

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86 / 2
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worth of her activity is our only cash income. We need this money to buy food (wheat, honey, powdered milk, etc.), gasoline (100 gallons a year for the outboard; we do not use a chainsaw), kerosene (25 gallons a year for lamps), clothing, and a host of small things from canned lids to gun powder. Nowhere in the Alaska bush today does anyone live without some items purchased from the "outside," and trapping is often the only way to earn the necessary cash.

The subsistence regulations which the Service is proposing today create a hybrid State/Federal structure as suggested by the comments from the major environmental organizations, the AFN, and several other commentators. The program is based upon provisions in various legislative proposals. The legislative proposals concerning subsistence have varied over time. In the last two years, many modifications have been made in the subsistence titles of competing "d-2" bills, though no one bill contained language on subsistence that satisfied every concern of the Administration.

Thus, while the subsistence title of the Dingell-Breaux bill reported out of the Merchant Marine and Fisheries Committee contained many provisions that were deemed desirable, the overall thrust of the remainder of the bill was unacceptable to the Department and was not supported by the Administration. Conversely, while the version of HR-39 adopted by the House was preferred by the Administration, its subsistence title nevertheless contained various provisions which needed improvement or modification. As a result, while using the various legislative proposals as the foundation of its regulatory proposal, the Service has not adopted the entire subsistence provision of any one of the legislative proposals. Rather, the Service has selected and combined the features of various "d-2" bills which it believes best accommodate the management needs of the new Alaska National Monuments. The Service nevertheless believes that its regulatory proposal is within the spirit of the legislative negotiations on the subsistence issue.

The regulations proposed today are limited in scope to the thirteen new monument areas. Consequently, while acknowledging the value of a unified subsistence program for all public lands in Alaska, the Service must limit its proposal in this rulemaking to the new monument areas.

As will be explained in the Section by Section Analysis, sport hunting is prohibited in the new Alaska National Monuments. As a result, the Service is proposing subsistence regulations that

identify "local rural residents" and then distinguish them from sport hunters. As proposed, local rural residents either live in a designated "resident area" or hold a "subsistence permit." As most comments suggested, the Service is proposing a definition of "subsistence uses" that allows for customary subsistence trapping (without permit), i.e., limited involvement in the cash economy through the exchange of furs. The Service is also proposing to extend the interim regulations' general ban on aircraft for subsistence purposes, leaving a limited opportunity for exception. As suggested by several comments and explained in the Section by Section Analysis, the Service has determined that most local rural residents who are truly dependent on the resources do not, and could not afford to, use aircraft for subsistence purposes. The aircraft ban, therefore, does not hurt the true subsistence person but does help the Service in enforcing the prohibition on sport hunting.

8. *Hunting and Trapping:* Although the issues of hunting and trapping were not presented in the Notice of Intent, numerous comments concerning these activities were received. Most of these comments advocated hunting and trapping within the Alaska National Monuments. Hunting and trapping are prohibited within units of the National Park System except as provided by law. Under existing law, the Service has no authority to allow sport hunting or commercial trapping within the new Alaska National Monuments. The Presidential proclamations establishing the new Alaska National Monuments recognize subsistence hunting and trapping as a value to be protected. Sport hunting and trapping were not accorded the same status.

9. *Mining:* The issue of mining was presented to solicit comments on the unique problems encountered in Alaska by the mining industry. Most of the comments stated an opinion as to whether or not performance bonds should be required, but presented neither alternatives nor substantive analyses of the issue. Many of the comments favored modification of the regulations in order to insure that the interests of the small mining operations are protected. The National Park Service is not proposing modification of the existing mining regulations at this time. The Service has published two amendments to the Mining Regulations in view of the unique circumstances in Alaska. See 44 FR 20426 (Mining claims, unperfected; recordation; 44 FR 11066 (Alaska national monuments; mining

operation plans; technical or supplemental information). Any modifications proposed by the Service would be the subject of a separate notice of rulemaking.

10. *Other issues:* Many of the respondents to the Notice of Intent advocated the continuation of traditional methods and means of access to or across monument lands. These concerns for access were generally associated with particular needs such as subsistence, mining or access to private or State owned lands. Access and the various means of transportation are discussed separately in the Section by Section Analysis of the proposed regulations.

Section by Section Analysis

The proposed regulations set forth herein would apply to all persons using, entering or visiting within the boundaries of the Alaska National Monuments. These proposed regulations would supplement the "general regulations" of Parts 1 through 6 and 8 through 11 of Title 36 of the Code of Federal Regulations. These "general regulations" are applicable except as would be modified by these proposed regulations.

The regulations are divided into three parts. Subpart A, Public Use and Recreation, contains the proposed regulations that would govern activities such as the use of aircraft, snowmobiles, and motorboats, carrying of weapons, camping, cabin occupancy and other activities related to access or general public use and recreation. These regulations would apply to all of the Alaska National Monuments and would relax or make more stringent the provisions of the general regulations found in 36 CFR, Parts 1 through 6.

Subpart B contains proposed regulations that would govern subsistence activities within the Alaska National Monuments. These regulations would apply to all of the Alaska National Monuments, except Kenai Fjords National Monument, and would relax or make more stringent the provisions of the general regulations found in 36 CFR, Parts 1 through 6 or Subpart A of this Part.

Subpart C contains proposed regulations for individual national monuments. These regulations would apply to a specific national monument and may relax or make more stringent the provisions of the general regulations found in 36 CFR, Parts 1 through 6 or Subpart A or B of this Part.

The National Park Service has long recognized the existence of certain common problems arising from

unpublished visitor use of park areas. The regulations necessary to address these problems have been incorporated in Title 24 of the Code of Federal Regulations. Although there are, indeed, certain common problems within the National Park System that require uniform policies and regulations, there are a significant number of park areas that, because of their individual characteristics, public use patterns or legislative mandates require individual policy considerations and special regulations. Subparts A and B of these proposed regulations are designed to provide a uniform and consistent approach to the management and use of the Alaska National Monuments wherever feasible and practical. However, in recognition of the different characteristics and use patterns that exist among the new national monuments the National Park Service has provided, in Subpart C, the means by which an individual monument could be administered under regulations and policies specific to the requirements of that monument.

Public Use and Recreation

Access: Reasonable routes and methods of access across monument lands would be granted to any person who has a valid property or occupancy interest in lands within or effectively surrounded by monument lands. Routes and methods of access would be limited to those traditionally used by the applicant unless the Superintendent determines that reasonable alternative routes or methods of access exist which would be less damaging to the environmental values of the monument. It is the intent of this section to provide reasonable access in a manner that imposes the minimum administrative burden upon the applicant. However, it is not intended that this section be used to authorize a new or modified route or method of access that would require the construction of permanent improvements such as roads, graded runways, structures of bridges, the construction of which requires cement or steel abutments or is designed to accommodate vehicles in excess of 10 tons. Permanent improvements requiring substantial construction or resulting in significant impact upon monument lands would be permitted only in accordance with the provisions of 43 CFR, Part 2800.

Access for purposes of mining or the extraction of oil or gas is governed by Part 9 of this Chapter.

Aircraft: Fixed wing aircraft may be landed and operated on lands and waters within the Alaska National Monuments except at those times or in

those locations where such use is temporarily or permanently prohibited. The provision permitting the Superintendent to otherwise restrict the use of aircraft is intended to provide the broad authority necessary to ensure the protection of monument values without having to resort to a temporary or permanent closure. Such restrictions may relate to the times of use, type or size of aircraft, or other restrictions necessary or appropriate. In other words, the National Park Service would prefer to ensure the protection of monument values with the least restrictive approach. For example, if a given resource management problem could be solved by restricting take-offs and landings to a certain time of day, then this restriction, rather than a total prohibition of aircraft use, would be the preferred approach. This does not mean that the National Park Service would not temporarily or permanently close areas of the Alaska National Monuments where such closures are deemed necessary.

Closures of monument lands to the use of aircraft could take either of two forms. Temporary closures would be instituted by the Superintendent upon the determination that a situation requiring immediate action exists. This close authority would not require public comment and would not exceed one year. Temporary closures are designed to provide immediate relief from the adverse effects of aircraft. For example, a temporary closure could be imposed in appropriate areas during the Caribou calving season. Permanent closures would be subject to the full rulemaking process, including public participation. A permanent closure would only be initiated if the Superintendent determines that aircraft use is adversely impacting one of the factors listed in Section 13.11(b). The National Park Service recognizes that other values must be protected in the administration of the Alaska National Monuments. Among these are the preservation of areas where material alteration or the disturbance of environmental characteristics or the introduction of artificiality into a natural environment are minimized.

As a part of this rulemaking process, the National Park Service invites suggestions as to specific areas that should be permanently closed to the use of aircraft.

Cabins and Other Structures: Over the years, cabins and other structures have been built on unpatented Federal lands. The builders or occupants of these cabins have no legal right to continue the occupancy of the land of

which the cabins are located. Extended long-term use is not in the best interest of the general public. However, the long customary use of such property, the uncertain status of land during the late 1960's and early 1970's and the substantial investment that many people have made in the structures suggest the need for an equitable and orderly termination of use. The National Park Service proposes to grant use and occupancy privileges to individuals occupying cabins or other structures pursuant to a nontransferable permit. The degree of privilege afforded an occupant would be determined by the status of the Federal land at the time of original occupancy by the individual. Land status would be determined by the public land orders that were in effect at the time of occupancy.

The permit system would recognize two categories of occupants. The first category is comprised of those persons who built or occupied cabins or other structures on unpatented Federal lands prior to March 25, 1974. These occupants may apply for a five (5) year nontransferable, renewable permit. The permit would be revocable for violations of the conditions of the permit or at the discretion of the Alaska Area Director upon 180 days written notice. The renewability of these permits will be governed by the provisions of 43 CFR Part 21. The second category consists of those persons who built or occupied cabins or other structures between March 25, 1974 and December 1, 1978. These occupants may apply for a nontransferable, nonrenewable permit. The permit would be issued for a maximum term of one year and revocable for violations of the conditions of the permit or at the discretion of the Alaska Area Director upon 30 days written notice.

Those persons who occupied cabins or other structures on Federal lands after December 1, 1978, the date of the Presidential proclamations, shall not be afforded use and occupancy privileges and shall be subject to the provisions of 36 CFR 5.15, prohibiting residency on Federal lands.

The National Park Service would provide long-term occupancy to those persons who occupied Federal lands prior to March 25, 1974. On March 25, 1974, Public Land Order 5418 closed to settlement all remaining public lands in Alaska. Prior to this date, Public Land Order 4582, dated January 17, 1969 "froze" public lands from all disposition pending settlement of the Native land claims. On September 19, 1972, lands currently within the Alaska National Monuments were withdrawn from entry

or occupancy. The National Park Service recognizes that during this period there was some confusion as to the status of land. Therefore, the March 25, 1974, date represents the most equitable cut-off point.

The Service would not afford the same privileges to those persons who built or occupied cabins or other structures on Federal lands after March 25, 1974. The land withdrawals were well-known and established at this time. Therefore, the Service believes that a one year phase-out period in which to relocate is reasonable.

Camping: Camping within the new Alaska National Monuments is permitted except at those times or locations temporarily or permanently closed or otherwise restricted by the Superintendent. The National Park Service would close an area to camping when the Superintendent determines that use of the area has resulted in resource damage or that other management considerations require closure as set forth in Section 13.13 of this Part.

Commercial Fishing: Commercial fishing operations that were operating on lands or waters within the Alaska National Monuments at the time of the Presidential proclamations could continue in accordance with a permit issued by the Alaska Area Director. The permit would govern such activities as access, temporary camps, use of other monument resources in support of commercial fishing operations, sanitation and other conditions necessary to ensure that commercial fishing operations are compatible with the purpose for which the monuments were established.

Firearms, Traps and Weapons: Firearms could be carried within the Alaska National Monuments for reason of personal protection, except at those times or in those areas temporarily or permanently closed or otherwise restricted by the Superintendent. The Superintendent would retain the authority to prohibit or restrict the carrying of firearms in those areas and at those times when the potential for injury or loss of life inflicted by dangerous animals is negligible or where necessary to insure public safety. For example, restrictions may include the carrying of unloaded firearms in areas of concentrated public use or the closing of certain areas of the monuments to the carrying of firearms.

The proposed regulations distinguish between the carrying of firearms for purposes of personal protection and the carrying of other weapons. Only firearms could be carried by

recreational users on monument lands. The carrying of nets, traps and other weapons such as spear guns, slingshots and other implements designed to discharge missiles would be prohibited. However, local rural residents authorized to engage in subsistence uses would be permitted to use, possess and carry weapons, traps and nets in accordance with applicable State and Federal law.

In order to provide transient relief for persons crossing monument lands, the possession of weapons, traps and nets within or upon a device used for transportation would be permitted provided such implements are unloaded and cased or otherwise packed in such a way as to prevent their ready use while in an Alaska National Monument.

Motorboats: Motorboats would be permitted to be operated on all waters within the Alaska National Monuments except where such use is temporarily or permanently prohibited or otherwise restricted by the Superintendent. The National Park Service is proposing to implement this regulation in a manner that will provide for access and accommodate recreational uses while at the same time closing some bodies of water to motorboat use so that material alteration or the disturbance of environmental characteristics or the introduction of artificiality into a natural environment is minimized.

As set forth in Subpart C, the Service is proposing to close the following lakes in Lake Clark National Monument to use of motorboats: Telaquana Lake, Turquoise Lake, Twin Lakes, Lackbuna Lake, Portage Lake, Kijik Lake, Konraashibune Lake. These Lakes would be closed to motorboat use by both recreational and subsistence users. The Service is proposing this action to preserve the ecological integrity of lakes where little or no known motorboat uses occur and minimize the degree of environmental disturbance.

As part of this rulemaking process, the National Park Service invites suggestions as to the specific areas or times that should be permanently closed to the use of motorboats.

Off-Road Vehicles: The National Park Service proposes to restrict the use of motor vehicles to established roads and parking areas. The Superintendent would be authorized to designate routes for off-road travel in accordance with the criteria listed in Section 13.17(b)(1). This regulation is designed to prevent the resource damage and habitat degradation that can occur from the uncontrolled use of off-road vehicles. This section is intended to mitigate the impact that all terrain, tracked vehicles

or four-wheel drive vehicles have upon monument resources. The Superintendent would retain authority in Section 13.17(b)(4) to restrict the use of or temporarily close any designated route.

The procedures for route closures described in subparagraph (b)(5) are relatively new. They are a result of provisions added to Executive Order 11644 on May 24, 1977, by Executive Order 11989 (42 FR 20069). Section 9(a) of this latter order, entitled *Special Protection of the Public Lands*, reads as follows:

(a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

Under existing regulations, superintendents of park areas now have authority, on a discretionary basis, to close areas or routes to the use of vehicles whenever necessary for protection of park values. These proposed regulations merely make such closures mandatory in situations where use "will cause or is causing considerable adverse effects."

Such closures would be considered temporary in nature, an emergency measure taken to protect natural or cultural resources. Once such a closure had been made, the area or route affected would be reevaluated as to its suitability for off-road vehicle use. A determination would be made whether the closure should become permanent or if mitigating factors or changed conditions would permit reopening. Consistent with existing regulations, prior to making a final decision to reopen a route for off-road travel or to permanently close a previously designated route, notices of proposed and final rule-making would be published in the "Federal Register" and the public would be provided a period of at least 60 days to comment on the proposal.

Picnicking: The current regulations applicable to units of the National Park System prohibit picnicking in national monuments except in those areas designated by the posting of appropriate signs. This regulation was designed to protect the natural scene and reduce damage in highly visited park areas with

automobile access. The National Park Service has concluded that because of the type and pattern of visitation in the new Alaska National Monuments, existing restrictions on picnicking are unnecessary. The Superintendent would retain the authority to close areas to picnicking for reasons of public health and safety or other management considerations.

Preservation of Natural Features: Existing regulations governing public use and recreation in units of the National Park System prohibit the cutting of standing dead trees. The National Park Service has determined that the use of dead trees, either standing or downed, as fuel for recreational campfires in the Alaska National Monuments would not result in significant adverse impact. Therefore, the Service is proposing to provide relief from the general regulations governing the use of park resources and plant materials and to provide guidelines for the consumption and use of certain renewable resources.

Snowmobiles: The National Park Service recognizes the value of snowmobiles as a traditional, and sometimes sole, means of access to monument lands. Therefore, the use of snowmobiles would be permitted in areas or on routes designated by the Superintendent in accordance with the criteria listed in 13.20(b)(1). This proposal represents an attempt by the Service to accommodate traditional and necessary means of access while at the same time preserving parts of the Alaska "bush" in a relatively wild state where the influence of man is not overly apparent as a result of the use of mechanized transport. In implementing this section the Superintendent would designate routes or areas of access to serve major portions of a park area. However, the Service anticipates that other areas would not be designated as open for snowmobile use. This philosophy of general access, through designated routes and areas combined with areas not open to snowmobile use, is designed to address the criteria expressed in Section 4 of Executive Order 11644, which provides:

Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in areas of the National Park System, National Areas, or National Wildlife Refuge and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic or scenic values.

The National Park Service interprets this requirement to mean that trails and areas would only be opened to

snowmobile use when a positive determination has been made that such use will not adversely affect the scenic, aesthetic or natural values. Therefore, the Service proposes to open areas for snowmobile use only after the Superintendent has determined that the use of snowmobiles will not adversely affect the natural, esthetic or scenic values of the monument.

Section 3 of Executive Order 11644 requires that areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses. The National Park Service recognizes that other values must be protected in the administration of the Alaska National Monuments. Among these are the preservation of areas where material alteration or the disturbance of environmental characteristics or the introduction of artificiality into a natural environment are minimized. Therefore, the Service proposes that some areas within the Alaska National Monuments would not be open to the recreational use of snowmobiles.

As a part of this proposed rulemaking the National Park Service invites suggestions as to specific areas or times that should be closed to the use of recreational snowmobiles.

The use of snowmobiles for subsistence purposes is governed by § 13.46 of this Part.

Unattended and Abandoned Property: The purpose of this section is to modify the relevant "general regulations" which prohibit leaving personal property unattended longer than 24 hours without the prior permission of the Superintendent. The National Park Service has determined that this regulation is too restrictive to adequately accommodate subsistence and recreational uses within the Alaska National Monuments. The Service proposes to allow personal property to be left unattended for up to nine months before it would be deemed abandoned and subject to impoundment. In effect, this accords personal property within an Alaska National Monument a nine-month presumption that it is only temporarily unattended. Personal property may be left unattended for periods of time in excess of nine months with the prior permission of the Superintendent.

The National Park Service is concerned that personal property not be located or maintained in such a manner as to constitute a threat to public safety or impair the aesthetics of the monument. In addition, this section is intended to allow the Superintendent to specify the conditions under which

personal property is unattended to insure, for example, that food and equipment caches or other unattended personal property does not attract or is not accessible to animals.

The section provides that the Superintendent may establish limits on the amount and type of personal property that may be left unattended. In addition, the Superintendent is authorized to designate locations where personal property may be left unattended for periods of time to be designated by the posting of appropriate signs or by designating on a map which shall be available for public inspection at the office of the Superintendent.

Subsistence

Background. Following a description of the outstanding historic and scientific values of the particular area involved, each proclamation establishing a new Alaska National Monument, except the proclamation for Kenai Fjords, recognizes that the area preserved as a national monument for the protection of the enumerated historic and scientific features.

Supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected . . . because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monuments.

For this reason, the proclamations direct the Secretary to

promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents.

The regulations governing subsistence, which the Service is today proposing as Subpart B of Part 13, are in furtherance of the above-quoted language from the proclamations. It is the purpose of these proposed regulations to provide and regulate the opportunity of local rural residents to engage in a subsistence lifestyle in the new Alaska National Monuments. The proposed regulations establish subsistence uses of the wild, renewable resources of the new monuments (hereinafter "monument resources") as the highest priority consumptive uses in the new monument areas. Nevertheless, they regulate the opportunity to engage in subsistence uses in certain respects for two independent reasons:

(1) The regulations for the new national monuments must afford protection to the many values which support the monument designations. According to the proclamations, the protection of the subsistence lifestyle must "enhance," not detract from, the other historic and scientific values of the monuments.

(2) The new national monuments are units of the National Park System and subject to the provisions of the National Park Service Organic Act, 16 U.S.C. §§ 1, et seq. According to the Organic Act, the "fundamental purpose" of units of the Park System, including national monuments, "is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. § 1.

Subject to the constraints imposed by the language of the proclamations and the provisions of the Organic Act, the Service has developed a proposed subsistence program which borrows liberally from points of general agreement reached in the legislative activity on the Alaska National Interest Lands and as much as possible from the regulatory program developed by the State of Alaska Boards of Game and Fisheries.

State regulation. Most public comments from the urban areas of Alaska favored subsistence regulations under State control. Most public comments from rural areas, including Native corporations, favored subsistence regulations under Federal control. The proposed regulations, like the subsistence program proposed in the legislation on the Alaska National Interest Lands, create a careful balance between State and Federal authority (Section 13.44). They set forth certain criteria that any subsistence program, State or Federal, must meet:

(1) The subsistence regulations must adequately implement the "subsistence preference" (Section 13.40(b)(1)). The purpose of the "subsistence preference" is to ensure that the local rural residents who are most dependent on the resources, have the least access to alternative resources, and reside in areas where the subsistence lifestyle prevails, have priority consumptive use of monument resources.

(2) The subsistence program must not allow a "significant expansion" of subsistence use of the monument resources beyond the level occurring during the ten-year period before January 1, 1979 (Section 13.40(b)(2)). The magnitudes of resource use which

constitute significant expansions over past use will be determined within two years of final publication of these regulations after consultation with the State, local rural residents, and other interested parties.

If the State develops and implements subsistence regulations that meet these two criteria and are otherwise consistent with Federal law, the State regulations may take the place of the relevant Federal provisions. Accordingly, once the State satisfactorily identifies the local rural residents entitled to engage in subsistence uses on monument lands, the State regulations on this subject shall supersede the relevant Federal regulations (for example, the definition of "local rural resident").

The Service looks forward to the incorporation of adequate State subsistence regulations into the Federal regulatory program for the monuments. The Department of the Interior has consistently recognized the advantages offered by a single, unified regulatory framework designed and supported by both the State and Federal Governments. Although the State has made significant progress toward developing a comprehensive subsistence program, its efforts thus far have unfortunately fallen short of the existing needs in the new monument areas managed by the Service. The State has not yet resolved the problem of identifying the subsistence hunters. Because sport hunting is prohibited but subsistence hunting is allowed in these new monument areas, the Service is already confronted with the problem of distinguishing sport from subsistence hunters. The Service, therefore, has had to develop the proposed identification methods which are capable of practical implementation and enforcement and which protect local rural residents from competition with sport hunters.

Once the State develops and the Service incorporates an adequate State subsistence program, the Alaska Area Director will monitor the program to assure its compliance with the requirements set forth in Subpart B (Section 13.44). Should the State program fail to comply with these requirements, the Alaska Area Director would consult with the State and suggest necessary modifications. If the State is not able to make the necessary modifications, the Alaska Area Director shall modify the program so as to bring it into compliance with the Subpart B requirements. The State may appeal the Alaska Area Director's actions to the Director of the National Park Service.

Whether or not the Service incorporates subsistence regulation developed by the State, the Superintendent of each monument retains the authority to close or restrict any part or all of the monument to subsistence uses for reasons of public safety, administration, or to ensure the natural stability and continued viability of resource populations (Sections 13.44(e), 13.50).

Finally, whether or not the Service incorporates State subsistence regulations, certain other aspects of State regulation which have been part of the interim regulations will continue as part of the permanent regulations for the new Alaska National Monuments. For example, State regulations which govern fishing, snowmobiling, boating, and the taking of wildlife (to the extent such uses are permitted in the new monuments) are incorporated in the Service's regulations and may be enforced by State or Service personnel in the new monuments (Sections 13.47, 13.48, 13.48).

Application and scope. The proclamations establishing the new Alaska National Monuments direct the Secretary of the Interior to provide the opportunity for local residents to engage in a subsistence lifestyle in all the monuments except Kenai Fjords National Monument; consequently, the regulations contained in Subpart B apply to all the new monuments except Kenai Fjords (Sections 13.2, 13.40(a)). These generally applicable regulations of Subpart B, in turn, may be amended, relaxed, or made more stringent by the specific regulations for each national monument area contained in Subpart C. For example, a general regulation contained in Subpart B prohibits the use of aircraft for access to monument areas for purposes of subsistence hunting and fishing; a specific regulation contained in Subpart C for the Gates of the Arctic National Monument, however, relaxes this prohibition in extraordinary cases where no reasonable alternative exists for local rural residents who live in the village of Anaktuvuk.

Policy. The policy objective of the proposed subsistence regulations contained in Subpart B is to accommodate and protect the unique subsistence relationship of certain local rural people in Alaska with their natural environment. These local rural residents are economically dependent on, and have historically taken, the renewable resources which are now within the boundaries of the new Alaska National Monuments. The resources meet both the physical needs of these local rural residents for food, fuel, and clothing and

their societal needs for cultural identity kept intact by skills, lore, and traditions. It is the intent of the Subpart B regulations, to the extent consistent with other policy objectives for units of the Park System in general and these new monuments in particular, to provide the opportunity for local rural residents who are dependent on the resources now within monument areas to continue their existing subsistence lifestyles should they choose to do so. Toward this end, the Subpart B regulations make nonwasteful subsistence use of monument resources the highest priority consumptive use of the resources (Section 13.40(b)). Two other policy objectives, the "subsistence preference" and the "prevention of significant expansion of subsistence use," may nevertheless affect the scope of the opportunity afforded local rural residents to engage in a subsistence lifestyle within monument boundaries, as follows.

