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July 15, 1996

Mr. Robert Barbee  
Field Director  
National Park Service  
2525 Gambell Street, Room 104  
Anchorage, Alaska 99503

Dear Mr.  Barbee:

The State of Alaska has completed its assessment of the "Draft Review of Subsistence Law and National Park Service Regulations" for Alaska. This letter represents the consolidated comments of the State's resource agencies.

This policy document describes subsistence management concerns identified by National Park Service (NPS) staff and proposes actions to address these issues. The State welcomes this opportunity to examine NPS policy and regulations for subsistence management on park lands in Alaska. Please consider these comments as preliminary reactions to general recommendations. State representatives are available to discuss our concerns with NPS officials upon request.

We commend the National Park Service for taking the initiative to involve park staff and the public more directly in subsistence management. Despite our substantial critical comments, the State believes the NPS is generally moving in an appropriate and positive direction. We especially appreciate the internal efforts of the subsistence working group to address these important issues which touch the lives of many Alaskans.

We introduce our detailed review with a summary of key concerns:

- More contextual information and issue identification is necessary to support a thorough review, especially by park area residents who have little technical or legal background.
- The Subsistence Resource Commission process should be better described and more fully utilized.
- The NPS should not include state and Native selected land among areas subject to the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII management.

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- The eligibility tests for both residents zones and individuals are more restrictive than intended by Congress, especially with respect to establishing a history of participation in subsistence activities.
- There is insufficient basis for applying the subsistence management of parks (i.e. resident zones, rosters, and 13.44 permits) to subsistence use of preserves.
- Subsistence eligibility restrictions should be tied to resource concerns and/or harvest levels which have increased above 1980 levels.
- Use of the roster concept may thwart legitimate subsistence use of parklands.
- The NPS should exercise discretion and flexibility with respect to ORV use for subsistence purposes.
- State management of furbearers should be continued under the sustained yield principle that ensures natural and healthy populations.
- Consultation with the Alaska Department of Fish and Game should be recognized in the introductory policy statement.

Recommendation

The State recommends reissuing this policy paper with additional issue identification and background, along with any changes the NPS wishes to incorporate based on comments to date, and begin a new comment period. In particular, justification should be presented for statewide solutions developed in response to park-specific issues. The issues addressed in this paper are complex and merit the additional attention. We understand the NPS is indeed contemplating this approach. If so, the result will be well worth the effort.

**PREFACE TO PAGE-SPECIFIC COMMENTS**

We appreciate that the NPS is seeking input from agencies, organizations, and the affected public on its assessment of subsistence management issues and potential solutions. We understand that this review was prompted, in part, by park staff who found NPS subsistence policies and regulations to be vague and sometimes implemented inconsistently across the state. Another likely impetus was a 1/26/94 Sierra Club letter which was critical of the NPS for not implementing the subsistence provisions of ANILCA more narrowly. This is an excellent opportunity to reflect on congressional intent in light of the experience to date with subsistence management.

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Congress clearly intended to protect subsistence uses in the new national park units in Alaska and to provide reasonable access for subsistence purposes. The NPS must adhere to these congressional protections for individuals and communities in regulating subsistence uses and access for subsistence purposes. This is especially important because the training, experiences, and philosophies of many NPS staff assigned to Alaska park units have been formed in more traditional parks in other states where consumptive uses of fish and wildlife resources and motorized access are generally not allowed.

Scope and Context

While the NPS recognizes that its subsistence program must be consistent with the provisions of ANILCA and other applicable law, this document does not address key issues that would be helpful in assessing such consistency. For example, the role of regulations promulgated by the Federal Subsistence Board (FSB) in parks, monuments, and preserves; or the interaction between FSB determinations and the Subsistence Resource Commission (SRC) process are not addressed. The interaction between FSB regulatory authority, NPS authorities, and the SRC process should be more clearly delineated, particularly with regard to administration of subsistence in national preserves.

