

**PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2006**

KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

PREAMBLE

The proposed compendium was available for comment from January 1 – February 15, 2006. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received comments from the State of Alaska.

GENERAL COMMENTS

Determinations

The State of Alaska (State) recommended that the National Park Service (NPS) consolidate all determinations for each park as an attachment to the compendium, unless needed in the body of the document to clarify intent or provide an educational component. The State noted that the development and formatting of the justifications is an evolving process towards better determinations.

The National Park Service (NPS) adopted this suggestion from the State for all Alaska parks' 2005 compendium and will continue this practice. Lengthier determinations are attached to the compendium, either in the document itself or as a separate attachment. Shorter determinations accompany an individual compendium entry to facilitate reader understanding or provide an educational component.

Use of state law

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases. Although the mission of the National Park Service and the objectives of the State of Alaska will sometimes conflict, we appreciate the opportunity to work cooperatively with the State where ever possible.

Compendiums as educational tools

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education and to encourage responsible behavior. It should be noted, however, that the primary purpose of the compendiums is to serve as a compilation of designations, closures, openings and other

restrictions. Where possible, and not conflicting with the primary purpose, educational material may be used.

Converting compendium entries into regulation

The State suggested converting several compendium entries into regulation if it appears those entries are reasonable and not likely to change over time.

The NPS appreciates the support to move some compendium entries to regulation, and will be guided by the determining criteria at 36 CFR 1.5, 13.30 and other relevant sections or those items where regulations would better serve the conservation of resources and visitor's ability to enjoy the parks,.

36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS

2.10(d) Food storage – designated areas and methods

The State of Alaska recommended a consistent approach, where necessary and applicable, to listing approved bear resistant food containers and the opportunity to discuss and change requirements as emerging technologies arise. The State encouraged the use of state law and continued dialogue on best food storage methods. The State objected to blanket, park-wide requirements. The State encouraged the use of the compendium as an educational tool on the food storage issue.

The NPS believes that some parks may be able to narrow the scope of where food storage is required, but recognizes due to logistical concerns and the differences in parks, that that goal may not be achievable. The NPS is encouraged that continuing dialogue, along with new technology, will continue to positively influence this issue, protecting both park resources and visitors without unduly burdening park visitors. The NPS concurs that education is an important component to this issue.

The State also requested that parks that offer Bear Resistant Containers free of charge notify the public of this in the compendium. The NPS adopted this recommendation in the 2005 compendiums.

43 CFR 36.11(g)(1) ORV's on existing trails

The State commented that most parks do not have designated trails and requested that the NPS designate trails, where appropriate.

The NPS continues to evaluate current ORV use in park units and access needs. Wrangells, for example, has requested funding for environmental assessments. Any authorization for ORV use in Alaska park areas will proceed in accordance with applicable federal law, including the National Environmental Policy Act.

**KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK
COMPENDIUM
2005**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations where the Superintendent has exercised discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Klondike Gold Rush National Historical Park, Skagway, Alaska at (907)983-2921 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

Eating and drinking are not permitted in exhibit display areas in park buildings nor in the Visitor Center Auditorium without specific authorization from the Superintendent.

The intent is to protect exhibit displays, floor coverings, and upholstery from damages which might accompany unsupervised use.

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
- 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)
- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(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)
- Backcountry camping, 13.68(a)(2)
- 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 wood on the ground may be collected for use as fuel for campfires within the park.

This requirement is intended to protect standing vegetation from use as firewood.

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

All edible fruits, berries, and nuts may be gathered by hand for personal consumption.

See also 13.68(b) regarding the collection of mushrooms.

These limitations are intended to identify items that can be harvested for personal use without damaging the health of these species or derogation of other park resources.

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.

2.10(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.fs.fed.us/r1/wildlife/igbc/>);
- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snrm/wildlife/sibbwg.htm>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent; and
- Items approved by the Superintendent.

(2) Throughout the park, all food (except legally taken game) 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—

- In NPS provided bear boxes in Chilkoot Trail designated camp areas;
- On NPS provided bear poles in Chilkoot Trail designated camp areas;
- 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.

(3) This regulation does not apply to—

- Food that is being transported, consumed or prepared for consumption; and
- Clean dishes and cooking equipment free of food orders.

The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park provides bear poles and/or storage lockers at each campsite along the Chilkoot trail.

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

Wood fires are permitted in the provided fire rings in the Dyea Campground or the stoves provided in warming shelters at Finnegan's, Canyon City, Pleasant and Sheep Camp warming shelters. All trash (tin foil, burnt food, glass, cans) must be removed from the fire site after use.