(1) The Subsistence Preference.

According to the law applicable to the new Alaska National Monuments, the only hunting that may occur within the monument boundaries is hunting by local residents for subsistence purposes. The regulations contained in Subpart B propose a program for identifying the local residents who may engage in subsistence hunting. The data available at this time has enabled the Service to identify concentrations of people, residing throughout the monument areas and in certain additional areas just outside the monument boundaries ("resident zones"), who are economically dependent on, and have historically used, the renewable resources of the monument. The proposed program also allows any person who does not live in the identified areas to demonstrate similar economic dependence on, and historical use of, monument resources in order to obtain a "subsistence permit." Under the proposed program, therefore, all local rural residents allowed to engage in subsistence uses within the monuments must either live in the identified "resident zones" or hold a "subsistence permit" (Section 13.41(b)). At some future time, the Service (or the State, if its regulations have been incorporated into the Service's regulatory program) may have to impose more stringent tests based on the three criteria of the "subsistence preference" (dependence on the resources, availability of alternative resources, local residency) to determine who may engage in subsistence uses of monument resources for either of two reasons:

(a) Development of a prudent and equitable subsistence program has been a difficult task. Indeed, the State of Alaska has delayed undertaking certain aspects of it pending receipt of more data. In the monument areas, however, the Service does not have the luxury of delay. The Service firmly believes that the program proposed today is fair and reasonable based on the available data. Nevertheless, in certain respects this initial system may suffer from both over- and under-inclusiveness. For example, everyone who lives within a resident zone, despite the individual's degree of dependence on the monument's resources, is granted the privilege of taking the renewable resources in the monument. Anyone who lives outside the resident zone, however, must demonstrate his or her economic dependence on, and historical use of, the resources before being granted the privilege (Section 13.43). Like the State Boards of Game and Fisheries, the Service does not now have sufficient data to give a more precise regulatory definition to the three criteria of the subsistence preference. When data becomes available which more specifically analyzes the subsistence lifestyle, the Service intends to refine the program proposed today in order to implement the criteria of the subsistence preference more precisely. In other words, as the data becomes available the Service will consider ways to give preference to those individuals who are most dependent on monument resources, who do not have alternative resources readily available, and who live in places where a genuine subsistence lifestyle predominates.

(b) Whenever a monument's subsistence resources are not sufficiently plentiful for taking by all local rural residents, the Superintendent will have to allocate the resources among the local rural residents in accordance with the criteria of the subsistence preference. For example, if subsistence uses must be restricted to protect the continued viability of the resource populations, to prevent the significant expansion of subsistence uses beyond the ten-year harvest level preceding January 1, 1979, or simply to assure local rural residents the continued opportunity to engage in subsistence uses, the Superintendent would have to limit the privilege of engaging in subsistence uses within the monument boundaries to only those local rural residents who have the most customary and direct dependence upon the resources as the mainstay of their livelihood, or who have the least access to alternative resources, or who live in

places where the subsistence lifestyle predominates. The allocation scheme would, of course, use the available data on the three criteria of the subsistence preference to allocate the available supply of the resources. To the fullest extent possible, moreover, the Service would seek public participation in the affected vicinity for assistance in developing the allocation scheme.

(2) Prevention of Significant Expansion of Subsistence Use.

Preventing the subsistence use of monument resources from expanding significantly beyond the ten-year historical level is essential to proper management of all the values preserved and protected by the monument designations (Section 13.40(b)(2)). While the Service clearly recognizes subsistence uses as "the highest priority of all consumptive use" in the new monuments, the Service will not allow such subsistence uses to expand at the expense of other park system unit objectives set by law and policy, including objectives of conservation and public use and enjoyment. It is the Service's intent that traditional subsistence uses be permitted to continue, if possible, at traditional levels. It is specifically not the Service's intent to allow subsistence harvests to expand, for example, to the level of maximum sustained yield. Many of the monument areas currently have healthy populations of fish and wildlife whose levels should be maintained if possible. Indeed, the Service management policy

strive[s] to maintain the abundance, behavior, diversity, and ecological integrity of native animals in natural portions of parks as part of the park ecosystem. . . . Natural processes shall be relied upon to regulate populations of native species to the greatest extent possible.

The Service is using the ten-year period of reference, as the legislative sponsors have, because the levels of harvest fluctuate with the natural rise and fall of resource populations. In fact, such resource populations vary from year to year, and subsistence uses change according to resource availability. Management must be flexible to accommodate these variations. In the case of some species for particular years, the data on populations and level of subsistence use is sketchy. All in all, however, the existing data on past levels of use set forth in several research documents including the 1974 Environmental Impact Statements on the Section 17(d)(2) withdrawals, the State of Alaska's November Task Force Report on subsistence, and research studies of subsistence communities prepared

under contract with the Service, establish a reasonable basis for monitoring and, if necessary, restricting the expansion of subsistence uses. In order to provide an opportunity for interested parties, and notably the State and the subsistence users themselves, to participate in determining the level of harvest that constitutes a significant expansion, the Service is proposing to phase this policy into practice within the two years after final promulgation of the Subpart B regulations.

(3) *Closure.* The implementation of the subsistence preference and the prevention of the significant expansion of subsistence uses are essential policy elements of any subsistence program for the new Alaska National Monuments, whether under Federal or State control. In fact, any regulatory program which the State develops must adequately provide for these elements in order to supersede the relevant provisions of the Federal program (Section 13.44). Whether or not the Service has incorporated State subsistence regulations into Subpart B, however, the Superintendent of each national monument retains the power to close or restrict any part or all of a monument to subsistence uses "if necessary," in the words of the proclamations, "for reasons of public safety, administration, or to ensure the natural stability or continued viability" of the resource populations (Sections 13.44(e), 13.50).

These closure standards allow the Superintendent to act in situations which threaten public health and welfare, to protect all the values and uses intended for the new monuments by the Presidential proclamations and the Park Service Organic Act, to maintain monument resource populations upon which local rural residents rely at levels adequately above the threatened level, and to otherwise manage the new monument areas prudently. The "subsistence preference" allows the Superintendent to restrict the taking of monument resources by other types of consumptive users (e.g., sport fishers, recreational berry-pickers) before considering the necessity of restricting subsistence taking. Absent an emergency situation, the Superintendent will not close all or part of a monument to subsistence uses without prior consultation with the State and informal public hearing in the affected vicinity. In an emergency situation requiring immediate action (e.g., disease among a wildlife population, hazardous pollution of a heavily-fished body of water, migration of a herd of caribou into a popular public use area), the Superintendent will

order the closure of the area or other appropriate measures for a period of not more than sixty days. The Superintendent will extend such an emergency closure, moreover, only if he determines, after informal public hearing in the affected vicinity, that the extension is necessary to protect the public safety, to administer the areas properly for protection of all their values, or to maintain the resource at healthy population levels.

Inasmuch as a closure to subsistence uses may, in some circumstances, affect customary patterns of the subsistence lifestyle, the Superintendent will not take such a step lightly. Whenever possible, the Superintendent will seek prior State and public consultation. To assure adequate notice of the public hearing and any resultant action, the Superintendent will publish the necessary information in newspapers of general and local circulation, submit it for broadcast on local radio stations, and post it prominently at his or her office.

Definitions. The Subpart B regulations propose to adopt the consensus definitions of "subsistence uses" and "family" which appear in the various legislative proposals on the Alaska National Interest Lands. The term "subsistence uses" is defined as the customary and traditional use by local residents of rural Alaska of fish, wildlife, and plants for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making or selling of handicraft articles out of the nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing for personal or family consumption; and for customary trade of furs for cash.

These definitions contain several provisions worthy of further explanation. The definition of "subsistence uses" limits the term's scope to activities carried out by "local rural residents"; in so doing, it excludes former rural residents who now live in one of Alaska's urban centers. Furthermore, as explained by the definition of "local rural residents," in order to qualify as a subsistence user within a new monument (absent a "subsistence permit"), a person must have his or her permanent home within the designated resident zone and, whenever absent from this permanent home, have the intention of returning to it. A permanent home is where one intends to remain. In most circumstances, it is where one votes, and it is the home address which one indicates on hunting and fishing

license, income tax return, and driver's license.

The definition of "subsistence uses" includes the making and selling of handicraft articles from the nonedible by-products only of fish and wildlife resources taken for personal or family consumption. Accordingly, the definition covers such commercial activities only if the edible portions of the resource have been used for personal or family consumption. The definition of "barter" recognizes that a genuine subsistence lifestyle includes certain foodstuffs and other items which may only be available through a non-cash exchange. Consequently, barter of subsistence resources of a noncommercial nature falls within the meaning of subsistence uses. The definition of "customary trade" recognizes that a genuine subsistence lifestyle may also include limited involvement in the cash economy through the exchange of furs. For example, local rural residents may engage in trapping to obtain the cash required for store-bought supplies such as gasoline and ammunition.

Finally, the definition of "family" recognizes extended family patterns common in the subsistence culture of Alaska. It also includes within its coverage any person living in a household on a permanent basis, as well as all local rural residents living outside the household who are related by blood, marriage, or adoption (legal or equitable).

Qualification as local rural resident. The proposed Subpart B regulations grant the privilege of engaging in subsistence uses of monument resources to "local rural residents." As presently defined, these local rural residents are persons who either live in designated "resident zones" (Section 13.42) or hold a "subsistence permit" (Section 13.43). "Resident zones" are designated, and "subsistence permits" will be issued, on the basis of geographical, economic, and historical criteria, i.e., residency in or near the monument, dependence on the monument resources as the mainstay of livelihood, and history of use of monument lands. In the case of "resident zones," the service applies these criteria to "concentrations" of people based on available research; in the case of "subsistence permits" for people who live outside resident zones, the superintendent will apply these criteria to individual applicants.

The so-called economic criterion states that local rural residents are "dependent, as the mainstay of [their] livelihood[s], upon the subsistence uses of wild, renewable resources taken within the monument." In applying this

collection. The Service looks to identify communities and individuals who primarily depend on, or whose economies are predominated by, subsistence uses of the wild, renewable resources of the new monuments.

The so-called historical criterion states that local rural residents have, or are members of families which have, "established patterns of subsistence hunting, fishing, or gathering activities within the monument, or a history of subsistence activities within the monument as demonstrated by use of fish camps, trapline cabins, hunting camps, cache sites, and other identifiable locations of subsistence use." By means of this criterion, the Service intends to focus on the subsistence tie of the community or individual to the particular monument area. Genuine subsistence users in an area know its features thoroughly: its resource concentrations and dynamics, harvest patterns, navigational factors, trail systems, and the like. They, their families, and often their ancestors have hunted, fished, gathered, and trapped the area; in so doing, they have established camps and locations of subsistence use. They are tied to the area by custom and tradition.

(a) *Resident Zones.* By definition, the "resident zone" for each new monument encompasses the area and communities within the monument boundaries as well as certain areas and communities just outside the boundaries where a genuine subsistence lifestyle predominates (Section 13.41(c)). The proposed "extra-boundary" areas and communities for each new monument, listed in Subpart C of the regulations, are as follows:

(a) Aniakchak National Monument: Chignik, Chignik Lagoon (Section 13.70(a)(1));

(b) Bering Land Bridge National Monument: Buckland, Deering, Shishmaref, Whales (Section 13.71(a)(1));

(c) Cape Krusenstern National Monument: Kivalina, Kotzebue, Noutak (Section 13.72(a)(1));

(d) Denali National Monument: Minchumina, Telida (Section 13.73(a)(1));

(e) Gates of the Arctic National Monument: Alatna, Allakaket, Ambler, Anaktuvuk, Bettles, Kobuk, Shungnak (Section 13.74(a)(1));

(f) 1978 Enlargement of Glacier Bay National Monument: none (Section 13.75);

(g) 1978 Enlargement of Katmai National Monument: Egegik, Igiugig, Kakhonak, Levelook (Section 13.76(a)(1));

(h) Katmai-Pedro National Monument: subsistence uses prohibited (Section 13.77(a));

(i) Kobuk Valley National Monument: Ambler, Kiana, Kobuk, Noorvik, Shungnak (Section 13.78(a)(1));

(j) Lake Clark National Monument: Nondalton, Port Alsworth (Section 13.79(a)(1));

(k) Noatak National Monument: Kivalina, Kotzebue, Noutak (Section 13.80(a)(1));

(l) Wrangell-St. Elias National Monument: Chistochina, Chitina, Copper Center, Gakona, Gulkana, McCarthy, Mentasta Lake, Nabesna, Siana, Yakutat (Section 13.81(a)(1));

(m) Yukon-Charley National Monument: Circle, Eagle, Eagle Village (Section 13.82(a)(1));

Under the proposed regulations, anyone who permanently resides within the monument boundaries or in one of the communities listed above may engage in subsistence uses in the appropriate monument. In other words, persons who live in the resident zone for Lake Clark National Monument may engage in subsistence uses only in that monument (unless such person's community is also listed in the resident zone for another national monument).

In determining the proposed list of "extra-boundary" communities for each monument, the 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 Service also reviewed information from several of its employees who have studied the subsistence lifestyle throughout the State and, in some cases, have lived "in the bush" for years. The resultant list is meant to include communities where most, and in some instances all, of the inhabitants qualify under the economic and historical criteria which describe local rural residents.

The Service recognizes that certain communities outside the designated resident zones contain persons who can qualify as local rural residents. Such communities include King Salmon, Naknek, and South Naknek for Katmai National Monument; Glenallen for Wrangell-St. Elias National Monument; and Yakutat for the 1978 Enlargement of Glacier Bay National Monument (Yakutat is within the resident zone for Wrangell-St. Elias National Monument). The Service encourages the people in these communities and others who depend on, and have historically used,

monument resources to apply for a subsistence permit."

(2) *Subsistence Permits.* Any person who permanently resides outside a resident zone must obtain a "subsistence permit" in order to engage in subsistence uses of monument resources. The Service has taken efforts to eliminate all unnecessary burdens from the application process while still providing sufficient procedural protections to assure fair and reasonable decisionmaking on the permit applications.

The application process at the Superintendent's level is simple. The applicant must demonstrate to the Superintendent, preferably on a written form but otherwise by oral presentation, either of the following:

(1) He or she meets the economic and historical criteria set forth in the regulations (Section 13.43(a)(1)), or

(2) He or she qualifies as a "local rural resident" who may engage in subsistence uses in another national monument, and his or her subsistence lifestyle (as supported by available research) involves a pattern of subsistence uses between the other monument and the monument for which the applicant now seeks a permit (Section 13.43(a)(2)).

The Service believes that the Superintendent will be able to issue subsistence permits quickly and routinely in cases of genuine subsistence users.

Should the Superintendent deny the permit, the applicant who wishes to have his or her application reconsidered must so inform the Alaska Area Director by letter, telephone, or any other means of communication within 60 days of the Superintendent's issuing the denial. Within a time to be determined thereafter, the permit applicant shall present the Alaska Area Director with (1) any additional information demonstrating that the applicant meets the economic and historical criteria, (2) the basis for the applicant's disagreement with the Superintendent's decision, and (3) any request for an informal hearing accompanied by a description of the new information to be presented and of any persons to be questioned at the hearing. The Alaska Area Director shall grant a hearing if it would significantly enhance the decisionmaking process.

To accommodate the permit applicants who would be inconvenienced by travelling to Anchorage for a hearing, the Alaska Area Director will periodically "ride circuit," scheduling hearings throughout the State. The Alaska Area Director

shall promptly notify the applicant of the decision on reconsideration. This decision shall constitute final action by the Department of the Interior. In accordance with applicable law, the permit applicant may, of course, seek judicial review of a denial on reconsideration.

Prohibition of aircraft use. The proposed Subpart B regulations generally prohibit the use of aircraft by local rural residents for access to monument areas for purposes of subsistence hunting and fishing. It is the Service's determination, supported by numerous comments from, *inter alia*, certain native organizations and by available research on the subsistence lifestyle, that rural residents who are primarily dependent on, and have historically taken, monument resources do not, in most cases, use aircraft for access for subsistence activities.

What cash these local rural residents acquire is used to purchase necessities not otherwise supplied by subsistence uses. Certainly, as a general rule, the expense of aircraft use greatly exceeds the ability of the local rural resident to pay for it. On the other hand, aircraft is commonly used by sport hunters who are now prohibited from hunting in monument areas. In this respect, the prohibition of aircraft use for subsistence activities reinforces the ban on sport hunting in monument areas and assists the Service in distinguishing sport from subsistence hunters.

The proposed Subpart C regulations for individual monuments, however, afford the Service flexibility to make exceptions to the general prohibition. For any monument, the Service may designate communities whose local rural residents may apply for a permit to use aircraft for subsistence purposes. The Superintendent will grant the permit only in extraordinary cases where, in the Superintendent's determination, no reasonable alternative to aircraft use exists. At this time, the Service has found and is proposing for designation only one community, Anaktuvuk in Gates of the Arctic National Monument, whose local rural residents presently rely on aircraft for access to their customary and traditional areas of harvest in the monument. The people of Anaktuvuk, isolated, remote, surrounded by difficult terrain, are far-removed from the wildlife populations whose harvest sustains them; moreover, they do not have adequate and available alternative resource populations for sustenance.

Use of snowmobiles and motorboats for subsistence activities. The Subpart B regulations relax the Subpart A

regulations on use of snowmobiles and motorboats in the case of local rural residents who are engaged in hunting, fishing and gathering activities within the new monuments. All routes and areas are open to subsistence snowmobile and motorboat use except as specifically restricted or closed. The Superintendent will implement such closures or restrictions on the basis of criteria which are stricter than the criteria for closure to general recreational use. These minimum criteria are largely mandated by Executive Order 11644, as amended. The Superintendent will arrange notice and public participation concerning the closure proposals in order to involve those affected to the fullest extent possible in the decisionmaking.

Any person operating a motorboat or snowmobile must comply with applicable State and Federal laws governing such operation and must avoid causing injury to any part of value of the monument. In addition, consistent with State law, he or she may not use a motorized vehicle so as to herd, harass, haze, or drive wildlife for hunting or other purposes.

The use of snowmobiles or motorboats by local rural residents for "recreational" and "access" purposes, not subsistence activities, is governed by the appropriate Subpart A regulation (Sections 13.20, 13.16, and 13.10).

Subsistence hunting, trapping, fishing, and gathering. As has already been explained, only local rural residents may engage in hunting and trapping in the new Alaska National Monuments. These local rural residents must comply with applicable State law governing hunting and trapping, *e.g.*, bag limits, safety requirements, seasons and hours (Section 13.48). They must also comply with applicable Federal law, *e.g.*, closures and other restrictions. For example, the Service is proposing to prohibit the taking of dall sheep in Lake Clark National Monument (Section 13.79(a)(2)) because the Service has determined that the subsistence users of the area do not, by custom or tradition, take dall sheep. With respect to trapline cabins, the Service has provided for their use, occupancy, and maintenance where necessary to accommodate local rural residents (Section 13.12(f)).

Local rural residents may, of course, engage in fishing in the new monuments in compliance with applicable State and Federal law. The Service has relaxed its "general regulations" in the case of local rural residents to allow the customary and traditional use of nets, seines, traps, or spears where permitted by State law (Section 13.48).

The Subpart B regulations also allow local rural residents to obtain a permit to cut standing live timber for subsistence needs such as shelter or fuel. (Section 13.46) Before issuing a permit, the Superintendent must determine that the proposed cutting is compatible with the purposes for which the monument was established. In addition, the Superintendent will include in the permit any stipulations deemed necessary to protect the resources of the monument. Under the Subpart B regulations, local rural residents do not need a permit to gather plant materials or dead or downed timber for subsistence uses.

Public Comments and Hearings

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. The comments received in response to the Notice of Intent were very helpful in the preparation of this proposed rulemaking and the National Park Service encourages the public to submit comments on the text of these draft regulations. All such written comments should be sent to the address noted at the beginning of this rulemaking. The National Park Service also intends to hold public hearings in Anchorage and Fairbanks on this proposed rulemaking at the beginning of August. Specific details concerning the date, time and location of those hearings will be published in a separate subsequent notice in the *Federal Register*.

Drafting Information

The primary authors of this Notice are Molly N. Ross, Office of the Solicitor, Department of the Interior and Michael V. Finley, Division of Ranger Activities and Protection, National Park Service, Washington, D.C.

Impact Analysis

The Department of the Interior has made a determination that the proposed regulations contained in this rulemaking are not significant, as that term is defined under Executive Order No. 12044 and 43 C.F.R. Part 14, nor do they require the preparation of a regulatory analysis pursuant to the provisions of those authorities. In addition, the Department has determined that the proposed regulations do not represent a major Federal action significantly affecting the quality of the human environment. A twenty-eight volume environmental impact statement was prepared in 1974 concerning the establishment and management of Alaska National Interest Lands

conservation system units in Alaska, including the areas now designated as the new Alaska National Monuments. The 1974 FIS was supplemented in November of 1978 with an analysis of the impacts of alternative Executive Branch actions designed to conserve the Alaska National Interest Lands. In addition to those environmental documents, and the numerous studies included within their bibliographies upon which they were based, a wealth of other materials and analysis have been generated on the management of the Alaska National Interest Lands as a result of Congressional action on the so called "d-2" legislation. As the date of this proposed rulemaking, four separate committee reports have been published in the House of Representatives and one lengthy committee report has been published in the Senate on the issue of the establishment and management of new conservation system units in Alaska. This is in addition to over twenty-five formal Congressional committee hearings conducted on this matter. The Service also notes that consultation was conducted on this proposed rulemaking under section 7 of the Endangered Species Act of 1973, as amended, 16 U.S.C. § 1536, and that it was concluded that this proposal was not likely to jeopardize the continued existence of endangered or threatened species or result in the adverse modification or destruction of critical habitat.

Dated this 22nd day of June, 1979.

Robert L. Herbst,

Assistant Secretary for Fish and Wildlife and Parks.

In consideration of the foregoing it is proposed that title 36 of the Code of Federal Regulations be amended by the establishment of a new Part 13 as follows:

PART 13—ALASKA NATIONAL MONUMENTS

Sec.

13.1 Definitions.

13.2 Applicability and Scope.

Subpart A—Public Use and Recreation

13.10 Access.

13.11 Aircraft.

13.12 Cabins and Other Structures.

13.13 Camping.

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13.21 Unattended or Abandoned Property.

Subpart B—Subsistence

13.40 Purpose and Policy.

13.41 Definitions.

13.42 Determination of Resident Zones.

13.43 Subsistence Permits for Persons Who Permanently Reside Outside a Resident Zone.

13.44 State Regulation of Subsistence Uses.

13.45 Prohibition of Aircraft Use.

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13.47 Subsistence Fishing.

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Subpart C—Special Regulations—Specific National Monuments in Alaska

13.70 Aniakchak National Monument.

13.71 Bering Land Bridge National Monument.

13.72 Cape Krusenstern National Monument.

13.73 Denali National Monument.

13.74 Gates of the Arctic National Monument.

13.75 1978 Enlargement of Glacier Bay National Monument.

13.76 1978 Enlargement of Katmai National Monument.

13.77 Kenai Fjords National Monument.

13.78 Kobuk Valley National Monument.

13.79 Lake Clark National Monument.

13.80 Noatak National Monument.

13.81 Wrangell-St. Elias National Monument.

13.82 Yukon Charley National Monument.

Authority: Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3); Sections 1, 1c, 9a, 432 and 462 of Title 16 of the United States Code; 245 DM-1 (42 FR 12931); and the Presidential Proclamations establishing each national monument (43 FR 57009-57132).

§ 13.1 Definitions.

The following definitions shall apply to all regulations contained in this part:

(a) The term "aircraft" means a machine or device that is used or intended to be used to carry persons or objects in flight through the air, including but not limited to airplanes, helicopters and gliders.

(b) The term "Alaska National Monuments" shall include the following national monuments:

Aniakchak National Monument; Bering Land Bridge National Monument; Cape Krusenstern National Monument; Denali National Monument; Gates of the Arctic National Monument; 1978 Enlargement of Katmai National Monument; 1978 Enlargement of Glacier Bay National Monument; Kenai Fjords National Monument; Kobuk Valley National Monument; Lake Clark National Monument; Noatak National Monument; Wrangell-St. Elias National Monument; Yukon Charley National Monument.

(c) The term "carry" means to wear, bear or carry on or about the person.

(d) The term "downed aircraft" means an aircraft that as a result of mechanical failure or accident cannot take off.

(e) The term "firearm" means any loaded or unloaded pistol; revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of expanding gases.

(f) The term "net" means a snare, weir, net, fish trap, or other implement designed to entrap fish, except a landing net.

(g) The term "off-road vehicle" means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, wetland or other natural terrain, except snowmobiles and vessels as defined in this chapter.

(h) The term "possession" means exercising dominion or control, with or without ownership, over weapons, traps, nets or other property.

(i) The term "snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 lbs. (450 kg), driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.

(j) The term "superintendent" means any National Park Service official in charge of a monument area, the Alaska Area Director of the National Park Service or an authorized representative of either.

(k) The term "temporary" means a period of time not to exceed 12 months.

(l) The term "trap" means a snare, trap, mesh, or other implement designed to entrap animals other than fish.

(m) The term "unloaded" means there is no unexpended shell or cartridge in the chamber or magazine of a firearm; bows, crossbows and spearguns are unstrung; muzzle-loading weapons do not contain a powder charge; and any other implement capable of discharging a missile in the air or under the water does not contain a missile or similar device within the loading or discharging mechanism.

(n) The term "weapon" means a firearm (including an air, spring, or gas powered pistol or rifle), bow and arrow, crossbow, blow gun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles in the air or under the water.

§ 13.2 Applicability and scope.

