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APPENDIX A: MANAGEMENT OBJECTIVES

ADMINISTRATION

Conduct, sponsor, and encourage continuing studies and other information-gathering methods so that management has increased data on which to base decisions.

Study alternatives to determine the most effective administrative arrangements such as locating a headquarters and providing the staff, facilities, equipment, and support services necessary to manage the resources of the monument and preserve and serve the visiting public.

Prepare and implement a staffing plan in accordance with local hire provisions of ANILCA and recognizing the knowledge and skills of local persons and the effects of working under severe environmental conditions.

Work cooperatively with the state of Alaska, local governments, and native interests in order to arrive at appropriate management plans and activities compatible with the purposes of the monument and preserve.

NATURAL RESOURCES

Manage natural resources of the monument and preserve for the purpose of perpetuating the ecological processes and systems.

Place particular management emphasis on the caldera and its associated volcanic features and on plant and animal communities typifying natural succession so that these outstanding resources may be adequately protected.

Develop and implement plans for the perpetuation of wildlife and their habitat while simultaneously accommodating sport hunting in the preserve and subsistence activities and sport fishing throughout the monument and preserve.

Work toward accomplishing cooperative agreements with Alaska Department of Fish and Game and Public Safety, local government entities, Koniag Native Corporation and village corporations, and private interests for monitoring and perpetuating the area's natural resources.

Work cooperatively with private interests--particularly the oil and gas industries--to maintain high environmental standards incidental to exploration and, potentially, development activities.

CULTURAL RESOURCES

Identify and evaluate the unit's historical, archeological, and cultural resources in a manner consistent with NPS policies and legislative and executive requirements.

Assemble cultural resource information--including oral and written information from "old timers" of the area--to be used in interpretive materials and programs for the enjoyment and education of visitors.

Encourage and assist local people, groups, and native corporations to perpetuate the cultural heritage of the region.

VISITOR USE AND INTERPRETATION

Study and inventory recreational resources as a basis for providing visitor access and services necessary for visitors to see and experience the unit without adversely impacting its resources.

Encourage and provide information and technical assistance to private enterprise to provide appropriate visitor services, preferably with bases of operation outside the boundaries of the monument and preserve.

Develop appropriate interpretive information and programs describing outstanding resources, opportunities for visitor activities, and weather and other environmental factors influencing visitor use.

COMMERCIAL OPERATIONS

Identify appropriate levels and types of commercial services feasible for providing visitor services and issue permits and commercial use licenses as appropriate to meet the needs of visitors and to perpetuate resources.

APPENDIX B: FINAL RULES ON PUBLIC USE OF NATIONAL PARK SYSTEMS UNITS IN ALASKA (36 CFR 1.5 AND 13 AND 43 CFR 36)

PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

Subpart A—Public Use and Recreation

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13.74 Yukon-Charley Rivers National Preserve.

Authority: Sec. 3 of the Act of August 15, 1916 (39 Stat. 535, as amended (16 U.S.C. 3); 16 U.S.C. 1, 1a–1, 1c, 462); Alaska National Interest Lands Conservation Act (ANILCA), 94 Stat. 2371 and 1281; Pub. L. No. 96–487 (December 2, 1980); and the Paperwork Reduction Act of 1980, 94 Stat. 2812, Pub. L. No. 96–511.

Subpart A—Public Use and Recreation

§ 13.1 Definitions.

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

* (a) The term "adequate and feasible access" means a reasonable method and route of pedestrian or vehicular transportation which is economically practicable for achieving the use or development desired by the applicant on his/her non-federal land or occupancy interest, but does not necessarily mean the least costly alternative.

(b) 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.

(c) The term "ANILCA" means the Alaska National Interest Lands Conservation Act (94 Stat. 2371; Pub. L. 96–487 (December 2, 1980)).

(d) The term "carry" means to wear, bear or carry on or about the person and additionally, in the case of firearms, within or upon a device or animal used for transportation.

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

(f) The term "firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designated to or may readily be converted to expel a projectile by the action of expanded gases, except that it does not include a pistol or rifle powered by compressed gas. The term "firearm" also includes irritant gas devices.

(g) The term "fish and wildlife" means any member of the animal kingdom,

*Regulations that were revised as of Sept. 4, 1986

including without limitation any mammal, fish, bird (including any migratory, nonmigratory or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, produce, egg, or offspring thereof, or the dead body or part thereof.

(h) The term "fossil" means any remains, impression, or trace of any animal or plant of past geological ages that has been preserved, by natural processes, in the earth's crust.

(i) The term "gemstone" means a silica or igneous mineral including, but not limited to (1) geodes, (2) petrified wood, and (3) jade, agate, opal, garnet, or other mineral that when cut and polished is customarily used as jewelry or other ornament.

(j) The term "National Preserve" shall include the following areas of the National Park System:

Alagnak National Wild and Scenic River, Aniakchak National Preserve, Bering Land Bridge National Preserve, Denali National Preserve, Gates of the Arctic National Preserve, Glacier Bay National Preserve, Katmai National Preserve, Lake Clark National Preserve, Noatak National Preserve, Wrangell-St. Elias National Preserve, and Yukon-Charley National Preserve.

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

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

(m) The term "park areas" means lands and waters administered by the National Park Service within the State of Alaska.

(n) The term "person" means any individual, firm, corporation, society, association, partnership, or any private or public body.

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

(p) The term "public lands" means lands situated in Alaska which are federally owned lands, except—

(1) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act (72 Stat. 339) and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act (85 Stat. 688) which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

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

(r) The term "Superintendent" means any National Park Service official in charge of a park area, the Alaska Regional Director of the National Park Service, or an authorized representative of either.

(s) The term "take" or "taking" as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

(t) The term "temporary" means a continuous period of time not to exceed 12 months, except as specifically provided otherwise.

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

(v) The term "unload" means there is no unexpended shell or cartridge in the chamber or magazine of a firearm; bows, crossbows and spearguns are stored in such a manner as to prevent their ready use; muzzle-loading weapons do not contain a powder charge; and any other implement capable of discharging a missile into the air or under the water does not contain a missile or similar device within the loading or discharging mechanism.

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

§ 13.2 Applicability and scope.

(a) The regulations contained in this Part 13 are prescribed for the proper use and management of park areas in Alaska and supplement the general regulations of this chapter. The general regulations contained in this chapter are applicable except as modified by this Part 13.

(b) Subpart A of this Part 13 contains regulations applicable to park areas. Such regulations amend in part the general regulations contained in this chapter. The regulations in Subpart A govern use and management, including subsistence activities, within the park areas, except as modified by Subparts B or C.

(c) Subpart B of this Part 13 contains regulations applicable to subsistence activities. Such regulations apply to park areas except Kenai Fjords National Park, Katmai National Park, Glacier Bay National Park, Klondike Gold Rush National Historical Park, Sitka National Historical Park, and parts of Denali National Park. The regulations in Subpart B amend in part the general regulations contained in this chapter and the regulations contained in Subpart A of this Part 13.

(d) Subpart C of this Part 13 contains special regulations for specific park areas. Such regulations amend in part the general regulations contained in this chapter and the regulations contained in Subparts A and B of this Part 13.

(e) The regulations contained in this Part 13 are applicable only on federally owned lands within the boundaries of any park area. For purposes of this part, "federally owned lands" means land interests held or retained by the United States, but does not include those land interests: (1) Tentatively approved, legislatively conveyed, or patented to the State of Alaska; or (2) interim conveyed or patented to a Native Corporation or person.

§ 13.3 Penalties.

Any person convicted of violating any provision of the regulations contained in this Part 13, or as the same may be amended or supplemented, may be punished by a fine not exceeding $500 or by imprisonment not exceeding 6 months, or both, and may be adjudged to pay all costs of the proceedings (16 U.S.C. 3).

§ 13.4 Information collection.

The information collection requirements contained in §§ 13.13, 13.14, 13.15, 13.16, 13.17, 13.31, 13.44, 13.45, 13.49, and 13.51 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024–0015. The information is being collected to solicit information necessary for the Superintendent to issue permits and other benefits. This information will be used to grant statutory or administrative benefits. In all sections except 13.13, the obligation to respond is required to obtain a benefit. In § 13.13, the obligation to respond is mandatory.

**** § 36.10 Access to inholdings.**

(a) This section sets forth the procedures to provide adequate and feasible access to inholdings within areas in accordance with section 1110(b) of ANILCA. As used in this section, the term:

(1) "Adequate and feasible access" means a route and method of access that is shown to be reasonably necessary and economically practicable but not necessarily the least costly alternative for achieving the use and development by the applicant on the applicant's nonfederal land or occupancy interest.

(2) "Area" also includes public lands administered by the BLM designated as wilderness study areas.

(3) "Effectively surrounded by" means that physical barriers prevent adequate and feasible access to State or private lands or valid interests in lands except across an area(s). Physical barriers include but are not limited to rugged mountain terrain, extensive marsh areas, shallow water depths and the presence of ice for large periods of the year.

(4) "Inholding" means State-owned or privately owned land, including subsurface rights of such owners underlying public lands or a valid mining claim or other valid occupancy that is within or is effectively surrounded by one or more areas.

(b) It is the purpose of this section to ensure adequate and feasible access across areas for any person who has a valid inholding. A right-of-way permit for access to an inholding pursuant to this section is required only when this part does not provide for adequate and feasible access without a right-of-way permit.

(c) Applications for a right-of-way permit for access to an inholding shall be filed with the appropriate Federal agency on a SF 299. Mining claimants who have acquired their rights under the General Mining Law of 1872 may file their request for access as a part of their plan of operations. The appropriate Federal agency may require the mining claimant applicant to file a SF 299, if in its discretion, it determines that more complete information is needed. Applicants should ensure that the following information is provided:

(1) Documentation of the property interest held by the applicant including, for claimants under the General Mining Law of 1872, as amended (30 U.S.C. 21–54), a copy of the location notice and recordations required by 43 U.S.C. 1744;

(2) A detailed description of the use of the inholding for which the applied for right-of-way permit is to serve; and

(3) If applicable, rationale demonstrating that the inholding is effectively surrounded by an area(s).

(d) The application shall be filed in the same manner as under § 36.4 and shall be reviewed and processed in accordance with §§ 36.5 and 36.6.

(e)(1) For any applicant who meets the criteria of paragraph (b) of this section, the appropriate Federal agency shall specify in a right-of-way permit the route(s) and method(s) of access across the area(s) desired by the applicant, unless it is determined that:

(i) 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

(ii) The route or method of access would jeopardize public health and safety and adequate and feasible access otherwise exists; or

(iii) The route or method is inconsistent with the management plan(s) for the area or purposes for which the area was established and adequate and feasible access otherwise exists; or

(iv) The method is unnecessary to accomplish the applicant's land use objective.

(2) If the appropriate Federal agency makes one of the findings described in paragraph (e)(1) of this Section, another alternate route(s) and/or method(s) of access that will provide the applicant adequate and feasible access shall be specified by that Federal agency in the right-of-way permit after consultation with the applicant.

(f) All right-of-way permits issued pursuant to this section shall be subject to terms and conditions in the same manner as right-of-way permits issued pursuant to § 36.9.

(g) The decision by the appropriate Federal agency under this section is the final administrative decision.

**** § 36.11 Special access.**

(a) This section implements the provisions of section 1110(a) of ANILCA regarding use of snowmachines, motorboats, nonmotorized surface transportation, aircraft, as well as off-road vehicle use.

