

**PREAMBLE
TO THE
SUPERINTENDENT’S COMPENDIUM
2013**

**KATMAI NATIONAL PARK AND PRESERVE
ANIACHAK NATIONAL MONUMENT AND PRESERVE
ALAGNAK WILD RIVER**

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

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

The NPS is adopting the restrictions as published on taking brown bears, black bears, wolves, and coyotes in several preserves. Between December 2012 and January 2013, the NPS held seven public hearings in various locations in or near the affected NPS units. These hearings were attended by nearly 75 people. Of those, roughly the same number of participants opposed as supported NPS restrictions.

In addition to the hearings, over 59,000 timely written comments were received on the wildlife related restrictions. Of the comments received, the majority were email form letters, many of which were personalized by individuals who added comments or modified the message. Of the comments received, roughly a dozen commenters opposed the proposed restrictions. Below is a summary and response to the substantive comments received. They are organized by subject: process, authority, determination of need/justification, comments relating to all species, and species specific comments.

While the NPS recognizes that the State provides for multiple types of wildlife take, including subsistence and personal use for all Alaskans; for the purposes of this document, when the term “subsistence” is used, it refers to “subsistence uses” by rural residents only, as defined by Title VIII of ANILCA and administered by the Federal Subsistence Board (FSB).

I. Process

The State objects to the wildlife related compendium provisions saying that they are being adopted “without process, explanation, or justification.” State and FSB regulations are usually adopted following one public meeting. The Service held seven in-state hearings and several

smaller meetings, issued several press releases on the subject, used social media to hold two online meetings, and took written comment prior to adoption. These efforts generated approximately 59,000 comments.

Most comments received asked for formal rulemaking to permanently place the restrictions in the CFR. While this may be appropriate in some situations generally wildlife management requires periodic management actions. The process of managing wildlife resources according to legal and policy framework can require use of emergency, temporary, or permanent closures or restrictions, not always in that order. Even when the action implements a long-term objective, short-term circumstances may change, precluding publication in the CFR.

The NPS remains committed to managing park resources and values in a way that avoids unnecessary interference with State management of wildlife resources. The vast majority of State general hunting regulations remain applicable in the preserves.

The NPS has consulted with the State of Alaska, including through the Board of Game (BOG) process, and requested the State to exempt NPS Preserves from these authorizations. The NPS prefers a State regulatory solution to this conflict rather than annual restrictions or permanent closure or restrictions. Using the temporary closure process affords the State the opportunity to resolve the conflict in lieu of a Federal rulemaking. If that were to happen, the NPS would not need to act.

Two commenters suggested a longer comment period to accommodate advisory committees. The compendiums for Alaska park areas are updated on an annual cycle. Comments are welcome at any time throughout the year. The comment deadline only relates to which annual cycle the comment will be considered. For example, the NPS received a comment on February 19, 2013. This comment will be considered during the 2014 compendium cycle.

Roughly three comments contend these restrictions are highly controversial and as such must be published as rulemaking in the Federal Register under 36 CFR 1.5(b). Even if these three restrictions or the State allowances on which they are based are highly controversial, NPS-Alaska specific regulations modify general NPS regulations by applying the requirements of 36 CFR 13.50 to closures or restrictions to taking wildlife. Section 13.50 does not address controversy as a criterion for restrictions.

The State, Citizens' Advisory Committee on Federal Areas (CACFA), and Alaska Professional Hunters Association (APHA) suggested additional hearings were warranted, including in each resident zone community. The NPS does not agree that additional hearings were warranted. The NPS values broad public involvement and must balance that with the responsibility to be good stewards of taxpayer dollars. It would not be a responsible use of taxpayer dollars to conduct hearings in each of the 50+ resident zone communities. The regulations require notice and hearings in the "affected vicinity." The NPS held at least one hearing near each affected Preserve. The NPS also invited written comments, held informal meetings with interested persons, and employed social media to reach a broad audience in Alaska and elsewhere. We note the proposed compendiums generated thousands of written comments, and are not convinced the public is more likely to attend a hearing or meeting than provide written comment.

We also note that the online meetings hosted by NPS generated interest by more than 30 individuals—1/2 the number of individuals reached in all seven hearings combined—and didn't spend any taxpayer dollars on travel.

CACFA objected to the NPS decision to hold hearings prior to publishing the proposed compendium. NPS regulations provide that a hearing be held in the affected vicinity prior to adopting restrictions on taking fish or wildlife. That requirement was met as discussed above. The NPS issued press releases prior to the hearings that discussed the NPS proposed restrictions. Holding the hearings prior to the publishing the proposed compendiums allowed the Service to use that input to craft the determinations of need as well as provided the public with two opportunities for input on the proposals. Accordingly, the NPS believes regulatory requirements were met and the public was informed.

The State commented that the NPS does not adequately use the BOG process. While there is not a legal requirement for NPS to use the BOG process, the comment is not accurate. For many years, the NPS has made proposals to the BOG and has provided numerous comments on proposals affecting NPS areas. It is well documented that the BOG and FSB processes are used for nearly all wildlife harvest regulation in NPS areas. The wildlife provisions listed in the compendium are a tiny fraction of—and a last resort—for actions relating to NPS areas. Disagreement is not the same as failing to listen to or respect others' views. The NPS is following the legal and policy framework applicable to NPS areas.

One person described the compendium process as a “frivolous administrative burden” and a contradiction of the cooperative intent of the Master Memorandum of Understanding (MMOU) with the Alaska Department of Fish and Game. The compendium is a longstanding system-wide process for individual parks to list local rules adopted under discretionary authority. The NPS disagrees with the notion that such action is inconsistent with the MMOU with ADFG. Under this MMOU, the “National Park Service areas were established, in part, to ‘assure continuation of the natural process of biological succession’ and ‘to maintain the environmental integrity of the natural features found in them.’” In the MMOU, the NPS agrees to recognize the State as the “agency with the primary responsibility to manage fish and resident wildlife” and “utilize the State’s regulatory process to the maximum extent . . . when proposing changes in existing State regulations governing or affecting that taking of fish and wildlife on Service lands. . . .” Likewise, the state agrees in the MMOU to recognize the Service’s “responsibility to conserve fish and wildlife and their habitat and regulate human use on Service lands in Alaska.”

The State suggests that an analysis is required under section 810 of the Alaska National Interest Lands Conservation Act (ANILCA). The NPS does not believe this is the case. Section 810 is triggered by an action to “withdraw, reserve, lease or otherwise permit the use” of public lands. The NPS is not proposing a use; rather the Service is prohibiting a use authorized by the state.

II. Authority

One individual commented that the practices being prohibited by the NPS are inconsistent with the legislative purposes of the NPS Preserves. It is the NPS’s interpretation of our legal and policy framework that guides our actions, as discussed in the determination of need.

The State commented that the relationship between the Organic Act, Redwoods Amendments, ANILCA, and NPS Management Policies are not clear. The Service believes this has been adequately explained on multiple occasions, including the determinations of need, written correspondence, in-person meetings, and other publicly available documents (including NPS Management Policies).

The NPS received comments from the State, CACFA, and the APHA questioning NPS authority to adopt and list restrictions in the compendium. This comment is without merit. The Service believes this has been adequately explained in these determinations of need as well as other publicly available documents.

The State comments that these restrictions are not authorized because ANILCA provides for consumptive uses of wildlife. While ANILCA authorizes the take of wildlife for sport and for subsistence uses by rural residents, it does not follow that all means, methods, seasons, or bag limits adopted by the State are appropriate in all portions of NPS Preserves. Such hunting and trapping activities must be consistent with the legal and policy framework for NPS areas. The State points to section 815 of ANILCA to support their argument that these provisions are not lawful. This section provides

Nothing in this title shall be construed as . . . authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law

By its own terms, section 815 states that *nothing in Title VIII (subsistence)* authorizes restrictions to nonsubsistence take of fish or wildlife unless for one of the four enumerated reasons. These restrictions are not based on Title VIII. They are based on the authorities of the NPS Organic Act and other laws applicable to the NPS, including their implementing regulations and established NPS policy. Also, the state comment ignores the last clause of this section that allows for restrictions based on “other applicable law,” as well as section 1313 of ANILCA which specifically speaks to the Secretary’s authority to restrict take for sport purposes for “public safety, administration, floral and faunal protection, or public use and enjoyment. . . .” In addition, ANILCA section 1314(c) reinforces that “the taking of fish and wildlife in conservation system units shall be carried out in accordance with the provisions of ANILCA and other applicable State and Federal law.” (emphasis added).

APHA argues that ANILCA allows the Secretary to close an area to hunting or prohibit hunting during a specific timeframe, but not adopt more limited restrictions on certain methods or seasons. It is not reasonable to conclude that Congress would provide the Secretary with authority to completely prohibit hunting in certain areas or at certain times but not allow for more limited restrictions. This is supported by the remaining language of 1313 which provides procedures for adopting “restrictions” as well as the legislative history cited by the State of Alaska regarding reasonable regulation of hunting: “Section 203 clarifies that such use of wildlife resources within areas designated by sections 201 and 202 as National Park Preserves shall continue subject to reasonable regulation, including the provisions of title VIII.” Senate

Report 96-413, page 168. The NPS has consistently implemented ANILCA in this fashion. See, e.g., 36 CFR §§ 13.40(d)(4), (e); 13.1202.

APHA argues that the NPS is using policy to preempt state law. The NPS agrees that policy does not preempt law. NPS Management Policies represent the Service's interpretation of the NPS Organic Act and other authorities and provide the park superintendents with direction on how to implement these statutes. When activities conflict with the legal and policy framework for NPS areas, such activities may be prohibited or restricted. That is the case here.

The State commented that the State has primary responsibility for managing wildlife in Alaska, including on most Federal lands. The NPS does not dispute the State's authority to manage wildlife. However, under Federal law, the NPS also has a responsibility to manage wildlife on NPS lands. The NPS does not interpret ANILCA to provide "exclusive Federal control" over wildlife in preserves. The NPS recognizes the State as the primary entity responsible for managing sport hunting (other than under Title VIII) in NPS preserves. However, state regulations must be consistent with the legal framework applicable to NPS areas. In the event such regulations are not consistent with management of park areas, the NPS may adopt reasonable regulations in order to fulfill responsibilities for managing NPS areas. It is important to note that hundreds of state hunting provisions are applicable in NPS preserves, and these will remain applicable in NPS preserves. Only a few State regulations have been determined to be in conflict with the legal and policy framework for NPS areas.

