

**PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2015**

KENAI FJORDS NATIONAL PARK

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. 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); 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., and comments from eighteen individuals.

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 updated this provision to remove the reference to “free-ranging” since this use is generally not allowed. The provision under 36 CFR 2.60(a) has also been updated.

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.

13.170 Designated cabins or other structures for general public use

The NPS proposed changing the dates the Willow Cabin is available for public use from October 15 – April 15 to “When the road to Exit Glacier is closed by snow for the winter *or* November 15 – April 15.” The State requested retaining the current timeframe. After review, the NPS has modified the original proposal to allow public use during the timeframe the road is closed by snow or, in the event the road is not closed, from November 1 through April 15.

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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 where the Superintendent has exercised discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Kenai Fjords National Park, Seward, Alaska at (907)422-0500, 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

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

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

Unmanned Aircraft

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the NPS within the boundaries of Kenai Fjords National Park 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.

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

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 visiting hours, public use limits, and closures.

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

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

1.6(f) Compilation of activities requiring a permit

- Launching, landing, or operating unmanned aircraft, 1.5
- Scientific research, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Demonstrations involving 26 or more persons, 2.51
- Sale and distribution of printed matter for First Amendment purposes by groups of 26 or more persons, 2.52
- Grazing, 2.60(a)(1), (2)

- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Towing a person using a parasail, hang glider, or other airborne device, 3.12(b)
- Removing sunken, grounded, or disabled vessels, 3.14(a)
- Operating a submersible, 3.19
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit)
- Cabins on federal lands, 13.136-13.149, 13.130
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical, or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(b) Designated trails

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

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

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

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

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

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

Individuals are authorized to possess firearms in NPS areas in accordance with applicable state and federal law. 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

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

Superseded in part by 13.25, 13.1304, 13.1320.

2.10(d) Food storage: designated areas and methods

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

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee:
<http://www.igbconline.org/html/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;
- Park provided metal food lockers at some coastal campsites; and
- Items or methods approved by the Superintendent.

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

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By suspending at least 10 feet above the ground and four-feet horizontally from a post, tree trunk, or other object.
- The Superintendent may, upon request, waive or modify food storage requirements in circumstances where compliance with these requirements is not possible, overly burdensome, and is consistent with public safety and wildlife conservation interests.

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

(4) This provision does not apply—

- On the Harding Icefield, when surrounded by snow or ice for at least one mile in all directions;
- To food that is being transported, consumed, or prepared for consumption; and
- To clean dishes and cooking equipment free of food odors.

The intent of these designations is to prevent bears and other wildlife from obtaining and becoming conditioned to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored. 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. BRCs are available for rent from

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

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

- State or local fire burn bans are automatically adopted under this section unless the Superintendent determines the ban is not necessary in park areas.
- Fires in the Exit Glacier Study Area¹ are allowed only in the designated steel fire rings that are provided at the campground cooking shelter and the picnic shelter and warming hut adjacent to the main parking lot.
- All trash (i.e., tin foil, burnt food, glass, and cans) must be removed from fire sites after use.

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

See also 13.1306(c)-(d).

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

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

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

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

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

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

- Coastal Public Use cabins and beaches – Restop II, PETT Wag Bags, or similar containers must be used and carried out for disposal in a landfill.
- Exit Glacier Developed Area – When the ground is frozen and NPS facilities are not available, human waste will be disposed of in Restop II, PETT Wag Bag, or similar containers and carried out for disposal in a landfill.
- Exit Glacier – Restop II, PETT Wag Bags, or similar containers must be used and carried out for disposal in a landfill.

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

- All other glaciated areas of the park – Human waste must be deposited in a deep crevasse or carried out in a Restop II, PETT Wag Bag, or similar container and disposed of in a landfill.

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

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

No areas prohibited.

2.18(c) Snowmobiles-designated areas for use

No areas are designated for snow machine use.

Superseded in part by 43 CFR 36.11(c) Special access and 13.1326.

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

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

2.21 Smoking

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

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

2.51 First Amendment Demonstrations

The following areas are designated as open to public demonstrations that involve 25 or fewer persons without a permit. Demonstrations involving 26 or more individuals must have a permit issued by the Superintendent.

