

Chapter 1:

Purpose and Need

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1.0 CHAPTER 1: PURPOSE AND NEED

1.1 Introduction

The National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) for an Off-Road Vehicle (ORV) Management Plan (Plan) for the Nabesna District of Wrangell-St. Elias National Park and Preserve (Wrangell-St. Elias or the park). The Plan/EIS evaluates a range of alternatives and management actions for ORV use and includes specific trail improvements and ORV administration for the following trails: the Suslota, Caribou Creek, Trail Creek, Lost Creek, Soda Lake, Reeve Field (also referred to as Reeve's Field), Tanada Lake, Copper Lake, and Boomerang trails and the existing trail systems in designated wilderness south of Copper Lake (Black Mountain) and south of Tanada Lake. The Plan/EIS considers and analyzes these trails for the following reasons:

Outside of designated wilderness, the park has permitted the use of recreational ORVs on these trails.

They receive more motorized use and consequently have more impacts associated with them than other trails in the area.

The Plan/EIS will also describe non-motorized trail opportunities in the Nabesna District. The analysis area for this Plan/EIS is shown on Figure 1-1. Figure 1-1 also shows the nine trails as well as the Black Mountain trail system and the trail system south of Tanada Lake. The analysis area includes congressionally designated wilderness and lands determined eligible for wilderness designation.

1.1.1 Purpose of the Plan/EIS

The purpose of this Plan/EIS is to describe a strategy to provide continued opportunities for appropriate and reasonable access to wilderness and backcountry recreational activities, which also accommodates subsistence and access to inholdings; while protecting scenic quality, fish and wildlife habitat, and other park resource values. If this planning process finds that recreational ORV use is compatible with park purposes and is therefore permissible, appropriate access is limited to the following:

- Access to sport hunting in the National Preserve
- Access to backcountry destinations for fishing, hiking, dispersed camping, float trips, mountaineering, or other non-motorized recreational pursuits

The Plan/EIS will implement the direction established in the General Management Plan for Wrangell-St. Elias National Park and Preserve (GMP) (NPS 1986). Potential NPS actions are guided by established laws and policies, such as the NPS Organic Act, the Wilderness Act, Alaska National Interest Lands Conservation Act (ANILCA), and NPS Management Policies 2006 (NPS 2006a).

The park's enabling legislation provides that the unit shall be managed "to maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes and streams, valleys and coastal landscapes in their natural state...and to provide continued opportunities, including reasonable access...for wilderness recreational activities." Management decisions that balance providing access opportunities for park visitors and local residents while protecting park resources present challenges to park managers.

On June 29, 2006, the National Parks Conservation Association, Alaska Center for the Environment, and the Wilderness Society filed a lawsuit against the NPS in the United States District Court for the District of Alaska regarding recreational ORV use on nine trails within the boundaries of Wrangell-St. Elias National Park and Preserve. In this complaint, the plaintiffs challenged the method used by the NPS to issue recreational ORV permits. They asserted that in issuing recreational ORV permits, the NPS failed to make the required finding that recreational ORV use is compatible with the purposes and values of the park. Also, that the NPS failed to prepare an environmental analysis of recreational ORV use as required by the National Environmental Policy Act (NEPA) of 1969.

In a settlement agreement announced on May 15, 2007, the NPS agreed to suspend issuing recreational ORV permits for three specific trails unless the ground is frozen until an EIS is completed and a decision is made regarding future authorized uses on park ORV trails. It was agreed that the NPS would endeavor to complete the EIS and Record of Decision by December 31, 2010.

The EIS and public comment will form the basis for a decision by the NPS Regional Director for Alaska on the final ORV Management Plan and EIS. Implementing the Plan may require promulgation of special regulations and public advisories in consultation with other federal and state agencies and the public.

This combined Plan and EIS analyzes the potential environmental impacts that could result from the ~~six~~ alternatives considered, including the No Action alternative. The Plan/EIS has been prepared in accordance with NEPA and regulations of the Council on Environmental Quality (CEQ) (Title 40 Code of Federal Regulations [CFR] Part 1500).

1.1.2 Need for the Plan

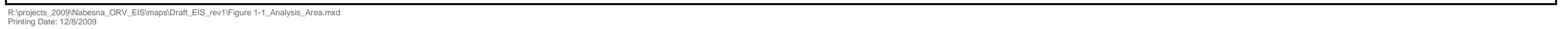
There are three reasons why an ORV management plan is needed at this time:

1. The General Management Plan for Wrangell-St. Elias National Park and Preserve (GMP) (NPS 1986) recognized the need to conduct future planning to address transportation and access issues.

The GMP recognized that ANILCA authorized ORV use for subsistence uses and access to inholdings in WRST under certain circumstances. For recreational ORV use, the GMP cited the need for designation of specific areas for ORV use and a determination that ORV use in these areas would not adversely affect the natural, aesthetic, or scenic values, consistent with Executive Order 11644. The GMP also called for further trail inventory, assessment of ORV impacts, and access and transportation planning.

2. There is a need to address the impacts to park resources that are occurring because of ORV use in the Nabesna District.

ORV use in the Nabesna area has been occurring since before the establishment of the park (Haynes et al. 1995). Since 1986, the park has conducted two major studies (Happe et al. 1998, Connery 1987) of ORV impacts and mitigation and a detailed survey and inventory of physical conditions along the existing trails in the Nabesna District (Meyer and Anderson 2007). These studies demonstrated that ORV use over wet areas leads to trail braiding and widening. Vegetation does not recover quickly, soils erode, permafrost depth changes, and impacts to surface hydrology occur. Of the nine recreational ORV trails in the Nabesna District, the Suslota, Tanada Lake, Copper Lake, and Reeve Field trails all have substantial



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sections with degraded conditions. Where this occurs, trails can become impassable, resulting in the formation of multiple alignments or braiding. There is a need to evaluate mitigation options and adopt a strategy for effective trail management in the Nabesna District that minimizes impacts to park resources.

3. There is a need to consider other recreational opportunities and address user conflicts.

Some of the trails where ORV use has been authorized are in a degraded condition. This discourages non-motorized uses such as foot, horseback, or mountain biking. Consideration will be given to constructing or designing non-motorized backcountry trails and routes.

1.1.3 Management Objectives

The following objectives are specific statements of purpose and condition for ORV use in the Wrangell-St. Elias National Park and Preserve. The preferred alternative should be the alternative that best meets the objectives.

Soils

- Protect soils from erosion and where possible, mitigate existing impacts to soils from ORVs.

Trail Condition

- Manage trails to be in at least a maintainable condition. A maintainable trail is a trail that with appropriate and reasonable mitigation and maintenance will support a managed level of use without unacceptable environmental degradation or a decrease in travel surface utility.

Wetlands

- Where existing routes occur through wetlands, mitigate impacts.
- Protect and where possible, restore wetlands.

Vegetation

- Minimize damage to vegetation resources.
- Protect areas known to include rare or sensitive plants.
- Determine and implement measures to prevent the spread of invasive plants with ORV use.

Water Quality and Fish Habitat

- Minimize sedimentation into streams and rivers.
- Protect natural drainage patterns and reduce the potential for trails to act as conduits for water.

