

**National Park Service
U.S. Department of the Interior**

Alaska Region
Alaska



Finding of No Significant Impact

Wildlife Harvest on National Park System Preserves in Alaska

October 2015

Approved:



Regional Director, Alaska

10/21/2015

Date

FINDING OF NO SIGNIFICANT IMPACT

Wildlife Harvest on National Park System Preserves in Alaska October 2015

The National Park Service (NPS) prepared an environmental assessment (EA) to evaluate the effects of proposed regulations to manage the take of predators in National Park System Preserves in Alaska for sport purposes or trapping. The purpose of the action is to eliminate the adverse impacts associated with Alaska Board of Game harvest regulations that are inconsistent with federal laws and policies intended to protect the resources and values of the National Park System in Alaska. This action is intended to provide long-term resource protection and certainty to the public regarding hunting and trapping in national preserves in Alaska.

The final rule provides that the National Park Service does not adopt State of Alaska (State) management actions or laws or regulations that authorize taking of wildlife, which are related to predator reduction efforts. The final rule affirms current State prohibitions on harvest practices by adopting them as federal regulation. The rule also prohibits the following activities that are currently allowed under State law:

- (1) taking any black bear, including cubs and sows with cubs, with artificial light at den sites,
- (2) taking brown and black bears over bait,
- (3) taking wolves and coyotes (including pups) during the denning season,
- (4) harvest of swimming caribou or taking caribou from a motorboat while under power,
- (5) using dogs to hunt black bears¹.

The Alaska National Interest Lands Conservation Act (ANILCA) authorizes taking of wildlife for sport hunting and trapping in national preserves under non-conflicting State regulations as well as for subsistence purposes by local rural residents in most park areas in Alaska. This rule would not limit the taking of wildlife for Title VIII subsistence uses under the federal subsistence regulations. The ANILCA provides the NPS authority to restrict taking wildlife for sport purposes for reasons of public safety, administration, floral and faunal protection, or public use and enjoyment. ANILCA 1313 and 1314.

The proposed regulations respond to recent changes to State wildlife harvest regulations that allow liberalized methods of hunting and trapping wildlife and extended seasons to increase opportunities to harvest predator species, which are not consistent with the mandates for National Park System Preserves². The State framework for managing wildlife in Alaska is based on sustained yield, which is defined in State statute to mean “the achievement and maintenance in perpetuity of the ability to support a high level of human harvest of game ... (AS § 16.05.255(k)(5)).” Some recent State regulations implementing the sustained yield statute have the intent or potential to alter or manipulate natural predator-prey dynamics and associated natural ecological processes, in order to increase harvest of ungulates by humans. These State regulations are not consistent with laws and policies applicable to NPS areas that require the

¹ Current state law allows this practice with a permit from the Alaska Department of Fish and Game.

² The Alagnak National Wild River corridor is managed as a national preserve. 36 CFR 13.1, definition of National Preserve.

protection of natural ecosystems and processes, including the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife.

The EA evaluated the action and the no-action alternatives for the proposed regulations to prohibit or amend regulations regarding the take of predators in National Park System Preserves in Alaska for sport purposes or trapping. The EA considered potential environmental impacts on wildlife populations and habitat; federally authorized subsistence uses including hunting, trapping, and fishing; public use and enjoyment; and wilderness character. Several other alternatives were considered but dismissed from detailed analysis. The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), regulations of the Council on Environmental Quality (40 CFR 1508.9), and NPS Director's Orders #12: Conservation Planning, Environmental Impact Analysis, and Decision-making. Topics other than predator harvest regulations addressed in the rule, including harvest of swimming caribou or taking caribou from a motorboat while under power, are covered by NPS categorical exclusion A.8.

The NPS selected Alternative B, Promulgate NPS Wildlife Harvest Regulations in Alaska National Preserves, is described in the decision on page 3. To implement this action, the NPS will publish the final regulations in the federal register to make changes to 36 CFR Part 13 – National Park System Units in Alaska.

About 120 parties submitted comments on the EA during a 121-day public comment period from September 4 to December 3, 2014 and January 15 to February 15, 2015. Comments were received via online commenting to the NPS PEPC website, and by letters, emails, and comments submitted at meetings or delivered to the Alaska Regional Office. The comment period was extended for an additional month in winter 2015 beyond the original 90-day comment period to accommodate requests for additional time to submit comments. The NPS received one comment on the EA during the extension.

