

National Park Service
U.S. Department of the Interior

Gates of the Arctic National Park and Preserve
Alaska

2013

NPS Alaska Regional Management Guidelines



ALASKA REGIONAL MANAGEMENT POLICIES AND GUIDELINES

INTRODUCTION

Planning is a basic element of management throughout the National Park System. Park managers are guided by a variety of plans and studies, covering many topics. The revised NPS planning framework brings all these plans into a single, unified system. The totality of a park's plans is referred to as the Portfolio of Management Plans (portfolio). The portfolio is a dynamic compilation of planning guidance in which certain planning elements are removed and updated, or new elements added as needed. The portfolio consists of basic descriptions of a park's purpose, such as the Foundation Statement, this NPS Alaska Regional Management Guidelines, and Wild and Scenic River Value Statements; comprehensive plans, such as the GMP Amendment; implementation plans, such as a site management plan; and strategic program plans, such as a long-range interpretive plan. The portfolio of management plans for Gates of the Arctic National Park and Preserve includes the GMP Amendment (which updates and replaces the 1984 GMP), the foundation statement, the NPS Alaska Regional Management Guidelines, the Land Protection Plan, the Wilderness Character Narrative, the Park Atlas maps, the Wild River Value Statements, and the Long Range Interpretive Plan that, as an assemblage, meet the full range of park planning needs.

RELEVANT LAWS, REGULATIONS AND POLICIES

This section focuses on relevant policies and regulations used to manage Gates of the Arctic National Park and Preserve. Alaska National Interest Lands Conservation Act (ANILCA) is the establishing legislation. Other applicable laws and policy referenced in this section include federal and state laws, federal regulations, and NPS policies.

Policy sets the framework and provides direction for all management decisions. The National Park Service has many policies that provide management direction for all national park units, including Gates of the Arctic National Park and Preserve. (e.g., *NPS Management Policies 2006*). Some of these policies stem from or are related to implementation of ANILCA.

Wilderness Management

Approximately 7,154,000 acres, in Gates of the Arctic National Park and Preserve is designated as wilderness. Section 707 of ANILCA directs that this wilderness be managed in accordance with the Wilderness Act of 1964 (78 Stat. 890), except as otherwise expressly provided for in ANILCA. Parks are mandated to maintain an accurate map of designated and eligible wilderness boundaries.

In accordance with national policies (*NPS Management Policies 2006*, chapter 6), a minimum requirement analysis would be conducted for administrative activities proposed in designated and eligible wilderness. This two-step decision process involves determining if a proposed administrative activity is necessary for the administration of the area as wilderness, and if so, determining the minimum tool (the tool, equipment, device, force, regulation, or practice) deemed the minimum necessary to achieve the management objective.

Parks will preserve wilderness character by integrating wilderness character into monitoring, planning, and management. Wilderness character is based on the statutory language of the 1964 Wilderness Act in terms of four qualities of wilderness character that are tangible and directly link agency stewardship to the requirements of law and policy. These four qualities of wilderness character are:

- ***Untrammelled:*** Wilderness is essentially unhindered and free from the *actions* of modern human control or manipulation.
- ***Natural:*** Wilderness ecological systems are substantially free from the *effects* of modern civilization.
- ***Undeveloped:*** Wilderness retains its primeval character and influence, and is essentially without permanent improvement or modern human occupation.
- ***Solitude or Primitive and Unconfined Recreation:*** Wilderness provides outstanding opportunities for solitude or primitive and unconfined recreation.

Parks will evaluate the impacts of proposed actions on wilderness character, and assess how wilderness character is changing over time.

Certain activities are legislatively prohibited in designated wilderness, including oil, gas, and other mineral leasing and most surface-disturbing activities. Section 4(c) of the Wilderness Act generally prohibits roads, commercial enterprises, motor vehicles, motorboats, other forms of mechanical transport, motorized equipment, the landing of aircraft, and structures and installations in designated wilderness areas. Provisions of ANILCA, however, provide exceptions to some of these prohibitions for specific purposes, such as allowing motorized use for traditional activities, and for the continuation of pre-existing private use cabins. Some of the ANILCA provisions affecting public use of designated wilderness areas in Alaska include:

- the use for subsistence purposes of snowmachines, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents (section 811)
- the use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities and for travel to and from villages and homesites (section 1110[a])
- such rights as necessary for access to state or privately owned lands (including subsurface rights), valid mining claims, or other valid occupancy (section 1110[b])
- use of temporary campsites, tent platforms, shelters, and other temporary facilities, and equipment directly and necessarily related to the taking of fish and wildlife (section 1316)

Other provisions of ANILCA affect the administrative uses of designated wilderness areas, including the following:

- access for mineral assessment purposes, as part of the Alaska Mineral Resources Assessment Program (section 1010)
- construction and maintenance of navigation aids and other facilities (section 1310)
- continuation of existing; and construction of new public-use cabins necessary for the protection of public health and safety (sections 1315[c] and [d])

Applications for rights-of-way for transportation or utility systems through designated wilderness areas require presidential and congressional approval (section 1106(b) of ANILCA).

The National Park Service will take no action that would diminish the wilderness eligibility of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. Until that time, management decisions will be made in expectation of eventual wilderness designation (NPS *Management Policies 2006*, 6.31).

Wild River Management

The wild and scenic rivers category applies to those rivers that have been designated by Congress as part of the national wild and scenic rivers system. This is a national system of free-flowing rivers that have outstandingly remarkable scenic, recreational, geologic, fish, wildlife, historic, cultural, or other similar values. All rivers designated by ANILCA section 601 that are within national park system units are classified by NPS as wild rivers. Wild rivers are those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and waters unpolluted (Wild and Scenic Rivers Act 2[b]).

Within the wild rivers management category, water bodies are maintained to protect water quality, free-flowing conditions, and outstandingly remarkable values. The ecological functions of the river system are maintained. The appearance and scenic quality of the river and sense of wildness are preserved (Wild and Scenic Rivers Act 10[a]).

Free-flowing character is not defined by flow regime, but by the degree of human alteration of corridor and river that was present on designation date. Management actions focus on understanding, monitoring, and maintaining the natural resources within the classification, ecosystem function, and aesthetics of the river corridor (Wild and Scenic Rivers Act 10[a]).

Six rivers within Gates of the Arctic National Park and Preserve are designated as components of the national wild and scenic rivers system by section 601 of ANILCA: the Alatna, John, Kobuk, Noatak, North Fork of the Koyukuk, and Tinayguk. These rivers are to be administered as wild rivers pursuant to the Wild and Scenic Rivers Act of 1968 (section 10[a]), as amended, which establishes the following direction for management:

Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values [outstandingly remarkable values, water quality, and free-flowing character] which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values (section 10[a]). . .

Because Congress gave special recognition to the Alatna, John, Kobuk, Noatak, North Fork of the Koyukuk, and Tinayguk rivers, their outstandingly remarkable values, water quality, and free-flowing character would guide management decisions (Wild and Scenic Rivers Act [10(a)]) (see table 6). Management of the Noatak and Kobuk wild rivers would continue to be coordinated with Noatak National Preserve and Kobuk Valley National Park. Most of the rivers in Gates of the Arctic occur inside wilderness; therefore, the more stringent provisions of the Wilderness Act or the Wild and Scenic Rivers Act apply in overlapping areas.

Authorities and guidelines for the evaluation, designation and protection of wild and scenic rivers include: the Wild and Scenic Rivers Act of 1968 (as amended in 1986 section 3[d][1]); the Presidential Directive to All Federal Agencies (August 2, 1979); *National Wild and Scenic Rivers System: Final Revised Guidelines for Eligibility, Classification and Management of River Areas* (1982); *NPS Natural Resource Management and Planning Process Guidelines*; Special Directive 90-4 (1990); and 43 *Code of Federal Regulations* [CFR] 8351. For designated rivers in Alaska, ANILCA 601 created the wild and scenic rivers. Protection and management is guided by ANILCA, the Wild and Scenic Rivers Act (sections 10[a] and 7[a]). Further management guidance is provided by the Interagency Wild and Scenic Rivers Coordinating Council document entitled “WSR Management Responsibilities.”

