United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MEMORANDUM

To: Jessica Bowron
NPS Comptroller, exercising the delegated authority of the Director

From: Douglas J. Burgum
Secretary

Subject: Use of Off-Road Vehicles for Subsistence Purposes in Gates of the Arctic National Park and Preserve

Date: May 16, 2026

Beginning in 1986, the National Park Service (NPS) prohibited the use of off-road vehicles (ORVs) for subsistence purposes in Gates of the Arctic National Park and Preserve (Gates). Over many years, the residents of Anaktuvuk Pass requested that NPS allow for their use of ORVs for subsistence purposes.

Section 811 of ANILCA guarantees the use of certain means of transportation for subsistence purposes, stating that "the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes." 16 U.S.C. § 3121(b). ANILCA does not define either "other means of surface transportation," or "traditionally employed for such purposes."

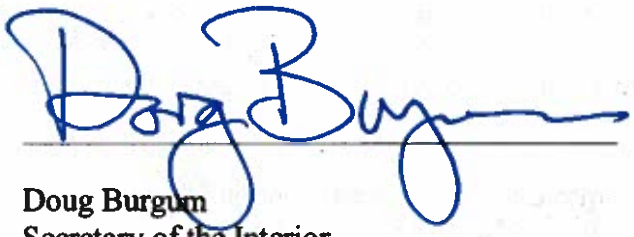
In a 1986 general management plan (GMP) for Gates, the NPS interpreted "traditionally employed" by using dictionary definitions of the word "traditional." Gates GMP at 124. Those dictionary definitions employed concepts like "successive generations," "[c]ultural continuity embodied in a massive complex of evolving social attitudes, beliefs," and "[a]n inherited or established way of thinking, feeling or doing." Id. The NPS concluded ORVs did not meet the dictionary definitions of "traditional" and were thus prohibited for subsistence purposes in Gates. Id.

The NPS's 1986 interpretation is inconsistent with ANILCA's broader statutory context regarding the continuance of subsistence uses. Congress generally sought to preserve the status quo with respect to subsistence with a focus on its continuation. See, e.g., 16 U.S.C. § 3101(c) ("to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so") (emphasis added); § 3111(1) ("the continuation of the opportunity for subsistence uses by rural residents of Alaska") (emphasis added). The better reading of the term "traditionally employed" in Section 811(b) is one that allows for the continuation of surface transportation means that were in use for subsistence purposes at the time of Gates' creation. This interpretation

is bolstered by ANILCA's legislative history as well as the agency interpretations associated with ANILCA implementing regulations enacted in 1981.

Available information, including but not limited to several studies from the mid- to late-1980s, demonstrates that ORVs were used for subsistence purposes in Gates before its establishment. See, e.g., North Slope Borough, *In the National Interest: A Geographically Based Study of Anaktuvuk Pass Inupiat Subsistence Through Time* (1985); US Army Corps of Engineers, *Effects of All-Terrain Vehicle Traffic on Tundra Terrain Near Anaktuvuk Pass, Alaska* (1988); NPS, *Effects of All-Terrain Vehicle Use in the Vicinity of Anaktuvuk Pass, Gates of the Arctic National Park, Alaska: I. Study of Established, Recovery, and New Trail Segments* (1988); and NPS, *The Anaktuvuk Pass All-Terrain Vehicle Study 1981 – 1988: A Narrative Report of Field Operation and Dispersed ATV Use* (1989). After applying the best interpretation of statute to these facts, I conclude that ANILCA allows for the use of ORVs for subsistence purposes in Gates.

Accordingly, I hereby adopt the technical corrections to the Gates GMP identified on Attachment 1 to this memorandum to allow use of ORVs for subsistence purposes in Gates. Furthermore, I direct NPS to complete a regulatory process in consultation with key stakeholders within six months of this decision to enact the minimal regulations that may be necessary to avoid adverse impacts.



Doug Burgum
Secretary of the Interior