The State comments that ANILCA allows for all types of hunting in NPS preserves. Congress authorized take for subsistence and for sport purposes. ANILCA section 1314(c) makes clear that while taking of wildlife is allowed, it must be carried out consistent with all other authorities applicable to the NPS.

III. Justification/determination of need

Many of the comments opposing the NPS restrictions made it apparent that some commenters either do not understand or acknowledge differences between state wildlife management objectives and NPS management objectives which are the basis for these restrictions. The state manages wildlife for "sustained yield" under the state constitution (Alaska Constitution, Article VIII, §4), defined by state statute as "the ability to support a high level of human harvest of game." A.S. 16.05.255(k)(5). State management is further guided by state statutes to "restore the abundance or productivity of identified big game prey populations as necessary to achieve human consumptive use goals. . . ." A.S. 16.05.255(e). Further, according to the state's written comments, state wildlife management actions are designed to "influence the reproduction and survival of [wildlife] populations."

The NPS manages neither for abundance nor sustained yield. Management actions designed to "support a high level of human harvest" are inconsistent with the legal and policy framework for NPS areas. Wildlife stewardship on National Park Service managed lands in Alaska is to maintain natural processes, provide for subsistence opportunity by rural residents, and allow taking of wildlife for sport in preserves as provided by ANILCA. The NPS must balance consumptive uses of wildlife with other uses and values, as more fully discussed in the determinations of need

Among those opposing the NPS restrictions, several comments took the position that a population viability concern is requisite for NPS action and that scientific data must show impairment or an adverse impact to resources. In a similar vein, several comments suggest that harvest attributable to new state sanctioned methods or extended seasons is negligible or nonexistent and consequently the restrictions are not addressing a biological concern. The presumption of these commenters that a biological population concern is necessary for NPS action is not accurate.

Under Federal law and policy applicable in NPS units, the underlying objective in managing park lands extends beyond maintaining a viable population. NPS Management Policies call for the conservation of natural abundance, behavior, distribution, and ecological integrity of native wildlife species (*see* NPS Management Policies § 4.4.1). While harvest under these new methods may be limited, the NPS must view authorizations cumulatively. Increasingly, State authorizations seek to manipulate populations in the interest of reallocating prey from predators to humans, a practice which is outside the legal and policy framework applicable to NPS areas.

The NPS agrees with the sentiment behind the comments calling for more data, however the absence of data does not preclude the NPS from taking action to protect resources and values of parks. The NPS is not required to host population manipulation or other management activities designed to encourage abundance of favored species. The NPS operates under a precautionary principle, which means until an action is shown *not* to disrupt naturally-occurring populations or naturally-occurring ecological processes, those actions are not to be authorized on NPS areas. NPS Management Policies articulate the Service's expectations of managers to avoid impairment (NPS Management Policies §§ 1.4.7, 1.4.7.1, 1.5). Thus, for those commenters who expect the Service to prove impairment, this is a misinterpretation of NPS management guidance.

The State argues there is no link between State regulations and potential impact to park values or resources. The Service believes the link between state regulations and the NPS actions has been adequately explained in the determinations of need as well as responses to the State's comments in previous years. Similarly, rather than the NPS showing specific cause and effect relationships between state authorizations and possible impairment, the burden of proof lies with the ability to prove that there is no possibility of new or additional state authorizations disrupting naturally-functioning ecosystem processes (*see* NPS Management Policies §§ 1.4.7, 1.4.7.1, 1.5). In fact, it is the frequent changing of state authorizations that compels NPS to consider temporary restrictions on an as-needed basis rather than immediately initiating rulemaking.

The State notes that predator control was conducted many decades ago in McKinley Park and suggests predator control is necessarily appropriate in NPS areas. Such practices causing deviation from naturally-functioning ecosystems were repudiated by the NPS long ago as being inconsistent with the standards to which national park areas are to be managed. Since that time, the fields of wildlife ecology, conservation biology, conservation genetics, nutrient flow, etc. have advanced tremendously. Some practices thought to be sound in the past are simply no longer regarded as such by the NPS. Similarly, the State asked the NPS to explain how prescribed burns in NPS areas are consistent with natural processes while predator control is not. The NPS appreciates the opportunity to clarify this point. The goal of prescribed burns in remote

areas is to restore a naturally functioning ecosystem following decades of fire suppression. This is counter to management activities (e.g., predator control, habitat manipulation) designed to benefit harvest opportunities of one native wildlife species at the expense of another.

The State claims that the allowances at issue here do not constitute predator control or are not likely to have that effect. Transcripts from BOG meetings reflect frequent and consistent discussions as to whether the take of brown bears over bait, longer seasons on coyotes or longer seasons on wolves would help elevate the survival rate of moose or caribou calves. As acknowledged by the state, such actions are designed to “influence” populations. Whether labeled predator control, intensive management, abundance-based management or another term, the practical effects of manipulating one population to affect another are contrary to the NPS legal and policy framework as discussed in the determinations of need.

The State comments that it is not clear what “natural” means in the context of preserving natural processes. The State suggests that the National Park Service considers any human influence to be “unnatural.” The NPS recognizes that virtually every form of human activity that occurs within a park area has some degree of effect on park resources or values (*see* NPS Management Policies § 1.4.7.1). This does not mean that use must be disallowed. Rather, uses are examined in context of their impact, or potential impact, on park resources and values (*see* NPS Management Policies § 1.5). Federal regulations recognize subsistence use as a part of the ecosystem (*see* 50 CFR 100.4). The NPS agrees that it would be helpful to develop a common vision of what “natural” wildlife populations in NPS areas would look like. Consistent with the State’s recommendation, the NPS recently held a workshop and invited ADFG and other partners to participate. ADFG declined to attend. The State also suggests defining the term “natural” quantitatively. The term “natural” in NPS areas is defined by policy rather than population biology, and therefore calls for a qualitative rather than quantitative definition. Such numerical metrics would not take into account other uses or values related to wildlife or the varying conditions and legislative purposes between NPS units.

One person commented that the NPS should “dedicate itself to real conservation efforts that are positive for Alaska wildlife populations and the Alaskans who depend on them[.]” The NPS agrees with this comment and also notes that NPS lands must be conserved for all Americans and future generations.

IV. General comments for all species

General comments were received from all over the country, including Alaska. Over 59,000 comments objected to recent state-sanctioned practices as being inconsistent with generally accepted hunting practices. These commenters described these activities as “not sustainable,” “cruel,” “barbaric,” “unsporting,” “unethical,” “inconsistent with fair chase,” and “danger[ous] to humans and wildlife.” Additional comments were also received in support of the NPS position that intensive management of wildlife is not appropriate in NPS Preserves.

The NPS received several comments requesting further restrictions on hunting, including making the provisions permanent as well as prohibiting: all take, all sport take, all baiting, snaring bears and wolves, take during breeding/nurturing seasons for all predator species, hunting

wolves/coyotes year round, using poison or gas, and protecting wildlife on lands adjacent to NPS areas. These comments are outside the scope of the NPS proposed action.

Another comment suggested that hunting activities that are “not sporting or not consistent with fair chase should be prohibited.” As articulated in rulemaking concerning the same day airborne take of game in national preserves in Alaska; the NPS interprets sport hunting as being consistent with the principles of fair chase.

A couple commenters state that the NPS restrictions limit subsistence. While Federally qualified subsistence users may also take wildlife under applicable state regulations, these restrictions do not override current Federal subsistence regulations. In the event that a Federally qualified subsistence user desires an additional practice to be authorized, proposals may be made to the FSB.

The NPS received several comments on predator-prey distribution. A few commenters expressed the view that by adopting these restrictions, the NPS is favoring predators. One commenter stated that predator-prey ratios should be determined by nature. Another individual commented that current levels of biodiversity should be preserved. Another individual implied that by permitting these state allowances to occur in preserves, the NPS preserves would be essentially private hunting areas. Under the NPS legal and policy framework, natural processes, including natural integrity, abundance, distribution, and diversity of native species is protected. It is outside of NPS legal and policy framework to reallocate prey species from predators to humans; nor is the NPS charged with managing to “support a high level of human harvest.”

A few commenters objected to NPS wildlife management while other comments suggested the Department of the Interior should be more involved in wildlife management. The NPS believes the current legal framework provides the proper balance for wildlife management.

The NPS received a number of comments objecting to state wildlife management practices with respect to predators and general state wildlife goals/priorities. While the NPS is responding to recent state authorizations for taking wildlife by adopting restrictions for the affected preserves, it is not appropriate for the NPS to respond to comments on the State’s policies. The proper venue to address these concerns is with the State of Alaska.

V. Species specific comments

Wolves/Coyotes

The Eastern Interior Regional Advisory Council asserted that coyotes were not in the area previously. The NPS agrees that the range and extent of coyotes in Alaska has expanded and retreated over the decades. While coyotes may have been sparsely distributed in the State of Alaska, evidence of the existence of coyotes prior to Russian or European settlement has been found in several instances. For this reason, the NPS does not treat coyotes as an invasive or introduced species.

APHA commented that the NPS is not legally permitted to comment on the value of wolf or coyote pelts. This claim is baseless. NPS knows of no statutory authority prohibiting the agency from assessing a resource. Others asserted that pelts always have some value, even if to a trophy

hunter or for other subsistence-related uses, thus harvest when pelts are not prime is acceptable. As stated in the determination of need, the restrictions will result in no harvest during the period when wolves and coyotes are denning and raising offspring and their pelts have little trophy or economic value. Similarly, the season dates in this compendium are largely consistent with long-standing State and Federal season dates, thus there is little to no opportunity lost relative to recent years.

The Alaska Wildlife Alliance requested that wolf take be ended in Denali until populations rebound. Many others asserted that stronger protection of wolves is called for or that hunting and trapping seasons should be shortened or eliminated in park areas. The NPS supports sport and Title VIII subsistence harvest as authorized by ANILCA. If the population of wolves in Denali National Park & Preserve continues to decline, the NPS may consider management actions.

13.50 Temporary Closures and Restrictions

The State and CACFA restated their objection to the NPS interpretation of regulations regarding closures. The Service believes this has been adequately explained on multiple occasions, including in-person meetings and the 2010 Final Compendiums (see, e.g., Preamble, 2010 Final Compendium for Denali National Park and Preserve).