(a) The regulations contained in Part 13 of this chapter are prescribed for the proper use and management of the Alaska National Monuments and supplement the general regulations of Parts 1 through 6 of this chapter. The regulations contained in Parts 1 through

0 of this chapter are applicable except as modified by Part 13.

(b) Subpart A of Part 13 contains regulations applicable to all the Alaska National Monuments. Such regulations may amend, modify, relax or make more stringent the general regulations contained in Parts 2 through 6 of this chapter.

(c) Subpart B of Part 13 contains regulations applicable to subsistence activities. Such regulations apply to all the Alaska National Monuments, except Kenai Fjords National Monument.

(d) Subpart C of Part 13 contains special regulations for special national monuments in Alaska. Such regulations may amend, relax or make more stringent the regulations contained in Parts 2 through 6 of this chapter and Subparts A and B of Part 13.

(e) The regulations contained in Part 13 of this chapter are not applicable on privately owned lands, (including Indian lands owned either individually or tribally) within the boundaries of any monument area.

Subpart A—Public Use and Recreation

§ 13.10 Access.

(a) Notwithstanding any other provision of this Part, the superintendent shall, upon application, specify in a permit reasonable routes and methods of access across monument lands and waters for any person who has a valid property or occupancy interest in lands which are located within or effectively surrounded by monument lands. These routes and methods of access shall be limited to those traditionally used by the applicant unless the superintendent determines that reasonable alternative routes or methods exist which would be less damaging to the environmental values of the monument. Where routes of access have not been established previously, the superintendent shall establish such reasonable routes and methods of access as are least damaging to the environmental values of the monument. All specified routes and methods of access shall be recorded on a map which shall be available for public inspection at the office of the superintendent.

(b) Any establishment or modification of a route or method of access which requires the construction of permanent improvements or structures such as roads is prohibited unless authorized pursuant to the provisions of 43 CFR Part 2800.

(c) The provisions of this section shall not apply to access governed by Part 9 of this chapter or to any other rights-of-way governed by 43 CFR Part 2800.

§ 13.11 Aircraft.

(a) Fixed wing aircraft may be landed and operated on lands and waters within the Alaska National Monuments, except where such use is temporarily or permanently prohibited or otherwise restricted by the superintendent.

Helicopters may be landed only where authorized by a written permit. The use of aircraft for subsistence purposes is prohibited as set forth in § 13.45.

(b) In determining whether to restrict the use of aircraft or to temporarily or permanently close an area to aircraft use the superintendent shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, research activities, protection of historic or scientific values, esthetics, endangered and threatened species conservation and other management considerations necessary to ensure that aircraft use is compatible with the purposes for which the monument was established.

(c) *Temporary closures or restrictions* shall be published as "Notices to Airmen" issued by the Department of Transportation, published in at least one newspaper of general circulation within the State and designated on a map of the area which shall be available for public inspection at the office of the superintendent. Following temporary closure or restriction, any area so closed shall be evaluated in accordance with the criteria stated in paragraph (b) of this section, prior to a final decision on whether to reopen or permanently close the area.

(d) *Permanent closures* shall be published as proposed and final rulemaking in the *Federal Register* with a minimum of 60 days for public comment, published as a regulatory notice in the United States Government Flight Information Service "Supplement Alaska," published in at least one newspaper of general circulation within the State and designated on a map of the area which shall be available for public inspection at the office of the superintendent.

(e) The owners of any aircraft downed after December 1, 1978, shall remove the aircraft and all component parts thereof in accordance with procedures established by the superintendent. In establishing a removal procedure, the superintendent is authorized to:

(1) Establish a reasonable date by which aircraft removal operations must be complete; and

(2) Determine times and means of access to and from the downed aircraft.

(f) The superintendent may waive the requirements of § 13.11(e) when he determines that:

(1) The removal of a downed aircraft would constitute an unacceptable risk to human life; or

(2) The removal of a downed aircraft would result in extensive resource damage; or

(3) The removal of a downed aircraft is otherwise impracticable or is impossible.

(g) Salvaging, removing, possessing, or attempting to salvage, remove or possess any downed aircraft or component parts thereof is prohibited, except in accordance with a permit issued by the superintendent.

§ 13.12 Cabins and other structures.

(a) On lands not owned by the claimant, cabins or other structures existing prior to March 25, 1974, may be occupied and used by the claimant to these structure pursuant to a nontransferable renewable permit. This use and occupancy shall be for terms of five years, provided, however, that the claimants to the structure by application:

(1) Reasonably demonstrates by affidavit, bill of sale or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(2) Submits a sketch and photograph of the cabin or structure and a map showing its geographic location;

(3) Agrees to vacate and remove all personal property from the cabin or structure upon expiration of the permit; and

(4) Acknowledges in the permit that he/she has no interest in the real property on which the cabin or structure is located.

(b) On lands not owned by the claimant, cabins or other structure on Federal lands construction of which began between March 25, 1974, and December 1, 1978, may be used and occupied by the claimant to these structures pursuant to a nontransferable, nonrenewable permit. This use and occupancy shall be for a maximum term of 1 year, provided, however, that the claimant, by application:

(1) Reasonably demonstrates by affidavit, bill of sale or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(2) Submits a sketch and photograph of the cabin or structure and a map showing its geographic location;

(3) Agrees to vacate and remove all personal property from the cabin or structure upon expiration of the permit; and

(4) Acknowledge in the permit that he/she has no interest in the real property.

(c) On lands not owned by the claimant, cabins or other structures, construction of which started after December 1, 1978, shall not be available for use and occupancy as provided for in §§ 13.12(a) and (b).

(d) Cabins or other structures which are razed or destroyed by fire or storm, or other casualty, or which deteriorate structurally to the point of being unsafe or uninhabitable, shall not be rebuilt and the permit for use and occupancy shall be cancelled.

(e) Cabins or other structures, not under permit, shall be used only for official government business, *provided, however, that during emergencies involving the safety of human life or where designated for public use by the superintendent these cabins may be used by the general public.*

(f) The superintendent may issue a permit under such conditions as he may prescribe for the temporary use, occupancy, and maintenance of cabins or other structures when he determines that the use is necessary to reasonably accommodate subsistence uses or is otherwise authorized by law.

(g) The use or occupancy of cabins or other structures, except as provided for in this section is prohibited.

§ 13.13 Camping.

(a) Camping is permitted in the Alaska National Monuments except where such use is temporarily or permanently prohibited or otherwise restricted by the superintendent.

(b) In determining whether to restrict camping, to temporarily or permanently close an area or to open a previously closed area to camping the superintendent shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, research activities, protection of historic and scientific values, esthetics, endangered or threatened species conservation and other management considerations necessary to ensure that camping is compatible with the purpose for which the monument was established.

(c) *Temporary closures or restrictions* shall be (1) published in at least one newspaper of general circulation in the State and designated on a map which shall be available for public inspection at the office of the superintendent and other places convenient to the public or (2) designated by the posting of appropriate signs or (3) both. Following temporary closure or restriction, any area so closed shall be evaluated in

accordance with the criteria stated in paragraph (b) of this section prior to a final decision on whether to reopen or permanently close the area.

(d) *Permanent closures or restrictions* shall be published as proposed and final rulemaking in the "Federal Register" with a minimum of 60 days for public comment and designated (1) on a map which shall be available for public inspection at the office of the superintendent and other places convenient to the public or (2) by the posting of appropriate signs or (3) both.

§ 13.14 Commercial fishing operations.

Commercial fishing operations in existence within the Alaska National Monuments at the time of their establishment may continue such operations in accordance with a permit issued by the Alaska Area Director. All such commercial fishing operations shall be conducted in accordance with applicable State and Federal law.

§ 13.15 Firearms, traps, and weapons.

(a) Firearms may be carried in the Alaska National Monuments except where such carrying is temporarily or permanently prohibited or otherwise restricted by the superintendent.

(b) In determining whether to restrict the carrying of firearms, to temporarily or permanently close an area to the carrying of firearms or to reopen a previously closed area, the superintendent shall be guided by factors such as other visitor uses, public health and safety, environmental and resource protection, research activities, protection of cultural resources, esthetics, endangered or threatened species conservation and other management considerations necessary to ensure that the carrying of firearms is compatible with the purposes for which the monument was established.

(c) *Temporary closures or restrictions* shall be (1) published in at least one newspaper of general circulation in the State and designated on a map which shall be available for public inspection at the office of the superintendent and other places convenient to the public or (2) designated by the posting of appropriate signs or (3) both. Following temporary closure or restriction, any area so closed shall be evaluated in accordance with the criteria stated in paragraph (b) of this section prior to a final decision on whether to reopen or permanently close the area.

(d) *Permanent closures or restrictions* shall be published as proposed and final rulemaking in the Federal Register with a minimum of 60 days for public comment and designated (1) on a map

which shall be available for public inspection at the office of the superintendent and other places convenient to the public or (2) by the posting of appropriate signs or (3) both.

(e) The possession of weapons, traps and nets within or upon a device used for transportation is permitted, *provided, such weapons, traps or nets are unloaded and cased or otherwise packed in such a way as to prevent their ready use while in an Alaska National Monument.*

(f) Notwithstanding the provisions of this section, subsistence users who are authorized to take animals pursuant to § 13.43 of this Part may use, possess, or carry traps, nets and other weapons in accordance with applicable State and Federal law.

(g) Notwithstanding the provisions of this section, persons authorized to engage in commercial fishing operations pursuant to Section 13.14 of this Part may use, possess or carry nets in accordance with applicable State and Federal law.

(h) Except as provided for in this section, the carrying and possession of weapons, traps or nets is prohibited.

§ 13.16 Motorboats.

(a) Motorboats may be operated on all waters within the Alaska National Monuments except where such use is temporarily or permanently prohibited or otherwise restricted by the superintendent or as provided for in § 13.40.

(b) In determining whether to restrict the use of motorboats or to temporarily or permanently close a route or area to motorboat use, the superintendent shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, research activities, protection of historic and scientific values, esthetics, endangered or threatened species conservation and other management considerations necessary to ensure that motorboat use is compatible with the purposes for which the monument was established.

(c) *Temporary closures or restrictions* shall be (1) published in at least one newspaper of general circulation in the State and designated on a map which shall be available for public inspection at the office of the superintendent and other places convenient to the public or (2) designated by the posting of appropriate signs or (3) both. Following temporary closure or restriction, any route or area so closed shall be evaluated in accordance with the criteria stated in paragraph (b) of this section, prior to a final decision on

whether to reopen or permanently close the area or route.

(d) *Permanent closures or restrictions* shall be published as proposed and final rulemaking in the Federal Register with a minimum of 60 days for public comment and designated (1) on a map which shall be available for public inspection at the office of the superintendent and other places convenient to the public or (2) by the posting of appropriate signs or (3) both.

(e) If the superintendent determines, at any time, that the use of motorboats on any area or route will cause or is causing considerable adverse effects on soil, vegetation, fish or wildlife, fish or wildlife habitat, historic or scientific values or any adverse effect upon endangered or threatened species or their habitats, that area or route shall be immediately closed to the type of use causing the adverse effects. Following closure, any area or route so closed shall be evaluated in accordance with the criteria stated in paragraph (b) of this section, prior to a final decision on whether to reopen or permanently close the area or route. No area or route shall be reopened until the superintendent determines that adverse effects have been eliminated and that measures have been implemented to prevent further recurrence.

§ 13.17 Off-road vehicles.

(a) The use of off-road vehicles in locations other than established roads and parking areas is prohibited, except on routes designated by the superintendent. Such designations shall be made in accordance with the procedures in this section.

(b) (1) In determining whether to designate a route for off-road travel the superintendent shall be guided by the criteria contained in Section 3 of E.O. 11644, as amended (37 FR 2877) and shall consider such factors as other public uses, public health and safety, environmental and resource protection, research activities, protection of historic or scientific values, esthetics, endangered or threatened species conservation and other management considerations necessary to ensure that off-road vehicle use is compatible with the purposes for which the monument was established.

(2) Prior to making a final decision to designate a route for off-road travel or to permanently close a previously designated route, a notice of proposed and final rulemaking shall be published in the Federal Register and the public shall be provided a period of at least 60 days to comment on the proposal.

(3) Routes on which off-road travel is permitted shall be (1) designated by the posting of appropriate signs, or (2) by marking on a map which shall be available for public inspection at the office of the superintendent, or (3) both.

(4) The superintendent may restrict the use of, or temporarily close, any route designated for off-road travel by the posting of appropriate signs, or by marking on a map which shall be available for public inspection at the office of the superintendent, or both. Restrictions imposed may relate to numbers or types of vehicles, purposes of travel, times of travel, or other such restrictions as are necessary for public health and safety, environmental or resources protection, research activities, protection of historic or scientific values or to reduce conflicts between different land uses.

(5) If the superintendent determines, at any time, that off-road travel on any route will cause or is causing considerable adverse effects on soil, vegetation, fish or wildlife, fish or wildlife habitat, historic or scientific values, or any adverse effect upon endangered or threatened species or their habitats, that route shall be immediately closed to the type of use causing the adverse effects. Following closure, any route so closed shall be evaluated in accordance with the criteria and public comment procedures stated in paragraphs (b)(1) and (b)(2) of this section prior to a final decision on whether to reopen or permanently close the route. No route shall be reopened until the superintendent determines that adverse effects have been eliminated and that measures have been implemented to prevent further recurrence.

§ 13.18 Picnicking.

(a) Picnicking is permitted in the Alaska National Monuments except where such activity is prohibited by the posting of appropriate signs.

§ 13.19 Preservation of natural features.

(a) The use of dead or downed timber as fuel for campfires within the Alaska National Monuments is permitted except where such use is prohibited by the superintendent. Such restrictions shall be (1) published in at least one newspaper of general circulation in the State and designated on a map which shall be available for public inspection at the office of the superintendent or (2) by the posting of appropriate signs, or (3) both.

(b) The superintendent may permit the gathering or collecting, by hand and for personal use only, of the following:

(1) Natural plant food items, including fruits, berries, and mushrooms;

(2) Driftwood and uninhaled seashells;

(3) Pebbles and small rocks;

(4) Such plant materials and minerals as are essential to the conduct of traditional ceremonies by Native Americans.

Provided, however, that under conditions where it is found that significant adverse impact on park resources, wildlife populations or visitor enjoyment of resources will result, the superintendent shall prohibit the gathering, or otherwise restrict the collecting of these items. Portions of a park area in which restrictions apply shall be (1) published in at least one newspaper of general circulation in the State and designated on a map which shall be available for public inspection in the office of the superintendent, or (2) designated by the posting of appropriate signs, or (3) both.

§ 13.20 Snowmobiles.

(a) The use of snowmobiles is permitted on routes and areas designated by the superintendent or as provided for in § 13.46. Such designations shall be made in accordance with the procedures in this section.

(b) (1) In determining whether to designate a route or area for snowmobile use the superintendent shall be guided by the criteria contained in Section 3 of E.O. 11644, as amended, (37 FR 2877) and shall consider such factors as other public uses, public health and safety, environmental and resource protection, research activities, protection of historic and scientific values, esthetics, endangered, or threatened species conservation and other management considerations necessary to ensure that snowmobile use is compatible with the purposes for which the monument was established.

(2) Prior to making a final decision to designate an area or route for snowmobile use or to permanently close a previously opened area or route, a notice of proposed and final rulemaking shall be published in the Federal Register and the public will be provided a period of at least 60 days to comment on the proposal.

(3) Routes and areas on which snowmobile use is permitted will be (1) designated by the posting of appropriate signs, or (2) by marking on a map which shall be available for public inspection at the office of the superintendent, or (3) both.

(4) The superintendent may restrict the use of, or temporarily close, any

route or area designated for snowmobile use by the posting of appropriate signs, or by marking on a map which shall be available for public inspection at the office of the superintendent, or both. Restrictions imposed may relate to numbers of types of vehicles, purposes of travel, times of travel, or other such restrictions as are necessary for public health and safety, environmental or resource protection, research activities, protection of historic or scientific values or to reduce conflicts between different land uses.

(5) If the superintendent determines, at any time, that snowmobile use on any route or area will cause or is causing considerable adverse effects on soil, vegetation, fish or wildlife, fish or wildlife habitat, or historic or scientific values or causes any adverse effect on endangered or threatened species or their habitats, that route or area shall be immediately closed to the type of use causing the adverse effects. Following closure, any route or area so closed shall be evaluated in accordance with the criteria and public comment procedures stated in paragraphs (b)(1) and (b)(2) of this section prior to a final decision on whether to reopen or permanently close the area or route. No route or area shall be reopened until the superintendent determines that adverse effects have been eliminated and that measures have been implemented to prevent further recurrence.

(c) The operation or use of snowmobiles, except as provided for in this section, is prohibited.

§ 13.21 Unattended or abandoned property.

(a) Leaving any snowmobile, vessel, off-road vehicle or other personal property unattended for longer than 9 months, without prior permission of the superintendent is prohibited and any property so left may be impounded by the superintendent.

(b) The superintendent may (1) designate areas where personal property may not be left unattended, (2) establish limits on the amount, type of personal property that may be left unattended, (3) prescribe the manner in which personal property that may be left unattended, or (4) designate areas in which unattended personal property may be left for periods of time to be determined by the superintendent.

Such designations and restrictions shall be published in the **Federal Register** and designated on a map which shall be available for public inspection at the office of the superintendent or by the posting of appropriate signs or both.

(c) In the event unattended property interferes with the safe and orderly management of the monument area or is causing damage to monument resources, it may be impounded by the superintendent at any time.

Subpart B—Subsistence

§ 13.40 Purpose and policy.

(a) The purpose of this subpart is to provide for the opportunity to engage in a subsistence lifestyle in the Alaska National Monuments, except Kenai Fjords National Monument, by local rural residents who comply with applicable State and Federal law.

(b) It is the policy of the National Park Service that nonwasteful subsistence use of fish, wildlife, and plant resources by local rural residents shall be the first priority consumptive use of such resources over any other consumptive uses permitted within an Alaska National Monument, subject to the following limitations:

(1) Whenever it is necessary to restrict the taking of fish, wildlife, or plant resources within an Alaska National Monument for subsistence uses, such resources shall be allocated in accordance with a preference system based on the following criteria: (a) Local residency;

(b) Customary and direct dependence upon the resources as the mainstay of one's livelihood; and

(c) Availability of alternative resources.

(2) The subsistence use of populations of fish, wildlife, or plants shall be appropriately regulated so as to prevent a significant expansion of such use beyond the level occurring during the ten-year period before January 1, 1979, as determined by available research on subsistence uses in the area. In each case, the level of harvest constituting such a significant expansion of the subsistence use of populations of fish, wildlife or plants will be determined within two years after final publication of these regulations. These determinations will be based on criteria to be developed after consultation with interested parties, including the State of Alaska and local rural residents.

(3) The superintendent of an Alaska National Monument may restrict or prohibit the subsistence use of a particular population of fish, wildlife, or plants for reasons of public safety, administration, or to ensure the natural stability and continued viability of the particular population.

§ 13.41 Definitions.

(a) **Family:** As used in this part, the term "family" shall mean all local rural residents related by blood, marriage, or adoption, or any person living within another person's household on a permanent basis.

(b) **Local rural resident:** (1) As used in this part, the term "local rural resident" shall mean either of the following:

(i) Any person who has his/her permanent home within the resident zone as defined by this section, and, whenever absent from this permanent home, has the intention of returning to it. Factors demonstrating the location of a person's permanent home may include, but are not limited to, one's location of registration to vote and one's permanent address indicated on licenses issued by the State of Alaska Department of Fish and Game, driver's license, and income tax returns.

(ii) Any person authorized to engage in subsistence uses in an Alaska National Monument pursuant to a subsistence permit.

(c) **Resident zone:** As used in this part, the term "resident zone" shall mean the area within, and the communities and areas near, an Alaska National Monument in which persons who have customarily and traditionally engaged in subsistence uses within the monument as the mainstay of their livelihoods permanently reside. The communities and areas near a monument included as part of its resident zone shall be determined pursuant to § 13.42 of this part and listed for each monument in Subpart C of this part.

(d) **Subsistence uses:** As used in this part, the term "subsistence uses" shall mean the customary and traditional uses by local rural residents of wild, renewable resources for personal or family use or consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of the nonedible byproducts of fish and wildlife resources taken for personal or family use or consumption; for barter or sharing for personal or family use or consumption; and for customary trade. For the purposes of this paragraph, the term—

(1) "Barter" shall mean the exchange of fish or wildlife or their parts—

(i) for other fish or wildlife or their parts; or

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

(2) "Customary trade" shall be limited to the exchange of furs for cash.

§ 13.42 Determination of resident zones.

As determined by available research on subsistence uses in the area, a resident zone shall include the area within an Alaska National Monument and the communities and areas near the monument which contain concentrations of local residents who

(a) Are dependent, as the mainstay of their livelihoods, upon the subsistence use of wild, renewable resources taken within an Alaska National Monument; and

(b) Have established patterns of subsistence hunting, fishing, or gathering activities within an Alaska National Monument, or have a history of subsistence activities within an Alaska National Monument as demonstrated by use of fish camps, trapline cabins, hunting camps, cache sites, and other identifiable locations of subsistence use.

§ 13.43 Subsistence permits for persons who permanently reside outside a resident zone.

(a) Any person who permanently resides outside the boundaries of a resident zone of an Alaska National Monument may apply for a subsistence permit from the appropriate superintendent authorizing the permit applicant to engage in subsistence uses within the monument. The superintendent shall not grant the permit unless the permit applicant demonstrates that

(1) (i) He/she is dependent, as the mainstay of his/her livelihood, upon the subsistence uses of wild, renewable resources taken within the monument, and

(ii) He/she has, or is a member of a family which has, established patterns of subsistence hunting, fishing, or gathering activities within the monument, or a history of subsistence activities within the monument as demonstrated by use of fish camps, trapline cabins, hunting camps, cache sites, and other identifiable locations of subsistence use; or

(2) He/she is a local rural resident within a resident zone for another national monument, or meets the requirements of paragraphs (1) (i) and (ii) of this section for another national monument, and available research shows a pattern of subsistence uses between the monument previously utilized by the permit applicant and the monument for which the permit applicant seeks a subsistence permit.

(b) The application required by paragraph (a) of this section shall be filed with the superintendent of the appropriate monument. If the permit applicant is unable or does not wish to

file the application in written form, the superintendent shall provide the applicant an opportunity to present the application orally. Each application must include (1) a statement which acknowledges that providing false information in support of the permit application is a violation of Section 1001 of Title 18 of the United States Criminal Code, and (2) additional statements or documentation which demonstrates that the applicant satisfies the criteria set forth in paragraph (a) of this section. Should the superintendent deny the permit, the superintendent shall include in the decision a statement of the reasons for the denial.

(c) A permit applicant whose application has been denied by the superintendent has the right to have his/her application reconsidered by the Alaska Area Director by contacting the Alaska Area Director within 60 days of the issuance of the denial. For purposes of reconsideration, the permit applicant shall present the following information:

(1) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the permit applicant satisfies the criteria set forth in paragraph (a) of this section;

(2) The basis for the permit applicant's disagreement with the superintendent's findings and conclusions; and

(3) Whether or not the permit applicant requests an informal hearing before the Alaska Area Director, and if the permit applicant does request a hearing.

(i) A description of any information, in addition to that included in the initial application and any written materials presented to the Alaska Area Director, which the permit applicant intends to present at the hearing;

(ii) The names, addresses, and brief description of the proposed presentation of any person which the permit applicant intends to present at the hearing on his/her behalf, and the names and addresses of any persons he/she would like to question at the hearing.

(d) The Alaska Area Director shall grant the permit applicant's request for a hearing if the Alaska Area Director determines that such a hearing would provide significant information that could not otherwise be obtained by written materials alone. After consideration of the written materials and oral hearing, if granted, the Alaska Area Director shall affirm, reverse, or modify the permit denial of the superintendent and shall state the basis for the decision. The Alaska Area Director shall promptly notify the permit

applicant of the decision, which shall constitute final agency action.

§ 13.44 State regulation of subsistence uses.

(a) The State of Alaska may regulate, in a manner consistent with the purposes for which the monument was created, the provisions of § 13.43(b) (1) and (2) of this part, and other applicable Federal law, the taking of fish and wildlife within an Alaska National Monument by local rural residents for subsistence uses. At such time as the Alaska Area Director determines that the State of Alaska has enacted and implemented laws which are consistent with the requirements of this paragraph, such State laws, unless and until repealed, shall supersede the provisions of this subpart which authorize the taking of fish and wildlife within the Alaska National Monuments for subsistence uses and shall be incorporated by reference as a part of these regulations.

(b) The Alaska Area Director shall monitor the State's regulation of the taking of fish and wildlife by local rural residents for subsistence uses. If the Alaska Area Director determines that the State has failed to establish a regulatory program which meets the requirements of paragraph (a) of this section, then the Alaska Area Director shall notify the State and, after consultation with the appropriate State authority and informal public hearing in the affected vicinity, indicate those changes necessary to bring the State's regulatory program into compliance with the requirements of paragraph (a) of this section.

(c) If, after a reasonable opportunity, the State fails to make the changes indicated by the Alaska Area Director pursuant to paragraph (b) of this section, the Alaska Area Director shall impose such restrictions as he/she deems necessary to bring the State's regulatory program into compliance with the requirements of paragraph (a) of this section. Such restrictions may include regulations governing methods and means of take, access, season lengths, bag limits, and harvest quotas, and may, in situations involving the taking of fish, also include the closure of all or part of the affected monument to all consumptive uses of a particular species except subsistence uses by local rural residents.

