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Boyd Evison
Regional Director
National Park Service
2525 Gambell Street
Anchorage, AK 99503-2892

Dear Mr. Evison:

The State has completed its review of the National Park Service (NPS) draft General Management Plan (GMP) for the **Gates of the Arctic National Park and Preserve (NP&P)**. We conclude that the proposed management intent is not consistent with Alaska National Interest Lands Conservation Act (ANILCA) Congressional intent. The proposed plan is often unnecessarily restrictive of legitimate, valid uses of fisheries and wildlife, management options and research, access for resource users, and recreational and subsistence activities. Until additional information is presented to support these proposals, we can support neither the restrictive management intent in the GMP nor the corresponding proposed regulation changes. In other cases, there is a lack of management intent for selected topics involving the statutory responsibilities of State agencies.

In general we oppose many of the blanket restrictions on visitor use, access, traditional uses, and resource management options. While certain restrictions will be needed to protect the unit's values, we believe that many of the proposals as written are unnecessary and/or presented without adequate justification. The State feels that public use restrictions should be applied judiciously based on definable needs to protect resource values, preferably on a site-specific basis.

Our comments are grouped into four major categories, Access and Transportation (next page), Natural Resource Management (page 14), Visitor Use and Management (page 37), and remaining comments organized by chapter (page 46). Therefore the order of our comments does not reflect their importance. We realize that some of these comments may appear repetitive. This is due in part to the organization of the GMP itself, which contains discussions of selected topics in different contexts throughout the document.

ACCESS AND TRANSPORTATION

We recommend that NPS make several changes to the portions of the GMP that address transportation and access. ANILCA Section 1301(b)(4) requires GMPs to include "a plan for access to, and circulation within, such unit..." (emphasis added). Currently statements addressing access are spread throughout the GMP making it very difficult to ascertain NPS management intent. All management intent regarding access and transportation should be consolidated in a single location and logically organized. In this manner, the "plan" required by ANILCA may be more evident. We have the following general recommendations regarding the organization and content under Affected Environment, Proposal, and the Land Protection Plan. Following these comments are page-specific recommendations for additions or revisions and the identification of other State concerns.

GENERAL ORGANIZATION OF ACCESS ISSUES

Discussions of access and transportation in the Affected Environment chapter are found on pages 7-10 and pages 40-51. We recommend that these sections be consolidated and reorganized. We suggest that the new organization include a section entitled Transportation and Access Adjacent to the NP&P and a separate section entitled Transportation and Access Within the NP&P.

The former section should include the information found on pages 7-10, with a description of the historical use, current use, and administrative status of the Dalton Highway (also known as the Haul Road), the Bettles to Dalton Highway winter road, and the proposed road to the Ambler mining district. (The Ambler road should be discussed again in greater detail, as noted below.)

The latter section should follow with a summary of the existing roads, trails, airstrips, and waterways used at one time or another for transportation within the NP&P boundaries, including a brief discussion about the historical use, current use, and management status of each. The information in this section should include, but not be limited to 17(b) easements, RS 2477 rights-of-way, and Section 201(4)(b) of ANILCA.

More specifically, the discussion of 17(b) easements reserved pursuant to Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) should include a description of the easement types and uses for which each easement was

designated. A list of all 17(b) easements within the NP&P or on adjacent lands that terminate at the NP&P boundary should also be included. Enclosed is a partial list of the 17(b) easements that should be included in the plan. A more complete list and additional information about these easements may be obtained from the Bureau of Land Management (BLM) or affected ANCSA corporation. We also suggest referencing the section of the GMP which will be addressing management of these easements.

The discussion of Revised Statute (RS) 2477 should briefly describe the nature of these rights-of-way and include a list of possible RS 2477 rights-of-way in the NP&P with available information regarding the current and historical use and the management status of each. The Alaska Existing Trail System, 1973 was asserted by the State in April, 1974 and therefore should be considered as a source of possible valid RS 2477 rights-of-way and included in the plan. (Pertinent portions are enclosed). A reference to the section of the plan addressing management of these rights-of-way is also recommended.

This section should also include a discussion of the provisions of Section 201(4)(b) of ANILCA to provide access to the Ambler mining district and a reference to the portion of the plan which addresses the details about how NPS intends to implement this provision.

In addition to the proposed reorganized sections above, the document should contain a map of access patterns which includes all traditional access routes, airstrips, easements, the above-referenced Alaska Existing Trails System and travelled waterways. This map would assist in meeting the requirements of ANILCA Section 1301(b)(4).

As in the Affected Environment chapter of the plan, the Proposal chapter should also address 17(b) easements, RS 2477 rights-of-way and Section 201(4)(b) of ANILCA. Non-exclusive use easements should also be discussed.

The section on 17(b) easements should at a minimum reference the easements described in the Affected Environment chapter of the plan. It should then explain the NPS position on the management of these easements including modifications to the terms of conveyance, if any, NPS intends to pursue for these easements. By law, proper notice is required before any modifications to access are made. If none are proposed, the plan should state that NPS management intent will not affect the terms of these easements.

The discussion of RS 2477 rights-of-way in this chapter should similarly reference the rights-of-way listed under Affected Environment and include the following language:

"The National Park and Preserve is subject to valid existing rights, including rights-of-way established under Revised Statute (RS) 2477 (43 U.S.C. 932). The State may identify and assert additional RS 2477 rights-of-way within the unit.

"The State has authority to manage public rights-of-way and may do so cooperatively with the underlying fee landowner. The National Park Service, as landowner, may petition the State to disclaim an interest in or vacate any rights-of-way and/or may enter into a cooperative management agreement with the State."

Unless a cooperative management agreement between the State and NPS is developed, it is inappropriate to state that users of any rights-of-way must comply with applicable NPS permit requirements.

The requested discussion of Section 201(4)(b) of ANILCA in the Proposal chapter should address implementation of this provision for access to the Ambler mining district, including a description of all alternatives being studied. It should also outline the process for evaluation of the various alternatives, including a description of how the roles and responsibilities of NPS, State agencies and other interested parties in the process. NPS should also indicate how it will manage the lands encompassing each of the corridor alternatives to accommodate the transportation uses. In particular, NPS should include in the plan the management directions that it proposes in the interim to avoid any future conflicts with the development of this corridor.

The requested discussion of non-exclusive use easements in the Proposal chapter should outline the NPS position on the use of these easements. Non-exclusive use easements may be reserved by BLM across Native allotments when trails or areas of prior established public use overlap an allotment application. The use of non-exclusive use easements is established in the Regional Solicitor General's Opinion dated December 22, 1983 (attached). We suggest that NPS consider the benefits of requesting that BLM reserve an easement for important trails. The reservation of such easements in appropriate circumstances could protect long-standing public access to adjacent public lands and resources within the NM&P while retaining the allotment holders' property rights. Management questions associated with this land protection alternative should be addressed in this section. Pursuit of this option (and incorporating

cooperative agreements or cooperative management with the State) would reduce or avoid confrontation and expensive litigation over RS 2477 rights-of-way that overlap these easements.

PAGE-SPECIFIC COMMENTS

Several comments in this section are related to motorized access and we wish to clarify our general intent. Our primary concerns are 1) that uses of the park and preserve (including methods and means of access) be consistent, as well as compatible, with the purposes of the unit as defined by ANILCA, and 2) that restrictions on uses be implemented through appropriate procedures such as those detailed in ANILCA Title XI, the ADF&G/NPS memorandum of understanding, and 36 CFR Part 13 regulations. In this latter regard, we are primarily concerned about maintaining resource values, while providing for public uses that are not detrimental, and assuring proper involvement of affected persons and agencies in development of restrictions.

The State does not support access that will result in detrimental impacts on fisheries and wildlife resources. We do not intend to encourage new access methods and locations. Some State comments on the plan question the proposed restrictions on access; they do not necessarily support or oppose them. We do not wish to be misinterpreted as supporting unrestricted motorized access throughout the unit. We are concerned about retaining those opportunities provided by ANILCA, including traditional access.

Page vi, paragraph continued from v - We question the validity of ". . . ATVs, which are not currently permitted on park lands." Contrary to this assertion, the use of ATVs is permitted and occurring within most NPS units in Alaska. Primary uses involve transportation or support for subsistence and recreational harvests of natural resources, access across federal and state lands, access to or associated with inholdings, and other traditional activities. In general, these uses have not been extensive in Gates of the Arctic NP&P. Documented impacts on the environment could lead to ATV restrictions under the provision of the ANILCA Title XI, including hearings for affected parties. We request revision to reflect actual status, legal mandates and procedures for restrictions, and existing rights.

Page 11, paragraph 4 - The third sentence of this paragraph states that, "there are a few short roads." This sentence should be clarified and expanded. It leaves the reader wondering where these roads terminate. Are

they between specific villages, within the villages, or do they provide access to the Bonite mining area or to some other development area?

Page 13, paragraph continuing from page 11 - The last sentence of this paragraph should explain that Kobuk receives its electrical generation via an above-ground transmission line extension from Shungnak.

Page 40, Current Subsistence Use and Access, paragraph 2 - The use of ATVs for summer and early fall hunting and fishing by Anaktuvuk Pass residents needs to be added to the discussion of current subsistence use and access methods.

Page 41, paragraph 3 - The statement concerning restrictions on ATV use should not be included in this section of the document. This chapter should instead provide information about the location and use of various easements; the Proposal and/or the Land Protection Plan chapters should include complete information about how ATV use will be managed.

A detailed description of the Arctic Slope Regional Corporation (ASRC) easements and how these easements correlate with 17(b) easements should also be included in this section of the plan. NPS should identify which ASRC easements correspond with 17(b) easements and indicate how this overlap affects management options. The NPS proposal for management of these easements should then be described in the Proposal and/or Land Protection Plan.

We are not aware of notice and hearings having been held, as are required by the ANILCA Title XI requirements in order to restrict traditional access. We are also not aware of any regulations restricting ATV access to designated easements or private lands.

A recent study by Edwin Hall and Associates found that ATV use has a historical time depth of over 20 years, and that the presently designated easements do not reflect areas of historical use of ATVs by Anaktuvuk Pass residents. We request this paragraph and associated management intent be corrected to reflect that historical use is not limited to designated routes.

It should also be noted that these easements used by ATVs are possible RS 2477 rights-of-way.

Page 42, Distribution and Access, paragraph 2 - The first sentence should be clarified. This discussion should fully reflect present use patterns, not NPS proposals for restricting such patterns. We also disagree with an implication here that 17(b) easements are for local use only. 17(b) easements are reserved for public use. If this sentence is intended only to provide information, then the word "may" should be deleted and ATVs should be listed as a method of access. Alatna and Evansville should also be included in the list of communities.

Page 42, Distribution and Access, paragraph 3 - After "horseback," insert "ATV, and snowmachine."

Page 57 - The plan should note that the "abandoned" roads and winter trails discussed may be possible RS 2477 rights-of-way. This section should also reference the routes identified in the Alaska Existing Trails System, 1973 and acknowledge that these routes have been asserted by the State as possible RS 2477 rights-of-way.

Page 58, Wilderness Management - This paragraph should acknowledge Title XI, which provides a mechanism for authorization of transportation and utility systems in and across conservation system units, including wilderness. It should also reference the specific allowance in ANILCA, Section 201(4)(b) for the surface transportation route from the Ambler mining district to the Dalton Highway.

We also suggest that "unless specifically restricted by the superintendent" (paragraph 3) be revised to accurately reflect the regulatory process established by the ANILCA Title XI. Line 6 should also acknowledge that ANILCA allows the use of snowmachines for travel to and from villages. We suggest the following substitute language describing Section 1110 (from page 118, Yukon-Charley Rivers GMP):

"The use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation will be permitted for traditional activities and for travel to and from villages and homesites, and it will not be prohibited unless, after local public hearing, such use is found to be detrimental to the values of the [park and] preserve."

Page 73, paragraph 3 - We suggest the statement that pilots are "advised to fly at a minimum altitude" be replaced with "requested to avoid flying below a specified altitude".

Page 81, Winter Recreation - In the list of allowed uses, hunting and snowmachining should be included. The ANILCA section 1110(a) addresses the use of motorized vehicles and allows for that use unless that use is detrimental to the resource values. We question the need to institute these restrictions when NPS concludes "there are few existing problems."

Pages 81-86 - The sections titled "Motorized Vehicles", "Snowmachines", "Offroad Vehicles", and "Special Events" should identify that State management authority applies to valid RS 2477 rights-of-way, and indicate that the management of these rights-of-way may be addressed through cooperative management agreements with the State. It should similarly be noted that 17(b) easements will require a different type of management. (This comment also applies to page 135, paragraph 3.)

Page 81, Motorized Vehicles - We request that the following language (modified slightly from the Bering Land Bridge GMP, page 3-25) be included in this section:

Routes and new modes of access for subsistence will be analyzed in terms of potential for impacts on the resources (vegetation, wildlife, soils, etc.) of the unit and upon other uses of the area. New modes of access that originate from technological advances might be permissible in the unit if they do not create unacceptable impacts upon the resources and uses of the unit.

Pages 81-82, Aircraft, paragraph continuing from page 81 - This paragraph states that fixed-wing aircraft remain the primary means of access into the NP&P. The next paragraph states that no limits will be placed on fixed-wing aircraft landings within the NP&P and that they can land at any location where they can take off again safely. Further, because of the limited surface access alternatives, NPS has forecast that fixed-wing aircraft will continue to be the primary access means. However, this section also indicates that NPS will not allow any alteration of vegetation or terrain to improve a landing strip. This proposal therefore presents an unresolved management conflict.

The airstrip maintenance restrictions proposed in the GMP could result in deterioration of existing airstrips to the extent that they become hazardous to the user.

The GMP should not preclude basic maintenance activity on any airstrips that may be necessary to provide safe, useable access for the visitors of the NP&P.

We recommend that general language be included in this and other GMPs to adequately address this important safety issue. We suggest the following:

The NPS will not expend funds for the maintenance or upgrade of backcountry airstrips. However, traditional uses of these strips, including minor safety measures such as rock removal and brush trimming, may continue as in the past.

