

Appendix A: ANILCA Section 810(a) Summary Evaluation and Findings

I. Introduction

Title VIII, Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA) requires Federal agencies having jurisdiction over lands in Alaska to evaluate the potential impacts of proposed actions on subsistence uses and needs. This analysis evaluates the potential restrictions to ANILCA Title VIII subsistence uses and needs that could result from the National Park Service (NPS) completing a proposed land exchange within Wrangell-St. Elias National Park and Preserve (WRST). The owner of two private parcels within WRST has proposed to trade his parcel of land at the Kukulana Glacier in designated wilderness for land of equal value adjacent to his parcel in the Snag Creek drainage northeast of Chisana. The EA provides a detailed description of the proposed alternatives.

II. The Evaluation Process

Section 810(a) of ANILCA states:

"In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands ... the head of the federal agency ... over such lands ... shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency --

(1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;

(2) gives notice of, and holds, a hearing in the vicinity of the area involved; and

(3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions."

ANILCA created new units and additions to existing units of the national park system in Alaska. Wrangell-St. Elias National Park, containing approximately eight million one hundred and forty-seven thousand acres of public lands, and Wrangell-St. Elias National Preserve containing approximately four million one hundred and seventeen thousand acres of public lands, was created by ANILCA, section 201(9), for the following purposes:

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

The potential for significant restriction must be evaluated for the proposed action's effect upon "subsistence uses and needs, the availability of other lands for the purposes sought to be achieved and other alternatives which would reduce or eliminate the use."

III. Proposed Action on Federal Lands

The owner of two private parcels of land within WRST has proposed to trade a parcel of land that he owns at the Kuskulana Glacier for land of equal value adjacent to his parcel in the Snag Creek drainage northeast of Chisana. The Kuskulana parcel (tract # WRST 20-119, 39.93 acres) is located where the Kuskulana Glacier splits. It is in Wrangell-St. Elias National Park and designated wilderness. The parcel can be accessed by walking from the Nugget Creek Trail or from the Nugget Creek airstrip. Both routes involve crossing the glacier. The Snag Creek parcel (tract # WRST 32-109, 35.91 acres) is in the upper Snag Creek drainage. It is in Wrangell-St. Elias National Preserve and eligible wilderness. The only feasible access is by small airplane; however, the existing airstrip in the floodplain of upper Snag Creek was partially washed out in 2013. As a result, the landowner considers it unsafe and not a reasonable means of access. The purpose of the proposed land exchange is to improve the landowner's access to the Snag Creek parcel by providing sufficient land upon which to construct a new airstrip, which is consistent with the need to provide adequate and feasible access to inholdings per ANILCA Section 1110(b). In exchange, the park would acquire a parcel of land within designated wilderness. Isolated inholdings in wilderness were identified as a top priority for acquisition in the park's 1986 General Management Plan/Land Protection Plan.

Alternative A – No Action Alternative: Under the no-action alternative, the NPS would not proceed with the land exchange, and the landowner would continue to own one parcel of land at Snag Creek and one at the Kuskulana Glacier. No airstrip would be constructed in the uplands at Snag Creek. The existing airstrip at Snag Creek would continue as the sole means of access to his Snag Creek property. The Kuskulana property would remain in private ownership and a nearby airstrip would be brushed and maintained in order to provide reasonable access. This alternative represents a continuation of the existing condition and provides a baseline for evaluating the changes and impacts of the proposed alternatives.

Alternative B – Improvement of Existing Airstrip at Snag Creek: Similar to Alternative A, the NPS would not proceed with the land exchange, and the landowner would continue to own one parcel of land at Snag Creek and one at the Kuskulana. No airstrip would be constructed in the uplands at Snag Creek; however, in order to improve access to the Snag Creek parcel, the

NPS would permit the landowner to make improvements to the existing airstrip in the Snag Creek floodplain, specifically lengthening the existing washed-out airstrip and constructing diversion structures to minimize the potential for future flooding. At the Kuskulana parcel, a nearby airstrip would be brushed and maintained in order to provide reasonable access.

Alternative C – Proposed Action (NPS Preferred Alternative): Under this alternative, the NPS would exchange a 39.93 acre parcel of land adjacent to the Snag Creek parcel for the Kuskulana Glacier parcel. The exchange would provide the landowner with sufficient space to construct a new, 1,200-foot-long airstrip on the conveyed land at Snag Creek in order to provide access to his land. Airstrip construction would involve clearing vegetation to ground level in a 20-foot-wide swath, filling in low spots within that area, and cutting brush 30 to 40 feet on either side of the main landing area to about 18 inches high. The constructed airstrip would be on private land and would not be available for public use. In the exchange, the NPS would include a deed restriction on the Snag Creek parcel to be conveyed with NPS stipulations for resource protection.