13.1238 Brooks Camp Developed Area (BCDA): Picnicking

One individual commented on the adjustment to picnicking within the Brooks Camp Developed Area as proposed in section 13.1238. Concern was expressed on the designation of more than one site within employee housing for picnicking, the current availability of other designated picnic sites and the effectiveness of the fence surrounding concession housing. The NPS recognizes the regulatory language in 13.1238 of “a site” within employee housing but also recognizes that there are 3 separate housing areas within the BCDA; NPS on the south side, NPS on the north side, and Concessions on the north side. The designation of “a site” in each employee housing area has thus been authorized and is not a relaxation of existing regulatory language.

While designated public picnic facilities exist on both the north and south sides of the BCDA, these sites are small in size and the NPS feels that use by staff and residents should not compete with or inhibit their primary purpose as facilities for the visiting public. Only the consumption of food is being allowed pursuant to this designation; food may not be prepared in any of the 3 identified employee housing areas. In regards to the concession fencing, it has been modified and will be maintained to the standard of other existing NPS fencing such as that located at the Brooks Camp Campground.

13.1242 Brooks Camp Developed Area (BCDA): Closures and Restrictions

Based on additional review, this proposed change has been removed for further study before recommendations are made regarding cooking over fires and use of non-extinguishable flame sources in designated picnic areas. Continued use and development of Best Practices regarding these activities within the BCDA will occur during the 2013 season.

**KATMAI NATIONAL PARK AND PRESERVE
ANIACHAK NATIONAL MONUMENT AND PRESERVE
ALAGNAK WILD RIVER**

Compendium 2013

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 Katmai National Park and Preserve, PO Box 7, King Salmon, Alaska 99613 at (907) 246-3305 for questions relating to information provided in this compendium.*

For the purpose of this compendium, the term "parks," "park areas," or "park units" will refer to Katmai National Park and Preserve, Aniakchak National Monument and Preserve, and the Alagnak Wild River. The regulations contained within this compendium apply to all of these areas unless otherwise specified.

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

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

1.6(f) Compilation of activities requiring a permit

- 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)
- Using designated fee areas or facilities, 2.23(b)
- 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
- Motorized use of the Valley of Ten Thousand Smokes Road, 4.11(a)
- Use of the Lake Camp launching facilities/roadway by trailers over 50' in length, 4.11(a)
- 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
- Using aircraft access for subsistence activities in the Monument, 13.450(a), 13.450(b)(1)
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.485(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

Dead and downed wood may be collected for use as fuel for campfires within the former Katmai National Monument; however, no wood may be collected from historic structures or cabins. This would include the wood used to construct cabins or other historic structures such as caches or racks, and wooden furnishings, artifacts or other historic items.

Superseded by 13.35(c)(4), (d) and 13.485(b) in the 1980 ANILCA Preserve and Park additions.

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

In the former Katmai National Monument, all edible fruits, berries, nuts and unoccupied seashells may be gathered by hand for personal use or consumption.

For allowances in all other 1980 ANILCA park additions and Preserve lands, reference 13.35(c)(1) 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 bait fishing, except the Naknek River where bait may be used in accordance with state law pursuant to 13.1202(a).

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

All areas open to fishing from motor road bridges and public boat docks except the floating bridge in the Brooks Camp Developed Area.

The floating bridge at Brooks Camp is the primary travel route between visitor services provided at Brooks Camp and the viewing platforms along the river. For the safety of visitors no fishing from the bridge will be allowed.

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, 13.1222.

2.10(d) Food storage: designated areas and methods

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

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

(2) Throughout the park, all food and beverages, food and beverage containers, garbage, harvested fish and equipment used to cook or store food must be stored in a bear resistant container (BRC) or secured—

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft
- 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; or
- 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.

Note: This provision does not apply to:

- Legally taken game.
- Food that is being transported, consumed, or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.

The intent of these designations is to prevent the food conditioning of bears and other wildlife by not allowing bears to associate people with food; thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park offers bear resistant containers for temporary use to the public. The containers are free of charge and can be picked up at the park's visitor centers in King Salmon and Brooks Camp.

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

See also 13.1228 for requirements in the Brooks Camp Developed Area.

See attached Brooks Camp Developed Area Map.

2.11 Picnicking: designated areas

Superseded by 13.26.

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

Areas throughout the park are designated as open to fires with the exception of Lake Camp and the Brooks Camp Developed Area.

Fires in any location may not exceed 2 feet in diameter measured from the outside edge to outside edge and/or extend beyond the edge of established fire rings.

See also 13.1230 for Brooks Camp Developed Area, which restricts campfires to established receptacles.

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

Dumping of household, commercial, or industrial refuse brought into the park is prohibited.

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

No designated areas.

See 13.1232 for Brooks Camp Developed Area.

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

There are no areas designated.

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 "cat hole" 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 closed areas under 2.15. Pets must be leashed or physically restrained at all times.

The Brooks Camp Developed Area is closed to pets (including service animals) pursuant to 13.123.

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).

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.

2.21 Smoking

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area.

All boardwalks, platforms and viewing structures within the Brooks Camp Developed Area are closed to smoking.

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 as well as reduce user conflicts.

2.22 Property: leaving property unattended for longer than 24 hours

Superseded by 13.45, 13.1208, 13.1240.

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

No areas designated as closed.

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

No areas designated for use of fireworks.

2.51 First Amendment Demonstrations

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

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

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

2.60(a)(3) Designated areas for grazing

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit. Any feed brought in must be “weed-free.”

These restrictions seek to lessen the impact of extended camps on vegetation and minimize the risk of nonnative plant invasion.

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

Designated no-wake zones are established in the following areas:

1. Naknek Lake within 200 yards of Naknek Lake beach within the Brooks Camp Developed Area, as marked by white and red No Wake buoys.

3.12(a) Water skiing: designated waters

No designated waters.

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 designated routes or areas.

See also 43 CFR 36.11(g).

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

A permit is required for the use of any passenger vehicle with an 11-foot wheel base and trailer of more than 20-feet, or vehicle/trailer combination when the vehicle has over a 12-foot wheel base at the Lake Camp facility.

The Lake Camp access road and ramp were designed for a passenger vehicle with maximum 11-foot wheel base and trailer of no more than 20-feet. Any vehicle with a wheel base of over 12-feet will reportedly have trouble making the turn. Vehicle/trailer combinations beyond these specifications have proven to cause damage to the roadway and limit other public access while attempting to navigate the corners. Use by permit

only of vehicles and/or trailers exceeding the stated measurements allow the park to control the time, place and manner of use while ensuring resource protection, personal safety, and full public access to the boat launching facility.

A permit is required for motorized use of the Valley of Ten Thousand Smokes Road between April 1 and October 31.

The single vehicle road width, minimal visibility, limited communication and continued operation of contracted construction equipment makes private use of the road unsafe. Use by permit only allows the park control the time, place, and manner of use while ensuring the users safety.

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

Speed limit on the Valley of 10,000 Smokes Road is 25mph unless otherwise posted.

The reduced speed limit is for public safety. Pedestrians, bicyclists and wildlife often use the roadway and visibility is limited due to road design and vegetation.

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

Camping is prohibited in the core Hallo Bay Meadows as shown in Appendix C from April 1st through October 31st.

This restriction is intended to prevent conflicts with bears and visitors at prime feeding sites that attract bears and bear viewers while providing for overnight camping in the area.

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

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

Registered campers at the Brooks Camp Campground must break-down their camp and be checked out of the campground by 12:00 noon on their final day.

The purpose of this restriction is to ensure that campsites are available at a reasonable time for arriving campers.

See also 13.1222 for Brooks Camp Developed Area.

13.26 Picnicking-areas where prohibited or otherwise restricted

Picnicking is defined as the consumption or preparation of any food items (other than water). Food items include any substance intended for human consumption.

See 13.1238 for restrictions in Brooks Camp Developed Area.

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

No designated areas.

See 2.1(a)(4), (c)(1)-(3) for restrictions in the former Katmai National Monument.

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

See 2.1(a)(4), (c)(1)-(3) for restrictions in the former Katmai National Monument.

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

No closures or restrictions at present.

See 2.1(a)(4), (c)(1)-(3) for restrictions in the former Katmai National Monument.

13.40(e) Temporary closures 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 the Alagnak Wild River unit, Katmai National Preserve, and Aniakchak National Preserve.

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.

Only subsistence hunting and trapping by Federal qualified rural residents is authorized in Aniakchak National Monument pursuant to Federal subsistence regulations. Hunting and trapping are prohibited in Katmai National Park.

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

Leaving a boat, trailer, or vehicle unattended for more than 72 hours at the facilities associated with the Lake Camp launching ramp is prohibited without authorization from the Superintendent. Leaving a boat unattended at the Lake Camp dock is prohibited.

In addition to the places in the Brooks Camp Developed Area designated in 13.1240, personal property may be left unattended at the Brooks Lodge Office Porch.

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.

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

Fure's Cabin at the northeast corner of the "Bay of Islands" in the north arm of Naknek Lake is designated as a public use cabin.

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

The following conditions apply to Fure's cabin at the northeast corner of the "Bay of Islands" in the north arm of Naknek Lake:

- Use of the cabin site for specific administrative uses shall have priority over all unreserved public use when deemed necessary by the park superintendent.
- All use will be conducted for recreational activity by reservation through the King Salmon office.
- No commercial overnight use is permitted at the cabin.
- Reservations shall be made on a first-come first-served basis beginning no earlier than January 1 of each calendar year of the intended use.
- Use will be limited to groups no larger than six and the names of all group members shall be provided at the time a reservation is requested.
- Overnight stays are limited to no more than four consecutive nights and no more than seven nights a year.
- Use of the adjacent historic tower is not permitted.
- The use of a tent within the cleared area around the cabin is prohibited.
- Alterations to the structure, marring the surface of the wood logs, framing or other components of the cabin and surrounding structures is prohibited.
- All food and personal items brought to the cabin must be removed after use.

This requirement allows for equitable public use of Fure's Cabin.

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

All Park lands are closed to the use of ORVs. ORVs have not been determined to be “a means of surface transportation traditionally employed by local rural residents engaged in subsistence uses” in the park areas where subsistence use is allowed.

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

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

Cutting of timber for subsistence or any other purpose is not authorized in Katmai National Park. In all other areas, 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, ensure that natural biodegradation processes are unimpaired, and protect against over harvest.

