PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2010

KENAI FJORDS NATIONAL PARK

PREAMBLE

The proposed compendium was available for comment from January 1 – February 15. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received comments for the State of Alaska ANILCA Implementation Program (State AIP) and the State of Alaska Citizens' Advisory Commission (CACFA).

2.4(a)(2)(i) Carrying, using, or possessing weapons
Both CACFA and the State AIP recommended updating the compendium entries to reflect the recent change in federal law regarding possession of firearms. The NPS agrees with this suggestion and updated the compendium.

13.50 Temporary closures and restrictions
CACFA commented that section 13.50 closure/restriction procedures supersede section 1.5 procedures.

NPS carefully considered this interpretation of NPS regulations in 2001-2002 when the NPS Alaska committed to reviewing and improving Alaska NPS compendiums. We rejected this interpretation at that time and are not persuaded that it is erroneous.

The NPS interpretation is that Section 13.50 applies when an activity authorized by Part 13 explicitly requires that closures or restrictions be implemented through section 13.50. For example, camping is allowed under section 13.25 unless "prohibited or otherwise restricted…pursuant to the provisions of 13.50." The same language also appears in section 13.40 on the taking of fish and wildlife and section 13.30 weapons, traps, and nets. A contrary interpretation would result in duplicative closure/restriction procedures. For example, if a park manager wanted to designate areas where property cannot be left unattended under section 13.45, this contrary interpretation would require the NPS to comply with the specific procedures specified in both 13.45(c) and 13.50. Similarly, with respect to restrictions on smoking near fuel storage facilities, the contrary interpretation would require the NPS to follow both section 1.5 and section 13.50.

Statements have been made in the Federal Register that support the interpretation advanced by the State AIP and CACFA. However, more recent and more authoritative statements in the Federal Register support the NPS interpretation outlined here. One example is the 2000 rulemaking regarding snowmachine use in Denali National Park. There, the NPS stated that

section 1.5 was the appropriate mechanism to implement closures to protect wildlife. The NPS interpretation avoids redundancy and enables the NPS to meet our statutory mandates to prevent impairment. Accordingly, this interpretation is preferred over other interpretations that do not.

The State AIP and CACFA interpret 36 CFR 13.50 to bar re-adopting a temporary closure that was in place at some point in prior years.

The NPS has also considered this interpretation on previous occasions, most recently in 2001-2002 when the NPS Alaska committed to reviewing and improving Alaska NPS compendiums. We rejected this interpretation for several reasons and find nothing that persuades us to the interpretation suggested by the State AIP or CACFA. The basis and reasons for the NPS interpretation follow. First, a closure that is in effect for a short defined period less than 12 months is by definition temporary. Second, closures will not be re-adopted in the future unless necessary to protect park resources and values. The circumstances governing that decision may dictate a different type of public use limit and may respond to different management needs. Third, the NPS finds nothing in section 13.50 precludes adopting a temporary closure/restriction next year, so long as the closure does not exceed 12 consecutive months. A different interpretation would hinder the NPS in protecting public safety, wildlife, and other resources should circumstances warranting a temporary closure reappear.

The NPS recognizes these temporary closures must be reviewed and either renewed or repealed annually based on current conditions. The NPS believes that recurring temporary closures at some point may lose their temporary status if reviewed and renewed annually and begin to represent conditions no longer subject to change. However, when that line is crossed will depend on the facts and circumstances surrounding the specific closure. The NPS commits to more clearly evaluating and discussing the conditions that may result in renewing or modifying temporary closures adopted under section 13.50. In addition, if a temporary closure is renewed, the NPS will discuss whether the closure is appropriate for consideration in rulemakings.

KENAI FJORDS NATIONAL PARK
COMPENDIUM
2010

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations where the Superintendent has exercised discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Kenai Fjords National Park, Seward, Alaska at (907) 224-7500, for questions relating to information provided in this compendium.*

For the purposes of this compendium, the Exit Glacier Developed Area (EGDA) means 1) from the park boundary to Exit Glacier Campground Entrance Road, all park areas within 150 meters of the centerline of the Exit Glacier Road; 2) from Exit Glacier Campground Entrance Road to the end of the main paved trail, all park areas within 300 meters of any paved surface, excluding Exit Creek; or 3) all park areas within 300 meters of the terminus of Exit Glacier, excluding Exit Creek. A map showing the boundaries of the EGDA is available at the park visitor center.

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

(a)(1) Visiting hours, public use limits, closures

The riding or use of bicycles, unicycles, skateboards, roller skates, in-line skates, or similar devices is prohibited on the deck and sidewalks of the Kenai Fjords Information Center, the Exit Glacier Nature Center, the main trail to Exit Glacier, and the Nature Trail. A map showing these trails is available at the park visitor center.

