the NPS wants to preserve wilderness, why are technical developments, graders, equipment and vehicles allowed to be used in the old park?

Steve Martin stated that comments from public hearing and meeting regarding the snowmachine closure has resulted in 8 or 9 to 1 in favor of the closure. Comments from Alaskans has resulted in 4 to 5 to 1 in favor of the closure. Population pressures make the problem complex but the NPS is trying.

Paul said he is concerned about the north side and impacts that may occur there. Steve Eluska asked if people use snow machines in the park and break down, who will rescue them? Steve Martin said people are mostly on their own, unless there is a real emergency. Then the NPS will respond. Steve Eluska describes his concern about people breaking down and getting flown out abandoning their broken down machines like what happen in Parham Pass.

(d) Review of Federal Regulation Proposals, 1999-00

Hollis said the SRC letters from the last meeting have been sent. Three about Dan O'Connor's individual C&T request and one with the Commission's comments about changing the customary and traditional use determination process used by the FSB. The three Regional Advisory Councils associated with the Denali area agreed with the Commission recommendations for changed wording. Bob said the FSB has taken no action changing the C&T determination process, but it is still under review.

Hollis said that Dan O'Connor's proposal (for individual C & T for Denali Park lands) is again in this year's list of proposals. The Commission sent a letter the Secretary of Interior expressing concerns about the delay in addressing the problem.

Terry asked when the Denali letter from Superintendent Steve Martin was sent to Ray Ewan of the Southcentral Regional Advisory Council regarding the Kantishna Firesmels Discharge Closure. Hollis said it was sent to the Council two weeks before there summer meeting. The Southcentral Regional Advisory Council took no further action on the issue.
Proposals #15: By the Copper River Native Association would eliminate the requirement that portions of external sex organs remain attached to the carcass to provide evidence of sex for moose and sheep in Units 11 and 13. Hollis read the proposal and staff analysis and asked if the Commission supports the proposal or not?

MOTION: To oppose proposal #15 and retain the existing regulation. Motion made by Vern, seconded by Ray. Passed by unanimous vote.

Proposal #19: By the Copper River Native Association requests a positive C&T determination for black bear in Unit 13 for residents of Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Talina.

MOTION: Support proposal #19. Motion by Gilbert, Jeralyn seconded, unanimous approval.

Proposals #20 and #54: By the Denali Fish and Game Advisory Committee request a positive C&T determination for black bear in Unit 13 for residents of 13, and in Units 20(c) and 20(e) for all residents between milepost 216 and 309 of the Parks Highway.

Proposal #54: By the Middle Nenana River Fish and Game Advisory Committee requests a positive C&T determination for brown bear in Unit 20(a) and 20(c) for all residents between milepost 216 and 309 of the Parks Highway.

MOTION: Support proposal #20 and proposal #54 as modified in the staff analysis. Moved by Vern, seconded by Ray, approved unanimously.

Proposal #21: By the Denali Fish and Game Advisory Commission, would create a brown bear season in Unit 13 from Sept. 1-May 31, with a harvest limit of 1 bear per year.

Vern recommends an August 10th opening date for the brown bear season so that it coincides with the moose and caribou season. That is when hunters are in field and most likely to have or need the opportunity to harvest a brown bear.

Ray states this is a season for subsistence, we should try to fit it in with other subsistence opportunities similar to moose and caribou. Why have different dates?

MOTION: Support proposal #21 with a modification of season opening dates for areas both east and west of the railroad to be August 10th to May 31st dates. Moved by Vern, seconded by Ray, passed by unanimous vote.

Justification: This date coincides with the opening of the caribou season, and the already open moose season, which is when most subsistence hunters are likely to be active. This recognizes the trend in our area of subsistence users to harvest bears during the same time period and in the same areas as they typically utilize for caribou and moose hunting. In addition, this legitimizes the incidental taking of a bear by a subsistence hunter who is protecting his moose or caribou harvest or campsite.

The Commission also supports the item in the analysis justification which addresses Denali National Park harvests in Unit 13. This states that "if more than four bears are taken by subsistence hunters during the year, the harvest limit should be reexamined by Special Action to determine if a reduction to one bear every four regulatory years would be more appropriate." Since this would be a newly authorized hunt and little is known about the bear population in our region, we recommend utilizing this conservative approach.


Hollis explained that in 1998 the Eastern Interior, Western Interior and the Southcentral Regional Advisory Councils supported proposal #38 with a modification that all individuals with NPS subsistence use permits (13.44) should have a positive C&T use determination for use of wildlife on those Park lands. And that those individual names should not be listed in the regulation booklet. The Federal Subsistence Board deferred proposal #38 and asked for a solicitor' opinion on the FSB authority to make individual C&T determination for use of park lands and in the FSB could delegate this decision making authority to the NPS. Steve Martin said the NPS has been pushing for a written response from the solicitor and expects to receive one before the next FSB meeting.

MOTION: Support Proposal #25 as modified by the Eastern Interior, Western Interior and Southcentral Regional Advisory Councils in their 1998 deliberations for proposal #38. Dan Ashbrook moved, Vern seconded the motion as modified; passed by unanimous vote.

(c) State ATV Planning meeting:

Gilbert reported on an ATV/ORV proposal by the Copper River Native Association to limit the use of ORV to weekdays only. They also proposed opening walk-in areas on federal lands in order to spread ATV/ORV use over a wider area. The Board of Game will look into the idea at their meeting in March. The Denali commission heard Gilbert's report but had no comments and made no motion on it.

(l) Agency Reports:

Wildlife Updates:

Hollis presented summary reports on current wildlife studies for caribou, bears and wolves. Charts and graphs depicting the population trends for the Denali caribou herd and Denali wolf populations were included in the meeting notebook.

Cultural and Subsistence Updates:

Terry reported on the progress of the Ethnographic Overview and Assessment, and the progress being made on the Village History reports for Cantwell, Nikolai, Telida and Tanana. He expects them to be finished by the end of this summer, and the overall project completed by the end of the year. Ray Collins was selected by the Tribal Councils for Nikolai and Telida to prepare their Village History reports. Hollis stated that Jane Bryant and Ann Kain are organizing the Lake Minchumina community report.

Hollis reported on the Cultural Themes project, Park Road Landscape Report, the Native Place Names Mapping project, and the Administrative History report. A computerize interactive oral history project known as "Jukebox" will begin this year under a cooperative agreement with the University of Alaska. The first theme will be on the mountaineering history and exploration. The second theme will be on Native cultures and Native place names for the Denali area. The Subsistence Cabin Report is complete and will be distributed to Commission members at the next meeting. Hollis stated that Resource Management Specialist, Ken Stallmecker has left Denali Park and we don’t know when his position will be filled.
Spruce Four Access Request:

Steve Martin said a draft environmental impact assessment (EIS) to evaluate a proposal for access to a private inholding on Spruce Creek in the Kantishna Hills will be done in about 6 weeks. The applicant proposes to upgrade a nine-mile gravel route from Mile 88 of the Denali Park Road near Kantishna up Moose Creek along an existing mining access trail to the private inholding on Spruce Creek. He would also like the use of an airstrip near Glen Creek as an additional method of transportation. The existing mining route which was bulldozed years ago crosses Moose Creek 24 times, Spruce Creek 4 times and Juniper Creek and Glen Creek once each for a total of 30 stream crossings. About 5 miles of new road construction is requested. He intends to construct and operate a lodge with 30 double occupancy cabins. He hopes to drive buses or 15 passenger carryall vehicles to the lodge, depending on road and water conditions. The property has two personal cabins on it now, the materials brought in by snow machine and 4 wheel drive vehicles. The property would be open commercially primarily in summer, but he is considering also operating the winter.

The road would not be for general recreational use and would probably be gated for use by all inholders. Non-motorized recreational access by foot, bike or horseback travelers would not be restricted. The Park has considered a buy-out but the governments appraised purchase price is below the seller's asking price. Conservation groups and private foundations are considering pooling purchase money with park funds to facilitate possible buy-outs. Jeralyn asked if the purchase price includes the value of the road? (ie surveying, monitoring, other expense to park) Steve Martin said yes, but it hasn't been included in discussions yet. The park is still hoping for a sale, as the best solution.

Steve Martin said the draft EIS will consider several other alternative routes as well as the applicants proposed route up Moose Creek. (*) The North Bench Route follows the first three miles of the posted Moose Creek route. Then it would cross Moose Creek by a bridge and stay on the benches north of Moose Creek all the way to Spruce Creek. This route includes a total of 4 stream crossings over a distance of 9.7 miles. About 5 miles of new road would be constructed. The Glen Creek Airstrip would be extended and used for access during winter and for alternative access in summer. (*) The Skyline Drive Route follows a mountain ridge route from mile 91 of the Denali Park Road until it drops into the west fork of Glen Creek. From there it would follow an existing mining access route down Glen Creek, and then over a bench to Spruce Creek. This 12.1 mile route crosses Glen Creek 24 times, and would require about 2 miles of new road construction. (*) The Airstrip and Spar Road (air access only) alternative would use a 2,500' airstrip on lands adjacent to the east side of Spruce Creek with a short spur road to Spruce 4. No stream crossings would be needed to access the property, but one ford would be needed on Spruce 4. (*) The No-Action alternative would follow existing management direction, with unimproved access. Under this scenario a lodge would likely not be built. The owners would continue to apply for unimproved temporary access and use the property for personal recreational use. They could also sell the property to the NPS.

Jeralyn asked what about the effect on subsistence? Hollis asked for input from the Commission regarding concerns and impacts. Potential impacts to fisheries and moose resources would be greatest with the Moose Creek routes. This area has the greatest importance to subsistence users since the caribou season has been closed for many years in this region and moose are the primary species hunted in the Kantishna area now. The Skyline Route traverses primarily caribou habitat, so there could be impacts associated with this route if the caribou season is reopened. But the Skyline Drive road continues well beyond the cut off to Glen Creek for a significant ways providing access to good caribou habitat in the Caribou Creek and Glacier Creek drainages. The importance of the upper Moose Creek drainage to subsistence users has increased even further as a result of the temporary firearms discharge closure during the first half of the moose hunting season in the more developed area of Kantishna. Upper Moose Creek drainage provides very good moose habitat with reasonable access via the old mining road for subsistence users.

Florence said she preferred an airfield alternative if improved access has to be allowed fulfilling the park's obligation. This alternative would have fewer impacts on natural resources, wilderness areas, and subsistence uses. It would also reduce potential conflicts between subsistence users and recreational users. Hollis said that moose, caribou and fisheries resources, and subsistence users would be less affected by use of an airfield than by a land access route. Paul asked who would permit bringing in heavy equipment for airfield construction and maintenance? Steve Martin said the park would permit transportation of it. Jeralyn asked if the Moose Creek access routes could be banned if an airfield is built? Steve Martin said that the selected alternative has to be somewhat feasible, and the applicant says air access only would not be feasible for his planned operations.

Dan thought that the North Bench Route would be the best ground alternative as opposed to the Skyline Drive Route. The hilltop route much would be much more difficult to maintain and travel. Dan said there are a number of private land holdings on the Skyline route which the road travels through. Vern asked if there are other private properties on the other routes? Steve Martin said there are some on Rainy Creek, a short distance from the Moose Creek routes.

Bill Perhatch said that development of the North Bench Route for the first 8-10 miles to Spruce Creek from the west would make it easier for justifying and building the proposed north access road from Healy to Kantishna. Bill suggested that if Spruce Four only has airstrip access it will be difficult to market trips through the park on the Denali Park Road and therefore might want a longer season.

Terry asked about current subsistence use in the Kantishna Hills. Hollis stated that past use of the Kantishna area was primarily by the 16 families with subsistence use permits from the McKinley Village and Healy areas. The State's negative C&T determinations in the late 80's impacted those users for a number of years, preventing their continued use of the Kantishna area. Many of those issues are finally being resolved and use is increasing. In the past several years some residents from Cantwell have begun to utilize the Kantishna Hills. Over the last four years the number of subsistence users have varied between 1 to 6 people per year.

**MOTION:** By Jeralyn and seconded by Vern, that the Commission requests the Park Service purchase this property, on a willing seller-willing buyer basis, to prevent new development that the Commission believes will have an adverse impact on subsistence resources and uses in the park. Vote 7 members in favor and one abstention.

VII. Old Business

(a) Wrangell-St. Elias SRC Hunting Proposals:

The Wrangell-St. Elias SRC Hunting Plan recommendation 97-01 to establish a one-year residency requirement before being eligible for subsistence uses in Wrangell-St. Elias National Park was reviewed. The Denali SRC discussed this proposal at the August 28th Commission meeting but did not express a formal opinion on it then.

The Denali Commission came to the opinion that if this Hunting Plan recommendation is passed, it should be specific to Wrangell-St. Elias National Park and not be applicable to other park areas unless supported by their respective SRC's. The Commission also has concerns for former residents and individuals who have had traditional use of Wrangell-St. Elias park who have moved away for various...
The Wrangell-St. Elias SRC requests for comments on waterfowl harvests on park lands was discussed.

Wrangell-St. Elias wants to authorize subsistence egg gathering and migratory waterfowl hunting on park lands. ANILCA Title VIII subsistence section does not include the use of migratory waterfowl. Migratory waterfowl may be taken under State regulations in accordance with the International Migratory Bird Treaty Act. These regulations apply on National Preserve lands but not on National Park and Monument lands where the only authorized taking is under Title VIII subsistence. The Denali Commission discussed if there was a need for, or a traditional use, of taking waterfowl from ANILCA park land in the Denali area.

MOTION: To send a letter to the Wrangell-St. Elias SRC stating that the Denali Commission does not have a particular concern with migratory waterfowl hunting or egg collection on Denali park lands, the Commission does support efforts by the Wrangell-St. Elias SRC to ensure that traditional hunting and harvesting practices are protected. Motion by Jeralyn, seconded by Vern, motion passed unanimously.

(b) Final draft Subsistence User Guide:

Hollis thanked the Commission for the comments on the draft Denali Subsistence User Guide. It is now ready for a final review by Denali Park staff, after which it will be printed and mailed out to our local rural subsistence users.

(c) Regional Advisory Council Application Period:

Hollis stated that the Federal Subsistence Board is accepting applications through March 26, 1999 for appointments to the Federal Regional Advisory Councils. The regional councils are a crucial link between subsistence users and the Federal Subsistence Board as their recommendations carry a great deal of weight in decisions before the Board. We are very fortunate to have three Denali SRC members, Ray Collins and Gilbert Dementi serving on the Western Interior and Southcentral Regional Advisory Councils. They have done a tremendous job in working forward the concerns and issues for the Denali area to their respective Councils. We do not have a critical link to the Eastern Interior Regional Advisory Council. If you know of any Denali area individuals residing within the Eastern Interior region who may be interested in serving, please forward their name.

Hollis mentioned that Gilbert Dementi's term with the Southcentral Regional Advisory Council will expire in 1999. He has applied to serve again, would the Commission be interested in writing a letter of support?

MOTION: That the Commission send a letter of support for the reappointment of Gilbert Dementi to the Southcentral Regional Advisory Council. Moved by Jeralyn, seconded by Dan, motion passed unanimously.

Ray commented that his term will expire in 1999 also and he is considering reapplying for the Western Interior Regional Advisory Council.

MOTION: That the Commission send a letter of support for the reappointment of Ray Collins to the Western Interior Regional Advisory Council. Moved by Jeralyn, seconded by Vern, motion passed unanimously.

(d) Draft Subsistence Management Plan

Hollis recommended that the next SRC meeting we devote the entire agenda for discussing and working on the Subsistence Management Plan. Park staff have made numerous revisions since distributing the first draft version adding the comments and recommendations from the review of the NPS issue paper. We have added the Denali SRC comments as well as the current NPS position on issues. He wants the Commission to make a through review of the draft Plan documenting and clarifying things that are unique to Denali.

Vern stated that even within Denali there are unique differences between geographic regions such as Cantwell's traditions and practices and those that are employed in the lake Minchumina area. Hollis said it will be important to recognize, document and develop those traditional differences in this planning process. A good example would be the importance and dependence of trapping, cabins, trails and shelters that are unique the northern regions of the park and preserve. I don't believe other park's subsistence management plans go into that level of detail, but it will be important for Denali's Plan to incorporate as much "local traditional knowledge" as possible. As NPS employees and staff will change over time, it becomes ever more important to have a well establish record of traditions, practices and policies to educate and guide future management.

Hollis discussed the new sections in the most recent version of the plan; a new introduction section, and several new Appendices listing significant Environmental Assessments, section 810 subsistence impact evaluations, regulatory proposal analyses, etc. He suggest just listing these documents in the appendices since they are too voluminous to include in the draft plan, with the actual document being kept on file in the Denali National Park library at Park Headquarters. There is a great deal of subsistence related data included in this documentation. Ray asked what maps will be in the map section (Appendix F)? Hollis said land use and status maps, regional council area maps, fisheries management maps, special use closures such as the Kantishna firearms closure area map, etc.

Hollis informed the Commission that the NPS has recently formed a Subsistence Advisory Council composed of field subsistence managers and regional office staff to work on subsistence issues and make recommendations to the Alaska Superintendents and Regional Director.

VIII. Public and Other Agency Comments:

Stan Leaphart said he thought the draft Denali Subsistence Management Plan is an excellent start and will be important in the management of subsistence at Denali. Vern asked if the legislature talking about subsistence? Stan said not much right now since they are preoccupied in dealing with this year's budget. Terry said the legislature is also waiting on the legislature lawsuit challenging the validity of ANILCA.
Ray said the talk is mostly about the budget, with some talk about a special session later this summer. Terry stated that fisheries management is quite different from wildlife management and questioned if the Federal Government is ready to assume management. He doesn't know what the State will do next.

Bill Perhatch asked about holding the next meeting at Kantishna. Hollis stated that housing and conference room space might be a problem during the main summer season.

IX. Time and Place of Next SRC Meeting

The Commission recommended the next SRC meeting be held on August 6th. Ray Collins suggested that we consider Kantishna for a summer meeting place if logistics and scheduling can be worked out.

X. Adjournment

Motion: Vernon moved and Steve Eluska seconded a motion to adjourn. Meeting was adjourned at 5:10 P.M.
I. Call to Order by Chair
The meeting was called to order at the North Star Inn, Conference Room, Healy, Alaska at 9:05 AM by Vice Chairman, Ray Collins.

II. Roll Call and Confirmation of a Quorum
SRC attendance: Vern Carlson, Dan Ashbrook, Ray Collins, Paul Starr, and Percy Duyck.
NPS: DENA: Linda Buswell, Deputy Superintendent; Hollis Twitchell, Jerry Belant, Midori Raymore.
YUGA: Steve Ulvi
ARO: Clarence Summers, Alaska Regional Office
ADF&G: Terry Haynes, Alaska Department of Fish and Game
Stanley Leaphart, Citizen's Advisory Commission on Federal Areas
Others: Bill Perhatch, and Stu Pecheck

A quorum was present with five Subsistence Resource Commission members attending.

III. Superintendent's Introduction
Deputy Superintendent Linda Buswell welcomed SRC members and guests.

IV. Approval of Minutes from Last Meeting
Minutes of the August 29, 1997 meeting were reviewed and the minutes were adopted and approved unanimously.

V. Additions or Corrections to Agenda
R. Collins adjusted the New Business agenda to discuss natural and cultural resource studies as the first item for discussion. New items for the agenda included: the Wrangell St. Elias National Park and Preserve hunting plan proposal, SRC Secretarial appointments, and the Western Interior Regional Advisory Councils letter regarding trapping.

VI. New Business
A. Natural and Cultural Resources Studies

Natural Resources

Jerry Belant reported that the Denali caribou population has been holding at approximately 2000 for the last four years. Last year the caribou calf mortality was very high. The fall wolf estimate for 1997 was 104 wolves. This estimate was down from the 1996 fall estimate of 140 wolves. In 1997 there was higher wolf caused mortality by other wolves than in past years. Also observed in 1997 was high pup production and high young wolf dispersal. A Moose survey was conducted in mid-October of park and preserve lands north of the Alaska Range excluding the flat forested region west of the Kantishna Hills towards Lake Minchumina. The survey area's moose population was estimated to be approximately 1630 animals. Extrapolating the moose numbers to include the flat forested region, we would estimate the moose population for the north side of the Alaska Range to be approximately 1900. Overall, the moose population has been relatively constant for the last ten years.

R. Collins asked if the low wolf numbers were due to the low caribou population. Belant said that there is not solid answer at this time. R. Collins questioned Belant as to whether other food sources for wolves are being tracked. Belant responded by saying that the moose survey study, which begins in 1998, is seeking to have a better understanding of the wolf-moose interaction.

Twitchell asked if the wolves are shifting predation from caribou to moose. Belant responded by saying that the moose survey study, which begins in 1998, is seeking to have a better understanding of the wolf-moose interaction.

Twitchell asked if there was any information or trend results from the ADF&G moose survey of the Broad Pass area this past winter. Belant replied that no one in the State office has returned his calls regarding this.

Vern Carlson asked if there was a partnership between the State and the park. Belant responded affirmatively saying that there has been and it is continually being improved upon. Twitchell noted the cooperative sheep survey done in 1997 and several coordinated efforts for moose surveys in past years, particularly on the south side of the Range. Carlson emphasized the need for information sharing to avoid over-lapping/duplication efforts. Buswell said that the park is working closely with the State on many projects, planning efforts and studies, particularly on the southside. Funding and efforts are being dedicated for cooperative moose and bear studies in the
southern region of the Denali in 1998. R. Collins said that he would like to see sharing of wolf
data for hunted versus non-hunted wolves.

Cultural Resources

Twitchell discussed the following cultural programs which are underway or will be initiated this
year:
- Completion of the Southside Archeology survey for selected areas of Denali State Park
- Continuation of the Ethnographic Overview and Assessment study
- Initiation of a Cultural Themes of Denali study
- Updates on the Draft Subsistence Cabin study report
- Initiation of the Native Place Names mapping project
- Initiation of the Cultural Landscape report for the Denali park road
- The fall scoping meeting for conducting an Administrative History report for Denali

The southside archeology survey will focus on two areas in the Tokositna drainage during May
or early June before leaf out and green-up occurs. This is a cooperative study with the State
Office of History and Archeology.

The ethnographic overview and assessment will be conducted in cooperation with the State
Subsistence Division. The State will be the lead investigator for the overview and assessment,
and will contract with local Tribal Councils who are interested in conducting and writing their
own village or community histories. While the village or community histories will be prepared
as separate products, they will also be a component of overview and assessment. Lake
Minchumina's history will be prepared by Ann Kain and Jane Bryant since there is no Tribal
entity currently there.

Terry Haynes stated that the State will cooperate with the Tribal Councils who want to do their
own history. The language for the cooperative agreements is being drafted and will be sent out
to the Tribal Councils very soon. ADF&G will also provide technical assistance and hope to
have the village histories reports done by next summer.

R. Collins voiced concern that Lake Minchumina's native history will be lost since it is not a part
of the current community. Haynes and Twitchell stated that through the use of previous reports
and recent studies, that Minchumina's village history should be adequately addressed.
Consultation will be done with descendants and neighboring groups to ensure information on
settlement, utilization, movements, and relationships of Native peoples for this area is addressed.

Twichell introduced Ann Kain as the cultural resource specialist who will be working on studies
and cultural themes for Denali National Park and Preserve. Some of the themes she will touch
on are:

Native Culture and Subsistence
- Exploration
- Mountaineering
- Tourist
- Hunting and Trapping
- Mining
- Park Administration
- Transportation

Twitchell reported that a Native Place Name Mapping project will be conducted through a
cooperative agreement with the University of Alaska. Professor James Kari will be the lead
researcher for the mapping project. Information will be shared and exchanged with the Village
History researchers and Ethnographic Overview and Assessment researchers.

Darryl Johnson, the author of the subsistence cabin study, has put out a request for final
comments on the draft report.

The Cultural Landscape project will focus on the cultural resources and landscapes associated
with the park road from the entrance-headquarters area to the Kantishna area. The
Administrative History of the park area will begin in September of 1998 with a scoping meeting
for the project being planned. The main work will take place next year.

B. Review Federal Subsistence Proposals

Twitchell introduced proposals which could affect Denali subsistence users or resources:

Proposal #38 - Dan O'Connor's request for an individual C&T determination for the use
of moose on Denali park lands was reviewed. A staff analysis of the O'Connor family history of
hunting and use of resources was presented with a recommendation that his proposal be adopted.
Only comment had been received to date was by the ADF&G. Carlson sought that the amount of
effort and time needed for this is ridiculous. R. Collins noted that the State has changed some of
their wording and stand for individuals to community. Haynes said that the State supports #38
but it must be noted that the Federal government only has jurisdiction in park lands and this
proposal should reflect that.

Motion: by Carlson that the SRC should support #38, Ashbrook seconded the motion. The
motion passes by unanimous vote.

Proposals #30 and #31 - Summers stated the two proposals were combined for analysis
(black bear C&T determinations in Units 13 and 20(a) and 20(c)). Carlson stated that the
traditional order of preference for wildlife is moose, caribou, and then what is left depends on
what is available. Twitchell pointed out that McKinley Village would be excluded if the proposal stands without modification. R. Collins stated that it is important to go on record that there are people in McKinley Village who do have C&T for use of black bear in Unit 13.

Motion: Carlson made a motion that before action is taken on these proposals, the individuals with subsistence use permits for the park who live along the Parks Highway between milepost 216-309 should also be recognized as having C&T use, as well as Cantwell, for both proposals. Percy Duyck seconded the motion. Motion passed by unanimous vote.

There was further discussion about whether it was necessary to make a C&T determination for bear at this time, or whether it would be better to take no action on #30 and #31.

Amended Motion: Carlson moved to Defer action on proposals #30 and #31. Recommending that the Federal Subsistence Board make no C&T finding for black bear in Unit 13, since there is no biological or subsistence need to do so at this time. However, if the Federal Subsistence Board decides to make a finding, the Denali Subsistence Commission recommends that Cantwell residents should have a C&T determination for use of black bear. In addition, that individuals living within the Parks Highway area from milepost 216-309 with subsistence use permits for Denali National Park should also have a C&T determination for use of black bear on park lands in Unit 13. Duyck seconds motion: Passed by unanimous vote.

Break: Meeting Resumed at 11:20am

Proposals #32 and #33 - to establish a brown bear C&T analysis was presented by Summers. Carlson asked the park’s position regarding subsistence use of brown bear in Unit 13. Twitchell replied that the park does not have a position yet on traditional brown bear use in Unit 13, there is insufficient information presented to make a determination at this time. The proposal was defined and read. Carlson said that there seemed to be mixed messages from the State. Discussion ensued.

Motion: Carlson made a motion to support #32 as written, Ashbrook seconded motion: Passed by unanimous vote.

Proposals #36 - to lengthen the winter portion of the Nenana caribou season in Unit 13 to October 21-March 31 was presented by Summers. Carlson stated his position was neutral.

Motion: Carlson made a motion to support #36 as written. Duyck seconded the motion: Passed by unanimous vote.

Lunch Break: Meeting Called to order again at 1:00pm.

Proposals #64-65 - to establish a C&T determination for black bear in Wildlife Unit 19 was presented by Summers. After discussion, Carlson made a recommendation to defer action on proposals #64 and #65, and leave it as is, open to all rural residents. There is no biological reason for restricting use at this time.

Motion: Carlson made a motion to defer action on proposals #64 and #65 since there is not a reason at this time to restrict black bear use by making a C&T determination. Ashbrook seconded the motion: Passed by unanimous vote.

Proposal #68, #76, and #82 were presented and discussed. The commission’s position on these proposals was neutral and no action as taken.

Proposal #68 - Neutral, no motions presented
Proposal #76 - Neutral, no motions presented
Proposal #82 - Neutral, no motions presented

Proposal #102 - to establish a C&T use determination for use of caribou in wildlife unit 20 was presented by Summers. After discussion motion made to support with addition of Lake Minchumina for use of caribou in Unit 20C.

Motion: Carlson made a motioned to support proposal #102 with the inclusion of Lake Minchumina as a C&T community for use of caribou in Unit 20(C). Paul Starr seconded the motion: Passed by unanimous vote.

C. Individuals C&T determination Process

Twitchell gave an update of the status of Dan O’Connor’s request for an individual C&T determination for use of moose on park lands. Proposal #38 will be presented to the Federal Regional Advisory Councils for review and comment during their upcoming winter meetings in February and March. The Regional Council recommendations will then be presented to the Federal Subsistence Board for action during their meeting scheduled for May.

D. Agency Reports

Haynes said that ADF&G wildlife biologist, Bruce Dale, is preparing a status report for Unit 20(C) for moose and caribou. He can be reached at 459-7233 (Fairbanks). Haynes also relayed that there is a Board of Game Proposal Book is out for review and comments with the State Board of Game meeting March 21-30. Proposals #1, 10, 50, 84 and 122 may be of interest for the Commission.
Haynes reviewed the Governor's Commission appointments to Denali Subsistence Resource Commission. He stated that Jerelyn Hath has been reappointed to the Commission through year 2000, though this is by verbal word alone, written confirmation will be following. And Dan Ashbrook's nomination for re-appointment has been sent out.

E. Wrangell St. Elias SRC Hunting Plan Proposal

The Wrangell St. Elias SRC Hunting Plan Proposal recommends that a minimum residency requirement of one year be established for individuals in resident zone communities. The residency requirement would have to be met prior to gaining eligibility to hunt in the park. The Wrangell's letter was read and the request for comments by March 24th, 1998, to the Chair of the Wrangell's SRC was noted. There were no formal comments or motions from Denali SRC members.

F. Secretarial Appointments

Secretarial appointments to Denali's Subsistence Resource Commission for Florence Collins, Ray Collins, and Percy Duyck are up for renewal in February, 1998. Ray Collins and Percy Duyck stated that they would like to continue to serve one more term. Twitchell stated that Florence Collins had also stated she would like to continue to serve.

G. Federal Subsistence Program updates

Twitchell provided updates on the recent Federal Subsistence Board actions, and upcoming dates and locations for the winter Regional Advisory Council meetings. In compliance with the order from the 9th Circuit Court of Appeals, the Federal Subsistence Board is preparing to expand its management of subsistence fisheries in Alaska. It has published proposed regulations, which will be available for public review and comment through April 20, 1998. Congress has delayed expansion of Federal fishery management until after December 1, 1998, in order to allow more time for the Governor and the Alaska Legislature to consider changes to resolve the impasse.

A letter dated January 21, 1998, from the Western Interior Regional Advisory Council to the NPS Regional Director was reviewed expressing concern about conflicts between NPS regulations and general Federal Subsistence Program Regulations regarding use of firearms for taking free roaming furbearers under a trapping license, and limits regarding customary trade on Park Service lands. The Regional Director has not had time to respond.

A letter from Vince Mathews, Regional Coordinator for the Western Interior Regional Council, to the Western Interior Regional Council members was reviewed regarding the Regional Council's position on a 1995 proposal to establish a public safety subsistence hunting closure along the Kantishna Road in the developed area of Kantishna. The letter was for clarification of the Regional Council's position regarding the proposal. Carlson noted that the letter referred to the closure as a "no subsistence hunting closure" when in fact the action is really a public safety closure restricting the discharge of firearms. In reality, other subsistence taking methods or means are not prohibited.

Letters from both the Western Interior and Eastern Interior Regional Advisory Councils extending support and gratitude to Denali Subsistence Resource Commissions for working hard to protect subsistence uses and resource within the park were reviewed. Ways to continue open dialog and communication between the Council and the Commission were suggested.

VII. Old Business

A. Draft Subsistence Management Plan

Twitchell stated that the thick notebook identified as the Draft Denali Subsistence Management Plan is really as complete of a administrative record as we could compile. It provides a back ground of all actions the NPS and the Subsistence Resource Commission has taken since ANILCA and establishment of the Denali's Subsistence Resource Commission. This administrative notebook could be used as a starting point for developing a Denali Subsistence Management Plan.

Carlson said the Draft notebook was good for Commission and staff members who need to have a full record for review and planning purposes. It has already helped him review past SRC actions and motions such as the Kantishna Firearms Discharge Closure language. Vern thought it was too thick and cumbersome for most subsistence users to use. R. Collins said that if a person is looking for a hunting plan or guide, this book was too thick and complicated to use. Ray Collins wanted to know if the proposals and other changes could be taken out to make a book more readable for the lay person? Discussion of a park hunting plan and issues which should be a part of it were discussed.

Break - back by 2:15 pm

After further discussion, Commission members focused on three recommendations regarding developing subsistence management plan materials:

1. Members liked the thick Draft Subsistence Management Plan notebook and think it is good working administrative manual. This working administrative manual should be kept up to date with current records and materials. If necessary, some elements could be taken out to save space or make the manual more usable.
2. Members recommended developing a Subsistence User Guide for actual hunters or users with out all the administrative detail. For these people, the User Guide, should be specific and provide detailed information and guidelines regarding subsistence at Denali. It should be written in simple straight forward manner so that users could understand what they can do, what they can't do, and where they can do it.

3. Members also recommended that their official Subsistence Hunting Program Recommendations should be organized in a separate location as a component to the plan. It could be located as an appendix to Draft Subsistence Management Plan.

Ray Collins suggested adding a list of former SRC members and where past meetings have been held to the Plan.

Twitchell asked if the Commission wanted to have another meeting or work session to begin developing the Subsistence Management Plan and the User Guide. Commission members requested that park staff begin organizing the materials into these products and prepare drafts for their review at the next SRC meeting. Twitchell stated that park staff will prepare the initial drafts for review.

B. ATV Access

Twitchell stated that the park as not made a final decision on whether subsistence ATV use in the Cantwell area is considered a traditional use. Subsistence ATV routes are being considered on a portion of the Windy Creek trail and the old road bed leading from Cantwell towards the Broad Pass airstrip. Uses and impacts are being evaluated and a environmental assessment is being prepared. The open and random ATV use is still not authorized. ATV use is allow on the Dunkle Hills road since it is a road easement, ATV travel off of this road is not allowed.

Carlson asked about snowmobile use in the old McKinley Park and along the park road to Kantishna. Buswell said that snowmachines use, with adequate snow cover, is allowed in the ANILCA park and preserve additions. Kantishna can be accessed by snowmachines through the Stampede area. Motorized vehicles have not been allowed off of the park road traversing the old Mt. McKinley National Park, which is the wilderness area of the park, since the park was established in 1917. This has been the traditional policy and viewpoint of park management since establishment. There is a new regulation package which clarifies that there are no motorized vehicles allowed in the wilderness portion of park beyond what is currently allowed along the park road. This will formally establish in regulations what has been in the past the official park policy.

C. Harvest Reports

Twitchell presented harvest report information for the Federal Subsistence Registration Permit hunts in Unit 13 for moose and caribou from 1991 to 1997. R. Collins suggested that wildlife reports and harvest report information be included in the Subsistence Management Plan.

VIII. Public and Other Agency Comments

None presented

XI. Time and Place of Next SRC Meeting

Duyck said that June to August is fine for him. Carlson said July or August up until the 5th or 8th. Ashbrook said August was fine for him. R. Collins said some time before fall moose hunting season in September would be all right. Meeting is tentatively set for some time in the first week of August.

X. Adjournment

Motion: Carlson moves to adjourn: Starr seconded motion. Passed by unanimous vote. Meeting adjourned at 4:30pm.
August 28, 1998
Summary Minutes  
DENALI SUBSISTENCE RESOURCE COMMISSION  
Meeting, August 28, 1998

I. Call to Order by Chair

The meeting was called to order at the Cantwell Community Center, Cantwell, Alaska at 9:15 AM by Florence Collins, Chair.

II. Roll Call and Confirmation of a Quorum


NPS DENA: Steve Martin, Superintendent; Hollis Twitchell, Andrea Hansen, Midori Raymore and Ken Stalhnecker.

ARO: Janis Meldrum, Alaska Regional Office.

ADF&G: Terry Haynes, Alaska Department of Fish and Game.

Others: Stanley Leaphart, Citizen’s Advisory Commission on Federal Areas.

A quorum was present with seven Subsistence Resource Commission members attending.

III. Superintendent’s Introduction

Superintendent Steve Martin welcomed SRC members and guests. Steve Martin acknowledged appreciation to Commission member Ray Collins for writing and submitting an article on the Athabaskan Legacy to the Denali Dispatch and Denali Alpenglow newsletters.

IV. Approval of Minutes from Last Meeting

Ray Collins moved to adopt the draft minutes of the February 13, 1998 meeting. The minutes were adopted, reviewed and were approved by a unanimous vote.

V. Additions or Corrections to Agenda

The Wrangell Saint Elias SRC Hunting Plan Proposal 97-01 which would require a one-year residency within a Resident Zone community before becoming an eligible subsistence user for the park was added to the agenda under Old Business, Item 8.c.

VI. Election of Officers

MOTION: Jeralyn Hath moved that the current SRC officers be retained, Florence Collins as Chair and Ray Collins as Vice Chair. Dan Ashbrook seconds the motion. Motion passed by unanimous vote.

VII. New Business

a. Federal Subsistence Program Updates.

Federal Subsistence Board matters

Janis Meldrum handed out a list of last years regulatory proposals submitted to the Federal Subsistence Board (FSB) which could affect the Denali area. Proposals passed by the FSB will appear in the current federal regulation booklets for this season. She noted that proposals for the 1999-2000 regulatory cycle should be submitted to the FSB by October 23, 1998.

Vernon asked why there was no season listed for use of grizzly bears in Unit 13. Hollis stated that last years proposal was for review of the c&t use determination only. The proposal did not contain any season dates or harvest limits. Someone will need to submit a proposal during this year’s regulatory cycle. Vernon said he would submit such a proposal.

Janis Meldrum stated that Dan O’Connor’s Proposal #38 requesting an individual C&T determination for use of moose from park lands in wildlife management units 13E and 20C was deferred by the FSB. The FSB has requested the Solicitor (government attorney) to do a legal review of the Federal Regulations regarding the authority for the Board to make individual C&T determinations on park lands. Proposal 38 will come back before the FSB after the Solicitor’s review.

