

1.0 PURPOSE AND NEED FOR ACTION

1.1 Purpose of and Need for Action

The National Park Service (NPS) is considering revised regulations to allow the subsistence collections and uses of plant materials and shed or discarded inedible animal parts such as horns, antlers, and bones by NPS-qualified local rural residents affiliated with Alaska National Park System units where subsistence use is otherwise allowed. The NPS has prepared this environmental assessment (EA) to evaluate alternatives for managing the collections and uses of plants and inedible animal parts from naturally shed (including natural mortality) or discarded (from hunters) for subsistence uses by local rural residents in a manner to prevent adverse impacts to other park resources, values, and other uses. The complete proposed action and alternatives are described in Chapter 2.

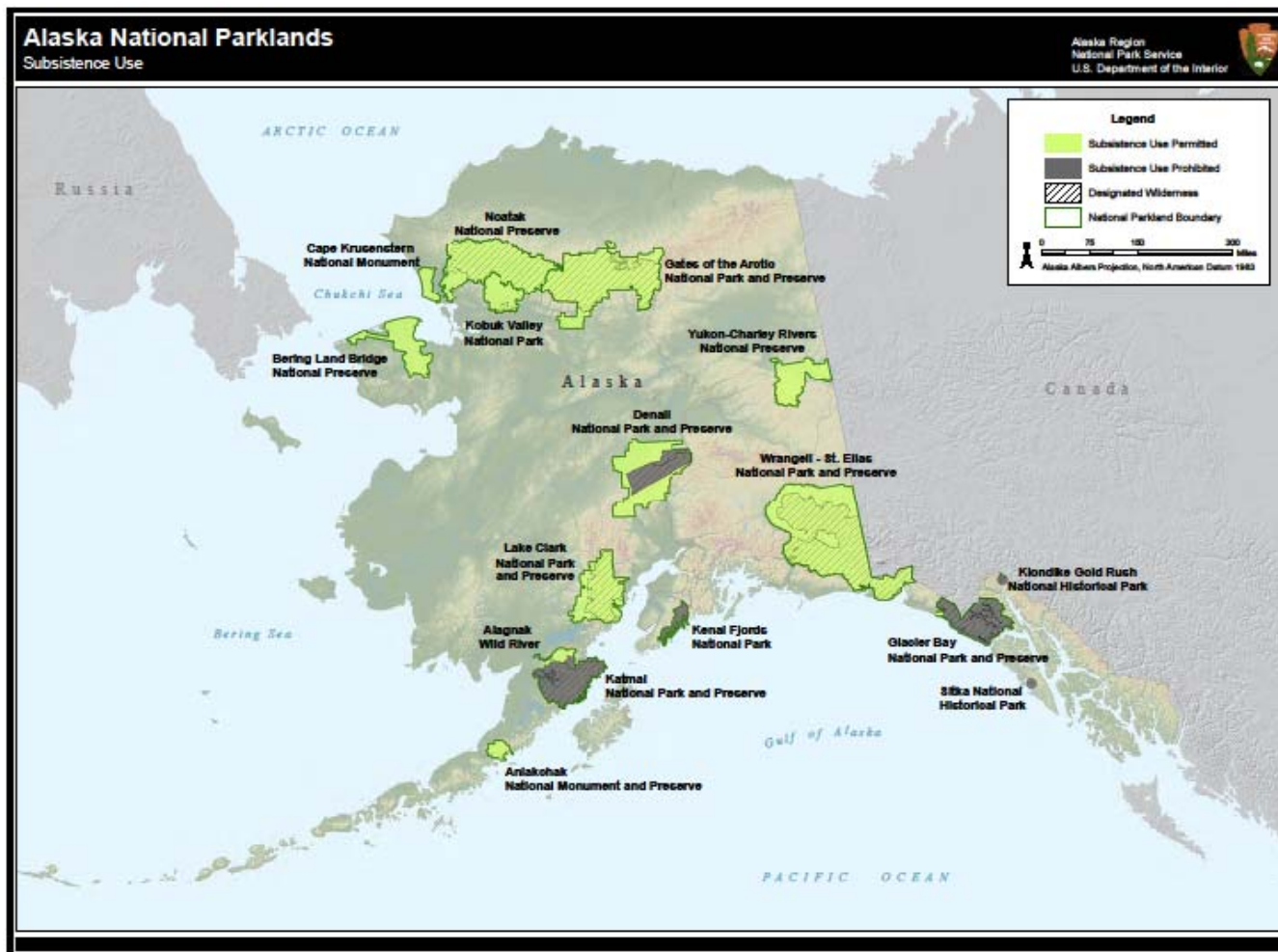
Either concurrently with the EA or subsequently, the NPS may propose revised regulations (Appendix A) in the Federal Register to allow the collection and uses of plants, and shed or discarded animal parts by qualified local subsistence users in Alaska. The NPS is considering new regulations because Alaska rural residents asked the NPS to allow these uses under subsistence provisions in Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). The rules would address:

- 1) The collection, personal use, and making of handicrafts using shed or discarded animal parts that may subsequently be used personally, bartered, or sold; and
- 2) The collection and use of plant materials to make handicrafts that may subsequently be bartered or sold.

