PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2015

DENALI 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 seek public input on proposed changes to the compendium. The proposed compendiums and a written explanation of changes were published on January 15 and available for comment through February 15. Open houses/public hearings were also conducted in several locations, including Denali Park on January 22. The hearing in Denali Park did not have any attendees. This compendium documents the agency's decisions and responds to substantive public comments received on proposed changes.

The NPS received comments from the State of Alaska ANILCA Program (State); the State of Alaska Citizens' Advisory Commission on Federal Areas (hereafter CACFA); National Parks Conservation Association (NPCA); Ahtna Incorporated; Swan Mountain Llama Trekking; Yellowstone Llamas; Rocky Mountain Llama and Alpaca Association; Pack Llama Trail Association; North American Packgoat Association; Sopris Pinyons Llamas; Llama Association of North America; The Backcountry Llama; Buckhorn Llama Company, Inc., Copper Country Alliance; and comments from twenty-one individuals.

General comments
The NPS received two comments generally supporting the proposed changes and the compendium.

Procedural comments
The NPS received several comments from the State and CACFA regarding comment period deadlines and methods for submitting comments. The NPS is committed to meaningful engagement with the public regarding potential restrictions on public use. To that end, the NPS will review later this calendar year how Alaska park compendiums are developed and how best to engage local users as well as the broader American public. Specific comments are addressed in more detail below.

The State of Alaska and CACFA objected to the NPS decision to only accept comments via mail, hand delivery, or by the park planning website thus excluding faxed or emailed comments. In an effort to minimize confusion and improve efficiency, the NPS used the NPS planning, environment, and public comment (PEPC) online portal for taking electronic comments instead of email. During the compendium comment period, the NPS was accepting comments on a proposed rule on wildlife harvest in Alaska preserves, a topic which was also included in the proposed compendiums. Email was not used as a method for submitted comments on the proposed rule since the NPS does not have the ability to process high volumes of email

comments. The NPS chose to manage comment for the proposed 2015 compendiums in a consistent manner. The NPS notes that the number of comments received on this year's proposed compendiums is greater than normal, so it appears the use of PEPC in lieu of email was not a significant impediment for submitting public comment. The NPS will re-evaluate methods for submitting comments during the next compendium update. CACFA also noted the proposed compendiums included language stating that email comments would be accepted. Because this language was inadvertently included in the compendium, the NPS accepted the two comments received solely by email (others were emailed but also entered into PEPC or mailed hardcopy) on the 2015 proposed compendiums.

CACFA suggested the NPS accept comments the next business day if the comment period closes on a weekend or holiday. The public comment period on the NPS Superintendent Compendiums has closed on February 15 since 2003. Because written comments generally cannot be delivered by mail or in person on weekends or holidays, for future compendium comment deadlines, NPS will accept compendium comments received by mail or hand delivered the following business day, as was done this year.

CACFA raised several concerns regarding the use of PEPC to submit comments. CACFA stated PEPC is challenging to navigate, some links were not working, the comment period cuts off at 10 pm rather than midnight, and it only allowed for unit specific comments rather than submitting general comments for all the compendiums. The state has objected to the use of PEPC because it does not allow for uploading attachments and state policy requires official comments be submitted on letterhead. The NPS was unable to identify any broken links for submitting comments; however, the State and an individual also commented that links were not working. Given the number of comments received, it appears users were able to navigate PEPC successfully. If PEPC is used in future years for compendiums, the NPS will explore options for to make it easier for the public to submit comments that apply to multiple parks. The NPS will also work with the Washington Office to see if modifications can be made to PEPC to allow for attachments. Regarding the 10 pm deadline for PEPC comments, the NPS is not able to extend the deadline to midnight Alaska Standard Time since the server is housed in Colorado, which operates on Mountain Time. The language on the compendium websites has been updated to reflect the accurate 10pm Alaska Standard Time closing of the comment period.

CACFA suggested extending the comment period due to the above mentioned issues. The NPS appreciates the identified concerns and is making changes to the proposals as well as changes to the process in the future. No extension to the comment period is deemed necessary.

1.5 Closures and public use limits --Domestic Goats, Sheep, Llamas, and Alpacas

General comment: The National Parks Conservation Association (NPCA), Copper Country Alliance, and Ahtna, Inc. commented in support of the NPS decision to close Alaska national park areas to the use or free ranging of domestic goats, sheep, llamas, and alpacas in order to reduce the likelihood of disease transmission to wild goats and sheep.

Comment 1: The NPS must follow the procedures in 43 CFR 36.11(e), (h).
The State of Alaska and CACFA commented that NPS restrictions prohibiting the use, possession, or free ranging of domestic goat, sheep, llamas, and alpacas in Alaska National Park

areas need to be adopted in accordance with ANILCA section 1110(a) and implementing regulations at 43 CFR 36.11(e), (h) as these animals can be used as a form of non-motorized surface transportation. CACFA suggests the NPS withdraw the provision for perceived procedural deficiencies.

Response 1: The NPS does not agree that the procedures of 43 CFR 36.11 apply in this circumstance since 43 CFR 36.11(e) speaks specifically and solely to use of these animals as pack animals. The restriction in this circumstance is to possession, use, or free-ranging of domestic members of the Bovidae or Camelidae families. Accordingly, the NPS followed the procedural regulations that are generally applicable for all uses rather than the procedures that would only apply to one use of these animals (as pack animals).

Comment 2: The North American Packgoat Association (NAPgA) commented that the proposed restriction was vague and unsupported. NAPgA commented that NPS failed to adequately educate the public about the proposed compendium and the public is unable to meaningfully participate in evaluation of the impacts or provide informed feedback. NAPgA states an environmental assessment (EA) or environmental impact statement (EIS) must be prepared.

Response 2: The NPS does not agree that the basis for the proposed restriction was vague or unsupported. Public comments on the proposed restriction serve to inform the public as well as the NPS. This response to comments received adds further explanation regarding the basis of NPS action. Because this action is a short term action and will be reviewed in the 2016 compendium cycle, the NPS determined a categorical exclusion is appropriate and none of the extraordinary circumstances apply. The NPS will revisit this decision in the 2016 compendium cycle and, if it is determined that a long term prohibition is warranted, the NPS will prepare the appropriate level of environmental analysis pursuant to the National Environmental Policy Act and publish a proposed rule in the Federal Register which would be available for public review and comment.

Comment 3: There is no documented case of disease transmission from llamas or pack goats to wild sheep or mountain goats and the proposal to ban llamas and pack goats from Alaskan NPS units is not supported by science.

Response 3: In drafting the proposed compendium language, NPS was aware of the majority of the information and literature cited by commenters. NPS is also aware of the differences between domestic sheep, domestic and pack goats, and llamas. At the time of drafting and at present, NPS agrees that transmission of disease from llamas and pack goats to wild sheep and mountain goats has not been documented and that the likelihood of disease transmission from llamas or pack goats to wild sheep or mountain goats is probably low and based in theory rather than experimental demonstration. While probability may be low, the consequence is great. If disease transmission were to occur, local extirpation of a wild sheep or goat population is possible. The NPS takes a precautionary approach given the potential for serious consequences to wild goats or sheep.

NPS has a different mandate than other land management agencies. NPS is mandated to maintain the natural abundance, diversities, dynamics, distributions, habitats, and behaviors of

native plant and animal populations and the communities and ecosystems in which they occur. Wild sheep are subject to this mandate and are highly valued as a park resource for a variety of uses, including subsistence and sport harvest in some areas. Resource protection (including maintaining natural ecosystems and wilderness character) is the highest priority for NPS. Based on the NPS Organic Act and implementing policies, the NPS is guided by the precautionary principle regarding management of parks. This argues for a conservative approach (i.e., prove the activity is safe before allowing it to occur, rather than prove it is unsafe before prohibiting it).

Our goal is to eliminate the potential for contact and possible disease transmission between domestic animals and wild sheep and goats.

Comment 4: NPS should consider less restrictive options such as written permits.

Response 4: The NPS agrees this is a viable option and will modify the compendium to allow for use and possession of Camelids and members of the Bovidae Family—other than goats and sheep—as pack animals pursuant to written authorization from the superintendent. The NPS will not adopt the suggestion with respect to goats and sheep given the higher risk of disease transmission to native populations. A permit process for other species will provide the NPS with information regarding the interest in using these animals and enable the NPS to take appropriate precautions to reduce potential for disease spread.

Comment 5: Why doesn't NPS vaccinate the wild sheep and goats?

Response 5: Vaccination is neither cost-effective nor feasible. Considerable research has been pursued investigating vaccines to protect against respiratory pathogens in wild sheep. To date, no effective vaccines are available. Even if a vaccine was discovered, it would be nearly impossible to vaccinate wild sheep and goats at a level that would provide effective herd immunity. Additionally, the NPS relies on natural processes to maintain native species and would only consider intervention if the population was unnaturally low or (high) as a result of human influence. 2006 Management Policies section 4.4.2.

Comment 6: Several of the pathogens listed in the compendium occur naturally in these systems so why is NPS concerned with transmission from domestic livestock or pack animals.

Response 6: While a few of the pathogens are native to Alaska, many may never have been introduced to local wild sheep or goat populations, which makes these wild goat and sheep more susceptible to infection. If disease transmission occurs as part of natural processes between wild sheep or mountain goats and other native wild species, it is deemed acceptable under NPS policy as NPS is mandated to maintain the natural abundance, diversities, dynamics, distributions, habitats, and behaviors of native plant and animal populations and the communities and ecosystems in which they occur. NPS policy defines plants and animals as all five kingdoms of living things and includes such groups as flowering plants, ferns, mosses, lichens, algae, fungi, bacteria, mammals, birds, reptiles, amphibians, fishes, insects, worms, crustaceans, and microscopic plants and animals.

Comment 7: Why aren't horses and dogs included in the proposed ban?

Response 7: Use of horses and dogs has a long history of use as a traditional means of access. Horses are believed to be taxonomically dissimilar enough to wild goats and sheep to pose no disease risk. While dogs can carry diseases or parasites (i.e., lice and rabies), which could negatively impact native canid species, native wildlife have already been exposed to these diseases and parasites (unlike the diseases at issue here) and have not experienced any significant population declines. Also, unlike wild sheep and goats, wolves, coyotes, and foxes have long ranged into human occupied areas where diseases and pathogens have been spread.

The NPS also updated this provision to remove the reference to "free-ranging" since this use is not allowed.

2.13(a)(1) Fires: designated areas and conditions
The State of Alaska, NPCA, and Copper Country Alliance commented in support of the NPS adopting local and state burn/fire bans to ensure clear and consistent messaging for the public.

2.15(a)(1) Areas designated as closed to pets
One individual commented that the dates in the compendium are inconsistent with the attached determination of need. The NPS has updated the determination of need to reflect the restriction on pets from April 15 through September 30.