The document is unfortunately not an effective vehicle for soliciting input from park area communities and other interested residents. Many park area residents will have no context for reviewing current subsistence policy and regulations, and may be unaware of management problems in their area. Indeed, some of the problems identified in the document are specific to one or a few park units--if they are truly problems at all. Few park area residents have copies of ANILCA and even fewer have ready access to the Code of Federal Regulations, so they will not have all the necessary information to carefully review the document. We understand that similar concerns within NPS were at least partially responsible for the comment deadline being extended.

Finally, little rationale is presented for the proposed solutions to particular issues. Without the key reference documents noted above, park area residents and other reviewers must assume that the brief "Conclusions/Findings" presented in this review accurately interpret existing policy and regulation. Given the dynamic nature of subsistence management issues, this expectation is likely not realistic.

**PAGE-SPECIFIC COMMENTS**

## REGIONAL SUBSISTENCE POLICY STATEMENT

Page 2. Conspicuous by its absence in the draft policy statement is the lack of reference to coordination and communication with the State and especially the Department of Fish and Game. This working relationship should be acknowledged, particularly within the policy statement. Collaboration between state and federal agencies and the affected public has become

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increasingly important in the “dual management” era. The State is receptive to discussing with the NPS ways in which our existing collaborative efforts can be strengthened and expanded.

The State is also concerned with the phrase “conservation of unimpaired ecosystems”. As written it could be interpreted to prohibit any activity which impinges upon the ecosystem, such as access, even if such “impairment” is biologically insignificant. We suggest deletion of “unimpaired”, which retains the concept of “ecosystem conservation” while providing a modicum of management flexibility.

## GENERAL SUBSISTENCE ISSUES

Page 3, Conclusion/Finding #4. Section 1313 of ANILCA also permits sport and subsistence fishing in national preserves.

Pages 3-4, Action Items. This document should clearly delineate how the NPS intends for its subsistence policies to interface with the Federal Subsistence Board and park SRC processes. The regulatory authorities and limits of each body should be explained for park/monument and preserve designations.

Page 3, Action Item #1. Equally important as involving park staff in the federal customary and traditional use determination (C&T) process is ensuring that the park SRCs are properly represented in the Federal Subsistence Board process. There have been instances in the past when some SRCs would have objected to their concerns being represented before the federal board by park staff. The SRCs also are linked to the federal regional subsistence advisory councils.

Page 4, Lines 1-3, Action Item #2. It is not clear if NPS intends that the Federal Subsistence Board process for making C&T determinations should define the “where such uses are traditional” provision. If defining these areas is important, the park SRCs must be intimately involved. In the absence of documented or anticipated problems, the State questions whether carefully demarcating traditional use areas should be a priority use of limited NPS resources. Does the NPS envision a role for the federal regional subsistence advisory councils in this process?

Page 4, Lines 5-6, Action Item #3. The State opposes NPS intent to authorize ANILCA Title VIII subsistence uses on lands selected by the state and Native corporations that are not yet conveyed. The State’s views on this issue are explained in the June 21, 1996 letter from Attorney General Bruce Botelho concerning the Advance Notice of Proposed Rulemaking regarding the expansion of federal subsistence management authorities in Alaska.

## SUBSISTENCE ELIGIBILITY

The discussion of “Subsistence Eligibility” is geared toward the NPS’ authority to limit the number of eligible subsistence users of park areas. Eligibility currently is extended to persons living within a designated “resident zone” for that park or monument, and to individuals who qualify for a permit under provisions of 36 CFR 13.44.

NPS has acknowledged the intent of Congress that “resident zones” be the primary mechanism for identifying local rural residents eligible for subsistence uses in national parks and monuments (see the June 17, 1981, *Federal Register*, pp. 31835, 31850). For this reason, in 1981 the NPS adopted a more liberal designation of resident zones than had originally been proposed (Id. See also Senate Committee on Energy and Natural Resources, S. Rep. No. 96-413, 96th Congress, 1st Sess. at 170 [1979]).

The discussion of eligibility in the draft subsistence review would limit both the communities or areas qualifying as “resident zones” and the individuals qualifying for a 13.44 permit. The NPS appears to be attempting to shift away from community or area eligibility and toward individual eligibility determinations. The NPS should clarify its intentions and provide justification for this change.