NPS regulations at 36 CFR 2.1 presently prohibit: “Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: (i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.” NPS regulations at 36 CFR 13.485(b) allow: “[t]he noncommercial gathering by local rural residents of fruits, berries, mushrooms and other plant materials for subsistence uses, and the noncommercial gathering of dead or down timber for firewood, shall be allowed without a permit in park areas where subsistence uses are allowed.” Only two areas have regulations to provide for the gathering of plant materials to make into handicrafts and sell. There are special regulations regarding customary trade for Kobuk Valley National Park and Gates of the Arctic National Preserve at 36 CFR Parts 13.1504 and 13.1006, respectively. NPS regulations in 36 CFR 5.3 prohibit engaging in or soliciting business in park areas without a permit. See Figure 1.1 for areas allowing subsistence in NPS areas.

This environmental assessment (EA) analyzes the proposed action and alternatives and their impacts on the environment. The EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and regulations of the Council on Environmental Quality (40 CFR 1508.9).

Figure 1.1 - Map of NPS areas in Alaska allowing federal subsistence activities.



1.2 Background

1.2.1 Authorities to Manage Resources and Subsistence Uses in Alaska NPS Areas

Authorities to manage natural and cultural resources in National Park System units are derived from the NPS Organic Act of 1916 and its amendments, the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and regulations at 36 CFR Parts 1-14. Authorities to manage subsistence uses in Alaska National Parks are derived from Titles II and VIII of ANILCA, and regulations at 36 CFR Part 13, Subpart F (Subsistence) and other Subparts with Special Regulations for Specific Park Areas in Alaska. NPS Management Policies 2006 provide further guidance for management of subsistence resources and uses.

1.2.1.1 NPS Organic Act

The Act creating the NPS states the NPS will “... conserve the scenery and the natural and historic objects and the wild life therein and ... provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

1.2.1.2 ANILCA

Title 1 of ANILCA establishes the purposes for the entire statute as well as the National Park and other conservation system units in Alaska. Section 101 states the units are established to “... preserve for the benefit, use, education, and inspiration of present and future generations certain lands and waters in the State of Alaska that contain nationally significant natural, scenic, historic, archeological, scientific, wilderness, cultural, recreational, and wildlife values.” Furthermore, this section states:

“It is the intent of Congress in this Act to preserve unrivalled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable value to the citizens of Alaska and the Nation, including those species dependent on vast relatively undeveloped areas; to preserve in their natural state extensive unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems; to protect resources related to subsistence needs; to protect and preserve historic and archeological sites, rivers, and lands, and to preserve wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing, and sport hunting, with large arctic and subarctic wildlands and on free flowing rivers; and to maintain opportunities for scientific research and undisturbed ecosystems. It is further the intent and purpose of this Act consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each conservation system unit is established, designated, or expanded by or

pursuant to this Act, to provide for the opportunity for rural residents engaged in a subsistence way of life to continue to do so.”

Title II of ANILCA establishes new NPS units, adds to existing units, and determines where subsistence uses are allowed. Section 203 states, “Subsistence uses by local rural residents shall be allowed in national preserves and, where specifically permitted by this Act, in national monuments and parks.” Sections 201 (1) Aniakchak National Monument, (3) Cape Krusenstern National Monument, (4) Gates of the Arctic National Park and Preserve, (6) Kobuk Valley National Park, (7) Lake Clark National Park and Preserve, (9) Wrangell-Saint Elias National Park and Preserve, and 202 (3)(a) additions to Denali National Park all state, “Subsistence uses by local rural residents shall be permitted in the park (monument or park additions) where such uses are traditional in accordance with the provisions of Title VIII.

Title VIII of ANILCA declares Congress’ findings, policy, and definitions for subsistence management and use in Alaska conservation system units. Pertinent to this exercise, Congress finds in ANILCA Section 801 (1) that:

“The continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to the Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional and social existence.”

Section 802 (1) declares the policy of Congress that:

“Consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of the title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so.”

Section 803 defines the term “subsistence uses”:

“Means 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 the customary trade.”

1.2.1.3 Pertinent NPS Regulations

The regulations at 36 CFR Part 2.1 state:

Preservation of natural, cultural and archeological resources.

(a) Except as otherwise provided in this chapter, the **following is prohibited: (1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: (i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests; (ii) Plants or the parts or products thereof; (iii) Nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof.** (*emphasis added*)

Special regulations for Alaska in 36 CFR Part 13.400 provide for the taking of fish and wildlife and other resources by local rural residents to continue a subsistence way of life.

Subpart F-Subsistence Sec. 13.400 Purpose and policy, states:

(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) Non-wasteful 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.

Subpart F-Subsistence, Sec. 13.410 Applicability states:

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 the applicable special regulations 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.

Subpart F-Subsistence, Sec. 13.420 Definitions define 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—(*emphasis added*).

(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 the applicable special regulations of this part).

Subpart F-Subsistence, Sec. 13.480 Subsistence hunting and trapping states:

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.