INTRODUCTION TO NATURAL AND CULTURAL RESOURCES

The natural and cultural resources of Gates of the Arctic National Park and Preserve remain preserved due in large part to the park's remote location and the care that park managers, visitors, and local residents have taken over the past three decades. The NPS mandate to protect park resources emerges from the Organic Act of 1916, which directs the agency to: conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The conservation units established by ANILCA were selected because they contain nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values. The lands were set aside to preserve for the benefit, use, education, and inspiration of present and future generations (ANILCA 101[a]). Specifically, Gates of the Arctic was established to maintain the wild and undeveloped character of the land, including opportunities for visitors to experience wilderness, to protect habitat for fish and wildlife, and to allow subsistence use where such uses are traditional (ANILCA 201[4][a]).

Research Management

The National Park Service invites and encourages research and other scientific activities that are consistent with NPS policies and laws for preservation of park resources and values. Research in areas managed as wilderness will conform to national and regional policies, including minimum requirement analysis where applicable. All NPS and external research involving specimen collection require a research permit issued by the superintendent. The National Park Service recognizes and considers management goals of outside institutions when reviewing proposals for external researchers (36 CFR 2.5). Research and resource management activities of the Alaska Department of Fish and Game conducted in park areas require advanced consultation with the National Park Service under the Master Memorandum of Understanding between the Alaska Department of Fish and Game and the National Park Service.

Local, federal, and state scientists, resource managers, and visiting scientists conducting scientific investigations within Gates of the Arctic would adhere to park, regional, National Park Service, and DOI regulations and policies when conducting scientific research and specimen collection pursuant to an NPS-issued permit. Consistent with management of the park as a unit of the national park system, the overall goal of research management in the National Park Service is to ensure that information collected, analyzed, interpreted, and reported to the public, and upon which policy and management decisions are based, meets established standards of the scientific community. Research conducted by NPS personnel, contractors, and cooperative researchers in the park would be subjected to a rigorous peer-reviewed process involving experts from the National Park Service, other federal and state agencies, Cooperative Ecosystems Studies Units and/or other qualified individuals. The NPS-conducted research in park units strives to ensure a systematic, adequate, and current information base that provides the National Park Service, the scientific community and the public with a better understanding of park resources (NPS 2006, 5.1.2). The National Park Service will promote relationships with governments, individuals, and organizations qualified to perform research, and encourage them to direct their research toward park purposes and the broader contexts within which park resources exist. Natural and cultural resources research will comply with applicable law and the conditions of any permit issued.

The National Park Service has an interdisciplinary cultural resource research program to ensure appropriate protection, preservation, treatment, and interpretation of cultural resources (NPS 2006, 5.1.1). Nonfederal researchers will be authorized to conduct archeological research on park lands only through the issuance of an Archeological Resources Protection Act (ARPA) (43 CFR Part 7) or Antiquities Act (43 CFR Part 3) permit by the regional director. All maintenance, natural, and cultural research activities will be evaluated for their potential to impact burial areas or gravesites in accordance with the Native American Graves Protection and Repatriation Act, and project leads shall comply with mitigation and

stipulation clauses in permits and compliance documentation (43 CFR part 10) when applicable (NPS 2006, 5.1.2).

Museum Collection Management. Field data, objects, specimens, and features obtained for preservation during inventory, monitoring, research, and study projects, together with associated records and reports, will be managed over the long term within the museum collection. The National Park Service would collect, protect, preserve, provide access to, and use objects, specimens, and archival and manuscript collections (henceforth referred to collectively as “collections,” or individually as “items”) in the disciplines of archeology, ethnography, history, biology, geology, and paleontology to aid understanding among park visitors, and to advance knowledge in the humanities and sciences. As appropriate, the National Park Service would consult with culturally affiliated or traditionally associated peoples before treating or reproducing items in NPS collections that are subject to the Native American Graves Protection and Repatriation Act (NPS 2006, 5.3.5.5).

Requests to collect specimens will be subject to existing research specimen regulations (36 CFR 2.5). Requested activities may be limited or denied in high public use or critical resource and subsistence areas or times. Copies of research reports will be retained at park headquarters for reference by staff, qualified researchers and government agencies. Some data will be summarized for use by the public. Specimens intended for permanent retention, or not authorized for destructive analysis, will be cataloged into the NPS collection.

All objects or archival materials that enter the collections are treated, catalogued, and protected according to Director’s Order 28 that guides cultural resource management in the National Park Service. Historical and archeological objects are more broadly protected by the National Historic Preservation Act of 1966, the Archeological Resources Protection Act of 1979, the Paleontological Resources Protection Act of 2009 and other federal legislation.

Natural Resources Management

The natural resources of the park and preserve include fish and wildlife populations, watersheds (including six wild rivers), northern vegetation communities, and geological formations. The Brooks Range is a transitional zone between the Arctic and sub-Arctic climate and vegetation and as such it is an important location for studying global climate change. Section 201(4)(a) of ANILCA directs park managers to maintain the environmental integrity and scenic beauty of the mountains, forelands, rivers, lakes, and other natural features within the unit’s boundaries, as well as to protect habitat for fish and wildlife, including caribou, grizzly bears, Dall sheep, moose, wolves, and raptorial birds. The goal of natural resource management is to maintain natural and wilderness conditions, environmental integrity, and the dynamics of natural processes operating within the park and preserve. The preserve units of Gates of the Arctic are to be managed the same as the park unit, except that the taking of wildlife for sport hunting, subsistence uses, and trapping are allowed within the preserve (ANILCA 1313).

Fish and Wildlife. Under ANILCA, Gates of the Arctic shall be managed to protect the habitat for, and populations of, fish and wildlife within the park and preserve (ANILCA section 201(4) and the Organic Act). The National Park Service will strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystems. NPS management of parks and preserves will generally consist of vital signs research and management of the human uses and activities that affect such populations and their habitat, rather than the direct management of resources. Title VIII subsistence hunting, trapping, and fishing is permitted in the park, while sport hunting is permitted within Gates of the Arctic National Preserve under ANILCA section 203 (36 CFR 2.2). Administration of the preserve allows the taking of fish and wildlife for sport purposes, Title VIII subsistence and trapping (ANILCA 1313) in accordance with applicable federal and nonconflicting state law and regulations (36 CFR 13.40[d]). Nothing in ANILCA is intended to enlarge or diminish the responsibility and authority of

the state for management of fish and wildlife or to enlarge or diminish the authority of the Secretary of the Interior over the management of public lands (ANILCA 1314).

A memorandum of understanding between the National Park Service and the Alaska Department of Fish and Game (see appendix D) sets out certain understandings of the management actions of each agency. The Department of the Interior, Fish and Wildlife Policy: State-Federal Relationships (43 CFR 24), further addresses intergovernmental cooperation in the protection, use, and management of fish and wildlife resources. The closely related responsibilities of protecting habitat and wildlife populations, and of providing for fish and wildlife utilization, requires the cooperation of the Alaska Department of Fish and Game, the National Park Service, and resource users.

Nonnative Species. Unless specifically maintained to meet an identified park purpose, the presence of nonnative species (including feral domestic animals) in the park and preserve is not compatible with NPS *Management Policies 2006*. A nonnative species is a species whose introduction does, or is likely to cause economic or environmental harm or harm to human, animal, or plant health (Executive Order 13112). Nonnative species are not considered a natural component of the native ecosystem (NPS 2006, 4.4.4). The National Park Service shall, to the extent practicable and permitted by law, subject to the availability of appropriations, and within administration budgetary limits, use relevant programs and authorities to prevent the introduction of invasive species; detect, control, and, where possible, eliminate populations in a cost effective and environmentally sound manner; monitor existing populations; and promote public education on invasive species issues (Executive Order 13112). Where a population of a nonnative species has become established in a park, management may include eradication. High priority will be given to managing invasive species that have or, potentially could have, a substantial impact on park resources and those that could be successfully controlled.