ALTERNATIVES

Two alternatives were evaluated in the EA.

Alternative A - No Action (Adopt All State of Alaska Harvest Regulations in Alaska National Preserves)

Under the no-action alternative, all State of Alaska laws and regulations related to sport hunting and trapping would apply on national preserves in Alaska, unless explicitly superseded by federal law. Additionally, the NPS would take no action to prohibit liberalized predator harvest measures on NPS preserves and implementation of the State's intensive management regulations. Alternative A is provided as a baseline case for comparing to the effects of the NPS action alternative (Alternative B). Because the no-action alternative is not consistent with federal law and NPS policy, in the last few years the NPS has prevented certain recent State regulations from taking effect in preserves through yearly restrictions that explicitly supersede the inconsistent State regulations. Therefore, to better disclose the effects of the NPS action alternative, the no-

action alternative describes what would occur if all intensive management wildlife regulations and other liberalized predator harvest measures adopted by the State applied on national preserves in Alaska.

Methods of harvest that would occur under the no-action alternative include, but are not limited to, the following examples:

- i) Taking black bears, including cubs and sows with cubs, with artificial light at den sites;
- ii) Taking brown or black bears over bait;
- iii) Taking wolves or coyotes (including pups) during the denning season; and
- iv) Using dogs to hunt black bears under state permit.

Alternative B – Promulgate NPS Wildlife Harvest Regulations in Alaska National Preserves (*Selected*)

Under Alternative B, State of Alaska management actions or laws or regulations that authorize taking of wildlife would not be adopted in park areas if they are related to predator reduction efforts. Predator reduction efforts are those with the intent or potential to alter or manipulate natural predator-prey dynamics and associated natural ecological processes, in order to increase harvest of ungulates by humans. Taking wildlife under these laws, regulations, and management actions would not be allowed because they are inconsistent with the laws and policies applicable to NPS areas. The regional director would compile a list, updated at least annually, of the management actions, laws, and regulations that are not adopted in park areas. Notice would be provided in accordance with 36 CFR 13.50. This alternative would also list specific harvest methods which would be prohibited on NPS lands in Alaska. Examples of these methods are described in the list under the no-action alternative.

This alternative also examined the potential effects of prohibiting baiting of any bears, including black bears, in national preserves. When the NPS adopted the temporary restrictions on taking brown bears over bait in national preserves in 2013, the Service received several comments suggesting black bear baiting be prohibited as well. Unlike the practice of taking brown bears over bait, black bear baiting has been an authorized practice in Alaska for several decades, including in national preserves. This alternative considered disallowing the use of bait as defined to hunt black bears, which is currently authorized by the State of Alaska pursuant to a permit.

PUBLIC INVOLVEMENT

The EA was issued for public review and comment from September 4 to December 3, 2014 and January 15 to February 15, 2015. The EA was provided to numerous parties including State and federal agencies, federally recognized tribes in Alaska, communities, organizations, and individuals, and it was posted on the NPS Planning, Environment, and Public Comment website. A press release announced the availability of the EA to the general public.

Comments on the EA were received from the State, tribal councils, NPS Subsistence Resource Commissions, Federal subsistence regional advisory councils, National Parks and Conservation Association, the Center for Biological Diversity, The Humane Society, the Alaska Chapter of the Sierra Club, Denali Citizen's Council, various guide businesses, and several individuals. Substantive comments that required NPS responses are attached to the FONSI as Appendix A. Changes to the EA are contained in the Errata as Appendix B. The public comments were considered in formulating the decision made in this FONSI.

DECISION

The NPS decision is to select Alternative B with a modification to prohibit using dogs to hunt black bears. When implemented with regulations, the decision will prohibit activities or management actions which are related to predator reduction efforts (as defined above). The decision will prohibit, among other activities, the following methods of harvest that are currently allowed under State law:

- i) Taking any black bear, including cubs and sows with cubs, with artificial light at den sites;
- ii) Taking brown bears and black bears over bait;
- iii) Taking wolves and coyotes during the denning season; and
- iv) Using dogs to hunt black bears.

Minimal additional impacts to the resources evaluated in the EA are expected from the modification to include a prohibition on using dogs to hunt black bears because very few people are known to participate in this hunting activity on national preserves.

The NPS will inform the public about prohibited hunting and trapping activities specific to national preserves in Alaska. The NPS will maintain a list of prohibited harvest practices with exceptions and update it as needed.