Special regulations for parks and monuments allowing subsistence specify resident zone communities at 36 CFR Parts 13.602, 13.802, 13.902, 13.1002, 13.1502, 13.1602, and 13.1902. Furthermore, special regulations for Kobuk Valley National Park and Gates of the Arctic National Preserve allow for the selling of articles made from plant materials gathered in these areas (36 CFR Parts 13.1504 and 13.1006, respectively):

(2) *Customary Trade*. In addition to the exchange of furs for cash, "customary trade" in Kobuk Valley National Park shall include the selling of handicraft articles made from plant material taken by local rural residents of the park area.

(3) *Customary Trade*. In The Gates of the Arctic National Preserve unit which contains the Kobuk River and its tributaries, "customary trade" shall include—in addition to the exchange of furs for cash—the selling of handicraft articles made from plant material taken by local rural residents of the park area.

1.2.1.4 NPS Management Policies 2006:

NPS Management Policies 2006 address the purposes and values versus authorized uses in parks.

“Impairment” and “Derogation”: One Standard (Policy at Section 1.4.2)

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

The NPS Obligation to Conserve and Provide for Enjoyment of Park Resources and Values (Policy at 1.4.3)

The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. This mandate is independent of the separate prohibition on impairment and applies all the time with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, adverse impacts on park resources and values. However, the laws do give the Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of the affected resources and values.

The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The enjoyment that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States and includes enjoyment both by people who visit parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment and inspiration. Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act.

Park Purposes and Legislatively Authorized Uses (Policy at 1.4.3.1)

Park purposes are found in the general laws pertaining to the national park system, as well as the enabling legislation or proclamation establishing each unit. In addition to park purposes, in many cases the enabling legislation or proclamation for a park unit may also identify uses that are either mandated or authorized. In the administration of mandated uses, park managers must allow the use; however, they do have the authority to and must manage and regulate the use to ensure, to the extent possible that impacts on park resources from that use are acceptable. In the administration of authorized uses, park managers have the discretionary authority to allow and manage the use, provided that the use will not cause impairment or unacceptable impacts. In determining whether or how to allow the use, park managers must consider the congressional or presidential interest, as expressed in the enabling legislation or proclamation that the use or uses continue. Where there is strong public interest in a particular use, opportunities for civic engagement and cooperative conservation should be factored into the decision-making process.

Furthermore, policy interprets law to prohibit impairment of park resources:

What Constitutes Impairment of Park Resources and Values (Policy at 1.4.5)

The NPS interprets the Organic Act and the General Authorities Act (Section 1.2.1.1) to indicate impairment would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. Whether an impact meets this definition depends on the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question.

An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it

- affects a resource or value whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- is key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- is identified in the park's general management plan or other relevant NPS planning documents as being of significance.

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

An impact that may, but would not necessarily, lead to impairment may result from visitor activities; NPS administrative activities; or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.

A non-impairment determination will be prepared for the selected action and appended to the decision in the Finding of No Significant Impacts (FONSI).

The NPS Policy also allows for the harvest of plant and animal parts:

Harvest of Plants and Animals by the Public (Policy 4.4.3)

Public harvesting of designated species of plants and animals, or their components, may be allowed in park units when hunting, trapping, subsistence use, or other harvesting is specifically authorized by statute or regulation and not subsequently prohibited by regulation. ...

Uses of park resources are addressed in NPS Policies, Section 8.9 Consumptive Uses:

Consumptive uses of park resources may be allowed only when they are specifically authorized by federal law or treaty rights (such as hunting, trapping, or mining, or subsistence use in specifically identified parks, see EA sections 1.2.1.2 and 1.2.1.3);

In summary, NPS managers have the authority to allow subsistence users to collect and use plants and non-edible by-products of renewable natural resources, including horns, antlers, and bones. Decisions to allow such uses of plants, horns, antlers, and bones, however, should be reviewed by the public and codified in regulations if found acceptable.

1.2.2 Requests to Allow Collection of Natural Materials to Make and Sell Handicrafts

Subsistence Resource Commissions (SRC) for various national parks and monuments in Alaska have submitted numerous letters to the NPS to consider allowing the customary trade and/or sale of handicraft items made by subsistence users who make handicrafts made from natural materials from animals and plants. The Denali SRC made the first such request in August 1996 in a letter to NPS Regional Director Robert Barbee: “A motion was made and passed unanimously that the SRC supports the customary trade of any handicraft items made by subsistence individuals who are gathering, making, and selling crafts made from natural materials such as animal, minerals or vegetation. The SRC believes the sale of these handicrafts by subsistence individuals should not be illegal, since it has been the customary and traditional practice to make, sell or trade these handicrafts made from natural resources.”

The Gates of the Arctic National Park SRC submitted Hunting Program Recommendation 99-01: Customary Trade, which stated:

- “Gathering plant materials for making and selling of handicrafts. These wild and renewable materials include, but are not limited to roots, tree bark, wood, and lichens. Uses include, but are not limited to making of snowshoes, dogsleds, baskets and various arts and crafts, etc. The materials are harvested in very limited amounts and the practice is not detrimental to park resources.
- Another practice overlooked in NPS regulations is the small-scale manufacture of handicraft articles from horn, antler, and bone, which are shed or are from animals that have died naturally or such parts discarded by other subsistence users. The large-scale sale of these resources should not be allowed. The making of handicrafts is labor-intensive, time-consuming, and inherently limits the amount of resource that is sought and utilized.”