(d) The Director of the National Park Service shall afford the State an opportunity to appeal such restrictions or closures imposed pursuant to the provisions of paragraph (c) of this section. Within thirty days after receipt

of notice of such appeal, the Director shall afford the State an informal public hearing, and within thirty days after such hearing, shall make the final decision on such appeal. Unless the Director determines that the State is not in compliance with the requirements of paragraph (a) of this section, the Director shall revoke the restrictions or closures imposed by the Alaska Area Director. If the Director determines that the State is not in compliance with the requirements of paragraph (a) of this section, the restrictions imposed by the Alaska Area Director shall continue until such time as the State takes appropriate and timely action or the Alaska Area Director determines, after notice and informal public hearing in the affected vicinity, that the need for the restrictions has otherwise been ameliorated.

(e) Nothing in this section shall be deemed to affect the superintendent's closure authority set forth in § 13.50 of this part.

§ 13.45 Prohibition of aircraft use.

Notwithstanding the provisions of § 13.11 of this part, the use of aircraft for access to lands and waters within an Alaska National Monument for purposes of subsistence hunting and fishing within the monument is prohibited, except as specifically permitted, in extraordinary cases where the Superintendent determines that no reasonable alternative exists, by local rural residents who permanently reside in designated communities as set forth in Subpart C of this part.

§ 13.46 Use of snowmobiles and motorboats for subsistence activities:

(a) Notwithstanding any other provision of this chapter, the use of snowmobiles and motorboats by local rural residents for subsistence hunting, fishing, and gathering activities is permitted within the Alaska National Monuments except at those times and in those areas restricted or closed by the superintendent. In determining whether to restrict the use of snowmobiles or motorboats for subsistence activities or to temporarily or permanently close a route or area to snowmobile or motorboat use for subsistence activities, the superintendent shall be guided by the criteria contained in Section 3 of Executive Order No. 11644 (37 Fed. Reg. 2877) and shall consider factors such as effects on public health and safety, soil, vegetation, fish or wildlife, fish or wildlife habitat, endangered or threatened species or their habitats, historic or scientific values, and other management considerations necessary

to ensure that snowmobile or motorboat use is compatible with the purposes for which the monument was established. Except in emergency situations, no restrictions or closures shall be imposed without a prior informal public hearing in the affected vicinity. In the case of emergency situations, restrictions or closures shall be effective when made, shall be for a period not to exceed sixty days, and shall not be extended unless the superintendent establishes, after notice and an informal public hearing, that such extension is justified according to the criteria and factors set forth in this paragraph. Notice of the proposed or emergency restrictions or closures shall be published in at least one newspaper of general circulation within the State, and information about such proposed or emergency actions shall also be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All restrictions or closures shall be designated on a map which shall be available for public inspection at the office of the superintendent of the affected monument, the post office or postal authority of every affected community within or near the monument, or by the posting of signs in the vicinity of the restrictions or closures, or both.

(b) Motorboats and snowmobiles permitted for subsistence uses in accordance with this section shall be operated in compliance with applicable State and Federal law and in such a manner as to prevent waste or damage to the Alaska National Monuments or any parts or values thereof. They shall not be operated in any manner that will result in the herding, harassment, hazing, or driving of wildlife for hunting or other purposes.

(c) Recreational snowmobile use by local rural residents may be permitted in accordance with § 13.20 of this chapter, and recreational motorboat use by local rural residents may be permitted in accordance with § 13.16 of this chapter.

§ 13.47 Subsistence fishing.

Fish may be taken by local rural residents for subsistence uses in compliance with applicable State law as well as applicable Federal law, including the provisions of § 2.13 of this chapter; provided, however, that local rural residents in the Alaska National Monuments may fish with a net, seine, trap, or spear where permitted by State law.

§ 13.48 Subsistence hunting and trapping.

Local rural residents may continue to hunt and trap wildlife for subsistence uses in compliance with applicable State and Federal law. To the extent consistent with the other provisions of this chapter, applicable State laws and regulations governing the taking of wildlife which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 13.49 Subsistence use of timber and plant material.

Notwithstanding any other provision of this part, the noncommercial cutting of live standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in accordance with the specifications of a permit issued by the superintendent of the affected Alaska National Monument if such cutting is determined to be compatible with the purposes for which the monument was established. The noncommercial gathering of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the noncommercial gathering of dead or downed timber for firewood, shall be allowed without a permit.

§ 13.50 Closure to subsistence uses.

Notwithstanding any other provision of this part, the superintendent, after consultation with the State and adequate notice and informal public hearing, may close all or any portion of an Alaska National Monument to subsistence uses or take such other measures as may be necessary to provide for the public safety, administration, or to ensure the natural stability and continued viability of one or more populations of fish, wildlife, or plants. If the superintendent determines that an emergency situation exists and that extraordinary measures must be taken to provide for the public safety, or to ensure the natural stability and continued viability of one or more fish, wildlife, or plant population, the superintendent may immediately close all or any portion of an Alaska National Monument to the subsistence uses of the particular resource population, or take such other measures as may be necessary. Such emergency closure or measures shall be effective when made, shall be for a period not to exceed sixty days, and shall not be extended unless the superintendent establishes, after notice and informal public hearing, that such extension is necessary for reasons justifying any type of closure pursuant to this section. Notice of administrative actions and the reasons justifying such

actions taken pursuant to this section shall be published in at least one newspaper of general circulation within the State, and information about such actions and reasons also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity.

**Subpart C—Special Regulations—
Specific National Monuments in Alaska**

§ 13.70 Aniakchak National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for Aniakchak National Monument:

Chignik.
Chignik Lagoon.

§ 13.71 Bering Land Bridge National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for Bering Land Bridge National Monument.

Buckland.
Deering.
Shishmaref.
Whales.

(2) *Off-Road Vehicles*. The use of off-road vehicles for purposes of reindeer grazing may be permitted in accordance with permit issued by the superintendent.

§ 13.72 Cape Krusenstern National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for Cape Krusenstern National Monument:

Kivalina.
Kotzebue.
Noatak.

§ 13.73 Denali National Monument.

Minchumina.
Telida.

§ 13.74 Gates of the Arctic National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for Gates of the Arctic National Monument:

Alatna.
Allakaket.
Ambler.

Anaktuvuk
Bettles
Kobuk
Shungnak.

(2) *Aircraft Use*. In extraordinary cases where no reasonable alternative exists, local rural residents who permanently reside in the following location(s) may use aircraft for access to lands and waters within the monument for subsistence purposes in accordance with a permit issued by the superintendent:

Anaktuvuk

§ 13.75 1978 Enlargement of Glacier Bay National Monument.

§ 13.76 1978 Enlargement of Katmai National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for the 1978 Enlargement of Katmai National Monument:

Egigik.
Igiugig.
Kakhonak.
Levelook.

§ 13.77 Kenai Fjords National Monument.

(a) Subsistence. Subsistence uses are prohibited in, and provisions of Subpart B of this part shall not apply to, Kenai Fjords National Monument.

§ 13.78 Kobuk Valley National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for Kobuk Valley National Monument:

Ambler.
Kiana.
Kobuk.
Noorvik.
Shungnak.

§ 13.79 Lake Clark National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for Lake Clark National Monument:

Nondalton.
Port Alsworth.

(2) *Subsistence Hunting and Trapping*. The taking of Dall Sheep is prohibited.

(b) *Motorboats*. (1) The operation of motorboats on the following lakes is prohibited: Telaquana Lake, Turquoise Lake, Twin Lakes, Lackbuna Lake, Portage Lake, Kijik Lake, Kontrashibuna Lake.

§ 13.80 Noatak National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for Noatak National Monument:

Kivalina.
Kotzebue
Noatak.

§ 13.81 Wrangell-St. Elias National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for Wrangell-St. Elias National Monument:

Chistochina.
Chitina.
Copper Center.
Gakona.
Gulkana.
McCarthy.
Mentasta Lake.
Nabesna.
Slana.
Yakutat.

§ 13.82 Yukon Charley National Monument.

(a) Subsistence. (1) *Resident Zone*. In addition to the lands within the monument, the following communities and areas are included within the resident zone for Yukon Charley National Monument:

Circle.
Eagle.
Eagle Village.

(FR Doc. 79-20090 Filed 6-27-79; 8:45 am)

BILLING CODE 1310-79-M



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DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release June 27, 1979

INTERIOR PROPOSES FINAL REGS FOR 15 ALASKA MONUMENTS; 90-DAY PUBLIC COMMENT SOUGHT

Proposed regulations for administration of 15 of the 17 new national monuments established in Alaska by President Carter December 1, 1978, are being published in the Federal Register June 28, Secretary of the Interior Cecil D. Andrus said today.

Involved are 13 National Park Service (NPS) and two Fish and Wildlife Service (FWS) areas which include 53 million of Alaska's 375 million acres.

"Our goal is still the passage of sound comprehensive legislation to settle the Alaska Lands issue," Secretary Andrus said. "Until such a law is passed, however, we must regulate activities in these areas in accord with their status as national monuments and reflecting their outstanding natural, scientific, historic, and cultural values.

"We will make a state-wide 90-day effort to obtain public comment before the regulations are final," Andrus said.

Reflecting the unique character of the national monuments and the circumstances under which they were established, in general the regulations will open both NPS and FWS monuments to fixed-wing aircraft, traditional use of snowmobiles, fishing and subsistence hunting. The FWS monuments will also be open to sport hunting, Secretary Andrus said.

"Difference in approach from similar units in other areas of the Nation were designed specifically to provide the flexibility necessary to deal with the unique Alaskan lifestyle and environment," Secretary Andrus said.

Every effort was made to standardize the regulations proposed for the National Park Service and Fish and Wildlife Service monuments, the Secretary said. Differences in use, terrain, and management philosophy required a different regulatory approach in some cases. Highlights include:

- Both NPS and FWS monuments are open to fishing.
- Both FWS and NPS monuments are open to subsistence hunting, including use of snowmobiles for access. In order to differentiate in NPS monuments, where sport hunting is not allowed, a system of resident zones is established to identify subsistence users.
- FWS monuments will be open to sport hunting and commercial trapping.

-More-

- Firearms may generally be carried in both FWS and NPS monuments.
- All monuments will be open to the exercise of valid existing rights.
- FWS monuments will be open to snowmobiling and NPS monuments will be open to snowmobiling on designated routes and areas.
- All monuments will be open for the continued use of fixed-wing aircraft except where specifically closed.

"The public needs not only to know what rules will govern the administration of these areas and to have the fullest opportunity to shape the final version of these regulations which may directly impact the lives of many people," Secretary Andrus said.

"We are providing a 90-day period for public comment and during that period every effort will be made to contact all interested groups and individuals for their suggestions. We will use a number of methods, including open public hearings, and interviews to assure full public participation in the shaping of the final regulations."

To meet the immediate need for public use guidelines, emergency interim regulations for the management of the areas were published December 26, 1978. These regulations will remain in effect until the proposed regulations being announced today are issued in final form, probably in late November this year.

The Interior Department sought public comment on concepts to be addressed in the proposed and final regulations last February through a "Notice of Intent" published in the Federal Register and widely publicized. These proposed regulations set out a far more comprehensive and detailed regulatory framework than in either the emergency regulations or the concepts set forth in the "Notice of Intent." They reflect public comments received to date.

Written comments should be addressed to the Area Directors of the FWS and NPS in Alaska within 90 days as follows: Area Director, National Park Service, 540 W. 5th Ave., Anchorage, AK 99501; and Area Director, Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, AK, 99503.

The 15 new Alaska national monuments managed by the Interior Department are: Aniakchak NM (350,000 acres); Bering Land Bridge NM (2.6 million acres); Cape Krusenstern NM (560,000 acres); Denali NM (enlargement of Mount McKinley National Park 3.9 million acres); Gates of the Arctic NM (8.2 million acres); Glacier Bay NM (enlargement 550,000 acres); Katmai NM (enlargement 1.4 million acres); Kenai Fjords NM (570,000 acres); Kobuk Valley NM (1.7 million acres); Lake Clark NM (2.5 million acres); Noatak NM (5.8 million acres); Wrangell-St. Elias NM (11 million acres); Yukon-Charley NM (1.7 million acres); Yukon Flats NM (10.6 million acres); Becharof NM (1.2 million acres).

Yukon Flats and Becharof are managed by the Fish and Wildlife Service, all other by the National Park Service.

x x x x x

[Pres. Carters proclamation establishing Monuments on National Forest lands i.e., Misty Fjords and Admiralty Island, was done on the basis of existing National Forest regulations.] No new regulations are being proposed at this time. Traditional uses such as hunting, fishing, trapping, boating, snowmobile use, public recreation cabins, carrying firearms, camping, hiking and airplane use will continue as provided for under existing National Forest management. The Monuments are withdrawn from mineral entry and commercial timber harvest will be curtailed except for emergency salvage operations resulting from insect & disease epidemics or other natural calamities, provided such activities do not interfere with the purposes for which the monuments were created.

For these reasons, no additional public hearings are being scheduled. However, public comment on National Forest administration is welcomed at any time.

These are the Senators who are co-sponsors of S222, the preservationist Alaska lands bill sponsored by John A. Durkin of New Hampshire, a fraternal twin to HR39.

Gaylord Nelson	Wisconsin
William Roth Jr.	Delaware
Ernest F. Hollings	South Carolina
Edward M. Kennedy	Massachusetts
Patrick J. Leahy	Vermont
Gary Hart	Colorado
Joseph R. Biden Jr.	Delaware
George S. McGovern	South Dakota
Howard M. Metzenbaum	Ohio
Clairborne Pell	Rhode Island
Carl M. Levin	Michigan
William Proxmire	Wisconsin
Abraham Ribicoff	Connecticut
Paul S. Tsongas	Massachusetts
Max Baucus	Montana
Donald W. Riegle	Michigan
Alan Cranston	California
John C. Culver	Iowa
John H. Chafee	Rhode Island

These are the Senators who are co-sponsors of Alaska Sen. Gravel's bill which would invalidate Pres. Carter's withdrawal of 56 million acres in Alaska under the 1906 Antiquities Act for National Monuments:

Sen. Mike Gravel	Alaska
Sen. Ted Stevens	Alaska
Daniel K. Inouye	Hawaii
Malcolm Wallop	Wyoming
Russell B. Long	Louisiana
Orrin Hatch	Utah
Jake Garn	Utah
Barry Goldwater	Arizona
Paul Laxalt	Nevada
Henry Bellmon	Oklahoma
Alan Simpson	Wyoming
John Tower	Texas
Sam Hayakawa	California
David Boren	Oklahoma

ATTENTION, GOLDEN HEART CITY

Rose Laughlin is the new membership chairman for Fairbanks, assisting ACCORD coordinator Bill Hagar. Rose has arranged for an ACCORD display at the University.

Fairbanksans, call Rose with the names and addresses of your new ACCORD members.

THANKS, LLOYD

Lloyd Barber of Automail in Anchorage loaned the ACCORD office an automatic folder, which makes these voluminous mailings much easier.

THE TEN PER CENT CLUB

Two Alaskan communities now qualify as members of the ACCORD Ten Per Cent Club--that is, ten per cent of the population belongs to our organization ACCORD.

Ketchikan was the first city to gain that distinction.

Now Goodnews Bay, a little community south of Bethel on the Bering Sea, has joined the Ten Per Cent Club. Welcome!

NO HEARINGS ON NATIONAL FOREST MONUMENTS

Pres. Carter's proclamation establishing Monuments on National Forest lands (Misty Fjords and Admiralty Island) will allow management based on existing National Forest regulations.

No new regulations are being proposed at this time.

Traditional uses such as hunting, fishing, trapping, boating, snowmobile use, public recreation cabins, carrying firearms, camping, hiking and airplane use will continue as provided for under existing National Forest management.

The Monuments are withdrawn from mineral entry, and commercial timber harvest will be curtailed except for emergency salvage operations resulting from insect and disease epidemics or other natural calamities, provided such activities do not interfere with the purposes for which the Monuments were created.

For these reasons, no additional public hearings are being scheduled.

However, the Forest Service says public comment on National Forest administration is welcome at any time.

ONCE AN ALASKAN, ALWAYS AN ALASKAN

If ever anyone deserved a round of applause, it is Fred Hand of Santa Barbara, Calif. Mr. Hand, who is the editor-publisher of a newsy paper called The Mukluk Telegraph, is passing our ACCORD information along to 2,000 former Alaskans now living in the other states, his subscribers.

WORD FROM MICHIGAN

John Fleming, the ACCORD coordinator for Central Michigan, is working hard to spread the ACCORD word around his state. Mr. Fleming does a weekly column for his hometown paper. To date he has been doing a series about his trips to Alaska.

Recently this gentleman, now retired from the so-called active business life, wrote his entire column around ACCORD and the position of the State of Alaska.

And in his spare time, he types out membership coupons which he mails to his many friends and relatives.



ACCORD notes *

Alaska Citizen Correspondents On Resolving D2

July 9, 1979

ARE THESE YOUR STATES?

The next step in Congress is consideration of Alaska lands legislation by the Senate Energy & Natural Resources Committee.

Below is a list of Senators who belong to that committee and their states.

ACCORD members with contacts in those states should urge them to write, wire or call their U.S. Senator and ask him to:

--Reject the pending Udall-Anderson bill that does not balance rational development with adequate environmental protection.

--Support alternative Senate legislation which assures Energy Independence for America, protects our precious environmental heritage, and grants Alaskans the rights inherent in U.S. Statehood.

Action could begin in this committee later in July. ACCORD should act now!

ENERGY & NATURAL RESOURCES
3106 DSOB

224-4971, 224-3221

Henry M. Jackson, Wash, Chairman	
Frank Church, Ida.	Mark O. Hatfield, Ore
J. Bennett Johnston, La	James A. McClure, Ida.
Dale Bumpers, Ark	Lowell P. Weicker, Jr., Conn
Wendell H. Ford, Ky.	Pete V. Domenici, N.M.
John A. Durkin, N.H.	Ted Stevens, Alaska
Howard M. Metzenbaum, Ohio	Henry Bellmon, Okla.
Spark M. Matsunaga, Hawaii	Malcolm Wallop, Wyo.
John Melcher, Mont	
Paul E. Tsongas, Mass	
Bill Bradley, N.J.	

Dr. Daniel Dreyfus, Staff Director
Steven Hickok, Minority Staff Director

SAMPLE LETTER

Some ACCORD members have asked for help in outlining a letter that their friends and relatives in the Lower 48 can use in writing to their Senators.

On the back of this newsletter is a sample outline. It is sufficient to say, simply, "I would like you to support the position of the State of Alaska in any Alaska lands legislation." But if your Outside correspondent wishes to go further, suggestions are included in the outline.

ACCORD is people helping people help Alaska!

WELCOME, YOU WONDERFUL WOMEN

Last week we welcomed the hundreds of women in Southeastern Alaska, Alaska Women in Timber (AWIT), who are supporting ACCORD as well as their own group.

This week we welcome the more than 200 women in all 50 states, members of the General Federation of Women's Clubs, who are supporting the State of Alaska through the ACCORD network!

Kay Linton, president of the Alaska Federation, and Bobbye Young, Free Enterprise chairman for Alaska, spearheaded a drive at the federation's national convention in New Orleans last month which resulted in the passage of a resolution supporting Alaska's position on D2.

Hundreds of women in every state will be mobilizing their thousands of members to write Congress in support of Alaska's cause!

(Does your club or organization have a civic project for this summer? or fall?)

HOW ABOUT A PARTY...

One chapter of Alaska Women in Timber, the Coffman Cove chapter of AWIT, holds Friday night letter-writing parties. More than 200 letters were sent off in one month from these get-togethers. A good idea!

HOW THEY DO IT IN WRANGELL

Last month we asked ACCORDians to write to U.S. Fish & Wildlife, protesting the lack of notice given for a public hearing on the proposed, administratively created refuges for Alaska. And to protest such creation itself.

We hear the F&W director has received literally hundreds of letters!

Bob Urata, our Wrangell ACCORDian and most active ACCORDian, duly wrote his letter--and then carried it around town for one-line comments and signatures from other Wrangellites. That's the spirit of Alaska!

HAVE YOU HEARD THE ONE ABOUT...

The new board game called "Wilderness"? Players throw dice with which they gain a certain number of acres which they can lock up, trade, or sell for votes. Anyone can play...except Alaskans.

LETTER OUTLINE

This is an outline of a letter that you may want to use as a "pattern" for your Outside contacts. They may be wondering exactly what they should say in a letter to their Senators.

We have designed the outline in 1...2...3...4...etc. form, with sub-suggestions under a...b...c...etc.

Your correspondents may want to use just the first line, or the first three lines and may or may not wish to use the sub-suggestions.

Any method is all right as long as they make it very clear that they support the position of the great State of Alaska and the Seven Consensus Points.

Address
City, State ZIP
Date

The Honorable (the Senator's name)
United States Senate
Washington, D.C. 20510

Dear Senator _____:

1. I support the position of the State of Alaska and the state's 7 Consensus points in any Alaska lands legislation.

2. Our nation depends on foreign resources while America's major resource storehouse-- Alaska--remains locked by governmental decree.

- a. costs of imported fuels go higher while dollars of declining value go overseas to foreign treasuries
- b. as a nation we must do all we can to become energy self-sufficient

3. Alaska should be studied and explored before designating lands as wilderness.

- a. especially for oil and gas
- b. and for critical minerals the nation lacks

4. Alaska's state's rights have been violated and I would hate to see it happen to my state next.

- a. Alaska has title to only 19% of the lands promised to it at Statehood 20 years ago
- b. the economy of the state is threatened by a resource lock-up
- c. the wishes of Alaska in this matter should be respected

(cont.)

(letter outline cont.)

5. I would object to a Presidential or Administrative land designation in my state!

- a. Congress should make land-use designations--not the President or Secretary of Interior
- b. the Antiquities Act should be revoked (under which Pres. Carter created 17 National Monuments in Alaska from 56 million acres)

Sincerely,

ACCORD NOTES AND NEWS NOTES

Lew Williams, publisher of the Ketchikan Daily News, printed, as a public service, the ACCORD membership coupons. The First City now has a large ACCORD membership. Our thanks.

Nome Nugget publisher Albro Gregory, that hard-core true pioneer Alaskan, ran an editorial urging Nomeites to join ACCORD. Good!

Joan Bugbee Jackson, ACCORDinator of Cordova, is planning to visit various civic and community meetings in her town to recruit members for ACCORD. Ideas, ideas.

FLASH!!

THE SENATE ENERGY AND RESOURCES COMMITTEE HOLDS ITS FIRST MEETING TUESDAY JULY 10.... A BUSINESS MEETING TO DECIDE WHETHER OR NOT TO HOLD HEARINGS IN ALASKA...AND THEN?

GET GOING, ACCORDIANS. ARE YOUR CONTACTS IN STATES WITH SENATORS ON THE ENERGY COMMITTEE? HAVE THEM WRITE, WIRE, MAIL-O-GRAM... NOW.

LAUNCHERS...AND MORE LAUNCHERS

Do you have a contact Outside who is a natural for launching a letter writing campaign in his or her state? Let us know. ACCORD is people helping people help Alaska.

**QUESTIONS AND ANSWERS
REGARDING**

**PROPOSED REGULATIONS FOR ALASKA NATIONAL MONUMENTS ADMINISTERED
BY THE NATIONAL PARK SERVICE AND FISH AND WILDLIFE SERVICE**

**PROVIDED BY
DEPARTMENT
OF INTERIOR**

WHY ARE THESE REGULATIONS BEING PROPOSED NOW, SEVEN MONTHS AFTER PRESIDENT CARTER CREATED THE MONUMENTS?

Shortly after the monuments were created, temporary regulations were issued to govern what activities could take place within the monuments and how the monuments were to be administered. These new regulations would replace the temporary regulations. They will provide a much more detailed direction to the National Park Service and U.S. Fish and Wildlife Service as to how to operate the new monuments.

HOW CAN A PERSON COMMENT ON THESE NEW REGULATIONS?

These new regulations are simply proposals. The public has 90 days from the time they are published in the Federal Register to send in written comments. These comments will be considered by Secretary of the Interior Cecil D. Andrus in the writing of the final regulations.

In addition, two public hearings will be held in Alaska to receive comments. The hearings will be held in Fairbanks and Anchorage. Time and location of the hearings will be announced later.

Secretary Andrus has said these new regulations are designed to provide for Alaska's unique lifestyle and environment. How has this been done?

Generally speaking, traditional activities which have occurred in the past within the new monuments will be allowed to continue if they do not interfere with the purposes for which the monuments were created. The regulations must comply with federal laws, of course. The proposed regulations adapt National Park Service regulations used in monuments in the "lower 48" to meet Alaska needs.

WHAT ABOUT THE LANDING OF AIRPLANES IN THE NEW MONUMENTS?

Under the proposed regulations, aircraft could land anywhere in the monuments except where specifically closed to such landings. This will mean that most areas will be open. An example of a temporary closure might be to protect a caribou calving area during calving season. Permanent closures would only be done after a public hearing process and only for overriding reasons such as safety.

**PROVIDED BY
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WHAT ABOUT MOTORBOATS?

Motorboats would be permitted to be operated on all waters within the Alaska National Monuments except where such use is prohibited or restricted. Generally this will mean that most lakes and streams will be open to motorboat use. The National Park Service is proposing that the following lakes in Lake Clark National Monument be closed to motorboats: Telaquana Lake, Turquoise Lake, Twin Lakes, Lackbuna Lake, Portage Lake, Kijik Lake, Kontrashibuna Lake. These lakes would be closed to preserve the integrity of lakes where little or no known motorboat uses occur and minimize the degree of environmental disturbance. The National Park Service invites suggestions as to the specific areas or times that should be permanently closed to use of motorboats.

WHAT ABOUT SNOWMOBILES?

