

Appendix E

ANILCA Section 810(a) Summary of Evaluations and Findings

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I. Introduction

In compliance with Title VIII, section 810 of the Alaska National Interest Lands Conservation Act (ANILCA), this section evaluates potential subsistence restrictions which could result from the proposed designation of ORV trails and routes in Glacier Bay National Preserve. This analysis does not evaluate State authorized subsistence use and activities on adjacent private, borough, or state lands.

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 affected until the head of such Federal agency:

Gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;

Gives notice of, and holds, a hearing in the vicinity of the area involved; and

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 would involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps would 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. More specifically, Section 202 of ANILCA expanded Glacier Bay National Monument by the addition of an area containing approximately five hundred and twenty-three thousand acres. ANILCA re-designated the monument as "Glacier Bay National Park" Along the south bank of the Alsek River at Dry Bay, Alaska, approximately fifty-seven thousand acres was designated as Glacier Bay National Preserve.

ANILCA and NPS regulations do not authorize subsistence uses on federal public lands Glacier Bay National Park. However, ANILCA (Sections 1313) and Title 36 Code of Federal Regulations (Section 13.41) authorize subsistence uses on federal lands in Glacier Bay National Preserve.

Glacier Bay National Park and Preserve was established for the following purposes:

“To protect a segment of the Alsek River, fish and wildlife habitats and migration routes and a portion of the Fairweather Range including the northwest slope of Mount Fairweather. Lands, waters, and interests therein within the boundary of the park and preserve which were within the boundary of any national forest are hereby excluded from such national forest and the boundary of such national forest is hereby revised accordingly.”

Section 205 of ANILCA directed the Secretary of the Interior to:

“take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law, including the use of public lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips, directly incident to the exercise of such rights or privileges, except that this prohibition shall not apply to activities locality, finds constitute a significant expansion of the use of park lands beyond the level of such use during 1979.”

The potential for significant restriction must be evaluated for the proposed action's effect 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.” (Section 810(a))

III. Proposed Action on Federal Lands

The Description of Alternatives section of the EA describes each alternative considered in detail. The follow is a brief summary of each alternative.

Alternative 1 – “No Action” –

Under the no-action alternative 83.5 miles of trails and routes in Glacier Bay National Preserve would be open to ORV use. Commercial fisherman may continue to use ORVs in all areas of Dry Bay in support of commercial fishing. Other ORV users, such as lodge operators and guests, would continue to be restricted to existing trails under a permit.

Alternative 2 – Designate Trails/Routes Directly Incident to Commercial Fishing and Authorized Under Concession Contracts.

Alternative 2 would designate trails and routes in the Dry Bay area for ORV use that are (1) directly incident to the exercise of valid commercial fishing rights and privileges (access to fishing sites, campsites, cabins, boat landing areas and airstrips) and/or (2) provide access and

rights to existing lodges authorized under concession contracts or (3) provide access to the NPS visitor cabin. Trails or routes not meeting these criteria or that provide duplicate access or have adverse environmental impacts would not be designated (See Appendix A). No new trails would be developed.

This alternative would authorize ORV use on 58.7 miles (70.3%) of trails/routes and close 24.8 miles (29.7 %) of existing trails/routes to OHV use. ORV use off designated trails/routes would be prohibited.

Alternative 3 - Designate Trails/Routes Directly Incident to Commercial Fishing, Authorized Under Concession Contracts, and for Other Purposes.

Alternative 3 would designate trails and routes in the Dry Bay area for ORV use that are (1) directly incident to the exercise of valid commercial fishing rights and privileges (access to fishing sites, campsites, cabins, boat landing areas and airstrips) and/or (2) provide access and rights to existing lodges authorized under concession contracts or (3) provide access to the NPS visitor cabin, and (4) provide access for other purposes (i.e., recreation, subsistence, and sport hunting). Trails or routes not meeting these criteria or that provide duplicate access or have adverse environmental impacts would not be designated. No new trails would be developed.

This alternative would authorize ORV use on 62.9 miles (75.3%) of trails or routes and close 20.6 miles (24.7%) of existing trails and routes to OHV use. ORV use off designated trails/routes would be prohibited.