One comment suggested the NPS include language in the compendium that explains the conditions under which pets are allowed in order to eliminate the need to refer to the Code of Federal Regulations (CFR). The compendium serves a related but different purpose than the CFR in that is a list of actions the superintendent has taken pursuant to authority granted in regulations. It is neither feasible nor useful include the entire body of regulations applicable to Denali National Park and Preserve in this document. The compendium supplements published regulations; it does not replace them. Information on specific topics of general interest is available on park brochures which serves the purpose suggested by the commenter.

2.51 First Amendment Demonstrations and 2.52 Designated areas for sale and distribution of printed matter for First Amendment purposes
One individual commented that the map attached to the compendium should be modified to reference the Wilderness Access Center as the designated location for sale and distribution of printed matter for First Amendment purposes but not public demonstrations. The commenter is correct that the Wilderness Access Center is the designated location for sale and distribution of printed matter for First Amendment purposes and that the entire park is open to demonstrations of less than 25 people without a permit. The NPS has determined the map is not necessary and has removed it from the compendium.

4.30(d)(1) Wilderness closed to bicycle use
One person commented that the compendium stated that bicycle use is prohibited in wilderness. The comment misconstrued the compendium language regarding use of bicycles in wilderness. ANILCA section 1110(a) and implementing regulations in 43 CFR 36.11(e) authorize "non-motorized surface transportation." Accordingly, the regulations cited by the commenter—36 CFR 4.30(d)(1)—refer to other applicable regulations which are 43 CFR 36.11(e) and 36 CFR 9.14 which prohibits bicycles on specific trails and certain locations in the Frontcountry Developed Area. Because the compendium is a legal document, and for the reasons explained above, the NPS declines to include explanatory language that is not necessary.

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife
NPCA commented in support of the temporary wildlife restrictions and urge the finalization of the permanent regulations. The State and CACFA objected to the wildlife harvest restrictions.

CACFA commented to incorporate by reference 1) "all previous issued comments by [CACFA] and the State of Alaska on the issue of wildlife closures, Part 13 and the compendium process" and 2) CACFA's "comments on the proposed rulemaking to those aspects of the proposed compendiums which correspond to the proposed closures in the rulemaking, as well as those aspects which similarly fail to comply with the current regulations regarding closures in Alaska parks and preserves." Responses to comments received in previous years' compendiums were published in the applicable year's final compendium and available upon request. The NPS plans to address comments on the proposed rule from CACFA (and others) in a final rule.

<u>Bear Baiting</u>
Copper Country Alliance (CCA) commented in support of the temporary restriction on taking brown bears due to concern about lack of fair chase, potential for over harvest, habitation of wildlife and consequent unnatural wildlife behavior, and potential public safety issues. They note that the state cautions leaving garage and bird seed out when bears are active but bait stations cause the same problems. CCA states many hikers leave the area if they see bear baiting signs or bear bait stations. CCA also stated that state regulations are ambiguous on where bait stations can be established. State regulations prohibit bait stations within ¼ mile of a publicly maintained road, trail, or the Alaska Railroad but stated it is not clear what is "publicly maintained." CCA stated even if the NPS prohibits taking brown bears over bait, brown bears will still be attracted to black bear bait stations. CCA also stated that the same concerns over brown bears apply to black bears. For these reasons, CCA suggests prohibiting all take over bait stations.

The NPS agrees with the concerns raised by CCA with respect to brown bears. In regards to interpretation of state laws, the NPS defers to the state regarding what is meant by "publicly maintained" though the NPS would treat the specific trail mentioned by CCA (Crystalline Hills trail in Wrangell-St. Elias) as "publically maintained." With respect to black bear baiting, black bear baiting has long been authorized in Alaska, including in national preserves. However, the NPS acknowledges many of the concerns about baiting brown bears also apply to black bears and therefore, the NPS invited public comment on black bear baiting in the recently proposed rule published in September 2014. The NPS will consider those comments in a final rule.

Ahtna, Inc. commented in opposing to the proposed prohibition on taking brown bears over bait because they do not think it will impact brown bear population and allowing more take of brown bears will help increase moose and caribou populations. While the NPS recognizes the importance of moose and caribou for rural subsistence users, NPS policies prohibit efforts to reduce populations of predators in order to increase populations of prey for harvest by humans.

Wolves

Copper Country Alliance commented in support of the proposed season limitation on taking wolves and coyotes because the adults as well as the young are vulnerable and their hides have little to no value when animals begin to shed in warming weather. Ahtna, Inc. opposes the season limitation because extending the season through the summer provides for additional harvest opportunity (by Federal subsistence users as well as others) and increased harvest of wolves and coyotes may increase moose and caribou survival rates. While the NPS recognizes the importance of moose and caribou for rural subsistence users, NPS policies prohibit efforts to reduce populations of predators in order to increase populations of prey for harvest by humans.

13.934(b) Denali Park Road permits

One commenter suggested the NPS re-assign road permits to the current property owner in the event of the death of the permit holder. The NPS agrees with this suggestion and will update the 2016 compendium accordingly. The commenter also requested clarification on how road permits are allocated. Permits are allocated in accordance with the 36 CFR 13.934 which limits the number of vehicles on the restricted portion of the park road to 10,512 vehicles per year. While the 2012 Vehicle Management Plans calls for limiting vehicle to 160 per day, a regulation is needed to implement this change. The NPS has begun working on a proposed rule. The commenter also suggested that the compendium include the allocation of all road permits, not just those for inholders. The NPS is not able to include road permit allocation in the compendium for other users, such as subsistence users and disabled persons, since requests are not all known at the time the final compendium is published.

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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 Denali National Park and Preserve, Denali Park, Alaska at (907) 683-2294, 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

<u>McKinley Park and Kantishna Airstrips</u>

The maintained aircraft landing surfaces of the McKinley Park and Kantishna airstrips are closed to pedestrian use unless otherwise directed by an authorized person directing aircraft, vehicle, or pedestrian traffic.

Pedestrian travel on or pedestrian use of the aircraft landing surfaces at the McKinley Park and Kantishna airstrips constitutes a clear and present hazard to public safety, endangering both people and aircraft. FAA charts even warn pilots to watch out for pedestrians on the McKinley Park strip. The park has posted signs at conspicuous locations restricting airstrip access to authorized users only, but lacks an appropriate regulation to enforce the restriction.

<u>Unmanned Aircraft</u>

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Denali National Park and Preserve is prohibited except as approved in writing by the superintendent.

The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

In Park areas where use of model aircraft for hobbyist or recreational use has been previously authorized, such use may continue under a permit issued by the Superintendent.

This restriction does not affect the primary jurisdiction of the Federal Aviation Administration over the National Airspace System.

Domestic Goats and Sheep
Use or possession of domestic goats or sheep within NPS administered areas is prohibited.

Llamas, Alpacas, and other Members of the Camelidae or Bovidae Family
Use or possession of llamas, alpacas, or any other domestic animal of the Camelidae or Bovidae Family within NPS administered areas is prohibited except as pack animals in accordance with written authorization from the superintendent.

See specific sections in this document for additional information regarding closures, visiting hours, and public use limits. Information on temporary and emergency closures is available at the park visitor center, Backcountry Information Center, and Park Dispatch Office.

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

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

1.6(f) Compilation of activities requiring a permit

- Launching, landing, or operating unmanned aircraft, 1.5
- Scientific research, 36 CFR 1.5
- Collecting research specimens, 36 CFR 2.5
- Camping, 36 CFR 2.10(a), 13.904, 13.972, 13.974
- Operating a power saw in developed areas, 36 CFR 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 36 CFR 2.12(a)(3)
- Operating a public address system, 36 CFR 2.12(a)(4)
- Air delivery, 36 CFR 2.17(a)(3)
- Noncommercial soliciting, 36 CFR 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 36 CFR 2.38(a)
- Using or possessing fireworks and firecrackers, 36 CFR 2.38(b)

- Special events, 36 CFR 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, 36 CFR 2.60(a)(1)-(3)
- Residing on federal lands, 36 CFR 2.61(a)
- Installing a monument or other commemorative installation, 36 CFR 2.62(a)
- Towing a person using a parasail, hang glider, or other airborne device, 36 CFR 3.12(b)
- Removing sunken, grounded, or disabled vessels, 36 CFR 3.14(a)
- Operating a submersible, 36 CFR 3.19
- Commercial notices or advertisements, 36 CFR 5.1
- Commercial operations, 36 CFR 5.3
- Commercial photography or filming, 36 CFR 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 36 CFR 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Cabins on federal lands, 36 CFR 13.100-13.188
- Subsistence use in the Park by person who does not live within the Park boundary or a resident zone community, 36 CFR 13.440(a)
- Using aircraft access for subsistence activities in the Park, 36 CFR 13.450(a), 13.450(b)(1)
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 36 CFR 13.485(a)(1)
- Travel on the Denali Park road beyond Mile 14.8, 36 CFR 13.930
- Climbing Mt. McKinley or Mt. Foraker, 36 CFR 13.910
- 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)
- Long term aircraft parking, McKinley Airstrip, PL 101-512 and Policy Circular A-25

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood

Within the Frontcountry Developed Area, visitors may gather dead and down wood only in the immediate area, (within a short walking distance), of the campground where they are staying. Firewood may not be gathered within view of existing roads. Gathering wood for campfires in all other areas of the park (the area outside the Frontcountry Developed Area) is not allowed between April 15 and September 30. See also, section 2.13. These restrictions apply only in the former Mt. McKinley National Park.

Superseded by in part by 13.35(c)(4), 13.35(d), and 13.485(b) in the Park additions and Preserve.

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

All edible fruits, berries, and nuts may be gathered by hand for personal use or consumption within the former Mt. McKinley National Park.

This designation serves to provide the broadest use and enjoyment of the park in the least restrictive manner so long as there is no adverse effect to park wildlife, the reproductive potential of a plant species or otherwise adverse effect of park resources.

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

All legally taken game from Kantishna transported on the park road by motor vehicle must be transported out of the Park without unnecessary delay. Meat and other animal parts must be secured and out of public view.

This requirement is intended to allow transport of legally taken game across Park lands that avoids undesirable encounters with bears or other scavengers, protects public safety, and avoids unwarranted public accusations that an illegal hunt may have taken place in the Park.

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.

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

Between April 15 and September 30, generators may be operated in the Riley Creek, Savage River, and Teklanika River Campgrounds between the hours of 8am and 10am and from 4pm to 8pm. Operation of a generator or idling of a parked vehicle for the purpose of electricity generation outside of these hours is prohibited.

Given the proximity of campsites to each other, noise from generators and idling vehicles can be clearly heard in adjacent campsites and beyond. Many users object to the noise associated with generators and idling vehicles, especially if used for protracted periods of time. This generator use/idling vehicle restriction is intended to enhance the camping experience for all visitors and protect the natural quiet of the campgrounds while preserving the opportunity for users with recreational vehicles to charge vehicle batteries and have ready access to power during key times of the day.

Superseded in part by 13.25(a), 13.904, 13.972-13.974.