The third paragraph recommends that aircraft fly 2,000 feet above ground level and along prescribed aircraft corridors. It will be difficult to monitor and encourage strict compliance with these recommendations. For example, if a mountain pass had a 200 foot ceiling, we wonder if pilots would be expected to turn around even though the remainder of their flight was 2,000 feet above ground level. Weather conditions and the "large, rugged, and inherently hazardous" terrain (NPS description) should dictate flight patterns and altitudes throughout the NP&P. General flight corridors and advisory flight patterns should be advisory only. Language containing these non-binding guidelines should also be uniform throughout the draft GMPs. Once the plans are approved it may be useful to inform the flying public through the FAA "Notice to Airmen" regarding such non-binding guidelines.

Page 82, Snowmachines, and map entitled Plan for Visitor Use Management - We are concerned that NPS, in defining corridors for snowmachine travel, may not be fully aware of present and historical dynamics of overland travel and use. In particular, we are not aware of any NPS studies on which these designations were based. Furthermore, hunting, fishing, and trapping frequently take place away from these corridors. We request that NPS provide for continued snowmachine use in support of these activities outside of the designated "travel corridors."

We further believe that the proposed prohibition of snowmachine use implemented via this plan is not consistent with Section 1110(a) of ANILCA which permits the use of snowmachines for traditional activities and for travel to and from villages and homesites unless determined to be detrimental to the resource values. We are not aware of any such findings.

Page 83 - The map on this page should include all 17(b) easements and indicate that these are designated routes for public use. The legend explaining these easements should not imply that these routes are available for use only to local residents. We also request inclusion of a Wiseman - Anaktuvuk route, and provision for alternative routes due to varying snow conditions.

Page 85, Offroad Vehicles - This section states that the use of offroad vehicles will be prohibited unless routes or areas are designated by the superintendent outside of wilderness or unless the use is specified by valid permits for access to private land. We request reconsideration of this proposal based on ANILCA, which amended and supplemented existing regulations, laws, and executive orders. While we agree with NPS that widespread expansion of ATV use in the NP&P is not desirable, we feel the present proposal overly restricts established uses of ATVs.

We also note that all valid RS 2477 rights-of-way are subject to State management authority including the identification of the types of vehicles allowed to use these routes.

Page 108, Domestic Animals - The prohibition of pack animals for commercial activities seems arbitrary and excessive under any alternative unless shown to be necessary on a site-specific basis to prevent irreparable damage.

Page 110, Snowmachines - Alternative A has more acceptable management intent and seems more nearly consistent with ANILCA, therefore we do not support the intent in Alternative B.

Page 127, paragraph 4 - This is the only mention that NPS considers motorboat use may be causing riverbank erosion. If this is a problem that has been observed, it should be specifically discussed in the Affected Environment chapter.

Page 131, paragraph 3 - "The proposed restrictions" on use of motorboats and snowmachines are actually prohibitions. We find evidence lacking to support the restrictive intent; environmental damage has not been documented as required by Title XI and little use is actually anticipated for the life of this plan.

Pages 133-134, Impacts on Visitors' Experience of Solitude, paragraph 3 - According to page 43 of the plan, winter use of the NP&P, including snowmachining, is about 10 to 40 times lower than summer use. We question whether

prohibition of recreational use of snowmachines will result in significant improvement for the visitor or environment except at a few specific sites. It seems more appropriate for site-specific restrictions to be considered within certain timeframes to enhance visitor experiences. (This comment also applies to page 151, paragraph 3.) At this time we question the need to apply similar widespread use restrictions during the winter. We suspect that such limits may have greater adverse impacts on traditional winter uses of the unit than is obtained by providing increased opportunities for solitude. The plan needs to place winter visitors on an equal but separate basis with summer visitors, then address the various winter methods (aircraft, snowmachines, dog sleds, snowshoeing, and cross-country skiing) before restrictions are considered.

Once the changes outlined above have been made, the Land Protection Plan should be revised accordingly to address all private or other non-federal lands or interests within its authorized boundaries. The State recommends the following changes or additions regarding access.

Page 163 - The summary should acknowledge potential RS 2477 rights-of-way, even though specifics of the corridors and actual acreages affected are not known at this time. Potential RS 2477 rights-of-way should be listed under the section titled, "Agreements" and addressed through cooperative agreements with the State. Access easements and corresponding management proposals should also be identified in this table.

Page 165 - The list under "Lands Within the Boundary" should include 17(b) easements.

Page 167, Native Corporation Lands, paragraph 3 - The information about 17(b) easements should be moved to the "Affected Environment" portion of the plan. The discussion is an example of the type of information we would like included for all 17(b) easements and potential RS 2477 rights-of-way. This discussion should address NPS management intent regarding these easements and rights-of-way.

Page 168 - Table 20 identifies 17(b) easements outside the boundary of the NP&P, but does not identify non-federal interests including 17(b) easements and State submerged lands that are within the NP&P boundaries. These should also be addressed.

Page 170, paragraph 1 - This states that it would be contrary to the purposes of the NP&P to develop

State-owned submerged lands beneath navigable waters for extraction of minerals or removal of gravel. A regional transportation corridor has been identified in concept and may be developed at some time in the future, creating a demand for materials which could require gravel extraction from the bed of a navigable stream. Consequently, the State may not fully accommodate the proposed recommendation to close these submerged lands (page 78). In light of this, the GMP may wish to propose an alternate recommendation such as guidelines for mitigating measures if and when sand and gravel extraction takes place in the future.

Page 170, State Lands - Paragraph 2 should be consistent with the previous language proposed for RS 2477 rights-of-way. The third paragraph under this section referring to the Hickel Highway should be deleted. The CSU units were established in ANILCA subject to valid existing rights, which include RS 2477 rights-of-way.

Pages 172-176, Alternatives - Easements should be included in this discussion as was done on page 136 of the Kobuk GMP, including recognition of the use of non-exclusive use easements through Native allotments.

Page 174, Regulations - The second sentence states that "NPS regulations stemming from ANILCA do not generally apply to private land in the park and preserve". This is an important statement which should be referenced in other portions of this document. The discussions of RS 2477 rights-of-way, State submerged lands, watercolumns, fish and game regulations, and air and water quality standards should be appropriately clarified, since these are all areas to which State regulations apply.

Pages 177-200 - In both the "Recommendations" and "Land Protection Priorities" sections of the plan, the 17(b) easements and RS 2477 rights-of-way on the attached maps should be listed with a discussion about how NPS intends to address these easements and rights-of-way, including the use of non-exclusive use easements. The development of cooperative agreements concerning the management of RS 2477 rights-of-way should be explored with the State to minimize or possibly avoid lengthy judicial proceedings. The language addressing RS 2477 rights-of-way should be consistent with the general language presented previously.

Page 181 - The Land Protection Plan map should identify the potential RS 2477 rights-of-way as shown on the attached maps. Also, 17(b) easements should be identified. If these easements are too small to map at

this scale, indicate that additional information on the map is available at the back of the document and/or on request. The legend should also mention that there are trails that are not currently identified that may be asserted in the future as RS 2477 rights-of-way.

Page 247-249, Access Provisions - The CSU units were established by ANILCA subject to valid existing rights, which include RS 2477 rights-of-way. The wording of the section on off-road vehicle use, inholdings, temporary access, and RS 2477 rights-of-way is currently misleading. It implies that NPS permits are required for use of RS 2477 routes. These sections should be revised to state that all valid RS 2477 rights-of-way are subject to State management authority. The discussion should also acknowledge that the State may cooperatively manage RS 2477 rights-of-way with the underlying fee landowner. The section on RS 2477 rights-of-way should be replaced with the language proposed on page 4 of this letter.

Page 247, Subsistence and Recreational Use - The "No" provisions for access by "off-road vehicles" may be incorrect according to ANILCA. The "No" under Subsistence for fixed-wing aircraft should be "Yes" with the existing footnote.

Page 249, General Research - We question what is meant by "helicopter must be minimum tool."

Land Status Map (back pocket)- This or a similar map should include the various RS 2477 rights-of-way and 17(b) easements identified on the attached maps. Additionally, the legend to this map should refer the reader to a document that will be available at various NPS offices where the reader can find the exact location of the 17(b) easements on more detailed maps than those included in the plan. The Department of the Interior manual (601 DM 4) requires that this information be made available. The legend reference about ATV easements for Arctic Slope Regional Corporation shareholders should be clarified. These easements should be identified along with all other 17(b) easements as public easements.

NATURAL RESOURCE MANAGEMENT

NAVIGABILITY

The Affected Environment chapter of the plan should include a section titled Navigable Waters where the current and historical use and the navigability status of the various waterways in the NP&P is indicated.

The Proposal chapter should include a section titled Navigable Waters. We suggest inclusion of the following paragraphs:

At the time of Statehood, the State received ownership of the beds of navigable waters to the "ordinary high water" mark. At present the (name of waterways) have been determined to be navigable. Navigability determinations have not yet been made on other rivers within the NP&P. Determination of which waters are navigable is an ongoing process in Alaska at both administrative and judicial levels.

NPS may seek cooperative agreements with DNR concerning the management of the submerged lands under navigable waters. NPS may make requests to appropriate State agencies to protect park values associated with navigable waters within the NP&P.

Page 178, State Lands - The phrase, "Where the State is determined to own submerged lands" should be stated differently to avoid misleading connotations. We suggest, "Where it has been determined that the State owns submerged lands ..." as an alternative.

This discussion should include or be consistent with the standard language regarding cooperative agreements recommended above. An example of such a cooperative agreement is currently nearing completion between the State and BLM for management of the Gulkana River.

WATER RIGHTS

Federal reserved water rights are created either expressly or by implication when federal lands are withdrawn from entry (by Congress or other lawful means) for federal use. It is the State's position that federal water rights, both instream and out-of-stream, are either generally or specifically reserved for the primary purposes of the reservation. Characteristics of a federal reserved water right include:

- 1) it may be created without actual diversion or beneficial use,
- 2) it is not lost by non-use,
- 3) its priority date is from the date the land is withdrawn for the primary purpose(s) involved,
- 4) it is the right to the minimum amount of water reasonably necessary to satisfy both existing and reasonable foreseeable future uses of water for the primary purpose(s) for which the land is withdrawn.

Water for secondary purposes must be obtained under State law, AS 46.15.

Discussions at the March, 1985 meeting of the Alaska Water Resources Board emphasized the importance of two aspects of federal reserved water rights. First, they are recognized only for the primary purposes for which the land was withdrawn, and second, they apply only to the minimum amount of water reasonably necessary to satisfy the primary purposes of the withdrawal. Legislation establishing the withdrawal of land is critical, because it establishes the priority date for the federal reserved water right, and often expressly states the primary purposes of the withdrawal. All of these aspects of federal reserved water rights - the priority date, the primary purposes, and the minimum amount of water reasonably necessary to maintain the primary purposes - are important concepts that should be reflected in the plan. To reflect these concerns, we recommend that the following language be included in the Proposal under a subheading titled Water Rights and referenced or reflected in the Land Protection Plan on page 179.

"The water resources of the Gates of the Arctic NP&P will be managed to maintain the primary purposes for which the unit was established. The primary purposes of this NP&P are _____, as cited in the following legislation establishing this conservation system unit (reference to legislation). Water for secondary purposes and all other uses within the NP&P will be applied for under AS.46.15. Specific water resource requirements for the primary purposes of the NP&P will be identified and the minimum amount of water reasonably necessary to maintain these purposes will be quantified in cooperation with the State of Alaska. Once federal reserved water rights have been quantified, the National Park Service will file this information with the State in accordance with State laws."

Page 179, paragraph 1 - Although addressing the water appropriation issue is different than addressing inholdings within the NP&P, some mention of these non-federal interests within the unit boundary should be made in the Land Protection Plan. Appropriate portions of the language suggested above should replace the existing paragraph. NPS water needs above and beyond the minimum amount reasonably necessary to maintain the primary purposes of the unit should accordingly not be considered a federal reserve right or interest.

WATERCOLUMNS

The Proposal chapter of the GMP should discuss the management of the watercolumns in the NP&P. These watercolumns remain subject to management authority by the State, although the State may choose to cooperatively manage such areas with NPS on a case-by-case basis. (State management authority over watercolumns should also be acknowledged on page 247 regarding motorboats.)

PURPOSE AND OBJECTIVES OF THE UNIT

We are concerned about omissions in the quote at the bottom of page 59 from the ANILCA Section 201(4) which lists the purposes of the unit: "including opportunities for visitors to experience solitude" and "to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness recreational activities." Also omitted is "Subsistence uses by local residents shall be permitted ...". Such omissions suggest that NPS is selectively applying provisions of ANILCA to restrict recreational and subsistence uses of the NP&P in a manner not consistent with the intent of Congress.

We believe that the management objectives for the GMP should be located in the beginning of the plan in order to receive full public review. The previously published Statement for Management is not the GMP required by ANILCA Section 1301; the objectives are an important base from which the GMP is developed and should receive adequate review. We are also concerned that comments expressed by the State in reviewing the Statement for Management seem to have been largely overlooked (see January 10, 1983 letter to Bill Welch). For example, (1) "Management objectives for the unit should also include cooperation with local governments, such as city councils, as well as other rural affected organizations concerned with resources uses in the unit."; and (2) the objective under Natural Resources regarding management of hunting, trapping, and fishing should be qualified by adding "in cooperation with the State of Alaska" consistent with ANILCA and the MOU between ADF&G and NPS.

Page iii, paragraph 2 - Sections 101(a), (b), (c), and (d) all set forth the purposes of ANILCA, not just (b). Therefore, all sections should be quoted to fully represent the purposes intended by Congress.

Page iii, paragraph 3 - We request that the quoted paragraph, which cites the purposes of Gates of the Arctic NP&P, include the omitted sentence: "Subsistence uses by local residents shall be permitted" We also request the directives for management of the unit be correctly stated: "The park and preserve shall be managed for the following purposes, among others:" (emphasis added).

FISH AND WILDLIFE

The ANILCA legislative history clearly recognizes the role of human uses of the natural resources as a part of the natural process. We are extremely concerned that through selective interpretation and restrictions the NPS may be intending to eventually eliminate legitimate uses of the resources. Statements such as the following from page iv support that concern: ". . . other than traditional human use, man's effects on fish and wildlife are unnatural." As discussed in the Natural Resources section, "natural and healthy populations" of fish and wildlife resources are maintained by the Alaska Department of Fish and Game (ADF&G) according to the following definition: "The maintenance of fish and wildlife resources and their habitats in a condition which assures a stable and continuing natural population and species mix of plants and animals in relation to their ecosystems. Application: This term recognizes that local rural residents engaged in subsistence uses may be a natural part of the ecosystem."