IV. Affected Environment

Subsistence uses, as defined by ANILCA, Section 810, means "The customary and traditional use 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 non-edible 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." Subsistence activities include hunting, fishing, trapping, and collecting berries, edible plants, and wood or other materials. The principal subsistence species harvested within the region on federal lands and waters include salmon, moose, waterfowl, Mountain Goat, Deer and marine mammals.

The area maintains a traditional Tlingit culture with influences from the Eyak and Athabascans, as well as Russian, English and American traders and miners. Commercial fishing is the primary industry. Residents of such communities as Yakutat, Gustavus, Hoonah, Elfin Cove, Pelican, Excursion Inlet and Sitka engage in subsistence uses near the boundaries of Glacier Bay National Preserve. Community resource gathering activities include such things as hunting, fishing, digging for clams, catching shellfish, gathering firewood, and collecting food items from berries to herring eggs. Historical resource utilization patterns, such as fish camps or communal deer hunts, are linked to traditional social and subsistence use patterns. Sharing of resource occurs between communities, as well as within communities throughout the region.

Some of the major resources used for subsistence in these communities are bears (black and brown), deer, goat, moose, furbearers, ptarmigan, waterfowl, marine mammals, salmon, trout, halibut, crab, clams, berries and other edible plants (such as wild celery, ferns, and kelp), alder, spruce, and other wood resources.

ANILCA and National Park Service regulations authorize subsistence use of resources in all Alaska national parks, monuments and preserves with the exception of Glacier Bay National Park, Katmai National Park, Kenai Fjords National Park, Klondike Gold Rush National Historical Park, “old” Mount McKinley National Park, and Sitka National Historical Park (Codified in 36 CFR part 13, Subparts A, B, and C). ANILCA provides a preference for local rural residents over other consumptive users should a shortage of subsistence resources occur and allocation of harvest becomes necessary.

The National Park Service 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 considerably from previous years because of weather, migration patterns, and natural population cycles.

HARVEST INFORMATION

The vast majority of subsistence resources harvested in the National Preserve are salmon and moose. Salmon are taken with set gillnets in the East Alsek and Alsek Rivers usually with the same gear and skiffs used for commercial fishing. Hook and line fishing is allowed under Federal Subsistence regulations, but has never been observed as a method for harvesting subsistence fish. The access points are the same as those used for commercial fishing. Access is normally by ORV to a net site or boat landing site. A skiff is used to pull the net out and pick the fish, then the fish are transferred to an ORV for transport back to camp. Recorded harvest in the East Alsek River since 1989 has varied from 60 to 335 salmon with no record of harvest for nine years in the period. The vast majority of the harvest is sockeye salmon with incidental catches of Chinook, coho, chum and pink salmon.

