

October 18, 2007

Dear Superintendent Anderson,

I have reviewed the FONSI for Cantwell ORV Management and appreciate the effort you have put into this sensitive issue. However, the response to our question on the definition of a qualified subsistence user was incomplete, simply addressing the “50 families” portion of the question. A large question remains. Does the “qualified subsistence user” definition in the EA limit the number of subsistence users to a group smaller than members of the resident zone? Or not?

Please clarify the definition of “Qualified Subsistence User”

The EA defines qualified users as those who: “(1) are local rural Alaska residents *and* have a positive customary and traditional use determination for the species and wildlife in the management unit where they want to hunt *and* who permanently reside in the Denali National Park resident zone (are residents of the park, Cantwell, Nikolai, Minchumina, or Telida); or (2) are local rural Alaska residents who have been issued a 13.44 subsistence use permit by the superintendent of Denali National Park and Preserve.”

Part (1) of this definition appears to limit the number of subsistence users to a group smaller than the number of folks who actually live in the resident zone community, since the requirement of having had a traditional use determination is added to this definition. However, we note that the 2007/2008 Federal Subsistence Wildlife Regulations state that “subsistence users must be local rural residents of NPS areas,” adding no other qualifier. In addition, the Federal Subsistence regulations appear to indicate that simply by residence in a resident zone, rural users in Unit 13 already have a customary and traditional determination.

Please clarify whether or not Part (1) reduces the number of hunters eligible for a permit to hunt moose and caribou to a smaller group of users with a unique, multigenerational pattern of subsistence use in the TUA, or whether the broader notion of an automatic customary and traditional use determination for all members of a resident zone is intended.

DCC Board

Nancy Bale
Jean Balay
Cass Ray

Jenna Hamm
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Nan Eagleson

Julia Potter, Community Organizer

In Part (2) of the definition could potentially fold in people who do not live in a resident zone and do not have a history of pre-ANILCA use, since there is at least one individual who qualified for this permit on the basis of post ANILCA use. The EA needs to explain how the granting of 13.44 permits will preserve the intent of ANILCA, if this becomes a standard for determining who can use ORVs for subsistence.

Please clarify how you will use the definition of “qualified subsistence user” under the Cantwell ORV Management Plan.

Finally, we would like to reiterate our profound concern regarding any future move to build a trail where one did not previously exist in Wilderness eligible National Park lands.

Respectfully,

A handwritten signature in black ink that reads "Nancy Bale". The signature is written in a cursive, flowing style.

Nancy Bale

President, Denali Citizens Council

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