RATIONALE for the DECISION

The selected alternative responds to State hunting regulations that authorize wildlife harvest practices that are not consistent with ANILCA's authorization for sport hunting, the NPS Organic Act, and the sections of ANILCA that established the national preserves in Alaska. These include liberalized predator harvest methods and seasons. National park areas are managed for natural ecosystems and processes, including wildlife populations. The NPS legal and policy framework prohibits reducing native predators for the purpose of increasing numbers of harvested species.

In the last several years, the State has allowed an increasing number of liberalized methods of hunting and trapping wildlife and extended seasons to increase opportunities to harvest predator species. Predator harvest practices recently authorized on lands in the state, including lands in several national preserves, include:

- taking black bears, including cubs and sows with cubs, with artificial light at den sites;
- harvesting brown bears over bait; and

- taking wolves and coyotes (including pups) during the denning season when their pelts have little trophy, economic, or subsistence value.

These practices are not consistent with the NPS implementation of ANILCA's authorization of sport hunting and trapping in national preserves. To the extent such practices are intended or reasonably likely to manipulate wildlife populations for harvest purposes or alter natural wildlife behaviors, they are not consistent with the NPS Organic Act or the sections of ANILCA that established the national preserves in Alaska. Additional liberalizations by the State that are inconsistent with NPS management directives, policies, and federal law are anticipated in the future.

Similarly, the long-standing practices of taking black bear over bait and hunting black bears with dogs are not consistent with the NPS implementation of ANILCA's authorization of sport hunting and trapping in national preserves.

This decision provides for promulgation of an NPS final rule for Alaska to protect national preserve resources and values and provides a long-term solution that would replace temporary restrictions put in place for sport hunting of predators in national preserves in Alaska over the last few years.

Extensive public involvement during this process showed that while most parties supported the proposed action, including a prohibition on the take of black bears at bait stations, several parties objected to the limitations on methods and seasons to harvest predators because they wanted increased opportunity to harvest predators and ultimately access to more ungulates for food. Some subsistence resource advisory groups stated that they hunt predators in national preserves under State rules and were concerned their opportunities would be diminished. The final promulgation of regulations to implement this action will not restrict federal subsistence harvest in national preserve areas for federally-qualified subsistence hunters and trappers.

SIGNIFICANCE CRITERIA

The selected action will not have a significant effect on the human environment. This conclusion is based on the following examination of the relevant significance criteria defined in 40 CFR Section 1508.27.

The degree to which the proposed action affects public health or safety.

Prohibiting the baiting of black and brown bears on park preserves for sport purposes will result in small reductions to adverse effects on public health and safety due to fewer food-conditioned bears.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetland, wild and scenic rivers, or ecologically critical areas.

The EA concluded that slight, positive impacts to wilderness character may occur from prohibiting various methods and seasons for harvesting predators. Natural and untrammelled qualities will not be altered by intentional manipulation of predator-prey dynamics and food-conditioned bears, and opportunities for solitude may be enhanced by removing bear bait stations.

The degree to which effects on the quality of the human environment are likely to be highly controversial.

“Controversial” is defined in regulation as “a circumstance where a substantial dispute exists as to the environmental consequences of the proposed action, and does not refer to the existence of opposition to a proposed action, the effect of which is relatively undisputed (43 CFR 46.30).”

The prohibitions on wildlife harvest methods and seasons in national preserves in Alaska are expected to have a minimal effect on the quality of the human environment. Many of the prohibited methods and seasons have not been allowed since ANILCA was enacted in 1980 and more recently through annual temporary compendium regulations in response to recent State allowances for more liberal seasons and bag limits for various predators. Very few non-local sport hunters have participated in the take of black bears over bait or hunting black bear with dogs on national preserves in Alaska.

The degree to which the action may establish a precedent of future actions with significant effects or represents a decision in principle about a future consideration.

The selected action allows the NPS to ensure harvest practices remain consistent with NPS laws, regulations, and policies regarding the management of wildlife and habitat in park areas. This is accomplished by adopting as federal regulation many current State prohibited harvest practices and clarifying that predator reduction efforts are not allowed on NPS managed lands.

Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The selected action will not violate any Federal, State or local law. Rather, this regulation will not adopt in national preserves certain State laws and regulations that are not consistent with NPS policies and federal law. The NPS will promulgate final regulations to implement this action.

