PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2014

GLACIER BAY NATIONAL PARK AND PRESERVE

The compendium is a list, updated annually, of designations, closures, permit requirements and other restrictions adopted under discretionary authority of the National Park Service (NPS) in the Code of Federal Regulations (CFR). It is the policy of the NPS in Alaska to consult with the State of Alaska and seek public input on proposed changes to the compendium. The proposed compendiums and a written explanation of changes were published on January 15 with a 30 day public comment period. This compendium documents the agency's decisions and responds to substantive public comments received on proposed changes.

The park received comments from the State of Alaska Citizens' Advisory Commission on Federal Areas (CACFA), the State of Alaska ANILCA Implementation Program (State AIP), National Parks Conservation Association, the Safari Club, and one internal comment.

Safari Club, CACFA, and the State AIP comment on the NPS decision to remove temporary wildlife harvest restrictions (for non-subsistence take) from the compendium in order to be more responsive to State Board of Game actions. While the NPS is not proposing harvest restrictions for Glacier Bay National Preserve, the NPS is including a response to these comments in this document since such restrictions could be adopted in the future since sport hunting and trapping are allowed in the preserve.

The 2013 compendium for several preserves (but not Glacier Bay) listed restrictions on the use of artificial light to take black bear cubs and sows at den sites, brown bears over bait stations, and taking wolves and coyotes during the summer months. After the NPS approved the proposed compendiums and before they were posted, the state Board of Game declined to consider a request by the NPS to revisit these authorizations for taking black bear cubs and sows with artificial light at dens, brown bears over bait stations, and wolves and coyotes during the summer months. Accordingly, the NPS is moving forward with temporary restrictions. Information on these restrictions as well as opportunity to comment can be found at: http://www.nps.gov/akso/management/compendiums.cfm
(under "Quick Links" on the right side of the page, select "Wildlife Restrictions"). Because this procedural change was noted in the proposed 2014 compendium, the NPS will respond to comments on the change and new process

Safari Club commented that the NPS decision to address wildlife harvest matters "indicates a disregard for state authority." To the contrary, the NPS has repeatedly sought a state solution to these conflicts and has taken action only after the State has declined to do so and stated the NPS is responsible for ensuring preserves are managed consistent with federal law and policy. Safari Club also questioned whether the NPS has authority to take action. This authority is expressly provided in ANILCA section 1313 and implementing regulations at 36 CFR 13.40, 13.50. Safari Club states the NPS must provide "adequate and varied sustainable hunting opportunities

resulting in properly managed predator/prey balance." While these are not terms used in the legal and policy framework for managing NPS units, the NPS agrees with this statement. The vast majority of state harvest regulations remain applicable in preserves. Only a few— use of artificial light to take black bear cubs and sows at den sites, brown bears over bait stations, and taking wolves and coyotes during the summer months—have been preempted on NPS preserves.

CACFA and the State AIP both suggest the NPS better utilize the state Board of Game process to address NPS concerns. The NPS has and will continue to engage the Board of Game regarding potential state actions that impact preserves. However, should the Board of Game not address NPS concerns based on the framework by which NPS units are to be managed, the NPS is required to take action. The NPS is also committed to providing the state information regarding management of preserves to aid in state wildlife allocation decisions.

The State AIP and CACFA commented NPS temporary restrictions on taking wildlife are inconsistent with 36 CFR 13.50. As stated on previous occasions, the NPS does not agree with the state and CACFA's interpretation of NPS regulations. However, the NPS is considering rulemaking to address the issue permanently.

Both CACFA and the State AIP commented on procedures for adopting wildlife harvest restrictions on preserves which will be separate from this compendium. CACFA commented the NPS needs to ensure an appropriate number of public hearings are held for any temporary wildlife restrictions. The State AIP expressed concern about burdening the public with more meetings and the length of the comment period.

Federal law requires the NPS to consult with the state of Alaska prior to implementing restrictions on wildlife harvest in preserves, except in emergency situations. NPS regulations require notice and a hearing in the affected vicinity prior to implementing restrictions, other than in emergencies. The NPS will follow these legal requirements prior to implementing restrictions on the above mentioned hunting practices. The NPS has consulted with the state and will hold 10 public hearings around the state, near the affected preserves. In addition, the NPS has elected to take written comment by mail or email during the timeframe that the public hearings are being held, provide a call-in number should individuals prefer to participate by telephone rather than travel to a hearing location, and the NPS will hold a social media chat. The NPS acknowledges the impact on the public and will seek to combine hearings with other scheduled events if possible to minimize that impact. The NPS strongly prefers to resolve these issues with the Board of Game rather than adopting temporary restrictions for NPS preserves. However, should the Board of Game take actions that would result in activities in preserves that are not consistent with federal law and policy, the NPS will follow the procedures for consultation and hearings provided in federal law and regulation.

Both CACFA and the State AIP expressed concern regarding the NPS use of social media for public outreach on the NPS proposed actions. The state commented that social media should not be used to solicit public comment, but individuals should be directed to the NPS compendium page. The NPS is committed to engaging Alaskans and the broader American public. One such method the NPS may use is social media. The NPS use of social media is intended to engage a segment of the public not otherwise reached as well as provide another venue for the public to be

engaged with national parks. The NPS will continue to employ more traditional methods of communicating with the public; i.e., in person meetings, mailings, press releases. Regarding NPS treatment of social media comments, such comments are included in the administrative record, but unlike other compendium comments, the NPS has not included these in the summary in the final compendium and responded to these comments. However, the NPS would not ignore a good suggestion or someone pointing out an error just because it came from social media. Individuals that want to make official comments are referred to the email link on the NPS compendium page or told they can mail/deliver written comments to the NPS. Last year the NPS received over 59,000 comments by mail and email. None of these comments came from the use of social media.

The State AIP also commented that the NPS requires individuals to provide their name and address when providing comments. This statement is not accurate. The National Park Service does not require this information for rulemaking, National Environmental Policy Act documents, or compendiums. Should an individual choose to share this information, such information may be subject to release.

2.15(a)(5) Pet excrement disposal conditions

National Parks Conservation Association commented on the requirement to dispose of pet excrement in the Bartlett Cove area, in which they supported the proposed action.

13.1152(a) Private vessel permits and conditions

After the proposed compendium was published and the comment period ended, it was brought to the Service's attention that the provision listed under 13.1152(a) is not consistent with NPS regulations. Under 36 CFR 13.1152, a permit is required for all vessels in Glacier Bay from June 1 through August 31. Section 13.1156 lists exceptions to the permit requirement. In the 2013 compendium, the following language appeared:

> If additional vessel use days are unavailable, a vessel may remain anchored for up to seven additional days without motorized operation at Blue Mouse Cove, Sandy Cove, or Bartlett Cove. If the vessel leaves an anchorage without obtaining a permit or permit extension it must proceed directly out of the Bay.

Exceptions to the permit requirement are:

a. Vessels engaged in official, noncommercial business of the state or federal government
b. Vessels operating in Bartlett Cove waters east of a line extending from the long axis of the fuel dock to the wilderness boundary of Lester Island.
c. Vessels launched from a permitted vessel while the permitted vessel remains at anchor or in accordance with a concession contract.
d. Authorized commercial fishing vessels
e. Vessels granted safe harbor

While there is an exception for Bartlett Cove east of a line extending from the long axis of the fuel dock to the wilderness boundary of Lester Island, there is no exception for Blue Mouse Cove or Sandy Cove. The language listed in the 2013 compendium which purported to authorize individuals to remain in these areas of Glacier Bay or to operate a vessel in Glacier Bay is not consistent with the permit requirement in 36 CFR 13.1152 and not covered by an exception listed

in 36 CFR 13.1156. For this reason, the NPS has modified this provision from the 2014 final compendium.

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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 that provide the Superintendent with 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.

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 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 Glacier Bay National Park and Preserve, Gustavus, Alaska at (907) 697-2230 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

Sledding is permitted on park roads if persons or other traffic control devices are posted to warn approaching motorists.

This restriction is intended to provide maximum safety to sledders and motorists using the park road.

