

<b>ICTP23-02 Executive Summary</b>	
<b>General Description</b>	<p>Proposal ICTP23-01 submitted by Kevin Mayo and members of his household, requests an individual customary and traditional (C&amp;T) use determination for moose, caribou, grouse and ptarmigan in Game Management Unit 13 (GMU 13) in areas managed by the National Park Service where subsistence uses are allowed. Kevin Mayo already has an individual C&amp;T determination for moose and caribou in GMU 13 in areas managed by the National Park Service where subsistence uses are allowed.</p>
<b>Proposed Regulation</b>	<p><b>Federal Regulation Regarding Individual Customary and Traditional Use Determinations for National Parks and Monuments</b></p> <p><i>§ .16 Customary and traditional use process</i></p> <p><i>(a) The Board shall determine which fish stocks and wildlife populations that have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.</i></p> <p><b>Customary and Traditional Use Determination Moose, caribou, grouse, and ptarmigan in GMU 13 in areas managed by Denali National Park and Preserve where subsistence uses are allowed.</b></p> <p><b>Caribou</b> <i>Unit 13E – Residents of Units 11, 12, (along the Nebesna Road), 13, Chickaloon, McKinley Village, and the area between milepost 216-239 of the Parks Highway. No subsistence priority for the residents of Denali National Park headquarters*.</i></p> <p><b>Moose</b> <i>Unit 13E Residents of Unit 13, Chickaloon, McKinley Village, Slana and the area between milepost 216-239 of the Parks Highway. No Federal subsistence priority for the residents of Denali National Park headquarters*.</i></p> <p><b>Grouse</b> <i>Residents of Units 11, 13, 15, 16, 20D, 22, and Chickaloon*.</i></p> <p><b>Ptarmigan</b> <i>Residents of Units 11, 13, 16, 20D, 22, 23, and Chickaloon*.</i></p> <p><i>*For all the above species: residents of Healy, Alaska: Kevin Mayo and family household.</i></p>

	<p><i>*Note: Names of individual do not appear in the regulation booklets, they are on a list maintained by the respective National Park Service subsistence manager.</i></p>
<b>National Park Service Recommendation</b>	Support
<b>Southcentral Subsistence Regional Advisory Council Recommendation</b>	
<b>Eastern Interior Subsistence Regional Advisory Council Recommendation</b>	
<b>Denali National Park Subsistence Resource Commission Recommendation</b>	Support
<b>Public Comments</b>	

## STAFF ANALYSIS

### ISSUES

Proposal ICTP23-02, submitted by Kevin Mayo and members of his household family, request an individual customary and traditional (C&T) use determination for moose, caribou, grouse, and ptarmigan in GMU 13 in areas managed by Denali National Park and Preserve where subsistence uses are allowed.

### DISCUSSION

The proponent has described a history of C&T use of moose, caribou, grouse, and ptarmigan in Denali National Park and Preserve, part of GMU 13E where subsistence uses are allowed. Kevin Mayo holds a National Park Service subsistence use permit (13.440)<sup>1</sup>. Kevin Mayo and his family are from Cantwell, which is a resident zone community of Denali National Park. In 2010, the Federal Subsistence Board determined that Kevin Mayo had substantial evidence to support the issuance of an individual C&T use determination for moose and caribou; however, this C&T request for moose and caribou to the Federal Subsistence Board did not extend to his family members. Currently Mr. Mayo's family members are unable to harvest moose, caribou, grouse, and ptarmigan because they now reside in a rural community (Healy), which does not have a positive C&T use determination for caribou, grouse, and ptarmigan (however, as previously noted Kevin Mayo currently has C&T use determination for moose and caribou).

To be eligible to engage in subsistence uses, Federal subsistence regulations require that rural Alaska residents live in a community or area that has a customary and traditional use determination for the desired species and harvest area (50 CFR 100.5(b)). They also state that the National Park Service (NPS) may further regulate eligibility to engage in subsistence on NPS-managed lands (50 CFR 100.5(d)).