Threatened or Endangered Species. The National Park Service will survey for, protect, and strive to recover all species that are listed under the Endangered Species Act of 1973. The park will consult with the U.S. Fish and Wildlife Service (USFWS) regarding actions that may affect listed, proposed, or candidate species or designated or proposed critical habitat. The National Park Service will inventory, monitor, and manage state and locally listed species in a manner similar to its treatment of federally listed species to the greatest extent possible (NPS 2006, 4.4.2.3).

National Natural Landmarks. The two designated national natural landmarks, Walker Lake and Arrigetch Peaks, are among the most highly publicized and most frequently visited areas of the park and exhibit some of the most visible impacts of that use. National natural landmarks will be monitored for impacts and their condition described in an annual report (36 CFR 62.6).

Air Quality. The park and preserve is currently classified as a class II airshed under provisions of the 1970 Clean Air Act. The park and preserve will be managed so as to achieve the highest attainable air quality levels and visibility standards, consistent with the Clean Air Act designation for the respective area and specified by enabling legislation, e.g., ANILCA and the NPS Organic Act. The National Park Service will work with the Environmental Protection Agency (EPA) and the Alaska Department of Environmental Conservation (ADEC) to achieve this. The National Park Service will also seek to participate in regional plans for development that might affect air quality in the park and preserve and in the review of the effects of wildfire smoke on regional air quality.

If air quality or related resources are at risk, the park manager will work with the NPS Air Resources Division; the NPS Alaska Region air quality coordinator; Alaska Department of Environmental Conservation; other federal, state, and local, agencies; and the public, as appropriate, to protect these values from adverse impacts (NPS 2006, 4.7.1).

Soundscape Management. The National Park Service will strive to preserve the natural soundscapes that occur inside the park. Natural sounds are inherent elements associated with the park and purposes and

are components of the natural scenery (Director's Order 47: *Soundscape Preservation and Noise Management*). Unreasonable audio disturbances, other than overhead aircraft flights, snowmachines, and motorboats that jeopardize the natural soundscape or the park purpose are inappropriate (NPS 2006, 4.9; 36 CFR 2.12). Aircraft sounds are managed by the Federal Aviation Administration (FAA) and considered reasonable and appropriate in Alaska (see "Airplanes" section).

Water Resources. The service will strive to perpetuate surface waters and ground waters as integral components of park aquatic and terrestrial ecosystems. The National Park Service will work with the Environmental Protection Agency and the Alaska Department of Environmental Conservation to ensure compliance with the highest applicable standards for all the waters within the park and preserve. The agencies will cooperate to regulate discharges of pollutants and regulate water quality to obtain the highest possible standards according to the Clean Water Act. This includes point and nonpoint source pollution that occurs inside and outside the park (NPS 2006, 4.6.3).

Paleontological Resources. Paleontological resources, including both organic and mineralized remains in body or trace, will be protected, preserved and managed for public education, interpretation, and scientific research (NPS 2006, 4.8.2.1). Paleontological resources in Gates of the Arctic are protected primarily by their inherent inaccessibility and their inconspicuous nature. Research involving disturbance or collections of these resources will require a permit in accordance with the Paleontological Resources Preservation Act of 2009.

Fire Management. Naturally ignited fire is part of many of the natural systems that are being preserved in parks (NPS 2006, 4.5). Wildfire has been recognized as a natural phenomenon that must be permitted if natural systems are to be perpetuated, but wildfire also presents a risk to NPS infrastructure, cultural and historic sites, private properties managed for residential or economic use, and human life. The National Park Service manages fires based on the desired conditions in the GMP Amendment (2013), Director's Order and Reference Manual 18, a park-specific Alaska NPS fire management plan for the area, if available (NPS 2006, 4.5), and a response strategy as developed in the Alaska Interagency Fire Management Plan. Fire management includes protection and maintenance of resource values, life and property and, where appropriate, for using naturally ignited and human-caused wildland fire as management tools. Fire managers allow fire to perform its natural role as much as practicable to ensure fire fighter and public safety are not compromised. Fires that threaten human life, significant cultural sites, or private property are suppressed only to the degree necessary to provide protection. Some treatment around structures may be conducted to protect or enhance park values. To protect private property, work may be completed in cooperation with landowners, and depending on Alaska fire protecting agency jurisdiction, with the Alaska Fire Service, Alaska Department of Natural Resources – Forestry, or the U.S. Forest Service. The Alaska Native Claims Settlement Act of 1971 (ANCSA), section 21(e) provides lands conveyed pursuant to ANCSA with wildland fire protection services from the United States at no cost subject to some limitations.

Minerals Management. Federal lands within the park and preserve have been withdrawn from additional mineral location, entry, and patent under U.S. mining laws and disposition under the mineral leasing laws.

Mining could be proposed on nonfederal lands (for example, Native corporation lands and land conveyed to the state pursuant to the Statehood Act) inside the unit. Requests for access to mine on nonfederal lands will be carefully evaluated under the provisions of title XI of ANILCA. Facilities to support mining will not be authorized on park lands.

The Alaska Mineral Resource Assessment Program, authorized by section 1010 of ANILCA, provides for the assessment of oil, gas, and mineral potential by the Secretary of the Interior. The program and access is governed by regulations at 36 CFR subpart 9D.

Oil and Gas: Gates of the Arctic National Preserve in the Itkillik River Drainage. Where subsurface rights are privately owned, development and access to those rights for the purpose of oil, gas, or other mineral extractions are governed by ANILCA, regulations at 36 CFR part 9, and specific conveyance documents (deeds).

Cultural Resources Management

The Brooks Range has served as both home and hunting ground to people for at least 12,000 years; yet the land bears little visible evidence of their presence. The area has survived as a wild and undeveloped area because its rugged, remote geography usually demands that human activities remain temporary. Indigenous people have traditionally moved through the mountains and valleys of the range, following the demands of a harsh climate and the seasonal rhythms of their prey. The once nomadic lifestyle has since been replaced by more permanent villages such as Anaktuvuk Pass and other settlements. Preservation of cultural values is recognized in ANILCA, which includes protection and preservation of historic and archeological sites as an intent of Congress (ANILCA 101[a]). The goal of cultural resource management in the park and preserve is to preserve artifacts and cultural landscapes and to document the region's cultural legacy.

Historic Structures. Section 110 of the National Historic Preservation Act requires the National Park Service to establish a historic preservation program for the identification, evaluation, and nomination of properties to the National Register of Historic Places (NRHP). Historic structures within the park consist primarily of cabins, cabin ruins, and structures associated with mining, trapping, and guiding activities. Although few historic structures remain intact enough to warrant physical preservation efforts, the sites are documented for eligibility to the National Register of Historic Places under the authority of the National Historic Preservation Act. The condition of historic structures in the park is also monitored according to the requirements of the List of Classified Structures, which directs cultural resource staff to assess site conditions on a cyclical basis. The treatment of historic and prehistoric structures will be based on sound preservation practice to enable the long-term preservation of a structure's historic features, materials, and qualities (NPS 2006, 5.3.5.4). The *Secretary of the Interior's Standards for the Treatment of Historic Properties* sets standards for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction of historic buildings.

General direction for managing and protecting a park's historic structures is provided in its general management plan, development concept plan(s), interpretive prospectus, and resource management plan. Treatment and use are the central issues in planning for historic structures. Closely related concerns include consideration of park administrative and interpretive needs, compatibility of new and old development, accommodation of building codes and contemporary regulations, and the overall condition of the structures (NPS 28: *Cultural Resource Management Guideline*, Chapter 8 – Management of Historic and Prehistoric Structures, Section C – Planning).

Cultural Landscapes. A cultural land-scape is defined as a geographic area, including both cultural and natural resources that are associated with a historic event, activity, or person. Like historic buildings, structures, sites, and objects, landscapes are a recognized resource type eligible for nomination to the National Register of Historic Places under the National Historic Preservation Act. In fact, they are often an assemblage of resource types that when considered collectively reveal emergent historical value often overlooked by the standard NRHP process of identification and evaluation, and herein lies their value.