Wildlife

- Minimize impacts to wildlife habitat.

Scenic Quality

- On existing and re-routed trails, minimize impacts to scenic quality.

Cultural Resources

- Minimize impact to historic and prehistoric sites.

Subsistence

- Provide for recreational access to backcountry experiences while minimizing impacts to subsistence opportunities.
- Provide for access to subsistence resources while minimizing resource impacts.

Wilderness

- Provide reasonable access to designated wilderness for backcountry and sport hunting opportunities.
- Access to wilderness should protect wilderness character and the following wilderness values: a) primeval character and influence, b) natural conditions, c) imprint of man's work substantially unnoticeable, d) outstanding opportunities for solitude or primitive and unconfined types of recreation, and e) preserve wilderness in an unimpaired condition.
- Manage eligible wilderness to protect eligibility status.

Visitor Opportunities/Access

- ORV use may be a means to access an activity or area. Within areas not designated as wilderness this will include: a) access to dispersed campsites for sport hunting; b) access to rivers, streams, or lakes for fishing and dispersed camping; c) access to rivers for float trips; d) access to jumping off points for non-motorized hiking and backpacking, sport hunting, and mountaineering; and e) access to wildlife viewing and/or photography.
- Trails will not be managed or maintained to accommodate motorized recreational ORV use as an activity unto itself.
- Non-wilderness will be managed to provide a diversity of recreational opportunities.
- Provide for visitor opportunities that can be sustained without causing unacceptable impacts to park resources or values.

Natural Soundscapes

- Minimize impacts to the natural soundscape.

1.2 History of Off-Road Vehicle Use in the Nabesna District of Wrangell-St. Elias National Park

The history of ORV use in the Nabesna District predates the establishment of Wrangell-St. Elias National Park and Preserve. It commenced after the World War II era when surplus military vehicles were used by hunters, miners, and others for personal use and access to remote areas. In the late 1970s, the all-terrain vehicle (typically three- or four-wheelers) emerged as a new and more affordable mode of cross-country travel in rural Alaska. When Wrangell-St. Elias National Park and Preserve was created by ANILCA in 1980, there was an established trail network in the Nabesna District, with most use confined to the lowlands. These trails are used by recreational and subsistence users as well as a means to access private inholdings and commercial establishments. They are used in the winter by skiers, mushers, and trappers. Snowmachines are a common motorized use in the winter months.

In 1983, the park commenced issuing permits for recreational use of these established trails under Title 36 CFR Section 13.14. This regulation provided Park Superintendents the authority to allow ORVs on existing trails (not in wilderness) pursuant to a permit after a compatibility finding. This regulation was later repealed and revised as Title 43 CFR 36.11(g)(2). The permits require recreational users to stay on existing trails and to adhere to certain conditions for resource protection. The number of permits has risen from 64 issued in 1985 to 294 permits issued in 2005. Recreational ORV use is currently permitted on portions of seven trails in the Nabesna District.

Access for subsistence uses on NPS lands are granted by section 811 of ANILCA. ORVs are one of the means of access used by federally qualified subsistence users in Wrangell-St. Elias National Park and Preserve. ORVs were recognized as a traditional means of access in the 1986 General Management Plan (GMP) for the park. The NPS recommends that federally qualified subsistence users obtain a permit for ORV use and about 60 users each year do so (about 25 percent of the total estimated subsistence ORV use). Under current regulations, the Park Superintendent may restrict or close a route or trail if he or she determines that the means of access is causing or may cause an adverse impact, subject to notice and a public hearing (Title 36 CFR 13.460 (a) and (b)).

1.3 Park Purpose and Significance

1.3.1 Park Purpose

The 13.2-million-acre Wrangell-St. Elias National Park and Preserve was established in 1980 with the passage of ANILCA. Section 201(a) of ANILCA states that the park will be managed for the following purposes, among others:

To maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes and streams, valleys, and coastal landscapes in their natural state; to protect habitat for, and populations of, fish and wildlife including but not limited to caribou, brown/grizzly bears, Dall's sheep, moose, wolves, trumpeter swans and other waterfowl, and marine mammals; and to provide continued opportunities, including reasonable access for mountain climbing, mountaineering, and other wilderness recreational activities. Subsistence uses by local residents shall be permitted in the park, where such uses are traditional in accordance with the provisions of Title VIII.

Section 101 of ANILCA describes the broad purposes of the new conservation system units throughout Alaska. These are generally summarized as follows:

- Preserve lands and waters for the benefit, use, education, and inspiration of present and future generations.
- Preserve unrivaled scenic and geological values associated with natural landscapes.
- Maintain sound populations of, and habitat for, wildlife species.
- Preserve extensive, unaltered ecosystems in their natural state.
- Protect resources related to subsistence needs.
- Protect historic and archaeological sites.
- Preserve wilderness resource values and related recreational opportunities such as hiking, canoeing, fishing, and sport hunting.
- Maintain opportunities for scientific research in undisturbed ecosystems.
- Provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so.

1.3.1.1 Wilderness

Section 701 of ANILCA designated “approximately eight million seven hundred thousand acres” within Wrangell-St. Elias National Park and Preserve as wilderness. Designated wilderness within the analysis area is shown on Figure 1-1. According to the Wilderness Act, these lands are to be “administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.”

1.3.1.2 Wrangell-St. Elias National Preserve

Section 1313 of ANILCA addresses the purpose of national preserves created by the act.

A National Preserve in Alaska shall be administered and managed as a unit of the National Park System in the same manner as a national park except as otherwise provided in this Act and except that the taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed in a national preserve under applicable State and Federal law and regulation.

The National Preserve portion of the analysis area is shown on Figure 1-1.

1.3.2 Park Significance

There are eight park significance statements for Wrangell-St. Elias National Park and Preserve that define what is most important about the park’s resources and values and are tied to the park purpose. The eight significance statements are listed below. For the significance statements applicable to this analysis area, associated fundamental resources and values are listed as bullet statements.