Page 4, 13.44 Eligibility, Lines 15-20. To present a more complete picture, the review document should present all pertinent regulations. The qualification criteria for a 13.44 permit presented here do not match those appearing in 36 CFR 13.44. To clarify the language in the text concerning eligibility requirements for a 13.44 permit, the applicant must have met the test on lands or waters inside the boundaries of what became a park area (not just “public” lands or waters as stated in the draft). If the intent is not to allow individuals to gain eligibility by having used any lands within the boundaries of a park or monument, the NPS should explain the basis for its interpretation of the regulations. For example, the text states that permits for persons living outside the resident zone are available only if the applicant demonstrates a history of personal or family use of the relevant park area *at the time of ANILCA* (1980). This limitation appears to be a significant change from the current language of 36 CFR 13.44 and would place a heavier burden on permit applicants. Currently, 13.44 (a) (1) requires an applicant to show a personal or family history of customarily and traditionally engaging in subsistence uses within a given park or monument, but does not require that the history of that use pre-date ANILCA. We request that the NPS clarify its interpretation of the 13.44 subsistence permitting process and guidelines.

Page 4, Lines 39-41, Resident Zones. The State agrees that “communities” refer to obvious clusters or groupings of people living in close proximity to one another. However, an “area” could arguably be larger and contain a lower density of people than does a “community.” One or more “communities” presumably could be found in an “area.”

Page 5, Lines 1-4, Resident Zones. The State does not believe that sparsely inhabited areas outside but proximate to parks and monuments should automatically be excluded from resident zones. In some instances, the only substantive difference between residents living in sparsely populated areas within a resident zone may be that some reside within and others outside of the park boundaries.

Page 5, Lines 6-17, Resident Zones. The proposed definition of "significant concentrations" should be given further attention. The "cultural vitality" test in particular is not adequately explained. How does the "cultural vitality" test differ from the "quantity" test? Qualifying for community or area eligibility under the "quantity" test would be particularly restrictive if the prerequisite showing of eligibility for a 13.44 permit requires a history of personal or family subsistence use prior to passage of ANILCA. How would this requirement restrict the ability of growing communities or areas (due to an influx of residents after December 1980) to qualify as a "resident zone" under the quantity test?

Furthermore, because the "quantity" test might require a showing of eligibility for a 13.44 permit, it is not clear whether this test would be consistent with Congress' intent to avoid an individual permit process where possible. Among the advantages of a resident zone system over individual permits, Congress found that resident zone designations would minimize administrative expense and complications, accommodate traditional movement of local rural residents between rural villages and larger population centers without the interference of a complicated administrative structure, and would reflect a regulatory system that is not overly complex or culturally disruptive (see Senate Committee on Energy and Natural Resources, S. Rep. No. 96-413, 96th Cong., 1st Sess. at 170 [1979]). These important benefits might be lost if a showing of individual eligibility is also required as part of the resident zone designation process.

Consequently, the State opposes using the arbitrary 51 percent level for either the "quantity" or "cultural vitality" tests. Subsistence uses change over time in response to alterations in regional resource availability and other factors. Furthermore, change over time in the cultural or traditional composition of a resident zone is not a sufficient basis by itself for deleting a community from a resident zone and imposing individual 13.44 permitting requirements or a roster system on what still could be a significant number of subsistence users in a community removed from the resident zone. If a percentage of subsistence users must be used as a benchmark, the State recommends a lower threshold. The Federal Subsistence Board provided some guidance at its Spring 1996 meeting, when it made positive customary and traditional use determination findings for communities which have demonstrated a level of use of large mammal resources in particular areas well below a 51 percent threshold.

Page 5, Lines 21-27, Preserve Eligibility. Although ANILCA may specify that preserves should be administered and managed in the same manner as parks in Alaska, Sections 203 and 1314 of ANILCA provide some exceptions. Additionally, management objectives are to maintain "natural and healthy" fish and wildlife populations in parks and "healthy" populations in

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preserves. Other important differences include provisions for sport hunting, trapping, aircraft use, and other traditional uses in preserves. These legislated management objectives and allowable uses clearly distinguish the management of preserves from parks. Special provisions for Alaska parks and monuments, including establishment of an eligibility system and resident zones, were necessary to provide for continuation of consumptive subsistence uses. This is not the case for preserves, in which a wide array of consumptive uses are allowed by law.