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

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

The following areas are designated as open to sale or distribution of printed matter by groups involving 25 or fewer persons without a permit. Printed matter is limited to message-bearing textual printed material, such as books, pamphlets, magazines, and

leaflets, provided that it is not solely commercial advertising. Distribution involving 26 or more individuals must have a permit issued by the Superintendent.

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

2.60(a)(3) Designated areas for grazing

Individuals may allow authorized pack or saddle animals to graze in NPS areas without a permit for less than 14 days in a calendar year under the following conditions:

1. Grazing is in conjunction with the animals being used as pack or saddle animals in NPS areas.
2. Any feed brought in must be weed free.

Grazing in support of commercial operations is only allowed under permit from the superintendent.

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

See also section 1.5(a)(1) of this document which prohibits certain domestic animals in NPS areas.

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

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

PART 3. BOATING AND WATER USE ACTIVITIES

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

A permit is required from the Superintendent before sunken, grounded, or disabled vessels may be removed from 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.

3.20(a) Water skiing: designated waters

No waters are designated as open.

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

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

PART 4. VEHICLES AND TRAFFIC SAFETY

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

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

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 13. ALASKA REGULATIONS

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

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

13.170 Designated cabins or other structures for general public use

The following cabins are designated for public use:

Holgate Arm Cabin

Aialik Bay Cabin

Willow Cabin is available for general public use when the road to Exit Glacier is closed by snow for the winter or November 1 – April 15.

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

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

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

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

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

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

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

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

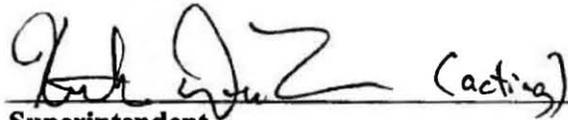
The use of snowmachines for other activities is prohibited pursuant to 36 CFR 2.18(c).

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

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

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

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

 (acting) _____ Date 3/9/15

Superintendent

Date

 (acting) _____ Date 3.11.15

Concurrence by Regional Director

Date

- Attachments:**
- 1.5 Cutting switchbacks on the Harding Icefield Trail
 - 2.10 Food Storage Determination
 - 3.14 (a) Conditions for removing sunken, grounded, or disabled vessels
 - 2.14 Sanitation: disposal, carrying out of human waste
 - 1.5 Launching, landing, or operating unmanned aircraft with NPS areas
 - 1.5 Possession, use or free-ranging of domestic goats, sheep, llamas, or alpacas

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

Subject: Cutting switchbacks on the Harding Icefield Trail

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

The reasons for this restriction are as follows:

1. The Harding Icefield Trail is located on a steep mountain ridge, and ascends over 3,000 vertical feet in approximately three and a half miles.
2. This area receives heavy rain and snowfall annually, resulting in large quantities of water washing down the slope and across the trail on a regular basis.
3. The intensity of this water flow— in areas on the lower section of trail where social trails have formed— increases erosion, which results in replacement of tread material, water bars, silt bars, and other trail building features. This repair work is time and labor intensive due to its remote location and thus is very expensive.
4. The trail is designed with switchbacks, waterbars, and similar features to prevent this running water from damaging the trail and causing undue erosion to surrounding soils.
5. Hikers leaving the trail damage or kill adjacent vegetation and leave bare soil. Where bare soil occurs on steep slopes, such as between switchbacks, it provides a natural watercourse. Fast moving water, not slowed by vegetation, removes soil and thus hampers natural revegetation.
6. Prohibiting off trail hiking between switchbacks is for hiker safety.

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

1. Hiker education has been undertaken since the trail was constructed and will continue with this prohibition in place. While education alone has limited this activity, it has not stopped it entirely.
2. Signs, bulletin boards, park maps and handouts, and personal contact have been and continue to be used to educate and warn hikers of this issue.
3. When written and verbal education and warnings have been ineffective at changing behavior, which causes adverse impacts to the resource, additional enforcement authority may be required to gain compliance. This designation gives that authority to park personnel.

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

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.10(d), the Superintendent of Kenai Fjords National Park has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, 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, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
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 that 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.
10. Steep terrain and ice limit habitable areas for wildlife and camping areas for humans. These areas frequently overlap, and increase the potential for negative human / wildlife encounters.