1. Wrangell-St. Elias National Park and Preserve provides superlative scenic beauty.

- Expansive vistas: The sheer scale and undeveloped nature of the park ensures the continuance of spectacular, massive vistas.
 - Ecological resources: The park protects continuous intact ecological communities that create visually diverse scenery largely unaffected by humans.
 - Scenic wildlands: Natural, undeveloped viewsheds, including water bodies and landforms dominate the viewscape of the park.
2. The vast undeveloped expanse of Wrangell-St. Elias National Park and Preserve contains diverse aquatic and terrestrial ecosystems, ranging from alpine to marine, and providing natural habitat for populations of Alaskan flora and fauna.
- Protected salmon habitat: The park protects freshwater habitat for Copper River salmon, an internationally recognized fishery.
 - Unimpacted wildlife: Wildlife populations regulated by natural processes thrive within the boundaries of the park.
 - Unfragmented habitat: The park protects large and unfragmented terrestrial and aquatic habitats and their associated biodiversity.
 - Educational opportunities: The park provides opportunities to learn about the large, nearly natural ecological systems, and opportunities to perform scientific research regarding them.
 - Native species: Moose, Dall's sheep, caribou, mountain goat, wolf, grizzly bear, black bear, lynx, and wolverine are some of the species that live within the park.
3. The Wrangell-St. Elias Wilderness is the largest unit of the National Wilderness Preservation System, encompassing 9,677,000 acres of remote and geographically diverse mountainous landscape.
- Massive wilderness: Wrangell-St. Elias National Park and Preserve contains the largest contiguous area of designated wilderness in the United States. These wilderness characteristics are defined by the 1964 Wilderness Act and modified by ANILCA.
 - Wilderness experiences: The opportunities for visitors and residents to experience remote and challenging wilderness activities are outstanding at the park.
 - Accessibility: Trails, airstrips, and landings provide access to remote wilderness.
4. Wrangell-St. Elias National Park and Preserve contains major river systems, with more miles (over 1,000) of scenic, free-flowing, glacial rivers in their natural state than found in any other protected area in the United States.
- Glacial river systems: The park protects the scenic, free-flowing braided glacial river systems, including the Copper, Chitina, Bremner, Nabesna, White, and Chisana rivers.

- Educational opportunities: The park provides the opportunities to learn about the glacial river systems, and to perform scientific research regarding them.
5. Wrangell-St. Elias National Park and Preserve is an inhabited area where local communities and traditional human activities remain integrated with the wilderness setting.
 - Subsistence: The park ensures the continued opportunity for local rural residents to engage in a subsistence way of life.
 - Other consumptive uses: Harvest of fish, wildlife, and other renewable resources by non-local residents or for purposes other than subsistence.
 - Ethnographic resources: Documentation of landscapes, objects, plants and animals, or sites and structures that are important to the sense of purpose or way of life of peoples traditionally associated with the park and its resources.
 - Accessibility: Access for subsistence users, commercial fishermen, private property owners, and those engaged in traditional activities (subject to regulation).
 6. Wrangell-St. Elias National Park and Preserve encompasses the nation's largest protected active glacial complex.
 7. Wrangell-St. Elias National Park and Preserve contains a unique assemblage of historic mining features, including Kennecott Mines National Historic Landmark.
 8. Encompassing portions of three major mountain ranges, Wrangell-St. Elias National Park and Preserve contains vast areas of scenic high mountain terrain from sea level to 18,000 feet and includes nine of the sixteen highest peaks in North America.

1.4 Scoping Process

A Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on December 23, 2007. This marked the beginning of the scoping process for this combined ORV Management Plan and EIS. A newsletter was mailed to the park's base mailing list and to recreational ORV permit holders, a total of 360 addresses. In addition, the newsletter was posted on the park's website. The newsletter described the planning process, the issues and objectives, and asked the public for their input and opinions about trail conditions, use, and management strategies. It contained the dates and locations of the public scoping meetings as well as information about how to submit comments and get more information about the planning process and issues.

Five public scoping meetings were held from March 26 to April 3, 2008, in Tok, Slana, Glennallen, Fairbanks, and Anchorage with a total of 91 members of the public in attendance. The meetings were held in an open house format with posters showing planning objectives and issues, NPS regulations related to ORV use, maps of the affected area, the planning process, and a range of management options. Copies of the newsletter, lawsuit, and settlement were also available. The meetings were publicized through local venues including the Mukluk News, Copper River Record, Anchorage Daily News (Outdoors Hotline), Fairbanks Daily News Miner (Outdoor Calendar and online Calendar of Events), and the What's Up Listserve. Public service radio announcements aired over KCHU, KCAM, and KNBQ. Scoping comments were accepted for 60 days after the last public scoping meeting was held making the deadline for comments June 3, 2008.

NPS met with several agencies to discuss planning issues, answer questions related to the EIS process, and give updates on planning progress. The NPS consulted with Alaska Department of Fish and Game (ADF&G) biologists regarding the relationships between current trail conditions, potential trail improvements, and access to moose and Dall's sheep harvest opportunities. A briefing for Alaska Department of Natural Resources (ADNR) and ADF&G staff was held in February 2008. The purpose of the briefing was to inform key state personnel about the project, the planning process, preliminary issues, and discuss the best way to coordinate during the planning process. Informal consultation with U.S. Fish and Wildlife Service (USFWS) was initiated in January 2008.

The NPS has held government to government meetings with local native villages of Mentasta and Cheesh'na to brief them on the planning process and ask for their participation. In addition, NPS provided a briefing to the Ahtna Customary and Traditional Committee. Park planners have also met with individual Ahtna shareholders to discuss the history of the trails and possible re-route options.

In December 2008, NPS released a draft alternative package for public review and comment. The package described six alternatives for the management of recreational ORV use. The alternatives included No Action; permitting of recreational ORV use on all nine trails; not permitting recreational ORV use on any of the nine trails; and varying degrees of trail improvement. NPS received 32 comments. Based on public comment and the need to address resource impacts resulting from ORV use by all user groups, the NPS expanded the scope of the EIS to include subsistence ORV use on the nine trails in question.

A supplementary NOI was published in the Federal Register on April 29, 2009, to notify the public of the expansion of scope. Additionally, NPS provided briefings on the subject to various stakeholders, including the Wrangell-St. Elias National Park Subsistence Resource Commission, the Southcentral Regional Advisory Council, the Eastern Interior Regional Advisory Council, and the Cheesh'na Tribal Council. NPS also released a third newsletter describing the expansion of scope.

1.5 Issues of Concern Raised During Scoping

1.5.1 Issues and Topics Evaluated in this ORV Management Plan/EIS

Issues and impact topics identified during the scoping process form the basis for environmental analysis in this document. The issues of concern raised during scoping regarding topics to be addressed in this combined Plan/EIS include the following.

Soils: Continued ORV use on the nine existing trails could impact soils through abrasion, shearing, compaction, displacement, soil removal (e.g., erosion or splashing), and horizon mixing. Some degree of impact to soils has been documented along each of the nine trails where recreational ORV use is permitted.

Closing degraded trail segments to ORV use would allow some soil recovery. Degree and rate of natural recovery would be dependent on the magnitude of existing damage, the soil type, the amount of moisture in the soils, and the amount of thermal erosion that has occurred.

On trail re-routes, some degree of soil impact would occur, mostly soil compaction. Re-routes are chosen specifically on landforms and soil types that are most suitable for ORVs.

Trail Condition: ORV use on existing and poorly designed trails can and has resulted in trail degradation resulting in poor trail condition. Resource issues related to poor trail condition are described above for vegetation, soils, cultural resources, scenic quality, and water quality.

Wetlands: ORV use on existing trails could continue to affect wetlands. Wetlands are particularly susceptible to damage by ORVs. A common dynamic in areas of even moderate ORV use is the formation of reticulate trail networks. These occur when users spread out and forge new trails to avoid getting stuck in already mucky and damaged trails, resulting in a multiple-tracked footprint up to 0.25 mile wide. The high degree of trail rutting results in deep and impassable muck-holes. This affects the microtopography, underlying soils, hydrological pathways, and species of plants in wetlands.

