

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

Alaska Region



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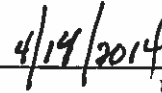
**Finding of No Significant Impact**

**Subsistence Collections & Uses of Shed or Discarded Animal Parts and Plants  
from NPS Areas in Alaska**

**April 2014**

Approved:

  
Regional Director, Alaska



Date

## FINDING OF NO SIGNIFICANT IMPACT

### Subsistence Collections and Uses of Shed or Discarded Animal Parts and Plants From National Park Service Areas in Alaska April 2014

The National Park Service (NPS) prepared an environmental assessment (EA) to evaluate a proposal to allow the subsistence collections and uses of shed or discarded animal parts for personal or family uses, barter, or customary trade including the making and sale of handicrafts, and of plants to make handicrafts for sale. Collection activities would be limited to NPS areas in Alaska where subsistence is authorized in accordance with Titles II and VIII of the Alaska National Interest Lands Conservations Act (ANILCA) of 1980 (see attached map). ANILCA Section 803 defines subsistence uses to include "... the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption..." Wild renewable resources may be consumed by rural Alaskan residents as "food, shelter, fuel, clothing, tools, or transportation". The term "take" is defined in ANILCA Section 102(18) to include "collect." The NPS finds that the proposed collection activities may be authorized under the statute.

Current service-wide regulation (36 CFR 2.1), however, prohibits the "Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: (i) any living or dead wildlife or fish, or parts or products thereof, such as antlers or nests; and (ii) plants or the parts or products thereof." Special regulations at 36 CFR Section 13.1006 for Gates of the Arctic National Preserve unit containing the Kobuk River and its tributaries and Section 13.1504 for Kobuk Valley National Park provide an exception to this prohibition by allowing for "customary trade" to include "the selling of handicraft articles made from *plant* material taken by local rural residents of the park area," (emphasis added). Additional and/or amended Alaska-specific regulations in 36 CFR Part 13 will be necessary to allow these and other similar types of activities at park units in Alaska where subsistence is authorized.

The environmental assessment (EA) evaluated the effects of four alternatives for managing the collections of plants and inedible animal parts that have been naturally shed (including natural mortality) or discarded (from hunters) for subsistence uses by qualified local rural residents. The EA identified Alternative A (No Action) as the environmentally preferable alternative.

The NPS selects Alternative D (*NPS Preferred Alternative*) with minor modifications, as described in the decision on pages 3-4. To implement this action, the NPS intends to promulgate regulations, which may authorize the subsistence collection and uses of shed or discarded animal parts (e.g. horns, antlers, bones, and other nonedible parts of wildlife) and plant materials from certain NPS-managed lands in Alaska by NPS-qualified local rural residents. The sale of raw, unworked material is not authorized. Areas to be opened to subsistence collections will be identified in regulation, but will only include areas where subsistence uses are authorized in accordance with ANILCA Titles II and VIII.

Collections will be limited to persons with Federal Subsistence Board Customary and Traditional (C&T) use determinations for each wildlife species in each game management unit (GMU)

within the NPS unit. Any user who has C&T eligibility in areas would also be eligible to collect plant materials from those areas to make, barter or sell handicrafts. The NPS superintendent for a park, monument, or preserve will require collectors to have written authorization to make collections. Written authorization can take many forms. For example, permits could be issued to qualified individual subsistence users or written authorizations could be issued to resident zone communities or to entire resident zones; or, annual authorizations could be issued and documented in park compendia. A decision on the need for conditions on the collections of materials and the requirements in a written authorization may be made by the NPS superintendent after consultation with the appropriate Subsistence Resource Commission (SRC) and/or (Regional Advisory Council) RAC, and, as appropriate, tribes and Alaska Native Claims Settlement Act (ANCSA) corporations. Examples of conditions include, but are not limited to: possession limits, locations of allowable collections, open seasons, reporting requirements, and renewal requirements.

Thirty comment letters, emails, voice mails, or transcripts from meetings were received on the EA during an 87-day public comment period from February 7 to May 3, 2012. The comment period was extended beyond the original 60-day comment period to accommodate consideration and receipt of comments from the Gates of the Arctic National Park Subsistence Resource Commission, which made the original request to consider such subsistence collections and uses.

## **ALTERNATIVES**

Four alternatives were evaluated in the EA.