As used in this section, the term:

(1) "Area" also includes public lands administered by the BLM and designated as wilderness study areas.

(2) "Adequate snow cover" shall mean snow of sufficient depth, generally 6–12 inches or more, or a combination of snow and frost depth sufficient to protect the underlying vegetation and soil.

(b) Nothing in this section affects the use of snowmobiles, motorboats and nonmotorized means of surface transportation traditionally used by rural residents engaged in subsistence activities, as defined in Tile VIII of ANILCA.

(c) The use of snowmachines (during periods of adquate snow cover and frozen river conditions) for traditional activities (where such activities are permitted by ANILCA or other law) and for travel to and from villages and homesites and other valid occupancies is permitted within the areas, except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with the procedures of paragraph (h) of this section.

(d) Motorboats may be operated on all area waters, except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with the procedures of paragraph (h) of this section.

(e) The use of nonmotorized surface transportation such as domestic dogs, horses and other pack or saddle animals is permitted in areas except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with the procedures of paragraph (h) of this section.

(f) Aircraft.

(1) Fixed-wing aircraft may be landed and operated on lands and waters within areas, except where such use is prohibited or otherwise restricted by the appropriate Federal agency, including closures or restrictions pursuant to the closures of paragraph (h) of this section. The use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish and wildlife for subsistence uses therein is prohibited, except as provided in 36 CFR 13.45. The operation of aircraft resulting in the harassment of wildlife is prohibited.

**Sept. 4, 1986, revisions--43 CFR 36.10, 36.11, and 36.12.

(2) In imposing any prohibitions or restrictions on fixed-wing aircraft use the appropriate Federal agency shall:

(i) Publish notice of prohibition or restrictions in "Notices to Airmen" issued by the Department of Transportation; and

(ii) Publish permanent prohibitions or restrictions as a regulatory notice in the United States Flight Information Service "Supplement Alaska."

(3) Except as provided in paragraph (f)(3)(i) of this section, the owners of any aircraft downed after December 2, 1980, shall remove the aircraft and all component parts thereof in accordance with procedures established by the appropriate Federal agency. In establishing a removal procedure, the appropriate Federal agency is authorized to establish a reasonable date by which aircraft removal operations must be complete and determine times and means of access to and from the downed aircraft.

(i) The appropriate Federal agency may waive the requirements of this paragraph upon a determination that the removal of downed aircraft would constitute an unacceptable risk to human life, or the removal of a downed aircraft would result in extensive resource damage, or the removal of a downed aircraft is otherwise impracticable or impossible.

(ii) Salvaging, removing, possessing or attempting to salvage, remove or possess any downed aircraft or component parts thereof is prohibited, except in accordance with a removal procedure established under this paragraph and as may be controlled by the other laws and regulations.

(4) The use of a helicopter in any area other than at designated landing areas pursuant to the terms and conditions of a permit issued by the appropriate Federal agency, or pursuant to a memorandum of understanding between the appropriate Federal agency and another party, or involved in emergency or search and rescue operations is prohibited.

(9) Off-road vehicles.

(1) The use of off-road vehicles (ORV) in locations other than established roads and parking areas is prohibited, except on routes or in areas designated by the appropriate Federal agency in accordance with Executive Order 11644, as amended or pursuant to a valid permit as prescribed in paragraph (g)(2) of this section or in §§ 36.10 or 36.12.

(2) The appropriate Federal agency is authorized to issue permits for the use of ORVs on existing ORV trails located in areas (other than in areas designated as part of the National Wilderness Preservation System) upon a finding that such ORV use would be compatible with the purposes and values for which the area was established. The appropriate Federal agency shall include in any permit such stipulations and conditions as are necessary for the protection of those purposes and values.

(h) Closure procedures.

(1) The appropriate Federal agency may close an area on a temporary or permanent basis to use of aircraft, snowmachines, motorboats or nonmotorized surface transportation only upon a finding by the agency that such use would be detrimental to the resource values of the area.

(2) Temporary closures.

(i) Temporary closures shall not be effective prior to notice and hearing in the vicinity of the area(s) directly affected by such closures and other locations as appropriate.

(ii) A temporary closure shall not exceed 12 months.

(3) Permanent closures shall be published by rulemaking in the **Federal Register** with a minimum public comment period of 60 days and shall not be effective until after a public hearing(s) is held in the affected vicinity and other locations as deemed appropriate by the appropriate Federal agency.

(4) Temporary and permanent closures shall be (i) publishing at least once in a newspaper of general circulation in Alaska and in a local newspaper, if available; posted at community post offices within the vicinity affected; made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity; and designated or a map which shall be available for public inspection at the office of the appropriate Federal agency and other places convenient to the public; or (ii) designated by posting the area with appropriate signs; or (iii) both.

(5) In determining whether to open an area that has previously been closed pursuant to the provisions of this section, the appropriate Federal agency shall provide notice in the **Federal Register** and shall, upon request, hold a hearing in the affected vicinity and other locations as appropriate prior to making a final determination.

(6) Nothing in this section shall limit the authority of the appropriate Federal agency to restrict or limit uses of an area under other statutory authority.

(i) Except as otherwise specifically permitted under the provisions of this section, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

(j) Any person convicted of violating any provision of the regulations contained in this section, or as the same may be amended or supplemented, may be punished by a fine or by imprisonment in accordance with the penalty provisions applicable to the area.

*** * § 36.12 Temporary access.**

(a) For the purposes of this section, the term:

(1) "Area" also includes public lands administered by the BLM designated as wilderness study areas or managed to maintain the wilderness character or potential thereof, and the National Petroleum Reserve—Alaska.

(2) "Temporary access" means limited, short-term (i.e., up to one year from issuance of the permit) access which does not require permanent facilities for access to State or private lands.

(b) This section is applicable to State and private landowners who desire temporary access across an area for the purposes of survey, geophysical, exploratory and other temporary uses of such non-federal lands, and where such temporary access is not affirmatively provided for in §§ 36.10 and 36.11. State and private landowners meeting the criteria of §36.10(b) are directed to use the procedures of § 36.10 to obtain temporary access.

(c) A landowner requiring temporary access across an area for survey, geophysical, exploratory or similar temporary activities shall apply to the appropriate Federal agency for an access permit by providing the relevant information requested in the SF 299.

(d) The appropriate Federal agency shall grant the desired temporary access whenever it is determined, after compliance with the requirements of NEPA, that such access will not result in permanent harm to the area's resources. The area manager shall include in any permit granted such stipulations and conditions on temporary access as are necessary to ensure that the access granted would not be inconsistent with the purposes for which the area was established and to ensure that no permanent harm will result to the area's resources and section 810 of ANILCA is complied with.

§ 13.17 Cabins and other structures.

(a) *Purpose.* It is the purpose of this section to provide procedures and guidance for those occupying and using existing cabins and those wishing to construct new cabins within park areas.

(b) *Existing cabins or other structures.* (1) This subsection applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument.

(2) Cabins or other structures existing prior to December 18, 1973, may be occupied and used by the claimants to these structures pursuant to a nontransferable, renewable permit. This use and occupancy shall be for terms of five years. *Provided, however,* That the claimant to the structure, by application:

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

(ii) Submits an acceptable photograph or sketch which accurately depicts the cabin or structure and a map showing its geographic location;

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

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

(v) Submits a listing of the names of all immediate family members residing in the cabin or structure.

Permits issued under the provisions of this paragraph shall be renewed every five years until the death of the last immediate family member of the claimant residing in the cabin or structure under permit. Renewal will occur unless the Superintendent determines after notice and hearing, and on the basis of substantial evidence in the administrative record as a whole, that the use under the permit is causing or may cause significant detriment to the principal purposes for which the park area was established. The Superintendent's decision may be appealed pursuant to the provisions of 43 CFR 4.700.

(3) Cabins or other structures, the occupancy or use of which began between December 18, 1973, 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, complies with § 13.17(c)(1) (i) through (iv) above. Permits issued under the provisions of this paragraph may be extended by the Superintendent, subject to reasonable regulations, for a period not to exceed one year for such reasons as the Superintendent deems equitable and just.

(4) Cabins or other structures, construction of which began after December 1, 1978, shall not be available for use and occupancy, unless authorized under the provisions of paragraph (d) of this section.

(5) 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 through the posting of signs, these cabins may be used by the general public.

(c) *New Cabins or Other Structures Necessary for Subsistence Uses or Otherwise Authorized by Law.* The Superintendent may issue a permit under such conditions as he/she may prescribe for the construction, reconstruction, temporary use, occupancy, and maintenance of new cabins or other structures when he/she determines that the use is necessary to accommodate reasonably subsistence uses or is otherwise authorized by law. In determining whether to permit the use, occupancy, construction, reconstruction or maintenance of cabins or other structures, the Superintendent shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, research activities, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation and other management considerations necessary to ensure that the activities authorized pursuant to this section are compatible with the purposes for which the park area was established.

(d) *Existing Cabin Leases or Permits.* Nothing in this section shall preclude the renewal or continuation of valid leases or permits in effect as of December 2, 1980, for cabins, homesites, or similar structures on federally owned lands. Unless the Superintendent issues specific findings, following notice and an opportunity for the leaseholder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat or a significant impairment to the purposes for which the park area was established, he/she shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit subject to such reasonable regulations as he/she prescribe in keeping with the management objectives of the park area. Subject to the provisions of the original lease or permit, nothing in this paragraph shall necessarily preclude the Superintendent from transferring such a lease or permit to another person at the election or death of the original permittee or leasee.

§ 13.18 Camping and picnicking.

(a) *Camping.* Camping is permitted in park areas except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30, or as set forth for specific park areas in Subpart C of this part.

(b) *Picnicking.* Picnicking is permitted in park areas except where such activity is prohibited by the posting of appropriate signs.

§ 13.19 Weapons, traps and nets.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument.

(b) Firearms may be carried within park areas in accordance with applicable Federal and State laws, except where such carrying is prohibited or otherwise restricted pursuant to § 13.30.

(c) Traps, bows and other implements authorized by State and Federal law for the taking of fish and wildlife may be carried within National Preserves only during those times when the taking of fish and wildlife is authorized by applicable law or regulation.

(d) In addition to the authorities provided in paragraphs (b) and (c) of this section, weapons (other than firearms) traps and nets may be possessed within park areas provided such weapons, traps or nets are within or upon a device or animal used for transportation and are unloaded and cased or otherwise packed in such a manner as to prevent their ready use while in a park area.

(e) Notwithstanding the provisions of this section, local rural residents who are authorized to engage in subsistence uses, including the taking of wildlife pursuant to § 13.48, may use, possess, or carry traps, nets and other weapons in accordance with applicable State and Federal laws.

§ 13.20 Preservation of natural features.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park, the former Mt. McKinley National Park, Glacier Bay National Monument, and Katmai National Monument.

(b) *Renewable Resources.* The gathering or collecting, by hand and for personal use only, of the following renewable resources is permitted:

(1) Natural plant food items, including fruits, berries and mushrooms, but not including threatened or endangered species;

(2) Driftwood and uninhabited seashells;

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

(4) Dead or downed wood for use in fires within park areas.

(c) *Rocks and Minerals.* Surface collection, by hand (including hand-held gold pans) and for personal recreational use only, of rocks and minerals is permitted: *Provided, however,* That (1) collection of silver, platinum, gemstones and fossils is prohibited, and (2) collection methods which may result in disturbance of the ground surface, such as the use of shovels, pickaxes, sluice boxes, and dredges, are prohibited.

