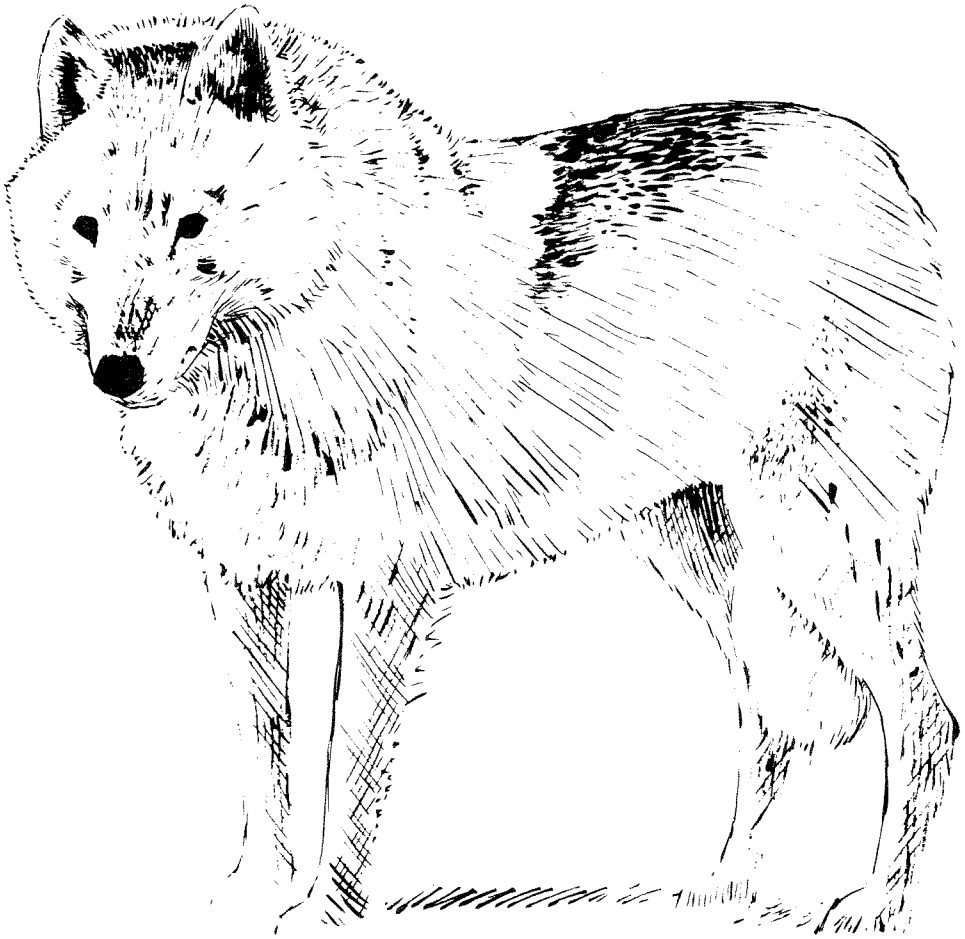
LAND PROTECTION PLAN



Chapter I	Introduction - This section explains why the GMP is being done, what the changes are in the text from the March 1985 Draft General Management Plan and in the December 1985 Revised Draft General Management Plan, what the management objectives are for the preserve, and what some of the planning issues and management concerns are for Noatak National Preserve.
Chapter II	The Region and Preserve - this section describes the northwest region of Alaska in general and the Noatak National Preserve specifically.
Chapter III	General Management Plan - The management strategies for natural and cultural resources, public uses, and preserve operations are set forth in this section.
CHAPTER IV	LAND PROTECTION PLAN - THIS SECTION PROPOSES OPTIONS AND PRIORITIES FOR PROTECTION OF FEDERAL LANDS WITHIN NOATAK NATIONAL PRESERVE FROM ACTIVITIES THAT MIGHT TAKE PLACE ON PRIVATE LANDS WITHIN OR ADJACENT TO THE PRESERVE, AND PROPOSES TWO POSSIBLE BOUNDARY CHANGES.
Chapter V	Wilderness Suitability Review - The existing wilderness management and analysis of suitability of nonwilderness federal land within the Noatak National Preserve for potential inclusion into the national wilderness preservation system are described in this section.

INTRODUCTION

In May 1982 the Department of Interior issued a policy statement for use of the federal portion of the Land and Water Conservation Fund for land acquisition. In response to the policy a draft land protection plan was prepared under the guiding principle of ensuring that the protection of resources in Noatak National Preserve is consistent with the Alaska National Interest Lands Conservation Act and other applicable laws, executive orders, regulations and policies. More specifically the plan was prepared to

> Determine what land or interest in lands needs to be in public ownership and what means of protection in addition to acquisition are available to achieve the preserve's purpose as established by Congress.
>
> Inform landowners about the intentions of the National Park Service to protect land either through purchase or other means.
>
> Help managers identify priorities for making budget requests and allocating available funds to protect land and other resources.
>
> Find opportunities to help protect unit resources through cooperative arrangements with state or local governments, native corporations, interested groups or organizations, landowners, and the private sector.

The major elements to be addressed in this plan include (1) the identification of nonfederal lands within the preserve's boundaries that need to be protected, (2) the minimum interest in those lands that the National Park Service must acquire, (3) the recommended means of acquiring the land or interest in land, (4) priorities for protection to ensure that available funds are used to protect the most important resources, (5) impacts of the land protection plan on local residents, (6) the amount, type and density of private use or development that can take place without harming preserve resources, and (7) the external activities that have or may have effects on preserve resources and land protection requirements.

The major issues for this land protection plan will be to maintain the environmental integrity and natural character of the Noatak River basin and protect the natural and cultural resources of the preserve.

The land protection plan does not constitute an offer to purchase land or interest in land and it does not diminish the rights of nonfederal landowners. The plan is intended to guide the National Park Service in subsequent land protection activities subject to the availability of funds and other constraints and to inform the public about the NPS's intentions.

The land protection plan will be reviewed every two years by the superintendent to determine if changes are required. The superintendent will maintain current land status information, that will be available for review at the preserve office. If the plan requires revision other than routine updating of land status information, all affected landowners and the general public will be notified and provided a 60-day public comment period.

It should be noted that the appropriation of funds for land acquisition is expected to be very limited in the future. Therefore, purchase of nonfederal lands in the preserve is expected to be minimal.

A brief summary of land protection information follows:

Table 6. Summary of Land Protection Plan Information and Recommendations

	Acres	Percent of Preserve
1. Current Ownership	6,569,710	99.9
a. Federal (includes 335,178 acres of selections by native corporations* and individuals)		
b. Nonfederal (native corporations and individuals)	4,771	0.1
TOTAL	6,574,481	100.0

*Not all lands selected by native corporations are expected to be conveyed since selections have exceeded total acreage entitlements.

2. Acreage to be Protected (includes 335,178 acres of selections by native corporation and individuals)	339,950	5.2
3. Proposed Methods of Protection		
a. Conservation Easement (exchange or donation)	3,981	,0.1
b. Relinquishment of selections	335,969	5.1

4. Statutory Acreage Ceiling: There is no acreage ceiling for the preserve. Minor boundary adjustments may be made administratively adding or deleting up to 23,000 acres without congressional approval (ANILCA, Section 103 c).

5. Funding Status

Authorized:	$900,000*
Appropiated:	$900,000*
Obligated:	$900,000*

6. Top Priorities

a. Acquire conservation easements with all native allotment owners to assure continuation of the natural setting within the preserve and the protection of community subsistence resources.

b. Seek land bank or agreements for native corporation land.

*This amount was shared among the three northwest area park units.

PURPOSE OF THE PRESERVE AND RESOURCES TO BE PROTECTED

SIGNIFICANCE AND PURPOSE OF THE PRESERVE

Noatak National Preserve was created to maintain the environmental integrity of the Noatak River and adjacent uplands within the preserve to assure the continuation of natural processes unimpaired by adverse human activity; to protect habitat for, and populations of, fish and wildlife; to protect archeological resources; and in a manner consistent with the foregoing, to provide opportunities for scientific research. The secretary of the interior may establish a board of scientists and other experts in the field of arctic research to assist him in the encouragement and administration of research efforts within the preserve. Over 88 percent of the preserve is designated wilderness and the Noatak River is part of the national wild and scenic rivers system. The preserve's significance is discussed in more detail in chapter I, "Establishment and Legislative Mandates."

RESOURCE DESCRIPTION

The preserve contains a unique variety of outstanding natural and cultural features. The botanical diversity, exposed geological history, critical caribou migration routes and cultural history constitutes a nationally significant resource that provides an outstanding opportunity for scientific research. Additional resource descriptions are located in chapter II, "The Preserve."

No known federal or state listed endangered or threatened plant or animal species occur in the preserve. One candidate plant species, *Oxytropis kokrenensis*, may occur.