Snowmobiling would be allowed in the Fish and Wildlife Service monuments of Yukon Flats and Becharof except where prohibited or restricted. The Fish and Wildlife Service feels that, given the winter environment and the limited amount of human activity within the Alaska wildlife monuments, neither the natural, aesthetic nor scenic values of the areas would suffer from allowing snowmobile uses for access and transportation to continue except where specifically prohibited.

The National Park Service would permit use of snowmobiles in areas or on routes designated by the monument superintendent but would not permit such use elsewhere in the monument. The proposal represents an attempt by the Service to accommodate traditional and necessary means of access while at the same time preserving parts of the Alaska "bush" in a relative wild state where the influence of man is not overly apparent as a result of the use of mechanized transport. The National Park Service is seeking suggestions as to specific areas or times that should be closed to the use of recreational snowmobiles.

WILL I BE ALLOWED TO CARRY A FIREARM IN THE MONUMENTS?

Yes. You may carry a firearm for personal protection. Of course, some areas might be closed to carrying of firearms for good reasons such as safety around visitor centers. Incidentally, the temporary regulations required that anyone wanting to carry a firearm in a National Park Service monument has to obtain a permit. Under the proposed new regulations, such a permit would not be required.

WILL SPORT HUNTING BE ALLOWED?

Sport hunting will be allowed in the Yukon Flats and Becharof Monuments administered by the Fish and Wildlife Service.

Sport hunting will not be allowed in the National Park Service-administered monuments. Under federal law, sport hunting cannot be allowed in these types of monuments.

WHAT ABOUT SUBSISTENCE HUNTING?

Subsistence hunting will be allowed in the monuments. It is the only type of hunting allowed in the National Park Service monuments.

It is difficult to define who is and who isn't a subsistence hunter. Both the State of Alaska and Congress have struggled with the definition. Generally it is recognized that these are local rural residents who are economically dependent on, and have historically taken, the renewable resources which are now within the boundaries of the new Alaska National Monuments. The resources meet both the physical needs of these local rural residents for food, fuel and clothing and their societal needs for cultural identity kept intact by skills, lore and tradition.

The data available at this time has allowed the National Park Service to identify concentrations of people, residing within the monuments and in certain additional areas just outside the monument boundaries ("resident zones"), who are economically dependent on, and have historically used, the renewable resources of the monument.

Under the proposed program, a subsistence user in the monuments must either live in the identified "resident zones" or hold a "subsistence permit."

At some future time, more stringent tests may have to be imposed, based on the three criteria of "subsistence preference" -- dependence on the resource, availability, and local residence -- to determine who can use subsistence resources in the monuments.

One additional restriction will be used. Subsistence users will not be allowed to use airplanes for subsistence purposes on the monuments. One exception will be made to this rule. The people of Anaktuvuk in Gates of the Arctic National Monument have traditionally used airplanes for their subsistence activities and will be allowed to continue to do so.

WILL THE STATE OF ALASKA GAME WARDENS ENFORCE THE SUBSISTENCE REGULATIONS?

In order for the State to enforce these subsistence regulations, the State Boards of Game and Fish would have to adopt State regulations which are substantially similar to the permanent federal regulations. The State, for instance, would have to designate the National Park Service monuments as "subsistence hunting only" areas.

The Department of the Interior is hopeful that the State will do so. Secretary Andrus has said many times that the states rather than the federal government should regulate fish and game harvest.

WILL TRAPPING BE ALLOWED IN THE MONUMENTS?

Both commercial and subsistence trapping will be allowed in the Fish and Wildlife Service monuments.

Subsistence trapping will be allowed in the National Park Service monuments although commercial trapping will not be allowed. The regulations recognize that a genuine subsistence lifestyle may also include limited involvement in the cash economy through the exchange of furs. For example, local rural residents may engage in trapping to obtain the cash required for store-bought supplies such as gasoline and ammunition.

WHAT ARE THE RESIDENT ZONES FOR EACH NATIONAL PARK SERVICE MONUMENT?

Aniakchak National Monument - Chignik, Chignik Lagoon.

Bering Land Bridge National Monument - Buckland, Deering, Shishmaref, Wales.

Cape Krusenstern National Monument - Kivalina, Kotzebue, Noatak.

Denali National Monument - Minchumina, Telida.

Gates of the Arctic National Monument - Alatna, Allakaket, Ambler, Anaktuvuk, Bettles, Kobuk, Shungnak.

1978 Enlargement of Glacier Bay National Monument - None.

1978 Enlargement of Katmai National Monument - Egigik, Igiugig, Kakhonak, Levelock.

Kenai Fjords National Monument - Subsistence uses prohibited.

Kobuk Valley National Monument - Ambler, Kiana, Kobuk, Noorvik, Shangnak.

Lake Clark National Monument - Nondalton, Port Alsworth.

Noatak National Monument - Kivalina, Kotzebue, Noatak.

Wrangell-St. Elias National Monument - Chistochina, Chitina, Copper Center, Gakona, Gulkana, McCarthy, Mentasta Lake, Nabesna, Slana, Yakutat.

Yukon Charley National Monument - Circle, Eagle, Eagle Village.

The Service recognizes that certain communities outside the designated resident zones contain persons who can qualify as local rural residents. Such communities include King Salmon, Naknek, and South Naknek for Katmai National Monument; Glenallen for Wrangell-St. Elias National Monument; and Yakutat for the 1978 Enlargement of Glacier Bay National Monument (Yakutat is within the resident zone for Wrangell-St. Elias National Monument.) The Service encourages the people in these communities and others who depend on, and have historically used, monument resources to apply for a "subsistence permit."

WILL I BE ABLE TO GO CAMPING AND PICNICKING IN THE NEW MONUMENTS?

Yes. This is another activity which will be allowed throughout the monuments except in specific areas where it might be prohibited for safety or other good reasons.

WHAT ABOUT USING OFF-ROAD VEHICLES?

These will be allowed along designated roads and trails. Other areas of the monuments will be closed to protect them from potential environmental damage. Please offer suggestions on which areas should be opened to off-road vehicle use.

WHY ARE THESE REGULATIONS BEING PROPOSED NOW WHEN CONGRESS IS CONSIDERING LEGISLATION TO CHANGE THESE MONUMENTS TO OTHER DESIGNATIONS?

The Carter Administration hopes Congress will pass an Alaska Lands bill this year. However, the national monuments are permanent designations and we are obligated to provide as soon as possible permanent regulations to administer them.

WHAT WILL HAPPEN TO THESE REGULATIONS IF AN ALASKA LANDS BILL PASSES?

It is likely that many of whatever permanent regulations are adopted will be used as regulations for the new designations.

WHO SHOULD I CONTACT TO PROVIDE COMMENTS?

To comment on the National Park Service regulations, write:

Area Director
National Park Service
540 West 5th Avenue
Anchorage, Alaska 99501

To comment on the Fish and Wildlife Service regulations, write:

Area Director
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99503

PROVIDED BY
DEPARTMENT
OF INTERIOR,

SUMMARY OF PROPOSED REGULATIONS FOR NEW NATIONAL MONUMENTS IN ALASKA

PROVIDED BY
DEPARTMENT
OF INTERIOR

NPS

USFWS

Activity	Lower 48	Proposed Monument Regs.	Lower 48	Proposed Monument Regs.	H.R. 39 as passed by House
1. Aircraft	Park areas closed to aircraft use except at designated landing areas (36 C.F.R. § 2.2(a))	Monuments open to fixed wing aircraft use unless specifically closed; closed to helicopter use unless specifically authorized (§ 13.11) Aircraft use prohibited for subsistence hunting and fishing access except as specifically permitted for local rural residents who reside in designated places. (§ 13.45)	Refuges closed to aircraft use unless specifically authorized (50 C.F.R. § 27.34)	Monuments open to fixed-wing aircraft use unless specifically closed; closed to helicopter use unless specifically authorized (§ 98.33)	Secretary shall permit use of aircraft in NPS and FWS areas for traditional activities, subject to regulations (Sec. 802).
2. Cabins	Construction of private cabins prohibited on Park lands except as authorized (36 C.F.R. § 5.7) Residence on park lands prohibited except as authorized (36 C.F.R. § 5.15)	No new private cabin construction authorized. Use and occupancy of cabins to be phased out by permit system. Phase out time periods to be determined by status of land at the time the cabin was constructed. (§ 13.12)	No new private cabin site permits for refuges. 43 C.F.R. Part 21 applies to phase out of existing permits for private cabins (50 C.F.R. § 26.35)	No new cabin building unless specifically authorized by 5-year nontransferable special use permit. Such permit shall only be used upon finding that cabin would be compatible with purposes for which monument was established and would either be directly related to administration of monument or necessary to provide for continuation of on-going activity otherwise allowed within monument. No permit issued for private recreational cabins. Traditional and customary use of existing cabins allowed to continue under authorization of 5-year nontransferable special use permit if continued use compatible with purposes for which monument established. Renewal of permits is subject concurrence of the monument manager according to the above criteria. (§ 27.35)	No provision applicable to NPS for FWS. Permitted in National Forest Wilderness (Sec. 604).

PROVIDED BY
DEPARTMENT
OF INTERIOR

NPSUSFWS

Activity	Lower 48	Proposed Monument Regs.	Lower 48	Proposed Monument Regs.	H.R. 39 as passed by House
3. Camping	Camping prohibited except in designated sites or zones or by permit (36 C.F.R. § 2.5)	Camping permitted except where specifically closed as otherwise restricted (§ 13.13)	Camping prohibited unless specifically authorized (50 CFR § 26.32, 26.33)	Camping allowed unless specifically prohibited in particular areas. (§ 97.31, 17.32, & 17.33)	No provision
4. Firearms	Carrying of firearms prohibited except during authorized hunting seasons where hunting is permitted or by special permit Possession permitted if unloaded & cased. (36 C.F.R. 2.11)	Carrying & possession of weapons permitted for subsistence uses. Firearms permitted to be carried for personal protection by recreational users except where specifically prohibited or otherwise restricted. Possession of weapons other than firearms permitted within or upon a mode of transportation if unloaded and cased (§ 13.15)	Possession, use and transportation of firearms prohibited unless for sport hunting or authorized by special permit. Dismantled or cased firearms may also be possessed and carried over specially designated routes. (50 C.F.R. § 27.42)	Possession, use and transportation of firearms allowed for hunting and personal protection unless specifically prohibited. (§ 98.42).	No provision.
5. Motor-boats	Operation and use is prohibited except where specifically authorized. (36 C.F.R. § 3.2(b))	Operation and use permitted except where specifically prohibited or otherwise restricted (§ 13.16) Additional public participation provided for restriction on use by local rural residents for subsistence activities (§ 13.46)	Use of motorboats is prohibited unless specifically authorized. (50 C.F.R. § 27.32)	Use of motorboats authorized unless specifically prohibited. (§ 98.32)	Secretary shall permit use of motorboats in NPS & FWS areas for traditional activities, subject to regulations (Sec. 802). Secretary shall permit use of motorboats for subsistence where traditionally employed, subject to regulations (Sec. 707).
5. Off-Road Vehicles A. Snowmobiles	Travel or use prohibited except on specifically designated routes or areas. (36 C.F.R. § 2.34)	Travel or use prohibited except on specifically designated routes or areas. (§ 13.20) Use by local rural residents for subsistence activities permitted except as restricted by Superintendent. Additional public participation required for restriction on use by local rural residents (§ 13.46)	Travel or use prohibited except on specifically designated routes or areas. (50 C.F.R. § 27.31)	Travel or use allowed except where specifically prohibited for designated routes or areas. Standards employed for imposing restrictions keyed to Executive Order No. 11644, as amended, and are more stringent for recreational use of snowmobile than for subsistence use of such vehicles (898.31, 106.22)	A. Snowmobiles--Secretary shall permit use of snowmobiles in NPS and FWS areas for traditional activities subject to regulations (Sec. 707)

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DEPARTMENT
OF INTERIOR

NPSUSFWS

Activity	Lower 48	Proposed Monument Regs.	Lower 48	Proposed Monument Regs.	H.R. 39 as passed by House
6. All Other Off-Road Vehicles	Travel or use off established roads prohibited except on specifically designated routes. Automatic closure provision for substantial resource damage (36 C.F.R. § 4.19)	Travel or use off established roads prohibited except on specifically designated routes. Automatic closure provision for substantial resource damage. (§ 13.17)	Travel or use prohibited except on specifically designated routes or areas. (50 C.F.R. § 27.31)	Travel or use prohibited except on specifically designated routes or areas. (§ 98.31)	No provision generally, Secretary shall permit "other means of surface transportation traditionally employed" for subsistence, subject to regulations (Sec. 707)
7. Abandoned Personal	Abandoning personal property in park areas prohibited. Property left unattended for 24 hours or more may be impounded. (36 C.F.R. § 2.1)	Abandoning personal property prohibited pursuant to 36 CFR § 2.1. Property left unattended for more than 9 months may be impounded. In addition, Superintendent may close areas, restrict type and amount of personal property left unattended, or establish different time limits for leaving property unattended designated areas. (§ 13.21) Owners of aircraft downed after 12/1/78, shall salvage and remove such aircraft pursuant to permit unless waived by monument manager. (§ 13.11)	Abandoning or otherwise leaving personal property on a refuge prohibited. Property left unattended for 72 hours or more may be impounded. (50 C.F.R. § 27.95, 28.41)	Abandoning personal property prohibited. Property left unattended for more than 9 months may be impounded. In addition, the Manager may close areas, restrict type and amount of personal property left unattended, establish different time limits for leaving property unattended in designated areas. (§ 98.92) Owners of downed aircraft shall salvage and remove such aircraft pursuant to permit unless waived by monument manager. (§ 98.33)	No provision.
8. Sport hunting and fishing, trapping	<u>Hunting</u> - Generally prohibited except where specifically authorized by statute for an individual area. (36 C.F.R. § 2.32)	<u>Hunting</u> - Prohibited except as provided for subsistence uses. (§ 2.32, 12.48)	Allowed in accordance with State & Federal law when refuge formally opened to such activity - based on finding of "compatibility". Subject to additional closures or restrictions. (50 CFR Parts 31, 32, 39)	Allowed in accordance with State and Federal law as long as such activity remains compatible with purposes for which monument established. Subject to additional closures or restrictions. (Parts 102, 103, 104 & 105)	All units of National Park System closed to taking of fish & wildlife except (1) subsistence, (2) fishing authorized by Secretary, and (3) taking for sport and other purposes which Secretary shall by regulation permit in national preserves. Other units Subject to applicable laws Ten-year grandfather provision for guides and Trappers. Secretary may designate zones where and periods when no taking may be permitted on preserves.

PROVIDED BY
DEPARTMENT
OF INTERIOR

10. Subsistence*/

Proposed Monument Regs.

Pending a State program that satisfies its policy objectives (§ 13.44), the NPS will implement a subsistence program with the following elements. Only "local rural residents" may engage in subsistence uses (including trapping (§ 13.41(d))) within the monuments. As defined, "local rural residents" means persons who live in a "resident zone" or possess a "subsistence permit" (§ 13.41 (b), (c)). "Resident zones" will be designated, and "subsistence permits" will be issued, on the basis of geographical, economic, and historical criteria, i.e. residency in or near the monument, dependence on the resources as the mainstay of livelihood, and history of use of monument lands. In the case of "resident zones", these criteria will be applied to "concentrations" of people, in the case of "subsistence permits" for people who live outside resident zones, these criteria must be applied to individuals (§ 13.42, 13.43). NPS will regulate subsistence use so as to prevent its "significant expansion" ** beyond the level occurring during the ten-year period before 1/1/79 based on available research (§ 13.40 (b)(2)). If it becomes necessary to allocate resources among "local rural residents", the allocation must conform to a system of "subsistence preference" based on location of local residency, degree of dependence on the resources, and relative availability of alternative resources (§ 13.40(b)(1)).

Proposed Monument Regs.

State authorized to establish subsistence programs consistent with purposes for which monuments were established, requirement of subsistence preference for local rural residents, and 10-year level of use restrictions* USFWS will monitor State program and, after notification and consultation with State, will establish Federal subsistence program if State's program inadequate. At that time, USFWS would probably adopt approach of local "resident zones" used by NPS in addition to other regulatory restrictions.

Language on snowmobile and motorboat use and closure authority over subsistence uses identical to NPS. USFWS is not proposing any specific ban on aircraft use for access for either subsistence or sport hunting.

(§ 106.11, § 106.21, § 106.22, § 106.24)

PROVIDED BY
DEPARTMENT
OF INTERIOR

H.R. 39, as passed by House

Priority applies to all public lands in Alaska and State law will govern if program consistent with preference and local participation requirements, is adopted within 1 year. The Bill requires payment of 50 percent of Council costs to State, but Secretary and he determines that subsistence preference is not adequate, Secretary shall close public lands in region to all but subsistence taking. In addition, the Secretary may temporarily close any public lands in region to all but subsistence taking. In addition, the Secretary may temporarily close any public lands to subsistence if necessary for reasons of public safety, administration, or to assure the national stability and continued productivity of one or more fish or wildlife populations. Closure shall not exceed 60 days unless extension is necessary to protect public safety or natural stability and continued productivity of populations, and finally, subsistence uses may not be significantly expanded beyond level occurring during 10-year period before January 1, 1979. Limited sale of furs and permitted. (Title VII).

*/ No similar program for either NPS or USFWS in "Lower 48."

**/ Development of guidelines for determination of "significant expansion" will be completed within two (2) years with ample opportunity for public input.

NPSUSFWS

Activity	Lower 48	Proposed Monument Regs.	Lower 48	Proposed Monument Regs.	H.R. 39 as passed by House
	<u>Trapping</u>--Generally prohibited except where specifically authorized by statute for an individual park area. (36 C.F.R. § 2.32) <u>Fishing</u>--Generally permitted in accordance with state law except where specifically closed or otherwise restricted. (36 C.F.R. § 2.13)	<u>Trapping</u>--Prohibited except as provided for subsistence uses. (§ 2.32, 13.48) <u>Fishing</u>--Generally permitted in accordance with state law except where specifically closed or otherwise restricted. (§ 2.12) Local rural residents may use net, seine, trap, or spear where permitted by state law. (§ 13.47)			

PROVIDED BY
DEPARTMENT
OF INTERIOR

9. Access to Inholdings	Reasonable routes and methods of access which are least damaging to the environment are permitted.	Reasonable routes and methods of access which are least damaging to the environment are permitted in accordance with a permit. (§ 13.10)	Reasonable routes and methods of access which are least damaging to the environment are permitted.	Reasonable routes and methods of access which are least damaging to the environment are permitted in accordance with a permit. (§ 98.31)	Traditional surface transportation provided between villages and homesites. (Sec. <u>802(a)</u>). Temporary access provided for purpose of survey, geophysical, exploratory, and other temporary uses. (Sec. <u>802(b)</u>). Access to inholdings guaranteed where land is within or surrounded by conservation system unit where necessary for economic and other purposes subject to reasonable regulation. (Sec. <u>802(c)</u>).
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NPS

Proposed Monument Regs.

10. Subsistence*/
(Cont)

Certain elements of NPS' subsistence program apply whether or not a State program supersedes the elements outlined above. The Superintendent retains the authority to close any or all of a monument to subsistence uses for purposes of "public safety, administration, or to ensure the natural stability and continued viability of the resources" (§ 13.40(b)(3), 13.30). Local rural residents may not use aircraft for subsistence hunting and fishing access except as specifically permitted for designated communities within the resident zones (only Anaktuvuk) (§ 13.45, 13.64). Local rural residents may use snowmobiles and motorboats for subsistence activities except as prohibited by the Superintendent; recreational use of these vehicles by local rural residents is governed by the general public use and recreation regulations for the Alaska National Monuments. (§ 13.46).

USFWS

Proposed Monument Regs.

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DEPARTMENT
OF INTERIOR

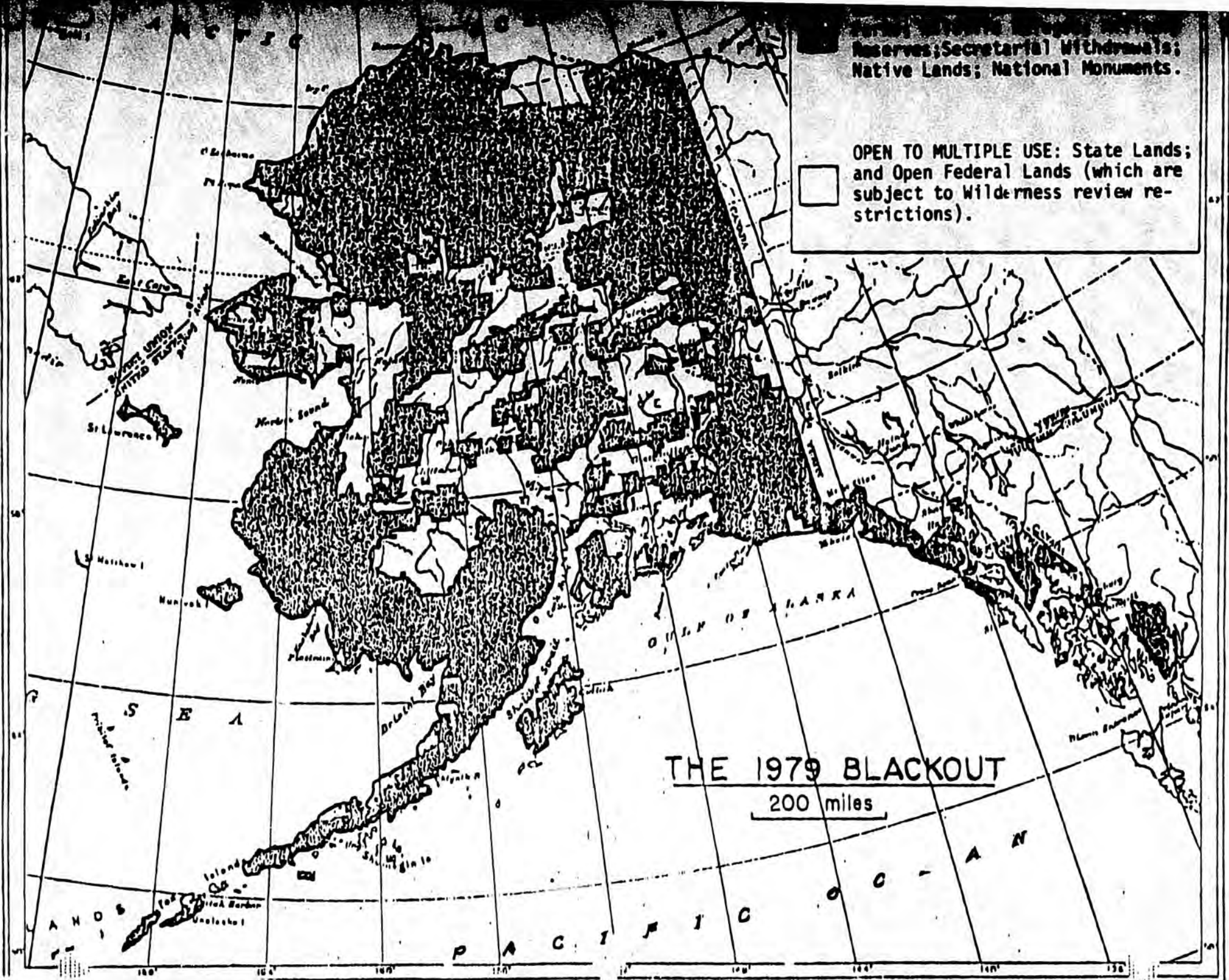
*/ No similar program for either NPS or USFWS in "Lower 48".

Public Lands; National Forests; National
Reserves; Secretarial Withdrawals;
Native Lands; National Monuments.

OPEN TO MULTIPLE USE: State Lands;
and Open Federal Lands (which are
subject to Wilderness review re-
strictions).

THE 1979 BLACKOUT

200 miles





IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Area Office

540 West Fifth Avenue, Room 202

Anchorage, Alaska 99501

RECEIVED JUL 12 1979

Because of your generous interest in the Alaska lands issue, we take this opportunity to provide copies of the proposed permanent regulations for the new Alaska National Monuments.

The regulations were published in the Federal Register of Thursday, June 28, 1979, and are available for public review and comment for a 90-day period that will expire on September 25, 1979. This extended period of review and comment is in recognition of the importance and sensitivity of the issues addressed by the regulations.

We will appreciate your assistance in distributing copies of the document to other officers or members of your organization. Please advise if still more copies are required, and we will try to accommodate your needs.

Your written comments are invited, and may be submitted to Area Director John E. Cook, National Park Service, 540 West Fifth Avenue, Anchorage 99501.

The proposed permanent regulations are intended to supplant the interim regulations that have been in effect since December 26, 1978. Upon examination, you will find numerous changes in the proposed permanent regulations. These were made on the basis of an evaluation of public comment that we received in the wake of publication of the interim regulations.

Again, we invite your review and comment, and wish to express our sincere appreciation for your interest.

Sincerely yours,

John E. Cook
Director, Alaska
Area Office

RECEIVED

JUL 12 1979

Office of the Governor
D-2 Information



DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release June 27, 1979

INTERIOR PROPOSES FINAL REGS FOR 15 ALASKA MONUMENTS; 90-DAY PUBLIC COMMENT SOUGHT

Proposed regulations for administration of 15 of the 17 new national monuments established in Alaska by President Carter December 1, 1978, are being published in the Federal Register June 28, Secretary of the Interior Cecil D. Andrus said today.

Involved are 13 National Park Service (NPS) and two Fish and Wildlife Service (FWS) areas which include 53 million of Alaska's 375 million acres.

"Our goal is still the passage of sound comprehensive legislation to settle the Alaska lands issue," Secretary Andrus said. "Until such a law is passed, however, we must regulate activities in these areas in accord with their status as national monuments and reflecting their outstanding natural, scientific, historic, and cultural values.

