

GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE 2003 COMPENDIUM

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 all NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions. The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the Park and Preserve 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 Gates of the Arctic National park and Preserve, Fairbanks, Alaska at (907) 457-5752 for questions relating to information provided in this compendium.*

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

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

(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))
- 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, (2.62(a))
- Commercial notices or advertisements, (5.1)
- Commercial operations, (5.3)
- Commercial photography or filming, (5.5)
- Repair or construction of any structure or 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))
- Abandoned property, leaving property unattended for over 12 months, (13.22(b))
- Cabins on federal lands-
 - ◊ General use and occupancy, (13.17(e)(1), (2))
 - ◊ Subsistence-exclusive use, (13.17(e)(4)(i))
 - ◊ Temporary (over 14 days) facilities in Preserve for taking of fish and wildlife, (13.17(e)(7))
 - ◊ Cabins otherwise authorized by law, (13.17(e)(8))
- Subsistence use in Gates of the Arctic National Park by a person who does not live within the Park boundary or a resident zone community, (13.44(a))
- Using aircraft access for subsistence activities in the Park by residents of Anaktuvuk Pass, (13.45(a), (b)(1))
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, (13.49(a)(1))
- 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(a)(4) Designated areas for collection of dead and downed timber for firewood

Superseded by 13.20(b)(4) and 13.49(b).

*13.20(b)(4) allows the collection of dead or downed timber by hand for personal use for firewood.

*13.49(b) allows federally qualified subsistence users to collect dead or downed timber for firewood.

2.1(a)(5) Designated areas and conditions for walking, climbing on archeological cultural resource sites

No designated areas. Walking and climbing on archeological cultural resource sites is prohibited.

2.1(b) Designated trails

No restrictions on walking or hiking.

2.1(c)(1-3) Designated fruits and berries, to harvest by hand

Superseded by 13.20(b)(1) and 13.49(b).

*13.20(b)(1) allows the collection of fruits, berries, mushrooms, and other natural plant food items by hand for personal use.

*13.49(b) allows federally qualified subsistence users to collect fruits, berries, mushrooms, and other natural plant food items.

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through the Park area

Hunters are required to identify themselves and the location where the wildlife that is being transported across park/preserve land was taken when requested by a park ranger. Identification of the site may consist of specific directions, maps, or upon request the hunter may be required to accompany the ranger to the location to verify the kill site.

This requirement is intended to allow transport of legally taken game across NPS administered lands.

2.2(e) Designated areas for wildlife viewing with artificial light

No areas designated for closure. For sport hunting in the Preserve, state law prohibits the use of artificial light for taking wildlife. Federal subsistence hunting regulations provide for the use of artificial light in some circumstances (50 CFR 100).

2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe

No waters designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state and federal law. Subsistence fishing is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

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

Not applicable. The area has no docks or bridges.

2.4(a)(2)(i) Carrying of weapons at designated locations and times

Superseded by 13.19(b).

2.10(a) Camping-conditions and permits

No established conditions or permits required.

Camping on gravel bars is encouraged to avoid damage to vegetation.

Superseded in part by 13.18(a).

Camping on gravel bars is consistent with the Leave No Trace principle of “travel and camp on durable surfaces” and is a widely recognized best practice.

2.10(d) Food storage - designated areas and methods

Food and garbage (excluding legally taken game) must be cached a minimum of 100 feet from tent sites.

Animal resistant food containers are available on loan from the National Park Service free of charge.

Note: This does not apply to:

- Clean dishes and cooking equipment that are free of food odors. We strongly recommend that these items be securely stored; but clean and odor free items are not required to be stored in secure containers.
- Food that is being transported, consumed or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.

The intent of this designation is to enhance public safety and protect wildlife resources by preventing bears and other wildlife from obtaining and becoming conditioned to human food and garbage. This condition reduces the chances of a dangerous human/bear encounter and the loss of human or animal life.

2.11 Picnicking - designated areas

Superseded by 13.18(b).