Subsistence SRC Chairs made the following suggestions at a workshop in October 1999:

Customary trade:

- Each SRC should review NPS customary trade regulations to ensure that local customary trade practices are recognized and authorized under current NPS regulations.
- The Denali SRC supports regulatory changes to authorize the sale of handicrafts made from plant material.
- NPS customary trade requirements should be consistent with the Federal Subsistence Board regulations.
- The making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption is permitted. “Customary trade” constitutes all other legitimate subsistence uses where the exchange of cash for subsistence resources is involved. On NPS lands, this is restricted to the sale of furs for cash with the exception of Kobuk Valley NP and Gates of the Arctic National Preserve where the sale of handicrafts made from plant material is permitted.

In February 2000 the Wrangell-St. Elias SRC passed a motion to write a letter to the Federal Board stating the wording for customary trade is too restrictive and to be reworded to include horns and plants. In November this SRC wrote a letter to NPS Regional Director Arnberger reiterating “NPS regulations do not adequately address customary trade materials and need to be updated.”

In April 2000 the Aniakchak National Monument SRC passed a motion stating there has been a customary and traditional practice, by subsistence users at Aniakchak National Monument and Preserve, of gathering, making, and selling of traditional handicraft items from natural materials such as non-edible animal parts, minerals and vegetative materials. In June the SRC proposed action to “Include the practice of making, selling or trading handicraft items made from plant materials by subsistence users as an authorized use under customary trade.”

In October 2001 the Denali SRC supported NPS regulatory changes that recognize and allow customary trade practices, such as the sale of handicrafts made from plant material and minerals. Chairperson Collins stated the agency’s narrow definition of “customary trade” should be broadened to include plants and minerals in other NPS areas. NPS Alaska Regional Office Anthropologist Rachel Mason presented a status report on NPS Customary Trade Regulations and stated the NPS would continue to monitor the work of the Federal Subsistence Board and Regional Advisory Councils (RAC) in clarifying customary trade regulations. The NPS Associate Regional Director for Resources, Judy Gottlieb, responded to the SRC Chairs suggestion that “NPS regulations are reviewed to ensure traditional uses of animal, vegetable and mineral resources for customary trade purposes are allowed.” The NPS agreed to this request and had requested input from SRCs customary trade practices in their area, but only the Denali SRC provided detailed comments. The NPS decided to send small groups of personnel to the SRCs to obtain the subject information.

In May 2007 the Eastern Interior Subsistence RAC (Sue Entsminger, Chair) requested the NPS to remove the prohibition of collecting antlers and horns, naturally shed or discarded by hunters, on NPS lands for making handicrafts and other items as an important part of the subsistence way of life. She stated a belief that this collection would not result in any conservation concern because the making of handicrafts is labor intensive and time-consuming, which limits the amount of resource sought and utilized at any given time. After clarifying the allowances being sought, NPS Alaska Regional Director Marcia Blaszak agreed in October 2007 to begin a public review process to 1) allow subsistence users to collect shed or discarded horns and antlers from NPS lands to be used for family or personal use, and 2) make such collected horns and antlers into handicrafts to be sold. She did not agree to consider the sale of raw (unworked) horns and antlers under the ANILCA definition of customary trade. Director Blaszak also sent a letter to the Gates of the Arctic SRC indicating the NPS would address its long-standing hunting plan recommendation 99-01 to consider allowing the collection of plants, horns, antlers and bones for the making and selling of handicrafts.

In March 2008 the Aniakchak SRC Chair supported the Gates of the Arctic SRC and Eastern Interior RAC requests to allow collection of naturally or discarded horns and antlers for the making and selling of handicrafts. In April 2008 the Wrangell-St. Elias SRC likewise supported the Eastern Interior RAC proposal for the collection of shed or discarded horns and antlers, including the collection of horns and antlers in a raw state under the definition of customary trade under ANILCA. However, Chair Bert Adams did not want that position to jeopardize moving forward on allowances to collect these items for personal and family uses of the making and selling of handicrafts.

1.2.3 Relationship of Proposal to Other Planning Projects

The proposal to allow qualified rural residents to collect plants in National Park System units in Alaska where subsistence is allowed to make into handicrafts and sell or to collect shed or discarded nonedible animal parts (e.g. horns, antlers, hooves, and bones) from such units for personal uses or to make into handicrafts and sell is dependent on the

promulgation of new federal regulations at 36 CFR Part 13, special regulations for Alaska NPS areas. These regulations would be slightly different from effort proposal to amend national regulations to address traditional uses of resources in parks by federally-recognized tribes. The table below compares the two sets of potential regulations:

Table 1.1 Comparison of Potential Regulations for Uses of Resources from NPS Areas

	NPS Regulation for Tribal Uses of Resources	NPS Alaska Special Regulations for Subsistence Uses
Affected Resources	Plants and mineral materials	Shed or discarded nonedible animal parts (e.g. antlers, bones, and horns) and plant materials
Eligible Persons	Members of federally recognized tribes (including urban residents)	Alaskan local rural residents with federally-recognized customary and traditional uses (including, but not limited to, local rural tribal members)
Allowed Uses	Traditional uses to allow specific cultural practices	To make handicrafts for personal uses or to sell.
Collection Areas	In any NPS area where tribes have an historic association with an area, including areas without ANILCA-recognized subsistence uses.	In NPS areas in Alaska with ANILCA-recognized subsistence uses.
Regulation Change	36 CFR 2.1 (c) and (d) regarding the gathering and uses of natural resources in NPS areas.	Amends 36 CFR 2.1 (a)(1) in 36 CFR Part 13.