Closing specific trails or trail segments could allow for natural infill and regrowth of wetlands vegetation. However, the vegetation structure and species composition of the inactive trails differs from the vegetation structure and species composition found in the unaffected vegetation.

Trail re-routes to avoid sensitive or disturbed areas could impact vegetation through trail development and ORV use, but these impacts would be limited to one sustainable tread.

Vegetation: Continued ORV use could impact vegetation through the reduction in plant cover, simplification of the vegetation structure, and alteration of the habitat for plant growth. ORVs abrade, compress, and shear vegetation. Any damage to the roots or the rooting mat kills plants and opens soils to erosion. Some degree of impact to vegetation has been documented along each of the nine trails where recreational ORV use is permitted. ORV impacts could also directly extirpate rare plants or sensitive plant communities. Wetlands have a high number of rare species as do sub-alpine meadows, south-facing bluffs, and alpine slopes.

Closing specific trails or trail segments could allow for natural regrowth of upland and wetland vegetation. Rate and degree of recovery to pre-disturbance conditions depend on several factors, most importantly how great the impact was before the trail was closed. Other variables that affect vegetation recovery include slope, aspect, soil moisture, hydrological regime, soil morphology, and vegetation type.

Trail re-routes to avoid sensitive or disturbed areas would impact vegetation through trail development and ORV use. Because re-routes would be selected based on their capability of sustaining an ORV trail, impacts to vegetation could be limited to the width of the trail tread.

ORV use on existing or re-routed trails could spread invasive plant species. This has the affect of altering the composition of native plant communities and making them more susceptible to other environmental changes.

Water Quality and Fish Habitat: Sedimentation may occur where ORV trails approach, cross, or closely parallel streams and rivers. The amount and potential for sedimentation would be dependent on the soil substrate present at the crossing. Sediment can adversely affect water quality and fish habitat, particularly in spawning areas. ORVs can physically alter streambank characteristics, divert muddy water into streams, and may cause physical damage to spawning habitat or redds. ORVs have the potential to contaminate water with fuel and other hydrocarbons. Trail maintenance can reduce potential and existing large woody debris (LWD) levels in riparian areas, which ultimately reduces the amount of instream cover for fish.

Closing stream and river crossings to ORVs would eliminate the direct disturbance caused by ORV use. An unused trail might still produce some sediment if a stream or river crossing is badly damaged (i.e., raw exposed banks).

Trail re-routes would avoid multiple stream crossings or select crossings where a durable substrate occurs. Bridges would be considered where stream crossings result in impacts to fish or their habitat.

Wildlife: Continued ORV use on existing trails could result in loss of vegetation and alteration of vegetation composition causing a loss of wildlife habitat. On a single track, up to 1 acre per mile of habitat can be impacted. ORV presence and noise may cause behavioral disturbance to wildlife causing them to move away from ORV travel routes.

Closure of trails or trail segments to ORV use allows revegetation and recovery of habitat. It also allows maintenance of wildlife refugia, areas that are difficult to access, which support populations of animals with little or no harvest pressure.

Trail re-routes would be chosen for their ability to sustain a durable tread. Impacts to vegetation and wildlife habitat on re-routes would be limited to the width of the trail tread. Impacts to wildlife associated with ORV presence and noise would continue to occur, and an improved trail could mean an increase in use and hunting pressure.

Scenic Quality: Trails are a linear feature that may alter the visual character of the landscape. Poorly designed trails or trails that are degraded (such as where trail braiding occurs) have a larger disturbance footprint and can have a high impact on scenic quality. At this time, only small portions of the nine trails are visible from the major travel route in the area (the Nabesna Road). However, trails are visible from the air and can have a visual impact to those traveling on them. Scenic quality is identified as one of the significant values for Wrangell-St. Elias National Park and Preserve.

Closure of trails or trail segments to ORV use allows some vegetation and soil recovery, but does not necessarily remove visual impacts. There may still be visible ruts or differentiation in vegetation types that create a visual contrast.

Trail re-routes on higher ground with well-drained soils may be more visible. The construction of trail re-routes to create a durable tread may require some cut and fill across side slopes. This has the potential to have some visual impact.

Cultural Resources: ORVs could impact cultural resources by exposing sites (through loss of vegetation cover or soil erosion), by causing disturbance or breakage of individual artifacts, and through increased access to sites and potential vandalism.

Subsistence: ORV use, while providing access, can have negative impacts on subsistence resources and opportunities. The Nabesna area is popular for local rural residents to engage in moose and sheep hunting, berry picking, and some firewood gathering. The headwaters of the Copper River provide a vitally important subsistence to salmon fisheries. User conflicts are most likely to occur related to subsistence ORV use.

Wilderness: ORV trails currently provide some access to the wilderness boundary and sport hunting opportunities in the National Preserve. Existing ORV routes in designated and eligible wilderness have an impact on wilderness character and other wilderness resource values.

Not permitting recreational ORV use would eliminate a means of accessing wilderness and a backcountry experience.

Improving existing trails, allowing proliferation of un-managed ORV trails, or building additional motorized trails could increase the level of backcountry/wilderness use.

Visitor Opportunities/Access: ORV trails provide access to backcountry recreational opportunities and subsistence resources. The degraded condition of segments of the nine existing ORV trails has several effects on visitor opportunities. First, some trails in poor condition discourage use by motorized or non-motorized users. This is desirable for some users because it decreases “competition.” Second, some trails in poor condition displace users (both motorized and non-motorized). Third, trails in a degraded condition can detract from a non-motorized backcountry experience. Some user conflicts are documented, mostly related to attempts at non-motorized hunting along trails where motorized use is authorized.

Closing trails or segments of trails to ORV use may address trail degradation but it also eliminates a means of access to both motorized and non-motorized opportunities (such as sport hunting in the preserve wilderness).

Trail re-routes would eliminate most segments of degraded trail. This would result in better and safer motorized and non-motorized access to recreational and subsistence opportunities. Well built and durable trails also have the potential to increase the level of use, which could alter existing front and backcountry experiences.

Socioeconomics: Closing or limiting recreational ORV use or improving existing trails could have an impact on local outfitter/guides or businesses.

Natural Soundscapes: Quiet and solitude were identified as key values of the park. Various uses of motorized equipment or changes in the level of any human activity may adversely affect natural soundscapes.

1.5.2 Impact Topics Considered but Eliminated from Detailed Analysis in this Combined ORV Management Plan and EIS

The following issues and impact topics were dismissed from further analysis in this combined Plan/EIS, as explained below.

Climate Change: Under current conditions, it is estimated that ORV users take a total number of approximately 917 round trips per year on trails within the analysis area. It is estimated that the average trip requires approximately 3 gallons of gasoline. If the burning of each gallon of gasoline produces 20 pounds of carbon dioxide (CO₂), this equals approximately 55,020 pounds per year of CO₂ produced by ORVs under current conditions. Under the most ambitious trail improvement and use scenario, total CO₂ emissions from ORVs are estimated at 106,260 pounds per year, or an increase of 51,240 pounds per year over current conditions. In comparison, the U.S. Environmental Protection Agency (EPA) estimates that the average three-person home in America produces 27,000 pounds of CO₂ annually. Consequently, this project’s potential production of CO₂ emissions contributing to global climate change is considered insignificant.