These requirements are intended to ensure that wood sources are not depleted, to minimize the risk of human caused wildfires, and prevent the accumulation of trash in fire rings and stoves.

2.14(a)(8) Sanitation: human waste in developed areas

Restrooms are provided in Skagway and outhouses at the developed areas in Dyea (campground and picnic area, Chilkoot Trailhead, Slide Cemetery, and Dyea Town Site).

This requirement is intended to ensure that proper disposal of human waste occurs in frequently visited public areas.

2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas

Outhouses are provided at the designated backcountry campsites; otherwise in cat-holes at least 100 feet from a fresh water source or hiking trail.

This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety.

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

All roads and parking areas open to motor vehicle traffic are open to skiing, snowshoeing, sledding and other similar winter sports.

2.21 Smoking

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

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

2.22 Property: leaving property unattended for 24 hours

Chilkoot trail user vehicles may be left parked at the designated overnight parking area near Dyea Ranger Station while hiking the trail.

The intent is to allow hikers to leave their vehicles at the trailhead in excess of the 24-hr property restriction.

2.51(e) Public assemblies/meetings: designated areas for public assemblies

The Superintendent may issue a permit (subject to additional conditions) for public assemblies in the areas designated in Attachment 1a and 1b. In Skagway the area of assembly shall not exceed a 500 sq.ft. portion of the lawn west of the Pantheon Building, or a 500 sq.ft. portion of the lawn at the northwest corner of 5th Avenue and Broadway. In Dyea the area of assembly shall not exceed an area of 500 sq.ft. in designated day-use picnic site.

The permit requirement is intended to ensure assemblies can occur, but with minimal impact on park visitors and activities.

2.52(e) Sale and distribution of printed matter: areas designated for such use

The Superintendent may issue a permit (subject to additional conditions) for outside distribution of printed matter in the areas designated in Attachment 1a. The designated

area for distribution is restricted to the boardwalk adjacent to the exterior southeast corner of the visitor center building, not to exceed an area of 10 by 6 feet. The activity may not impede through-access for visitors using the boardwalk.

The permit requirement allows distribution of printed matter with minimal impact on park visitors and activities.

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

All areas of the park are open to scattering of ashes without a permit, except for campgrounds, roads, picnic areas and other park developed areas.

PART 3. BOATING AND WATER USE ACTIVITIES

3.20(a) Water skiing: designated waters

All waters are designated as open.

PART 4. VEHICLES AND TRAFFIC SAFETY

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

Vehicles over 26 feet are restricted from travel across federal lands in Dyea, except as otherwise specifically approved in advance by the Superintendent.

The restriction on vehicle length is intended to preserve the safety of other drivers, pedestrians, equestrians, and bicyclists on the unpaved, narrow, winding roads which have restricted sight-distances, clearances for parking, and turning radii.

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

The park road between Dyea Road and Nelson Slough is limited to a maximum speed of 15 mph.

A reduced speed limit near Dyea is for public safety. Pedestrians and bicyclists 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 13. ALASKA REGULATIONS

SUBPART C – SPECIAL REGULATION, SPECIFIC PARK AREAS

13.68(a)(1) Klondike Gold Rush: designated camping areas

Camping is authorized in following areas pursuant to a permit:

- Dyea Campground
- Finnegan’s Point Campground
- Canyon City Campground
- Pleasant Camp Campground

- Sheep Camp Campground

13.68(a)(2) Klondike Gold Rush: camping permit conditions

Dyea Campground – Between the dates of May 27 and September 5, 2006, all campers must register. Campsite occupancy must be limited to two cars or four motorcycles, and eight persons.

All Chilkoot Trail Backcountry Camps – Between the dates of May 30 and September 4, all campers must obtain a backcountry use permit. Campsite occupancy must be limited to two tents and/or six persons.

Registration and permit requirements are intended to allow staff to accurately monitor compliance with camping conditions. Limits on the party size are intended to prevent impacts from overuse of limited facilities which are designed and provided for recreational occupancy within a prepared site.

13.68(b) Klondike Gold Rush: authorization to collect mushrooms

Edible mushrooms may be gathered by hand for personal consumption. The quantity gathered by any individual must not exceed three (3) gallons during any 24-hour period.

This designation is made pursuant to a determination that such collections by hand for personal consumption will not adversely affect park wildlife nor the perpetuation of the subject species, nor otherwise adversely affect other park resources.