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

Cutting of timber is not authorized in Katmai National Park. In all other areas, verbal or written permission from the Superintendent is required to cut live timber less than 3" in diameter, except as necessary to clear designated vehicle routes and airstrips.

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

KATMAI NATIONAL PARK AND PRESERVE SPECIAL REGULATIONS

13.1204 Traditional redfish fishery: conditions established by the Superintendent

Seasons and methods for the take of redfish (spawned-out sockeye salmon that have no significant commercial value) under this regulation will be set by the Alaska Department of Fish and Game as posted in the annual Subsistence and Personal Use Statewide Fishing Regulations booklet.

The take of redfish under this regulation is not considered subsistence use by the National Park Service. Only individuals that are local residents who are descendants of Katmai

residents who lived in the Naknek Lake and river drainage are allowed to take redfish under this regulation.

The Superintendent will develop and maintain a list of individuals who are “Local residents who are descendants of Katmai residents who lived in the Naknek Lake and River Drainage...” In developing and maintaining the list the Superintendent will:

- Consult with and review records provided by June 1st each year by the Naknek Native Village Council, South Naknek Village Council and King Salmon Tribe Council.
- Consider other information and documents provided by individuals and entities relevant to where an individual’s ancestors resided and whether the individual is currently a local resident. Factors to be considered in determining whether an individual is a local resident may include, but are not limited to, the permanent address indicated on licenses issued by the State of Alaska Department of Fish and Game, driver's license, and tax returns, and the location of registration to vote.

13.1206 Wildlife distance conditions

There are three bear viewing structures: the platforms at the mouth of the Brooks River, the Falls and the Riffles.

The Falls and Riffles bear viewing platforms and boardwalks are closed from 10 pm to 7 am during the period June 15 through August 15. Entering or going upon these platforms and boardwalks during these hours is prohibited.

A schedule of visiting hours is required per the Finding of No Significant Impact for the Brooks River-Bear Viewing Facility. The schedule is intended to provide bears access to Brooks Falls and vicinity during the predictable period of time in which the general public is absent from viewing structures.

Within the area designated as Geographic Harbor, at the outlet of Geographic Creek, wildlife viewing within 50 yards of a bear utilizing a concentrated food source may only occur from the designated site at the outlet of Geographic Creek, under the limits of the following protocol which applies from April 1 through October 31:

1. All viewers must consistently utilize the same identified site (see Maps-C and D)
2. No food is allowed at the viewing site (except water).
3. No camping is allowed at the viewing site.

13.1222(a) Brooks Camp Developed Area (BCDA): designated camping areas

Camping is authorized at the Brooks Camp Campground only.

13.1226 Brooks Camp Developed Area (BCDA): designated route through Brooks Falls closure

A map showing the designated route is available at the Brooks Camp Visitor Center.

13.1228 Brooks Camp Developed Area (BCDA): designated facilities and conditions for food storage

All fish caught and retained within the BCDA must be immediately placed in a plastic bag (available at the Brooks Camp Visitor Center) and carried directly to the Fish Freezing building located adjacent to the Brooks Lodge Office. This includes fish caught below the bridge in the Brooks River, along the Naknek Lake beach and at the Beaver Pond.

General food storage facilities are provided at Brooks Campground, Lake Brooks, and Naknek Lake.

13.1232 Brooks Camp Developed Area (BCDA): designated areas for washing dishes or cooking utensils

Washing dishes or cooking utensils at locations other than the water spigot near the food cache in the Brooks Campground or other designated areas is prohibited.

13.1238 Brooks Camp Developed Area (BCDA): designated area in employee housing for picnicking

For purposes of this section, picnicking is defined as the consumption or preparation of any food items (other than water) outside of established buildings. Food items include any substance intended for human consumption.

At the Lake Brooks Housing area, the outdoor propane grill between housing units BL1 and BL2 may be utilized by park staff to prepare food.

On the attached porches of cabins BL1 and BL2, as well as the decking between tent frames BRT3 and BRT4 food may be consumed.

On the attached porches of cabins located within the fenced area of the Tuckerville concession employee housing area, food may be consumed.

At no time may food preparation or consumption occur in any other exterior location. Food and/or drinks may not be left unattended for any length of time, even in designated locations.

13.1240 Brooks Camp Developed Area (BCDA): designated equipment caches for leaving property unattended

Brooks Camp Developed Area

Leaving property, other than motorboats and planes unattended for any length of time within the BCDA is prohibited. This prohibition includes unsecured items within open and accessible areas of motorboats and planes.

Property may be left secured and unattended at the Brooks Lodge Porch, Brooks Campground, or designated equipment caches at the Brooks Camp Visitor Center and

Lake Brooks Picnic Area. The Brooks Lodge Office is also designated as an area where property may be left unattended pursuant to section 13.45(c).

13.1242 Brooks Camp Developed Area (BCDA): closures and restrictions

No closures and restrictions.

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

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

No closures at present.

See also 2.18.

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 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 issued for Katmai National Park and Preserve, Aniakchak National Monument and Preserve, and the Alagnak Wild River.

Eric H. Weach *March 7, 2013*

Superintendent **Date**

Ann G. Masie *4/2/13*

Concurrence by Regional Director **Date**

- Attachments:
- 2.10 Food Storage Determination
 - 3.14(a) Conditions for removing sunken, grounded, or disabled vessels
 - 13.25 Camping Closure Determination
 - 2.13 Determination of Need for Opening of Park Areas to Fires
 - 4.11(a) Load weight and size limits: permit requirements and restrictive conditions
 - 4.11(a) Load weight and size limits: permit requirements and restrictive conditions
 - 13.25(a) Temporary closures and restrictions to camping
 - 13.26 Picnicking-areas where prohibited or otherwise restricted
 - Map – A: Brooks Camp Developed Area Map
 - Map – B: Hallo Bay Seasonal Camping Closure Map
 - Map – C: Geographic Harbor Topographical Map
 - Map – D: Geographic Harbor Aerial Photo Map
 - Wildlife distance conditions—viewing protocol for Geographic Harbor
 - 13.1238 BCDA: Designated areas in BCDA employee housing for picnicking
 - 13.40 Temporary restrictions on taking wolves and coyotes

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

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, §§ 1.5(c) and 2.10(d), the Superintendent of Katmai 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, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
7. Due to the transfer of knowledge from sows to cubs and the long life span of individual bears, young bears exposed to human foods may display unnatural and unacceptable behavior for decades.
8. Bears which become conditioned to human food are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
9. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

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

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

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

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

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

Subject: Backcountry Camping

Pursuant to Title 36 of the Code of Federal Regulations, §§13.25 and 13.50(d), the Superintendent of Katmai National Park and Preserve has determined that the core area of Hallo Bay Meadows must be closed to camping from April through October to prevent conflicts with bears and visitors at prime feeding sites that attract bears and bear viewers.

The reasons for this restriction are as follows:

1. There is an increasing demand, and corresponding increase in visitation, to view bears in Hallo Bay Meadows.
2. Hallo Bay Meadows is the preferred camping location for bear viewers as it is a primary access point for visitors arriving by boats and floatplanes.
3. Bears heavily use this area to feed on fish, clams and sedges during this specific time frame.
4. To minimize displacement of bears from these critical feeding sites, prevent user group conflicts, and reduce bear/human confrontations in camp situations.
5. The park lacks appropriate resources to establish designated sites or a registration system for this area.

The *managerial result* of this restriction is as follows:

1. The area closed to camping will be limited to the core meadow areas.
2. The duration of the closure will be from April 1st to October 31st.
3. The closure will be established in a manner that makes camping areas available on the periphery of the meadows and near primary access points providing reasonable access for day use by campers.
4. Other management options were considered including camping by permit or registration only, designated sites, and management zones; however, they were found to be more restrictive than necessary to achieve the stated purpose.

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 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: Fires: designated areas and conditions

Pursuant to Title 36 of the Code of Federal Regulations, and 2.13(a)(1) the Superintendent of Katmai National Park and Preserve has determined:

Areas throughout the park are designated as open to fires may not exceed 2 feet in diameter.

The reasons for this designation are as follows:

- The park recognizes that the construction and use of personal campfires is common to backcountry travel within Katmai National Park and Preserve.
- The park wishes to make the lighting and/or maintaining of personal campfires an authorized practice within the designated size limits of not more than 2 feet in diameter.
- The park areas of Lake Camp and the BCDA will remain closed to fires except as provided for in designated receptacles.

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

- The threat of wildfires is generally not a significant concern based on the vegetation types and weather patterns commonly found in the area.
- The building and maintaining of fires in parks areas has been occurring for a long time and impacts have been found.
- Restrictions on the allowed size of fires will provide an increased level of protection to park resources and decrease the burn damage to organic soils.
- Continued restrictions at Lake Camp and the BCDA provide for the continued protection of park residents and visitors as well as both park visitor and business facilities.

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

Subject: Fires: Load weight and size limits: permit requirements and restrictive conditions

Pursuant to Title 36 of the Code of Federal Regulations, 4.11(a) the Superintendent of Katmai National Park and Preserve has determined:

A permit is required for the use of any passenger vehicle with an 11-foot wheel base and trailer of more than 20-feet, or vehicle/trailer combination when the vehicle has over a 12-foot wheel base at the Lake Camp facility.

The reason for this restriction is as follows:

- The Lake Camp access road and ramp were designed for a passenger vehicle with maximum 11-foot wheel base and trailer of no more than 20-feet. Any vehicle with a wheel base of over 12-feet will reportedly have trouble making the turn. Vehicle/trailer combinations beyond these specifications have proven to cause damage to the roadway and limit other public access while attempting to navigate the corners.

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

- Uses of these facilities by larger vehicles/trailers have caused damage in prior occasions. A permit for vehicles and/or trailers exceeding the stated measurements allow the park to assist individuals with launching and trailering boats while ensuring resource protection, personal safety, and full public access to the boat launching facility.

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

Subject: Load weight and size limits: permit requirements and restrictive conditions

Pursuant to Title 36 of the Code of Federal Regulations 4.11(a) the Superintendent of Katmai National Park and Preserve has determined:

A permit is required for motorized non-government use of the Valley of Ten Thousand Smokes Road between April 1 and October 31.

The reason for this restriction is as follows:

- The single vehicle road width, minimal visibility, nonexistent communication and continued operation of contracted construction equipment make private use of the road unsafe.