The GMP fails to distinguish the mandates to manage for "natural and healthy populations" in the Park and for "healthy" populations in the Preserve. It is also not clear whether NPS is attempting to distinguish hunting, fishing, and trapping as traditional (i.e. natural) and mining, coal, and oil extraction as unnatural.

One of the intended uses of the Gates of the Arctic NP&P is to provide for continued subsistence use. The GMP implies advocating additional limitations on this use, particularly in the Fish and Wildlife section, pages 61-63. The ADF&G has been responsible for the fish and wildlife resources of the State (including on lands administered by NPS) and certainly does not condone unlimited harvest or any activity having detrimental effects on the resources. Senate Report 96 - 413, page 171 states that NPS should take necessary steps to "insure that consumptive uses of fish and wildlife . . . not be allowed to adversely disrupt the natural

balance." However, NPS intent "to counteract unnatural effects" (page 61) is not a consistent application of this Senate Report. That statement is undefined and does not appear to be consistent with existing management cooperative agreements as well as ANILCA.

Consistent with the above discussion, we object to comments on page 61, paragraph 3. ANILCA recognizes subsistence uses as an integral part of the ecosystems, and subsistence uses have been a "natural" part of the Gates of the Arctic NP&P for several thousand years. It is inconsistent for NPS to regard this use as a threat to maintaining the integrity of the natural condition.

The NPS proposes to study all of the human uses of fish and wildlife to establish the necessary baseline data for proper management. The ADF&G monitors and manages the resource according to the most current available data and is committed to protecting and enhancing the resources. We are encouraged that NPS is prepared to support further research, however, we request cooperation with ADF&G to achieve this goal without unnecessary overlap.

We believe it is premature to propose restrictive or expansive regulatory or advisory statements such as those included throughout the GMP, particularly the Fish and Wildlife section. For example, if the very baseline data necessary to evaluate a problem with sport fish stocks are currently lacking as asserted on page 62, paragraph 4, then we are interested in learning if the basis of the NPS resolution (establishing a need for visitors to catch and release large fish) is substantiated. We endorse conservative approaches, however other alternatives potentially beneficial to the resources may be available while effort is directed at improving the data base. This is consistent with the statement on page 124: "Currently, there is not enough information to know how consumptive uses are affecting fish populations." Consistent with the above comments, we request the words "... in cooperation with the ADF&G ..." be inserted between the words "studied" and "to" on page 62, paragraph 2, line 2.

The GMP implies that all arctic waters may soon be devoid of fish as a result of fishing (because of "low productivity," "slow growth rates," etc.). The ADF&G encourages cooperative studies with NPS, and, if problems do exist for any particular fish population, management resolution be initiated cooperatively by both agencies. At the present time, however, we are unaware of any data supporting implications that fisheries populations are in jeopardy.

In numerous locations throughout the GMP and attached documents language strongly implies that present management by ADF&G is not acceptable to NPS (for example, page 99, Alternative A, Natural Resource Management, Natural and

Healthy Populations). The State desires opportunities to resolve any specific issues with NPS rather than inclusion of non-specific negative inferences in public documents.

We also object to numerous incorrect inferences throughout the GMP that only consumptive uses affect the health of fish and wildlife. On pages 65, 104, 116, 137, and 143, similar incorrect statements are made in the evaluation of alternatives:

Page 65 - The last research item should be deleted as it lends to this assumption. The next two items adequately address acquisition of data regarding fisheries and wildlife distribution and behavior and provide indices for determining the condition of populations. These studies should emphasize determining the status and desired health of populations while monitoring uses and limiting factors such as weather, snow depth, food availability, and predation. If evidence indicates negative impacts exist or may occur in specific subpopulations, then NPS and ADF&G should cooperate in identifying key factors and methods to mitigate or eliminate those impacts.

Page 104, Natural and Healthy Populations - We object to the implication that consumptive uses of resources are the only impact on a natural and healthy state. As documented in many studies throughout Alaska, loss of habitat, winter weather and predation are often the significant limiting factors.

Page 116, Natural and Healthy Populations - Under any alternative ADF&G would appreciate opportunities to conduct cooperative research on fisheries and wildlife; we request the incorrect implication that ADF&G does not monitor and manage for natural and healthy populations be removed.

Page 137, last paragraph - As previously discussed, we request rephrasing to eliminate the misconception that human use is the only significant factor affecting the status of fish and wildlife populations.

Page 143, Impacts on Wildlife, paragraph 1 - The apparent misunderstandings of ADF&G management and what constitutes natural and healthy populations should be removed. We also request clarification that studies are needed to "assess" cycles, rather than to "establish" cycles.

The ANILCA legislative history also recognizes man's role as a part of the natural environment including uses of the fish

and wildlife resources. The statement quoted in the last paragraph on page 61 is incomplete and not a congressional policy statement. We believe that prohibiting any form of manipulative management is an inconsistent interpretation. The congressman's discussion clearly applies only when manipulations are "to achieve maximum utilization of natural resources" and when solely "for the purpose of maintaining subsistence uses." However, we agree that careful evaluation of resource uses and conditions should precede any new manipulation and we request this management intent be modified accordingly.

The prohibition of any fisheries improvement activity is not consistent with the ANILCA, NPS policy, and the MOU. We are also concerned that NPS failed to discuss current programs and status of existing fisheries populations in the park/preserve.

In the Resource Management Recommendations provided to NPS February 24, 1984, the State requested cooperation with NPS in resolving several wildlife issues and resource needs. We request those issues be addressed in the final GMP and preferably resolved through cooperative planning efforts prior to adoption of the final GMP.

The second paragraph on page 66 states that "certain research activities are only allowed with an approved permit" and that the research must meet the criteria of (1) being in the plan; (2) be federally mandated; or (3) be legitimate scientific or educational research that cannot be conducted at another location. However, the paragraph does not indicate who is responsible for determining if proposed research meets the stated criteria. Further, research is limited to the "minimum activities," "minimum time," and "minimum area" necessary. The criteria, decision maker, and appeals procedures need elaboration. We also request that NPS coordinate with State agencies, particularly ADF&G, in defining limits on research and the criteria.

In the third paragraph on page 66, "Preliminary data may be made available..." appears to set limits on accessibility to research findings, which is inconsistent with the MOU between ADF&G and NPS.

Direct fisheries and wildlife management by NPS is inconsistent with ANILCA and other applicable State and federal laws. ANILCA does provide for emergency closures, as does State law, should populations need immediate changes in harvest regulations. We assume NPS intends to cooperate with ADF&G in implementing any necessary closures. Because this is not clear intent in the GMP, we request appropriate acknowledgement. Immediate assertion of oversight authority

as indicated on page 116, Hunting and Trapping and Fishing, as an example, should be removed from the GMP.

Additional revisions and corrections are requested as follows:

Page 24, Mammals, paragraph 1 - Marmots occurring in Gates of the Arctic NP&P are identified as Alaskan marmots, Marmota broweri, not hoary marmots, M. caligata.

Page 24, Mammals, paragraph 2 - Lynx occur throughout the park, not "limited to the forested areas in the southern half."

Page 24 - The last sentence continuing on to page 27 asserts that "Very little information is available on the status of furbearer populations." In contrast, NPS further asserts that "combined harvest is probably affecting the status of wolf populations." Such conclusions are not supported by evidence.

Paragraph 2 on page 27 continues by discussing wolf control and bounties by ADF&G. We request insertion of the following revised language which improves both the accuracy and tone of these statements:

".... Management actions are currently limited to establishment and enforcement of area-wide hunting and trapping regulations. Bounty payments have previously been funded by the Alaska legislature, but not in this area since the late 1960s nor statewide since the summer of 1974. Wolf control is considered an appropriate management tool by the Alaska Department of Fish and Game. However, no control measures have been taken recently near the park and preserve, and none are currently being considered (ADF&G 1984)."

Page 28, paragraph continued from page 27 - Both residents and nonresidents need a drawing permit to hunt in the Preserve. Also, line 4 should read ". . . and B is by drawing permit only." The bag limit on brown/grizzly bears in game management unit (GMU) 26A is one bear every four regulatory years. The text should be clarified to reflect this information.

Pages 28-29 - We recommend the discussion regarding caribou be expanded by clarifying the first paragraph is referring to the Western Arctic Caribou Herd. After this paragraph, the following discussion of park use by the Central Arctic Caribou Herd should be inserted:
"Caribou of the Central Arctic Herd occasionally use

the northeastern part of the park during winter. This herd numbered about 14,000 in 1983 and has increased at a rate of 14 percent per year. The primary year-round range of this herd is on the North Slope of the Brooks Range between the Colville and Canning rivers. As this herd increases it may expand its range to include a segment of the park. Wintering in the park may also increase."

Page 29, paragraph 1, line 15 - Describing caribou movements as "leisurely" is inappropriate.

Page 29, paragraph 2 - If caribou migration patterns change, this resource might again become important to Koyukuk River communities. This should be recognized in the discussion.

Page 61, paragraph 1 - The last sentence implies an incorrect interpretation of ADF&G management in the area, and we request the following revision: ". . . damaged areas and to maintain resources for nonconsumptive and consumptive uses such as hunting and fishing."

Page 61, paragraph 2 - We request the last sentence be expanded to reflect the specific required involvement of the public and State in development and revision of the resource management plan (RMP). An October 29, 1984 letter from Bill Welch, NPS Associate Regional Director of Planning, to the State includes the following statement:

"Each superintendent is responsible for the preparation of a park RMP and is expected to consult with the interested parties and appropriate state representatives. Upon submission of a final draft RMP to the regional director we will seek additional public involvement and transmit a copy to the state CSU coordinator and invite state comments."

This process should be spelled out in the GMP. If such participation is not assured, we request details of resource management intent be included in the general management plan as required by the ANILCA Section 1301.

Page 65, Air and Water Quality - This section should also note that ADF&G requires applications for permits before activities can occur in specified anadromous fish streams. We therefore request insertion of the following paragraph:

Alaska Statute (AS) 16.05.870 requires that any person or governmental agency that desires to construct a hydraulic project, or to use, divert, obstruct, pollute, or change the natural flow or bed of a specified river, lake, or stream, or to use wheeled, tracked, or excavating equipment or log dragging equipment in the bed of a specified river, lake, or stream to notify the Commissioner of ADF&G of this intention and to receive approval from ADF&G before beginning the construction or use.

Page 73, paragraph 2, line 2 - The concept of a "balance" of nature is now generally considered a "dynamic equilibrium." We request this change in the indicated location.

Page 124, Impacts on Fish - After "consumptive uses" insert "and other limiting factors." We request deletion of the implied assertion of oversight management and bias against consumptive uses by replacing the next sentence with: "Visitor information, law enforcement, and cooperative efforts with the ADF&G, including possible recommended changes in seasons or bag limits, would be pursued to maintain fish productivity." A similar rewrite is offered for the Conclusion: ". . . protecting habitat, and monitoring populations through cooperative efforts with the ADF&G to ensure continued natural and healthy populations" or "and managing disruptive uses" as stated on page 126.

Page 125, Table 19 - The assertions that there is "no monitoring system" for fish and wildlife harvests are incorrect. An intent to cooperate with ADF&G in ongoing management, such as monitoring and research, should be included in all alternatives. We object to the intent under Proposal (C) to "reducing consumption" of fish as the only method to achieve benefits. We also find the table difficult to interpret without a "status quo" column for comparison.

Page 127, Conclusion - The assessment that "the overall impact [on vegetation] would be negligible" is more appropriate for Table 19 than the possible beneficial impacts on a net 71 acres of the entire unit.

Page 129, paragraph 1 - This is the first mention that NPS intends to restrict subsistence uses and management options by "allowing natural cycles of the populations to occur." Populations are managed to assure they are natural and healthy without limiting options to dampen cycles or limiting subsistence uses.

Page 138, Impacts on Fish - No data are presented in the GMP to substantiate implications that present management adversely affects fisheries resources. If data exist, ADF&G would appreciate opportunities to work with NPS to rectify problems through management alternatives. Also due to the very limited recreational fisheries occurring in the NP&P, we question how theoretical impacts on a few lakes can be considered "moderately adverse" impacts for the entire unit.

Page 138, Impacts on Wildlife - The comments above are also appropriate for this section. Also applicable are our comments regarding bear encounters for Page 126, paragraph 1.

Page 143, Impacts on Fish - Natural and healthy populations of fish can be retained through active management while commercially guided sport fishing continues.

Pages 148-149, Impacts on Fish and Impacts on Wildlife - It is difficult to equate healthy populations with those suffering major natural declines. Congressional intent to recognize human use as an integral part of the ecosystem is reflected throughout the legislative history. For example Senate committee language of August 18, 1980 states: "The Committee notes that the Alaska Native people have been living a subsistence way of life for thousands of years" and "The National Park Service recognizes 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 natural food chain." The ADF&G manages for natural and healthy populations and any assertion of oversight management authority at this time is inappropriate.

Page 148, Impacts on Wild and Undeveloped Character - We request the first sentence be corrected to remove the implication that research on species actually protects them.

Bears

Numerous errors are made throughout the GMP involving bears, their status, and management. We submit the following discussions.

Page 27, paragraph 3 - The second sentence indicating that brown bears are among the "earth's great predators" is inappropriate in this discussion of Brooks Range brown bears. We suggest that NPS indicate intent to conduct cooperative studies on bear feeding habits.

Page 27, paragraph 4 - "Populations of both species [bear] are extremely difficult to count, and thus it is difficult to assess the impact of sport and subsistence hunting . . ." The paragraph further describes the very restrictive subsistence and recreation hunts which occur in the area, then states "Sport hunting may be an important mortality factor in both bear populations." It may also not be important, as indicated by data currently available. We request the bias be removed or rephrased to indicate management intent to conduct future studies, particularly on acquiring methods to accurately census populations.

