

ENVIRONMENTAL ASSESSMENT

**Add the Village of Healy Lake
to the Resident Zone
for
Wrangell-St. Elias National Park**

**Prepared by:
Wrangell-St. Elias National Park and Preserve
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ENVIRONMENTAL ASSESSMENT

Add the Village of Healy Lake to the Resident Zone for Wrangell-St. Elias National Park

Purpose and Need

The National Park Service (NPS) is considering adding the community of Healy Lake to the resident zone for Wrangell-St. Elias National Park (WRST). This designation would allow residents of the community to engage in subsistence hunting and trapping in the park in accordance with Federal Subsistence Management regulations. The proposed action would be implemented through a regulatory change in the National Park Service (NPS) regulations under 36 CFR Part 13, Subpart C. The regulation will stipulate that the community must work with the Superintendent on defining a boundary around their community within two years or US Census Designated Place boundaries will become the community boundary. Two other alternatives are also considered the no action (status quo) alternative and designating the new community without defining their boundary.

The proposed action responds to hunting plan recommendations made by the Wrangell-St. Elias National Park Subsistence Resource Commission. Subsistence Resource Commissions were established by ANILCA to devise a hunting plan for the park, which addresses, in part, subsistence eligibility.

This environmental assessment (EA) has been prepared in accordance with the National Environmental Policy Act of 1969 and the regulations of the Council of Environmental Quality (40 CFR 1508.9). It evaluates the potential impacts to cultural and natural resource values, which could result from the designation of a new resident zone community. The EA is intended to facilitate decision-making based on an understanding of the environmental consequences of the proposal and determine whether preparation of an environmental impact statement is required.

Background

Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) provides for the continuation of customary and traditional uses of fish and wildlife resources on public lands by residents of rural Alaska. For preserves and designated parks and monuments, ANILCA section 203 provides for subsistence uses by “local” rural residents. The legislative history of ANILCA includes Congress’ intent “that communities which contain concentrations of local rural residents with established or historical patterns of subsistence use of wildlife within those units [national parks and national park monuments] be identified and designated as *resident zones*.” The legislative history noted the benefits of the designation of resident zones included the following: 1) the NPS would be “... spared the expense and administrative complications attendant in the implementation of a comprehensive permit system.”, 2) “...traditional movement of local rural residents between rural villages and Alaska’s larger population centers can continue...without the interference of a complicated administrative structure.”, and 3)

“...most importantly, rural communities and cultures will not be burdened by implementation of a complex, and in many instances culturally disruptive, regulatory system, unless necessary in specific instances to protect and administer unit values.” The legislative history further notes “the resident zone approach to subsistence hunting is consistent with the protection of park and monument values only so long as such zones remain composed primarily of concentrations of residents with an established or historical pattern of subsistence uses of wildlife within the units.” (Senate Report 96-413, 11/5/79, p. 169-170).

To implement the “local” mandate of ANILCA and the Congressional intent to avoid a subsistence permit system, the NPS adopted regulations for NPS units in Alaska (Federal Register, Vol. 48, No. 116, Wednesday, June 17, 1981). Section 13.42 of these regulations (found in Title 36 of the Code of Federal Regulations) defines a “local rural resident” as “any person who has his primary, permanent home within the resident zone...” or “...any person authorized... by a subsistence permit issued pursuant to Section 13.44.” Resident zones consist of “the area within a national park or monument, and the communities and areas near, a national park or monument in which persons who have customarily and traditionally engaged in subsistence uses within the national park or monument permanently reside” (Section 13.42).

Section 13.73 of the NPS regulations lists the following 18 communities and areas that are currently included within the resident zone for Wrangell-St. Elias National Park: Chisana, Chistochina, Chitina, Copper Center, Gakona, Gakona Junction, Glennallen, Gulkana, Kenny Lake, Lower Tonsina, McCarthy, Mentasta, Nabesna, Slana, Tazlina, Tok, Tonsina, and Yakutat. These communities were designated as resident zone communities when the NPS regulations in Alaska were first published in 1981. In 1998, an EA was written and a FONSI signed supporting the additions of the communities of Tetlin, Northway, Tanacross, and Dot Lake to the list of the resident zone communities. Final publication of that Federal Register is now in process.

Access to subsistence resources, including access into wilderness, is provided for in section 811 of ANILCA. Authorized means of access for subsistence uses are snowmachines, motorboats, dog teams, and saddle and pack animals. These uses are governed by 36 CFR §13.46. The use of off road vehicles, including all-terrain vehicles, for subsistence purposes may be permitted on established routes, where their use was customary and traditional, under a permit system established by the superintendent. The superintendent can close routes, designate routes, or impose restrictions on the season of use, type and size of ORVs, vehicle weight, or the number of vehicles or trips. The use of aircraft as a means of access to areas within the designated National Park for purposes of taking fish and wildlife for subsistence purposes is prohibited. However, residents of Yakutat may request an aircraft permit under an exception in ANILCA to access the Malaspina Forelands for subsistence purposes.

The Role of the Subsistence Resource Commission

Title VIII of ANILCA established (in Section 808) subsistence resource commissions for each national park or national park monument area in Alaska where subsistence uses are permitted. Pursuant to this section, a subsistence resource commission was established for Wrangell-St. Elias National Park. Section 808 directs each SRC to “devise and recommend to the Secretary and the Governor [of Alaska] a program for subsistence hunting within the park or park monument.” Section 808 also directs the Secretary to “promptly implement the program and recommendations submitted to him by each commission unless he finds in writing that such program or recommendations violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park or park monument, is contrary to the purposes for which the park or park monument is established, or would be detrimental to the satisfaction of subsistence needs of local residents.”

SRC Recommendations and Responses from NPS and the Federal Subsistence Board

In November 1998, representatives from Tanana Chiefs Conference, Inc. (TCC) and the Healy Lake Traditional Council requested that Healy Lake be included in the resident zone for Wrangell-St. Elias National Park. They provided evidence of Healy Lake’s use of the park for the harvest of subsistence resources to the Wrangell-St.

Elias National Park SRC, who in turn formally recommended the addition of Healy Lake as a resident zone community. A chronology of events leading up to this recommendation follows:

- December 1996: During the Wrangell-St. Elias National Park SRC meeting there was a discussion regarding adding Healy Lake to the resident zone community; however, no information or data was available on Healy Lake and the recommendation was postponed.
- November 1997: The Healy Lake traditional council submitted several proposals to the Federal Subsistence Board requesting a "positive" customary and traditional use determination for the village of Healy Lake in Units 11, 12, and 13. The SRC considered these proposals at the November 1997 meeting and decided to take no action on them. However, the SRC invited the village to the next SRC meeting to be held in Tanacross and provide information on their subsistence uses in the Park. Chairman Vale replied the SRC has not had a formal request from Healy Lake to include them.
- December 1997: Wrangell-St. Elias National Park and Preserve staff went to Healy Lake for the purpose of issuing subsistence eligibility permits (13.44 permits). Nine subsistence users were interviewed regarding their personal or family history of subsistence use in the Park. At this time, NPS staff was unable to issue 13.44 permits to any Healy Lake residents, due to insufficient information.
- January 1998: Park staff interviewed an elder in Tok, who grew up in Healy Lake in order to gather additional information regarding the subsistence uses of residents of Healy Lake. NPS also sent a letter to the nine subsistence users of Healy Lake asking for verification of information staff recorded during oral interviews conducted in December. NPS received three responses; one indicating the person did not want a subsistence eligibility permit (13.44 permit) at this time.
- April 1998: The SRC met and reviewed the proposals submitted by Healy Lake. The SRC supported a "positive" customary and traditional (C&T) use determination for Healy Lake for black bear and caribou in Unit 13 and caribou and sheep in Unit 12. The SRC opposed a proposal for "positive" C&T use for moose in Unit 13 and deferred action on C&T determination for moose in Units 12 and 20. Tanana Chiefs Conference presented customary and traditional information regarding historical use of Wrangell-St. Elias National Park by residents of Healy Lake and Tanacross.
- May 1998: The Federal Subsistence Board supported a "positive" customary and traditional (C&T) use determination for Healy Lake for caribou in Unit 13 and caribou, sheep, and moose in Unit 12. The FSB deferred action on C&T for moose in Unit 13 and opposed a "positive" C&T use determination for moose in Unit 20.
- November 1998: At the SRC meeting, Pat Saylor; representing the Healy Lake Traditional Council; requested that their village be added to the resident zone for Wrangell-St. Elias National Park and provided some evidence for their case. A recommendation to formally consider Healy Lake as a resident zone community was then made by the SRC. Following the November SRC meeting, a letter was sent to the Eastern Interior Advisory Council requesting that the council take testimony in Healy Lake during their February 27-28, 1999, meeting.
- February 1999: Prior to this meeting, council members and agency staff traveled to Healy Lake and recorded several hours of oral testimony. Testimony was incorporated into the report prepared by NPS staff and presented during the April SRC meeting.