The State does not support the application of subsistence park management concepts (resident zones, rosters, and 13.44 permits) in preserves. Promulgation of regulations establishing subsistence eligibility requirements for preserves is not necessary at this time nor likely will be in the foreseeable future.

Page 5, Lines 29-33, Preserve Eligibility. The State does not object to a definition of "local rural" being extended to preserves as long as the intent is not to eliminate or unnecessarily restrict the non-subsistence uses currently authorized in park preserves. However, as noted above, we object to establishment of an eligibility system for subsistence use of park preserves at this time. Implementation of more restrictive NPS regulations for management of preserves should be pursued only if resource problems have been identified (i.e., the "healthy populations" standard is threatened) and cannot be addressed through other regulatory and management tools already in place.

The NPS should address how its proposed eligibility system for preserves would relate to the Federal Subsistence Board's general regulatory jurisdiction. Section 1313 of ANILCA provides that preserves "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." Some unanswered questions remain about the extent to which ANILCA "otherwise provides" for administration of preserves.

Page 6, Lines 5-8, Action Item #1. What is meant by "mapping of resident zone communities"? Is the NPS proposing to draw boundaries around each resident zone community or delineate areas within the park unit that have been used for subsistence purposes by each community? Any mapping of community boundaries should occur under the authority of the communities themselves, not the NPS or the SRCs. In unincorporated communities, umbrella corporations or other entities responsible for the disbursement of state funds within the communities should delineate their boundaries for purposes of subsistence eligibility in adjacent parks. The State recommends that plans to establish community boundaries be linked to a resource management issue or some other compelling need. For example, the NPS and the SRC expended considerable time and effort in proposing boundaries for communities in the Wrangell-St. Elias National Park resident zone; yet earlier this year the superintendent concluded that boundaries are not needed at this time. We believe staff can spend their time more effectively in assisting the SRCs to formulate subsistence hunting plans.

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Page 6, Lines 10-16, Action Items #2 and #3. As stated previously, the State opposes adoption of the 51% “significant concentrations” and “cultural vitality” means tests for resident zone communities. How does the 51% figure compare to the percentage of residents who would have qualified for a 13.44 permit in 1981? If a significant decline in 13.44 permit-eligible residents can be documented, what is the reason for this change? If it involves regulatory restrictions or factors beyond the control of the affected residents, removing the community from the resident zone is not justified. Requiring at least 51% of residents in a resident zone community to “essentially qualify for a 13.44 permit” without having established guidelines for determining when a community has substantially altered its economic and cultural practices is unacceptable.

Furthermore, restrictions in eligibility should be linked to documented harm to park resources associated with increasing levels of subsistence use above those occurring prior to establishment of the park unit. To the best of our knowledge, however, the NPS has not documented pre-ANILCA harvest levels in ANILCA park units. Concerns about population growth in a given resident zone should be linked to real impacts of such growth on park resources.

Page 6, lines 15-16. The definition of “cultural vitality” is vague and appears to require linking a majority of community residents to subsistence use of park resources through cultural or family association, and meeting “several of the eight customary and traditional factors as outlined in the federal [subsistence] program.” Although the “cultural vitality” test appears to be more flexible than the 51% “quantity” threshold, linkages should be made to the situation in each park area at the time resident zone communities were established. Using “several” of the eight factors also is vague--would more than three be adequate? More than six?

Page 6, Lines 24-32, Regulatory Need #1. The State has consistently questioned the need for roster regulations at park SRC meetings and in written comments on internal draft roster regulations several years ago. The proposal to change the individual eligibility requirement from demonstrating a “customary and traditional use” to demonstrating a “history or established pattern of customary and traditional use as part of a subsistence lifestyle” appears designed to restrict legitimate subsistence uses of park lands. The NPS should translate this proposed change into terms clearly understandable to park area residents who would be most affected. Why is a roster system preferable to determining eligibility and allocating resources according to existing regulations and procedures?