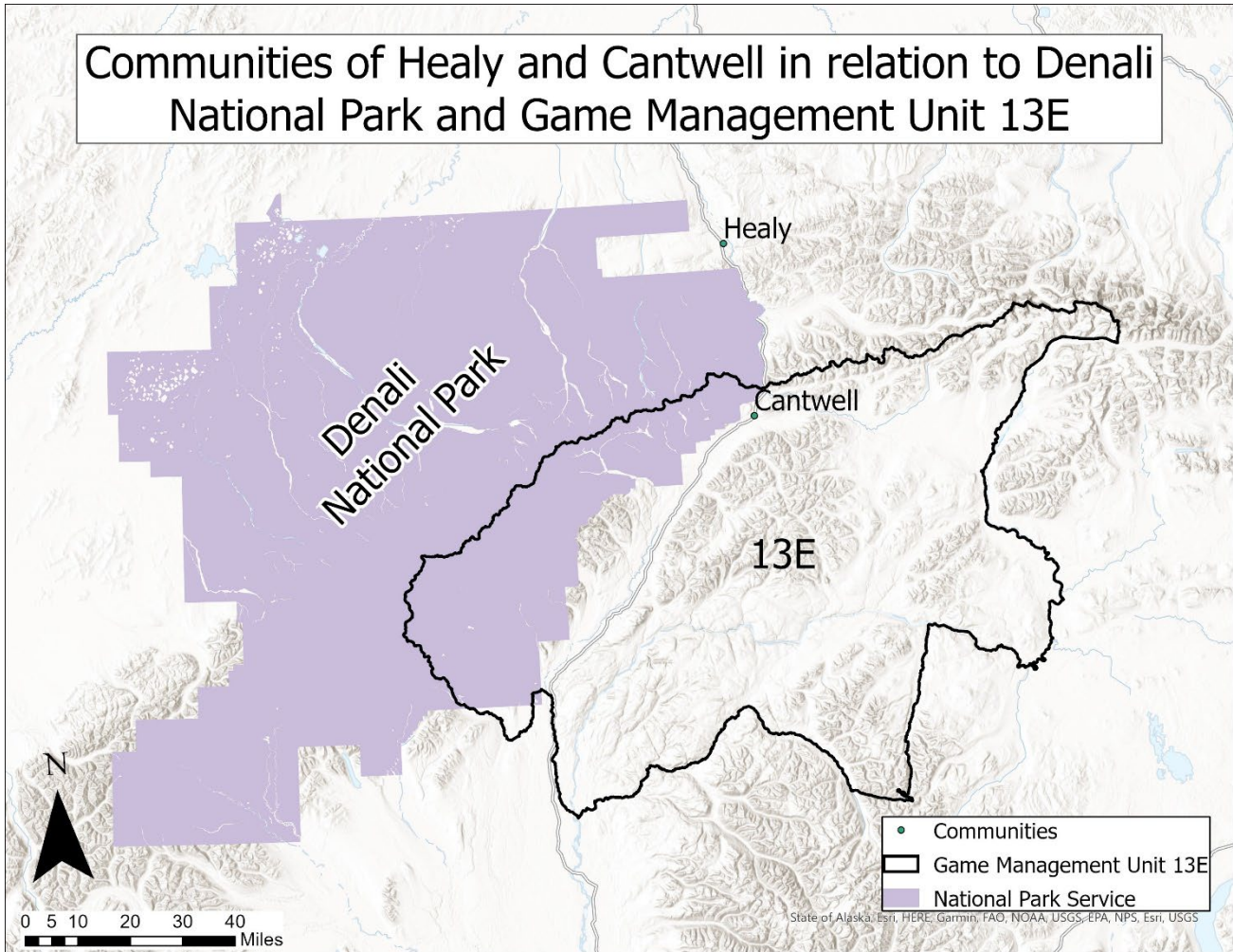
According to NPS regulations, in order to qualify as a local rural resident eligible to engage in subsistence uses within a National Park or National Monument, a person must live in a resident zone community, live within the boundaries of the park or monument, or hold a §13.440 subsistence eligibility permit (36 CFR 13.420, 430). If a person qualifies as a local rural resident as described in the previous sentence, but lives in a community or area without a customary and traditional use determination for the species they wish to hunt or fish, they may submit a proposal to the Federal Subsistence Board for an individual customary and traditional use determination.