"We will make a state-wide 90-day effort to obtain public comment before the regulations are final," Andrus said.

Reflecting the unique character of the national monuments and the circumstances under which they were established, in general the regulations will open both NPS and FWS monuments to fixed-wing aircraft, traditional use of snowmobiles, fishing and subsistence hunting. The FWS monuments will also be open to sport hunting, Secretary Andrus said.

"Difference in approach from similar units in other areas of the Nation were designed specifically to provide the flexibility necessary to deal with the unique Alaskan lifestyle and environment," Secretary Andrus said.

Every effort was made to standardize the regulations proposed for the National Park Service and Fish and Wildlife Service monuments, the Secretary said. Differences in use, terrain, and management philosophy required a different regulatory approach in some cases. Highlights include:

- Both NPS and FWS monuments are open to fishing.
- Both FWS and NPS monuments are open to subsistence hunting, including use of snowmobiles for access. In order to differentiate in NPS monuments, where sport hunting is not allowed, a system of resident zones is established to identify subsistence users.
- FWS monuments will be open to sport hunting and commercial trapping.

-More-

- Firearms may generally be carried in both FWS and NPS monuments.
- All monuments will be open to the exercise of valid existing rights.
- FWS monuments will be open to snowmobiling and NPS monuments will be open to snowmobiling on designated routes and areas.
- All monuments will be open for the continued use of fixed-wing aircraft except where specifically closed.

"The public needs not only to know what rules will govern the administration of these areas and to have the fullest opportunity to shape the final version of these regulations which may directly impact the lives of many people," Secretary Andrus said.

"We are providing a 90-day period for public comment and during that period every effort will be made to contact all interested groups and individuals for their suggestions. We will use a number of methods, including open public hearings, and interviews to assure full public participation in the shaping of the final regulations."

To meet the immediate need for public use guidelines, emergency interim regulations for the management of the areas were published December 26, 1978. These regulations will remain in effect until the proposed regulations being announced today are issued in final form, probably in late November this year.

The Interior Department sought public comment on concepts to be addressed in the proposed and final regulations last February through a "Notice of Intent" published in the Federal Register and widely publicized. These proposed regulations set out a far more comprehensive and detailed regulatory framework than in either the emergency regulations or the concepts set forth in the "Notice of Intent." They reflect public comments received to date.

Written comments should be addressed to the Area Directors of the FWS and NPS in Alaska within 90 days as follows: Area Director, National Park Service, 540 W. 5th Ave., Anchorage, AK 99501; and Area Director, Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, AK, 99503.

The 15 new Alaska national monuments managed by the Interior Department are: Aniakchak NM (350,000 acres); Bering Land Bridge NM (2.6 million acres); Cape Krusenstern NM (560,000 acres); Denali NM (enlargement of Mount McKinley National Park 3.9 million acres); Gates of the Arctic NM (8.2 million acres); Glacier Bay NM (enlargement 550,000 acres); Katmai NM (enlargement 1.4 million acres); Kenai Fjords NM (570,000 acres); Kobuk Valley NM (1.7 million acres); Lake Clark NM (2.5 million acres); Noatak NM (5.8 million acres); Wrangell-St. Elias NM (11 million acres); Yukon-Charley NM (1.7 million acres); Yukon Flats NM (10.6 million acres); Becharof NM (1.2 million acres).

Yukon Flats and Becharof are managed by the Fish and Wildlife Service, all other by the National Park Service.

x x x x x

Hearings for proposed permanent Monument regs:

ANCHORAGE:

**Wednesday, August 15
Alaska Pacific University
Student Center
10 am and again at 7 pm**

FAIRBANKS:

**Thursday, August 16
University of Alaska
Duckering Building
10 am and again at 7 pm**

Written comment period open until Sept. 26, 1979

...my National Center, beginning at 10 a.m. and continuing through the evening. The hearing at Fairbanks will be the following day at the University of Alaska's Deering Hall.

The hearings will deal with two sets of regulations, one covering the management of 13 monuments under the direction of the National Park Service and the other regarding two monuments managed by the U.S. Fish and Wildlife Service.

President Carter last December created 17 national monuments in Alaska covering 98 million acres. The other two are managed by the Forest Service, in the Department of Agriculture.

Interior's proposed rules were announced here last month. Copies of the proposed regulations are available at Fish and Wildlife Service offices throughout the state and at National Park Service offices in Anchorage.

Written comments will be accepted until Sept. 26 and will be given equal weight to comments made at the public hearings, accord-

Hawaii Flights Resume

By The Associated Press

Western Airlines said it would resume flights between Alaska and Hawaii one day ahead of schedule. Western said the first flight will leave Anchorage for Hawaii at 12:55 a.m. Thursday.

Originally, Western flights between Alaska and Hawaii could not be resumed until Friday. The delay was the result of the grounding of the Dumbo jet.

Monuments

...a press release from the Interior Department.

Comments on Park Service regulations will be sent to Anchorage, Alaska, Park Service, 1000 E. Tudor Road, Anchorage 99508.

Comments on Fish and Wildlife Service regulations should be sent to the Alaska Director, Fish and Wildlife Service, 1011 East Tudor Road, Anchorage 99508.

State Plans Land Sale For October

FAIRBANKS (AP) — The state is planning to sell up to 63,000 acres of state land in Interior Alaska during the next year, according to the Division of Forest, Land and Water Management.

The public land sale could include agricultural rights to 25,000 acres in the Two Rivers area, northeast of here on the Chena Hot Springs Road.

The first sale has been scheduled for October. The land will be offered as remote parcels or lottery sales of agricultural rights only.

"Our plans are firm but tentative," said land management officer Chris Guinn.

Guinn said land has been identified in 26 areas in Interior Alaska, near Tok, Clear, Delta Junction, Healy and Fairbanks. Specific boundaries will be drawn following public hearings now set for August and September.

Fairbanks North Star Borough officials said their land selections conflict with the state offerings in two areas. However, they said they have agreed to relinquish one are if the state submits a subdivision plat that meets their approval.

TO: ☐ D-2 Information Office
Anchorage

DATE: July 17, 1979

FILE NO:

TELEPHONE NO:

FROM: Robert Clarke
Director of Communications

SUBJECT:

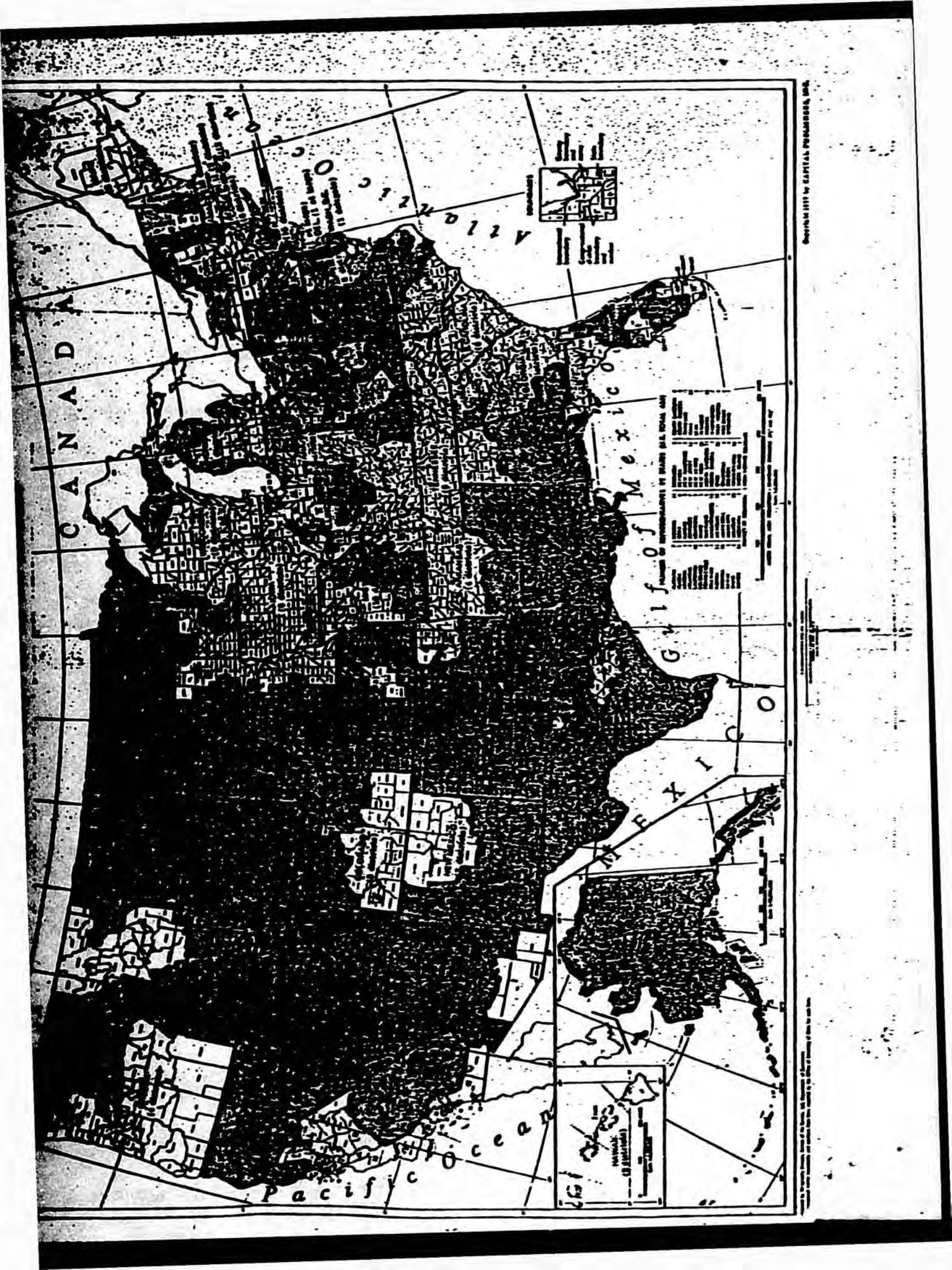
Attached is a copy of a map which shows which districts in the United States voted against the Udall-Anderson Bill on the House floor.

You may find this map useful in circulating to ACCORD members throughout the State and outside.

Attachment

RC:sw

cc: Sally Jones



CANADA

MEXICO

GULF OF MEXICO

PACIFIC OCEAN

Copyright 1977 by CAPITAL PUBLISHERS, INC.

Map of Mexico, showing state boundaries, major cities, and geographical features. The map is oriented with North at the top. The word 'CANADA' is visible on the left side, and 'MEXICO' is written across the center. The Gulf of Mexico is labeled 'GULF OF MEXICO' and the Pacific Ocean is labeled 'PACIFIC OCEAN'. A large, dark, irregular shape covers the central and southern parts of the map, possibly representing a specific region or a large urban area. A small inset map in the bottom right corner shows the location of Mexico within the Western Hemisphere. A scale bar and a north arrow are also present.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

May 22, 1979

SUMMARY OF 1979 HOUSE-PASSED
ALASKA LANDS BILL -- H.R. 39

Prepared by Bill Horn, Minority Consultant
Alaska Lands

The following summarizes the Udall-Anderson Alaska lands bill which was passed by the House on May 16. Although the bill number is now H.R. 39, it was introduced as H.R. 3651.

MAJOR DIFFERENCES: NEW BILL AND 1978 HOUSE-PASSED H.R. 39

Although the new bill is being advertised as having been "molded in the spirit" of the 1978 House-passed version of H.R. 39, the new bill is extremely different from that measure. The following outlines some of the major differences:

1. The new bill prevents the State of Alaska from selecting, pursuant to the Statehood Act, over 2 million acres of important lands which were granted to the State in the 1978 House-passed bill.
2. The new bill includes the U.S. Borax molybdenum find (the world's second largest) in Wilderness; last year's bill did not affect the discovery.
3. Wilderness designations within the Tongass National Forest in Southeast Alaska amount to 5.84 million acres in the new bill; this is an increase of 154 percent over the 2.3 million acres set aside in the 1978 House-passed version of H.R. 39.
4. There are 67 million acres of Wilderness in the new bill compared to 65 million acres in last year's bill. However, the pattern of Wilderness classification is radically different in the new bill. For example, Wilderness within Refuges totals 28.4 million acres in the new bill -- Refuge Wilderness totaled 19.9 million acres in the 1978 House-passed bill; Forest Wilderness in the new measure is 6.4 million acres compared to 3.9 million acres in last year's bill.

5. The new H.R. 39 contains no provisions regarding the Bristol Bay Cooperative Study program; last year's bill had a major provision establishing this program.
6. The Udall/Anderson bill does not contain a provision exempting Alaska from more wilderness studies per Section 603 of the BLM Organic Act. 1978 House-passed H.R. 39 included such an important provision.

LAND DESIGNATIONS

The bill affects a total of 155.0 million acres in Alaska or over one-third of the State. It creates (a) 27 million acres of Parks and Monuments, (b) 17 million acres of Preserves, (c) 79 million acres of Wildlife Refuges, (d) approximately 2 million acres of Wild and Scenic Rivers, and (e) adds 2.5 million acres to existing Forests. Total "new lands" set-aside are 127.5 million acres.

In addition, nearly 28 million acres of existing Forests, Refuges, and Parks are reclassified as Wilderness areas. Within the 127.5 million acres of "new lands", 41 million acres are also designated Wilderness; total Wilderness is nearly 69 million acres.

The following chart illustrates the various land designations in the newest Udall bill:

"New Lands"

Parks & Monuments	27.0
Preserves	17.0
Refuges	79.0
Wild & Scenic Rivers	2.0
Forest Additions	2.5
"New Lands" Total	127.5

Wilderness

Existing Parks/Wilderness	7.0
Existing Refuge/Wilderness	14.1
Existing Forest/Wilderness	6.4
Subtotal	27.5
 New Park & Preserve/Wilderness	 26.8
New Refuge/Wilderness	14.3
Subtotal	41.1
 Wilderness Total	 68.6

Affected Lands

"New Lands"	127.5
Existing Lands Redesignated Wilderness	<u>27.5</u>
Total Affected Lands	155.0

PARKS/MONUMENTS/PRESERVES

Title II ratifies the President's unilateral creation of Monuments in Alaska. However, some of the areas are redesignated as Preserves. Overall, the bill designates a total of 43.9 million acres for NPS management: 27 million acres as Parks and 17 million acres as Preserves.

WILDLIFE REFUGES

Title III creates 11 new Refuges and expands 5 existing units amounting to 79 million acres. All of the National Petroleum Reserve Alaska (NPRA) is redesignated a Refuge and the Becharof and Yukon Flats Monuments are ratified.

WILD & SCENIC RIVERS

Title V designates 12 rivers or segments outside of conservation units and 15 rivers within units as additions to the Wild & Scenic River system. Moreover, 10 rivers are designated for further study. Although existing law provides that river corridors cannot average more than one-quarter mile wide, H.R. 39 provides that such corridors can average 4 miles wide.

NATIONAL FOREST ADDITIONS

The new bill adds 2.5 million acres to the existing Chugach and Tongass National Forests. However, the Copper River area is designated a Wildlife Refuge and not added to the Chugach Forest.

WILDERNESS - GENERAL

The bill designates a total of 68.6 million acres of Wilderness. Wilderness designations occur within the following units: (a) 33.8 million acres within Parks & Preserves, (b) 28.4 million acres within Refuges, (c) 6.4 million acres within National Forests.

Wilderness management under H.R. 39 is also extremely strict. The handful of exceptions in the bill apply only to Wilderness within the two Forests. Last year's bill had more flexible wilderness management provisions which covered more than just Forest areas.

WILDERNESS - SOUTHEAST ALASKA

The new bill sets aside 5.8 million acres or 36 percent of the Tongass National Forest in Southeast Alaska as Wilderness. According to Forest Service data, the bill's pattern of designations reduces the Annual Allowable Timber Harvest in the Forest by 200 million board feet (MMBF). A harvest reduction of this magnitude threatens 2000 existing timber-related jobs according to Forest Service econometric studies. The measure contains provisions designated to offset the adverse timber impacts of the large wilderness designations. Section 404 authorizes \$8 million annually for intensive forestry activities and for loans to timber operators. Such expenditures should increase the timber yield on non-wilderness lands. However, the Forest Service estimates that an annual expenditure of at least \$12 million above and beyond present budget levels is needed to offset the impact of H.R. 39 wilderness withdrawals on Tongass timber harvest levels and preserve existing jobs. The new bill also creates a 2.4 million acre Misty Fiords Wilderness which includes the U.S. Borax molybdenum discovery.

In contrast, the 1978 House-passed H.R. 39 set aside only 2.3 million acres of Wilderness in Tongass and would have reduced the Allowable Cut by 135 MMBF. In addition, there was no Misty Fiords units created in that bill.

OIL AND GAS

H.R. 39 contains new provisions regarding oil and gas leasing. Essentially, the following outlines the effects of these provisions:

1. Approximately 40 million acres of lands with oil and gas potential are included within Parks, Refuges, Wilderness areas, etc.
2. The coastal plain of the Arctic Wildlife Range (an area 75 miles east of Prudhoe Bay and considered the finest onshore oil and gas prospect areas) is designated Wilderness.
3. An oil and gas leasing program for the National Petroleum Reserve, public lands in Alaska, and non-wilderness Refuges where oil and gas development is compatible with the wildlife is to be established by the Secretary.

4. However, leasing will not be conducted per existing law. In essence, exploration and development are split. For example, in some circumstances, a firm must obtain an exploration permit; if a discovery is made, a totally separate Federal approval is needed before development can occur. In other situations, a company obtains a lease but if a discovery is made, no development can occur until the Secretary approves a development plan submitted by the company. Under existing law, when a firm obtains an onshore oil and gas lease, there is an unimpeded right to explore the lease and develop whatever is discovered.

MINERALS

The bill statutorily withdraws 145 million acres in Alaska from mineral entry. It also closes approximately 70 percent of the lands rated Highly Favorable for minerals by the U.S. Bureau of Mines. In addition, it includes two of the major mineral discoveries in Alaska, as identified by the Stanford Research Institute, in Wilderness areas. These finds are the U.S. Borax molybdenum strike and the Greens Creek silver discovery. The bill also authorizes continued mineral assessments on public lands in Alaska but contains restrictions regarding assessment activities on Parks and Wilderness areas.

In addition, a floor amendment was adopted which ostensibly permits mining claim holders in Forest Wilderness areas to validate their claims.

ACCESS AND RIGHTS-OF-WAY

Traditional access through and across conservation units is ostensibly guaranteed. In addition, in-holders are granted assured access for economic and other purposes.

Regarding rights-of-way, existing law is to prevail. However, in those cases where the Secretary lacks authority to issue a right-of-way, he can recommend that the right-of-way be issued and his recommendation will be effected if approved by Congress. Applicants may also appeal to the President in cases where the Secretary denies a right-of-way permitted by existing law. In such cases, the President must make a determination that is subject to Congressional review.

LAND CONVEYANCES

The bill contains provisions designated to facilitate transfer of lands to the State and the Native Corporations. The Native conveyance provisions largely parallel those contained in the

-5-

1978 House-passed H.R. 39. The new bill also contains a number of Native land exchange provisions. These exchanges have been agreed to by the State, the Natives and the Interior Department and were included in the Senate Energy Committee bill last year.

In addition, the new bill contains a skeletal provision to speed land transfers to the State. Whereas last year's Alaska bill contained an extensive provision with 16 subsections to cover the issue, the new H.R. 39 pares this down to six subsections and deletes a number of critically important provisions which were in last year's bill.

SUBSISTENCE

Title VII sets forth a subsistence management program. Essentially, it permits the State of Alaska to manage the program subject to oversight conducted by the Secretary of Interior. The bill provides that subsistence hunting and fishing shall be the first priority consumptive use and the definition of a subsistence user is non-racial.



STATE OF ALASKA

OFFICE OF THE GOVERNOR
D-2 INFORMATION OFFICE
ANCHORAGE

MEMORANDUM

June 29, 1979

TO: All Alaska State Legislators

FROM: Sharon Long

RE: Statewide D-2 Information

DATE: June 29, 1979

Enclosed are copies of the D-2 information pieces that have run statewide in the weekly and daily newspapers. They each ran on a one-week rotation with "What is D-2" the first week, "What is a National Monument" the second week, etc. During the week a particular D-2 piece ran in the papers, a corresponding sixty-second spot ran on television.

We have received very favorable comments on the newspaper pieces from citizens who call and say they are clipping and saving them. The Land Use Planning Commission and Division of Lands have also been laudatory.

Because of growing understanding of the Alaska lands issue, more and more Alaskans are becoming involved in the citizen lobby and information dissemination program conducted by this office.



National
Park



Wildlife
Refuge



National
Forest



Wild and
Scenic Rivers

D-2

What is D2? D2 is federal land

"D2" is the symbol that has come to stand for the Alaska lands legislation and for those federal lands which will become either new units or additions to the national park, national forest and national wildlife refuge systems. In addition, certain wild and scenic rivers would be added to the systems under D2 proposals, to be managed by whichever federal agency controls the area in which the rivers lie.

The D2 situation actually goes back to the oil pipeline and the Alaska Native Claims Settlement Act (ANCSA) when land ownership and use was in question. When the construction of the oil pipeline was approved, and when the Alaska Native interests received their settlement of cash and land, there was a third element still to be satisfied: the national conservation interests.

In the Native claims act, one section addressed conservation interests in Alaska's federal lands by authorizing the Secretary of the Interior to withdraw up to 80 million acres for study for possible inclusion in the national preservation systems. This was section 17(d)(2) of that act, now called simply D2.

Before statehood in 1959, more than 99 per cent of Alaska's 375 million acres was owned by the federal government and managed as public lands by the Bureau of Land Management (BLM).

At statehood, Congress promised 103.3 million acres of that federal land to the new state of Alaska. Twelve years later Congress promised Alaska's Natives 44 million acres of federal land under ANCSA. These state lands and private (Native) lands, when they are finally conveyed, will leave more than 220 million acres still in federal ownership. Of this, it appears about half will become national parks, national forests, national wildlife refuges and wild and scenic rivers when D2 legislation is finally signed into law by the President. The other half will remain BLM public lands although these lands, too, will fall under BLM's wilderness review program unless Congress specifically exempts Alaska from that process.

WILDERNESS

Wilderness areas are also proposed in the various D2 bills. The word wilderness in this legislation means the legal definition as set forth in the Wilderness Act of 1964: pristine, with no intrusion of motorized technology, in which man is only a visitor. The legislation would lay wilderness or wilderness study status over many or all (depending on which piece of legislation) of the federally owned Alaskan parks, refuges and forests.

NATIONAL MONUMENTS

When the Alaska lands legislation died in Congress last October, President Carter, who strongly supported HR39, invoked the Antiquities Act, a law that allows the President to reserve land as national monuments to protect historic landmarks, structures and other objects of historic or scientific interest situated on federal land.

When President Carter signed the proclamations, 56 million acres instantly became 17 National Monuments, 13 of which are managed by the National Park Service, two by the Fish and Wildlife Service and two by the Forest Service. An act of Congress, such as D2 legislation, is the only way to change the Monuments to some other preservation system such as Parks, Refuges, and Forests.

THIS YEAR'S LEGISLATION

Several different D2 bills are under consideration in Congress. All contain wilderness provisions but some propose more wilderness acreage than others. All contain new federal parks, forest or forest additions, refuges and wild and scenic rivers. Action on the floor of the House is expected in early May. Senate action is expected in late summer or early autumn.

What is a National Monument?



National
Park
Monument



National
Wildlife Refuge
Monument



National
Forest
Monument



Wild and
Scenic Rivers

On Dec. 1, 1978, President Carter used the Antiquities Act to create 17 Alaskan monuments totaling 56 million acres. National Monuments may be created by a president to reserve land to protect historical landmarks, structures and other objects of historic or scientific interest situated on federal land. Presidents have used the Antiquities Act of 1906 in the past, for instance in the preservation of the Grand Canyon and the Grand Tetons.

These Alaskan monuments—13 park monuments, two wildlife refuge monuments and two forest monuments—roughly include the prime core lands that had been under consideration in the D2 Alaska lands legislation last year. That legislation died in the 95th Congress last October. Had the president not used the Antiquities Act, the lands which were in D2 withdrawals would have been managed by the Bureau of Land Management (BLM) under the BLM organic act.

On Nov. 16, 1978, Secretary of Interior Cecil Andrus withdrew 110 million acres of potential park and refuge lands, stating that this new land freeze was necessary to prevent land selections by the State of Alaska and to prevent new mining claims in potential park and refuge areas. The Carter Administration said such inholdings might interfere with the eventual creation of new national parks, refuges, forest additions and wild and scenic rivers.

Alaska's monuments do not fall under the Wilderness Act of 1964—only Congress can create wilderness and Alaska's monuments were created by presidential order. These monuments will remain unless Congress, through Alaska lands legislation, changes them to some other land classification, or the president's action is found to be illegal, which is what the lawsuit filed by the State of Alaska claims.

Shortly after the creation of the monuments, the Interior Secretary issued interim rules for park and refuge monuments and the Secretary of Agriculture developed internal guidelines for forest monuments. Final regulations have not yet been issued for the monuments but interim regulations are in effect for the park and refuge monuments. The forest monuments are presently being managed according to internal agency guidelines; official regulations are being developed.

Generally speaking, park and refuge monuments will be managed much as national parks and national wildlife refuges; forest monuments will be managed essentially as national forests except that timber sales and new mineral development are presently prohibited.

There will be no further State and Native land selections and no further mining entry on any of the national monument lands.