2.10(d) Food storage: designated areas and methods

1. **Definitions:**

   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. **Frontcountry Developed Area (FDA)**

   Food and beverages, food and beverage containers, garbage, harvested fish, and all other scented items must be stored in a bear resistant container (BRC) or secured—

   - Within an NPS provided food storage locker
   - Within a hard sided building;
   - Within a 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.

3. **All areas outside the FDA (backcountry)**

a. Food and beverages, food and beverage containers, garbage, harvested fish, and all other scented items must be stored in a bear resistant container (BRC) at least 100 feet from camp in the following backcountry units from April 15 through September 30. BRCs are recommended for all other dates and backcountry units not listed below.

Unit No.	Name
1	Triple Lakes
2	Riley Creek
3	Jenny Creek
4	Upper Savage
5	Upper Sanctuary
6	Upper Teklanika
7	Upper East Fork
8	Polychrome Glaciers
9	East Branch Upper Toklat
10	West Branch Upper Toklat
11	Stony Dome
12	Sunset /Sunrise Glaciers
13	Mount Eielson
14	McKinley Bar East
15	McKinley Bar West
16	Windy Creek
17	Foggy and Easy Pass
18	Upper Glacier Creek
19	Pirate Creek
20	McGonagall Pass
21	Muddy River
23	West Fork Glacier
24	Mount Healy
25	Healy Ridge
26	Primrose Ridge
27	Mount Wright
28	Sushana River
29	Igloo Mountain
30	Tributary Creek
31	Polychrome Mountain
32	Middle Toklat
33	Stony Hill
34	Mount Galen
35	Moose Creek
36	Jumbo Creek
37	Lower East Fork
38	Lower Toklat
39	Stony Creek
40	Clearwater Fork
41	Spruce Peak
42	Eureka Creek
43	Eldorado Creek

b. In treeless areas where BRCs are not required, at a minimum food shall be stored in double wrapped plastic at least 100 feet downwind from campsite.
c. In forested areas where BRC's are not required, at a minimum food shall be suspended at least 10 feet above the ground and four feet horizontally from a post, tree trunk, or other object, and at least 100 feet down-wind from tent sites.
d. Backcountry parties that have special needs due to size of their party, length of stay, mountaineering logistics, etc., must obtain permission of the Chief Ranger or his/her designee to travel without BRC's where otherwise required.
e. BRCs are available for loan from the Backcountry Information Center free of charge. BRCs borrowed from the NPS must be returned within 48 hours of returning from a backcountry trip.

4. This provision does not apply to:

- Clean dishes and cooking equipment that are free of food odors.
- 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.

The intent of these designations is to prevent bears and other wildlife from obtaining and habituating 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.

2.11 Picnicking: designated areas

Superseded by 13.26.

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

State or local fire burn bans are automatically adopted under this section unless the superintendent determines the ban is not necessary in park areas.

Campfires are prohibited in the former Mount McKinley National Park except 1) as provided in 13.976 in the Frontcountry Developed Area, 2) in areas outside the Frontcountry Developed Area from October 1 through April 14, 3) in emergency situations.

Campfires are authorized in the 1980 Park and Preserve Additions, except at the Kantishna Airstrip from April 15 through September 30. Any rocks used for fire-pits must be replaced in their original location after the fire is extinguished.

All trash (tinfoil, burnt food, glass, cans, etc) must be removed from the fire site after use.

These requirements are intended to ensure that wood sources are not depleted, visual and ecological impacts of campfires and cooking fires are limited in high use areas, and the risk of human caused wildfire is minimized. Fire rings attract trash and food residue as campers attempt to burn trash before leaving the area. High temperature impacts soils and impairs plant growth. Trampling and soil compaction occurs around fires rings as well. A written determination of need per 36 CFR 1.5(c) is attached.

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

No conditions established at present. 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. Unless otherwise allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools 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

1. Persons engaged in any travel (such as skiing, snowshoeing, aircraft landings) or activities (such as mountaineering, climbing, flight seeing, camping) in a glacier environment such as Mt. McKinley and other peaks and glaciers within the Park & Preserve are required to properly dispose of solid human waste as follows:
   - Pit latrines must be used where provided by the National Park Service, such as the one typically located at the 14,200 foot camp on the West Buttress route of Mt. McKinley.
   - Below 15,000 feet on the West Buttress route of Mt. McKinley – Solid human waste must be collected in a personal receptacle or bagged and deposited in a deep crevasse.
   - Above 15,000 feet on the West Buttress of Mt. McKinley – Solid human waste must be collected in a Clean Mountain Can.
   - Solid human waste must be collected in a personal receptacle when within one-half mile of glacial landing sites used by aircraft.
   - On technical climbing routes within the park and preserve, not including the West Buttress, solid human waste must be tossed or shoveled away from the route.
   - In all other glaciated areas of the park covered by snow and ice, solid human waste must be bagged and carried out in a personal receptacle or deposited in a deep crevasse.
   - Personal receptacles containing solid human waste must be removed from the backcountry and deposited at designated locations.

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

2. When the ground is not frozen, human feces must be either packed out or deposited in a "cathole" dug 6-8 inches deep in soil at least 100 feet from any water source, shoreline, campsite or trail. When the ground is frozen, human feces must be disposed over at least 100 feet from any water source and covered with snow or packed out.

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

3. In non-glacier environments, toilet paper must be burned or removed as trash.

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

For the Frontcountry Developed Area, see 13.978. From April 15 through September 30, pets are prohibited in all other areas of the park. This prohibition does not apply to—

- dogs used for legal hunting in the park and preserve additions;
- emergency search and rescue missions; or
- qualified service animals accompanying persons with disabilities per the ADA.

This restriction serves to protect wildlife, park visitors, and NPS sled dogs from conflicts. A written determination of need per 36 CFR 1.5 is available in the office of the Superintendent and attached.

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

- Leaving pets unattended and tied to an object is prohibited.
- Pets will not be left unattended in areas or in circumstances that they will create a nuisance to other visitors or cause a conflict with wildlife.
- Pets will not be left in areas where food, water, shade, ventilation and other basic needs are inadequate.

This requirement is intended to ensure pets do not harass wildlife or disturb park visitors and also to ensure pets are properly cared for in the park.

2.15(a)(5) Pet excrement disposal conditions

Pet feces must be removed from areas around buildings, parking areas, campgrounds, and the train depot.

This requirement is intended to keep commonly visited areas sanitary.

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

No conditions at present.

2.15(e) Pets of park residents

Permanent park residents may keep pets in accordance with the Denali National Park Housing Management Plan.

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).
Use of aircraft in the Park for subsistence purposes is prohibited under 36 CFR 13.450.

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

No areas prohibited.

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.

The former Mt. McKinley National Park (old park) is closed to all snowmachine use under 36 CFR section 13.952.

Only new Park and Preserve additions are superseded in part by 43 CFR 36.11(c) Special access. As authorized under 36 CFR 13.960, the Superintendent will determine when adequate snowcover exists and notify the public at such time.

The use of snowmachines for subsistence uses in the new Park and Preserve additions ONLY, under 36 CFR 13.460(a) supersedes this section.

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

No special designations. Winter activities as listed in this section remain prohibited on all park roads and parking areas open to motor vehicle traffic.

Winter sports activities are not allowed on open roads and parking areas in order to separate such uses from motor vehicle traffic for reasons of public safety.

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).
See also 13.916.

2.21 Smoking

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area. Smoking is prohibited within 100 feet of the park fuel, aviation gas storage facilities, and propane tanks.

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

2.22 Property: leaving property unattended for longer than 24 hours

Superseded by 13.45, 13.906.

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

Consuming or possessing opened alcoholic beverages on shuttle or concession tour buses is prohibited. See also 4.14(b).

This requirement is intended to ensure park visitors have a quality experience and also protect visitor safety.

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

No areas designated for use of fireworks.

2.51First 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

The following areas are designated as open to the sale or distribution of printed matter. 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.

- Within the Wilderness Access Center area, which includes the Wilderness Access Center building, deck, sidewalks, and parking lot, only the southwest corner of the Wilderness Access Center deck is designated for this use.
- All other areas of the park or preserve outside of the Wilderness Access Center area are designated

Groups of 26 or more must have a permit from the superintendent.

2.62(b) Areas designated for the scattering of human ashes and established conditions

All areas are open to scattering of ashes without a permit with the exception of developed areas, campgrounds, and park facilities. The excepted areas require a permit.

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

No closures or restrictions at present.

PART 4. VEHICLES AND TRAFFIC SAFETY

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

No routes or areas designated for non-subsistence users.
See also 43 CFR 36.11(g) and 36 CFR 13.903.

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

Vehicles over 22 feet long, 12 feet high, or 8 feet wide that use the restricted section of the Denali Park Road west of the Teklanika Bridge are subject to restricted hours of travel unless specifically authorized by the superintendent.

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

Except where other speed limits are posted by sign, the speed limit along the Denali Park road will not exceed 35 miles per hour.

The speed limit along Alaska Highway 3 will be established and posted by the Alaska Department of Transportation and Public Facilities according to Alaska Statute and Alaska Department of Transportation and Public Facilities Policy and Resources. The superintendent is hereby designating speed limits as posted by the State pursuant to 4.21(b) for Alaska Highway 3 where it passes through the park.

4.30(a) Routes designated as open to bicycles

Superseded by 43 CFR 36.11(e).
See also 13.914.

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

Superseded by 43 CFR 36.11(e).
See also 13.914.

4.31 Hitchhiking: designated areas

Hitchhiking is allowed along Alaska Highway 3 as defined by State Law.

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) Temporary closures and restrictions to camping

See also 2.10, 13.904, 13.972, 13.974.

13.25(b) Site time limits: authorization to exceed 14 day limit at one location

No general exceptions at present.

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

See also 13.972, 13.974.

- Camping is permitted in the following designated campgrounds pursuant to a permit: Riley Creek, Savage River, Sanctuary River, Teklanika River, Igloo, and Wonder Lake. Igloo, Sanctuary River and Wonder Lake Campgrounds, and the Savage River Group campsites are designated for tent camping only. Igloo, Sanctuary and Wonder Lake are accessible via shuttle bus only. Teklanika, Savage River and Riley Creek Campgrounds are designated for use by tents, trailers and/or other camper units.
- Except as outlined below, occupancy of one campsite at all designated campgrounds except Wonder Lake is limited to a maximum of eight people. Wonder Lake Campground is limited to four persons per campsite. A maximum of three tents are allowed per site.
- There are three campsites available for groups of nine or more in the Savage River campground. These sites are available for tents only on an advanced reservation basis under procedures established by the Superintendent.
- Campers wishing to drive a private motor vehicle to Teklanika River Campground must register for a minimum of three nights. The three night minimum does not apply to Teklanika campers without vehicles.
- Teklanika River Campground permits allow for one private motor vehicle trip to the campground, but not beyond, and return. Additional motorized travel must be by shuttle bus. Additional use of the private motor vehicle under the terms of the camping permit is not authorized.
- Vehicles and trailers may only be parked on designated paved or gravel surfaces.