Air Quality: Exhaust emissions from internal combustion engines associated with ORVs could have short-term, seasonal impacts on air quality. Wrangell-St. Elias National Park and Preserve is designated a Class II airshed under the Clean Air Act and has exceptionally clean air. The highest projected level of ORV use is 1,771 round trips, over a four month period (Alternative 4). This amounts to an average of 15 ORVs per day over nine trails in an area over 1 million acres. At projected levels of ORV use, resource experts believe there would be no more than minor local impacts to air quality under any alternative.

Threatened and Endangered Species: Endangered Species Act section 7 informal consultation with USFWS was initiated by NPS on March 14, 2008. A letter received from USFWS on March 28, 2008, stated: “Our records indicate there are no federally listed or proposed species and/or designated or proposed critical habitat within the action area of the proposed project.”

Use of Snowmachines under Frozen Conditions: At current and anticipated levels of use, this use does not contribute to degraded trail conditions.

Federal Subsistence Regulation: Federal regulations regarding the subsistence harvest of fish and wildlife on federal public lands and waters in Alaska are made by the Federal Subsistence Board. The Subsistence Resource Commission (SRC) provides a venue for local subsistence users to have input into the management of subsistence resources in Wrangell-St. Elias National Park and Preserve. The SRC makes recommendations on proposals for hunting and fishing regulations affecting the park directly to the federal subsistence Regional Advisory Councils (RACs) and the Federal Subsistence Board. Management actions considered within this combined Plan/EIS will not affect this process.

Geohazards: There are no known geohazards in the park area that would be affected by the implementation of this Plan.

Prime Farmlands: There are no designated prime farmland soils in the park that would be affected by implementation of this Plan.

Paleontology: There are no known paleontological resources in the Nabesna District that would be impacted by implementation of this Plan.

Energy Resources: This topic involves assessing energy requirements and the potential for energy conservation associated with the various alternatives, but is most relevant to facility construction projects. The park would continue to operate under the wise energy use guidelines and requirements stated in the *NPS Management Policies 2006* (NPS 2006a), Executive Order 13123 (Greening the Government Through Effective Energy Management), Executive Order 13031 (Federal Alternative Fueled Vehicle Leadership), Executive Order 13149 (Greening the Government Through Federal Fleet and Transportation Efficiency), and the NPS Guiding Principles of Sustainable Design (NPS 1993).

Urban/Gateway Communities: A gateway community is defined by the *NPS Management Policies 2006* as a community that exists in close proximity to a unit of the National Park System whose residents and elected officials are often affected by the decisions made in the course of managing the park unit. Because of this, there are shared interests and concerns regarding decisions. Gateway communities usually offer food, lodging, and other services to park visitors. They also provide opportunities for employee housing and a convenient location to purchase goods and services essential to park administration. Although the communities adjacent to the park would fall under this definition, the issues and interests that would be impacted by this Plan are addressed under the Socioeconomics impact topic.

Minority or Low Income Populations: It was determined that no evidence indicates there would be disproportionate impacts on minority and low income populations by management of ORVs. Fees proposed as part of the alternatives for ORV management would be based on a cost recovery system only and would be minimal.

Unique or Important Wildlife and Habitat: There is no “unique” wildlife or wildlife habitat within park that could be impacted by implementation of this Plan.

Prehistoric and Historic Structures: There are no known prehistoric or historic structures within the analysis area, and thus none would be impacted by the implementation of this Plan.

1.6 Permits and Approvals

Table 1-1 presents the approvals, reviews, and permitting requirements anticipated to be needed for implementation of the alternatives.

Table 1-1. Permits and Approvals Needed to Implement Alternatives

Permit or Approval	Information	Agency
Anadromous stream crossing permit	Required where existing trails or proposed re-routes cross anadromous streams.	ADF&G
Section 404 Permit	Required if new trail construction requires placing fill in wetlands.	U.S. Army Corps of Engineers (Corps)
Wetlands Statement of Findings	To be done if the preferred alternative proposes actions that would be located in or have adverse effects on a wetland. Statement of Findings would be done as part of implementation-level compliance, based on specific trail design.	NPS
Section 7, Endangered Species Act (ESA)	Informal consultation complete. No TES species or habitat present in the analysis area.	USFWS
Section 106 of the National Historic Preservation Act compliance	Needed if the preferred alternative affects a historic property.	Advisory Council on Historic Preservation, State Historic Preservation Office
Land use permit	A land use permit may be required for crossings of state navigable waterways.	Alaska Department of Natural Resources

1.7 Applicable Federal Laws, Regulations, and Policies

Management of ORV use in Wrangell-St. Elias National Park and Preserve must be consistent with the laws, regulations, policies, and plans of the federal government. The legal and policy framework that governs management of Wrangell-St. Elias National Park and Preserve is extensive; the following information summarizes the most important directives organized around categories of major actions. The directives are categorized as follows:

- **Statute (law, legislation):** Compiled in the United States Code (USC), these are the laws passed by Congress that provide the overriding direction for the management of national parklands and give the NPS its authority for management action.
- **Regulation:** Compiled in the CFR, regulations are promulgated by the executive branch to interpret statutes.
- **Executive Orders:** Executive Orders are instructions by the president to the federal agencies for carrying out their work.
- **NPS Management Policies:** Management Policies translate directives and guidance, including the Constitution, public laws, executive proclamations and orders, and regulations, into cohesive directions. They are published approximately every 10 years and apply service wide. The latest revision was issued in 2006.

- NPS Director's Orders: If and when it is necessary, Management Policies may be modified or supplemented by Director's Orders. These orders articulate new or revised policy on an interim basis between publication dates of NPS Management Policies. They also provide more detailed interpretation of Management Policies and outline requirements applicable to NPS functions and responsibilities.

1.7.1 Authority for the EIS Process

1.7.1.1 National Environmental Policy Act of 1969 (NEPA, 42 USC 4321–4370d)

NEPA mandates that any federal project or any project that requires federal involvement be scrutinized for its impact on the natural and human environment and that reasonable alternatives for accomplishing the project purpose be considered. The purpose of NEPA is to help public officials make well-informed decisions that are based on an objective understanding of environmental consequences for any federal action with potentially major impacts. To ensure compliance with NEPA, a specified process for proposed projects must be followed. The steps in this process are:

1. Scoping
2. Draft EIS
3. Public Review of the Draft EIS
4. Final EIS and Record of Decision

1.7.2 General Direction for Public Enjoyment and Resource Protection

1.7.2.1 NPS Organic Act of 1916

By enacting the NPS Organic Act of 1916, Congress directed the U.S. Department of the Interior and NPS to manage units of the National Park System “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 USC 1). The Redwood National Park Expansion Act of 1978 reiterates this mandate by stating that the NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (16 USC 1 a-1).

Despite these mandates, the NPS Organic Act and its amendments afford the NPS latitude when making resource decisions that balance visitor recreation and resource preservation. By these acts Congress “empowered [the NPS] with the authority to determine what uses of park resources are proper and what proportion of the park’s resources are available for each use” (*Bicycle Trails Council of Marin v. Babbitt*, 82 F.3d 1445, 1453 [9th Cir. 1996]).