2.13(a)(1) Fires - Designated areas and conditions

Designated Areas: Campfires are authorized in all areas without a permit. All trash (tin foil, burnt food, glass, and cans) must be removed from the fire site after use.

2.14(a)(2) Sanitation and refuse - using government receptacles

No conditions established. Dumping commercial, household, or industrial refuse, brought in from private or municipal property, in government receptacles is prohibited.

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

No designated areas. The area does not have any public water facilities.

2.14(a)(7) Sanitation - designated areas for disposal of fish remains

Fish entrails may be deposited on land along the Kobuk River drainage, as long as they are deposited greater than 100 feet from a campsite.

The intent of this condition is to respect local native custom and culture in which fish entrails are left on land for other animals to scavenge.

2.14(a)(8) Sanitation - human waste in developed areas

Human waste must be disposed of in public restrooms and outhouses where available.

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

Human feces must be deposited in a “cathole” dug 6-8 inches deep in soil when the ground is unfrozen, at least 200 feet from any surface freshwater source; or packed out.

The intent of these conditions is to protect the public from exposure to health, safety and disease risks and to maintain pristine water quality. These conditions represent the national, interagency standard for the best Leave No Trace practices regarding human waste disposal in the field.

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

See Section 2.14 (a)(9) above. Toilet paper should be packed out, or burned when fire hazard is low.

2.15(a)(1), (a)(3), (a)(5), (b), (e) Pets

This regulation section contains restrictions, such as pets must be leashed or physically restrained, and therefore there are no additional conditions.

2.16(a)-(c) Horses and pack animals

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

2.17(a)(1) Aircraft operation

Superseded by 43 CFR 36.11(f)(1).

Access for subsistence purposes under 36 CFR 13.45 supersedes this section.

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

No areas prohibited.

2.17(c)(1) Removal of downed aircraft

Superseded by 43 CFR 36.11(f)(3)(ii).

2.18(c) Snowmobiles-designated areas for use

No areas designated for snowmobile use.
Superseded in part by 43 CFR 36.11(c) Special access.
Superseded by 36 CFR 13.46(a) for subsistence uses.

2.19(a) Winter activities-designated areas

Not applicable. The area has no roads or parking areas.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

All park office and visitor facilities are closed to smoking. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities.

2.22 Property - leaving property unattended for 24 hours

Superseded by 13.22.

2.35(a)(3)(i) Alcoholic beverages - areas closed to consumption

No areas closed to consumption of alcoholic beverages.

2.38(b) Explosives - areas designated for using fireworks

No areas designated for use of fireworks. Fireworks are prohibited.

2.51(e) Public assemblies/meetings - designated areas

All areas are open to public assemblies with a permit from the superintendent.

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

All areas are open to distribution with a permit from the superintendent.

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 in all areas. Any feed brought in must be weed free. Grazing in support of commercial operations is only allowed under permit from the superintendent.

These restrictions seek to lessen the impact of extended camps on vegetation.

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

3.3 Permits

No permits required.

3.6(i) Boating, prohibited operations - designated launching areas

All areas are open to launching of boats.

3.6(j) Operating a vessel not directly accessible by road

Superseded by 43 CFR 36.11(d).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

3.6(k) Launching or operating airboats

Superseded by 43 CFR 36.11(d)

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

3.6(l) Operating a vessel in excess of designated size

No maximum size designations.

3.20(a) Water skiing-designated waters

No designated areas.

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

All area waters are open to swimming.

3.23(a) SCUBA and snorkeling - designated conditions in swimming areas, docks, etc.

No restrictions.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.10 Travel on park roads and designated routes-areas designated for off-road use in Preserves

No designations. See also 43 CFR 36.10, 36.11(c), (g).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

4.11(a) Load weight and size limits - permit requirements and restrictive conditions

No restrictions.

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

Not applicable. The park and preserve have no roads.

4.30(a) Bicycles-closed areas

Superseded by 43 CFR 36.11(e).

4.30(d)(1) Wilderness closed to bicycle use

Superseded by 43 CFR 36.11(e).

4.31 Hitchhiking-designated areas

Not applicable. The area has no roads.