Federal subsistence regulations allow the Board to make individual customary and traditional use

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<sup>1</sup> Individuals residing outside of Denali National Park and Preserve's resident zone communities who have a personal or family history of using the Park additions established by ANILCA in 1980 for subsistence purposes at the time ANILCA was passed, may obtain a special subsistence use permit (36 CFR 13.440). They must provide documentation of their traditional use, without the use of aircraft for access. Eligible subsistence users for Denali National Park and Preserve must also comply with the Federal Subsistence Management Regulations regarding the harvest of fish and wildlife (NPSb 2010).

determinations in NPS-managed National Park and National Monument areas where subsistence is authorized, but not in Preserves. National Park Service regulations include unique subsistence eligibility requirements for National Park Service lands. Fewer people have subsistence eligibility in National Parks and National Monuments as compared to other Federal public lands. Requests for individual customary and traditional use determinations are analyzed in the same way that a community or area request for a customary and traditional use determination is analyzed (FSB 1999: 224).



**Existing Federal Regulation**

Other Federal Regulation Regarding Individual Customary and Traditional Use Determinations for National Parks and Monuments

*36 CFR 13.410 Applicability.*

*Subsistence uses by local rural residents are allowed pursuant to the regulations of this subpart in the following park areas:*

- (a) *In national preserves;*
- (b) *In Cape Krusenstern National Monument and Kobuk Valley National Park;*
- (c) *Where such uses are traditional (as may be further designated for each park or monument in the applicable special regulations of this part) in Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, and the Denali National Park addition.*

50 CFR 100.16 Customary and traditional use process.

- (a) *The Board shall determine which fish stocks and wildlife populations that have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.*

Individual Customary and Traditional Use Determinations

<p><b>Customary and Traditional Use Determination—Caribou</b>  <i>Unit 13E – Residents of Units 11, 12, (along the Nebesna Road), 13, Chickaloon, McKinley Village, and the area between milepost 216-239 of the Parks Highway. No subsistence priority for the residents of Denali National Park headquarters.</i></p> <p><b>Moose</b>  <i>Unit 13E Residents of Unit 13, Chickaloon, McKinley Village, Slana and the area between milepost 216-239 of the Parks Highway. No Federal subsistence priority for the residents of Denali National Park headquarters.</i></p> <p><b>Grouse</b>  <i>Residents of Units 11, 13, 15, 16, 20D, 22, and Chickaloon.</i></p> <p><b>Ptarmigan</b>  <i>Residents of Units 11, 13, 16, 20D, 22, 23, and Chickaloon</i></p>	<p>Residents of Chickaloon and McKinley Village</p> <p>Residents of Chickaloon, McKinley Village, and Slana</p> <p>Residents of Chickaloon</p> <p>Residents of Chickaloon</p>
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**Proposed Federal Regulation**

<p><b>Caribou</b>  <i>Unit 13E – Residents of Units 11, 12, (along the Nebesna Road), 13, Chickaloon, McKinley Village, and the area between milepost 216-239 of the Parks Highway. No subsistence priority for the residents of Denali National Park headquarters.</i></p> <p><b>Moose</b>  <i>Unit 13E Residents of Unit 13, Chickaloon, McKinley Village, Slana and the area between milepost 216-239 of the Parks Highway. No Federal subsistence priority for the residents o Denali National Park headquarters.</i></p> <p><b>Grouse</b>  <i>Residents of Units 11, 13, 15, 16, 20D, 22, and Chickaloon.</i></p> <p><b>Ptarmigan</b>  <i>Residents of Units 11, 13, 16, 20D, 22, 23, and Chickaloon</i></p>	<p>Residents of Chickaloon and McKinley Village, <b>and Kevin Mayo and members of his household*</b>.</p> <p>Residents of Chickaloon, McKinely Village, and Slana <b>and Kevin Mayo and members of his household*</b>.</p> <p>Residents of Chickaloon <b>and Kevin Mayo and members of his household*</b>.</p> <p>Residents of Chickaloon and <b>Kevin Mayo and members of his household*</b>.</p> <p><small>*Names of individuals do not appear in the regulation booklets; they are on a list maintained by the respective National Park Service Manager.</small></p>
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**Extent of Federal Public Lands/Waters**

Extent of Federal Public Lands/Waters Federal public lands comprise approximately 19% of GMU 13 E, managed by the National Park Service, Denali National Park.