LEGISLATIVE AUTHORITIES

ANILCA provides a general framework for land protection for the preserve. Section 1302 provides the general authorities for land acquisition. The secretary of the interior is authorized to acquire (by purchase, donation, exchange or otherwise) any lands or interests in lands within the preserve. However, any lands or interests in lands owned by the state and local governments or by native village and regional corporations may be acquired only with the consent of the owners. Furthermore, lands owned by natives who received title to the surface estate of lands from a village corporation as a primary place of residence, business, or subsistence campsite (ANCSA, section 14(c)(1)), or from the secretary of the interior as a primary place of residence (section 14(h)(5)), may be acquired only with the consent of the owner. Such interests may be acquired without the owner's consent if the owner acquired title for a specific purpose from either a village corporation or the secretary of the interior and the secretary determines that the land is no longer occupied for the purpose for which it was conveyed and that uses are or will be detrimental to the purposes of the unit.

Native allotments or other small tracts may be acquired without consent of the owner only after offering an exchange for other public lands, if available, from lands outside the preserve of similar characteristics and

like value and the owner chooses not to accept the exchange. Exchanges will be complicated by present selections and past conveyances of lands within the state and the lack of suitable substitute lands.

No improved property will be acquired without the consent of the owner unless such acquisition is necessary for the protection of resources or for protection of those preserve values listed in ANILCA and other applicable laws. When an owner of improved property consents to exchange lands or to sell to the United States, the owner may retain a right of use and occupancy for noncommercial residential and recreational use by agreement with the National Park Service for a period of up to 25 years or for life.

Section 1302(i)(1) and (2) of ANILCA authorizes the secretary of the interior to acquire by donation or exchange state-owned or validly selected lands that are contiguous to the preserve. Any lands so acquired will become part of that conservation unit without reference to the 23,000-acre restriction included in minor boundary adjustments as defined in Section 103(b).

Section 103(c) of ANILCA states that only the public land within the boundaries of any conservation system unit shall be deemed to be included as a portion of the unit. No state, native, and other private lands within the boundaries are subject to regulations applicable solely to the federal lands. If conveyed to the federal government under the several provisions cited above, such lands will become part of the preserve and be subject to those regulations.

In addition to complying with the above legislative and administrative requirements, the National Park Service is required to administer the area as a unit of the national park system pursuant to the provisions of the National Park Service organic act of August 25, 1916 (39 Stat. 535) as amended and supplemented, and in accordance with the provisions of 16 USC, 36 CFR, and other applicable laws and regulations. The National Park Service has proprietary jurisdiction over federally owned lands in the preserve.

A further provision exists in ANILCA section 201(8)(b), which states that all lands along the western boundary of the preserve and east of the centerline of the main channel of the Noatak River that were withdrawn for village selections or are adjacent to public lands within a unit of the National Park Service and are not conveyed to the village or regional corporation shall be added to and included within Noatak National Preserve.

RESOURCE MANAGEMENT AND VISITOR USE OBJECTIVES

The National Park Service intends to manage the preserve to maintain the natural and cultural resource integrity with minimum intrusions upon the landscape and the visitor as stated in chapter III - "Natural Resources Management," "Public Uses," and "Preserve Operations." Management objectives for the preserve are found in appendix B, which is an excerpt from the preserve's Statement for Management.

LANDOWNERSHIP AND USES

The majority (99 percent) of the preserve is already in federal ownership with 88 percent of it designated by law as wilderness. Most of the preserve is used for subsistence and recreational activities. Uses of the preserve are described in more detail in chapter II "Current and Potential Preserve Uses."

In the southwest portion of the preserve outside of the existing wilderness area, native village corporations (Kotzebue and Noatak) selected approximately 286,800 acres. Some 138,000 acres of the same land have been selected by NANA Regional Corporation, thus overlapping about 50 percent. NANA has also applied for 86 historical places and cemetery sites throughout the preserve. All of these selections are pursuant to the Alaska Native Claims Settlement Act of 1971. Twelve applications for native allotments (1,034 acres) are pending approval and conveyance and 25 allotments (2,946 acres) have been approved or conveyed (see table 7, which summarizes current land status within the preserve). Public use easements and ANCSA 17(b) easements may exist on native lands within and adjacent to the preserve. See the "Access and Circulation" section of chapter III for a discussion of easements.

The state of Alaska has identified several selections within Noatak National Preserve that, according to NPS information, do not appear to constitute valid selections. These are along the western boundary in the vicinity of the Kelly River drainage (BLM serial numbers FF 038167, FF 038170, and FF 038173). Selection validity will be determined by the BLM.

State land application GS-3882 (as amended), which was tentatively approved by the BLM on February 4, 1981, is considered by the National Park Service to be an erroneous conveyance (of approximately 890 acres) within the boundary of the Noatak National Preserve as it follows the hydrographic divide. The National Park Service intends to seek restoration of these lands to the United States. Should further legal review uphold the conveyance to the state, the National Park Service will enter the state lands into the land protection plan when it is reviewed and updated in 1988.

At present it appears that not all of the village and regional corporation selections within the preserve will be conveyed. These corporations have overselected their legal entitlements. For example, as of December 1984, the village corporations have received about 85 percent of their land entitlement from selections outside the preserve. It is also anticipated that the applications for cemeteries and historical places will not be conveyed.

Table 7. Land Status, Noatak National Preserve (as of July 17, 1985)

	Acres	Acres
Federal lands	6,234,532	
Federal lands under:		
Regional corporation applications	138,271	
Village corporation applications	286,787	
14(h)(1) applications	47,252	
Native allotment applications	1,034	
	473,344	
Less overlapping applications	138,166	
Total selected federal land with encumbrances	335,178	
Total federal lands		6,569,710
Nonfederal Lands		
Native regional corporation (patent and interim conveyance)	0	
Native village corporation (patent and interim conveyance)	1,825	
Native allotments (approved and certificated)	2,946	
Total nonfederal lands		4,771
Gross Acreage		6,574,481

*Acreages are approximate and subject to change as various conditions affecting land status are resolved (for example, navigability determinations; state and native land conveyances, rejections or relinquishments; rights-of-way, easement, and small tract adjudication) and as surveys are completed.

On the other hand, it appears that in the near future most, if not all, applications for native allotments will be approved by the BLM. Thereafter, titles to the land will be conveyed following survey. Approval of applications and conveyances are not expected to bring about any dramatic changes in the uses of preserve resources. For many years predating a national preserve designation of the area, natives used--and continue today to use--their selected allotments and surrounding resources.

The majority of native allotments are concentrated along the Noatak River corridor in the southwest region of the preserve (see Land Status map); others are dispersed in varying distances from the corridor and usually border lakes and streams. They are used predominately as base camps for subsistence activities, and these uses are expected to continue and increase

in volume. For a more detailed description of these uses see chapter II under "Current and Potential Preserve Uses."

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

In recognition of the Bureau of Indian Affairs' (BIA) responsibility to owners of native allotments, the National Park Service will notify BIA before taking actions relating to native allotments, such as securing agreements, acquiring easements, acquiring fee-simple title, or leasing the property for administrative purposes.

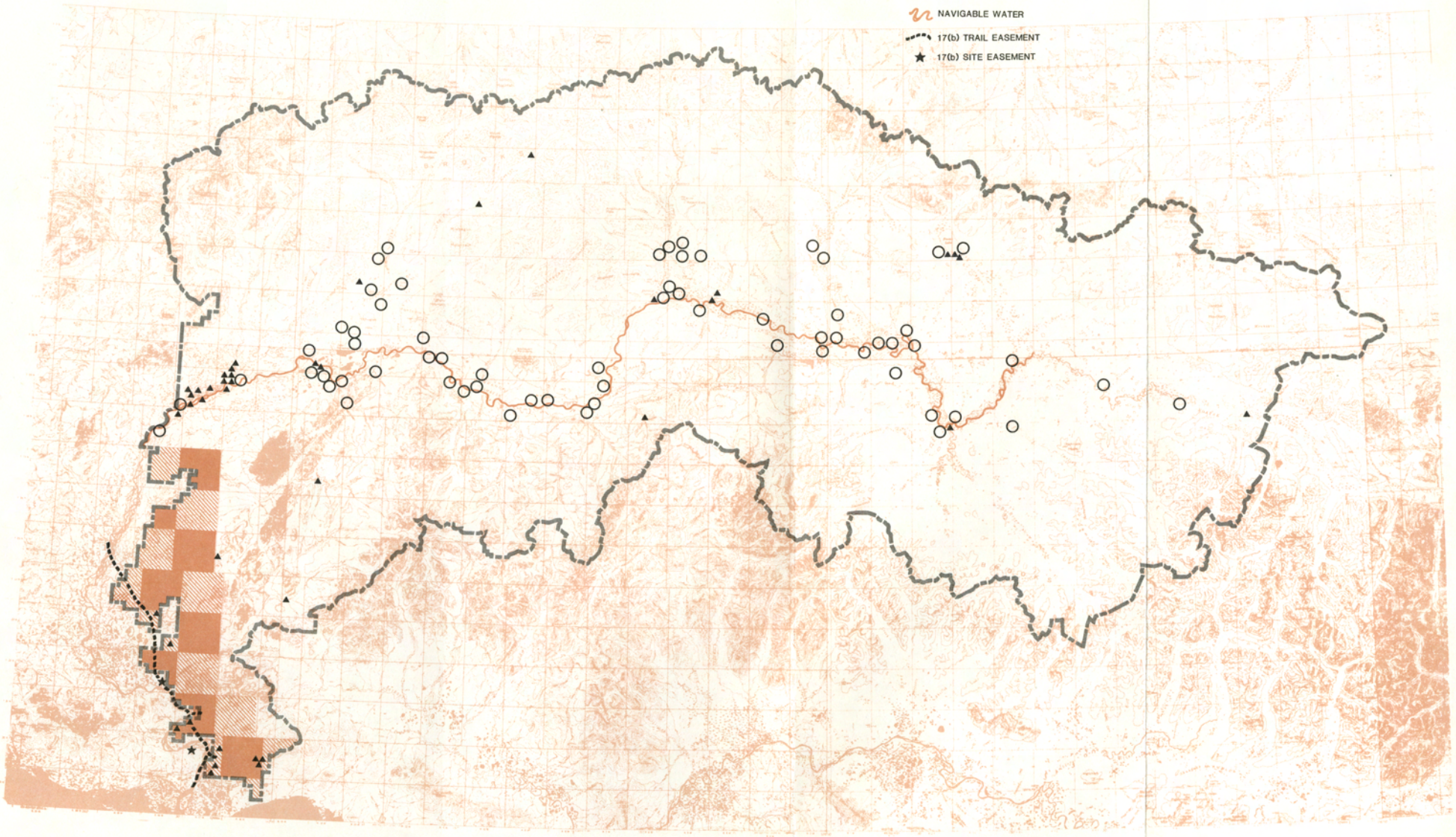
The state of Alaska contends that certain rights-of-way are valid under RS 2477 (see discussion in chapter III, under "Access and Circulation"). The validity of these rights-of-way has not been determined. Any valid rights-of-way will be included in future land protection plans as nonfederal interests, and appropriate protection strategies will be identified.