- Campers driving a motor vehicle to Teklanika River Campground may not bring any towed motor vehicle, trailer, or other apparatus past the Savage River check station unless essential to the camping experience (i.e., tent trailers). Such vehicles and trailers must be left at the Riley Creek Long Term Parking Area.
- Generators or engines are not permitted to operate in Wonder Lake, Igloo, or Sanctuary River Campgrounds.
- Following the last night of paid occupancy, campers must vacate designated campgrounds by 11:00 am.
- Obtaining a campground permit for the purpose of avoiding the road restrictions is prohibited.
- There is a mandatory nightly fee for all campsites when a permit is required.

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. For the former Mt. McKinley National Park, see 2.1(a)(4).

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

No restrictions at present. For the former Mt. McKinley National Park, see 2.1(c)(1)-(3).

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

No restrictions at present. For the former Mt. McKinley National Park, see 2.1(c)(1)-(3).

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife

1. Black Bears

- From October 15 through April 30, artificial light may not be used to take a black bear at a den site except to retrieve a dead bear or dispatch a wounded bear as authorized by state law in Denali and Gates of the Arctic National Preserves.
- From October 15 through April 30, a person may not take a cub bear or a female bear accompanied by a cub bear at a den site Denali and Gates of the Arctic National Preserves.

2. Brown Bears

A person may not take a brown bear at a bait station from April 15 through June 30 in Denali, Gates of the Arctic, Wrangell-St. Elias, and Yukon-Charley Rivers National Preserves.

3. Wolves and Coyotes

The take of wolves or coyotes under state regulations is prohibited from May 1 through August 9 in Alagnak Wild River and Aniakchak, Bering Land Bridge, Denali, Gates of the Arctic, Katmai, Lake Clark, Noatak, Wrangell-St. Elias, and Yukon-Charley Rivers National Preserves.

This provision does not affect season start dates after August 9; the latter start date will apply. For example, if the state season is September 1, taking wolves under the

state regulations would be authorized on September 1. If the state season starts on August 1, then the taking of wolves is not authorized in Preserves until August 10.

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

Frontcountry Developed Area: Personal property may not be left unattended for longer than 24 hours or may not be left unattended for any time period in such a manner as to interfere with visitor safety, orderly management of the park area, or present a threat to park resources. The following exceptions apply:

- Campers and backpackers are authorized to leave motor vehicles unattended in the Riley Creek auxiliary parking area for the period authorized on their camping or backcountry permit.
- Personal property may be left unattended at a campsite in developed campgrounds only by permission of the Superintendent, or his representative, and only if camping fees have been paid in advance for the period during which the site will be unattended.
    - Campers and backpackers are authorized to store food and related items in established food storage lockers for the duration of their stay / backcountry trip. Items must be labeled with name and expected date of retrieval.
- Bicycles may be parked at established bike racks along the park road for up to 24 hours or throughout the duration of an overnight backcountry trip conducted under the terms and conditions of a camping permit. Bicycles may also be left in non-developed areas along the park road under the same conditions. Bicycles left in non-developed areas must be cached a minimum of 25 yards from the road edge and must not be visible from the road. See also 13.906.

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

DENA 20 Castle Rocks Lake
DENA 76 Slippery Creek
DENA 95 Birch Creek
DENA 074 12 Mile Slough (Slippery Creek)

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

No conditions or standards established at present.

13.170 Designated cabins or other structures for general public use

No cabins or structures designated for public use.

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

Not applicable.

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

13.460 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, 13.903, 13.950-13.962; 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)

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

The above restriction serves to minimize impact to park resources and protect against overharvest.

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

Stumps shall be flush cut as close to ground level as possible.

The above restriction is intended to make cut stumps visually blend in with the surroundings and minimize safety hazards to wildlife and people.

DENALI NATIONAL PARK AND PRESERVE SPECIAL REGULATIONS

13.902 Subsistence Resident Zones

- The Cantwell Residence Zone is described by the area encompassed by a circle of which the center is at the location of the Cantwell Post Office as of December 2, 1980, and whose radius is the distance from that location to the nearest boundary of Denali National Park and Preserve. That linear distance is approximately three miles.

- The Minchumina Resident Zone is described by the area encompassed within one mile perpendicular from the Lake Minchumina shoreline as shown on the D-5 Mt. McKinley 1:63,360 topographical map, 1953 edition.

13.903(b) – Subsistence Use of Off-Road Vehicles

No trail(s) or areas designated at present in the Bull River drainage.

13.904 Backcountry camping

a. The term "backcountry" means all areas of the Park and Preserve outside the boundaries of the Backcountry Day Use Zone shown on the management subzone maps of the 1996 Final Entrance Area and Road Corridor Development Concept Plan and the Frontcountry Developed Area as defined at 13.970. Between October 1 and April 14, the closed portion of the Denali Park road is considered backcountry (see 13.974). Closed portions of the Park Road are incorporated into the adjacent backcountry units for permit administration purposes.
b. A backcountry permit is required for all backcountry camping in units 1-48, 86, and 87. Maps describing the units are available at the park visitor center and the Backcountry Information Center. Permits are available at the Backcountry Information Center during the summer months and at the winter visitor center during the remainder of the year.
c. Backcountry camping is prohibited within one-half mile of, and within sight of the open portions of the Park Road.
d. Camping in designated backcountry units is limited to 30 days total between April 15 and September 30, with no more than 7 days in one unit per trip.

13.905 Group Size

- East side of the park: Group sizes may not exceed 12 individuals including guides in backcountry units 1-21, 23-47, 61-64, 70-79, 81, 86, 87.
- West side of the park: Group sizes may not exceed 6 individuals including guides in backcountry units 22, 48, 65-69, 80, 82-85.
- A map showing the backcountry units is available at the Backcountry Information Center and on the park website.
- The superintendent may authorize larger groups on a case-by-case basis.

13.910(a) – Mountain Climbing on Mt. McKinley and Mt. Foraker

1. A climbing permit application provided by the Superintendent must be completed by each private expedition member and received by the park at least sixty (60) days prior to the start date of the climb. A non-refundable and non-transferable fee must be included with the application.
2. Persons who have physically climbed on Mt. McKinley or Mt. Foraker since 1995 may apply for a climbing permit up to seven (7) days prior to the start of a planned climb. To qualify, the name of the climber(s) must be documented in the Talkeetna Ranger Station Climber Database. All expedition members must meet this requirement in order to qualify for the 7-day exception.
3. Expedition leaders may add one person to their team prior to the start of the climb if the required permit application and fee is received at least thirty (30) days prior to the start of the climb.

4. In addition to the permit application, solo climbers must complete and submit the Supplemental Solo Form provided by the Superintendent.
5. All members of an expedition must check in together at the Talkeetna Ranger Station and attend a mandatory safety and resource protection orientation. Appointments for the orientation are required.
6. Expeditions are required to check back in at the Talkeetna Ranger Station at the conclusion of the climb.

These requirements were first adopted in 1995 when a new regulation requiring 60 day advance registration for climbs of Mt. McKinley and Mt. Foraker was promulgated. The intent of these requirements is to reduce the incidence of death and serious injury on the mountains and to protect park resources and the climbing experience through public education. A written determination of need is attached per 36 CFR 1.5(c).

13.914(b) Trails and areas designated for bicycle use in the FDA

The 2.3 mile long multi-purpose trail between the Nenana River Canyon Bridge and the Denali Visitor Center is designated as open for bicycle use. No other areas or trails within the FDA are designated as open to bicycle use.

13.916(b) Trails and areas designated for the use of roller skates, skateboards, roller skis, in-line skates, and similar devices

No designated trails or areas.

13.934(b) Denali Park Road permits

The annual date for evaluating motor vehicle permits for the restricted portion of the Denali Park road is March 1. The annual apportionment of permits for 2014 is listed below. The apportionment for 2015 is not expected to change substantively from 2014 and will follow the provisions of 36 CFR 13.55.

Denali Backcountry Lodge: 315
Kantishna Roadhouse: 420
Northface Lodge/Camp Denali: 315
Kantishna Air Taxi 10
Jeff Barney: 15
Gene Desjarlais: 15
Virginia Wood: 8
Romany Wood: 2
Greg LaHaie: 35
Stephen & Lisa Neff: 9
Michael Conlin: 35
Rusty Lachelt: 2
Ray Krieg: 8
Paul Shearer: 4
Rainey Creek LLC: 9

13.952 Snowmachine operation in Denali designated wilderness (the former Mt. McKinley National Park)

Snowmachine use is not allowed in the former Mt. McKinley National Park. The Old

Park remains closed to snowmachine use in accordance with this section and 36 CFR 2.18.

13.972(a) Frontcountry Developed Area (FDA): permit conditions for camping in the FDA from April 15 through September 30

See also 13.25(c).

13.974 Frontcountry Developed Area: camping in the FDA from October 1 through April 14

- Camping is prohibited in the FDA except in the open loop(s) of the Riley Creek Campground and that area west of where the park road is closed to motor vehicle use in winter (typically Mile 3 of the park road).

These requirements serve to ensure equitable use of NPS designated campgrounds and manage traffic on the Denali Park road in accordance with limits established by special regulation 36 CFR section 13.932-13.934.

13.976(a) Designated campgrounds for lighting or maintaining fires

The following campgrounds are designated for the lighting or maintaining of fires in established receptacles: Riley Creek, Savage River, and Teklanika River Campgrounds.

13.976(c) FDA conditions for lighting or maintaining fires

- NPS employees may build an open fire at the designated site located within the C-Camp Housing Area**.**
- NPS employees may build an open fire at the designated site located adjacent to the playground in the Headquarters Housing Area.

13.980 FDA closures and restrictions

No additional closures or restrictions.

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, 13.950-13.962.

36.11(d) Temporary closures to the use of motorboats

No closures at present.
See also 3.3, 3.6.

36.11(e) Temporary closures to the use of non-motorized surface transportation

No closures at present.
See also 1.5, 2.16, 3.3, 3.6, 13.914-13.916.

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)(2) Use of off-road vehicles (ORV) on existing trails

No designated trails. See also 4.10.

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

3/9/15

Superintendent **Date**

(acting) 3.11.15

Concurrence by Regional Director **Date**

Attachments: 2.10 Food Storage Determination
2.13 Fires Determination
2.15 Pet Determination
2.14 Sanitation
13.914 Use of Bicycles
2.10(a) Idling vehicles at Riley Creek, Savage River, and Teklanika River Campgrounds
3.14(a) Conditions for removing sunken, grounded, or disabled vessels
13.45(c) Areas where personal property may be left unattended longer than 24 hours
13.160 Designated cabins for subsistence use
13.972(a) Secondary vehicles or trails past the Savage River check station
2.21 Smoking
13.25(c) Designated campgrounds: restrictions, terms, and conditions
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
13.905(b) Group Size
13.910(a) Mountain Climbing on Mt. McKinley and Mt. Foraker
1.5 Launching, landing, or operating unmanned aircraft in NPS areas
1.5 Possession, use or free-ranging of domestic goats, sheep, llamas, or alpacas
13.40 Temporary wildlife sport harvest restrictions (black bears)
13.40 Temporary wildlife sport harvest restrictions (brown bears)
13.40 Temporary wildlife sport harvest restrictions (wolves/coyotes)

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

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 2.10(d), the Superintendent of Denali National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, harvested fish, 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: Fires

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5(c) and 2.13(a)(1) the Superintendent of Denali National Park and Preserve has determined that in order to prevent adverse impacts to park resources:

> Campfires are prohibited in the former Mount McKinley National Park except 1) as provided in 13.976 in the Frontcountry Developed Area, 2) in areas outside the Frontcountry Developed Area from October 1 through April 14, 3) in emergency situations.
>
> Campfires are authorized in the 1980 Park and Preserve Additions, except at the Kantishna Airstrip from April 15 through September 30. Any rocks used for fire-pits must be replaced in their original location after the fire is extinguished.
>
> All trash (tinfoil, burnt food, glass, cans, etc) must be removed from the fire site after use.