There are four general landscape types. They include historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes. The primary documents for identification, inventory, and treatment of cultural landscapes are the cultural landscape inventory and the cultural landscape report. The cultural landscape inventory identifies and inventories the cultural landscape, but stops short of recommending treatment. The cultural landscape report continues this process with detailed treatment recommendations.

There are four types of treatment for extant cultural landscapes and include preservation, rehabilitation, restoration, and reconstruction. General policy guidance regarding the four treatment strategies can be found in *NPS Management Policies 2006* and the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*. Specific guidance for the treatment of cultural landscapes can also be found in *A Guide to Cultural Landscape Reports: Contents, Process and Techniques*. Both documents provide guidance and techniques to property owners, design, and land management professionals for the responsible management and preservation of historic landscapes within the national park system unit.

Two cultural landscape inventories have been completed in Gates of the Arctic—the Agiak Lake Caribou Hunting Landscape (2007) and the Itkillik Lake Archeological District (2011). No treatment documentation (cultural landscape report) has been completed for these two cultural landscapes. The park will continue to evaluate potential future cultural landscapes and provide protection and guidance for planning decisions with the development of a cultural landscape report as appropriate.

Archeological Resources. The park has an active program in place to research, protect, and interpret archeological resources. Research and documentation efforts supply detail about the distribution, contents, and significance of archeological sites, including information that can lead to their nomination to the National Register of Historic Places (36 CFR 60.4). Researchers monitor the condition of known sites in order to evaluate impacts and changes and make recommendations to protect the sites under the National Historic Preservation Act; *NPS Management Policies 2006*, chapter 5; and the Archeological Resources Protection Act of 1979.

Documents, records, maps, and photographs related to archeological projects are curated in the museum collections facilities in the Fairbanks Administrative Center (*NPS 2006*, 5.3.5.5, 36 CFR part 79). Artifacts and materials recovered from excavations will be treated and preserved at appropriate repositories, where provisions will be made for their additional scientific study. To the greatest extent possible, artifacts will be made available to the public through park exhibits and other appropriate museum venues.

National Historic Landmarks. The National Park Service administers the National Historic Landmarks Program, tasked with identifying and designating national historic landmarks across the country. The Historic Sites Act of 1935 made cultural resource preservation a national policy, and assigned the National Park Service the responsibility of carrying out the policy on behalf of the Secretary of the Interior. The 1935 act served as the basis of the National Historic Landmark Program, which was later expanded by the National Historic Preservation Act.

A national historic landmark is a building, site, structure, object, or district recognized for possessing exceptional value or quality in illustrating and interpreting the heritage of the United States. It may be attributed to an important event in history, a place that tells the story of an important individual in history, an exceptional representation of engineering, or be a place that provides outstanding archeological remnants. The National Park Service may conduct studies in partnership with other federal, state, tribal, or local agencies, academic organizations or private citizens. The National Park Service has the responsibility of preparing nominations or advising others about preparation of nominations as well as reviewing and evaluating potential nominees.

The National Park Service will assist owners of national historic landmarks with information sharing, education, and booklets. Owners are allowed to manage property as they choose as long as no federal license, permit, or funding is involved. Owners may apply for federal rehabilitation funding and may qualify for tax incentives for rehabilitation. Currently there are 49 national historic landmarks in Alaska, none of which are inside Gates of the Arctic.

Ethnography. The ethnographic resources of Gates of the Arctic are those cultural and natural features that are of traditional significance to the traditionally associated peoples. Traditionally associated peoples generally differ as a group from other park visitors in that they typically assign significance to ethnographic resources—those places closely linked with their own sense of purpose, existence as a community, and development as ethnically distinctive peoples (NPS 2006, 5.3.5.3). The park has responsibility for historic places and places of cultural significance under several national policies referenced in NPS *Management Policies 2006*.

In addition to physical ethnographic resources, local cultural and traditional practices, beliefs, and languages are intangible resources that the park works collaboratively to document and share with the interested public when appropriate. The National Park Service will continue to support and expand cultural documentation in cooperation with government, Native, tribal, and other organizations and stakeholders. Area and topic-specific cultural documentation projects developed in consultation and collaboration with local communities and stakeholders help fulfill this goal. The National Park Service seeks to compile, collate, and interpret this information in the form of oral history projects, research reports, and interpretive outreach as well as developing a complete and publicly accessible bibliographic, archival, digital, and manuscript atlas of ethnographic materials relating to Gates of the Arctic and its traditionally associated people and communities.

Ethnographic documentation projects address information needs for park management and include but are not limited to:

- traditional and ecological studies projects
- language and place name studies
- oral history documentation
- subsistence studies
- community harvest surveys
- bibliographic and information syntheses and digital delivery via online portals
- resource use studies

LAND MANAGEMENT

Subsurface Land Rights

See the “Minerals Management” section for oil and gas in Itkillik Preserve.

Anaktuvuk Pass Land Exchange

Section 302 of the Omnibus Parks and Public Lands Management Act of 1996 recognized the prior linear easements were unsatisfactory because they provided inadequate access to subsistence resources while causing excessive environmental impact from concentrated use. A land exchange that proposed to address the access to subsistence resources was ratified. Section 302 amended the wilderness boundary by rescinding 73,993 acres of wilderness and adding 56,825 acres of wilderness in Gates of the Arctic and 17,168 acres of wilderness to Noatak National Preserve (302[c]). This revised the Gates of the Arctic wilderness to 7,034,832 acres. The exchange provided dispersed six- to eight-wheeled ATV (Argo) use by residents of the village of Anaktuvuk Pass for subsistence, and for broad public access across certain Native corporation lands in the Anaktuvuk Pass area.

Historic Cemeteries

See the “Cooperation with Others” section.

Oil and Gas at Kurupa Lake

The Arctic Slope Regional Corporation owns subsurface rights on the north end of Kurupa Lake and the adjoining uplands. In accordance with the provisions of ANILCA 1431, these rights were conveyed subject to patent restrictions specifying exploration and development procedures. These procedures include a USDI-approved plan of operations using available technologies least damaging to the lands, waters, and resources of the Kurupa Lake area.

Ambler Right-of-Way

No applications have been made for surface transportation access across the Kobuk Preserve unit of Gates of the Arctic to the Ambler mining district. The National Park Service will continue to collect data on any shifts from current baseline data. When or if an application is made, an environmental and economic analysis for determining the most desirable route and terms and conditions will be prepared, consistent with ANILCA section 201(4).

Submerged Lands

Alaska owns the land underlying most navigable waters by virtue of the equal footing doctrine. Determinations of what waters are navigable is an ongoing process in Alaska at both the administrative and judicial levels. At present, the North Fork of the Koyukuk River upstream to township 26 north, range 16 west (Fairbanks meridian), has been administratively determined navigable by the Bureau of Land Management (BLM). No judicial determinations have been made within Gates of the Arctic. Other water bodies may be determined navigable in the future.

The National Park Service will work cooperatively toward ensuring activities occurring on these submerged lands underlying the waters within and adjacent to the park boundary are compatible with the purposes for which the park was created. The Park Service will manage the park/preserve uplands adjacent to submerged lands to protect their natural character. Additionally, the National Park Service generally supports closure of these areas to new mineral entry or to the extraction of oil, gas, sand, and gravel resources.

Management of Water Activities. The State of Alaska manages activities on the water. While the state owns the submerged land under certain navigable waterways, NPS regulations also apply on rivers and lakes within the park in accordance with 36 CFR 1.2(a)(3). The National Park Service will work cooperatively with the state on a case-by-case basis concerning activities that occur on the various waterways.

Water Rights. In Alaska, there are two basic water rights—those rights granted by the state and federal reserve water rights. Under the Alaska Water Use Act (AS 46.15), a water right legally allows a specific amount of water from a specific water source to be diverted, impounded, or withdrawn for a beneficial use. These water rights are granted and managed by the Alaska Department of Natural Resources.