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

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

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

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

This compendium is approved and rescinds all previous compendiums issued Klondike National Historical Park.

Please note the attachments below.

Superintendent

Date

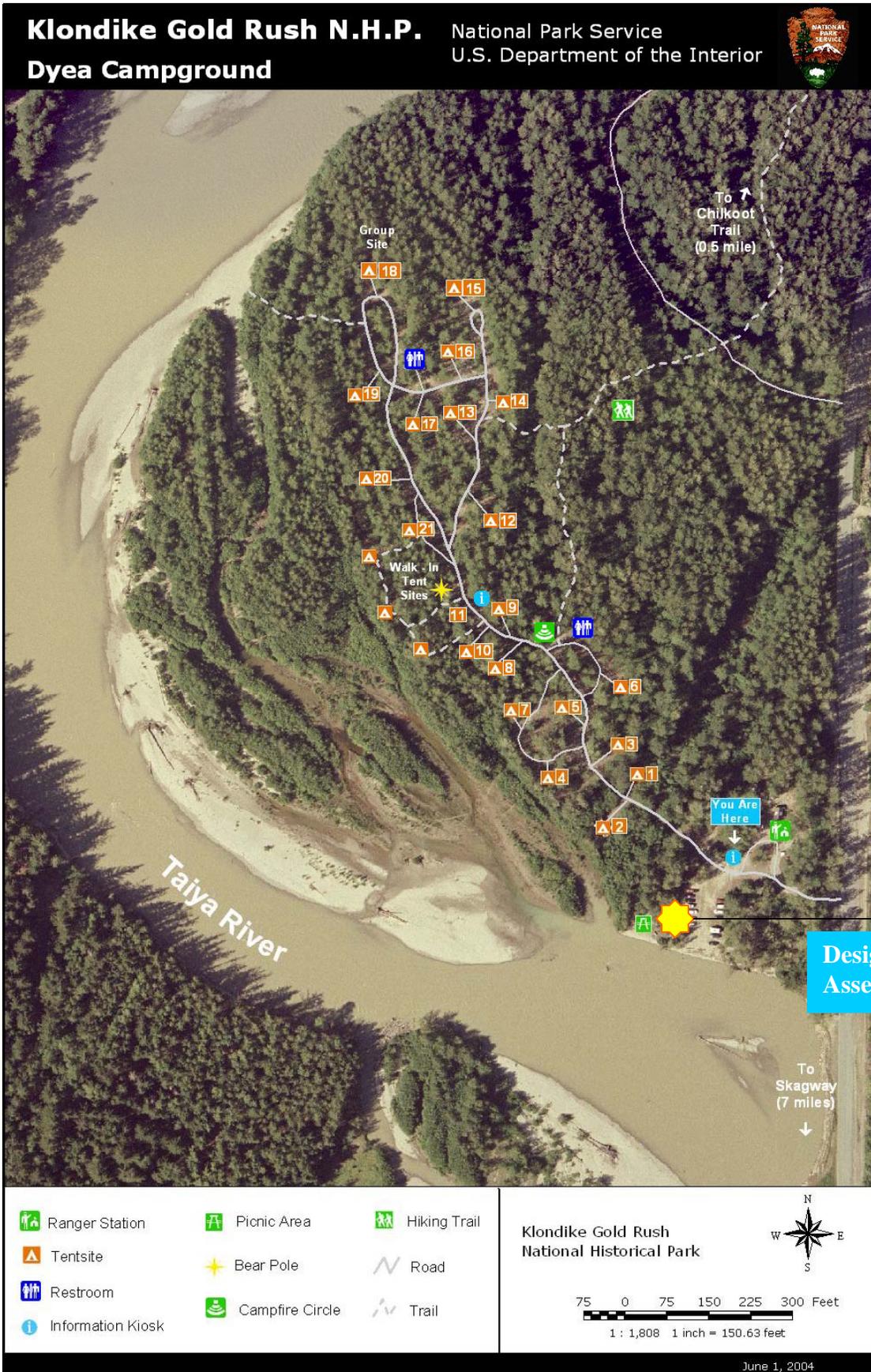
List of Attachments

- 1a. Skagway Unit area designations for public assembly and distribution of printed matter
- 1b: Dyea Unit area designation for public assembly

Additional Supporting Determinations:

- 1. Collection of fruits, nuts, berries and mushrooms
- 2. Food Storage

Attachment 1b (36CFR 2.51e) – Dyea Unit area designation for public assembly.