The reasons for this restriction are as follows:

1. High temperatures impact soils and impair plant growth and create a visible scar that is long lasting.
2. Trampling and soil compaction occur around fire rings as part of their use, which in turn further impacts soils and their ability to support vegetation.
3. Wood gathering activities leave visible signs of human use.
4. A primary objective of backcountry management in the area of the former Mt. McKinley National Park is to disperse use so that signs of repeated human use typically associated with regularly used campsites do not develop. The prohibition on fires in the wilderness area of the park has been in place for 30 years and has been effective at preventing campsite formation and the associated resource impacts. The use of light, portable stoves is a common and well-accepted minimum impact hiking practice.
5. This restriction still allows fires throughout the majority of Denali National Park and Preserve, and only limits them in the area of the former Mt. McKinley National Park during the period of time when special resource protection objectives and visitation issues exist.
6. Fire rings tend to attract burnt trash and food residue as campers attempt to dispose of waste. Small amounts of plastic, glass, aluminum foil, and food scraps are frequently left behind because not everything burns completely. This restriction ensures that where fires are permitted, users are responsible for removing these materials from the area upon departure.
7. Established fire rings at the campground and picnic area provide places for cooking or warming fires that will limit soil impacts to these discrete sites and reduce fire hazards as well.

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

1. The allowance of fires in more areas of the backcountry would fail to achieve management objectives.
2. Insulating the soils through a buildup of material and / or a fire pan would reduce some of the direct soil and vegetation impact, but not the damage associated with trampling around the fire site or wood gathering. Campsite impacts would still be greater than those associated with the current restriction and unacceptable.

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

Subject: Prohibition of Pets – 36 CFR 2.15

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5(c), the Superintendent of Denali National Park and Preserve has determined that in order to provide for the protection of resources and public safety it is necessary restrict pets as follows:

For the Frontcountry Developed Area, see 13.978. This regulation does not apply to dogs used for transportation during the winter months.

From April 15 through September 30, pets are prohibited in all other areas of the park. This prohibition does not apply to:

1. dogs used for legal hunting in the park and preserve additions
2. emergency search and rescue missions
3. qualified service dogs accompanying persons with disabilities per the ADA

The reasons for this restriction are as follows:

1. While traveling or hiking with pets may be a positive experience for the owner, pets frequently have negative impacts on park resources, notably wildlife, and on the experience of other visitors. These impacts include, but are not limited to, noise, pursuit, harassment, defecation, and scent marking of wildlife habitat. Even leashed pets bark, defecate, and urinate, and disturb other visitors.
2. Potentially dangerous wildlife such a moose and bears may engage pets – either chasing and attacking, or being chased. Pets chasing wildlife is unacceptable harassment, while pets chased by wildlife will frequently return to their owner, creating a risk to human safety and an unnecessary expenditure of caloric energy on the part of the wildlife.
3. The use of pets is not required in order to have a positive recreational experience. It is optional. In those cases where a pet facilitates access (e.g. Service animals and winter activities such as mushing) the use of such pets is allowed.
4. Wildlife activity is frequently concentrated along travel corridors such as gravel river bars or game trails through thick vegetation. The crosscountry travel typical required in Denali's backcountry means that hikers also regularly use these natural travel corridors and wildlife areas as well, increasing the likelihood of conflict with wildlife.
5. Nesting shorebirds lay eggs directly on the ground along gravel bar travel routes and in the tundra. Pets, leashed or unleashed, may disturb eggs and / or frighten adult birds from the nest.
6. Denali National Park and Preserve's enabling legislations and the intent of Congress speak directly to the protection of wildlife and an unaltered ecosystem as well as the establishment of a large sanctuary "where fish and wildlife may roam freely, developing their social structures and evolving over long periods of time as nearly as possible without the changes that extensive human activities would cause".
7. The park is surrounded by other public lands where pets are allowed in keeping with the respective missions and legal mandates of those agencies. Rangers routinely direct pet

users to those alternate sites to accommodate their recreational activities while fulfilling the strict wildlife protection mandate of the National Park Service.

8. The restriction prevents disturbance and reduces the potential of exposure to disease from pets to the park sled dogs.
9. The restriction will allow the National Park Service to fulfill this mandate and protect visitors and the unique opportunities offered at Denali while still allowing access when conditions permit.

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

1. Any pet in a park area, even where allowed, must be on a leash or under direct physical control at all times. While this measure may prevent pursuit and harassment of wildlife and other visitors, it does not prevent barking, defecation, or scent marking through urination, all of which may disturb wildlife of all types.
2. Backcountry travel at Denali is virtually all crosscountry, frequently through thick brush, on steep slopes, or across rivers. It is not practical or reasonable to suggest or expect that visitors would travel with a leashed dog under these conditions.
3. Further, Rangers issue regular warnings and respond to complaints for pets off leash and / or in closed areas despite signing and published educational material in the park newspaper, brochures, and on bulletin boards. When contacted, many visitors state that they were unaware of the rules, while others state that they knew the rules regarding leashes but chose not to comply unless confronted by authority.
4. These factors indicate that leash laws in backcountry areas would be generally ignored.
5. Leashed pets on trails could minimize some wildlife impacts, but it would increase conflicts with other visitors because of the higher contact rates created by more concentrated use and frequent encounters.
6. It would be better to maintain a standard policy that pets are generally inappropriate in National Park Service settings away from developed sites such as campground, road shoulders, parking lots, or pullouts, and that these areas are adequate within the context of a national park.

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

Subject: Sanitation: conditions concerning disposal, carrying out of solid human waste

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5(c) and 2.14(b) the Superintendent of Denali National Park and Preserve has determined that in order to protect public health and safety and to prevent adverse impacts to park resources:

Persons engaged in any travel (such as skiing, snowshoeing, aircraft landings) or activities (such as mountaineering, climbing, flight seeing, camping) in a glacier environment such as Mt. McKinley and other peaks and glaciers within the Park & Preserve are required to properly dispose of solid human waste as follows:

1. Pit latrines must be used where provided by the National Park Service, such as those typically located at the 7,200 and 14,200 foot camps on the West Buttress route of Mt. McKinley.
2. Below 15,000 feet on the West Buttress route of Mt. McKinley – Solid human waste must be collected in a personal receptacle or bagged and deposited in a deep crevasse.
3. Above 15,000 feet on the West Buttress of Mt. McKinley – Solid human waste must be collected in a personal receptacle.
4. Solid human waste must be collected in a personal receptacle when within one-half mile of glacial landing sites used by aircraft.
5. On technical climbing routes within the park and preserve, not including the West Buttress, solid human waste must be tossed or shoveled away from the route.
6. In all other glaciated areas of the park covered by snow and ice, solid human waste must be bagged and carried out in a personal receptacle or deposited in a deep crevasse.
7. Personal receptacles containing solid human waste must be removed from the backcountry and deposited at designated locations.

In non-glacier environments, toilet paper must be burned or removed as trash.

Failure to properly dispose of human waste as required is prohibited.

The reasons for these restrictions are as follows:

- Solid human waste does not break down or decompose in a cold glacial environment. It remains preserved within layers of ice and snow in the glaciers. Presence of such waste on or near the glacier surface is a public health, environmental, and aesthetic problem.
- Water required by climbers and other multi-day visitors to glaciated areas of the park can only be obtained by collecting and melting snow along travel routes or at camping areas. These are the same areas where visitors urinate and defecate. Pit toilets at the 7 and 14 foot camps on the West Buttress route of Mt. McKinley are the only established toilet facilities in glaciated areas of the park.
- Fecal contamination of the snow pack presents a public health risk wherever human use is significant or concentrated, even at the 17,200 foot high camp on McKinley. In 2005, approximately 1300 climbers spent an average of approximately 16 nights on McKinley. This represents approximately 20,800 user nights. In the same year, approximately 473

other overnight users spent approximately 7 nights each on average in other glacier – covered areas of the park, representing an additional 3000 plus user nights. Scenic tour passengers (day users) added an additional 11,562 user days in 2005 in areas including the Ruth Amphitheatre and Little Switzerland.

- Dr. Joe McLaughlin, Medical Epidemiologist for the Alaska Department of Health and Social Services, studied an outbreak of diarrheal illness on Mt. McKinley in June 2002. The introduction in Dr. McLaughlin's study notes: "North America's tallest peak, Denali (also known as Mt. McKinley), is considered by many mountaineers to be one of the most polluted mountains in the United States Park system. Over 1100 climbers ascend the popular West Buttress route per year, and climbers spend an average of two to three weeks on the mountain, often depositing human waste outside of latrines in or next to camps. High winds and blowing snow, which may be later consumed by unsuspecting climbers who often fail to boil or purify water collected for drinking and food preparation. Prevention of diarrheal illness is important because resulting dehydration and metabolic stress may contribute to fatigue that results in numerous fatal and non-fatal climbing accidents". One of Dr. McLaughlin's recommendations is for the NPS to continue efforts to remove fecal material from the mountain.
- The firn line on the Kahiltna glacier has risen from approximately 6,000 feet to approximately 7,300 feet due to warmer annual temperatures. Solid human waste from previous climbing seasons, which used to remain buried under accumulations of new snow, now melts out and is visible during following seasons.
- There is only one crevasse above 15,000 feet on the West Buttress route of Mt. McKinley, the most heavily traveled route in the range. This crevasse is not large or accessible enough to be successfully used as a depository for solid human waste.

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

- The single crevasse above 15,000 feet on the West Buttress is located approx. ¼ mile north of the high camp at 17,200 feet and is several hundred vertical feet below where climbers camp. 10 years of observations by NPS climbing rangers reveal that few climbers at high camp are willing or able to take their solid waste to this crevasse. Most human waste is observed in camp, dropped in piles leading toward the crevasse, or tossed off the side of the heavily used climbing route. Climbers cite numerous reasons for not using this crevasse, including exhaustion at altitude. Further, this crevasse is not large or deep enough to permanently dispose of solid waste.
- It is not practical or financially feasible for the NPS to install and maintain toilets or remove solid human waste in the glaciated areas.
- Solid human waste does not break down or decompose in a cold glacial environment.
- Crevasses are typically located too far away from glacier landing strips to be used successfully for solid human waste disposal. Air taxi operators do not want to spend the extra time on the ground while their clients make the trip to a crevasse and back. Or, the clients do not have the equipment and skills necessary to safely travel on glaciers.
- The long-term environmental and public health risks associated with continuing to dispose of large quantities of solid human waste in crevasses is unknown.

