PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2015

LAKE CLARK 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 Port Alsworth on January 28. The hearing in Port Alsworth 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); 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 seventeen 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.

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.

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.

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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 Lake Clark National Park and Preserve, Port Alsworth, Alaska at (907) 781-2218 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

(i) Group Size. A permit is required for group sizes exceeding 15 individuals.

(ii) Chinitna Bay. From May 1 through August 31, meadow north of the slough in Chinitna Bay as shown on the attached map is closed.

(iii) Unmanned Aircraft. Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Lake Clark 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.

iv. Domestic Goats, Sheep, Llamas, and Alpacas
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
- Group sizes exceeding 15 individuals, 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, 13.100-13.188
- Subsistence use in the Park by person who does not live within the Park boundary or a resident zone community, 13.440(a)
- Using aircraft access for subsistence activities in the Park, 13.450(a), 13.450(b)(1)
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.85(a)(1)
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

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

Superseded by 13.35(c)(4), 13.35(d), and 13.485(b).

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

No designated areas or conditions.

2.1(b) Designated trails

No restrictions on walking or hiking.

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

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

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

See also 13.40(d)(5).

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

No areas designated for closure.

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

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

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

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

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

Superseded in part by 13.25.

2.10(d) Food storage: designated areas and methods

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

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

(2) In designated areas - within ½ mile of the coast line of Cook Inlet and within ½ mile of the shore line of Telaquana Lake, Crescent Lake, Turquoise Lake, Upper Twin Lake and Lower Twin Lake – 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 caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.

- The Superintendent may, upon request, waive or modify food storage requirements in circumstances where compliance with these requirements is not possible, overly burdensome, and is consistent with public safety and wildlife conservation interests.

(3) This provision does not apply to—
- Areas not designated in paragraph (2);
- Food that is being transported, consumed or prepared for consumption; and
- Clean dishes and cooking equipment free of food odors.
- Bait being used for trapping and hunting under the provisions of state and federal law.

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. We also recommend using BRC's in all areas of the park, but do not require it. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park offers bear resistant containers for temporary use to the public. The containers are free of charge and can be picked up at the park's visitor center in Port Alsworth.

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

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

Dumping of refuse brought into the park in the NPS landfill or 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.

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

Silver Salmon Creek: all fish must be gutted and cleaned on the ocean beach.

In all other areas, fish remains may not be disposed on land, or in waters within 200 feet of public boat docks, designated swimming beaches, or within developed areas for reasons of public health and safety.

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

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.

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

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

No designated areas. Pets must be leashed or physically restrained at all times.

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

No conditions at present.

Leaving pets unattended and tied to an object is prohibited.

2.15(a)(5) Pet excrement disposal conditions

No conditions at present.

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

No conditions at present.

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

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

2.17(a)(1) Aircraft operation

Superseded by 43 CFR 36.11(f)(1).
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.
Superseded in part by 43 CFR 36.11(c).
Superseded by 36 CFR 13.460 for subsistence uses.

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

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities.

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

No designated areas or routes.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

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

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

2.22 Property: leaving property unattended for longer than 24 hours

Superseded by 13.45.

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

No areas designated as closed.

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

No areas designated for use of fireworks.

2.51 First Amendment Demonstrations

The area depicted on the attached map titled "Designated Area for First Amendment Activities" is open to public demonstrations by groups 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 area depicted on the attached map titled "Designated Area for First Amendment Activities" is open to sale or distribution of printed matter by groups that involve 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. Groups involving twenty-six or more individuals must have a permit issued by the superintendent.

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

3.3 Permits

No permits required at present.

3.7 Personal Flotation Devices: designated times and/or activities

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

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

All areas are open to launching of boats.

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

No designations at present.

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

No designated areas.

3.12(a) Water skiing: designated waters

All areas designated open.

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

A permit is required from the Superintendent before sunken, grounded, or disabled vessels may be removed from waters within NPS administered areas except when the operator is able to remove or repair the vessel on site safely and without potential for damage to resources.

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

3.16 Swimming and wading: areas designated as closed

All areas are open to swimming and wading.

3.17(a) Designated swimming areas and beaches

No designated areas.

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

No restrictions at present.

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

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.
See also 43 CFR 36.11(g).

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

No restrictions at present.

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

No designations; therefore park area speed limits of 15 miles per hour apply in the business and residential areas.

All vehicles should operate at a safe speed, especially in the Port Alsworth headquarters/residential areas.