FINDINGS

The levels of adverse impacts to park resources anticipated from the selected alternative will not result in an impairment of Alaska NPS area resources that fulfill specific purposes identified in the establishing legislation or that are key to the natural or cultural integrity of the NPS areas affected by this decision. See Appendix C for a non-impairment determination.

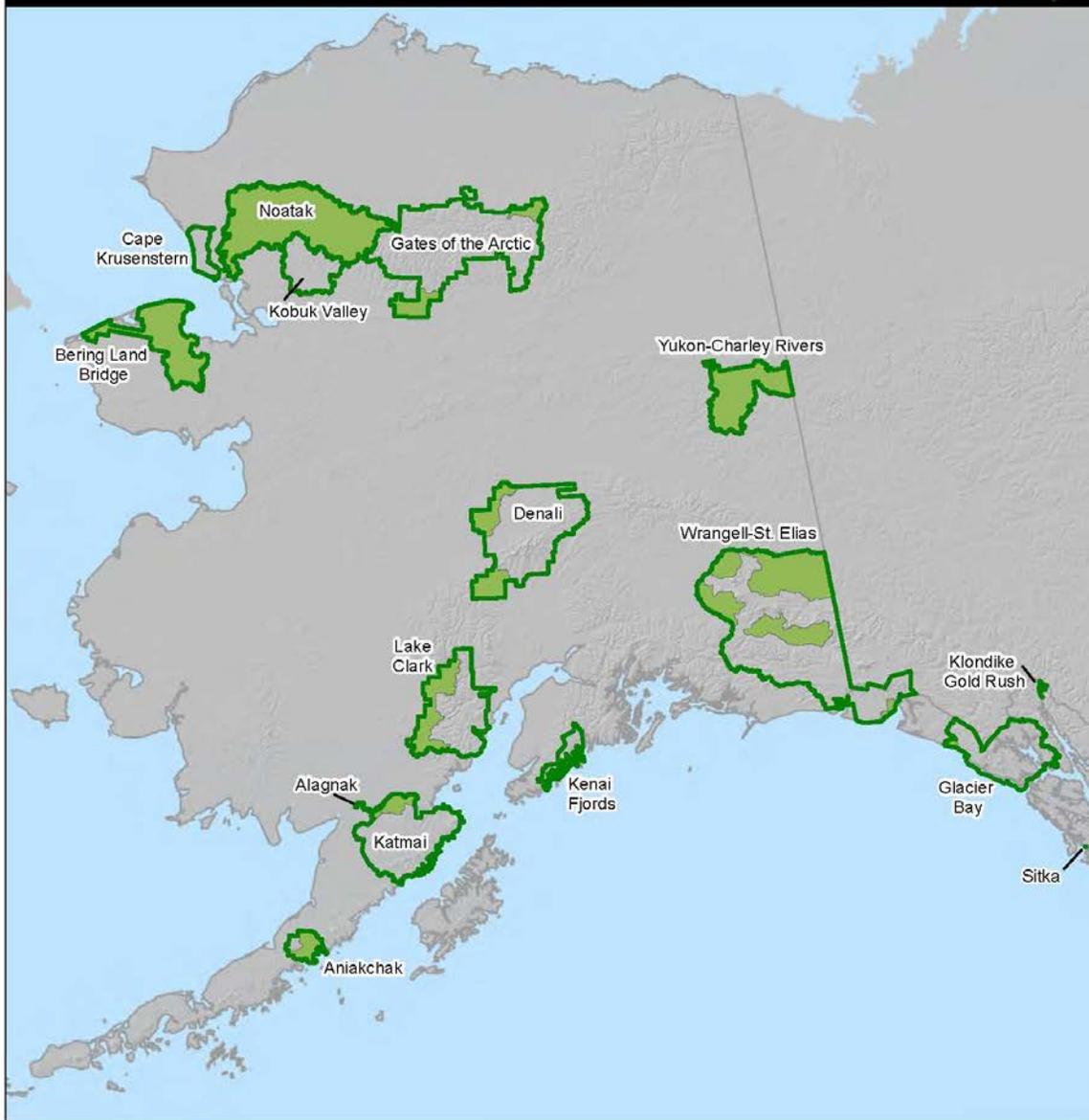
The selected alternative complies with the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 11988 and 11990. There will be no significant

restriction of subsistence uses as documented by the Alaska National Interest Lands Conservation Act, Title VIII, Section 810(a) Summary Evaluation and Findings.