The State opposes use of the roster system until a sound justification has been identified. Until then, the State will withhold further comment. We are concerned the new regulations may serve to further restrict legal uses of park lands.

## SUBSISTENCE ACCESS

Page 7, Lines 9-12, Item #3. If the NPS intends to regulate subsistence access “ensuring that *the means of access does not cause an adverse impact* on natural and cultural resources” (emphasis added), it is doubtful that any access can be allowed in the future. The State recommends that



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this conclusion/finding be amended by adding the words "significant" before *adverse*. If a moose runs from a trapper's snowmachine, it may be slightly stressed and therefore the moose's behavior could be construed as an "adverse impact." However, this level of impact would not necessarily be biologically significant to a moose population. Grasses and forbs can be compressed by a person's foot or by the three pounds/square inch pressure of an ATV tire, but is this a significant adverse impact compared to the value to the public of congressionally guaranteed access?

Congress recognized that differing forms of access would have some level of impacts, allowing "subject to reasonable regulation" as a caveat to minimize impacts. A zero tolerance test was not contemplated. The NPS should provide a working definition of "adverse impact on natural and cultural resources" for consideration by agencies and the affected public.

Page 7, Lines 33-39, Item #8. Although ANILCA may not specifically recognize ORVs and ATVs as allowable modes of access for subsistence purposes, the legislation does recognize motorized access as being allowable. Proposed NPS regional policy (page 2, lines 22-24) recognizes that subsistence lifestyles continue to evolve, which includes adopting more efficient means of access. The heavy military surplus wheeled and tracked vehicles used by many Alaskans in the past have largely been replaced since the 1970s by lighter 3- and 4-wheelers, which in most instances are less environmentally damaging. The NPS has the responsibility to document pre-ANILCA ORV and ATV use and should proceed to undertake such documentation so that congressional access guarantees can be honored.

Page 7, Lines 41-48, Item #9. The State requests flexibility in interpreting the term "traditionally employed" as it applies to pre-ANILCA access in parks and monuments. Motorized land access is extremely important to the continuation and evolution of subsistence uses in many areas. If motorized land vehicles were in general use in a park unit for access to hunting, trapping, and fishing areas prior to 1980, modern ORVs and ATVs should continue to be allowed, subject to reasonable regulation. The specific type of motorized vehicle should not be subject to the 20-year test. Such a restriction could improperly limit or prevent use of more modern and environmentally acceptable vehicles. We note that the Senate Committee on Energy and Natural Resources found that "traditionally employed" was not intended to foreclose use of new and as yet unidentified means of surface transportation, providing that such means are subject to reasonable regulation necessary to prevent waste or damage to fish, wildlife, or terrain (See Senate Report No. 96-413, 96th Cong., 1st Sess., page 275 [1979]).

Page 8, Lines 18-30, Action Items #1 and #2. To fully comply with the intent of ANILCA, the NPS should document modes of access used for traditional and subsistence purposes in park and monument areas prior to passage of ANILCA before restricting motorized access and defining what types are authorized. A study like that recently conducted by the Alaska Department of Fish and Game in the Wrangell-St. Elias National Park and Preserve could be the foundation of viable access management programs for all ANILCA park areas. Such documentation, as noted on lines 35-36, should be in place *before* restrictive management programs are instituted.

Regarding the actual and potential impacts associated with surface access, Congress certainly recognized that some level of disturbance to natural resources is associated with any mode of access into parks. Congress nevertheless guaranteed that reasonable transportation for traditional and subsistence purposes could continue in the new Alaska parks. The State recommends that the NPS consider ORV and ATV restrictions only where significant environmental degradation is documented. We further recommend that the NPS consider alternatives such as bridges or corduroy to protect sensitive trail sections, rather than simply prohibiting land vehicle use for traditional and subsistence purposes.