4.30(a) Routes designated as open to bicycles

Superseded by 43 CFR 36.11(e).

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

Superseded by 43 CFR 36.11(e).

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 5. COMMERCIAL AND PRIVATE OPERATIONS

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

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

PART 13. ALASKA REGULATIONS

13.25(a) Temporary closures and restrictions to camping

From April 15 through September 30, camping within 2 miles of Upper or Lower Twin Lakes for more than a total of 21 days, either in a single period or combined periods is prohibited, unless otherwise authorized by the superintendent.

From April 15 through September 30, camping at the Hope Creek campsite (see attached map) for more than a total of 14 days, in either a single period or combined periods is prohibited, unless otherwise authorized by the superintendent.

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

No designated campgrounds.

13.26 Picnicking-areas where prohibited or otherwise restricted

Chinitna Bay bear viewing area - Picnicking in Chinitna Bay from Glacier spit to the NPS Ranger Cabin (2 miles east) is prohibited above the beach from June 1 thru August 30.

This restriction is intended to minimize the risk of negative human/bear interactions and prevent bears from associating food with the bear viewing area.

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

No designated areas.

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

No restrictions at present.

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

No closures or restrictions at present.

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

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

No designated areas.

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

No designations at present. All subsistence use requires permit from superintendent.

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 designations; however, all NPS cabins, not otherwise under NPS permit, are open for short-term public use (up to 14 days per year). NPS ranger station cabins are excluded.

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

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; 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 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 8 inches or less above the ground.

The above restriction is intended to make cut stumps visually blend in with the surroundings while minimizing safety hazards associated with timber harvest.

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

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

No closures at present.
See also 2.18.

36.11(d) Temporary closures to the use of motorboats

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.

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 NPS lands; 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 for Lake Clark National Park and Preserve.

M. L. Foodro 3/5/15

Superintendent **Date**

Barbara Cooper (acting) 3.11.15

Concurrence by Regional Director **Date**

Attachment: 2.10(d) Food Storage Determination
3.20 Water skiing Determination
3.14(a) Conditions for removing sunken, grounded, or disabled vessels
1.5 Permits for group sizes exceeding 15 individuals
2.10(d) Food Storage at Crescent Lake
1.5 Closures and public use limits at Chinitna Bay
13.25 Camping restrictions at Twin Lakes
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
13.40 Temporary wildlife sport harvest restrictions (wolves/coyotes)
Designated areas for First Amendment Activities
Map of Chinitna Bay

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 Lake Clark 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.
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: Water Skiing

Pursuant to Title 36 of the Code of Federal Regulations, 3.20(a), the Superintendent of Lake Clark National Park and Preserve has determined that it is reasonable to allow water skiing especially considering the very small scale at which this activity currently exists.

The reasons for this opening are as follows:

1. Pursuant to Title 43 of the Code of Federal Regulations 36.11(d) motor boats may be operated on all water areas, except where such use is prohibited or otherwise restricted. At present there are no restrictions on motorboats.
2. The minimal amount of water skiing that currently occurs is limited to Lake Clark and more specifically Hardenburg Bay near the village of Port Alsworth.
3. Presently water skiing is limited by the cold water temperatures of Lake Clark to a few hot sunny days mostly in June or July.
4. The most likely adverse effects of water skiing would be visitor use conflict or possible adverse impacts on nesting waterfowl. At present the NPS has no data on negative impacts to nesting birds nor has the NPS received any comments on negative impacts to other user groups.

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 Lake Clark 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: Closures and Public Use Limits

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(a)(1)the Superintendent of Lake Clark National Park and Preserve has determined:

A permit is required for group sizes exceeding 15 individuals.

The reasons for this restriction are as follows:

1. Remote areas that have not been naturally hardened are susceptible to accelerated degradation from large groups.
2. Large groups visiting the park has resulted in impacts to pristine environments from trampling vegetation, compacting soils, improper human waste disposal, and gathering downed and dead wood.
3. Requiring a permit will enable large groups to enjoy the park in a manner consistent the protecting park resources. This process will help groups select appropriate locations for their activities, ensure groups receive information on Leave-No-Trace techniques and NPS regulations, and allow for conditions to minimize impacts to park resources.

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

1. Unregulated large groups tend to have unacceptable impact to park resources.
2. Educational efforts regarding Leave No Trace and techniques to minimize group impacts in sensitive habitats have not been fully successful. In some sensitive habitats degradation continues to expand with large group size.