The National Park Service has determined that the selected alternative does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, in accordance with the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality (40 CFR 1508.9), an environmental impact statement is not needed and will not be prepared for this project.

Alaska National Preserves

Alaska Region
National Park Service
U.S. Department of the Interior



Legend

- National Parkland Unit
- National Preserve

Alaska Region
GIS Team

07/02/2015



1:9,500,000

Alaska Albers Projection on NAD83 Datum



APPENDIX A – RESPONSE TO PUBLIC COMMENT

ENVIRONMENTAL ASSESSMENT ON

WILDLIFE HARVEST ON NATIONAL PARK SYSTEM PRESERVES IN ALASKA

Concern: Some commenters suggested an additional alternative prohibiting of all hunting of black and brown bears.

NPS Response: ANILCA provides for harvest of wildlife in national preserves. Therefore some level of take is appropriate and compatible with the NPS legal and policy framework for Alaska national preserves. The rule does not prohibit all State-authorized hunting and trapping. Most State regulations are, and are expected to remain, compatible with the NPS management framework and federal law.

Concern: The NPS should provide specific information about attempts to work with the State of Alaska to support the EA’s elimination of the alternative to work with the Board of Game to find a solution.

NPS Response: Information regarding attempts by the NPS to work with the State of Alaska to find a solution is found in the proposed rule (79 FR 52595). In the last 10 years, the NPS has objected to more than 50 proposals to liberalize predator harvest in areas that included national preserves and each time the BOG has been unwilling to exclude national preserves from State regulations designed to manipulate predator/prey dynamics for human consumptive use goals. Had these requests been accommodated, this proposed rule may not be necessary.

Concern: The EA fails to provide supporting justification for the choice of the environmentally preferable alternative.

NPS Response: The EA provides a contrast between the no-action and action alternative to enable the NPS to make a judgment about which alternative best achieves NPS mandates to protect, preserve, and enhance resources and values of areas and minimizes adverse effects to the biological and physical systems within those areas (see Q6a in Forty Most-Asked NEPA Questions regarding 40 CFR 1505.2(b)). The NPS recognizes that the difference between the impacts of the two alternatives is not extreme; however, the EA contains sufficient information to determine that Alternative 2 is the NPS environmentally preferable alternative because it better protects and preserves the wildlife resources and systems described in sections 1.1.1 and 3.2.1 of the EA and because it protects predators and preserves natural predator/prey dynamics and natural wildlife behaviors.

Concern: The NPS omitted information from guiding regulations and policies regarding the effects of human uses on naturalness, including omission of an unacceptable impact analysis.

NPS Response: The EA addresses naturalness as an attribute of wilderness character in chapter 3.5. NPS Management Policies 2006 Section 1.4.7.1 describe and discuss unacceptable impacts as those impacts to resources and values for which an area was established that are not impairment but are still not acceptable within a particular park's environment. Unacceptable impacts are impacts that fall short of impairment, but are still not acceptable within a particular park's environment. Park managers must determine whether impacts on park resources and values are acceptable. Organic Act impairment and unacceptable impact determinations are addressed in the statement of non-impairment found in Appendix C of the FONSI.

Concern: The analysis of impacts to wildlife is insufficient and conclusions are not supported by scientific information.

NPS Response: The objective of this proposal is to prohibit harvest activities, like bear baiting, which are inconsistent with NPS mandates to manage for naturally functioning ecosystems and wildlife behaviors. The environmental analysis is based on scientific literature, resource experts, best available data, and best professional judgment. The evaluation was conducted to a level sufficient to demonstrate there would be no significant impacts. The NPS believes given the low level of intensity of impacts, additional analysis is not warranted because it would not change the conclusion. The EA informs agency decision making and discloses potential environmental effects to the public and decision maker.

Some commenters have provided additional data sources. These sources and data sets have been reviewed but do not change the conclusions made in this EA. The NPS appreciates the additional information provided during the public comment period.

Concern: The NPS has not shown that, if the proposed regulations were not adopted, preserve lands would be impacted.