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

- Unrestricted, non-government motor vehicle use is not safe due to narrow road width, limited visibility, and construction activity.
- Use by permit only allows the park to control the time, place, and manner of use while ensuring the users safety.

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

Subject: Temporary closures and restrictions to camping

Pursuant to Title 36 of the Code of Federal Regulations 3.25(a) the Superintendent of Katmai National Park and Preserve has determined:

Camping is prohibited in the core Hallo Bay Meadows as shown in Appendix C from April 1st through October 31st.

The reasons for this restriction are as follows:

- This restriction is intended to prevent conflicts with bears and visitors at prime feeding sites that attract bears and bear viewers while providing for overnight camping in the area.
- Primary use of this area is by day-use visitors.
- Annual changes in vegetation growth times and food availability can affect when bears rely on the meadow area.
- Maintaining a regular area of overnight/extended human occupancy provides consistency to bears using the area and limits the spread of camping impact on vital meadow resources.

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

- Less restrictive dates do not account for changes in resource conditions or use by bear populations for critical food availability.
- Day use continues to make up the majority of visitation past mid-July when bears are still utilizing meadow resources. Camping outside of the meadow area continues to enhance viewing opportunities and limit injury to meadow habitat.

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

Subject: Picnicking-areas where prohibited or otherwise restricted

Pursuant to Title 36 of the Code of Federal Regulations 13.26 the Superintendent of Katmai National Park and Preserve has determined:

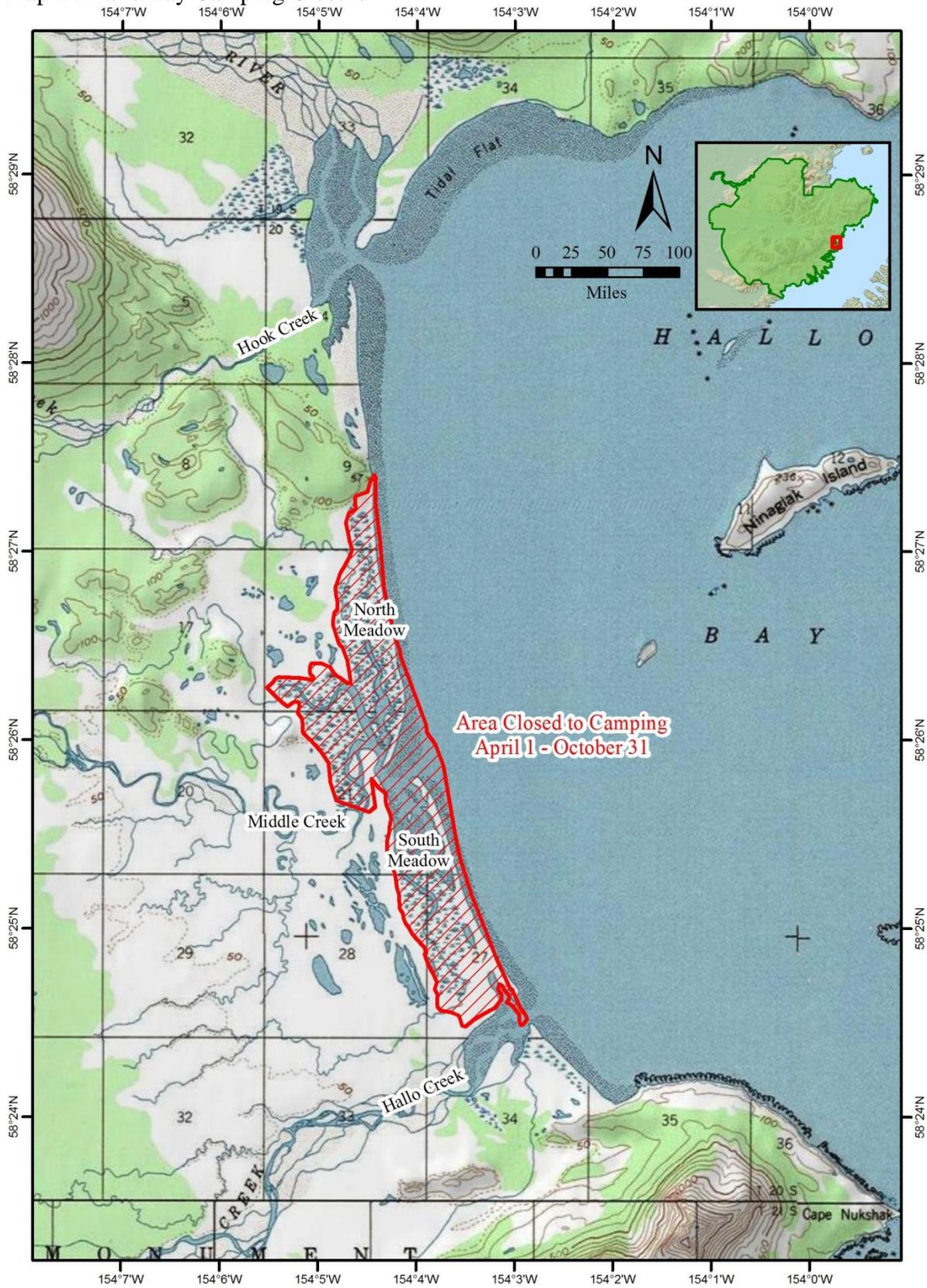
No restrictions at present. See 13.1238 for restrictions in Brooks Camp Developed Area.

Picnicking is defined as the consumption or preparation of any food items (other than water). Food items include any substance intended for human consumption.

The reasons for this clarification are as follows:

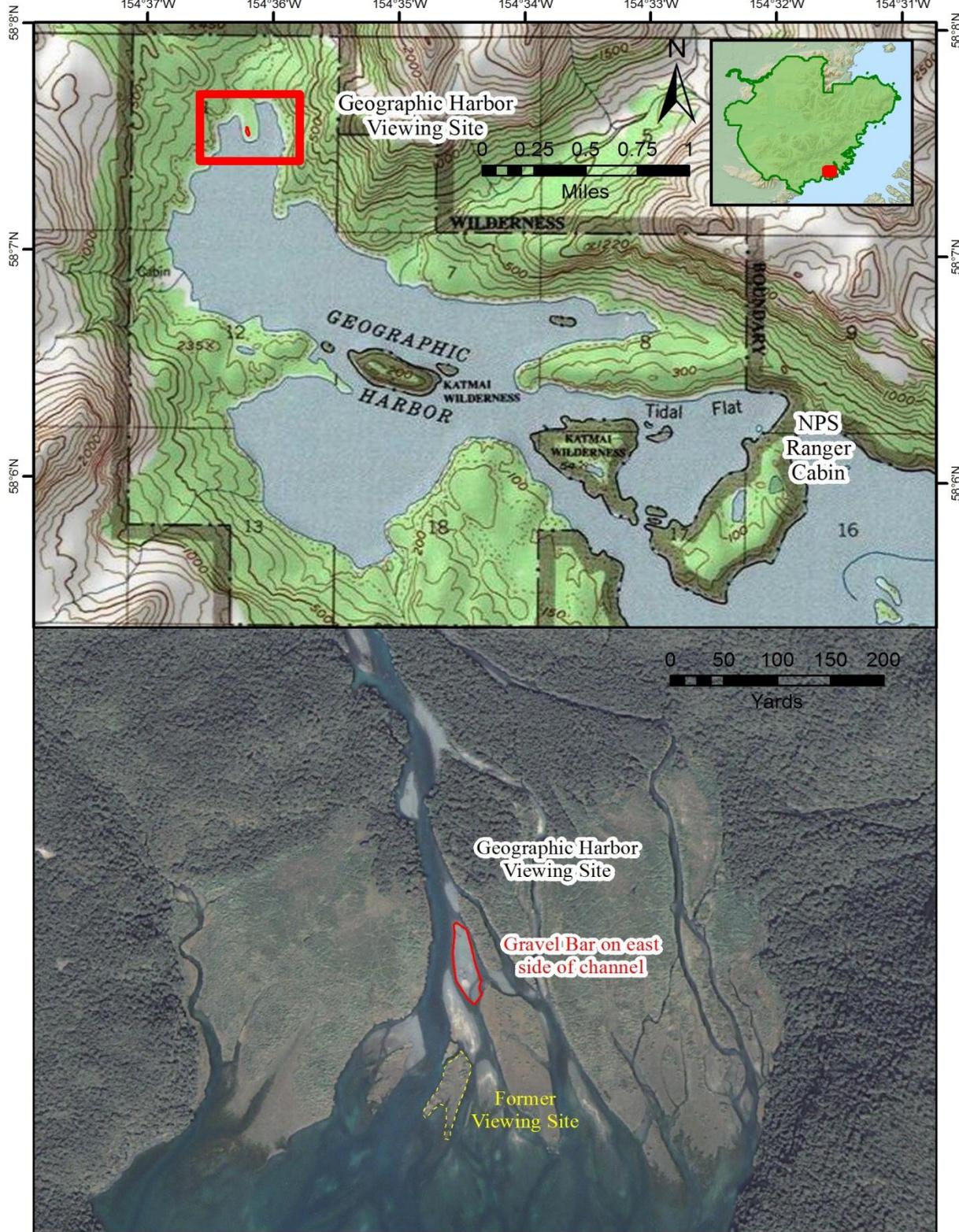
- Current regulations are written using the term “picnicking” which has varying definitions.
- Variations in definition do not allow for consistent understanding of the regulation by visitors and leads to inconsistent enforcement over time.
- Clarifying the term “picnicking” provides clarity to the regulation for all visitors, users and employees of the park.

Map-B: Hallo Bay Camping Closure



Map – C:

Red circle with text on lower map defines the viewing location subject to the Superintendent’s exception to 36 CFR 13.1206, being within 50 yards of a bear using a concentrated food source.



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

Subject: Wildlife Distance Conditions, viewing protocol at Geographic Harbor

Pursuant to Title 36 of the Code of Federal Regulations, 13.1206 wildlife distance conditions, the Superintendent of Katmai National Park and Preserve is formalizing a wildlife viewing protocol at Geographic Harbor.

13.1206 Wildlife distance conditions

Within the area designated as Geographic Harbor, at the outlet of Geographic Creek, wildlife viewing within 50 yards of a bear utilizing a concentrated food source may only occur from the designated site at the outlet of Geographic Creek, under the limits of the following protocol which applies from April 1 through October 31:*

1. All viewers must consistently utilize the same identified site (see Map-C)
2. No food is allowed at the viewing site (except water).
3. No camping is allowed at the viewing site.