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

Subject: Food Storage: Designated Areas and Methods

Pursuant to Title 36 of the Code of Federal Regulations, 2.10(d) the Superintendent of Lake Clark National Park and Preserve has determined:

In order to protect public safety and prevent adverse impacts on wildlife, Crescent Lake will be added to the list of lake shores and areas requiring the use of bear resistant food containers in Lake Clark National Park. Crescent Lake is located on the southwest flank of Mount Redoubt. Historically this area has seen limited camping activity due to high density bear populations and dense vegetation. Recently the area has experienced increased camping activity and a corresponding increase in the number of incidents that bears have been exposed to human food sources. The required use of Bear Resistant Food Containers in this area is intended to reduce the number of incidents in which bears may gain access to human food sources.

Subject: Closures and public use limits

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(a)(1)the Superintendent of Lake Clark National Park and Preserve has determined:

From May 1 through August 31, the meadow north of the slough in Chinitna Bay as shown on the attached map is closed.

The reasons for this restriction are as follows:

1. The NPS is concerned about bear-human conflicts and critical bear habitat in Chinitna Bay. Between May and August, this area is critical habitat for bear feeding and mating activity.
2. Bears congregate in this meadow and move freely between the forested area to the north and the slough. In 2009, over 60 individual bears reportedly occupied this area.
3. Most bear viewing activity occurs in two prominent locations along the south side of the slough. One area is on private property. The other is a long recognized NPS viewing area north east of the private property. The NPS is considering the identification of a third viewing location to provide additional bear viewing opportunities. Human movement between these viewing areas should be limited to travel below the vegetation line along the Chinitna Bay beach. This route of travel provides the best visibility for visitors to minimize surprise bear /human encounters in tall grass or dense spruce vegetation and will help minimize inadvertent trespass on private property. Unregulated travel along the south bank of the slough inadvertently pushes bears back into the meadow interfering with visitors occupying bear viewing locations by pushing bears out of sight.

The reasons less restrictive measures will not be effective are as follows:
Commercial operators are already subject to this restriction and generally compliance among commercial operators is good. However, in recent years, unguided visitors have entered this area during this critical time period, jeopardizing public safety by increasing the likelihood of bear-human conflicts and also potentially impacting bears.

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

Subject: Camping Restrictions at Twin Lakes

Pursuant to Title 36 of the Code of Federal Regulations, Sections 2.10(a) and 13.25(a), the Superintendent of Lake Clark National Park & Preserve has determined that the following restrictions on camping at Twin Lakes are necessary.

> From April 15 through September 30, camping within 2 miles of Upper or Lower Twin Lakes for more than a total of 21 days, either in a single period or combined periods is prohibited, unless otherwise authorized by the superintendent.
>
> From April 15 through September 30, camping at the Hope Creek campsite (see attached map) for more than a total of 14 days, in either a single period or combined periods is prohibited, unless otherwise authorized by the superintendent.

The reasons for these restrictions are:

1. Camping in one location for a prolonged period can result in resource damage, particularly to soil and vegetation.
2. Twin Lakes is one of the most popular areas for backcountry camping in Lake Clark National Park and Preserve.
3. The campsite at Hope Creek is the most common place visitors camp at Twin Lakes.
4. These restrictions will help provide equitable allocation of limited camping available at Twin Lakes.

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

- Because camping at Twin Lakes has become increasingly popular, these restrictions have become necessary to allow other visitors to enjoy Twin Lakes. Preferred locations

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

Subject: Launching, Landing, or Operating Unmanned Aircraft on Lands and Waters Administered by the NPS.

Pursuant to Title 36 of the Code of Federal Regulations section 1.5, the Superintendent of Lake Clark 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 Lake Clark 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:

1. The use of unmanned aircraft is a relatively new activity in NPS areas across the country, including Alaska.
2. As these devices have recently become more affordable, the use of these devices is increasing at a high rate, including in NPS areas.
3. The Alaska Board of Game recently adopted a prohibition on using unmanned aircraft for taking wildlife.
4. 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.
5. 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.

6. The purpose of Lake Clark National Park and Preserve is to protect a region of dynamic geologic and ecological processes that create scenic mountain landscapes, unaltered watersheds supporting Bristol Bay red salmon, and habitats for wilderness dependent populations of fish and wildlife, vital to 10,000 years of human history.
7. 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.
8. 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:

1. 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.
2. 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. 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 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 (wolves and coyotes)

Pursuant to Title 36 of the Code of Federal Regulations, sections 13.40 and 13.50, the Superintendent 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 as follows:

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.