- April 1999: At the SRC meeting, the SRC recommended the addition of Healy Lake as a resident zone community. NPS committed to writing an environmental assessment and drafting a rulemaking, which would add Healy Lake to the resident zone.
- May 1999: The Federal Subsistence Board adopted a "positive" customary and traditional use determination for Healy Lake for moose and caribou in Unit 11 (North of the Sanford River) and moose in Unit 13.

Affected Environment

In 1978, most of the area now encompassed by Wrangell-St. Elias National Park and Preserve was declared a National Monument by presidential proclamation. The passage of ANILCA in December 1980 redesignated the National Monument to a National Park and Preserve and expanded its boundary to the present size. This conservation system unit, the largest in the National Park Service, contains 13.2 million acres, of which approximately one million acres are privately owned.

Wrangell-St. Elias National Park and Preserve is located in southcentral and southeastern Alaska and is an integral part of the greater Copper River ecosystem (see figure 1). The eastern portion of the Alaska, Wrangell, St. Elias and Chugach Mountain ranges dominates the landscape. Volcanic action, earthquakes and ice have shaped the landscape over the past millennia. The complex topography resulting from these actions has profoundly influenced habitat diversity, distribution of species, biotic processes, and climate.

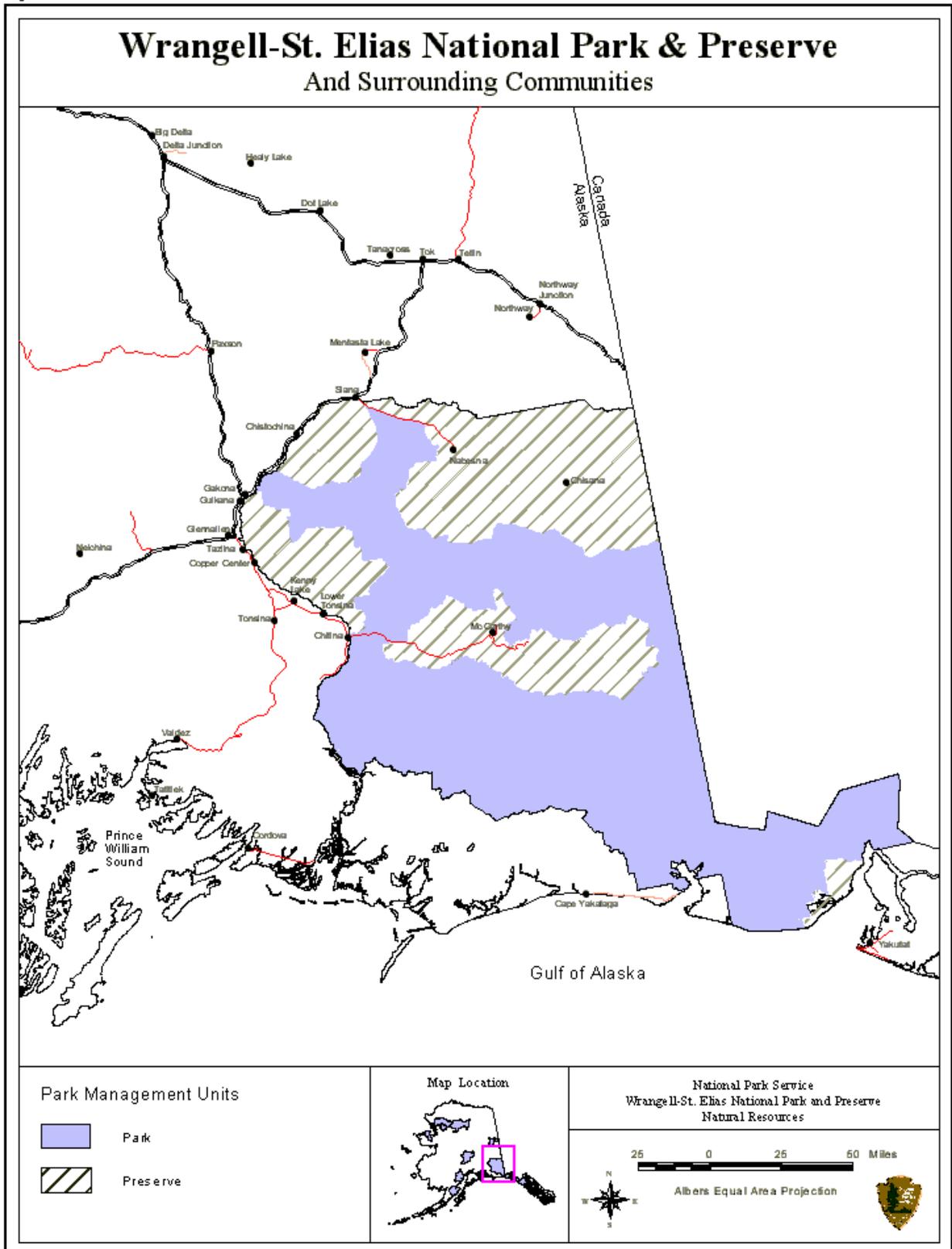
Six major river systems originate within Wrangell-St. Elias and the lowlands are dotted with lakes and bogs. Major salmon runs occur in the Copper River and tributary streams.

The vegetation is influenced by both interior and coastal climatic conditions, which help to create a diverse Vegetation mosaic. The lowlands on the northern and western slopes of the Wrangell Mountains are covered with extensive black spruce, balsam poplar and aspen stands. These extend southward to the Chitina River Valley.

The Bremner River system valleys and the forested portions of the Malaspina Forelands are carpeted with alder thickets and stands of Mountain Hemlock and Sitka Spruce characteristic of the coastal environment.

The diversity of vegetation produces equally diverse wildlife populations. Wildlife species identified as significant contributors to park values include brown/grizzly bears, black bear, moose, caribou, wolf, trumpeter swans, bald and golden eagles, Dall sheep and mountain goats.

Figure 1



Wrangell-St. Elias National Park and Preserve contains within its boundary lands and resources that have provided for the subsistence use by local residents since prehistoric times. Native groups utilized the fish, wildlife and plant resources as the basis of their livelihood before the arrival of Europeans and continue to make use of such resources today.

Europeans entered this region during the 1700's with the attempt by the Russians to foster a local fur trade industry. It was not until the late 1800's and early 1900's that large numbers of non-natives moved into and became a permanent part of the population of the general region. Significant changes in the economy, technology, and the socio-cultural environment accompanied these non-natives, but they largely incorporated the use of wild game, fish and plant life into their diet. In a general order of importance to local subsistence users the following resources are utilized: salmon, furbearers, moose, caribou, Dall sheep, mountain goats, waterfowl, hare and bear. Persons living within the park also rely on timber for firewood and building materials. Other resources such as berries, ptarmigan, spruce grouse, trout, etc. are also taken from park lands on a small scale. There are variations in this list of priority resources in accordance with differences in localities and lifestyles.

Spatially, the areas of greatest use are the lowlands and foothills of the park. The Wrangell-St. Elias area is difficult for many residents to utilize. The Copper River, a swift, turbulent, and silt laden stream, separates the parkland from such communities as Glennallen, Gulkana, and Copper Center. Extensive lowland bogs, tussock covered tundra, and smaller waterways add to the difficulty of summer travel. However, access may be obtained from points along the Chitina to McCarthy, Strelna to Kotsina River, and the Slana to Nabesna Road corridors. Winter conditions solidify the local waterways and smooth over the rough surface with snow allowing for easier access into park lands.

Determination of Resident Zone Eligibility for Healy Lake

According to 36 CFR §13.43(b)(1), after notice and comment, including public hearing in the local affected vicinity, a community or area near a national park or monument may be added to a resident zone. This determination must be made on the basis of communities' use of subsistence resources within the park, not the preserve.

The NPS, using the criteria for "significant concentrations" found in Fed. Reg. Vol. 46, No. 116, pp. 31850-1, has determined with the SRC that the community of Healy Lake is eligible as a resident zone. The NPS made its determination to recommend the addition of this community to the resident zone based on: (1) a customary and traditional analysis prepared by the NPS (1999); and (2) the 1999 customary and traditional use finding by the Federal Subsistence Board for this community in Game Management Units 11, 12, and 13 (Game Management Unit 11, and portions of 12, and 13 are located within Wrangell-St. Elias National Park and Preserve) and (3) public testimony, oral interviews with members of Healy Lake, other communities in the region, e.g., Tanacross, Dot Lake, Tok, individuals from the Upper Ahtna area.

The current community of Healy Lake is located about a half mile from the traditional site of old Healy Lake village. Archeological research has revealed that this historical village has been more or less continuously occupied since about 9,000 BC (McKenna 1981 and Friend 1999) making it one of the oldest communities in interior Alaska.

The village of Healy Lake is inhabited primarily by Athabaskan Indians who trace their genealogies to Tanacross speakers of the Healy Lake/Joseph and Mansfield/Kechumstuk bands, but also to Upper Tanana speakers of the Tetlin, Nabesna, and Upper Chisana bands and to the Upper Ahtna speakers of Mentasta, Batzulnetas and Sanford River bands (NPS 1999).