### **Alternative A - No Action**

Under the No Action alternative, no changes to NPS regulations would be made. Subsistence collections and uses of shed or discarded animal parts for personal use, barter, or the making and selling of handicrafts would not be allowed. Additionally, the collection of plant materials from within NPS-managed lands in Alaska for the production and sale of handicrafts would not be allowed, except where already allowed by special regulations.

### **Alternative B – Broad Eligibility and No Permits**

Under this alternative, NPS would allow minimally restricted collection and uses of shed or discarded animal parts (e.g. horns, antlers, bones, and other nonedible animal parts) from NPS-managed lands where ANILCA subsistence uses are authorized for personal or family uses, for barter, or for the production and sale of handicrafts. Additionally, the collection of plant materials by NPS-qualified rural residents for the production and sale of handicrafts would be allowed. Individual collecting permits would not be required. Persons eligible for collecting in parks and monuments must be local rural residents who live in the resident zone or have a subsistence permit pursuant to 36 CFR Part 13.440. Superintendents could restrict collections by not opening sensitive areas to collections or under closure authority in the future if needed to protect area resources and values.

### **Alternative C – Eligibility Restricted by Areas with Discretionary Permits**

Under this alternative, NPS would allow managed collection and uses of shed or discarded animal parts (e.g. horns, antlers, bones, and other nonedible parts of wildlife) from NPS-managed lands in Alaska by NPS-qualified local rural residents with Federal Subsistence Board Customary and Traditional (C&T) determinations for any species in an area for: 1) family or personal use; 2) barter; and 3) to be made into handicrafts and sold. Additionally, the collection of plant materials by NPS-qualified rural residents for the making and selling of handicrafts would be allowed. Persons eligible for collecting in parks and monuments must be local rural residents who live in the park or monument's resident zone or have a subsistence permit pursuant to 36 CFR Section 13.440. The NPS superintendent, after consultation with the Subsistence Resource Commission (SRC) for a park or monument or local rural residents associated with a preserve, may specify terms and conditions under which eligible persons could collect materials to make handicrafts. Conditions may include possession limits, locations of allowable collections, open seasons, a collection permit, reporting requirements, and renewal requirements.

### **Alternative D – Eligibility Restricted by Areas and Species with Permits (*NPS Preferred Alternative*)**

Under this alternative, eligible persons must have C&T for each species in each game management unit within the NPS area and a permit issued by the superintendent of the area with appropriate terms and conditions to protect area resources and values. Persons eligible for collecting in parks and monuments must be local rural residents who live in the resident zone or have a subsistence permit pursuant to 36 CFR Part 13.440.

## **PUBLIC INVOLVEMENT**

The EA was issued for public review and comment from February 7 to May 3, 2012. The EA was mailed to over 250 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 U.S. Senator Begich, the State of Alaska (SOA), one village council, one tribal council, NPS subsistence resource commissions associated with parks and monuments, Federal regional advisory councils, National Parks and Conservation Association (NPCA), the Alaska Chapter of the Sierra Club, Denali Citizen's Council, various guide businesses, and 11 individuals. Substantive comments that required NPS responses are attached to the FONSI. The public comments were considered in formulating the decision made in this FONSI. See Appendix A to the FONSI.

## **DECISION**

The NPS decision is to select Alternative D with minor modifications to the description of the alternative and mitigating measures described below (see also Appendix A). When implemented with regulations, the decision may authorize NPS-qualified subsistence users to collect, make,

and barter or sell handicrafts made from shed and discarded animal parts and plant materials from areas where such collections have been prohibited. NPS-qualified subsistence users must have a written authorization from the area Superintendent. Such authorization can take many forms. For example, permits could be issued to qualified individual subsistence users, or written authorizations could be issued to resident zone communities or to entire resident zones; or, annual authorizations could be issued and documented in park compendia where specific resource conditions and availability require periodic adjustments to collection activities. This decision does not diminish the existing allowance for NPS-qualified subsistence users to collect plant materials from Kobuk Valley National Park or the Western (Kobuk River) portion of the Gates the Arctic National Preserve for customary trade; however, specific language in those regulations could change during the process to promulgate regulations for subsistence collections.