The reasons for this protocol are as follows:

- The park recognizes that bear viewing at Geographic Harbor is limited by tidal conditions to a specific area at the mouth of Geographic Creek.
- Regular use of this viewing site has been occurring for over 15 years making human presence at the site consistent and predictable by bears.
- The park recognizes that use of this viewing area places the visitor/guide in violation of a wildlife distance restriction when bears are fishing in the creek.

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

- The park recognizes that having multiple access routes to the general area and viewing practices at Geographic Creek reduces the consistency of human presence; thereby creating unacceptable human-bear interactions.
- The absence of this protocol places visitors and guides in violation of wildlife distance regulations.

** This protocol does not restrict access to any other location within Geographic Harbor. Visitors and commercial operators may access and view wildlife from all other areas of the harbor but must maintain the required 50 yard distance from bears feeding on spawning salmon or other concentrated food source.*

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

Subject: Designated areas in BCDA employee housing for picnicking

Pursuant to Title 36 of the Code of Federal Regulations, 13.1238 picnicking, the Superintendent of Katmai National Park and Preserve has designated areas for picnicking in the employee housing area at Brooks Camp.

For purposes of this section, picnicking is defined as the consumption or preparation of any food items (other than water) outside of established buildings. Food items include any substance intended for human consumption.

At the Lake Brooks Housing area, the outdoor propane grill between housing units BL1 and BL2 may be utilized by park staff to prepare food.

At the Lake Brooks NPS employee housing area, consumption of food only is allowed at the designated site of the attached porches of cabins BL1 and/or BL2.

At the North Side NPS employee housing area, consumption of food only is allowed at the designated site of the decking between tent frames BRT3 and BRT4.

At the North Side Concession employee housing area, (Tuckerville), the consumption of food only is allowed at the designated site of the cabin porches within the maintained electric fence.

At no time may food preparation or consumption occur in any other exterior location within employee housing areas. Food and/or drinks may not be left unattended for any length of time, even in designated locations.

The reasons for this designation are as follows:

- Because of the high concentration of bears in the Brooks Camp Developed Area, applicable regulations require the limited designation of a site within employee housing (of which there are 3 separate housing areas) for employees to have food outside of structures.
- The designated sites are situated in areas that are easily monitored by employees and provide specific opportunities for full time residents within the BCDA.

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

- Allowing unrestricted outdoor cooking or eating by employees poses an unacceptable risk to all persons and property by attracting bears to areas, objects and structures that are not adequately supervised or protected.

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 recent 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 change makes the affected closure dates for wolves and coyotes more consistent with Federal subsistence seasons.

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 the Alagnak Wild River unit, Katmai National Preserve, and Aniakchak National Preserve.

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.

The reasons for these restrictions are:

These restrictions are based on actions taken by the State Board of Game in 2012 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 changes 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 wildlife 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 to 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 those that 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. (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 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 13.40-13.50.

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 sanction practices that have the 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 and 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 their coats are prime in order to sell the pelt for cash.

This compendium provision 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 was attempted but was not effective. The NPS opposed the most recent proposals to the Board of Game, and requested that, if such regulations were adopted, NPS lands be excluded. The Board of Game adopted the regulation without excluding NPS 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.

**PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2013**

LAKE CLARK NATIONAL PARK AND PRESERVE

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

1.5 Closures and public use limits

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

The park received comments from one individual requesting additional management actions based on increased bear viewing activity in Chinitna Bay, including a full time ranger presence, group size limits, "establish" mean high tide, picnicking restrictions, and other actions. The NPS appreciates the comments on managing bear viewing opportunities in Chinitna Bay. There is currently a group size limit of 15 individuals at two bear viewing locations in Chinitna Bay and restricts picnicking at these areas. Park managers plan to meet with interested parties this spring to discuss visitor and resource protection issues at Chinitna Bay and possible management actions.

13.25(a) Temporary closures and restrictions to camping

The park received one comment stating that the camping restrictions at Twin Lakes could negatively impact commercial operators using the area. The park understands possible unintended consequences from this closure. To resolve unintended consequences the park recommends adding the phrase "unless authorized by the Superintendent". This would allow for exemptions to the closure when determined reasonable by the Superintendent.

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

The NPS is adopting the restrictions as published on taking brown bears, black bears, wolves, and coyotes in several preserves. Between December 2012 and January 2013, the NPS held seven public hearings in various locations in or near the affected NPS units. These hearings were attended by nearly 75 people. Of those, roughly the same number of participants opposed as supported NPS restrictions.

In addition to the hearings, over 59,000 timely written comments were received on the wildlife related restrictions. Of the comments received, the majority were email form letters, many of which were personalized by individuals who added comments or modified the message. Of the comments received, roughly a dozen commenters opposed

the proposed restrictions. Below is a summary and response to the substantive comments received. They are organized by subject: process, authority, determination of need/justification, comments relating to all species, and species specific comments.

While the NPS recognizes that the State provides for multiple types of wildlife take, including subsistence and personal use for all Alaskans; for the purposes of this document, when the term “subsistence” is used, it refers to “subsistence uses” by rural residents only, as defined by Title VIII of ANILCA and administered by the Federal Subsistence Board (FSB).

I. Process

The State objects to the wildlife related compendium provisions saying that they are being adopted “without process, explanation, or justification.” State and FSB regulations are usually adopted following one public meeting. The Service held seven in-state hearings and several smaller meetings, issued several press releases on the subject, used social media to hold two online meetings, and took written comment prior to adoption. These efforts generated approximately 59,000 comments.

Most comments received asked for formal rulemaking to permanently place the restrictions in the CFR. While this may be appropriate in some situations generally wildlife management requires periodic management actions. The process of managing wildlife resources according to legal and policy framework can require use of emergency, temporary, or permanent closures or restrictions, not always in that order. Even when the action implements a long-term objective, short-term circumstances may change, precluding publication in the CFR.

The NPS remains committed to managing park resources and values in a way that avoids unnecessary interference with State management of wildlife resources. The vast majority of State general hunting regulations remain applicable in the preserves.

The NPS has consulted with the State of Alaska, including through the Board of Game (BOG) process, and requested the State to exempt NPS Preserves from these authorizations. The NPS prefers a State regulatory solution to this conflict rather than annual restrictions or permanent closure or restrictions. Using the temporary closure process affords the State the opportunity to resolve the conflict in lieu of a Federal rulemaking. If that were to happen, the NPS would not need to act.

Two commenters suggested a longer comment period to accommodate advisory committees. The compendiums for Alaska park areas are updated on an annual cycle. Comments are welcome at any time throughout the year. The comment deadline only relates to which annual cycle the comment will be considered. For example, the NPS received a comment on February 19, 2013. This comment will be considered during the 2014 compendium cycle.

Roughly three comments contend these restrictions are highly controversial and as such must be published as rulemaking in the Federal Register under 36 CFR 1.5(b). Even if

these three restrictions or the State allowances on which they are based are highly controversial, NPS-Alaska specific regulations modify general NPS regulations by applying the requirements of 36 CFR 13.50 to closures or restrictions to taking wildlife. Section 13.50 does not address controversy as a criterion for restrictions.

The State, Citizens' Advisory Committee on Federal Areas (CACFA), and Alaska Professional Hunters Association (APHA) suggested additional hearings were warranted, including in each resident zone community. The NPS does not agree that additional hearings were warranted. The NPS values broad public involvement and must balance that with the responsibility to be good stewards of taxpayer dollars. It would not be a responsible use of taxpayer dollars to conduct hearings in each of the 50+ resident zone communities. The regulations require notice and hearings in the "affected vicinity." The NPS held at least one hearing near each affected Preserve. The NPS also invited written comments, held informal meetings with interested persons, and employed social media to reach a broad audience in Alaska and elsewhere. We note the proposed compendiums generated thousands of written comments, and are not convinced the public is more likely to attend a hearing or meeting than provide written comment. We also note that the online meetings hosted by NPS generated interest by more than 30 individuals—1/2 the number of individuals reached in all seven hearings combined—and didn't spend any taxpayer dollars on travel.

CACFA objected to the NPS decision to hold hearings prior to publishing the proposed compendium. NPS regulations provide that a hearing be held in the affected vicinity prior to adopting restrictions on taking fish or wildlife. That requirement was met as discussed above. The NPS issued press releases prior to the hearings that discussed the NPS proposed restrictions. Holding the hearings prior to the publishing the proposed compendiums allowed the Service to use that input to craft the determinations of need as well as provided the public with two opportunities for input on the proposals. Accordingly, the NPS believes regulatory requirements were met and the public was informed.

The State commented that the NPS does not adequately use the BOG process. While there is not a legal requirement for NPS to use the BOG process, the comment is not accurate. For many years, the NPS has made proposals to the BOG and has provided numerous comments on proposals affecting NPS areas. It is well documented that the BOG and FSB processes are used for nearly all wildlife harvest regulation in NPS areas. The wildlife provisions listed in the compendium are a tiny fraction of—and a last resort—for actions relating to NPS areas. Disagreement is not the same as failing to listen to or respect others' views. The NPS is following the legal and policy framework applicable to NPS areas.

One person described the compendium process as a "frivolous administrative burden" and a contradiction of the cooperative intent of the Master Memorandum of Understanding (MMOU) with the Alaska Department of Fish and Game. The compendium is a longstanding system-wide process for individual parks to list local rules adopted under discretionary authority. The NPS disagrees with the notion that such

action is inconsistent with the MMOU with ADFG. Under this MMOU, the “National Park Service areas were established, in part, to ‘assure continuation of the natural process of biological succession’ and ‘to maintain the environmental integrity of the natural features found in them.’” In the MMOU, the NPS agrees to recognize the State as the “agency with the primary responsibility to manage fish and resident wildlife” and “utilize the State’s regulatory process to the maximum extent . . . when proposing changes in existing State regulations governing or affecting that taking of fish and wildlife on Service lands. . . .” Likewise, the state agrees in the MMOU to recognize the Service’s “responsibility to conserve fish and wildlife and their habitat and regulate human use on Service lands in Alaska.”

The State suggests that an analysis is required under section 810 of the Alaska National Interest Lands Conservation Act (ANILCA). The NPS does not believe this is the case. Section 810 is triggered by an action to “withdraw, reserve, lease or otherwise permit the use” of public lands. The NPS is not proposing a use; rather the Service is prohibiting a use authorized by the state.

