historical subsistence use of the park and their permanent local residency.

Some resident zone communities are changing, and some individuals with no established, historical pattern of use within the park are engaging in subsistence uses of park resources. The National Park Service is charged with monitoring the resident zone communities for their continued eligibility. If a designated community no longer appears to meet the criteria, a process of public notice, hearing, and consultation with the subsistence resource commission will be initiated to consider deleting the community from the designated resident zone. If this occurs, individuals within the community who can demonstrate an established or historical pattern of park use prior to 1980 by themselves or their immediate families will be issued permits to continue subsistence use.

Traditional Use Areas

ANILCA limits subsistence use in Gates of the Arctic National Park to those areas where it has traditionally occurred. NPS regulations reiterate this limitation and provide for the delineation of these traditional use areas (36 CFR 13.41). The subsistence resource commission may address the issue of designation of traditional use areas. Based on their recommendations, 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 subsistence resources is provided for in section 811 of ANILCA which states:

> (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.
>
> (b) Notwithstanding any other provision of this Act or other law, 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 by local residents, subject to reasonable regulations.

In the Gates of the Arctic, subsistence uses by local residents are allowed, where such uses are traditional, in accordance with the provisions of title VIII of ANILCA. Authorized means of access for subsistence uses in Gates of the Arctic are snowmachines, motorboats, and dog teams, and they are governed by existing regulations (36 CFR 13.46). If another means of surface access is shown to have been traditionally employed in the unit for subsistence purposes, it may be permitted in that unit subject to reasonable regulations. The existing

regulations contained in 36 CFR 13.46 do not allow for transportation modes other than snowmobiles, motorboats, and other means of surface transportation traditionally employed. Any additional information about traditional means will be reviewed on a case-by-case basis. ~~A definition of "traditional" may be found in appendix N.~~

The legislative history of ANILCA indicates that it was not Congress's intention to foreclose the use of new or currently unidentified means of surface transportation (Senate Report 96-413, p. 275). New modes of access that are developed and implemented for general use in rural Alaska and originate from technological advances that cannot be shown to have been traditionally employed may be allowed in the future for subsistence purposes under circumstances that prevent waste or damage to fish, wildlife, or terrain and would not degrade other park resources or values. The effect of new technology on areas and intensity of subsistence use would also need to be addressed.

In Gates of the Arctic, the use of ORVs for subsistence is ~~not~~ allowed because the use has ~~not~~ been shown to be a traditional means of access. ~~Further, it has not been demonstrated that adverse impacts can be avoided. Information has been presented to the National Park Service regarding use of ORVs in Gates of the Arctic prior to establishment of the unit, however, no sufficient evidence has been submitted to warrant reconsideration. The Park Service is seeking more data on this use, along with cooperative studies with the Bureau of Indian Affairs on the vegetative impacts of ORVs. New information related to the traditional use of ORVs for subsistence will be reviewed for consistency with ANILCA~~.

The use of aircraft as a means of access to areas within the park for purposes of taking fish or wildlife for subsistence purposes is prohibited except in cases of extraordinary hardship, when a permit may be granted by the superintendent pursuant to 36 CFR 13.45 and 13.64. In allowing for exceptions to the ban on aircraft use for subsistence activities, the legislative history of ANILCA states that "these types of situations are the exception rather than the rule and that only rarely should aircraft use for subsistence hunting purposes be permitted within National Parks, National Monuments and National Preserves" (House, Nov. 12, 1980, Congressional Record, H 10541).

General provisions for subsistence access are summarized in appendix I.

Timber Cutting

The use of plant materials and trees are also allowed for subsistence purposes. Any cutting of live trees greater than 3 inches in diameter requires a permit from the park superintendent, which will be issued if alternate resources do not exist outside the park. Timber-cutting permits require dispersed cutting, flush cutting, scattering of slash, and river and lakeshore setbacks to avoid unnecessary scenic and resource impacts.