Subsistence harvest records from ADF&G Subsistence permits, East Alsek River

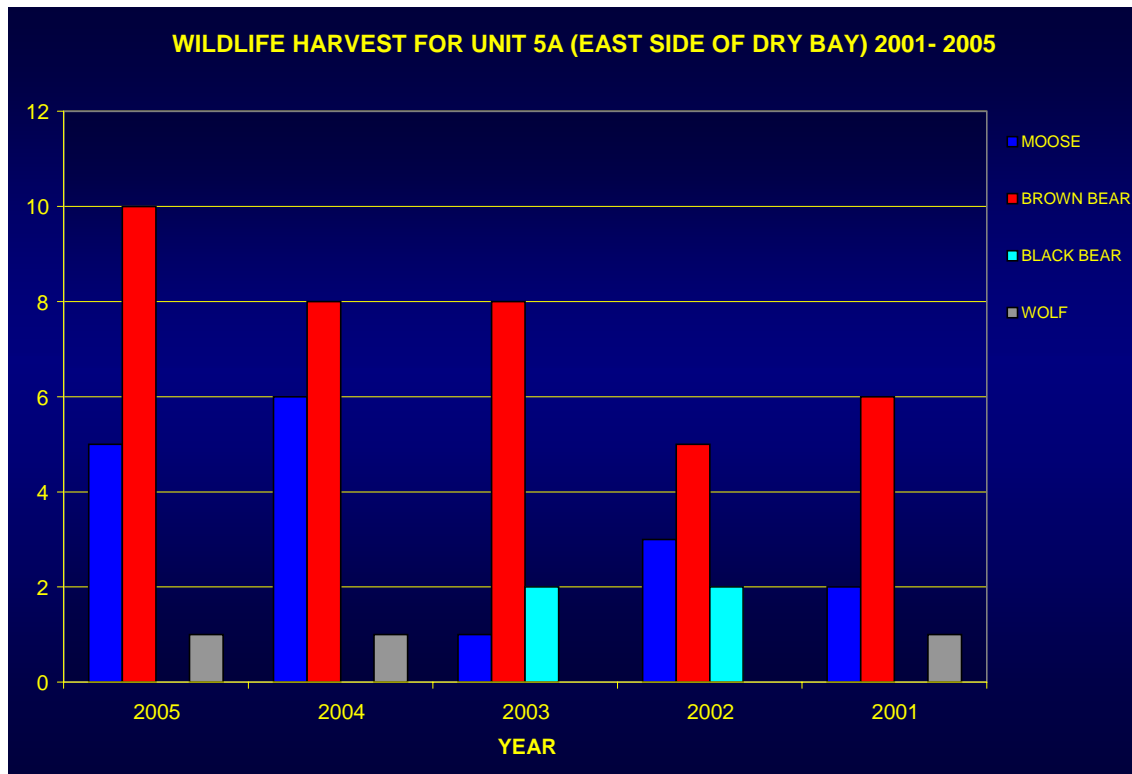
| Year | Number of permits | Chinook | sockeye | pink | coho | chum |
|------|-------------------|---------|---------|------|------|------|
| 1989 | 2 | | 70 | 170 | | |
| 1990 | 1 | 2 | 30 | 30 | | |
| 1991 | 5 | 11 | 285 | | | |
| 1992 | 3 | | 189 | | | |
| 1993 | 4 | | 235 | | | |
| 1994 | 3 | | 335 | | | |
| 1995 | 2 | | 70 | | 11 | |
| 1996 | 3 | 1 | 64 | | 7 | 13 |
| 2000 | 2 | | 44 | | | 15 |

Moose are taken from October 8th to November 15th each year under a combined State/Federal registration permit. From October 8th through October 21st the National Preserve (and all adjacent USFS lands) is open only to Yakutat residents for moose hunting. From October 22nd to November 15th the season is open to all hunters. On average 8 Yakutat residents take advantage of the subsistence season and harvest 2 moose. On average, 10 additional hunters hunt during the open season and harvest 3 more moose. Annual harvest for the entire hunt has varied from 1 to 8 since 1990. Few Yakutat hunters use Dry Bay for moose hunting unless they have their own aircraft because of the cost of chartering a flight to the National Preserve.

Brown bear harvest has varied from 5 to 13 since 1990. With the exception of one kill in defense of life and property all brown bear harvested in this period were harvested by guided hunters or Alaska non-local residents hunting from the Public Use Cabin. No brown bear have been harvested under a federal subsistence permit. All were harvested under state of Alaska regulations.

Black bear harvest has varied from 0 to 2 since 1990 with a total of 4 for the period. All Black Bear harvest has been by guided hunters. Black bears are rarely present in the National Preserve and are usually harvested in alpine or sub-alpine areas on the USFS lands on the west side of the Alsek River.

ADF&G Wildlife Harvest record (includes hunting under state and federal regulations)



Trapping in the National Preserve is mostly limited to Yakutat residents who have their own aircraft and use it to set traps and snares in close proximity to the airstrips. 0 to 2 trappers may use the National Preserve each winter. Target species are usually Wolf and Lynx. The last time

a trapper consistently used the area was during the winter of 88/89 when a local resident used a commercial fishing camp on the upper Alsek.

V. Subsistence Uses and Needs Evaluation

Potential Impacts to Subsistence Users

To determine the potential impacts on existing subsistence activities for the proposed action, three evaluation criteria were analyzed relative to existing subsistence resources.