1.3 Issues

To focus the environmental assessment, the NPS selected specific issues for further analysis and eliminated others from evaluation. These issues were identified internally with NPS Alaska Region employees and in public subsistence resource commissions meetings for various applicable Alaska National Park System units. These meetings took place during fall and winter of 2008-2009. Furthermore, the issue was brought forth at federal subsistence regional advisory council meetings in fall 2009. Scoping newsletters were distributed to participants in these meetings and other interested groups and individuals. See chapter 5 for more details on public scoping, consultation, and coordination.

1.3.1 Issues Selected for Detailed Analysis

Based on scoping, the NPS identified the following issues for evaluation in this EA.

1.3.1.1 Cultural Resources

Archeological, historical, and ethnographic could be impacted at sites where materials are dug from the ground or removed from surface features.

1.3.1.2 Socio-economics

Home and cottage industries for rural residents could be affected by new regulations allowing for the collection of renewable natural materials to make into handicrafts and sell.

1.3.1.3 Terrestrial Vegetation

Improper or intensive collections of plant materials and the removal of calcium-bearing bone and antler material could have effects on plant growth and vegetative patterns. Soil chemistry and productivity could be affected in areas immediately adjacent to sites where materials are collected and removed for the making of handicrafts.

1.3.1.4 Subsistence Resources/Uses

New regulations could affect the level of subsistence activities and field gathering of materials in various Alaska NPS units. Appendix B contains the ANILCA Section 810 summary evaluation and finding of effects to subsistence.

1.3.1.5 Recreation and Scenic Values

The removal of shed or discarded antlers, bones, horns, and various plant materials could reduce the scenic quality and photographic opportunities in various Alaska National Park System areas.

1.3.1.6 Wilderness

The removal of shed or discarded antlers, bones, horns, and various plant materials could reduce the scenic integrity and naturalness of wilderness areas within the Alaska Region.

1.3.1.7 Wildlife/Habitat

The removal of shed or discarded nonedible animal parts (e.g. antlers, bones, horns, and claws) and various plant materials could affect food sources for local populations of small mammals and other animals that scavenge such resources.

1.3.2 Issues Dismissed From Detailed Analysis

Issues dismissed from detailed analyses will not be addressed further in the EA.

1.3.2.1 Fish

The potential regulations and subsequent actions are not expected to have any measureable effect on fish resources.

1.3.2.2 Floodplains and Wetlands

The potential regulations and subsequent actions are not expected to have any measureable effect on floodplains or wetlands, though temporary permitted activities could occur in these areas.

1.3.2.3 Threatened and Endangered Species

The removal of shed or discarded antlers, bones, horns, and some plant materials are not expected to have any measureable effect on threatened or endangered species in Alaska NPS units. The removal of threatened and endangered plants would be prohibited.

1.4 Permits and Approvals Needed to Implement Project

Federal regulations would need to be adopted to allow the proposed uses on federal park lands in Alaska. No other existing state or federal regulations or permits would be required to implement proposed collections, except road transit permits to traverse the Denali Park Road from the Savage River Station to the Kantishna area in Denali National Park. Collectors may be required to obtain a permit from a superintendent to manage season(s), harvest limits, possession limits, and locations of areas open for collection or other management limitations (see Appendix C for a list of potential permit conditions).

2.0 DESCRIPTION of the ALTERNATIVES

2.1 Introduction

This chapter describes a range of reasonable alternatives, including the proposed action alternative (NPS preferred) and a no-action alternative. This chapter also describes those alternatives and actions that will not be considered further (i.e., those not analyzed in Chapter 4). (See section 2.8 of this chapter)

The alternatives were developed in consultation with NPS Alaska region and park subsistence personnel, scoping with the seven park and monument subsistence resource commissions (SRCs), and with review of past SRC and regional advisory committee (RAC) comments.

The tables at the end of this chapter compare the alternatives and their environmental impacts.

2.2 Elements Common to All Alternatives

The collection and uses of nonedible animal byproducts from animals taken (hunted or trapped) for subsistence purposes and made into handicrafts for personal use, for barter, or to sell, consistent with existing Federal Subsistence Board (FSB) regulations, and certain plant materials collected for subsistence purposes, consistent with existing NPS regulations, shall continue.

For parks and monuments subsistence uses are limited to local rural residents. Local rural resident is defined in 36 CFR 13.420(1) and (2) and is any person residing in a defined resident zone for a park or monument or who has a subsistence permit pursuant to section 36 CFR 13.440. In preserves subsistence uses by local residents are allowed.

NPS regulations at 36 CFR 13.420(2) define *Subsistence uses* as follows. “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; and for customary trade.”