From May 1 through August 31, it is prohibited to operate a vessel or otherwise approach within 100 yards of the following four islands:

- Island at the entrance to Scidmore Bay and Charpentier Inlet (longitude W 136 degrees, 31.9’, latitude N 58 degrees, 45.4’)
- Island southeast of Tlingit Point (longitude W 136 degrees, 10.6’, latitude N 58 degrees, 45.0’)
- Island northwest of Eider Island (longitude W 135 degrees, 57.2’, latitude N 58 degrees, 31.3’)
- Sealers Island (longitude W 136 degrees, 07.4’, latitude N 58 degrees, 57.6’)

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)
- Demonstrations involving 26 or more persons, 2.51
- Sale and distribution of printed matter for First Amendment purposes by groups of 26 or more persons, 2.52
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Nonmotorized watercraft on the Alsek River, 3.3, 43 CFR 36.11(d), (h)
- 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, 13.100-13.188
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.485(a)(1)
- Commercial fishing in the marine waters of Glacier Bay National Park, 13.1132 (b)
- Private vessels in Glacier Bay marine waters unless exempted under 13.1156, (13.1152)
- Cruise ships, tour vessels, and charter vessel in Glacier Bay marine waters unless exempted under 13.1156, (13.1154)
- Camping in Glacier Bay Proper, 13.1116
- 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)
- 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 wood on the ground for firewood

Superseded by 13.35(c)(4), 13.35(d), 13.85(b), 13.1184.

2.1(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue

No designated areas or conditions.

2.1(b) Designated trails

No restrictions on walking or hiking.

2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand and collection restrictions

Superseded in part by 13.35(c) and 13.485(b).

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas

See also 13.40(d)(5).

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

No areas designated for closure.

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 are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing by federally qualified rural residents 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

All areas are designated as open for fishing from motor road bridges and boat docks except the Bartlett Cove fuel dock.

By Coast Guard regulation, a public fuel dock may only be occupied by individuals engaged in the act of fueling. The Bartlett Cove fuel dock may only be used while fueling a vessel.

2.4(a)(2)(i) Carrying, using, or possessing weapons at designated locations and times

Individuals are authorized to possess firearms in NPS areas in accordance with applicable state and federal law. With the exception of public use cabins, 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

Superseded in part by 13.25(a), 13.1124(a).

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/container.html
- Additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation: http://www.adfg.alaska.gov/index.cfm?adfg=livingwithbears.bearcontainers, with the concurrence of the Superintendent;
- Items or methods approved by the Superintendent.

(2) Throughout the park, all food (except legally taken game) and beverages, food and beverage containers, garbage, harvested fish and equipment used to cook or store food 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 caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.
- The Superintendent may, upon request, waive or modify food storage requirements in circumstances where compliance with these requirements is not possible, overly burdensome, and is consistent with public safety and wildlife conservation interests.

(3) Bartlett River

- All harvested fish caught in the Bartlett River shall be kept within six feet of the angler or on their person
- All harvested fish caught in Bartlett River shall be packed out whole, except gills and entrails.

Note: This provision 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.
- Bait which is being lawfully used for trapping or hunting in accordance with applicable state or federal is not considered food subject to the provisions in this section.

For the Bartlett Cove Developed Area, see 13.1124(b)-(c).

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. The park offers bear resistant containers for temporary use to the public. The containers are free of charge and can be picked up at the park's visitor center in Bartlett Cove.

See also 13.1124.

2.11 Picnicking: designated areas

Superseded by 13.26.

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

Campfires may be lighted and maintained in the following areas:

Within 1 mile of Bartlett Cove – Unless otherwise authorized by the superintendent, fires are only allowed in the designated campground beach fire ring(s).

All Other Areas - Fires are allowed in backcountry areas below the high tide line, or more than one-quarter mile from marine shorelines. For the purposes of this section, *high tide* is defined as the line delineated in the intertidal area by the last high water mark of the preceding highest tide.

All trash (tin foil, burnt food, glass, and cans) must be removed from the fire site after use.

The intent of this requirement is to allow for fires in the backcountry while ensuring that resource impacts associated with fires are minimized. The geography of the areas suitable for camping has caused repetitive use of the same campsites. The use of fire pans and constructing fires below the high tide line helps ensure that hardened campfire sites and buildup of ash piles will not occur.

For the Alsek Corridor, see 36 CFR 13.1108.

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

Dumping of refuse brought into the Park or Preserve in NPS trash receptacles is prohibited unless otherwise authorized by the superintendent. This does not preclude PRIVATE boaters from using trash receptacles at the Public Use Dock.

This requirement is intended to ensure the refuse handled by the park is generated by activities occurring within the park.

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

No designated areas; therefore, unless allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets or fixtures is prohibited.

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

There are no designated areas.

Fish remains may not be disposed of on either land or water within 200 feet of public boat docks or designated swimming beaches, or within developed areas for reasons of public health and safety.

2.14(a)(9), (b) Sanitation: disposal, carrying out of human waste

Human body waste will either be removed as trash or deposited in cat-holes dug at least 100 feet from any surface freshwater source and at least 6 inches deep.

When the ground is frozen, human feces must be disposed over at least 100 feet from any freshwater source and covered with snow or packed out.

Disposal of human waste within Glacier Bay National Park and Preserve will be allowed within 100 feet of the Glacier Bay nondeveloped intertidal zone.

Tissue paper and sanitary items should be packed out or burned when fire hazard is low.

The intent of these conditions is to provide for healthy, sanitary and visually aesthetic environments as well as to protect natural resources.

2.15(a)(1) Areas designated as closed to pets

Superseded by 36 CFR 13.1106

In all areas where pets are allowed, pets must be leashed or physically restrained at all times.

2.15(a)(3) Conditions for leaving pets unattended and tied to an object

No conditions at present.

Leaving pets unattended and tied to an object is prohibited.

2.15(a)(5) Pet excrement disposal conditions

In the Bartlett Cove Developed Area, pet owners are required to dispose of pet excrement in covered waste cans provided within the park.

2.15(b) Conditions for using dogs in support of hunting activities

No conditions at present.

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

Superseded by 43 CFR 36.11(e).
Access for subsistence purposes under 36 CFR 13.460(a) supersedes this section.

2.17(a)(1) Aircraft operation

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

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

No areas prohibited at present. Aircraft access to the Public Use Dock in Bartlett Cove is permitted. See also 13.1122 regarding dock use restrictions.

2.17(c)(1) Conditions for removing downed aircraft

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

2.18(c) Snowmobiles: designated areas for use

No areas designated for snowmachine use.
Superseded in part by 43 CFR 36.11(c).
Superseded by 36 CFR 13.460 for subsistence uses.

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 in 2.19(a).

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

No designated areas or routes.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area. Smoking is prohibited on the Fuel Dock and within 100 feet of the underground fuel storage facility.

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

2.22 Property: leaving property unattended for 24 hours

Superseded by 13.45, 13.1122(c).

2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption

No areas designated as closed.

2.38(b) Fireworks: permits, designated areas, and conditions

No areas designated for use of fireworks.

2.51 First Amendment Demonstrations

All areas are designated as open to public demonstrations that involve 25 or fewer persons without a permit. Demonstrations involving twenty-six or more individuals must have a permit issued by the superintendent.

2.52 Designated areas for sale and distribution of printed matter for First Amendment purposes

All areas are designated as open to sale or distribution of printed matter by groups involving 25 or fewer persons without a permit. Printed matter is limited to message-bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising. Distribution involving twenty-six or more individuals must have a permit issued by the superintendent.

2.60(a)(3) Designated areas for grazing

No areas designated for agricultural grazing of livestock in Glacier Bay National Park.

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

- Commercial fishing vessels in the marine waters of Glacier Bay National Park must have a permit pursuant to (13.1132)
- Private vessels in Glacier Bay marine waters must have a permit unless exempted under 13.1156 pursuant to 13.1152
- Cruise ships, tour vessels, and charter vessel in Glacier Bay marine waters must have a permit unless exempted under 13.1156 pursuant to 13.1154
- Vessels- A permit is required for non-commercial use within the Alsek River corridor above Gateway Knob between May 1 through September 30.

  See also Private Vessel Permits, 13.1152-13.1154.

3.7 Personal Flotation Devices: designated times and/or activities

No designated times or activities. PFDs must be worn in accordance with 33 CFR part 175.

3.8(a)(2) Boating, prohibited operations: designated launching areas

All areas are open to launching of boats.

3.8(a)(4) Operating a vessel in excess of designated length, width, or horsepower

No designations at present.