COMPATIBILITY OF LAND USES

In determining uses that are compatible within a particular national park system unit, the organic act establishing the National Park Service, legislation establishing the area, and NPS policies provide guidance. Certain uses may be considered compatible in one park or in one part of a park and incompatible in another.

The National Park Service is required to examine existing and potential uses of nonfederal lands within the preserve to determine if these uses are compatible with the purposes for which the preserve was established (ANILCA section 1301). For example, one of the purposes Congress assigned for the preserve is the protection of the fish and wildlife habitat. The National Park Service must attempt to ensure that uses on federal and nonfederal lands within the preserve do not cause harm to that habitat. If a private landowner subdivided his property and sold parcels for recreational development so that extensive habitat was destroyed or animal migrations were interrupted, this would be contrary to the purpose of protecting that habitat and would be an incompatible use of private land in the preserve.

The following lists of compatible and incompatible uses of nonfederal lands in the preserve are presented to publicly inform landowners about what uses of nonfederal lands are generally compatible with the purposes of the preserve, and what uses will cause the National Park Service to initiate actions to protect preserve resources. These lists are intended to serve as general guidelines for both preserve managers and nonfederal landowners. Because all possible uses of nonfederal land cannot be anticipated, and other compatible and uncompatible use may exist, the following lists of uses cannot be all-inclusive.


LAND STATUS
Noatak National Preserve
United States Department of the Interior
National Park Service
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SMALL TRACT ENTRIES
CEMETERY SITES & HISTORIC PLACES - APPLICATION
NATIVE REGIONAL CORPORATION - APPLICATION
NATIVE VILLAGE CORPORATION - APPLICATION
NATIVE VILLAGE CORPORATION - PATENT & INTERIM CONVEYANCE
NAVIGABLE WATER
17(b) TRAIL EASEMENT
17(b) SITE EASEMENT

At present all existing preserve uses on nonfederal land are considered compatible with the preserve management objectives as follows:

Compatible Uses

1. Use of the lands for low-density residential purposes (including minor modification and new subsistence structures) that do not adversely impact the scenic, natural, and cultural resource values on adjacent federal lands.

2. Nonconsumptive research and education programs by accredited institutions and individuals.

3. Subsistence and sport harvesting of natural resources where healthy populations are maintained.

4. Private and commercial recreational activities, such as guided hunting, float trips, and backpacking, where conducted without adverse effects on natural and cultural resources.

Incompatible Uses

Any increase in development or actions that adversely affect the natural and/or cultural values of the preserve, especially in the upper Noatak River drainage upstream of Noatak Canyon, would be viewed as incompatible. Incompatible developments or actions are those that would compromise the natural integrity and scientific value and lessen the quality of the visitor experiences in the preserve including the following:

1. Activities that damage or contribute to damage of archeological or historical resources (e.g., artifact collection).

2. Activities that result in water pollution, sedimentation, or other impairment of fish spawning, rearing, feeding, and overwintering habitat, or other surface or ground water (e.g., logging, mining, waste disposal).

3. Construction of roads, airstrips, and other surface disturbances that disrupt drainage patterns, accelerate erosion, increase runoff and sediment loads, or that unduly change the natural character of the preserve.

4. Activities that impair wildlife's use of habitat on adjacent federal lands (e.g., substantial human population increase or habitat manipulations affecting distribution of wildlife).

5. Hunting or trapping that impair the healthy condition of wildlife populations on adjacent federal lands.

6. Disposal of refuse in a manner that attracts bears, pollutes water resources, or otherwise impairs public health and safety.

7. Blocking public access when and where no other viable options for public access occur.

8. Subdivision or major new commercial development that would promote major land use changes.

EXTERNAL CONDITIONS AFFECTING LAND PROTECTION

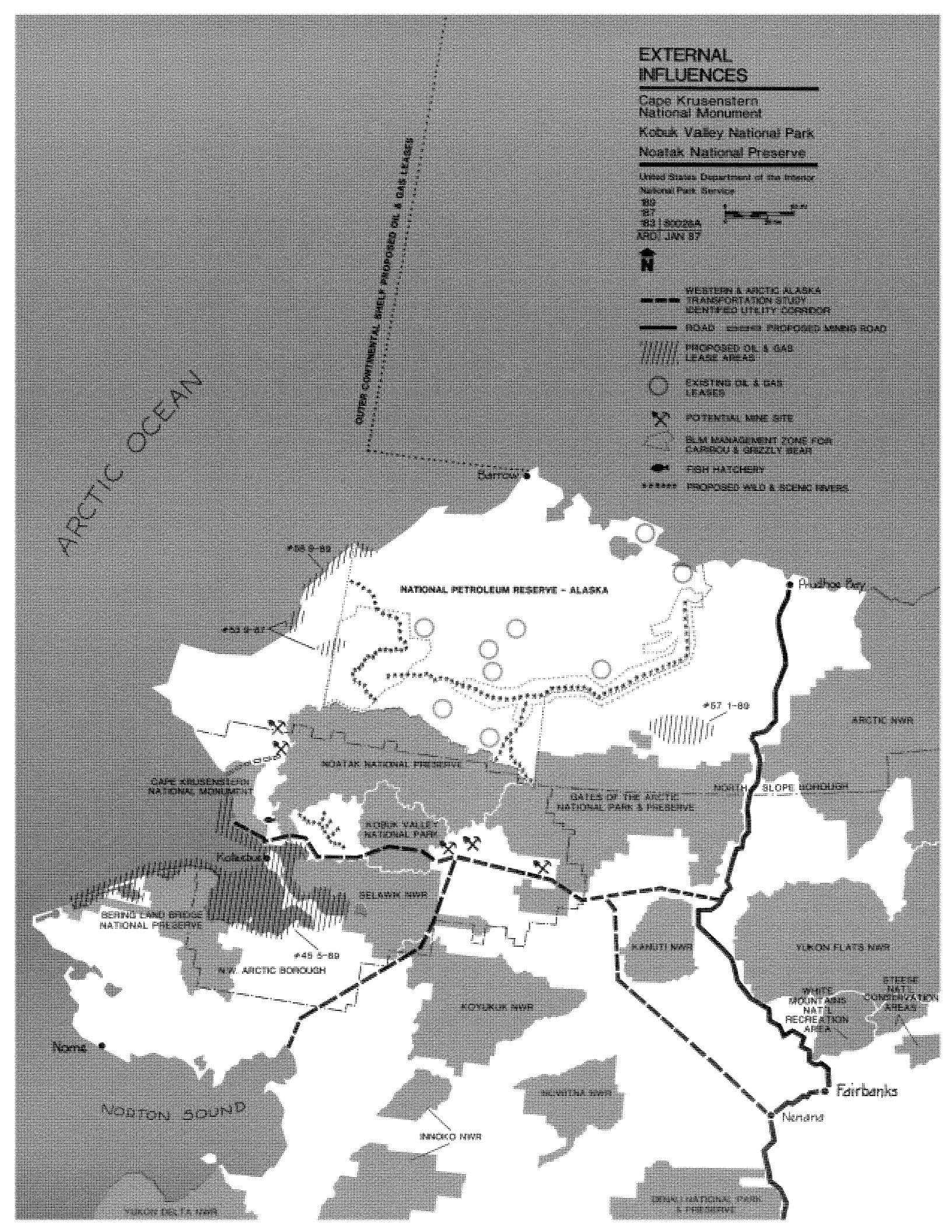
There are numerous activities and/or plans proposed in northwest Alaska that may affect land use and/or protection within Noatak National Preserve. Visitor experience can also be affected by adjacent land uses positively if those uses are harmonious with the unit's mission and negatively if the surrounding uses dominate and/or detract from the visitor experience. Some examples of those activities follow, with mitigating actions for any negative results. As appropriate, they are also shown on the External Influences map.