See 13.1324 regarding bicycle use in the Exit Glacier Developed Area and 13.1308(b) for the Harding Icefield Trail.

This restriction is based on the determination that public safety is threatened by the use of these devices in these crowded pedestrian areas. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

(a)(2) Designated areas for specific use or activity or conditions

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

1.6(f) Compilation of activities requiring a permit

- Scientific research, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Towing a person using a parasail, hang glider, or other airborne device, 3.12(b)
- Removing sunken, grounded, or disabled vessels, 3.14(a)
- Operating a submersible, 3.19
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Cabins on federal lands, 13.136-13.149, 13.130
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(b) Designated trails

On the Harding Icefield trail, leaving the trail to shortcut between portions of the same trail is prohibited, except in areas that are covered with snow or unvegetated rock or scree. Hikers shall remain on the designated trail in all areas where the trail passes through alpine tundra vegetation.

Except as noted above and in §1.5(a)(1), all areas of the park are open to hiking and walking.

This restriction serves to protect plant and soil resources and public investment in trail development from damage. Hikers cutting switchbacks along the heavily used trail easily damage shallowly rooted vegetation on steep slopes. Heavy rain and snow then erodes these denuded areas, eliminating topsoil required by plants and destroying the trail, which must then be rebuilt to allow access to this popular hiking area. A written determination of need per 36 CFR § 1.5(c) is attached.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks

All areas are designated as open for fishing from motor road bridges and boat docks.

2.4(a)(2)(i) Carrying, using, or possessing weapons

Individuals are authorized to possess firearms in NPS areas in accordance with applicable state and federal law. Possession of firearms is prohibited in Federally owned or leased buildings. The laws regarding discharge of firearms remain unchanged.

2.10(a) Camping: conditions and permits

Registration is recommended, but not required, prior to any backcountry camping within Kenai Fjords National Park.

Superseded in part by 13.25, 13.1304, 13.1320.

2.10(d) Food storage: designated areas and methods

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (http://www.igbconline.org/html/safety.html);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (http://www.wildlife.alaska.gov/index.cfm?adfg=bears.containers), with the concurrence of the Superintendent;
- Park provided metal food lockers at some coastal campsites; and
- Items or methods approved by the Superintendent.

(2) Food and beverages, food and beverage containers, garbage and harvested fish must be stored in a bear resistant container (BRC) or secured--

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft; or

- By suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, or other object.

(3) At the Exit Glacier Campground all food preparation, cooking and eating shall be done in the campground cooking shelter. No food items shall be taken to, consumed, or stored at the individual campsites.

(4) This regulation does not apply--
- On the Harding Icefield when surrounded by snow or ice for at least 1 mile in all directions;
- To food that is being transported, consumed or prepared for consumption; and
- To clean dishes and cooking equipment free of food odors.

The intent of these designations is to prevent bears and other wildlife from obtaining and becoming conditioned to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc.) and unmodified kayaks are not generally approved as BRC. BRC's are available for rent from commercial outfitters in Seward.

A written determination of need per 36 CFR § 1.5(c) is attached.

2.13(a)(1) Fires: designated areas and conditions

- Fires in the Exit Glacier Study Area[1] are allowed only in the designated steel fire rings that are provided at the campground cooking shelter and the picnic shelter and warming hut adjacent to the main parking lot.
- All trash (i.e., tin foil, burnt food, glass, and cans) must be removed from fire sites after use.

These requirements are intended to ensure that the visual and ecological impacts of campfires and cooking fires are limited in high use areas. Fire rings attract trash and food residue as campers attempt to burn trash before leaving the area. High temperature impact soils and impairs plant growth. Trampling and soil compaction occurs around fire rings as well. A written determination of need per 36 CFR § 1.5(c) is attached.
See also 13.1306(c)-(d).

2.14(a)(2) Sanitation and refuse: conditions using government receptacles

Dumping of refuse brought into the park in the NPS trash receptacles is prohibited unless otherwise authorized by the Superintendent.

1 The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

This requirement is intended to ensure the refuse handled by the park is generated by activities occurring within the park. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.14(a)(5) Sanitation: designated areas for bathing and washing

The pit toilets at the Exit Glacier Campground and at coastal public use cabins are designated for the disposal of wastewater from dishwashing and bathing activities. Bathing is not permitted in the restrooms adjacent to the main parking area at Exit Glacier.

2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas

Solid human body waste will either be removed as trash or deposited in cat-holes dug at least 100 feet from any surface freshwater source, shoreline, campsite or trail. Catholes must be at least 6 inches deep. If frozen or snow covered ground precludes use of catholes, waste should be removed as trash.