**Additional Supporting Determinations
Attachment 1**

Memorandum

March 14, 2005

To: Files, Klondike Gold Rush NHP

From: Acting Superintendent, Klondike Gold Rush NHP

Subject: Collection of fruits, nuts, berries, and mushrooms for personal use and consumption.

Pursuant to the authorities found in Title 36 Code of Federal Regulations (CFR) Sections 2.1(c)(1) and 13.68(b), NPS has determined that the collection of any edible mushrooms, fruits, nuts, and berries by hand for personal consumption will not adversely affect park wildlife, nor to the reproduction of the subject species, nor otherwise adversely affect park resources at Klondike Gold Rush NHP. This determination is consistent with the general allowance of similar collecting found in 36 CFR §13.20(b) which currently applies to most other Alaska parks areas.

With respect to mushrooms in particular, park natural resources management staff members have consulted with other biologists and NPS resource managers before advising that the only real concerns with respect to collecting are possibly aesthetic. Over-harvest potentially endangering future reproduction is not viewed as a matter of any real concern. It has been noted that the extremely large and widespread nature of the long-lived, subterranean parent fungal organism, combined with the tremendous potential for spore production and dissemination from even a very few mature mushrooms, make direct impacts on the species through over-harvest of the fruiting bodies a very remote possibility.

Limits on the quantity of mushrooms gathered are intended to help establish an enforceable approach to what is perceived as an incidental problem of possible collection for non-personal uses. Mushrooms will be removed from the list of permitted items for personal collection should new information surface in the future.

/s/
Sandra Snell-Dobert,

cc: McCluskey
Thibault

Attachment 2

March 14, 2005

Memorandum

To: Files, Klondike Gold Rush NHP, Alaska
From: Acting Superintendent, Klondike Gold Rush NHP, Alaska
Subject: Food Storage; Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.10(d), as Superintendent I have determined that in order to protect public safety and prevent adverse impacts to wildlife, certain conditions on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food are necessary in NPS managed areas within Klondike Gold Rush NHP. The rationale for these restrictions is as follows:

1. Both black and brown bears are common in undeveloped or lightly inhabited areas in the park. Bears are readily attracted to the smallest quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
2. Bears rapidly habituate to human food sources. Once they have learned to associate a site or item (e.g. campsite, dumpster, tent, kayak, etc.) with acquisition of food, they will return to that source repeatedly in search of further food rewards. It does not matter whether the material is fresh, dry, powdered, canned, etc.
3. Wildlife species in a natural ecosystem are generally adapted to thrive on natural food sources. Obtaining human food negatively alters wildlife behavior and nutrition. While the nutritional impact on wildlife may vary depending on a number of factors, (most notably the proportionality and seasonality of diet being made up of non-native sources), no impact is acceptable under National Park Service management policies, since any impact to nutrition may manifest itself in altered reproductive success and life expectancy which in turn may have wide-reaching ecological consequences.
4. Bears which become habituated to human food in this area are likely to be killed by humans in defense of life or property inside the park or on adjacent lands.
5. Bears are powerful animals. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.
6. Steep terrain and ice limit habitable areas for wildlife and camping areas for humans. These areas frequently overlap, and increase the potential for negative human / wildlife encounters.

The reasons less restrictive measures are deemed ineffective are as follows:

1. Educational efforts regarding proper storage and disposal of food and garbage have been undertaken by local, state, and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced conflicts between wildlife and human activity. However, in spite of these efforts incidents which are primarily traceable to animal ingenuity continue to occur.

2. Recognizing that variations in environment and recreational activity lend themselves to a variety of food storage options, NPS recognizes the validity of various effective means of securing food. Because fewer options are practical for backcountry travelers, steel poles are provided in each of the park's designated camping areas from which campers may safely suspend food and other items otherwise attractive to bears.
3. We have considered, but rejected, the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under [5 AAC 84 - 5 AAC 92](#).

Park employees however, lack the authority to enforce this regulation directly, and would be forced to call upon state or city officers, were any readily available. Given the significant limits on outside agency staffing in this area, enforcement would be critically hampered.

Were we to adopt the language of the state regulation as a park condition under this section, we believe that it would not meet our mission of effectively protecting park wildlife since it would arguably relieve transient visitors from any requirement to take affirmative action to preclude animals from obtaining human food.

Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide appropriate facilities to promote compliance, these conditions are considered the least restrictive required to fulfill the agency mission of protecting wildlife and human safety.

/s/

Sandra Snell-Dobert