An instream reservation of water is a water right that may be granted for particular purposes, including protection of fish and wildlife habitat, migration, and propagation, recreation navigation and transportation and water quality. It sets aside the water necessary for these activities and makes it unavailable for other appropriation.

Federal reserved water rights may be created when federal lands are withdrawn from the public domain (e.g., national parks, wildlife refuges, national forests). Federal reserved water rights are different from state appropriated water rights. They:

- may apply to both instream and out-of-stream water uses
- may be created without actual diversion or beneficial use
- are not lost by nonuse
- have priority dates established as the date the land was withdrawn
- are for the minimum amount of water reasonably necessary to satisfy both existing and foreseeable future uses of water for the primary purposes for which the land is withdrawn

According to *NPS Management Policies 2006* (NPS 2006, section 4.6.1), while preserving its legal remedies, the National Park Service will work with state water administrators to protect park resources and participate in negotiations to seek the resolution of conflicts among multiple water claimants. In all matters related to water use and water rights, the National Park Service will work cooperatively with the State of Alaska.

COOPERATION AND COORDINATION WITH OTHERS

Gates of the Arctic will continue to work closely with those federal, state, and local governments and agencies whose programs affect, or are affected by, the park. Park managers will participate when possible in interagency activities, cooperative agreements, data sharing, and sharing equipment and/or operational arrangement to meet mutual management goals and objectives. The National Park Service recognizes that cooperation is important for cost-saving and mutual aid between agencies and intends to maintain these relationships in the future. Examples include:

- Anaktuvuk Pass Land Exchange providing for cooperation from the Native corporations in research projects and surveys
- multiagency sharing of Morris Thompson Cultural and Visitors Center in Fairbanks
- memorandum of understanding with Bureau of Land Management for sharing Coldfoot Interagency Visitor Center along the Dalton Highway
- sharing with U.S. Fish and Wildlife Service of Bettles Interagency Visitors Center and the shared bunkhouse in Bettles

The National Park Service has identified present-day individuals whose cultural practices and identities are closely associated with park resources. The National Park Service recognizes the importance of allowing Native and non-Native subsistence lifestyles; the parks will work to assist in the preservation of subsistence resources (ANILCA title VIII; NPS 2006, 5.3.5.3). The federal government's relationships with Native tribal governments is guided by Executive Order 12875, "Enhancing the Intergovernmental Partnership," Executive Order 12866, "Regulatory Planning and Review," and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." The National Park Service will work with tribal government officials whenever management plans or activities may affect tribal interests, practices, and/or traditional use (NPS 2006, 1.11.1). Through the Alaska Native Claims Settlement Act, Native corporations can be conveyed cemetery sites and historic places under ANCSA 14(h)(1) (43CFR 2653[5]). In Gates of the Arctic, NANA Corporation relinquished all cemetery sites to the park. The National Park Service will manage these sites to protect cultural values in consultation with the ANCSA corporations that identified them as significant cultural sites in the 14(h)(1) process.

PUBLIC ACCESS AND TRANSPORTATION MANAGEMENT

Access to Inholdings

Owners of nonfederal lands and holders of valid occupancies that lie within units of the national park system in Alaska are afforded adequate and feasible access to their lands by section 1110(b) of ANILCA. An inholding is defined as state owned or privately owned land, including subsurface rights underlying park areas or a valid mining claim or other valid occupancy within or effectively surrounded by one or more park areas. The National Park Service will review and process applications for access to inholdings in accordance with regulations at 43 CFR 36.10, when a right-of-way permit is necessary under this provision (e.g., construction of a permanent facility). The NPS Alaska regional guide for accessing inholdings presents the process for obtaining an ANILCA 1110(b) right-of-way certificate of access from the National Park Service, and presents other information that may be useful in understanding this subject. Such access is subject to terms and conditions to protect the values of the unit.

Mining Access. Mining activities on federal patented and unpatented mining claims within the boundaries of national park system units are regulated under 36 CFR subpart 9A. These regulations require the submission and approval of a plan of operations. The regulations at 43 CFR part 36 govern access to mining claims.

Subsistence Access

Access for subsistence is authorized in accordance with the provisions of ANILCA, section 811, and implementing regulations (see discussion in the “Subsistence Use Management” section). More information and guidance relating to subsistence and the NPS Subsistence Program can be found in the Gates of the Arctic National Park and Preserve Subsistence Management Plan, an annually updated plan developed by the NPS and the Subsistence Resource Commission.

Snowmachines, Motorboats, and Nonmotorized Surface Transportation. Section 1110(a) of ANILCA allows the use of snowmachines (also referred to as snowmobiles), during periods of adequate snow cover and frozen river conditions, and motorboats, and other nonmotorized surface transportation methods for traditional activities (where such activities are permitted by ANILCA or other law) and for travel to and from villages and homesites. Such access shall be subject to reasonable regulations to protect the natural and other values of Gates of the Arctic. Specific areas may be closed to such activities or uses in accordance with the implementing regulations at 43 CFR 36.11(h). The general recreational use of snowmachines and motorboats in the park is neither traditional nor necessary for wilderness recreational activities (1986 GMP).

Off-road Vehicles. The general use of off-road vehicles off established roads, parking areas, or designated routes is prohibited under 43 CFR 36.11(g). There are no designated routes or areas in Gates of the Arctic; however, specific provisions in the Anaktuvuk Pass Land Exchange allows for established residents of Anaktuvuk Pass the use of all-terrain vehicles in summer as their primary means of access to pursue caribou and other subsistence resources. Off-road vehicles were not found to be a means of surface transportation traditionally employed for subsistence in Gates of the Arctic (ANILCA 811, 1986 GMP).

Airplanes. Fixed-wing aircraft may be landed and operated on lands and waters within the park and preserve, except where such use is prohibited or otherwise restricted or closed by the superintendent pursuant to 43 CFR 36.11(f) and (h). The National Park Service will monitor the effects of aircraft use such as damage to vegetation, concentrated use, or deterioration of solitude.

The National Park Service inventoried the unit for landing strips that require maintenance for continued safe public use of the area. Few landing strips exist, and none are necessary or appropriate for NPS maintenance because adequate landing areas are available on lakes or gravel bars where alteration of vegetation or terrain is not required. In Gates of the Arctic, there are no designated or maintained landing

strips, and no alteration of vegetation or terrain is authorized for landings and takeoffs except in emergency situations (1986 GMP).

The National Park Service does not propose to construct or maintain any landing strips. The construction of new landing strips on federal land may be allowed under one of the following circumstances:

- when the need has been identified, assessed, and approved in an amendment to the general management plan or a new general management plan
- when approved under title XI of ANILCA, which provides a process for approval or disapproval of applications for the development of transportation and utility systems across conservation system units
- for access to inholdings pursuant to 43 CFR 36.10

The National Park Service recommends that all aircraft maintain a minimum altitude of 2,000 feet above ground level, whenever possible, to avoid disruption of wildlife movement as well as subsistence and recreational activities. The suggested altitude minimums over any national park system unit have been printed on the sectional aeronautical charts since the mid-1970s. The National Park Service will also advise that aircraft not be flown directly over major river drainages, wherever possible, especially during periods of high recreational use, subsistence use, and caribou migration (June–September), nor over improved private property. It is recognized that these minimum altitude suggestions are advisory only since the Federal Aviation Administration regulates air space, and lower altitudes may be required due to weather conditions and emergencies.

Information about the locations of regularly used air corridors will be available to visitors who seek opportunities for solitude. The National Park Service will work with air taxi operators to develop and implement guidelines to avoid recreational visitor or subsistence areas of concentrated use. The National Park Service will also work with the Federal Aviation Administration through an interagency agreement (1984) to mitigate adverse effects of over-flights (1986 GMP).