The community of Healy Lake was disbanded almost entirely in the mid 1940's due to an epidemic that killed many residents and because of BIA policies that forced relocation of families with school age children to Tanacross. A resurgence in population for Healy Lake began in the 1980's (NPS 1999). All of the families involved in the reestablishment are related to families documented to reside there since at least 1910. According to statistics available from the Department of Community and Regional Affairs (DCRA Community Database) and from file STF 3A for U.S. Department of Commerce Bureau of Census (1992) Healy Lake is a small, remote and very poor community. At the time of the last decennial census (1990) the population of Healy Lake was 48 people consisting of 12 total families residing in 14 households. Of the 48 people residing in the community, 42 (or 88%) classified themselves as Alaskan Native and 20 of these individuals (48%) were under the age of 16.

Although no systematic harvest surveys have been completed for households in Healy Lake, public testimony indicates that a majority of their diet is derived from wildlife resources. Accessible by an ice road in winter and by plane or boat in summer, with no store, few amenities, and very little employment Healy Lake residents in the words of DCRA (1999) "live a subsistence lifestyle."

Park and preserve boundaries were based on political lines drawn on a map and not on range and distribution of wildlife or fisheries. Early accounts of subsistence hunting and fishing focus more on broad areas and species, rather than specific locations. For example, it is well documented that caribou were of primary importance to the Upper Tanana people. Since the historic territory of the Upper Tanana people extends into the northern portion of the Wrangell Mountains and two caribou herds (Mentasta and Chisana) range along the same area, then it is a good assumption that the Upper Tanana people utilized these herds throughout their range. This holds true for all subsistence species, except possibly mountain goats where their northern extent includes a small portion of the northern Wrangell Mountains.

Meeting the "significant concentrations" or "cultural vitality" test

(excerpt from NPS 1999)

Prior to extensive contact by non-Native society, Healy Lake, or more properly the Healy River/Joseph band was intimately linked with the Mansfield/Ketchumstuk band, both bands being speakers of the Tanacross dialect. Both these bands were also closely connected with the Tetlin, Nabesna and Chisana bands who spoke the mutually unintelligible Upper Tanana dialect. All these bands were further linked to the Upper Ahtna speakers of the Mentasta, Bazulnetas and Chistochina bands. Each of these bands shared common clans, which formed a framework for intermarriage. Marriage rules required marrying outside of your clan and moiety and all three groups frequently intermarried. This intermarriage shifted personnel (husbands and wives) back and forth between the bands; often young married men spent a year or two with his wife's family. After this "bride service" a couple might remain with her family or move back to live with his family.

Task groups composed of personnel from various bands also acted in concert to build caribou fences and to harvest caribou and other resources. It is during this period that H.T. Allen made the observation:

Of the natives, quite a number were from [the] Tanana [River system], and had gone into summer camp with Batzulneta, to be ready for the run of salmon. That the Tananatanas [Tanana Athabascans] should come to the Copper River to fish was very significant. [Allen 1887:58]

Thus these family ties, even with the great distances involved in walking the Eagle and other trails, often brought young men from Healy Lake, on a seasonal and permanent basis, to Batzulnetas, Mentasta and Chisana to hunt and fish. Andrew Isaac, living near Healy River details some of these activities in his autobiography (Yarber and Madison 1987).

These ties were further reinforced by ceremonial functions, documented in the early 20th century. The Potlatch requires reciprocal services between moieties (and their associated clans). It is telling to note that seating at Potlatches during this period was based on clan affiliation, not community, not band, nor language dialect. The attendance of representatives from the Upper Tanana and Upper Ahtna at “The Famous Potlatch at Healy Lake” hosted by Chief Healy; an ancestor to many of the current families in Healy Lake is described in detail by Endicott (1928). Guedon (1981) documents similar participation by Healy Lake visitors in the reverse direction.

Polly Wheeler (1991:19), discussing the assumption of a Tanana speaker to the Chief’s position in Batzulnetas noted that it “is not unusual for both are clan brothers... the fact that the position of chief was passed to a Tanana River native is indicative of the integration at the clan level and the historical cohesiveness of the Ahtna and Tanana people.

In short the ethnographic literature, personal journals and popular publications clearly demonstrate the use by Healy Lake residents of resources in the hard park at Batzulnetas, south of Chisana and south of the Nabesna road through the mid 1940’s.

It was at this point that for all intents and purposes Healy Lake was abandoned. The epidemic and the social policies of the BIA forced residents to relocate to Tanacross, Tetlin, Northway and other communities in the Upper Tanana/Upper Ahtna region. We have not documented this diaspora but have chosen instead to focus on the activities of the current day residents of Healy Lake.

What is clear is that despite the forced abandonment of Healy Lake those individuals who left continued to engage in traditional access and harvest practices with relatives in the Upper Ahtna region. For this period we have documented the activities of Logan Luke and his father Frank as they went to Batzulnetas to fish and to hunt along the Nabesna road or in the case of Andrew Isaac and others to hunt in the White River area south of Chisana. Other individuals from the Batzulnetas area, such as Walter Sanford, Gene Henry or Henry Luke, who had married into Healy Lake but resided with their wives in other Upper Tanana communities during this period, also continued to return to the Upper Ahtna area with their relatives formerly from Healy Lake.

For the majority of families now living in Healy Lake under the age of forty who did not live in Tok, the only community in the Upper Tanana region with resident zone status (until very recently), the connections are more problematic. But even here the testimony from Pat Saylor, and Ray Fifer indicate a broad range of reciprocal hunting relationships within Northway, Mentasta, Nabesna and other areas within the Upper Ahtna region.

All the current households in Healy Lake can trace their direct descent to Healy Lake families in the 19th century who used park resources. In addition, all the families are related to each other, and to families in Dot Lake, Tanacross, Tetlin, Northway and the Upper Ahtna communities and regions of Batzulnetas, Mentasta, and the Nabesna road. There is also a significant concentration of Healy Lake hunters, Logan Luke, Gary Luke, Ray Fifer, Pat and Ben Saylor who have long direct connections to hunting and fishing in the park and its environs.

Bob Wolfe of the Alaska Department of Fish and Game speculates that 30% of the households in a rural Native community supply, through sharing, about 70% of the wildlife resources for the whole community. Thus a third of the households in a community, the high harvesters, may represent a “significant concentration”.

Description of Alternatives

Alternative A: (No Action) Retain the existing resident zone communities and take no action on the SRC recommendation to add Healy Lake as a resident zone community.

Under this alternative the existing 18 resident zone communities for WRST, and the additional communities of Northway, Tetlin, Tanacross, and Dot Lake, approved and awaiting final rulemaking would be retained. The communities included in the resident zone as defined by 36 CFR 13.73(a) are: Chisana, Chistochina, Chitina, Copper Center, Gakona, Gakona Junction, Glennallen, Gulkana, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Slana, Tazlina, Tok, Tonsina, Yakutat. This alternative provides subsistence eligibility to almost 80% of the residents of the Copper River basin without requiring them to apply for a subsistence use eligibility permit (authorized under 36 CFR 13.44). The 48 (according to the 1990 census) residents of the Healy Lake community would have to individually establish eligibility by applying for a subsistence use eligibility permit (13.44) from the NPS.

Alternative B: (NPS Preferred Alternative) Designate Healy Lake as a resident zone community, with defined boundaries, for the purpose of utilizing subsistence resources within Wrangell-St. Elias National Park.

This alternative represents the NPS preferred alternative. Healy Lake would be added to the list of 18 previously established resident zone communities, and the additional communities of Northway, Tetlin, Tanacross, and Dot Lake, awaiting publication of final rule. As a resident zone community, all residents of the community would be eligible to harvest subsistence resources in Wrangell-St. Elias National Park, in accordance with Federal Subsistence Management regulations. The community would have up to two years from the date of publication of a final rule designating the community as a resident zone to recommend a community boundary to the Superintendent. If the newly established resident zone community fails to establish an acceptable boundary within two years, the Superintendent will designate a boundary for them based on the 1990 Census Designated Places (CDP) boundaries established by the US Bureau of Census. The 1990 CDP boundary for Healy Lake included 48 persons. This is consistent with the communities of Northway, Tanacross, Tetlin, and Dot Lake, which were added to the park resident zone in 1998, pending publication of final rule (FONSI signed 11/16/98).

Any individual who lives outside the boundary of a community who feels they have a customary and traditional use of park resources may apply to the Superintendent of Wrangell-St. Elias National Park and Preserve for a subsistence use eligibility permit, authorized under 36 CFR § 13.44. Thus, resident zone delineation does not preclude individuals or families who live outside the boundary of the resident zone from becoming qualified to hunt for subsistence purposes in the park due, necessarily, to their location of permanent residence.

Alternative C: Designate Healy Lake as a resident zone community, without the requirement to establish a community boundary.