The proposed Red Dog mine is about 20 air miles west of the preserve near Deadlock Mountain. These zinc and lead deposits may eventually support a mining operation that could employ up to 400 people at the mine site. A limited number of these workers will undoubtedly use the western portion of the preserve for subsistence and/or recreation because at least half of the employees are to be hired from the region. The Ambler and Bornite mining districts in the Kobuk River drainage may result in the influx of people into the region and preserve, although nothing is presently being developed in this area. In either case the National Park Service will work with the developers to mitigate any adverse effects from these activities and/or their secondary effects on the values of the preserve.

The NANA Regional Strategy (revised 1984) is a 10-year plan for the overall development of NANA lands. The strategy stresses improving the standard of living for NANA stockholders, protecting the environment and the subsistence-based culture, strengthening the spirit and pride of the Inupiat Eskimo, and developing local management capability and local control. Numerous opportunities are identified, such as the Noatak salmon hatchery, secondary service businesses to mineral companies, local processing of resources, managing growth and development to minimize impacts, and developing training programs that blend traditional values and modern management techniques. As a member of the NANA Regional Strategy Lands Task Force, the National Park Service will work closely with NANA in preparing and implementing their respective land management plans.

The NANA Coastal Resource Service Area Coastal Management Plan is another regional plan that provides "for the balanced protection of natural systems and cultural values" (Darbyshire and Associates 1982). This plan identifies several key geographical areas of biological, cultural, and industrial importance in or near the preserve. The National Park Service has provided technical information and testimony in the preparation of the NANA coastal plan and intends to be consistent with its provisions in managing the preserve.

The following tracts and areas may be offered for off-shore and on-shore oil and gas leases by the indicated agencies: state of Alaska - Icy Cape #53, September 1987; Hope Basin #45, May 1989 and Offshore Icy Cape #58, September


EXTERNAL INFLUENCES
Cape Krusenstern National Monument
Kobuk Valley National Park
Noatak National Preserve
United States Department of the Interior
National Park Service
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183 | 80026A
ARD | JAN 87
N
WESTERN & ARCTIC ALASKA TRANSPORTATION STUDY IDENTIFIED UTILITY CORRIDOR
ROAD
PROPOSED MINING ROAD
PROPOSED OIL & GAS LEASE AREAS
EXISTING OIL & GAS LEASES
POTENTIAL MINE SITE
BLM MANAGEMENT ZONE FOR CARIBOU & GRIZZLY BEAR
FISH HATCHERY
PROPOSED WILD & SCENIC RIVERS
ARCTIC OCEAN
OUTER CONTINENTAL SHELF PROPOSED OIL & GAS LEASES
Barrow
NATIONAL PETROLEUM RESERVE - ALASKA
Prudhoe Bay
#57 1-89
ARCTIC NWR
NOATAK NATIONAL PRESERVE
CAPE KRUSENSTERN NATIONAL MONUMENT
NORTH SLOPE BOROUGH
GATES OF THE ARCTIC NATIONAL PARK & PRESERVE
KOBUK VALLEY NATIONAL PARK
Kotzebue
SELAWIK NWR
BERING LAND BRIDGE NATIONAL PRESERVE
#45 5-89
N.W. ARCTIC BOROUGH
KANUTI NWR
YUKON FLATS NWR
KOYUKUK NWR
WHITE MOUNTAINS NAT'L RECREATION AREA
STEESE NAT'L CONSERVATION AREAS
Nome
NOWITNA NWR
Fairbanks
Nenana
NORTON SOUND
INNOKO NWR
YUKON DELTA NWR
DENALI NATIONAL PARK & PRESERVE

1989; Minerals Management Services (MMS) - Barrow Arch #85, February 1985 and #109, February 1987; and the remainder of BLM-managed land (except the Squirrel River corridor) is open to oil and gas leases as well as mineral entry pending litigation, however, may affect the status of BLM lands in the region. In addition, oil and gas leases within the National Petroleum Reserve-Alaska, north of Noatak Preserve, are scheduled at a rate of up to 2 million acres per year. Most of the active leases in the reserve have been along the coastal areas, although seismic and exploratory work and several leases occur in the southern part of the Brooks Range. Within the National Petroleum Reserve-Alaska, potential activities, other than oil and gas, are not well defined. Wildlife conservation is a major concern in the reserve. Future development of lead/zinc prospects along the north slope of the DeLong Mountains is possible. The National Park Service will monitor planning activities, policy and mineral development, and leasing proposals. Should any of the above activities affect the preserve, the National Park Service will minimize or mitigate adverse effects to the greatest extent possible.

The Western and Arctic Alaska Transportation Study (Alaska Department of Transportation and Public Facilities 1981) identified three utility corridors along the Kobuk River between the Ambler mining district and the western coast of Alaska in the vicinity of Cape Krusenstern that could affect the preserve. These are discussed under "Access and Circulation" in chapter II and identified on the External Influences map. There are no current plans to develop any of these corridors. It is, however, recognized that sand and gravel would be required for the construction of any overland transportation system. Should a corridor be proposed, the National Park Service will work closely with the applicant and follow the procedural requirements of Title XI of ANILCA ("Transportation and Utility Systems In and Across, and Access Into, Conservation System Units") to preclude or mitigate any damaging effects upon the preserve.

In 1985 the state of Alaska began a comprehensive land use plan for state lands in northwest Alaska that will identify state lands suitable for resource development, settlement, and resource conservation. The National Park Service is working closely with the state in the preparation of this plan, especially for those lands within and/or immediately adjacent to the preserve.

Other external influences could result from activities in the conservation units surrounding the preserve. These include Gates of the Arctic National Park, Kobuk Valley National Park, Selawik National Wildlife Refuge, and Cape Krusenstern National Monument (see Region map).

PAST ACQUISITION ACTIVITIES AND CURRENT PROTECTION PROGRAM

Since the establishment of Noatak Preserve in 1980, only a single property has been acquired. The Park Service acquired a three-city-lot tract in 1986 to be used for administrative purposes for the three northwest Alaska park units. There have been no funds authorized, appropriated, or spent for acquisition in the preserve. This plan is the first to develop and prioritize a land protection program for Noatak National Preserve. Landowners who no longer wish to retain their land for the purposes for which it was acquired and who wish to sell property within the preserve are

encouraged to contact the superintendent. The National Park Service is interested in the opportunity to review all proposed land offerings or proposals. These proposals will be reviewed for possible purchase by the National Park Service based on their priority in the land protection plan recommendations and their potential contribution to the enhancement of scenic values, resource protection, continuation of community subsistence opportunities, enhancement of recreational opportunities, and maintenance of the wilderness or undeveloped character of the area. Extenuating circumstances, including hardship as defined in ANILCA section 1302(g), will also be considered. The availability of appropriated funds will determine the Park Service's ability to act on proposals from willing sellers.

When an owner of an improved property offers to sell to the United States, the owner may retain a right of use and occupancy for noncommercial, residential, or recreational use. Such a right is an agreement with the National Park Service and may last for a period of up to 25 years or for life.

SOCIOCULTURAL CHARACTERISTICS

About five percent of the preserve is or has been selected for private ownership by Native residents or corporations of northwest Alaska. Most of this private land is village (Noatak and Kotzebue) and regional corporation (NANA) selections in the southwest portion of the preserve, with native allotments scattered throughout the rest of the preserve. There is only one allottee who resides within the preserve year-round. Most corporation shareholders or allottees reside in Noatak or Kotzebue and use the land area intermittently for subsistence depending upon availability of the different plant and wildlife species. There are no known plans for changes in the subsistence use of these lands. Subsistence activities are discussed further in three sections in chapter II--"Land Uses," "Economy," and "Subsistence Uses."

PROTECTION ALTERNATIVES

The following alternatives provide varying degrees of protection to the natural and cultural environment of the preserve's nonfederal lands. Each alternative is analyzed with respect to its application, sociocultural impacts, and potential effectiveness in land protection.

EXISTING ENVIRONMENTAL AND CULTURAL PROTECTION REGULATIONS

All activities on nonfederal land in the preserve must meet applicable state and federal environmental protection laws and regulations; these authorities provide some protection for preserve resources.

All private resource development activities on private, state, and federal lands must meet applicable state and federal environmental protection standards. These standards are cooperatively enforced by the Alaska Departments of Environmental Conservation and Natural Resources, the Environmental Protection Agency, and the National Park Service.