(d) *Closure and Notice.* Under conditions where it is found that significant adverse impact on park resources, wildlife populations, subsistence uses, 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 closures or 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.

(e) *Subsistence.* Nothing in this section shall apply to local rural residents authorized to take renewable resources.

§ 13.21 Taking of fish and wildlife.

(a) *Subsistence.* Nothing in this section shall apply to the taking of fish and wildlife for subsistence uses.

(b) *Fishing.* Fishing is permitted in all park areas in accordance with applicable State and Federal law, and such laws are hereby adopted and made a part of these regulations to the extent they are not inconsistent with § 2.13 of this chapter. With respect to the Cape Krusenstern National Monument, the Malaspina Glacier Forelands area of the Wrangell-St. Elias National Preserve, and the Dry Bay area of Glacier Bay National Preserve, the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law—including any use of park area lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips which is directly incident to the exercise of such rights or privileges—may continue: *Provided, however,* That the Superintendent may restrict the use of park area lands directly incident to the exercise of these rights or privileges if he/she determines, after conducting a public hearing in the affected locality, that such use of park area lands constitutes a significant expansion of the use of park area lands beyond the level of such use during 1979.

(c) *Hunting and Trapping.* Hunting and trapping are permitted in all National Preserves in accordance with applicable State and Federal law, and such laws are hereby adopted and made a part of these regulations: *Provided, however,* That engaging in trapping activities, as the employee of another person is prohibited.

(d) *Closures and Restrictions.* The Superintendent may prohibit or restrict the taking of fish or wildlife in accordance with the provisions of § 13.30. Except in emergency conditions, such restrictions shall take effect only after consultation with the appropriate State agency having responsibility over fishing, hunting, or trapping and representatives of affected users.

§ 13.22 Unattended or abandoned property.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park and Sitka National Historical Park, or as further restricted for specific park areas in Subpart C of this part.

(b) Leaving any snowmachine, vessel, off-road vehicle or other personal property unattended for longer than 12 months without prior permission of the Superintendent is prohibited, and any property so left may be impounded by the Superintendent.

(c) The Superintendent may (1) designate areas where personal property may not be left unattended for any time period, (2) establish limits on the amount, and type of personal property that may be left unattended, (3) prescribe the manner in which personal property may be left unattended, or (4) establish limits on the length of time personal property may be left unattended. Such designations and restrictions shall be (i) published in at least one newspaper of general circulation within the State, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected community, and designated on a map which shall be available for public inspection at the office of the Superintendent, or (ii) designated by the posting of appropriate signs or (iii) both.

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

§ 13.30 Closure procedures.

(a) *Authority.* The Superintendent may close an area or restrict an activity on an emergency, temporary, or permanent basis.

(b) *Criteria.* In determining whether to close an area or restrict an activity on an emergency basis, the Superintendent shall be guided by factors such as public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with the purposes for which the park area was established.

(c) *Emergency Closures.* (1) Emergency closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or nonmotorized surface transportation shall be made after notice and hearing; (2) emergency closures or restrictions relating to the taking of fish and wildlife shall be accompanied by notice and hearing; (3) other emergency closures shall become effective upon notice as prescribed in § 13.30(f); and (4) no emergency closure or restriction shall extend for a period exceeding 30 days, nor may it be extended.

(d) *Temporary closures or restrictions.* (1) Temporary closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or nonmotorized surface transportation or to the taking of fish and wildlife, shall not be effective prior to notice and hearing in the vicinity of the area(s) directly affected by such closures or restrictions, and other locations as appropriate; (2) other temporary closures shall be effective upon notice as prescribed in § 13.30(f); (3) temporary closures or restrictions shall not extend for a period exceeding 12 months and may not be extended.

(e) *Permanent closures or restrictions.* Permanent closures or restrictions shall be published as rulemaking in the **Federal Register** with a minimum public comment period of 60 days and shall be accompanied by public hearings in the area affected and other locations as appropriate.

(f) *Notice.* Emergency, temporary and permanent closures or restrictions shall be (1) published in at least one newspaper of general circulation in the State and in at least one local newspaper if available, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, 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.

(g) *Openings.* In determining whether to open an area to public use or activity otherwise prohibited, the Superintendent shall provide notice in the **Federal Register** and shall, upon request, hold a hearing in the affected vicinity and other locations as appropriate prior to making a final determination.

(h) Except as otherwise specifically permitted under the provisions of this part, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

§ 13.31 Permits.

(a) *Application.* (1) Application for a permit required by any section of this part shall be submitted to the Superintendent having jurisdiction over the affected park area, or in the absence of the Superintendent, the Regional Director. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application.

(2) The Superintendent shall grant or deny the application in writing within 45 days. If this deadline cannot be met for good cause, the Superintendent shall so notify the applicant in writing. If the permit application is denied, the Superintendent shall specify in writing the reasons for the denial.

(b) *Denial and appeal procedures.* (1) An applicant whose application for a permit, required pursuant to this part, has been denied by the Superintendent has the right to have the application reconsidered by the Regional Director by contacting him/her within 180 days of the issuance of the denial. For purposes of reconsideration, the permit applicant shall present the following information:

(i) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in the section under which the permit application is made.

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

(iii) Whether or not the permit applicant requests an informal hearing before the Regional Director.

(2) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

Subpart B—Subsistence

§ 13.40 Purpose and policy.

(a) Consistent with the management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each park area was established, designated, or expanded by ANILCA, the purpose of this subpart is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law.

(b) Consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of park areas is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska.

(c) Nonwasteful subsistence uses of fish, wildlife and other renewable resources by local rural residents shall be the priority consumptive uses of such resources over any other consumptive uses permitted within park areas pursuant to applicable State and Federal law.

(d) Whenever it is necessary to restrict the taking of a fish or wildlife population within a park area for subsistence uses in order to assure the continued viability of such population or to continue subsistence uses of such population, the population shall be allocated among local rural residents engaged in subsistence uses in accordance with a subsistence priority system based on the following criteria:

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

(2) Local residency; and

(3) Availability of alternative resources.

(e) The State of Alaska is authorized to regulate the taking of fish and wildlife for subsistence uses within park areas to the extent such regulation is consistent with applicable Federal law, including but not limited to ANILCA.

(f) Nothing in this subpart shall be construed as permitting a level of subsistence use of fish and wildlife within park areas to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife.

§ 13.41 Applicability.

Subsistence uses by local rural residents are allowed pursuant to the regulations of this Subpart in the following park areas:

(a) In national preserves;

(b) In Cape Krusenstern National Monument and Kobuk Valley National Park;

(c) Where such uses are traditional (as may be further designated for each park or monument in Subpart C of this part) in Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, and the Denali National Park addition.

§ 13.42 Definitions.

(a) *Local rural resident.* (1) As used in this part with respect to national parks and monuments, the term "local rural resident" shall mean either of the following:

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

(ii) Any person authorized to engage in subsistence uses in a national park or monument by a subsistence permit issued pursuant to § 13.44.

(b) *Resident zone.* As used in this part, the term "resident zone" shall mean the area within, and the communities and areas near, a national park or monument in which persons who have customarily and traditionally engaged in subsistence uses within the national park or monument permanently reside. The communities and areas near a national park or monument included as a part of its resident zone shall be determined pursuant to § 13.43 and listed for each national park or monument in Subpart C of this part.

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

(1) "Family" shall mean all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "Barter" shall mean the exchange of fish or wildlife or their parts taken for subsistence uses—

(i) For other fish or game 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

(3) "Customary trade" shall be limited to the exchange of furs for cash (and such other activities as may be designated for a specific park area in Subpart C of this part).

§ 13.43 Determination of resident zones.

(a) A resident zone shall include—

(1) the area within a national park or monument, and

(2) the communities and areas near a national park or monument which contain significant concentrations of rural residents who, without using aircraft as a means of access for purposes of taking fish or wildlife for subsistence uses (except in extraordinary cases where no reasonable alternative existed), have customarily and traditionally engaged in subsistence uses within a national park or monument. For purposes of

determining "significant" concentrations, family members shall also be included.

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

(1) Added to a resident zone, or

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

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

§ 13.44 Subsistence permits for persons whose primary, permanent home is outside a resident zone.

(a) Any rural resident whose primary, permanent home is outside the boundaries of a resident zone of a national park or monument may apply to the appropriate Superintendent pursuant to the procedures set forth in § 13.51 for a subsistence permit authorizing the permit applicant to engage in subsistence uses within the national park or monument. The Superintendent shall grant the permit if the permit applicant demonstrates that,

(1) Without using aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses, the applicant has (or is a member of a family which has) customarily and traditionally engaged in subsistence uses within a national park or monument; or

(2) The applicant is a local rural resident within a resident zone for another national park or monument, or meets the requirements of paragraph (1) of this section for another national park or monument, and there exists a pattern of subsistence uses (without use of an aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses) between the national park or monument previously utilized by the permit applicant and the national park or monument for which the permit applicant seeks a subsistence permit.

(b) In order to provide for subsistence uses pending application for and receipt of a subsistence permit, until August 1, 1981, any rural resident whose primary permanent home is outside the boundaries of a resident zone of a national park or monument and who meets the criteria for a subsistence permit set forth in paragraph (a) of this section may engage in subsistence uses in the national park or monument without a permit in accordance with applicable State and Federal law. Effective August 1, 1981, however, such rural resident must have a subsistence permit as required by paragraph (a) of this section in order to engage in subsistence uses in the national park or monument.

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

§ 13.45 Prohibition of aircraft use.

(a) Notwithstanding the provisions of § 13.12 the use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish or wildlife for subsistence uses within the national park or monument is prohibited except as provided in this section.

(b) *Exceptions.* (1) In extraordinary cases where no reasonable alternative exists, the Superintendent shall permit, pursuant to specified terms and conditions, a local rural resident of an "exempted community" to use aircraft for access to or from lands and water within a national park or monument for purposes of taking fish or wildlife for subsistence uses.

(i) A community shall quality as an "exempted community" if, because of the location of the subsistence resources upon which it depends and the extraordinary difficulty of surface access to these subsistence resources, the local rural residents who permanently reside in the community have no reasonable alternative to aircraft use for access to these subsistence resources.

(ii) A community which is determined, after notice and comment (including public hearing in the affected local vicinity), to meet the description of an "exempted community" set forth in paragraph (b)(1) of this section shall be included in the appropriate special regulations for each park and monument set forth in Subpart C of this part.

(iii) A community included as an "exempted community" in Subpart C of this part may be deleted therefrom upon a determination, after notice and comment (including public hearing in the affected local vicinity), that it does not meet the description of an "exempted community" set forth in paragraph (b)(1) of this section.

(2) Any local rural resident aggrieved by the prohibition on aircraft use set forth in this section may apply for an exception to the prohibition pursuant to the procedures set forth in § 13.51. In extraordinary cases where no reasonable alternative exists, the Superintendent may grant the exception upon a determination that the location of the subsistence resources depended upon and the difficulty of surface access to these resources, or other emergency situation, requires such relief.

(c) Nothing in this section shall prohibit the use of aircraft for access to lands and waters within a national park or monument for purposes of engaging in any activity allowed by law other than the taking of fish and wildlife. Such activities include, but are not limited to, transportating supplies.

§ 13.46 Use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

(a) Notwithstanding any other provision of this chapter, the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within park areas except at those times and in those areas restricted or closed by the Superintendent.

