



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Natural Resources**  
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March 26, 2024

Ben Bobowski  
Superintendent  
Wrangell National Park and Preserve  
PO Box 439  
Copper Center, AK 99573

Submitted online at NPS Planning, Environment & Public Comment (PEPC) website

Re: Proposed Changes to the 2024 Wrangell-Saint Elias National Park & Preserve  
Superintendent's Compendium

Dear Mr. Bobowski,

The State of Alaska (State) reviewed the proposed changes to the 2024 Wrangell-Saint Elias (WRST) National Park and Preserve Superintendent's Compendium (Compendium) regarding 13.1902(b) Subsistence resident zone boundaries. The NPS is proposing adding language to the Compendium that would re-define the external boundaries of the park's subsistence resident zones in three locations.

The State appreciates the time spent with regional staff going over proposed changes at the annual compendium meeting as well as a conversation our staff had with Ms. Barbara Cellarius, WRST Subsistence Coordinator. Talking with park staff gave us a better understanding of the intent behind the proposed changes. Despite those conversations, we have concerns with both the process for this action as well as the action itself.

- The Superintendent's Compendium is not the appropriate platform for implementing changes to subsistence zone boundaries. In 2002, WRST added the communities of Dot Lake, Healy Lake, Northway, Tanacross and Tetlin to its subsistence resident zone.<sup>1</sup> We request any future changes to subsistence boundaries or communities follow the procedures used in 2002.
- Deleting the community of Tolsona (traditionally part of Glennallen) does not meet Congressional intent in ANILCA that the NPS designate/include residential zone communities in a liberal manner.
- The NPS failed to consult with the community(s) or the WRST Subsistence Resource Commission (SRC) prior to proposing these changes. These consultations must occur.

The following comments represent the consolidated views of state resource agencies.

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<sup>1</sup> 67 FR 8481, "Special Regulations; Wrangell-St. Elias National Park and Preserve", February 25, 2002

The proposed Compendium states: “Clarifying the boundaries in these three locations in writing will improve transparency and customer service regarding [subsistence] eligibility for the public and for park staff issuing permits.”<sup>2</sup>

The authority cited for this change is the park’s regulations at 36 CFR 13.1902(b). The cited authority, however, only provides the Superintendent the ability to **add** communities and areas to the park resident zone not to remove them. It also requires consultation with the affected community to reach a mutually agreeable solution, if possible. If an agreement cannot be reached after two years, then the Superintendent can use census boundaries in determining an appropriate boundary. 36 CFR 13.1902(b) states:

Subsistence resident zone boundaries. Boundaries for communities and areas **added to** [emphasis added] the park resident zone will be determined by the Superintendent after consultation with the affected area or community. If the Superintendent and community are not able to agree on a boundary within two years, the boundary of the area or community added will be the boundary of the Census Designated Place, or other area designation, used by the Alaska Department of Labor for census purposes for that community or area. Copies of the boundary map will be available in the park headquarters office.

We request the NPS remove the proposed change from this year’s Compendium and work with the WRST SRC on identifying and disseminating clear boundaries for staff and public use.

Given the extensive involvement of the SRC in resident zone communities and their boundaries over the past four decades, including this proposal in the Compendium this year is pre-decisional without a formal motion being adopted by the SRC. We understand park staff briefed the SRC on this proposal at their Fall Meeting. SRC members indicated to WRST staff they did not support excluding community members from places nearby, such as Tolsona Lake. The SRC formed a working group to look at the external boundaries. The working group presented its findings at the SRC meeting on March 14 and 15, 2024. At the March meeting, the SRC and its working group opposed the exclusion of the Tolsona community, pointing out Tolsona residents receive mail and attend schools in Glennallen.

### **Background**

Since the passage of ANILCA in 1980 and the promulgation in 1981 of the NPS Alaska regulations, the NPS has implemented resident zone boundaries only when recommended by a park’s SRC and after public hearings and other consultations. To subsistence hunt in WRST National Park, a person must demonstrate residency in a resident zone community or obtain a permit under 36 CFR 13.440 for Alaska residents who can demonstrate historic use of the park area. NPS regulations specific for WRST (36 CFR 13.1902(a)) identify:

The following communities and areas are included within the resident zone for Wrangell-St. Elias National Park: Chisana, Chistochina, Chitina, Copper Center, Dot Lake\*, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake\*, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway/Northway Village/Northway Junction\*, Slana, Tanacross\*, Tazlina, Tetlin\*, Tok, Tonsina, and Yakutat

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<sup>2</sup> Fall 2023 Meeting Notes, WRST-SRC-2024 Meeting Book, page 7

Most of these communities were added to the park-specific regulation in 1981, though five additional subsistence resident zone communities were added in 2002 when WRST amended its park-specific regulation.<sup>3</sup> Communities added in 2002 are indicated with an asterisk above.