This alternative is similar to alternative B, in that Healy Lake would be added to the resident zone for Wrangell-St. Elias National Park. However, no community boundary would be delineated. An individual's community would be based on which community an individual indicates they are affiliated. This is consistent with the current situation for the 18 resident zone communities where no boundaries are delineated.

Alternatives considered but rejected from further analysis:

The NPS considered two additional alternatives. The first was a modification of Alternative B (the preferred alternative) that recommended the community boundary be delineated according to the 1990 Alaska Native Village Statistical Area (ANVSA) boundary. The ANVSA boundary corresponds with the census designated place (CDP) for Healy Lake.

Consideration was given to employing the ANVSA boundary to define the community but was rejected. NPS felt that dividing the community in any fashion would lead to unnecessary tension among residents. Furthermore, the decision to add the community to the resident zone is not dependent on partitioning the community in order for it to meet the test for eligibility.

The second alternative considered, but rejected recommended the designation of the entire upper Tanana area as a resident zone. Although the alternative of adding an area or region to the resident zone may be justified in some areas of the State, NPS does not, in this case, consider this alternative viable in a mostly road connected, non-homogeneous area such as the Copper River and Upper Tanana region. This alternative was rejected because of the vast areas along the Alaska Highway and the Tok Cut-off that have been subject to significant development and consequent increased population numbers in the past. The potential for similar development in the future and an increase of individuals and households that lack a customary and traditional pattern of use of local resources is great.

When the Alaska highway was built in the 1940s and in the 1970s when the Trans-Alaska oil pipeline was under construction a considerable number of people remained in the Copper River/Upper Tanana region as these projects were completed. Highway access to Anchorage and Fairbanks make this area appealing to people looking to relocate to a more rural setting but still retain access to the city.

In addition both federal and state land disposals could potentially give rise to new settlements or developments. There are two places in the Copper River/Upper Tanana region where this has already occurred: 1) Slana Homestead, a 1983 federal land disposal along the Nabesna Road, and 2) Dry Creek, a circa 1974 state land disposal northeast of Dot Lake.

Given the past history of settlement in this region and the potential for future growth, NPS felt it was prudent to more narrowly define any new communities that were added to the resident zone. Boundaries identifying the "significant concentration" of subsistence users may preclude frequent re-evaluation of the communities' subsistence uses of park lands should populations of non-local residents in the region substantially increase.

ENVIRONMENTAL ANALYSIS

Alternative A: (No Action) Retain the existing resident zone communities and take no action on the SRC recommendation to add Healy Lake as a resident zone community.

Impacts related to Subsistence Access: Any person who lives in a resident zone or has a 13.44 permit may access the park with an ORV, motorboat or snowmachine. Residents of Healy Lake who qualify for 13.44 permits would most likely continue to access the park primarily by highway vehicles confined to the road system. Harvest records indicate that only a small percentage of hunter's use ORVs to access hunting areas. Hunting by highway vehicle, boat, and snowmachine are most common.

ORVs are potentially the most damaging form of transportation to resources. The park currently has a monitoring and mitigation program in place for ORV trails that are most heavily used. The Superintendent has the authority to close trails when conditions warrant. This authority has been used in past years when increased rainfall and high

runoff made conditions unsuitable for continued use of well-worn trails by subsistence users. No impacts are expected.

Impacts on Cultural Resources: The NPS would continue to carry on a cultural resources inventory and monitoring program that would aid in identifying and preventing or mitigating impacts to cultural resources. No impacts are expected.

Impacts on Fisheries Resources: As of October 1, 1999 subsistence fishing in federal waters and waters adjacent to federal lands is managed by the Federal agencies and the Federal Subsistence Board. Regardless of the management regime in place, existing patterns and levels of fishing would not change as a result of no action.

Impacts on Park Management: This alternative has the greatest potential to increase the administrative burden on park managers. As described under 36 CFR §13.44 any rural resident whose primary, permanent home is outside the boundaries of a resident zone of a national park may apply to the appropriate Superintendent for a subsistence eligibility permit authorizing that person to subsistence hunt in the park. This regulation places an administrative burden on park management and an individual burden of proof on the subsistence user.

A greater number of permit applicants is expected if resident zone status is denied. An increased number of applicants will likely be the result of the increased awareness, by the residents of the local area, of the specific provisions and limitations of the NPS and Federal Subsistence eligibility process and the lack of choice because the community failed to gain status as a resident zone. Hunters may choose to apply for permits given no other avenue to pursue to hunt in the park, even though they may find the process offensive. Park staff may be required to develop a permitting program potentially evaluating as many as 48 (based on 1990 census) applicants for individual permits. Some impacts expected.

Impacts to Socio-Economic Resources: The residents of Healy Lake have expressed a desire to be identified as one cultural group of people in terms of subsistence and access to subsistence resources. An individual permit system would work contrary to this purpose. Movement between households and, to some degree, between villages in the region is a common practice as kin are scattered among the region villages. Allowing some communities access to park resources while excluding others who are similarly situated may cause friction among families spread among Upper Tanana and Copper River basin villages.

The 13.44 permit process is necessarily a very invasive one and entirely foreign to the Athabaskan people of this area. Many people are not willing to submit themselves to such a process for a variety of personal and cultural reasons. Such a management regime is culturally inappropriate in this setting. However, if denied resident zone status people will be left with no choice but to apply for a permit or hunt illegally. Impacts to the socio-cultural systems in the community may be major.

Impacts on Subsistence Resources: There are no anticipated impacts on wildlife and habitat as a result of this alternative. An ANILCA Section 810 analysis evaluating the effects of alternatives considered on subsistence users identifies no significant impacts (Appendix A).

Impacts on Threatened and Endangered Species: Informal Section 7 consultation under the 1973 Endangered Species Act has been conducted with the U.S. Fish and Wildlife Service. There are no threatened or endangered species affected by any alternative; therefore, this alternative is not likely to adversely affect federally listed threatened or endangered species.

Impacts on Visitor and Recreational Uses: Non-hunting Uses: Impacts to non-hunters as a result of subsistence hunting would be most evident in the park where only subsistence hunting is allowed. In the preserve, where both

sport and subsistence hunting are allowed, impacts to non-hunting recreational users would be indistinguishable between sport and subsistence hunters. This alternative will have no impact on non-hunting recreational uses.

Hunting Uses: The number of subsistence users is expected to remain the same given that the park is not the only hunting area important to the Upper Tanana villages and changing species migration patterns from year to year often provide for better hunting opportunities outside the park. Subsistence users generally hunt as close to home as practical. Impacts to sport hunters within the preserve would only arise if the park, in meeting their mandates to maintain natural and healthy fish and wildlife populations, had to restrict sport hunting to provide for a subsistence priority. Restrictions on sport hunting in the preserve have occurred in the past. Increased competition for subsistence resources may occur if wildlife populations decline. However, since the number of subsistence users is expected to remain the same, there should be no impact on competition as a result of this alternative.

Impacts on Vegetation Resources: The taking of timber and plant materials is regulated under 36 CFR 36§ 13.49. Applications for the harvest of timber for house logs must be based on the users proximity to park/preserve timber resources and the availability of non-NPS timber resources. Since there are both state and private timber resources within close proximity to the community it is unlikely that there will be a need for the community to neither utilize timber in the park nor is it likely to be authorized. This alternative will have no impact on Vegetation resources.

Impacts on Wilderness Resources: The primary impact to wilderness resources and users is transportation and access. Access to subsistence resources, including access into wilderness, is provided for in Section 811 of ANILCA. See the section on impacts related to access.

Impacts on Wildlife Resources: There is the potential for some increase in the number of subsistence users in the park through expanded customary and traditional use determinations or by issuance of additional 13.44 permits. However, additional eligible subsistence users do not necessarily equate to additional harvest of resources. NPS is mandated to manage for "natural and healthy" populations of fish and wildlife in parks. Regardless of how resources are allocated, to subsistence or sport users, all use will be restricted if resources cannot be managed to meet the NPS mandate. There will be minimal effect on wildlife resources.

Alternative B: (Proposed Action) Designate Healy Lake as a resident zone community, with defined boundaries, for the purpose of utilizing subsistence resources within Wrangell-St. Elias National Park.

Impacts related to Access: There is potential for increased access related impacts because residents of Healy Lake would be eligible to utilize ORVs in the park. However, harvest records indicate that highway vehicles and motorboats are the primary mode of transportation used in the harvest of subsistence resources by this village. Some individuals use ORVs (including ATV's), but their use is limited to a small percentage of households. Access related impacts are expected to be minimal.

Impacts on Cultural Resources: The NPS would continue to carry on a cultural resources inventory and monitoring program that would aid in identifying and preventing or mitigating impacts to cultural resources. No impacts are expected.

Impacts on Fisheries Resources: As of October 1, 1999 subsistence fishing in federal waters and waters adjacent to federal lands is managed by the Federal agencies and the Federal Subsistence Board. Regardless of the management regime in place, existing patterns and levels of fishing would not noticeably change as a result of this alternative.