APPENDIX I: SUMMARY OF ACCESS PROVISIONS

SUBSISTENCE AND RECREATIONAL USE

Means of Access	Subsistence	Reference[1]	Recreation	Reference[1]	Changes Proposed in Plan
Snowmachines	Yes Except: A	ANILCA 811 36 CFR 13.46 43 CFR 36.11(b)	Yes Except: B	ANILCA 1110 43 CFR 36.11(c) 36 CFR 13.30 43 CFR 36.11(h)	Guaranteed for subsistence purposes, access to private property within the unit, and travel to and from villages and homesites; pursue legislation that would discontinue the recreational use of snowmachines in certain areas of the unit
ORVs	Yes ~~No~~	ANILCA 811 36 CFR 13.46	No	ANILCA 101 43 CFR 36.11(g) EO 11644 and EO 11989[2]	None
Motorboats	Yes Except: A	ANILCA 811 36 CFR 13.46 43 CFR 36.11(b)	Yes Except: B	ANILCA 1110 43 CFR 36.11(d) 36 CRF 13.30 43 CFR 36.11(h)	Guaranteed for subsistence purposes, access to private property within the unit, and travel to and from villages and homesites; pursue legislation that would discontinue the recreational use of motorboats in certain areas of the unit
Fixed-wing aircraft	No Except: C	ANILCA 811 36 CFR 13.45 43 CFR 36.11(f) 36 CFR 13.64	Yes Except: B	ANILCA 1110 43 CFR 36.11(f) 36 CFR 13.30	None
Helicopters	No	ANILCA 811 43 CFR 36.11(f) 36 CFR 13.45	No Except: D	ANILCA 1110 43 CFR 36.11(f)	None
Ultralights	No	ANILCA 811 36 CFR 2.17 36 CFR 13.45	No	ANILCA 1110 36 CFR 2.17 43 CFR 36.11(f)	None
Pack and saddle animals[3]	Yes Except: A	ANILCA 811 36 CFR 13.46	Yes Except: B	ANILCA 1110 43 CFR 36.11(e) 36 CFR 13.30	Limit recreational use of hoofed pack and saddle animals to three per party and require permit to monitor closely; allow pack dogs under restraint; no change to subsistence or access to private land

The terms "Yes" and "No" in subsistence and recreation columns reflect a general rule as to whether a specific type of access is allowed. Where exceptions to the general rule exist, they are noted and explained in the appropriate footnote.

Exceptions:

A. The superintendent may restrict or close a route or area to use of snowmachines, motorboats, dog teams, or other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses under specified conditions (36 CFR 13.46(b)(c)).
B. The superintendent may close an area or restrict an activity on an emergency, temporary, or permanent basis (36 CFR 1.5 and 13.30 and 43 CFR 36.11(h)).
C. The use of fixed-wing aircraft for access to and from park lands (not preserve units) for the purposes of taking fish and wildlife for subsistence is prohibited (36 CFR 13.45 and 43 CFR 36.11(f)). In extraordinary cases local rural residents, particularly residents of Anaktuvuk Pass, may use aircraft on park lands for taking fish and wildlife in accordance with a permit issued by the superintendent (36 CFR 13.45 and 13.64). The use of aircraft is allowed for subsistence activities other than the taking of fish and wildlife.
D. The use of a helicopter in any park area, other than at designated landing areas and pursuant to the terms and conditions of a permit issued by the superintendent, is prohibited (43 CFR 36.11(f)(4)).

Footnotes:

1. ANILCA refers to sections of the Alaska National Interest Lands Conservation Act of 1980; Part 13 of title 36 of the Code of Federal Regulations (36 CFR 13), "National Park System Units in Alaska," and relevant sections of part 36 of title 43 of the Code of Federal Regulations, "Transportation and Utility Systems in and across, and Access into, Conservation System Units in Alaska," are contained in appendix J.
2. EO 11644 prohibits the designation of ORV areas and trails in officially designated wilderness. In areas of the national park system, the executive order also requires a determination that the location of ORV areas and trails in nonwilderness will not adversely affect the natural, aesthetic, or scenic values.
3. Pack animal means horses, burros, mules, llamas, or other hoofed mammals when designated as pack animals by the superintendent.

APPENDIX N: DEFINITION OF TRADITIONAL

In applying the provisions of ANILCA as related to "means of surface transportation traditionally employed" (section 811) and "the use of snowmachines . . . , motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities" (section 1110), the National Park Service has relied on the following definitions of "tradition(al)" from Webster's Third New International Dictionary of the English Language (unabridged), 1976:

> 2. The process of handing down information, opinions, beliefs, and customs, by word of mouth or by example; transmission of knowledge and institution through successive generations without written instruction . . .
>
> 3. An inherited or established way of thinking, feeling or doing; a cultural feature (as an attitude, belief, custom, institution) preserved or evolved from the past; usage or custom rooted in the past (as of a family or nation); as a (1): a doctrine or practice or a body of doctrine and practice preserved by oral transmission (2): a belief or practice of the totality of beliefs and practices not derived directly from the Bible . . .
>
> 5.a: Cultural continuity embodied in a massive complex of evolving social attitudes, beliefs, conventions, and institutions rooted in the experience of the past and exerting an orienting and normative influence on the present b: the residual elements of past artistic styles or periods . . .

The National Park Service recognizes that it would be valuable to pursue, with those affected, the refinement of this definition in the context of the legislative history; in the interim, the Park Service will continue to use this definition in applying the above-referenced provisions of ANILCA. To qualify under ANILCA, a "traditional means" or "traditional activity" has to have been an established cultural pattern, per these definitions, prior to 1978 when the unit was established.