Ray Collins said he is very disappointed by the lack of action regarding Dan O’Connor’s request. It sets a bad precedent to all councils. Ray said the Eastern and Western Interior Regional Advisory Councils supported Proposal 38 with the modification that individual names not be listed in the Federal Regulations. Rather than listing individual names, the Councils recommended that the FSB adopt a policy recognizing individuals with subsistence use permits issued by the NPS as being authorized to utilize subsistence wildlife species on park lands since...
they have already documented their customary and traditional use of wildlife species in order to receive the NPS subsistence use permits.

Hollis stated that the Southcentral Regional Advisory Council also adopted and supported proposal 38 as modified by the Eastern and Western Interior Regional Councils. All councils associated with the Denali area have supported this action.

Jeralyn expressed the concerned that our community or area c&t use determinations could be changed in the future as more and more people keep moving in resulting in loss of use determination. Should that happen, then individuals who have had past c&t use should be allowed to continue their traditional use under an individual authorization. Or as in the case of O'Connor, a subsistence user who has an established customary and traditional use in one area or community and then moves to another area, which does not, should be able to receive an individual authorization to continue their traditional use.

Ray stated we need to express our concern to the Secretary of the Interior as well as the FSB. ANILCA says the opportunity to engage in subsistence use is to be protected, deferring this matter so long is very hard on the family, and in the case of the O'Connor’s the young members are being denied the chance to learn techniques, practices and traditions from their elders.

MOTION: Vernon moved and Percy seconded a motion that the Commission should write the Secretary of the Interior and the Federal Subsistence Board that the SRC disapproves of the Board’s deferral and does not believe a legal review is necessary. The federal regulation authorizing this determination has been on the books for many years. The Commission requests that this legal review be expedited. This delay has a direct impact upon subsistence users who are being excluded from use and are being prevented from passing their knowledge on to the next generation. The motion was unanimously approved. The Commission decided to send a letter to Dan O'Connor expressing their continued support for his request.

Customary and Traditional Use Determination Process under Review

Janis distributed a request by the Regional Advisory Council’s and the C&T Determination Working Group for input and comments on the customary and traditional use determination process. The Regional Advisory Councils need this input by their fall meetings. The SRC reviewed the various options presented by the C&T Working Group and made the following comments.

Ray stated that the third option would put undue pressure on surrounding areas and he felt councils should make or have a greater say in reaching decisions on c&t use determinations. Gil agreed with Ray’s position.

Jeralyn said local people dependent upon the resource should have priority over other more distant users. It was noted that ANILCA 804 allocates resources among eligible people. Ray commented that the wildlife management units are for managing game, not for managing people, and that the council option is the most flexible. It was also noted again that it is important that local people get priority.

Jeralyn, Ray and Vernon worked on a response to the Regional Council’s C&T request. After review and discussion the Commission passed a motion of support for the Modified Factors Option.

MOTION: By Vernon and seconded by Dan to support the Modified Factor Option on page 3 of the request with the following changes to the listed five factors:

1. drop the words “wide diversity” from this sentence so that it will read “...reliance upon fish and wildlife resources;”
2. add the words “proximity to resources” to this sentence so that it will read “...influenced by local characteristics and proximity to resources reasonably accessible from the community or area;”
3. add a sixth factor stating: “Local traditional knowledge from residents, Commissions and Council members representing the community or area should have a significant influence in making C&T use determinations. The motion passed unanimously.

In response to the Work Group’s question about C&T determinations protecting or unnecessarily restricting subsistence users, Vernon moved and Dan seconded the following motion:

MOTION: “Customary and traditional use determinations can provide protection to local rural subsistence users as directed by ANILCA, but where inappropriately applied can drastically and unnecessarily restrict legitimate subsistence use of resources as was the case with the McKinley Village-Parks Highway C&T determinations which took a decade to correct. The Commission recommends that the Federal Subsistence Board should make no C&T determinations unless one is necessary to protect the resource.” The motion passed unanimously.


Steve Martin said that use of the $1.5 million in the Transportation Appropriation bill for north access in Denali was “clarified” by Senator Murkowski, indicating that he meant the money to be used for a north access study. The funds amount to $250,000 per year, if the state will match the federal funds at the 20-80% level. A northern access feasibility study is outlined as having a 6-8 year planning stage. The results of this line item appropriation are still unclear. NPS continues to oppose a new northern access road as mentioned in the General Management Plan. Changing
the GMP is an involved process and will need to have extensive public input. Nothing in the
appropriation bill waives the required planning and NEPA process. Currently the State does not
consider this a high priority and no real route has been selected yet. An Environmental Impact
Statement would need to be prepared for a major project such as a new northern access route
which would likely cost several million dollars to complete.

c. Spruce Four access EIS.

Steve stated that the Spruce Four access request involves a 20 acre patented mining claim purchased
by Jeff Barney and a partner located on Spruce Creek, a tributary to Moose Creek in the
Kantishna Hills. This request has no connection with the North Access Route Study proposed by
Senator Murskowski. Mr. Barney wants to build 15-30 cabins and a lodge for recreational
visitors on the Spruce Four property and is requesting improved access to the site from the Park
Road in Kantishna. Currently a primitive mining road exists up Moose Creek to the former
mining site. The owner must pay for any construction and access to Spruce Four. There are four
different access routes being considered. One upgrading the old mining road paralleling
and frequently traveling through Moose Creek up the valley to the property. A second alternative
route would parallel Moose Creek along the south and north benches requiring construction of a
new road for the northern bench portion of the route. This would limit the number of in river
crossing to ones. A third route would utilize the existing Skyline Drive Road along the top of the
Kantishna Hills with construction of a descending road from Skyline Drive to the Spruce Creek
drainage. A fourth alternative would be the development and improving of the existing airstrip
located at the confluence of Glenn Creek and Moose Creek to allow use of larger single engine
planes and construction of a shorter connecting road between the airstrip and the Spruce Creek
property.

Hollis stated that the effect of Spruce Four development and access on subsistence is uncertain. An EIS
is being prepared to evaluate potential impacts to resources and users. The Kantishna Hills, and
particularly the Moose Creek drainage, have been utilized primarily by McKinley Village
subsistence users and more recently by some Cantwell subsistence users. The amount of
subsistence use in the Kantishna Hills has declined in recent years with approximately 1 to 6
people per year utilizing Moose Creek drainage. Moose resources are the primary species being
harvested since the caribou season has been closed for a number of years. Past users indicated
they also have hunted bear and ptarmigan, trapped a variety of furbearers, and have utilized the
fishery resources as well.

d. Cultural and Wildlife studies updates.

Wildlife updates:

Ken Stalhneckner said that the late-winter tentative wolf population estimate, generated through a
series of counts conducted in March 1998, indicates 83 wolves in the entire park and preserve.
This is down from the March 1997 estimate of 102 wolves and similar to the March 1995
estimate of 85 wolves. We have been expecting such a decline with the known reduction in
caribou numbers and the return to below normal winter snowfall in the last 3 winters.
Everything we are currently witnessing fits the expected pattern of a decrease in the wolf
population resulting from declines in the abundance and vulnerability of prey, including lower
pup production, decreases in pack size, and radioed wolves dispersing or being killed by other
wolves and dying of starvation.

Over the 13 years of study (May 1986-April 1997), 17 radioed wolves have been harvested in our
study area for an average annual harvest rate of 5.9%. However, 7 of those have occurred to
wolves living primarily outside of the park or preserve boundaries. If we stick with wolves that
live primarily within the park or preserve, our average annual harvest is 3.5%. Losses to the wolf
population from natural mortality and dispersal average 38% annually. Therefore, harvest is a
minor influence on the population dynamics of wolves in Denali, relative to other losses from the
population.

Ken stated that in March, 38 adult female moose and 8 ten-month-old moose were captured and
radioed. Calf production was monitored through May and movements will be monitored year around in an attempt to better understand their role in the Denali predator-prey system and
to better refine moose population census methods.

A three year research study was initiated in spring of 1998 to identify resource selection and
habitat use patterns of bears on the south slope of the Alaska Range to prepare for
implementation of the South Slope Development Concept Plan. Denali National Park and the
Alaska Department of Fish and Game biologists teamed up to capture a total of 10 grizzly bears
and 10 black bears. Radio tracking flights were conducted throughout the summer. Data will be
used to develop a model of current bear use areas which will be used to predict potential impacts
from proposed development, allowing managers to minimize these impacts.

Cultural Updates:

Hollis stated that Denali and the State of Alaska Subsistence Division have entered into a
Cooperative Agreement to conduct an Ethnographic Overview and Assessment for Denali. A
component to the Ethnographic Study will be the preparation of cultural histories for the villages of
Cantwell, Nikolai, Telida, Tanana and Lake Minchumina. These villages will be preparing
their own community histories, or hiring people of their own choice to prepare them. Ray
Collins will be preparing Nikolai’s and Telida’s, Brenda Rebne will be preparing Cantwell’s,
Karla Bonnie will be preparing Tanana’s, and Jane Bryant and Ann Kain will be preparing Lake
Minchumina’s.
Linguist professor, James Kari, has been researching and interviewing Native elders to further document and record Native place names information for the five Native groups associated with the Denali area. He will begin preparation of a Native Place Names Map this winter.

Ann Kain continues to work on developing the cultural themes and National Register Nominations for the Denali area. She is also coordinating research which will lead to the preparation a Cultural Landscape Report for the Park Road and Headquarters area. The park is holding a scoping meeting next month to begin an Administration History project. The report on the Subsistence Cabin Study will be finished this fall.

Andrea Hansen reported that a draft Environmental Assessment is being prepared regarding subsistence use of ATVs for the Cantwell area. Several routes are being considered as having traditionally been used and impacts to park resource are being considered. Routes where this use can occur without further impacts to resources are being evaluated.

VIII. Old Business


Hollis presented the Draft Subsistence Users' Guide which the SRC had requested during their last meeting. The Commission wanted an easily understood "reference guide" for subsistence users to help them understand federal and NPS subsistence regulations, management programs, and general information on use of the park and preserve. It is intended for use by subsistence users but will be available for others as well. Hollis requested comments on the Users Guide from Commission members within 6 months.

The Commission members liked it. Ray stated we need something like this to explain subsistence use to the general public as well. The perception is that there is no hunting or trapping use allowed in the parks.

Janis said Wrangell-St. Elias also has a large version of their Subsistence Management Plan as an administrative book with copies of commission actions, letters, etc., like Denali’s SMP. Hollis will distribute updated pages for the SMP at each Commission meeting to keep the plan current. He will try to keep these administrative manuals as current and complete a record information as possible.

A smaller public version of the Subsistence Management Plan will be put together for distribution to the public for review and comment. The public review version will have all the major components and actions from the plan but not correspondence and similar background data. Florence commented that an index would be very useful. People wanted a list of previous commission members and this will be added to the "administrative notebook".

b. Status Report, Kantishna Firearms Discharge Closure

Hollis stated there has been no change in the Kantishna firearms discharge closure. The dates for the temporary closure are from Sept. 1-15 and are based upon concerns for public safety.

c. Wrangell Saint Elias SRC Hunting Plan Proposal, Resident Zone Residency

Hollis stated that the Wrangell-St. Elias SRC hunting plan proposal to establish a one year residency for people moving into one of their resident zones before they are eligible for subsistence uses in the park is still open for comments.

IX. Public and Other Agency Comments

Alaska Wildlife Alliance concerns:

Paul Joslin of Alaska Wildlife Alliance presented a recommendation that the East Fork Toklat wolf pack should receive special and complete protection from all human harvest on the basis that the pack has a long history of being studied (60+ years) and has a great visitor and research value. He expressed concerns saying the pack went from 12 to 2 (plus 4 pups) this past year. He said this pack is important for genetic and research purposes, and that no other wolf pack in the U.S. has complete protection from human interference, this may be one of the best opportunities to provide that. He asked that the subsistence opportunity for taking of wolves in this northeastern region of the park be closed.

Ken stated that the Toklat packs decline was due to dispersal of wolves to other packs, one wolf was trapped, and the others died of natural causes. He said that scientific studies have shown that there is a great deal of genetic variation within wolf packs in Denali and in Alaska in general. This has been documented in the high rate of dispersal out of wolf packs (38%) and specifically last year’s dispersal of several the East Fork Toklat wolves to other adjacent wolf packs in the park. Wolves in Denali have been moving in and out of wolf packs over many years.

Jeralyn said she has often seen these wolves over many years while driving busses in the park and agrees with Ken’s observations about wolf populations and trends. Other Commission members stated they felt the present protection was adequate. No action was taken on Joslin’s recommendation.

Vernon stated that any additional protection for wildlife population including wolves should be provided by action through the federal regulation proposal process and subsequent action by the FSB.
State comments:

Terry said he has no new data on caribou or moose for this area. ADF&G Biologist Bruce Dale says moose populations in wildlife unit 20C are low and there are no new noticeable trends. The wolf populations are in a declined through out the interior due to harsh winters in the early 90's, both here in the Denali area and elsewhere in the interior. The Board of Game passed action for Unit 20 removing the beaver limit. Board of Game took action restricting the use of airboats in Nenana area, but they can still be used in main channels.

Terry said the Board of Game found that the Denali Caribou Herd is not important for consumptive uses, and therefore, would not be open for intensive game management practices on State lands if the Denali herd is ever opened to consumptive uses in the future.

Terry said the State believes there is no need for the one-year residency requirement for the Wrangell Saint Elias subsistence resident zones since there is no evidence of an increase in population at the park. They view this as an unnecessary restriction.

Terry said that the State Subsistence Division, Denali National Park and the University Alaska Oral Histories Program put on a Village Cultural History Workshop earlier this summer for individuals preparing the Village Histories Reports for Cantwell, Telida, Nikolai, Tanana and Lake Minchumina.

Regarding the State's appointments to the Denali's SRC, Terry said that although Dan Ashbrook's term of appointment has expired, Dan continues to serve on the Commission until further notice.

X. Time and Place of Next SRC Meeting

The Commission recommended the next meeting be held in late February but prior to the winter Federal Regional Advisory Council meetings. Healy was recommended as the next meeting site.

Ray Collins suggested that we consider a future summer meeting be held in the community of Kantishna, if logistics and scheduling can be worked out.

XI. Adjournment

Motion: Vernon moved that the meeting be adjourned, Jeralyn second the motion. Motion passed by unanimous vote at 4:40 p.m.
August 29, 1997
Summary Minutes
DENALI SUBSISTENCE RESOURCE COMMISSION
Meeting, August 29, 1997

I. Call to order by Chair
The meeting was called to order at the Community Center building in McKinley Village at 9:12 A.M. by Chair Florence Collins.

II. Roll Call and confirmation of a quorum
SRC attendance: Florence Collins, Ray Collins, Percy Duyck, Steve Eluska, Dan Ashbrook, Paul Starr, Vernon Carlson and Jeralyn Hath
NPS DENA: Linda Buswell, Deputy Superintendent, Hollis Twitchell, Bob Cunningham, Ken Stahnke, Midori Raymore and Ann Kain. ARG: Don Callaway representing the Anchorage office
ADF&G Others Layne Adams, NBS, Jeff Keay, NBS, Darryl Johnson, WSU CPSU, Vince Mathews, FWS

A quorum was present with eight Subsistence Resource Commission members attending.

III. Superintendent's introduction
Deputy Superintendent Linda Buswell welcomed SRC members and guests.

IV. Approval of minutes from last meeting
Minutes of the March 28, 1996 meeting were reviewed, the minutes were adopted and approved unanimously.

V. Additions or corrections to Agenda
Florence Collins adjusted the meeting schedule moving Layne Adams presentation on caribou and wolf research to precede New Business. No other changes or corrections were made to the meeting agenda.

Dr. Layne Adams presented a brief report on the twelve year research effort involving the predator-prey dynamics of wolves and caribou. While original caribou counts based on Olas Murie's efforts were very high, current populations are much lower. A combination of weather conditions, forage availability, and predation accounts for the current caribou population levels. Information on wolf populations, dynamics and movements were presented. The tentative late winter 1997 wolf population estimate for the park and preserve was 102 wolves. This number has ranged from a low of 54 to a high of 135 during the twelve years of study.

VI. New Business
A. State Subsistence Proposal:
Terry Haynes, Alaska Department of Fish and Game, Subsistence Division, described the State of Alaska (Governor's Task Force) proposal for establishing a state subsistence priority and returning fish and game management to the state. The proposals would require amending both the state constitution and statutes would include: (1) amending the Alaska constitution to permit the Alaska Legislature to grant a subsistence priority to rural residents. (2) Simultaneously changing state fish and game statutes to grant a subsistence priority to rural residents. In addition, amend other state statutes to (a) improve the proxy hunting and fishing provisions, (b) provide educational hunting and fishing permits, (c) clarify the definitions of "customary trade" and "rural," (d) make clear that the subsistence priority is a reasonable opportunity to take, not a guarantee of taking, and (e) refine the subsistence management system, including adding a state Regional Subsistence Council system.

The state proposal is linked to, and conditional upon the passage of several ANILCA amendments as follows: (1) Definitions - a rural community or area would be defined as "a community or area substantially dependent on fish and game for nutritional and other subsistence uses." In addition, "customary trade" will be defined so that taking of fish and wildlife cannot become a commercial enterprise. And finally, the concept of "reasonable opportunity" will be defined to make clear that it is a reasonable opportunity to take, not a guarantee of taking, that the boards must consider when harvests have traditionally occurred. (2) Court Oversight - Section 807 will be amended to recognize that state agency actions can be declared invalid by court only if found to be "arbitrary, capricious, or an abuse of discretion." And to require the federal courts to give State board decisions the same deference that would be given a federal agency decision. (3) State Management - Sections 814 and 806, and the definition of "federal public lands" will be amended to make it clear that the state manages subsistence on all lands, waters, whether federal, state or private. The collective purpose of these amendments is to make it clear the Secretary has no management authority while the state is managing in compliance with ANILCA. (4) Congressional Seal of Approval, Noncompliance, and Neutrality on Indian Country - Section 805 will be amended to declare the state in compliance with Section 805(d) when it passes the constitutional amendment and statutory amendments, and to make future non-compliance a court determination. A new section will be added to declare that these ANILCA changes do not affect and cannot be used to argue Indian country and sovereignty issues.

Ray C. asked what will the effect be on the State Subsistence Division? Terry H responded it would probably have a greater role because more data would be needed. Vern C. asked how could decisions for federal assumption of subsistence fisheries will be put off if there is no time for a state constitutional change before the target date of federal take-over goes into effect? Terry H. said if the Governor and Legislature made it clear there would be a constitutional and statute changes allowing a rural priority, the process would probably be allowed to precede without imposing the Federal take-over. Vern C. stated the Legislature may not change things. Terry H responded that some legislators don't want a constitutional amendment, and if the Legislature says it won't change, the Federal take-over will go ahead. He emphasized that the public should express its opinion. Ray C. commented that the state's position on customary...
trade may be too restrictive, subsistence practices are changing, some people who live in town purchase fish strips, for instance, from villagers who prepare them, so villagers have an additional source of cash and town people have their traditional food. Paul S. stated that some local rural subsistence users may be both commercial fishermen and subsistence users, needing the income from commercial fishing one day and needing to harvest subsistence fish for personal use the next. Ray C. asked, if you are using wood, bark, etc. for handicrafts, when does it become commercial?

Motion: Dan A. moved and Vern C. seconded, that commission members will write their own opinions on the State’s draft proposal for subsistence management and send them to Chair, Florence Collins. She will prepare a cover letter stating the Denali Subsistence Resource Commission has reviewed the State’s Draft Package but is not formally expressing an opinion at this time since the proposal has not yet been finalized. Individual commission members’ opinions regarding the Governor’s Task Force proposal will be included with the SRC letter. The motion was passed unanimously. The Commission will formally submit a position regarding the State’s proposal during their next Subsistence Resource Commission meeting in February.

B. Federal Subsistence Program

Vince Mathews stated the Eastern Interior Regional Council will meet at Dot Lake on October 15 and 16th, and Western Interior Council will meet in McGrath, October 8th and 9th.

Last year’s Federal Subsistence Board proposal #31, proposed by Miki Collins of the Denali SRC, to change wolf hunting seasons to coincide with trapping seasons was denied; both Western and Eastern Regional Advisory Councils opposed it. Vince M. said whoever submits a proposal to the Board will get a letter identifying the proposal number and date received, after the Board has acted on the proposal, the submitter will receive another letter from the Board stating it’s decision for or against the proposal. Vince has started a newsletter for the Eastern and Western Regional Councils and will be distributing them.

Vince M. stated the Denali area has no representative on the Eastern Interior Regional Council. If anyone present knows of an appropriate candidate, please encourage them to apply during the nomination period or contact either Vince or Hollis. Denali SRC has good linkage with the Western Interior Regional Council through Ray Collins and Southcentral Council with Gilbert Dementi, but the SRC could benefit by having representation on the Eastern Interior Regional Council. The Eastern Interior Council would like their appointee to Denali SRC or report back or attend the Councils meeting to discuss Denali issues. The Eastern Interior Council has sent a letter to the Denali SRC and the National Park Service complimenting them for the contacts and coordination. The council wants to review relevant Park Service decisions and vice versa. Ray C. stated designees from regional councils sit at the FSB meetings and can help with our own regulations, so the SKCs should communicate with regional councils. Vince M. said people can contact him by using his toll free number 1-800-267-3997.

Vern C. asked how can a brown bear season be proposed to the Federal Subsistence Board? Vince M. replied the next FSB meeting is on October 24th, and Vern could submit a proposal to the Board requesting the brown bear season be established. Hollis said that in the 1980s, the State Board of Game made a customary and traditional use determination that brown bear were not used as a subsistence species in GMU-13. To establish a brown bear season in that area, the existing C&T determination will have to be reviewed and changed if appropriate by the Federal Subsistence Board. The steps would be for someone to submit a proposal to the FSB, an analysis regarding the proposal will be prepared using the eight customary and traditional use determination factors, and submitted for public and regional advisory council comment, then a decision will be made by the Federal Subsistence Board.

C. O’Connor Appeal for an Individual C&T Determination

Hollis said that Dan O’Connor’s request for an individual C&T determination for use of moose from park lands will be submitted as a proposal this year and will be reviewed by the Eastern and Southcentral Regional Advisory Councils this winter. The FSB will rule on the proposal this spring. Dan is not planning to hunt from park lands this fall but needs to have a decision before the fall 1998 season.

Ray C. stated that long term individual use should be protected. Hollis said that the Board may consider a policy which would recognize that the NPS eligibility process as satisfying the Board’s C&T determination process. If approved, the Board may delegate authority to the NPS to make individual C&T determinations for use of park lands by eligible NPS subsistence users.

D. Draft Denali Subsistence Management Plan

Hollis submitted a Draft Denali Subsistence Management Plan notebook to commission members to consider as a beginning point for further discussions. The notebook attempts to bring together in one document a discussion of significant subsistence issues, past agency actions, SRC actions, hunting plans recommendations, SRC meeting summary minutes, and other pertinent information regarding subsistence management at Denali. It is not, however, in its present form a plan for future action, but rather a guide as to where we have been since the passage of ANILCA.

The notebook is still being developed and will be modified in the future to keep it current with new information. As stated in Denali’s General Management Plan, the Park Service will develop in cooperation with all affected parties, a Subsistence Management Plan which will address the major topics related to subsistence management such as timber cutting, shelters and cabins, trapping, eligibility, access, acquisition of resource and user data, and resolution of user conflicts. The approved subsistence hunting program of the Subsistence Resource Commission will be a primary component of the subsistence management plan. Hollis asked the Commission members to review the draft notebook, it’s format and organization of material, content and topics, and bring comments and recommendations on how they would like to precede in developing Denali’s subsistence management plan to their next meeting. Vince M. asked who should receive Regional Council comments on it the draft plan? Hollis responded either Superintendent Steve Martin or myself.

VII. Old Business

A. Natural and Cultural Studies

Bear and Sheep Studies
Dr. Jeff Keay presented information on the bear population within his western study area of Denali National Park. Increasingly, the importance of nutrients and food source wealth, or failure, are playing significant roles in cub production and over all health of bears, and influencing their denning habits. Commission members were interested in the numbers and movement patterns of the bears both in the study area as well as overall park and preserve numbers and densities.

Ken Stahlnecker described the sheep population studied along the park road and a summary of his presentation was given to the commission members.

Subsistence Cabin Study

Dr. Darryll Johnson presented preliminary results of the Denali Subsistence Cabin Study in which many members of the subsistence community have participated. The importance of, and the relationship between use of tents and cabins in support of subsistence trapping activities was presented. Social norms and traditions associated with the use of traplines and structures in the northern region of the park and preserve were documented in the study, and the effects of regulatory impacts upon traditional practices and continuity of subsistence use activities were evaluated. Documentation of the customary and traditional use practices for the Denali area will assist in the management of subsistence structures and use activities.

Darryll J. said about 2000 pages of typewritten manuscript were obtained by Jim Rudd in interviewing 33 people. In Chapter 5, informal ownership can be traced to the beginning of trapping in the area (of Denali). Informal rules provide an orderly use of resources (furs) and its conservation. The documentation of this is the best ever done in the U.S. and SRC members should look at and critique the report. Chapter 6 is a synthesis of the interviews which are computer coded so one can retrieve comments on any one subject. The data is needed and relevant to the Park Service management decisions regarding cabin use helping to define such terms as "reasonable" and "necessary to accommodate" and "significant hardship" in terms of local traditional use and practice.

The chapter on tents vs. cabins showed that some people use tents, primarily for temporary occasions, but that most people in this region utilize cabins. Cabins provide: (1) a more reliable and more durable shelter; (2) greater efficiency and safety, if a person is hurt, cabins furnish good shelter, tents require more work, i.e.: wood supply, etc., to survive; (3) fire danger is greater in tents, and (4) accumulated stress and exhaustion is greater with tents leading to more and possibly dangerous mistakes. Regarding spacing, shelters should be conservatively spaced so one can walk to the nearest one, 8-16 miles apart, depending on the person and on whether or not children are involved. General operations are more efficient in a cabin than in a tent, equipment can be properly kept, better furs processing and storage, and supplies organized, and more efficient heating in severe weather. Hauling a tent from place to place requires more effort and maintenance and has economic costs since they need replacement more often. Yet tents provide an important and critical role in the traditional use of traplines, providing emergency shelter when needed, temporary shelter in less frequently use areas, or between cabins locations when snow or travel conditions prevent access to base line cabins.

Trapping for subsistence gives small returns, but for a low cash society it is very important, especially in winter when other jobs are scarce or non-existent. Paul S. asked how traditional use is determined and inquired about Roosevelt John’s cabin which has fallen into the McKinley River. Hollis said that request for reconstruction of subsistence use cabins are guided by park service regulations, which have specific requirements which the superintendent must consider before authorizing cabins to be constructed. Ray C. stated that trappers should be able to pass on traplines to people outside of their family, otherwise many lines will be abandoned. Hollis said that trapping and trapline management is an area where the SRC should give guidance on to the park service. The Draft Subsistence Management Plan should further develop these concepts.

Ethnographic Studies

Ann Kain presented information on the Denali Ethnographic Overview and Assessment and the cooperative efforts to encourage local tribal councils to prepare their own village or community histories. The purposes of the study project are to (1) familiarize park staff with historic and contemporary Athabaskan culture as related to Denali, (2) to educate park staff about the interrelationships, associations, interactions and cultural changes among the Athabaskan groups associated with Denali, (3) to provide community histories which are of interest to present and future village members, (4) and to create a collaborative process which stimulates consultation between the NPS and local native groups.

Hollis stated the objectives of the Overview and Assessment is to document all existing published and unpublished information on the Native cultures associated with the park region. Athabaskan groups known to have historical and/or contemporary associations with Denali park lands are the Athabascan, Dena'ina, Tanaina, and Upper Kuskokwim (Kokhan). The existing cultural history information will be organized and presented in a meaningful and understandable format for park managers, local users, and interested public. The report will evaluate the existing information and identify areas and topics which need further research or study. The report will be working cooperative with the State Subsistence Division, and numerous Native tribal councils on this project.

Village histories will be written for the communities of Cantwell, Lake Minchumina, Nenana, Nikolai, Tanana and Tekila. The Park Service and the Subsistence Division will work cooperatively with the village councils and whenever possible, and where village councils prefer, these village and band histories will be researched and written by village members or their designees. The village histories will provide information about each villages identity and historic territory as far back in time as chers and written records permit. The community histories will help to document the territories of each village, the history of the band, social organization, cultural behaviors and beliefs, folklore and oral history, and traditional subsistence use patterns. The document will discuss how band histories helped shape today’s village, and associations between villages, and how lifestyles have changed (or remained much the same) through time. The history will document and reflect upon special events and issues of importance to village members and the significance of the park area and resources to the village or community. The reports will be written from the perspective of what the community thinks is important for the NPS to know and understand about their culture, use of resources and relationship the park area. Historic photographs will be identified and, when possible, copied and used to illustrate the village history.

Terry H. said we should think of who should be contacted, especially people on village councils. Paul S. said many of our elders are gone, but people should go to the University of
Alaska archives since there are many good records and oral histories there. Vern C. said there are only two (elders) in Cantwell and one of them is 83 years old. Jeralyn H. said the University of Alaska archives have been used in the past and are a good source of information. Hollis said there is probably a lot of information, both published and unpublished, but in different locations which will need to be gathered and compiled in a useful way. Ray C. said lots of old people have gone so we may need an overview then people reading it can put in their family connections.

B. NPS Subsistence Issue Paper Report

Hollis said that after a lengthy review by interested public and advisory groups, the Park Service has responded to comments received on the “NPS Subsistence Management Program”. The intent of this review was to initiate a continuing dialog with all affected individuals and organizations through a review of law, regulations and legislative history and to identify and establish actions necessary to resolve subsistence management issues. Hollis briefed the Commission on changes being made after receiving public comments and on the realization that some complex and controversial topics will need further more complete review. As such, the report, or the process behind it, will be a continuing one, to resolve some of the complex and unanswered questions such as eligibility and access, or new issues and program emphasis as they come up.

Terry H. asked what is the standing of the NPS Subsistence Management Report? Hollis said the NPS responses to comments were provided to the SRC Chairs, the State, and other interested organizations on Monday, August 25th. To the extent possible, we have incorporated the input received into this document. Some administrative actions such as holding a annual SRC Chairs workshop and beginning work on Park Subsistence management plans are already being implemented. Other more complex issues such as eligibility and access will need further dialog and input which will be done with full participation by subsistence groups, advisory councils, the state of Alaska, and other interested individuals. The NPS recognizes the necessity for continued development and modification of the subsistence program based on review and input users, the general public, agencies and legal and technical advisors. Resolution of these issues may require regulatory changes which would take several years to complete. Terry H. asked who in the Alaska Regional Office would be the key contact for the state regarding the status of this report. Hollis said Paul Anderson, the Deputy Regional Director would be the person.

C. Park Planning and North Access Update

Linda B. said there is nothing new on the North Access subject. The study was sent to the Secretary of Interior who forwarded it to the Office of Management and Budget which still has it. Senator Murkowski is proposing $300,000 for “additional park work” but there is no information on what he wants studied. Denali has asked if this is the best use of Alaskan Federal money. Regarding South Side Planning there is now a signed NPS-State agreement. A cooperative state park statement is still being worked on, and the state has 2000 construction funds. Resource studies must be done before development and no final decision has been made on a visitor center.

D. Tanana Village Resident Zone Update

Gerald Nickolai of the Tanana Tribal Council and Hollis have been working together to identify and contact individuals in Tanana who may have a personal or family history of using Denali Park resources. Gerald posted announcements in the community and personally contacted several families he thought may have traveled as far south as Denali a week in advance of Hollis’s visit to the community. Park representatives Bob Cunningham and Hollis spent a day at the Tanana Tribal Council office to contact people and issue NPS subsistence permits but there was very little interest, no one came. Gerald later talked to one individual who lived down river that had expressed interest earlier in the week, but was told it was too far to go and he was no longer interested.

Paul S. asked if Hollis will go back to Tanana to issue permits. Hollis said yes, especially if Paul or Gerald should hear of anyone else interested, October might be a convenient time after the fall hunting season is over. Hollis asked Paul S. to inform him if he hears of anyone who wants to apply for a subsistence permit. Paul S. said Julia Roberts and Gerald Nickolai of the Tanana Tribal Council were interested if Tanana could be a resident zone. Paul S. asked them for more data but he got none. Hollis explains the Tanana people are already eligible for subsistence uses in the Preserve areas without a park subsistence permit or resident zone status. Park Service eligibility is only necessary for subsistence use of park lands. Hollis said the park will continue to work with the Tanana Tribal Council, and further information will on Tanana’s use will be documented during the village history study.

VIII. Public and Other Agency Comments

None

IX. Time and Place of Next SRC Meeting

Vince M. said the winter Regional Advisory Council meeting dates may be changed from February to March, to provide more time for proposal analysis preparation and to allow the trapping seasons to finish before winter council meetings commence. Regional Councils will be asked if they would like the change during their November meetings. Ray C. said late February is best for him for an SRC meeting, as late in February as possible depending of the FSB meeting schedule. Jeralyn H said the last of February is best for her.

Motion: Vern C. moved and Dan A. seconded the motion to have the next meeting toward the end of February provided it fits into the Regional Council and FSB schedules. The motion passed unanimously.

X. Adjournment

Motion: Ray C. moved and Jeralyn H. seconded a motion to adjourn, it was passed unanimously and the meeting adjourned at 5:35 PM.
March 28, 1997
SUMMARY MINUTES
DENALI SUBSISTENCE RESOURCE COMMISSION
Meeting, March 28, 1997

I. Call to order by Chair

The meeting was called to order at the Community Center building in Healy at 9:10 A.M. by Chair Florence Collins.

II. Roll Call and confirmation of a quorum

SRC attendance: Florence Collins, Ray Collins, Percy Duyck, Steve Eluska, Dan Ashbrook, Gilbert Dement Sr., Paul Starr, and Vernon Carlson

NPS DENA: Steve Martin, Superintendent, Hollis Twitchell, Subsistence Coordinator, and Ken Stahlneck, Biologist ARO: Clarence Summers representing the Anchorage office

ADFG: Bruce Dale from the Alaska Department of Fish and Game

A quorum was present with eight Subsistence Resource Commission members attending.

III. Superintendent's introduction

Superintendent Steve Martin welcomed SRC members and guests.

IV. Approval of minutes from last meeting

Minutes of the August 9, 1996 meeting were reviewed, the minutes were adopted and approved unanimously.

V. Additions or corrections to Agenda

No changes or corrections were made to the meeting agenda.

VI. Old Business

a. Agency Wildlife Reports:

Sheep: Ken said all the sheep habitat in the park and preserve, and some areas south and west of the preserve, were surveyed for sheep in 1996. The data from those surveys are summarized under "Sheep Surveys" in the meeting notebook (tab 3). Bruce Dale added that between the Parks and Richardson Highways, in the Alaska Range, there were 5000 sheep in 1989, and 2000 in 1994; the Brooks Range showed a similar drop. In the upper Wood River area east of the park, sheep are increasing, and there are a few full-curl rams. This may be because the regulation in 1990; the Brooks Range showed a similar drop. In the upper Wood River area east of the park, sheep are increasing, and there are a few full-curl rams. This may be because the regulation in 1990, the Brooks Range showed a similar drop. In the upper Wood River area east of the park, sheep are increasing, and there are a few full-curl rams. This may be because the regulation in 1990; the Brooks Range showed a similar drop. In the upper Wood River area east of the park, sheep are increasing, and there are a few full-curl rams. This may be because the regulation in 1990; the Brooks Range showed a similar drop. In the upper Wood River area east of the park, sheep are increasing, and there are a few full-curl rams. This may be because the regulation in 1990;

Moose: The most extensive moose study to date on the north side of Alaska Range was made this past fall covering all of the park and preserve lands on the north side of Denali. Overall, numbers are similar to 1991; moose harvests have had little impact. Bruce added that in Unit 20 (A) moose habitat had 2/3 moose per square mile—the trend in the '80s was good, in 1990-'93 was down, but was better in 1994-'95. In all of 20(C) there were 200 moose taken out of about 5000.

b. NPS Issue Paper Report:

The Issue Paper Report in the meeting notebooks, had the original (draft) text with comments by the Denali, Gates of the Arctic, and Wrangell-St. Elias SRC's inserted in the appropriate places.

Caribou: Ken commented that Research Biologist, Layne Adams, has been studying wolves and caribou, in the park area for 13 years. As part of the ongoing study, representative samples of female caribou were radio collar monitored. Last year more than 88% of the cows had calves, but predation was severe (though most of it was over by the end of May). There is little data on vegetation in the caribou range, and any changes in it have not been recorded yet. The main cause of caribou mortality is apparently weather. Bruce said that the Delta-area herd has habitat similar to that of the Denali herd, and its population went from 11,000 animals to 4500 in previous years with weather being a significant driving factor. The Denali and Delta herds are quite similar.

Ken described the Denali caribou population as 1000 in 1976, a rise to 3000+, and then a drop followed by a small rise and another drop; seems to be a normal cycle keyed to weather. Overall female and bull populations are aging, and there are not as many younger caribou in the population to replace the breeding animals so the herds growth, if any, is expected to be very slow in future years. Bruce said there are 15-20 small caribou herds around Alaska. They apparently are reasonably stable, and it is the very large herds that "crash" showing large decreases in some herd populations.

Wolf: Bruce described the State's recent wolf studies in the Yanert drainage east of the park boundary. The study is providing information on what contribution young females make to the wolf population. They have learned through genetic sampling, radio telemetry and surveys that all young females are breeding. The Yanert pack has 4 females and all will be pregnant in April. All two year olds are likely to go a large distance away from the home den; the present question is which, if either, of the two young male wolves associating with one of the females was the father. The males were darted in an attempt to find out. An average of 3% of wolves darted die from some part of the capture experience, but the Alaska Fish and Game record is nearer 1-2%. Bruce added that the recent fuss about collared wolves in the Yanert drainage resulted from the fact that the two wolves who had recently immobilized for radio collaring were found dead along a winter trail near the Parks Highway. The wolves had been shot by a trapper. ADF&G recovered the wolf carcasses and took them to Fairbanks for necropsy. It was later determined that the trapper had who shot the wolves had done so legally so the State had to give the skins and carcasses back to the trapper. Hollis added that unrelated to the Yanert wolf issue, 4 collared wolves were taken this year from park or preserve lands by qualified subsistence users.