IV. Affected Environment

A summary of the affected environment pertinent to subsistence use is presented here. The following documents contain additional descriptions of subsistence uses within Wrangell-St. Elias National Park and Preserve:

Bleakley, Geoffrey T. 2002. *Contested Ground, An Administrative History of Wrangell-St. Elias National Park and Preserve, Alaska, 1978-2001*, NPS Alaska Region.

Final Environmental Impact Statement, Wilderness Recommendation, NPS Alaska Region, 1988.

Haynes, Terry L., Martha Case, James A. Fall, Libby Halpin, and Michelle Robert. 1984. *The use of Copper River salmon and other wild resources by Upper Tanana communities, 1983-1984*. ADF&G Division of Subsistence, Technical Paper No. 115.

Holen, Davin, Sarah M. Hazell, and David S. Koster, eds. 2012. *Subsistence harvests and uses of wild resources by communities in the eastern interior of Alaska*. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 372.

Holen, Davin, Sarah M. Hazell, and Garrett Zimpelman, eds. 2015. *The harvest and use of wild resources in selected communities of the Copper River Basin and East Glenn Highway, Alaska, 2013*. Alaska Department of Fish and Game, Division of Subsistence, Technical Paper 405.

Kukkonen, Malla, and Garrett. Zimpelman. 2012. *Subsistence harvests and uses of wild resources in Chistochina, Alaska, 2009*. Alaska Department of Fish and Game, Division of Subsistence Technical Paper No. 370.

La Vine, Robbin, Malla Kukkonen, Bronwyn Jones, and Garrett Zimpelman. 2013. *Subsistence harvests and uses of wild resources in Copper Center, Slana/Nabesna Road, Mentasta Lake, and Mentasta Pass, Alaska, 2010*. Alaska Department of Fish and Game, Division of Subsistence, Technical Paper No. 380.

La Vine, Robbin and Garrett Zimpelman, eds. 2014. *Subsistence harvests and uses of wild resources in Kenny Lake/Willow Creek, Gakona, McCarthy, and Chitina, Alaska, 2012*. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 394.

Marcotte, James R. 1992. *Wild fish and game harvest and use by residents of five Upper Tanana communities, Alaska, 1987-88*. ADF&G Division of Subsistence, Technical Paper No. 168.

Norris, Frank. 2002. *Alaska Subsistence: A National Park Service Management History*, NPS Alaska Region.

NPS Alaska Region. 1986. *General Management Plan/Land Protection Plan, Wrangell-St. Elias National Park and Preserve*.

NPS Alaska Region. 2014. *Wrangell-St. Elias Subsistence Management Plan*.

NPS Alaska Region. *Wrangell-St. Elias National Park and Preserve Subsistence Users Guide*. (Updated most recently in 2005.)

Stratton, Lee, and Susan Georgette. 1984. *Use of fish and game by communities in the Copper River Basin, Alaska: a report on a 1983 household survey*. ADF&G Division of Subsistence, Technical Paper No. 107.

Subsistence uses are allowed within Wrangell-St. Elias National Park and Preserve in accordance with Titles II and VIII of ANILCA. The national preserve is open to federal subsistence uses and state-authorized general (sport) hunting, trapping and fishing activities. NPS-qualified subsistence users may engage in subsistence uses within the national park. To engage in federal subsistence hunting and wildlife harvest activities in Wrangell-St. Elias, you must be a local rural resident who maintains a primary place of residence in a rural community or area that has a positive customary and traditional use determination for the species and the area where you wish to take fish and wildlife. To harvest fish or wildlife in the national park, a subsistence user must additionally live in the park's resident zone or hold a permit authorized under 36 Code of Federal Regulations 13.440. Alternative B would affect lands in the national preserve only. Alternative C would affect lands in both the national park and the national preserve.

Based on 2010 U.S. Census data, the National Park Service estimates that approximately 5,200 individuals are eligible to engage in federal subsistence uses in Wrangell-St. Elias National Park and Preserve. Most of these individuals live in communities along the road system, although there are a few scattered pockets of population off of the road system. Subsistence uses in WRST include hunting, trapping, fishing, berry picking, gathering mushrooms and other plant materials,

collecting firewood, and harvesting timber for house construction. Most subsistence hunting within Wrangell-St. Elias occurs off the Nabesna and McCarthy roads and the trails that originate from them. The Copper, Nabesna, Chisana and Chitina rivers serve as popular riverine access routes for subsistence users. Most of the subsistence fishing takes place in the Copper River.