Impacts on Park Management: This alternative would have the least impact on park management. Establishing the resident zone community would reduce the number of potential 13.44 permits that would need to be issued and maintained. The community will be added to the resident zone with defined boundaries, which will provide a baseline from which to measure change over time in the concentration of subsistence users within the community. Defining a community boundary at this point will make that process much easier in the future. Impacts on park management will not be significant.

Impacts on Socio-Economic Resources: Under this alternative, residents of the community would not be required to apply for a 13.44 permit for hunting in the park; a process that is viewed by many as violating social customs and norms of the Athabaskan people. The residents of the community have expressed a desire to be identified as one cultural group of people in terms of subsistence and access to subsistence resources. This alternative would be consistent with their desire for recognition of hunting rights in the park, would be an additional means to help maintain cultural unity and cooperative social institutions existing in this region.

Impacts to the region's residents may occur as a result of the need for a definition of a community boundary. The concept of drawing a line around the community in any fashion is controversial. The line will encircle some people and others will fall outside. A person who has established a permanent residence within the boundary automatically is eligible to hunt in the park, regardless of the term of residency. Whereas, if you have a long standing (permanent residency) outside of the boundary must apply for a 36 CFR §13.44 determination. Some impacts are expected.

Impacts on Subsistence Resources:

The potential for the population of Healy Lake to increase significantly is unlikely as there is no socioeconomic draw to the community and access is limited. According to the 1980-1990 census, the population of Healy Lake rose by fifteen individuals over a decade's time.

Protections provided under Sections 804 and 815 of ANILCA would be implemented in the event of a shortage of resources; which includes the authority to eliminate harvests altogether. An ANILCA section 810 analysis has been prepared. No anticipated impacts.

Impacts on Threatened and Endangered Species: Informal Section 7 consultation under the 1973 Endangered Species Act has been conducted with the U.S. Fish and Wildlife Service. There are no threatened or endangered species affected by any alternative; therefore, this alternative is not likely to adversely affect federally listed threatened or endangered species.

Impacts on Visitor and Recreational Uses: Non-hunting Uses: Impacts to non-hunters as a result of subsistence hunting would be most evident in the park where only subsistence hunting is allowed. In the preserve, where both sport and subsistence hunting are allowed, impacts to non-hunting recreational users would be indistinguishable between sport and subsistence hunters. It is unlikely that this alternative will have an impact on non-hunting recreational uses.

Hunting Uses: The number of subsistence users is expected to remain the same given that the park is not the only hunting area important to the Upper Tanana villages and changing species migration patterns from year to year often provide for better hunting opportunities outside the park. Subsistence users generally hunt as close to home as practical. Impacts to sport hunters within the preserve would only arise if the park, in meeting their mandates to maintain natural and healthy fish and wildlife populations, had to restrict sport hunting to provide for a subsistence priority. Restrictions on sport hunting in the preserve have occurred in the past. Increased competition for subsistence resources may occur if wildlife populations decline. However, since the number of subsistence users is expected to remain the same, there should be no impact on competition as a result of this alternative.

Impacts on Vegetation Resources: The taking of timber and plant materials is regulated under 36 CFR 36§ 13.49. Applications for the harvest of timber for house logs must be based on the users proximity to park/preserve timber resources and the availability of non-NPS timber resources. Since there are both state and private timber resources within close proximity to the community it is unlikely that there will be a need for the community to neither utilize timber in the park nor is it likely to be authorized. This alternative will have no impact on Vegetation resources.

Impacts on Wilderness Resources: The primary impact to wilderness resources and users is transportation and access. Access to subsistence resources, including access into wilderness, is provided for in Section 811 of ANILCA. See the section on impacts related to access.

Impacts on Wildlife Resources: The primary impact to wilderness resources and users is transportation and access. Access to subsistence resources, including access into wilderness, is provided for in Section 811 of ANILCA. See the section on impacts related to access.

Alternative C: Designate Healy Lake as a resident zone community, without the requirement to establish a community boundary.

Impacts related to Access: There is potential for increased access related impacts because residents of Healy Lake would be eligible to utilize ORVs in the park. However, harvest records indicate that highway vehicles and motorboats are the primary mode of transportation used in the harvest of subsistence resources by this village. Some individuals use ORVs (including ATV's), but their use is limited to a small percentage of households. Access related impacts are expected to be minimal.

Impacts on Cultural Resources: The NPS would continue to carry on a cultural resources inventory and monitoring program that would aid in identifying and preventing or mitigating impacts to cultural resources. No impacts are expected.

Impacts on Fisheries Resources: As of October 1, 1999 subsistence fishing in federal waters and waters adjacent to federal lands is managed by the Federal agencies and the Federal Subsistence Board. Regardless of the management regime in place, existing patterns and levels of fishing would not noticeably change as a result of this alternative.

Impacts on Park Management: The administrative workload associated with issuing permits would be reduced under this alternative. Community eligibility would be defined, but community boundaries would not be, potentially leading to confusion over who is eligible to hunt based on their physical location of residence. Some impacts expected.

Impacts on Socio-Economic Resources: Under this alternative the community would be the least impacted in the short term. Under this alternative, residents of the community would not be required to apply for a 13.44 permit for hunting in the park; a process that is viewed by many as violating social customs and norms of the Athabaskan people. The residents of the community have expressed a desire to be identified as one cultural group of people in terms of subsistence and access to subsistence resources. This alternative would be consistent with their desire for recognition of hunting rights in the park, would be an additional means to help maintain cultural unity and cooperative social institutions existing in this region.

Over time, this alternative could have an impact on the community if the SRC or park managers felt that the composition of the community or its residents harvest practices had changed to the extent that a re-evaluation of

their resident zone status was warranted. The evaluation would require additional study of community practices and family associations and may require that a definition of the community be articulated if any residents are to retain their resident zone status. Therefore, the community boundary definition process may need to be implemented in the future, if conditions warrant, with all its associated impacts (see alternative B).

Impacts on Subsistence Resources: An increase in the number of subsistence users, resulting from factors other than natural population increases, may trigger a re-evaluation of existing resident zone communities. Resident zones may be deleted when it can be shown that a significant concentration of subsistence users no longer exists in the community.

The potential for the population of Healy Lake to increase significantly is unlikely as there is no socioeconomic draw to the community and access is quite limited. According to the 1980-1990 census, the population of Healy Lake rose by fifteen individuals over a decade's time.

Protections provided under Sections 804 and 815 of ANILCA would be implemented in the event of a shortage of resources; which includes the authority to eliminate harvests altogether. An ANILCA section 810 analysis has been prepared. No anticipated impacts.

Impacts on Threatened and Endangered Species: Informal Section 7 consultation under the 1973 Endangered Species Act has been conducted with the U.S. Fish and Wildlife Service. There are no threatened or endangered species affected by any alternative; therefore, this alternative is not likely to adversely affect federally listed threatened or endangered species.

Impacts on Visitor and Recreational Uses: Non-hunting Uses: Impacts to non-hunters as a result of subsistence hunting would be most evident in the park where only subsistence hunting is allowed. In the preserve, where both sport and subsistence hunting are allowed, impacts to non-hunting recreational users would be indistinguishable between sport and subsistence hunters. This alternative is not likely to have an impact on non-hunting recreational uses.

Hunting Uses: The number of subsistence users is expected to remain the same given that the park is not the only hunting area important to the Upper Tanana villages and changing species migration patterns from year to year often provide for better hunting opportunities outside the park. Subsistence users generally hunt as close to home as practical. Impacts to sport hunters within the preserve would only arise if the park, in meeting their mandates to maintain natural and healthy fish and wildlife populations, had to restrict sport hunting to provide for a subsistence priority. Restrictions on sport hunting in the preserve have occurred in the past. Increased competition for subsistence resources may occur if wildlife populations decline. However, since the number of subsistence users is expected to remain the same, there should be no impact on competition as a result of this alternative.

Impacts on Vegetation Resources: The taking of timber and plant materials is regulated under 36 CFR 36§ 13.49. Applications for the harvest of timber for house logs must be based on the users proximity to park/preserve timber resources and the availability of non-NPS timber resources. Since there are both state and private timber resources within close proximity to the community it is unlikely that there will be a need for the community to neither utilize timber in the park nor is it likely to be authorized. This alternative will have no impact on Vegetation resources.

Impacts on Wilderness Resources: The primary impact to wilderness resources and users is transportation and access. Access to subsistence resources, including access into wilderness, is provided for in Section 811 of ANILCA. See the section on impacts related to access.

Impacts on Wildlife Resources: The primary impact to wilderness resources and users is transportation and access. Access to subsistence resources, including access into wilderness, is provided for in Section 811 of ANILCA. See the section on impacts related to access.

