

**PREAMBLE  
TO THE  
SUPERINTENDENT'S COMPENDIUM  
2015  
SITKA NATIONAL HISTORICAL 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); Swan Mountain Llama Trekking; Rocky Mountain Llama and Alpaca Association, and comments from seven 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 will be 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**

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

#### **Domestic Goats, Sheep, Llamas, and Alpacas**

The NPS received several comments regarding closing NPS administered areas to domestic goats, sheep, llamas, and alpacas. This change was not proposed in this compendium. Therefore, those comments are not addressed in this document.

### **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.

## **SITKA NATIONAL HISTORICAL PARK 2015 COMPENDIUM**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of 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 Sitka National Historical Park, Sitka, Alaska at (907) 747-6281 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**

(i) The Park is a “day use area.” Park grounds are open the following hours:

Summer months (May 15 to September 30)

6:00 a.m. to 10:00 p.m.

Winter months (October 1 to May 14)

7:00 a.m. to 8:00 p.m.

Violating a schedule of visiting hours is prohibited.

(ii) Parking lots.

- Designated spaces of the upper Visitor Center parking lot are reserved for tour buses and oversized vehicles between 7:00 a.m. and 5:30 p.m. from May 1 to September 30. Both upper and lower Visitor Center parking lots are closed to all use after park grounds are closed. No overnight parking is allowed within park boundaries.

(iii) Pedestrian through-traffic is allowed on the section of trail between Sawmill Creek Road, over the Indian River footbridge and to or from the upper Visitor Center parking lot after park grounds are closed - provided that pedestrians do not loiter. All other portions of the trail system and grounds are closed before and after grounds hours.

(iv) Eating, drinking and smoking are prohibited inside park facilities, including the Visitor Center, Sitka Cultural Center and the Russian Bishop's House.

(v) 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 Sitka National Historical 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 specific sections in this document for additional information regarding closures, visiting hours and public use limits.

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

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

**1.6(f) Compilation of activities requiring a permit**

- 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, hangglider, 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
- 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(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand for personal use and collection restrictions**

All edible fruits, berries and/or nuts may be gathered by hand for personal use or consumption in reasonable amounts not to exceed two quarts per person per day.

### **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.

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

Pets may be left unattended on park grounds for a brief period of time, not to exceed fifteen minutes. Unattended pets must be restrained. Pets may be briefly leashed to a sign post or porch post, provided they do not disturb other park visitors, restrict access or obstruct roads or walkways. Unattended pets may remain in personal vehicles in a park parking lot a maximum of four hours, provided the vehicle has adequate ventilation and the pet does not make an unreasonable amount of noise.

### **2.15(a)(5) Pet excrement disposal conditions**

Pet owners must properly dispose of pet excrement deposited in the park. All excrement must be removed from park trails and grounds. Owners may dispose of excrement in covered waste cans provided throughout the park.

*This requirement is intended to keep commonly visited areas sanitary.*

### **2.18(c) Snowmobiles: designated areas for use**

No areas designated for snowmachine use.  
Superseded by 43 CFR 36.11(c).

### **2.21 Smoking**

All park offices and visitor facilities are closed to smoking.  
Smoking is also prohibited within 100 feet of these office and facilities including the park fuel storage facility.

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

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

The consumption of an alcoholic beverage and/or the possession of an open bottle, can or other receptacle containing an alcoholic beverage in the park is prohibited.

*Consumption of an alcoholic beverage and/or the possession of an open container of an alcoholic beverage is inappropriate considering other uses of the location and the purposes for which the park is maintained and established.*

### **2.51 First Amendment Demonstrations**

Sitka National Historical Park has designated a location at the top of the serpentine walkway and next to the upper parking lot as an area for First Amendment demonstrations, distribution, or selling of printed matter. Groups of 25 people or smaller are not required to obtain a permit for these First Amendment activities but are required to remain within the designated demonstration area.

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

Sitka National Historical Park has designated a location at the top of the serpentine walkway and next to the upper parking lot as an area for First Amendment demonstrations, distribution, or selling of printed matter. Printed matter is limited to message-bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising.

Groups of 25 people or smaller are not required to obtain a permit for these First Amendment activities but are required to remain within the designated demonstration area.

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

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

**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.*

**3.16 Swimming and wading: areas designated as closed**

No areas designated as closed to swimming. All areas of the park are closed to bathing.

**PART 4. VEHICLES AND TRAFFIC SAFETY**

**4.31 Hitchhiking: designated areas**

All areas are open to hitchhiking.