Both parcels being considered for the land exchange are relatively difficult to access with no permanent residents in the immediate vicinity. Consequently, subsistence use of both areas is very limited. The closest permanent residents to the Kuskulana parcel are about 20 miles to the southwest at Strelna, near the start of the Nugget Creek Trail, and getting from the trail to the parcel requires crossing the Kuskulana Glacier. The closest permanent residents to the Snag Creek parcel are at Chisana, approximately 20 miles to the southwest. The Snag Creek parcel is located within the boundaries of one of the park's hunting guide concession areas,¹ and some sport hunting occurs in the general area.

In terms of large land mammals, moose, caribou, grizzly bear, and Dall sheep are found in the Snag Creek area, and moose, grizzly bear, and Dall sheep in the Kuskulana area. Dall sheep are most prevalent in the high mountains. Moose occur in the drainage bottoms and in a few higher areas with sufficient forage. Grizzly bears range throughout the general area of both parcels. Caribou are not typically found in the Kuskulana area, but the Snag Creek parcel falls within the ranges of both the Nelchina and Chisana caribou herds. A variety of furbearers are also present in the general area including red fox, wolf, coyote, lynx, and wolverine. Snag Creek was not sampled during the freshwater fish inventory conducted in the early 2000s or other subsequent sampling efforts; however, grayling are known to occur in other streams in the area (Markis et al. 2004)².

The NPS recognizes that patterns of subsistence use vary from time to time and from place to place depending on the availability of wildlife and other renewable natural resources. A subsistence harvest in a given year may vary considerable from previous years due to weather conditions, migration patterns, and natural population cycles.

V. Subsistence Uses and Needs Evaluation

To determine the potential impact on existing subsistence activities, three evaluation criteria were analyzed relative to existing subsistence resources that could be impacted.

The evaluation criteria are as follows:

1. the potential to reduce important subsistence fish and wildlife populations by (a) reductions in numbers, (b) redistribution of subsistence resources, or (c) habitat losses;

¹ The private parcel is not part of the guide area, but the federal lands surrounding it are.

² Markis, J.A., E.R. Veach, M.B. McCormick., and R. Hander. 2004. *Freshwater Fish Inventory of Denali National Park and Preserve, Wrangell-St. Elias National Park and Preserve, and Yukon-Charley Rivers National Preserve, Central Alaska Inventory and Monitoring Network*. Wrangell-St. Elias National Park and Preserve. Copper Center, AK.

2. the effect the action might have on subsistence fisher or hunter access; and
3. the potential for the action to increase fisher or hunter competition for subsistence resources.

The potential to reduce populations:

The proposed alternatives are not expected to significantly alter wildlife movements or wildlife habitat or reduce populations of important subsistence wildlife. Short-term relocation could occur due to temporary avoidance of airstrips, especially during construction or reconstruction under Alternatives B and C, due to noise and human activity. The airstrip construction or reconstruction would impact a small amount of wildlife habitat, however, the area is quite small and no critical habitat for land mammals would be damaged by the operation. Thus the operation is not expected to significantly redistribute or otherwise impact wildlife populations. Fish are not a significant subsistence resource in the area.

The effect on subsistence access:

The alternatives evaluated in this analysis are not anticipated to result in a significant restriction to subsistence access. Access for federal subsistence uses in the Wrangell-St. Elias National Park and Preserve is granted pursuant to Section 811 of ANILCA. Allowed means of access by federally qualified subsistence users in WRST include motorboat, snowmachine (subject to frozen ground conditions and adequate snow cover), off road vehicle (ORV), and airplane (preserve only), along with non-motorized means such as foot and horses. The alternatives would have no direct impact on allowed means of subsistence access, nor would Alternatives A or C affect access routes to those areas. Reconstruction of the airstrip in the upper Snag Creek floodplain under Alternative B and maintenance of the Kuskulana airstrip under alternatives A and B could result in a slight improvement in subsistence access to the area.

The potential to increase competition:

The proposed actions are not expected to increase competition for subsistence resources on federal public lands within the affected area, and thus not to result in a significant restriction on subsistence uses. Federal subsistence activities in the affected area are limited due to the remote locations of both parcels with the potential to be affected by the proposed actions.

VI. Availability of Other Lands

The EA and this evaluation have described and analyzed the proposed alternatives. No other alternatives that will reduce or eliminate the use of public lands needed for subsistence purposes were identified. The amount of land affected by the proposed actions is minimal in relation to the overall amount of federal public land in the park and the preserve, and it is possible for subsistence users to utilize other lands.

VII. Alternatives Considered

The EA and this evaluation have described and analyzed the proposed alternatives. The proposed actions are consistent with NPS mandates and WRST's General Management Plan. No other alternatives that will reduce or eliminate the use of public lands needed for subsistence purposes were identified.

VII. Findings

This analysis concludes that none of the alternatives discussed in this analysis would result in a significant restriction of subsistence uses.