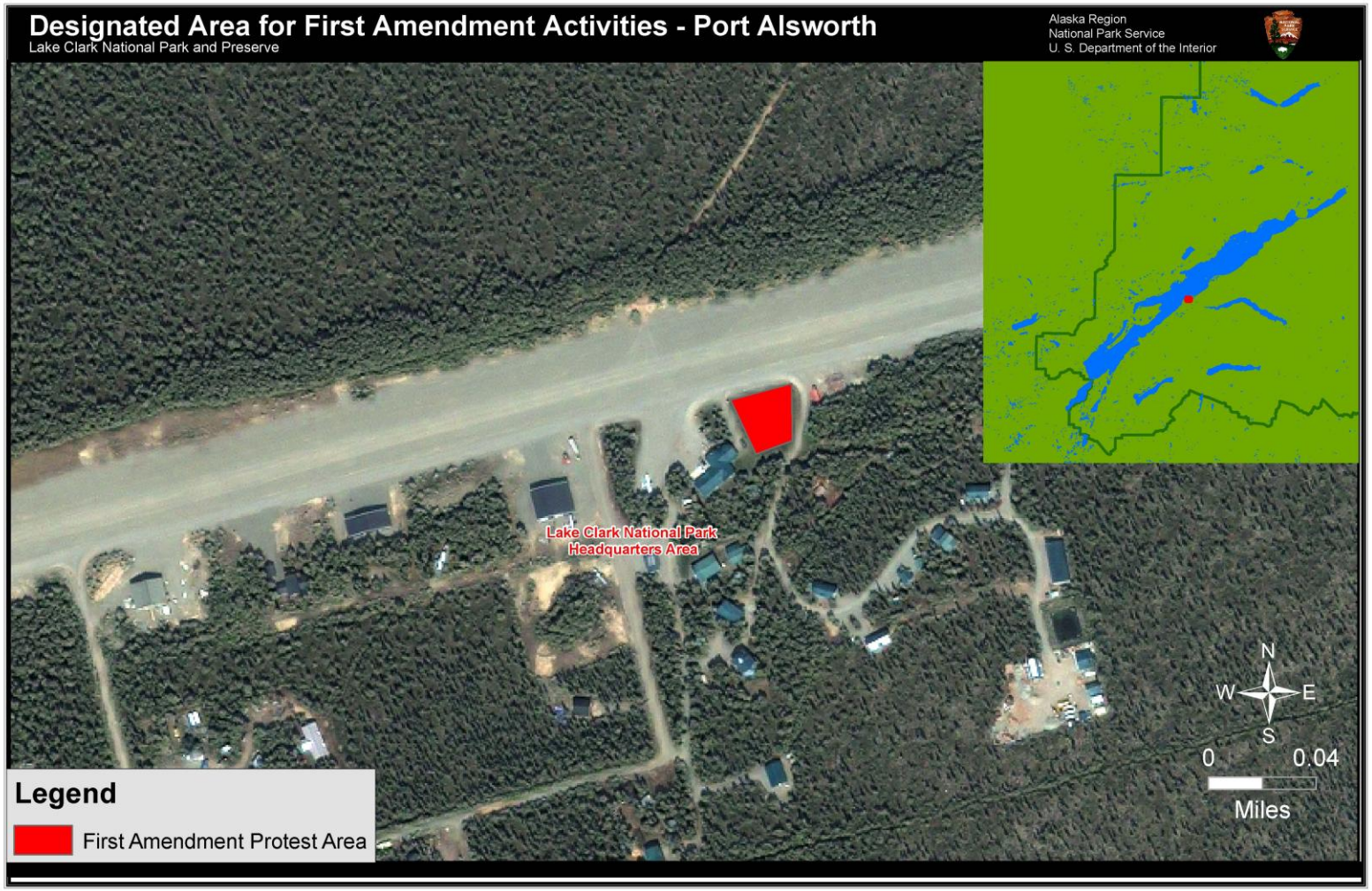
Continuation of the natural process is expected in park areas except as specifically authorized by Congress. The take of denning wolves and coyotes has potential to impact the natural integrity of a native species. The practical effect of these allowances, open to all hunters and trappers, is increased 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.