NPS Response: The purpose of the action analyzed in this EA is to eliminate the adverse impacts associated with State regulations for the harvest of predators that are inconsistent with federal laws and policies. The EA evaluation shows that neither the proposed action nor the no-action alternative is likely to have a significant effect on park resources. The NPS recognizes that, because some State regulations have not been allowed on park areas through the compendium process, positive proof of damage to resources on those lands due to liberalized State regulations has not been demonstrated. However, the NPS is not required to wait until NPS resources are damaged to take action. Rather, the NPS is required to take a conservative approach in order to fulfill the overarching goal of conservation and resource protection (see NPS Management Policies 2006 1.4.3). The NPS would not meet its obligation to manage these lands for natural processes and behaviors, including predator-prey relationships, if it allowed

State-authorized methods of harvest that are not consistent with NPS policy and federal law to apply on NPS lands.

Concern: The proposed action in the Federal Register and the EA are not aligned, the EA addresses only six activities, whereas the proposed regulations address 13 activities, including procedural changes.

NPS Response: The proposed action analyzed in this EA primarily focuses on the adverse impacts associated with State regulations managing predators that are inconsistent with federal laws and policies. The NPS does not consider the other activities addressed by this rulemaking process in this EA because they are included in this rule for administrative efficiency, do not result in more than minimal effects, and are covered by NPS categorical exclusion A.8. Comments received in PEPC on actions not covered by this EA are addressed in the response to comments section of the final rule.

Concern: The proposed regulations and EA contain incorrect assumptions about intensive management; State regulations at issue do not fall under intensive management, and were not adopted for the purpose of predator control.

NPS Response: One objective of the selected action is to eliminate adverse impacts associated with Board of Game regulations related to the harvest of predators that are inconsistent with federal laws and policies that protect park resources and values. Before the Alaska Board of Game authorized taking cubs and sows with cubs at den sites, it had only allowed this activity as part of a predator control program. (Findings of the Alaska Board of Game 2012-194-BOG, Board of Game Bear Conservation, Harvest, and Management Policy, expiration June 30, 2016 (January 18, 2012)). The State's decision to expand wolf and coyote seasons was based in part on a desire to elevate survival rates of moose and caribou calves.

Concern: The Purpose and Need should be changed to reflect that some of the types of harvest addressed in the proposed rule and EA have been occurring legally for over 30 years and are not recent changes.

NPS Response: The NPS recognizes some of the practices addressed in the proposed rule have been allowed for several decades, such as the take of black bear over bait, and the take of swimming caribou in limited areas. The language has been changed in response to this comment in the errata and the final rule.

Concern: The EA should have been open for public comment before the proposed rule to evaluate possible alternatives for the rule.

NPS Response: The NPS commonly releases EAs and proposed regulations together when an EA is prepared for an action proposed in a rule. The release of both documents is administratively efficient and avoids confusion of multiple rounds of documents going to the public for review and comment. In this case, because the same restrictions are addressed in the NPS annual compendiums (which are also open for public comment), an earlier release of the EA would have been particularly confusing. The final rule can be adjusted based on public comments, and the NPS anticipates making adjustments in the final rule.

Concern: The proposed regulations would limit the ability of subsistence users to feed their families and continue traditional hunting practices.

NPS Response: While the proposed rule would not restrict federal subsistence harvest, it does affect hunters using State regulations for harvest opportunities on NPS preserves. However, the proposed rule affects less than 1% of State hunting rules, as most State regulations are adopted on national preserves and will continue to apply in these areas after the final rule is issued. See also, Appendix A to the EA, ANILCA Section 810 Subsistence Evaluation and Findings.

Concern: The analysis of impacts to wildlife viewing under the State hunting regulations did not consider that populations are also subject to hunting by federally qualified subsistence users.

NPS Response: The NPS agrees with this statement. The EA will be amended in the errata to consider the effects of subsistence harvest as a cumulative effect on wildlife viewing in park areas. We note, however, that federally qualified subsistence uses in national preserves would not vary between the two alternatives, so the additive effect would have little bearing on the differences between the alternatives.

Concern: The impacts analysis should consider the loss of public uses and enjoyment by former local residents who would no longer be able to hunt swimming caribou with current residents as a part of cultural traditions due to the proposed regulations.

NPS Response: The effects of prohibiting the hunt of swimming caribou are excepted from further NEPA analysis under NPS categorical exclusion A.8. However, the EA will be modified in the errata to clarify that under this rule, hunters who are not local rural residents qualified to hunt under federal subsistence rules would not be able to hunt swimming caribou with current local rural residents; however, they may hunt caribou on land in the affected preserves and they may participate in other aspects of the traditional activity.