(b) The Superintendent may restrict or close a route or area to use of snowmobiles, motorboats, dog teams, or other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses if the 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.

(c) No restrictions or closures shall be imposed without notice and a public hearing in the affected vicinity and other locations as appropriate. In the case of emergency situations, restrictions or closures shall not exceed sixty (60) days and shall not be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such extension is justified according to the factors set forth in paragraph (b) of this section. Notice of the proposed or emergency restrictions or closures and the reasons therefor shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if appropriate, 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 and closures shall be designated on a map which shall be available for public inspection at the office of the

Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions or closures, or both.

(d) Motorboats, snowmobiles, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated (1) in compliance with applicable State and Federal law, (2) in such a manner as to prevent waste or damage to the park areas, and (3) in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

(e) At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams, and other means of surface transportation in accordance with §§ 13.10, 13.11, 13.12, and 13.14, respectively.

§ 13.47 Subsistence fishing.

Fish may be taken by local rural residents for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law, including the provisions of §§ 2.13 and 13.21 of this chapter: *Provided, however,* That local rural residents in park areas where subsistence uses are allowed may fish with a net, seine, trap, or spear where permitted by State law. To the extent consistent with the provisions of this chapter, applicable State laws and regulations governing the taking of fish which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 13.48 Subsistence hunting and trapping

Local rural residents may hunt and trap wildlife for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law. To the extent consistent with the 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.

(a) Notwithstanding any other provision of this part, the non-commercial cutting of live standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in park areas where subsistence uses are allowed as follows:

(1) For live standing timber of diameter greater than three inches at ground height, the Superintendent may permit cutting in accordance with the specifications of a permit if such cutting is determined to be compatible with the purposes for which the park area was established;

(2) For live standing timber of diameter less than three inches at ground height, cutting is permitted unless restricted by the Superintendent.

(b) The noncommerical gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the noncommerical gathering of dead or downed timber for firewood, shall be allowed without a permit in park areas where subsistence uses are allowed.

(c)(1) Nothwithstanding any other provision of this part, the Superintendent, after notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular plant population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For the purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(2) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular plant population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(3) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and at least one local newspaper if available, 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. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

§ 13.50 Closure to subsistence uses of fish and wildlife.

(a) Notwithstanding any other provision of this part, the Superintendent, after consultation with the State and adequate notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(b) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(c) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, 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. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

§ 13.51 Application procedures for subsistence permits and aircraft exceptions.

(a) Any person applying for the subsistence permit required by § 13.44(a), or the exception to the prohibition on aircraft use provided by

§ 13.45(b)(2), shall submit his/her application to the Superintendent of the appropriate national park or monument. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application. Each application must include (1) a statement which acknowledges that providing false information in support of the application is a violation of Section 1001 of Title 18 of the United States Code, and (2) additional statements or documentation which demonstrates that the applicant satisfies the criteria set forth in § 13.44(a) for a subsistence permit or § 13.45(b)(2) for the aircraft exception, as appropriate. Except in extraordinary cases for good cause shown, the Superintendent shall decide whether to grant or deny the application in a timely manner not to exceed forty-five (45) days following the receipt of the completed application. Should the Superintendent deny the application, he/she shall include in the decision a statement of the reasons for the denial and shall promptly forward a copy to the applicant.

(b) An applicant whose application has been denied by the Superintendent has the right to have his/her application reconsidered by the Alaska Regional Director by contacting the Regional Director within 180 days of the issuance of the denial. The Regional Director may extend the 180-day time limit to initiate a reconsideration for good cause shown by the applicant. For purposes of reconsideration, the applicant shall present the following information:

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

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

(3) Whether or not the applicant requests an informal hearing before the Regional Director.

(c) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

Subpart C—Special Regulations—Specific Park Areas in Alaska

§ 13.60 Aniakchak National Monument and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Aniakchak National Monument:

Chignik
Chignik Lagoon
Chignik Lake
Meshik
Port Heiden

§ 1.5 Closures and public use limits.

(a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:

(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.

(2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

(3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (a)(1) or (2) of this section.

(b) Except in emergency situations, a closure, designation, use or activity restriction or condition, or the termination or relaxation of such, which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park's natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit, or is of a highly controversial nature, shall be published as rulemaking in the FEDERAL REGISTER.

(c) Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action. That determination shall set forth the reason(s) the restriction, condition, public use limit or closure authorized by paragraph (a) has been established, and an explanation of why less restrictive measures will not suffice, or in the case of a termination of a restriction, condition, public use limit or closure previously established under paragraph (a), a determination as to why the restriction is no longer necessary and a finding that the termination will not adversely impact park resources. This determination shall be available to the public upon request.

(d) To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with the criteria and procedures of § 1.6 of this chapter.

(e) Except in emergency situations, the public will be informed of closures, designations, and use or activity restrictions or conditions, visiting hours, public use limits, public use limit procedures, and the termination or relaxation of such, in accordance with § 1.7 of this chapter.

(f) Violating a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited. When a permit is used to implement a public use limit, violation of the terms and conditions of a permit is prohibited and may result in the suspension or revocation of the permit.

APPENDIX C

(copy)

MASTER MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ALASKA DEPARTMENT OF FISH AND GAME
JUNEAU, ALASKA
AND
THE U.S. NATIONAL PARK SERVICE
DEPARTMENT OF THE INTERIOR
ANCHORAGE, ALASKA

This Master Memorandum of Understanding between the State of Alaska, Department of Fish and Game, hereinafter referred to as the Department, and the U.S. Department of the Interior, National Park Service, reflects the general policy guidelines within which the two agencies agree to operate.

WHEREAS, the Department, under the Constitution, laws, and regulations of the State of Alaska, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State on the sustained yield principle, subject to preferences among beneficial uses; and

WHEREAS, the Service, by authority of the Constitution, laws of Congress, executive orders, and regulations of the U.S. Department of the Interior is responsible for the management of Service lands in Alaska and the conservation of resources on these lands, including conservation of healthy populations of fish and wildlife within National Preserves and natural and healthy populations within National Parks and Monuments; and

WHEREAS, the Department and the Service share a mutual concern for fish and wildlife resources and their habitats and desire to develop and maintain a cooperative relationship which will be in the best interests of both parties, the fish and wildlife resources and their habitats, and produce the greatest public benefit; and

WHEREAS, the Alaska National Interest Lands Conservation Act (ANILCA) and subsequent implementing Federal regulations recognize that the resources and uses of Service lands in Alaska are substantially different than those of similar lands in other states and mandate continued subsistence uses in designated National Parks plus sport hunting and fishing, subsistence, and trapping uses in National Preserves under applicable State and Federal laws and regulations; and

WHEREAS, the Department and the Service recognize the increasing need to coordinate resource planning and policy development;

NOW, THEREFORE, the parties hereto do hereby agree as follows:

(copy)

THE DEPARTMENT OF FISH AND GAME AGREES:

1. To recognize the Service's responsibility to conserve fish and wildlife and their habitat and regulate human use on Service lands in Alaska, in accordance with the National Park Service Organic Act, ANILCA, and other applicable laws.

2. To manage fish and resident wildlife populations in their natural species diversity on Service lands, recognizing that nonconsumptive use and appreciation by the visiting public is a primary consideration.

3. To consult with the Regional Director or his representative in a timely manner and comply with applicable Federal laws and regulations before embarking on management activities on Service lands.

4. To act as the primary agency responsible for management of subsistence uses of fish and wildlife on State and Service lands, pursuant to applicable State and Federal laws.

5. To recognize that National Park areas were established, in part, to "assure continuation of the natural process of biological succession" and "to maintain the environmental integrity of the natural features found in them."

THE NATIONAL PARK SERVICE AGREES:

1. To recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.

2. To recognize the right of the Department to enter onto Service lands after timely notification to conduct routine management activities which do not involve construction, disturbance to the land, or alterations of ecosystems.

3. To manage the fish and wildlife habitat on Service lands so as to ensure conservation of fish and wildlife populations and their habitats in their natural diversity.

4. To cooperate with the Department in planning for management activities on Service lands which require permits, environmental assessments, compatibility assessments, or similar regulatory documents by responding to the Department in a timely manner.

5. To consider carefully the impact on the State of Alaska of proposed treaties or international agreements relating to fish and wildlife resources which could diminish the jurisdictional authority of the State, and to consult freely with the State when such treaties or agreements have a significant impact on the State.

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6. To review Service policies in consultation with the Department to determine if modified or special policies are needed for Alaska.

7. To adopt Park and Preserve management plans whose provisions are in substantial agreement with the Department's fish and wildlife management plans, unless such plans are determined formally to be incompatible with the purposes for which the respective Parks and Preserves were established.

8. To utilize the State's regulatory process to the maximum extent allowed by Federal law in developing new or modifying existing Federal regulations or proposing changes in existing State regulations governing or affecting the taking of fish and wildlife on Service lands in Alaska.

9. To recognize the Department as the primary agency responsible for policy development and management direction relating to subsistence uses of fish and wildlife resources on State and Service lands, pursuant to applicable State and Federal laws.

10. To consult and cooperate with the Department in the design and conduct of Service research or management studies pertaining to fish and wildlife.

11. To consult with the Department prior to entering into any cooperative land management agreements.

12. To allow under special use permit the erection and maintenance of facilities or structures needed to further fish and wildlife management activities of the Department on Service lands, provided their intended use is not in conflict with the purposes for which affected Parks or Preserves were established.

THE DEPARTMENT OF FISH AND GAME AND THE NATIONAL PARK SERVICE MUTUALLY AGREE:

1. To coordinate planning for management of fish and wildlife resources on Service lands so that conflicts arising from differing legal mandates, objectives, and policies either do not arise or are minimized.

2. To consult with each other when developing policy, legislation, and regulations which affect the attainment of wildlife resource management goals and objectives of the other agency.

3. To provide to each other upon request fish and wildlife data, information, and recommendations for consideration in the formulation of policies, plans, and management programs regarding fish and wildlife resources on Service lands.

(copy)

4. To recognize that the taking of fish and wildlife by hunting, trapping, or fishing on certain Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented Park or Preserve goals, objectives or management plans.

5. To recognize for maintenance, rehabilitation, and enhancement purposes, that under extraordinary circumstances the manipulation of habitat or animal populations may be an important tool of fish and wildlife management to be used cooperatively on Service lands and waters in Alaska by the Service or the Department when judged by the Service, on a case by case basis, to be consistent with applicable law and Park Service policy.

6. That implementation by the Secretary of the Interior of subsistence program recommendations developed by Park and Park Monument Subsistence Resource Commissions pursuant to ANILCA Section 808(b) will take into account existing State regulations and will use the State's regulatory process as the primary means of developing Park subsistence use regulations.

7. To neither make nor sanction any introduction or transplant of any fish or wildlife species on Service lands without first consulting with the other party and complying with applicable Federal and State laws and regulations.

8. To cooperate in the development of fire management plans which may include establishment of priorities for the control of wildfires and use of prescribed fires.

9. To consult on studies for additional wilderness designations and in development of regulations for management of wilderness areas on Service lands.

10. To resolve, at field office levels, all disagreements pertaining to the cooperative work of the two agencies which arise in the field and to refer all matters of disagreement that cannot be resolved at equivalent field levels to the Regional Director and to the Commissioner for resolution before either agency expresses its position in public.

11. To meet annually to discuss matters relating to the management of fish and wildlife resources on, or affected by, Service lands.

12. To develop such supplemental memoranda of understanding between the Commissioner and the Regional Director as may be required to implement the policies contained herein.

