

APPENDIX B: ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT SECTION 810 ANALYSIS

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT 810 SUBSISTENCE

Summary Evaluation and Findings

I. INTRODUCTION

This section was prepared to comply with Title VIII, §810 of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. It summarizes an evaluation of the potential restrictions to subsistence activities that could result from implementation of the preferred planning vision in the Frontcountry Management Plan (plan) in Glacier Bay National Park (park). The draft plan Environmental Assessment (EA) describes the range of alternatives for consideration.

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 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."

Presidential proclamations in 1925 and 1939 established and expanded Glacier Bay National Monument. In 1980, Title II of 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 523,000 acres. ANILCA re-designated the monument was as Glacier Bay National Park. Along the south bank of the Alsek River at Dry Bay, Alaska, approximately 57,000 acres was designated as Glacier Bay National Preserve.

ANILCA Section 202(1), created the park 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.”

Federal law and regulations prohibit ANILCA Title VIII subsistence uses on federal public lands in Glacier Bay National Park only. However, ANILCA (Sections 1313) and Title 36 Code of Federal Regulations (CFR) (Section 13.41) authorize subsistence uses on federal lands in Glacier Bay National Preserve.

ANILCA 816 (a) states:

“All national parks and park monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.”

With regards to Glacier Bay National Preserve, Section 1313 of ANILCA states:

“A National Preserve in Alaska shall be administered and managed as a unit of the National Park System in the same manner as a national park except as otherwise provided in this Act and except that the taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed in a national preserve under applicable State and Federal law and regulation. Consistent with the provisions of Section 816, within national preserves the Secretary may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having responsibility over hunting, fishing, and trapping activities.”

ANILCA Sections 1314 (c) states:

“The taking of fish and wildlife in all conservation system units; and in national conservation areas, national recreation areas, and national forests, shall be carried out in accordance with the provisions of this Act and other applicable State and Federal law. Those areas designated as national parks or national park system monuments in the State shall be closed to the taking of fish and wildlife, except that:

- (1) notwithstanding any other provision of this Act, the Secretary shall administer those units of the National Park System and those additions to existing units, established by this Act and which permit subsistence uses, to provide an opportunity for the continuance of such uses by local rural residents; and
- (2) fishing shall be permitted by the Secretary in accordance with the provisions of this Act and other applicable State and Federal law.”

The potential for significant restrictions 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. . . ." (ANILCA §810(a))

III. PROPOSED ACTION ON FEDERAL LANDS

The plan is intended to update the vision for visitor experiences, facilities, and services, and to guide day-to-day NPS decisions and activities within a "frontcountry" planning area encompassing 7,120 acres of scenic rainforest and coastal waters in Southeast Alaska (*see figure 1 from Part I*).

Alternatives A, B, and C are described in detail in the environmental assessment (EA). Customary and traditional subsistence use on National Park Service (NPS) lands would continue as authorized by federal law under all alternatives.

The preferred NPS alternative (C) proposes to continue historic NPS management directions for this area as a concentrated visitor use and development zone, and expands offerings and operations to serve as a welcoming destination that strengthens visitors' connections to larger park purposes—whether or not they are able to explore further into the park.

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.

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Other important subsistence use areas within the region include Icy Strait, Excursion Inlet, Cross Sound, Port Frederick, and Tongass National Forest. Most of the rural communities of southeastern Alaska rely on renewable natural resources for at least a portion of their subsistence needs. About one-third of the rural communities of the region take at least half of their meat and fish by hunting and fishing (Holleman and Kruse, 1992).

Residents of such communities as Gustavus (population of 544), Hoonah (773), Elfin Cove (14), Pelican (67), Excursion Inlet (11), Sitka (8,748) and Yakutat (552) engage in subsistence uses near the boundaries of Glacier Bay National Park (ADOL 2017). Community subsistence

resource activities include hunting, fishing, and gathering gull eggs, shellfish, firewood, wild plants, and berries. Historical resource utilization patterns, such as gull egg gathering, fish camps or communal marine mammal and 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.