3.8(b)(3) Operating a vessel in excess of flat wake speed in designated areas

Operating a vessel in excess of 5 mph or creating a wake within 300 ft. of the Bartlett Cove Public Use Dock is prohibited. (newly designated area)

Vessels operated at excessive speeds or creating wakes in proximity to the Bartlett Cove Public Use Dock create safety hazards and cause property damage to park visitors and their vessels while at the dock.

3.12(a) Water skiing: designated waters

No areas designated open.

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 waters within NPS administered areas except when the operator is able to remove or repair the vessel on site safely and without potential for damage to resources.

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

3.16 Swimming and wading: areas designated as closed

All areas are open to swimming and wading.

3.17(a) Designated swimming areas and beaches

No designated areas.

3.17(c) Use or possession of flotation devices, glass containers, kites, or incompatible activities in swimming areas or beaches

No restrictions at present.

3.18(a) SCUBA and underwater diving: closures and restrictions

SCUBA diving is authorized at the Public Use Dock and in the mooring area at Bartlett Cove to inspect and repair vessels, or retrieve equipment.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.10 Routes or areas designated for off-road motor vehicle use in Preserves

See 36 CFR 13.1109

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

See 13.1124(b).

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

The speed limit in the Bartlett Cove developed area, and on the park road between Bartlett Cove and Gustavus, is 20 mph, except as otherwise posted

Road improvements (paving, grading, and engineering) which have brought the road in the developed area up to Federal Highway standards, along with an assessment period to

monitor safety and traffic flow, allow the NPS to increase the speed limit 5 mph along this section of road without unduly sacrificing safety or resource protection concerns.

4.30(a) Routes designated as open to bicycles
Superseded by 13.1126, 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
All areas are open to hitchhiking.

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.

PART 13. ALASKA REGULATIONS

13.25(a)(1) Temporary closures and restrictions to camping

- From March 1 through October 31, group size is limited to a maximum of 12 persons. The superintendent may authorize an exception for educational groups.
  This restriction is also derived from the Wilderness Visitor Use Management Plan and is intended to minimize impacts on resources and other park visitors.

- The landmass from Wolf Creek to a point directly east of the southern tip of Garforth Island including Puffin Island and the two unnamed islands in North Sandy Cove, and the one unnamed island in South Sandy Cove, from sea level to any elevation is closed to overnight camping due to a high concentration of bears, May 1 - August 15. (See Appendix D)
  This restriction is intended to minimize conflicts between backcountry campers and bears in an area habitually used and important to bear. The restriction on overnight camping does not preclude day use of this area for hiking and other activities.

For the Alsek Corridor, see 36 CFR 13.1108

13.25(a)(2) Site time limits: authorization to exceed 14 day limit at one location
See also 13.1116.

13.25(a)(3) Designated campgrounds: restrictions, terms, and conditions
See also 13.1124(a).

13.26 Picnicking-areas where prohibited or otherwise restricted

No restrictions at present.

13.35(d) Collection of dead standing wood: areas designated as open and conditions for collection

No designated areas or conditions at present.

13.35(f)(1) Natural features: size and quantity restrictions for collection

No restrictions at present.

13.35(f)(2) Natural features: closures or restrictions due to adverse impacts

No closures or restrictions at present.

13.40(c) Restrictions on activities related to commercial fishing rights or privileges in the Dry Bay area

See 36 CFR 13.1109

13.45(b)(1)-(6) Exceptions to unattended or abandoned property

Superintendent authorizations for exceptions for unattended or abandoned property are made on a case by case basis. Contact park headquarters for more information.

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

- Caches left for more than 30 days will be considered abandoned and may be removed or impounded by Park Rangers. A Special Use Permit may be requested from the Superintendent for unique or special circumstances that require a cache to be left in place for more than 30 days. All such requests must be made in writing to the Superintendent at Glacier Bay National Park & Preserve, P.O. Box 140, Gustavus, AK 99664.
  Experience indicates that caches older than 30 days are usually abandoned. This restriction is intended to limit abandonment of personal property in the park and impacts to resources and other park users. Provisions are provided for longer-term storage of gear where warranted with permission of the Superintendent. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.
- Fuel caches will be limited to one location, and may contain no more than 10 gallons of fuel or any combination of fuel types.
- Parking.
  - Main parking lot: Leaving vehicles, trailers, or other property unattended longer than 24 hours in the main parking lot adjacent to the Bartlett Cove Public Use dock is prohibited.
  - Upper lot and overflow lots: Leaving vehicles, trailers, or other property unattended longer than 14 days in the upper parking lot above the park fuel dock, the maintenance lot, the Bartlett River Trailhead lot, or in the overflow lot near the park housing area is prohibited.
  - Except as provided otherwise above, vehicles, trailers, or other property must be removed from the parking lots for at least 12 hours between parking limit periods.

- Personal kayaks and boats may not be left unattended on beaches within the Bartlett Cove Developed Area outside of designated areas. The designated areas are: above the intertidal area on provided racks beneath the fuel dock, or within 150 yards of the administrative dock.
  The small sandy beach located between the Public Use Dock and the boat launch ramp is considered ceremonial by the Huna Tlingit, and carries significant cultural importance to the native community. Out of respect for the wishes of the original people of Glacier Bay, the NPS is requiring storage of kayaks and other vessels be moved from this beach to a nearby location which does not conflict with this need. Designated locations for kayak and small boat storage in the Bartlett Cove Developed Area are necessary to maintain the visual aesthetic values of this highly visited area, and to prevent proliferation of small craft scattered all along the shoreline which impedes wildlife and human foot traffic, and damages vegetation.

13.50(h) Facility closures and restrictions

No restrictions at present.

13.122 Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked

No conditions established at present (may require access permit).

13.160 Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit

During the Federal subsistence moose hunt in the fall, the East River Public Use Cabin at Dry Bay may be reserved by local rural residents at no charge via the NPS Office in Yakutat.

This provision allows subsistence users to share and use the East River Public Use Cabin during the federal subsistence moose hunt.

13.166 Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually

There is no fee for the use of the East River Cabins for subsistence purposes during the fall moose hunt. The cabin must be reserved through the NPS office in Yakutat.

13.170 Designated cabins or other structures for general public use

The East River cabin in the Preserve is designated as a public use cabin.

The East River cabin is a short-term, public use cabin.

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

A reservation and permit, available through the NPS Ranger Station in Yakutat, are required for use of the East River Public Use Cabin. An overnight public use fee will be charged for the cabin, with exception noted under § 13.160 of this compendium.

13.188(b) Established conditions for removal of temporary facility used in excess of 14 days

Individuals must remove all temporary facilities not under permit and all personal property. Sites must be returned 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.

13.460 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30; 43 CFR 36.11(c)-(e).

13.485(a)(1) Permit specifications for harvesting standing timber greater than 3” diameter for subsistence purposes (house logs & firewood)

Cutting of live standing trees greater than 3” in the Park is prohibited. The superintendent may allow subsistence harvest of live standing trees greater than 3” in the Preserve subject to the terms and conditions of a permit issued by the superintendent.

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

Cutting of timber is not authorized within the Park. Verbal or written permission from a park ranger is required to cut timber less than 3" in diameter in the Preserve, except as necessary to clear designated vehicle routes and airstrips.

GLACIER BAY NATIONAL PARK AND PRESERVE SPECIAL REGULATIONS

13.1114 Collection of goat hair

Goat hair may be collected for cultural purposes with written authorization from the superintendent.

13.1116: Camping Permit Requirements in Glacier Bay National Park

When camping permits are required in Glacier Bay, a backcountry camper orientation at the Visitor Information Station is required prior to permit issuance. This provision does not apply to commercially guided trips authorized by the NPS.

13.1120 Bartlett Cove Developed Area (BCDA): closures and restrictions

No closures or restrictions at this time.

13.1122(b)-(h) Bartlett Cove Public Use Dock

Exceptions are made on a case by case basis. Contact park headquarters for more information.

13.1124(b) Bartlett Cove Campground: designated areas for cooking, consuming, and preparing food

Food will be cooked, prepared and consumed in the intertidal zone adjacent to the campground.