II. Authority

One individual commented that the practices being prohibited by the NPS are inconsistent with the legislative purposes of the NPS Preserves. It is the NPS’s interpretation of our legal and policy framework that guides our actions, as discussed in the determination of need.

The State commented that the relationship between the Organic Act, Redwoods Amendments, ANILCA, and NPS Management Policies are not clear. The Service believes this has been adequately explained on multiple occasions, including the determinations of need, written correspondence, in-person meetings, and other publicly available documents (including NPS Management Policies).

The NPS received comments from the State, CACFA, and the APHA questioning NPS authority to adopt and list restrictions in the compendium. This comment is without merit. The Service believes this has been adequately explained in these determinations of need as well as other publicly available documents.

The State comments that these restrictions are not authorized because ANILCA provides for consumptive uses of wildlife. While ANILCA authorizes the take of wildlife for sport and for subsistence uses by rural residents, it does not follow that all means, methods, seasons, or bag limits adopted by the State are appropriate in all portions of NPS Preserves. Such hunting and trapping activities must be consistent with the legal and policy framework for NPS areas.

The State points to section 815 of ANILCA to support their argument that these provisions are not lawful. This section provides

Nothing in this title shall be construed as . . . authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set

forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law

By its own terms, section 815 states that *nothing in Title VIII (subsistence)* authorizes restrictions to nonsubsistence take of fish or wildlife unless for one of the four enumerated reasons. These restrictions are not based on Title VIII. They are based on the authorities of the NPS Organic Act and other laws applicable to the NPS, including their implementing regulations and established NPS policy. Also, the state comment ignores the last clause of this section that allows for restrictions based on “other applicable law,” as well as section 1313 of ANILCA which specifically speaks to the Secretary’s authority to restrict take for sport purposes for “public safety, administration, floral and faunal protection, or public use and enjoyment. . . .” In addition, ANILCA section 1314(c) reinforces that “the taking of fish and wildlife in conservation system units shall be carried out in accordance with the provisions of ANILCA and other applicable State and Federal law.” (emphasis added).

APHA argues that ANILCA allows the Secretary to close an area to hunting or prohibit hunting during a specific timeframe, but not adopt more limited restrictions on certain methods or seasons. It is not reasonable to conclude that Congress would provide the Secretary with authority to completely prohibit hunting in certain areas or at certain times but not allow for more limited restrictions. This is supported by the remaining language of 1313 which provides procedures for adopting “restrictions” as well as the legislative history cited by the State of Alaska regarding reasonable regulation of hunting: “Section 203 clarifies that such use of wildlife resources within areas designated by sections 201 and 202 as National Park Preserves shall continue subject to reasonable regulation, including the provisions of title VIII.” Senate Report 96-413, page 168. The NPS has consistently implemented ANILCA in this fashion. See, e.g., 36 CFR §§ 13.40(d)(4), (e); 13.1202.

APHA argues that the NPS is using policy to preempt state law. The NPS agrees that policy does not preempt law. NPS Management Policies represent the Service’s interpretation of the NPS Organic Act and other authorities and provide the park superintendents with direction on how to implement these statutes. When activities conflict with the legal and policy framework for NPS areas, such activities may be prohibited or restricted. That is the case here.

The State commented that the State has primary responsibility for managing wildlife in Alaska, including on most Federal lands. The NPS does not dispute the State’s authority to manage wildlife. However, under Federal law, the NPS also has a responsibility to manage wildlife on NPS lands. The NPS does not interpret ANILCA to provide “exclusive Federal control” over wildlife in preserves. The NPS recognizes the State as the primary entity responsible for managing sport hunting (other than under Title VIII) in NPS preserves. However, state regulations must be consistent with the legal framework applicable to NPS areas. In the event such regulations are not consistent with management of park areas, the NPS may adopt reasonable regulations in order to fulfill responsibilities for managing NPS areas. It is important to note that hundreds of state

hunting provisions are applicable in NPS preserves, and these will remain applicable in NPS preserves. Only a few State regulations have been determined to be in conflict with the legal and policy framework for NPS areas.

The State comments that ANILCA allows for all types of hunting in NPS preserves. Congress authorized take for subsistence and for sport purposes. ANILCA section 1314(c) makes clear that while taking of wildlife is allowed, it must be carried out consistent with all other authorities applicable to the NPS.

III. Justification/determination of need

Many of the comments opposing the NPS restrictions made it apparent that some commenters either do not understand or acknowledge differences between state wildlife management objectives and NPS management objectives which are the basis for these restrictions. The state manages wildlife for “sustained yield” under the state constitution (Alaska Constitution, Article VIII, §4), defined by state statute as “the ability to support a high level of human harvest of game.” A.S. 16.05.255(k)(5). State management is further guided by state statutes to “restore the abundance or productivity of identified big game prey populations as necessary to achieve human consumptive use goals. . . .” A.S. 16.05.255(e). Further, according to the state’s written comments, state wildlife management actions are designed to “influence the reproduction and survival of [wildlife] populations.”

The NPS manages neither for abundance nor sustained yield. Management actions designed to “support a high level of human harvest” are inconsistent with the legal and policy framework for NPS areas. Wildlife stewardship on National Park Service managed lands in Alaska is to maintain natural processes, provide for subsistence opportunity by rural residents, and allow taking of wildlife for sport in preserves as provided by ANILCA. The NPS must balance consumptive uses of wildlife with other uses and values, as more fully discussed in the determinations of need

Among those opposing the NPS restrictions, several comments took the position that a population viability concern is requisite for NPS action and that scientific data must show impairment or an adverse impact to resources. In a similar vein, several comments suggest that harvest attributable to new state sanctioned methods or extended seasons is negligible or nonexistent and consequently the restrictions are not addressing a biological concern. The presumption of these commenters that a biological population concern is necessary for NPS action is not accurate.

Under Federal law and policy applicable in NPS units, the underlying objective in managing park lands extends beyond maintaining a viable population. NPS Management Policies call for the conservation of natural abundance, behavior, distribution, and ecological integrity of native wildlife species (*see* NPS Management Policies § 4.4.1). While harvest under these new methods may be limited, the NPS must view authorizations cumulatively. Increasingly, State authorizations seek to manipulate populations in the interest of reallocating prey from predators to humans, a practice which is outside the legal and policy framework applicable to NPS areas.

The NPS agrees with the sentiment behind the comments calling for more data, however the absence of data does not preclude the NPS from taking action to protect resources and values of parks. The NPS is not required to host population manipulation or other management activities designed to encourage abundance of favored species. The NPS operates under a precautionary principle, which means until an action is shown *not* to disrupt naturally-occurring populations or naturally-occurring ecological processes, those actions are not to be authorized on NPS areas. NPS Management Policies articulate the Service's expectations of managers to avoid impairment (NPS Management Policies §§ 1.4.7, 1.4.7.1, 1.5). Thus, for those commenters who expect the Service to prove impairment, this is a misinterpretation of NPS management guidance.

The State argues there is no link between State regulations and potential impact to park values or resources. The Service believes the link between state regulations and the NPS actions has been adequately explained in the determinations of need as well as responses to the State's comments in previous years. Similarly, rather than the NPS showing specific cause and effect relationships between state authorizations and possible impairment, the burden of proof lies with the ability to prove that there is no possibility of new or additional state authorizations disrupting naturally-functioning ecosystem processes (*see* NPS Management Policies §§ 1.4.7, 1.4.7.1, 1.5). In fact, it is the frequent changing of state authorizations that compels NPS to consider temporary restrictions on an as-needed basis rather than immediately initiating rulemaking.

The State notes that predator control was conducted many decades ago in McKinley Park and suggests predator control is necessarily appropriate in NPS areas. Such practices causing deviation from naturally-functioning ecosystems were repudiated by the NPS long ago as being inconsistent with the standards to which national park areas are to be managed. Since that time, the fields of wildlife ecology, conservation biology, conservation genetics, nutrient flow, etc. have advanced tremendously. Some practices thought to be sound in the past are simply no longer regarded as such by the NPS. Similarly, the State asked the NPS to explain how prescribed burns in NPS areas are consistent with natural processes while predator control is not. The NPS appreciates the opportunity to clarify this point. The goal of prescribed burns in remote areas is to restore a naturally functioning ecosystem following decades of fire suppression. This is counter to management activities (e.g., predator control, habitat manipulation) designed to benefit harvest opportunities of one native wildlife species at the expense of another.

The State claims that the allowances at issue here do not constitute predator control or are not likely to have that effect. Transcripts from BOG meetings reflect frequent and consistent discussions as to whether the take of brown bears over bait, longer seasons on coyotes or longer seasons on wolves would help elevate the survival rate of moose or caribou calves. As acknowledged by the state, such actions are designed to "influence" populations. Whether labeled predator control, intensive management, abundance-based management or another term, the practical effects of manipulating one population to affect another are contrary to the NPS legal and policy framework as discussed in the determinations of need.

The State comments that it is not clear what “natural” means in the context of preserving natural processes. The State suggests that the National Park Service considers any human influence to be “unnatural.” The NPS recognizes that virtually every form of human activity that occurs within a park area has some degree of effect on park resources or values (*see* NPS Management Policies § 1.4.7.1). This does not mean that use must be disallowed. Rather, uses are examined in context of their impact, or potential impact, on park resources and values (*see* NPS Management Policies § 1.5). Federal regulations recognize subsistence use as a part of the ecosystem (*see* 50 CFR 100.4). The NPS agrees that it would be helpful to develop a common vision of what “natural” wildlife populations in NPS areas would look like. Consistent with the State’s recommendation, the NPS recently held a workshop and invited ADFG and other partners to participate. ADFG declined to attend. The State also suggests defining the term “natural” quantitatively. The term “natural” in NPS areas is defined by policy rather than population biology, and therefore calls for a qualitative rather than quantitative definition. Such numerical metrics would not take into account other uses or values related to wildlife or the varying conditions and legislative purposes between NPS units.

One person commented that the NPS should “dedicate itself to real conservation efforts that are positive for Alaska wildlife populations and the Alaskans who depend on them[.]” The NPS agrees with this comment and also notes that NPS lands must be conserved for all Americans and future generations.