13. That the Master Memorandum of Understanding is subject to the availability of appropriated State and Federal funds.

(copy)

14. That this Master Memorandum of Understanding establishes procedural guidelines by which the parties shall cooperate, but does not create legally enforceable obligations or rights.

15. That this Master Memorandum of Understanding shall become effective when signed by the Commissioner of the Alaska Department of Fish and Game and the Alaska Regional Director of the National Park Service and shall continue in force until terminated by either party by providing notice in writing 120 days in advance of the intended date of termination.

16. That amendments to this Master Memorandum of Understanding may be proposed by either party and shall become effective upon approval by both parties.

STATE OF ALASKA	U.S. DEPARTMENT OF THE INTERIOR
Department of Fish and Game	National Park Service
By /s/ Ronald O. Skoog	By /s/ John E. Cook
Ronald O. Skoog	John E. Cook
Commissioner	Regional Director, Alaska
Date 14 October 1982	Date October 5, 1982

APPENDIX D: SUMMARY OF PROPOSED RESOURCE MANAGEMENT PROJECTS FROM DRAFT RESOURCE MANAGEMENT PLAN

General Type	Description	Number	Priority
Natural Resources	Impact of sport hunting	ANIA N1	1
	Basic resource inventory (vegetation and wildlife)	ANIA N4	2
	Impact of subsistence use	ANIA N2	3
	Evaluation of local weather	ANIA N3	4
Cultural Resources	Characteristics of subsistence use	ANIA C1	1
	Basic resource inventory (archeological/historical)		2

Section III—Management

Wild and scenic rivers shall be managed with plans prepared in accordance with the requirements of the Act, other applicable laws, and the following general management principles. Management plans will state: General principles for any land acquisition which may be necessary; the kinds and amounts of public use which the river area can sustain without impact to the values for which it was designated; and specific management measures which will be used to implement the management objectives for each of the various river segments and protect esthetic, scenic, historic, archeologic and scientific features.

If the classification or classifications determined in the management plan differ from those stated in the study report, the management plan will describe the changes in the existing condition of the river area or other considerations which required the change in classification.

General Management Principles

Section 10(a) states,

Each component of the national wild and scenic rivers system shall be administered in such a manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development on the special attributes of the area.

This section is interpreted as stating a nondegradation and enhancement policy for all designated river areas, regardless of classification. Each component will be managed to protect and enhance the values for which the river was designated, while providing for public recreation and resource uses which do not adversely impact or degrade those values. Specific management strategies will vary according to classification but will always be designed to protect and enhance the values of the river area. Land uses and developments on private lands within the river area which were in existence when the river was designated may be permitted to continue. New land uses must be evaluated for their compatibility with the purposes of the Act.

The management principles which follow stem from section 10(a). Managing agencies will implement these principles to the fullest extent possible under their general statutory authorities and existing Federal, State and local laws. Because of these limitations, however, implementation of the principles may differ among and within components of the system depending on whether the land areas involved are federally, State, locally or privately owned.

Carrying Capacity. Studies will be made during preparation of the management plan and periodically thereafter to determine the quantity and mixture of recreation and other public use which can be permitted without adverse impact on the resource values of the river area. Management of the river area can then be planned accordingly.

Public Use and Access. Public use will be regulated and distributed where necessary to protect and enhance (by allowing natural recovery where resources have been damaged) the resource values of the river area. Public use may be controlled by limiting access to the river, by issuing permits, or by other means available to the managing agency through its general statutory authorities.

Basic Facilities. The managing agency may provide basic facilities to absorb user impacts on the resource. Wild river areas will contain only the basic minimum facilities in keeping with the "essentially primitive" nature of the area. If facilities such as toilets and refuse containers are necessary, they will generally be located at access points or at a sufficient distance from the river bank to minimize their intrusive impact. In scenic and

recreational river areas, simple comfort and convenience facilities such as toilets, shelters, fireplaces, picnic tables and refuse containers are appropriate. These, when placed within the river area, will be judiciously located to protect the values of popular areas from the impacts of public use.

Major Facilities. Major public use facilities such as developed campgrounds, major visitor centers and administrative headquarters will, where feasible, be located outside the river area. If such facilities are necessary to provide for public use and/or to protect the river resource, and location outside the river area is infeasible, such facilities may be located within the river area provided they do not have an adverse effect on the values for which the river area was designated.

Motorized Travel. Motorized travel on land or water is generally permitted in wild, scenic and recreational river areas, but will be restricted or prohibited where necessary to protect the values for which the river area was designated.

Agricultural and Forestry Practices. Agricultural and forestry practices should be similar in nature and intensity to those present in the area at the time of designation. Generally, uses more intensive than grazing and hay production are incompatible with wild river classification. Rowcrop production and timber harvest may be practice in recreational and scenic river areas. Recreational river areas may contain an even larger range of agricultural and forestry uses. Timber harvest in any river area will be conducted so as to avoid adverse impacts on the river area values.

Other Resource Management Practices. Resource management practices will be limited to those which are necessary for protection, conservation, rehabilitation or enhancement of the river area resources. Such features as trail bridges, fences, water bars and drainage ditches, flow measurement devices and other minor structures or management practices are permitted when compatible with the classification of the river area and provided that the area remains natural in appearance and the practices or structures harmonize with the surrounding environment.

Water Quality. Consistent with the Clean Water Act, water quality in wild, scenic and recreational river areas will be maintained or, where necessary, improved to levels which meet Federal criteria or federally approved State standards for aesthetics and fish and wildlife propagation. River managers will work with local authorities to abate activities within the river area which are degrading or would degrade existing water quality.

Additional management principles stem from other sections of the Act as follows:

Land Acquisition: Section 6
Water Resource Development: Section 7
Mining: Section 9
Management of Adjacent Federal Lands: Section 12(a)
Hunting and Fishing: Section 13(a)
Water Rights: Section 13(b)–(f)
Rights-of-Way: Section 13(g)

The following policies are consistent with and supplement the management principles stated in the Act:

Land Use Controls. Existing patterns of land use and ownership should be maintained, provided they remain consistent with the purposes of the Act. Where land use controls are necessary to protect river area values, the managing agency will utilize a full range of land-use control measures including zoning, easements and fee acquisition.

Rights-of-Way. In the absence of reasonable alternative routes, new public utility rights-of-way on Federal lands affecting a Wild and Scenic River area or study area will be permitted. Where new rights-of-way are unavoidable, locations and construction techniques will be selected to minimize adverse effects on scenic, recreational, fish and wildlife and other values of the river area.

Other legislation applicable to the various managing agencies may also apply to wild and scenic river areas. Where conflicts exist between the provisions of the Wild and Scenic Rivers Act and other acts applicable to lands within the system, the more restrictive provisions providing for protection of the river values shall apply.

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APPENDIX F: SUMMARY OF ACCESS PROVISIONS

Provision	Reference	Changes Proposed in Plan
1. Access to Inholdings (Applies to holders of valid property or occupancy interest including mining claims) Ensures adequate and feasible access, subject to reasonable regulations to protect the natural and other values.	ANILCA 1110 36 CFR 13.31 43 CFR 36.10 43 CFR 36.11	None
2. Temporary Access (Applies to state and private landowners not covered in 43 CFR 36.10 and 36.11) Superintendent will permit temporary access across a park area for survey, geophysical, exploratory, or similar temporary activities on nonfederal lands when determined that such access will not result in permanent harm to park area resources.	ANILCA 1111 43 CFR 36.12	None
3. Transportation and Utility Systems in and across, and Access into, Conservation System Units Sets procedures for application and approval process; must be compatible with purposes for which the unit was established and no economically feasible and prudent alternative route exists; establishes terms and conditions of rights-of-way.	ANILCA Title XI 43 CFR 36	None
4. RS 2477 Revised Statute 2477 (repealed in 1976) provides that "the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." Aniakchak National Monument and Preserve was established subject to valid existing rights, including rights-of-way established under RS 2477. The validity of these rights-of-way will be determined on a case-by-case	43 USC Alaska Statehood Act	None

	basis. These rights-of-way are discussed further in the "Public Access" section of the general management plan. A map illustrating the possible right-of-way that the state contends may be valid under RS 2477 is located in appendix M.		
5.	Navigation Aids and Other Facilities Access is provided to existing air and water navigation aids, communication sites, and facilities for weather, climate, and fisheries research and monitoring, subject to reasonable regulation. Access is also provided to facilities for national defense purposes.	ANILCA 1310	None
6.	Alaska Department of Fish and Game The National Park Service recognizes the right of the department to enter onto park lands after timely notification to conduct routine management activities that do not involve construction, disturbance to the land, or alterations of ecosystems.	NPS/ADF&G Memorandum of Understanding	None
7.	Alaska Mineral Resource Assessment Program Allows for access for assessment activities permitted by ANILCA 1010, subject to regulations ensuring that such activities are carried out in an environmentally sound manner.	ANILCA 1010	None
8.	Helicopter Use The use of helicopters is generally prohibited. The superintendent may permit the use of helicopters subject to terms and conditions of a permit.	ANILCA 1110 36 CFR 13.31 43 CFR 36.11(f)(4)	None
9.	Easements Campsite and linear access easements may be reserved on native corporation lands that are within or adjoin the preserve, as authorized by section 17(b) of ANCSA. The routes and locations of these easements are identified on maps contained in the conveyance documents. The conveyance documents also specify the terms and conditions of use, including periods and methods of public access.	ANCSA 17(b)	None

APPENDIX G: COST AND IMPLEMENTATION SCHEDULE FOR THE PLAN

The costs for combined recommendations for visitor services, administrative development, and physical construction are given below. These figures are in 1985 dollars. They do not include any costs associated with specific research projects, which will be estimated as the separate resource management plan is refined (see appendix D).

Category	Estimate for Fiscal Year 1987	Typical Future Year at Full Development
Staff	$ 61,000	$122,000
Operating expenses	49,000	43,000
Total Annual Costs	$110,000	$165,000
Construction	$ 5,000	$ 4,000

APPENDIX H: ANILCA SECTION 810 SUBSISTENCE EVALUATION

I. Introduction

Section 810(a) of the ANILCA states the following:

> In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency -
>
> > (1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;
> > (2) gives notice of, and holds, a hearing in the vicinity of the area involved; and
> > (3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

II. Purpose of the Monument/Preserve

ANILCA section 201(1), which establishes the monument and preserve, also states the following:

> The monument and preserve shall be managed for the following purposes, among others: To maintain the caldera and its associated volcanic features and landscape, including the Aniakchak River and other lakes and streams, in their natural state; to study, interpret, and assure continuation of the natural process of biological succession; to protect habitat for, and populations of, fish and wildlife, including, but not limited to, brown/grizzly bears, moose, caribou, sea lions, seals, and other marine mammals, geese, swans, and other waterfowl and

> in a manner consistent with the foregoing, to interpret geological and biological processes for visitors. Subsistence uses by local residents shall be permitted in the monument where such uses are traditional in accordance with the provisions of title VIII."

ANILCA section 601, in amending the Wild and Scenic Rivers Act (PL 90-542), October 2, 1968, provides designation of the Aniakchak River and its major tributaries as a wild river within the wild and scenic rivers system.

Components of the national wild and scenic rivers system are to be administered pursuant to the Wild and Scenic Rivers Act, which states, in part:

> Each component of the national wild and scenic river system shall be administered in such a manner as to protect and enhance the values which caused it to be included in said system without, insofar as it consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its aesthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

Subsistence uses are also to be permitted in components of the national wild and scenic rivers system in accordance with title VIII of ANILCA.