Designated Area for First Amendment Activities - Port Alsworth
Lake Clark National Park and Preserve
Alaska Region
National Park Service
U. S. Department of the Interior
Lake Clark National Park
Headquarters Area
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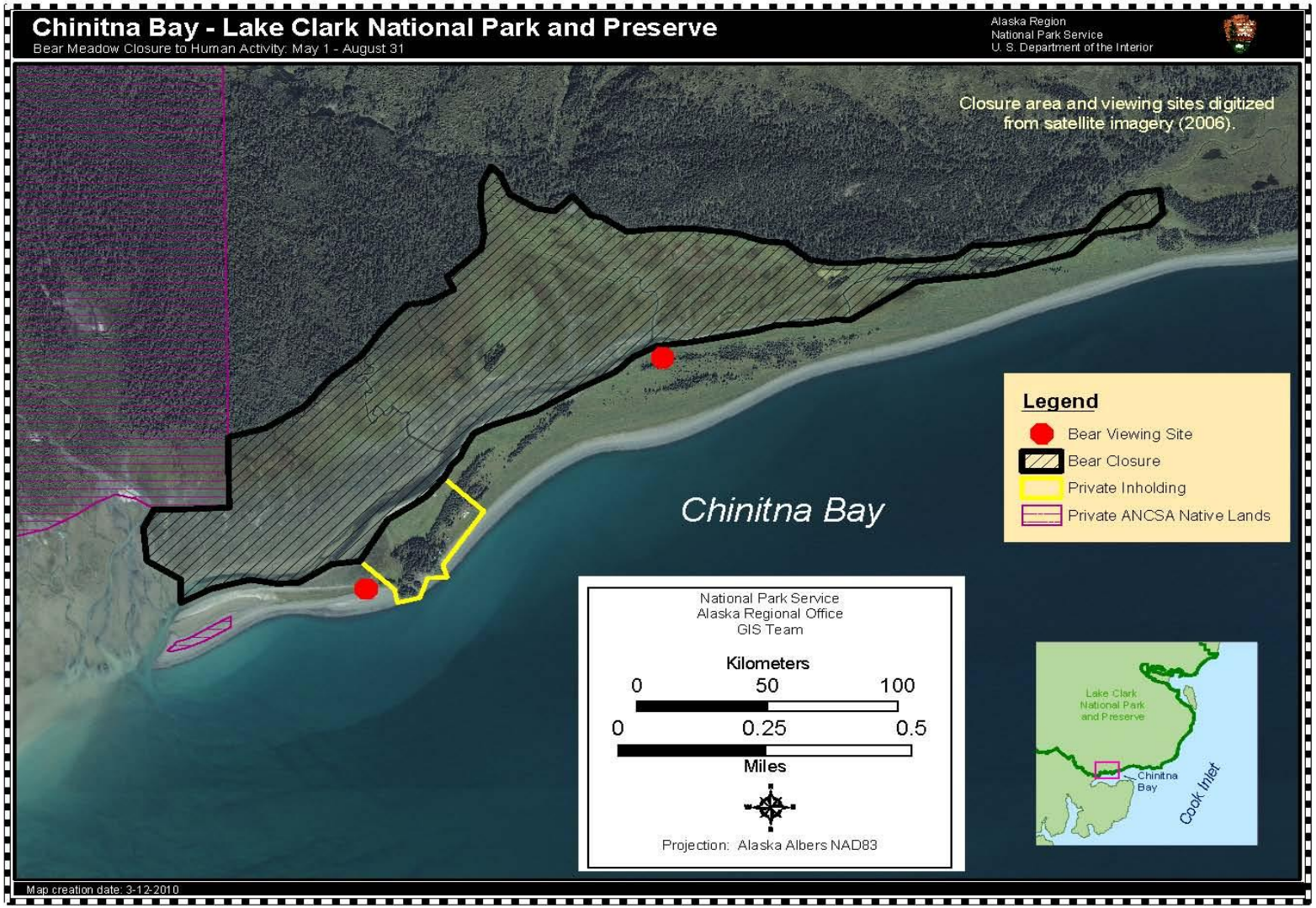
First Amendment Protest Area


Chinitna Bay - Lake Clark National Park and Preserve
Bear Meadow Closure to Human Activity: May 1 - August 31
Alaska Region
National Park Service
U. S. Department of the Interior
Closure area and viewing sites digitized from satellite imagery (2006).
Chinitna Bay
Legend
Bear Viewing Site
Bear Closure
Private Inholding
Private ANCSA Native Lands
National Park Service
Alaska Regional Office
GIS Team
Kilometers
0
50
100
0
0.25
0.5
Miles
Projection: Alaska Albers NAD83
Lake Clark National Park and Preserve
Chinitna Bay
Cook Inlet
Map creation date: 3-12-2010