PART 5. COMMERCIAL AND PRIVATE OPERATIONS

5.7 Construction of buildings, roads, trails, airstrips, or other facilities

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required. Any other construction requires a permit.

PART 13. ALASKA REGULATIONS

SUBPART A – PUBLIC USE AND RECREATION

13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked

No conditions established (may require access permit).

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence use without a permit

No designations. All subsistence use of cabins requires permit from superintendent.

13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually

No conditions or standards established.

13.17(e)(5)(i) Designated cabins or other structures for general public use

No cabins or other structures designated for public use.

NPS cabins are currently available for emergency use only.

13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins

No established conditions.

NPS cabins are currently available for emergency use only.

13.17(e)(7)(iv)(B) Established conditions for removal of temporary facility (more than 14 days)

Individuals must remove facility, all personal property, and return the site to its natural condition.

These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.

13.18(a) Restricted areas for camping

Areas temporarily restricted or closed to camping are listed under 13.30(d)(2).

13.18(b) Picnicking-areas where prohibited by posted signs

No restrictions.

13.19(b) Carrying firearms

Temporary restrictions are listed under 13.30(d)(2).

13.20(d) Collection of Natural Features

There are no additional restrictions.

13.22(c) Designate areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored

- All caches must be labeled with the name of the owner, home address, telephone number, and date that the cache was established. If the cache contains fuel, the type of fuel must be noted. Unlabeled caches may be removed or impounded.
- Caches left for more than 4 months will be considered abandoned and may be removed or impounded by Park Rangers.
- All caches must be secured in such a manner that wildlife is unable to access the cache contents.
- Fuel caches will be limited to one location, and no more than 30 gallons may be registered to a single owner.
- Fuel caches will be stored at least 100 feet from any water source, gravel bar, or flood plain. Fuel must be contained in a UL approved steel fuel container and placed on impervious material in such a manner that any spillage would be contained and prevented from coming into contact with water, soil or vegetation.
- A Special Use Permit may be obtained from the Superintendent for unique or special circumstances that require a cache to be left in place for more than 4 months. All such requests must be made in writing to the Superintendent at 201 First Avenue, Fairbanks, AK 99701.
- These conditions do not apply to qualified subsistence users.

Unlabeled or undated caches are an indication that the owner has no intention of returning or retrieving the property. Experience indicates that caches older than 4 months are usually abandoned. Unlabeled fuel is of questionable use since fuel

deteriorates with age. Fuel caches require special containers and handling because fuel spills can contaminate soil and water. Fluctuating river levels and unstable stream banks make streamside, gravel bar, and flood plain cache locations unsuitable.

13.30(d)(1) Temporary closures and restrictions relating to the use of aircraft, motorboats, and non-motorized surface transportation or to the taking of fish and wildlife

No closures or restrictions.

13.30(d)(2) Temporary closures and restrictions (other)

No closures or restrictions.

SUBPART B – SUBSISTENCE

13.49(a)(1) May permit cutting in accordance with specifications of permit for subsistence timber harvest (house logs & firewood)

The superintendent may allow subsistence harvest of trees greater than 3” subject to the terms and conditions of a permit.

The above restriction serves to minimize impact to park resources, ensure that natural biodegradation processes are unimpaired, and protect against overharvest.

13.49(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes

No restrictions.

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

36.11(c) Temporary closures or restrictions on the use of snowmachines for traditional activities

No closures or restrictions.

36.11(d) Temporary closures or restrictions on use of motorboats

No closures or restrictions.

36.11(e) Temporary closures or restrictions on use of non-motorized surface transportation

No closures or restrictions.

36.11(f)(1) Temporary closures or restrictions on landing areas for fixed-wing aircraft

No closures or restrictions.

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.

36.11(g)(1) Use of off-road vehicles (ORV) on established trails

No trails designated for ORV use at present except for those designated in the Anaktuvuk Pass Land Exchange Legislation.

This compendium is approved and rescinds all previous compendiums issued for Gates of the Arctic National Park and Preserve.

David D. Mills
Superintendent

April 1, 2003
Date