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

**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.*

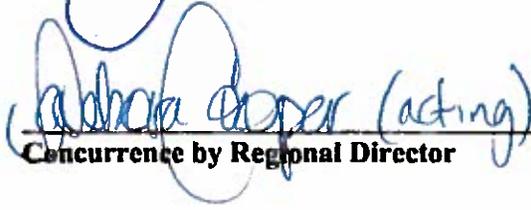
**This compendium is approved and rescinds all previous compendiums issued for Sitka National Historical Park.**



**Superintendent**

3/16/15

**Date**



**Concurrence by Regional Director**

3.11.15

**Date**

**Attachments: 1.5 Launching, landing, or operating unmanned aircraft on NPS lands and waters administered by the NPS**

## 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 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 Sitka National Historical 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.

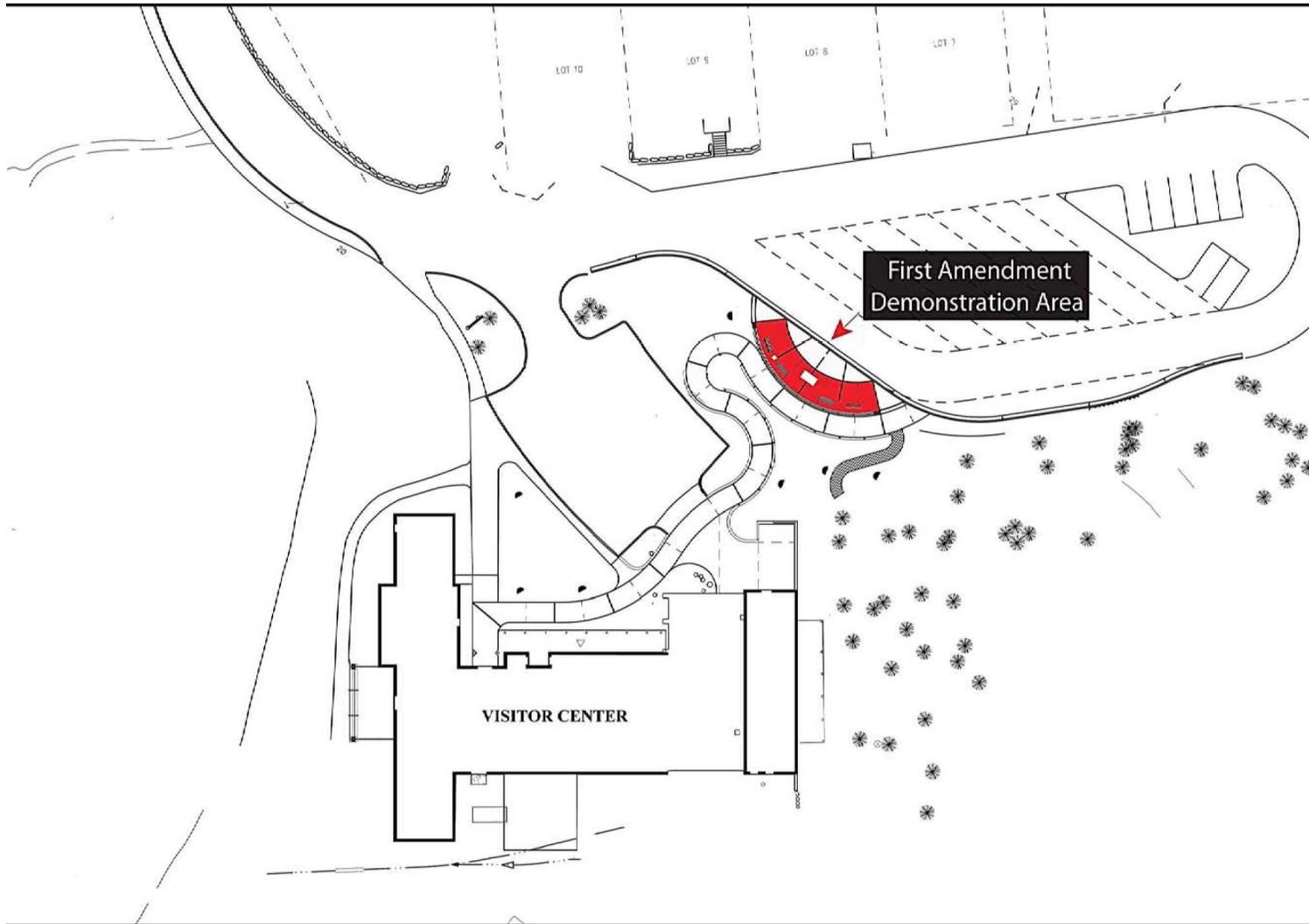
The reasons for this restriction are as follows:

- 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 primary purposes of Sitka National Historical Park are to preserve and interpret
  - The last major resistance of native Alaskans to Russian Colonization
  - The 1804 battleground and Tlingit fort

- The site of the former Kiks.adi village
  - Numerous totem poles collected and first displayed in 1910
- 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.



SITKA NATIONAL HISTORICAL PARK VISITOR CENTER