Yet courts consistently interpret the NPS Organic Act and its amendments to elevate resource conservation above visitor recreation. *Michigan United Conservation Clubs v. Lujan*, 949 F.2d 202, 206 (6th Cir. 1991) states: “Congress placed specific emphasis on conservation.” The NPS Management Policies 2006 also recognize that resource conservation takes precedence over visitor recreation. The policy dictates: “when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant” (NPS 2006a, sec. 1.4.3, 11).

Impairment of National Park Resources

In addition to determining the environmental consequences of implementing the preferred and other alternatives, NPS Management Policies 2006 (Section 1.4) require analysis of potential effects to determine whether or not proposed actions would impair a park's resources and values.

The fundamental purpose of the National Park System, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values. However, the laws do give the NPS the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park. That discretion is limited by the statutory requirement that the NPS must leave resources and values unimpaired unless a particular law directly and specifically provides otherwise.

The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values (NPS Management Policies 2006). Whether an impact meets this definition depends on the particular resources that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

An impact on any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

Impairment may result from visitor activities; NPS administrative activities; or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.

Impairment findings are not necessary for visitor experience, socioeconomic, public health and safety, environmental justice, land use, and park operations, because impairment findings relate back to park resources and values. The determination of impairment for the preferred alternative is found in Appendix A.

1.7.2.2 Redwood National Park Act of 1978, as Amended

Reasserting the system-wide standard of protection established by Congress in the original NPS Organic Act, the Redwood Amendment stated:

The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress (P.L. 95-250, 16 USC Sec 1a-1).

Congress intended the language of the Redwood Amendment to the General Authorities Act of 1970 to reiterate the provisions of the NPS Organic Act, not to create a substantively different management standard. The House committee report described the Redwood Amendment as a “declaration by Congress” that the promotion and regulation of the National Park System is to be consistent with the NPS Organic Act. The Senate committee report stated that under the Redwood Amendment, “The Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the national park system.” Although the NPS Organic Act and the General Authorities Act, as amended by the Redwood Amendment, use different wording (“unimpaired” and “derogation”) to describe what the NPS must avoid, both acts define a single standard for the management of the National Park System—not two different standards. For simplicity, NPS Management Policies 2006 uses “impairment,” not both statutory phrases, to refer to that single standard.

1.7.2.3 National Historic Preservation Act of 1966, as Amended

Section 106 of this act requires federal agencies to consider the effects of their undertakings on properties listed or potentially eligible for listing on the National Register of Historic Places (NRHP). All actions affecting the analysis area’s cultural resources must comply with this legislation.

1.7.2.4 Archaeological Resources Protection Act (ARPA)

The Archaeological Resources Protection Act (ARPA) establishes a method for federal land managers to issue permits to conduct archaeological work generally directed at National Historic Preservation Act compliance, details who has custody of archaeological resources, establishes prohibited acts and criminal penalties, describes unauthorized activities, prohibits trafficking in archaeological resources, and provides federal land managers with rules for implementation. ARPA provides protection and confidentiality of archaeological resources and sites on public or Native American lands.

1.7.2.5 American Indian Religious Freedom Act (AIRFA)

The American Indian Religious Freedom Act (AIRFA) protects the rights of the American Indian, Eskimo, Aleut, and Native Hawaiian to believe and practice their traditional religions. This includes access to religious sites on federal lands, possession of sacred objects, and freedom to worship through ceremonies and traditional rites. AIRFA directs consultation with Native American organizations if an agency action will affect a sacred site on federal lands.

1.7.2.6 Executive Order 11990: Protection of Wetlands

This executive order directs federal agencies to avoid, to the extent possible, the long-term and short-term adverse impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

1.7.2.7 Executive Order 13112: Invasive Species

This executive order directs federal agencies to analyze all actions which may affect the status of invasive species; prevent the introduction of invasive species; detect and rapidly control populations of such species in a cost-effective and environmentally sound manner; monitor invasive species populations; provide for restoration of native species and habitat conditions in ecosystems that have been invaded; and promote public education on invasive species.

1.7.2.8 NPS Management Policies 2006, Section 1.4

The NPS Management Policies 2006 use the terms “resources” and “values” to mean the full spectrum of attributes for which a park unit is established and managed, including the NPS Organic Act’s fundamental purpose and any additional purposes as stated in a park unit’s establishing legislation. The impairment of park resources and values may not be allowed unless directly and specifically provided by statute. The primary responsibility of the NPS is to ensure that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities to enjoy them.

The evaluation of whether impacts of a proposed action would lead to impairment of park resources and values is included in the environmental consequences chapter of this document. Impairment is more likely when there are potential impacts to a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- Identified as a goal in the park’s general management plan or other relevant NPS planning documents.

1.7.2.9 NPS Management Policies 2006, Chapter 8

The NPS Management Policies 2006 address recreational activities in general in Sections 8.1 and 8.2. To provide for enjoyment of the parks, the NPS will encourage visitor activities that:

- Are appropriate to the purpose for which the park was established.
- Are inspirational, educational, or healthful, and otherwise appropriate to the park environment.
- Will foster an understanding of, and appreciation for, park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources.
- Can be sustained without causing unacceptable impacts to park resources or values.

Unless mandated by statute, the NPS will not allow visitors to conduct activities that:

- Would impair park resources or values;
- Create an unsafe or unhealthful environment for other visitors or employees;
- Are contrary to the purposes for which the park was established; or

- Unreasonably interfere with a) the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations in the park; b) NPS interpretive, visitor service, administrative, or other activities; c) NPS concessioner or contractor operations or services; or d) other existing, appropriate park uses.

1.7.2.10 NPS Management Policies 2006, Section 4.9

Policy requires that the NPS will preserve, to the greatest extent possible, the natural soundscapes of parks. It requires the NPS to restore degraded soundscapes to the natural condition wherever possible, and to protect natural soundscapes from degradation due to noise (undesirable human-caused sound). The service is mandated to take action to prevent or minimize all noise that, through frequency, magnitude, or duration, adversely affects the natural soundscape or other park resources or values, or that exceeds levels that have been identified as being acceptable to, or appropriate for, visitor uses at the sites being monitored.

1.7.2.11 NPS Management Policies 2006, Section 4.6.5

The NPS will manage wetlands in compliance with NPS mandates and the requirements of Executive Order 11990 (Protection of Wetlands), the Clean Water Act, and the procedures described in Director's Order 77-1 (Wetland Protection). The Service will (1) provide leadership and take action to prevent the destruction, loss, or degradation of wetlands; (2) preserve and enhance the natural and beneficial values of wetlands; and (3) avoid direct and indirect support of new construction of wetlands unless there are no practicable alternatives and the proposed action includes all measures to minimize harm to wetlands.

The NPS implements a "no net loss of wetlands" policy. In addition, the Service will strive to achieve a longer-term goal of net gain of wetlands across the National Park System through restoration of previously degraded or destroyed wetlands. When natural wetland characteristics or functions have been degraded or lost due to previous or ongoing human actions, the Service will, to the extent practicable, restore them to predisturbance conditions.