Air quality must meet the standards for a class II area as established in the Clean Air Act amendments (42 USC 7401 et seq.). In Alaska the state's water quality standards are more restrictive than the EPA standards, and they are enforced by the Alaska Department of Environmental Conservation.

The Coastal Zone Management Act (PL 92-583, as amended in 1976 and 1980) establishes a national policy and develops a national program for the management, beneficial use, protection, and development of the land and water resources of the nation's coastal zones. This act establishes national goals for coastal zones and also provides substantial state discretion in interpreting and achieving its goals. After a state program has been approved by the Office of Coastal Zone Management, federal activities affecting the state's coastal zone are to be consistent with the state program. The provision applies not only to federal construction, but also to permits, licenses, and grants. Most activities on federal lands are exempt from these consistency requirements.

The NANA Coastal Resource Service Area Board, which encompasses most of Noatak Preserve, has completed a public hearing draft of its coastal management program. The board's goal is to achieve wise use of the land and water resources of the coastal area, balancing ecological, cultural, and economic values so as to maintain and protect coastal resources for the beneficial use and enjoyment of this and future generations. Activities occurring on federal lands that directly affect state coastal resources are subject to compliance with the Coastal Zone Management Program (see also appendix E).

Responsibilities for preservation of cultural resources by federal agencies are established by Executive Order 11593, "Protection and Enhancement of the Cultural Environment," (May 13, 1941), and PL 96-515, section 110 (National Historic Preservation Act of 1966, as amended, December 12, 1980). Agencies are directed to identify, consider, preserve, and positively use cultural resources.

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of federally assisted activities on properties listed or eligible for listing on the National Register of Historic Places and to give the Advisory Council on Historic Preservation an opportunity to comment on such activities.

The Archeological and Historic Preservation Act of 1974 (PL 93-291, 16 USC 460) calls for the preservation of historic and archeological materials and data that would otherwise be lost as a result of federal construction or federally licensed or aided activities. The authority for data recovery or in situ preservation is available to the secretary of the interior.

The Archeological Resources Protection Act of 1979 (PL 96-95, 16 USC 470aa) further protects historic, prehistoric, and archeological properties on federal and Indian lands by providing criminal and civil penalties for unauthorized use and destruction of those properties.

Section 1104 of ANILCA specifies the procedure for reviewing requests for rights-of-way for any transportation or utility system across public lands, and it establishes the criteria for approving or disapproving such requests. The access provision of section 1110 of ANILCA assures private landowners that they will be given "such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned lands," subject to reasonable regulations to protect preserve values.

The Alaska Anadromous Fish Act (Stat. 16.05.870) provides protection to specific rivers, lakes, and streams or parts of them that are important for the spawning, rearing, or migration of anadromous fish. The Noatak River and many portions of its tributaries are on the list of specific rivers that are protected by this act. The act requires that any person, organization, or governmental agency proposing construction that involves or uses one of the water bodies noted above must notify the commissioner of the ADF&G of this intention. Approval must be received from the ADF&G before beginning such construction or use.

Application

Regulations cannot usually provide for public use, but they can prevent harm to natural or cultural resources. For example, federal, state, and local regulations often impose strict limits on dredging or filling wetlands that would destroy wildlife habitat or degrade water quality. It is much more difficult for regulations to absolutely prohibit an activity than to simply limit the type, amount, or intensity of the activity.

Sociocultural Impacts

Regulations may prevent individual landowners from using their land in some manner, but this restriction on individual freedom is imposed for the benefit of the community as a whole. The impact can be regarded as beneficial to the public at large.

Effectiveness

In parks where the impact of development is already evident, regulations are more likely to be effective in reducing adverse effects of major projects. In relatively pristine areas, regulations may be of little use in efforts to preserve natural systems from any intrusions of development. Regulations also are more likely to be effective where there is a good base of information about the impacts of certain activities on park resources.

AGREEMENTS AND ALASKA LAND BANK

Agreements are legal instruments defining arrangements between two or more parties. Agreements can provide for the exchange or transfer of services, funds, or benefits from one party to another.

ANILCA (section 907) established an Alaska Land Bank Program (an example of an agreement) to provide legal and economic benefits to landowners and provide for the maintenance of land in its natural condition, particularly where these nonfederal lands relate to conservation system units. Native corporation lands (but not native allotments or small patented tracts) will have immunity from adverse possession, real property taxes, and assessments when they are included in the land bank and remain undeveloped. They will also be immune from judgment in any action of law or equity to recover sums owed or penalties incurred by any native corporation or group or any officer, director, or stockholder of the corporation or group. Land bank agreements may be particularly important in cooperating with native corporations that own large tracts of land in or adjacent to the preserve.

The National Park Service finds, in its "Wilderness Suitability Review," that the majority of nonwilderness lands in the preserve that are suitable for wilderness could conflict with potential Native corporation interest in using the land bank program. Because of the special provisions in ANILCA sections 1315-1317, the National Park Service believes that future use of NANA lands would be compatible with adjacent wilderness management.

Application

Some of the elements that could be addressed in an agreement include:

- -- each landowner's land management responsibilities
- -- access for resource management activities
- -- fire management
- -- law enforcement
- -- trespass control
- -- enforcement of environmental and cultural protection laws
- -- maintenance of land in its natural condition
- -- exclusion and/or allowance for specific use or activities

Assistance in the above elements may be provided without reimbursement to the federal government if it is determined that it would further the agreement and be in the public interest.

Sociocultural Impacts

Specific impacts would be defined by the terms of the agreement. Because all parties would have to agree to its terms, it is unlikely there would be substantial negative or adverse impacts.

Effectiveness

As long as the economic incentives for private land development remain limited and/or the landower is in agreement with preserve management, cooperative agreements could be a cost-effective, mutually beneficial means of ensuring compatible uses on private land in the preserve. They can also be used as an interim protective measure when long-term goals cannot be immediately achieved. Advantages of agreements include flexibility and relative low cost; disadvantages include the administrative costs to monitor the agreement, the ability of one party to terminate on short notice, and the lack of permanent protection.

CLASSIFICATION OF STATE LANDS

The Alaska Department of Natural Resources, Division of Land and Water Management, is responsible for managing state lands that are not specially designated. This division classifies the state lands it manages. Classification types include "resource management," "public recreation," and "wildlife habitat." Classifications establish primary uses for state lands; however, multiple uses of classified lands can occur as long as these other uses are compatible with the designated primary use.

Application

Future navigability determinations may affirm that portions of certain water bodies within the preserve are state owned. Additionally, state lands abut the northwestern and southeastern boundary of the preserve. The National Park Service, or any individual or organization, can request that the Division of Land and Water Management classify or reclassify state lands. Classification of state lands may be useful in cases where the interests of the National Park Service and the state of Alaska are similar.

Sociocultural Impacts

Classification of state lands is done through a public process. Any impacts upon the people of the region and state would likely be identified and eliminated or minimized during the process. The uses of the lands subject to classification and the type of classification determine what impacts will result.

Effectiveness

Classification can provide protection for state lands within and adjacent to a park unit. Advantages include no acquisition costs and no need to exchange lands; the disadvantage is the lack of permanent protection for preserve purposes.

ZONING BY STATE AND LOCAL GOVERNMENTS

Zoning is based on the power of state and local governments to protect public health, safety, and welfare by regulating land use. At the present time only the northern portion of the preserve is within an organized borough (North Slope) and that portion of the preserve area is identified in the North Slope Borough Plan as a conservation district with the intent "to conserve the natural ecosystem for all the various species..." (North Slope Borough 1983, p. 33). Should a borough or other form of regional government be formed in northwest Alaska, the National Park Service will propose the establishment of conservation zoning for the remainder of the preserve.

Application

Within units of the national park system, local zoning regulations can be used to limit the density, type, location, and character of private development. Zoning should be considered when:

- -- local government has a zoning ordinance in place or appears willing to adopt one
- -- there is evidence of state and local support for the protection of preserve objectives
- -- some reasonable private use of the land is consistent with preserve purposes
- -- private land use needs to be controlled and managed rather than prohibited to meet preserve objectives

Sociocultural Impacts

With the adoption (generally through broad-based public participation) and enforcement of zoning regulations, individual landowners may be prevented from using their land in some manner, but this restriction on individual freedom is imposed for the benefit of the community or borough as a whole. The impact can be regarded as beneficial to the public at large.

Effectiveness

Local zoning has been criticized as an effective long-term protection tool because of the potential for changes in local governing bodies, political pressures on decisions, and problems in enforcement of regulations. Local zoning can, however, be used as an interim protective measure when long-term goals cannot be immediately achieved.

EASEMENTS

Landownership may be envisioned as a package of interests. Acquiring an easement conveys only some of the interests from one owner to another, while other interests of ownership remain unchanged. Easements can include an array of interests ranging from limiting specific uses of the land to providing for public access.

Application

Easements are likely to be useful when:

-- some, but not all, private uses are compatible with preserve purposes.