Under NPS regulations at 36 CFR 13.485 the non-commercial subsistence use of timber and plant material is authorized. Live standing trees of less than 3 inches diameter at ground height may be cut, and timber greater than 3 inches in diameter may be cut pursuant to a permit issued by the Superintendent. The noncommercial gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and downed timber for firewood, is allowed without a permit in park areas where subsistence uses are allowed.

Under special regulations for Gates of the Arctic National Preserve at 36 CFR 13.1006 – “Customary trade ... shall include, in addition to the exchange of furs for cash, the selling of handcraft articles made from plant materials taken by local rural residents of the park area.” Similarly, a special regulation for Kobuk Valley National Park at 36 CFR 13.1504 states: “In addition to the exchange of furs for cash, ‘customary trade’ in Kobuk Valley national park shall include the selling of handcraft articles made from plant materials taken by local rural residents of the park area.”

Activities Not Considered In This Environmental Assessment:

- The collection and sale of raw (un-worked) materials obtained from NPS-administered areas in Alaska
- The collection and uses of any listed threatened or endangered plant or animal species or their parts pursuant to the Endangered Species Act and its implementing regulations at 50 CFR Parts 17 and 200.
- The collection and uses of migratory bird parts, marine mammal parts, paleontological resources, or archeological and prehistoric resources. These activities are addressed by other existing statutes and regulations.
- The collection for subsistence purposes of horns from mountain goats in Denali National Park and Preserve and the horns of muskoxen from Yukon Charley Rivers National Preserve. These species occur only rarely in these NPS areas and any horns that might be found are to be left in place for their scientific value and other reasons.

2.2.1 Elements Common to Action Alternatives B, C, and D

New regulations would be needed in 36 CFR Part 13 to allow the collections of shed or discarded animal parts and plant materials (where not already allowed) for personal use or to make into handicrafts for sale. See Appendix A for example regulation language for each action alternative. The regulations would also define a handcraft similarly to the Federal Subsistence Board’s and State of Alaska’s definition as “a finished product in which the shape and appearance of a nonedible wild and renewable natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.”

2.3 Alternative A - No-Action

This alternative describes a continuation of the existing situation with regards to the collection and uses of plants and shed or discarded nonedible animal parts (such as horns, antlers, and bones) by NPS-qualified local rural residents, which conditions are presented in more detail in Chapter 3.

The NPS would make no changes or additions to existing regulations. The collection and uses of shed or discarded nonedible animal parts (horns, antlers, and bones) from NPS-

managed lands in Alaska by NPS-qualified local rural residents for personal use or sale of handicrafts made from these materials would not be allowed, as is now the case.

Additionally, the collection of plant materials from within NPS-managed lands in Alaska for the making and sale of handicrafts would not be allowed, except where already allowed by special regulations for NPS-qualified rural residents living along the Kobuk River valley pursuant to regulations at 36 CFR Parts 13.1504 and 13.1006. This alternative is used to measure the effectiveness of the status quo to the action alternatives.

2.4 Alternative B – Broad Eligibility and No Permits

The NPS would allow minimally restricted collection and uses of shed or discarded animal parts (e.g. horns, antlers, bones, hooves, fur, quills) from NPS-managed lands in Alaska where ANILCA subsistence activities are authorized for NPS-qualified rural residents for: 1) family or personal use, 2) barter; and 3) made into handicrafts and sold.

Additionally, the collection of plant materials from within NPS-managed lands in Alaska by NPS-qualified rural residents for the making and sale of handicrafts would be allowed, as already allowed by special regulations in NPS areas along the Kobuk River valley.

Superintendents would restrict collections under the closure authority and use of compendia to protect resources with evidence of damages or scarcity. No individual collecting permits would be required.

Persons eligible for collecting in parks or monuments must be local rural residents who reside in resident zone communities or who have obtained subsistence permits pursuant to 36 CFR Part 13.440 (see figures 2.1 and 2.3 showing examples of who would be eligible to collect various animals parts in Kobuk Valley National Park and Wrangell-Saint Elias National Park).

For collections in preserves, an NPS-qualified rural resident would be those who have a Customary & Traditional (C&T) use determination for any wildlife species as determined by the Federal Subsistence Board (see 50 CFR 100.24). Any person who can hunt for any wildlife species in a subject preserve would be authorized to collect any shed or discarded wildlife part or plant material found in that preserve for the making of handicrafts for personal and family use or for sale (See Table 3.2 and figures 2.2 and 2.3 for maps showing examples of who would be eligible to collect various animals parts in Noatak National Preserve and Wrangell-Saint Elias National Preserve).

The use of airplanes for the collection and transport of handicraft materials would be allowed in preserves, but not in parks and monuments. Designated gatherers may be identified for local residents.

2.5 Alternative C - Eligibility Restricted by Areas with Discretionary Permits

The NPS would allow managed collection and uses of shed or discarded animal parts (e.g. horns, antlers, bones, and other discarded, nonedible parts of wildlife) from NPS-managed lands in Alaska by NPS-qualified rural residents with C&T for any species within applicable Game Management Units (GMU) for: 1) family or personal use; 2) barter; and 3) to be made into handicrafts and sold.

Additionally, the collection of plant materials from within NPS-managed lands in Alaska for the making and sale of handicrafts would be allowed where not already allowed by special regulations in NPS areas along the Kobuk River valley.