The ADF&G studies and experience by both NPS and ADF&G support the concept that relocating bears to less populated areas is not a viable alternative to reduce bear/human encounters. However, we disagree with the rationale presented in paragraph 5 on page 62. The first point is valid (Miller and Ballard, 1982, Journal of Wildlife Management) but the second should be deleted. The main reason that ADF&G does not recommend relocation of problem bears is that studies indicate they return in many cases. There is no data available to support suspected genetic deterioration of the population. Further, the statement that removal will lead to "a population where only the shy and reclusive are unnaturally selected" is, at best, an interesting theory. Such unsubstantiated statements throughout this section complicate our abilities to assess intent to assure cooperative management.

The recent cessation of sport hunting within the Park will have virtually no impact upon the genetic make-up of the bear population. The population is not isolated or pristine. The NPS's argument against the removal of "problem" bears assumes that bears removed by subsistence hunters have no social or genetic interactions in the population. We suggest the entire paragraph be replaced by the sentence "The Park Service will not relocate problem bears."

ADF&G presently has a statewide law requiring people to report the taking of animals under the "Defense of Life and Property" stipulations. ADF&G also recognizes that in isolated cases serious injury or human death may be avoided if firearms are used judiciously in deterring bears. However, duplicate reporting required by NPS (as stated on page 63, continued paragraph) will create enforcement problems. We encourage NPS to inform visitors of the State laws and to assist in related enforcement, rather than create an additional required report.

Page 107, Bear Encounters - This intent does not address the NPS policy regarding removal of problem bears and educating visitors to avoid creating bear attractions. We also question the value of regulating the caliber or type of weapon an individual selects for bear protection. As an alternative, NPS could provide information on the relative effectiveness of various weapons and indicate which provide the most reliable bear protection.

Page 126, paragraph 1 - Statistics for bears killed in defense of life and property in all of ADF&G's GMU 24 indicate only ten bears in the last ten years, and only three of these were killed in locations now within NP&P boundaries (1974, 1978, and 1981). We suggest this information be provided in the plan by NPS and the related discussions revised accordingly.

Subsistence

We are concerned about NPS duplicating previous inconclusive collections of subsistence land use information as indicated at the top of page vi. Separate to the GMP, NPS is advertising for such [subsistence land use] information among local residents with an early 1986 deadline. This method places the burden inappropriately on subsistence users to provide the information. We request that the plan indicate NPS intent to adopt a scientific approach involving a research project in cooperation with the Subsistence Resource Commission, ADF&G, and other agencies in order to assure systematic collection, verifiable information and meaningful involvement of the peoples affected.

ANILCA recognizes subsistence as an evolving, dynamic way of life in rural areas. The definition does not restrict subsistence to only those individuals with an "established, historical pattern of use." It is inconsistent for NPS to propose a restriction such as indicated on page 5, Subsistence Use, paragraph 1 as a needed resolution for a use that is protected by law.

The GMP also states the NPS proposal to identify traditional use areas to resolve subsistence use issues. We have consistently opposed this proposal and reiterate that such identifications are the responsibility of the Gates of the Arctic Subsistence Resource Commission. Please see the attached letters from ADF&G Commissioner Don Collinworth to NPS (March 14, 1985) and to Brenda Johnson, Chairman of the Board of Game, (November 21, 1984) regarding these issues.

We are concerned about implications in the first three paragraphs of the subsistence section on pages 70 and 71

regarding NPS regulation of subsistence uses of fish and wildlife. ANILCA clearly provides the State the opportunity to regulate subsistence according to provisions of Title VIII. The State is currently regulating subsistence uses by means of a program approved by the Department of Interior. Supplemental to this legal provision, the Subsistence Resource Commission is charged with preparing a subsistence hunting program. We request that the final plan acknowledge NPS intent to implement the subsistence hunting program as mandated by Section 808 of ANILCA. Until the State's program is determined inconsistent with ANILCA, NPS should indicate intent to work with the State and Commission to collect and provide information.

Numerous additional errors regarding application of Title VIII and specific subsistence issues occur throughout the GMP. We request the following page-specific comments be addressed prior to adoption of the final GMP.

Page 8, Region map - The locations of Atgasuk, Dietrich, and the Yukon River should be included as they are referenced in the text.

Page 11, Communities - The statement in paragraph 2 "Hunting, trapping, and a limited amount of fishing supplement cash income" is an overgeneralization. In fact this entire section inadvertently downplays the significance of subsistence in the local economy. We suggest that the introductory paragraph be rewritten to strengthen the acknowledgement of subsistence and cross-reference the Subsistence Use section beginning on page 39; then indicate that the Communities discussions focuses on other aspects of the local economy.

Page 12, Table 4 - Source "c" is a 1974 EIS document. It is difficult to understand how that document could have given the 1980 figures referenced in the 1980 population column unless those figures were projections. The footnote should clarify this discrepancy.

Page 13, paragraph continued from page 11 - The descriptions of the economies in Anaktuvuk Pass, Nuiqsut, as well as the Kobuk River communities give only a generalized picture of the socioeconomics. Discussions of cash jobs, roads, and handicraft manufacturing for "commercial sales" obscure this primary fact. This sentence should be rewritten to reflect that subsistence is the primary source of foods in those communities.

Page 13, paragraph 1 - This discussion should note that Nuiqsut is accessible during most winters by overland winter (ice) roads from Prudhoe Bay via the Dalton Highway.

The NPS reference to the production of skin masks at Anaktuvuk Pass as a "commercial industry" would be more accurately and appropriately referenced as the manufacture of traditional handicraft items.

Page 14, paragraph 1 - Subsistence is also an important economic component of these communities. We therefore request that "economic" be inserted in the last sentence, so that it reads, "Subsistence remains a strong economic, cultural and social need..." As currently worded, the sentence focuses only on the qualitative dimensions of subsistence and thereby gives only a partial and incomplete picture.

Page 28, paragraph 2 - We are unaware of data to support the assertion that 8 to 10 moose are subsistence harvested annually within the park and preserve. In addition, Anaktuvuk Pass people harvest moose within and adjacent to the Gates of the Arctic NP&P. They also receive moose in customary trade relations between Nuiqsut and Anaktuvuk Pass. Nuiqsut residents harvest moose north of the Park and Preserve. It should also be noted that annual harvest levels may fluctuate over time. Many factors influence subsistence harvest effort and success in particular geographic areas; thus to convey the impression that the range of harvest will not fluctuate over time is misleading.

Page 28, paragraph 4 - We request corrections to reflect that residents of Allakaket, Alatna, Bettles, and Evansville also hunt for sheep within the park boundaries, although their efforts and harvest levels currently are less than those for Anaktuvuk Pass. Also, we question whether Anaktuvuk Pass residents would agree that "sheep are usually taken when not enough caribou are available to feed the residents of the village." The implication is that sheep are not hunted if caribou are abundant, which probably is not the case. The harvest quota is 50 sheep for the whole park including all subsistence zone villages. Sheep are usually harvested in August and September before the caribou migration in the area. This further clarifies that sheep are harvested independent of any caribou shortage.

Page 39, History of Subsistence Use, paragraph 1 - Eskimo residents of Evansville and Alatna should be added to the list of Alaska Native peoples utilizing the NP&P for subsistence purposes.

Page 39, History of Subsistence Use, paragraph 3 - The description of the history of subsistence uses is weakened by a lack of references and supporting information. For example, "modern technology, [in the 19th Century] including firearms, made old cooperative hunting patterns obsolete" is incorrect. Contrary to this statement, a drive of caribou into Chandler Lake where they were killed with spears from kayaks took place as late as 1945 (Edwin Hall and Associates 1985:95). In addition, the discussion of the decline in caribou numbers and the redistribution of both people and caribou in the Brooks Range needs to be expanded so that the dynamic relationships between these factors is more accurately presented. Cause and effect in the present text are both oversimplified and unsubstantiated.

Modern technology may have altered the traditional cooperative hunting patterns, but Koyukuk River community residents continue to harvest many resources cooperatively. This is an important dimension of subsistence resource use patterns in Park resident zone communities.

Page 40, last paragraph - The last line should read "Alatna to Ram Creek above the mouth of the Unakserak River..."

Page 41, lines 1 and 2 - Add sheep to the subsistence species taken along the John River. Also note that the area a short distance above the mouth of Wolverine Creek is used for hunting.

Pages 69-70, Intangible Cultural Resources - We are pleased to note recognition of the importance of intangible cultural resources. Information on Native customs, traditions and geographic place names add an important dimension to the understanding of land and resource use patterns. Such information can also contribute significantly to planning and management of the unit.

Page 72, continuation of paragraph from page 71 - ADF&G requests that NPS cooperate in the development of specific measurable criteria and determination of when "increasing consumption and competition for park resources" occurs and necessitates reevaluation of certain resident zone communities. These criteria should also involve meaningful input from local

affected communities, the Subsistence Resource Commission and other organizations.

Page 72, paragraph 1 - We again refer to the attached correspondence from ADF&G Commissioner Collinsworth, which details ADF&G's concerns with designation of "traditional use areas" for resident zone communities. This planned procedure has already generated considerable opposition and discussion and appears to be an attempt to restrict subsistence uses of park lands in a manner inconsistent with ANILCA. We request this issue be resolved prior to adoption of the final GMP.

Page 72, paragraph 2 - This discussion of management intent regarding ANILCA Section 811 is significantly more complete and accurate than any included in other GMPs. We recommend that NPS consider its adoption in all GMPs currently in revision or preparation stages.

Page 73, paragraph 1, line 4 - We request that the more accurate term "integral" be substituted for the word "incidental" in consideration of barter and customary trade as part of the subsistence way of life.

Page 73, paragraph 1 - The statement "Customary trade largely centers around the sale of furs" is inaccurate. At various times seal oil, muktuk, baleen, ivory, caribou skins, pokes (seal skin containers), obsidian, jade, and metal are part of the trade networks.

It is also not valid for NPS to conclude that trade in furs is equivalent to commercial trapping, particularly prior to conducting human use studies. Furthermore, there is no basis for separating commercial from subsistence trapping. As we discussed on page 29, the attempt to distinguish between subsistence trapping, which, as noted, includes "the sale of furs ... providing cash to purchase the basic tools necessary to maintain that lifestyle," and commercial trapping is not acceptable or legal. This distinction is inappropriate except where the employment of other persons is involved. Further, the ANILCA Section 1313 allows for trapping (without distinction of "type") within the preserve.

Page 73, paragraph 3 - We request that NPS present documentation of any existing conflicts between user-groups (lines 1-3). In most cases we suspect these are potential problems or matters of perception rather than actual occurrences.

Page 131, paragraphs 1 and 3 - Both paragraphs refer to a specified percentage of subsistence use areas that may be affected if certain proposed restrictions are not implemented. As previously mentioned, no scientific studies to identify subsistence use areas have been conducted to date. We request these data be clarified as estimations. Also, no data are presented in the GMP to indicate actual impacts on subsistence uses if the activities continue without severe restrictions during the life of this plan.

Page 131, paragraph 4 - The presence of NPS personnel, the current regulations regarding overland travel, and the attempt to restrict community uses to certain areas of the NP&P have already created a strain for many Anaktuvuk Pass residents (Edwin Hall et al. 1985). This stress may also be occurring in other communities adjacent to the NP&P. NPS should be aware of and sensitive to the fact that its actions are causing cultural stress, and they should seek methods to relieve these stresses whenever possible. As discussed in the GMP, for this and other reasons we question the fourfold increase in personnel in the "backcountry" as well as the total increase for the unit.

Page 132, paragraph 2 - The NPS has implied in several discussions within the GMP that, although the recreational use of the NP&P will increase, this increase is not substantial in either real numbers or locations affected. Consequently we do not support the restrictions proposed in this alternative as necessary management to protect subsistence uses. This paragraph also appears to be duplication of arguments presented on page 131.

Pages 140-141, Impacts on Subsistence, - The discussion of impacts on resources under current management is inappropriate. We request NPS remove the implication that ADF&G is damaging populations through current management practices. The Conclusion is similarly without data support; we believe Alternative A will have the least impacts on subsistence of any presented.

Page 237, Affected Environment, continuation of paragraph from page 236 - We request the following additions to the areas listed as important for subsistence --
" . . . the Alatna to Ram Creek above the mouth of the Unakseruk . . . and the John to a point upstream of Wolverine Creek for hunting moose, bear, and sheep."
In addition, it should be noted on line 12 that snowmachines are also typically used by residents of Anaktuvuk Pass.

Page 238, paragraph 1 - This sentence should be reworded to remove the incorrect implication that the Subsistence Resource Commission desires to "reduce populations."

Page 238, Conclusion - The three conclusions are accurate and germane to many of our concerns with NPS assessment of impacts throughout the GMP. We request management intent be revised to accurately implement these intents elsewhere in the GMP:

"None of the alternatives including the proposed plan would result in a reduction in population of any harvestable resource, adversely impact habitat, and significantly increase competition from nonrural harvesters."

"None of the alternatives including the proposed plan would result in changes in the availability of resources caused by an alteration in their distribution, migration, or location."

"None of the alternatives including the proposed plan would result in limitations on the access to harvestable resources."

Trapping

The Board of Game has not found it necessary to establish categories of trapping within Alaska. The State recognizes the ANILCA legislative history (Congressional Record-Senate, August 18, 1980, S11136) indicating congressional intent that trapping which "becomes a business with employees paid to support the trapping operation" is not in keeping with intent of the Act. The proposed prohibition (page vi, paragraph continued from page v) of commercial trapping, however, is substantially more restrictive than this intended distinction and we cannot support the prohibition. We request that NPS coordinate with ADF&G in efforts to monitor the resources to assure their health and welfare rather than develop unnecessary categories of resource users. This is consistent with Congressional intent which directs NPS to ". . . issue appropriate regulations to insure that exploitive forms of trapping do not take place and that there is no substantial or permanent harm to the wildlife populations."

A similar correction needs to be made on page 5, Subsistence Uses. The only form of trapping not permitted in either parks or preserves is commercial trapping defined by ANILCA legislative intent as that involving the employment of other persons. We request that NPS accommodate this legislative intent and note that both ANILCA and the Board of Game do

not distinguish categories of trapping, recognizing it as an allowed use in parks and preserves. Trapping is managed through seasons and bag limits to protect the furbearer populations. It is inconsistent for NPS to propose a conflicting classification system and subsequent elimination of uses allowed by law.