III. The Evaluation Process

A General Management Plan has now been prepared that evaluates alternative management and visitor use options and makes certain proposals.

The potential for significant restrictions on subsistence uses as a result of the proposal must be evaluated for the actions' effects upon ". . . subsistence uses and needs, the availability of other lands for the purposes sought to be achieved and other alternatives which would reduce or eliminate the use." Restriction on subsistence use would be significant if there were large reductions in the abundance of harvestable resources, major redistributions of those resources, substantial interference with harvester access to active subsistence sites, or a major increase in nonrural resident hunting.

By asking the following questions and analyzing the responses relative to the area and the proposed action, an evaluation of significance becomes possible.

1. Would the alternative cause a reduction in the population of wildlife, fish, and other resources upon which subsistence harvesting depends; and/or would the alternative cause a decline in the population of wildlife or fish harvested for subsistence by altering the distribution of those resources?

2. Would the alternative cause a restriction on access to the harvestable resources where harvesting has historically taken place?

3. Would the alternative lead to increased competition for the big game present there?

IV. Proposed Actions

The General Management Plan for Aniakchak proposes virtually no change in current public use, including subsistence activities, in the monument/preserve. The future management of harvestable resources is to be based on regulations made by the state in cooperation with the National Park Service. The GMP proposes research, survey, and monitoring efforts that will provide an objective basis for these regulations.

The proposed action does not include any physical development, improved access, or services intended to increase either sport hunting or nonconsumptive uses like hiking and rafting. However, it is realistic to assume some such increases will occur both in sport hunting (as native selected lands are conveyed and public hunting is restricted there, pressure may shift to the public lands) and in hiking/rafting (as Aniakchak becomes better known and wilderness tour operators develop it as a destination).

In terms of physical development and use, the GMP proposes that overall administrative responsibility be given to a permanent full-time area manager resident in King Salmon, but who spends considerable summer season time in the field or in aircraft patrol in Aniakchak. Seasonal rangers will provide field patrols. Two part-time resident village coordinators will provide logistic support and assistance to the manager and rangers, and liaison with subsistence and other users who are residents in Port Heiden and the Chigniks. Sport hunters, fishermen, and other users from outside the area will be offered information and interpretive service in King Salmon and seasonally in the Chigniks and Port Heiden.

No change in the present air charter access system is proposed, which now requires a business license that may be obtained by any qualified applicant. Subject to the area manager's authority to close an area or restrict an activity on an emergency, temporary, or permanent basis (36 CFR 13.30) no changes are proposed in current regulations permitting traditionally and customarily used access methods for subsistence users. This means that use of snowmachines, offroad vehicles, motorboats, and dogs or pack animals, where such uses have been traditional and

customary in subsistence activities within Aniakchak's boundaries, would still be permitted subject to applicable laws and regulations. Use of fixed-wing aircraft or helicopters in subsistence activities, unless special exceptions are granted, would not be permitted. Access modes for recreational users (including sport hunters, fishermen, hikers, rafters, and others) may include snowmachines, motorboats, fixed-wing aircraft, and dogs and pack animals. Offroad vehicles and helicopters are not allowed to be used in recreational activities.

Development proposed in the monument/preserve is limited to adaptive restoration of the APA bunkhouse at the Aniakchak River mouth for continued use by NPS staff and the public, and several temporary portable shelters to be used by administrative staff. A hiking access corridor from Port Heiden into the caldera would be marked, but no actual trail would be constructed.

V. Affected Environment: Current Subsistence Use

The wildlife resources and subsistence activities in Aniakchak are described in "The Aniakchak Environment" section. In summary, though no reliable estimates of actual harvest are available, it is known that subsistence hunting (primarily caribou, moose, and waterfowl), fishing, berry picking, trapping, and collecting other plant products are traditional activities within the monument and preserve. This includes use by Port Heiden residents along the western boundary of the monument and use by Chignik residents in the eastern preserve and along the Pacific shoreline.

VI. Evaluation

1. The potential to reduce populations of harvestable resources

Neither the proposal nor any of the alternatives considered would result in habitat manipulation or in physical development of a scale that would have any direct impact on reducing or redistributing harvestable wildlife or other subsistence resources. Although there are no proposals intended to encourage increased recreational use, one alternative would have immediately provided some shelters at campsites that might have been an encouragement to some camping visitors to the caldera. However, increases are expected regardless of lack of facilities or direct encouragement (see "Proposed Actions" above).

Concerning possible increased sport hunting impacts, see item 3 below. For increased hiking, rafting, and exploring visitors, the total increase is expected to be small (from one or two groups a season to three or four). Four groups in the caldera and/or going down the Aniakchak in one season, separated by one or more weeks, would probably have a minimum effect on displacing wildlife from the river corridor. Even if there was a displacement, it would take place in July and early August in advance of the fall hunting season and therefore have no impact on legal subsistence

hunting. No areas where hiking and rafting are expected to increase appear to be critical feeding habitat for subsistence used wildlife.

Conclusion. Neither the proposal nor any of the alternatives would cause a reduction in harvestable resources; if any redistribution occurs (e.g., displacement along the river) it would be temporary and outside the hunting season and therefore probably have no significant effect on subsistence harvest.

2. Restriction of access

Neither the proposal nor any of the alternatives would change currently allowed access means so long as these were traditionally and customarily employed prior to establishment of the monument/preserve. Relative to subsistence, this means that snowmachines, offroad vehicles, motorboats, dogs, and pack animals, if they can be shown to have been used traditionally and customarily, would still be permitted; fixed-wing aircraft and helicopters would not.

Conclusion. Since no changes in traditional subsistence access are proposed, no restriction of existing access to harvestable resources is anticipated under the proposed action.

3. Increase in competition

The potential for competition for big game or other harvestable resources would be a function of increases in sport hunting and fishing. Neither the proposal nor any of the alternatives would encourage increases in these uses. However, anticipated restrictions in accessibility to native lands for public hunting may increase sport hunting pressure on public lands such as the preserve or the Alaska Peninsula National Wildlife Refuge independent of NPS proposals for Aniakchak.

Conclusion. Proposed NPS actions would not lead directly to increased competition for big game or other harvestable resources. Decisions by other landowners may have indirect impacts on competition; these should not be attributed to the National Park Service. The proposed increase in research, survey, and monitoring within the monument and preserve should provide the basis for objective regulation of both sport and subsistence harvest; in the long term this should ensure that competition between the two is minimized.

VII. Availability of Other Lands for the Proposed Action

There are no other lands available for this action because the preserve boundaries were established by Congress to achieve specific purposes. However, there are lands outside the monument and preserve that are available for subsistence uses. The proposed plan is consistent with the mandates of ANILCA, including title VIII and the NPS organic act.

VIII. Alternatives Considered

The Draft General Management Plan analyzed three alternatives and the proposal. They ranged from the minimum legally required management with no facilities or separate staff, through a middle-road alternative (essentially the proposal), to an alternative that provided some immediate small shelter facilities and a permanent staff resident in local villages.

No alternative suggested changes in access modes or habitat manipulation or anything that would have directly affected subsistence uses. No alternative would have provided encouragement to increased sport hunting and directly increased the potential for competition.

In addition, it is possible for subsistence users to use other lands outside the monument/preserve, and they do. They use the lands most easily accessible that can provide for their needs and extend their activities to other areas on an "as needed" basis.

IX. Consultation and Coordination

The general management plan to which this evaluation is appended has been developed with extensive contact with state agencies, federal agencies, local and regional native groups, and conservation organizations (see "Legislative and Planning History" section).

X. Findings

This evaluation concludes that the proposed plan would not result in significant restrictions of subsistence uses in Aniakchak National Monument and Preserve.

APPENDIX I: DETERMINATION OF CONSISTENCY WITH ALASKA COASTAL ZONE MANAGEMENT POLICIES

Section 307(c) of the Coastal Zone Management Act of 1972, as amended (PL 92-583), states that "each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state coastal management programs."

The Alaska Coastal Management Act of 1977, as amended, and the subsequent Alaska Coastal Management Program (ACMP) and Final Environmental Impact Statement of 1979 set forth policy guidelines and standards for consistency determination. The Bristol Bay Coastal Resource Service Area is preparing a district program, but the program has not been approved by the state or the U.S. Department of Commerce. Until it is approved, the standards established by the state of Alaska are applicable to Aniakchak National Monument and Preserve.

The ACMP identifies 12 primary categories that are to be used in consistency evaluations. The basis of the following consistency determination was the environmental assessment that accompanied the Draft General Management Plan for Aniakchak (March 1985). The highlights of this assessment are organized in the format of the ACMP standards in the following consistency determination. This determination considers not only the elements of the plan, but also the elements of alternative proposals in the draft plan that relate to coastal land and water uses.

COASTAL DEVELOPMENT

6 AAC 80.040 (refers to ACMP section)

(a) In planning for and approving development in coastal areas, districts and state agencies will give, in the following order, priority to

(1) water-dependent uses and activities,
(2) water-related uses and activities, and
(3) uses and activities that are neither water-dependent nor water-related for which there is no feasible and prudent inland alternative to meet the public need for the use or activity.

(b) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with 36 CFR 320-323, July 19, 1977.

Proposal: Consistent. There would be no new NPS facility development. Existing cabin facilities would be used by seasonal ranger patrols. The placement of structures and the discharge of dredged or fill material into coastal waters would not be required.

Alternatives: Also consistent. No significant changes in existing use and development were considered.

GEOPHYSICAL HAZARD AREAS

6 AAC 80.050

(a) Districts and state agencies will identify known geophysical hazard areas and areas of high development potential in which there is a substantial possibility that geophysical hazards may occur.

(b) Development in areas identified under (a) of this section may not be approved by the appropriate state or local authority until siting, design, and construction measures for minimizing property damage and protecting against loss of life have been provided.

Proposal: There would be no new development. If there was evidence of renewed volcanic activity in Anaikchak caldera or elsewhere, restrictions on public use for safety considerations would be evaluated. The existing structure at Aniakchak Bay, which would be used by seasonal ranger patrols, is located some 30 miles from Aniakchak caldera and has remained intact over the last 60 years.

Alternatives: Also consistent. The only development proposed would have been shelter tent platforms in the caldera with minimal capital cost.

RECREATION

6 AAC 80.060

(a) Districts will designate areas for recreational use. Criteria for designation of areas of recreational use are

(1) the area receives significant use by persons engaging in recreational pursuits or is a major tourist destination, or

(2) the area has potential for high quality recreational use, because of physical, biological, or cultural features.

(b) Districts and state agencies will give high priority to maintaining and, where appropriate, increasing public access to coastal water.

Proposal and Alternatives: Consistent. Recreational activities and opportunities in the coastal region of the monument/preserve would continue.

ENERGY FACILITIES

6 AAC 80.070 Not applicable.

TRANSPORTATION AND UTILITIES

6 AAC 80.080

(a) Transportation and utility routes and facilities in the coastal area must be sited, designed, and constructed so as to be compatible with district programs.

(b) Transportation and utility routes and facilities must be sited inland from beaches and shorelines unless the route or facility is water-dependent or no feasible and prudent inland alternative exists to meet the public need for the route or facility.

Proposal and Alternatives: Consistent. Existing transportation methods and routes would not be affected, and no new NPS utility systems would be developed.