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

What effect the action might have on subsistence fisherman or hunter access;

The potential for the action to increase fisherman or hunter competition for subsistence resources;

1. The potential to reduce populations:

(a) Reduction in Numbers:

Alternative 1: This alternative may not significantly reduce wildlife species in the study area. Continued disturbance and erosion from some wetland and stream crossings may negatively affect fish populations and productivity

Alternative 2: This alternative is not expected to significantly reduce wildlife species in the study area. The reduced disturbance and improvements in stream and wetland crossings would likely enhance wildlife and fish populations

Alternative 3: The proposed alternative is not expected to significantly reduce wildlife species in the study area. The reduced disturbance and improvements in stream and wetland crossings would likely enhance wildlife and fish populations

(b) Redistribution of Resources:

Alternative 1: No change

Alternative 2: The proposed action is not expected to significantly redistribute or displace or stress subsistence fish or wildlife resources. Closing the Alsek North, Tractor Trail North, East Cabin North and Doame trails may result in increased used by moose and other large mammals and nesting birds due to reduced disturbance.

Alternative 3: The proposed action is not expected to significantly redistribute or displace or stress subsistence fish or wildlife resources. Closing the Alsek North and Doame trails may result in increased use by moose and other large mammals due to reduced disturbance.

Habitat Loss:

Alternative 1: This alternative would not result in an immediate change or habitat loss. Over the long term habitat loss from unimproved stream and wetland crossings would continue to degrade fish and wildlife habitat in the National Preserve.

Alternative 2: This alternative would result in a gain of beneficial or critical habitat for subsistence species such as salmon, moose, furbearers, and waterfowl. The proposed action would not manipulate subsistence habitats or result in development of a scale that would have any negative impacts on subsistence resources.

The Superintendent may enact closures and/or restrictions if necessary to protect subsistence opportunities or to assure the continued viability of a particular fish or wildlife population.

Alternative 3: The proposed action would result in a gain of beneficial or critical habitat for subsistence species such as salmon, moose, furbearers, and waterfowl. The proposed action would not manipulate subsistence habitats or result in development of a scale that would have any negative impacts on subsistence resources.

The Superintendent may enact closures and/or restrictions if necessary to protect subsistence opportunities or to assure the continued viability of a particular fish or wildlife population.

2. Restriction of Access:

Alternative 1: No change from current conditions.

Alternative 2: This action may change current subsistence use patterns for hunting moose. Access by ORV for some areas used for moose hunting will be restricted to foot or boat travel. In the areas not accessible by boat this may mean travel by foot for up to 1.5 miles to reach areas formerly accessed by ORV in the areas of the Towers Trail, East Cabin North, and Tractor Trail North Trails. Access to the Doame River area for moose hunting is typically by boat. Access for subsistence uses within NPS areas is granted pursuant to ANILCA, sections 811(a) (b) and 1110(a). ANILCA allows access within Alaska conservation system units by certain specified means, including motorboats, for traditional activities. ORVs are not recognized as customary and traditional means of access for subsistence in the Preserve.

Alternative 3: The proposed action may change current subsistence use patterns for hunting moose. Access by OHV for some areas used for moose hunting will be restricted to foot or boat travel. In the areas not accessible by boat this may mean travel by foot for up to 1.5 miles to reach areas formerly accessed by OHV in the area of the Towers Trail. Access to the Doame

River area for moose hunting is typically by boat. Access for subsistence uses within NPS areas is granted pursuant to ANILCA, sections 811(a) (b) and 1110(a). ANILCA allows access within Alaska conservation system units by certain specified means, including motorboats, for traditional activities. ORVs are not recognized as customary and traditional means of access for subsistence in the National Preserve.

3. Increase in Competition:

Alternative 1: No change in current condition.

Alternative 2: This action will not increase competition because the total numbers of hunters will not increase. Hunters will encounter each other more often at the areas where trail closures are proposed on the Towers, Tractor Trail North and East Cabin North Trails instead of being spread out over these trails at different access points where they would normally start hunting on foot.

Alternative 3: The proposed action will not increase competition because the total numbers of hunters will not increase. Hunters will encounter each other more often at the areas where trail closures are proposed on the Towers Trail instead of being spread out over this trail at different access points where they would normally start hunting on foot.

VI. Availability of Other Lands

Tongass NF lands adjacent to Glacier Bay National Preserve are open to hunting, trapping and fishing under regulations identical to the Preserve. Lands and waters within Glacier Bay National Park are closed to subsistence.

VII. Alternatives Considered

The evaluation has described and analyzed the alternatives of this EA, with emphasis on the proposed action.

VIII: Findings

This analysis concludes that the proposed action would not result in a significant restriction of subsistence uses.