Helicopters. The landing of helicopters is prohibited in any area other than at designated landing areas pursuant to the terms and conditions of a permit issued by the National Park Service, or involved in emergency or search and rescue operations (43 CFR 36.11[f][4]). At the present time, there are no designated landing areas for helicopters in Gates of the Arctic. Helicopter use for research or other management purposes may be authorized pursuant to a minimum requirements analysis in wilderness.

Temporary Access

The National Park Service will evaluate applications from state and private landowners not covered by general access and access to inholdings for temporary access across the park for survey, geophysical, exploratory, or other temporary uses and may issue a permit with stipulations and conditions to ensure that the access granted is compatible with the purposes for which the park was established (ANILCA section 1111)(43 CFR 36.12[a][2]).

RS 2477 Rights-of-Way

The State of Alaska identifies numerous claims to roads, trails, and paths across federal lands under Revised Statute 2477 (RS 2477), a section in the Mining Act of 1866 that states, “The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted.” RS 2477 was repealed by the Federal Land Policy and Management Act of 1976, subject to valid existing claims.

The State of Alaska has identified four routes in the park it claims may be asserted as rights-of-way under RS 2477. Assertion and identification of potential rights-of-way does not establish the validity of these

claims nor the public's right to use them. The validity of all RS 2477 rights-of-way will be determined on a case-by-case basis, either through the courts or by other legally binding document.

Ambler Right-of-Way. See Ambler Right-of-Way in "Land Management" section.

Easements

Campsite and linear access easements may be reserved on Native corporation lands that are within or adjoin the park/preserve, as authorized by section 17(b) of ANCSA. The National Park Service is responsible for the management of these public access easements inside the national park system unit boundary and for those assigned to the National Park Service outside the unit. Pursuant to part 601, chapter 4.2 of the DOI Departmental Manual (601 DM 4.2), where these easements access or are part of the access to a conservation system unit, the easements will become part of that unit and administered accordingly. The purpose of these easements is to provide access from public lands across these private lands to other public lands. The routes and locations of these easements are identified on maps contained in the conveyance documents and in NPS land status mapping. These easements appear on the land status map, which is in the back pocket of this document. Further record keeping by the National Park Service may result in revision of the locations and authorized uses of 17(b) easements presented in the general management plan.

The National Park Service will work cooperatively with the affected Native corporation and other interested parties, including the State of Alaska, to develop a management strategy for the easements. Management of these easements will be in accord with the specific terms and conditions of the individual easements and applicable park regulations (pursuant to 43 CFR 2650.4-7(d)(4) and 36 CFR 1.2). As the easements are reserved and the National Park Service assumes management responsibilities for them, the locations, mileages, and acreages will be compiled and management strategies will be formulated. This information will be maintained at park headquarters.

The National Park Service will request the reservation of public (nonexclusive) use easements from the Bureau of Land Management on lands being conveyed under the Native Allotment Act of 1906, where important public-use trails cross the lands being conveyed. The public-use easements will ensure continued public access to public lands and resources in the unit.

The National Park Service has acquired an easement on the Killik River north of the park for recreational purposes. Recreational visitors can boat, hike, fish, and camp on and over the bed of the Killik River extending 100 feet upland of the ordinary high water mark. The easement also allows float plane access for Udrivik Lake, Imiaknikpak Lake, and the Killik River within 1.0 mile of the Collville River.

Navigation Aids and Other Facilities

Section 1310 of ANILCA authorizes reasonable access to and operation and maintenance of existing air and water navigation aids, communications sites, and related facilities. It authorizes existing facilities for weather, climate, and fisheries research and monitoring subject to applicable laws and regulations. Reasonable access to and operation and maintenance of facilities for national defense and related air and water navigation are provided, including within designated wilderness.

New facilities shall be authorized only after consultation by the head of the federal department or agency undertaking the establishment, operation, or maintenance and in accordance with mutually agreed to terms and conditions.

Independent of section 1310, the National Park Service is authorized to install and operate communication and other facilities for effective management of the park and preserve.

Future Transportation and Utility Systems

Title XI of ANILCA provides a detailed definition for transportation and utility systems and establishes procedural requirements, evaluation standards, and actions for transportation and utility systems. Section 43 CFR part 36 provides the specific regulations and procedures for application review, compliance with the National Environmental Policy Act, decisions, and appeals.

SUBSISTENCE USE MANAGEMENT

Subsistence activities and traditional uses by local residents are allowed in Gates of the Arctic National Park and Preserve (ANILCA 201[4][a]). NPS regulations further provide that Alaskans whose primary permanent residence is within resident zone communities who are engaged in a subsistence way of life be allowed to continue using resources for traditional purposes. Those residents whose primary permanent residence is outside the boundary of resident zone communities may apply for a permit to hunt and gather subsistence resources in the park and preserve (36 CFR13.440). These resources include fish and wildlife, house logs and firewood, and other plant materials. The Federal Subsistence Board, through its rule-making process, addresses seasons, harvest limits, and customary and traditional use determinations. The Federal Subsistence Board has established regional subsistence advisory councils to provide meaningful public input to the rule-making process.

The park will work with its partners to monitor subsistence harvest. The park will supplement the state's ongoing harvest and resource monitoring programs to provide additional information on the status of fish and wildlife populations harvested for subsistence. This monitoring is intended to identify potential problems before populations of fish and wildlife become depleted and to ensure preference is given to subsistence users as required by law. Information the park gathers through subsistence monitoring will be shared with regional subsistence advisory councils and local state fish and game advisory committees, tribes, and other entities. Park staff will attend various subsistence-related meetings, including those of regional subsistence advisory councils and local state fish and game advisory committees and provide information on the status of subsistence resources and management.

Subsistence Resource Commissions

A subsistence resource commission has been established for the park in accordance with section 808 of ANILCA. The commission is charged with devising and recommending a subsistence hunting program for the park. The Gates of the Arctic National Park Subsistence Resource Commission was established in 1982, and has been formally meeting with NPS personnel since 1984 to provide a forum for local concerns and to develop a subsistence management program specific to Gates of the Arctic. With the federal assumption of subsistence management on federal public lands in 1990, the National Park Service and Gates of the Arctic Subsistence Resource Commission have been actively involved with the North Slope, Northwest Arctic, Western Interior Federal Subsistence Regional Advisory Councils, and the Federal Subsistence Board by proposing subsistence hunting, fishing, and trapping regulations within the region.

Subsistence Management Plan

The National Park Service has regulations that implement ANILCA and title VIII. The subsistence management plan is intended to provide clarification in the management of subsistence uses by addressing major topics related to subsistence such as: timber cutting and use, shelters and cabins, trapping and trap line management, eligibility and resident zones, access, fish and wildlife harvest regulations, acquisition of resource data, and user conflicts and possible closures. The approved

subsistence hunting program of the Gates of the Arctic Subsistence Resource Commission is a core component of the subsistence management plan. It is incorporated into the plan and revised as new components are developed and approved by the Secretary of the Interior.

This collaborative, iterative plan is a dynamic document that is intended to be responsive to new information. Modifications to the subsistence management plan will be made at least once every year depending on the level of activity of the Subsistence Resource Commission and the National Park Service in advancing new issues and recommendations. Significant revisions to the plan will be made available for a minimum 60-day public review and comment period.

Resident Zones

Local rural residents who have customarily and traditionally engaged in subsistence uses of the park are eligible to continue those activities. To spare the expense and inconvenience of an extensive permit system, resident zone communities, where significant concentrations of qualified local residents have been identified, are collectively allowed to continue to engage in subsistence uses of the park without permits. These communities include Alatna, Allakaket, Ambler, Anaktuvuk Pass, Bettles/Evansville, Hughes, Kobuk, Nuiqsut, Shungnak, and Wiseman (36 CFR 13.1002). Individuals who do not reside in the park or in one of these communities may apply for a subsistence permit pursuant to 36 CFR 13.440.

Customary Trade

Local rural residents are allowed to collect plant materials inside the park for use in the making and selling of handicraft articles. Customary trade also allows the exchange of furs for cash (36 CFR 13.1006).