This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste

Toilet paper will be burned or removed as trash.

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited.

2.18(c) Snowmobiles-designated areas for use

No areas are designated for snow machine use.
Superceded in part by 43 CFR 36.11(c) Special access and 13.1326.

2.19(a) Winter activities on roads and in parking areas: designated areas

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities listed in §2.19(a).

2.21 Smoking

Smoking is prohibited in all park facilities, in all public use cabins, and in any other park structure. Smoking is prohibited in any NPS owned or leased vehicle, and on any park vessel. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facilities.

These restrictions are intended to protect public health from the effects of smoking and minimize the risk of fire and explosions around fuel storage and dispensing facilities. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.51(e) Public assemblies/meetings: designated areas for public assemblies

- Exit Glacier parking lot, the small plaza bounded by the recreational vehicle parking lot on the northeast, the car parking lot on the northwest, and the bus traffic lane and handicapped parking area on the south. See attached map.
- Seward Visitor Center - The graveled area behind the building, bounded by the following perimeter: a line running east from the rear public entrance to the northern-most interpretive kiosk, then north to the fire hydrant on the south side of the paved fire lane, then west to the northeast corner of the Visitor Center building. See attached map.

2.52(e) Sale and distribution of printed matter: areas designated for such use

- Exit Glacier – An area bounded by the western edge of the parking lot entry road on the east, an east-west line between the northern most disabled parking space and the large boulder in the plaza on the north, a north-south line between the large erratic boulder in the plaza and the southern edge of the paved plaza to the west, and the edge of the paved plaza on the south. See attached map.
- Seward Visitor Center – The graveled area behind the building, bounded by the following perimeter: a line running east from the rear public entrance to the northern-most interpretive kiosk, then north to the fire hydrant on the south side of the paved fire lane, then west to the northeast corner of the Visitor Center building.

2.60(a)(3) Designated areas for grazing

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit within the Park. Any feed brought in must conform to the Alaska Weed Free Forage Certification Program. For more information on this certification, contact your local Soil & Water Conservation District in Homer at 907-235-8177.

2.62(b) Memorialization: designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.14(a) Conditions for removing sunken, grounded, or disabled vessels

A permit is required from the Superintendent before sunken, grounded, or disabled vessels may be removed from the park; violation of the terms and conditions of the permit is prohibited.

This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

3.20(a) Water skiing: designated waters

No waters are designated as open.

3.21(a)(1) Swimming and bathing: areas designated as closed

All areas are open to swimming. No designated bathing locations.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.21(b)-(c) Speed limits: designation of a different speed limit

The speed limit on Exit Glacier Road from the park boundary to the Exit Glacier Parking Lot is 35 mph.

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 13. ALASKA REGULATIONS

13.25(c) Designated campgrounds: restrictions, terms, and conditions

No more than 6 persons and/or 2 tents may occupy a single campsite in the Exit Glacier Campground. Tents are allowed only on designated tent pads as marked by rock borders, gravel pads, signs, or similar devices.

13.170 Designated cabins or other structures for general public use

The following cabins are designated for public use:
Holgate Arm Cabin
Aialik Bay Cabin
North Arm Cabin
Willow Cabin (October 15 – April 15)

All other cabins, not otherwise under NPS permit, are open for short-term public use (less than 14 days/year).

13.172 Established conditions and allocation system to manage the use of designated public use cabins

A Special Use Permit is required for occupancy of any designated public use cabin.

13.1326 Snowmachines, designated route through the Exit Glacier Campground to Exit Creek.

A map showing the designated route is available at the park visitor center.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures to the use of snowmachines for traditional activities

The Superintendent will notify the public when snow cover is adequate for the Park to allow snowmachine use each winter season. The public will also be notified of any changes in conditions (inadequate snow cover) resulting in any temporary closures or restrictions on snowmachine use and or re-openings following such temporary closures or restrictions.

The use of snowmachines for other activities is prohibited pursuant to 36 CFR 2.18(c).

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft

A permit is required from the Superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

This requirement allows the superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

Please see the attached appendices for maps and/or more extensive determinations below.

This compendium is approved and rescinds all previous compendiums issued for Kenai Fjords National Park.

03-11-10

Superintendent (ACTING) **Date**

3/12/2010

Concurrence by the Regional Director **Date**

W42

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Cutting switchbacks on the Harding Icefield Trail

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.1(b), the Superintendent of Kenai Fjords National Park has determined that in order to prevent adverse impacts to park resources, hikers using the Harding Icefield Trail are prohibited from leaving the trail to shortcut between portions of the same trail (ie "cut switchbacks").

The reasons for this restriction are as follows:

1. The Harding Icefield Trail is located on a steep mountain ridge, and ascends over 3000 vertical feet in approximately 3.5 miles.