Concern: The impacts analysis did not consider all of the proposed changes to sport hunting and trapping opportunities.

NPS Response: Where an effect of a proposed change to State regulations on preserve land is not measurable, that change was not analyzed in the EA.

Concern: The wilderness character of the Wrangell-St. Elias National Preserve is an important element of the preserve. The effects on the natural soundscape of the preserve should be evaluated in the EA.

NPS Response: Natural sounds are an important element of the natural and undeveloped aspects of wilderness character, but were not evaluated due to negligible predicted impacts.

Concern: The wilderness character presented in the impacts analysis overstates the impacts of harvest on the untrammeled and natural qualities of wilderness under alternative A.

NPS Response: The NPS disagrees. The recent liberalizations could potentially have a considerable impact on the untrammeled and natural qualities of wilderness. For instance, bear baiting imposes a bait station on the wilderness landscape and will alter the behavior of bears through food conditioning. The State regulations at issue alter ecological systems and impose human influences on wilderness areas.

Concern: The EA did not consider the allowance of temporary facilities and equipment for the take of fish and wildlife under ANILCA in designated wilderness areas.

NPS Response: As provided by ANILCA Section 1316, the NPS allows temporary facilities in support of hunting in park areas, such as campsites, tent platforms, shelters, and other temporary facilities and equipment in support of hunting. This rule does not impact the NPS allowances of these temporary facilities subject to reasonable regulation. Assuming for the sake of argument that bait stations are temporary facilities in support of hunting, bear baiting is not permitted in preserve lands because the practice is not consistent with NPS policies, the NPS Organic Act, or the sections of ANILCA that established the national preserves in Alaska. In addition, ANILCA Section 1316 states that the establishment of these facilities is “subject to reasonable regulation to insure compatibility”. As demonstrated in the EA, bait stations may lead to issues with regards to “public safety, administration, floral and faunal protection, and public use and enjoyment.” ANILCA 1313.

Concern: The affected environment section misrepresents the purpose of management of wildlife and habitat on national preserves as the maintenance of natural wildlife populations. Management under ANILCA is for the purpose of maintaining healthy population, not natural populations.

NPS Response: While the NPS acknowledges Title VIII of ANILCA speaks to “healthy” populations of wildlife on federal public lands in Alaska, ANILCA also directs the NPS to

manage conservation units in accordance with the NPS Organic Act, which mandates the NPS “to conserve the scenery, natural and historic objects, and wild life” in units of the National Park System and to provide for visitor enjoyment of the same for this and future generations (54 U.S.C. 100101). Policies implementing the NPS Organic Act require the NPS to protect natural ecosystems and processes, including the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife. NPS Management Policies 2006 §§ 4.1, 4.4.1, 4.4.1.2, 4.4.2. The NPS will insert a sentence on page 11 in the errata to clarify this mandate.

Concern: The impacts analysis of wildlife and habitat is done at a localized scale, resulting in substantial impacts but not clarifying if these impacts would be the same for other hunted species at this scale. The NPS has not provided a good justification for the scale of analysis presented in the EA.

NPS Response: The NPS analysis shows that impacts may be substantial at the local scale to individual predators and groups of predators (bears, wolves, and coyotes) under the State’s liberalized seasons and methods for take. The analysis also shows that the take resulting from these regulations is unlikely to cause large impacts at the population and habitat levels. The proposed regulations are limited to national preserves in Alaska, the NPS does not think the analysis needs to address national or global scales of impacts. The EA did not address the impacts to wildlife and habitat at a larger scale because no or negligible measurable changes were predicted.

Concern: The environmental impacts section states that, because so few black bears are taken over bait in national preserves, alternative B (promulgate wildlife harvest regulations) will not substantially change wildlife harvest and populations, but concludes that localized effects of alternative A (no action) on individual predators, family groups, and packs are expected to be substantial.

NPS Response: The conclusions of impacts are different because they address different scales of analysis. For example, the take of wolves during the breeding and denning can disrupt the productivity and persistence of individual packs up to the complete loss of a litter or disbanding of a given pack. However, these types of perturbation would not be likely to have any effect at the level of the overall wolf population.

Concern: The take of black bear meat during the winter is a customary hunting means.