NPS-qualified subsistence users are residents of communities and areas with federally-recognized customary and traditional (C&T) use determinations (in 50 CFR Section 100.24) for each species in each game management unit within the affected NPS areas. Subsistence users who have C&T eligibility for animal species would also be allowed to collect plant materials from those areas to make and sell handicrafts. The selected action includes mitigating measures that minimize potential adverse effects on resources and values of affected NPS areas, including visitor use and enjoyment. When issuing written authorizations for subsistence collection activities, Superintendents may include conditions and limits for collection activities, such as allowable quantities, specific locations, timing restrictions, or other restrictions they determine are needed to mitigate resource impacts or user conflicts. Conditions for collections may be made in consultation with NPS SRCs and/or federal subsistence RACs, and as appropriate, tribes and ANCSA corporations. Promulgation of new regulations to implement the decision will include a period for public comments.

Minor modifications to the description of the selected alternative include these factors. Areas to be opened to subsistence collections will be listed in NPS regulations for Alaska areas (36 CFR Part 13) and in NPS area compendia. Written authorizations may take many forms and be issued to qualified individuals, resident zone communities, or entire resident zones; they need not always be permits issued to individuals. In addition to consultation with appropriate SRCs for collections in parks and monuments, consultation with appropriate RACs, tribes, and ANCSA corporations may also be conducted for these areas and national preserves. This consultation will take place at the regulation formulation phase and during subsequent adjustments to park compendia. If future closures to authorized subsistence collections in NPS areas are needed for reasons of public safety, administration of the area, or to protect the viability of a particular fish or wildlife population, then the NPS will follow the procedures described in ANILCA Section 816.

## **MITIGATING MEASURES**

The NPS will inform the general public and subsistence users about areas open to subsistence collection, the natural resources that can be collected, who is eligible to make subsistence collections, and for what purposes. Areas where subsistence collections are authorized will be identified in park special regulations and/or annual park compendia.

To protect recreational and scenic values and wilderness character in areas, superintendents in accordance with NPS regulations in 36 CFR may establish terms, conditions, use limits, and limitations on collections of shed or discarded animal parts and plants (as described in Appendix C of the EA), which would be listed in the park special regulations or compendia for individual areas. Examples of areas that may be subject to such restriction are historic sites, public facilities and travel corridors such as roads, airports and landing strips, and commonly used trails, rivers, shores of ocean coasts, and large lakes. The NPS will also strive to collect information on subsistence collections in household survey projects in rural Alaska, which is a new mitigating measure added in response to public comments.

## **RATIONALE for the DECISION**

Alternative D, with minor modifications, is responsive to the requests to allow subsistence uses of shed or discarded animal parts and plant materials. It satisfies the purpose and need for the project better than the no-action alternative. It is a cautious approach that will continue to provide protection of park resources and values. No more than minor impacts to park resources and values were predicted in the EA for Alternative D.

This decision provides for promulgation of regulations to allow NPS-qualified subsistence users to collect shed or discarded animal parts to make, to barter or to sell handicrafts from species in NPS units where they have Federal Subsistence Board Customary and Traditional use determinations. It will also allow NPS-qualified subsistence users to collect plant materials in those NPS areas to make and sell handicrafts. Promulgating regulations based on this decision will allow for increased authorized opportunities for subsistence uses by rural residents than is currently allowed by NPS regulations, as quoted in the first paragraph of this document. In Title VIII of ANILCA Congress recognizes that “the continuation of the opportunity for subsistence uses by rural residents of Alaska...on the public lands...is essential to the Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional and social existence.”

The selected action includes an eligibility requirement for customary and traditional use for each wildlife species in each GMU or subunit of the park, monument, or preserve before a subsistence user can collect parts of those species to make handicrafts for personal or family uses, to barter or to sell. That is, if a NPS-qualified subsistence user in an area is legally allowed to take a wildlife species in that area, then they will be allowed to collect parts of such species they encounter in that area.

This decision also provides park superintendents flexibility to ensure that these subsistence activities align with the NPS mandate to conserve the scenery and the natural and cultural resources and to provide for the enjoyment of future generations. It enables each superintendent to determine how to best manage subsistence collection activities in their area, and to be responsive to changing environmental conditions in the future. Superintendents may issue written authorizations to entire resident zone communities or resident zones or individual permits to NPS-qualified subsistence residents. This is responsive to comments from several people and organizations in remote rural areas about the ability or motivation to obtain individual permits

for opportunistic collections during other hunting and gathering activities. Allowing for adjustments to authorized subsistence collections in annual park compendia enable superintendents to respond quickly to the need for adjusting collections to protect scarce resources or to minimize observed impacts to resources and other uses. Requiring individual permits or other written authorizations for NPS-qualified subsistence users to make subsistence collections, subject to the direction of a superintendent, will allow a superintendent to manage collections in such a manner as to prevent or minimize adverse effects on area resources and values. If necessary, effects to recreational visitors and wilderness character could be reduced with restrictions on collections in the vicinity of important public use areas as specified above in mitigating measures.