On page 73, paragraph 3, trapping is included with sport hunting and sport fishing as being a lower priority than subsistence use. Trapping is a subsistence use (as indicated by paragraph 1 on the same page). Furthermore, the plan cites the ANILCA Section 804, but this section of the ANILCA does not single out sport hunting, sport fishing, etc. To resolve this inconsistency, we recommend that the sentence be ended after the words "... over other consumptive uses."

In Summary

As a whole, the GMP and particularly the two pages currently included in the Fish and Wildlife section of the GMP do not adequately address management intent, direction, issues or programs regarding fisheries and wildlife. The few implications do not seem consistent with current programs, policies, or understandings, nor the intent of ANILCA.

As indicated by our numerous comments above, we are concerned that the entire GMP does not adequately reflect intent to coordinate and cooperate with ADF&G regarding fisheries and wildlife issues within Gates of the Arctic NP&P. Consequently we have serious objections to the management intent for Gates of the Arctic NP&P and request adoption of management intent consistent with other NPS units in Alaska. We request adoption of the following language in this GMP to resolve many of our multiple concerns and clarify management intent and policies.

"The National Park Service (NPS) is mandated by the Alaska National Interest Lands Conservation Act (ANILCA) and other laws to protect the habitat for, and populations of, fish and wildlife within the Park and Preserve, ANILCA Section 201(4). The NPS management of fish and wildlife will generally consist of management of the human uses and activities which affect such habitat and populations, rather than the direct management of fish and wildlife resources.

"The Alaska Department of Fish and Game (ADF&G), under the constitution, laws, and regulations of the State of Alaska, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the state.

Within conservation system units, including Gates of the Arctic National Park and Preserve, State management of fish and wildlife resources is required to be consistent with the provisions of the ANILCA and NPS policy.

"The NPS and the State of Alaska will cooperate in the management of the fish and wildlife resources of the park and preserve. A memorandum of understanding between the NPS and the ADF&G (see Appendix D) defines the cooperative management responsibilities of each agency. The 'Department of the Interior, Fish and Wildlife Policy: State and Federal Relationships' (43 CFR 24) further addresses intergovernmental cooperation in the protection, use, and management of fish and wildlife resources. The closely related responsibilities of protecting habitat and wildlife populations and providing for fish and wildlife utilization require close cooperation of the ADF&G, the NPS, and all resource users.

"Trapping, sport fishing, and subsistence fishing and hunting are allowable uses in the Park and hunting, fishing, and trapping are allowable uses in the Preserve (ANILCA Sections 1313 and 1314, and applicable state law). Subsistence uses are permitted in the park and preserve where such uses are traditional, ANILCA Section 201() (). The ANILCA requires that such harvest activities remain consistent with maintenance of healthy populations of fish and wildlife in the preserve and natural and healthy populations in the park, ANILCA Section 815(1). Congress recognized that programs for the management of 'healthy populations' may differ between the NPS and the U. S. Fish and Wildlife Service due to differences in each agencies management policies and legal authorities (Senate Report 96-413, p.233).

"The State of Alaska, through the Boards of Game and Fisheries, is responsible for establishing fishing, hunting, and trapping regulations for the park and preserve, consistent with provisions of the ANILCA. The NPS will cooperate with the state wherever possible in establishing those regulations in a manner that is compatible with park and preserve management goals and objectives.

"The ANILCA authorizes the state to manage the taking of fish and wildlife for subsistence purposes on federal lands if a state program is implemented which satisfies certain criteria in the ANILCA Title VIII. Such a state program has been implemented.

"A subsistence resource commission has been established for the park in accordance with Section 808 of the ANILCA. The commission is charged with devising and recommending a subsistence hunting program for the park. Submission of a program is anticipated in (year).

"Customary and traditional subsistence use is considered to be a natural human role, as indicated by the legislative history of the ANILCA: 'The NPS 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 NPS to take appropriate steps when necessary to insure that consumptive uses of fish and wildlife populations within the NPS units not be allowed to adversely disrupt the natural balance which has been maintained for thousands of years.' (Senate Report 96-413, p.171)

"Within the preserve units the NPS ' . . . may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral or faunal protection, or public use or enjoyment', ANILCA Section 1313. Additionally, the NPS ' . . . may temporarily close any public lands . . . , 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 populations', ANILCA Section 816(b). Except in emergencies, all such closures must be preceded by consultation with appropriate state agencies. If it becomes necessary to restrict the taking of populations of fish and wildlife in the park or preserve, non-wasteful subsistence uses are accorded priority over the taking of fish and wildlife for other purposes.

"The State has developed resource management recommendations containing management guidelines and objectives that were generally developed for broad regions. Therefore, some of the guidelines and objectives may not be applicable to the park and preserve. The master memorandum of understanding indicates that the NPS will develop its management plans in substantial agreement with State plans unless State plans are formally determined incompatible with the purposes for which the park/ preserve was established.

"Habitat and animal population manipulation will not be permitted within the park and preserve except under extraordinary circumstances and when consistent with the NPS policy. Congressional intent regarding this topic is presented in the legislative history of the ANILCA: 'It is contrary to the NPS 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 the concept be maintained.' (Senate Report 96-413, p.171).

"In recognition of mutual concerns relating to protection and management of fish and wildlife resources, the NPS and the ADF&G will continue to cooperate in the collection, interpretation, and dissemination of fish and wildlife data. The NPS will continue to permit and encourage the ADF&G to conduct research projects that are compatible with the purposes of the park and preserve. The NPS will ensure access for state officials for purposes of conducting research and managing fish and wildlife resources.

"The park's informational programs will inform visitors about the occurrence of human use activities in the park and preserve in order to minimize user conflicts. Information will also be provided about activities that can result in disturbance of wildlife and their habitat.

"The NPS Resources Management Plan for the park and preserve will be developed and subsequently revised in cooperation with the State and is anticipated for initial completion by (date). The plan will be reviewed by the public and any major change in direction, philosophy, or goals is subject to public involvement requirements of the ANILCA Section 1301. The plan will describe in detail the scope of scientific research and resource management methods that will be cooperatively employed so that the NPS has a better understanding of park and preserve resources for utilization in future resource-related decision-making. The highest priorities of the resource management plan over the next 5 to 10 years follow."
[A list should be included here accompanied by appropriate discussion.]

OTHER COMMENTS REGARDING NATURAL RESOURCE ISSUES

Page v, paragraph 1 - This paragraph implies major research restrictions and/or prohibitions. The phrases "some activities associated with research" and "certain research activities" need to be clearly defined in the GMP. We oppose this stringent intent until justifications and definitions are available for consideration.

Page 14, Air Quality - This assumes constant "excellent" air quality; however, this discussion should recognize that from June to August it is not unusual for smoke from Siberian, Canadian or Alaska interior fires to cloud the sky.

Page 170 - We suggest that the tone of this discussion be moderated. We disagree that it is a foregone conclusion, as implied in the current discussion, that mineral or gravel removal necessarily results in degradation of water quality, disruption or reduction of stream flow, and adverse impacts on fish, vegetation, soils, wildlife populations, and habitat.

VISITOR USE AND MANAGEMENTCABINS, CACHES, AND CAMPS

Trapping is also an established and allowed use of preserve lands (ANILCA 1313). As such, the last sentence of the first paragraph on page 97 regarding use of cabins should be reworded "... facilities for hunting, fishing, and trapping ...".

We cannot find justification for the proposed restriction which limits camp use to three days. Our first concern is whether viable subsistence users and cooperative ADF&G/NPS research activities will be subject to the restriction. Also the positions responsible for "specified clearance" (page 98, paragraph 2) need to be referenced. In 1973 and 1974 ADF&G led a team of researchers conducting biological surveys of the area, including lands in the Bering Land Bridge and Kobuk Valley NPS units. These studies, done for NPS, could not have been done under the restrictions on research activities proposed in this plan.

A unit-wide limit of three days for a research camp is unnecessarily restrictive. As an alternative we suggest that NPS identify more specific areas where a three-day limit is necessary and/or provide guidelines or information to reduce potential impacts.

Further, we cannot support NPS intent to prohibit tent platforms, shelters, and other temporary facilities (page 98, paragraph 3). This implies that a sport hunter in the preserve cannot erect a temporary shelter or even use a tent. As sport hunting is allowed on preserve lands and subsistence hunting on both park and preserve, temporary shelters (tents, lean-tos, etc.) that are a normal part of camping should not be restricted. The legislative intent regarding the (incomplete) quote from ANILCA Section 1316(b), was not to limit camping. We propose the following sentence be inserted after the first sentence in this paragraph: "This is not intended to limit the use of tents that are normally a part of wilderness outings." In general we disagree that facilities and equipment related to the taking of fish and wildlife are a "significant expansion".

Page 73, line 2 - We request that the term "reasonably necessary" be more explicitly defined so that individuals potentially affected clearly understand its meaning.

Page 104, Cabins, Caches, and Camps - This description of cabin usage seems to be inconsistent with both ANILCA and cabin policy recommendations adopted by the Alaska Land Use Council. None of the alternatives include a cabin policy consistent with the latter recommendations, particularly ensuring existing rights. Therefore we cannot support this regulatory proposal in the GMP until NPS policy is modified. Please see our related comments for pages 97-98.

Page 123, Cabins, Caches, and Camps - This proposal is not consistent with this alternative (D) nor with ANILCA.

VISITOR USE

When referring to Visitor Use it is not always clear whether this includes subsistence use or just recreation. For example, at first glance it would appear that this section beginning on page 41 refers only to recreational use, yet paragraph 6 on page 42 mentions access for subsistence. The graph on page 43 is similarly undefined. In addition to our request for clarification, we also note that the current organization and language inappropriately leads one to imagine that floating and hiking, for example, are major uses of the area while subsistence use is merely incidental.

- Page 41, Types of Activities - The discussion describes primary activities that occur in both the park and preserve. We suggest the following revision of the second sentence in the first paragraph. "Primary activities are hunting, trapping, fishing, river float or canoe trips, backpacking, photography, mountaineering, and wildlife viewing." Also, in paragraph 2 add "snowmachining" to the list of winter activities.
- Page 42, paragraph 2 - There is considerable difference in access and regular contact with visitors when comparing the locations and roads of Kluane National Park with Gates of the Arctic NP&P. Basing estimated visitation on general trends of visitation to Alaska, and specifically Alaska park units or rural Alaska communities, seems more realistic. Kluane National Park is bordered by a road open year-round which serves as a major transportation route between major communities and countries. The Dalton Highway is, at best, a day's hike away from the Gates of the Arctic NP&P with no publicly accessible final destination at the end of the road.
- Page 44-51, Visitor Survey - A significant portion of management intent of the GMP appears to be based on data presented in this section. We are concerned about the accuracy and sampling error in the survey's methodology.

Only 2 percent of the park visitors (estimated at 2,500) completed the survey. The description of methodology is not described here but briefly inserted on page 215. Page 215 also states "over 60 responses were received" yet data are presented from only 56 respondents (page 44). The survey form was distributed only to select visitors. Even though the form (shown on page 226) appears to address users throughout the year, it was only distributed in the summer. Referencing the discussion in the last paragraph on page 49, we note that only two of the four access methods and locations were sampled. The question regarding primary method of travel could not have received an adequate response since three of the six listed methods require snow. Activities such as hunting were not sampled because the survey was not distributed to visitors in the Preserve.

While we recognize some value in studying a given user group, other users should also be given an opportunity to submit information and opinions. In the meantime, this survey should not be construed to represent the use patterns and attitudes of the wider spectrum of

NP&P users. Because of these inconsistencies and questionable methodology, we do not believe that NPS should base management options, standards, and decisions solely on this survey.

- Page 48, Existing Effects of Human Use Map - The community of Anaktuvuk Pass predates the establishment of the Park by some 30 years. It seems more appropriate to recognize its community status than to consider it "other development." We suggest that this heading be relabelled "Community Development". We further suggest that the previous heading be revised to read "Camps and Cabins On NPS Lands".
- Page 53, paragraph 2 - Only nonresident aliens must hire a guide to hunt any "big game animal." Nonresident United States (US) citizens must have a guide, or be accompanied by an Alaskan resident over 19 years of age within the second degree of kindred by blood or by marriage, only when hunting brown/grizzly bear or Dall sheep. Nonresident US citizens can hunt without a guide for moose, caribou, black bear, etc.
- Page 53, paragraph 3 - Sport hunters of caribou, sheep and moose are required to possess a harvest ticket and return it to ADF&G at the close of the season. These reports allow determination of how many hunters have hunted in a particular management area. We request clarification in this discussion to eliminate the implication that sport hunting is not monitored or regulated in the Preserve.
- Page 53, paragraph 5 - We question why the word "lodges" is set off by quotation marks. Elsewhere in the document (i.e. page 54 and 161) these two establishments are referred to without an editorial distinction.
- Page 88, paragraph 2 - The last sentence states that preference for guiding will be given to native corporations and local residents. Does the NPS intend to give preference to any native corporation or just those with shareholders that live in the vicinity of the NP&P? As written, corporations in any part of the State would have preference.
- Page 88, last paragraph - We are concerned that the proposed intent to preclude the described commercial use may be inconsistent with the intent of ANILCA as well as NPS policy in similar units. We also believe this is not consistent with the Wilderness Act as amended by ANILCA. Consequently, adequate justification is not presented to support the proposal.

- Page 102, Commercial Services, paragraph 2, and page 104 - This interpretation of the Wilderness Act appears not to be consistent with the amendments to the Act as intended by Congress and contained in ANILCA.
- Page 108, Recreation - Under any alternative, requiring visitors to "check in" seems unnecessarily restrictive, particularly for existing activities.
- Page 120, General Development - Discussion under this alternative (D) does not justify the vast facility developments proposed here.
- Page 129, paragraph 5 - As previously discussed, data in the plan are inadequate to justify a decision to "ban permanent facilities for commercial operations in the unit". We also note this paragraph refers to closing three rather than one, as described on page 88 of the GMP. We request clarification.
- Page 141, Impacts on Visitor's Experience of Solitude - The perceived problems described in this section appear to be based on the inadequate visitor survey previously discussed. The second sentence of the first paragraph is therefore questionable.
- Page 220, Visitor Uses - The objective "provide for park purposes and wilderness recreational activities by maximizing a visitor's....freedom of movement through the use of the park, without intrusive regulation or unreasonable jeopardy" does not seem consistent with the considerable restrictions of uses proposed throughout the GMP; neither does "maximizing...movement" seem consistent with the proposed access prohibitions and/or restrictions.