-- current owners desire to continue existing use and occupancy of the land with limited conditions imposed by the National Park Service.

-- scenic values and protection or access by the public or the National Park Service is needed only over a portion of the land. Easements could be acquired in various areas of the preserve to ensure the preservation of scenic values and to maintain existing land uses.

Specific easement terms can be arranged to fit the topography, vegetation, visibility, and character of existing or potential developments on each tract.

Easement provisions to protect preserve resources could address the following points where development can occur:

-- clearing of vegetation

-- public access across a portion of private land to public land

-- density, height, design and/or color on developments visible to the public

-- access for management of natural and/or cultural resources

-- precluding or limiting subdivisions

Sociocultural Impacts

Individual and collective impacts would vary depending on the interests acquired. Overall, the impacts would be judged beneficial inasmuch as the acquired easements would contribute to the fulfillment of the preserve's objectives as well as being acceptable to the landowner.

On large tracts, the development of specific easement terms would require some detailed site planning to identify the most environmentally sensitive areas and those where development could be accommodated with minimal impacts. The development of specific easement terms can be a cooperative effort to ensure that any development follows traditional land use patterns or avoids any unnecessary disturbance of the natural or social systems.

Effectiveness

Because easements are permanent, enforceable interests in property, they provide greater assurances of permanent protection than do agreements or zoning ordinances. Easements are an "interest" that stay with the property and are binding on future owners.

Advantages of easements as compared to fee simple include:

- -- continued private ownership and use may continue subject to the terms of the easement
- -- lower initial acquisition costs than fee, with potential to protect more land
- -- reduced costs for NPS operation and maintenance of developed properties

Disadvantages of easements as compared to fee include:

- -- potential difficulty in enforcing easement terms in remote areas
- -- unfamiliarity of landowners with less-than-fee ownership
- -- relatively high costs of acquisition on undeveloped properties where further development is incompatible
- -- increased costs over time of monitoring easement terms and conditions

FEE-SIMPLE ACQUISITION

When all the interests in land are acquired, it is owned in fee simple.

Application

Fee-simple acquisition may be recommended when other methods of protection are inadequate, inefficient, or ineffective in meeting management needs. Fee-simple acquisition is most often appropriate where the land:

- -- must be maintained in a pristine natural condition which precludes reasonable private use
- -- is needed for development of preserve facilities or public use
- -- is owned by individuals who do not wish to sell less-than-fee interest
- -- cannot be protected in accord with preserve purposes by other methods, or alternatives would not be cost-effective

The National Park Service will acquire property, or portions of property, only when necessary to further park purposes. An example of a partial acquisition would be an important archeological site that occurs only on a portion of a property. If fee-simple acquisition were the only method of protecting the site, the Park Service would attempt to acquire only as much of the property as is necessary to protect this archeological site.

Sociocultural Impacts

Little change is likely to occur within the preserve at the present time because most land is undeveloped and/or only used seasonally. Even with acquisition, local rural residents would still be able to use the land for

subsistence purposes as they now use surrounding federal lands. Exclusive use and development opportunities on acquired parcels would be precluded.

Effectiveness

Fee-simple acquisition is the most effective and secure land protection alternative; it is also the most expensive form of land protection.

Advantages to fee acquisition include:

-- permanent control over land use

-- public access and access by management

-- the authority to develop necessary facilities

-- familiarity of fee-simple acquisition to private landowners

-- opportunity for continued private use under lifetime or fixed period reservations of use and occupancy

Disadvantages of fee acquisition include:

-- initial acquisition costs

-- maintenance and management requirements and costs, especially for developed properties

COMBINATIONS OF THE PREVIOUSLY DISCUSSED ALTERNATIVES

Because of the diversity of interests in land needed to protect the preserve's resources, no single alternative can be used in a cost-effective manner in every land protection situation. For that reason, a combination of alternatives is recommended to achieve compatible land uses within the preserve.

Application

The major consideration in selecting appropriate land protection alternatives is the need to comply with the intent of the National Park Service organic act, legislation that established the preserve, and applicable executive orders. These authorities emphasize the preservation and protection of the preserve's resources. In all cases, the minimum interest needed to carry out the intent of Congress will be defined and sought. Fee acquisition may be justified to protect key resources that are essential to the purpose of the preserve or to provide for visitor use or improved resource management. A scenic or conservation easement may be required to protect the unit from incompatible developments or other modifications that would impair its environment and detract from a visitor's experience. Cooperative agreements may be sought to ensure that the management of private lands would be consistent with preserve objectives.

Regulations cannot be considered as a substitute for the acquisition of interests in land, although the National Park Service would be alert to opportunities to use appropriate regulations to maintain existing land uses and environmental quality within the preserve.

Sociocultural Impacts

If the actions recommended in the following section are successfully implemented, there will be minimal impacts on the nonfederal land owners. The goal of the land protection program at Noatak National Preserve is to ensure that the integrity of the unit is preserved.

Effectiveness

Implementation of the recommended plan would be effective in complying with the Congressional mandates for the preserve.

METHODS OF ACQUISITION

There are four primary methods of acquisition of fee and less-than-fee interests in lands: donation, exchange, purchase, and relinquishment. Discussion of these methods follows.

Donation

Landowners may be motivated to donate their property or specific interests in their land to achieve conservation objectives or obtain tax benefits. Donations of fee-simple title are deductible from taxable income. Easement donations may also provide deductions from taxable income.

Landowners are encouraged to consult qualified tax advisors to explore the detailed advantages of donations.

Exchange

Land or interests in land may be acquired by exchange. The land to be exchanged for a nonfederal tract within a park unit in Alaska must be in Alaska and must be of approximately equal value, with cash paid to equalize value. However, exchanges may be made for other-than-equal value if the secretary determines it is in the public interest (ANILCA section 1302(h)).

The National Park Service will also consider exchange of lands within the authorized boundary that would consolidate NPS jurisdiction, thus creating more manageable units. This could include boundary adjustments. Other federal lands outside the preserve may also be considered.

Purchase

Acquisition by purchase requires funds to be appropriated by Congress or donated from private sources. Appropriations for acquisition are expected to be very limited during the life of this plan. Potential donations of funds or purchases by individuals or organizations interested in holding land for conservation purposes will be encouraged.

Where it is determined that land or interests in land must be acquired, every effort will be made to reach a negotiated settlement with the owner. However, if an agreement cannot be reached, a complaint in condemnation may be filed in the federal court to establish the fair market value of the property. Condemnation proceedings will not be initiated until negotiations to achieve resolution of the problem through means other than condemnation have been exhausted. The power of eminent domain, where allowed by law, may be used to prevent land use activities that, in the opinion of the secretary of the interior, produce an eminent threat or actual damage to the integrity of preserve lands, resources, or values, and if no other action will prevent the damage. Condemnation action may also be used during the process of acquisition to overcome defects in title.

Relinquishment

State and native corporation land under application may be relinquished resulting in retained federal ownership.

RECOMMENDATIONS

The plan establishes priority groups to identify the relative importance of tracts and to provide a general explanation of what lands are considered most important for park purposes. However, because ANILCA and its legislative history strongly supports acquisition of lands from voluntary sellers and by exchange, the land protection program will proceed primarily on an opportunity basis as owners offer to sell or exchange their lands. Therefore, tracts may not be acquired in exact priority order. Priorities will be most important if several different offers are submitted at the same time. Limited funds and lands suitable for exchange will generally mean that only high priority lands among those offered can be acquired. Emergency and hardship cases also may be addressed as they arise, regardless of priority.

PRIORITIES

Priority A

Priority A lands are those lands that contain significant resources for which the preserve was established and lands needed for primary visitor or administrative uses. The following is a list of criteria used to define the significant resources for which the preserve was established. Most are derived directly from the legislatively stated purposes for the area. These are discussed and/or mapped in chapter II.

- Sensitive habitats
  - caribou calving and wintering areas and migration routes
  - moose wintering areas
  - bear and wolf denning areas
  - dall sheep concentration areas
  - waterfowl and raptor nesting areas
  - fish spawning areas
  - migratory bird flyways
- Special geological/ecological features
  - major streams
  - areas of geological interest (such as the Noatak Canyon and Grand Canyon areas)
  - areas of unique botanical communities
  - areas of ecological significance
- Cultural resources
  - archeological and historic sites
  - paleontological sites
- Subsistence resources
  - locations important for maintenance of subsistence resources and their uses
- Visitor and/or administrative sites

Priority B

Priority B lands are those lands subject to potential visitor use but well removed from the major travel corridors along the Noatak River and tributaries.

SPECIFIC PROPOSALS

Recommended priorities and means of protection of nonfederal land in Noatak National Preserve are given below. Ownership, location, acreages involved, minimum interest needed for protection, and justification are also given. Priorities may be readjusted if incompatible uses develop, as additional information is obtained, or to address emergencies or hardships. The land protection plan will be reviewed every two years and revised as necessary to reflect new information and changing uses and priorities. Review and revision procedures, including public involvement, are discussed in chapter I.