1.7.3 Access and Use of ORVs

1.7.3.1 Executive Order 11644: Use of Off-Road Vehicles on the Public Lands

On February 8, 1972, President Richard Nixon issued Executive Order 11644 to "establish policies and provide for procedures that will ensure the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands."

The executive order directs agencies to develop and issue regulations and administrative instructions to designate the specific areas and trails on public lands on which ORV use may be permitted, and areas in which ORV use may not be permitted. The location of areas and trails shall:

- Minimize damage to soil, watershed, vegetation, or other resources of the public lands.
- Minimize harassment of wildlife or significant disruption of wildlife habitats.
- Minimize conflicts between ORV use and other existing or proposed recreational uses of the same on neighboring public lands, and ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

- Areas and trails shall not be located in officially designated wilderness areas or primitive areas and shall be located in areas of the National Park System, natural areas, or national wildlife refuges and game ranges only if the respective agency head determines that ORV use in such locations will not adversely affect their natural, esthetic, or scenic values.

1.7.3.2 Executive Order 11989: Off-Road Vehicles on Public Lands

This executive order, issued on May 24, 1977, by President Jimmy Carter, directs agencies to immediately close off-road areas or trails when it is determined that the use of ORVs is causing or will cause considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources to the type of ORV causing such effects, until such time as determined that such adverse effects have been eliminated and measures have been implemented to prevent future recurrence. Also included in the executive order is the authority to adopt the policy that portions of the public lands under an agency's jurisdiction shall be closed to use by ORVs except those areas or trails that are suitable and specifically designated as open to such use.

1.7.3.3 Title 36 CFR 4.10(b)

Implements Executive Order 11644 and provides that: 1) routes and areas can only be designated in national preserves and 2) designation of routes or areas shall be promulgated as special regulations.

1.7.3.4 Title 43 CFR 36.11(g)(2)

This Alaska-specific regulation was promulgated in 1986. This regulation authorizes federal agencies to issue permits for the use of ORVs on existing ORV trails, except in areas designated as wilderness, upon a finding that such ORV use would be compatible with the purposes and values for which the area was established. Permit conditions are required to protect resources. Under this regulation, recreational use of ORVs may be permitted on existing trails, in the park or preserve portions of Wrangell-St. Elias, with a finding of compatibility.

1.7.3.5 ANILCA Section 811 (16 USC 3121(b))

This section of ANILCA provides for continued access to public lands for subsistence use. Specifically, it states that "...rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on public lands" and "...the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmachines, motorboats and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulations."

1.7.3.6 Title 36 CFR 13.460

This regulation implements ANILCA section 811. If ORVs were traditionally used in a park area for subsistence purposes, such use may continue, even in wilderness. Subpart (b) says that NPS may restrict or close a route or area if the Park Superintendent determines that such use is causing or is likely to cause "an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or the purposes for which the park area was established." Subpart (c) explains closure procedures and subpart (d) states that surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated in such a manner as to "prevent waste or damage to the park areas."

1.7.3.7 Wrangell-St. Elias National Park and Preserve 1986 General Management Plan (GMP)

Through the public involvement process for the GMP, it was acknowledged that ORVs are a traditional means of accessing subsistence resources by local residents: “Authorized means of access for subsistence uses in Wrangell-St. Elias are snowmachines, motorboats, off-road vehicles, dog teams, and saddle and pack animals.” The GMP also calls for future planning and regulation of the subsistence use of ORVs: “Based on the access inventory and ORV/ATV study, the superintendent will close routes, designate routes, or impose restrictions on the season of use, type and size of ORV vehicles, vehicle weight, or the number of vehicles or trips (pursuant to 36 CFR 1.5 and 13.46). The restrictions will be imposed to protect park resources and values by preventing the damage that ORV use can cause, while at the same time providing reasonable access pursuant to Section 811 of ANILCA. Any closures, designations, or restrictions will be implemented pursuant to 36 CFR 13.46. The public will have the opportunity to review and comment on any proposed amendments to the subsistence access regulations.”

1.7.3.8 ANILCA Section 1110(a)

Provides for certain uses, as follows:

Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and non-motorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area.

1.7.3.9 ANILCA Section 1110(b)

Provides for special access and access to inholdings as stated:

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

1.7.3.10 Title 43 CFR 36.10(e)(1)

This regulation implements ANILCA Section 1110(b). It states that “...the federal agency shall specify in a right-of-way (ROW) permit the route(s) and method(s) across the area(s) desired by the applicant, unless it is determined that:

1. The route or method of access would cause significant adverse impacts on natural or other values of the area and adequate and feasible access otherwise exists; or
2. The route or method of access would jeopardize public health and safety and adequate and feasible access otherwise exists; or
3. The route or method of access is inconsistent with the management plans for the area or purposes for which the area was established and adequate and feasible access otherwise exists; or
4. The method is unnecessary to accomplish the applicants land use objective.

1.7.3.11 NPS Management Policies 2006

Addresses management of ORVs in Section 8.2.3.1, Off-Road Vehicle Use. This section (NPS 2006a, 104) states:

Off-road motor vehicle use in national park units is governed by Executive Order 11644 (Use of Off-road Vehicles on the Public Lands, as amended by Executive Order 11989), which defines off-road vehicles as “any motorized vehicle designed for or capable of cross-country travel on or immediately over, land, water, sand, snow, ice, marsh, swampland, or other natural terrain” (except any registered motorboat or any vehicle used for emergency purposes). Unless otherwise provided by statute, any time there is a proposal to allow a motor vehicle meeting this description to be used in a park, the provisions of the executive order must be applied.

In accordance with Title 36 CFR 4.10(b), routes and areas may be designated only in national recreation areas, national seashores, national lakeshores, and national preserves, and shall be promulgated by special regulation. In accordance with the executive order, they may be allowed only in locations where there will be no adverse impacts on the area’s natural, cultural, scenic, and esthetic values, and in consideration of other existing or proposed recreational uses. The criteria for new uses, appropriate uses, and unacceptable impacts listed in sections 8.1 and 8.2 must also be applied to determine whether off-road vehicle use may be allowed. As required by the executive order and the Organic Act, superintendents must immediately close a designated off-road vehicle route whenever the use is causing or will cause unacceptable impacts on the soil, vegetation, wildlife, wildlife habitat, or cultural and historic resources.

NPS administrative off-road motor vehicle use will be limited to what is necessary to manage the public use of designated off-road vehicle routes and areas; to conduct emergency operations; and to accomplish maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

1.7.4 Facilities

1.7.4.1 NPS Management Policies 2006, Chapter 9

The NPS will provide visitor and administrative facilities that are necessary, appropriate, and consistent with the conservation of park resources and values and will avoid the construction of buildings, roads, and other development that will cause unacceptable impacts on park resources and

values. The policy provides parameters for constructing trails. All trails and walks will be carefully situated, designed, and managed to:

- Allow for a satisfying park experience.
- Allow accessibility by the greatest number of people.
- Protect park resources.