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

1. Educational efforts regarding proper storage and disposal of food and garbage have been undertaken by local, state, and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife-human conflict and impacts.
2. Recognizing that variations in environment and recreational activity require multiple food storage options, park managers have undertaken the following to assist visitors and make these conditions less onerous:
 - Professionally built metal food lockers have been installed at most commonly used camping beaches in the coastal backcountry.
 - Cables with hanging lines and pulleys have been installed on lesser used beaches.
 - Park-supplied bear resistant containers (BRCs) are available for free loan at park headquarters and through one or more water taxi companies in Seward annually.
 - A common walk-in food storage locker was built in the Exit Glacier Campground for free use of all campers.
3. Despite these efforts, 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. 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 that 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: Conditions for removing sunken, grounded, or disabled vessels

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 3.14(a), the Superintendent of Kenai Fjords National Park is requiring a permit before sunken, grounded, or disabled vessels may be removed 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: Sanitation: disposal, carrying out of human waste

Pursuant to Title 36 of the Code of Federal Regulations, § 2.14(a)(9), (b) the Superintendent of Kenai Fjords National Park determined that in order to protect public health and prevent adverse impacts to wildlife, revised conditions are placed on the disposal and carrying out of human waste at the Coastal Public use cabins, within the Exit Glacier Developed Area, on Exit Glacier, and all other glaciated areas of the park.

The reasons for this restriction are as follows:

- Coastal Public Use cabins and beaches
 - In 2011, the NPS implemented a successful program providing bags for human waste disposal with public support.
 - Kayak guide services are required within their permit stipulations to utilize a “wag bag” system with their clients.
- Exit Glacier Developed Area
 - Exit Glacier Developed Area is a heavily visited area with multiple trails in the summer.
 - Winter use visitation is increasing as access to the area becomes more readily available.
 - Improper disposal of human waste is unsightly and has the potential to be a human health hazard.
- Exit Glacier
 - Exit Glacier is the most heavily visited glacial area in the park.
 - In the summer of 2013, 13 large garbage bags of human waste emerged at separate locations and were packed out by park staff.
 - Improper disposal of human waste is unsightly and has the potential to be a health hazard.
- All other glaciated areas of the park
 - The Park’s glaciated areas are seeing increased volumes of visitors.
 - Improper disposal of human waste is unsightly and has the potential to be a health hazard.

The reasons less restriction measures will not be effective are:

- In coastal areas, Exit Glacier, and the Exit Glacier Developed Area, carrying capacity is limited in regards to human waste and less restriction translates to unsightliness and potential to be a health hazard.
- For coastal areas, it is more cost effective for the NPS to maintain a “Wag Bag” program than to maintain pit toilets. Contents of pit toilets must either be helicoptered out or pumped out with specialized equipment and vessels and dumped two miles out to sea.
- In coastal areas where there are public use cabins, compost toilets have proved unsuccessful in the past due to the coastal temperate rain forest climate.
- The Exit Glacier Developed Area also has established and maintained public restroom facilities.

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 Kenai Fjords National Park 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 Kenai Fjords National Park 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.
- The purpose of Kenai Fjords National Park is maintain unimpaired the scenic and

environmental integrity of the Harding Icefield, its outflowing glaciers, and coastal fjords and islands in their natural state; and to protect seals, sea lions, other marine mammals, and marine and other birds and to maintain their hauling and breeding areas in their natural state, free of human activity, which is disruptive to their natural processes.

- 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 keratoconjunctivitis, 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. Alaskan wild sheep abundance is generally 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 permit 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 a permit 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: Willow Cabin public use dates

Pursuant to 36 CFR 13.170, the Superintendent has modified the dates the Willow Cabin is available for public use to be when the road to Exit Glacier is closed by snow for the winter or November 1 – April 15.

The reasons for this proposed change are:

- Providing remote public access consistent with desired use during winter.
- Providing seasonal housing for NPS employees from May through October.
- Providing cyclical maintenance in October.
- Providing consistency with State of Alaska with State road closures, allowing for the remote public use cabin experience.
- Ensuring public safety by not providing for a situation in which the public drives in and, due to deteriorating weather conditions, cannot drive the vehicle out.

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

- Employee housing and cyclic maintenance is needed through October.