"Owner," as it pertains to privately owned real property inside the preserve, is defined as follows: "The persons(s), corporation, or other entity who first received patent or other conveyance from the United States of America or the State of Alaska." When the title to real property is conveyed by the United States of America or the state of Alaska (in the case of state land disposals), maintenance by the government of records of future transfers of ownership are not required. Those records are maintained in each recording district. Abstracts of such records are available from various title insurance companies throughout the state.

This plan identifies a minimum interest needed for protection but recognizes that the actual means of protection may change as a result of negotiation. In carrying out the purposes of ANILCA, section 1302 authorizes the secretary of the interior to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of conservation system units. Where acquisition is proposed, exchange is the preferred method whenever possible. Donations or relinquishments, where applicable, are encouraged. Purchase with appropriated or donated funds is another possible method. It should be noted that the appropriation of funds for land acquisition is expected to be very limited for the next few years. Therefore, the purchase of nonfederal interests in the preserve is expected to be minimal.

A minimum interest has been defined for the protection of native allotments. However, the National Park Service recognizes that the traditional use of native allotments is compatible with the purposes of Noatak National Preserve. If the owners of native allotments continue to use their property as it has been traditionally used, the Park Service does not intend to acquire allotments. The need for federal acquisition to protect resource values will be triggered if a change is perceived from this traditional use to an incompatible land use.

No estimates of the cost of implementing the recommendations of this plan have been prepared at this time. A useful estimate requires appraisals that are costly and have a short shelf life because of variable and changing market conditions. Appraisals for individual tracts will be prepared

following agreement in concept with the landowner to acquire a specific interest in real property.

Individual parcel applicants/owners for each tract are identified on table 8, which follows the priority listings. See also the Land Protection Priority Groups map.

Priority:	A
Tract:	1
Parcels:	1-7,9,10,12-14,21,22,27,33,34,36,39,40
Acres:	2,488
Mininum Interest Needed:	Conservation easement
Justification:	Given the proximity of these tracts (all Native allotments) to likely points of public access, the river corridor's use as the major route of most preserve users, and the fact that most of the allotments are surrounded by designated wilderness, it is important that any additional development in this area not intrude upon the natural setting. The existing subsistence uses of these lands are compatible. An easement is the minimum interest necessary to ensure that future use will continue to be compatible with the purposes of the preserve. In managing the area, the National Park Service will maintain the surrounding federal land in its existing natural character and continue to permit local rural residents access to and use of all subsistence resources. Any parcels offered for sale by the owner will be acquired if possible. Federal ownership will guarantee community access to subsistence resources, provide unrestricted recreational opportunity, and ensure protection of lands and resources along the river.

Priority:	B
Tract:	2
Parcels:	8,11,15-20,23-26,28-32,35,37,38

Acres:	1,373
Mininum Interest Needed:	Conservation easement
Justification:	These tracts are generally well removed from areas of general public use or access and in many cases are surrounded by designated wilderness. To minimize intrusions on the surrounding wilderness, it is important that any additional development in this area not intrude upon the natural setting. The existing subsistence uses of these lands are compatible. An easement is the minimum interest necessary to ensure that future use will continue to be compatible with the purposes of the preserve. In managing the area, the National Park Service will maintain the surrounding federal land in its existing natural character and continue to permit local rural residents access to and use of all subsistence resources. Any parcel offered for sale by the owner will be acquired if possible. Federal ownership will guarantee community access to subsistence resources, provide unrestricted recreational opportunity, and protect all lands and resources in the preserve.

Priority:	A
Tract:	3
Parcels:	42 14(h)(1) selections by NANA (86 sites)
Acres:	47,252
Mininum Interest Needed:	If conveyed, agreement
Justification:	These cultural resource sites make up a major part of the known cultural resource base of the preserve and require protection of their cultural, scientific, and interpretive values. If these sites remain in federal ownership, management will include consultation and other means to consider local concerns. If conveyed, protection will be provided by a land bank or similar cooperative agreement which NANA has indicated they intend to initiate with the National Park Service. An agreement could include provisions for technical assistance

in preserving the sites, assistance in protecting the areas from other preserve users, and some access for research.

Priority:	B
Tract:	4
Parcels:	41,43-45 (village and regional corporation selections)
Acres:	288,717 (426,883 less 138,166 overlapping selections)
Mininum Interest Needed:	Retention in federal ownership
Justification:	The area involved within the preserve is only a small portion of the overall village and regional corporations' selections. Most of these selections probably will exceed entitlement acreage and remain in federal ownership. In managing the area, the National Park Service will maintain the federal land in its existing natural character, continue to permit local rural residents access to and use of all subsistence resources, and protect the internationally significant resource values of the preserve. Along the lower Noatak River access (via existing easements) is provided to the preserve and there are also important forest resources in the area. If any of these lands are conveyed, a land bank or other cooperative agreement would provide satisfactory protection. In some cases involving outstanding resources or public access, fee acquisition by exchange may be needed. Any parcels offered for sale will be acquired if possible. Additional land protection analysis with public involvement will be undertaken at the time conveyances are made, and the land protection plan will be revised accordingly.

Pages with native allotments identified have not been included

Pages with native allotments identified have not been included

LAND PROTECTION PRIORITY GROUPS

Noatak National Preserve

United States Department of the Interior
National Park Service

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PRIORITY GROUP "A"

PRIORITY GROUP "B"

SMALL TRACT ENTRIES

CEMETERY SITES & HISTORIC PLACES - APPLICATION

NATIVE REGIONAL CORPORATION - APPLICATION

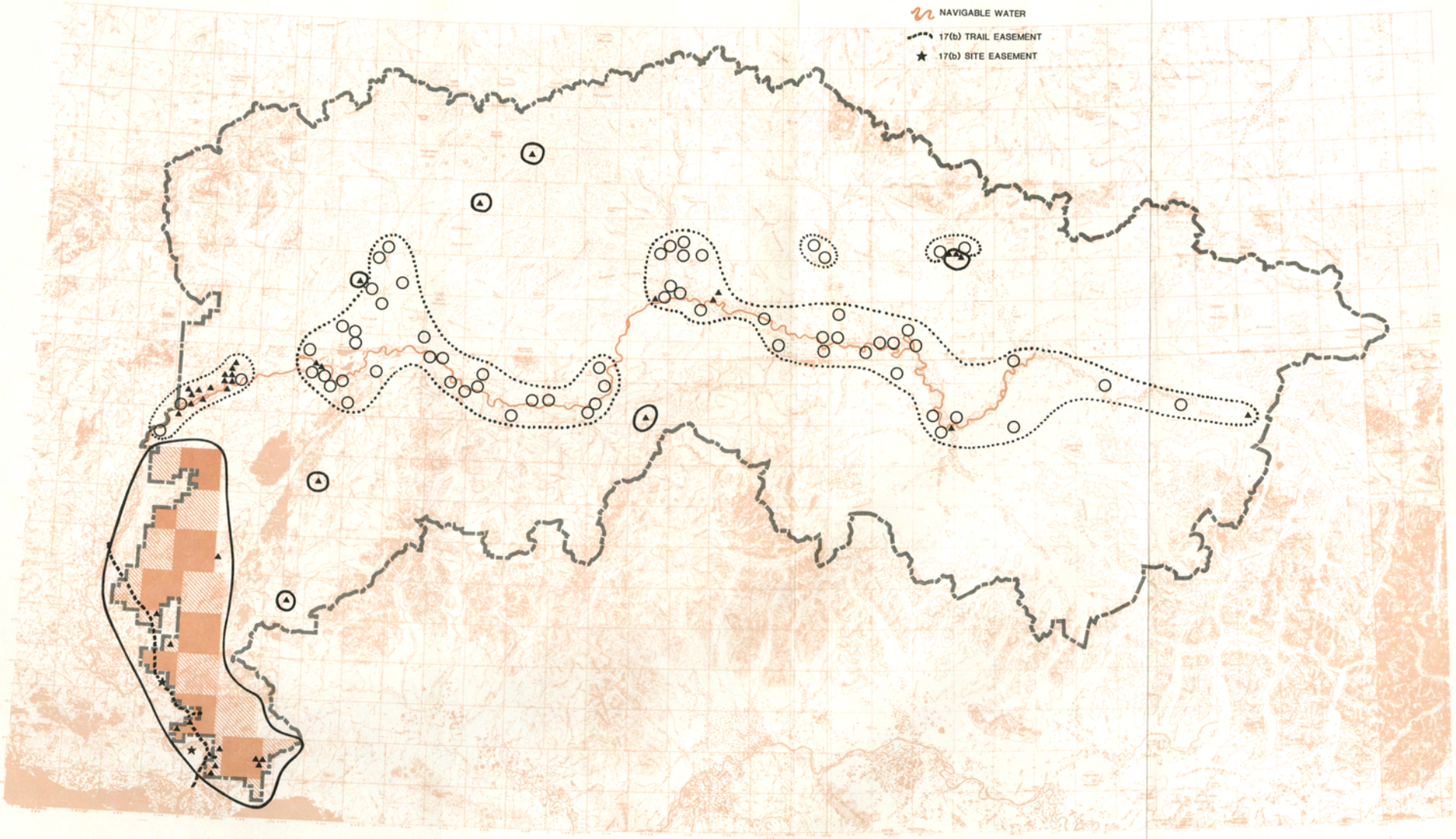
NATIVE VILLAGE CORPORATION - APPLICATION

NATIVE VILLAGE CORPORATION - PATENT & INTERIM CONVEYANCE

NAVIGABLE WATER

17(b) TRAIL EASEMENT

17(b) SITE EASEMENT



COMPLIANCE CONSIDERATIONS

National Environmental Policy Act requirements for proposals in this plan related to native corporation lands and state lands will be fulfilled at a later date when, and if, conceptual agreements are reached with these landowners. The effects of land exchanges can be evaluated only when both the lands to be acquired and the lands to be removed from federal ownership are identified. This land protection plan currently identifies only the lands (or interests in lands) to be acquired. Environmental asessments and/or environmental impact statements will be prepared prior to the implementation of any land exchange, with the exception of land exchanges involving the conveyance of lands to native corporations that fulfill entitlements under the terms of ANCSA as provided by ANILCA, section 910.