Impacts of Alternatives

| IMPACT TOPICS | <u>ALTERNATIVE A</u> No action. Retain existing resident zone communities. | <u>ALTERNATIVE B</u> Add Healy Lake as a Resident Zone community with defined community boundaries. | <u>ALTERNATIVE C</u> Add Healy Lake as a Resident Zones community without defined community boundaries. |
|---------------------------|---|---|---|
| ACCESS | No impacts expected. | Impacts are expected to be minimal. | Impacts are expected to be minimal. |
| CULTURAL RESOURCES | No effect. | No effect. | No effect. |
| FISHERIES | Negligible impact. Fishing is currently open in the park under Federal management | Same as alternative A. | Same as alternative A. |
| PARK MANAGEMENT | Some impacts expected. Administrative workload may increase due to an increased demand for permits. There would also be continued need to issue permits and associated administrative tasks. The cost associated with administering a larger number of permits will increase as time goes on. | Some short term impacts expected. Reduced level of administrative workload for issuing 13.44 subsistence use permits. Community eligibility is defined; thus less confusion about who can hunt in the park. Greater acceptance of management structure may result in a higher rate of compliance with regulations and consequently fewer requirements for enforcement actions. | Some impacts expected. Reduced level of administrative workload for issuing permits. Community eligibility is defined, however a community boundary is not, thus some confusion on who is eligible based on physical place of residency. Such ambiguity may lead to hunting violations or an increased need to evaluate the eligibility of households on the edge of the village. |
| SOCIO-ECONOMIC | Major impacts. Retaining a culturally inappropriate permit system would continue to cause friction within the community and indirectly lead to some loss of cultural identity as cooperative social institutions breakdown. | Some impacts expected. Positive effect on cooperative social institutions by sustaining cultural identity. Eliminates culturally inappropriate permit system. However, the need to draw a boundary around the community sets up conflicts among those who fall inside the line and those who do not. Friction among community members may result when confronted with the need to reach consensus on a boundary possibly fracturing social ties within the community. | Some impacts expected in the future. Some positive effects may be realized as in Alternative B, but stress to cultural affinity in outlying areas and within cooperative social institutions may result if changes in the community composition lead to a re-evaluation and potential deletion of the resident zone for that community in the future. |

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|--|--|---|---|
| SUBSISTENCE RESOURCES | No anticipated impact. See ANICLA Section 810 evaluation in Appendix A. | No anticipated impact. Protections provided under Sections 804 and 815 of ANICLA would be implemented in time of shortage or to eliminate harvest. An ANILCA section 810 analysis has been prepared (Appendix A). | No anticipated impact. Protections provided under Sections 804 and 815 of ANICLA would be implemented in time of shortage or to eliminate harvest. An ANILCA section 810 analysis has been prepared (Appendix A). |
| THREATENED and ENDANGERED SPECIES | No anticipated impact. NPS determined that this alternative is not likely to adversely affect federally listed threatened or endangered species and the US Fish and Wildlife Service concurred. | Same as alternative A. | Same as alternative A. |
| RECREATION/ VISITOR USE | No impact on non-hunting recreational visitors. Potential effect on sport hunters due to a potential increase in competition for consumptive resources, thus restrictions on sport hunting may occur. | Same as alternative A. | Same as alternative A. |
| VEGETATION | No impact. | No impact. | No impact. |
| WILDERNESS | No impact. | No impact. | No impact. |
| WILDLIFE AND HABITAT | Minimal impact. Federal managers have tools available to protect wildlife populations and their habitat from adverse impacts. | Same as alternative A. | Same as alternative A. |

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Consultation and Coordination

Don Callaway, Anthropologist, Alaska Support Office
Janis Meldrum, Subsistence Resource Specialist, Alaska Support Office
Joan Darnell, Team Leader for Environmental Resources, Alaska Support Office
Anne Worthington, Archeologist, Wrangell-St. Elias National Park
Geoff Bleakley, Historian, Wrangell-St. Elias National Park and Preserve

Preparers

Devi Sharp, Chief of Resources Management, Wrangell-St. Elias National Park and Preserve
Heather Yates, Subsistence Specialist, Wrangell-St. Elias National Park and Preserve

APPENDIX A

ANILCA SECTION 810 EVALUATION AND FINDING

Appendix A

ANILCA Section 810(a) Summary Evaluation and Findings

I. INTRODUCTION

This section was prepared to comply with Title VIII, Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA). It summarizes the evaluations of potential restrictions to subsistence activities, which could result from the addition of Healy Lake to the resident zone for Wrangell-St. Elias National Park.

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."

The area set aside by Congress as Wrangell-St. Elias National Park & Preserve encompasses 13.2 million acres. ANILCA (Section 201(9)) mandates that the area be managed for the following purposes, among others:

"To maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes, and streams... in their natural state; to protect habitat for, and populations of, fish and wildlife...; and to provide continued opportunities, including reasonable access for... wilderness recreational activities."

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

This document identifies and evaluates three alternatives including the proposed action. These alternatives are:

Alternative A: This alternative represents the current situation. The existing 18 resident zone communities for WRST, and the additional communities of Northway, Tetlin, Tanacross, and Dot Lake, approved and awaiting final rulemaking would be retained. The communities included in the resident zone as defined by 36 CFR 13.73(a) are: Chisana, Chistochina, Chitina, Copper Center, Gakona, Gakona Junction, Glennallen, Gulkana, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Slana, Tazlina, Tok, Tonsina, Yakutat. This alternative would provide subsistence eligibility to approximately 4,300 of the region's residents without requiring them to apply for a subsistence use eligibility permit (authorized under 36 CFR 13.44). The 48 (according to the 1990 census) residents of the Healy Lake community would have to individually establish eligibility by applying for a subsistence use eligibility permit (13.44) from the NPS.

Alternative B: This alternative represents the NPS preferred alternative. Healy Lake would be added to the list of 18 previously established resident zone communities, and the additional communities of Northway, Tetlin, Tanacross, and Dot Lake, awaiting publication of final rule. As a resident zone community, all residents of the community would be eligible to harvest subsistence resources in Wrangell-St. Elias National Park, in accordance with Federal Subsistence Management regulations. The community would have up to two years from the date of publication of a final rule designating the community as a resident zone to recommend a community boundary to the Superintendent. If the newly established resident zone community fails to establish an acceptable boundary within two years, the Superintendent will designate a boundary for them based on the 1990 Census Designated Places (CDP) boundaries established by the US Bureau of Census. The 1990 CDP boundary for Healy Lake included 48 persons. This is consistent with the communities of Northway, Tanacross, Tetlin, and Dot Lake, which were added to the park resident zone in 1998, pending publication of final rule (signed 11/16/98).

Any individual who lives outside the boundary of a community who feels they have a customary and traditional use of park resources may apply to the Superintendent of Wrangell-St. Elias National Park and Preserve for a subsistence use eligibility permit, authorized under 36 CFR § 13.44. Thus, resident zone delineation does not preclude individuals or families who live outside the boundary of the resident zone from becoming qualified to hunt for subsistence purposes in the park due, necessarily, to their location of permanent residence.

Alternative C: This alternative is similar to alternative B, in that Healy Lake would be added to the resident zone for Wrangell-St. Elias National Park. However, no community boundary would be delineated. An individual's community would be based on which community an individual indicates they are affiliated. This is consistent with the current situation for the 18 resident zone communities where no boundaries are delineated.

IV. AFFECTED ENVIRONMENT

In 1978, most of the area now encompassed by Wrangell-St. Elias National Park and Preserve was declared a National Monument by presidential proclamation. The passage of the ANILCA in December 1980 redesignated the National Monument to a National Park and Preserve and expanded its boundary to the present size. This conservation system unit, the largest in the National Park Service, contains 13.2 million acres, of which approximately one million acres are privately owned.

Wrangell-St. Elias National Park and Preserve is located in southcentral and southeastern Alaska and is an integral part of the greater Copper River ecosystem. The eastern Alaska, Wrangell, St. Elias and Chugach Mountain ranges dominate the landscape. Volcanic action, earthquakes and ice have shaped the landscape over the past millennia. The complex topography resulting from these actions has profoundly influenced habitat diversity, distribution of species, biotic processes, and climate.

The vegetation is influenced by both interior and coastal climatic conditions, which help to create a diverse Vegetation mosaic. The lowlands on the northern and western slopes of the Wrangell Mountains are covered with extensive black spruce, balsam poplar and aspen stands. These extend southward to the Chitina River Valley. The Bremner River system valleys and the forested portions of the Malaspina Forelands are carpeted with alder thickets and stands of Mountain Hemlock and Sitka Spruce characteristic of the coastal environment.

The diversity of vegetation produces equally diverse wildlife populations. Wildlife species identified as significant contributors to Park values include brown/grizzly bears, black bear, moose, caribou, wolf, trumpeter swans, bald and golden eagles, Dall sheep and mountain goats.

Wrangell-St. Elias National Park and Preserve contains within its boundary lands and resources that have provided for the subsistence use by local residents since prehistoric times. Native groups utilized the fish, wildlife and plant resources as the basis of their livelihood before the arrival of Europeans and continue to make use of such resources.