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

Subject: Use of Bicycles

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 13.914 the Superintendent of Denali National Park and Preserve has constructed a multi-purpose trail between the Denali Visitor Center and the Nenana River Canyon Bridge and authorized the use of bicycles on that trail.

The reason for this designation is:

- 13.914 limits the use of bicycles within the Frontcountry Developed Area (FDA) to park roads, road shoulders, public parking areas, or trails designated for bicycle use by the Superintendent. No trails within the FDA are currently designated for bicycle use. The multi-purpose trail connecting the visitor center and the Nenana River Canyon Bridge was specifically designed and constructed to accommodate bicycle use. Opening this trail to bicycle use will enhance visitor safety by separating bicycles from motor vehicles in this busy section of the park. Bicycle use on this trail will be consistent with the protection of the park's natural, scenic, and aesthetic values, safety considerations, management objectives and will not disturb wildlife or park resources.

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

Subject: Idling vehicles at Riley Creek, Savage River, and Teklanika River Campgrounds

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 2.10(a), the Superintendent of Denali National Park and Preserve has prohibited idling parked vehicles during summer quiet hours at Riley Creek, Savage River, and Teklanika River Campgrounds.

The reasons for this restriction are as follows:

- Given the proximity of campsites to each other, noise from idling vehicles, in addition to generators, can be clearly heard in adjacent campsites and beyond. Many users object to the noise associated with generators and idling vehicles, especially if used for protracted periods of time. Fumes from idling vehicles also impact campers in adjacent sites. This generator/idling vehicle use restriction is intended to enhance the camping experience for all visitors and protect the natural quiet of the campgrounds while preserving the opportunity for users with recreational vehicles to charge vehicle batteries and have ready access to power during key times of the day.

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 Denali National Park and Preserve is requiring a permit before sunken, grounded, or disabled vessels may be removed 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: Areas where personal property may left unattended longer than 24 hours

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 13.45(c), the Superintendent of Denali National Park and Preserve has identified two additional areas where personal property can be left unattended longer than 24 hours.

The reasons for this allowance are as follows:

- In order to protect public safety and prevent adverse impacts to wildlife, visitors are provided food storage lockers in which to leave items that may be an attractant to wildlife. Visitors routinely stay multiple nights in campgrounds and in the backcountry. This allowance eases trip planning, provides for better compliance with food storage regulation, and enables people to cache food and supplies during long trips.
- People wishing to bike the park road have few options for frontcountry camping, leading them to frequently stay in the backcountry. Allowing them to leave bicycles in bicycles racks longer than 24 hours provides a potentially secure location in which to leave their bikes, easing logistics and trip planning, and allowing them to conduct longer trips into the backcountry.

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

Subject: Cabins designated for subsistence use

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 13.160, the Superintendent of Denali National Park and Preserve has removed two cabins identified for shared use for subsistence and add one.

The reasons for this allowance are as follows:

- DENA 92 Muddy River deleted. The cabin is not owned by the NPS.
- DENA 167 Fish Lake deleted. This cabin was evaluated on-site in July 2007 and found to be uninhabitable.
- DENA 074 12 Mile Slough (Slippery Creek) added. This cabin has been identified as a shared use cabin.

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

Subject: Secondary vehicles or trails past the Savage River check station

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 13.972(a), the Superintendent of Denali National Park and Preserve has prohibited bringing any towed motor vehicle or trailer past the Savage River check station unless essential to the camping experience (i.e., tent trailers). These must be left at the Riley Creek Long Term Parking Area.

The reasons for this restriction are as follows:

- Campsites at the Teklanika Campground are too small to accommodate a utility trailer or second vehicle.

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

- Campsites at the Teklanika Campground are too small to accommodate utility trailers or second vehicles. No other reasonable parking alternatives exist."

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

Subject: Smoking

Pursuant to Title 36 of the Code of Federal Regulations, 1.5 and 2.2, the Superintendent of Denali National Park and Preserve has prohibited smoking within 100 feet of the propane tanks.

This restriction is intended to protect public health and public safety from fire or explosion around fuel storage facilities.

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

Subject: Designated campgrounds: restrictions, terms, and conditions

Pursuant to Title 36 of the Code of Federal Regulations section 13.25(c), the Superintendent of Denali National Park and Preserve has determined that regarding vehicles and trailers in designated campgrounds. Vehicles and trailers may only be parked on designated paved or gravel surfaces.

The reasons for this restriction are as follows:

- In the past, the NPS has limited the numbers of vehicles at designated campsites due to limited space. The NPS believes this previous approach may have been unnecessarily restrictive. As long as vehicles and trailers are parked on paved or gravel surfaces and not impacted surrounding vegetation, secondary vehicles and trailers can be accommodated.

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

- This provision is less restrictive than previous efforts to ensure vegetation is not impacted from secondary vehicles and trailers.

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

Subject: 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

Pursuant to Title 36 of the Code of Federal Regulations section 13.45(c), the Superintendent of Denali National Park and Preserve has determined that Bicycles may be parked at established bike racks along the park road for up to 24 hours or throughout the duration of an overnight backcountry trip conducted under the terms and conditions of a camping permit. Bicycles may also be left in non-developed areas along the park road under the same conditions. Bicycles left in non-developed areas must be cached a minimum of 25 yards from the road edge and cannot be visible from the road.

The reasons for this allowance are as follows:

- The NPS is relaxing the provisions on unattended property to allow bicyclists to leave their bicycles at certain locations along the park road while on a backcountry camping trip.

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

Subject: Group Size

Pursuant to Title 36 of the Code of Federal Regulations section 13.905(b), the Superintendent of Denali National Park and Preserve has determined:

East side of the park: Group sizes may not exceed 12 individuals including guides in backcountry units 1-21, 23-47, 61-64, 70-79, 81, 86, 87.

West side of the park: Group sizes may not exceed 6 individuals including guides in backcountry units 22, 48, 65-69, 80, 82-85.

A map showing the backcountry units is available at the Backcountry Information Center and on the park website.

The superintendent may authorize larger groups on a case-by-case basis.

The reasons for this restriction are as follows:

- The change implements a final rule published in the Federal Register on November 14, 2008 that establishes group size limits.

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

Subject: Mountain Climbing on Mt. McKinley and Mt. Foraker

Pursuant to Title 36 of the Code of Federal Regulations section 13.910(a), the Superintendent of Denali National Park and Preserve has determined:

1. A climbing permit application provided by the Superintendent must be completed by each private expedition member and received by the park at least sixty (60) days prior to the start date of the climb. A non-refundable and non-transferable fee must be included with the application.
2. Persons who have physically climbed on Mt. McKinley or Mt. Foraker since 1995 may apply for a climbing permit up to seven (7) days prior to the start of a planned climb. To qualify, the name of the climber(s) must be documented in the Talkeetna Ranger Station Climber Database. All expedition members must meet this requirement in order to qualify for the 7-day exception.
3. Expedition leaders may add one person to their team prior to the start of the climb if the required permit application and fee is received at least thirty (30) days prior to the start of the climb.
4. In addition to the permit application, solo climbers must complete and submit the Supplemental Solo Form provided by the Superintendent.
5. All members of an expedition must check in together at the Talkeetna Ranger Station and attend a mandatory safety and resource protection orientation. Appointments for the orientation are required.
6. Expeditions are required to check back in at the Talkeetna Ranger Station at the conclusion of the climb.

The reasons for this restriction are as follows:

- The change implements a final rule published in the Federal Register on November 14, 2008 that directs the superintendent to establish permit application procedures for climbing Mt. McKinley and Mt. Foraker.
- These requirements were first adopted in 1995 when a new regulation requiring 60 day advance registration for climbs of Mt. McKinley and Mt. Foraker was promulgated.
- The intent of these requirements is to reduce the incidence of death and serious injury on the mountains and to protect park resources and the climbing experience through public education.

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

Subject: Launching, landing, or operating unmanned aircraft on NPS lands and waters administered by the NPS.

Pursuant to Title 36 of the Code of Federal Regulations section 1.5, the Superintendent of Denali National Park and Preserve has adopted the following restriction on use of unmanned aircraft in NPS areas.

1.5 Closures and public use limits

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

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Denali National Park and Preserve is prohibited except as approved in writing by the superintendent.

The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

In Park areas where use of model aircraft for hobbyist or recreational use has been previously authorized, such use may continue under a permit issued by the Superintendent.

This restriction does not affect the primary jurisdiction of the Federal Aviation Administration over the National Airspace System.

The reasons for this restriction are as follows:

- The use of unmanned aircraft is a relatively new activity in NPS areas across the country, including Alaska.
- As these devices have recently become more affordable, the use of these devices is increasing at a high rate, including in NPS areas.
- The Alaska Board of Game recently adopted a prohibition on using unmanned aircraft for taking wildlife.
- This restriction is based on maintenance of public health and safety, protection of environmental and scenic values, protection of natural and cultural resources, implementation of management responsibilities, and avoidance of conflict among visitor use activities.
- The Alaska National Interest Lands Conservation Act set aside federal conservation system units in Alaska (including NPS units) in part to protect natural landscapes, unaltered ecosystems in their natural state, wilderness resource values and related recreational opportunities, wildlife populations and habitat, and to maintain opportunities for scientific research and undisturbed ecosystems.

- Congress and the President established Denali National Park and Preserve for the following primary purposes: for people's enjoyment and benefit; to preserve the animals, scenic beauty, extensive, unaltered ecosystem, and the wilderness resource values and related recreational opportunities; to protect historic and archeological sites and resources related to subsistence; to protect and interpret the entire Mount McKinley massif, and to maintain opportunities for scientific research in undisturbed ecosystems. These purposes are at risk from the unregulated use of unmanned aircraft.
- The NPS must take a precautionary approach in terms of conserving resources and visitor enjoyment of those resources. New recreational activities are not allowed until the NPS has determined that such use is appropriate and will not cause unacceptable impacts.
- The NPS has adopted an interim policy, applicable nationwide, that prohibits launching, landing, or operating unmanned aircraft in areas administered by the NPS. This compendium provision is required to implement this interim national policy.

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

- This restriction is a necessary interim measure taken to ensure park resources and visitor enjoyment of those resources are protected consistent with NPS policies while the NPS considers how to address this new use on a long-term basis.
- This closure is required to implement this interim policy are necessary to maintain public health and safety in units of the National Park System and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values.