**Background**

The community of Cantwell is located near the Alaska Range at the confluence of the Parks and Denali highways, which is north of Broad Pass and 28 miles south of Denali National Park and Preserves. The area is characterized by a continental climate with warm summers and cold, dark winters with an annual average snowfall of 78 inches and 15 inches of precipitation.

Traditional Ahtna territory centers on the Copper River Basin but also includes parts of the Susitna and upper Tanana drainages. Historically, Ahtna Athabaskans seasonally occupied areas to the east of the current village of Cantwell at Valdez Creek. In this area, caribou, moose, porcupine, migratory and upland birds, and berries continued to be relied on heavily by local subsistence users.

Within Denali National Park, Cantwell subsistence users harvest moose and caribou on the southwest boundary just outside the designated Denali Wilderness. This area, where subsistence hunting is permitted under the federal program, is referred to by local subsistence users as the Cantwell Traditional Use Area (Holen et al 2014:36,58).

## **Regulatory History**

Requests for individual customary and traditional use determinations began almost as soon as the Federal Subsistence Board assumed management authority for subsistence on Federal public lands in 1990. Because of the proximity of the Parks Highway to Denali National Park, many of the first requests came from residents of this area (Norris 2002:229). Cantwell is the only resident zone community on the highway, yet there are many people who have conducted subsistence harvests in the Park who also live along the highway outside of Cantwell (Norris 2002:229). Many of the initial individual customary and traditional use proposals were held up for years because of a huge backlog of proposals for community customary and traditional use determinations and lack of clarity as to whether or not individual customary and traditional use determinations were within the purview of the Federal Subsistence Board (Norris 2002: 229-232). In 1999, the Board finally addressed several proposals for individual customary and traditional use determinations. The Department of the Interior's Office of the Solicitor affirmed that the Board "had sufficient legal authority under ANILCA to make customary and traditional use determinations for NPS administered lands on an individual basis" (Norris 2002:232). Later in 1999, the Board recognized three individual customary and traditional use determination for Denali National Park and several from Wrangell St. Elias National Park (Norris 2002:232, FSB 1999:222-243). The Board also denied some of these proposals due to lack of sufficient information exemplifying the eight factors (Norris 2002: 232; FSB 1999: 222-243). In 2010 and 2021, the Board approved an additional individual customary and traditional use determinations, in this case for Kevin Mayo of Healy (WP10-31) and Blaine Mayo (ICP21-01).

In January 2021 the Federal Subsistence Board adopted a revised policy on individual customary and traditional use determinations to follow the procedures described in the National Park Service's "Standard Operating Procedures for Issuance of Subsistence Eligibility Permits and Individual Customary and Traditional Use Determinations." The new policy allows for proposals to be submitted on a continuous basis, and also provides for concurrent application for 13,440 Subsistence Eligibility Permits. Subsequently under this new policy, Blaine Mayo of Healy submitted Proposal ICP21-01, which requests an individual customary and traditional use determination for moose in Unit 13E for himself, his wife, and children (NPS 2021). The Board approved this request during its

August 2021 work session (FSB 2021).

### **Eight Factors for Determining Individual Customary and Traditional Use**

A community or area's C&T use is generally exemplified through the eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use for these resources recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or park unit; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of the above eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

Specific information on each of the eight factors is not required because an individual seeking a customary and traditional use determination only must "generally exhibit" the eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)).

### **Integrated Discussion of the Eight Factors**

Since 1964, the Cotter/Smith/Mayo families have hunted, harvested, and shared moose, caribou, grouse, and ptarmigan. According to Kevin Mayo, the family harvests moose and caribou in late August and the first weekend in September before the meat gets ratty after the weather cools. Kevin Mayo feels that it is hard to justify harvesting caribou in the winter because caribou are too lean but most importantly for him, he does not feel it is a fair or ethical hunt. Caribou are under stress from winter weather and due to lack of food. During moose and caribou season, the Kevin Mayo family will also hunt grouse and ptarmigan from their hunting camp.

Historically the Cotter/Smith/Mayo families traveled to their hunting/trapping areas by foot, Coats,



Weasels, off road vehicles (ORVs), and snowmachines. Today the Kevin Mayo family continues to maintain a reoccurring pattern of use within the area by foot, ORVs and snowmachines. Once the family sets up their hunting camp, they walk about two miles to a hill where they sit and spot for an animal with binoculars. Once they spot an animal, they walk to within shooting distance. After they shoot the animal (generally located within the New Park), they pack it out by foot to a designated ORV trail to camp.