Persons eligible for collecting in parks or monuments must be local rural residents who reside in resident zone communities or who have obtained subsistence permits pursuant to 36 CFR Part 13.440 and who have a C& T use determination for harvesting any wildlife in the subject area (see 50 CFR 100.24). Any person with any recognized C&T use in a subject park or monument would be authorized to collect any shed or discarded animal parts of any species in Game Management Units (GMU) where they have recognized C&T uses (see figures 2.4 and 2.6 for maps showing who would be eligible to collect various animals parts in Kobuk Valley National Park and Wrangell-Saint Elias National Park).

For collections in preserves, NPS-qualified rural residents would be those who have a C&T use determination. Any person with any recognized C&T use in a subject preserve would be authorized to collect any shed or discarded animal parts of species in GMUs where they have recognized C&T uses. In other words, if a person can take any wildlife species live, then they can collect dead parts of any wildlife species they may find in that GMU. For example, a person with C&T for caribou, but not moose, can collect antlers from caribou and moose (See Table 3.2 and figures 2.5, and 2.6 for maps showing who would be eligible to collect various animal parts in Noatak National Preserve and Wrangell-Saint Elias National Preserve).

Any person who is a qualified subsistence rural resident as defined above for the hunting of animals and the collection of animals parts in a park, monument, or preserve would be authorized to collect plant materials in these NPS units for the making, barter, and selling of handicrafts.

The NPS superintendent, in consultation with the appropriate SRC for a park or monument or appropriate local rural residents associated with a preserve, may specify the terms and conditions under which eligible persons could collect and use shed or discarded horns, antlers, bones, and other nonedible parts of animals, and plant materials. Such conditions may, but do not necessarily, include harvest and possession limits, locations of allowable collections (e.g. some areas may be closed), open seasons for collections, a collection permit, reporting requirements, and permit renewal requirements. An example permit showing elements a superintendent may consider for managed collections in an NPS unit is contained in appendix C. A superintendent could issue

individual permits. If superintendents can accomplish the management goals without issuance of permits to individuals then they may do so by use of the compendium authority (see 36 CFR 1.7 (b)) which provides for public availability and annual updating.

The use of airplanes for the collection and transport of handicraft materials would be allowed in preserves, but not in parks or monuments. Designated gatherers may be identified in resident zone communities associated with parks and monuments or as qualified local rural residents pursuant to 36 CFR 13.440 or for local rural residents as defined above for preserves.

2.6 Alternative D – Eligibility Restricted by Areas & Species with Required Permits

This alternative would only allow collections under permits issued from the appropriate area superintendent and is otherwise similar to alternative C except that eligible persons are only allowed to collect horns, antlers, bones or other inedible animal parts of each species for which they have C&T determinations in each GMU or subunit.

Persons eligible for collecting in parks and monuments must be local rural residents who reside in resident zone communities or who have obtained subsistence permits pursuant to 36 CFR Part 13.440 and who have C&T determinations for harvesting wildlife in the subject area (see figures 2.7 and 2.9 for maps showing who would be eligible to collect various animal parts in Kobuk Valley National Park and Wrangell-Saint Elias National Park and Preserve).

For collections in preserves, NPS-qualified rural residents would be those who have a C&T use determination for each species in each GMU or subunit. Those persons with any recognized C&T use in a subject preserve would be authorized to collect only shed or discarded animal parts of species for which they have recognized C&T uses. In other words, if they can take a wildlife species, then they can collect inedible parts they find of the same wildlife species in that GMU or subunit. For example, a person with C&T for caribou, but not moose, can collect antlers from caribou but not moose (see figures at end of this chapter showing who would be eligible to collect various animal parts in Noatak National Preserve or Wrangell-Saint Elias National Preserve).

Any person who is an NPS-qualified subsistence local rural resident as defined above for the take of animals and the collection of animals parts in a park, monument, or preserve would be authorized to collect plant materials in these NPS units for the making, barter, and selling of handicrafts.

Under this alternative, the superintendent of an area must issue individual permits for NPS-qualified local rural residents. An example permit showing elements a superintendent may consider to restrict collections in an NPS unit is in Appendix C.

The use of airplanes for the collection and transport of handicraft materials would be allowed in preserves, but not in parks or monuments. Designated gatherers may be

identified in resident zone communities associated with parks and monuments or as qualified local rural residents pursuant to 36 CFR 13.440 or for local rural residents as defined above for preserves.

2.7 Mitigation Measures

A key objection to collections of inedible animal parts (e.g. horns, antlers, bones) and plants in NPS areas in Alaska is the lost opportunity for park visitors to enjoy these resources in their natural unaltered state. Options to minimize these impacts are:

- Restrict or close collections of these materials in major travel corridors where most visitors occur. Major travel corridors include roads, landing strips, rivers, shores of coasts and major lakes, and popular public trails. Closing collections to areas within sight of major travel corridors would greatly diminish impacts to recreational and scenic values of these NPS areas.
- Allow collections only during subsistence hunting seasons for parts of a species being collected.

2.8 Environmentally Preferable Alternative

This alternative causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources (40 CFR 1505.2 Q6a). For these reasons the NPS identifies Alternative A (No-Action) as the environmentally preferable alternative.