National Park Monuments

Park monuments will be managed essentially as parks except that subsistence hunting may continue. Interim rules for Alaskan park monuments prohibit sport hunting and trapping, although trapping may continue through the 1979 season only. Carrying firearms is prohibited. Native and non-Native subsistence activities (hunting, fishing, trapping, berrying and woodgathering) will be permitted on traditional grounds and use of snowmachines is permitted for subsistence purposes only. Customary access is allowed to private property within park (and all) monuments. The basic rule is that access to inholdings will be allowed subject to reasonable regulation. At this time no areas of any of the monuments have been closed to customary landing of aircraft or customary overland crossing of monument lands.

National Wildlife Refuge Monuments

Interim regulations provide that hunting, fishing, trapping and recreational use may continue on refuge monuments as they have in the past. No oil and gas leasing is allowed although the Secretary of Interior may relax this prohibition. No new mining entry is allowed.

National Forest Monuments

The Forest Service's internal guidelines for forest monument management allow oil and gas leasing. Hunting, fishing, trapping and recreational use may continue as they have on national forests in the past. But no new timber sales or new mining are allowed.

While the Alaskan monuments cover only 56 million acres (as compared to much higher acreages in the Alaska lands legislation) President Carter has asked Secretary Andrus to consider permanent creation of wildlife refuges on 40 million additional acres of the November 16, 1978, withdrawals. Other actions by the executive branch of the federal government are also possible.



Park



Refuge



Forest



Scenic Rivers

What is a National Park?

A national park is an area of scenic or historic federal land so outstanding in quality that Congress preserves it as public land for the enjoyment of all U.S. citizens. National park management varies. Each unit has uses mandated by Congress. In general, parks are used for sightseeing, nature study and recreational activities. Parks do NOT permit trapping, hunting or carrying firearms. Prospecting and new mining claims are not allowed.



The National Park Service may also manage a National Recreation Area (NRA), type of park providing more intensive and all-purpose recreational opportunities. An NRA can be open to hunting, mining and other activities as long as Congress specifies such activity when establishing the area.

The National Park Service may also manage Preserves, which are essentially parks with the exception that sport hunting is permitted. (There are now only two in the United States.)

What is a Wilderness-National Park?

Wilderness-national parks, such as those proposed for Alaska, will differ from parks of the lower 48 in that public recreation activities will be severely limited, not only by Park Service regulations and wilderness restrictions but also by geographic remoteness and inaccessibility in the absence of roads, railroads or other means of surface transportation.

Access by air will in some cases be allowed on landing sites customarily used in the past; however, park directors may close any park sections they feel are unsafe for visitors, or areas in which visitor activity might threaten park values. Realistically, most of the new Alaska park lands can be reached only by air. Once arrived, the silent forms of wilderness activities such as hiking, cross-country skiing, canoeing, nature study and photography would be allowed. Sport fishing will be allowed as will camping, although park directors may close areas to these and other activities at their discretion. Transportation by foot, horseback, canoe and dogteam or other forms of non-motorized travel will be allowed. No permanent trails, shelters, campgrounds or structures are allowed in wilderness parks.

In the new Alaskan-wilderness parks only, subsistence (Native and non-Native) hunting and trapping, berrying and woodgathering with snow-machine use allowed will likely continue on tradi-



tional grounds. The areas where these activities are allowed will be subject to closure if park officials determine there is danger to people, wildlife or plants. Aircraft may not be used for subsistence activities under

present D2 proposals.

Persons with inholdings (private property within park boundaries) will likely have customary rights for aircraft access and motorized overland access, subject to park regulations and periodic discretionary approval of park directors.

New mining claims will not be allowed, but existing claims may be worked after filing a plan of operation and any change-of-plan with the park director for approval, and by posting bond to guarantee returning the site to its original condition. Bond amounts will vary, as determined by the area director. Under existing law equipment and supplies may be flown into inholdings to landing sites designated by the land manager or moved across federal ground by non-motorized means.

Exceptions to Wilderness Act mandates or Park Service regulations, or the creation of NRAs or Preserves in place of parks, will be decided by Congress in whichever bill finally passes. Any exceptions to the Wilderness Act rules, Park Service regulations or land designations MUST be spelled out in the legislation or use and non-use will fall under Wilderness mandates and park regulations.



National
Park



Wildlife
Refuge



National
Forest



Wild and
Scenic Rivers

D-2

D2 legislation may create Wilderness of part or all of the D2 national parks, forests, refuges and wild and scenic rivers. The word "wilderness" means



a wilderness as per the Wilderness Act of 1964: pristine, untrammeled by man, without the intrusion of motorized technology.

What is a National Forest?

A National Forest is, as the familiar motto states: A land of many uses. Originally established to provide for the nation's timber needs and to protect its watersheds, that first Forest Service charge evolved into the concept of multiple use, or, the utilization of one or any combination of forest land resources to best meet the needs of the American people. National Forests may be used for sport hunting, fishing, trapping, grazing, mining and recreation as well as the more widely known timber sales for logging operations.

Only one of the D2 bills proposes a new



National Forest in Alaska (the Porcupine National Forest) but additions have been proposed in other D2 bills to the four-million-plus-acre Chugach National Forest and the 17-plus-million-acre Tongass National Forest that covers the panhandle making up Southeastern Alaska.

With the exception of that one bill, the virgin boreal forests of Interior Alaska, 22.5 million acres of potential timber of different marketability, are not considered in D2 legislation. These forests have been chopped into swatches within parks and refuges, eliminating the possibility of future utilization.

What is a Wilderness-National Forest?

Wilderness proposals for the Forests vary with the D2 bills, from approximately two million acres up to eight million acres. Part of that has been layered again with wilderness proposals under the RARE II project. (RARE II stands for the second and final phase of the Roadless Area Review Evaluation in which roadless tracts of Forest Service lands in all 50 states were evaluated for possible inclusion in the national wilderness system.)

Forest Service lands under wilderness and wilderness study categories have their uses limited by Wilderness Act of 1964 provisions. Logging is not allowed. New mining will only be permitted until 1984. Prospecting of the rock hammer or test tube (hydro) types is permitted. Sport hunting, fishing, trapping, grazing and wilderness oriented recreation may continue—again, with travel on foot, horseback, canoe or other non-motorized means.



The economy of Southeastern Alaska is based on the forest products industry—logging activity for sawmills and to provide overripe logs for the area's two pulp mills, one at Ketchikan and one at Sitka. Much of the prime timber land falls under proposed wilderness designations which could reduce the forests' yield to a volume not sufficient to supply both mills, some Forest Service officials say. The Carter Administration recommendations assume that the logs from new Native and state timber ventures and from intensive silviculture in the harvest areas will make up the difference in the amount of timber available. However, Native leaders have stated they do not plan to sell their pulp logs to the mills. To take up part of the slack, some of the D2 legislation proposes legislation of federal funds for a timber enhancement program to make up for the reduced timber available for harvesting.



National
Park



Wildlife
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D-2

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a wilderness as per the Wilderness Act of 1964: pristine, untrammelled by man, without the intrusion of motorized technology.

What is a Wildlife Refuge?

A national wildlife refuge is an area of federal land rich with birds, fish and animals comfortable in their natural surroundings, managed by the federal Fish and Wildlife Service to protect not only the wildlife but the wildlands and waters in which they live. Wildlife protection is the dominant purpose of a refuge although man-uses are permitted if they are compatible with the purpose of the individual refuge. Since species, habitats and conditions vary widely with each refuge, the Fish and Wildlife Service has very generalized management regulations which may be strengthened or relaxed to allow or disallow man's use of a refuge and which give the Secretary of the Interior or the refuge manager authority to specify uses of a unit.

New mining claims are generally not permitted. Sport and trophy hunting, trapping, new oil and gas leasing, commercial timber cutting, commercial cultivation, sport and commercial fishing are allowed on some refuges, prohibited on others. The basic determinant is whether or not the use is compatible with the purpose for which the refuge is created.

For instance, sport hunting is not allowed on some refuges in the eastern United States but is allowed on almost all Alaskan refuges which are of greater size and less pressured by encroaching civilization. Farming is encouraged on a number of stateside



refuges because it enhances the habitat for certain species of birds; but according to Fish and Wildlife Service officials, farming would be discouraged on certain Alaskan refuges since the Service feels Nature has provided adequate habitats. Commercial timber cutting such as the chip operation on the burn area of the Swanson River moose range on the Kenai may also be allowed on the refuges proposed in D2 legislation, again depending on the terrain and the discretion of the refuge director, or Congress.

Use depends on the individual unit circumstances. Certain activities on a refuge require permits, including trapping and other activities of a light commercial nature, or certain types of movie filming, or other activities which might be considered "out of the ordinary" on a refuge.

Refuges are created in two ways: units established by the Secretary of Interior under Section 204(c) of the Federal Land Policy Management Act, or units created by legislation in Congress which are governed by the do's and don'ts mandated by Congress and by the National Wildlife Refuge Administration Act. Alaska's existing refuges were not created by Congress; the D2 refuges will be the first Congressionally created refuges in Alaska, and any uses or non-uses of those refuges will be determined in the D2 legislation.

What is a Wilderness-Wildlife Refuge?

Unless Congress legislates otherwise, prospecting and new mining, commercial timber cutting, gas and oil development, farming and other uses that require motorization, permanent structures or commercial development will be prohibited on a wilderness refuge under terms of the Wilderness Act of 1964. Hunting, fishing and trapping and wilderness-oriented recreation may be allowed on refuges designated as wilderness.



In Alaska, most D2 bills permit snowmachine subsistence access and existing levels of other motorized use, including aircraft and motorboat access. But the wilderness-oriented uses are subject to regulation by the refuge manager.

In the case of Native and non-Native subsistence users, D2 legislation would allow snowmachines to be used in traditional hunting and fishing areas although aircraft use for such activities would be banned.



National
Park



Wildlife
Refuge



National
Forest



Wild and
Scenic Rivers

D-2

The Wilderness Act of 1964 defines Wilderness, in part, as "...an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain...an area of undeveloped federal land retaining its primeval



character without permanent improvements or human habitation, which is managed and protected so as to preserve its natural condition." Any federal land designated Wilderness, in any of the 50 states, falls under the provisions of the Wilderness Act.

What is Wilderness?

Wilderness does not stand alone but is a designation layered over other land units such as National Parks, National Wildlife Refuges and National Forests. Only Congress can create Wilderness and decide if all or only part of a National Park, Refuge or Forest will be Wilderness. Wilderness Study areas, however, can be created by the administrative branch of government (e.g., the Secretary of Interior) and layered over federal lands. Wilderness study lands are managed essentially as Wilderness until Congress makes the final decision on whether to statutorily designate the study area as Wilderness.

On lands designated Wilderness or Wilderness study, there are certain general prohibitions: no permanent roads; no motorized vehicles, equipment or boats; no landing of aircraft; no permanent buildings or installations, and no commercial enterprises. To these general prohibitions common sense exceptions are made for management and for emergencies involving the safety of visitors to the Wilderness.

Legislation creating Wilderness areas sometimes allows certain activities to continue as they have in the past such as use of motorboats and landing of aircraft in specifically designated places.

It has been found since passage of the Wilderness Act that the strictest interpretation of its provisions was not practical and that minor relaxations were needed. The law proves flexible enough to allow trails and rustic signs, sanitary facilities in areas of heavy use, and even small footbridges. Certain light commercial activities are permitted on some Forest and Refuge Wilderness lands, such as trapping, big game guiding and horse rentals for Wilderness travelers.

The primary purposes of National Parks, Refuges and Forests do not change with Wilderness or Wilderness study overlay. For example, hunting is allowed in a National Forest and in a Wilderness Forest as well.

The Chairman of the Senate Energy and Natural Resources Committee feels that Wilderness under the law is not unduly restrictive, but the federal agencies which manage Wilderness lands, such as the National Park Service, the Fish and Wildlife Service and the Forest Service, have managed Wilderness in such prohibitive ways that the public believes it is the Wilderness law itself which prohibits many activities in a Wilderness area. The committee chairman says the managing agencies should not interpret the Wilderness Act in an unduly restrictive way, contrary to the intent of Congress when it wrote the Wilderness Act of 1964.

Alaskan Wilderness

In the case of Alaska, the Alaska lands bill which is finally passed by Congress will designate certain Alaska lands as National Parks, National Wildlife Refuges, additions to National Forests and Wild and Scenic Rivers. All or part of particular units may be designated Wilderness or Wilderness study. The recently passed Udall bill has 67 million acres of Wilderness and the remaining 61 million acres are Wilderness study.

Certain exceptions to the hard and fast Wilderness pro-

hibitions will likely be granted in the final Alaska lands bill, such as the use of snowmachines on Wilderness lands for Native and non-Native subsistence activities.

Other exceptions are being sought, among them special rights of access for recreation, transportation and utilities. Any exceptions will be spelled out in the final Alaska lands legislation so that it is clear to the managing agencies as well as to the general public.

WHAT ARE STATE SELECTIONS?

Before Alaska became a state in 1959, 99.8 per cent of Alaska lands were owned by the federal government. Alaska had petitioned for statehood in the first half of the century, but each time Congress pointed out that Alaska was too geographically remote, too small in population, with resource development potential too limited to support statehood. At that time, the fishing and mining industries were virtually the only sources of income for the territory.



Then, in the 1950s, a timber-pulp industry was established in Southeastern Alaska. Oil exploration and development began in Cook Inlet with promises of more in other regions of Alaska. The wartime-built Alaska Highway had opened Alaska to ever-increasing settlement and air travel brought Alaska closer to the parent nation. The status of Alaska had improved in the eyes of Congress enough to support statehood.

STATEHOOD

The Congress of 1958 wanted to assure the new state's survival. Therefore, when the Statehood Act finally passed, Congress promised large land grants to Alaska, enough land to assure the state's economic independence.

The statehood compact allowed the state to select 103.35 million acres of unreserved federal land to provide an economic base and to provide for community needs. And, since most of Alaska was relatively unsurveyed and assessed for mineral and other resource potential, Congress gave the new state 25

PL 85-508
Alaska
Statehood Act
Jan. 3, 1959

years, until 1984, to study and select its lands. The state's early selections were small and carefully calculated because the cost of study and selection was large and the young state's budget small. The federal government charged two cents an acre for fire protection for newly chosen state lands. (It now charges from five to 11 cents an acre.) Each acre tentatively approved for conveyance to the state reduces Alaska's share of federal highway funds.

LAND FREEZES

While the state was making these early selections, the Alaskan Natives were asserting their aboriginal rights to Alaska land. To protect these Native rights, Interior Secretary Stuart Udall ordered the first land freeze in 1966 on federal land transfers, including state selections. The discovery of oil on the North Slope in 1968 intensified the need to resolve land ownership questions and to speed federal action on all land claims.

The 1971 Alaska Native Claims Settlement Act (ANCSA) satisfied Native interests by allowing withdrawal of lands finally totaling some 116 million acres, from which Natives would select their 44 million acres promised by ANCSA. And, to satisfy national conservation interests, section 17(d)(2) of ANCSA authorized the Secretary of Interior to withdraw up to 80 million

PL 92-203
Alaska Native Claims
Settlement Act
Dec. 18, 1971

acres for study for possible inclusion in the national conservation systems of National Parks, National Wildlife Refuges, National Forests, and Wild and Scenic Rivers.

In spite of a sharp reduction of the original federal pool of lands from which the state could select, (as a result of the Alaska Native Claims Settlement Act), Alaska continued its land selection process. In the 20 years since statehood, only 21 million acres have actually been patented to the state, and another 15 million acres tentatively approved.

On Nov. 14, 1978, the state filed selections totaling 41 million acres, to round out its statehood entitlement. However, the validity of most of these selections has been challenged by the Department of Interior, and the state has gone to court to validate those selections.

D2 ALASKA LAND LEGISLATION

While all the D2 bills would protect some state selections, there are conflicts between proposed D2 legislation and the Nov. 14 selection. Those conflicts range from 6.3 to almost 21 million acres of proposed National Parks, National Wildlife Refuges, National Forests, and Wilderness overlapping state selections, depending on the bill.

Some of the D2 bills provide for "instant conveyance"



of much of the remaining statehood entitlement, and have special language aimed at improving the selection and conveyance process contained in the Statehood Act.

The Secretary of Interior has recently made certain lands available for selection. However, a complete resolution of the statehood lands problem is blocked until Congress enacts legislation or the state's court suit is resolved.

June 24, 1979

Sample
of
add.

Hello,

Is it possible to get a complete set of the D2 Information articles your office has been running in the papers? I would need each on a full-page. *AWIT has asked me to help work on a handbook of information for each of our members. *ALASKAN Women In Timber. My chapter of AWIT made up our own into handbook & the Board liked the idea enough to want them done up for the entire membership. I have to have a sample made up by mid-July to present. When we did ours we cut all the articles out every week & ran copies for each member that didn't get a newspaper. I thought the full page article on each subject would be a much better idea for the handbook.

Don't know how much input you get on these Articles, but they are the greatest thing I've seen. So many facts & so easy to read/understand. We use them for reference regularly. Thank you much for running them.

Also - Thanks for the help.

Sincerely,
Judy Willis
Pouch L

Ketchikan, AK 99901
Pres. Coffman Cove AWIT
member ACCORD
CINAL

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JUL 2 1979

Office of the Governor
D-2 Information

NPSUSFWS

Activity	Lower 48	Proposed Monument Regs.	Lower 48	Proposed Monument Regs.	H.R. 39 as passed by House
3. Camping	Camping prohibited except in designated sites or zones or by permit (36 C.F.R. § 2.5)	Camping permitted except where specifically closed as otherwise restricted (§ 13.13)	Camping prohibited unless specifically authorized (50 CFR § 26.32, 26.33)	Camping allowed unless specifically prohibited in particular areas. (§ 97.31, 17.32, & 17.33)	No provision
4. Firearms	Carrying of firearms prohibited except during authorized hunting seasons where hunting is permitted or by special permit Possession permitted if unloaded & cased. (36 C.F.R. 2.11)	Carrying & possession of weapons permitted for subsistence uses. Firearms permitted to be carried for personal protection by recreational users except where specifically prohibited or otherwise restricted. Possession of weapons other than firearms permitted within or upon a mode of transportation if unloaded and cased (§ 13.15)	Possession, use and transportation of firearms prohibited unless for sport hunting or authorized by special permit. Dismantled or cased firearms may also be possessed and carried over specially designated routes. (50 C.F.R. § 27.42)	Possession, use and transportation of firearms allowed for hunting and personal protection unless specifically prohibited. (§ 98.42).	No provision.
5. Motor-boats	Operation and use is prohibited except where specifically authorized. (36 C.F.R. § 3.2(b))	Operation and use permitted except where specifically prohibited or otherwise restricted (§ 13.16) Additional public participation provided for restriction on use by local rural residents for subsistence activities (§ 13.46)	Use of motorboats is prohibited unless specifically authorized. (50 C.F.R. § 27.32)	Use of motorboats authorized unless specifically prohibited. (§ 98.32)	Secretary shall permit use of motorboats in NPS & FWS areas for traditional activities, subject to regulations (Sec. 802). Secretary shall permit use of motorboats for subsistence where traditionally employed, subject to regulations (Sec. 707).
5. Off-Road Vehicles A. Snowmobiles	Travel or use prohibited except on specifically designated routes or areas. (36 C.F.R. § 2.34)	Travel or use prohibited except on specifically designated routes or areas. (§ 13.20) Use by local rural residents for subsistence activities permitted except as restricted by Superintendent. Additional public participation required for restriction on use by local rural residents (§ 13.46)	Travel or use prohibited except on specifically designated routes or areas. (50 C.F.R. § 27.31)	Travel or use allowed except where specifically prohibited for designated routes or areas. Standards employed for imposing restrictions keyed to Executive Order No. 11644, as amended, and are more stringent for recreational use of snowmobile than for subsistence use of such vehicles (§98.31, 106.22)	A. Snowmobiles--Secretary shall permit use of snowmobiles in NPS and FWS areas for traditional activities subject to regulations (Sec. 707)

SUMMARY OF PROPOSED REGULATIONS FOR NEW NATIONAL MONUMENTS IN ALASKA

*Notes
National
Monument
Regulations*

NPS

USFWS

Activity	Lower 48	Proposed Monument Regs.	Lower 48	Proposed Monument Regs.	H.R. 39 as passed by House
1. Aircraft	Park areas closed to aircraft use except at designated landing areas (36 C.F.R. § 2.2(a))	Monuments open to fixed wing aircraft use unless specifically closed; closed to helicopter use unless specifically authorized (§ 13.11) Aircraft use prohibited for subsistence hunting and fishing access except as specifically permitted for local rural residents who reside in designated places. (§ 13.45)	Refuges closed to aircraft use unless specifically authorized (50 C.F.R. § 27.34)	Monuments open to fixed-wing aircraft use unless specifically closed; closed to helicopter use unless specifically authorized (§ 98.33)	Secretary shall permit use of aircraft in NPS and FW areas for traditional activities, subject to regulations (Sec. 802).
2. Cabins	Construction of private cabins prohibited on Park lands except as authorized (36 C.F.R. § 5.7) Residence on park lands prohibited except as authorized (36 C.F.R. § 5.15)	No new private cabin construction authorized. Use and occupancy of cabins to be phased out by permit system. Phase out time periods to be determined by status of land at the time the cabin was constructed. (§ 13.12)	No new private cabin site permits for refuges. 43 C.F.R. Part 21 applies to phase out of existing permits for private cabins (50 C.F.R. § 26.35)	No new cabin building unless specifically authorized by 5-year nontransferable special use permit. Such permit shall only be issued upon finding that cabin would be compatible with purposes for which monument was established and would either be directly related to administration of monument or necessary to provide for continuation of on-going activity otherwise allowed within monument. No permit issued for private recreational cabins. Traditional and customary use of existing cabins allowed to continue under authorization of 5-year nontransferable special use permit if continued use compatible with purposes for which monument established. Renewal of permits is subject concurrence of the monument manager according to the above criteria. (§ 27.35)	No provision applicable to NPS for FWS. Permitted in National Forest Wilderness (Sec. 604).

	Proposed Monument Regs.	Proposed Monument Regs.	H.R. 39, as passed by House
10. Subsistence*/	Pending a State program that satisfies its policy objectives (§ 13.44), the NPS will implement a subsistence program with the following elements. Only "local rural residents" may engage in subsistence uses (including trapping (§ 13.41(d))) within the monuments. As defined, "local rural residents" means persons who live in a "resident zone" or possess a "subsistence permit" (§ 13.41 (b), (c)). "Resident zones" will be designated, and "subsistence permits" will be issued, on the basis of geographical, economic, and historical criteria, <u>i.e.</u> residency in or near the monument, dependence on the resources as the mainstay of livelihood, and history of use of monument lands. In the case of "resident zones", these criteria will be applied to "concentrations" of people, in the case of "subsistence permits" for people who live outside resident zones, these criteria must be applied to individuals (§ 13.42, 13.43). NPS will regulate subsistence use so as to prevent its "significant expansion" beyond the level occurring during the ten-year period before 1/1/79 based on available research (§ 13.40 (b)(2). If it becomes necessary to allocate resources among "local rural residents", the allocation must conform to a system of "subsistence preference" based on location of local residency, degree of dependence on the resources, and relative availability of alternative resources (§ 13.40(b)(1).	State authorized to establish subsistence programs consistent with purposes for which monuments were established, requirement of subsistence preference for local rural residents, and 10-year level of use restrictions** USFWS will monitor State program and, after notification and consultation with State, will establish Federal subsistence program if State's program inadequate. At that time, USFWS would probably adopt approach of local "resident zones" used by NPS in addition to other regulatory restrictions. Language on snowmobile and motorboat use and closure authority over subsistence uses identical to NPS. USFWS is not proposing any specific ban on aircraft use for access for <u>either</u> subsistence or sport hunting. (§ 106.11, § 106.21, § 106.22, § 106.24)	Priority applies to all public lands in Alaska and State law will govern if program consistent with preference and local participation requirements, is adopted within 1 year. The Bill requires payment of 50 percent of Council costs to State, but Secretary and he determines that subsistence preference is not adequate, Secretary shall close public lands in region to all but subsistence taking. In addition, the Secretary may temporarily close any public lands in region to all but subsistence taking. In addition, the Secretary may temporarily close any public lands to subsistence if necessary for reasons of public safety, administration, or to assure the national stability and continued productivity of one or more fish or wildlife populations. Closure shall not exceed 60 days unless extension is necessary to protect public safety or natural stability and continued productivity of populations, and finally, subsistence uses may not be significantly expanded beyond level occurring during 10-year period before January 1, 1979. Limited sale of furs and permitted. (Title VII).

*/ No similar program for either NPS or USFWS in "Lower 48."

**/ Development of guidelines for determination of "significant expansion" will be completed within two (2) years with ample opportunity for public input.