THE STANDARDS

While the use of standards (pages 74-81) can significantly assist in the identification of management needs, we note that several of these standards lack specific criteria, are vague, or raise questions about who will be making individual determinations that the standards are (or are not) being met.

We also request that the Management Actions discussion on page 80 be expanded to more clearly explain how these standards will be used to identify proposed management changes, including proposed regulatory changes. It appears that many of the proposed standards and use levels would be more appropriately presented as proposed regulations for implementation of general management intent following adoption of the GMP. See our comments regarding Proposed Changes to Regulations at the end of this letter.

We recommend that NPS conduct these studies identified on page 79, Systematic Recordation and complete evaluation prior to implementing the recommended stringent standards since no resource degradation is involved. Until then we cannot support many of these specific standards. The following are a few additional comments about some of the individual standards.

Page 74, continuation of paragraph from page 73 - We note that undeveloped and unused are different terms mandating different management strategies and request appropriate clarification of management intent.

Page 76, second standard - This standard seems to be directed at human/bear encounters. This needs to be clarified. We question whether NPS intends to count encounters occurring on private or State inholdings in this standard, such as bear encounters on Anaktuvuk Pass village lands. The NPS cannot control wildlife in this standard but can advise human behavior.

Page 76, Subsistence Use - Criteria would need to be established to differentiate reported conflicts as actual, perceived, or potential. For example, there is considerable difference between floaters removing fish from a subsistence net, drifting past a fishing net, and their mere presence on a river. The standard asserts if there is one occurrence in five years, NPS must take management action to foreclose any further occurrences for four more years. We cannot support this standard as written. We recommend clear standards be drafted in consultation with the Park Subsistence Resource Commission and ADF&G. We also question the long-term implications of such standards on subsistence users and request appropriate studies and clarification.

Pages 76-77, Visitor Use - These standards seem unnecessarily restrictive and are unsupported by comprehensive surveys. They also appear to be based on the inadequate visitor survey previously discussed.

The first standard on page 77 would preclude a family of seven from hiking together.

Regarding the second standard on page 77, how will NPS personnel define a "verbal complaint"? We question how NPS will ensure that all such complaints are measured uniformly by the various field personnel throughout the unit. It appears that one group could file enough complaints to keep an area closed to other groups for weeks.

Regarding the last standard in this set, we are concerned that winter access to areas of the NP&P not exclude the use of snowmachines.

Page 77, Administration - The GMP proposes to allow two staff "interferences" with visitors in the field per year (page 76) but no more than one "conflict" per five years between various resource users and visitors. This standard seems inconsistent with the proposed numbers of facilities and rangers. The State does not have a position regarding resolution of this inconsistency; however, it would appear that NPS operations would need to be substantially reduced if this standard as written is to be effective, especially in light of statements on page 131 acknowledging that "the mere presence of NPS personnel can be considered adverse...".

Page 80, Summer Recreation, paragraph 2 - Mountaineering base camps are often left longer than three days. Will this standard apply to all seasons or only the summer? Impacts of camps on snow are suspected to be far less.

OPERATIONS

Page 91, Table 15: Staff Locations - The intent described seems inconsistent with previously discussed intent. Fifteen back-country rangers will certainly increase visitor encounters which would be in potential conflict with the proposed visitor use standards on maximum solitude. We presume that a major duty of these rangers will be to make contact with park visitors or resource users.

The first paragraph under Table 15 indicates there are presently four back country rangers and the text previously has reiterated that there are few existing problems in the unit. If there are, in fact, few existing problems, a threefold increase in seasonal employees (fourfold for backcountry) is not presently justified.

Page 92, paragraph 1 - Section 1308 of ANILCA provides more than the "authority" to hire local residents.

Consistent with other GMPs we suggest that this section more fully reflect the legislative intent. (See page 66 of the approved GMP for Kenai Fjords NP.)

THE DALTON HIGHWAY

The plan does not adequately address access from the Dalton Highway to the NP&P. The GMP briefly identifies access points, recreation corridors, and potential impacts on park resources from visitors originating at the Dalton Highway, but does not outline how NPS intends to manage or respond to this use. Additionally, the plan states that no access facilities (including trails) will be built to accommodate users. The State questions whether this is a reasonable strategy for managing the use of the NP&P by visitors who come from the Dalton Highway.

As recreational opportunities from the Dalton Highway become known regionally and Statewide, use will increase. We feel that portions of the plan should be rewritten to accommodate this use, especially since a high percentage of these users are likely to be State residents. We suggest that the NPS consider a cooperative management strategy with BLM or the State, depending on future State selections in the corridor, to maintain access points along the Dalton Highway, and that the plan take a broader perspective of the recreational opportunities afforded by these access points.

We also suggest that NPS evaluate enhancement of the quality of the recreational experience for those that use the Dalton Highway as the access origin. For example, the management standards proposed for aircraft could be modified to accommodate those who travel to the park by foot. The majority of recreational uses in the NP&P are going to occur in the vicinity of access points, like the Dalton Highway.

The NPS could consider substitution of a modified version of a portion of proposal B ("Aircraft Operation", page 108) in the preferred alternative. Such a proposal could establish a no-landing zone in the NP&P between the North Fork of the Koyukuk River and the first set of ridges west of the Dalton Highway, and from Blue Cloud Mountain on the north to the latitude of Twelve-Mile on the south. Additionally, NPS could advise pilots to avoid overflying this zone when possible. This policy should not be applied to valid uses for subsistence purposes and other existing rights, nor should it override safety considerations such as emergency landings. This management strategy would not impede flight routes to settlements within the unit, though it would

enhance a sense of solitude for the user who chooses to access the park from the Dalton Highway.

We also request that the plan recognize Alaska Statutes 19.40.100, 110, 120, 200, 210 which contain provisions for the management of activities adjacent to the Dalton Highway. This includes a prohibition within 5 miles of the road of hunting with firearms and the use of ATVs except for access to mining claims.

We suggest that the Proposal chapter acknowledge the Dalton Highway as a reasonable and appropriate access point into the NP&P and address in detail how the NPS intends to accommodate those who will use this corridor for access. Appropriate details of such proposals should also be included on page 180, under Lands East.

RIVER MANAGEMENT

Page 59, paragraph 2 - After "more detailed river management plans may be developed" add "consistent with the ANILCA management planning requirements, including participation by the public and State." We request that the plan assure intent to provide those participation opportunities.

CAMPFIRES AND WOOD UTILIZATION

The Vegetation section (pages 63-64) discussing the impacts of campfires and resulting management intent is confusing, unnecessarily restrictive, and ignores the past history of subsistence use of campfires utilizing willows "above the treeline" during winter. Because of man's historical use of areas within the Park/Preserve, campfires and subsistence use are generally considered part of the natural system. (This comment also applies to the top of page v.)

Further it is not clear what management prescriptions are already in existing regulations, and which are proposed regulations or GMP recommendations. It is also not clear to what extent this section applies to recreational users, to the use of portable woodstoves, and to the distinction between campfire sites and the collection of wood.

To the extent that existing regulations restrict traditional wood utilization practices, we suggest that NPS consider amendments to these regulations which currently place a burden on rural residents engaged in a "customary and traditional" lifestyle.

The last paragraph on page 63 indicates that adverse effects of campfires only occur "in some areas". Consequently, park-wide limitations are not justified. We suggest that this issue be addressed on a site-specific basis where adequate data indicating detrimental effects supports the need for more careful management.

Page 72, paragraph 3 - Please note our objection and concerns addressed for pages 63-64, Vegetation.

Page 107, Subsistence Tree Cutting (etc.) - The arbitrary limitation of "one permit per zone would be granted every 20 years" does not seem consistent with this alternative nor based on resource need. Alternatively, we suggest that studies be conducted to provide sufficient information to determine the volume of wood suitable for removal over a several year period, not just number of permits.

COMMENTS ORGANIZED BY CHAPTER

ALTERNATIVE A

We do not agree that under Alternative A the predicted impacts (especially regarding access, fish and wildlife degradation, and fish and wildlife consumptive use) would necessarily be significant. For example, ADF&G desires cooperation with NPS to ensure there is no degradation of fish and wildlife in the area regardless of Alternative.

Because this Alternative is basically status quo, the tense in the discussions needs to be changed. For example, on page 99, Hunting and Trapping - Replace "would be considered" with "are". In this instance we also request "accepted" be replaced with "changed accordingly by the State."

IMPLEMENTATION

Pages 156-160 - Estimated costs for comparing the alternatives seem skewed to assure selection of certain alternatives: For example, we question the validity of the proposed expenditure of \$98,000 for a dog kennel in Alternative D.

Page 159, Costs of Proposal - We also find discrepancies in the numbers of employees between this table and the text. For example, 17 permanent employees are listed in this table (page 159) for the proposal while 14 are listed in table 15 (page 91), bringing the total to either 39 or 42; and combined permanent and seasonal

employees listed in the table under Alternative A total 19 (page 159) while Table 16 (page 103) lists a total of 38 by location.

Page 169 - The last paragraph should be rewritten to provide a more balanced perspective about the actual impacts of mining activities. The State questions whether placer mining categorically "destroys soils, vegetation, and wildlife habitat; severely degrades water quality; disrupts stream flow; reduces fish population; disrupts solitude; impairs scenery; conflicts with subsistence activities; and destroys cultural resources." Mining does not necessarily create these problems. The plan should recognize that mining, when conducted according to established regulations, can result in few adverse effects to the resources.

Page 178 - ANILCA recognizes valid existing rights within NP&P boundaries, yet the GMP gives little indication of recognizing valid mining claims. This section should include a statement that acknowledges those claims which constitute valid existing rights and discuss in a more positive tone how such rights will be respected and managed. The discussion should emphasize cooperation with claimants, scenic easements, etc. rather than fee acquisition of claims wherever possible.

LAND PROTECTION PLAN

The Land Protection Plan should also include a rough estimate of the cost of implementation. These figures should then be compiled for all nine NPS GMPs, and statewide recommendations for acquisition reconsidered based on this information. Until this is done, it will be unclear how realistic the acquisition recommendations are for the various NPS units.

In light of budget constraints, we question the viability of the emphasis on acquisition as a preferred method of protection. Greater emphasis on other methods such as cooperative agreements and easements would be more cost effective, increase NPS flexibility, and likely improve working relationships with local and adjacent landowners.

In discussion of future land acquisitions or boundary changes, NPS defines areas and presents justification for inclusion of candidate lands into the NP&P. However, nowhere do they stipulate whether those lands are candidate areas for park, preserve or wilderness designation even near boundaries. This intent may have major ramifications because of potential access, resource use, and other manage-

ment consequences. We suggest that each of the tracts mentioned on pages 179-184 that are being considered have an accompanying sentence stipulating what status that particular parcel will be designated if acquired. We request further opportunities to review this intent prior to adoption of the final GMP.

Page 179 - The State does not support adding the Reed River Area into the NP&P. This area includes the Sun/Hot base metal deposit which was selected by the State for its valuable mineral deposits. The development of this area would not be compatible with park values. Additionally, the area was specifically deleted by the House Interior Committee to allow for reasonable development of this property. The final plan should include recognition of the State's position on this issue.

Page 180, Existing and Potential Uses, paragraph 3 - The plan incorrectly implies that habituation of wildlife to people is a problem along the Dalton Highway. We note that the wildlife of Denali seem habituated to people and that NPS considers this to be an asset as well as a potential problem. This section should note that the State Legislature closed the corridor to firearm hunting. (See first paragraph on page 43 of this letter.)

Page 180, Lands East, paragraph 4 - The sentence starting, "Future changes in land use within..." should be rewritten to read, " Depending on the types of changes of land use within the corridor, the park could either be positively or negatively affected." The paragraph should then explain the types of changes that would affect the NP&P positively. The adverse effects are adequately spelled out in the paragraph.

Page 181, Land Protection Plan Map - There seems to be a lack of consistency in not recommending acquisition of T103 on the Alatna River and N8 on the Hunt Fork while pursuing acquisition of the rest of the area. (See Land Status map and Tables on pages 190 and 196.)

Page 183, Recommendations - We question if NPS also intends to consider exchanging the Castle Mountain area to the State as has been previously discussed or is only considering acquisition.

Page 183, Lands West - If 23,000 acres in the Nigu area is added to the unit through an ANILCA Section 103 acquisition, we assume that any other minor boundary adjustments will not result in a net increase in the acreage of the NP&P. This should be stated in the plan.

Page 183, Minor Boundary Adjustments - Section 1302 of ANILCA provides the only authority for this type of adjustment involving State land. Such exchanges may only be conducted pursuant to AS 38.50. The State does not intend to "donate" land pursuant to ANILCA Section 103.

Page 197, Priority 7, paragraph 2 - The last statement of the paragraph indicates misconceptions about Native ownership preferences. The NPS assumes that owners of Native allotments prefer tracts closer to communities, thereby reducing access costs. In most cases, allotments were selected for their proximity to subsistence resources.

Cooperative Agreements

There needs to be more emphasis given cooperative agreements with the State and private landowners as a means to protect resource values. We urge reconsideration to include more emphasis on developing such agreements throughout the area.

Page 95, Cooperative Agreements - This section should also be expanded to be similar to the discussion on pages 96-97 of the Kobuk Valley draft GMP. The list should include, among other things, cooperative management agreements for navigable rivers and RS 2477 rights-of-way.

State Land Selections

The following pending State land selections are inside the boundaries of the NP&P and are not identified in the GMP. The land status map and portions of the plan that address non-federal lands should be revised to address these selections.