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

Subject: Free Ranging or Use of Domestic Goats, Sheep, Llamas, and Alpacas

Pursuant to 36 CFR 1.5, the Superintendent has adopted a restriction on domestic goats, sheep, llamas, alpacas, or any other domestic animal of the Bovidae or Camelidae Family:

> Domestic Goats and Sheep
> Use or possession of domestic goats or sheep within NPS administered areas is prohibited.
>
> Llamas, Alpacas, and other Members of the Camelidae or Bovidae Family
> Use or possession of llamas, alpacas, or any other domestic animal of the Camelidae or Bovidae Family within NPS administered areas is prohibited except as pack animals in accordance with written authorization from the superintendent.

The reasons for this restriction are as follows:

- Based on input from veterinarians and wildlife biologists inside and outside the NPS, the NPS has determined that there is a significant risk of disease transmission from domestic livestock other than from the Family Equidae (horses, mules, donkeys) to Alaska's Dall's sheep, mountain goat, and other ungulate populations. The NPS believes disease transmission is most likely to occur from domestic sheep and goats, though it is also possible from other members of the Camelidae or Bovidae Family.
- Elsewhere in North America, wild sheep populations have been severely reduced after coming in contact with domestic livestock carrying a variety of pathogens. Other wild ungulates such as mountain goats are susceptible to many of the same pathogens as wild sheep.
- Introduced pathogens, such as *Pasturella* bacteria that causes pneumonia, could spread rapidly among Dall's sheep and mountain goats because these animals are immunologically naive to domestic livestock diseases.
- According to The Wildlife Society and based on recommendations by the Alaska Department of Fish and Game, the Western Association of Fish and Wildlife Agencies, and others; potential threats include Johne's disease (paratuberculosis), infectious keratoconjuctivitis, contagious ecthyma, parainfluenza-3, lungworms and nasal bot flies.
- Direct contact between animals is not necessary for the spread of some diseases. For example, Johne's disease bacteria shed in the feces of livestock can remain viable and infective in the soil for a year, according to research summarized by The Alaska Chapter of The Wildlife Society.
- Potential consequences of a single disease transmission event are uniquely high for Dall's sheep and mountain goats in Alaska; both because they have not been exposed and habitat connectivity exists throughout the State; also according to research summarized by The Wildlife Society.
- In the last few years, Dall's Sheep have experienced low productivity in several parts of the state, including Denali. Wild sheep abundance is currently low.

- The State of Alaska, Board of Game, recently prohibited use of goats and sheep for hunting wild sheep and mountain goats, due concern over disease transmission.

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

- Domestic livestock are prone to free ranging when not physically restricted.
- In other Alaska NPS areas, visitors have been observed in possession of domestic goats in the vicinity of Dall's sheep habitat.
- The NPS does not have information that local rural residents engaged in subsistence uses have traditionally employed domestic livestock for transportation purposes other than horses, mules or donkeys.
- The NPS determined allowing domestic goats and sheep by written authorization is not appropriate given the greater risk of disease transmission.
- At this point, the NPS believes the risk of transmission is low enough from other members of the Camelidae and Bovidae Family that such use could be allowed in accordance with written authorization from the superintendent which would enable the NPS to take appropriate precautions to protect native wildlife. Allowing such use without written authorization would place native wildlife populations at unnecessary risk with potentially significant consequences.

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

Subject: Temporary closures or restrictions to taking wildlife (black bears)

Pursuant to Title 36 of the Code of Federal Regulations, sections 13.40 and 13.50, the Superintendent of Denali National Park and Preserve has determined it is necessary to restrict the take of black bears using artificial light at den sites and the take of black bear cubs and sows with cubs at den sites in the Preserve. These provisions are in response to changes in state law. It does not affect harvest under Federal Subsistence Regulations.

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife (black bears)

- From October 15 through April 30, artificial light may not be used to take a black bear at a den site except to retrieve a dead bear or dispatch a wounded bear as authorized by state law in Denali and Gates of the Arctic National Preserves.
- From October 15 through April 30, a person may not take a cub bear or a female bear accompanied by a cub bear at a den site Denali and Gates of the Arctic National Preserves.

The reasons for these restrictions are:

During the 2008 Southeast Region Board of Game (BOG) meeting, the BOG made an exception to two long standing general prohibitions regarding the take of black bears. The BOG authorized all state residents to use artificial light to take black bears at den sites and to take black bear cubs and sows with cubs at den sites under customary and traditional use activities from October 15 to April 30 in Unit 19A, portions of Unit19D, and in Units 21B, 21C, 21D, 24, and 25D. The NPS did not immediately recognize that two NPS preserves were included and consequently did not comment on these proposals. When the regulation was promulgated, the NPS identified small portions of two national preserves in Units 19D and 24 that were included in these authorizations.

The State of Alaska is the primary entity responsible for managing wildlife in accordance with State mandates. At the same time, the NPS is charged with the responsibility for assuring that the take of fish and wildlife is consistent with the fundamental purposes of the park system and individual park units. The NPS Organic Act is a Federal law that provides the fundamental purpose of national park areas is conservation of park resources and values, including the scenery, the natural and historic objects, and wild life therein, and prohibits impairment of park resources or values. Policies implementing this mandate require the NPS to protect natural systems, processes, and wildlife populations, including the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife. NPS Management Policies 2006 §§ 4.1, 4.4.1, 4.4.1.2, 4.4.2.

Under NPS Management Policies, activities that may result in impairment include those that impact a "resource or value whose conservation is . . . key to the natural . . . integrity of the park or to provide opportunities for enjoyment of the park." (NPS Management Policies, 1.4.5) Because the impact threshold at which impairment occurs is not always readily apparent, the NPS policies require managers avoid unacceptable impacts to park resources and values.

Unacceptable impacts are those that are inconsistent with park purposes and values; diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or unreasonably interfere with other appropriate uses.

ANILCA, the Federal law specifically applicable to Alaska NPS areas, does not alter these expectations. ANILCA directs the Secretary of Interior to administer Alaska NPS units in accordance with the NPS Organic Act. ANILCA provides that national preserves are to be managed in the same manner as national parks with the exception that sport hunting and trapping are allowed. (ANILCA, sec. 1313). Taking of wildlife for subsistence uses by rural residents is also authorized in preserves in accordance with Federal subsistence regulations. Among the purposes outlined at the beginning of ANILCA, Congress expressly stated the intent to preserve wildlife and wilderness values and natural undisturbed, unaltered ecosystems while allowing for recreational opportunities, including sport hunting. ANILCA, Sec. 101(a)-(b). The legislated purposes of Denali and Gates of the Arctic specifically include the protection of habitat for and populations of fish and wildlife. ANILCA, sec. 201, 202.

The legislative history of ANILCA reaffirms that Congress did not absolve the National Park Service from operating within the legal, regulatory, and policy framework applicable across the National Park System. The Senate Energy and Natural Resources Committee (S. Rpt. 96-413) stated "It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources." A further statement in the Congressional Record on ANILCA provides that "[t]he standard to be met in regulating the taking of fish and wildlife and trapping is that the preeminent natural values of the Park System shall be protected in perpetuity and shall not be jeopardized by human uses. These are very special lands and this standard must be set very high[.]"

The State's general hunting program applies in NPS preserves to the extent that it is consistent with NPS laws, regulations and policies. The NPS may close or restrict the take of wildlife for sport purposes in preserves pursuant to ANILCA section 1313 and federal regulations at 36 CFR 13.40 and 13.50.

The State of Alaska provisions that allow use of artificial light to take denning black bears and the take of cubs and sows with cubs at den sites have the potential to create unacceptable impacts to the purposes and values of these preserves. These hunting practices have been prohibited since statehood with limited exceptions. Consistent with sound management principles and conservation of wildlife, practices that disturb animals when they are in a vulnerable state—in their dens, when reproducing, or very young—are usually avoided. The practical effect of these allowances, open to all state hunters, is increased efficiency for taking black bears. This has potential to create pressures on the natural abundance, behavior, distribution, and ecological integrity of these native wildlife species. State laws or actions that seek to manipulate natural wildlife populations for human consumption, or have that practical effect, are inconsistent with NPS statutes and implementing policies. To the extent impacts from these allowances are uncertain, NPS Management Policies direct the NPS to err on the side of protecting the wildlife (Management Policies 2006, 4.1).

The NPS recognizes and supports subsistence by federally qualified rural residents, sport hunting, and trapping. These activities are important heritage activities in NPS preserves in Alaska. The authorizations established by the BOG are not isolated from Federal authorities applicable on NPS lands. NPS management responsibilities established in the Organic Act and further refined in subsequent legislation, regulation, and policy, must be followed in determining which activities will and will not benefit the fundamental purpose of the National Park System. Introducing NPS preserves to these historically illegal methods of harvest and liberalizing the harvest of black bears to include cubs and sows with cubs is inconsistent with how ANILCA's authorization for sport hunting has been implemented in preserves. This restriction recognizes that State and Federal management objectives and mandates differ. A Federal restriction is necessary for NPS preserves to remain compliant with Federal law and policy for NPS areas. The NPS remains committed to managing park resources and values in a way that avoids unnecessary interference with State management of resident wildlife resources.

A less restrictive approach was not effective. The NPS consulted with the State of Alaska and made a proposal to the BOG to exempt NPS Preserves from these authorizations. At the February/March 2010 BOG meeting, the BOG voted not to adopt the NPS proposal. The NPS requested the Board revisit this authorization in preserves in 2013 and the Board considered but rejected that request at their January 2014 meeting. In the absence of change in state law or regulation, these restrictions are necessary. The NPS has proposed a regulation to permanently address this issue.

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

Subject: Temporary closures or restrictions to taking wildlife (brown bears)

Pursuant to Title 36 of the Code of Federal Regulations, sections 13.40 and 13.50, the Superintendent of Denali National Park and Preserve has determined it is necessary to restrict the take of brown bears over black bear bait stations. These provisions are in response to changes in state law. It does not affect harvest under Federal Subsistence Regulations.

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife (brown bears)

A person may not take a brown bear at a bait station from April 15 through June 30 in the Preserve.

The reasons for this restriction are:

During the 2012 Spring Board of Game (BOG) meeting, the BOG made an exception to a long standing general prohibition regarding the take of brown bears at bait stations. The BOG authorized the taking of brown bears at bait stations in Unit 12, Units 20C and 20E, and Unit 21D. When the regulation was proposed and then promulgated, the NPS identified that portions of three National Preserves were affected by these authorizations.

The public safety concerns posed by food conditioned bears are universally recognized by natural resource agencies throughout the range of the species. Food conditioned bears are more likely to be a danger to humans then those that are not food conditioned. Further, food conditioning of bears tends to increase the likelihood of a bear being killed in defense of life or property. Baiting is incongruent with best management practices and standard public educational messaging on the issue of food and bears.

The State of Alaska is the primary entity responsible for managing wildlife in accordance with State mandates. At the same time, the NPS is charged with the responsibility for assuring that the take of fish and wildlife is consistent with the fundamental purposes of the park system and those of individual park units. Federal law provides that the fundamental purpose of national park areas is conservation of park resources and values, including the scenery, the natural and historic objects, and wild life therein, and prohibits impairment of park resources or values. Under NPS Management Policies, activities that may result in impairment include those that impact a "resource or value whose conservation is . . . key to the natural . . . integrity of the park or to provide opportunities for enjoyment of the park." (NPS Management Policies, 1.4.5) Because the impact threshold at which impairment occurs is not always readily apparent, the NPS policies require managers avoid impacts that are inconsistent with park purposes and values; diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or unreasonably interfere with other appropriate uses.