2. This area receives heavy rain and snowfall annually, resulting in large quantities of water washing down the slope and across the trail on a regular basis.

3. Roots of vegetation naturally occurring on the slopes protects soil from erosion and slows water to limit trail damage. This vegetation is not resilient and is easily damaged or killed by limited numbers of hikers stepping on it.

4. The trail is designed with switchbacks, waterbars, and similar features to prevent this running water from damaging the trail and causing undue erosion to surrounding soils.

5. Hikers leaving the trail damage or kill adjacent vegetation and leave bare soil. Where this occurs on steep slopes, such as between switchbacks, it provides a natural watercourse. Fast moving water, not slowed by vegetation, removes soil and thus hampers natural revegetation.

6. This waterflow also damages lower sections of trail, requiring repair and replacement of tread material, switchbacks, and other features. This repair work is time and labor intensive due to its remote location and thus is very expensive.

7. Prohibiting off trail hiking between switchbacks limits resource damage, management expense, and improves hiker safety.

The reasons less restrictive measures will not be effective are as follows:

1. Hiker education has been undertaken since the trail was constructed and will continue with this prohibition in place. While education alone has undoubtedly limited this activity, it has not stopped it entirely.

2. Signs, bulletin boards, park maps and handouts, and personal contact have been and continue to be used to educate and warn hikers of this problem.

3. When employees encounter hikers cutting switchbacks, they find that the hikers generally knew of the educational efforts but chose not to follow the recommendations, generally because they were running or jumping down the slope and decided that fun or speed was more important than preventing vegetation damage, soil erosion, and trail damage.

4. In these cases, when written and verbal education and warnings have been ineffective at changing behavior which causes adverse impacts to the resource, additional enforcement authority may be required to gain compliance. This designation gives that authority to park personnel.

W42

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.10(d), the Superintendent of Kenai Fjords National Park has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food sources. Obtaining human food may adversely affect behavior and nutrition of wildlife.

2. Both black and brown bears are common throughout the park and are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.

3. Bears are extremely susceptible to becoming conditioned to human food sources. Once they have learned to associate a site or item (e.g. campsite, dumpster, tent, kayak, etc.) with acquisition of food, they may return to that source repeatedly for further food rewards.

4. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.

5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.

6. While the nutritional impact on wildlife may vary depending on a number of factors, notably the percentage of the overall diet of the animal is made up of non-natural food and during what time of year, no impact is acceptable under National Park Service management policies.

7. Bears which become conditioned to human food in this area are likely to be killed by humans in defense of life or property inside the park or on adjacent lands.

8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

9. Steep terrain and ice limit habitable areas for wildlife and camping areas for humans. These areas frequently overlap, and increase the potential for negative human / wildlife encounters.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper storage and disposal of food and garbage have been undertaken by local, state, and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife / human conflict and impacts.

2. Recognizing that variations in environment and recreational activity require multiple food storage options, park managers have undertaken the following to assist visitors and make these conditions less onerous:

- Professionally built metal food lockers have been installed at most commonly used camping beaches in the coastal backcountry.
- Cables with hanging lines and pulleys have been installed on lesser used beaches.
- Park supplied bear resistant food storage containers (BRFC) are available for free loan at park headquarters and through one or more water taxi companies in Seward annually.
- A common walk-in food storage locker was built in the Exit Glacier Campground for free use of all campers.

3. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored in all areas of the park.

4. The food storage conditions imposed under this section allow a wide variety of storage options, including free loans of portable BRFC units, to make compliance less onerous.

5. We have considered the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under 5 AAC 84 - 5 AAC 92.

- Park employees lack authority to enforce this regulation directly, and would rely on state officers. Given limited state staffing in this area and other priorities, enforcement would be severely hampered.
- If we adopted the language of the state regulation into a park condition under this section, we would unreasonably force our enforcement officers to prove "negligence" in court.

The threshold we seek to enforce is lower given our specific legal mandate to protect wildlife.

6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment and facilities to promote compliance, these conditions are the less restrictive required to fulfill the park mission of protecting wildlife and human safety.

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Conditions for removing sunken, grounded, or disabled vessels

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 3.14(a), the Superintendent of Kenai Fjords National Park is requiring a permit before sunken, grounded, or disabled vessels may be removed from the park.

The reasons for this restriction are as follows:

- This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

The reasons less restrictive measures will not be effective are as follows:

- How to protect park resources, public safety, and minimize visitor impact when removing a disabled vessel needs to be addressed on a case by case basis since the circumstances involved in each incident is unique. A permit allows the park and the boater maximum flexibility to address the specific circumstances at hand when removing disabled vessels.