1.7.5 Wilderness Management

1.7.5.1 The Wilderness Act of 1964 (16 USC 1131-1136, 78 Stat. 890)

The 1964 Wilderness Act established the National Wilderness Preservation System and identified the NPS as one of the four federal agencies responsible for protecting and preserving the nation's wilderness resource. The Wilderness Act defines wilderness as follows:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized 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 wilderness is further defined to mean in this chapter an area of undeveloped federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which

1. generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
2. has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
3. has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and
4. may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

1.7.5.2 ANILCA

ANILCA addresses wilderness management in Wrangell-St. Elias National Park and Preserve as follows.

- ANILCA Section 701 designated "approximately eight million seven hundred thousand acres" as wilderness within Wrangell-St. Elias National Park and Preserve. This number has since been refined based on better mapping techniques and consideration of inholdings.
- ANILCA Section 102(13), states that the term "wilderness" as used in ANILCA has the same definition as in the Wilderness Act.

ANILCA Section 201 states that a fundamental purpose of the Wrangell-St. Elias National Park and Preserve is to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness recreational activities.

- ANILCA provides some exceptions to national park and wilderness management practices, including under certain circumstances motorized access for subsistence purposes (Section 811) or access to inholdings (Section 1110(b)).
- ANILCA Section 1315(c) allows continued use of existing public use cabins in designated wilderness. Section 1315(b) allows new public use cabins if such cabins are necessary for the protection of the public health and safety. Section 1303 of ANILCA provides for “temporary use, occupancy, construction, and maintenance of new cabins or other structures if... determined... necessary to reasonably accommodate subsistence uses or otherwise authorized by law.”
- ANILCA Section 1316(a) allows NPS to permit the maintenance or construction of temporary campsites, tent platforms, shelters, and other temporary facilities directly related to the taking of fish and wildlife.
- ANILCA Section 1317 required a wilderness eligibility review and wilderness recommendations regarding the non-designated lands in Wrangell-St. Elias National Park and Preserve.
- NPS Management Policies 2006, Chapter 6: Section 6.3.1 establishes that eligible and proposed wilderness on NPS lands should be managed under wilderness policy as follows:

For the purposes of applying NPS wilderness policies, the term ‘wilderness’ includes the categories of eligible, study, proposed, recommended and designated wilderness. NPS wilderness policies apply regardless of category...In addition to managing these classified areas for the preservation of their wilderness values, planning for these areas must ensure that the wilderness character is likewise preserved...The National Park Service will take no action that would diminish the wilderness eligibility of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. Until that time, management decisions pertaining to lands qualifying as wilderness will be made in expectation of eventual wilderness designation.¹

1.7.5.3 1986 General Management Plan

ANILCA Section 1317 directed the Secretary of Interior to review the wilderness eligibility of all NPS lands in Alaska not already designated as wilderness. Wilderness review criteria specific to Wrangell-St. Elias National Park and Preserve were developed to accomplish that task. The park completed its review in the mid-1980s and included its findings in its GMP. The GMP concluded that of the 3,498,000 acres within the park not designated as wilderness, 2,243,800 acres are considered eligible for future wilderness designation. The GMP also identified seven general areas that do not meet wilderness criteria. These areas within this analysis area are listed below:

- An area between the Nabesna Road and Tanada Lake, and the Suslota trail north of the Nabesna Road that provides access to Bureau of Land Management (BLM) administered lands north of the

¹ The term suitability is used in ANILCA and has been used in NPS policy to refer to the NPS’s initial screening assessment as to whether lands meet the minimum criteria for inclusion in the national wilderness preservation system. The Wilderness Act, however, uses “suitability” to refer to the Secretary’s determinations in forwarding recommendations to the President. For purposes of clarity, the NPS initial screening assessment has been renamed an “eligibility” assessment and lands that meet the criteria for future wilderness designation are “eligible”.

National Preserve, are ineligible because of the impacts from regularly used access routes for subsistence, recreation, and nonfederal interests.

- The main road corridors, including the Nabesna Road.

Review of the 1986 GMP wilderness eligibility assessment showed that corrections may be needed which would result in a revision of the 1986 eligibility assessment. Proposed revisions and a corrected map are presented in Chapter 2, Actions Common to all Action Alternatives, and discussed in detail in Appendix B. If eligibility revisions are adopted as proposed, it would result in an amendment of the wilderness eligibility assessment made in the 1986 GMP.

The wilderness review process required under ANILCA section 1317(b) has not yet been completed. An EIS was drafted for Wrangell-St. Elias National Park and Preserve Wilderness Review (NPS 1988), but no final action was taken and no record of decision was completed.

1.7.6 Hunting and Fishing

1.7.6.1 ANILCA

- Section 802 sets forth the policy of congress that uses on the public lands in Alaska are to cause the least adverse impact possible on rural residents who depend on subsistence uses of the resources of such lands, consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established.
- Section 1313 describes management of national preserves in Alaska and states that they “shall be administered and managed as a unit of the National Park System in the same manner as a national park except as otherwise provided in this Act and except that the taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed in a national preserve under applicable State and Federal law and regulation.”
- Section 815 of ANILCA states “Nothing in this title shall be construed as...authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks or national monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable laws.”
- Section 1314 (a) of ANILCA states “Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as may be provided in title VIII of this Act, or to amend the Alaska constitution.”

1.8 Relationship of Project to Other Documents, Provisions, and Planning

1.8.1 1986 Wrangell-St. Elias National Park and Preserve General Management Plan

The GMP (NPS 1986) recognized the use of ORVs in the Nabesna District as a means of access for recreation, subsistence, and access to inholdings. For recreational ORV use, the GMP cited the need for designation of specific areas for ORV use and a determination that ORV use in these areas would not adversely affect the natural, aesthetic, or scenic values, consistent with Executive Order 11644. The GMP also called for further trail inventory, assessment of ORV impacts, and access and transportation planning.

This ORV Management Plan implements the 1986 GMP.

1.8.2 2007 Established and Maintainable Access to Inholdings Programmatic Environmental Assessment

Four of the nine trails on which recreational ORV use is currently permitted also provide access to private property inholdings. The 2008 Programmatic Environmental Assessment (EA) (NPS 2007b) evaluates the proposal to grant rights of way certificates of access to persons with established and maintainable access to land holdings within Wrangell-St. Elias National Park and Preserve. Improvement of trails to a maintainable condition would be consistent with the EA's goal of maintaining access that "has not resulted in unacceptable impacts to park resources and values, and can be maintained in their present condition and character and essentially within their existing footprints."

1.8.3 Annual State of Alaska Hunting Regulations and Federal Subsistence Hunting Regulations

Most ORV use in the analysis area is related to hunting. Changes in harvest limits, seasons, or types of hunts (general season, drawing, or registration hunt) influence when and how many hunters take to the field in a given Game Management Unit (GMU). Hunting in the National Park is governed by federal subsistence regulations and is limited to federally qualified subsistence users meeting eligibility requirements for the park. In the National Preserve, both federal subsistence hunting regulations and State of Alaska general and subsistence hunting regulations apply, subject to their respective eligibility requirements.