Before initiating the 1981 proposed rule to add five resident zone communities<sup>4</sup>, a request was submitted to the WRST SRC for review, upon a favorable recommendation from the SRC, the NPS initiated a public notice, hearing and comment period and the preparation of a National Environmental Protection Act (NEPA) environmental assessment (EA), resulting in a Finding of No Significant Impact.

Regarding the Tolsona area proposal, the Tolsona Creek section of the Glenn Highway was considered part of Glennallen prior to ANILCA. The Alaska Dictionary of Place Names<sup>5</sup> does not identify Tolsona as a village or even a locality. It only identifies “Tolsona Creek” as a stream, “Var. Tolsona River. Indian name reported by USGS (Brooks and others, 1915, p. 124.)” Tolsona or the Tolsona Creek section of the Glenn Highway was not and today is not an incorporated city in the Unorganized Borough. Alaska residents living along this stretch of the highway were and are considered a part of the Glennallen community. Glennallen is where most Tolsona residents work, vote, bank, shop, attend school, and use the U.S. Post Office. None of these services or activities associated with a community are available in the vicinity of where Tolsona Creek crosses the Glenn highway.

The Glennallen area, centered at approximately mile 185 Glenn Highway, was made a census-designated place (CDP) by the US Census Bureau in 1980 and has a total area of 114.9 square miles. Its population declined from 511 in 1980 to 439 in 2020. It was not until 2000 that the Tolsona area was first carved out of the Glennallen area and designated as its own CDP with a population of 27. In the 2020 census, the population declined to 12 residents.

When the NPS adopted resident zone communities in regulation, it recognized that more precise definitions of communities may need to be identified in the future,

In determining the list of communities outside the boundaries for each national park or monument, the National Park Service reviewed several documents, including the studies of subsistence communities prepared for the Park Service, the 1974 Environmental Impact Statement on the Alaska National Interest Lands, and the 1978 Environmental Supplement on alternative Administrative Actions. The National Park Service also reviewed information from several of its employees . . . comments submitted by the State and local people knowledgeable about the subsistence lifestyle . . . [and] subsistence field research conducted by independent, qualified investigators . . . The Park Service recognizes that additional information for more precise designation of resident zones will probably be developed in the future by NPS . . . and park and monument commissions (ANILCA, sections 805 and 808)<sup>6</sup>

The preamble to the 1981 regulation “National Park System Units in Alaska” includes a significant point regarding Congressional intent and the designation of resident zone

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<sup>3</sup> 67 FR 8481, “Special Regulations; Wrangell-St. Elias National Park and Preserve”, February 25, 2002

<sup>4</sup> 66 FR 32282, “Special Regulations; Wrangell-St. Elias National Park and Preserve”, June 14, 2001

<sup>5</sup> D.J. Orth (1967). Dictionary of Alaska Place Names

<sup>6</sup> June 17, 1981, “National Park System Units in Alaska”, 46 FR 31836

communities, "... the Park Service has already made a significant change in the final regulations from the proposed regulations by adopting a more liberal designation of communities for inclusion in resident zones... **This liberal designation is consistent with the intent of Congress** [emphasis added] described above."<sup>7</sup>

The NPS Alaska regulations at 36 CFR 13.430(b) (originally promulgated as 13.43)<sup>8</sup> identify the process for adding or deleting a community resident zone.

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

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

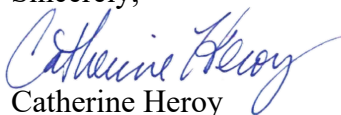
The process followed in 2002 is appropriate for "clarifying" the resident zone community boundary. We request the NPS follow that approach in this situation as well. WRST staff stated in the Fall 2023 SRC meeting that no resource concerns are driving this administrative change. The proposed change could have a negative impact on the lives of local area residents. The proposal should go through SRC review, and then proceed to a proposed regulation when completed and possible publication in the Federal Subsistence Board Handbook upon finalization. Publication in the handbook would be the most effective communication tool for both the public and park staff regarding boundary issues. The Superintendent's Compendium is not an appropriate location for this sort of determination.

### **Closing**

We appreciate the efforts of the park to responsibly balance park and community interests; we again request that the park reject this proposed change and, in the future if changes need to be made to resident zone communities, we request WRST utilize the 2002 procedures instead of the Superintendent's Compendium.

Thank you for the opportunity to comment on these changes; please contact me at (907)269-0880 or by email at [Catherine.heroy@alaska.gov](mailto:Catherine.heroy@alaska.gov) to coordinate any follow-up discussions.

Sincerely,



Catherine Heroy

Federal Program Manager and ANILCA Coordinator

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<sup>7</sup> *ibid*, page 31841

<sup>8</sup> In 2006 the NPS reorganized their entire Part 13 (*National Park System Units in Alaska*) regulations in the *Glacier Bay National Park, Vessel Management Plan Regulations* (71 FR 69328, November 30, 2006) and added many park-specific regulations to Part 13. These changes are not captured in the Code of Federal Regulations which only lists the preamble to 2006 re-organizing regulations.