Bears: Ken said a nutritional study will be started in the park; cause of mortality (13 out of the 14 cubs born in 1994) is unknown.
The Wrangell-St Elias comments were preliminary. Hollis also commented that if the Denali SRC wanted to change or add to our comments this was the time to do so. A "Kotzebue working group" from the northwest part of Alaska, representing, though not officially, the Kobuk Valley and Cape Krusenstern areas, the state, and the Sierra Club, also had comments. Vern remarked that he thought comments from the Sierra Club were inappropriate in what was essentially a government document. Steve Martin said that anyone who wanted to comment was welcome to do so (on the principle of free speech); no other environmental groups made any written comments. The Park Service has asked for comments from affected Federal Subsistence Regional Advisory Councils, but the councils preferred to wait until all the SRC comments are in. Hollis told us the other parks have now sent in their remarks and he will send us copies of them. There will be a meeting on April 14-15 on which the Superintendents and the Subsistence Coordinators will discuss the issues and comments received, then prepare NPS responses. Some issues may be addressed quickly, other more complicated issues may be deferred for further work with the subsistence advisory groups. Steve Martin stated he hopes the April meeting will "jump start" the roster regulation proposal. He does not know why the delay now, as it has been in Washington a long time and has had the reviews necessary.

c. Park Planning and North Access:

Park Service plans for the South Side have just been finalized and published. Steve Martin said they are to be implemented, and the main concern is "can we do it right?" and can we avoid bad impacts. Winter recreational use of the Tokosina and Bread Pass area is booming, and potential impact to wildlife populations from heavy use of snow machines at certain times of the year are unknown; some funds are being dedicated towards assessing levels of snowmachine use and potential impacts jointly with the State park. Ray: winter (animal) ranges should be studied and critical winter areas identified so that snow machines or potentially disruptive activities can be kept out to protect animals. Winter is stressful enough for most wildlife populations without further being subjected to intensive recreational activities. Regarding the Front Country DCP, Steve Martin stated the park will get gravel from some already-disturbed areas in Kantishna, or possibly haul it from the Toklat area, in view of Dan's previous comment about avoiding using undisturbed deposits along Moose Creek.

North Access: The feasibility study is about done, and the conclusion is that a road or railroad would be feasible in an engineering sense but would be extremely expensive and visitor use could probably not support it. The Park service is against it on park land. The general feeling of the tourist industry is that it prefers the south side. Once the study is sent to Congress, which will be soon, the "next move" is up to Sen. Murkowski. If he is still interested, the Park Service will have to do an EIS; this will take three or five years, and the General Management Plan will probably have to be revised. Ray asked if a monorail had been considered. (It had been considered early on and it was deemed too expensive.) Steve said the number of visitors who could afford the expense of traveling this route may be small number presently, and that number will probably grow to 10's of 1000's over many years, but not to the half-million estimated by the rail promoters. Front-country development could accommodate 70,000 more tourists, which takes the immediate strain off. Any north access would necessitate new regulations. A questionnaire showed that north access is generally controversial as to whether any access is needed; most thought a road would be better than a railroad because of being more flexible. There was lots of concern over effects. It will be difficult for a privately built railroad to become economically feasible, destination facilities would be necessary. The park service is not interested in providing public land in the Wonder Lake area to support development of a hotel facility.

Park cultural studies:

Hollis stated that the Subsistence Cabin Study report is nearing completion. The final chapters of the report are being written. Data from the report was used in preparing the Birch Creek trapline cabin environmental assessment which was approved this winter. The completed draft chapters of the Subsistence Cabin Study was made available for review at the SRC meeting.

A one year archaeological reconnaissance inventory of the South Side Development Concept Plan proposal sites in Tokosina River drainage, and the Chelatnn Lake area has been funded. This cooperative archaeological inventory will be conducted with the Denali State Park.

Steve Martin: The state may get an easement (across a private bridge) on the road to the Dunkle Hills.

The park has been requesting funding for an ethnographic Overview and Assessment of the park and preserve for many years. In addition to the park wide ethnographic overview and assessment, village histories will be prepared for or by the communities of Cantwell, Nikolai, Telida, Lake Minchumina, and Tanana. Wherever and whenever possible, these village histories will be prepared by the villages themselves. This study is needed to help park managers and the general public to understand the importance and relationship of the many Native groups (Tanana, Ahtna, Upper Kuskokwim, Koyukon, Den'ina) associated with the park and preserves lands. The studies will be especially important, in Tanana, in view of their interest in becoming a resident zone. Ray: How would an anthropologist be hired? Hollis: Through a cooperative agreement with the State, or through a contract. Steve: We want to work with the communities first; Wrangell-St. Elias worked closely with the communities for the ethnographic study and had good results.

VII. New Business

a. Federal Subsistence Board Proposals:

Hollis described several of the proposals described by the board in their 1997-98 proposal pamphlet, and they were discussed by the commission with results as follows:

--- Proposal 27: We unanimously agreed that a federally-qualified subsistence user could be designated by another federally-qualified user to get caribou and moose in Unit 13 on his behalf. Motion: Ray moved, Dan seconded, a motion to that effect, and it passed unanimously.

--- Proposal 28: Motion: Vern moved, and seconded by Gilbert, to reject the proposal, which would set a permanent harvest quota of caribou for elders; it passed unanimously.

--- Proposal 29: Asks for a permanent quota of moose for elders; and to abolish the one moose per household regulation. Motion: Ray moved, and seconded by Gilbert, to reject the proposal, which would set a permanent harvest quota of caribou for elders; it passed unanimously.

--- Proposal 30: Motion: Vern moved, and seconded by Gilbert, to reject the proposal, which would set a permanent harvest quota of caribou for elders; it passed unanimously.

--- Proposal 31: To reduce the wolf season in the Denali portions of Units 13, 16, 19, and 20, was rejected by the three Regional Councils involved because it was not needed for biological reasons; the Western Interior Council thought it would set a poor precedent. SRC took no further action on this proposal.
reviews by tribal councils, Wrangell's SRC and subsistence advisory councils. It also involves customarily and traditionally used park resources for subsistence. It has been a several year contain significant concentrations of residents who have personally or by family, have
Clarence said the matter needs study and documentation to establish that these communities
Norihway, Tok, and some other villages near the park's north boundary as resident zones.
Motion: Vern moved, and Dan seconded, a motion that we agree with the Southcentral Council
requirements for qualifying and adding a resident zone community to a park. He explained the
process for Wrangell National Park, involving interviews with individuals, public meetings and
reviews by tribal councils, Wrangell's SRC and subsistence advisory councils. It also involves
an environmental assessment.
Steve Martin suggested the proposed Roster Regulations may be a viable alternative to trying to add Tanana Village as a resident zone. Ray commented that a study must be made regarding Tanana's use in this area. Hollis said it would be hard for Tanana to qualify based on a significant concentration of people who have personal or family history of using resources from the Denali area. Only one family from Tanana is known to have utilized Denali Park lands for subsistence resources in the past seventeen years. The most likely way that Tanana may qualify as a resident zone would have to be made on the basis of "cultural vitality" similar to Nikolai (which in the recent past has no contemporary use but does have a relatively strong historical connection to Denali National Park). After a general discussion, the consensus was that Park Service staff should pay a visit to Tanana Village to issue individual subsistence use permits (CFR 13.44) to those individuals or families who can qualify. The park should continue to collect data for further study on whether the community as a whole could qualify as a resident zone.
Motion: Vern moved, and Gilbert seconded, that the park service should visit Tanana to issue permits to those who can qualify for a subsistence use permit (CFR 13.44) and in the mean time start the process of investigating Tanana for resident zone status; the motion passed unanimously.

c. Draft Resources Management Plan:

Hollis said that the papers in the last section of the meeting notebook were preliminary descriptions of how the draft-issue paragraphs adapt to Denali National Park, and he would like our comments. Statements will be added to the resource management plan after the public has a chance to comment.

VIII. Public and Other Agency Comments

None submitted

IX. Time and place of next meeting

All FSB proposals will be given to the regional councils by mid-summer; a discussion of the next Denali SRC meeting showed a preference for the first week of August. August 9th and September were identified as bad times to hold the next meeting, although Dan said later would be better for him.

X. Adjournment

Ray moved, Steve Eluska seconded, a motion to adjourn and it was unanimously accepted about 4:30 P.M.
SUMMARY MINUTES
DENALI SUBSISTENCE RESOURCE COMMISSION MINUTES
August 9, 1996

I. Call to order by Chair
The meeting was called to order at 9:10 A.M. by the Chair, Florence Collins, in the Healy Community Center building.

II. Roll call and confirmation of a quorum
SRC attendance: Percy Duyck, Florence and Miki Collins, Dan Ashbrook, Vern Carlson, Ray Collins, Steve Eluska
DENA and ARO: Linda Toms Buswell, Hollis Twitchell, Ken Stahlecker, Midori Raymore, Al Smith, Steve Carville; Clarence Summers and Janice Heldrum (Anchorage office) Jay Wells (Wrangell-St. Elias)
USF&WS: Bradford Taylor
CAPCA: Stan Leaphart
State of Alaska: Terry Haynes
Guests: Dick Collins, Gilbert Dementi, Peter Jenkins from Australia

A quorum was present, with seven members attending. We were sorry to learn that Lee Basnar is resigning as he is moving to southeast Arizona. Hollis put a beautiful book about Alaska's National Parks on the table as a gift for Lee thanking him for dedicating ten years of service as a SRC member. Each commission member signed it, with a short comment.

III. Superintendent's Introduction
Steve Martin was unable to attend due to bad weather, Linda Toms Buswell attended in his absence. Linda welcomed SRC members and meeting guests.

IV. Approval of minutes from last meeting
Minutes of the last meeting were reviewed; Motion by Ray Collins, seconded by Steve Eluska, to adopt the minutes; it was approved unanimously.

V. Additions and corrections to Agenda
A discussion of the Frontcountry DCP and Northern Access study was added under "Park planning."

VI. Federal Subsistence Management Program update
a. Federal Subsistence Board actions
Hollis--commented on the Federal Subsistence Board changes to hunting and trapping regulations for this year: 1) lengthening the season for caribou hunting in wildlife unit 13, 2) lengthening the lynx trapping season in wildlife unit 13 and establishing a lynx trapping season in unit 16, 3) the passage of proposal 19 which established a positive C and T determination for use of moose and caribou in unit 13(E), and 20(A) and 20(C) for McKinley Village and Parks Highway residents from milepost 216 to 239.

Bradford Taylor--summarized changes to be brought about by the court decision on the Katie John legal case, which resulted in federal jurisdiction over inland waters. An environmental assessment will be started in August 1996 and completed in May 1997; the Regional Councils will discuss this subject. Meanwhile, the State regulations will be used as a basis for getting the federal program going by January 1997. The Alaska Congressional delegation has a moratorium on implementing the Katie John decision in appropriation bills, so there will be no change in fisheries management by the FSB until the moratorium is lifted. Once the moratorium is lifted there will not be any significant change in or to fisheries regulations except in a few special places in 1997; by 1998, proposals to the FSB by Alaskans may result in changes.

Lee Basnar's position on the Denali SRC needs to be replaced as well as his position on the Southcentral Regional Advisory Council; Bradford--commented that Lee Basnar's name as well as that of an alternate candidate was forwarded by the FSB to the Secretary of the Interior for reappointment to the Council.

Vern--Is it hard to get volunteers?
Hollis--Names of potential SRC volunteers may be recommended to the appointing Federal Regional Advisory Councils for consideration by anyone, including the Subsistence Resource Commissions. The requirements for Regional Advisory Council appointees to the SRC's are: 1) that they must be a subsistence user of the park, 2) and that they serve on either a local advisory committee or a federal regional advisory council.

Having representation on the Eastern Interior, Western Interior, and Southcentral Councils associated with Denali National Park and Preserve is important for Denali's SRC. Ray Collins as Chairperson of the Western Interior and Lee Basnar as Vice-chair
of the Southcentral Regional Council have done an excellent job of representing Denali SRC issues before their regional councils.

Hollis---Currently, Denali SRC does not have representative on the Eastern Interior Regional Advisory Council. It would be to the SRC's advantage to recommend a candidate during the next nomination period.

Percy Duyck's name was suggested, and commission members felt he would be a good choice; he said he would consider it. Healy has two people who are qualified as subsistence users, but it is unknown whether either of them serve on a local advisory committee. Hollis will ask them if they are interested.

Ray---should we recommend people as potential SRC members to the State for their appointments?

Terry Haynes---said yes, referring to State appointee Mark Borman who has given verbal but not a written notification that he wishes to resign. Terry said the SRC may send recommendations to him as the State Fish and Game Dept. official in charge of recommendations for SRCs, or to the governor directly.

VII. Old Business

2. Agency Reports

Ken Stahlnecker described the results from the sheep and caribou areas surveyed this summer. In the eastern part of the park there were a higher number of lambs born this year than the average. The southwest part of the preserve and the adjacent park area had more than a thousand sheep observed in midsummer.

Ray---Could the caribou herd build to a subsistence-use level?

Ken---Criteria would have to be developed that would ensure the viability of the herd.

Hollis---It would be useful to have Layne Adams, lead researcher for the National Biological Survey on the Denali Caribou study, attend the next SRC meeting to discuss the dynamics and status of the Denali Caribou herd.

Hollis---commented that the commission's proposal (4/29/96 meeting) to change the federal wolf-hunting season dates to coincide with the trapping season dates should be submitted by October 25 to the Fish and Wildlife Service.

Florence---asked if Hollis would help her with the preparation of the SRC's proposal.

b. Park Planning

The "Draft Entrance Area and Road Corridor Development Concept Plan", besides talking about the front country and the road corridor, also addresses development in the Kantishna area. Hollis summarized the proposed Kantishna projects of the plan which could affect subsistence. Steve Carwile said the plan calls for three gravel sites: an eastern one at Teklanika River, a central one at the Toklat River, and a western site on Moose Creek.

Vern---asked if gravel would be available for the public, and Steve Carwile replied he did not believe it would. Some tailings on private land in Kantishna might be available. Local people want a muddy stretch of the park road north of Wonder Lake to be improved.

It is estimated that use of the Moose Creek gravel outcrop would take three weeks, and would be done to avoid conflicts with visitor traffic as much as possible.

SRC members expressed reservations about the Moose Creek gravel site and potential damage to Moose Creek Valley as well as problems with tourism activities. This was in contrast to the other two sites, which are both located in areas with easier access and where gravels are replaced each year by stream action.

Motion: Dan moved that gravel at Eureka Bluffs should be considered as an alternate to the Moose Creek site. He commented that Eureka Bluffs was easily accessible with little damage to the area, as it needed no work for access. Vern seconded the motion, and it passed unanimously.

NORTH ACCESS FEASIBILITY

The Park Service was given a mandate by Congress to study the feasibility of a road or railroad to Kantishna through the northern part of the park. Proponents of the road are planning to keep it open year-round. Senator Murkowski is said to favor the Stampede route. Mike Shields, Chief of Maintenance, is in charge of the study for the Park Service. Steve Carwile distributed a questionnaire on environmental subjects.

There was some discussion on the effects of a road or railroad on subsistence users and wildlife. Hollis---discussed moose and caribou populations, habitat conditions for the Stampede area, and past subsistence trapping activity for this region. The SRC's consensus was that road or railroad development and use would be detrimental to subsistence users. Dan---commented that if the transportation corridor is kept open year-round, Kantishna commercial establishments would probably also remain open.

Ray---Commented on the intense amount of snowmobile use he observed last winter along the south side of Denali between
Talkeetna and Cantwell, and questioned what affects the increased access on the north side would have on wildlife and subsistence use.

Miki---Commented that the effect of snow machines in the Skwentna area was devastating for subsistence trapping; between 1985 and 1995 many local trappers stopped trapping because of interference by snow recreational machines on their trails.

Vern---In the Jack River area near Cantwell, people trapped until January and then stop trapping because of recreational snow machine use that has developed in the area. Vern stated that within two miles of the transportation corridors "the animals are gone, and trapping can be written off" since recreational snow machines use along the trapline trails displaces the furbearers from the transportation corridors.

Ken---Between the eastern part of the Stampede trail area and the Kantishna Hills there are about half the number of moose compared with areas to the west; the Stampede area has the lowest density of moose in the park. These townships are critical winter habitat for caribou, and wolf packs have dens in the area.

Motion: Ray moved that the SRC authorize its members to send specific ideas and data on the road-railroad proposal to Hollis by September 7, in response to the questionnaire. The motion was seconded by Percy, and passed unanimously.

Florence will visit Hollis between September 10 and 15 and they will compile an SRC response to the questionnaire.

c. Subsistence Issue Paper Report

The Draft Review of Subsistence Law and National Park Service Regulations was reviewed. The SRC’s conclusions and motions will be presented in a separate report which will be sent to the NPS Alaska Field Director in Anchorage.

SRC opinions that are expressed as formal motions are so noted; others are less formal and represent a general consensus. Each statement is key to the page and line numbers of the Draft Review.

Some of the SRC’s suggestions would result in the Superintendent having more flexibility in decision-making regarding subsistence management issues, and in other situations would enable some decisions to be made on a regional basis by individual parks rather than a rigid NPS state-wide subsistence policy. We want to emphasize, however, that we agree with the Park Service that its mandate to protect both natural and healthy populations and ecosystems are the overriding consideration. Possibilities of both immediate and cumulative damage should be taken into account. We also assume that members of the biological and cultural park staff will be involved in evaluating decisions and potential impacts.

The Commission felt that management decisions made by the agency and the Secretary of the Interior should be made more quickly than in the past. Examples of delayed subsistence questions are cabin reconstruction requests, traditional ATV use determinations, and the proposed roster-regulation. All of these have been under consideration, for various reasons, for much too long, and still are not settled.

The Commission felt that different parks have different problems and may need different solutions. We believe that subsistence decisions should usually be made at park level based upon the area’s or region’s traditional practice, and not be held to a rigid state-wide standard. Culturally and traditionally, people from different regions of the state have adapted and evolved their own practices and traditions in response to environmental conditions and resource availability. In this regard the NPS management needs to recognize and allow for regional diversity in its statewide subsistence management program.

In addition, within a particular region or park, subsistence uses and traditional practices are not rigid in time or place. Subsistence, by its own nature is dynamic. Changing and evolving subsistence practices which are developing as new traditions need to be recognized and allowed so long as it is not impact or detrimental to the resource.

Concerns were also expressed that agency proposals for specific National Park Service regulations, which affect subsistence users, should be reviewed by the appropriate SRCs before final draft or proposed regulations are implemented. These concerns arose out of the NPS submitting, without formal SRC consultation, the Proposed Trapping Clarification Regulations which would prohibit the use of firearms for the taking of furbearers.

GENERAL SUBSISTENCE ISSUES:

Hollis---Identification of subsistence traditional use zones: Are subsistence traditional use zones necessary for Denali, and if so, when and how should they be identified? The Park Service has little information, and needs advice from the SRCs, Advisory Committees, Regional Councils, and subsistence users as to areas that should be identified.

Miki---If traditional subsistence use zones need to be identified, they should be based on historical use, not just on modern contemporary use or archeological use data.

Ray---Subsistence uses and subsistence use areas shift with time.

Vern---If subsistence use needs to be regulated or limited it can be controlled with bag limits and seasons rather than identifying subsistence use zones; Percy agreed.
Ray---You must look at specific items and actions and judge by how they affect the resource; (talking about access, he said it should not be judged by the type of vehicle).

P. 3, line 27-28: Subsistence traditional use areas: A MOTION by Ray, passed unanimously that: "The Denali's SRC opinion is that historically the whole park was a traditional subsistence-use area, though we recognize that the original Mt. McKinley National Park has been excluded from consumptive use of any kind since its creation." Congress excluded subsistence use activities from the original Mt. McKinley National Park including the highest parts of the Alaska Range and other large areas representing various habitats which are historically and archeologically known to have been used by subsistence users. The remaining portions of Denali National Park and Preserve lands have all been used by local rural people for subsistence. This consumption use shifts geographically with time, making formal designations difficult to make and to maintain; consumptive use can be adequately controlled by seasons, bag limits, and other NPS regulations as needed. If formal boundaries are needed in the future, they can be established at that time, and the boundaries should be made on a historical basis, not on a modern/contemporary or archeological basis.

P. 3, line 35-40: Selected lands (selected by Native or State entities but not yet conveyed) in Denali National Park and Preserve should be open to Title VIII subsistence use under the park's jurisdiction—that is, under federal seasons and bag limits.

ELEGIBILITY:

Various thoughts on using the proposed 1980 date for eligibility were discussed as well as what constitutes the establishment of a pattern of traditional subsistence use were discussed.

General consensus was that a sliding date could be used, and eligibility dates could be addressed later if and when the need arose.

Vern---What about eligibility for residents who have moved into the resident-zone community after the 1980 cut-off date? Will they be eligible to be put onto the roster list?

Terry---How does one get a permit if one moves from a resident area after 1980?

P. 4, line 12-17: A MOTION by Vern, passed unanimously that: "If a resident zone community is deleted and changes to a roster list of eligible subsistence users, then the people living there at that time, who have established a long-term pattern of subsistence use, would be eligible for an 13.44 permit or roster listing. In addition, people with the same qualifications (a long-term pattern of subsistence use) that move out of an existing resident zone to a local rural area should also be eligible for a 13.44 permit. The purpose of the motion is to ensure eligibility to people who entered the resident zone after the 1980 cutoff date (proposed on line 14) and who have established a pattern of subsistence use of park resources, would be eligible for a roster system or 13.44 permit, provided they maintain a customary and traditional subsistence lifestyle and are still local rural residents to the park. This might alleviate problems of subsistence families disappearing from an area, by allowing more recent subsistence users who have adopted and established the "customary and traditional" lifestyle to continue.

P. 4, line 30-33: The Local-rural and Resident Zone paragraphs were generally approved.

Denali's resident-zone communities have already been delineated and boundaries established. Healy, another local-rural community, has shown no interest in being a resident zone.

P. 5, line 1-12: The "Significant concentration" definitions was discussed but no changes were suggested. However, the Commission did not feel that the 51% figure is necessarily appropriate, and that if the resident zone designation is changed at any time to a roster list, these percentages are unnecessary. The SRC and resident zone members would recognize a problem if it arose and could act on it then.

Hollis---Explained the concept of "cultural vitality" using examples of intra-village sharing of resources such as meat, and by continuing observance of various cultural events.

P. 5, line 10-12: "Cultural vitality" was explained and examples given, the general concept was agreed to be appropriate.

Roster system: there were no problems with the statement on the roster proposal.

P. 6, line 39-4: Roster Regulations: The Denali SRC has stated in the past that we support the roster regulation concept. The Commission has also stated that we do not want to be the responsible party for picking the roster list members. The Commission as a group is not familiar enough with all the individuals within the resident zone populations to be able to fairly identify all eligible users.

Hollis---Preserves used to be the same as parks except for sport use, but seasons are being changed so that there are differences between them. Also, aircraft can be used in a preserve for subsistence as well as for sport hunting. The SRCs have no legislated interest in preserves.

ACCESS:

Access: the paragraphs on airplane access had some discussion but little disagreement with them.

The P. 7, line 1-13, line 45-47 The use of airplanes as presented was generally accepted.

OHVs are a bigger problem. After considerable discussion, it was agreed that limited use was justified.

P. 7, line 15-43: A MOTION by Vern, passed unanimously: "Access should be allowed at the same level as 1980, with reasonable allowances for restrictions to preserve the environment." At Denali for instance, people in the Canwell resident zone have used ATVs traditionally; an examination of access routes suggests that in some areas, because of lack of vegetation and presence of a harder, less-eroding surface, ATV use for retrieval of moose meat from subsistence hunting should be permitted. It is understood that the situation would be monitored and if a detrimental change to the environment should result from ATV use, the permission to use ATVs would be suspended. It was also suggested that a trial period, perhaps of one hunting season, with restrictions (to mapped routes, etc.), be opened to determine the advisability of continuing the ATV use.
P. 7 line 29: ATV use should not be determined on the basis of vehicle type, as is implied here. The Commission feels, as is suggested on lines 34-37, that flexibility in vehicle type could result in less, not more, damage to the environment. We also feel, referring to P. 8, lines 25-29, that determinations should be community-wide, and be made on the basis of routes and effects, not on an individual basis.

CABIN USE:
The SRC discussed replacement versus new cabins, and agreed that the regulations now in place are much too restrictive for replacement cabins. We were concerned that the regulations do not distinguish between the two.

Terry—The commission could make a statement regarding replacement cabins versus new structures as a recommendation in the SRC's hunting program for the park, and send it to the Secretary of Interior.

Stan—The state tried to address these cabin issues unsuccessfully in a lawsuit during the 1980s.

Ray—A replacement cabin does not need an Environmental Assessment, it has less environmental impact than a new one.

Various comments by SRC members—saying the rules for subsistence cabins are too restrictive, they pose a hardship on subsistence users. A range of environmental factors are working to affect the cabins, such as wild land fires, river and creek erosion, excessive snow loads, and rotting logs.

P. 8, line 42-52, and P. 9, line 1-10: A MOTION by Miki, passed unanimously pointing out that "The present cabin regulations for subsistence users are inadequate." The Commission feels strongly that current regulations for replacing cabins are too restrictive and cause significant hardship to subsistence users. The regulations do not differentiate between new cabins and replacement cabins; the latter should not have the strict requirements needed for a new cabin. A replacement cabin—built to replace one no longer usable—should be permitted anywhere along trapline trails, provided the total number of cabins on any line does not increase. It must be recognized that cabins do need periodic replacement due to rotting logs and roods, stove fires, undercutting by rivers, forest fires, or changes in trail use, etc. Traditionally cabins are not always built on the same foundation for the same reasons, and also because resources such as firewood, which becomes gradually depleted in the immediate area over time, needs time for regeneration.

A suggestion was made to send this motion, and reasons for it, to other SRCs.

Miki—The "shared use" of a cabin could be dangerous to the person who is using and maintaining it. Trappers leave tools and other equipment, and food, at cabin sites, they have to be sure these will not be disturbed except by unforeseen events such as bear damage. Exclusive use, however, is not usually necessary. Other commission members concurred.

A second MOTION by Miki stating: "It is not traditional to have 'shared use' of a new or replacement cabin by all subsistence users", although exclusive use is not required in most cases. Mandatorily designating all cabins as shared use cabins may not be appropriate.

TRAPPING:
Hollis—"commercial use" meant hiring someone else to run a trapline. He added that there was no monitoring of furbearers except wolves, and the park service could use trapping data.

Miki—We have collected detailed information on our trapping activities including age, sex, number of animals caught, etc. for many years, sent it to the Park Service for a long time, but no one seemed to have time to pay attention to it, so we stopped sending it. If the staff is interested, we will be glad to start sending it in again.

Everyone repeated their opposition to the "no firearms to take free roaming furbearers"; we did not pass a motion on this because the SRC unanimously passed a motion against it last year.

P. 9, line 20-42: The Denali SRC has already expressed an opinion of the NPS "no firearms" provision for taking free roaming furbearers under a trapping license (line 33-36). The SRC disapproves of the NPS position. A MOTION was passed unanimously on June 16, 1995 to: "change NPS trapping regulations by redefining trapping to include customary and traditional means, such as firearms, bows and arrows."

CUSTOMARY TRADE:
P. 9, line 46-52: P. 10, line 1-2: A MOTION by Miki, passed unanimously that: "The SRC supports the customary trade of any handicraft items made by subsistence individuals who are gathering, making, and selling crafts made from natural materials such as animal, minerals or vegetation." The SRC believes the sale of these handicrafts by subsistence individuals should not be illegal, since it has been the customary and traditional practice of making, selling or trading these handicrafts made from natural resources.

SUBSISTENCE RESOURCE COMMISSIONS:
P. 12, line 8: "Other subsistence uses" should be added to this list.

VIII. New Business
Lee Basnar served as Vice-chair, and after a short discussion Ray Collins was chosen to replace him in that position.

a. SRC Chairperson Workshop
It was agreed that members could review the minutes themselves.
IX. Public and other agency comment

No comments.

X. Set time and place of next SRC meeting

Hollis suggested that our next meeting be held before the winter Regional Advisory Council meetings so that the SRC could officially comment on proposed changes to the federal subsistence regulations. Late January or early February were suggested but no firm date was picked.

XI. Adjournment

Vern moved and Steve seconded a motion to adjourn. It passed unanimously and the meeting was adjourned at 5:55 P.M
April 29, 1996
SUMMARY MINUTES
DENALI SUBSISTENCE RESOURCE COMMISSION MINUTES
APRIL 29, 1996

I. Call to Order by Chair
Meeting was called to order at 9:10 A.M. by Chair, Florence Collins, in the McKinley Village Community Center building.

II. Roll Call and Confirmation of Quorum
SRC attendance: Percy Duyck, Florence and Miki Collins, Dan Ashbrook, Vernon Carlson, Ray Collins (in P.M.), Steve Eluska

DENA and ARO: Steve Martin, Hollis Twitchell, Gordon Olson (in A.M.), Ken Stahlinecker, Kevin Fox, Clarence Summers (NPS Anchorage office), Dave Schultze (Gates of the Arctic), Midori Raymore, Theresa Philbrick, Al Smith

CAFCA: Stan Leaphard

State of Alaska: Bruce Dale (ADF&G)

Guests: Rachel Sprague (Cantwell), Joe Fields (Kantishna R.R. developer), Dick Collins

A quorum was present for the meeting business, with seven commission members present. The SRC function and purpose was explained by the Chair, Florence Collins.

III. Superintendent's Introduction
Delayed until Steve Martin's arrival.

IV. Old Business
Minutes to the June 16, 1995 meeting were approved by the Commission.

V. Additions and Corrections to Agenda
Item 7 on the agenda (FSB material) discussed before item 6 because Steve Martin was not able to be here for the start of the meeting.

VI. Federal Subsistence Management Program update
a. Federal Subsistence Board Actions
Clarence—Federal harvest regulations establishing seasons, bag limits and C&T determinations are reviewed annually by the Federal Subsistence Board. Proposed changes to the harvest regulations can be submitted by the general public, local advisory committees, SRC commissions, federal regional councils, state, special interest groups, etc. Federal Subsistence Regional Advisory Councils meet at least twice a year to gather public comments and input on proposed regulations or changes, and to make recommendations to the FSB. In addition to the annual regulation process, the FSB may rule on "Special Requests" such as a special-season moose hunt for a ceremony or potlatch.

Hollis—The process used by Federal Regional Councils and the Federal Subsistence Board for making changes to subsistence season and bag limits, or changes in customary and traditional use determinations for use of fish or wildlife species is working very well. The Regional Councils, in considering any proposal affecting the Denali area, always ask what is Denali's SRC position on it. The Councils are very interested in what the SRCs are doing.

The Federal Subsistence Board (FSB) will meet in May and make a decision on Proposal 19 (Customary and Traditional use determination for moose and caribou for McKinley Village and Parks Highway area). Proposal 58, submitted for Denali SRC by the Fish and Wildlife Service, was dropped in favor of Proposal 19 which was more complete.

Clarence—Discussed the Secretary's decision-making process regarding SRC Hunting Program recommendations (Sec. 808 AMILCA). The Secretary shall promptly implement the recommendation unless he determines that it will violate recognized principles of wildlife conservation, threaten the conservation of healthy populations of wildlife in the park, is contrary to the purposes for which the park was established, or would be detrimental to the satisfaction of subsistence needs of local residents. Several SRC have expressed concerns that response from the Secretary on Hunting Plan proposals has been very slow.

The FSB recently issued the "Advance Notice of Proposed Rule Making" to clarify federal jurisdiction in Alaska subsistence management. The primary parts of the Advance Notice are to: (1) In accordance with the Katie John decision, expand federal jurisdiction to include management of subsistence fishing in specified navigable waters, (2) to expand federal subsistence to federal lands which are selected but not conveyed to the State and Native Corporations, (3) delegates the authority of the Secretaries of the Interior and Agriculture to the FSB if hunting, trapping and fishing taking place in Alaska off of the Federal Public Lands results in failure to provide a subsistence priority on public lands.

Vernon—Would this proposed rule affect the selected lands around Cantwell?

Hollis—Yes, the proposed rule would reopen the State and AHTNA selected lands within Denali NP near Cantwell to the federal subsistence program.
Clarence---The Secretary of Interior signed a new charter for Denali SRC, verifying that the SRC reports to Denali Superintendent. Clarence described the other items in the charter (same as earlier charters, but does not need renewal).

Steve Martin---gave short welcoming talk.

b. Regional Advisory Council Actions

Clarence---Discussed appointments procedure for members of the Federal Subsistence Regional Advisory Councils.

Hollis---Denali SRC has representatives on Western Interior and Southcentral Regional Advisory Councils (Ray Collins, Lee Basnar, respectively), but no representative on Eastern Interior’s Council. A significant amount of Denali National Park and Preserve is within the Eastern Interior region. Denali SRC should try to find a subsistence user from the Eastern region who would be willing to serve on the council and nominate them for a seat on the council during next year’s appointment cycle.

Proposal 19 which was submitted by the Southcentral Regional Advisory Council, was based upon appeals from McKinley Village residents and Denali’s SRC involving the C&T use determination for the Parks Highway residents. During the analysis of Proposal 19, the park headquarters’ area was dropped from consideration since individuals there were primarily short term residents, with no interest or claim to be considered subsistence users of the park. Removing the park headquarters residents from consideration gave a more accurate representation of subsistence use characteristics for McKinley Village residents. Healy was also considered in the analysis, but no change in existing C&T was recommended for Healy.

Proposal 19 was modified to exclude the park headquarters area. The modified proposal now reads: “Residents of McKinley Village and the area along the Parks Highway between mileposts 216 and 239, except households of the Denali National Park headquarters, should be determined eligible for subsistence use of moose and caribou in Units 13(E), 20(A) and 20(C).” Proposal 19, as modified, was supported unanimously by Eastern Interior and Southcentral Regional Advisory Councils, and by FSB staff committee.

MOTION: Dan made, Vernon seconded, unanimous approval for prop 19, as modified: Residents of McKinley Village and the area along the Parks Highway between mileposts 216 and 239, except households of the Denali National Park Headquarters, should be determined eligible for subsistence use of moose and caribou in Units 13(E), 20(A) and 20(C). Denali SRC will write to FSB in support of Proposal 19 as modified in the analysis. (letter written April 29, 96)

VI. Old Business

a. Park planning

Southside DCP: Steve M.---Six public meetings held so far in major cites from Anchorage to Fairbanks; written comments will have the same weight as testimony. Trails are planned in several areas, including Dunkle Hills, most development is along the Parks Highway, a little in Tokositna area of Denali State Park.

The "no action" alternative wouldn't stop development, etc., because it can't control non-NPS actions like the Princess Hotel at milepost 135+. Comments from others show concerns about development impacts and costs, including that of Peterserville Road upgrade, which is estimated at $1 million per mile.

The Fairbanks Chamber of Commerce supports a railroad to Kantishna, opposes South Side development. The Healy meeting had almost no one attending; some Cantwell comments wanted increased development opportunities in the Cantwell area and on ANTHA lands. Trapper Creek was mostly concerned about Tokositna development; especially unregulated commercial development along the road. Talkeetna wanted development kept along the Parks Highway. Anchorage people were concerned about Tokositna landowners (apparently a lot of private land in area is owned by Anchorage people, as homesites, etc.). Conservationists also concerned about development impacts, costs, and effects upon rural life styles. The Park Service will continue to work with the State, ANTHA, CIRI, Denali Borough, and Mat-Su Borough in the planning efforts.

The Alaska Visitor Association projects package tours and increased tourists will be 10,000s to 100,000 in the future. The Petersville Road may be upgraded incrementally regardless of the Southside DCP Tokositna proposal.

b. Northern Access Routes to Kantishna

Steve M.---The Congressional delegation put a feasibility study of Kantishna access into the 1996 budget. Present work focuses on assessing facts and costs associated with a northern access route. A feasibility report should be completed in about 10 months. It is not a planning document, but will contain facts and information needed before making decisions. Several years of analysis, environmental and otherwise, are contemplated before any action occurs. The primary NPS concern is that a northern access should: (1) not affect current park road, (2) won’t cause development at Wonder Lake.

Joe Fields---Promoting a Kantishna railroad, said it would not have much effect on wildlife; railroad tracks narrower than road, access would be limited to certain stations.

Florence---Restated the SRC’s official position that the Commission is opposed to any new roads in Denali National Park and Preserve because of potential impacts to the parks natural
resources and subsistence lifestyles.

c. Subsistence Work Group Report

Steve M.---The comment deadline on the NPS Subsistence Work Group Report has been extended to Jan 1, 1997 to allow adequate time for SRC’s to review and comment. The report is not intended to be a final document, but rather to provide a starting point for constructive dialog with subsistence users on issues regarding subsistence management. The main topics of the report are eligibility, access, cabins, trapping, trade, and SRCs. Many park managers questioned whether NPS regulations need to be applied rigidly statewide, or whether there could be some diversity or flexibility for different regions depending on their unique customs and traditions. Others questioned the effectiveness of SRC hunting plan programs and frustration with the long delays in response from the Secretary of the Interior. NPS wants give and take on ideas.

Hollis---Responding to questions on Hunting Plan proposals, ANILCA Sec 808b directs, that the Secretary of the Interior shall promptly implement the recommendation unless he determines that it will violate recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park, is contrary to the purposes for which the park was established, or would be detrimental to the satisfaction of subsistence needs of local residents.