13.1124(c) Bartlett Cove Campground: designated areas for food storage in the Bartlett Cove Campground

Marked food storage caches are located in the Bartlett Cove Campground

13.1126 Bicycles.

Use of a bicycle is prohibited on the Forest, Beach, Bartlett River and Bartlett Lake trails.

13.1130(a) Commercial Fishing. List of existing fisheries and gear types for the park's outer waters:

- King Crab, Pot
- Tanner Crab, Pot and Ring
- Dungeness Crab, Pot
- Weathervane Scallop, Dredge
- Shrimp, Pot
- Pacific Salmon, Troll
- Chum Salmon, Purse Seine
- Pacific Halibut, Longline
- Groundfish, Dinglebar and Longline

The commercial fisheries listed above are those fisheries which have, at the time of the 1998 legislation regarding commercial fishing in the park (P.L. 105-277), been established legally in outside waters. All fisheries are subject to current state and Federal regulations and emergency closures, which should be referred to prior to engaging in any fishery in Glacier Bay National Park & Preserve.

13.1130(d) Commercial Fishing. Maps and charts showing marine waters of Glacier Bay that are closed to commercial fishing

See Appendix C.

13.1152(a) Private vessel permits and conditions

In Glacier Bay from June 1 through August 31 an individual must have a permit from the NPS issued for a specific vessel for a specific period of time unless exempt under 13.1156.

Obtaining Private Vessel Permits

Private motor vessel permits are only required for Glacier Bay proper, and only for the months of June, July, August. The following procedures and conditions apply to the issuance and use of private motor vessel permits:

- All private vessel permits will be allocated in such a manner that will prevent exceeding the maximum daily presence of no more than 25 private vessels in Glacier Bay at one time.
- Permits may be obtained via telephone (907-697-2627), fax (907-697-2647), marine band radio (KWM20Bartlett Cove), by mail addressed to the Visitor Information Station at P.O. Box 140 Gustavus AK 99826 ,or in person at the Visitor Information Station at Bartlett Cove.
- Advance-notice permits: 13 of the 25 daily permits may be reserved up to 60 days in advance. Once reserved, Advance-notice permits must be confirmed with the park within 48 hours of the scheduled arrival. Permits not confirmed through the park's Visitor Information Station by 10:00 a.m. on the scheduled date of arrival, will be cancelled and made available for reissue.
- Short-notice permits: 12 of the 25 daily permits may be reserved up to two days in advance.
- Private vessel permits shall be issued in the order in which applications are received.
- A person may not hold more than 2 permits for a vessel at any time.
- A permit is considered cancelled when 1) the vessel leaves Glacier Bay Proper and is not intending to return within one day or 2) the vessel enters Bartlett Cove waters as defined in 36 CFR 13.1156(b) and is not intending to leave within one day.

Length of Stay

- A person may not hold a permit for more than fourteen (14) days in any twenty-one (21) day period.

13.1184 Rules for the safe and equitable use of Bartlett Cove waters and docks.

The following use restrictions are for the safe and equitable use of park facilities:

January 1 - December 31

- Dock space on the Public Use Dock is assigned for use by private vessels and administrative needs of the Park (NPS vessels, Day Tour boat for concessionaire etc.) and aircraft as depicted in Appendix A. Parking in a space otherwise reserved is prohibited.
- Residing on a vessel within Bartlett Cove for more than fourteen days during any time period is prohibited unless otherwise authorized by the superintendent.
- The fueling of floating marine craft with Class I and II fuels is prohibited at other than marine motor fuel-dispensing facility, with the following exception: that only a DOT approved container of less than 7 gallons may be used for fuel dispensing.

<u>Bartlett Cove Waters</u>

- The discharge of "blackwater" (water contaminated with human waste) is prohibited in Bartlett Cove waters.
  This requirement is to limit the discharge of human waste that might complicate the water quality monitoring by the park.

- The placement of temporary moorings is authorized to the north or east of the Public Use Dock, provided they are at least 300 yards from the dock. These moorings must meet applicable marking requirements, may not be installed prior to April 1, and must be removed by November 1 in a given calendar year. Contact must be made with the Protection Ranger prior to placement of a mooring and Mooring Buoy Agreement signed.
  These limitations are necessary to 1) allocate limited space, 2) prevent overcrowding, 3) ensure that fixed moorings not preempt the most convenient anchorage location or impede access to the dock, 4) are properly tended, and 5) are temporary rather than permanent fixtures.
- Anchoring vessels within 300 ft. of the Public Use Dock is prohibited. The No Anchor Zone is depicted in Appendix A of this compendium. The placement of buoys, markers, or lines (including fishing gear) is authorized to the north or east of the Public Use Dock, provided they are at least one-quarter mile from the dock.
  This limitation is necessary to ensure adequate room for safe maneuvering of vessels and aircraft accessing and departing from the Public Use Dock.
- Anchoring in the inner lagoon area is limited to 7 consecutive days unless otherwise authorized by a park ranger.
  The inner lagoon is known and used by local residents as a storm anchorage. These limitations are intended to accommodate short-term use of the lagoon, which is limited in size, but preclude long-term use that limits opportunity for use by other visitors or local residents.
- No buoys or lines may be placed inside the inner lagoon unless otherwise authorized by a park ranger.
  This limitation is intended to ensure clear and safe passage for all vessels transiting the inner lagoon, and availability of the lagoon for temporary storm anchorage use.

May 1 - September 15

- Vessels may dock at the Public Use Dock for a maximum of three hours in any 24-hour period, unless otherwise authorized by a park ranger.
  This provides flexibility to allow longer docking periods on a space available basis to complete boat repairs, etc.
- Vessels less than 10 ft. in length, used exclusively as a dinghy for transportation between a boat and the dock, may dock in the designated dinghy area (see Appendix A).”
  This allows overnight docking of small vessels (<10’) commonly used as tenders for larger vessels.
- Trailers specifically designed for transport of kayaks and canoes are allowed on the dock when authorized by a park ranger. However, when backing, the trailers must be detached from the tow vehicle and backed by hand. All other trailers and commercial passenger-carrying vehicles (such as B&B vans, taxis and buses) are prohibited from driving onto the dock unless authorized by a park ranger.
- A park ranger may authorize temporary public use of the Administrative Dock on a space available basis. Use will be limited to 3 consecutive days during the peak use season, May 1 - September 30, and 7 consecutive days the remainder of the calendar year.
  This accommodates visitor and local resident use of the administrative dock for repairs, etc., on a space available basis.

Sept. 16 – April 30

- Vessels may tie up to the Public Use Dock for up to ten consecutive days. Vessels must leave the dock for at least one 24 hr. period for each period of 10 consecutive days. *This relaxation of summer docking limits allows for more flexible use of the dock during the winter season when weather is inclement and vessel movement is more difficult, yet still prevents long term storage of vessels on the public dock.*

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

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

No closures at present.
See also 2.18.

36.11(d) Temporary closures to the use of motorboats

The use of motorized boats is prohibited on the Alsek River at Alsek Lake above Gateway Knob between April 1 through October 31 in accordance with the approved Alsek River Visitor Use Management Plan (1989).

This restriction is to ensure the wilderness experience of visitors rafting the Alsek River is minimally disrupted by powerboats. Congress directed that the Alsek River corridor be managed to preserve its outstanding wilderness characteristics.
See also 3.3, 3.6, and Subpart N.

36.11(f)(1) Temporary closures to landing fixed-wing aircraft

No closures at present.

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) Off-road vehicles

See 36 CFR 13.1109.

This compendium is approved and rescinds all previous compendiums issued for Glacier Bay National Park and Preserve.