IV. General comments for all species

General comments were received from all over the country, including Alaska. Over 59,000 comments objected to recent state-sanctioned practices as being inconsistent with generally accepted hunting practices. These commenters described these activities as “not sustainable,” “cruel,” “barbaric,” “unsporting,” “unethical,” “inconsistent with fair chase,” and “danger[ous] to humans and wildlife.” Additional comments were also received in support of the NPS position that intensive management of wildlife is not appropriate in NPS Preserves.

The NPS received several comments requesting further restrictions on hunting, including making the provisions permanent as well as prohibiting: all take, all sport take, all baiting, snaring bears and wolves, take during breeding/nurturing seasons for all predator species, hunting wolves/coyotes year round, using poison or gas, and protecting wildlife on lands adjacent to NPS areas. These comments are outside the scope of the NPS proposed action.

Another comment suggested that hunting activities that are “not sporting or not consistent with fair chase should be prohibited.” As articulated in rulemaking concerning the same day airborne take of game in national preserves in Alaska; the NPS interprets sport hunting as being consistent with the principles of fair chase.

A couple commenters state that the NPS restrictions limit subsistence. While Federally qualified subsistence users may also take wildlife under applicable state regulations, these

restrictions do not override current Federal subsistence regulations. In the event that a Federally qualified subsistence user desires an additional practice to be authorized, proposals may be made to the FSB.

The NPS received several comments on predator-prey distribution. A few commenters expressed the view that by adopting these restrictions, the NPS is favoring predators. One commenter stated that predator-prey ratios should be determined by nature. Another individual commented that current levels of biodiversity should be preserved. Another individual implied that by permitting these state allowances to occur in preserves, the NPS preserves would be essentially private hunting areas. Under the NPS legal and policy framework, natural processes, including natural integrity, abundance, distribution, and diversity of native species is protected. It is outside of NPS legal and policy framework to reallocate prey species from predators to humans; nor is the NPS charged with managing to “support a high level of human harvest.”

A few commenters objected to NPS wildlife management while other comments suggested the Department of the Interior should be more involved in wildlife management. The NPS believes the current legal framework provides the proper balance for wildlife management.

The NPS received a number of comments objecting to state wildlife management practices with respect to predators and general state wildlife goals/priorities. While the NPS is responding to recent state authorizations for taking wildlife by adopting restrictions for the affected preserves, it is not appropriate for the NPS to respond to comments on the State’s policies. The proper venue to address these concerns is with the State of Alaska.

V. Species specific comments

Wolves/Coyotes

The Eastern Interior Regional Advisory Council asserted that coyotes were not in the area previously. The NPS agrees that the range and extent of coyotes in Alaska has expanded and retreated over the decades. While coyotes may have been sparsely distributed in the State of Alaska, evidence of the existence of coyotes prior to Russian or European settlement has been found in several instances. For this reason, the NPS does not treat coyotes as an invasive or introduced species.

APHA commented that the NPS is not legally permitted to comment on the value of wolf or coyote pelts. This claim is baseless. NPS knows of no statutory authority prohibiting the agency from assessing a resource. Others asserted that pelts always have some value, even if to a trophy hunter or for other subsistence-related uses, thus harvest when pelts are not prime is acceptable. As stated in the determination of need, the restrictions will result in no harvest during the period when wolves and coyotes are denning and raising offspring and their pelts have little trophy or economic value. Similarly, the season dates in this compendium are largely consistent with long-standing State and Federal season dates, thus there is little to no opportunity lost relative to recent years.

The Alaska Wildlife Alliance requested that wolf take be ended in Denali until populations rebound. Many others asserted that stronger protection of wolves is called for or that hunting and trapping seasons should be shortened or eliminated in park areas. The NPS supports sport and Title VIII subsistence harvest as authorized by ANILCA. If the population of wolves in Denali National Park & Preserve continues to decline, the NPS may consider management actions.

13.50 Temporary Closures and Restrictions

The State and CACFA restated their objection to the NPS interpretation of regulations regarding closures. The Service believes this has been adequately explained on multiple occasions, including in-person meetings and the 2010 Final Compendiums (see, e.g., Preamble, 2010 Final Compendium for Denali National Park and Preserve).

**LAKE CLARK NATIONAL PARK AND PRESERVE
COMPENDIUM
2013**

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

A permit is required for group sizes exceeding 15 individuals.

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

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

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

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

1.6(f) Compilation of activities requiring a permit

- Scientific research, 1.5
- 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

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

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit. 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.

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.

13.30(b) Temporary closures or restrictions to carrying, possessing, or using firearms

There are no additional restrictions.

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 the Preserve.

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 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

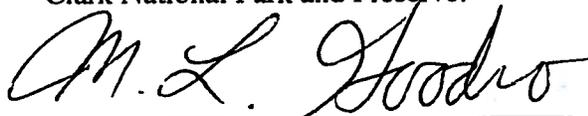
A permit is required from the superintendent before downed aircraft may be salvaged and removed from the NPS lands; violation of the terms and conditions of the permit is prohibited.

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 issued for Lake Clark National Park and Preserve.



3/12/13

Superintendent

Date



4/2/13

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
Designated areas for First Amendment Activities
13.40 Temporary restrictions on taking wolves and coyotes
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, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
7. Due to the transfer of knowledge from sows to cubs and the long life span of individual bears, young bears exposed to human foods may display unnatural and unacceptable behavior for decades.
8. Bears 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 area waters, 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.

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:

- The NPS is concerned over 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.
- 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.
- 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 interferes 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:

- Camping in one location for a prolonged period can result in resource damage, particularly to soil and vegetation.
- Twin Lakes is one of the most popular areas for backcountry camping in Lake Clark National Park and Preserve.
- The campsite at Hope Creek is the most common place visitors camp at Twin Lakes.
- 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: 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 recent 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 change makes the affected closure dates for wolves and coyotes more consistent with Federal subsistence seasons.

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 the Preserve.

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.

The reasons for these restrictions are:

These restrictions are based on actions taken by the State Board of Game in 2012 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 changes 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 wildlife 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 to 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 those that 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. (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 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 13.40-13.50.

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 sanction practices that have the 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 and 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,

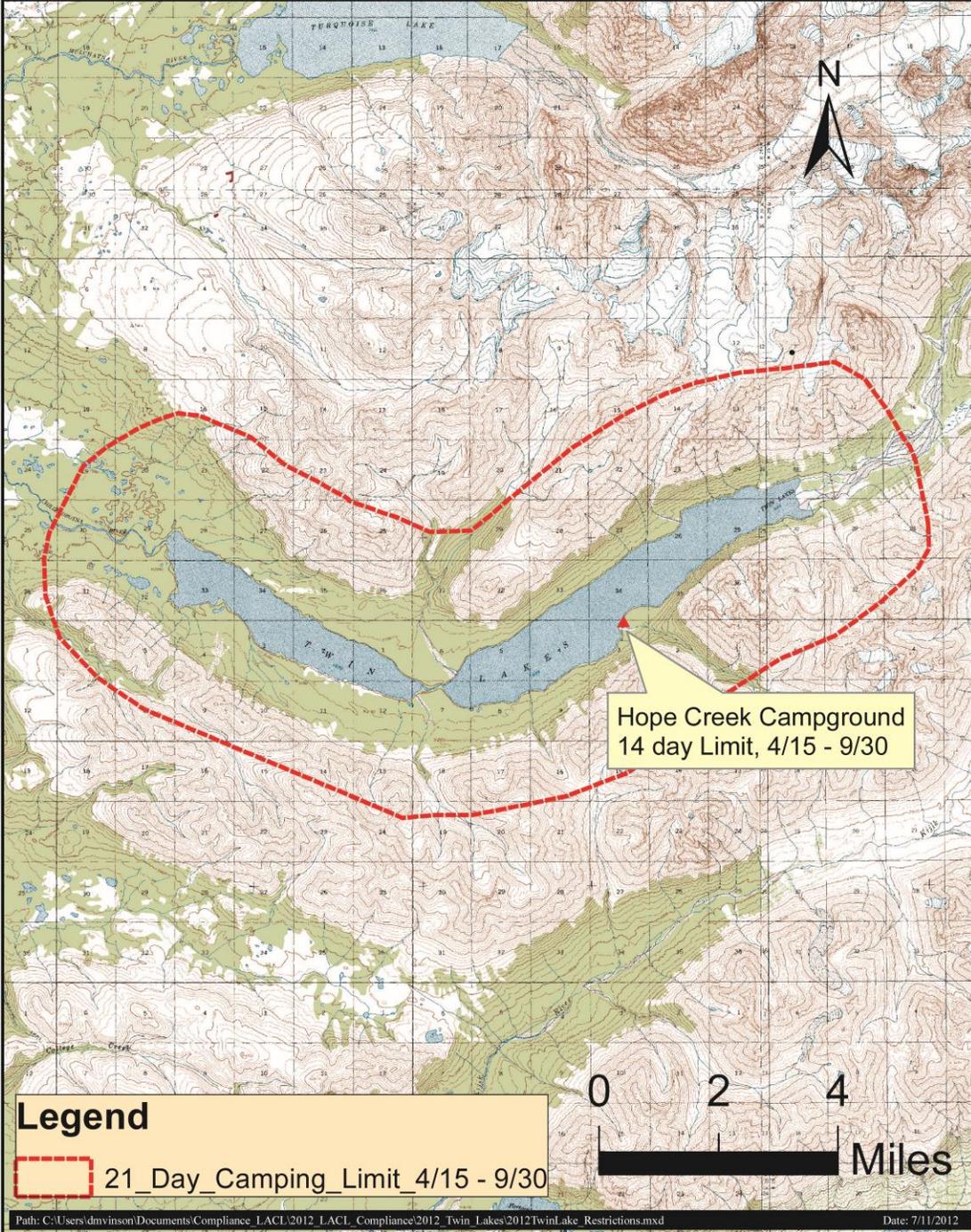
introducing NPS preserves to these liberalized wolf and coyote harvest opportunities, to include pups, when pelts are of poor quality and offspring are vulnerable could create unacceptable impacts to the resources and values for which the park area was established to protect. It also has the potential to disrupt the subsistence opportunity for taking that wolf or coyote later in the year when their coats are prime in order to sell the pelt for cash.

This compendium provision 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 was attempted but was not effective. The NPS opposed the most recent proposals to the Board of Game, and requested that, if such regulations were adopted, NPS lands be excluded. The Board of Game adopted the regulation without excluding NPS 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.

Lake Clark National Park & Preserve Twin Lakes Camping Restrictions

Alaska Region
National Park Service
U.S. Department of the Interior



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



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).