Hollis---Many changes have occurred in subsistence management since ANILCA was passed, and many NPS managers feel a serious review of the guiding laws, regulations and policies would be helpful. Congress could not have foreseen many of the changes that have occurred regarding subsistence management, and in other cases chose not to clearly define some issues, intending for commissions, advisory council and agency managers to work out the details.

Vernon---Why bother? The rules and regulations are already set (referring to ATVs and selected issues near Cantwell).

Dave Schmitz---(from Gates of the Arctic) said ATV use in Gates of the Arctic is a major issue, but is being settled through land exchanges and designated routes.

Hollis---In Denali, the ATV issue is controversial primarily in the Cantwell area, with most of the use occurring on Native or State selected lands.

Discussion of the Subsistence Workgroup Report followed:

Vernon---said he’d gone through the report, others said they had read it, but no-one had commented on the report or on Florence’s letter of July 1995. Vernon suggested that he and the other SRC members should review the documents and come prepared to the next SRC meeting to discuss the report.

Florence---Asked all members to review both documents, and comment in writing or verbally to her or to Hollis before next SRC meeting. (Date of the next meeting to be decided later).

Clarence---The regional councils were presented the report during the winter meetings and were invited to review and comment if they wished. The State was asked to comment also.

Hollis---Eastern Interior Regional Advisory Council is interested in Denali’s SRC’s opinions, and request that he report back to them at their 1996 fall meeting. An SRC Chairman's workshop will be held this summer to discuss commissions' issues and concerns and the review of the Subsistence Workgroup Report.

d. ATV Use

Hollis ---Reviewed information on ATV use in Denali, discussed laws, regulations, General Management Plan actions, Cantwell routes for ATV use, and recommendations for Park action.

Steve M.---Said Denali NPS can decide on whether ATV use is customary and traditional (for Denali), but will consult with Washington staff, conservationists, and other interested parties. If ATV use is traditional, and their use is limited to a few routes which can be used without further impact, their use may be allowed.

Vernon---Who decides customary and traditional use for ATVs?

Steve M.---The park staff would make the decision. There would have to be some parameters on their use, evaluations would have to be made regarding natural and cultural resources and potential impacts, etc.; an environmental assessment would be necessary and there would need to be some level of non-NPS surveillance on compliance.

Dan---Could the General Management Plan be amended to adapt it to ATV use or other items?

Steve M.---that would be difficult, the laws, regulations and executive orders are very restrictive regarding ATV use.

Hollis---GMPs are planning documents which are periodically reviewed and modified. But even if ATV use for subsistence is found to be customary and traditional, laws and regulations prevent their use if it will adversely affect the area’s natural aesthetic or scenic values.

Ray---Any ATV findings should say “all ATVs are included, not just four wheelers”. Three wheelers, scoots, weasels and other types of ATVs were used many years before the arrival of four wheelers.

Dave Schmitz---Gates of the Arctic has an active SRC, covering Wiseman, Anaktuvuk Pass, Shungnak, Kobuk, etc. People who use the park area, are against subsistence zones (which would limit people to certain areas); people want any subsistence user to be able to use any part of the park. Inupiat people are worried about the effect of opening the haul road to the public. A
complaint is that government people are too far from the park, often can't get to meetings, etc. In regards to resident zones, the SRC wants to decide what is a "significant concentration of people"—people are worried about quantitative determinations. The May meeting is in Shungnak, and SRC members from other parks are welcome.

e. Agency Reports

Ken Stahlnecker---Ground based sheep surveys along the park road corridor have been done since 1974; In 1995 lamb-toewe ratio went down but is still good at 45 lambs/100 ewes, and 29 yearlings/100 ewes. Aerial surveys of the eastern region of the park resulted in 514 sheep. A southwest preserve aerial survey, the first done since 1981, resulted in 371 sheep observed. NPS will continue monitoring efforts this year with ADF&G. The National Biological Service conducted the first Denali winter survey from Muldrow Glacier to the east boundary observing 331 sheep, surprisingly little movement from high mountains of the Alaska Range to lower hills to the North.

Grizzlies---4 to 5 year ecology study from east of Muldrow westward to the Herron River along the Alaska Range---In 1995 six adult females produced 13 cubs. Cub mortality was 54% and yearling mortality was 38%. Only four yearlings remain from the cohort of 16 produced in 1994. One of the purposes of the study is to develop a reliable means of monitoring grizzly bear populations and trends.

Caribou---(Layne Adams work) Data on the Denali Caribou herd indicates a slow increase in population from 1984 to 1994; last two years have produced a slight decline.

Moose---Could only count in Cantwell area due to poor snow conditions and weather. 1995 moose population for Windy Creek, Cantwell Creek, Bull River and West Fork of the Chulitna was 200 +/- 16 moose. Average density of .92 moose/square mile. 24 calves/100 cows and 28 bulls/100 cows.

Wolf research---More research information from David Mech's wolf study was submitted recently; includes some of Tom Meier/John Burch work. 1995 population 98, compared to 97 in 1994; population roughly stable. NPS will continue spring and fall counts.

V. New Business

a. Wolf Management

Alaska Wildlife Alliance submitted Proposal 84 to the State Board of Game asking for buffer zone (6 mi wide, 435 sq mi around the easterly end of Denali National Park); the wolf trapping issue was brought to public attention due to the illegal trapping of the last member of the Headquarter pack in 1995.

National Biological Service, NPS, and ADF&G analyzed request, concluded that a buffer would have no significant biological effect; overall wolf population for Denali is healthy, most viewing of wolves takes place west of Teklanika River. Lots of letters written to park with most favoring a closure in the park as well as along the proposed buffer zone.

Alaska Board of Game considered Proposal 84, but Board took no action. The issue cannot be "rediscovered" until March 1998.

Ken---ADF&G and NPS interested in what people wanted for buffers, and for viewing wolves outside the park.

Friends of Animals hired legal firm Bogle and Gates, and wrote the Superintendent saying he is not fulfilling his legal obligations "with regard to wolf hunting and trapping". Park Service lawyers are now talking with Bogle and Gates about it; no results yet.

Steve M.---(regarding the proposed buffer zone) The Park Service does not have jurisdiction outside of the park, we can only recommend actions. If a "viewable wildlife" zone was established outside of Denali, the park would have no objection to it, but it needs to be based upon viewable wildlife being the highest public value, not that it is needed biologically to protect the Denali wolf population. Currently biological data doesn't support the need for a closure, either inside or outside of the park.

Dave Schmitz---Proposal 84 is a "wake-up call" for trappers in Alaska to: (1) monitor their own activities, and (2) to counter-act misinformation regarding wolves; pointed out that wolves are destroyed more by other wolves than by people.

Hollis---One of the main objections we hear about subsistence wolf hunting is that the fall season starts too early, August 10th, a time when wolf pelts are not prime. The question asked is: why do subsistence hunters need to take wolves then, why not change the opening of hunting season to the opening of trapping season, when the pelts are prime? There is no subsistence reason for it to start that early.

Miki---Was the long season to give more opportunity to get bounty?

Hollis---The existing federal season is a carryover from the State's sport hunting seasons which were assimilated when the federal government took over subsistence management on Federal Public Lands.

Dave Schmitz---Gates of the Arctic people want the wolverine season to start later too, as hunters from elsewhere take wolverine before the pelts are prime, depriving subsistence people of good pelts.

Ray---We need the long season in the McGrath area because wolves are too abundant there.
Miki---The spring pelts are not good, either.

Hollis---Harvest report data is recorded by UCUs: they don't coincide with park or preserve boundaries, so it is very difficult to determine which harvests occurred on park or preserve lands. It is necessary to phone individual trappers and hunters to find out where the animals were actually harvested, a difficult and time-consuming process. Identification on sealing records or harvest reports whether or not animal is taken from park or preserve lands would be very useful.

Since 1984, harvest data indicates that subsistence user's wolf harvests haven't change much over the years, but the take by others increased significantly. For the past ten years, there has been an average harvest of 1.4 wolves per year taken from park or preserve lands.

Ray---Suggests putting park-harvest data into letter regarding wolf-season change proposal.

Vernon---Doesn't like changing the hunting season, feels it is coercive.

Miki---Feels the hunting season should coincide with the trapping season.

Hollis---If the SRC wants a change in the federal hunting seasons, a proposal could be submitted during the annual call for proposals in the fall.

Ray---Would the request need to be in terms of Game Management Units?

Hollis---Yes, you could request that the proposal apply only on wildlife management units within Fed lands. Preserves pose a problem since State sport hunting would still have the earlier fall season. Restricting subsistence seasons in the preserve, while maintaining longer sport seasons does not make much sense.

Dan---Would like to see an October 15th to April 30th season.

Percy---Would like to see a November 1 to March 31st season, the same as trapping season.

Steve E.---Wants the same as Percy; said earlier season is only for sport hunters.

Ray---What value does early season have? trapping?

Miki---Prefer establishing the trapping-season dates for the subsistence hunting season.

Dan---Reconsidered his position, agreed that the trapping-season dates would be the best.

Hollis---In regards to sport hunting seasons in the preserve, the commission could recommend changes to the Board of Game.

MOTION: Miki moved that the SRC propose that subsistence wolf hunting season dates within Denali National Park in GMU 20(C) be changed to coincide with the current trapping season dates. Vern voted against, all other SRC members in favor.

b. Snowmachine and Wildlife Concerns

A commission member asked whether the increasing snowmachine use is affecting moose or ptarmigan populations on the south side of Denali, and whether the park service is monitoring or concerned about potential impacts.

Ken---The last 3 springs we have had people on the south side to monitor bears and snow machines. This was not a formal study, no quantities or reports yet but lots of use with only a few annotates of impacts. The same for moose. ADF&G have similar concerns but little data. Dept. of Nat. Resources proposed surveys, but none done except in the State Park. Mile 136 and mile 196 areas are sites of heavy snow machine use.

Steve M.---We will cooperate with ADF&G since we have shared interests and concerns.

Bruce---ADFG concerned about moose, snow machine use is increasing rapidly.

Vernon---Snow machine use is mostly (90%) in March.

Steve M.---We are observing lots of use along park boundary---snow machines are accessing into to sheep country in spite of steepness. Park is concerned, will continue to monitor and get more data. SRC should consider what data we feel the park needs, and tell the park.

IX. Public and Other Agency Comments

No comments.

X. Set Time and Place of Next SRC Meeting

The McKinley Village Community Center building was satisfactory to all. Commission members selected the first week in August as the best time for the next meeting, Florence and Hollis will pick date.

Commission members are to provide Florence or the park their opinions on NPS Subsistence Workgroup Report and Florence's letter. These topics will be discussed at the next meeting.

XI. Adjournment

Vernon moved, Percy seconded, motion for adjournment. Meeting adjourned 3:40 P.M.
UNAPPROVED
SUMMARY MINUTES
DENALI SUBSISTENCE RESOURCE COMMISSION
February 17, 1995.

I. Introduction of Commission Members and Guests

Meeting was called to order at 8:40 A.M. by Chair, Florence Collins, in the McKinley Village Community Center building.

SRC attendance: Florence Collins (Chair), Lee Basner (Vice-Chair), Mark Borman, Vernon Carlson, Percy Duyck, Steve Eluska, Dan Ashbrook, Miki Collins.

DENA and ARO: Steve Martin, Hollis Twitchell, Jane Tranel, Clarence Summers, Janis Meldrum.

CAPCA: Stan Leaphart

FSB: Vince Mathews

State of Alaska: Terry Haynes

Guests: Dick Collins, Cag Lee, Bill Perhach.

II. Superintendent's Introduction

Acting Superintendent Steve Martin was introduced to the Denali Subsistence Resource Commission members and others in attendance.

III. Old Business

A quorum was present for the meeting business, with eight members present. The SRC function and purpose was explained by the Chair, Florence Collins.

Minutes to the last meeting were reviewed and approved by the commission.

Hunting Plan proposal #7

Chair Collins brought to the attention of the commission a letter dated September 29, 1994, from Chairman W. Hensley of the Federal Subsistence Board, stating that hunting plan proposal #7 for an alternative winter moose hunt in Unit 20C was approved by the Federal Subsistence Board. The Eastern Interior Regional Advisory Council requested an opportunity for input on Denali Subsistence Resource Commission proposals in the future. The council was informed that public review for this proposal occurred prior to the establishment and formation of the Eastern Interior Advisory Council. As required by ANILCA, they will receive full consultation and review on future proposals.

McGrath Road

No new data was presented. A cost-benefit analysis and re-evaluation was requested by the Alaska Department of Transportation. Subsequently, this project is "reportedly low on the States priority list." A McGrath to Ruby Road is also being considered, but this is an extension of the Ruby-Poorman road.

Customary and Traditional Determinations

Janis Meldrum (NPS ARO) presented background information on the upper Tanana and Copper River C & T determination process. She indicated that the Parks Highway C & T is next on the agencies list and she has begun gathering background information for this area. It was pointed out that this process needs to be speeded up, of the original 12 people that had NPS subsistence use permits from the McKinley Village area, only 6 still reside in the area.

Ray Collins' interim permit proposal was mentioned but no action was taken. It was suggested that the Denali SRC write the Secretary of the Interior, with copies to the Eastern Interior Regional Advisory Council and South Central Advisory Regional Council suggesting pursuing individual exceptions to the existing C & T determinations for the above 6 individuals. And further, to write the Federal Subsistence Board urging a change in the C & T determinations process. (no motion made) Motion: Lee Basner moved that the Superintendent of Denali be asked to inform the permit applicants what action might be taken to expedite the renewal of their permits. Vernon Carlson seconded, the motion and it was passed unanimously. Janice stated the Federal Subsistence Board is looking at ways to speed up the process, and in the future may add C & T to the yearly regulatory process.

South Side Development Plan.

Acting Superintendent Steve Martin reported that the present South Side Development Concept plan was reviewed as a result of public input and the Denali Task Force report. A regional plan is needed which incorporates other land owners such as Native Corporations, the State of Alaska, and affected boroughs. Denali hopes to finish the new South Side Development Concept Plan within a year.
IV: New Business

Research

The Denali Cabin Study report by Jim Rudd and Dianne Gudel-Holmes is not yet complete. The report will be distributed to SRC members as soon as it is completed.

Tom Meir's wolf report is also due out soon, and will be distributed when completed.

Moose Survey

A Moose census was flown in November 1994, surveying the area between the Kantishna Hills and Lake Minchumina. The survey area covered 1007 square miles. The total moose count for the area was 342 moose, of which 212 were cows, 77 were calves, and 52 were bulls (of which 13 were yearlings). The density of the moose population for this area is .33 moose per square mile with a productivity ratio of 36 calves per 100 moose. The moose populations, distribution and densities were as expected. The only surprise was the higher number of calves in the population. The Alaska Department of Fish and Game reports that similar increased productivity trends were observed for moose in GHU 20C.

NPS Firearms and Trapping Regulations

A proposed NPS rule would prohibit same day airborne hunting in Park lands, and would prohibit shooting a "free ranging" animal under a trapping license. A trapped animal could be dispatched with a firearm. No action was taken on this by the Commission members.

ATV Use

The National Park Service at Denali National Park and Preserve has received no further written statements from Cantwell residents on ATV use. No action has been taken on this issue since our last meeting.

V. Time and Date of Next Meeting:

The next meeting of the Denali Subsistence Resource Commission will be on June 16, 1995. The location is scheduled to be at the McKinley Village Community Center. Agenda items include further discussion of the Kantishna hunting closure, South slope Development Concept plans, ATV use, Lands selections, C & T determinations for Parks Highway residents, Roster regulations, trapping clarifications, Federal Subsistence Board actions, Cabin Study update, and the Park Service working group report.

VI. Meeting Adjourned 5:45 P.M.
June 16, 1995
I. Introduction of Commission Members and Guests

Meeting was called to order at 9:12 A.M. by Chair, Florence Collins, in the McKinley Village Community Center building.

SRC attendance:
- Florence Collins (Chair), Lee Basnar (Vice-Chair), Ray Collins, Vernon Carlson, Percy Duyck, Steve Eluska, Dan Ashbrook, Miki Collins.
- Steve Martin, Mollis Twitchell, Leonard Hanson, Bruce Greenwood.

DENA and ARO:
- Stan Leaphart
- Vince Mathews

FSB:
- Terry Haynes

State of Alaska:
- Dick Collins, Olga Eluska, Julie Collins.

II. Superintendent's Introduction

Denali Superintendent, Steve Martin, welcomed Denali Subsistence Resource Commission members and others in attendance.

A quorum was present for the meeting business, with eight members present. The SRC function and purpose was explained by the Chair, Florence Collins.

Minutes to the February 17, 1995 meeting were approved by the Commission.

III. Old Business

Roster Regulations:

Hollis summarized the history of the Draft Roster Regulation. As drafted, four resident zone communities for Lake Clark National Park and Preserve would be changed to the roster lists program, there would be no changes for Denali National Park and Preserve. Future recommendations for changing from a resident zone to a roster list would originate from the SRC, then be approved by the Superintendent. The draft regulation is now in the Assistant Secretary's office for review.

Hunting Plan Proposal #7:

The winter moose season for Denali National Park and Preserve in wildlife unit 20(C) which had been approved by the Federal Subsistence Board for the 1994-1995 regulatory year, was reauthorized as a recurring annual hunting season.

Northern Access to Kantishna:

Joe Fields, promoter of a railroad to Kantishna and a 300 room hotel in the Wonder Lake area, was invited to meet with other Kantishna stakeholders and Park Service staff from the Washington Office. NPS agreed to review the proposal, but current park planning prefers south side or front country areas for future developments.

Customary and Traditional determination issues:

The Park's Highway, mile 216-239, negative C&T determination for the use of moose and caribou in Wildlife Units 20(C) and 13(E) is still under appeal to the Federal Subsistence Board. Six of the twelve individuals who lost their subsistence use permits still reside in the area.

Bruce explained how the original process for making C&T determinations was taking much too long so the process has been changed to an annual review cycle similar to the system used to make annual changes to seasons and bag limits. The Federal Regional Advisory Councils will prioritize current appeals and C&T reviews for their region during this regulatory cycle. Future requests for C&T changes may be submitted during the annual call for regulatory proposals. Proposals will go through the normal regulatory review process before being acted upon by the Federal Subsistence Board.

Hollis explained that SRC's may submit proposals for C&T changes or season and bag limit changes to the Federal Subsistence Board through the normal annual call for regulatory proposals. Or, the SRC may submit a hunting plan proposal to the Secretary of the Interior, but the hunting plan process still requires consultation with appropriate local advisory committees and regional advisory councils prior to being submitted to the Secretary. Sending a hunting plan proposal through the Secretary tends to be a slow process, it may be much quicker to send these types of proposals through the annual regulatory cycle for action by the Federal Subsistence Board.

Motion: Ray Collins made a motion that the SRC write a letter to the Eastern Interior Regional Advisory Council and the Federal Subsistence Board requesting that the C&T deterination for the use of moose and caribou by the Park's Highway area from mile 216-239 be reviewed, and that this review be given a high
priority. If this area does not qualify for the CMT use of moose and caribou, the Federal Subsistence Board should grant individual waivers to the area residents who were issued National Park Service subsistence use permits. Those individuals should be granted an exception and allowed to hunt moose and caribou under the usual subsistence regulations. Florence seconded the motion. Motion passed unanimously.

Park Planning and Agency Reports:

Steve Martin discussed Denali's Statement For Management and the Draft Southside Development Concept Plan. The final Southside DCP will be released for public review and comment this winter, with public meetings to be held in communities from Anchorage to Fairbanks. Front country planning for the park entrance area and park road to Kantishna will be the next major planning effort.

Hollis gave status reports on recent wildlife studies of sheep, caribou, wolf, and bear and moose populations, and a brief update on the Draft Subsistence Cabin Study report.

Trapping of wolves near the east boundary of the park has become a controversial issue after the illegal trapping of the last member of an eastern boundary pack. Over one hundred letters have been received opposing any type of trapping in the national park. NPS and the Alaska Department of Fish and Game are discussing management options for the eastern boundary region.

Federal Subsistence Management Program:

AHTNA and State selected lands near Cantwell are still an issue. Hollis and Steve met with AHTNA CEO recently and were informed that AHTNA is not planning to take any action regarding their Cantwell land selections in the near future. Terry Haynes said that State DNR lands are tied up in Mental Health litigation and action on their selections will be delayed. Lee and Vernon expressed frustration due to the delays and inability of the agencies to take action on this issue, while subsistence users continue to be excluded from utilizing these lands.

The Federal Regional Councils will meet in October to discuss extending federal jurisdiction for Title VIII subsistence to selected, but not yet conveyed lands within conservation units. Lee noted that personal testimony is more effective with the Federal Subsistence Board than submitting letters.

Motion: Ray Collins moved and Mixi seconded, a motion that Denali SRC authorize one of its Commission members to attend the Federal Subsistence Board meeting to represent Denali's SRC interests. The motion passed unanimously. Florence Collins designated Lee Basnar to attend the FSB meeting and speak for the Commission.

Regulatory proposal #53, closing the Kantishna development corridor to hunting from June 1 through September 12 was discussed. Western Interior Regional Advisory Council was neutral on proposal #53, Eastern Interior Regional Council supported it by unanimous vote, and Southcentral Regional Council did not support the proposal by a 5 opposed, 1 support, and 1 abstained vote. The Federal Subsistence Board discuss it and deferred action on the proposal, recommending that the National Park Service use its own administrative authority to address the issue and close the area.

Lee stated that Southcentral RAC did not like the proposal, and agreed with the Council's position. Dan said private land is open to hunting under State regulations, but it was pointed out that most private land is owned by lodges with supported proposal #53 to close the area.

Motion: Lee moved and Florence seconded, that Denali SRC support the NPS position and language in Proposal #53 as modified by the SRC to use September 12 as the closing date, and allow the NPS to take appropriate action. Motion passed by vote: 7 in support, 1 opposed.

The Ninth Circuit Court of Appeals decision on the Katie John case, affirmed that the Federal Government has reserved water rights over navigable water within Federal Conservation Units in Alaska. With regards to subsistence management, the Federal Government must identify those navigatable waters promptly. Hollis stated that the only acknowledged navigable waters in Denali National Park and Preserve is the Kantishna River up to the confluence with Birch Creek. The State of Alaska is appealing the Ninth Circuit Court decision to the U.S. Supreme Court.

IV. New Business

Proposed Trapping Clarification Regulation:

The proposed Firearms Restriction for Trapping regulation was intended to clarify existing NPS trapping regulations which generally prohibits the taking of free roaming furbearers with a firearm was discussed. The initial comment period was extended to provide adequate time for subsistence commissions and councils to meet and submit their comments.

SRC members commented that taking free-roaming furbearers with a firearm under a trapping license has been done traditionally for over 100 years. The State and other Federal agencies allow shooting of free-ranging furbearers. Ray commented that the Western Interior Regional Council has said that if this regulation was enforced it will try to have hunting seasons
The subsistence workgroup report will soon be made available for public review and the NPS would like to receive comments and recommendations from subsistence commissions, councils and organizations. Hollis suggested that the SRC may need to meet several times over the next year to review and make recommendations regarding a variety of topics such as eligibility, access, trapping, use of preserves, cabins, etc... Several of the SRC members objected to having a number of meetings, due to time commitments and economics of holding such meetings.

Florence suggested that Hollis make more specific requests for information, asking commission members to review the report ahead of time and come to the meeting with written comments or be ready to comment in person at one meeting. Other members suggested that Denali SRC only address those issues that are of concern or importance for the Denali area and not deal with the other issues. Florence suggested that SRC members think about what issues they want to deal with for Denali and to notify her or Hollis before the next meeting.

V. Time and Place of Next Meeting:

It was decided that Florence and Hollis should schedule the next SRC meeting time and place.

VI. Adjournment:

The meeting was adjourned at 5:14 PM.
UNAPPROVED MINUTES

SUMMARY MINUTES
DENALI SUBSISTENCE RESOURCE COMMISSION
June 8, 1994

I. Introduction of Commission Members and Guests

Meeting was called to order at 10:03 A.M. by Chair, Florence Collins, in the Cantwell Community Center Building.

SRC attendance:
Florence Collins (Chair), Ray Collins, Miki Collins, Lee Basner, Henry Peters, Percy Duyck,
Mark Borman, Vernon Carlson.

DENA and ARO:
Russell Berry Jr., Hollis Twitchell, Leonard Hanson, Bruce Greenwood

U.S.F.W.:
David James, Helga Eakon

CAFCA:
Stan Leaphart

Guests:
Pat O'Connor, Rachael Sperry, Arleen Drashner (AHTNA representative) Jim Marcot (ADF&G)

II. Superintendent's Welcome

Russell Berry welcomed the SRC members, guests, and the rest of the staff in attendance.

III. Old Business

A quorum was present for the meeting business, with eight members present. The SRC function and purpose was explained by the Chair, Florence Collins.

Minutes to the last meeting were reviewed and approved by the commission.

Wildlife Surveys:

Sheep:
A summary of Denali's wildlife population surveys was supplied by Ken Stahinecker, Branch Chief of Wildlife and Vegetation for DENA, and presented to the commission by Hollis Twitchell.

A preliminary sheep composition survey was conducted on May 26 of this year, along the park road corridor, by Alaska Department of Fish and Game biologists. This survey indicated about 50 lambs per 100 ewes. 1993's survey showed 22 calves per 100 ewes. As of June 3rd, 26 of the 70 calves produced by radio-collared cows were still alive. Of the 44 calf mortalities, 15 were caused by bears, 16 by wolves, 4 by eagles, 3 could not be attributed to a particular predator, 5 were perinatal deaths (within 24 hours of birth), and 1 death was study-induced.

Caribou:
1994 spring caribou composition counts conducted June 1 and 2 indicated 38 calves per 100 cows. 1993 spring counts showed 22 calves per 100 cows. 1993 autumn estimate was 167. Facets of the wolf population within the park continue to be monitored for management purposes and as an aspect of the caribou predator-prey research program.

Bears:
The old age structure of grizzly bears within the research study area continues with an average adult female age of 17 years. 1994 has seen eight of nine mature, radio-collared females produce cubs. No radio-collared females produced cubs in 1993. Three family groups (sow and two cubs) have been captured this spring to attempt to determine the cause of the high rate of mortality among new-born cubs. Four of the six cubs have been radio collared.

IV. Federal Subsistence Management Program Update

Proposal 1- Same day airborne trapping of wolves and wolverine. The Federal Subsistence Board rejected this proposal from the state. Use of aircraft for subsistence trapping in DENA or other NPS lands in Alaska is prohibited.

Proposal 2- The Federal Subsistence Board adopted Proposal 2 to align Federal wolf seasons and bag limits for hunting and trapping with State regulations. This proposed regulation could
significantly affect Denali subsistence users by reducing hunting harvest limits from 10 to 5 in GMU’s-13, 19, and 20. The wolf population in Denali is stable, and it is not biologically necessary to restrict harvest limits to ensure a natural and healthy population.

It also increased the season by 30 days in April to both the hunting and trapping seasons. This provides questionable benefit to subsistence users since access by snowmachine or dog team is very limited in April, and the quality of the pelt at this time of year has also deteriorated.

Proposal #22 - In GMU-13, to extend the beaver season by 20 days, to open now October 10. DENA supported this proposal, and it has been approved by the Federal Subsistence Board.

Proposal #21-Wolverine. The Federal Subsistence Board rejected the proposal to reopen Federal public lands in GMU-13 to State authorized taking (sport taking harvest). DENA opposed Proposal 21, which opens GMU-13 public lands to non-rural residents.

Federal Subsistence Board Meeting
SRC member Lee Basner was present at the Federal Subsistence Board meeting as the representative for the South Central Regional Advisory Council of which he is a member. Regional Council representatives were seated with Federal Subsistence Board members and were active participants. Lee commented favorably on the weight given to the Regional Council’s views and opinions by the Federal Subsistence Board. He found the experience encouraging and came away with a positive impression.

Customary & Traditional determinations
Pat O'Connor’s appeal for an individual exception to the 1988 negative Customary and Traditional determination for use of moose and caribou in wildlife management unit 20C for Parks Highway residents from Milepost 216 to 239 was discussed. Denali NP has submitted a recommendation to the Alaska Regional Office regarding O'Connor’s appeal requesting it be submitted to the Federal Subsistence Board. No action has been taken to date.

The Denali/Park Highway appeal regarding the 1988 Customary and Traditional determination for use of moose and caribou in wildlife management unit 20C is a request to review the existing negative determination which was made for the “area” between milepost 216 to 239 of the Parks Highway. This negative area determination has been controversial resulting in letters from Denali’s SRC and the Eastern Interior Regional Council to the Federal Subsistence Board urging that a review be made as soon as possible.

The Federal Subsistence Board has prioritized existing C & T appeals identifying the Upper Tanana/Copper River area, and Kenai Peninsula as being the highest priority. These appeals are nearing completion in 1995.

The Denali/Park Highway appeal is currently 4 or 5th on the list. This aspect, along with the slow time frame of the process, did not sit well with some commission members.

Pat O'Connor expressed frustration at the seemingly endless delays between the State and the Feds, and now between two Federal departments. The authority to make the final decision for an individual exception to a C & T determination rests with the Federal Subsistence Board.

Ray Collins commented that there is a need for an interim permit for those that had permits before. David James said that the Federal Subsistence Board may go to a less formal review, because of delays in the present system. The whole C & T program is being forged as we speak, it is an on-going process. The Federal Subsistence Board is struggling with the process.

Denali Hunt Plan Recommendation #7
This recommendation is for an alternative moose hunting season on Denali National Park and Preserve lands in unit 20C from November 15 through December 15. Percy Duyck spoke on the benefits of the proposed winter moose season to subsistence resource users.

The Secretary directed Denali National Park and Preserve to determine if there was a customary and traditional basis for hunting moose during this time period, and if the additional hunt could be allowed while maintaining the natural and healthy moose population within the proposal area. The park determined that there was a customary and traditional basis, and with the exception of the Stampede area, that the expected increased harvest of approximately 15 moose would not have a significant impact on the health of the moose population. Low densities of moose and limited habitat in the Stampede area led to the recommendation to exclude this region from the proposed hunt area.

The SRC recommended that the eastern boundary for this hunt area be changed from the "Kantishna Hills" to the "Toklat River". This will provide a more identifiable land feature for subsistence hunters and for enforcement purposes. Denali staff agreed with the recommendation and will present the proposal to the Federal Subsistence Board.

LUNCH 12:15 to 1:30.

V. New Business

Resident Zone Boundaries
Holli gave a brief summary of progress to date regarding the establishment of resident zone boundaries for Nikolai and Telida. Meetings were held in May in the villages of Nikolai and Telida to
gain their input and recommendations on where they would like to see the boundaries for their resident zones.

Telida

The Telida meeting was attended by all the families present in the community, including Steven Nikolai senior, his wife Irene Nikolai, and Steve Eluska. Steve's parents were not present, but do keep a residence in Telida.

The geographic boundaries recommended for the Telida resident zone was from the Telida airstrip on the south side of the village to the Swift Fork of the Kukakwia on the north, and two perpendicular lines drawn northward from the ends of the airstrip to the Swift Fork River. Within this area reside all members of the community.

MOTION: made by Lee Basner, seconded by Ray Collins. Move to establish the Resident zone for Telida as described, using the airstrip and the Swift Fork. The motion was passed unanimously by all members present. (8 to 0)

Nikolai

A meeting was held in Nikolai with a variety of people including, village council members, several people from Nikolai's city council, the City Administrator and two village elders. Residents present included Nick Dennis, Martha Bronklin, Doria Stokes, Tony Alexia, Jeff Stokes, Willie Patruska, Roger Jenkins, Jim Nikolai, and Phillips Easi.

The geographic boundary recommended for the Nikolai resident zone was a full circle (one mile radius) from the eastern end of the Nikolai airstrip. This boundary was recommended for its simplicity and ease of description. The resident zone includes all the houses and people residing in the community of Nikolai.

MOTION: made by Percy Duyck, seconded by Mark Borman. Move to accept the Resident Zone boundary as drawn on the map. A full circle with a one mile radius from the eastern end of Nikolai's airstrip. The motion was passed unanimously by all members present. (8 to 0)

McGrath Road

Joe Keeney, State Department of Transportation representative, was scheduled but not present at this meeting. Joe Keeney, in a conversation with Hollis Twitchell, reported that the State DOT was almost finished with the Scoping Summary Report regarding the proposed road and promised that, when completed, copies would be distributed to SRC members.

Chairperson Florence Collins summarized the SRC's involvement regarding this issue including two letters received since the last meeting. One was to the Secretary of the Interior, and the other to the Commissioner of the State of Alaska, Department of Transportation and Public Facilities. Denali SRC has opposed construction of any new roads within Denali National Park and Preserve.

ANTNA Lands Selection

ANTNA representative Joe Hicks was scheduled to speak but was not in attendance. Present for the ANTNA Corporation was Arleen Drashner. She reported the status of the ANTNA lands selection is the same, there have been no changes. Because of uncertainty in the amount of their land entitlement and dual selections of land by the State and different Native Corporations, ANTNA selected more land than its final entitlement. ANTNA has not yet decided which select lands it is willing to give up. She expressed a willingness to take any questions and concerns, and prepare an official response. This was the first Denali SRC meeting with an ANTNA representative present. A welcome and hopes of future participation was extended by the Chair.

Superintendent Russ Berry reported that he and Denali's Assistant Superintendent, the acting Superintendent of Wrangell-Saint Elias and NPS Regional Director recently met with ANTNA staff and discussed a number of issues including status of lands selections within park areas. Russ stated the situation remains the same. ANTNA has no time table for concluding decisions on selected lands within the park.

Subsistence Cabin Study

An update on this project was given by Hollis. Miki Collins discussed her winter field involvement with this project. Concern was expressed about utilizing researchers and universities from outside for research in Alaska. It was hoped that in the future researchers be hardened and prepared to the rigors of a winter environment and travel. It was believed the researchers recommendations will be for the continued use of subsistence trapline cabins in the area. A report is due this winter, copies of which will be distributed to SRC members.

ATV Use

Hollis gave a summary of the November 3 Cantwell meeting to gather information on ATV use. Twenty four people responded, of which sixteen indicated they had used ATV's for subsistence. Several people indicated they shared vehicles with other families. Most routes used are on ANTNA or State selected lands. There is no decision yet by DENA on whether to authorize ATV use.

VI. Time and Date of Next Meeting:

No date was set for the next SRC meeting. It was requested to be scheduled on a Friday or Saturday to better mesh with the work schedules of members Mark Borman and Ray Collins.
preferred Sunday, Monday or Tuesday.

VII. Meeting Adjourned 3:20 P.M.
November 30, 1993
SUMMARY MINUTES
DENALI SUBSISTENCE RESOURCE COMMISSION
November 30, 1993

I. Introduction of Commission Member and Guests
Meeting was called to order at 10:05 A.M. by Chair, Florence Collins, in the McKinley Park Community Center Building.

SRC attendance: Florence Collins (Chair), Ray Collins, Henry Peters, Percy Duyck, Lee Basnar, Pat O'Connor
DENA and ARO: Russell Berry Jr., Hollis Twitchell, Jobe Chakuchin, Steve Carwile, Ken Stahlnecker, Sandy Kogi, Clarence Summers, Bruce Greenwood
U.S.F.W.: David James
CAPCA: Stan Leaphart
Guests: Dick Collins, Jim Duyck, Vernon Carlson, George Wagner

II. Superintendent's Welcome
Russell Berry welcomed the SRC members, guests, and the rest of the staff in attendance.

III. Old Business
A quorum was present for meeting business, with six members present. The SRC function and purpose was explained by the Chair, Florence Collins.

Minutes to the last meeting were reviewed and approved by the commission.

South Slope Development Plan:
Proposed trails identified in the South Slope Denali Development Concept Plan for the Cantwell area were discussed. Denali SRC opposes trail development on park lands which are open to subsistence use activities, especially in the Cantwell area, because of concerns regarding conflict between subsistence hunters and tourists. A public hearing held in Cantwell for the South Slope Development Plan was attended by 22 people in which most of the people in attendance opposed any development on the south side. The proposed trails and campgrounds in the Cantwell area would primarily be on lands owned or selected by Ahtna Corporation, which may have impacts upon subsistence users, while benefiting the corporation financially.

The Southcentral Subsistence Regional Advisory Council has submitted written comments opposing the Windy Creek-to-Riley Creek trail in the Cantwell area, and the trail in the Dunkle Hills area.

III. Federal Subsistence Management Program

Appeal to Federal Subsistence Board:
Pat O'Connor discussed his presentation at the Federal Subsistence Board's October 22, 1993 meeting regarding his appeal of the State's determination that Parks Highway residents from mile post 216 to 239 do not have customary and traditional use of moose and caribou in GMU-20. The Board asked the Park Service for more data regarding possible individual exceptions to the customary and traditional determination for that area. Hollis Twitchell described the Federal Subsistence Management Regulations which provide a process in which the Federal Subsistence Board may make determinations on an individual basis for areas managed by the National Park Service.

Regional Council Appointments to SRC:
The Federal Regional Advisory Councils and their allocation of three appointments to Denali's Subsistence Resource Commission were discussed. Denali's SRC charter allocates two SRC members to be appointed by Southcentral Regional Council and one SRC member by the Eastern Interior Regional Council. Superintendent Berry pointed out the requirement that Regional Council appointees to Denali's SRC must be an eligible subsistence user for Denali National Park as well as being an active member on a Local Advisory Committee or Regional Council.

Western Interior Regional Advisory Council has written Denali's SRC requesting support for changing Denali's Charter to allocate one appointment to Denali's SRC. The Western Interior Advisory Council feels that with Denali's Resident Zone Communities of Nikolai and Telida within their region, they should be allocated one appointment to the SRC to ensure area representation.

MOTION: made by Lee Basner, and seconded by Pat O'Connor to maintain status quo of having two SRC member appointments allocated to the Southcentral Regional Council. This is contrary to the Western Interior Alaska Regional Advisory Council's request. The motion was defeated.