Consistent with current policies on implementation of section 810 of ANILCA, evaluations will be prepared on any proposals in this land protection plan that require the preparation of environmental assessments and/or environmental impact statements or any proposals that would result in the removal of lands (or interests in lands) from federal ownership. Other actions proposed in the land protection plan will cause no significant change in existing land or public use and are therefore categorically excluded from NEPA considerations, in accordance with the U.S. Department of the Interior "Departmental Manual" (516 DM6, Appendix 7.4 and 516 DM2, Appendix 2). Proposed actions for small tracts and submerged state lands are included in this category.

BOUNDARY CHANGES

Section 103(b) of ANILCA permits the secretary of the interior to make minor boundary adjustments. These adjustments are limited to a net gross acreage increase or decrease of 23,000 acres (or if this ceiling has already been met, there would be no increase or decrease in the total preserve area).

The National Park Service is interested in one change along the western boundary northwest of the Kelly River confluence. The area to be added is about 10,500 acres and is a mixture of state and native land selections (with mineral claims) and federal land managed by the BLM; this area is in the Noatak River drainage. The area to be deleted (which is outside of the Noatak River drainage) is preserve land (see Boundary Change map). Should these selections be relinquished and the mineral interests abandoned, the National Park Service is interested in adding these lands to the preserve to protect the entire watershed in this area. Federal retention of the land would be through the state and native corporations relinquishing their selections. The boundary change is being proposed in accordance with section 103(b) that directs that whenever possible conservation unit boundaries shall follow hydrographic divides or embrace other topographic or natural features.

The area to be added was in the original Noatak preserve proposal but was deleted because of possible mineral values. Because the state selected this area (T 31 N, R 17 W, KRM) for its mineral potential, they do not support the change. However, should the state position change, the National Park Service would be interested in pursuing this boundary change.

Northeast of the preserve is the National Petroleum Reserve-Alaska. A 9-mile-wide strip of land originally thought to be part of the reserve may actually be unappropriated public land. If this proves to be correct, the National Park Service would, under the authority of section 103 of ANILCA, seek to add acreage within the upper Nigu River area to Gates of the Arctic National Park and Noatak National Preserve. This area contains natural and cultural resource values of significance to both the park and the preserve, including several miles of the Nigu River.

The present boundary along the southwestern portion of the preserve along the Noatak River runs along section lines that are difficult to define on the ground, thus making it hard to tell if the land is private or public. If possible, the National Park Service will seek to delineate a more definable and manageable boundary based on natural features. However, until questions of native land entitlements are resolved, it would be premature to do so. Settlement of the native land conveyances adjacent to and within the western edge of the preserve is expected to be completed within five to 10 years, during which time the National Park Service will attempt to work with landowners to develop mutually beneficial boundaries and/or land exchanges.

Potential additions to the preserve by exchange with the state pursuant to ANILCA section 1302(i) or boundary adjustments or additions pursuant to section 103(b) will be designated either park or preserve, whichever is adjacent to the addition. Potential acquisitions within the preserve will similarly be designated the same catregory as surrounding lands. If such an

addition or acquisition is adjacent to both park and preserve lands, the tract will have a split designation following the extension of the park/preserve boundary, adjusted wherever possible to follow hydrographic divides or embrace other topographic or natural features. For additions to the preserve beyond the 23,000-acre limit of section 103(b), congressional action will be required, and preserve designations will be determined by the legislation. Public and congressional notification and review of proposed additions pursuant to sections 1302(i) and 103(b) will be provided as appropriate. The compliance requirements of NEPA and ANILCA will be fulfilled in the case of administrative boundary adjustments.

Additions to the preserve or acquisitions that are within the congressionally established wilderness boundary will automatically become wilderness upon acquisition pursuant to section 103(c) of ANILCA.

Lands added or acquired will be managed in the same manner as other unit lands of the same designation.

PROPOSED BOUNDARY ADJUSTMENTS

Noatak National Preserve

United States Department of the Interior
National Park Service

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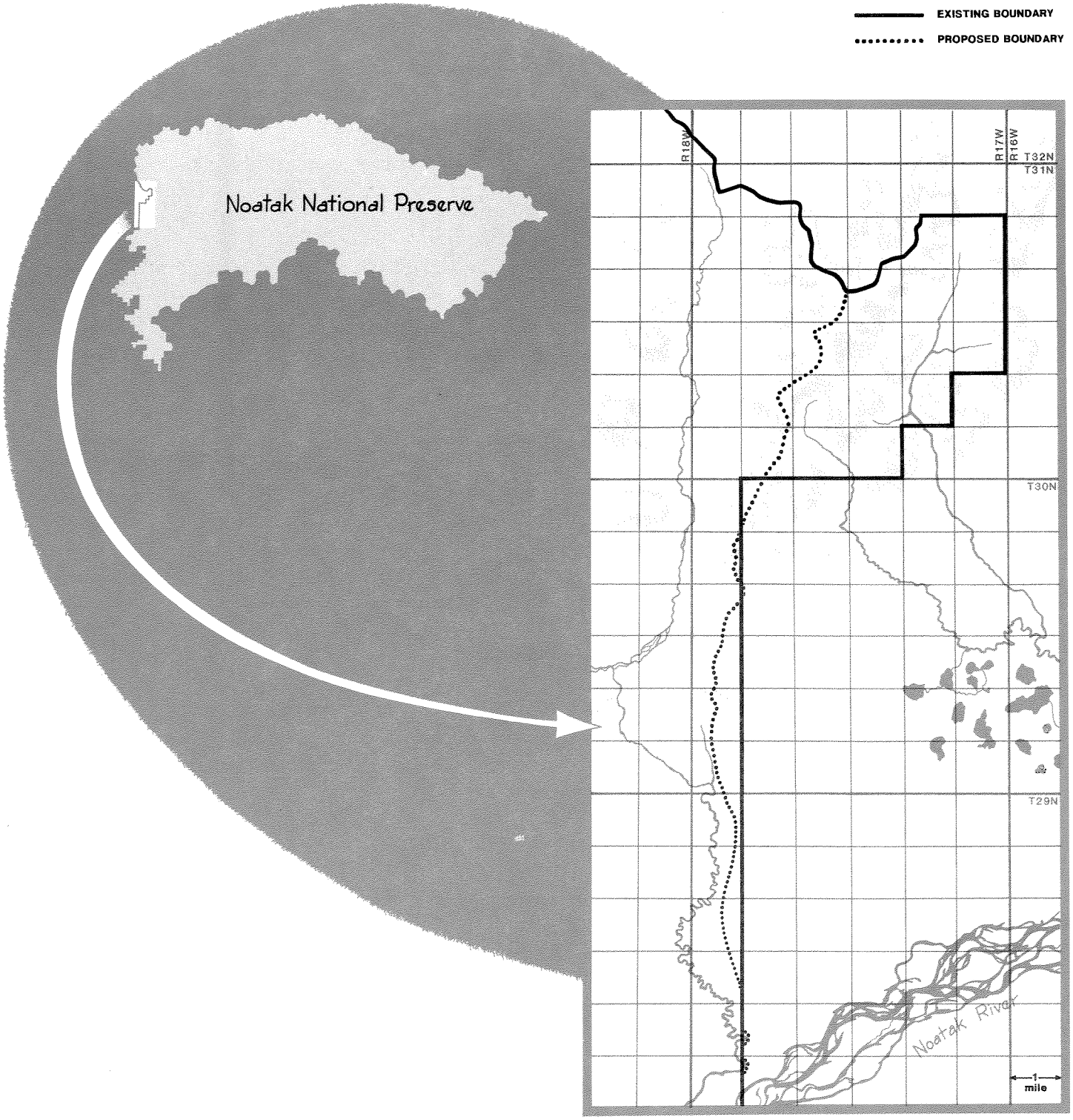
EXISTING BOUNDARY

PROPOSED BOUNDARY