

## A Historical Overview of Consumptive Use Patterns in National Park Service Areas

**Frank Norris**, Alaska Support Office, National Park Service, 240 West Fifth Avenue, Room 114, Anchorage, Alaska 99501; frank\_norris@nps.gov

Perhaps for the sake of argument, I'd like to begin our discussion by deconstructing the broadly held notion that consumptive uses really have no place, or at best a marginal place, in the National Park System. Most if not all of us, after all, grew up with the idea that parks were special places, and to many of us, what made them special was that they were havens safe from all those consumptive, ecologically destructive practices that took place everywhere else.

So I'd like to look a little deeper into this notion—not so much to debunk it but to put it into broader historical perspective. Because what rises to the surface, after a little historical investigation, is that consumptive uses, to some degree, have been allowed in quite a number of park units. Political necessity, changing societal attitudes, and the agency's growth over the years have created a constantly changing context for consumptive use patterns.

Perhaps the best template for establishing the National Park Service's (NPS's) philosophical stance toward consumptive uses is the well-known 1918 letter that was written by Horace Albright and signed by Franklin Lane, President Wilson's Interior Secretary. That letter unequivocally noted that "hunting will not be allowed in any national park," but it also noted that "mountain climbing, boating and *fishing* will ever be the favorite sports" [author's emphasis]. The next general statement on the subject took place in 1938, when the first Code of Federal Regulations (CFR) was published. The CFR stated that "the parks and monuments are sanctuaries for wildlife of every sort, and all hunting ... of any wild bird or animal ... is prohibited within the limits of the parks and monuments." The CFR also stated that "fishing with nets, seines, traps ... or for merchandise or profit, or in any other way than with hook and line ... is prohibited."

But what neither the Lane letter nor the general regulations noted, however, was that many of the so-called crown jewel parks allowed exceptions to the no-consumptive-use rule. For instance:

- Yellowstone allowed unrestricted hunting and fishing from 1872 to 1894;
- At Yosemite, in the years both before and after 1900, Native Americans quite visibly carried on hunting, fishing, and gathering activities in Yosemite Valley;
- At Mount Rainier, authorities went to great lengths to arrest Native hunting parties in the park, but they tolerated and even encouraged spear fishing because of its interpretive value;
- At Glacier, Blackfoot Indians responded to the park's 1910 establishment by ignoring the law and hunting as they had for generations; and
- At Mesa Verde, Ute Indians responded to a 1911 park expansion by also flouting the law, when they regarded as hostile and unfair.

By the time NPS was established in 1916, some of these consumptive uses had ended of their own accord, and in a few other cases, these uses were slowed or stopped by NPS enforcement actions in later years. Congress, however, selectively bucked that trend by allowing new exceptions to the no-consumptive-use rule. In the Territory of Alaska, the 1917 act that established Mount McKinley National Park specifically allowed local prospectors and miners "to take and kill game or birds ... as may be needed for their actual necessities when short of food," and the 1938 law that expanded Hawaii National Park along the Kalapana coast—also in a U.S. territory—allowed subsistence fishing by local residents. And in other cases of new parks, as at Everglades and Olympic, harvesting by local

native groups was tacitly allowed to continue. There were regulations against these activities, but harvests were so small that NPS officials tactfully decided against enforcement actions.

Perhaps more important than these individual cases, a number of structural changes in the National Park System have collectively softened the agency's anti-consumptive-use stance. Beginning in 1936, for example, the agency began administering its first national recreation area. Further clouding the picture, in 1937, was the first national seashore, and the first national lakeshore came along in 1966. Many of these recreation areas, seashores, and lakeshores allowed hunting, and several allowed commercial fishing as well.

In October 1974, a major new step in the agency's stance toward consumptive uses took place when Congress created the first two national preserves, at Big Thicket in Texas and Big Cypress in Florida. This designation specifically allowed hunting. The acreage in these units wasn't really all that large—about 800,000 acres—but what made them important was that they provided a bureaucratic mechanism for the establishment of new NPS units that similarly permitted hunting. During the mid-1970s, Congress was in the midst of

considering the establishment of tens of millions of acres in new parklands in Alaska, and sure enough, December 1980 saw the Congressional passage of the Alaska National Interest Lands Conservation Act, which brought an additional 44 million acres into the National Park System. Of that total, all but about 3 million acres were open to hunting, fishing, and other subsistence activities by rural Alaska residents, and more than 21 million of those 44 million acres were part of national preserves, which were open to sport hunting by anyone with a valid hunting license.

So, by way of conclusion, it's true that Alaska's national park units contain far more acreage open to a broad range of consumptive uses than are available elsewhere in the National Park System. However, this generality is largely true because most of Alaska's park units were established fairly recently, and because society's attitudes toward our park neighbors have changed a good deal over the years. Finally, it's worth noting that the prohibitions in the 1918 Lane letter need to be seen as a product of their time. For a number of reasons, many NPS units have allowed consumptive activities over the years without jeopardizing the values and resources contained within them.