MOTION: made by Ray Collins, and seconded by Percy Duyck to change the Denali SRC charter to allocate one appointment from each of the three Regional Councils when the charter comes up for renewal in two years. No opposition to the motion was made, therefore a letter will be written to the Western Interior Regional Interior Council in support of their recommendation.
This would give the Western Interior Region, the Southcentral Region, and the Eastern Interior Regional Council one SRC appointment each to Denali's Subsistence Resource Commission.

The Southcentral Regional Advisory Council appointed Lee Basnar to Denali's SRC and has written to the Local Denali Advisory Committee for recommendations of names for their second appointment to Denali's SRC.

The Eastern Interior Regional Advisory Council decided not to appoint a member to Denali's SRC until their February 1994 meeting so they would have time to gather information on eligible SRC applicants. A motion was passed to write a letter to the Federal Subsistence Board urging them to expedite the approval of the C&T determination on use of moose and caribou for residents of the George Parks Highway from mile 216 to 239.

Federal Registration Permit Hunts:

Hollis summarized the 1993 moose and caribou registration permit hunts for GMU-13. For the moose permit hunt: 40 permits issued, 11 reported they did not hunt, 39 reported they hunted, 4 reported they harvested a moose, 2 reported they harvested from Denali lands, 2 reported they harvested from State lands.

For the 1993 caribou permit hunt: 90 permits issued, 12 reported they did not hunt, 7 reported they hunted, 4 reported they harvested caribou, 1 reported they harvested from Denali lands, 3 reported they harvested from State lands. Harvest data is incomplete at this time since the winter portion of the caribou hunt will be open from Jan. 5, 1994 through Mar. 31, 1994.

Concern was expressed about the poor return rate for harvest report data by subsistence hunters. It was suggested that future registration permits not be issued to a hunter until receipt of their past seasons harvest reports, or that a fine be imposed similar to what the State does.

BREAK FOR LUNCH, 12:15 - 1:57 P.M.

IV. New Business

Wildlife Surveys:

An update on the 1993 sheep survey was summarized by Ken Stahlnecker, Branch Chief of Wildlife and Vegetation for DEHA. Ken stated that the survey documented 6 lambs and 7 yearlings per 100 ewes. The low numbers of lamb/yearlings to ewe ratio is the lowest recorded since the sheep surveys were started in 1974. The observed trend in Denali National Park is consistent with other sheep populations in the Alaska Range.

Grizzly bear research in Denali which began in 1991, shows an older population with the average age of sows being 17 years old. High mortality rates for cubs have been documented at 65 percent, and 40 percent mortality for yearlings. Should this trend continue, there may be a major change in population composition in the future.

Caribou research indicates a 1993 estimated population of 1700 animals in the Denali herd, which is about a 50 percent reduction from the 1990 estimated population of 3740 animals. Data from caribou research which began in 1984, indicates that 1990 was the peak year for the Denali caribou herd. The low reproductive rate of caribou coupled with unfavorable weather conditions suggests that the population will continue to decline.

Wolf research which started in 1986, shows a cyclic population trend with current numbers leveling off from a high in 1991 of approximately 142. Current spring population estimate is approximately 121 wolves. The prey of the wolf is declining and the wolf may be responding.

There is no update on the ptarmigan population within the park or within GMU-13E, except that they are still believed to be dwindling.

Road to McGrath:

Alaska's Department of Transportation received a grant from the U.S. Department of Transportation to do a feasibility study for a road or railroad to McGrath. The State DOT is in the process of holding a series of public scoping meetings for preparing an EIS on the proposed routes. The EIS will be used to determine the most feasible route to McGrath. At the present time, the State DOT has not yet filed a Title XI (ANILCA) request for a right of way through Denali National Park. Steve Carwile discussed the various routes from three proposed starting points which include, Nenana, Rex Bridge and Stampede. All of the State's proposed routes to McGrath include access through or to Kantishna.

MOTION: made by Lee Basner, seconded by Percy Duyck to write a letter to the Department of Interior and the Alaska's DOT opposing any construction of new roads in Denali National Park. The motion was passed by a 5 to 1 vote.

Hunting Plan Proposal #7:

Hollis provided an update on Denali's SRC Hunting Plan Proposal (#7) sent to the Secretary of Interior which requests a second moose hunting season for antlered bull moose on park lands in GMU-20C. The Secretary will direct the Federal Subsistence Board to establish recommendation #7 if: 1) a finding that the moose population in the proposed area is biologically healthy and could sustain this proposed hunt from November 15 to December 15, and 2) that this second season is consistent with customary and traditional hunting season for the area.
Roster Regulations:

Clarence Summers provided an update on the proposed Roster Regulations which would establish an alternative method of identifying eligible subsistence users for park areas. A roster list program could be implemented as a subsistence hunting plan recommendation at the request of the local subsistence resource commission as a replacement for a resident zone. The proposed Roster Regulation has completed a Washington solicitor review and is now in the Secretary's office.

ATV Use Cantwell:

ATV issue in the Cantwell area was discussed. Hollis described the park's efforts to gather user information through public meetings and open comment periods. Information gathered to date indicates ORV use occurred primarily in the Windy Creek drainage, and to a lesser extent, in the Cantwell Creek drainage. The 30 day comment period will be open till December 3, 1993. Fifteen Cantwell subsistence users have submitted comments to date, nine others have commented verbally.

Ray Collins elaborated that the mode of access to hunting grounds may have been changing and the use of ATV's is involving into becoming customary and traditional use. Ray used the example of Telida where dog teams were used extensively in the 1960's, but beginning in the 1970's and particularly in the 1980's, snowmachines and ATV's have become main modes of access and transport in hauling meat.

Management questions regarding ATV use in the Park are: 1) Is it customary and traditional? If so, then, 2) Is it compatible with purposes for which the area was established for? 3) What impacts are associated with its use, and are those impacts environmentally acceptable?

SRC Questionnaire:

The questionnaire sent to Cantwell residents by the Subsistence Resource Commission inquiring whether current subsistence hunting regulations are adequate to meet their needs resulted in few responses. Only ten responses have been returned.

Proposals for 1994-95 Hunting Regs:

Hollis provided an update on proposals submitted for changing 1994-95 Federal Regulations for Subsistence Taking of Wildlife. Proposals effecting Denali area subsistence users were proposal #2 and #22. Other proposal discussed were #1 and #21.

Proposal #1) same-day-airborne for furbearer harvest under a trapping license would not be authorized in national park and preserve lands due to agency regulations that prohibit it.

Proposal #2) deals with hunting and trapping of wolves in GMU-11. This proposal will reduce wolf hunting bag limits from 10 to 5 per year in game management units 13, 19 and 20, while increasing the length of the hunting season by 30 days from March 31 to April 30. The hunting bag limit for unit 16 would be increased from 4 to 5 per year. For the trapping season, the proposal would increase the length of the trapping season by 30 days to April 30 for all game management units in Denali.

Proposal #21) suggests opening Public lands in GMU-13 to wolverine trapping by all residents would not be applicable on NPS lands due to NPS regulations requiring users to be local rural residents.

Proposal #22) proposes lengthening the beaver trapping season in GMU-13 by 30 days.


A Regional Advisory Council meeting will review proposals and make comments will be held in February and March 1994. The Federal Subsistence Board meets to make decisions on proposals in April of 1994.

Coordination with Regional Councils:

David Janes, coordinator for the Eastern & Western Interior Subsistence Regional Advisory Council suggested that the best way to influence the Federal Subsistence Board regarding annual changes in subsistence hunting regulations, is to pass SRC proposals and comments through the newly formed Federal Regional Councils. The SRC may, if they want, present their comments regarding the proposed 1994-95 subsistence hunting regulations to the Federal Regional Advisory Councils when they hold meetings in February and March, or they may send their comments directly to the Federal Subsistence Board.

SRC Member Attendance:

Of the two commission members appointed by Governor Hickel, Ken Leavitt has attended only one meeting, and Harry Johns, Sr. has missed both meetings since his appointment.

MOTION: made by Ray Collins, seconded by Lee Banner to write a letter to absent members about their lack of attendance, and request a reply by January 15, 1994, to Denali SRC indicating if they want to continue on the commission. A copy of each letter will be also sent to their appointee source, the Governor of Alaska. The motion passed unanimously.

V. Adjournment

The Commission requested another SRC meeting to be held on Wednesday, June 8, 1994, at 10:00 A.M. The location will be determined at a later date by Hollis Twitchell on the basis of efficiency, and probable attendance of local residents.

Meeting adjourned at 4:35 P.M.
June 28, 1993
DENALI SUBSISTENCE RESOURCE COMMISSION
JUNE 28, 1993
10:00 A.M. - 5:10 P.M.

I. Introduction of Commission Member and Guests

SRC attendance: Florence Collins, (Chair), Ray Collins, Henry Peters, Steve Eluska, Pat O'Conner, Lee Basner
DENA and ARO: Russell Berry, Jr., Hollis Twitchell, John Birch, Leonard Hanson, Clarence Summers
U.S. F.W. State: Helga Eaton
Guest: Darryll Johnson, Jim Budd, Diane Gudel-Holoes

of University of Washington, Cooperative Parks Study Unit.

II: Old Business

Minutes to the last meeting were reviewed and approved by the council. A quorum was present for meeting business, with 5 members present.

Election of Officers: Florence Collins was elected Chair by unanimous vote and Lee Basner was elected Vice-chair by unanimous vote.

III. Denali Wildlife Census Update.

John Birch gave the committee an update on the spring of 1993 wildlife populations in the park. Reporting that Tom Meier of Denali Park, will be leaving this fall to pursue his PhD on wolf DNA studies. In general the park wolf project is winding down, the final report and recommendations are due out next spring.

Denali's caribou population continues it's downward trend with a low pregnancy rate among the cows, low birth rate among the calves born, and high predation rate due to predator pressure. A hand out was distributed to members, summarizing wildlife statistics and trends in the populations. Also reported, was last winters dispersion of the herd put animals as far away as Fairbanks, and the White Mountains. Some mixed with the Delta herd, but latter separated out. Among 90 female Denali caribou radio collared, all but one had returned as of late June. In summary, all caribou across the interior went to unusual places last year.

In sheep, the percentage of lambs per 100 ewes remains low, this trend is unexplained, but last years weather is partially to blame. A more accurate census to be completed in July will give a better estimate of the total population.

The park's brown bear activity has been fairly low, due to the late spring, only two cubs have been observed. Of interest is the report that the average age of the bears is 18 years. This indicates a slightly skewed age structure. The park continues with an active bear management program, with the employment of two bear technicians for the summer of 1993.

The ptarmigan population in the park, and 13E are dwindling, and as a result, seasons are reduced.

Hollis Twitchell summarized moose management. Hollis had on hand for the meeting a map with data from an aerial survey conducted on November 19 and 20 covering 214 square miles. A total count of 283 individuals were observed, with a total estimated population between 302 and 330. Of them 29% were bulls. The Moose harvest statistics, from the Cantwell subsistence permits. Of the 50 permits issued, (including 10 household permits) only two animals were taken on Denali Park lands. Pat O'Conner related that there were no moose in the Clearwater, while they were there during hunts in past years.

The return rate of permits for the Federal Subsistence Caribou Hunt were marked by a high percentage of, "no replies as yet." Briefly summarized the statistics are as follows. For GMU 13E, 64 hunters were issued 128 permits, with 2 animals (and permits per hunter). Of these 33 permits indicated people hunted, and 34 did not. Of the 33 permits hunting, 11 were filled, and 5 filled from Denali lands. We have 54 permits still out standing, with no reply from the hunter. This is 27 individuals, of the 64 issued permits, almost 50%. It was stressed that the missing data is of importance, and a brief discussion followed of the failure to return a harvest report puts the hunter in jeopardy not getting a permit on future hunts.

IV. South Side Development Concept Plan.

The available information is that the DEIS is in the mail. Public comments are due by September 17, with meetings probably in Anchorage, Talkeetna, and Park Headquarters. For the proposed visitor center, the possible site is outside of Talkeetna, but nothing is certain yet. Activities covered in the plan include snowmobile guiding, proposed waysides, campsites near Cantwell, Riley Creek-Cantwell trail, and Alder Creek trail, with trail head access by jet boat to get to the Ruth Glacier. An Agenda item for next meeting was set to address hiker-hunter confrontation on trails. Ruby John suggested that the next SRC meeting be set in Cantwell to address this item, and as soon as possible in light of, all public comments on the plan are due by September 17.

MOTION: Ray Collins moved, and Henry Peters seconded, that members
The Regional Advisory Council members have not been finalized yet. Helga Eaton, from the U.S. Fish and Wildlife, she described board duties of the above members.

The Federal Subsistence Board did not open 20C for a caribou season, as requested by the village of Minto, because the animals observed were from the Denali herd which dispersed into the area.

The Federal Subsistence Board also extended the 20C moose season to September 1-30. The original request was for September 10-30, but the extension was asked for after the original request went in.

The need for more data on the adequacy of present hunting regulations was expressed by several members. So a motion was made by Ray Collins, and seconded by Pat O’Connor, authorizing a letter be drafted to give to applicants for next years subsistence hunt permits. This letter would outline, who we are, and why we want information on hunting success. The question to be asked is, “Last year did you get adequate moose or caribou with the present regulations? If not, why not?”

The determination of Customary and Traditional for residents on the Parks Highway, mile 216-239 is item 3 on the Federal Subsistence list, no action on this determination at present.

MOTION: A motion was made for the FSB to add Recommendation 3, a winter moose season for 20C. The announcements are to be sent to advisory committees, regional councils, and other agencies. The Alaska Fish and Game Middle Nenanna Advisory Board will meet on July 14. And will comment after that. The expected harvest levels of the area will see little change.

The State Board of Game changed the Unit 11, 13, moose size requirements to 50 inches, or spike fork. This may put pressure on Denali lands, and the Yentna River (Unit 16B). Few moose are taken from the park in the Yentna area. Units 16, 19 have shortened the caribou season, and now bulls only.

VII. Adjournment

NEXT SRC MEETING Commission requested another SRC meeting to be held on November 30, 1993, at 10:00 A.M. The location is undecided but possible choices are Healy, Cantwell, or Park rec. hall. This decision will be made by Hollis Twitchell on the basis of efficiency, and probable attendance of local residents.

Meeting adjourned 5:15 P.M.
MINUTES
Denali Subsistence Resource Commission
May 28, 1992
10:00 A.M. - 5:00 P.M.
Denali Park Headquarters, Denali Park, Alaska

I. Introduction of Commission Members and Guests
SRC Attendance: Florence Collins (Chair), Percy Duyck, Henry Peters, Pat O'Conner, Lee Basnar (Vice-Chair), Ruby John
DENA and ARO: Russell Berry, Jr., Hollis Twitchell, Gordon Olson, Clarence Summers
USFWS: William Knauer, Mike Lockhart
State: Terry Haynes, Stanley Leaphart
Guest: Dick Collins, Joan Basnar

Superintendent Russell Berry, Jr., welcomed members and guest, reviewed the role and function of the SRC, then turned the meeting over to Florence Collins (Chair).

II. Old Business
Minutes to the last SRC meeting, March 6, 1992, were reviewed and approved.

Clarence Summers gave an update on the status of the proposed Roster Regulations. President Bush's moratorium on new regulations may impede action on the Roster Regs in the near future. The proposed Roster Regulation is currently in the Washington Office for review. Lake Clarke's SRC is writing a letter requesting an exception to the President's moratorium on new regulations. If granted, the Roster Regulation will still need to be published in the Federal Register as new rule making.

Russell Berry, Jr., discussed the Southside Development Alternative Workbook indicating that the public comment period has concluded. NPS is currently reviewing the comments and a draft EIS will be written by the fall of 1992.

Seventeen hundred responses were received during the comment period, 400 of which provided substantial comments and completed the questionnaire, the remaining responses were preprinted type forms sent in representing interest groups that were either for or against the Alternatives.

Pat O'Conner discussed the 1990 population census data for the McKinley Village area, stating that he felt the figures were too high. Pat said that data from the State Revenue Sharing Surveys which require people to reside in the area at least six months of the year to be counted, would be a more accurate representation of community growth. Pat said State Revenue Sharing Surveys indicate that McKinley Village population was: Year Residents

<table>
<thead>
<tr>
<th>Year</th>
<th>Residents</th>
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<tr>
<td>1982</td>
<td>88</td>
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<td>1983</td>
<td>83</td>
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<td>1985</td>
<td>97</td>
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<td>1990</td>
<td>109</td>
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III. Federal Subsistence Management Program
William Knauer, USFWS, discussed the Federal Subsistence Management Program. The Secretary of Interior signed the Record of Decision in early April, alternate #4 from the EIS was selected with two exceptions. (1) The number of subsistence regions in the State will be increased from eight to ten. (2) Rural determinations for communities changing from rural to non-rural status will have a five year waiting period from when the non-rural determination was made before it becomes effective.

The final regulations for Federal Subsistence Management on federal public lands has been signed and will be published in the Federal Register this month. Subparts A, B, and C of the regulations generally define the Federal Subsistence Program, including general policy, rural determinations, and customary and traditional use determinations. Subpart D of the regulations which outlines the annual seasons and bag limits for the 1992-93 regulatory year will become effective July 1, 1992. The annual season and bag limit regulation booklet is at the printers and will be mailed out soon.

A draft Charter is being written for the new Federal Regional Advisory Councils. The draft document will be forwarded to the Federal Subsistence Board for review, then on to Washington for approval. A nomination process for Advisory Council membership will be developed. Council members will have to be rural Alaska residents from the region with a knowledge of subsistence use and be willing to serve and travel to meetings. Nominations may be made by local people and may be open by June or July of this year.

Nominated Federal Advisory Council Members will be recommended by the Federal Subsistence Board to the Secretary of the Interior and will be appointed by the Secretary with concurrence by the Secretary of Agriculture. Hopefully the Federal Regional Advisory
Councils will be operational and functioning by early fall.

A staff committee has been formed to work on customary and traditional determinations which are under appeal, as well as the requests which have been received for review. The staff committee has developed and prioritized a list of appeals for the Federal Subsistence Board. Five categories were used for establishing priority among the requests:

1. Federal Subsistence Board obligation where the board has made a formal commitment.
2. Existing appeals.
4. Other requests.

Knauer said that once the new Federal Regional Advisory Councils are operating, they may look at C&T requests and make recommendations to the Federal Subsistence Board.

Denali Subsistence Resource Commission’s request to review the negative C&T determination of moose and caribou for Parks Highway residents living between milepost 216 to 239 has been rated as number five in overall priority. It was classified as number one in the category of new rural communities. No formal agenda or dates have been established yet for when Denali’s review will be heard by the FSB. It may be several years before it comes before the board.

Hollis Twitchell stated that Denali’s SRC request to the Federal Subsistence Board should be changed to the “appeal category” rather than the “new rural community category” since it is not a rural/non-rural issue, but rather an appeal of the negative C&T for moose and caribou made by the Alaska Board of Game.

Ruby John stated the need to provide the FSB with a complete file of information for the mile 216-239 Parks Highway residents.

Lee Basnar stated that Denali’s SRC request should be kept in front of the Federal Subsistence Board and not reduced down to a level of review by the Federal Regional Councils.

Terry Haynes suggested the SRC may need to correspond to the Federal Subsistence Board stating precisely that the SRC is appealing the negative C&T decision made for moose and caribou for residents living along the Parks Highway between mileposts 216-239.

Stanley Leaphart, Lee Basnar and Florence Collins expressed concerns that several years wait before the FSB hears the C&T appeal is unreasonable.

Hollis Twitchell inquired which Federal Regional Councils will be appointing the three members to Denali’s SRC. Currently, two SRC members will be appointed by Eastern Interior Region 9, and one SRC member appointed from SouthCentral Region 2. Twitchell asked what was the SRC opinion about the number of appointees from the regions.

Lee Basnar stated that the number of appointments should be based on the region’s subsistence user populations. Presently, the Southcentral Region has only one appointee but has the largest number of subsistence users. The Interior Region has less subsistence users than Southcentral, but has twice as many appointments.

Motion made by Lee Basnar that the SRC should recommend to Denali NF/P the allocation of Regional Council appointees to Denali’s SRC be as follows: Two members appointed by Federal Regional Council #2, and one member appointed by Federal Regional Council #9. Percy Duyck second the motion. A vote was taken by SRC, the motion passed with five votes in favor.

William Knauer discussed the role and relationship between Local Advisory Committees, Federal Regional Advisory Councils, and the Federal Subsistence Board. Knauer stated that as in the past, Local Advisory Committees will submit recommendations and proposals to the Federal Regional Advisory Councils, after review, the Regional Councils will pass the proposal to the Federal Subsistence Board whether the Regional Councils are in support of the proposal or not.

12:10 Break for lunch.

IV. Park Hunting Plan

Percy Duyck suggested that there needs to be a winter permit hunt for bull moose in GMU-20C to provide an opportunity for rural residents who utilize remote areas of the park, primarily in the winter months for trapping, to harvest their moose when they arrive in the area during early winter.

The current Sept. bull moose season in GMU-20C is too early for many trappers and rural residents without electricity and freezers to harvest and store their moose meat. Trappers begin utilizing remote areas of the park in Nov. and stay throughout the winter months. It would be more effective and efficient if users could harvest their moose once they arrived in the area for winter trapping, rather than harvesting moose in the warmer fall season and having to preserve and store the meat, after which they still are faced with having to transport the meat into the area for their winter activities.

The current bag limit of one bull moose per year would be retained, a second winter season would be established from Nov. 15 through Dec. 15.
Motion made by Percy Duyck that a second season be established on park lands only in GMU-20C for antlered bull moose from Nov. 15 to Dec. 15. Motion seconded by Henry Peters. Motion passed, four in favor, one abstained.

Lee Basnar discussed a noticeable decline in the population of Ptarmigan in GMU-13E. Lee stated that the size of flocks have decreased to about 12-15 birds and he has observed less flocks in the area. Pat O'Connor said he has observed the same decrease of ptarmigan numbers in the park and in the Yenert drainage. Hollis Twitchell explained AK Dept. F & G observations of declining ptarmigan populations in GMU-13 of both accessible hunted areas, and inaccessible non-hunted areas. The recent reduction in season and bag limits to State hunting regulations for ptarmigan in GMU-13 were discussed. No action was taken to reduce federal seasons and bag limits.

Federal Registration Permits hunts for moose in GMU-13E which have a bag limit restriction of one bull moose per household was discussed. Ray Collins had suggested at the last SRC meeting that any eligible hunter residing within the household should be able to harvest the moose, not just the individual who received the permit. Traditionally family members often hunt as a group and we should not be limiting the harvest of the moose to just the permittee. NPS is coordinating with BLM, which manages lands in GMU-13 subject to the same Federal Registration Permit hunt, the option of listing other eligible household hunters on the permit which to allow any qualified family member to harvest the one moose per household bag limit. It was decided to wait and see if something could be administratively worked out, no SRC action was taken.

Hollis Twitchell answered questions about ATV and firewood issues for the south side, Cantwell area. No further comments or requests have been received to date. ATV use is not authorized in Denali N.P./P for subsistence activities and no requests or permits have been issued for firewood from the southside. AHTNA native land selections in the area would require concurrence from the corporation before a timber permit could be issued.

Russ Berry answered questions about the Kantishna road evaluations, RS 2477 rights of way, and navigability determinations on moose creek.

V. Public and other agency comments

Terry Haynes said he is the Division Liaison for the State to the Federal Subsistence Program, one of two people the state has designated, and spends time in Anchorage working with the federal staff.

Terry Haynes said that the State submitted comments in support of the Slippery Creek Subsistence Cabin reconstruction and inquired if a decision has been made yet. Hollis Twitchell stated that the comment period was closed and a Finding of No Significant Impact (FONSI) was being reviewed by the NPS Regional Office.

VI. New Business

Lee Basnar moved that the next SRC meeting be held Jan. 22, 1993 at Denali National Park Headquarters, beginning at 10:00 AM. Motion was seconded by Percy Duyck.

VII. Adjournment 4:00 P.M.
March 6, 1992
MINUTES
DENALI SUBSISTENCE RESOURCE COMMISSION
MARCH 6, 1992
9:30 A.M. - 5:10 P.M.
Cantwell Community Center, Cantwell, Alaska

I. Introduction of Commission Members and Guests

SCR attendance: Florence Collins, (Chair), Ruby John, Ray Collins, Percy Duyck, Ken Leavitt, Henry Peters

DENA and ARO: Russell Berry, Jr., Hollis Twitchell, Tom Meier, Clarence Summers

State: Stanley Leaphart

Guest: Dick Collins

II. Old Business

Minutes to last meeting were reviewed and approved with the following correction: Florence Collins was "unanimously" rather than "anonymously" voted Chair.

Florence Collins stated the only motion made from the February 26, 1991, meeting was to write a letter to the Federal Subsistence Board pointing out the difficulty the road corridor permittees have had. A formal response to the SRC's letter came back from the National Park Service explaining permitting policies for the Park Service and that the FSB intends to adopt a process for making C&T determinations prior to July 1, 1992. No decision has been made yet.

Elections of Officers: Florence Collins was elected Chair by unanimous vote and Lee Basnar was elected Vice-chair by unanimous vote.

III. Roster Regulations Update

Clarence Summers gave the committee an update on the Roster Regulations. In 1991, a draft of the Roster Regulations was sent to the Washington Office. Language in the draft regulation will delete several resident zone communities from Lake Clark National Park and replaces them with a roster list of eligible subsistence users. The draft regulation also provides a process which will allow any of the other SRC's in Alaska to delete a resident zone in these respective areas if it becomes necessary, and replace it with a roster list of eligible subsistence users.

Flexibility is left to the commission on how and who would develop the roster lists. Lake Clark established 1980 as a date to determine eligibility for its roster list, but other commissions may decide to set a different date.

Several questions were asked and discussion followed concerning resident zones, subsistence permit criteria, public input and review, and the allocation of resources among subsistence users when you have a limited resource base. Informational exchange with no decision reached.

Russell Berry Jr. gave the SRC an update on the establishment of boundaries for the Minchumina Resident Zone. The Denali SRC recommended in its Subsistence Hunting Plan to establish a boundary for the Minchumina Resident Zone, 1 and 1/2 miles from the lake, perpendicular to Lake Minchumina's shoreline as depicted on the D-5 Mt. McKinley 1:63,360 topographic map 1953 edition. Public notices posted at Lake Minchumina, Telida, Nikolai and Park Headquarters.

IV. Federal Subsistence Management Program

Clarence Summers gave the committee an update on the Federal Subsistence Management Program and a review of the Final EIS. The Final Environmental Impact Statement has been published with alternative #4 selected as the preferred alternative. A record of decision will be made this spring and the selected alternative implemented by this summer.

A review of the major elements of alternative #4 was given which generated several questions about the role and function of local advisory committees and the establishment of the Federal Regional Councils. If new Regional Councils are established, they may appoint new SRC members to the commission.

Federal Subsistence Board has assimilated the past State customary and traditional use determinations, but may decide to review some controversial decisions. FSB will adopt a process for making future C&T determinations and reviewing past ones by July 1, 1992. Commission discussed problems but took no action.

Proposals to the 1992-93 seasons and bag limits regulations (subpart D) were brought before the commission. Relevant proposals affecting Denali were included in SRC workbooks. Formal comment period ends March 9, 1992. SRC members will review relevant proposals for possible comments or actions. FSB will meet April 6-10 to make decisions on proposals.

MOTION Commission wants a member to attend Federal Subsistence Board meetings; moved that a letter be written to the Secretary of the Interior to change Denali's Charter to permit the Chairperson or their designee to attend FSB meetings and provide to provide comment and recommendations regarding issues affecting Denali subsistence users. Motion also requested funding be made available for attendance at FSB meetings.
SRC members requested a tele-a-conference to discuss issues and pass information. Denali NP agreed to set up the conference call. Commission selected 2:30 PM, on March 31, 1992 as a time when all members would be available.

Commission requested another SRC meeting to be held on April 11, 1992, at Denali National Park Headquarters, beginning at 9:00 AM.

Hollis Twitchell discussed how the Federal Registration Permit hunts in GMU-13 and GMU-16B on Denali Park and Preserve lands were managed this year. Concerns were raised about the potential harvest level in GMU-13 for moose and the need for biological data on the moose population. Harvest levels near Cantwell could exceed the biological capacity and limits on the number of moose harvested may need to be set. Information on the number of eligible hunters and the reported harvests were discussed, no action taken.

Ray Collins suggested that the "one moose permit per household" requirement should be managed in a way that would allow any individual living within the household to be eligible to harvest the moose, not just the individual who received the permit. (permits are currently nontransferable)

Hollis Twitchell discussed how the State's hunting seasons and bag limits have become more restrictive than Federal Subsistence seasons and bag limits, making hunting on Denali Park lands more desirable than it has been in the past. And that ATV use is not allowed on park lands in support of subsistence activities since there has been no documented customary and traditional use of ATV's. Some hunters were not aware of this prohibition.

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Break for Lunch

Letter from Commission member Pat O’Conner was read suggesting SRC meetings be held in evening for on weekends so workers can attend. Commission member present, Ruby John, Ray Collins, Percy Duyck, Florence Collins, Ken Leavitt all stated they preferred to meet on Fridays and/or Saturdays. Henry Peters stated anytime would be acceptable with him. No formal decision made.

V. Park Resources Report

Superintendent Berry gave the status of South Side Development, Alternatives Workbook, Land exchanges for Kantishna, Trails plans, Moose Creek navigability, and RS2477 which were issues of interest to the committee.

Tom Meier presented data and summaries of research done in Denali on moose, caribou and wolves. A review of the proposed Strategic Wolf Management Plan for Alaska and the recommended zones for management of lands adjacent to Denali National Park and Preserve were discussed. State and NPS agree there needs to be intermediate zones to separate no-hunting areas from high harvest-intensive management areas.

VI. Denali's Hunting Plan Review and Workshop

No formal discussion or recommendations were made for Denali's Hunting Plan.

VII. Public And Other Agency Comments

Stanley Leaphart, State of Alaska, asked several questions concerning the issues of resident zones and the NPS ability to allocate resources among subsistence users when resources are scarce.

Mr. Leaphart stated that the Federal Subsistence Board does not use the SRC effectively. Suggested that the FSB should be required to send proposals on seasons, bag limits, methods and means or other subsistence related regulations to the SRC's for comment and recommendations before the FSB makes a decision. Suggests the SRC's and the FSB deal directly with each other, rather than the prescribe route of SRC's dealing with the Secretary of the Interior.

VIII. Adjournment

Arrangements were made for a tele-a-conference on Tuesday, March 31, 1992 at 2:30 p.m. The call will originate from Russell Berry Jr.'s office at Denali National Park.

The next scheduled full Subsistence Resource Commission meeting will be on Saturday, April 11, 1992 at 9:00 a.m. at Denali National Park Headquarters recreational hall.
February 26, 1991
DENALI SUBSISTENCE RESOURCE COMMISSION


In attendance: Lee Basnar, Chair, Ruby John, Steve Eluska, Henry Peters, Rollie Ostermick, Pat O'Connor.
DEN and ARO: Ken Kehrer, Jr., Linda Toms, Jim Unruh, Tom Habecker, John Hiscock, Clarence Summers.

State: Terry Haynes, Stanley Leaphart.

0930 Called to order by Lee Basnar. Introductions, note and welcome for Pat O'Connor, new appointment. Where notices posted for meeting?

Peters motioned, Eluska second approval of former minutes.

Old Business:
O'Connor - State and Federal have been around and around on issuance of individual hunting permits - Federal used to determine Customary and Traditional on individual basis. Says they (McKinley Park) residents met requirements over and over - What can those folks do about it?

Basnar - We've addressed this many times.

Haynes - No change from State - it's up to the Feds. NPS not bound by state findings.

Basnar - Any ongoing review by state.

Haynes - State is recommending Customary and Traditional of moose in Unit 20, state not bound by rural if Customary and Traditional applies. The state can't do anything now on Federal lands. There will be a new proposal to State Board of Game on Customary and Traditional. New criteria will be presented with residence not being considered.

Basnar - Looks like there may be some relief for McKinley Park residents, at least as state is concerned.

Haynes - Needs to follow-up.

Basnar - Please follow-up and let us know. If the resident lives in one Unit and wants to hunt in another can they hunt there, state lands?

Haynes - Yes, if customary and traditional applies.

Basnar - Ok - what is the Federal stand.

Hiscock - What the state does has no effect on Federal lands. When the McDowell ruling took place and general assumption took place, the Federal Government adopted the state regulations for Customary and Traditional due to the time constraints. We have until December 1991 to formulate new regulations or keep those existing ones. The 60 public meetings were held for the public to provide input.

Those Customary and Traditional determinations are not NPS, but interagency Fish and Wildlife, NPS, Forest Service, BLM and BIA, with the Chair appointed by Secretary of Interior. They meet every other month on a variety of issues. They meet next week on seasons and bag limits, in Anchorage.

Basnar - 7 Specific date on Customary and Traditional?

Hiscock - I don't know - but they have the ability to act when they deem necessary.

O'Connor - Letter from McVee said determination is up to park.

Hiscock - For NPS to issue permit, the federal board must change the definition of Customary and Traditional.

Leaphart - Federal Subsistence Board is just a Federal version of State. Agency authority has not changed.

Basnar - Will board have authority over NPS?

Hiscock - Not necessarily - NPS authority has not changed.

Basnar - Then the NPS has authority to issue Pat a permit?

Hiscock - We're in the same boat we were in 2 years ago. The same applies until December 1991. The federal board must change.

O'Connor - Why don't the federal register rules apply? We had to meet requirements in past, we still meet them. I'm as confused as everyone else, but I'll drop it for now.

Basnar - We discuss this each year and we're tired of it.

Hiscock - The SRC needs to bring it to the federal board.

Basnar - SRC, what action should we do?

O'Connor - SRC has supported this in past and written two letters to Secretary, no responses ever received.

Basnar - There were two letters written according to Florence but I'm not sure where they were directed, maybe to the State division of Boards.
Haynes- Not aware of letters.

Summers- Has copy of letter to Senator Stevens.

Hiscock- MOTION- SRC draft letter to Board, send Pat O'Connor to their meeting as SRC representative, 3/4 to 3/8 or 3/18 to 3/22, Second-Rollie.

Hiscock- That is the contact that needs to be made—however—this meeting is for seasons and bag limits.

O'Connor- Seasons and bag limits is what this is about.

Basnar- sets make sure we get the letter to the right meeting.

Toms- The cover letter for this meeting says they will discuss agenda items only.

Leaphart- There is an appeal process for these Customary and Traditional findings, you're not locked in to these meetings—there is a time limit for acting on these.

Hiscock- Not really an appeal— the appeal time limit was for 45 days after July 1, 1990.

Basnar- Needs to be looked at more fully.

Summers- Tok is in a similar situation, they also are unhappy and voiced their feelings at public meetings. (re Sheep)

Hiscock- Explained Tok situation—individuals did not go through the SRC.

Basnar- We need to decide when and where to send letter and Pat and to which meeting.

Haynes- It might be helpful for the commission to view the Federal proposals. Suggest NPS advise Commission on adequacy of documentation already submitted by O'Connor. Haynes will go to office to obtain copy of Federal Proposals during lunch.

O'Connor- Motion to table Ruby's motion.

Eluska- Second. 5 to 1 in favor to table.

ELECTION OF CHAIR

Ostermick- Nominated Basnar.
Peters- Second.
Johns- F. Collins nominated.
Eluska- Second.
Basnar- Declined nomination.
Voted by secret ballot.
Basnar- Move F. Collins be anonymous, voted chair. PASSED.
Johns- Nominated Basnar as Vice Chair.
Eluska- Second. PASSED by all.

PARK RESOURCES REPORT

Toms- Road Access: Read news release on Task Force stated that Task Force now at several locations to solicit opinion from public.
Basnar- Plans for roads on south end?
Toms- Explained south side DCP.

Ostermick- He heard news story on suit filed against State to halt development.

Leaphart- Suit based on procedural issue.

Basnar- Well subsistence considerations be examined?

Toms- EA or EIS will be issued, and Commission will have opportunity to comment. (as members of public)

Basnar- Commission (as a body) should look at these issues when EA is released.

LAND ACQUISITION

Toms- Six million dollars is the beginning amount for acquisition of land in Kantishna on a willing seller basis. We are looking for funding in '92.

Basnar- Any acquisition in Dunkle area?
Toms- No. Only for mining properties in Kantishna.

Basnar for F. Collins- Expressed interest in land exchange near Swift Fork.

Toms- This issue has not been resolved. Sierra Club had concerns.

Basnar for F. Collins- What is Dan Ashbrook's situation in Kantishna?
Toms- Am reviewing events of past year. a) ANILCA Access rights
b) Court injunction against Ashbrook

TRAIL STUDIES
Toms- In midst of developing comprehensive Trail Plan. Currently looking at what we already have. Inventory of existing trails will be complete in 1991. Phase II: Identify new trails and/or hardening existing trails.

Basnar for Collins- Concerned about proposal by Cantwell resident to use horses in park (commercial use). Worried about adverse impact.

Toms- No determination made. Environmental review needs to be accomplished.

Basnar for Collins- Wants to be advised of proposals for stock use. Toms- Subsistence concerns will be addressed in any proposal and the Commission will be kept advised on this issue.

NAVICABLE WATERS
Toms- No determinations made by the Park. Stated that since state's initial determination of navigability of Moose Creek, the State has come back to NPS for more information.

Basnar for Collins- Expresses concern about state's determination of Moose Creek's navigability.

Toms- Explained jurisdiction of state and federal governments on rivers and streams as it relates to mining claims.

Leaphart- Gave further details and qualifiers on navigability issues.

Toms- Issue may involve rivers and streams in old (wilderness) park. Issue may become as complex as subsistence issue.

O'Connor- Can navigability be determined based on frozen condition?

Leaphart- Yes, generally, but administrative decisions are long and complicated.

Toms- DENA has received funding for a permanent subsistence coordinator position. Likely to elevate what we understand and our involvement in subsistence. We expect to have an employee on board in about 2 1/2 months. The duty station will be at Park HQ's.

Haynes- To clarify: More beneficial or effective for Commission to look at Federal Board's proposals now or when proposals appear in Federal Register? (May be language change by the time proposals appear in Federal Register.