Traditional Use Areas

ANILCA allows subsistence use in Gates of the Arctic National Park and Preserve where such uses are traditional. NPS regulations reiterate this allowance and contemplate the designation of these areas by special regulation (36 CFR 13.410[c]). The subsistence resource commission may address the issue of designation of traditional use areas. Based on any recommendation, the National Park Service will further explore the designation of traditional use areas for resident zone communities with the affected communities and the general public.

Subsistence Access

Access to park and preserve lands will be allowed for subsistence purposes subject to reasonable regulation (ANILCA 811, 36 CFR 13.460). Snowmachines, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence activities are allowed. In Gates of the Arctic, the use of off-road vehicles for subsistence is not allowed because the use of ORVs for subsistence has not been shown to be a traditional means of access (1986 GMP). The exception is that ATVs are allowed on the easements conveyed as a result of the Anaktuvuk Pass Land Exchange (Omnibus Parks and Public Lands Management Act of 1996). Use of surface transportation for travel will be in compliance with state and federal law in such manner that will prevent damage to the park and preserve and to prevent waste of harvested resources, herding, harassment, hazing, or driving of wildlife.

Aircraft Use

The use of aircraft for access to or from lands and waters within a national park for purposes of taking fish or wildlife for subsistence uses therein is generally prohibited except for extraordinary circumstances where no reasonable alternative exists. In cases of extraordinary hardship, a permit may be granted to

permanent residents of the resident zone communities that have been exempted (36 CFR 13.450 and 13.1004, 13.1902[c]). Only two resident zone communities in Alaska are exempt, Anaktuvuk Pass and Yakutat. The park superintendent may issue a permit on a case-by-case basis and the permit is issued for a one time use.

Section 810 Evaluations

The park will evaluate the effects of proposed activities on subsistence activities or uses as required by section 810 of ANILCA. The park will work with the Federal Subsistence Board, regional subsistence advisory councils, local fish and game advisory committees, tribes, Native corporations, Alaska Department of Fish and Game, and other appropriate local sources to determine whether a proposed activity would “significantly restrict” subsistence activities or uses. If the National Park Service determines that a proposal would probably result in adverse effects to subsistence activities or uses, requirements identified in section 810 will be followed before making a final decision on the proposal.

Gathering of Fruits, Berries, Plant Material, and Timber (cutting)

The noncommercial gathering of fruits, berries, mushrooms, and other plant materials by local rural residents for subsistence and of dead standing or down timber for firewood is allowed without a special use permit (36 CFR 13.485). Harvest of live, standing timber for house logs, firewood, or other activities or uses is allowed, although depending on the diameter of the timber, a permit may be required (36 CFR 13.485). Timber stocks subject to subsistence activities or uses will be monitored to ensure they remain available over the long term. In Gates of the Arctic, because of the slow growth of trees and the impacts cutting has on the wild and undeveloped character of the area, permits for cutting live trees greater than 3 inches in diameter will be issued only when there are no alternate sources outside the unit and will be limited to the amount necessary for basic subsistence needs. Permits will require selective cutting, flush cutting, scattering of slash, and setbacks to avoid scenic impacts on rivers and lakes.

Subsistence Shelters and Cabins

Permits may also be issued for the temporary use, occupancy, construction, or maintenance of new or existing cabins and other structures. However, it must be determined that such a requested use is reasonably necessary to accommodate subsistence. Each request will be evaluated on its individual merits (ANILCA 1316, 36 CFR 13.160–13.168).

Closures

Park lands may be closed to the taking of fish and wildlife if closure is deemed necessary for reasons of public safety, administration, or to ensure the continued viability of particular populations of fish or wildlife (ANILCA 816). Emergency closure to subsistence taking would be accomplished by the Federal Subsistence Board, its designated officials, or the park superintendent (36 CFR 14.490) and would generally occur only after other consumptive activities or uses competing for resources were restricted or eliminated.

RECREATIONAL VISITOR USE MANAGEMENT

Organic Act

Under the 1916 Organic Act, the National Park Service promotes and regulates uses of Gates of the Arctic to ensure that recreational uses and activities in the park are consistent with its authorizing legislation and do not cause unacceptable impacts on park resources or values. Gates of the Arctic was created in part to provide opportunities for visitors to experience solitude and the natural environmental

integrity and scenic beauty of the park. Wilderness recreational activities such as mountain climbing, mountaineering, backpacking, river rafting, sport hunting, fishing, and other compatible wilderness recreation activities are of a type and nature that ensure the use and enjoyment of wilderness (ANILCA; NPS 2006, 6.4.3; and the Wilderness Act). When necessary, recreation opportunities may be seasonally or otherwise restricted to minimize user conflicts and to protect ecological or other values of the park and preserve. Any restrictions will follow the public participation and closure procedures at 36 CFR 1.5, or other applicable regulations.

Recreational Access

Access for recreational activities are those that stress self-reliance and unconfined recreation, cause no adverse impacts on resources, and are consistent with ANILCA and other applicable law and policy. The following discussion outlines reasonable access for wilderness recreation in Gates of the Arctic National Park and Preserve. It does not apply to subsistence activities, access to privately owned lands, or travel to and from villages and homesites. Certain methods of motorized access and nonmotorized surface transportation are currently allowed within the park subject to reasonable regulations (ANILCA section 1110[a]).

Nonmotorized Recreational Access. Nonmotorized recreational access includes foot, rafts, canoes, kayaks, pack and saddle animals (ANILCA 101(b)). This includes hiking, snowshoeing and cross-country skiing from access points along the Dalton Highway and Anaktuvuk Pass. These access points are regulated under the BLM Dalton Highway Corridor Management Guide and the Anaktuvuk Pass ANCSA 17(b) easements to provide for public access across Native corporation lands to parklands. The Anaktuvuk Pass Land Exchange allows broad public access to Gates of the Arctic across certain Native corporation lands in the Anaktuvuk Pass area. In addition, recreational access is provided via aircraft and other allowed means of access. See “Public Access and Transportation Management” above.

Pack and Saddle Animals (nonmotorized surface transportation). Federal regulations (43 CFR 36.11[e]) permit the use of domestic dogs, horses, and other pack or saddle animals subject to restrictions or closures by the park superintendent to preclude use that is determined to be incompatible with park purposes. The use of dogsleds is a traditional, low-impact method that involves high levels of self-reliance and personal effort and tends to involve small group size. Harnessed and/or restrained dog teams and pack dogs will be the only dogs allowed in the national park system unit. Horses, llamas, mules, and other pack animals will be limited to three pack animals per recreational group, and will require a permit, obtained in advance, by an individual or guide. The permit will inform the National Park Service of when and where pack animals are being used, so the situation can be monitored for previously listed impacts (1986 GMP).

Motorized Recreational Access. The use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities and for travel to and from villages and homesites is permitted (ANILCA 1110(a)). Recreational use of motorboats on park waters is neither necessary nor appropriate for wilderness recreational activities. Use of snowmachines is not necessary for wilderness recreational activities (1986 GMP).

Campfire

Visitors will be encouraged to carry stoves and adequate fuel throughout the park and preserve. Campfires are authorized in all areas without a permit. All trash (tin foil, burnt food, glass, and cans) must be removed from the fire site after use. In forested areas, recreational visitor fires will only be allowed using dead or downed wood and driftwood on gravel bars and beaches unless contained in a fire pan, wood stove, or other such device that will not disturb the vegetative mat or lichens.

Opportunities for Persons with Disabilities

The National Park Service provides access to existing facilities and programs to the greatest degree possible and feasible. Management decisions responding to requests for special consideration to provide wilderness use by persons with disabilities are in accordance with the Architectural Barriers Act of 1968, title V of the Rehabilitation Act of 1973, as amended in 1978, and section 507(c) of the Americans with Disabilities Act of 1990. Such decisions will balance the intent of access with wilderness laws to find a way of providing the highest levels of protection to the resource. Therefore, the wild and undeveloped character of the area will not be modified with paved trails or other special facilities for the accommodation of visitors with disabilities. Nevertheless, many types of access and activities are suitable for less able-bodied visitors, including the elderly, blind, and disabled.