Sharon L. Barry 3/11/2014

acting **Superintendent** **Date**

3/12/14

Concurrence by Regional Director **Date**

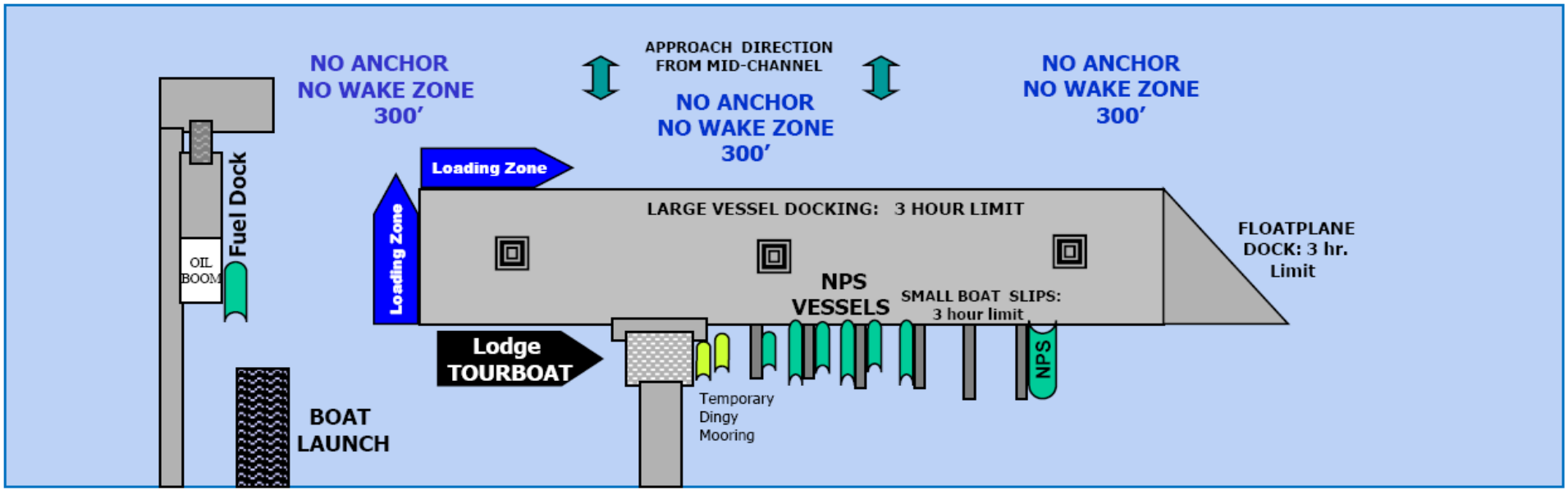
List of Attachments

Appendix A: Restrictions on the Use of Bartlett Cove Docks, 13.1122
Appendix B: Areas Open to ATVs, 13.1109
Appendix C: Maps and Charts of Glacier Bay Marine Waters Closed to Commercial Fishing
Appendix D: Temporary Camping Closures
Appendix E: Alsek Corridor
13.1122(b)-(h) Bartlett Cove Public Use Dock
13.25(a)(1) Temporary closures and restrictions to camping
13.1116 Camping Permit Requirements in Glacier Bay
13.1184 Safe and equitable use of Bartlett Cove dock (register information)
3.14(a) Conditions for removing sunken, grounded, or disabled vessels
2.10 Food Storage
13.1184 Safe and equitable use of Bartlett Cove dock and waters, fueling
2.14(a)(9), (b) Sanitation: disposal, carrying out of human waste

Appendix A: Restrictions on the Use of Bartlett Cove Docks, 13.1122

Rules for the safe and equitable use of Bartlett Cove waters and docks: Bartlett Cove Public Use Dock.

GUIDE TO DOCKING: Bartlett Cove Public Use Dock



*** Docking at the Public Use Dock is only on a space-available basis. Space cannot be reserved.**

*** Three hour limits are in effect from May 1st through September 15th for the equitable use of all dock users.**

*** The Loading/Unloading zone is from May 1 through September 30.**

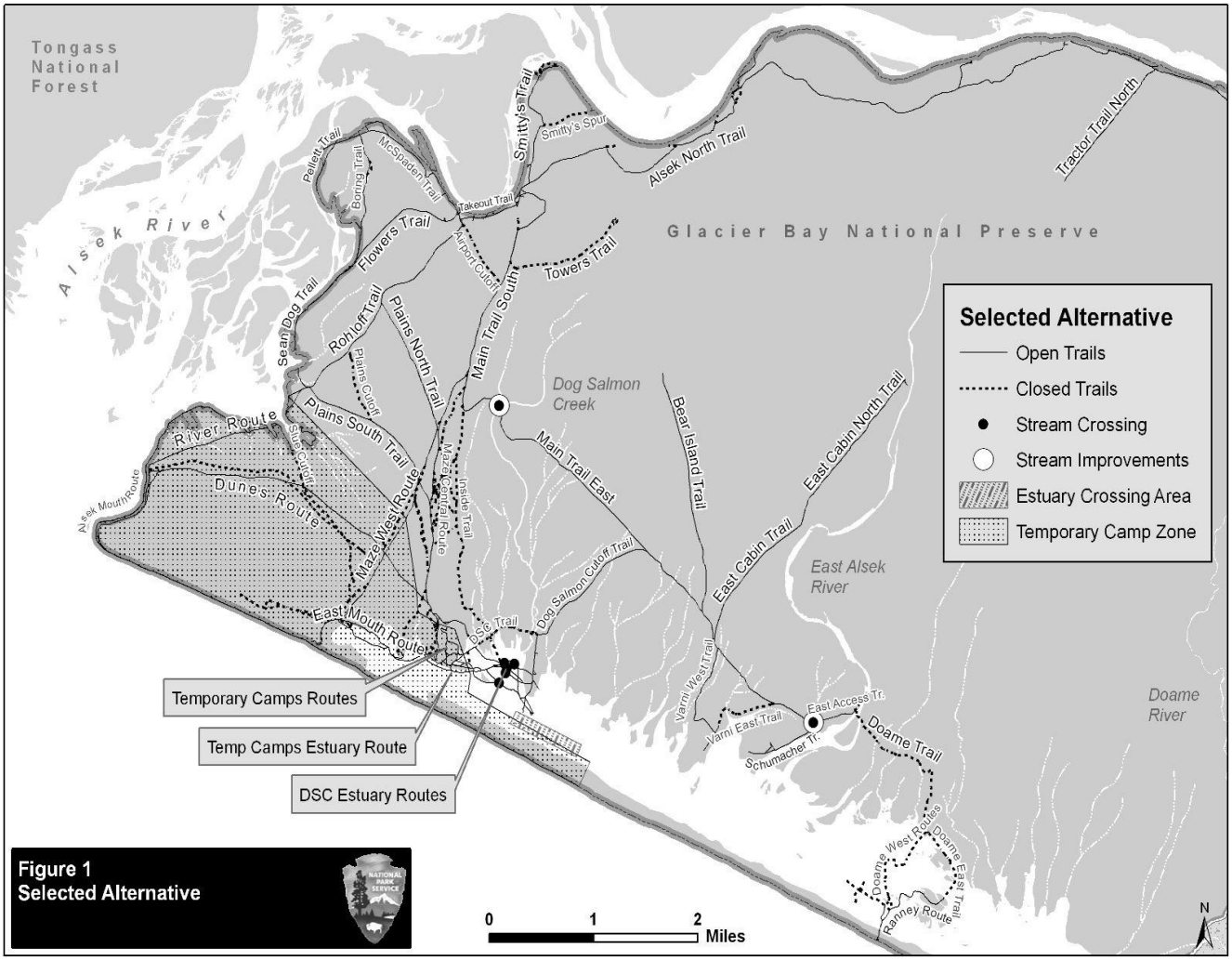
*** Fresh, potable water is available on the dock. Shore power is not available without permission from a ranger.**