LEGAL DESCRIPTION	SELECTION DATE	SELECTION #
T29N, R24W, FM Secs. 4-9, 16-18	(6/16/72 - 12/29/78)	GS-1921
T30N, R24W, FM Secs. 4-9, 16-21, 28-33	(6/16/72 - 12/29/78)	GS-1921

WILDERNESS SUITABILITY

Congress recognized the need for surface access across the western portion of the NP&P in Section 201(4)(b) of ANILCA and acknowledged that an adequate east-west transportation corridor is a vital requirement for developing existing valid mining claims and accessing State lands. Yet, the GMP does not adequately address the corridor mandated in ANILCA. For this reason, the State cannot support the determination that the area known as "the boot" is suitable for wilderness. Options for access to the Ambler District have not yet been identified and the provision for access mandated by ANILCA has not yet been made.

Additionally, the area does not meet wilderness suitability standards. The GMP has determined that areas with ATV use easements are unsuitable for wilderness (page 203). Based on this criteria other types of rights-of-way should be found unsuitable for wilderness. The wilderness suitability maps should be reviewed and reconsidered by overlaying an access map that shows the 17(b) easements, potential RS 2477 rights-of-way, and the corridor mandated in Section 201(4)(b) of ANILCA. All areas currently identified as suitable for wilderness that correlate with a 17(b) easement, potential RS 2477 right-of-way, or the Ambler corridor should be deleted from the wilderness suitability map.

PROPOSED CHANGES TO REGULATIONS

According to page 261, limitations on group sizes, number of nights a park user can camp in one spot, and distances between campsites appear to be proposed regulations to implement the GMP. Therefore such restrictions should not be included in the Standards on pages 74-81.

Further, we are not aware of any data which supports a need parkwide for these types of constraints on local landowners, hunters, fishermen, photographers, or similar recreation or subsistence users. When data indicate measurable negative effects on the resource values are or may occur in specific areas, then location-specific limitations would be appropriate.

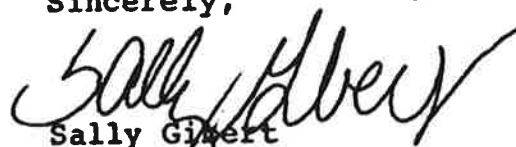
As such, we are opposed to changes in the following regulations until adequate data are available to substantiate their need: 13.10, Snowmachines; 13.11, Motorboats; 13.12, Non-motorized Surface Transportation; 13.18, Camping; 13.19, Weapons; and 13.31, Permits.

We also presume that any regulations proposed to implement this plan will be subject to independent public review following adoption of the final GMP.

We have commented only on parts of the plan to which we have concerns. However, State agency reviewers wish to be advised of any changes to other parts of the plan that may result from comments of other agencies or individuals. Many of the comments included here will reappear in our comments on the remaining National Park Service GMPs. Unless there is a reason why the response to these comments should be different, they deserve a consistent response on a statewide basis.

Thank you for the opportunity to review this draft General Management Plan for Gates of the Arctic NP&P. As noted at the beginning of this letter, we request that our concerns be addressed as consistently as possible in this and all remaining GMPs. If we can be of any assistance in clarifying these comments, please contact this office. The State looks forward to resolution of our concerns prior to adoption of the final plan.

Sincerely,


Sally Gilbert
State CSU Coordinator

ATTACHMENT

cc: R. Davidge, DOI
J. Katz, Governor's Office, D.C.
S. Leaphart, CACFA
J. Leask, AFN
R. McCoy, ALUC
State CSU Contacts

November 21, 1984

Mrs. Brenda Johnson
Chairman
Alaska Board of Game
P. O. Box 3-2000
Juneau, Alaska 99802

Dear Mrs. Johnson:

As you requested, we have reviewed the August 22, 1984, letter from Roger Contor, Alaska Regional Director of the National Park Service, concerning regulations adopted by the Board of Game during its spring 1984 meeting. During that meeting, the board added ten days to the fall moose season in the Gates of the Arctic National Park, added a March season for moose, and authorized hunting of antlerless moose. Additionally, the board increased the number of permits available for brown bear in Gates of the Arctic National Park from ten to twenty per year. Although Mr. Contor also discussed in his letter the fact that regulations for the Gates of the Arctic National Park authorize one brown bear per person per year, rather than one bear every four years, as is provided in other areas, that regulation was neither adopted nor modified by the board at the spring 1984 meeting. Therefore Mr. Contor's expression of concern about the procedural history of the proposals acted on by the board in March 1984 for Gates of the Arctic National Park does not apply to that provision.

In the letter, a number of assertions are made regarding the factual, procedural, and legal context in which the board operates with regard to national parks generally, and Gates of the Arctic National Park specifically. Those assertions (summarized and underscored), and our position with regard to each, follows:

1. The state has ignored the requirement that national parks be managed for "natural and healthy populations."

The Alaska National Interest Lands Conservation Act (ANILCA) § 201(4) specifies that subsistence uses will be permitted in Gates of the Arctic National Park. It further states

that subsistence uses of fish and wildlife "within a national park or monument [are not] to be inconsistent with the conservation of natural and healthy populations" of fish and wildlife. ANILCA § 015(1). It may be initially difficult for the National Park Service to assimilate this combination of directives; national parks have "traditionally been viewed as wildlife sanctuaries for the nonconsumptive enjoyment of the American public." S. Rep. No. 413, 96th Cong., 1st Sess. 168 (1979). However, in some instances, "because of their unique significance to the Nation the Congress has authorized the continuation of certain uses within new parks and monuments which would be prohibited under traditional National Park Service management policies." Id.

Congress determined that subsistence uses in various portions of Alaska, including Gates of the Arctic National Park, were of this "unique significance" and should continue. The legislative history of ANILCA reflects Congress' intention:

With respect to the situation of local residents in and near certain new national parks and monuments established by this Act, the committee believes that the establishment of these units should protect the opportunity for local rural residents to continue to engage in a subsistence way of life. The committee notes that the Alaska Native people have been living a subsistence way of life for thousands of years, and that the Alaska Native way of life in rural Alaska may be the last major remnant of the subsistence culture alive today in North America. In addition, there is also a significant non-Native population residing in rural Alaska which in recent times has developed a subsistence lifestyle that is also a cultural value.

Id. at 168-169. Thus, in managing national parks in Alaska where subsistence uses have been mandated by Congress to continue, the National Park Service must assimilate a charge which is somewhat different from the traditional view of national parks as purely sanctuaries for nonconsumptive enjoyment. However, Congress specifically found that the charge to manage for natural and healthy populations in conjunction with the continuation of subsistence uses is not contradictory:

In authorizing subsistence uses within national parks, monument and preserves, it is the intent of Congress that certain traditional National Park Service management values be maintained. It is contrary to the National Park System concept to manipulate habitat or populations to achieve

maximum utilization of natural resources. Rather, the National Park Service 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 that concept should be maintained. The National Park Service recognizes that subsistence uses by local residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain. It is expected that the National Park Service will take appropriate steps when necessary to ensure 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 National Park Service will not engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within national park system units.

126 Cong. Rec. H. 10,541 (1980) (emphasis added).

Subsistence uses are explicitly recognized to be a natural part of the ecosystems within national parks. Habitat manipulation and predator-control are defined as incompatible with management for natural populations. In Alaska's national parks, these management measures may not be used to maximize sustained yield of a particular species, as might occur on other lands in Alaska under the general authorities of the Board of Game.

The guidelines "natural and healthy" embrace two components. As just discussed, "natural" connotes lack of habitat manipulation. No habitat manipulation or changes to the structures of these populations will result from the regulations adopted by the board. In addition, the board's regulations will not modify the currently "healthy" status of the affected populations. The Board of Game heard testimony at the spring 1984 meeting that populations of moose and bear within the park are healthy; that information is confirmed by the department's biological data. The National Park Service has not presented any data that supports a different conclusion. In view of the fact that the number of people eligible to hunt in the park is limited by park regulations, the department believes that the minor adjustments made by the board will not result in harvests which could threaten the "natural and healthy" status of moose and brown bear populations which inhabit the park. Indeed, management for "maximum sustained yield" would have resulted in much more liberal regulations than the board adopted in the spring 1984 meeting. From our perspective,

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the board's actions at the the spring 1984 meeting are consistent with a management standard of "natural and healthy" populations.

2. The state has ignored the requirement that subsistence uses are to be authorized in Gates of the Arctic National Park "where such uses are traditional."

In establishing Gates of the Arctic National Park, Congress specified that "subsistence uses by local residents shall be permitted in the park, where such uses are traditional, in accordance with the provisions of Title VIII." ANILCA § 201(4)(a). Critical in determining where subsistence uses are traditional within Gates of the Arctic National Park is the definition of subsistence uses provided in ANILCA § 803, which parallels the state definition found in AS 16.05.940(23). "Subsistence uses" are the "customary and traditional uses" by rural Alaska residents of fish and game for certain purposes.

The Alaska Joint Boards of Fisheries and Game have developed eight criteria for identifying subsistence uses. These criteria have been approved by the Department of the Interior as being in compliance with ANILCA § 803. These criteria are contained in 5 AAC 99.010(b), and acknowledge that subsistence uses are patterns of use, with variations over time dependent upon many factors. Under the criteria, subsistence uses involve: "

A long term, consistent pattern of use; a pattern reoccurring in specific seasons; a use pattern consisting of methods and means of harvest which are characterized by efficiency and economy; a use pattern which includes the handing down of knowledge; a use pattern in which the hunting or fishing effort or the products of that effort are distributed or shared; and a use pattern which includes reliance for subsistence purposes upon a wide diversity of the fish and game resources of an area. 5 AAC 99.010(b). (emphasis added).

Evidence was presented to the Board of Game showing that the lands which eventually became Gates of the Arctic National

Park have long served to support the subsistence economies of nearby communities. Congress recognized this fact in authorizing subsistence uses in the park. At the March meeting, the board specifically heard that local residents have harvested moose and brown bear in the park.

It is clear that Congress was aware of the fluctuations inherent in subsistence uses, and did not intend for the locations of use in one particular year or short period of years to be designated as the only available harvest areas. The time frame Congress was concerned with is a long one. It is acknowledged in legislative history that uses fluctuate "periodically" in "patterns," and are dependent often on the "sporadic movement" of game from year to year. (S. Rep. No. 413, 96th Cong., 1st Sess.) 147-148 (1979). This is certainly consistent with the determination of Congress that subsistence uses are an integral part of the ecosystem of the park areas. The ecosystem and accompanying subsistence way of life have been in existence for "thousands of years" and that is the proper timeframe to evaluate where subsistence uses have been traditional within the park. Id. at 168-169.

Congress recognized that within that large timeframe, in "some years the caribou herds do not use the mountain passes near the village of Anaktuvuk Pass during their annual migration." Id. at 169. Thus, there is recognition that uses shift depending upon availability of animals over time. "The subsistence activities that take place here now are logical extensions of the tradition that has evolved here for thousands of years." 126 Cong. Rec. H. 10,534 (1980). "The House notes that the Alaska Native people have been living a subsistence way of life for thousands of years;" those uses are part of "the natural balance which has been maintained for thousands of years." Id. at 10,541.

When Congress authorized subsistence uses "where such uses are traditional" within Gates of the Arctic National Park and several other national parks in Alaska, it did not intend that a narrowly drawn area which had been the location of subsistence harvests in a particular year or particular brief period of years be designated and so limit subsistence uses. Rather, Congress specifically recognized that subsistence uses fluctuate, depending upon availability and location of various resources, and that these fluctuations create use patterns over a very broad time frame.

Indeed, ANILCA § 201(4)(a) mandates subsistence uses in the park "where such uses are traditional, in accordance with the provisions of Title VIII." (emphasis added) That reference substantiates that in determining which areas are traditional, any ambiguity in the data should be resolved to benefit the local residents, for the policy expressed in

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ANILCA § 802 (1) requires that federal actions shall "cause the least adverse impact possible on rural residents who depend upon subsistence uses." ANILCA § 80 further ensures local people will not suffer unnecessary adverse impacts by requiring that the park commissions devise and recommend programs for subsistence hunting.

The National Park Service questions whether regulatory actions taken by the Board of Game during its spring 1984 meeting open areas to subsistence uses where they have not traditionally occurred. In fact, the ten day addition to the September moose season does not open any new area, since the access during that extra ten days is identical to the preceding days of the fall season. The March moose season may provide additional subsistence hunting opportunities, because travel can be significantly easier during the winter. However, that in itself does not lead to the conclusion that those areas to which access will be easier are not traditional areas of use. The board can discuss that issue at the December meeting, if it chooses. The increase in available bear permits does not have any effect on the geographic area available for bear hunting, as is true with the opening of an antlerless moose season.

3. The state is attempting to redirect subsistence uses to park lands by authorizing higher limits within the park, simply because more animals may be present there.

It is neither the intent, nor the effect, of the proposals adopted by the Board of Game, to redirect subsistence uses to park lands. The Board of Game is charged by the Alaska Legislature to authorize subsistence uses while maintaining the resource, a charge which is mirrored in ANILCA Title VIII. The board's mandate is to provide for the customary and traditional uses which exist, taking into account the fluctuations in patterns of use discussed above. The board is to consider information on subsistence uses when setting seasons, areas, bag limits, etc. If the population of a game resource used for subsistence would be jeopardized by authorizing harvest, the health of the resource population takes precedence.

While it is true that about 1200 people live in the resident zone and are therefore eligible to hunt in Gates of the Arctic, the regulations adopted by the board will not result in any significant increase in the number of people who actually harvest game in the park. Many of these communities are relatively long distances from the park. Aircraft cannot be used for access and distances and travel conditions are severely limiting. Only a small number of individuals in most of these places have the experience, skills, equipment, and time to harvest resources successfully on park lands. Furthermore these few people

are most likely to be those who have hunted in those areas in the past. Minor changes in regulations will not result in significant shifts in hunting patterns.

By authorizing reasonable opportunity for subsistence uses, the board's actions are consistent with the will of Congress, which recognized that some uses may have been artificially repressed in recent years by regulations:

It also should be emphasized that the level of subsistence uses by rural residents of particular wildlife populations and fish may have been repressed by state regulatory activities, and consequently, recent historical levels of harvest of a particular stock or population may not accurately reflect the normal level of the customary and traditional use of such population.

126 Cong. Rec., H 10546 (1980)

State regulations during the period of monument and park designation may have done just that in some cases, and the board's action is consistent with Congress' intention by establishing a more reasonable opportunity to harvest.