Extensive public involvement during this planning process showed that while most parties supported the collections and uses of shed or discarded animal parts to make handicrafts for personal or family uses, to barter or to sell, a few parties objected to this element of the action based on interpretations of ANILCA Section 803 – Definitions of “subsistence uses.” The promulgation of regulations to implement this action will result in authorized subsistence collections and uses of shed or discarded animal parts for personal or family uses, for barter, or for the production and sale of handicrafts, which many local rural residents thought ANILCA allowed already.

Regulations already exist for two NPS areas in Alaska that provide for customary trade that includes the selling of handicraft articles made from plant material taken by local rural residents in those NPS areas. No apparent adverse impacts to park resources over the last three decades have been observed. The decision is responsive to the request to authorize the collection and use of plant materials for the production of handicrafts for sale beyond the two areas that already allow this use.

## **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 significance criteria defined in 40 CFR Section 1508.27.

*(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

The EA evaluated the effects of Alternatives A through D on vegetation, wildlife, visual quality, soundscape, visitor experience, wilderness and cultural resources. As documented in the EA the effects of the selected alternative would range from negligible to minor depending on the resource. There would be no significant restriction of ANILCA Title VIII subsistence uses; subsistence collections will be allowed through special regulations where they may not have been allowed before.

*(2) The degree to which the proposed action affects public health or safety.*

Allowing the subsistence collections and uses of shed or discarded animal parts and plants to make and sell handicrafts would have no foreseeable effect on public health and safety.

*(3) 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 evaluated the effects of collections and uses of shed or discarded animal parts and plants to make and sell handicrafts and concluded that the impacts on wilderness character would be minor. Because collections could be restricted or not allowed in the vicinity of commonly used river corridors, including wild and scenic rivers, these areas could be protected as needed with terms and conditions in written authorizations. Similarly, unique characteristics of ecologically critical areas and important historic or cultural sites would also be protected through terms and conditions described in written authorizations from superintendents, including appropriate consideration of National Historic Preservation Act Section 106 reviews that specify where collections are to be restricted or not authorized.

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

The proposed allowed collections and uses are not expected to have a measureable effect on the quality of the human environment because such collections and uses have been occurring for centuries and up until the present time in areas where subsistence is allowed.

*(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The effects of the selected action do not involve unique risks. If the extent of risks is unknown or unique, then written authorizations or individual permits would specify precautionary measures to protect the human environment.

*(6) 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.*

Some parties expressed concern that this action could set a precedent for other NPS areas outside of Alaska, but subsistence uses in NPS areas are unique to Alaska. Subsistence collections of plant material for handicraft articles for customary trade is already authorized for local rural residents in two park areas.

*(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

The subsistence collections regulation is not related to other foreseeable actions that could have cumulatively significant impacts.



*(8) Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The selected action would not adversely affect known districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because permits or written authorizations will include the Section 106 review process of the National Historic Preservation Act of 1966, as applicable, and authorizations to collect may limit or prohibit collections in these areas.

*(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

The selected action would not adversely affect an endangered or threatened species or its habitat.

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

The selected action would not violate any Federal, State, or local law. The NPS would promulgate regulations to implement this action.

## **FINDINGS**

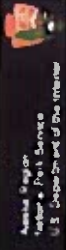
The levels of adverse impacts to park resources anticipated from the selected alternative will not result in an impairment of Alaska NPS area resources that fulfill specific purposes identified in the establishing legislation or that are key to the natural or cultural integrity of the NPS areas affected 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 Parklands

Subsistence Use



**Legend**

- Subsistence Use Permitted
- Subsistence Use Prohibited
- Designated Wilderness
- Wildlife Parkland Boundary

Scale: 0 25 50 Miles  
0 25 50 Kilometers  
Scale shown in Miles. Unit Conversion Given 1982