*** Call the Visitor Information Station for more information on use of the Bartlett Cove Dock.**

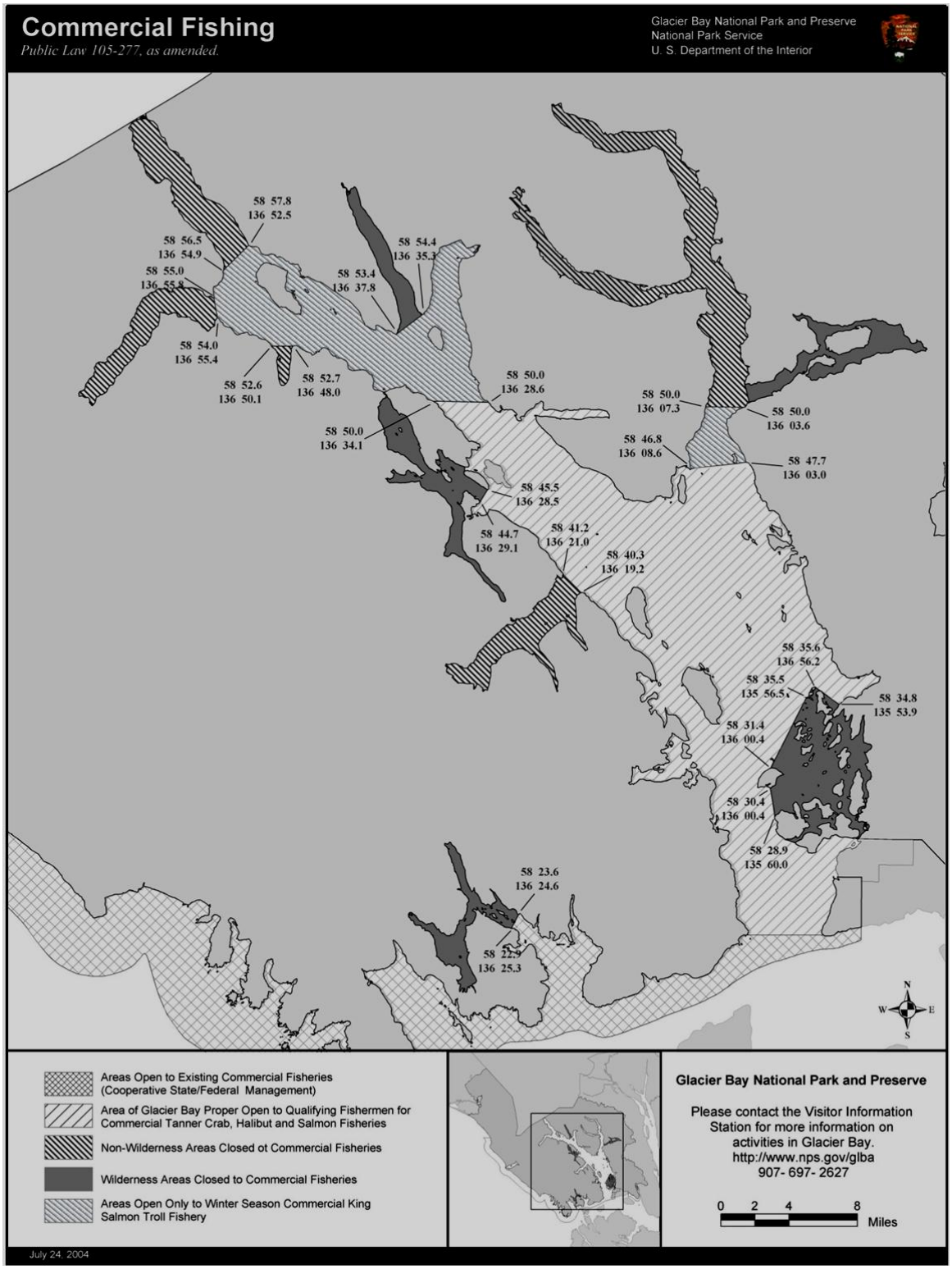
Appendix B, Off-road vehicle use in Glacier Bay National Preserve, 36 CFR 13.1109

13.1109 Off-road vehicle use in Glacier Bay National Preserve

The use of off-road vehicles is authorized only on designated routes and areas in Glacier Bay National Preserve. The use of off-road vehicles in all other areas in Glacier Bay National Preserve is prohibited. A map of designated routes and areas is available at park headquarters.



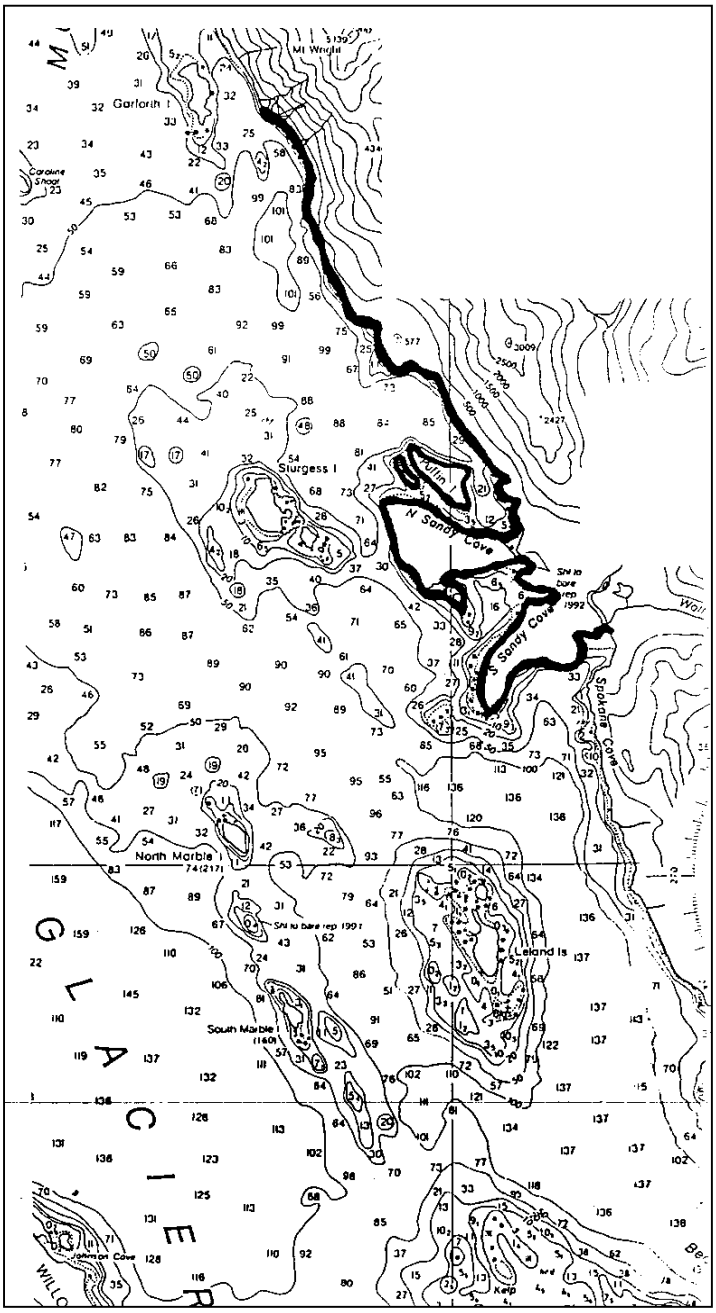
Appendix C: Maps and Charts of Glacier Bay Marine Waters Closed to Commercial Fishing, 13.1146



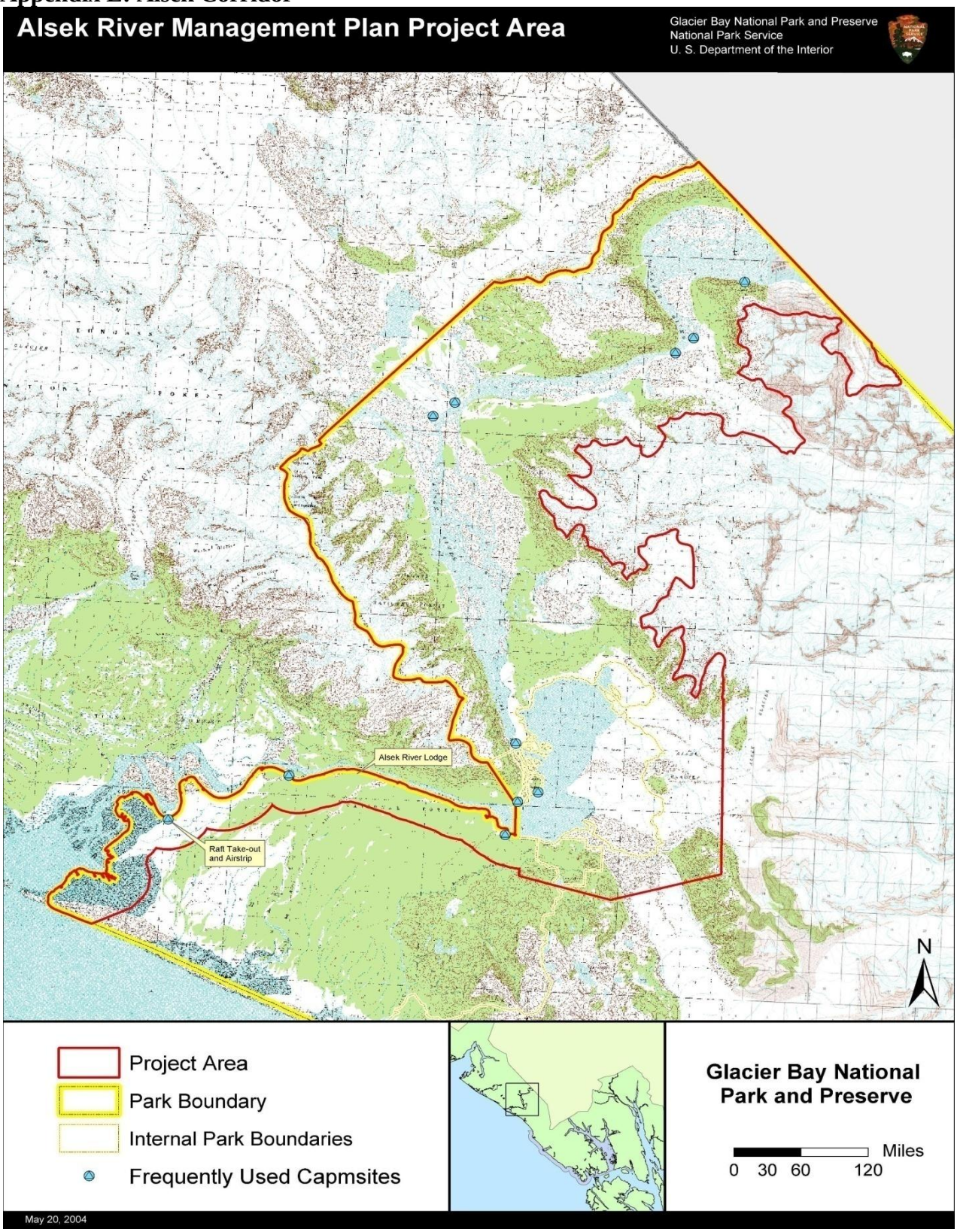
Appendix D: Areas Closed to Overnight Camping, 13.25(a)(1)