Basnar- Let's look at proposals now.

Haynes- The State Board of Game proposal for unit 20A and 20C for Customary & Traditional determination allows for subsistence harvest of moose by all Alaskans. (State's point of view)

Hiscock- State's recent determination is not currently held or accepted from Federal point of view.

John- Is it not true that native groups agree with Federal (more restrictive) point of view. (i.e. subsistence rights for all Alaskans)

11:55am Adjourned for lunch until 1:30pm.

1:30pm Reconvened

O'Connor/Basnar- Motion to send letter to Federal Review Board concerning permittee and send O'Connor to board meeting.

Haynes- Distributed copies of state proposals that relate to park areas that Federal Board will consider. Discussion of what proposals were about, changes in season dates, etc.

Basnar- Interested in federal registration permit. Discussion of what is needed to hunt within DNP. GMU 13 used as example (permit procedures, etc)

John- Question concerning hunting on all Federal lands as customary and traditional.

Basnar- Cited O'Connor's case as an example-but needs park permit to hunt within park. Federal lands in general vs. park lands in particular.

John- The board is charged with protecting rights of persons like O'Connor. Can NPS attend March Federal Board meeting to amend rules to allow the 11 persons to get back their permits? Want NPS representative to speak on behalf of the 11 persons who lost their hunting rights.

Basnar- No problem with sending letter to advise but has reservations on sending someone to the meeting.

Leaphart- Had made phone call to Federal Board and it was doubtful the board would get to this issue as the agenda was full. Thought it was best to submit a written proposal to get it in the works rather than send a person to the meeting.
John- reviewed means to submit recommendations by Commission of the Board.
Basnar- Wanted to know how far up letters go
John- Letter reviewed at Secretary of Interior level-It takes time, usually not a quick response.
Basnar- Want to get timely recommendation to the Federal Board in Alaska, but will there be enough time to act this year?
Hiscock- Thought Secretary would support process outlined in law.
Basnar- There have been hearings already-not a formal hearing but the 11 persons have talked to the local advisory committees.
Hiscock- Federal Board can change Customary & Traditional but not for selected individuals-change would be for everyone. There has been discussion.
Basnar- We want to get a letter to the appropriate persons in a timely fashion.
O'Connor- We met the requirements once-then it was reversed.
Leaphart- By sending a letter to the Federal Board, it's the same as sending it to the Secretary. Federal Board will look at the administrative record of these issues-record of what public has said-board will look at these as required by law.
Hiscock- There can make reference to the public meetings held in the past.
O'Connor- He told how they had sent information packets certified mail 2-3 times and never got a response.
Basnar- They haven't responded to two of our letters. We want to get a final answer on this issue.
Hiscock- It would be good for this commission to state its case and mention this has been going on for years.
Toms- Follow up on it-make xerox-phone calls- get some answers. The park can/will support getting a response.
Basnar- Questions where are records of these proceedings? Who is keeping these records?
Toms- Subsistence coordinator will be key person to assist with record keeping. Commission should send copies of correspondence to park to assist with the follow-up.
Basnar- Review Ruby's motion to have Pat attend meeting-they won't get to our issue at the next meeting. Suggest that Pat represent us at appropriate time.
John- There is no waste of time on getting your subsistence rights-get on the agenda.
Basnar- Open-ended for Pat to represent this issue. It depends on when they can get it on their agenda.
Toms- I will follow up and let Pat know when he is to appear.
Basnar- MOTION - by Ruby to send letter to Federal Subsistence Board expressing concern of individuals who lost permit and ask O'Connor to represent the case at the appropriate time.
Vote- Unanimously carried.
Basnar- Pat will draft the letter, chair will sign. March 4 is next Monday.
Toms- Park will provide clerical support.
Basnar- Next Issue:
SRC hunting plan
Hunting plan-"permit" vs "list" of uses not in resident zone.
Reviewed past meeting on drafting the plan, developing a list of authorized users.
Intent was to offer an alternative to a permit system.
Hiscock- working on draft of list (alternative) commissions favored alternative and not to delete Cantwell as a resident zone. Working of mechanics of how to do this. Foresee draft within next month or two.
Basnar- Committee put together a draft and full commission made change.
Hiscock- The draft would be applicable to all park areas in Alaska as others have experienced same problem.
Basnar- Biggest worry is change is not mandatory - at public hearing they decide if the want to change- don't want to force folks to do something else. If public wants to change, it will be presented to the commission. Commission does not want to have to come up with a list - we don't want to be the deciding body. Who is the community? Who would decide current resident zone- 3 miles from post office.
Hiscock- "List" would be on file in the park.
Basnar- Problem is developing the list - who will be on the list
John- Some people (Cantwell) have to live elsewhere for employment. Propose tribal members originate the list.

Hiscock- By law they must reside in rural area. Customary and Traditional can move back into the area and get on the list.

O'Connor- pinpoint a date - that people could prove customary and traditional pre- ANILCA.

Basnar- That was tried it was rejected. Selected date of hearing in Cantwell of those residing to be eligible; that was rejected also since ANILCA- people have moved in and hunted now is that "traditional" anyone moving into Cantwell today could hunt who is responsible for developing the list.

Hiscock- Superintendent is ultimately responsible for reviewing the list SRC submits the list.

Basnar- Why can't the Superintendent send out a team and make the list the SRC has no authority to approve the list Interior will not use term "permit". Ask how commission members feel-make up lists?

O'Connor- Each member has his/her own idea of what Customary and traditional is. We need guidelines to follow.

Hiscock- Maybe the commission should serve as a "funnel" to compile and present the list.

Basnar- I'm not going to get involved in "blessing" the list. Everyone in Cantwell would be angry. Why must we do it? Why doesn't NFS do it with full time paid employees.

Hiscock- Decision to delete is community decision.

Basnar- Commission doesn't want to get involved in these.

Summers- Has heard many views on how roster should be compiled. SRC needs to decide what to do.

Kollie- Thinks NFS should do it - post a list in PO.

Toms- Referred to 12/89 minutes - Superintendent said community has to do this - not the NFS- NFS will write regulations.

Hiscock- Don't want public to think that NFS put together list - it was asked for by the community.

John- I would be reluctant to have NFS go around Cantwell.

Toms- This is a community concern- it comes to us, not something we create.

Hiscock- I will carry your concerns back to Lou Waller. SRC submits list but how list is developed is up to SRC.

O'Connor- Why is meeting held in Fairbanks.

Kehrer- Held in metro area in winter to allow folks to take care of other business etc. The members are volunteer/no pay. Once every few meetings we'll have one scheduled in same place like Fairbanks.

Toms- Read charter- "twice a year or as often as required."

Basnar- Pat found both letters sent from SRC, they both went to the state. Sorry NFS! Federal Subsistence Board meetings 3/4-3/8 would be appropriate for SRC proposal / as per Notice for meetings. Status of customary and traditional - already covered.

Basnar/Hiscock- Public review process.

Since July 1- call for public comments/60 meetings in fall draft EIS will be out maybe by fall/ public will have a chance to comment on that and each step that follows.

Hiscock- Board made new rural/non-rural determinations but only slight changes in Kenai Peninsula. Board will analyze proposals for 91-92 bag limits in the March meetings.

Basnar- Will they act before hunting season?

Hiscock- They will have to.

Basnar- Terry, any feeling on if the state will act so the feds won't have to continue.

Haynes- Hickel appointed group to deal/work on subsistence 1st meeting was Feb. 25 in Juneau. Hally hopes they will come up with solutions in a couple of months. Former Gov. Hammond has suggested "Eat it where you shoot it!" Those living closer to resource will have priority.

Basnar- Past recommendations- we've already covered them.

NEW BUSINESS

Basnar- Subsistence Wood-cutting- What's been done? With AHTNA lands closed, Cantwell folks looking for sources.

Summers- CFR gives determination for dead and down and size.

Kehrer- Discussed CFR vs. the current use of large green trees not just an education but becomes enforcement situation.
Basnar- Would you (NPS) look into it.

Kehrer- OK

Summers- Was at previous meeting CFR 13.39.

O'Connor- Ruby, why did AHTNA stop giving permits?

John- Tough situation- woodcutters constantly asked village people for permits, instead of the AHTNA Council - Village folks couldn't decide them. Also AHTNA used the subsistence mess July 1 (McDowell) as a good time to stop wood permits. They hoped folks would use this as another reason for state to solve subsistence problems.


Toms- Discussed the process ongoing at Denali.

Haynes- Brought it up as a means to illustrate the need for the SRC to be part of the process.

Hiscock- If SRC has ideas for that process, they should voice them.

Toms- Described the new Resource Staff, the mandates they have, the changes in the Research criteria and permit application. Research scientist, Resource Specialist, Subsistence Coordinator, Subsistence Tech. all new.

Summers- SRC should review Resource Plan / When ready.

Toms- I hear that the SRC as a body needs to be included in the public review of these documents and process. We will see that you get notified.

Basnar- Next meeting? Discussions center on July - August SRC recommends.

MOTION TO ADJOURN 1620.
December 9, 1989
DENALI NATIONAL PARK SUBSISTENCE RESOURCE COMMISSION

DENALI NATIONAL PARK
SUBSISTENCE RESOURCE COMMISSION
MINUTES
DECEMBER 9, 1989


Introduction of Members and Guests: Russell Berry, Jr., superintendent; Ralph Tingey, chief of planning & resources; Tom Griffiths, chief ranger; Clarence Summers, ADF&G subsistence division; Terry Haynes, state of Alaska ADF&G division of subsistence; Stan Leaphart, Citizens Advisory Commission of Federal Areas.

Florence Collins called the meeting to order at 9:15 a.m.

Lee Basnar recapitulated the minutes from the June, 1989 commission meeting. Florence Collins explained the make up of the commission and how members are chosen and serve. This was to clear up a question posed by Pat O'Connor from the audience at the previous meeting. Each member explained why he/she was chosen:

Lee Basnar, subsistence user, appointed by the south central regional council.
Leo Mollier, subsistence user in previous years, but not now because not allowed in his area.
Ray Collins: lived in Telida where he was a linguistic anthropologist. Appointed by the regional council, now residing in McGrath.
Florence Collins, a 30 year resident of Lake Minchumina. Not herself a subsistence user, but her family is.
Henry Peters, lived on game all his live. Moved to Cantwell in 1943.
Steve Eluska, lives in Telida, a subsistence community.

Florence Collins explained the recent (12/7/89) chairmen's meeting. The purpose of the commission is to write a hunting program. Lake Clark National Park had similar concerns to Denali in 1984, that increases in residents could be a concern. Lake Clark had a problem with trophy hunters. North West Areas had a problem with antler buyers and killing of game only for the sale of antlers to Orientals.

Florence Collins asked Russell Berry, the park superintendent, to give an update of what has happened in the national park since the last meeting:

1. Denali State Park update: The state is proposing a lodge and visitor center. Once a concessioner is chosen, the NPS will do an environmental impact statement on the proposed site. A request for proposals is due out in January, with offers received by March.

Question: Is the NPS going to be involved in management of the area? Berry answered it would assist in manning the visitor center. Discussion and questions on site location and reasons for its selection. Further question on citizen opposition to the site. Berry explained the basic tone of each of 4 recent public meetings on the proposed request for proposals for the lodge.

Florence Collins asked if there were any questions on woodcutting in Cantwell. None were voiced. Superintendent Berry explained that the NPS needs to promulgate regulations before next season on wood cutting and snow machine use.

Florence Collins asked what is the status of hunting by Kantishna residents. Terry Haynes said he would find out next week. Tom Griffiths said Dan Ashbrook and Roberta Wilson of Kantishna had been contacted and directed to contact the State of Alaska.

There was a discussion of the Tonzona sheep. Florence Collins had heard the sheep had declined.

Ray Collins asked about hunting harvests in the park this past year. Discussion led to the fact that harvest records are only by game management unit, but would not determine how many animals were taken from the park. Terry Haynes said the state is cautious about pin pointing harvest records as to where animals are taken.

There was a question on how many animals are killed on the railroad and highway. No information was available, since the park was not in the same type of game management as the state.

Florence Collins asked Percy Duyck if there were anything affecting the park in the north. Percy answered that there is some commercial hunting outside the park. Some would like to see a November-December hunt for people in Minchumina.

Florence Collins asked the development of the proposed regulation which was developed by the Commission. It would provide a mechanism for a community like Cantwell to change from a resident zone to a group list or permit. Cantwell would be deleted as a resident community. This was done out of concern by residents of Cantwell of a sudden increase in residents to the community which
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would put a strain on subsistence resources before the bureaucracy could respond.

There was a question of whether the residents or commission members would make the decision without the influence of the NPS or State of Alaska. Florence Collins said, "Yes".

A question, wouldn't by attrition there eventually be no subsistence hunting? Which is what the NPS wants.

Florence Collins responded, "no". Each resident, under permit or zone may continue to subsist, and their family and descendants.

A question from the audience about who controls who gets a permit? Who controls the list? Superintendent Berry explained that the park superintendent would approve the list, and has 45 days to approve it. The community makes the list. They decide who is on it. If they don't like the list, they don't approve it and the community remains a residence zone. Descendants can show that they meet the qualifications.

One person said he preferred that the state ADF&G or State Trooper keep the list. Superintendent Berry explained that the NPS does not care which way the community goes. He then explained how over time with the influx of large numbers of people how the community may change and that the "resident zone" could be changed when a significant concentration of subsistence users change; today's meeting is to make sure the community understands. It's not a decision making meeting.

One person stated a concern for the boom - bust economy and said the park boundary was not marked. Discussion continued on posting the boundary.

There was a concern that members of the community should be identified somehow. Superintendent Berry stated that it is not in the NPS interest to contravene the list. If the community is interested, they should work up ID cards. Maintenance of the list is something the community should work on.

There was a concern that the park had been encroached on over the years. Snowmachines were an example. Superintendent Berry stated that the NPS has an obligation to make or change regulations is some cases.

Leo Mollier explained that the "Backscatter" Radar project was the project which brought up the community concern to go to a list rather than stay a resident zone.
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draft for a list. The regulation is specific for Cantwell. There is no mechanism for allowing a community to be deleted.

A discussion by Russ Berry, Stan Leaphart, Clarence Summers:

Stan Leaphart: "What I heard at the Chairman's meeting was that there would be an option for communities to go to a list system."

Clarence Summers explained that the last page on this draft says to change Cantwell, but that other parks want to change communities also.

Russ Berry explained the rulemaking process. If there is to be a proposed rulemaking, then the superintendent needs to hear a clear voice. The community must make a decision. This regulation will be on the books in a few months and the community can decide.

There was a discussion of the "deletion" clause, how it is formulated, and whether a community is deleted and a list follows or whether a list is made and then a resident zone is deleted. Superintendent Berry showed that the list must be accepted by the superintendent first. The regulation has two parts of the regulation. One establishes the mechanism, the second deletes Cantwell as a resident zone. If this is the only community which is interested, we would throw this away, but Lake Clark is interested in promulgating the rule now, regardless of Cantwell.

Jim Wright stated that he wants to retain rights. If a list is the best way, then he is in favor.

Another resident agreed.

Another resident agreed.

Meeting adjourned at 11:40 am for lunch, and will reconvene at 1:15 pm.

Meeting reconvened at 1:15 pm.

Florence Collins asked for any more comments on the change in the resident zone.

Jim Wright asked if only those people listed within the 3-mile radius would continue on the list.

Florence Collins said yes.

He then asked what would guarantee that this would continue.

Florence Collins replied that there must be a public hearing.

DENALI NATIONAL PARK SUBSISTENCE RESOURCE COMMISSION

Wright stated that he would like it entered in the minutes that only 5 residents were present now.

Lee Basnar said that this would affect only the 3-mile area, however those outside the area either have or may get a permit from the Superintendent.

Henry Peters initiated a discussion about what the boundaries of the subsistence hunting zone are.

Lee Basnar asked whether a person could move into the community from Anchorage and get their name on the list. The state says that they have "customary and traditional" use. Response from Terry Haynes, Berry, and Griffiths said that people who left could come back later and get on the list. The state has concerns in this area. Basnar said he wanted people to be aware that this would happen, and that we were talking about a very narrow strip of land.

Comment on whether the park would be managing game. Superintendent Berry explained that we would like to know what is going on there, but the NPS does not manage game as the state does.

Tom Griffiths explained that there is an escape valve since it is such a small strip of land, that what is done there would not affect overall populations.

The comment brought on a discussion of subsistence hunting of bears. There is no subsistence hunt of bears, so no bears may be harvested in the park.

Haynes said the state makes regulations, and the park may be more restrictive if needs be.

Clarence Summers brought up the definition of "family" from Title 36 Code of Federal Regulations Part 13, and Lee Basnar read it aloud.

Florence Collins asked the members for comments on Pat O'Connor and the others who lost their subsistence permits.

Lee Basnar said it had been considered by the board and that they had spent a long time on it already.

Leo Mollier said that they should continue to support them.

Ray Collins explained that there was wording which could be applied to allow individuals to apply for subsistence rights.
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Leo Mollier: "I make a motion to support those people again."

Henry Peters: "I second the motion."

Passed by a majority: 4 "yea", 2 abstentions

Ray Collins said that he thought the commission should support them once again, but not at each meeting on a continuing basis.

Florence Collins then read the previous letter of support to the board and asked how they should proceed.

Ray Collins said we should send an official letter from the commission saying we still have a concern and feel that there has not been a resolution.

Terry Haynes announced that the Governor has reappointed Ruby John to the commission.

Florence Collins explained that when Henry Peters was appointed, Nick Dennis was not notified and asked if the commission members wanted to write a letter to the appointing authorities.

Terry Haynes promised to carry the concern to the State of Alaska.

Ray Collins explained that Nick Dennis still didn't know he was not on the board.

Florence explained to Henry Peters about appointments and a discussion ensued about how long Ruby John has been on the commission.

Florence Collins discussed the size of the quorum and felt that based on discussion at the chairman's meeting that the commission should maintain its present quorum size.

Questions and discussion on whether people had to be customary and traditional users.

Any member of the community at the time of the list would qualify.

The draft currently reads that those members of the community who had established customary and traditional use would be put on the list.

Leo Mollier said that in coming up with the draft he and Lee Basnar had deleted that language. The discussion continued in trying to determine exact wording on page 19 of the proposed regulation.

Should the group rewrite it? They asked Clarence Summers for help in updating the draft with the appropriate wording "group permit", "roster", "list".

Florence Collins then went through the whole draft, asking for comments or changes. The discussion turned to how the commission's comments could be implemented in the Alaska regional office's draft.

Terry Haynes recommended that they be very specific in their recommendations. If they do not want to remove Cantwell then they should say it specifically, then let the Governor and Secretary know that they are revising their hunting plan.

Lee Basnar asked Clarence Summers if his office could delete all references to Cantwell. He would like references circled in red.

The Superintendent offered to write a draft letter to the Secretary for the commission to reflect their concerns.

Motion by Ray Collins: "I move that the Denali Subsistence Resource Commission recommend a change in the hunting plan based on the input we received at a public meeting in Cantwell on December 9, 1989. The change is to recommend that Cantwell remain a resident zone, but that regulations be adopted that will allow a community to change from a resident zone to a group permit in the future upon the recommendation of the commission after a public hearing."

Seconded by Lee Basnar. Passed unanimously.

Florence Collins explained the reason is that since they have had a public meeting and heard concerns from residents that they did not currently wish to change from a resident zone.

Discussion of logistics of removing the word "Cantwell" from the 36 CFR 13.63. Alaska Regional Office and Denali National Park agreed to work together on this.

Motion by Ray Collins: "The chairman and one additional member to attend a joint meeting on revising the proposed regulation change."

Leo Mollier seconded the motion. It passed unanimously.

When could it happen? Perhaps it could happen with written comments. Anything on this subject should be sent to all commission members.

Motion to adjourn by Lee Basnar.

Second by Leo Mollier. Passed Unanimously.
July 14, 1989
MINUTES OF DENALI SUBSISTENCE RESOURCE COMMISSION MEETING
JULY 14, 1989  DENALI NATIONAL PARK HEADQUARTERS REC HALL

The meeting was recorded on audio cassette. Those tapes are stored at Denali Park Headquarters, Management Assistant's office.

Commission Members present: Lee Basner, Ruby John, Leo Mollier, Rollie Ostermick, (Florence Collins arrived at 3:20pm)

Others present: Stan Leaphart, Citizen's Advisory Commission on Federal Areas; Terry L. Haynes, Dept. of Fish and Game; Dianne Gudgel-Holmes, Anthropologist; Patrick O'Connor, local resident; Tony Sisto, NPS, AK Regional Office; Tom Griffiths, Chief Ranger, Denali; Russell Berry, Superintendent, Denali; Bob Gerhard, NPS, Lake Clarke; Jim Unruh, NPS, Denali; Norm Simons, NPS, Denali; Ken Krueger, NPS, Denali; Ralph Tingey, Management Assistant, Denali; Cindy Pollock, NPS, Denali; Clarence Summers, NPS, AK Regional Office

The meeting was called to order by Acting Chairperson Lee Basner at 1:15pm. Florence Collins had submitted her proxy to Lee Basner.

The minutes of the last meeting were approved.

RUBY JOHN questioned Henry Peters absence as affecting the legitimacy of the meeting. The National Park Service was unaware of his appointment and did not notify him in advance. LEE BASNER requested that the Chairperson be flown in the night before the meeting in order to assure their arrival in advance of the start of the scheduled meeting time. He also asked that The National Park Service assure that notices be posted well in advance of the meeting.

November, 1988 Chairpersons meeting in Fairbanks:
LEE BASNER reported that the Chairpersons of each of the Resource Commissions around the state voiced the same concerns as those in Denali.

Activities in Denali National Park: LEE BASNER asked if there was any information on the planned railroad access through the Park's north boundary. RUSSELL BERRY indicated that Denali National Park has not yet been officially approached regarding the railroad access and should it be initiated a study would first need to be done. STAN LEAPHART did not think that funding would be available and did not anticipate the issue to be a consideration anytime in the near future.
LEE BASNER requested an update on the transfer of the Dunkel Hill/Wolf Township property. TOM GRIFFITHS informed those present that the proposal had been dropped. The only land exchange of which he knew was the Swift Fork area and Tokositna.

An update on Denali State Park/South side development was the next order of business. LEE BASNER wanted to know if the National Park Service would be helping to finance the plan. RUSSELL BERRY said that the National Park Service was participating in the funding in order to find feasible alternatives for developing commercial activities to assist Denali National Park. RALPH TINGEY added that there is no funding or timetable happening at this time. Clarence Summers mentioned that there was a Planning and Development meeting scheduled on July 19th for the South side Development. LEE BASNER requested that the subsistence members be included on the mailing list for any information regarding the Denali State Park/South side development.

ROLLIE OSTERMICK requested an update on the road to Eldridge Glacier. RUSSELL BERRY explained that Denali National Park is considering a cooperative effort with The State Park to build a Visitor Center in line with the General Management Plan. The road to Eldridge Glacier is not a National Park Service issue.

subsistence hunting: It was suggested that people who are denied permits, should make new specific proposals to the Commission. LEE BASNER also suggested that documentation should be made by the State. PAT O’CONNOR questioned the Cantwell Residence Boundaries, who on the Resource Commission relied on subsistence use, and why Lee Basner was granted a subsistence permit. TOM GRIFFITHS stated the Cantwell boundary has a three mile circumference, LEE BASNER stated that the Commission members are appointed by the Secretary of Interior, the Governor, and the Regional Councils, and that the Commission is advisory and not regulatory in nature. During the discussion on people who had their subsistence hunting permits canceled it was mentioned that the McKinley Park area was classified as rural and local people had not established customary and traditional uses. TOM GRIFFITHS stated that the NPS developed our local system before ANILCA was finalized but then the State took over and the NPS complied. NPS procedures were stopgap until the State developed their own subsistence program. LEE BASNER suggested that future proposals should be discussed with the National Park Service personnel and then the Park Service should present them to the Resource Commission Board. RUSSELL BERRY said he would be happy to submit any proposals to the Board.

DIANE GUDGEL-HOLMES, Anthropologist, gave a summary of the work she was doing which consists of available historic data and place names of 80 to 100 locations within Denali National Park.
Tony Sisto presented the Denali Subsistence Hunting plan. He explained that since the Secretary of the Interior had accepted the commission's plan, that he had drafted a proposed regulation which would allow a community to change from a subsistence community to a group permit. This was intended for Cantwell and other communities which might have a significant change in population which would impact subsistence hunting. A copy of Sisto's proposed regulation is attached.

Haynes: Why doesn't Lake Clark's communities show up on the proposed regulations?
Sisto: If we get it in time they can.
Mollier: If people didn't get on the list and didn't hunt in the park, will their rights be taken away?
Sisto: They should get on the list to preserve it.
Collins: It depends on who makes the list.
Berry: We don't wish to exclude anyone. We will accept all residents of Cantwell. Our only interest is that the zone is the area the names were drawn from.
Sisto: As long as the commission does what the Secretary has asked, they (the Park) will be responsive.
Collins/John: How would we get the list?
Sisto: The result of a public meeting; let the people decide.
Basnar: Who will wear the black hat?
Collins/John: The superintendent.

A discussion of the limits of the Cantwell residence zone vs. the Cantwell subsistence zone ensued and the members went through the regulation proposal, reading it to themselves. There was discussion of deleting the proposal to remove Cantwell as a resident zone.

Collins: Let's do all the rest of the stuff and not take out the word "Cantwell" yet.
Basnar: There will be a real opportunity for confusion when people who sign up for the list and also sign up for subsistence permits for moose in Cantwell.
Berry: The National Park Service will assist by providing a person to be at the post office to help people sign up and clarify issues.
Sisto: The Commission may want to look to the near future to hold a hearing because it takes a long time to publish regulations. There must be some lead time.

Discussion of whether or not to hold another public meeting before the official hearing required for the regulations.
Basnar: "Recommend the draft go forward"
Mollier: "Second"
Collins: "All in favor?" "It is unanimous."
I recommend that the minutes of the April 1986 meeting be copied for the new park staff.
Discussion of subsistence zone vs. residence zone.
Collins: Do we need to define subsistence zones?
Berry: No
Collins: Do we need two meetings?
JOHN: No, I recommend against it.

MOLLIER: I agree. Will the bureaucracy override this?

BERRY: We will seek advice and counsel of the commission.

LEAPHART: Clarification, suggested that the commission had a responsibility to go to the community and present the option.

SISTO: May do that, but must hold the hearing on the regulations.

HAYNES: Will all the park commissions have a review of this proposed regulation?

SUMMERS: It will be on the agenda at the Chairmen's meeting in November.

SISTO: Does not affect resident communities except positively; unless members want to use it they don't have to.

COLLINS: We do not need to meet in Cantwell right away.

We've made a motion of acceptance. Do we want a meeting right away?

A discussion ensued of a meeting later this year.

BASNAR: "I propose the next meeting be in Cantwell, Wednesday, Sept 20 at 7:30 pm."

MOLLIER: "I second."

COLLINS: "All in favor?" "It is unanimous."

TINGEY: We will take care of setting up the meeting

COLLINS: 7:30 pm to get local input. Anything else?

MOLLIER: "I make a motion to adjourn"

BASNAR: "Second"

COLLINS: "All in favor?" "Unanimous."

Meeting adjourned at 5:00 pm
June 17, 1988
MINUTES OF DENALI SUBSISTENCE RESOURCE COMMISSION MEETING
JUNE 17, 1988 DENALI NATIONAL PARK HEADQUARTERS REC HALL

The meeting was recorded on audio cassette. Those tapes are stored at Denali Park Headquarters, Management Assistant office.

Commission Members present: Lee Banner, Florence Collins, Ray Collins, Nick Dennis, Percy Duyck, Steve Eluska, Ruby John, Leo Moeller

Others present: Harold Eastwood, local resident; Pat O'Connor, local resident; Stan Leaphart, Citizen's Advisory Commission on Federal Areas, Mark McNay, Alaska Department of Fish and Game (ADF&G); Terry Haynes, ADF&G; Gary Sorensen, Clear resident; State Senator Jack Coghill; John Gonzales, Clear resident; Sherrill Peterson, ADF&G; Rachel Sperry, Cantwell resident, Dan O'Connor, Healy resident; Clarence Summers, National Park Service (NPS) Alaska Regional Office, Dick Collins, Lake Minchumina; Tom Griffiths, Chief Ranger, Denali; Lou Waller, NPS, AK Regional Office; John Balle-Molle, NPS Denali; Tom Griffiths, Chief Ranger, Denali; Lou Waller, NPS, AK Regional Office; Jane Anderson, NPS, Denali

The meeting was called to order by Chairperson Florence Collins at 9:50 am. The minutes from the last meeting were read and approved.

FLORENCE reviewed the Denali Subsistence Hunting Program as sent to the Secretary of Interior in 1986. Those recommendations were responded to by the Secretary's office in April 1988. The Denali Commission's plan had six points. The first three address problems or require actions, the last three were a record of the Commission's opinion on certain subjects. The Secretary's office responded to those items of the hunting plan that required action. A brief summary of the response follows.

1) The Commission recommended replacing the Cantwell resident zone designation with an individual permit system. The Secretary's office will "approve implementation of a plan for Cantwell similar to Lake Clark that proposed the development of a list of local rural residents who have or are members of a family that has established patterns of subsistence use within the park. This approach will achieve the same result as proposed by the Commission while maintaining continuity between parks."

2) The Commission's recommendation for Cantwell requires a change in the existing regulations that necessitates a public hearing process and other procedural requirements.

3) The recommendation to define a boundary for the Lake Minchumina resident zone was approved since it is not necessary to change any regulations. "The Superintendent has been directed to implement this recommendation by following the proper public notice procedures."

4) The recommendation to adjust the boundary of the park on the north side where the river has created a new channel is unnecessary since the boundary description is a "floating" boundary dependent on the location of the river itself. If the river changes course in the area the boundary of the park is automatically changed.

TONY SISTO and LOU WALLER explained the regulation process and the work the Commission would have to do to change Cantwell from a resident zone to a permit system. TONY suggested that since the Commission is in the forefront of establishing a system that could work they will be setting an example for other commissions. He also suggested that while writing the regulation the Commission should be establishing the list so that if the regulation is approved the list will be ready for implementation. The regulation process is as follows:

**STEPS** | **TIME IT TAKES** | **RESPONSIBILITY**
--- | --- | ---
Write draft proposal | 2 weeks | SRC and NPS
Final review by SRC | 2 weeks | SRC
NPS/Solicitor review | 2 weeks | NPS/Regional Solicitor
Office review by Washington | 1-2 months | NPS
Dept. Interior Review and Approval | 1-3 months | Dept. of Interior
[REWRIITE if necessary] [Repeat above] | | [NPS/SRC]
Final to Office of Management and Budget | 10 days | OMB
Proposal published in Federal Register | 4 days | Federal Register

The above process will probably take at least one year.

After the proposal is published in the Federal Register there is a public review process for 60 days with hearings in the community. The comments are reviewed by both the NPS and SRC which takes about 30 days. Then the final regulation is written repeating the above steps of review. The final regulation then goes to the Office of Management and Budget for review (10 days), the final regulation is published in the Federal Register (4 days) and...
the regulation is implemented 30 days after it is published in the Federal Register.

TONY suggested to the Commission that they should be prepared for a two year process to final implementation since this is an election year and things might move slowly.

There was some discussion of whether to use the full commission or just a committee to draft the regulation. RAY COLLINS wanted a discussion of the background of the proposed change. FLORENCE explained the original idea came because Cantwell felt an influx of new residents during the intertie and Susitna days that might threaten subsistence resources. The Commission felt a committee would be easier logistically to draft the new reg. LEE BARNER, RUBY JOHN AND LEO MOLLIER volunteered to serve as the committee to draft the regulation. TONY SISTO from NPS will assist. RAY COLLINS agreed it made sense for members of the committee be from the area or familiar with the situation. He stressed that even though the regulation may be drafted by the committee the whole Subsistence Resource Commission should be active in frequently reviewing the drafts.

SENATOR COCHILL asked if there was any "emergency regulation" in place this year for subsistence use. FLORENCE clarified that he was referring to the ruling by the Alaska Joint Board of Game that the Parks Highway residents had been reclassified as rural but they had not been found to have a customary and traditional use so they could not subsistence hunt in the park. She explained that the commission had no jurisdiction over State law.

LOU WALLER suggested that the whole issue be explained from the beginning since there were State Fish and Game employees present.

TERRY HAYNES of the Subsistence Division of the Alaska Department of Fish and Game summarized the events to date:

The Joint Board of Game originally classified the Parks Highway area south of Nenana and north of Cantwell as NON RURAL. Due to concerns from the community the Division of Subsistence did a survey of the area and presented it to the Joint Board. Based on that and other information the Joint Board reclassified the parks highway area in question as RURAL. But in determining subsistence use there is another part to the process. A "customary and traditional" use in that area also has to be established. The Board of Game determines that from data collected from the area for individual species. A survey was conducted from households randomly selected from the resident households in the area. The Board of Game determined there was not "customary and traditional" use of caribou and moose by the residents along the Parks Highway south of Nenana to McKinley Park so persons in that area would not qualify to subsistence hunt caribou and moose anywhere in the State.

SHERRILL PETERSON explained the survey area by the Board of Game covered from mile 216 to mile 300 of the Parks Highway. In order to change those findings a recommendation could be presented to the Board of Game when it meets spring of 1989.

LOU WALLER explained that the NPS had not reissued the permits because the NPS could not authorize an illegal activity since those persons could not legally subsist hunt anywhere in the State. ANILCA gave the State the authority to determine guidelines for who is eligible to subsistence hunt in the State.

PAT O. CONNER played a tape he had from the Joint Board of Game meeting. He stated he felt the intent of the Joint Board was that local residents here have subsistence rights.

TERRY HAYNES explained the State Subsistence Law defines the community, and it does not recognize INDIVIDUAL subsistence rights.

SHERRILL PETERSON explained that she sat in on interviews conducted last winter to determine the customary and traditional use and stated that in each case it was explained that there is a two part process: 1) determine if an area is rural or nonrural 2) establish if there is a customary and traditional use by the community.

There was discussion by the Commission as to what the Commission could do since they have no jurisdiction. LEE BARNER suggested that the affected individuals could work through the Denali and Healy/Clear Advisory committees. RUBY JOHN suggested that the Commission could do nothing but talk about it but she made a motion to write a letter of support for the permittees who had lost their permits. After discussion of how to word the motion RUBY made the following motion: "I move to authorize the Chair to write the Board of Game expressing our concern about former subsistence permittees within Denali National Park area who have been excluded from subsistence use within the Park due to recent Board of Game actions." LEO seconded. The motion passed unanimously.

LOU closed the discussion by explaining that this is a really complex issue and it will probably get more complex before it gets better. The NPS and the State are not trying to take away something from persons, but rather are trying to implement a relatively new law (ANILCA) it takes time to work through it. He thanked the affected individuals for taking time to come to the meeting and emphasized again that this kind of thing takes time and effort.

The meeting adjourned at 11:45 pm for lunch and reconvened at 1:13 pm.

The next item on the agenda was Subsistence zones. JOHN DALLE-MOLLE showed a map of traplines from 1980 and also had some information on the South side but recognized it was not very complete. FLORENCE asked for guidance as to the need to define the zones and how and why the Commission was supposed to define subsistence zones. LOU explained that the intent of Congress was that the NPS monitor subsistence use so if there was a problem, areas could be identified as used for subsistence purposes. Congress did not intend for all parks and all areas within a park to be hunted. A zone would define where that activity should be.

TERRY HAYNES commented that the idea of subsistence zones had been dropped by the Gates of the Arctic Commission. He asked how difficult it would be to
change a zone if it had been defined on a map. How confident would the commission be that the maps they have now are valid for the future.

FLORENCE stated that ANILCA mandated the Commission as part of their job to define subsistence zones.

LOU stated that the Gates Commission didn’t feel those areas should be defined and put that statement into their recommendations. The Secretary’s office responded by saying that they should.

JOHN DALLE-MOLLE suggested they could define traditional areas for each species.

There was additional discussion on how to define those areas and concern that delineating anything on a map might prove invalid for the future. LEE suggested “if it ain’t broke don’t fix it”. RUBY suggested not to get detailed but just show large areas that have subsistence use. LEE and RAY both felt there was no pressing need to establish the zones and asked NFS if there were any problems. TOM GRIFFITHS said that there is a large amount of information still needed before a decision could be made on subsistence zones. He did not see a management problem at the present time.

LEE made a motion that the Commission table any action of Subsistence Zone Activity. PERCY seconded and all approved.

FLORENCE moved to the next item which was park and other plans that might affect subsistence.

JOHN DALLE-MOLLE explained that two land exchanges were in the process – Swift Fork and one on the Ruth Glacier. Neither affected subsistence use. There’s been no real action on the Dunkle trade.

FLORENCE moved onto internal business. FLORENCE was unanimously reelected Chair. LEO nominated LEE BARNES as Vice Chair. PERCY seconded. RAY COLLINS moved for a unanimous ballot, PERCY seconded. LEE BARNES was unanimously elected as Vice-Chair.

There was some discussion as to whether or not the Commission wanted to elect a Secretary but decided they were content with the present way minutes and correspondence was handled through NFS.

FLORENCE mentioned that ROBERTA SHELDON had only attended one of the Commission meetings and was concerned about it. Others expressed the need for a fully represented Commission. LEO WALLEY explained that there are only two ways a member of the Commission member may leave the Commission 1) the member resigns 2) the appointing authority appoints someone else to the post when the term of that member expires.

The Commission agreed the best solution was for LOU to contact ROBERTA to determine what she intends to do and LOU will contact FLORENCE.

The next meeting of the full commission was tentatively scheduled for 9/30/88.