Special Park Uses

Special events are allowed in national parks provided there is a meaningful association between the park and the event, that the observance contributes to visitor understanding of the area, and that a permit has been issued by the park superintendent (36 CFR 2.50). However, the National Park Service will not sponsor or issue permits for special events to be conducted in wilderness if those events are inconsistent with wilderness resources and character or if they do not require a wilderness setting to occur. Permits will not be issued in NPS wilderness areas for commercial enterprises or competitive events including activities involving animal, foot, or watercraft races; the physical endurance of a person or animal; organized survival exercises; war games; or similar exercises (NPS 2006, 6.4.5).

Commercial Visitor Services

Generally, any service made available for a fee or charge to any persons visiting a unit of the national park system is considered a commercial visitor service and requires a written authorization (36 CFR 5.3). Commercial visitor services within the national park system unit are authorized by concession contracts or commercial use authorizations. No concession facilities are currently authorized. Stipulations ensure that camps; travel methods; storage of food, fish, and game meat; and other activities are compatible with park and preserve purposes and reduce the potential for impacts to resources and to other people using the park and preserve. The National Park Service will monitor the number and type of visitor service providers operating in the park and preserve and will, if necessary, further regulate these commercial recreation activities or uses.

Commercial visitor services in the national park system are subject to the provisions of the National Park Service Concessions Management Improvement Act of 1998; NPS regulations published at 36 CFR part 51, the Wilderness Act, and NPS *Management Policies 2006*. In Alaska, concessions operations are subject to the provisions of ANILCA and 36 CFR part 13. Commercial visitor services operating in wilderness areas are subject to the provisions of the Wilderness Act 4(d)(6), which states such services are allowed if they are necessary for activities that are proper for realizing recreational or wilderness purposes and if the commercial activity is consistent with the wilderness management objectives. Under section 1307 of ANILCA, a preference is provided to local residents and Native corporations most directly affected by establishment of the unit for all commercial visitor services except guiding for hunting and fishing. Nationally, there is also a preference for incumbent concessioners who have provided satisfactory service during the term of their existing contracts for outfitter/guide services and for small concessioners (annual gross receipts in the park of less than \$500,000). (See the National Park Service Concessions Management Improvement Act of 1998 and 36 CFR Part 51 for additional details.)

Several types of commercial visitor services are provided, or may be provided, in Gates of the Arctic National Park and Preserve. The National Park Service must determine if these commercial services

should be provided at Gates of the Arctic National Park and Preserve, and if so whether a concession contract or commercial use authorization should be granted.

All commercial services in Gates of the Arctic must be appropriate activities under law and NPS *Management Policies 2006*. The following criteria must all be met for a service to be determined to be appropriate:

1. The service is consistent with the purpose and significance of Gates of the Arctic National Park and Preserve.
2. The service is consistent with laws, regulations, and policies.
3. The service does not compromise public health and safety.
4. The service does not impair or cause unacceptable impacts to park resources or values.
5. The service does not unduly conflict with other park uses and activities.
6. Generally, the service does not exclude the general public from participating in limited recreational opportunities.

The National Park Service may authorize a park concession if it is determined to be necessary and appropriate. The following criteria must be met for a concession to be authorized for backcountry guiding under NPS *Management Policies 2006* (section 10.2.2). The service

- is consistent with enabling legislation, and
- is complementary to a park's mission and visitor service objectives, and
- is necessary and appropriate for the public use and enjoyment of the park in which it is located, (appropriateness is addressed in the six criteria listed previously) and
- is not, and cannot be, provided outside park boundaries, and
- incorporates sustainable principles and practices, and
- adopts appropriate energy and water conservation, source reduction, and environmental purchasing standards and goals, and
- will not cause unacceptable impacts.

Hunting, Fishing, and Trapping within the Preserve

Sport hunting, fishing, and trapping is permitted within Gates of the Arctic National Preserve under ANILCA, section 203 (36 CFR 2.2, 36 CFR 13.40). The taking of fish and game for sport purposes is authorized in accordance with applicable federal and nonconflicting state laws and regulations. Trapping in national park system units can be conducted only by using implements designed to entrap animals, as specified in 36 CFR 1.4 and 13.1(u). Two concession contracts authorize sport hunting guide services in the preserve. Alaska hunting regulations (Title 16 AS 16.05.407-408) currently require nonresidents who hunt brown bear, Dall sheep, or mountain goats to be accompanied in the field by an Alaska-licensed guide or an Alaskan resident 19 years or older who is within the second degree of kindred. Nonresident aliens (non-U.S. citizens) hunting any big game must be accompanied in the field by an Alaska-licensed guide. The two concession contracts provide an opportunity for nonresidents of Alaska as well as Alaska residents to hunt in the preserve. Consequently, this visitor service is expected to continue.

Closure Proceedings

Closures, limits to access, and public-use limits may be implemented by the park superintendent if such action is necessary for the maintenance of public health and safety, protection of environmental or scenic

values, protection of natural and cultural resources, and to avoid conflict of visitor and/or subsistence use (36 CFR 1.5 and 13.50).

FACILITIES

Policy to Maintain Cabins

Permanent structures are generally prohibited; exceptions include historic and cultural resources and, in certain circumstances, administrative structures or cabins that predate ANILCA, cabins that are necessary for trapping activities, and public-use cabins necessary for the protection of human health and safety. Facilities and structures shall be rustic and unobtrusive in appearance.

The use, occupancy, and disposition of cabins and other structures in park areas in Alaska is managed in accordance with section 1303 of ANILCA, the NPS Organic Act, and other applicable laws. Except as Congress has directly and specifically provided to the contrary, the use, occupancy, and disposition of cabins and other structures in park areas shall be managed in a manner that is compatible with the values and purposes for which Gates of the Arctic National Park and Preserve has been established. In accordance with this policy, 36 CFR Part 13 subpart C addresses the following uses of cabins and other structures within the park and preserve:

- a) use and/or occupancy pursuant to a valid existing lease or permit
- b) use and occupancy of a cabin not under valid existing lease or permit
- c) use for authorized commercial fishing activities
- d) use of cabins for subsistence purposes
- e) public-use cabins (health and safety)
- f) use of temporary facilities related to the taking of fish and wildlife

NPS Administrative Use

When management facilities (such as cabins) must be located inside a national park system unit, they will be positioned away from primary resources and features of the park so as to not adversely affect park resources and values or detract from the visitor experience. Historic properties will be used to the maximum extent practicable, provided that the use will not adversely affect their significance (NPS 2006, section 9.4). Administrative facilities (such as cabins) may be allowed in wilderness only if they are determined to be the minimum requirement necessary (under the 1964 Wilderness Act) to carry out wilderness management objectives and are specifically addressed within the park's wilderness management plan or other appropriate planning documents (NPS 2006, section 6.3.10.1).

Existing Cabins/ Operational Facilities

Existing cabins can be used for administrative, public, or emergency use (ANILCA 1315). The park will create a cabin management plan to address the future use of these cabins.

Both the general public and commercial guides may use cabins during emergencies. However, no new public-use cabins are considered necessary or appropriate to fill the wilderness recreation purposes of the park and preserve (1986 GMP).

Temporary Facilities, Camps, and Caches

The park allows the use of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment on preserve lands that are directly and necessarily related to the taking of fish and wildlife, provided these facilities are not detrimental to park purposes (ANILCA 1316). Special use permits may be issued for tent frames, caches, and other facilities. Appropriate stipulations will be included in the special use permits to ensure protection of resources on preserve lands (36 CFR 13.182).

Subsistence Cabins

See the “Subsistence Use Management” section and Gates of the Arctic Subsistence Management Plan (last revised in 2007) for detailed information on the use and management of subsistence cabins.



As the nation's principal conservation agency, the Department of the Interior has the responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historic places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. Administration.

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