Europeans entered this region during the 1700's with the attempt by the Russians to foster a local fur trade industry. It was not until the late 1800's and early 1900's that large numbers of non-natives moved into and became a permanent part of the population of the general region. Significant changes in the economy, technology, and socio-cultural environment accompanied these non-natives, but they largely incorporated the use of wild game, fish and plant life into their economic strategy.

In a general order of importance to local subsistence users the following resources are utilized: salmon, furbearers, moose, caribou, Dall sheep, mountain goats, waterfowl, hare and bear. Persons living within the park also rely on timber for firewood and building materials. Other resources such as berries, ptarmigan, spruce grouse, trout, etc. are also taken from park lands on a small scale. There are variations in this list of priority resources in accordance with differences in localities and lifestyles.

Spatially, the areas of greatest use are the lowlands and foothills of the park. The Wrangell-St. Elias area is difficult for many residents to utilize. The Copper River, a swift, turbulent, and silt laden stream, separates the park land from such communities as Glennallen, Gulkana, and Copper Center. Extensive lowland bogs, tussock covered tundra, and smaller waterways add to the difficulty of summer travel. However, access may be obtained from points along the Chitina to McCarthy, Strelina to Kotsina River, and the Slana to Nabesna Road corridors. Winter conditions solidify the local waterways and smooth over the rough surface with snow allowing for easier access into park lands.

Access to subsistence resources, including access into wilderness, is provided for in section 811 of ANILCA. Authorized means of access for subsistence uses are snow machines, motorboats, off-road vehicles, dog teams, and saddle and pack animals. These uses are governed by 36 CFR §13.46. The use of off road vehicles including all-terrain vehicles, for subsistence purposes may be permitted on established routes, where their use was customary and traditional, under a permit system established by the superintendent. The superintendent can close routes, designate routes, or impose restrictions on the season of use, type and size of ORVs, vehicle weight, or the number of vehicles or trips. The use of aircraft as a means of access to areas within designated park for purposes of taking fish and wildlife for subsistence purposes is prohibited. However, residents of Yakutat may request an aircraft permit under an exception in ANILCA to access the Malaspina Forelands for subsistence purposes.

Determination of Resident Zone Eligibility for Healy Lake

According to 36 CFR §13.43(b)(1), after notice and comment, including public hearing in the local affected vicinity, a community or area near a national park or monument may be added to a resident zone. This determination must be made on the basis of communities' use of subsistence resources within the park, not the preserve.

The NPS, using the criteria for "significant concentrations" found in Fed. Reg. Vol. 46, No. 116, pp. 31850-1, has determined with the SRC that the community of Healy Lake is eligible as a resident zone. The NPS made its determination to recommend the addition of this community to the resident zone based on: (1) a customary and traditional analysis prepared by the NPS (1999); and (2) the 1999 customary and traditional use finding by the Federal Subsistence Board for this community in Game Management Units 11, 12, and 13 (Game Management Unit 11, and portions of 12, and 13 are located within Wrangell-St. Elias National Park and Preserve) and (3) public testimony, oral interviews with members of Healy Lake, other communities in the region, e.g., Tanacross, Dot Lake, Tok, individuals from the Upper Ahtna area.

The current community of Healy Lake is located about a half mile from the traditional site of old Healy Lake village. Archeological research has revealed that this historical village has been more or less continuously occupied since about 9,000 BC (McKenna 1981 and Friend 1999) making it one of the oldest communities in interior Alaska.

The village of Healy Lake is inhabited primarily by Athabaskan Indians who trace their genealogies to Tanacross speakers of the Healy Lake/Joseph and Mansfield/Kechumstuk bands, but also to Upper Tanana speakers of the Tetlin, Nabesna, and Upper Chisana bands and to the Upper Ahtna speakers of Mentasta, Batzulnetas and Sanford River bands (NPS 1999).

The community of Healy Lake was disbanded almost entirely in the mid 1940's due to an epidemic that killed many residents and because of BIA policies that forced relocation of families with school age children to Tanacross. A resurgence in population for Healy Lake began in the 1980's (NPS 1999). All of the families involved in the reestablishment are related to families documented to reside there since at least 1910. According to statistics available from the Department of Community and Regional Affairs (DCRA Community Database) and from file STF 3A for U.S. Department of Commerce Bureau of Census (1992) Healy Lake is a small, remote and very poor community. At the time of the last decennial census (1990) the population of Healy Lake was 48 people consisting of 12 total families residing in 14 households. Of the 48 people residing in the community, 42 (or 88%) classified themselves as Alaskan Native and 20 of these individuals (48%) were under the age of 16.

Although no systematic harvest surveys have been completed for households in Healy Lake, public testimony indicates that a majority of their diet is derived from wildlife resources. Accessible by an ice road in winter and by plane or boat in summer, with no store, few amenities, and very little employment Healy Lake residents in the words of DCRA (1999) “live a subsistence lifestyle.”

Park and preserve boundaries were based on political lines drawn on a map and not on range and distribution of wildlife or fisheries. Early accounts of subsistence hunting and fishing focus more on broad areas and species, rather than specific locations. For example, it is well documented that caribou were of primary importance to the Upper Tanana people. Since the historic territory of the Upper Tanana people extends into the northern portion of the Wrangell Mountains and two caribou herds (Mentasta and Chisana) range along the same area, then it is a good assumption that the Upper Tanana people utilized these herds throughout their range. This holds true for all subsistence species, except possibly mountain goats where their northern extent includes a small portion of the northern Wrangell Mountains.

Meeting the “significant concentrations” or “cultural vitality” test

(excerpt from NPS 1999)

Prior to extensive contact by non-Native society, Healy Lake, or more properly the Healy River/Joseph band was intimately linked with the Mansfield/Ketchumstuk band, both bands being speakers of the Tanacross dialect. Both these bands were also closely connected with the Tetlin, Nabesna and Chisana bands who spoke the mutually unintelligible Upper Tanana dialect. All these bands were further linked to the Upper Ahtna speakers of the Mentasta, Bazulnetas and Chistochina bands. Each of these bands shared common clans, which formed a framework for intermarriage. Marriage rules required marrying outside of your clan and moiety and all three groups frequently intermarried. This intermarriage shifted personnel (husbands and wives) back and forth between the bands; often young married men spent a year or two with his wife’s family. After this “bride service” a couple might remain with her family or move back to live with his family.

Task groups composed of personnel from various bands also acted in concert to build caribou fences and to harvest caribou and other resources. It is during this period that H.T. Allen made the observation:

Of the natives, quite a number were from [the] Tanana [River system], and had gone into summer camp with Batzulneta, to be ready for the run of salmon. That the Tananatanas [Tanana Athabascans] should come to the Copper River to fish was very significant. [Allen 1887:58]

Thus these family ties, even with the great distances involved in walking the Eagle and other trails, often brought young men from Healy Lake, on a seasonal and permanent basis, to Batzulnetas, Mentasta and Chisana to hunt and fish. Andrew Isaac, living near Healy River details some of these activities in his autobiography (Yarber and Madison 1987).

These ties were further reinforced by ceremonial functions, documented in the early 20th century. The Potlatch requires reciprocal services between moieties (and their associated clans). It is telling to note that seating at Potlatches during this period was based on clan affiliation, not community, not band, nor language dialect. The attendance of representatives from the Upper Tanana and Upper Ahtna at “The Famous Potlatch at Healy Lake” hosted by Chief Healy; an ancestor to many of the current families in Healy Lake is described in detail by Endicott (1928). Guedon (1981) documents similar participation by Healy Lake visitors in the reverse direction.

Polly Wheeler (1991:19), discussing the assumption of a Tanana speaker to the Chief's position in Batzulnetas noted that it "is not unusual for both are clan brothers... the fact that the position of chief was passed to a Tanana River native is indicative of the integration at the clan level and the historical cohesiveness of the Ahtna and Tanana people.

In short the ethnographic literature, personal journals and popular publications clearly demonstrate the use by Healy Lake residents of resources in the hard park at Batzulnetas, south of Chisana and south of the Nabesna road through the mid 1940's.

It was at this point that for all intents and purposes Healy Lake was abandoned. The epidemic and the social policies of the BIA forced residents to relocate to Tanacross, Tetlin, Northway and other communities in the Upper Tanana/Upper Ahtna region. We have not documented this diaspora but have chosen instead to focus on the activities of the current day residents of Healy Lake.

What is clear is that despite the forced abandonment of Healy Lake those individuals who left continued to engage in traditional access and harvest practices with relatives in the Upper Ahtna region. For this period we have documented the activities of Logan Luke and his father Frank as they went to Batzulnetas to fish and to hunt along the Nabesna road or in the case of Andrew Isaac and others to hunt in the White River area south of Chisana. Other individuals from the Batzulnetas area, such as Walter Sanford, Gene Henry or Henry Luke, who had married into Healy Lake but resided with their wives in other Upper Tanana communities during this period, also continued to return to the Upper Ahtna area with their relatives formerly from Healy Lake.