Since 1971, the Kevin Mayo family has hunted in the area and in 1985 they established their current hunting camp. The Mayo family used to put their tent up and take it down after every hunting season; however, about 15 years ago they built a tent platform. The extended family prefers to hunt close to their camp. Typically, the Cotter/Smith/Mayo families remain at their camp until they harvest a moose. While hunting for moose, the family also opportunistically hunts for caribou, grouse, and ptarmigan.

For over four generations the Smith/Cotter/Mayo families have hunted and harvested animals by reasonable ground access in areas near their residence within GMU13E. Kevin Mayo's extended family hunts moose, caribou, grouse, and ptarmigan together every hunting season in the Cantwell Creek and Foggy Pass area. The Kevin Mayo family's camp borders the New Park and is located on state land. To access the camp, the Mayo family use ORVs and walking. According to Kevin, the family knows the area like the back of their hands.

Moose and caribou are gutted, skinned, and quartered in the field and then packed by foot to a designated ORV trail and transported to camp. The Kevin Mayo family uses all edible parts of the moose and caribou. Much of the moose and caribou meat is canned or stored in the freezer to preserve it and some portions of the moose and caribou are processed by drying. Kevin uses the same handling techniques that he was taught by his father, grandfather, and great grandfather. Usually the combination of a moose and a caribou will feed two to three families. The Kevin Mayo family uses the following methods for processing meat: a vacuum sealer, smoker, meat grinder, pressure cooker, and sausage stuffer. Processing meat is a family event. Grouse and ptarmigan are brought back to camp and cleaned and immediately consumed. The breast is targeted for consumption, marinated and grilled over the camp fire.

Knowledge, skills, and the use of particular hunting areas are passed from generation to generation. Kevin Mayo's grandparents learned how to hunt in the Cantwell areas and passed this knowledge on to their extended family. As a young child, Kevin Mayo accompanied his father, mother, and other relatives hunting and trapping, long before he was actually old enough to hunt and trap himself.

Kevin has hunted and trapped every year since 1982. Kevin continues these traditions with his family and is passing them on to his wife and children. Hunting, trapping, berry picking, and fishing are subsistence activities the Kevin Mayo family is dependent upon. Subsistence for the Mayo family is a family activity, and the next generation is learning these practices as well.

Kevin Mayo learned from his mom and dad, grandparents, and friends how to hunt, fish, trap, preserve, and process meat. But most importantly Kevin Mayo learned from his family about respecting and caring for the animals harvested. Subsistence for the Mayo family is a family activity, and the next generation is learning these practices as well.

The most important aspect of grouse and ptarmigan hunting is that it provides an opportunity to introduce hunting to the kids. This is an important aspect of subsistence that is often overlooked in that it introduces kids the skills and knowledge of subsistence. Kids are able to practice aiming the .22 rifle and become familiar with using a gun. Grouse and ptarmigan hunting is one of the highlights for the kids, providing them with an immense amount of pride when they are able to provide food for the family while at camp.

Below is an excerpt from a joint interview with Blaine and Kevin Mayo on August 15, 2022.

*“We have learned a lot over the years from hunting with our parents, each other, and our friends. We are never ones to push the knowledge that we have onto anyone saying our way is the only way but we are always one for sharing whatever knowledge we have. There are literally a thousand different ways skin an animal. Whenever we harvest an animal, we all know our places and go from there, it’s like clockwork.*

*Bird hunting is another huge part of our life. Ptarmigan and spruce hens were always part of moose and caribou hunting. When we went out to moose camp or caribou hunting, we always have a .22 to harvest birds. Hunting is more than just going out and shooting an animal; it’s a huge part of our lives. It’s amazing family time, camping, making of memories and showing our kids what we grew up doing. Our kids love to go out to hunting. Moose camp and our winter camp is always on our minds. We’ve showed them how to call moose, to look for paddles in the brush, how to fish the creeks, lakes, and how to ice fish. It’s truly a blessing to be able to pass down to our kids what we’ve learned from our parents and family. And they still learn from my parents and family, it’s a beautiful thing!*