NPS Response: The NPS will continue to provide for customary and traditional federal subsistence uses under Title VIII of ANILCA. The NPS has worked with its local Subsistence Resource Commission for Gates of the Arctic National Park and Preserve to submit Federal Subsistence Board proposal WP16-40 to authorize local rural residents of subunits 24 A, B, and

C to hunt black bears in their dens from October 15 to April 30. This proposal is based on a customary and traditional hunting practice in the upper Koyukuk River drainage.

APPENDIX B - ERRATA

ENVIRONMENTAL ASSESSMENT ON WILDLIFE HARVEST ON NATIONAL PARK SYSTEM PRESERVES IN ALASKA

Change 1, Purpose and Need for Action, EA Page 1, Paragraph 1:

The last sentence is changed to read, “The proposed rule would prohibit taking of wildlife, hunting or trapping activities, or management actions involving predator reduction efforts with the intent or potential to alter or manipulate natural predator-prey dynamics and associated natural ecological processes in order to increase harvest of ungulates by humans.”

Change 2, Current General Conditions of Wildlife and Habitat, EA Page 11, Paragraph 2:

The first sentence is amended to include the phrase, “healthy populations of fish and wildlife” so that this sentence reads: “Relative to wildlife and habitat, national preserves in Alaska are to be managed for the conservation of healthy populations of wildlife, natural ecosystems and processes, and natural behaviors of wildlife.”

Change 3, Effects on Public Uses and Enjoyment, Cumulative Effects, EA Page 22, Paragraph 1:

The EA is amended to include a statement that subsistence harvest of wildlife could affect wildlife viewing in national preserves: “Ongoing subsistence harvest of wildlife by federally-qualified rural residents, regardless of the no-action or action alternative, could reduce wildlife populations otherwise available for wildlife viewing by other visitors.”

Change 4, Effects on Public Uses and Enjoyment, EA Page 23, Paragraph 1:

The EA is amended to include a statement that hunters who are not qualified under federal subsistence rules are not allowed to harvest swimming caribou: “Former local residents would no longer be able to hunt swimming caribou with current federally-qualified rural residents; however, they may hunt caribou on land in the affected preserves and they may participate in other aspects of the traditional practice.”

APPENDIX C

DETERMINATION OF NON-IMPAIRMENT

A determination of non-impairment is made for each of the impact topics for park resources and values carried forward and analyzed in the environmental assessment (EA) for the NPS preferred alternative. The NPS selected alternative is Alternative B of the EA with minor adjustments. This determination reviews the level of impacts for each impact topic. EA Chapter 1 – Purpose and Need references the NPS Organic Act, The Redwoods Act, and the Alaska National Interest Lands Conservation Act (ANILCA) Sections 201, 202, and 1313, which laws and sections describe the purposes for which new and expanded units of the National Park System in Alaska are to be managed, including the allowance of subsistence uses and sport hunting. Furthermore the EA describes NPS Management Policies of 2006, which interpret how the NPS implements these Acts. The purposes described in the EA were used as a basis for determining if a resource or value is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the affected NPS areas in Alaska, or
- Key to the natural integrity of the NPS areas in Alaska or to opportunities for enjoyment of the areas, or
- Identified in the NPS area general management plans or other relevant NPS planning documents as being of significance.

Impairment findings are not generally necessary for visitor experience, socioeconomics, public health and safety because impairment findings relate back to park resources and values. These impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired the same way that an action can impair park resources and values. For this EA, the NPS resources evaluated in the impairment analyses are wildlife and habitat.

Wildlife/Habitat

ANILCA Titles I and II provide for the maintenance of sound populations of, and habitat for, numerous specified wildlife species of inestimable value to the citizens of Alaska and the Nation. Chapter 3 of the EA provides maps of national preserves where sport hunting is allowed and the potential adverse impacts to wildlife and their habitat from implementing NPS proposed regulations.

The effect of regulations to prohibit harvest of bears over bait, the take of any black bear, including cubs and sows with cubs, with artificial light at den sites, the take of wolves and coyotes during the denning seasons, and using dogs to hunt black bears under state permit, which would be implemented under alternative B would be slight. These practices have been prohibited through compendium, except for the take of black bear over bait. Natural behaviors of wildlife and a more natural balance of predators to prey would be maintained. Therefore, the NPS selected alternative would not result in impairment to wildlife or habitat.

In conclusion, it is the Regional Director's professional judgment that there will be no impairment of park resources and values from implementation of the preferred alternative.