FISH AND SEAFOOD PROCESSING

6 AAC 80.090

Districts will identify and may designate areas of the coast suitable for the location or development of facilities related to commercial fishing and seafood processing.

Proposal and Alternatives: Consistent. There would be no developments to accommodate commercial fishing activities.

TIMBER HARVESTING AND PROCESSING

6 AAC 80.100 Not applicable.

MINING AND MINERAL PROCESSING

6 AAC 80.110

(a) Mining and mineral processing in the coastal area must be regulated, designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, statewide and national needs, and district programs.

(b) Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits when there is no feasible and prudent alternative to coastal extraction which will meet the public need for sand or gravel.

Proposal and Alternatives: Consistent. Mining activities in Aniakchak National Monument and Preserve would include locatable mineral claims that may be filed on state lands inside the preserve and lands on which full title may be conveyed to village corporations or the Koniag Regional Corporation. It would also include extraction of oil and gas (not hard rock minerals) from lands on which Koniag, Inc. may eventually be conveyed oil and gas rights. In all these cases, mining activities must meet applicable state and federal environmental protection standards to minimize environmental impacts, which would be consistent with this standard.

SUBSISTENCE

6 AAC 80.120

(a) Districts and state agencies will recognize and ensure opportunities for subsistence usage of coastal areas and resources.

(b) Districts will identify areas in which subsistence is the dominant use of coastal resources.

(c) Districts may, after consultation with appropriate state agencies, native corporations, and any other persons or groups, designate areas identified under (b) of this section as subsistence zones in which subsistence uses and activities have priority over all nonsubsistence uses and activities.

(d) Before a potentially conflicting use or activity may be authorized within areas designated under (c) of this section, a study of the possible adverse impacts of the proposed potentially conflicting use or activity upon subsistence usage must be conducted, and appropriate safeguards to ensure subsistence usage must be provided.

(e) Districts sharing migratory fish and game resources must submit compatible plans for habitat management.

Proposal and Alternatives: Consistent. Existing subsistence uses, including hunting, fishing, trapping, and other uses of renewable resources would continue. Subsistence use is compatible with provisions of subsistence legislation and NPS policy. (Also see ANILCA Section 810 Subsistence Evaluation in appendix H.)

HABITATS

6 AAC 80.130

(a) Habitats in the coastal area which are subject to the ACMP include:

(1) offshore areas,
(2) estuaries,
(3) wetlands and tidelands,
(4) rocky islands and seacliffs,
(5) barrier islands and lagoons,
(6) exposed high energy coasts,
(7) rivers, streams, and lakes, and
(8) important upland habitat.

(b) The habitats contained in (a) of this section must be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources.

Proposal and Alternatives: Consistent. Natural resources and associated processes would be protected. No NPS proposal would significantly affect any of the above-listed habitats.

AIR, LAND, AND WATER QUALITY

6 AAC 80.140

The statutes pertaining to and the regulations and procedures of the Alaska Department of Environmental Conservation with respect to the protection of air, land, and water are incorporated into the ACMP.

Proposal and Alternatives: Consistent. All standards of the Alaska Department of Environmental Conservation will be met. Appropriate and necessary permits and review of proposed actions are an inherent part of the NPS general management plan process.

HISTORIC, PREHISTORIC, AND ARCHEOLOGICAL RESOURCES

6 AAC 80.150

Districts and appropriate state agencies will identify areas of the coast that are important to the study, understanding, or illustration of national, state, or local history or prehistory.

Proposal and Alternatives: Consistent. Historic and prehistoric surveys have been undertaken, and identified cultural resources are being protected according to NPS policies and standards. Procedures are in effect to protect any additional resources discovered during implementation of this plan. All standards of the ACMP have been met or exceeded.

CONSISTENCY CONCLUSIONS

The general management plan for Aniakchak National Monument and Preserve has been evaluated for consistency with the standards of the ACMP. The National Park Service has determined that the proposed plan conforms with all the requirements of the ACMP.

This determination was reviewed by the state of Alaska during May and June 1985, and notification that the plan is consistent with the program's goals was received from the Office of the Governor in a letter dated June 26, 1985. Compliance with the ACMP pursuant to section 307 of the federal Coastal Zone Management Act of 1972, as amended is thus assumed.

APPENDIX J: WILDERNESS MANAGEMENT

When Aniakchak National Monument and Preserve was created by ANILCA, Congress did not designate any wilderness. It did, however, in section 1317 request a suitability review by the secretary of the interior and presidential recommendations for potential wilderness additions. Should any wilderness lands be designated by Congress after the wilderness recommendation process is completed, they would be managed in accordance with the Wilderness Act of 1964, except as otherwise provided for in ANILCA.

The Wilderness Act states that wilderness areas "shall 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." Wilderness is then defined (in part) as "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitations, which is protected and managed so as to preserve its natural conditions."

ANILCA made certain exceptions to the Wilderness Act that apply only to the management of wilderness areas in Alaska. These are summarized below.

Section 1110(a) provides that the secretary will permit in conservation system units, which by definition in section 102(4) includes units of the national wilderness preservation system, the use of snowmachines (during periods of adequate snow cover), motorboats, airplanes and nonmotorized 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 (wilderness) 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.

The National Park Service has incorporated this provision into 36 CFR 13, which covers the administration of national park system units in Alaska.

The continued use of airplanes in designated wilderness is allowed under the above-cited sections of ANILCA and the Code of Federal Regulations. Helicopter landings are prohibited except in compliance with a permit issued by the superintendent.

Motorboats may also be used on bodies of water within wilderness. Snowmachine access occurs and will continue to be allowed in designated wilderness under the above-cited sections of ANILCA and the Code of Federal Regulations. No other forms of motorized access are permitted except as provided by ANILCA sections 1110 and 1111.

The Wilderness Act, section 4(c), states that subject to existing private rights there shall be:

> no commercial enterprise and no permanent road within any wilderness area . . . and except as necessary to meet minimum requirements for the administration of the area for purposes of this Act (including measures required in emergencies involving health and safety of persons within the area), there shall be no temporary road . . . and no structure or installation within the area.

Section 1303(a)(3) of ANILCA, however, authorizes the use and occupancy of existing cabins or other structures in national park system units under a permit system. Cabins and other structures not under a permit system may be used for official government business, for emergencies involving health and safety, and for general public use. Also under section 1303(a)(4), the secretary may permit the construction and maintenance of cabins or other structures if it is determined that the use is necessary for reasonable subsistence use. Section 1315 of ANILCA states:

> Previously existing public use cabins within wilderness . . . may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area.

Section 1315 also allows the construction of new cabins and shelters if necessary for the protection of public health and safety. Appropriate congressional committees must be notified of the intention to remove existing public use cabins or shelters or to construct new ones in wilderness.

Section 1310, subject to reasonable regulation, provides for access to and the operation, maintenance, and establishment of air and water navigation aids, communications sites and related facilities, and facilities for weather, climate, and fisheries research and monitoring in wilderness areas.

Section 1316 provides that the secretary will permit, subject to reasonable regulations, temporary shelters and facilities on lands open to the taking of fish and wildlife (i.e., national preserves). However, such use may be denied if the secretary determines, subject to adequate notice, that such facilities constitute a significant expansion of existing facilities or are detrimental to unit purposes, including wilderness character, and thereupon deny such use. A finding of significant expansion is contained in this general management plan - see section on "Temporary Facilities in the Preserve."

The decision-making process established in title XI of ANILCA for the siting of transportation and utility systems applies to designated wilderness in Alaska.

APPENDIX K: COMPLIANCE WITH OTHER LAWS, POLICIES, AND EXECUTIVE ORDERS

None of the actions in the plan would affect wetland areas; therefore, it would be in compliance with EO 11990 ("Protection of Wetlands"). Since no floodplain mapping exists for the monument/preserve, worst-case conditions would be assumed for placement of facilities in the plan, with the development of new facilities preceded by site-specific analysis. Therefore, all actions would be in compliance with EO 11988 ("Floodplain Management"). Backcountry camping involves no facilities and has no potential for effects on floodplains and is exempt from compliance with the NPS "Floodplain Management and Wetland Protection Guidelines."

Coastal development activity would be confined to Aniakchak Bay. The specific elements of the plan are believed to conform with the Estuary Protection Act (16 USC 1221), the Marine Protection, Research, and Sanctuaries Act of 1972 (16 USC 1431 et seq.), and the Coastal Zone Management Act of 1972 (16 USC 1451 et seq.). A determination of consistency with the Coastal Zone Management Act is included in appendix I.

The increments of water and air pollution resulting from implementation of the plan are expected to be too minor to measure or to require compliance with the Clean Water Act of 1977 (33 USC 1251 et seq.) or the Clean Air Act (42 USC 7401 et seq.). Water drawn for human consumption would be treated to meet state and federal standards in conformity with the Safe Drinking Water Act (42 USC 300).

No federally listed endangered or threatened wildlife are known to live in, or depend for existence on, habitats within Aniakchak National Monument and Preserve. Thus, formal consultation procedures with the U.S. Fish and Wildlife Service are not required for compliance with the Endangered Species Act of 1973 as amended (16 USC 1531 et seq.). The presence of two endangered species is possible but not documented. If either of these species was found during implementation of the plan, the Fish and Wildlife Service would be contacted, and appropriate measures would be taken to ensure their protection. None of the 29 plant taxa being considered for possible future listing pursuant to the Endangered Species Act have been recorded from Aniakchak.

No prime or unique farmland would be adversely affected by implementation of the proposal.

Subsistence uses, including hunting and trapping, and sport fishing in the monument and sport hunting, fishing, and trapping in the preserve would continue to be regulated by the state in accordance with established laws and regulations.

All public facilities outside the monument/preserve would be accessible to the handicapped to the extent possible and would comply with the requirements of the Architectural Barriers Act of 1968 (42 USC 4151 et seq.).

All proposed actions would be in full compliance with the Antiquities Act of 1906 (16 USC 431 et seq.), the Historic Sites Act of 1935 as amended (PL 94-458), the National Historic Preservation Act of 1966 (16 USC 470 et seq. as amended by PL 96-515), the Archeological and Historic Preservation Act of 1974, and the Archeological Resources Protection Act of 1979. All proposals and activities affecting or relating to cultural resources will be developed and executed with the active participation of professional historians, archeologists, anthropologists, and historical architects in accordance with NPS "Management Policies" and NPS-28. No undertaking that would result in the destruction or loss of known significant cultural resources is proposed in this document.

In accordance with the September 1981 amendment to the 1979 programmatic memorandum of agreement between the National Park Service, the Advisory Council on Historic Preservation, and the National Council of State Historic Preservation Officers, the National Park Service has requested the advice and consultation of the Advisory Council and the Alaska state historic preservation officer during the preparation of this plan. A meeting was held in Anchorage in April and November 1984 with the Alaska historic preservation office to discuss coordination and consultation procedures for this plan. The Advisory Council was provided a copy of the task directive for this plan. The advice and consultation of these offices will continue to be requested as the plan progresses. The council and the state historic preservation officer have received copies of the draft plan for comment, and will be invited to attend all future public meetings.