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RAY COLLINS inquired about the need for a list and if the present situation at Cantwell warrants the change. TOM GRIFFITHS pointed out that since Cantwell is on the road system change could come there very rapidly as the unpredicted growth of development in the McKinley Park area had. He also pointed out that since the process involves a lot of public review and input the Commission would be able to determine how local residents felt about the proposed change. LOU and TONY both explained that the only difference between the list and a permit system was operational. Either identifies subsistence users for the area. LEE was concerned that if the Commission was responsible for determining the list it would cause hard feelings among community members and individuals who served on the Commission. JOHN DALLE-MOLLE pointed out that the intent of ANILCA was to keep the subsistence use at the same level, not for it to increase so growth in the community will have to be addressed at some time. LEE expressed he would rather see the Superintendent decide the list. LOU explained that the Superintendent is the final authority but that the Commission would share in the responsibility since they made the recommendation. As the Commission drafts the reg it would be appropriate to discuss that as well as some kind of appeal process for individuals. FLORENCE suggested that the Cantwell Village Association and Community of Cantwell Inc. could come up with the list of valid subsistence users in the area. RAY suggested there be some mechanism for people to be added to the list as slots become available. It shouldn’t be a "shrinking" list. JOHN DALLE-MOLLE commented that there was nothing in ANILCA to prevent a community from going back to a resident zone but that would mean going through the same change in regulations that the proposed change is generating now. FLORENCE brought up the question about which date to use to define the subsistence users. The commission had used the date of their public hearing in Cantwell as the date a valid subsistence user had to have been living and subsisting in the area. RAY said the solicitor claimed that the date of ANILCA was reasonable (Dec.2, 1980). Gates of the Arctic Commission suggested the Dec. 2 date in their recommendations and it was rejected by the Secretary of Interior and the state. There was no resolution as to what date to use.

The meeting was adjourned at 3:00 pm. The Committee to draft the new regulation met with TONY SISTO briefly after adjournment.

The Commission then returned to a discussion of the hunting plan; background of the actions to date and how to proceed with the next step.
The meeting convened at 9:50 am at the park headquarters rec hall. Commission members present were Lee Basner (who served as chair due to Florence's absence), Leo Mollier, Steve Eluska, and Ray Collins. A quorum was not present. Other persons present were Jim Unruh (NPS), Tom Griffiths (NPS), Dave Mills (ADF&G/NPS), Tony Sisto (NPS), Lou Waller (NPS), Ralph Tinge (NPS), Wayne Heimer (ADF&G/Game), Terry Haynes (ADF&G/Subsistence), Karen Brandt (ADF&G/Boards), John Dalle-Molle (NPS), Bob Cunningham (NPS), Henry Peters (ADF&G/Boards), Jane Anderson (NPS), JoAnn Unruh (NPS), Loran Brandt (Subsistence permit holder). The minutes of the last meeting in April were reviewed.

The meeting was taped on audio cassette. Those minutes are available at Denali Park Headquarters for review.

The next item on the agenda was "Subsistence Use Zones". John Dalle-Molle clarified this item as different from "Resident zones". He explained that the "subsistence use zone" was legislatively mandated from ANILCA as areas "where such uses are traditional for each park or monument". The need for such definition had occurred at Gates of the Arctic where a judge had refused to hear possible poaching cases unless subsistence zones had been defined. Superintendent Cunningham did not see that as a problem in Denali. Lou Waller (Subsistence Liaison, National Park Service, Anchorage) read from the House record during ANILCA hearings that the designation of boundaries of subsistence zones should be made by the joint boards of Fish and Game and not the Commission or the NPS. He also explained that since the state had passed a subsistence law that was in compliance with the ANILCA, it changed the status of people who had subsistence permits for Denali. The joint boards of Fish and Game at their spring meeting determined that the area along the Parks Highway north of Cantwell and south of Nenana is defined as NONRURAL. Terry Haynes (Alaska Department of Fish and Game - Subsistence Division) explained that a RURAL area is one where "the personal and family use of fish and wildlife must be a principal characteristic of the economy of the area". Therefore NONRURAL is the opposite of this. Therefore according to Lou the people who live along the Parks Highway are in a NONRURAL area and are not eligible for subsistence permits and must have their permits revoked. To be eligible for a subsistence permit one would have to live in a rural area and show a history of subsistence use. There was some discussion how these areas were determined as rural or nonrural. Terry Haynes explained there was little data on this area but the Commission could recommend to the joint boards that they look at this area more closely. There was concern from the commission members as to these individuals reaction to the change in law. Ray Collins suggested that the recommendation be made that people who will be having their permits revoked should make their concerns known to the Commission. He also stressed that those people need to understand it was the joint boards of the state that decided the Healy area was NONRURAL - not the Subsistence Commission.

Lee brought the discussion back to the original agenda item of subsistence use zones and it was decided that the Commission needs to be aware of it but no action is necessary at this time.

The next topic was research data needs. Dave Mills (on loan to the National Park Service from the Alaska Dept. of Fish and Game) is in charge of a project to define what areas of subsistence need study. He needs input from Subsistence Commissions. Lee asked that he take notes through the meeting and toward the end of the day he might have a better idea of those study needs.

Next on the agenda was a discussion of the date set by the Commission in their hunting plan for Cantwell residents to be eligible to apply for a subsistence permit since they recommended changing from a resident zone to permitted area. In their recommendation the Commission stated that "people living in the zone (Cantwell) on or before April 17, 1986, the date of this action, will qualify for permits if they choose to apply for them." Some discussion followed on why the commission had recommended this - the fear that if there was a large influx of residents to Cantwell due to projects (Susitna Dam, Intertie etc.) the subsistence resource could be affected. The Department of Interior has not responded to any of the hunting plans. The State responded to some hunting plans that had used 1980 as a date saying it might not be valid to make eligibility "retroactive". Lou was unsure if there would be problems using a current date or not. Since the Department of Interior has not responded it was decided to take no action until the Commission did hear something.

Review of Correspondence - there was a letter from Robert Thompson of Minchumina that expressed concern over the definition of the Minchumina resident zone being 1 and 1/2 miles from the lake perpendicular from the lake shore. It appeared he was confused about resident zones and subsistence use areas. NPS agreed to answer him to clarify. Last fall Florence had received letters from Bill Ellis of the Wrangells Commission expressing concern over aircraft use. Lee explained that there was concern here since aircraft use is not customary and traditional for subsistence. Cunningham agreed noting that aircraft use for subsistence purposes is illegal anyway. Lee did not see any reason for the Commission to comment.

Lee asked for an update on any park plans that would affect subsistence. John Dalle-Molle informed the Commission that the Collins twins had applied to rebuild Slim Carlson's trapping
cabin in a different site. They want to have a trapping cabin available. John saw no problem with it but by law an environmental assessment must be done. That is scheduled to take place soon. There were no other plans affecting subsistence.

Other business - update of Dunkle Mine/Wolf Township trade? Cunningham stated that negotiations with the state continued but that nothing had happened yet. Election of officers - did not occur since a quorum was not present. Lou informed the Commission that a change in the renewal of the charter allowed members whose terms had expired to remain on the Commission until renewed by the Secretary or a new member appointed.

The meeting broke for lunch at noon and reconvened at 1:45 pm.

Dave Mills explained more about his project so that the data can meet the needs of the Commission in facing future issues. Ray Collins suggested a need to study and define how traplines are passed on. For instance in Minchumina a trapper without heirs may take in a younger person to help with the line. Will it be possible for that trapper to pass the line on to that person? What will guarantee the subsistence lifestyle to continue? If Cantwell goes to a permit system will there be a problem in passing traplines on or assuring that there will be a subsistence lifestyle in the future? He also suggested mapping subsistence areas so that if the resource changes and different areas need to be used (caribou move around) there will be a way to respond to that change. Terry Haynes suggested that documentation of use in the park by people who live along the Highway (McKinley park) is important.

Lee asked Loran Benham to tell the Commission exactly what impact this will have on him if he loses his permit to use the park for subsistence purposes. He answered "I'll have to look somewhere else won't I?" He went on to explain that he had applied for the permit for several years and that he had started in 1975 with horses on the Stampede and went on to using track vehicles and that he also used horses on the Bull River. Lee asked him "Do you consider yourself a subsistence user or is this sport hunting?" Loran answered it's "traditional, I would imagine...it's been our lifestyle to eat moose for 35 years." He also said he was unaware of the joint board decision on rural and nonrual areas.

Ray requested some followup with data and maps on the draft recommendation made by the Commission at the last meeting regarding the subsistence use zone for Cantwell.

April, 17, 1986
The Denali National Park Subsistence Resource Commission meeting was called to order on 4/17/86 at 9:13 am by Chair Florence Collins. Members present were Florence Collins (Lake Minchumina), Lee Banmer(Cantwell), Ruby John(Cantwell), Leo Holler (Healy), Ray Collins (McGrath), Steve Eluska (Telida), Nick Dennis(Nikolai), Percy Duyck(Nenana), Roberta Malter (Talkeetna) was unable to attend. Others present: Clay Cunningham (Superintendent - Denali), John Dalle-Molle (NPS), Ralph Tingey (NPS), Lou Waller(NPS), Jane Anderson (NPS), Sandy Kogl (NPS), Flora Collins (Citizens Advisory Committee on Federal Lands), Jim Schwarber (Chair, Gates of the Arctic Subsistence Resource Commission), Terry Haynes(Subsistence, Alaska Department of Fish and Game).

Florence summarized the two public hearings. Minchumina did not want to change to a permit system and recommended a resident boundary of from 1-3 miles from the Lakeshore. Cantwell seemed to be in favor of the permit system. This was determined by the lack of opposition voiced at the meeting and the support given to individual commission members during conversations at the break. Another concern was if a permit system is implemented permitees should be allowed to hunt the whole area of Park near Cantwell rather than specific areas while trapping permits should be for specific places. There was some concern for the subsistence tradition dying out if a permit system is for present subsistence users and their families, how could new people live a subsistence lifestyle? Some people were unhappy with the National Park Service (NPS) being the issuing authority for the permits. There is also a problem for NPS employees if they are denied a permit since the route of appeal is through the NPS regional director. The original motion with the amendment was then brought to a vote. "Cantwell should be designated as a permit system for subsistence use zones need to be delineated. Recommendations from last year need to be reviewed. Lee made the motion to leave Minchumina as a resident zone since that is the wish of the local residents." Lee seconded the motion. It was passed unanimously (Ray and Percy abstained).

Lee made the motion that "the resident zone boundary for Lake Minchumina be one and one half miles from the lake as established by the 1953 McKinley D-5 map, perpendicular from the shoreline." Lee seconded and it was passed unanimously (Ray and Percy abstaining).

There was then some discussion of the Minchumina resident zone boundary.

Lee made the motion that "the resident zone boundary for Lake Minchumina be one and one half miles from the lake as established by the 1953 McKinley D-5 map, perpendicular from the shoreline." Lee seconded and it was passed unanimously (Ray and Percy abstaining).

The next discussion was the Cantwell resident zone to permit system.

Ruby made the motion to have Cantwell be designated as a permit system for Denali National Park. Florence seconded.

Discussion: What kind of permit would be required? Who would be eligible? What constitutes traditional use? How long would you have to live in area to qualify? Perhaps residents as of now would be eligible for permit. Lee pointed out the idea is to protect the resource and the subsistence way of life. Ray Collins voiced concern for new people moving into area who would not qualify as subsistence users. Lou pointed out that the intent of Congress was to protect the traditional level of subsistence not to increase the use. Superintendent Cunningham explained that the paperwork to issue permits would not be a problem.

Lee moved to amend Ruby's motion to include today's date as the cutoff date of residency for people in the Cantwell resident zone to be eligible for a permit. Florence seconded. The motion to amend the original motion was passed unanimously. (Ray and Percy abstaining).

The original motion with the amendment was then brought to a vote. "Cantwell should be designated as a permit system and that any Cantwell resident as of 4/17/86 would qualify for a permit." Ruby, Lee, Nick, Steve, Florence in favor. Lee opposed. Ray and Percy abstain. Leo felt it was not necessary to change to a permit system at this time. The population is thought to be dropping and there is no problem now. Clay mentioned the population could increase faster that the Commission could react.

The next topic was hunting permits and subsistence zones. Lee made a motion that the "Cantwell subsistence zone be defined to include the West Fork of the Chulitna River north to include Windy Creek where both intersect the original park boundary." There was much discussion about the fact that the idea was to expand a person's area to hunt not to limit it on the permit. It was explained that people would be able to hunt outside the subsistence zone if the area was defined on a person's permit. Lee withdrew his motion to review maps and other ideas.

Short Break

Upon reconvening Lee made the motion that "the Cantwell Subsistence Zone be established for permit holders and that the zone be from the West Fork of The Chulitna River drainages north along the new park additions to follow the boundary where the new and old boundaries intersect." Lee seconded. Lou suggested that this motion be passed as a draft recommendation that will go to the local advisory committees etc. like the others did for public review.

Ruby made a motion to amend the motion on the floor to be a draft recommendation. Lee seconded. Passed unanimously (Percy and Ray abstaining).

The following original motion was brought to the floor for a vote: The Commission recommends that the Cantwell subsistence zone be established for permit holders and that the zone be from the West Fork of The Chulitna River drainages north along the new park additions to follow the boundary where the new and old boundaries intersect." It passed unanimously. (Ray and Percy abstain.)
It was decided to wait on defining the Minchumina subsistence zone.

Florence reviewed other Commission's recommendations such as Wrangell's recommendations that airplanes and predator control be used. Ray and Leo felt those didn't really address this commission's concerns, therefore the commission does not need to comment. Ruby felt if they commented on one commission's comments they should do all.

Lee reviewed the letter from GEOPRIZE regarding the Dunkle mine transfer. The Commission's recommendation (#3 from public notice 11/15/85) simply stated that if the transfer took place attention should be paid to not degrading the resource. The letter seemed to include points that were not relevant to the recommendation.

Ray and Lee suggested that any letters that came to the Chair be routed to the other Commission members.

The recommendation to change the boundary between the Park and the Preserve on the Kantishna River was discussed. (#6 from public notice 11/15/85) Since the river changes should the boundary change as it does or remain in the old river channel. Percy suggested its best to have it on the river because that would be easier for people to know the boundary. He mentioned that people are now bringing ATVs upriver on boats and using them for hunting in the old channel. It was agreed that the Commission didn't want to set a precedent on boundary changes with this action.

On the Public notice for 1985 two other recommendations appeared that were actually part of old business and a suggestion for procedure. One was the NPS should explore that legal aspects of transfer of permits to non family post 1980 local residents not exceed levels of subsistence use in 1980. (#7 on public notice 11/15/85) Lou explained that under the current regs the NPS can't do that. The Commission agreed to leave it on the record as something they discussed. The last recommendation referred to surface access rights that was discussed in 1984. It was listed as #8 on the public notice. The Commission voted to rescind it. In using the Public notice dated November 15, 1985 the Commission agreed to keep #1, 3, 4, 5, 6 and 7. They voted to rescind #2 and #8.

Two issues brought up but not formally addressed were the use of airplanes to spot game and subsistence zones for Nikolai and Telida.

Lee suggested the Commission should go on record for recognizing the situation of not having Percy and Ray finally appointed by the Secretary of Interior after a delay of almost a year. LEE made the following motion: The Commission will send a letter to the Secretary of Interior expressing their concern over the length of time taken to act upon the appointments or reappointments of commission members. LEO seconded and it was passed unanimously. (Percy and Ray abstained.) Lee agreed to draft the letter. Copies will be sent to the Congressional delegation.

The next meeting will be in October. Some discussion after the meeting revealed October 10-11, 1986 at Denali HQ was acceptable.

Meeting adjourned at 2:03 pm.

ADDITIONS TO MINUTES OF APRIL 17, 1986 MEETING
DENALI SUBSISTENCE RESOURCE COMMISSION

1. Discussion about Cantwell permit system:
   Sunu. Cunningham said the paper work for the system would be no problem for the Park Service

2. Subsistence Zone discussion:
   I think I remember both Sunu C. and John Dalle-Molle remark, as did Lee and possible Lee, that people would be able to hunt outside the subsistence zone, if their permits permitted them to do so.

3. Kantishna River boundary change comments:
   Percy Duyck also mentioned that people are now bringing ATVs upriver on boats and using them for hunting in the old channel. People agreed that we didn't want to set a precedent on boundary changes with this action.

4. Jens # Forshaug's name is misspelled---it's Forshaug.
SUMMARY OF MINUTES SUBSISTENCE RESOURCE COMMISSION MEETING
AUGUST 9, 10 1985 DENALI NATIONAL PARK HEADQUARTERS REC HALL

Council Member Present:
Florence Collins, Chair, (Lake Minchumina)
Ruby John (Cantwell)
Nick Dennis (Nikolai)
Percy Duyck (Nenana)
Steve Eluska (Telida)
Roberta Sheldon (Talkeetna)

Absent: Ken Charlie (Minto), Lynn Castle (Wood River) has resigned, Ray Collins has been nominated. One position is still unfilled.

Others present:
Bob Cunningham, Superintendent, Denali, National Park Service
John Dalle-Molle, Resource Manager, Denali, NPS
Sandy Kogl, Acting Chief Ranger, Denali, NPS
Lou Waller, Subsistence Liaison, Alaska Regional Office, NPS
Jane Anderson, Park Ranger, Denali, NPS
Mitch Dimenief, Alaska Fish and Game Board (8/9)
Mark Borman, East Fork Chulitna (8/9)
Lee Basner, Colorado Lake (8/9)
Dave Evans, McKinley Park (8/10)

The meeting was called to order by Chair Florence Collins at 9:40 am. The minutes from the 1984 meeting were approved as read with the addition of listing the absentee members: Ken Charlie (Minto), Roberta Sheldon (Talkeetna), Nick Dennis (Nikolai), Ruby John (Cantwell). Bud Carlson has asked to resign but the Southcentral Regional Council has failed to nominate anyone to replace him.

There was a review of the recommendations from the 1984 meeting to bring them to a formal vote of approval:

RESIDENCE ZONES- changing Cantwell to permit system

Ruby John: not enough publicity in Cantwell to explain process. Percy: info needs to be in Fish and Game laws. Lou Waller: Presently anyone in Cantwell who is legal resident can subsistence hunt. With permit system it is determined case by case. Florence: if Commission recommends permit system would NPS take care of public meeting. Lou: Section 808 of ANILCA states before any action the recommendations must be sent to Governor and Sec of Interior. Motion passed to change Cantwell to permit system.

Changing Minchumina to permit system. Florence: older person in Minchumina with no descendants wants to pass on trapline to younger man who had arrived after 1980. Under permit system would younger person be able to have trapline. Lou: law states member of family or person living under same roof could receive trapline under permit system. Be careful of making recommendation for transfer of permit or someone who just wanted to live in the bush for awhile could take over permit if they offered original trapper enough money. Intent is to preserve tradition of subsistence lifestyle not increase it. Florence: difficult for local community to decide and not be prejudiced one way or another. Maybe Park Service could decide, John: reminder - in Denali, subsistence is not allowed to exceed 1980 levels of use so trapper may or may not be able to pass it on. Motion made and passed to change Minchumina to permit system. Motion made and passed to allow NPS to decide if a resident since 1980 can take over a permit from an older permittee who has no descendants.

Other 1984 business:

Registering trapping areas: John: registering trapping areas gives NPS enough information without having to register individual traplines. No objections to that.

Surface Area Access: Motion made and passed to accept recommendation of 1984. See enclosed. Ruby abstained from vote.

SUBSISTENCE HUNTING PROGRAM

Agreed that by working through recommendations and issues a plan was developing. Some discussion of exactly what is needed for a plan. John brought up Dunkle land trade and whether commission might want to make recommendation so if land is traded subsistence hunting should still be allowed. Ruby: opposed to doing anything to it until exchange occurs. Motion made and passed that if any land in Dunkle area is transferred from NPS to the State the Commission recommends healthy and natural wildlife populations and subsistence uses be protected.

Motion made and passed that boundary on Kantishna River be changed from old to new active channel in Township 12 South, Range 20 West.

Seasons and bag limits: Florence: if subsistence users overuse an area can NPS reduce bag limits, season etc. John: Sec. of Interior has ultimate authority to do that but more that likely Feds would work with State to do that. In emergency it can be done. Lee: Is there a review process for permits issued. John: nothing formal. Florence: if animal populations change residents would rather see shorter seasons for a few years than an area closed for a year.

NEW BUSINESS

Mining: Percy: Mining in Kantishna has effected waters
downstream, especially in fall waters are muddy. Motion made and passed that mining in the park be monitored and regulated to prevent damage to subsistence and wildlife resources.

Roads: Florence: question regarding R.S. 2477. John: some talk of the state wanting to use that statute to build Stampede Road. NPS feels it does not apply to building new road to Kantishna from North. Motion made and passed that commission opposes construction of any new roads within Park.

Possible dog race from Nenana to McGrath. Percy traps along trail. John pointed out it could bring more use into the area once a trail is packed and established. Lou: no restriction from NPS on traveling on the trail.

Wolf townships/cabin use regs? At present no more information.

Next meeting: agenda? time? would occur after there had been public input on changing Cantwell and Minchumina to permit zones. First week in April, definite date to be determined by NPS.

Meeting adjourned at 5:00 pm to begin at 9:00 am on 8/10/85.

On AUGUST 10, the Commission met to review the wording of the motions passed on 8/9/85. The recommendations made were as follows:

1) The Cantwell local resident zone be changed to a permit system.
   Population growth in the Cantwell resident zone is putting increasing hunting pressure on nearby parts of the Park. In order to preserve the natural and healthy wildlife populations there, we feel that hunting and trapping should be limited to local residents who have traditionally used the area and that this can be done most effectively by using the permit system.

2) The Minchumina local resident zone be changed to a permit system.
   The same reasons apply to Minchumina as Cantwell.

3) If the land at Dunkle area is transferred from the National Park Service to the State the Commission recommends that the healthy and natural resources and subsistence uses be protected.
   Members of this commission recognize that transfer of the Dunkle property could result in activity and use such as mining that might affect subsistence uses in the Park. Florence stated that the Dunkle area is important to caribou calving and should be protected. Ruby John called for a roll call vote on rescinding the recommendation listed above as number 3. One vote was cast to rescind (Ruby). Florence, Roberta, Nick, Steve, and Percy voted not to rescind.

4) Recommend that mining be monitored and regulated to prevent damage to subsistence resources.
   Certain commission members expressed keen concern over the pollution or degradation of fishing streams and wildlife populations as a result of mining activity. Some have witnessed this first hand where mining activity exists. All members agreed that maintenance of healthy streams is a top priority for the subsistence lifestyle and natural and healthy wildlife populations.

5) Roads are detrimental to subsistence users and way of life.
   It was widely recognized by the Commission members that new roads provide access, and where access exists increased activity inevitably follows. Almost always this results in deteriorating fish and game populations, and hence a serious decrease in subsistence use and resources.

Ruby John may want to qualify this at a later date. Other members agreed with it as written.

The following recommendation was rescinded: The National Park Service should be able to allow transfer of a permit from an older pre-1980 permittee with no descendants. Instead a motion was made and passed that the Commission recommends the National Park Service explore the legal aspects of transfer of permits to non-family post 1980 local residents not to exceed levels of subsistence use in 1980.

THERE WILL BE A 60 DAY COMMENT PERIOD TO FLORENCE COLLINS DIRECTLY. When she has received all the comments she will meet with the Superintendents to determine if a public hearing is needed. The Commission will meet the first week in April so recommendations can be finally reviewed and submitted to the Secretary for review in time to have them in place by hunting season 1986. Recommendations to the Secretary will also include an explanatory paragraph stating that the recommendations are part of the SUBSISTENCE HUNTING PLAN FOR DENALI and that the Commission will address concerns...
as they happen.

Florence had some questions about research projects in the Park which John answered. The meeting adjourned at 11:40am.
April 15, 1985
The meeting was called to order at 2:00 pm on 4/15/86 at Lake Minchumina BLM building by Florence Collins, Chair of the Denali Subsistence Resource Commission. The following members of the Commission were present: Florence Collins, Raymond Collins, Leo Holler, Perky Dyvik, Nick Dennis, Ruby John, Steve Eluska, Lee Banner. Members of the local community present: Walt Maakestad, Jens H. Forshaug, Fran Holmes, Jack Hayden, Leonard Menke, Tom Green, Dick Collins, Pamela Green, Stella Wildrick, Molly Maakestad, Mary Flood, Jeff Richardson, Sherri Hayden, Ray Wildrick. John Dalle-Molle and Jane Anderson were present from Denali National Park and Lou Waller from the National Park Service, Regional Office.

Florence - explained role of Subsistence Resource Commission. Reviewed recommendation of commission to change Minchumina and Cantwell from resident zones to permit systems. The same system is not necessary for both. The Commission meets at least once a year to review their recommendations and can make changes. The reason the public hearing was called was at the request of the Minchumina Fish and Game Advisory Committee which is not in favor of the recommendation to change. She also explained the variations on the resident zone idea from Northwest areas and Lake Clark. At Lake Clark the local residents would decide who are subsistence users and in the northwest areas they would use the date of ANILCA(12/2/80) as the cutoff date for eligible users. Other topics for discussion - establish a Minehumina resident zone boundary; recognize subsistence zones in the Park which would define areas within the park for subsistence usage.

COMMENTS FROM COMMUNITY:

Jens Forshaug - to change to permit system is not necessary. All problems suggested have been hypothetical. There has not been a large influx of people to area. Permit system would create a "paperwork tiger". Registering to vote is enough criteria for subsistence use.

Jack Hayden - explained views of Minchumina Advisory Committee. Committee is against permit system. To hunt, a person would have to go 80 miles on the river to get to the park. Not common to hunt in park. People who trap are in Preserve. People who got land lotteries wouldn't qualify for resident zone so no pressure from them.

Florence - how difficult would it be to change to a permit system later if a lot of people moved into community?

Lou Waller - Commission is free to make any recommendations to the Secretary of Interior. Doesn't mean they will always be approved. If an emergency situation arose (a sudden influx of people that would affect resource) the Secretary could change a regulation temporarily to meet that emergency. After recommendations are made it usually takes at least a year to change the regulation.

Jack - at Minchumina people buy traplines. Locals wouldn't allow someone just coming in and putting in a line anywhere. Population of the area hasn't changed significantly to create a problem of people overlapping trap lines.

Walt - Road system makes difference for place like Cantwell. No reason for permit system in Minchumina since there is no road into area.

Dick Collins - asked for review of other area alternatives

Florence - Lake Clark - residents decide on list of people eligible to subsist in area. NW areas used a cutoff date of Dec.2, 1980 for people eligible to get permit.

Florence - suggestion for resident zone boundary is a line drawn around lake 3 miles perpendicular from lakeshore. If a person lives in that area they are eligible to subsist in the park.

Dick Collins - is there a cutoff date for someone who lives in a resident zone to become eligible to subsist?

Florence - no and no economic status should be used as eligibility factor. Subsistence use based on if person is local rural resident of resident zone.

Penny (Pamela) - There should be a revolving system for traplines if someone stops trapping their line. Should be some way for new blood to come into community.

Leo - if permit system enacted who determines the quota to get permits?

Florence - Anyone who wants can apply for permit to NFS. Very few who have applied have been denied.

Ray Waldrick - the way it is is fine; no need for permit system.

Wait - if road came in we should review and perhaps change. No need to do something now.

BREAK around 3:15 to review map with proposed resident zone boundary drawn in

RECONVENE around 3:45

Florence - good idea to have system in place to protect subsistence use since it could take a while to change regulations.

Wait - let's observe Cantwell for a while if they change to permit system and see how it works. That will give us time to observe changes in Minchumina.

Penny - is the permit system a yearly or lifetime permit?

Florence - Permit is for themselves as permanent residents, members of the family and descendants as long as they are local rural residents. If they leave they are not eligible while they are gone but are eligible if they
move back permanently.

Florence - defining the limit for the resident zone. General consensus is that resident zone should be defined as no further than 3 but no less than 1 miles from lakeshore. Florence explained the rest of the recommendations made by the Commission at the August meeting.

Jack extended invitation from Lake Minchumina Advisory Committee to use as a body to contact regarding subsistence issues. Also requested that minutes be specific enough to include who made motions etc.

ADJOURN 8:15 pm
July 13-14, 1984
DENALI NATIONAL PARK AND PRESERVE
SUBSISTENCE RESOURCE COMMISSION MEETING
July 13 & 14, 1984

Summary Minutes

Council Members:
Florence Collins, Chairperson (Lake Minchumina)
Lynn Castle, Member (Wood River)
Percy Duyck, Member (Nenana)
Ray Collins, Member (McGrath)
Robert C. Cunningham, Superintendent, Denali N.P.
Tom Griffiths, Chief Ranger, Denali N.P.
Ralph Tingey, Management Assistant, Denali N.P.
John Dalle-Molle, Resource Management Specialist, Denali N.P.

The meeting began at 9:00 am with a review of the minutes of the May 10, 1984 meeting. A quorum of commission members was not present, so no official motions were made or passed.

Discussion of Residence Zones. Mr. Castle asked whether there is a boundary beyond which a person can apply for a permit. Presently there is. Mrs. Collins stated that the Lake Minchumina residents would not object to permits instead of having a residence zone. This would make subsistence in the area clear-cut.

Discussion of Traplines. Mr. Dalle-Molle: The solicitor's office says we should preserve a lifestyle. A trapline may be passed on to others. Traplines have historically been sold or passed on to others. The total number of families in this park affected by trapping are less than 10. Mr. Waller stated the key points to remember are: 1. traditional use, 2. means of access, and 3. provide for the opportunity for continued subsistence use.

Mrs. Collins: Should all parks have the same permit? Perhaps not. Mr. Waller: The solicitor has stated that subsistence uses cannot be passed on to users who are not in the family or who are not presently using the area.

Mr. Castle: Traplines should be registered; there should be a finite number; and there should be a report at the end of the season. Can we restrict methods of access? Hovercraft? For example, if we restrict sheep hunting to going barefoot with bow and arrow, we could give everyone in the state a permit.

Mr. Waller gave recommendation's for management option's. Mr. Cunningham followed with suggestions that in all options we must maintain natural and healthy population's. The level of use is not to exceed what it was at the time of ANILCA. Options could be 1. tie the permit to a date and level of use and 2. open different areas in different years.

Mr. Castle recommended hiring a game manager who would determine the amount of game that could be taken in a specific area each season.

Discussion of alternatives for this fall to preclude problems in Cantwell as the result of the large number of workers attracted by the Healy-Willow Intertie. These people could be a large increase in possible residents. Deletion of Cantwell as resident zone not possible without hearings.

Discussion of trapping in the Lake Minchumina area, including a suggestion of how to pass on traplines. There may be a need to redefine the Minchumina resident zone in view of land sales in the Minchumina area. If the Minchumina area were defined it could have a 25 mile radius.

The ATV policy statement which was asked for at the first meeting was accepted by the members present, with the provision that the policy be circulated to the other board members.

Before June of 1985 the commission should determine methods by which subsistence users would be elected if the resources become depleted.

The status of members Ken Charlie and Ray Collins needs to be checked. They are Regional Advisory Council representatives.

Discussion of Cabin Regulations

1. Concern that recreational use is permitted, but residential use after 1973 even for subsistence use is not o.k. A subsister may not be able to use a cabin, but a recreational person can.
2. Members urged to read the "Proposed cabin regulations and comment."
3. What does the commission need to do before 1985:
   1. The commission would like to take testimony from users in Telida, Minchumina and Cantwell. They may not need to, however.
   2. Consult the local advisory committee and the Regional Counsel of the ADF and G.
   3. Have a meeting in December, invite the ADF & G and all interested parties. Give them all the proposed regulations and get their comments back in writing.
   4. Hold small meetings in Nikolai, Telida, Minchumina.
   5. If Cantwell were deleted as a residence zone then meetings/hearings would have to be held in Cantwell.

The next meeting will be the second Friday and Saturday in February, held in Cantwell. Maps will be sent to commission members to use in planning traditional use areas.
Denali National Park Subsistence Resource Commission Proposed Recommendation
Regarding Surface Access

Problem
Concern has been expressed by some subsistence users that new access methods for subsistence may interfere with traditional methods and traditional access routes. Specifically, use of motorized methods in areas and on routes traditionally only used by non-motorized access, such as dogteams, would alter the character of the traditional subsistence use patterns, methods and lifestyle and could negatively impact resources.

Legislative Background
Section 812 of ANILCA specifies that traditionally employed methods of surface transportation are to continue, including motorized surface means. The legislative history of ANILCA mentions such access only in Senate Report 96-413, page 275, where it states: "...reference to means 'traditionally employed' for subsistence purposes is not intended to foreclose the use of new, as yet unidentified means of surface transportation, so long as such means are subject to reasonable regulation necessary to prevent waste or damage to fish, wildlife or terrain." The current Code of Federal Regulations (36 CFR 13.46) allows the Superintendent to restrict or close a route or area to use of surface transportation for subsistence if adverse impact on public health or safety, resources, historic or scientific values, subsistence uses, endangered species or the purposes for which the park was established are occurring or likely to occur. Before such restrictions could occur, public hearings must be held in the affected vicinity.

ANILCA (Sec. 202) specifies that subsistence uses in Denali National Park additions are permitted "...where such uses are traditional." The legislative history of ANILCA also specifies that subsistence uses are to be in traditionally used portions of the park (126 Cong. Rec. at H 10540, S 11135, S 11198-9).

Discussion
Thus there are two issues here regarding subsistence access: (1) traditional means of access and (2) traditional areas and routes of access. It appears that the means of access are open to any surface vehicle, as long as damages can be controlled. For areas and routes, it appears that traditional access means must be kept on traditional routes and in traditional areas. (One exception is if wildlife populations moved to new areas then access to those populations would be permitted; see Senate Report 96-487, page 275 and 126 Cong. Rec. at S 11198-9 and H 10547). Since subsistence uses cannot normally occur on areas where they have not traditionally occurred, then subsistence access to those areas cannot occur, regardless of the means used.

Recommendations
1. The Superintendent should close areas and routes to subsistence surface transportation that have not had traditional access use. Areas open to surface access should conform to "subsistence zones" which the Subsistence Resource Commission will define (see 126 Cong. Rec. S 11135 and H 10547).
2. In those areas and routes open to subsistence surface transportation, only those means traditionally used in those specific areas and routes could continue to be used, except for possible new, yet unidentified means. Thus areas now only used by dogteams could not have snowmobile use or areas where all terrain vehicles (ATVs) have not been used traditionally, could not now have ATV use.
3. Surface access for recreational use that conflicts with subsistence use should be restricted.
May 10-11, 1984
SUMMARY MINUTES
Denali Subsistence Resource Commission
May 10, 1984

The meeting began at approximately 9:00 a.m. with Superintendent Cunningham introducing the National Park Service personnel who were in attendance. Each person was then asked to introduce themselves and give a brief history on themselves.

Those in attendance were: Ray Collins (McGrath), Florcenc Collins (Lake Minchumina), Percy Duyck (Nenana), Nick Dennis (Nikolai), Lynn Castle (Wood River), John Balie Molle (Denali), Bob Cunningham (Denali), Lou Waller (NPS, Alaska Regional Office), Roger Contor (NPS, Alaska Region), Mike Finley (NPS, Alaska Region).

Lou Waller, Subsistence Coordinator for the National Park Service, Alaska Region, handed out reference books to each commission member and stated that the book was for each member's own use. He explained that all the material would be discussed during the day and that each member should ask questions as they came to mind. Lou then discussed the major points of the Federal Advisory Committee Act which affect the Subsistence Resource Commission, the Commission Charter, and the Alaska National Interest Lands Conservation Act (ANILCA).

The Commission Charter was read and discussed with emphasis being placed on items 2 (commission purpose), 4 (designated government official), 8 (meetings are open to the public), and 9 (appointment term, resignation, or removal from office).

Lou Waller referred the commission members to sections of ANILCA which: established or expanded the parks, monuments and preserves (Sections 201 and 202); provided for subsistence uses within the parks, monuments, and preserves (Section 203), and discusses Title VIII, Subsistence Management and Use, in its entirety. Section 806, Parks and Park Monument Subsistence Resource Commission, was read and discussed in detail.

Lou discussed briefly the purpose of the legislative history and that it can be used as an aid to defining the intent of Congress. He referenced Senate Report No. 96-413, portions of which were enclosed within the text of the commissioner's books.

After a short break, Mike Finley, Associate Regional Director for Operations, Alaska Region, began a discussion on National Park Service legislation, the Code of Federal Regulations, and the relationship between federal law, federal regulation, state law, and state regulation. Mike first made reference to a section in the commissioner's notebooks entitled "NPS Authorities, History, and Purpose." This section highlights in summary fashion past legislation which affects management of the National Park System.

Mike further explained the Code of Federal Regulations, the importance of regulation and suggested that the preamble which is provided at the time regulations are proposed may be important to the commissioners. Mike explained that the preamble is to regulations as legislative history is to the legislation. In other words, the preamble attempts to further explain the intent of the regulations.

Mike focused attention to the difficult task facing the commission. That task being to develop and recommend a subsistence hunting program which maintains the delicate balance between utilization of the subsistence animal species while still maintaining the values for which the park was established and meeting the preservation requirements under the National Park Service Organic Act. He pointed out that the National Park Service has the legal mandate from Congress "...to conserve the scenery and the natural and historic objects and the wildlife therein 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." August 25, 1916; 16 U.S.C. 1.

The first paragraph on page 5115 of Senate Report 96-413 was read and emphasized. It says:

In authorizing subsistence uses within National Parks, Monuments, Preserves, and National Recreational Areas, it is the intent of the Committee that certain traditional National Park Service management values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources. Rather, the National Park System concept requires implementation of management policies which strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem, and the Committee intends that that concept be maintained. The National Park Service recognizes, and the Committee agrees, that subsistence uses by local rural residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain. The Committee expects the National Park Service to take appropriate steps when necessary to insure that consumptive uses of fish and wildlife populations within National Park Service units not be allowed to adversely disrupt the natural balance which has been maintained for thousands of years. Accordingly, the Committee does not expect the National Park Service to engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within National Park System units.
Summary of Minutes
DENALI SUBSISTENCE RESOURCE COMMISSION MEETING
May 11, 1984

Attendees: Roberta Sheldon (Talkeetna), Ray Collins (McGrath), Florence Collins (Lake Minchumina), Percy Boyck (Nenana), Nick Dennis (Nikolai), Ruby John (Cantwell), Lynn Castle (Wood River), John Dalle Molle (Denali), Bob Cunningham (Denali), Lou Waller (Alaska Regional Office)

Bob Cunningham started the meeting off with a summary of the May 10 meeting. There is some confusion about what ANILCA says and how the commission is to function. The problems that Denali would like the commission to deal with are

TC10 1. The highway system presented an immediate problem as to who would be considered a local rural resident. There is only one other park that has to deal with this particular problem and that is Wrangell-St. Elias.