- The landmass from Wolf Creek to a point directly east of the southern tip of Garforth Island including Puffin Island and the two unnamed islands in North Sandy Cove, and the one unnamed island in South Sandy Cove, from sea level to any elevation is closed to overnight camping due to a high concentration of bears, May 1 - August 15.

W58 47.173 N136 03.260
W58 42.253 N135 57.325



Appendix E: Alsek Corridor



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

Subject: Bartlett Cove Public Use Dock

Pursuant to Title 36 of the Code of Federal Regulations 13.1122(b)-(h) the Superintendent of Glacier Bay National Park and Preserve has determined:

> Vessels are permitted to utilize the reserved area at the west end of the Bartlett Cove Public Use Dock for the purpose of loading and unloading passengers or materials. Leaving a vessel unattended at the loading/unloading zone for any length of time is prohibited. (See Appendix A).

The reasons for this change are as follows:

1. Periodic overcrowding of the Public Use Dock deprives mariners of any available space to access the dock in order to load and unload passengers and materials.
2. Lack of dock space during the summer detrimentally affects mariner welfare and safety.
3. The Loading/Unloading zone will be in effect from May 1 to September 30 during the busy summer season.
4. Other dock site locations and dates were determined to be less advantageous to mariners in general and ineffective overall in addressing overcrowding issues during the summer months.

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

Subject: Temporary closures and restrictions to camping

Pursuant to Title 36 of the Code of Federal Regulations 13.25(a)(1) the Superintendent of Glacier Bay National Park and Preserve has determined:

- The landmass from Wolf Creek to a point directly east of the southern tip of Garforth Island including Puffin Island and the two unnamed islands in North Sandy Cove, and the one unnamed island in South Sandy Cove, from sea level to any elevation is closed to overnight camping due to a high concentration of bears, May 1 - August 15. (See Appendix D)

  This restriction is intended to minimize conflicts between backcountry campers and bears in an area habitually used and important to bear. The restriction on overnight camping does not preclude day use of this area for hiking and other activities.

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

Subject: Orientation for camping permits

Pursuant to Title 36 of the Code of Federal Regulations 13.1116 the Superintendent of Glacier Bay National Park and Preserve has determined a camper orientation is necessary prior to obtaining a camping permit in Glacier Bay.

The reasons for the change in permit conditions are as follows:

5. Currently a camper orientation is part of the permit process but occasionally visitors contest that 13.1116 does not require an orientation similar to verbiage found within 13.1152.
6. The orientation is important to insuring visitor safety and resource protection with critical emphasis on tidal camping, bear safety, food storage, and leave no trace information.
7. Our camper orientation has been recognized as the key component in the park not having a single serious visitor accident or fatality in the last 10 years.
8. A permitted concessionaire must have all of their guides attend a backcountry camper orientation every year as part of their concessions contract with Glacier Bay.

The reasons for not adding this permit condition are as follows:

1. The responsibility for groups following park regulations can be addressed through an orientation to a single individual within a camping party.
2. Campers do not need a camper orientation since they already understand and are familiar with the dynamic weather of Glacier Bay, complex marine environment, dangerous wildlife, critical habitat information, camping practices, and visitor use regulations.

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

Subject: Safe and equitable use of Bartlett Cove Waters, mooring buoy placement

Pursuant to Title 36 of the Code of Federal Regulations 13.1184 the Superintendent of Glacier Bay National Park and Preserve has determined:

> The placement of temporary moorings is authorized to the north or east of the Public Use Dock, provided they are at least 300 yards from the dock. These moorings must meet applicable marking requirements, may not be installed prior to April 1, and must be removed by November 1 in a given calendar year. Contact must be made with the Protection Ranger prior to placement of a mooring and Mooring Buoy Agreement signed.

The reasons for this change in distance are as follows:

1. Reducing the distance from the Bartlett Cove Public Use Dock allows for additional mooring space to accommodate the increase in vessels obtaining mooring permits.
2. The sandbar at the mouth of the Bartlett River has changed creating less available space for mariners to place mooring buoys at the head of Bartlett Cove.
3. More mariners are choosing to place moorings rather than anchoring. Condition has resulted in overcrowding and limited space available in the mooring buoy area of Bartlett Cove.
4. Overcrowding in the current mooring area causes mariners to encroach on the anchoring zone (regulatory violation). This effect does not allow mariners to obtain the appropriate amount of scope for safe mooring or anchoring.

The reasons for not changing the distance are as follows:

1. Bartlett Cove is limited in size. Mooring buoys and anchoring space should be minimally managed and left on a first come-first served basis.
2. Increasing the space available for mooring buoys favors long term users (primarily local users) over short term mariners who prefer anchoring methods (generally itinerant visitors).

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

Subject: Safe and equitable use of the Bartlett Cove dock (register information)

Pursuant to Title 36 of the Code of Federal Regulations 13.1184 the Superintendent of Glacier Bay National Park and Preserve has determined:

> Vessels may tie up to the Public Use Dock for up to ten consecutive days. Vessels must leave the dock for at least one 24 hr. period for each period of 10 consecutive days. **[All vessels tying up to the dock must register with a park ranger on the initial day of each docking period.]—Deleted.**

The reasons for the removal of this requirement are:

1. The intent of the regulation was to determine ownership and obtain vessel owner contact information.
2. During the winter, vessels and owner information are generally already known by rangers given off-season use is generally locally based. Additionally, vessel registration information can be obtained through USCG or State of Alaska databases.
3. The primary users of the dock have begun posting contact information on the vessel for rangers to call if necessary.

The reasons for keeping this requirement are:

1. When vessel owners register with a ranger they are afforded an opportunity to meet personally with a park employee which facilitates opportunities to discuss current regulations and other pertinent information relevant to the Public Use Dock.
2. Will minimize the potential dispute between a vessel owner and the NPS regarding the specific time duration on the dock.

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 Glacier Bay National Park and Preserve except when the operator is able to remove or repair the vessel on site safely and without potential for damage to resources.

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 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 NPS and the boater maximum flexibility to address the specific circumstances at hand when removing disabled, grounded or sunken vessels.