Page 8, Lines 32-42, Action Items #3 and #4. The State recommends that “traditionally employed” determinations for ORV use be made on a community or area basis. To make such determinations on an individual basis may prohibit individuals currently too young to safely operate motorized vehicles from continuing family traditions and eventually would phase out motorized access for legitimate subsistence purposes. The NPS should consider making “traditionally employed” determinations according to the area of the park in which use of motorized land vehicles occurred prior to passage of ANILCA. Making such determinations on an individual basis is not consistent with the stated NPS intent to accommodate evolution of subsistence uses and incorporation of new technologies. These determinations also should be based upon thorough documentation of pre-ANILCA uses of such vehicles and should not be used to further limit access to resources for traditional and subsistence purposes. The third criterion for approving use of ORVs should be amended to read, “... without having a significant adverse impact on other park resources.”

Page 8, Lines 47-49, Regulatory Needs #1. Unless the need is compelling and park resources are threatened, the State does not support changes in the current regulations governing aircraft use in preserves. We are unaware of any significant resource damage occurring as a result of aircraft access for hunting and fishing in preserves. The Department of Fish and Game and the Alaska Board of Game have regulated aircraft use for hunting and trapping purposes for over 35 years. Their experience has been that aircraft serve to better distribute hunters and trappers and harvests with virtually no adverse environmental impacts. We do not see a need for special regulation of aircraft use in preserves at this time.

## CABINS

Page 9, Lines 29-31, Action Item #1. The State supports a cabin management program on park lands based on an understanding of how cabins were used in park areas prior to passage of ANILCA. The “cabin management guidelines started by the regional office in 1994” should be subject to review and comment by the SRCs, the State and the public before being implemented.

## TRAPPING

Page 9, Lines 39-45. Although NPS regulations prohibit engaging in trapping activities as the employee of another person, the State is unaware of any ANILCA-mandated distinctions between types of trapping in new Alaska parks. Trapping of furbearers by federally-qualified subsistence users has been a part of mixed cash-subsistence economies for nearly 250 years. Most pelts are sold for cash or traded for other products, while some are retained for personal use. The meat of some furbearers like muskrats, beavers, and lynx is sometimes eaten. The NPS should not attempt to define trapping as "commercial" or "subsistence."

The State is unaware of any conservation problems currently associated with any species of furbearer in Alaska parks, or of any potential problems in the near future that cannot be dealt with effectively by modifying season length. We oppose the establishment of "threshold values," whatever this undefined term means. Furbearers should continue to be managed according to the sustained yield principle that ensures natural and healthy populations. Given the lack of documented conservation problems coupled with a declining trend in trapping effort in rural Alaska, the State opposes any establishment of "threshold values" on either trapping participation or harvests at this time.

Page 9, Lines 47-49, Item #4. The use of firearms for harvesting free roaming furbearers under the authority of a trapping license has long been customary and traditional in Alaska. No conservation problems have been documented. The State urges the NPS to reconsider the current unnecessary prohibition against this method of harvesting furbearers. Our position is consistent with that voiced by many rural trappers residing in park areas and by several SRCs. Page 10, Lines 3-4, Regulatory Need #1. We request clarification of what is meant by "appropriate trapping regulations" and how current trapping regulations are inadequate. Except for the current federal prohibition against harvesting furbearers with a firearm, the State believes current trapping regulations to be appropriate. The need for promulgation of special trapping regulations at this time is questionable, especially if such regulations would further restrict trapping activities in the absence of documented resource problems.

## CUSTOMARY TRADE

Page 10, Lines 9-17. No regulatory needs or action statements accompany the brief discussion of customary trade, so we assume no specific problems have been identified. Customary trade practices in place prior to establishment of the ANILCA parks and additions should be fully documented prior to the NPS implementing new restrictions or otherwise attempting to modify current provisions. The State of Alaska permits the sale of not only furs, but any part of an animal taken under a trapping license. The State also allows the sale of hides from big game animals other than bears and of meat from hares. Such trade qualifies as customary and traditional in the State's view and should be allowed under federal regulation in NPS units.

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## SUBSISTENCE RESOURCE COMMISSIONS

The State is particularly interested in discussion of the SRC process. The Subsistence Resource Commissions provide a valuable tool that has been consistently underutilized by the NPS. Unfortunately this situation appears to persist in this document. Pursuant to ANILCA, the Governor appoints three of the nine members to each commission and reviews the subsistence hunting programs formulated by each -- facts not mentioned in this document -- and the State tries to have representation at all commission meetings.