ANILCA and NPS 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, the “old” Mount McKinley National Park, and Sitka National Historical Park. 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 main subsistence species, by edible weight, are salmon, deer, non-salmon fish, marine invertebrates, bears (black and brown) and seals. Local people use a variety of salmon (chum, coho, pink, and sockeye), while halibut, herring, smelt, cod, greenling, lingcod, char, and Dolly Varden are also used for subsistence purposes (ADF&G 2012).

ANILCA and NPS regulations authorize subsistence use of resources in Glacier Bay National Preserve and prohibit subsistence uses in Glacier Bay National Park (Codified in 36 CFR, part 13). Legislation enacted in 2000 (P.L. 106-455) and a legislative environmental impact statement (LEIS) authorize the limited harvest of glaucous-winged gull eggs by the Huna Tlingit in Glacier Bay National Park under a management plan cooperatively developed by the NPS and the Hoonah Indian Association, the federally recognized tribe of the Huna Tlingit. Glacier Bay is the traditional homeland of the Huna Tlingit who traditionally harvested eggs prior to park establishment. The practice was curtailed in the 1960s as the Migratory Bird Treaty Act and federal regulations prohibit it. Further, current U.S. Fish and Wildlife Service regulations allow residents of Hoonah and Yakutat to gather glaucous-winged gull eggs on National Forest lands in Icy Strait and Cross Sound, including Middle Pass Rock near the Inian Islands, Table Rock in Cross Sound, and other traditional locations on Yakobi Island between May 15 and June 30. The land and waters of Glacier Bay National Park remain closed to all subsistence harvesting.

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 any given year may vary considerably from previous years because of such factors as weather, migration patterns, and natural population cycles. However, the pattern is assumed to be generally applicable to harvests in recent years with variations of reasonable magnitude.

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:

- the potential to reduce important subsistence fish and wildlife populations by (a) reductions in numbers; (b) redistribution of subsistence resources; or (c) habitat losses;
- the affect the action might have on subsistence fishing or hunting access; and

- the potential to increase fishing or hunting competition for subsistence resources.

1. The Potential to Reduce Populations:

The implementation of the Frontcountry Management Plan alternatives is not expected to adversely affect or significantly restrict the distribution or migration patterns of subsistence resources. Therefore, no change in the availability of subsistence resources is anticipated as a result of the implementation of this proposed action.

2. Restriction of Access:

The proposed action is not expected to significantly restrict Title VIII traditional subsistence use patterns on federal public lands within the region. No restrictions or changes in subsistence access are proposed in the alternatives. Glacier Bay National Park is closed to ANILCA Title VIII subsistence uses.

3. Increase in Competition:

The proposed action is not expected to significantly restrict or increase competition for subsistence resources on federal public lands within the region. Provisions of ANILCA and NPS regulations mandate that if and when it is necessary to restrict the taking of fish or wildlife, subsistence users will have priority over other users groups.

VI. AVAILABILITY OF OTHER LANDS

Choosing a different alternative would not decrease the impacts to park resources for subsistence. The preferred alternative is consistent with the mandates of ANILCA, including Title VIII, and the NPS Organic Act.

VII. ALTERNATIVES CONSIDERED

The EA and this evaluation have described and analyzed the proposed alternatives. The proposed actions are consistent with NPS mandates, ANILCA, and the GMP for the park and preserve. No other alternatives that would reduce or eliminate the use of public lands needed for subsistence purposes were identified.

VIII. FINDINGS

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

REFERENCES

Alaska Department of Labor (ADOL).

2017 Southeast Alaska Population by Age, Sex and Borough/Census Area, 2010 to 2017.

Alaska Department of Fish and Game (ADF&G)

2012 Community Subsistence Information System – All Years. Accessed April 2012 at www.adfg.alaska.gov/sb/CSIS/index.cfm?ADFG=harvInfo.resourceRegionData.

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