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, Section 1.5(c) and 2.10(d), the Superintendent of Glacier Bay National Park & Preserve 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. The intent of the regulations is to prevent wildlife from obtaining food from humans or associating humans with food.
2. Wildlife in a natural ecosystem are adapted to subsist on natural foods. Because natural processes are expected within NPS areas, wildlife should not obtain food from people.
3. A public safety and resource conservation concern exists when wildlife obtain food from people or associate humans with any form of nutritional reward. Obtaining human food may adversely affect behavior of individuals and the health of wildlife populations.
4. Both black and brown bears are common throughout parklands 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.
5. Bears are extremely susceptible to conditioning to human food sources. Once they have learned to associate a site or item (e.g. tent, kayak, boat, etc.) with acquisition of food, they may return to that source repeatedly for further food rewards.
6. It does not matter whether the material is fresh, dry, powered, 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.
7. Due to the transfer of knowledge from sows to cubs and the long life span of individual bears, young bears exposed to human foods may display unnatural and unacceptable behavior for decades.
8. Bears which become conditioned to human food are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
9. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

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

1. Educational efforts regarding proper food storage and disposal of food and garbage have been undertaken by state and federal agencies in Alaska and in other western states for many years. These efforts have undoubtedly reduced food conditioning and wildlife/ human conflicts.
2. Recognizing that variations in the environment and recreational activities require multiple food storage options, NPS managers have undertaken the following to assist visitors and

make these conditions less onerous by making bear resistant containers (BRCs) available at NPS headquarters and field locations.

3. Despite these efforts, NPS managers repeatedly encounter situations in which food or garbage is improperly stored throughout the parklands.
4. The food storage conditions under this section allow for a wide variety of storage options, including free loans of portable BRC units, to make compliance less onerous.
5. Because the NPS also recognizes that other storage practices may be appropriate and/or deviations from this policy may be warranted in certain circumstances, the Superintendent may make exceptions on a case by case basis if compliance would be overly burdensome or impossible and would not pose an undue risk of wildlife obtaining food from humans.
6. We have considered the use of the State of Alaska regulations which prohibit intentionally or negligently feeding wildlife or leaving human food, pet food, or garbage in a manner that attracts wildlife. While NPS officers cannot enforce this state regulation directly, the NPS considered this language for the compendium. Given the NPS mandate to protect wildlife, the NPS prefers a proactive approach designed to prevent wildlife from obtaining food from humans, intentionally or unintentionally.
7. 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 to promote compliance, these conditions are the least restrictive required to fulfill the parklands mission of protecting wildlife and human safety.

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 2.10 the Superintendent of Glacier Bay National Park and Preserve has determined:

2.10(d) Food storage: designated areas and methods

- All harvested fish caught in the Bartlett River shall be kept within six feet of the angler or on their person
- All harvested fish caught in Bartlett River shall be packed out whole, except gills and entrails.

The reasons for this restriction are as follows:

- These provisions are intended to minimize bear/human conflict. Park biologists have determined that bears are associating human generated fish waste with anglers and Park visitors. This association has resulted in bears obtaining fish from anglers, bears assertively approaching people, and bears lingering near anglers attempting to take their fish.
- The potential for a negative experience between visitors and the bears has become evident. For the past 5 years anglers have intermittently reported negative interactions with black bears that have exhibited behavior associated with food conditioning. In the fall of 2010 reports from anglers rapidly increased. Subsequently we documented at least two bears that have habituated to the presence of humans on the river and become conditioned to human generated fish waste.

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

- Current food storage regulations are not clear as to how to deal with harvested fish. It would be unreasonable to ask anglers to hang their harvested fish from a tree in the prescribed method, or to require the use of a bear resistant food container (BRC).
- Recommendations to anglers to dispose of fish waste in the stream have been unsuccessful. The Bartlett River does not flow fast enough to remove fish waste generated by anglers. The river is also not deep enough in most areas to allow for fish waste to sink out of bears' reach.
- The only other option the NPS currently has to mitigate this situation is to close down the access to the stream when it is warranted. The Bartlett River is actively used by anglers and hikers. Closing this area would impact both constituents.

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

Subject: Subject: Safe and equitable use of Bartlett Cove Waters and Docks, fueling

Pursuant to Title 36 of the Code of Federal Regulations 13.1184 the Superintendent of Glacier Bay National Park and Preserve has determined:

13.1184 Rules for the safe and equitable use of Bartlett Cove waters and docks.
The following use restrictions are for the safe and equitable use of park facilities:

January 1 - December 31

- The fueling of floating marine craft with Class I and II fuels is prohibited at other than marine motor fuel-dispensing facility, with the following exception: that only a DOT approved container of less than 7 gallons may be used for fuel dispensing.

The reasons for this restriction are as follows:

- There has been some concern of a growing trend by local charter operators to use large tanks on the back of pick-up trucks to fuel vessels. The National Park Service, in consultation with the State of Alaska Fire Marshals office proposes this regulation. The State of Alaska has adopted the International Fire Code which part 2210.4 which regulates the fueling of marine vehicles at other than approved marine fuel-dispensing facilities. The code states, in part the "fueling of floating marine craft with Class I (gasoline) fuels is prohibited. The code makes allowances for the dispensing of Class II fuels (diesel).

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

- Realizing that a blanket prohibition on fueling would be an undue hardship to the local users, as well as on occasion the park visitor, and after discussion with the State of Alaska Fire Marshal it was decided to craft this regulation. Further, the National Park Service has issued a CUA (Commercial Use Agreement) to a local vendor to provide fuel sales through the winter to meet the needs of anyone requiring to fuel more than 7 gallons. This fueling activity is only allowed on the fuel pier, and meets State of Alaska DOT standards, as well as State of Alaska Fire Code.

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

Subject: Sanitation: disposal, carrying out of human waste

Pursuant to Title 36 of the Code of Federal Regulations 2.14 the Superintendent of Glacier Bay National Park and Preserve has established the following conditions to dispose of human waste:

2.14(a)(9), (b) Sanitation: disposal, carrying out of human waste
Disposal of human waste within Glacier Bay National Park and Preserve will be allowed within 100 feet of the Glacier Bay nondeveloped intertidal zone.

The reasons for this change are:

- Human waste can be an attractive nuisance for bears and other wildlife so would need to be stored in bear resistant cans, which poses a health threat to the next user.
- For the above reason as well as inconvenience and lack of storage room in sea kayaks, most campers will likely opt to dig catholes rather than pack out 6-10 days of human waste from their trip.
- While bacteria will quickly decompose feces deposited in the rich forest of southern Glacier Bay, the recently de-glaciated soil in upper Glacier Bay is thin, cold, and lacks the necessary biota to decompose feces. Because the refuse will be very slow to decompose, smells will linger and animals will have ample opportunity to dig, eat and spread feces. This poses increased health risks for future campers, both in the form of exposure of intestinal bacteria such as E. coli, but also water-born amoebas such as giardia.
- In many areas near the glaciers, there is barely any soil at all, and it is not possible to dig a cathole 6-8 inches deep anywhere except the intertidal zone.
- Due to the number of small drainages flowing from a mountainous terrain with abundant rainfall, in many locations it may not be possible to deposit waste 100 feet from a freshwater source.
- Many camping areas are surrounded by steep terrain which in combination with the lack of soil creates sheet run-off conditions during rains which would allow human waste from catholes to enter the freshwater system - the exact scenario that the sanitation regulation is trying to prevent!
- Due to the limited number of possible camping locations in some areas and conditions listed above, the concentration of human waste in certain places could be very high over the course of the summer, increasing the health of visitors, visitor experience, and resource management issues.
- Concentration of human waste at medium and high use sites will substantially degrade campsite conditions and Wilderness character, leading to increased need for monitoring, enforcement, and possible camping quotas. This will severely impact visitor's experience

and largely diminish their Wilderness experience. Instead of feeling alone in a truly wild place, they will see and smell the remnants of past campers in a most unpleasant way.

- The use of the intertidal zone for limited amounts of human waste has proven effective for minimizing camper impacts. Campsite assessment surveys in Glacier Bay in 2003 found only 5% of all campsites contained human waste. (Lewis and Drumheller 2004). This proportion would likely drastically increase with the proposed changes. Use of the ocean's "natural flush" has been found to be safe and effective for groups of up to 13 people with no detectable fecal contamination in surrounding sediments (Graziano et al. 2007). Prior to 2012 it is a system that has proved effective in Glacier Bay for over 40 years, and we strongly recommend that this system be authorized to protect wildlife, water quality, and the health and Wilderness experience of visitors and park staff.