2.9 Description of Alternatives and Actions Considered But Eliminated from Detailed Study

The Federal Subsistence Board’s Eastern Interior Regional Advisory Council (RAC) requested an option for collecting shed or discarded horns, antlers, and bones and selling them in a raw (unworked) state under the ANILCA provision for customary trade, and that request was supported by the WRST SRC. The NPS rejected this option because the NPS thinks these naturally deposited or discarded wildlife parts should be made into handicrafts before they are sold under customary trade provisions. The mass commercialized collection of antlers in the past has resulted in a significant commercial operation, wanton waste of live caribou, and the denudation of these resources from areas in, or adjacent to, park areas (Dave Mills, Pers. Comm.).

The NPS considered an alternative that defined eligible local rural residents of stand-alone preserves as those persons with a Federal Subsistence Board C&T determination and who lived within 100 miles of the preserve boundary for at least the 12 previous months, similar to the definition of “local resident” in regulations for visitor services at 36 CFR 13.305. This alternative was dismissed because many rural residents have C&T determinations for various species but live more than 100 miles from a preserve boundary and access the area along a river corridor by boat or in any direction by a snowmobile in winter.

Table 2.1 Summary Comparison of the Alternatives

Alternative ► Element ▼	Alt. A No- Action	Alt. B Broad Eligibility and No Permits	Alt. C Eligibility Restricted by Areas with Discretionary Permits	Alt. D (NPS Preferred) Eligibility Restricted by Areas and Species with Required Permits
Requires promulgation of new regulations	No	Yes	Yes	Yes
Eligible persons for Parks & Monuments:	N/A	People who live in a resident zone or have a Section 13.440 permit	People who live in a resident zone or have a Section 13.440 permit and who have a Federal Subsistence Board Customary & Traditional Use Finding for any wildlife species in each GMU or subunit in the park or monument.	People who live in a resident zone or have a Section 13.440 permit and who have a Federal Subsistence Board Customary & Traditional Use Finding for each wildlife species in each GMU or subunit in the park or monument.
Eligible person for Preserves are:	N/A	People who have a Federal Subsistence Board Customary & Tradition Use Finding for any wildlife species in the Preserve	People who have a Federal Subsistence Board Customary & Tradition Use Finding for any wildlife species in each GMU or subunit of the preserve	People who have a Federal Subsistence Board Customary & Tradition Use Finding for each wildlife species in each GMU or subunit of the preserve
Addresses request to allow collections.	No	Yes	Yes	Yes
Conditions placed on the collection of plant materials to make into handicrafts and sell	Allowed only in 2 units ¹	No	Discretionary (Pending consultation with appropriate SRC and a decision by Superintendent)	Mandatory
Conditions placed on the collection of horns, antlers, and bones for personal/family use or to make into handicrafts and sell	No collections allowed	No, except in exceptional situations using closure authority and superintendents compendia; no individual permits to be required	Discretionary (Pending consultation with appropriate SRC and a decision by Superintendent)	Mandatory (Pending consultation with appropriate SRC and a decision by Superintendent)
Permit required	No	No	Discretionary (Pending consultation with appropriate SRC and decision by the Superintendent)	Yes

¹ Existing regulations allow collections of plants to make and sell handicrafts in KOVA and GAAR Preserve Western Unit.

Table 2.2 Summary Impacts of the Alternatives

Alternative ► Impact Topic ▼	Alt. A No-Action	Alt. B Broad Eligibility & No Permits	Alt. C Eligibility Restricted to Areas & Discretionary Permits	Alt. D Eligibility Restricted to Areas and Species with Permits
Subsistence	Minor <i>adverse</i> impact on subsistence gathering and uses	Minor <i>beneficial</i> impact on subsistence gathering and uses	Minor <i>beneficial</i> impact on subsistence gathering and uses, but more restrictive than alternative B with reduced collections areas and discretionary permits	Minor <i>beneficial</i> impact on subsistence gathering and uses, but more restrictive than alternatives B & C with limited collections areas and mandatory permits
Local Rural Economic Conditions	Minor adverse effects on subset of 75,000 local rural residents	Minor beneficial effects on a subset of 75,000 local rural residents.	Minor beneficial effects on a slightly smaller subset of 75,000 local rural residents than for alternative B because of the requirement for federally recognized C&T in GMUs	Minor beneficial effects on a smaller and more local subset of 75,000 rural residents than alt's B & C because of the need for C&T for areas and each species in that area
Cultural Resources	Minor negative impact	Minor negative impact with minor positive effects on ethnographic resources	Minor negative impact with minor positive effects on ethnographic resources	Minor negative impact with minor positive effects on ethnographic resources
Vegetation	No effects	Minor adverse effects	Minor adverse effects, but less effect than in alternative B due to more restrictive collection areas and discretionary permitting.	Minor adverse effects, but fewer effects than in alternatives B & C due to more restrictions on collections.
Wildlife and Habitat	No effects	Minor adverse effects	Minor adverse effects, but slightly less than with alternative B	Minor adverse effects, but slightly less than alternatives B and C
Recreation and Scenic Values	No effects	Minor adverse effects	Minor adverse effects	Minor adverse effects
Wilderness	No effects	Minor adverse effects	Minor adverse effects	Minor adverse effects