NPSUSFWS

Activity	Lower 48	Proposed Monument Regs.	Lower 48	Proposed Monument Regs.	H.R. 39 as passed by House
6. All Other Off-Road Vehicles	Travel or use off established roads prohibited except on specifically designated routes. Automatic closure provision for substantial resource damage (36 C.F.R. § 4.19)	Travel or use off established roads prohibited except on specifically designated routes. Automatic closure provision for substantial resource damage. (§ 13.17)	Travel or use prohibited except on specifically designated routes or areas. (50 C.F.R. § 27.31)	Travel or use prohibited except on specifically designated routes or areas. (§ 98.31)	No provision generally. Secretary shall permit "other means of surface transportation traditionally employed" for subsistence, subject to regulations (Sec. 707)
7. Abandoned Personal	Abandoning personal property in park areas prohibited. Property left unattended for 24 hours or more may be impounded. (36 C.F.R. § 2.1)	Abandoning personal property prohibited pursuant to 36 CFR § 2.1. Property left unattended for more than 9 months may be impounded. In addition, Superintendent may close areas, restrict type and amount of personal property left unattended, or establish different time limits for leaving property unattended designated areas. (§ 13.21) Owners of aircraft downed after 12/1/78, shall salvage and remove such aircraft pursuant to permit unless waived by monument manager. (§ 13.11)	Abandoning or otherwise leaving personal property on a refuge prohibited. Property left unattended for 72 hours or more may be impounded. (50 C.F.R. § 27.95, 28.41)	Abandoning personal property prohibited. Property left unattended for more than 9 months may be impounded. In addition, the Manager may close areas, restrict type and amount of personal property left unattended, establish different time limits for leaving property unattended in designated areas. (§ 98.92) Owners of downed aircraft shall salvage and remove such aircraft pursuant to permit unless waived by monument manager. (§ 98.33)	No provision.
8. Sport hunting and fishing, trapping	<u>Hunting</u> - Generally prohibited except where specifically authorized by statute for an individual area. (36 C.F.R. § 2.32)	<u>Hunting</u> - Prohibited except as provided for subsistence uses. (§ 2.32, 12.48)	Allowed in accordance with State & Federal law when refuge formally opened to such activity - based on finding of "compatibility". Subject to additional closures or restrictions. (50 CFR Parts 31, 32, 39)	Allowed in accordance with State and Federal law as long as such activity remains compatible with purposes for which monument established. Subject to additional closures or restrictions. (Parts 102, 103, 104 & 105)	All units of National Park System closed to taking of fish & wildlife except (1) subsistence, (2) fishing authorized by Secretary, and (3) taking for sport and other purposes which Secretary shall by regulation permit in national preserves. Other units Subject to applicable laws Ten-year grandfather provision for guides and Trappers. Secretary may designate zones where and periods when no taking may be permitted on preserves. (Sec. 809).

NPS

USFWS

Activity	Lower 48	Proposed Monument Regs.	Lower 48	Proposed Monument Regs.	H.R. 39 as passed by House
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Trapping--Generally prohibited except where specifically authorized by statute for an individual park area. (36 C.F.R. § 2.32)
Fishing--Generally permitted in accordance with state law except where specifically closed or otherwise restricted. (36 C.F.R. § 2.13)

Trapping--Prohibited except as provided for subsistence uses. (§ 2.32, 13.48)
Fishing--Generally permitted in accordance with state law except where specifically closed or otherwise restricted. (§ 2.12) Local rural residents may use net, seine, trap, or spear where permitted by state law. (§ 13.47)

9. Access to Inholdings

Reasonable routes and methods of access which are least damaging to the environment are permitted.

Reasonable routes and methods of access which are least damaging to the environment are permitted in accordance with a permit. (§ 13.10)

Reasonable routes and methods of access which are least damaging to the environment are permitted.

Reasonable routes and methods of access which are least damaging to the environment are permitted in accordance with a permit. (§ 98.31)

Traditional surface transportation provided between villages and homesites. (Sec. 802(a)).

Temporary access provided for purpose of survey, geophysical, exploratory, and other temporary uses. (Sec. 802(b)).

Access to inholdings guaranteed where land is within or surrounded by conservation system unit where necessary for economic and other purposes subject to reasonable regulation. (Sec. 802(c)).

Proposed Monument Regs.

Proposed Monument Regs.

10. Subsistence*/
(Cont)

Certain elements of NPS' subsistence program apply whether or not a State program supersedes the elements outlined above. The Superintendent retains the authority to close any or all of a monument to subsistence uses for purposes of "public safety, administration, or to ensure the natural stability and continued viability of the resources" (§ 13.40(b)(3), 13.30). Local rural residents may not use aircraft for subsistence hunting and fishing access except as specifically permitted for designated communities within the resident zones (only Anaktuvuk) (§ 13.45, 13.64). Local rural residents may use snowmobiles and motorboats for subsistence activities except as prohibited by the Superintendent; recreational use of these vehicles by local rural residents is governed by the general public use and recreation regulations for the Alaska National Monuments. (§ 13.46).

*/ No similar program for either NPS or USFWS in "Lower 48".

QUESTIONS AND ANSWERS

REGARDING

PROPOSED REGULATIONS FOR ALASKA NATIONAL MONUMENTS ADMINISTERED BY THE NATIONAL PARK SERVICE AND FISH AND WILDLIFE SERVICE

WHY ARE THESE REGULATIONS BEING PROPOSED NOW, SEVEN MONTHS AFTER PRESIDENT CARTER CREATED THE MONUMENTS?

Shortly after the monuments were created, temporary regulations were issued to govern what activities could take place within the monuments and how the monuments were to be administered. These new regulations would replace the temporary regulations. They will provide a much more detailed direction to the National Park Service and U.S. Fish and Wildlife Service as to how to operate the new monuments.

HOW CAN A PERSON COMMENT ON THESE NEW REGULATIONS?

These new regulations are simply proposals. The public has 90 days from the time they are published in the Federal Register to send in written comments. These comments will be considered by Secretary of the Interior Cecil D. Andrus in the writing of the final regulations.

In addition, two public hearings will be held in Alaska to receive comments. The hearings will be held in Fairbanks and Anchorage. Time and location of the hearings will be announced later.

Secretary Andrus has said these new regulations are designed to provide for Alaska's unique lifestyle and environment. How has this been done?

Generally speaking, traditional activities which have occurred in the past within the new monuments will be allowed to continue if they do not interfere with the purposes for which the monuments were created. The regulations must comply with federal laws, of course. The proposed regulations adapt National Park Service regulations used in monuments in the "lower 48" to meet Alaska needs.

WHAT ABOUT THE LANDING OF AIRPLANES IN THE NEW MONUMENTS?

Under the proposed regulations, aircraft could land anywhere in the monuments except where specifically closed to such landings. This will mean that most areas will be open. An example of a temporary closure might be to protect a caribou calving area during calving season. Permanent closures would only be done after a public hearing process and only for overriding reasons such as safety.

WHAT ABOUT MOTORBOATS?

Motorboats would be permitted to be operated on all waters within the Alaska National Monuments except where such use is prohibited or restricted. Generally this will mean that most lakes and streams will be open to motorboat use. The National Park Service is proposing that the following lakes in Lake Clark National Monument be closed to motorboats: Telaquana Lake, Turquoise Lake, Twin Lakes, Lackbuna Lake, Portage Lake, Kijik Lake, Kontrashibuna Lake. These lakes would be closed to preserve the integrity of lakes where little or no known motorboat uses occur and minimize the degree of environmental disturbance. The National Park Service invites suggestions as to the specific areas or times that should be permanently closed to use of motorboats.

WHAT ABOUT SNOWMOBILES?

Snowmobiling would be allowed in the Fish and Wildlife Service monuments of Yukon Flats and Becharof except where prohibited or restricted. The Fish and Wildlife Service feels that, given the winter environment and the limited amount of human activity within the Alaska wildlife monuments, neither the natural, aesthetic nor scenic values of the areas would suffer from allowing snowmobile uses for access and transportation to continue except where specifically prohibited.

The National Park Service would permit use of snowmobiles in areas or on routes designated by the monument superintendent but would not permit such use elsewhere in the monument. The proposal represents an attempt by the Service to accommodate traditional and necessary means of access while at the same time preserving parts of the Alaska "bush" in a relative wild state where the influence of man is not overly apparent as a result of the use of mechanized transport. The National Park Service is seeking suggestions as to specific areas or times that should be closed to the use of recreational snowmobiles.

WILL I BE ALLOWED TO CARRY A FIREARM IN THE MONUMENTS?

Yes. You may carry a firearm for personal protection. Of course, some areas might be closed to carrying of firearms for good reasons such as safety around visitor centers. Incidentally, the temporary regulations required that anyone wanting to carry a firearm in a National Park Service monument has to obtain a permit. Under the proposed new regulations, such a permit would not be required.

WILL SPORT HUNTING BE ALLOWED?

Sport hunting will be allowed in the Yukon Flats and Becharof Monuments administered by the Fish and Wildlife Service.

Sport hunting will not be allowed in the National Park Service-administered monuments. Under federal law, sport hunting cannot be allowed in these types of monuments.

WHAT ABOUT SUBSISTENCE HUNTING?

Subsistence hunting will be allowed in the monuments. It is the only type of hunting allowed in the National Park Service monuments.

It is difficult to define who is and who isn't a subsistence hunter. Both the State of Alaska and Congress have struggled with the definition. Generally it is recognized that these are local rural residents who are economically dependent on, and have historically taken, the renewable resources which are now within the boundaries of the new Alaska National Monuments. The resources meet both the physical needs of these local rural residents for food, fuel and clothing and their societal needs for cultural identity kept intact by skills, lore and tradition.

The data available at this time has allowed the National Park Service to identify concentrations of people, residing within the monuments and in certain additional areas just outside the monument boundaries ("resident zones"), who are economically dependent on, and have historically used, the renewable resources of the monument.

Under the proposed program, a subsistence user in the monuments must either live in the identified "resident zones" or hold a "subsistence permit."

At some future time, more stringent tests may have to be imposed, based on the three criteria of "subsistence preference" -- dependence on the resource, availability, and local residence -- to determine who can use subsistence resources in the monuments.

One additional restriction will be used. Subsistence users will not be allowed to use airplanes for subsistence purposes on the monuments. One exception will be made to this rule. The people of Anaktuvuk in Gates of the Arctic National Monument have traditionally used airplanes for their subsistence activities and will be allowed to continue to do so.

WILL THE STATE OF ALASKA GAME WARDENS ENFORCE THE SUBSISTENCE REGULATIONS?

In order for the State to enforce these subsistence regulations, the State Boards of Game and Fish would have to adopt State regulations which are substantially similar to the permanent federal regulations. The State, for instance, would have to designate the National Park Service monuments as "subsistence hunting only" areas.

The Department of the Interior is hopeful that the State will do so. Secretary Andrus has said many times that the states rather than the federal government should regulate fish and game harvest.

WILL TRAPPING BE ALLOWED IN THE MONUMENTS?

Both commercial and subsistence trapping will be allowed in the Fish and Wildlife Service monuments.

Subsistence trapping will be allowed in the National Park Service monuments although commercial trapping will not be allowed. The regulations recognize that a genuine subsistence lifestyle may also include limited involvement in the cash economy through the exchange of furs. For example, local rural residents may engage in trapping to obtain the cash required for store-bought supplies such as gasoline and ammunition.

WHAT ARE THE RESIDENT ZONES FOR EACH NATIONAL PARK SERVICE MONUMENT?

Aniakchak National Monument - Chignik, Chignik Lagoon.

Bering Land Bridge National Monument - Buckland, Deering, Shishmaref, Wales.

Cape Krusenstern National Monument - Kivalina, Kotzebue, Noatak.

Denali National Monument - Minchumina, Telida.

Gates of the Arctic National Monument - Alatna, Allakaket, Ambler, Anaktuvuk, Bettles, Kobuk, Shungnak.

1978 Enlargement of Glacier Bay National Monument - None.

1978 Enlargement of Katmai National Monument - Egigik, Igiugig, Kakhonak, Levelock.

Kenai Fjords National Monument - Subsistence uses prohibited.

Kobuk Valley National Monument - Ambler, Kiana, Kobuk, Noorvik, Shungnak.

Lake Clark National Monument - Nondalton, Port Alsworth.

Noatak National Monument - Kivalina, Kotzebue, Noatak.

Wrangell-St. Elias National Monument - Chistochina, Chitina, Copper Center, Gakona, Gulkana, McCarthy, Mentasta Lake, Nabesna, Slana, Yakutat.

Yukon Charley National Monument - Circle, Eagle, Eagle Village.

The Service recognizes that certain communities outside the designated resident zones contain persons who can qualify as local rural residents. Such communities include King Salmon, Naknek, and South Naknek for Katmai National Monument; Glenallen for Wrangell-St. Elias National Monument; and Yakutat for the 1978 Enlargement of Glacier Bay National Monument (Yakutat is within the resident zone for Wrangell-St. Elias National Monument.) The Service encourages the people in these communities and others who depend on, and have historically used, monument resources to apply for a "subsistence permit."

WILL I BE ABLE TO GO CAMPING AND PICNICKING IN THE NEW MONUMENTS?

Yes. This is another activity which will be allowed throughout the monuments except in specific areas where it might be prohibited for safety or other good reasons.

WHAT ABOUT USING OFF-ROAD VEHICLES?

These will be allowed along designated roads and trails. Other areas of the monuments will be closed to protect them from potential environmental damage. Please offer suggestions on which areas should be opened to off-road vehicle use.

WHY ARE THESE REGULATIONS BEING PROPOSED NOW WHEN CONGRESS IS CONSIDERING LEGISLATION TO CHANGE THESE MONUMENTS TO OTHER DESIGNATIONS?

The Carter Administration hopes Congress will pass an Alaska Lands bill this year. However, the national monuments are permanent designations and we are obligated to provide as soon as possible permanent regulations to administer them.

WHAT WILL HAPPEN TO THESE REGULATIONS IF AN ALASKA LANDS BILL PASSES?

It is likely that many of whatever permanent regulations are adopted will be used as regulations for the new designations.

WHO SHOULD I CONTACT TO PROVIDE COMMENTS?

To comment on the National Park Service regulations, write:

Area Director
National Park Service
540 West 5th Avenue
Anchorage, Alaska 99501

To comment on the Fish and Wildlife Service regulations, write:

Area Director
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99503

SCOMM

#22:36

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

Honorable Bart Lance
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lance:

On August 30, we received a memorandum from the Assistant Director for Legislative Reference of the Office of Management and Budget setting forth a schedule for the interagency review of a Department of the Interior draft bill to amend H.R. 39 (the Udall bill on Alaska lands), to be presented to the Congress as the comprehensive Administration position on the designation of so-called D-2 lands in Alaska.

That schedule, as orally revised by OMB on September 1, set September 2 as the date we would receive the entire proposal for review and allowed two working days to develop and submit written comments to be followed by an interagency meeting to discuss them on the third working day. This tight schedule was set in order to permit the Secretary of the Interior to meet his commitment to the House Interior Subcommittee on General Oversight and Alaska Lands to present the Administration's position regarding Alaska lands at a hearing scheduled for Thursday, September 15, 1977.

Based on materials supplied us by the Department of the Interior during the late summer of 1977 regarding the areas proposed for designation by Congressman Udall in H.R. 39 and on a hurried review of the Interior proposed amendments which we received at 6:45 p.m. on September 2, we have several major areas of disagreement or concern with the provisions of the proposed amendments and H.R. 39 itself.

The proposal does not reflect a balanced concern for major Administration objectives such as energy and mineral development, economic stability, and transportation planning. Since significant portions of land which have not been adequately surveyed for mineral resources are proposed for redesignation as wilderness, or would otherwise be withdrawn from mineral development, we believe adequate provision should be made for prospecting and exploration with strong environmental control requirements. In this regard we would suggest that proposed title VIII be made operative for all the lands covered by the bill. Concomitant with this concern are the issues of transportation and utilities. We consider it to be paramount that the amendments contain a provision authorizing the Secretary of the Interior to grant transportation access for roads, pipelines, utilities, and aircraft on or across parks, refuges, and wild rivers as the need arises.



The Alaska National Preserve Act and issue is to redesignate existing National Preserves as National Parks or Refuges including designation of major wilderness areas. These areas are currently involved in a Department of Agriculture comprehensive land management planning program including public participation pursuant to existing laws. To include such lands in this proposal does not expedite the Alaskan D-2 land issue. Accordingly, we believe that non D-2 lands should be excluded from Interior's amendments.

Finally we have a number of questions and concerns over the impact of Interior's proposal on activities and programs currently the statutory responsibility of this Department. For example, we are specifically concerned about the impact of several proposals which would involve marine resources. The proposed Alaska Marine Resources National Wildlife Refuge would divest this Department of responsibilities for fur seals on the Walrus and Otter Islands and Sea Lion Rocks. We are also concerned that the provisions for subsistence hunting and fishing could have an impact on the rational management of fisheries resources pursuant to the Fishery Conservation and Management Act of 1976. Subsistence fishing for salmon in the lakes and streams would affect the populations in the oceans. The amendments must also be revised to include provisions assuring us of continued, unimpeded access to existing facilities and sites where we have ongoing activities.

These concerns do not constitute our comprehensive list. They reflect only those apparent from the cursory review we have been able to do at this time.

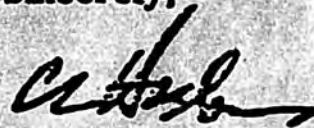
We endorse all of the policy premises and goals of the President's Environmental Message, including expeditious settlement of the Alaska lands issue. Further, we are fully cognizant of the need for expeditious handling and resolution of important matters such as the above. However, we feel that an interagency review schedule that results in de facto elimination of the views of this and other Departments runs a high risk of presentation of a bill which may contain errors and which other Departments cannot support.

The present draft is not ready for presentation to Congress and this Department cannot support it.

A thorough review pursuant to Circular A-19 could be conducted if the deadline for transmission of a bill to Congress were extended to October 1. Whether we will be able to support any bill transmitted to Congress without such review will depend entirely on the form the bill ultimately takes and on the quality of interagency consideration it reflects.

I understand your need to meet tight deadlines and I respect your desire to implement the President's program. We will continue to make every effort to meet your deadlines and will respond to the best of our ability within those time constraints.

Sincerely,



C. L. Haslam
General Counsel

cc: W. Bowman Cutter
Executive Associate Director
for Budget
Office of Management and Budget

Leo M. Krulitz
Solicitor
Department of the Interior

James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget

Honorable Bert Lance
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lance:

This is in response to your request of August 30 for the Department of Commerce's view on the Department of the Interior's draft amendments to H.R. 39, a bill

"To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation System, and for other purposes."

We endorse all the policy premises of the President's Environmental Message including expeditious handling of the Alaska land issue but we do have some concerns about how the proposals relate to other Administration interests.

These concerns include, but are not limited to the following:

- a. Assuring a continuing supply of energy, minerals and timber to the domestic economy;
- b. Providing access to these resources and transportation modes to insure availability;
- c. Assuring the economic health of the State of Alaska;
- d. Assuring that the amendments are not inconsistent with National Oceanic and Atmospheric Administration (NOAA) and Economic Development Administration (EDA) programs and responsibilities.

The attached analysis sets forth, in as much detail as time permitted, specific problem areas. We believe that at least some of these problem areas could be resolved or narrowed if adequate time were provided for an interagency review process as Secretary Kreps discussed with Secretary Andrus by telephone on August 7.

Sincerely,

General Counsel

MHA/flich/bcq/9-8-77

cc: Signer
Miller
NOAA
BDC
OEA
OEP
OPD
ORR/P.

Proposed Withdrawal of Certain Wilderness Areas

The following areas as proposed by the amendments are of concern to this Department. The list should not be viewed as comprehensive since the concerns enumerated often are generic to the entire Interior proposal.

A. Admiralty Island National Preserve and Wildlife Refuge (Wilderness)

This proposal would create an 800,000 acre Wilderness area. It would include this entire island in the Tongas National Forest excluding only limited acreage surrounding Angoon. Admiralty Island has high mineral and timber extraction potential. Mineralization maps agreed to by Geological Survey, Bureau of Mines and State of Alaska indicate Admiralty Island is a highly mineralized area. The Interior proposal statement that "no major mineral values have been identified" is not appropriate.

The rationale behind the withdrawal, in addition to the standard preservation motive applicable to all withdrawals, is to preserve the "long-term health of the Tlingit (Indian) culture." Recent (December 1975) data shows the population of the greater Angoon area to be 400. Thus Interior is estimating a need of approximately 2,000 acres of wilderness per capita for cultural preservation. We believe this excessive and that economic as well as cultural values can be accommodated by more rational and time-phased approach. It might be noted that, at least through 1976, the City of Angoon was dumping raw sewage into the surrounding waters. Very possibly some controlled mining and logging activity would provide the tax base for the City of Angoon to correct this environmentally destructive condition.

B. Cape Krusenstern National Monument

Our information indicates that the archaeological site to be protected comprises about 5,000 acres. However, Interior has proposed a withdrawal of 360,000 acres. The excess area intrudes on lands shown on Interior maps as "important" for oil and gas potential.

C. Gates of the Arctic Wilderness National Park

The proposed withdrawal would designate almost 3.2 million acres as a Wilderness area. The southern two thirds of the withdrawal are known to be either "highly favorable" or "favorable" for mineral deposits. The Interior proposal presents information which is inadequate for analysis beyond a general conclusion that the potential for long term harm to U.S. mineral supply is substantial. The

stated in the proposal that "Potential mineralized areas have been excluded from the Southwest" is neither definitive nor informative as to other highly mineralized areas across the southern part of the withdrawal.

D. Lake Clark National Park/Preserve

This proposed 2.4 million acre withdrawal abuts the Cook Inlet segment which Interior maps show to be "very important" for oil and gas development. In addition, almost the entire area is shown as "highly favorable" for mineral deposits. According to Interior maps, there are "some known metallic mineral deposits." The geology is favorable for copper, molybdenum, gold silver, and uranium.

E. Arctic National Wildlife Refuge

The proposal would take the existing Arctic Wildlife Refuge and additions totaling 8.4 million acres and designate it as a Wilderness area. Interior maps show the western portion of this area as "highly favorable" for metallic mineral deposits but more important would give Wilderness designation to a coastal area of the Beaufort Sea that has "very important" potential for oil and gas development. In particular, we would draw attention to the potential in the Marsh Creek Anticline, and urge that provision be made for testing this and similar structures. There would appear to be no gains from changing the current legal status of the National Arctic Wildlife Refuge, and much to be lost. The inappropriateness of the coastal area for designation as a Wilderness area was addressed by Judge Nahum Litt in his Initial Decision on Proposed Alaska Natural Gas Transportation Systems, Federal Power Commission, February 1977 (pp 197-198):

"What encompasses the impacted Wildlife Range, again like the definition of "unique" or "wilderness" is essentially definitional. If there is something contrary to the definition, change the definition. smack in the middle of the coastal section of the Wildlife Range is an operating active Dew Line site with multi-story radar receptors, an airfield, dock, boats, etc. Next to it is Kaktovik. Nothing appears to rust very fast in the Arctic and, because of the permafrost, nothing, or little, is buried. And, since the terrain is flat, the debris of civilization, broken snowmobiles and beached boats,

discarded appliances, etc. are visible around and about all of the houses of native villages. The Wilderness aspect of the Wildlife Range is maintained by defining Barter Island and Kaktovik out. Similarly dismissed are Demarcation Bay with its beached wrecked ship, temporary native hunting and fishing villages and the Dew Line sites. Arctic Gas cites Lewis Carroll's Humpty Dumpty who said 'When I use a word, it means just what I choose it to mean - neither more or less.' Humpty Dumpty would have been right at home in a number of briefs filed in this case."

Judge Litt's description supports our contention that the coastal area, at least, of the existing Arctic Wildlife Refuge should continue open to oil and gas exploration and extraction.

F. Yukon Delta National Wildlife Refuge

The proposal would classify 11.1 million acres as a wildlife refuge. Interior's proposal states "the entire Delta area lies in a potential petroleum province." The refuge also covers an area "highly favorable" for metallic minerals. The refuge, however, would not be open to new mining claims. The proposal further states that exploration for an extraction of oil and gas only would be permitted "provided that there is a national need, NEPA requirements are complied with, and it can be done compatibly with refuge objectives."

G. Yukon Flats National Wildlife Refuge

The Refuge would cover 8.5 million acres. Interior's proposal states that the refuge lies within potential oil and gas and uranium provinces. Any exploration for oil and gas would be permitted only pursuant to Secretarial decision and classification and under strict requirements. No new mining claims would be allowed.

Summary

Each land area is excessively large for the proposed designation. When taken as a group, and in addition to other existing large Federal withdrawals, the combined pattern interdicts a much greater area by restricting use and access.

Impacts of these and other proposed designations on Departmental activities and jurisdiction are discussed under VI, below. The cumulative result could be very serious in its damage to the Alaskan economy and its curtailment of fuels and minerals supply to the entire domestic economy. The employment and inflationary impacts are potentially substantial.

In our opinion, because of the inadequate knowledge we have of the resources of Alaska, the net effect of some of the withdrawals could be counterproductive. For example, it is conceivable that available mineral resources could be transported over only two routes: one involving dredging a port in an unreserved area; the other involving rail transportation across a tiny corner of a reserved area. The latter being precluded by inadequate planning would force resort to the port even though the net environmental damage might be substantially greater from dredging the port. We would urge that designation of areas be based on prior planning or that exceptions be permitted to make adjustments when such planning can be done.

II. Prohibitions on Prospecting, Exploration, and Development of Minerals

We have knowledgeable estimates that a continuing supply of hard minerals could be assured to the domestic economy utilizing less than .3% of Alaska's land area with the majority of this land subject to reclamation. Since significant portions of land which have not been adequately surveyed for mineral resources are proposed for redesignation as wilderness, or would otherwise be withdrawn from mineral development, and given the very small land areas that will be needed for minerals, we believe adequate provision should be made for prospecting, exploration, and development with strong environmental control requirements. In this regard we would suggest that proposed title VIII be made operative for all the lands covered by the bill.

III. Access and Transportation Availability

H.R. 39 is silent on access and transportation corridors as are DOI's proposed amendments. Secretary Andrus' proposed testimony, however, states that "the application of existing law and procedures for the determination of need for transportation corridors through newly proposed D-2 areas is sufficient."

*what
does
existing
law say*

We cannot concur with this assessment. We strongly feel that a well thought out system of granting access and rights-of-way must be an integral part of any withdrawal package. While existing law may be adequate to permit the Secretary of the Interior to determine "need", a mechanism does not exist in the law to grant access and corridors. We consider it to be paramount that the amendments contain a provision authorizing the Secretary of the Interior to grant transportation access for roads, pipelines, utilities, and aircraft on or across parks, refuges, and wild rivers as the need arises.