The seven SRCs began work on subsistence hunting plans in 1984 but most have made little progress due to the lack of guidance provided by the NPS and the Secretary of the Interior. Rather than being supportive of SRC efforts to formulate hunting plans as called for in Section 808 of ANILCA, those responsible for oversight and implementation have more often rejected hunting plan recommendations. If this level of effort was instead expended to assist the SRCs in fulfilling their mandate, they would contribute more substantively to the subsistence management of parks and monuments, as is their mandate.

Page 10, Line 27, Scope of SRC<sup>2</sup>s. Although SRCs are not authorized for national preserves, this does not preclude them from addressing issues in preserves that might affect subsistence activities in the adjoining park. The commissions also are free to recommend regulatory changes for preserves to the federal subsistence regional advisory councils. However, since ANILCA does not grant the SRCs any authority over preserves, recommendations regarding preserves are not necessarily entitled to the deference accorded to SRC recommendations formulated under provisions of Section 808 (b) of ANILCA. Under Section 805 of ANILCA, regional council recommendations concerning subsistence uses of public lands within their respective regions are accorded special deference by the Federal Subsistence Board.

Page 11, Lines 3-8, SRC Appointments. The NPS states that regional council appointees to a park SRC must "actively engage in" subsistence uses of the park or monument, defined to include only current or recent use. This may be insignificant, but Section 808 of ANILCA provides only that regional council appointees shall "engage in" subsistence uses in the park or monument and shall be members of either a local advisory committee or a regional advisory council within the region. The NPS should explain the source of its "actively engages in" language and why this definition should be used. The NPS is correct that the intent of ANILCA is for these appointees to have direct experience with subsistence uses in the park or monument.

Page 12, Lines 42-45, Action Item #3. Most SRCs should be encouraged to meet at least two times per year until their subsistence hunting plans have been completed and fully implemented. We recognize that funding may increasingly be a problem, but the required hunting plans should serve as a frame of reference for any regulatory issue the Federal Subsistence Board might address involving ANILCA parks. In their absence, the federal subsistence regional advisory councils may continue to have more influence over park subsistence regulations than do the duly appointed commissions whose mandate is described in Section 808 of ANILCA.

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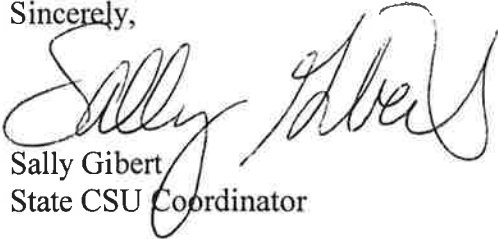
Page 13

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Page 12, Lines 47-49, Action Item #4. ANILCA specifies a role for the Governor -- and, by extension, the State -- in the SRC process. Consequently, the State requests an opportunity to participate in the work group being proposed to develop guidance and recommendations to the SRCs concerning the content and form of subsistence hunting plans.

This concludes our comments on the subsistence program review document. The State looks forward to future opportunities to discuss these issues with NPS officials, the park SRCs, and other affected Alaskans. We are very interested in contributing to the formulation of policies and management strategies that protect park lands and ensure continued opportunities for Alaskans to conduct subsistence and other traditional activities in park areas. Thank you for your consideration. If you have questions, please call me at 269-7477 or Terry Haynes at 459-7256.

Sincerely,



Sally Gibert  
State CSU Coordinator

cc: Fran Ulmer, Lieutenant Governor  
John Katz, Governor's Office, Washington, D.C.  
Marilyn Heiman, Governor's Office, Juneau  
Bruce Botelho, Attorney General  
John Shively, Commissioner, Department of Natural Resources  
Frank Rue, Commissioner, Department of Fish and Game  
Diane Mayer, Director, Division of Governmental Coordination

**FOR YOUR INFORMATION**

July 15, 1996

from Sally Gibert, DGC

bcc: Diane Mayer, DGC-Jun  
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