*As far as fishing goes, again, we’ve learned a lot from our parents, each other, our sister, and our grandparents. One of our more favorite fish are burbot. We try to pass on our fishing knowledge to our friends. Grayling, lake trout, salmon and other fish are always a blessing to have in the freezer or better yet on the plate. Hunting, fishing, cutting down trees for firewood, being out in the wilderness are ingrained into our lives, it’s what we do! Wouldn’t change a thing.”*

The Mayo family hunts are a family event, often including several generations who participate together in activities such as hunting, establishing camps, and processing harvested meat. Extended family members always share in the harvest. It is the Mayo’s family tradition to share meat and equipment. If a family member or friend does not get enough meat during the season it is expected that the Kevin Mayo family will share their harvest with that person or household. For example, Kevin’s mom always shares moose and caribou meat with her sister, mother, and elders.

Kevin Mayo’s great grandparents passed down their traditional subsistence lifestyle to their extended multi 5th generational family. It is this traditional subsistence lifestyle that Kevin Mayo wants to continue to pass on to his wife and children. Typically, the extended family harvests one moose per hunting season. The family never takes more than one moose or two caribou as a family per hunting season.

Moose have been and continue to be the Kevin Mayo family's primary source of meat. The family utilizes a variety of subsistence resources such as berries, caribou, bear, ptarmigan, fish and furbearers such as beaver, marten, fox, wolf, and lynx. In addition to wildlife, berries, and fish resources providing a substantial nutritional need for the family, these activities also provide a significant social and family activity involving all members of the multiple Mayo households. Multiple generations will participate in the fall, winter, and spring hunting, trapping, fishing and processing activities together. Approximately fifty percent of the Mayo family's meat comes from moose meat. Typically, wildlife and other subsistence foods provide meals four out of seven days per week. The Mayo family enjoys eating moose, caribou, brown bear, grouse, and ptarmigan meat because it is low in fat and it is traditional.

Hunting is a way of life for the Mayo family. They like to know where their meat comes from and how it was handled. They like to eat organic foods as much as possible and the animals they harvest are such. They fish, ice fish, hunt, trap, harvest berries, and cut down firewood to provide for their family. Their subsistence way of life has been handed down through the generations and it is ingrained in their family's lives. Kevin Mayo feels that it is a blessing to have been raised in Cantwell and to have had the parents and grandparents he has had.

### **Effects of the Proposal**

If adopted, this proposal would recognize Kevin Mayo and his household family's C&T use of moose, caribou, grouse, and ptarmigan in GMU 13E in areas managed by Denali National Park and Preserve where subsistence uses are allowed and would allow Mr. Mayo to pass his traditional subsistence lifestyle to his children. Because this C&T determination is for one household who has a history of moose, caribou, grouse, and ptarmigan in the area, the effects on other subsistence users should be minimal.

### **NPS Conclusion**

Support Proposal ICTP23-02

### **Justification**

The proponents exhibit a clear long-term and consistent use of moose, caribou, grouse, and ptarmigan in GMU 13, in areas managed by Denali National Park and Preserve where subsistence uses are allowed. This pattern has been repeated for many years and through several generations. Methods and means are characterized by efficiency of economy of effort and cost based on local characteristics. The pattern is consistent with past methods and means of harvests at and near the family's hunting camp within the Unit in question. Knowledge of handling, preparing, preserving, and storing moose meat is shared among and between generations, as is knowledge of the skills, values, and lore associated with hunting moose, caribou, grouse, and ptarmigan. Moose, caribou, grouse, and ptarmigan are regularly shared with family and community members such as elders. The proponents demonstrate a pattern of use that relates to reliance on a wild diversity of wild foods that provide this family with cultural, economic, social, and nutritious benefits. All eight of the factors associated with C&T determination are evident. Furthermore, this family's pattern of use is also evidence through the Federal Subsistence previous determination for Kevin Mayo for moose and caribou. here is substantial evidence to support the issuance of an individual C&T determination for moose, caribou, grouse and ptarmigan within GMU13 of Denali National Park and Preserves where subsistence is allowed for the proponents, including all members of the Kevin Mayo family that reside within the same household as Kevin Mayo.

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