In addition to the above, the legislated purposes of Denali, Wrangell-St. Elias, and Yukon-Charley Rivers include the protection of habitat for and populations of fish and wildlife. Congress directed the NPS to manage National Preserves in the same manner as National Parks with the exception that sport hunting and trapping are authorized. (ANILCA, Public Law 96-

487, section 1313). In considering the management of national park areas, the National Park Service must consider the expectations laid out in the 1916 Organic Act, the 1970 General Authorities Act, and the 1978 Redwoods Amendment, as well as the 1980 Alaska National Interest Lands Conservation Act (ANILCA) and other legislation. National park areas are closed to the taking of wildlife except as specifically authorized by Congress. Congress authorized taking of wildlife in NPS preserves for Title VIII subsistence uses, trapping, and sport purposes under state law. This is not an authorization without limit, and must be implemented in light of the high public value and integrity of the National Park System.

In passing ANILCA, Congress did not absolve the National Park Service from operating within the legal, regulatory, and policy framework applicable across the National Park System. The Senate Energy and Natural Resources Committee (S. Rpt. 96-413) stated "It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources." A further statement in the Congressional Record on ANILCA provides that "[t]he standard to be met in regulating the taking of fish and wildlife and trapping is that the preeminent natural values of the Park System shall be protected in perpetuity and shall not be jeopardized by human uses. These are very special lands and this standard must be set very high[.]" The State's general hunting program applies in NPS Preserves to the extent that it is consistent with NPS laws, regulations and policies. The NPS may close or restrict the take of wildlife in the Preserves pursuant to ANILCA section 1313 and federal regulations at 36 CFR 13.40and 13.50.

Continuation of the natural processes is expected in NPS areas except as specifically authorized by Congress. The new practice of taking brown bears over bait is not consistent with this expectation in that baiting explicitly alters the natural behavior of any wildlife species coming into contact with, or finding palatable, the contents of a bait station. Behavior of carnivorous or omnivorous species is altered and their vulnerability to harvest is increased. The practical effect is increased efficiency for taking predator species and has potential to create harvest pressures on the local natural abundance, behavior, distribution, and ecological integrity of these native wildlife species. State laws or actions that seek to manipulate natural wildlife populations for human consumption, or have that practical effect, are inconsistent with Congress's authorization for taking wildlife for sport purposes and with NPS statutes, regulations, and policies.

Until recently, brown bear baiting has been prohibited since statehood. To our knowledge, brown bear baiting is not currently allowed by any other North American state, province, or country. Thus, there is little current or historic data available to predict effects of this practice.

The taking of black bears over bait is allowed on some Alaskan NPS units under both State and Federal regulations. However, the take of black bears over bait on NPS lands is a rare event. From the harvest data reported to the State of Alaska, ≤37 black bears were hunted over bait in preserves, and ≤34 of these were harvested in Wrangell-St. Elias National Preserve. Of the 37, only 3 bears were harvested over bait by rural Alaska residents from NPS preserves from 1992-2010. The concerns raised for brown bears relative to food conditioning and public safety apply equally to black bears. This topic warrants consideration.

Sport hunting is allowed on NPS Preserves, but the authorizations established by the BOG are not isolated from Federal authorities applicable on NPS lands. NPS management responsibilities, established in the Organic Act and further refined in subsequent legislation, regulation, and policy, must be followed in determining which activities will and will not benefit the fundamental purpose of the National Park System. Introducing NPS Preserves to this historically illegal method of harvest has the potential to result in unacceptable impacts to the resources and values for which the park area was established to protect. This restriction recognizes that State and Federal management objectives and authorities differ. A federal restriction is necessary for NPS Preserves to remain compliant with Federal law and policy for NPS areas. The NPS remains committed to managing park resources and values in a way that avoids unnecessary interference with State management of resident wildlife resources.

A less restrictive approach was attempted but was not effective. The NPS opposed the proposals to the BOG that affected preserves, and requested that, if such regulations were adopted, NPS lands be excluded. The BOG adopted the regulation authorizing the taking of brown bears at bait stations in Units 12, 20C, 20E, and 21D without excluding NPS lands. In doing so, the BOG has made it clear that the State process will not be used to remedy management inconsistencies on NPS lands. Rather, NPS has been encouraged to use its own authorities to ensure that preserves are managed in a manner consistent with federal law, policy, regulation and non-conflicting State regulation. The NPS again requested the Board revisit this authorization in preserves in 2013 and the Board considered but rejected that request at their January 2014 meeting. In the absence of change in state law or regulation, these restrictions are necessary. The NPS has proposed a regulation to permanently address this issue.

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

Subject: Temporary closures or restrictions to taking wildlife (wolves and coyotes)

Pursuant to Title 36 of the Code of Federal Regulations, sections 13.40 and 13.50, the Superintendent of Denali National Park and Preserve has determined it is necessary to restrict the take of wolves and coyotes during the timeframe coyotes and wolves are denning. These changes are in response to changes in state law. The result is that wolves and coyotes will remain protected during the period when wolves and coyotes are raising vulnerable offspring and their pelts have little trophy or economic value. This provision makes the affected closure dates for wolves and coyotes more consistent with Federal subsistence seasons. It does not restrict affect harvest under Federal Subsistence Regulations.

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife (wolves/coyotes)

The take of wolves or coyotes under state regulations is prohibited from May 1 through August 9 in Alagnak Wild River and Aniakchak, Bering Land Bridge, Denali, Gates of the Arctic, Katmai, Lake Clark, Noatak, Wrangell-St. Elias, and Yukon-Charley Rivers National Preserves.

This provision does not affect season start dates after August 9. For example, if the state season is September 1, taking wolves under the state regulations would be authorized on September 1. If the state season starts on August 1, then the taking of wolves is not authorized in these NPS areas until August 10.

The reasons for these restrictions are:

These restrictions are based on actions taken by the Alaska Board of Game (BOG) in 2012 and 2014 as well as previous years that extended the season for taking wolves and coyotes into the summer months in several GMUs that include some NPS Preserves. These BOG actions include establishment of a year-round coyote season and extending the season for taking wolves through June in several areas.

The State of Alaska is the primary entity responsible for managing wildlife in accordance with State mandates. At the same time, the NPS is charged with the responsibility for assuring that the take of fish and wildlife is consistent with the fundamental purposes of the park system and those of individual park units. Federal law provides that the fundamental purpose of national park areas is conservation of park resources and values, including the scenery, the natural and historic objects, and wild life therein, and prohibits impairment of park resources or values. Under NPS management policies, activities that may result in impairment include those that impact a "resource or value whose conservation is . . . key to the natural . . . integrity of the park or to provide opportunities for enjoyment of the park." Because the impact threshold at which impairment occurs is not readily apparent, the NPS policies require managers avoid unacceptable impacts to park resources and values. Unacceptable impacts are those that are inconsistent with park purposes and values; diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or unreasonably interfere with other appropriate uses.

In addition to the above, legislated purposes of the National Preserves in Alaska include the protection of habitat for and populations of fish and wildlife. Congress directed the NPS to manage national preserves in the same manner as national parks with the exception that sport hunting and trapping are authorized. (ANILCA, Public Law 96-487, section 1313). In considering the management of national park areas, the National Park Service must consider the expectations laid out in the 1916 Organic Act, the 1970 General Authorities Act, and the 1978 Redwoods Amendment, as well as the 1980 Alaska National Interest Lands Conservation Act (ANILCA) and other legislation. National park areas are closed to the taking of wildlife except as specifically authorized by Congress. Congress authorized taking of wildlife in NPS preserves for Title VIII subsistence uses and for sport purposes. This is not an authorization without limit, and must be implemented in light of the high public value and integrity of the National Park System.

In passing ANILCA, Congress did not absolve the National Park Service from operating within the legal, regulatory, and policy framework applicable across the National Park System. The Senate Energy and Natural Resources Committee (S. Rpt. 96-413) stated "It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources." A further statement in the Congressional Record on ANILCA provides that "[t]he standard to be met in regulating the taking of fish and wildlife and trapping is that the preeminent natural values of the park system shall be protected in perpetuity and shall not be jeopardized by human uses. These are very special lands and this standard must be set very high[.]" State harvest regulations apply in NPS preserves to the extent that it is consistent with NPS laws, regulations and policies. The NPS may close or restrict the take of wildlife in preserves pursuant to ANILCA section 1313 and federal regulations at 36 CFR 13.40 and 13.50.

These season extensions have the potential to create unacceptable impacts to the preserves' purposes and values. The practice of hunting or trapping wolves and coyotes into summer has long been prohibited. Consistent with sound management principles and conservation of wildlife, practices that disturb animals when they are in a vulnerable state—in their dens, when reproducing, or very young—are usually avoided. Accordingly, these practices have generally been prohibited under federal subsistence and state regulations.

Continuation of the natural process is expected in park areas except as specifically authorized by Congress. The take of denning wolves and coyotes has potential to impact the natural integrity of a native species. The practical effect of these allowances, open to all hunters and trappers, is increased efficiency for taking predator species. This has potential to create pressures on the natural abundance, behavior, distribution, and ecological integrity of these native wildlife species. State laws or actions that seek to manipulate natural wildlife populations for human consumption, or have that practical effect, are inconsistent with Congress's authorization for taking wildlife for sport purposes as well as with NPS statutes, regulations, and policies.

The NPS recognizes and supports subsistence and sport hunting, and trapping. These activities are important heritage activities in NPS preserves in Alaska. However, introducing NPS preserves to these liberalized wolf and coyote harvest opportunities, to include pups, when pelts are of poor quality and offspring are vulnerable could create unacceptable impacts to the

resources and values for which the park area was established to protect. It also has the potential to disrupt the subsistence opportunity for taking that wolf or coyote later in the year when its coat is prime in order to sell the pelt for cash.

This restriction recognizes that state and federal management objectives and authorities differ and adopts a federal restriction for NPS preserves to comply with federal law and policy in park areas. The NPS remains committed to managing park resources and values in a way that minimizes interference with state management of resident wildlife resources.

A less restrictive approach has been attempted but was not effective. The NPS opposed proposals to the BOG that affected preserves, and requested that, if such regulations were adopted, NPS lands be excluded. The Board of Game adopted regulations without excluding NPS managed lands. In doing so, the Board of Game has made it clear that the State process will not be used to remedy management inconsistencies on NPS lands. Rather, NPS has been encouraged to use its own authorities to ensure that preserves are managed in a manner consistent with federal law, policy, regulation and non-conflicting State regulation. The NPS requested the Board revisit this authorization in preserves in 2013 and the Board considered but rejected that request at their January 2014 meeting. In the absence of change in state law or regulation, these restrictions are necessary. The NPS has proposed a regulation to permanently address this issue.