ANILCA spells out communities that have subsistence use rights.

TC35 2. Minchumina and Cantwell have the highest probability of a large influx of people. Need to define resident zone (especially for Cantwell) as to who would qualify. Bob Cunningham passed out the attached handout as to how the Park Service defines the Cantwell resident zone since Cantwell does not have defined boundaries.

TC56 3. Bob Cunningham also passed out a handout on how the Park Service defines a local rural resident—those who do not live within the residence zone but was subsisting in the park prior to ANILCA. Subsisters cannot use aircraft and must have made entry prior to December 1978. What constitutes use is a history of use for subsistence purposes and its never too late to apply.

TC152 Subsistence permit application requests for: 1) history of living there, 2) history of use, and 3) desired coversages they are asking for (areas and locations specifically used for subsistence purposes), 4) how they intended to access the lands, 5) determination of local rural residency which follows ANILCA law.

TC205 If a person moves out of a resident zone they no longer qualify unless they move back to the area as their permanent residence. (This is not clear within the law. It states the idea of preserving subsistence as a cultural, family, and community tradition.)

Distances are not defined in ANILCA for local rural residence zones. Where does Cantwell begin and end? Nikolai?

TC435 New residents are not considered qualified in NPS opinion since customary and traditional use must apply. If someone marries into a family that qualifies, that person will also qualify. Law recognizes subsistence as a community activity; to preserve a way of living. Bob Cunningham would like the commission to review the definitions. Are they adequate or do they need to be modified to prevent a large influx of people qualifying for subsistence rights?

TC315 When a community significantly changes then it may no longer be a valid resident zone, only those people who were there before it changed. What is considered a significant change (20, 150, 1000)? This needs to be defined.

TC318 There are different level of problems: 1) who has the most need for subsistence use? 2) If a community expands is it healthy and natural that they all qualify? 3) At what point do those who have subsistence rights impact a particular species.

TC460 5. Registered traplines. State law allows for any number to hunt the same line, it is generally known that you do not use someone else’s trapline, but someone new to the area wouldn’t. NPS has done some work in who has historically used some of the lines and placed these on a map. The National Park Service steps up patrols during hunts to find out who is using the traps.

TC245 New residents are not considered qualified in NPS opinion since customary and traditional use must apply. If someone marries into a family that qualifies, that person will also qualify. Law recognizes subsistence as a community activity; to preserve a way of living. Bob Cunningham would like the commission to review the definitions. Are they adequate or do they need to be modified to prevent a large influx of people qualifying for subsistence rights?

TC293 Also the law did not differentiate between a subsistence trapper or a commercial trapper. Commercial trapper traps a number of areas and generally flies to them; subsistence trapper lives in the bush and the sales of furs is for cash that they could not get otherwise.
In absence of definitions in ANILCA for anything the commission will be acting
upon (in terms of recommendations that are not clearly supported by both the
Senate and House) then it should make the recommendation. Depending on the
topic it may not be consistent with the other commissions; some of the
resources for the parks are different. Access permitted by law will probably
not be changed; change in interpretation is quite possible.

Perhaps Congress meant land access between traplines and not a way to get into
the area. The law could allow people to petition to access by plane.

House business. Need to organize the group by electing a chairperson (a
subsistence user) and deciding what is considered a quorum. There are nine
members in the Denali Subsistence Resource Commission, two were absent (Ken
Charlie and Bud Carlson) who are the voting members? It was decided that any
matters concerning internal matters would be voted on by the members present;
external (controversial) matters would require the majority of the whole.

Election of a chairperson. Before the group elected a chairperson they wanted
to find out what the people's interests in subsistence uses were, what their
availability would be for the various meetings, and what do they expect out of
this commission. Believed it was helpful to have a variety of people, not
strictly subsistence users, this way they could learn from the knowledge of
other people.

After a general discussion those interested in serving as the chair for the
commission were Ray Collins and Florence Collins. Since Ray was not a
subsistence user he could not be considered as the chairperson. It was
motioned by Ray that Florence Collins would chair the meetings with the
understanding that the meetings could periodically be turned over to someone
else. Seconded by Lynn Castle, carried. Ray Collins was appointed to direct
this particular meeting.

The minutes will be mailed to all members so they could see any motion items
that have been acted upon. Commission members will make changes, send them to
Florence for consolidation, and the minutes will be approved by the group at
the next meeting. Tapes will be maintained by the Park Service.

Motioned by Lynn that minutes will be unapproved until approved at the
following meeting, seconded by Florence, motion carried.

The first order of business was to establish the agenda for today's meeting.

1. Definitions, specifically the exact definitions of subsistence community;
distance beyond which person is not eligible. ANILCA did not specify
distance. Should the specifications NFS has determined be changed?
2. Possible increase in subsistence users in Hinchumina, Cantwell, and
Nikolai, Twilda because of any reason; those subsistence areas identified
by Congress.
3. New members as a result of #2.
4. Registered traplines. How should these be delineated? Should these be
marked on a map?
5. Use of ATVs and snowmobiles in such areas that are not traditional.
6. Additional items. How do we want to approach a hunting plan?
7. Time and place of next meeting.

Perhaps all chairmen could meet and exchange ideas, exchange of minutes. All
parks will not have the same definitions since they are all a little unique.

Things that need to go to the Secretary with regard to the subsistence hunting
program are recommendations regarding: 1) preserve the healthy and natural, 2)
allow the traditional subsistence lifestyles to continue and 3) at what levels
is an increase in human population in any of the areas no longer considered
healthy and natural. What priority would be placed on the subsisters for a need
for the resources? The recommendations from this commission that go to the
Secretary will also be provided to the Governor.

Do you want a program that is issue oriented (whenever an issue comes up
commission will have a meeting) or define things ahead of time (prepare a
program) if a problem does occur.

Agenda for next meeting will be helpful to get information to members for
background since members need basic data to act on certain items. ANILCA and
legislative history will be made available to commission members on various
items they want to discuss.

Agenda items were moved by Florence, seconded by Lynn, carried.

Definitions of Subsistence Community

It is doubtful that Cantwell knows what the National Park Service has defined
as their rural resident zone. Community council or associates should discuss
the subsistence resident zones with the community. The Cantwell post office to
the boundary of Denali and radius around the post office is considered
Cantwell. Anyone outside the resident zone may apply for a permit for
subsistence purposes if they qualify.

The law specifically states that if a person moves out of a village and moves
to the city they lose the right to subsist only while they are living in the
City. If they move back to the rural area they regain that right. It is to
preserve the lifestyle in the local rural communities.

Commission members agree with the current definition but should be modified for
future use to include agenda items 2 and 3.

Law states that when there is problem (like not enough moose) then priorities
can be established for subsistence users (who are the people that are dependent
on it as resource). Recommendations like troopers or intertie people who have
a full-time job and not dependent upon moose like someone who has been doing it
for 20-30 years and has a part-time summer job, then you would rule for the
"truer" subsistence user. You do not put this into effect unless there are not
enough moose to go around. Then you can put income and economics as a
criteria.
TC33 Recommendations to the Secretary for a subsistence hunting program will have some input from the National Park Service, Fish and Game, and public. Commission must decide what is appropriate and reasonable for an overall program. Those recommendations will go to the Secretary, through Bob Cunningham, the way the commission wants them. Comments will be made on them from others. Secretary will approve or reject all or some of the recommendations.

TC138 The definitions as they are now will eventually go before the Secretary. If the commission comes up with recommendations on subsistence uses that are compatible, Bob Cunningham would be willing to operate under those recommendations until they become law.

TC190 Break for lunch. Since Lynn Castle has to leave right after lunch the date and place for the next meeting was discussed. It would be best to avoid Anchorage and Fairbanks as meeting places.

Tentative meeting time and place will be July 13-14, McKinley Park recreation center or community hall. Florence moved, seconded by Nick. Accommodations possible at Lynn Castle's lodge. OSS will pick up Nick, Florence, and Ray Thursday afternoon (July 12), fly backpossibly Saturday (July 14).

Motioned by Florence, seconded by Nick, carried.

TC410 Call back to order.

Discussion on residency. Discriminating because of year—would this be challenged? There is a difference from the longevity criteria since the intent was to preserve the cultural lifestyles of subsistence users that had occurred over the years. You can still limit the population. How to differentiate between lifestyles, income and traditional uses.

TC503 Question on how State differentiates users when issuing subsistence permits. Federal law provides for subsistence users to have priority but if there's a need to cut back then go on basis of need (dependency). An economic criteria could be built in. Also look at other alternatives of what they are allowed to hunt.

TC517 Criteria the State has when things get short: 1) customary and direct dependency upon the resources as a mainstay of one's livelihood, 2) local residency, 3) availability of current resources. These are only looked at when someone applies for a permit by the federal government.

TC710 The Park Service could handle law breakers to see if they qualify rather than interviewing every household. The commission can always ask for a Solicitor's opinion on any criteria they set.

Tape 3, Side 1

TC35 Where a village is basically Native may want to limit subsistence use to just the Natives so you are not altering the Native cultures of that particular community.

TC65 Economics of selling "traplines"—may want to discuss this before it becomes a problem.

TC110 Residency definition with points in time and a cut off. Would be better to go with the date of ANILCA (this would have to be added).

TC125 The State talks about the family as being broader than blood. Family of consumptions means all persons related by blood, marriage, or adoption and any person living within the household on a permanent basis.

TC494 Trappers are allowed to hunt except when too many moose are being killed. May need to set some criteria at that time. Perhaps need to set special hunting seasons for those people running traplines.

TC25 Motion to direct superintendent to draft up additions to resident zone to include ANILCA date and reference to the family; subject to technical review from the Park Service. Moved by Florence, seconded by Nick, carried.

TC494 4. Registered Traplines

It would be helpful to have a map with customary and traditional traplines and tie them to the people. Community should try to get these maps by those who meet the requirements of ANILCA.

Tape 3, Side 2

Cannot send a map to every resident and ask if they trapped in this area. Perhaps ask a long-time resident to fill the names and areas of people they know as a starting point. Then send them to all people who qualify so they can fill them out privately and return them to the commission.

Reason for knowing traplines—historical base data for subsistence use. Some people may not want to be limited to a specific spot. Will have to stay general (area rather than route). No action at this time.

TC77 5. ATVs and Snowmobiles

State law does not allow ATVs for hunting, national parks do. Are there areas where ATVs are needed? Cantwell and Dunkle are using them to get meat out (hunting). Could state ATVs be permitted where historically and traditionally used as of 1980. The commission recommended the superintendent draft up ATV regulations of use policy where historically and traditionally used within the park for the next meeting. Motioned by Ruby, seconded by Florence, carried.

TC167 Snowmobiles are different because ANILCA opened up all of the park unless otherwise designated closed. There are some closure regulations coming out for the wilderness areas. No changes at this time. Snowmobiles may be needed sometime in the future since reasonable access is permitted.

TC250 6. Hunting Program

Need to think about healthy and natural populations, and how you place subsisters in priority. Trend data is available on caribou and moose (just in the park central area since additional areas were not picked up until later).
Recommend that this area be given some long thought. Need plenty of public input. Ranking of priorities. One regulation could be that Denali acquire the personnel (wildlife biologist) to conduct such studies.

No action at this time.

Meeting adjourned until July 13, 9:00, Mt. McKinley.
## Appendix D

### Hunting Plan Recommendations

<table>
<thead>
<tr>
<th>Hunting Plan Recommendation</th>
<th>Response from the Secretary of Interior</th>
<th>Actions Taken</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>HPR 86-1: Establish an alternative system of eligibility (roster regulation) and apply to Cantwell.</td>
<td>April 1988: The Secretary directed NPS to draft a rulemaking. Sept. 1989: Director of NPS called for a delay in publication of the proposed rule in response to concerns raised by the State.</td>
<td>1991: NPS drafted a proposed rulemaking providing for an alternative form of eligibility determination by group registration. July 1993: The Alaska Regional Director sent a letter to the Director of NPS in an attempt to get the rule published. Feb 1995: The Denali SRC sent a letter to the Secretary asking the Department to expedite the publication of the draft rule. June 1995: NPS Acting Field Director in Alaska indicated the continued support for the Commissions’ recommendation.</td>
<td>The draft rule has yet to be approved by the Department of Interior for publication in the federal register. The Lake Clark SRC may no longer support their recommendation for development of a roster system.</td>
</tr>
<tr>
<td>Hunting Plan Recommendation</td>
<td>Response from the Secretary of Interior</td>
<td>Actions Taken</td>
<td>Current Status</td>
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</tr>
<tr>
<td>HPR 86-2: Establish a boundary around the community of Lake Minchumina, 1 1/2 miles from the Lake.</td>
<td>April 1988: The Secretary directed the Superintendent to implement the recommendation following public notice procedures.</td>
<td>Public notice of the new boundary was posted in the community along with a map.</td>
<td>The boundary of Lake Minchumina was established as recommended. In 1994 the boundaries of Nikolai and Telida were established in a similar manner.</td>
</tr>
<tr>
<td>HPR 86-3: Change the boundary between the park and preserve along the active channel of the Kantishna River.</td>
<td>April 1988: The Secretary indicated that the recommendation was unnecessary because the boundary along the river is a &quot;floating&quot; boundary that changes with the course of the river.</td>
<td>None.</td>
<td>No boundary changes were made as a result of this recommendation.</td>
</tr>
<tr>
<td>HPR 86-4: Protect the subsistence uses of the Dunkle mining area if lands are transferred from the NPS to the State.</td>
<td>April 1988: The Secretary indicated that the recommendation would be implemented through the General Management Plan for Denali.</td>
<td></td>
<td>No land exchange has occurred or under consideration at this time.</td>
</tr>
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<td>Response from the Secretary of Interior</td>
<td>Actions Taken</td>
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<tr>
<td>HPR 86-5: Monitor and regulate mining to prevent damage to subsistence resources.</td>
<td>April 1988: The Secretary indicated that the recommendation would be implemented through the General Management Plan for Denali.</td>
<td>The recommendation was incorporated into the General Management Plan for Denali.</td>
<td>This is an on-going issue. Mining activities are continually monitored by park staff and mitigation measures taken when and where possible to reduce impacts. As issues come up the SRCs recommendation will be taken into consideration before management actions are taken.</td>
</tr>
<tr>
<td>HPR 86-6: The SRC opposed construction of any new roads within the park.</td>
<td>April 1988: The Secretary indicated that the recommendation would be implemented through the General Management Plan for Denali.</td>
<td>The recommendation was incorporated into the General Management Plan for Denali.</td>
<td>Requests for additional access to the park continue to be submitted. As these requests are evaluated the SRC recommendation will be considered and incorporated in the parks’ response.</td>
</tr>
<tr>
<td>HPR 92-1: Amend the SRC charter to allow the SRC to report to the Federal Subsistence Board as well as the Superintendent.</td>
<td>1998: The Secretary indicated that SRC participation at Federal Board meetings was unnecessary because Title VIII of ANILCA provides a</td>
<td>None.</td>
<td>The SRC has been supported in their efforts to work with the Federal Subsistence Board on issues of concern to the Denali SRC. However, no funding has been</td>
</tr>
<tr>
<td>Hunting Plan Recommendation</td>
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<td>mechanism for the SRC to make recommendations directly to the Secretary and that the Board already takes SRC recommendations into account in their decision-making process.</td>
<td>The Federal Subsistence Board established the additional hunting season effective during the 1994-95 hunting season.</td>
<td>NPS continues to monitor the moose population in Unit 20(C).</td>
</tr>
<tr>
<td>HPR 93-1: Establish a second season for hunting of antlered bull moose from November 15 to December 15 in Unit 20(C). A later memo (July 1994) to the Secretary changed the boundary of the hunt area.</td>
<td>The Secretary directed the NPS to investigate the biological ramifications of establishing an additional hunt and to present its report to the Federal Board. The Secretary directed the Federal Subsistence Board to establish the season if a natural and healthy population could be maintained and if the use was customary and traditional.</td>
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</tbody>
</table>
### Appendix E

**Approved Hunting Plan Recommendations**

**Denali Subsistence Resource Commission**

<table>
<thead>
<tr>
<th>Approved Hunting Plan Recommendation</th>
<th>Response from the Secretary of Interior</th>
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</tr>
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<tbody>
<tr>
<td>HPR 86-2: Establish a boundary around the community of Minchumina.</td>
<td>The Secretary directed the Superintendent to implement the recommendation following public notice.</td>
<td>The boundary around the community of Lake Minchumina was established 1 1/2 miles from the lake.</td>
</tr>
<tr>
<td>HPR 86-3: Change the boundary between the park and preserve to the active channel of the Kantishna River.</td>
<td>The Secretary said a boundary change was not needed because the river forms a “floating” boundary; changing with the course of the river.</td>
<td>No action required.</td>
</tr>
<tr>
<td>HPR 86-4: Protect the subsistence uses of the Dunkle mining area if lands are transferred from the NPS to the State.</td>
<td>The Secretary indicated the recommendation would be implemented through the parks’ General Management Plan.</td>
<td>No action taken. A land exchange could not be negotiated and at this time there is no plan to continue to pursue the exchange.</td>
</tr>
<tr>
<td>HPR 86-5: Monitor and regulate mining to prevent damage to subsistence resources.</td>
<td>The Secretary indicated the recommendation would be implemented through the parks’ General Management Plan.</td>
<td>This is an on-going process. Mining activities are continually monitored for their impacts on park resources and will continue to be in the future.</td>
</tr>
<tr>
<td>HPR 86-6: The SRC opposed construction of</td>
<td>The Secretary indicated the recommendation</td>
<td>Although no new roads have been constructed in</td>
</tr>
<tr>
<td>Approved Hunting Plan Recommendation</td>
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<tr>
<td>any new roads within the park.</td>
<td>would be implemented through the parks’ General Management Plan.</td>
<td>the park, there have been repeated requests over the years. The SRC will be consulted as requests come in for their input on such development.</td>
</tr>
<tr>
<td>HPR 93-1: Establish a second moose hunting season in Unit 20(C) for antlered bull moose from November 15 through December 15.</td>
<td>The Secretary directed the NPS to investigate the biological ramifications of establishing the hunt and to present its findings to the Federal Subsistence Board. The Secretary directed the Federal Subsistence Board to establish the hunt if a natural and healthy population could be maintained and if the hunt was customary and traditional.</td>
<td>The Federal Subsistence Board established the additional season effective during the 1994-95 hunting season. NPS continues to monitor the moose population.</td>
</tr>
</tbody>
</table>
**Private Inholdings**
1. Wally Cole at Camp Denali (683-2290)
2. Jeff Barney (907-479-2082)
3. Dan Ashbrook at Mt. McKinley Gold Camp (479-2277)
4. Mike Mark Anthony at Galena Gold Claim (277-2562)
5. Allen Cornelison at Denali Backcountry Lodge (683-1650)
7. Ray Kreig (907-276-2025)
8. Marie Monroe at Kantishna Roadhouse (683-1475)
9. Paul Shearer (503-697-4378)
10. Steve Neff (520-296-6275)

**Firearms Discharge Closure**
Kantishna Area

Owners of this claim block include: 3, 6, 9, 10
Region 9
Eastern Interior

Federal Public Lands Open to Subsistence Use
- National Forest Land
- NPS Administered Land
- BLM Administered Land
- USFWS Administered Land

Special Management Areas
- Region Quality
- Roads

Closed to Subsistence

Miles 0 10 20 30 40 50
Denali National Park SRC Membership By Year
1982 - present

Years 1982-83

<table>
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<th>Member</th>
<th>Former Member</th>
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<tr>
<td>Florence Collins, Lake Minchumina</td>
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<td>Lynn Castle, McKinley Park</td>
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<tr>
<td>Ken Charlie, Minto</td>
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Year - 1984

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<td>Florence Collins, Lake Minchumina</td>
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<td>Steve Eluska, Telida</td>
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*recommended for reappointment, no confirmation from Secretary

^recommended for reappointment, no confirmation from Governor

### Year - 1988

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*recommended for reappointment in 1986, no confirmation from Secretary

+resigned at some point during the year

^recommended for reappointment in 1986 and 1987, no confirmation from Governor

Subsistence Management Plan
Denali National Park and Preserve

Appendix G: SRC Membership List, Page 3
Revised 8/18/00
### Year - 1989

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<td>Nick Dennis</td>
<td>11/87-11/90</td>
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<td>Harry John, Copper Center</td>
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<td>11/90 - 11/93</td>
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*term expired

Note: This is the first year that appointments were made to the SRC from Federal Regional Advisory Councils.

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*resigned at some point during the year.
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### SRC Membership by Community

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<td>Cantwell</td>
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<td>Kantishna</td>
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*Appendix G: SRC Membership List, Page 9  
Revised 3/05/01*
ENVIRONMENTAL ASSESSMENTS RELATED TO SUBSISTENCE ACTIVITIES COMPLETED BY DENALI NATIONAL PARK AND PRESERVE

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<td>The National Park Service is considering issuing a permit for the construction of a subsistence trapline cabin near Birch Creek.</td>
<td>Birchea3.doc</td>
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<tr>
<td>The National Park Service is considering issuing a permit for the construction of a subsistence cabin replacement near Slippery Creek.</td>
<td>Slippery.fea.doc</td>
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<tr>
<td>Denali National Park and Preserve (DENA) is considering a permit application for replacing a subsistence use cabin within Denali National Preserve</td>
<td>Livetrap.doc</td>
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<tr>
<td>Wilderness Recommendations FEIS</td>
<td>Unknown file name</td>
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<tr>
<td>Frontcountry Development Concept Plan/EIS</td>
<td>Unknown file name</td>
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<tr>
<td>Southside Development Concept Plan</td>
<td>Unknown file name</td>
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<tr>
<td>Cumulative Impacts of Mining EIS</td>
<td>Unknown file name</td>
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<tr>
<td>Kantishna Hills/Dunkle Mine Study Report and EIS</td>
<td>Unknown file name</td>
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<tr>
<td>Spruce 4 DEIS</td>
<td>Unknown file name</td>
</tr>
</tbody>
</table>

EIS – Environmental Impact Statement
FEIS – Final Environmental Impact Statement
DEIS – Draft Environmental Impact Statement
EA – Environmental Assessment
<table>
<thead>
<tr>
<th>Project</th>
<th>File Name</th>
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</thead>
<tbody>
<tr>
<td>1. Analysis for Snowmachine Closure of Former Mt. McKinley NP (most recent)</td>
<td>810 Snowgo closure Mt. McK Park2</td>
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<tr>
<td>2. It evaluates the potential restrictions to subsistence activities which could result from the construction, maintenance and the recreational use of a road and airstrip to support the operation of a remote wilderness lodge on private property along Spruce Creek within the Kantishna Hills.</td>
<td>810 Spruce 4 final draft</td>
</tr>
<tr>
<td>3. This analysis summarizes and evaluates the potential restrictions to subsistence activities that could result from the National Park Service (NPS) proposed revisions to Denali National Park and Preserve special regulations (36 CFR) for vehicle traffic, use of oversize vehicles, vehicle road use limits, snowmachine use, public health and safety closures, and resource protection posting and closures.</td>
<td>810rd-reg.w51 Rd-reg.w51 (duplicate file)</td>
</tr>
<tr>
<td>4. It summarizes the evaluations of potential restrictions to subsistence activities that could result from authorizing recreational developments in the entrance area and park road corridor area of Denali National Park and Preserve.</td>
<td>FCC.DCP.1</td>
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<tr>
<td>5. It summarizes the evaluations of potential restrictions to subsistence activities that could result from authorizing recreational developments on the south side of the Alaska Range within Denali National Park and Preserve. The South Side Final Development Concept Plan/Environmental Impact Statement describes a range of alternatives for consideration.</td>
<td>Appdx.810.doc (most recent of ssdcp)</td>
</tr>
<tr>
<td>6. It summarizes the evaluations of potential restrictions to subsistence activities which could result from Denali National Park authorizing the construction of a replacement subsistence trapping cabin along Birch Creek.</td>
<td>810 for Birch.doc</td>
</tr>
<tr>
<td>7. This analysis summarizes and evaluates the potential restrictions to subsistence activities that could result from proposed actions by the National Park Service (NPS) to issue 2 hunting guide-outfitter concessions permits within the portion of Denali National Preserve south of the Alaska Range.</td>
<td>Hunt-GD.DEN</td>
</tr>
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<td>Project</td>
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<tr>
<td>8.</td>
<td>Slippery.cab</td>
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<tr>
<td>It summarizes the evaluations of potential restrictions to subsistence activities which could result from Denali National Park and Preserve authorizing the reconstruction of a subsistence trapping cabin along Slippery Creek Slough. The old trapping cabin on Slippery Creek Slough has collapsed and the subsistence trapper currently using the trapline wishes to reconstruct the small log cabin which would be used in support of subsistence trapping activities.</td>
<td></td>
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<td>9.</td>
<td>Borrow.pit</td>
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<tr>
<td>It summarizes the evaluation of potential restrictions to subsistence activities which could result from borrow pit development and use in Denali National Park.</td>
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<td>10.</td>
<td>Koppen.min</td>
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<td>It summarizes the evaluation of potential restrictions to subsistence activities which could result from mineral extraction under the Mining in the Parks Act and access to inholdings under Section 1110 of ANILCA.</td>
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<td>11.</td>
<td>Martinek.min</td>
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<tr>
<td>It summarizes the evaluation of potential restrictions to subsistence activities which could result from mineral extraction under the Mining in the Parks Act and access to inholdings under Section 1110 of ANILCA.</td>
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<td>12.</td>
<td>Unknown file name</td>
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<tr>
<td>Kantishna Hills/Dunkle Mine Study Report and EIS 810. This evaluation summarizes the potential restrictions to subsistence activities that could be expected to occur from initiating a mineral leasing program in the Kantisha Hills study area.</td>
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<tr>
<td>13.</td>
<td>Unknown file name</td>
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<tr>
<td>Cumulative Impacts of Mining EIS 810</td>
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</tr>
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</table>

*Live Trap Lake has a draft EA but no 810 yet.*
LIST OF PROPOSAL ANALYSES FOR DENALI NATIONAL PARK


8. Proposal #11. 2001. Create a wolf buffer zone around the Stampede road corridor that would be closed to hunting and trapping of wolves.
LIST OF PROPOSAL ANALYSES FOR DENALI NATIONAL PARK


Summery of Harvest Data
Appendix J.
Mr. Steve Martin, Superintendent  
Denali National Park and Preserve  
P.O. Box 9  
Denali Park, Alaska 99755

Re: Denali National Park and Preserve Draft Subsistence Management Plan

Dear Superintendent Martin:

Thank you for the copy of the Draft Subsistence Management Plan.

In summary, I find this a most unusual plan. As a subsistence plan, it can only apply to the traditional subsistence use areas in the park additions, as these areas existed at the time of ANILCA. But the plan does not identify these areas, and the NPS flatly states that it has no intention of identifying them, despite the availability of data that would allow their identification. Nonetheless, the NPS intends to apply the plan to all lands in the ANILCA additions, whether or not they qualify as traditional subsistence use areas, based on the unsubstantiated claim that all lands in the additions were traditional subsistence use areas at some undisclosed point in time. This attempted application has no basis in law, and the draft plan is, accordingly, fatally flawed.

Taken together, the 1980 additions to Denali National Park form one of the five units for which traditional subsistence use zones are to be identified by the National Park Service. This task is a prerequisite to a subsistence management plan, of course, because such a plan can apply only to the traditional subsistence use areas, by definition.

But the reader of the Draft Plan interested in the criteria for and location of traditional subsistence use zones looks in vain because the NPS has not designated traditional areas. Moreover, the NPS states that it does not intend to do so “at this time.”

In lieu of specific identification of traditional subsistence use areas, the plan is intended to apply to all lands in the additions based on the assertion that these lands were traditional subsistence use areas at some unstated period in the past. “Administrative records and research studies indicate that all of the ANILCA additions...were traditional subsistence use areas.”¹ And, “Existing and on-going research studies and administrative reports support the [Subsistence Resource Commission’s] recommendation that all of the

¹ Draft Plan, p. 5.
ANILCA Park and Preserve additions were traditionally used by subsistence users.\textsuperscript{2} However, the agency does not reveal its criteria for traditional subsistence use areas, it does not discuss the findings of the research and reports it cites (apparently on the North Addition only), and it stops short of formally declaring all of the additions as traditional subsistence use areas.

Although unwilling to identify traditional use zones for the purpose of its subsistence plan, the NPS recognizes that such areas exist. “The National Park Service has not defined traditional use zones for Denali but other actions have served to help define traditional subsistence use areas, notably the C[ustomary] & T[raditional] determinations made over the years by the State of Alaska and later by the Federal Subsistence Board.” The “…NPS believes that, in defining traditional use zones, it must look further to the full range of subsistence uses which may include but not be limited to: use of plants (berries and timber), subsistence cabins, shelters and trails, cultural and religious sites, etc.”\textsuperscript{3}

Rather than define these zones for the purposes of its plan, the NPS retreats behind its regulations that allow it to avoid the designation of traditional subsistence use areas if it so chooses: “[A section of the Code of Federal Regulations] gives the NPS the option of designating areas ‘where such uses are traditional’ as a management tool, if necessary, but it remains an option, not a fundamental directive of the law or the regulation itself. Denali National Park is not intending to make a traditional subsistence use area determination at this time.”\textsuperscript{4}

A problem with this approach is that it risks damaging Congressional and public confidence in the NPS’s planning procedures and competence. In effect, the NPS is saying “Here’s a draft subsistence management plan, but although it has been 21 years since we began managing the park and keeping track of subsistence uses and practices, we are not going to tell you what areas our plan covers.” But when the traditional subsistence use areas, the object of the plan, are considered an official secret, the planning process becomes a classic Alice-in-Wonderland exercise.

And by failing to define the traditional subsistence use areas, the NPS has a legal problem comparable to one it faced earlier this year when the Federal District Court voided a one-year closure of the “old” park to snowmobile use. In that case the court found that the NPS had not defined the key term “traditional use” before proceeding with the closure. Now the NPS is refusing to define traditional subsistence use areas before proceeding with a subsistence plan the prerequisite of which is a definition of the areas.

\textsuperscript{2} Ibid., p. 6.
\textsuperscript{3} Ibid., p. 1.
\textsuperscript{4} Ibid., p. 6. As for the regulations, I challenge the NPS to cite any sections in ANILCA or its legislative history that supports the notion that Congress gave the NPS an option. Nowhere does Congress use the word “may” in connection with the zoning requirement, which is that subsistence is to be allowed in the five new units where traditional, period. Moreover, the legislative history leaves no doubt as to Congress’s intent that the NPS designate traditional use zones. See, for example, Senate Report 96-413, pp. 147-8.
Thus I recommend that you address the fundamental issue of the traditional subsistence use areas in a draft supplemental subsistence management plan. If you are unwilling to take this step, then I would urge you to withdraw the draft plan and take no further action on a subsistence management plan at this time.

Better no plan than a wholly inadequate one. A no-action alternative would protect all options, including the option that a plan consistent with ANILCA would be put into place by an administration willing to face up to the fundamental issue.

Thank you for the opportunity to present these views.

Sincerely,

Jack Hession
Alaska Representative

cc: Robert Barbee
    Paul Anderson
    Judy Gottlieb
    Sandy Rabinowitch
    Clarence Summers
    Paul Hunter
    Bob Gerhard
December 15, 1999

Florence Collins, Chair
Denali Subsistence Resource Commission
Denali National Park and Preserve
201 First Avenue
Fairbanks, AK 99701

Dear Florence:

Thank you for inviting the Department of Fish and Game to comment on the draft "Denali National Park and Preserve Subsistence Management Plan." We commend the commission and the National Park Service for preparing this user friendly and very informative management document. The plan is an important record of commission discussions and actions on subsistence management issues that otherwise might have been lost over time. Agency staff and the public also will be able to quickly educate themselves on subsistence management issues in the park by reading this plan. We have the following comments for your consideration.

Introduction. Pages 2-3. The paragraph following the "National Park Service Mission Statement" states that the National Park Service and the subsistence resource commissions should work together to address topics addressed in the subsistence hunting program. We concur that this is an important working relationship, and recommend that the role of the Governor and the state in this process also be recognized. Section 808 of ANILCA delineates a very clear role for the Governor that should be acknowledged.

The final item in the Mission Statement calls for the promotion of "effective communication and mutual understanding of subsistence uses and related cultural and social values..." The Department of Fish and Game believes this should include ensuring that the public fully understands the differences between ANILCA parks in Alaska and national parklands in other states. More specifically, the increasing number of visitors to Alaskan parks should understand why consumptive uses are allowed and why subsistence uses are a purpose of many parks in Alaska. Visitor education is necessary to ensure that subsistence uses are not unnecessarily curtailed or restricted because of perceived conflicts with nonconsumptive users and uses.

Chapter 1. SRC Function. Recommendations for improving subsistence management in the parks are discussed on pages 5-7. We concur with your commission's desire to see the management decisions made more quickly than they have been in the past. However, we are uncertain about the long-term implications of the proposal to have the Secretary of Interior delegate his decisionmaking authority "on certain key issues" to the Alaska Regional Director. If such authority is delegated as proposed, the commission should ensure that it retains a direct line of communication to the Secretary of Interior as
Florence Collins

provided for in Section 808 of ANILCA. The Department of Fish and Game also seeks assurance that any changes made in decisionmaking authority do not diminish the Governor's role in the process as provided for in Section 808 of ANILCA.

Chapter 2. Resident Zone Eligibility. Maps depicting the resident zone boundaries are presented for Lake Minchumina, Nikolai, and Telida. A similar map depicting the Cantwell resident zone should also be included in the plan.

The SRC Proposed Action described on pages 6-7 concerns the roster regulation that the Lake Clark and Denali commissions initially proposed in the 1980s. No substantive action has been taken for several years and interest in this regulation has declined. However, the National Park Service is pursuing publication of a roster regulation in the Federal Register. We are concerned that this draft regulation might differ substantially from the version last reviewed by the commissions several years ago. Consequently, the commission should seek assurances that ample time will be provided for all seven commissions, the interested public, and the state to fully participate in the review process.

Chapter 5. Subsistence Access. The National Park Service is converting into an environmental assessment the commission's proposed action to designate ATV routes into the park for use by residents of Cantwell for subsistence moose and caribou hunting. We recommend the commission carefully review this assessment, and ensure that it accurately portrays the history of ATV use by Cantwell residents for subsistence purposes and allows for continuation of the uses authorized by Section 811 of ANILCA. The issue background on page 3 indicates that relevant information has been collected since the early 1990s and that the history of ATV by Cantwell residents dates back to the 1940s. It is important to ensure that attention not focus only on contemporary use patterns and use areas. The department would like to be kept apprised of any work the National Park Service does "to further define, monitor, and regulate the use of ORVs and ATVs," as is noted on page 6.

Chapter 7. Wildlife Harvests. The National Park Service is proposing to define the term "natural and healthy," as is discussed on page 5 of this section. The Department of Fish and Game was at one time informed that our staff would be invited to participate in these discussions. Because this definition might have consequences extending beyond park boundaries, the department is very interested in having opportunities for input before a final definition is adopted.

Chapter 8. Trapping. We recommend the introductory sentence on page 1 be rewritten to delete "subsistence" as a modifier of trapping. Congress debated whether to classify trapping and specifically chose not to do so. In this case, the first sentence could be revised to read, "Trapping and bartering of fur animals has long been a customary and traditional activity among qualified subsistence users in the Denali area."

The NPS Proposed Action regarding the use of firearms under a trapping license to harvest furbearers on parklands is an important one that warrants a practical solution. We recommend the commission reiterate its position on this issue at its next meeting, and determine why the National Park Service believes changing the regulation will be difficult—while at the same time it acknowledges that taking free-roaming furbearers with a firearm under the authority of a trapping license is a longstanding practice and presents no compelling evidence to suggest that this practice should not be allowed. ANILCA parks and monuments in Alaska allow activities that generally are not authorized in other
parks in the United States. Subsistence is one of these activities, and one longstanding practice for harvesting fur animals in rural Alaska is to take them with firearms.

Chapter 9. Timber Harvest. The commission might want to evaluate the current permit requirements for harvesting timber and plant materials and determine if subsistence users have been impacted. Requiring a permit to use a chainsaw for harvesting house logs and firewood for domestic use is a reasonable requirement, but it could be burdensome in some cases to subsistence users in the field.

Pages 4-5 describe what has transpired since the commission passed a motion requesting that the production and sale or trade of handicrafts made from plant materials be an authorized use under customary trade. This presentation is a bit confusing. The third and fourth bullets in the "Issue Background" section appear to suggest that what the commission is requesting is authorized, but the "Current Status" section states that a regulatory change is required.

Chapter 11. Acquisition of Resource and User Data. The discussion of "User Data" on page 2 regarding Alaska Department of Fish and Game harvest information states that "Harvest information is reported on a voluntary basis..." In fact, state regulations require harvest tickets or permits for hunting moose, caribou, and sheep in the Denali National Park and Preserve area. It is true that compliance with reporting requirements is low in some areas, but it is incorrect to state that harvest reporting for most species taken in the Denali area is voluntary.

This concludes our comments on the draft plan. Please contact me if you need additional information or have any questions concerning our comments.

Sincerely,

Terry L. Haynes

cc: Frank Rue
    Rob Bosworth
    Division Directors
    Tina Cunning
    Jim Fall
    Polly Wheeler
    Don Young
    Sally Gibert