On April 17, 1985, the National Park Service provided copies of the draft general management plan/environmental assessment for Aniakchak to the Advisory Council on Historic Preservation for their review and comment. On September 19, 1985, the regional director was notified that the document does not qualify for inclusion under the programmatic memorandum of agreement between the Advisory Council, the National Park Service, and the National Conference of State Historic Preservation Officers. The general management plan did not present cultural information in sufficient scope and detail to allow for substantive Advisory Council review and section 106 compliance under the programmatic memorandum of agreement. Therefore, pursuant to section 106 of the National Historic Preservation Act, as amended in 1980, and until more specific planning documents are developed, the National Park Service will continue to consult with the Alaska state historic preservation officer and the Advisory Council on a case-by-case basis prior to implementing any action under the general management plan that may affect cultural resources.

In accordance with the 1982 NPS native American relationship policy, a thorough effort has been made to identify all native corporations and local native American groups and individuals who would be interested in participating in this planning effort and who have traditional ties with the monument/preserve. The planning team has contacted representatives of these groups at various stages of the plan's development. These individuals and groups have been placed on Aniakchak's mailing list and will continue to be consulted, invited to all public meetings, and sent copies of all public information documents for review and comment.

APPENDIX L: NPS PLANNING PROCESS

ANILCA REQUIREMENTS

Section 1301 of the Alaska National Interest Lands Conservation Act (ANILCA: PL 96-487) requires the preparation of conservation and management plans for each unit of the national park system established or enlarged by ANILCA. These plans are to describe programs and methods for managing resources, proposed development for visitor services and facilities, proposed access and circulation routes and transportation facilities, programs and methods for protecting the culture of local residents, plans for acquiring land or modifying boundaries, methods for ensuring that uses of private lands are compatible with the purposes of the unit, and opportunities for mutually beneficial cooperation with other regional landowners.

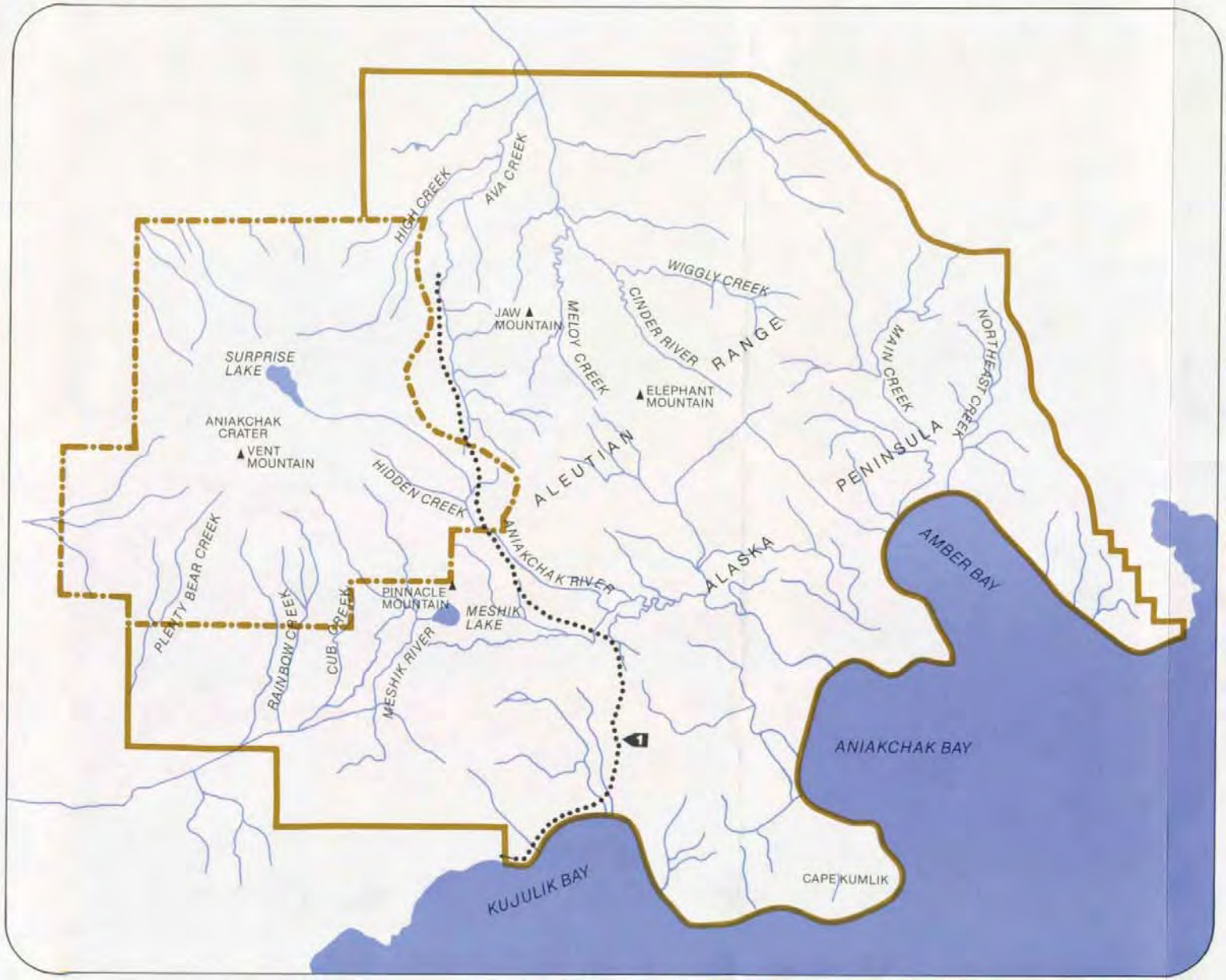
NPS PLANNING DOCUMENTS

The National Park Service planning process for each park (preserve, monument, or other unit of the system) involves a number of stages, progressing from the formulation of broad objectives, through decisions about what general management direction should be followed to achieve the objectives, to formulation of detailed actions for implementing specific components of the general management plan.

The general management plan addresses topics of resource management, visitor use, park operations, and development in general terms. The goal of this plan is to establish a consensus among the National Park Service and interested agencies, groups, and individuals about the types and levels of visitor use, development, and resource protection that will occur. These decisions are based on the purpose of the park, its significant values, the activities occurring there now, and the resolution of any major issues surrounding possible land use conflicts within and adjacent to the park. The following kinds of detailed action plans are prepared concurrently with or after completion of the general management plan.

- Land protection plans present approaches to private or other non-NPS lands within the boundaries of NPS units, in order to attempt to have these lands managed in as compatible a manner as possible with the planned management objectives of the park unit.
- Resource management plans identify the actions that will be taken to preserve and protect natural and cultural resources. Where appropriate, one component of the environment (for example, fire management plan, river management plan, historic structure plan) may be further developed into an independent plan that becomes a part of the resource management plan.
- Development concept plans establish basic types and sizes of facilities for specific locations.
- Interpretive plans describe the themes and media that will be used to interpret the park's significant resources.
- Wilderness suitability reviews determine which lands are suitable for inclusion in the national wilderness preservation system.

Depending largely on the complexity of individual planning efforts, action plans may or may not be prepared simultaneously with the general management plan. If they are prepared after the general plan, the NPS public involvement and cooperative planning efforts are continued until all of the implementation plans are completed.



THIS MAP DOES NOT ESTABLISH THE VALIDITY OF THESE POTENTIAL RIGHTS-OF-WAY AND DOES NOT PROVIDE THE PUBLIC THE RIGHT TO TRAVEL OVER THEM. THIS MAP HAS BEEN PROVIDED BY THE STATE TO ILLUSTRATE RIGHTS-OF-WAY THAT THE STATE HAS IDENTIFIED AND CONTENDS MAY BE VALID UNDER RS 2477. THE USE OF OFF-ROAD VEHICLES IN LOCATIONS OTHER THAN ESTABLISHED ROADS OR DESIGNATED ROUTES IN UNITS OF THE NATIONAL PARK SYSTEM IS PROHIBITED (E.O. 11644 AND 11989 AND 43 CFR 36.11(g)). IDENTIFICATION OF POSSIBLE RIGHTS-OF-WAY DOES NOT CONSTITUTE THE DESIGNATION OF ROUTES FOR OFF-ROAD VEHICLE USE.

POSSIBLE R.S. 2477 RIGHTS-OF-WAY

ANIAKCHAK

National Monument and Preserve

- MONUMENT BOUNDARY
- PRESERVE BOUNDARY
- POSSIBLE R.S. 2477 TRAIL
- 1 R.S. 2477 TRAIL NO.

(This number corresponds to the Alaska Existing Trails System. Source: State of Alaska Department of Transportation/Public Facilities. Submitted April 1974.)

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APPENDIX N: DEFINITION OF TRADITIONAL

In applying the provisions of ANILCA as related to "means of surface transportation traditionally employed" (section 811) and "the use of snowmachines . . ., motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities" (section 1110), the National Park Service has relied on the following definitions of "tradition(al)" from Webster's Third New International Dictionary of the English Language (unabridged), 1976:

> 2. The process of handing down information, opinions, beliefs, and customs by word of mouth or by example: transmission of knowledge and institution through successive generations without written instruction . . .
>
> 3. An inherited or established way of thinking, feeling or doing; a cultural feature (as an attitude, belief, custom, institution) preserved or evolved from the past; usage or custom rooted in the past (as of a family or nation); as a (1): a doctrine or practice or a body of doctrine and practice preserved by oral transmission (2): a belief or practice of the totality of beliefs and practices not derived directly from the Bible . . .
>
> 5.a: Cultural continuity embodied in a massive complex of evolving social attitudes, beliefs, conventions, and institutions rooted in the experience of the past and exerting an orienting and normative influence on the present b: the residual elements of past artistic styles or periods . . .

The National Park Service recognizes that it would be valuable to pursue, with those affected, the refinement of this definition in the context of the legislative history; in the interim, the Park Service will continue to use this definition in applying the above-referenced provisions of ANILCA. To qualify under ANILCA, a "traditional means" or "traditional activity" has to have been an established cultural pattern, per these definitions, prior to 1978 when the unit was established.

APPENDIX O: FINDING OF NO SIGNIFICANT IMPACT

The National Park Service is proposing to implement the final general management plan and land protection plan for Aniakchak National Monument and Preserve. The general management plan is intended to guide the management of the monument/preserve for a period of 5 to 10 years and addresses all the major topics of management, including resources management, general public use, subsistence, access, and development. The land protection plan is reviewed, and revised as necessary, every two years, and presents proposals for the nonfederal land within and near the monument/preserve.

A Draft General Management Plan/Environmental Assessment, Land Protection Plan, and Wilderness Suitability Review was distributed to the public in the spring of 1985, and comments were accepted until the end of August. A subsequent revised draft was distributed for a 60-day public comment period in December 1985.

The environmental assessment analyzed the impacts of four alternative management strategies for the monument/preserve, including the impacts on wildlife, vegetation, cultural resources, park operations, and the local economy. It was determined that the proposal will cause no adverse impacts on the public health, public safety, or rare or endangered species. No highly uncertain or controversial impacts, or significant cumulative effects, were identified. Any negative environmental effects will be minor and/or temporary. The proposal will result in positive effects upon natural and cultural resources within the monument/preserve as a result of natural resource research and monitoring, through cultural resource identification and protection. A complete evaluation of impacts resulting from the proposal and alternatives can be found in the draft plan and environmental assessment.

Based on the environmental analysis and public and agency comment on the proposed plans, I have determined that the proposed federal action will not significantly affect the quality of the human environment, and therefore an environmental impact statement will not be prepared.

Regional Director, Alaska Region

11/20/86
Date

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*U.S. GOVERNMENT PRINTING OFFICE: 1987-0-773-038/40021

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Publication services were provided by the graphics and editorial staffs of the Denver Service Center. NPS D-8A, December 1986