4. The National Park Service has specific objections to the regulations adopted by the Board of Game for Gates of the Arctic.

- a) Moose Proposal No. 245, submitted by the department, was amended to accommodate requests from the Upper Koyukuk Advisory Committee, the Eastern Arctic Advisory Committee, and Division of Game recommendations. The seasons, bag limits, hunter participation, and desires of local rural residents were discussed with the board at length. The park designation was not overlooked.

The regulation adopted by the board was designed to accommodate traditional use of the upper John River and in the Anaktuvuk and Chandler River drainages, as requested by local rural residents via their advisory committees and regional council.

The moose proposals reflected past local practice of winter hunting. The proposals also recognized the limits on participation in hunting in the park resulting from the National Park Service's residency zone.

- b) Brown Bear Proposal No. 108 was adopted by the board after extensive discussion. No. 110, proposed by the Eastern Arctic Advisory Committee, was the stimulus for

raising the quota to 20 bears. Only three bears had been taken in the previous two years.

The grizzly bear proposal reflected the limits on participation in bear hunting set by residency zone requirements, and the generally increasing bear population.

Various recommendations on proposals 108 and 110 came from involved committees and the Arctic Regional Council. Overall recommendations from local committees were for greater bear hunting opportunity. The Koyukuk Advisory Committee favored the proposal, but favored amending it to an all-year season.

In summary, the regulations in question are not likely to result in increased subsistence uses. In general, the proposed changes in seasons and bag limits were intended to accommodate more closely past local use patterns of wildlife in the area now encompassed by the park, as intended by ANILCA.

5. The state has not followed appropriate procedures, including the Master Memorandum of Understanding between ADF&G and the NPS, in developing and considering regulation proposals affecting Gates of the Arctic National Park.

The Master Memorandum of Understanding between the Alaska Department of Fish and Game (ADF&G) and the National Park Service (NPS) requires that each agency coordinate and consult with the other when developing policies and regulations which affect the objectives of the other agency. It also recognizes that the state's regulatory process will be the primary means of developing park subsistence use regulations.

While it appears that department staff could have consulted with NPS staff earlier in developing proposals, we do not agree that the department failed to follow the terms of the Master Memorandum of Understanding. However, in order to minimize confusion or misunderstandings concerning the development of hunting and fishing regulations in national parks, I shall suggest to Mr. Contor the following specific procedures to implement the Master Memorandum of Understanding.

- a) ADF&G and NPS will inform each other well in advance of proposal deadlines if they feel that changes in hunting regulations are necessary and will consult each other in the development of agency proposals.

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- b) The justifications for agency proposals for regulations for hunting in park areas will, at minimum, address the following topics: resource status and trends, subsistence uses, and management goals and objectives of both agencies.
- c) Copies of proposals will be sent to members of park subsistence resource commissions. The commissions are welcome to review and comment on all proposals and their views and recommendations will be considered by the board as part of the normal regulatory process. In addition, staff from appropriate divisions of ADP&G will be available to discuss proposals at meetings of the commissions. The Gates of the Arctic National Park Commission had not been organized in time to review proposals before the March 1984 Board of Game meetings, but certainly that was insufficient reason to delay considering the proposals.
- d) If there are disagreements at the field office level between agencies regarding proposals, these should be referred to the next level of authority within the NPS and ADP&G for resolution. NPS may also present testimony directly to the board to explain their objectives and their views on proposals.

One of the National Park Service's main underlying concerns appears to be the prospect of ever increasing subsistence harvests. This fear should not result in unreasonable geographic, method and means, and/or eligibility restrictions, for Congress envisioned continuance of subsistence uses as part of the ecosystem patterns of parks, and saw no conflict between that and the National Park Service's charge to manage for natural and healthy populations.

An early version of ANILCA § 815 contained a ten year standard of measurement for the level of subsistence uses permissible on the public lands. That was eliminated, and language was substituted "to clarify that nothing in the subsistence management and use title is intended to permit the level of subsistence uses of fish and wildlife... within a national park or monument to be inconsistent with the conservation of natural and healthy populations of fish and wildlife." S. Rep. No. 413, 96th Cong., 1st Sess. 235 (1979).

The unrealistically short time frame was eliminated, and Congress instead dealt with the fear of increasing use levels by imposing a requirement that in national parks, the level of subsistence uses could not be inconsistent with natural and healthy populations. In other words, recalling portions of legislative history discussed earlier in this

memorandum, subsistence uses are a natural part of the ecosystems of the national parks. Those uses fluctuate in magnitude and location, a fact which must be taken into account in determining where such uses are "traditional" within Gates of the Arctic National Park. However, those customary and traditional uses are, to a large extent, limited by distance and access, and have already been determined to be not only consistent with the purpose of the national park, but an integral part of the ecosystem of the park.

The language in ANILCA dealing with levels of harvest indicates that Congress did not want to see significant changes in patterns of subsistence use in park areas, compared with those that had occurred in the past. However, in view of Congress' recognition that wildlife populations fluctuate and that subsistence uses fluctuate in response to those changes, as well as the fact that people substitute resources when availability changes, we believe Congress did not intend for arbitrary levels of harvest to be established for each species in the park.

The objectives of maintaining natural and healthy populations and allowing subsistence uses are fully compatible in Gates of the Arctic. The National Park Service appears to be unnecessarily concerned that increasing levels of subsistence use may threaten park management. Subsistence uses may not be allowed to impinge upon management for natural and healthy populations. Subsistence uses are limited by the distance of most people from the park and difficulties of access. They are further limited by National Park Service restrictions on who may hunt, and by state hunting seasons and bag limits. Unnecessary and duplicative restrictions will make it more difficult to get cooperation from local residents in reporting their harvests. They will also reduce the flexibility essential to the success of subsistence economies.

It is my recommendation that as a courtesy to the National Park Service, the Board of Game consider at its December meeting the regulations governing moose hunting about which the Service has expressed concern, as well as the regulation providing for the increase in available brown bear permits in Gates of the Arctic National Park. However, since the regulation authorizing a one brown bear yearly limit was not acted on by the Board of Game in the spring 1984 meeting, and since it has a different procedural background than the other regulations, I recommend that the board not consider

Mrs. Brenda Johnson

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that, unless and until the National Park Service consults with the department about that regulation under the terms of the Memorandum of Understanding.

Sincerely,

Don W. Collinsworth
Commissioner

March 14, 1985

Mr. Roger Contor
Regional Director
National Park Service
2525 Gambell Street, Room 107
Anchorage, AK 99503

Dear Mr. Contor:

Thank you for inviting our review of the proposed "traditional subsistence use zones" map for the Gates of the Arctic National Park and Preserve. While we have included specific comments on the maps, in our view it is inappropriate for the National Park Service to develop regulations defining "traditional subsistence use zones" at this time. We believe that the Gates of the Arctic Subsistence Resource Commission should have the opportunity to complete its recommendation for a subsistence hunting program before such regulations are contemplated, and that this was the intent of Congress in ANILCA Section 808.

In view of the regulations already in place in the Gates of the Arctic, including resident zone restrictions and state hunting regulations, we are surprised that the NPS has taken such a restrictive approach to implementing ANILCA's language concerning "where such uses are traditional." Such restrictions do not seem warranted at this time.

If the Gates of the Arctic Subsistence Resource Commission does recommend an approach similar to the "traditional use zone" proposed by NPS, we believe that these zones should be defined on the basis of specific identified criteria, including time depth.

In specific reference to the traditional use maps prepared by the National Park Service, we have several concerns. The absence of a statement of methodology makes it very difficult to review the completeness and accuracy of these maps. Standards for subsistence mapping have been recognized in the draft "Guidelines for the Collection, Analysis, and Presentation of Subsistence Use Information" developed for the Alaska Land Use Council (Work Item #27, Working Group II). Without such information, there is no

way to evaluate the procedures employed in preparing the map. We are particularly concerned with the absence of information on:

1. The time period depicted on the map;
2. definitions for winter and summer use areas, and rationale for depicting seasonality;
3. sources consulted in preparing the map; and,
4. whether or not comparable land use data for each resident zone community were available and utilized.

Department staff compared the draft with a number of other maps depicting areas utilized within Gates of the Arctic National Park boundaries for travel and resource harvesting activities. Based on our review, we have identified the following areas where there appear to be differences between these sources.

1. Maps appearing in the NPS-sponsored study, Tracks in the Wildland, show areas used by the community of Anaktuvuk Pass: (1) immediately north of the Arrigetch Peaks the presence of foot trails, traplines, campsites, and winter trails is noted; (2) North of Wild Lake an area is used for trapping and as a winter trail. Neither area appears on the NPS draft map; (3) Another area north of Wild Lake, which is not clearly associated with a resident zone community, has been used as a trapping and bear hunting area, and includes campsites and lookout sites.
2. Resource use area maps prepared by the Division of Subsistence (as one component of a cooperative study with Gates of the Arctic National Park and Preserve and the Kanuti National Wildlife Refuge) depict areas used for resource harvesting in 1981 and 1982 by the Upper Koyukuk communities of Bettles/Evansville, Allakaket/Alatna, and Hughes. Copies of these maps were provided to NPS and to members of the SRC, after being approved by the study communities. Some areas depicted on our maps do not appear on the NPS draft map: (1) Allakaket/Alatna sheep and caribou hunting areas up the Alatna River extend beyond the area assigned to these communities; (2) Bettles/Evansville residents also indicated use of an area of the Alatna River in 1981 and 1982 that has been omitted; and (3) an area near Ernie Lake used by Alatna residents for sheep hunting is missing.
3. Additional information collected for the aforementioned Upper Koyukuk communities, but not appearing on our maps because uses occurred prior to the two-year period depicted, reveals additional uses outside the area shown on the draft NPS map: (1) a Bettles/Evansville resident described an area used for sheep hunting that

extended from the Noatak River, over a pass, and down the Injuilak River to the Reed River; (2) another area used for sheep hunting by Bettles/Evansville residents occurs along a portion of the John River not appearing on the draft map; and (3) finally, an area near Mount Doonerak was used in the 1970s by Bettles/Evansville residents for sheep hunting.

4. The Division of Subsistence conducted a brief study in Wiseman in the late summer of 1984. Our mapped data indicate areas used by Wiseman residents not shown on the NPS draft maps: (1) a trapline used currently extends beyond the west boundary of the Wiseman use area; and (2) the North Fork valley is used extensively by Wiseman residents. Additionally, Robert Marshall's book, Arctic Village, describes areas used by Wiseman residents in the early 1930s that do not appear on the NPS draft map.
5. U.S. Senate Report 96-413, which accompanied the eventual D-2 bill, identifies numerous drainages within the Park that had been used for subsistence hunting (p. 147). Two of these drainages (the Etiuluk and Outwash Rivers) appear to be excluded from the NPS draft map while others are included only for "summer use".
6. The NPS publication, Kuuvanmiut Subsistence, by Douglas D. Anderson et al., is based on research conducted in 1974-75 in the Kobuk River villages of Ambler, Kobuk, and Shungnak. The maps depict summer (June through early October) and winter (October through May) use areas. Our comparison revealed the following discrepancies: (1) the NPS draft maps include no summer use areas for the three Kobuk River communities. The Kuuvanmiut Subsistence maps show summer travel routes in the far western portion of the park, and what appears to be fall gill net fishing sites on the Upper Mauneluk River; (2) Kuuvanmiut maps depict hunting, snaring, and trapping areas on the Upper Nigu River to tributaries of the Upper Killik River, which lie outside the area included on the winter use areas for the Kobuk River communities on the NPS draft map. Travel routes and wolf hunting also are noted in the Kuuvanmiut maps for this area; and (3) Kuuvanmiut maps depict numerous furbearer trapping areas not shown on the NPS maps.

Even if complete information had been used in preparing the map, we would still have several major concerns about this approach to defining where subsistence uses are traditional. A number of park residents and others who utilize the park for subsistence purposes do not reside in a resident zone community and the areas they use do not appear on the draft map. It is unclear whether they can utilize areas that fall

within the boundaries of the use area(s) assigned to one or more resident zone communities. Similarly, although Nuiqsut is included as a resident zone community for the park (see 36 CFR, Part 13), no subsistence use area for that community is depicted on the draft map. Additionally, the precise boundaries of the resident zone communities themselves are unclear. This leaves unanswered the question of whether or not residents of Nolan and Old Bettles are considered to be residents of Wiseman and Bettles respectively.

The map would more realistically portray traditional use areas if it included areas utilized outside park boundaries. Since a substantial proportion of the total subsistence use areas within Gates of the Arctic National Park and Preserve adjoins park boundaries, it is important to know the extent to which areas outside the park are also utilized.

There has been traditionally and will continue to be considerable interaction between residents of resident zone communities, for the purpose of harvesting and exchanging resources. If we correctly understand NPS policy regarding eligibility to utilize areas assigned to each resident zone community, a person raised in Alatna but now living in Bettles/Evansville is not eligible to harvest resources in the Alatna traditional use area. Such a policy conflicts with customary and traditional patterns practiced by community residents in the Upper Koyukuk and Kobuk subregions.

We feel that this approach attempts to freeze in time an activity which is necessarily dynamic. Changes in species migration patterns or habitat destruction caused by a forest fire, for example, might cause residents of one or more communities to utilize summer use areas during the winter months or expand into areas not currently within the traditional use areas assigned to these communities. Thus, by circumscribing use areas for each community based on information from a relatively short period of time, NPS is not acknowledging subsistence as a dynamic activity that is necessarily flexible to respond to changing circumstances. While the enabling legislation refers to allowing subsistence uses to occur where traditional, Congress specifically recognized the dynamic nature of subsistence in ANILCA Title VIII.

In summary, we think that it is inappropriate for the National Park Service to institute "traditional use zones" in Gates of the Arctic until the subsistence resource commission has an opportunity to develop its subsistence hunting program. We also feel there are a number of problems with the approach to "traditional use zones"

Mr. Roger Contor

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March 14, 1985

proposed by NPS. We will be glad to continue to work with the NPS and the Subsistence Resource Commission to develop the subsistence hunting program for the Gates of the Arctic National Park.

Sincerely,

(Signed)

Don W. Collinsworth
Commissioner

DWC/SRB/sz/sj

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