For the majority of families now living in Healy Lake under the age of forty who did not live in Tok, the only community in the Upper Tanana region with resident zone status (until very recently), the connections are more problematic. But even here the testimony from Pat Saylor, and Ray Fifer indicate a broad range of reciprocal hunting relationships within Northway, Mentasta, Nabesna and other areas within the Upper Ahtna region.

Details on the Kirsteatter family use of the park are more ambiguous. What information we do have indicates mostly a local harvest from the Healy Lake region, although Linda Erickson does use a fish wheel in Chitina. But even here the kinship ties to Chief Sam (of the famous Healy Lake potlatch) are unequivocal.

Bob Wolfe of the Alaska Department of Fish and Game speculates that 30% of the households in a rural Native community supply, through sharing, about 70% of the wildlife resources for the whole community. Thus a third of the households in a community, the high harvesters, may represent a "significant concentration".

All the current households in Healy Lake can trace their direct descent to Healy Lake families in the 19th century who used park resources. In addition, all the families are related to each other, and to families in Dot Lake, Tanacross, Tetlin, Northway and the Upper Ahtna communities and regions of Batzulnetas, Mentasta, and the Nabesna road. There is also a significant concentration of Healy Lake hunters, Logan Luke, Gary Healy, Ray Fifer, Pat and Ben Saylor who have long direct connections to hunting and fishing in the park and its environs.

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, which 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;
- what affect the action might have on subsistence fisherman, trapper, gatherer or hunter access;
- the potential for the action to increase fisherman, trapper, gatherer or hunter competition for subsistence resources.

1)The potential to reduce populations:

Alternative A: The Status Quo alternative (No Action)

Current levels of use would essentially remain the same as they are now. Harvest levels may actually be lower than in Alternative B and C because the existing regulations may deter some individuals from pursuing customary and traditional harvest patterns. Long-term use levels may be lower than in Alternative B and C if newer residents to the region are denied individual permits. Overall, this alternative will not result in a significant reduction in the populations of significant resources, a redistribution of those resources, or a loss of habitat.

Alternative B: The Proposed Action

Adoption of the proposal will increase the number of eligible subsistence users but the actual number of new hunters will be minimal. People from the Upper Tanana region generally prefer to hunt most species close to home and would expand their range only to hunt species not locally available or when closures restrict local hunting opportunities. Use of the park may be restricted to one or more key species that are of importance based on the relative abundance and distribution of species.

Over the short term, the proposal would produce no noticeable change in fish and wildlife numbers, redistribution of resources, or habitat loss. Any noticeable changes are likely to be brought about by factors unrelated to the harvest, such as cyclical fluctuations in wildlife populations or major weather events.

Over the long term, if other factors are not operative, human population growth within the region could potentially result in pressures on wildlife that could produce noticeable changes. To some extent, this stress could occur even under the current regulations, without implementation of the proposal. Harvest of subsistence resources could be increased under this proposal, but existing federal laws and regulations could be used to deal with this possibility. When fish and wildlife populations are too low to meet all subsistence demands, Section 804 of ANILCA provides for a priority determination based on three factors: 1) a customary and direct dependence on the population as the mainstay of livelihood; 2) local residency; and 3) the availability of alternative resources. Furthermore, Section 815 of ANILCA prohibits any subsistence uses of fish and wildlife within a national park to be inconsistent with the conservation of natural and healthy populations. The Subsistence Resource Commission for Wrangell-St. Elias National Park in cooperation with the Park Superintendent implemented this process for the Mentasta Caribou herd in 1996, 1997 and 1998. The proposed action will not result in a significant reduction in the populations of subsistence resources, a redistribution of those resources, or a loss of habitat.

Alternative C: Designate Healy Lake as a Resident Zone community without delineating a boundary

The impacts discussed under Alternative B apply to this alternative as well. Over the short term, levels of use would be similar to those described under the proposed action. Long term levels of use could be increased if factors other than natural population increases come into play. If an influx of new residents occurs, the pool of eligible subsistence users will increase. Without delineation of a boundary around the resident zone, all residents affiliated with the community would be eligible to hunt in the park. Additional subsistence users may result in the reduction of sport hunting seasons in the preserve if resource populations cannot sustain both a subsistence and sport harvest. Protections afforded by law (described in Alternative B) will not allow harvests inconsistent with natural and healthy populations and therefore, the alternative will not result in a significant reduction in the populations of subsistence resources, a redistribution of those resources, or a loss of habitat.

2) Restriction of Access:

Alternative A: The Status Quo Alternative (No action)

The status quo alternative would leave in place the current listing of 18 resident zone communities as contained in 36 CFR 13.73, and the additional communities of Northway, Tetlin, Tanacross, and Dot Lake, awaiting publication of final rule. Other individuals would be required to establish eligibility and obtain individual permits or be denied access to the resources.

Current regulations provide the eligibility for subsistence use by 18 resident zone communities, and the additional communities of Northway, Tetlin, Tanacross, and Dot Lake, awaiting publication of final rule. The current regulation is contrary to customary and traditional user and comprises a potentially significant restriction to access by customary and traditional users, especially if NPS denies 13.44 permits to individuals in these communities.

Alternative B: The Proposed Action

Access to Wrangell-St. Elias National Park would be legally enhanced for those residents currently living outside the listed resident zone communities and the administrative burden of having to acquire individual permits would be lifted. Currently, individuals who live outside a designated resident zone must establish individual eligibility for hunting in the park. Adopting the proposal would bring the current resident zone system into accordance with customary and traditional practices of the region's residents. The proposal would provide the region's residents with the highest degree of flexibility in harvesting key resources when and where they are available, a characteristic which was a hallmark of the traditional system. The proposal would not result in restriction to access.

Alternative C: Designate Healy Lake as a Resident Zone community without delineating a boundary.

Unless there is substantial growth in the region's population, this alternative would be nearly indistinguishable from the proposed alternative. There would be very little restriction to access.

3) Increase in Competition:

Alternative A: The Status Quo Alternative (No action)

This action establishes the smallest pool of eligible users and from that point of view could be expected to result in the smallest overall increases in competition. In the short term, increased competition would not be a problem. Over the long term, increased competition may be expected due to population

increases and, perhaps, the issuance of additional 13.44 permits. The increased use over the long term could become significant even if eligibility were restricted to the existing resident zone communities and 13.44 permit holders. However, existing federal law in the form of ANILCA Sections 804 and 815 are intended to provide a mechanism to deal with times of resource shortages or, where necessary, to restrict the harvest. With the built-in safeguards of federal law, this action would not result in a significant increase in competition.

Alternative B: The Proposed Action

In the short term, the proposed action would not likely result in any noticeable increase in competition because use levels are not expected to increase substantially. Over the long term, population growth within the region has the potential to significantly increase competition for certain resources such as moose, caribou, sheep and fish in popular hunting areas.

Existing federal law in the form of ANILCA Sections 804 and 815 are intended to provide a mechanism to deal with times of resource shortages or, where necessary, to restrict the harvest. With the built-in safeguards of federal law, this action would not result in a significant increase in competition. Furthermore, if population increases are the result of an influx of non-local residents, the composition of the new resident zone communities could be re-evaluated to determine if they contain a significant concentration of subsistence users. Deletion of a resident zone is authorized under 36 CFR 13.43.

Alternative C: Designate Healy Lake as a Resident Zone community without delineating a boundary.

This alternative provides the largest pool of eligible users. In the short term, this action would not result in noticeable increases in competition because use levels are not expected to increase substantially. Over the long term, population growth within the region has the potential to significantly increase competition for certain resources such as moose, caribou, sheep and fish in popular hunting areas. Without corrective measures it could be expected to result in a higher level of competition than either of the other two alternatives.

Existing federal law in the form of ANILCA Sections 804 and 815 are intended to provide a mechanism to deal with times of resource shortages or, where necessary, to restrict the harvest. With the built-in safeguards of federal law, this action would not result in a significant increase in competition.

If population increases is the result of an influx of non-local residents, the composition of the new resident zone community could be re-evaluated to determine if they contain a significant concentration of subsistence users. Deletion of a resident zone is authorized under 36 CFR 13.43

VI. AVAILABILITY OF OTHER LANDS

All other federal lands within the region are currently open to subsistence uses to the approximate level identified in the proposed action. As such there are no other lands available for implementation of the proposed action.

VII. ALTERNATIVES CONSIDERED

This section is provided for a discussion of alternatives that would reduce or eliminate the need to use public lands needed for subsistence purposes.

No other alternatives, than those addressed in the environmental assessment, were considered. The proposal is intended to enhance subsistence opportunities for residents in the region by extending eligibility to those residents who are now excluded or would be subjected to the unwarranted administrative requirements to demonstrate individual eligibility and obtain individual permits. There is little concern of reducing other activities or initiating an undertaking on public lands that would adversely impact subsistence uses.

VIII. FINDINGS

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