

## **GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE 2020 COMPENDIUM**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 54 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 Gates of the Arctic National Park and Preserve, 4175 Geist Road, Fairbanks, Alaska 99709 or at (907)457-5752 for questions relating to information provided in this compendium.*

### **TITLE 36 CODE OF FEDERAL REGULATIONS**

#### **PART 1. GENERAL PROVISIONS**

##### **1.6(f) Compilation of activities requiring permit:**

- 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
- Sale and distribution of printed matter, 2.52
- Grazing, 2.60(a)(1),(2); reindeer grazing, 2.60(a)(1), re: 16 USC 410hh, 25 USC 500
- 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)
- Scientific research, 13.50
- Launching, landing, or operating unmanned aircraft, 13.50
- Cabins on federal lands, 13.100-13.188
- Subsistence use in Gates of the Arctic National Park by a 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 by residents of Anaktuvuk Pass, 13.450(a), (b)(1), 13.1004
- Cutting of 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 use, 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 13.85(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 13.42(e).

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

No areas designated for closure.

#### **2.4(a)(2)(i), (h) Carrying, using, or possessing weapons at designated locations and times**

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.

See also 13.30(b)-(f).

#### **2.10(a) Camping: conditions and permits**

No established conditions or permits required.

Camping on gravel bars is encouraged to avoid damage to vegetation.

Superseded in part by 13.25.

*Camping on gravel bars is consistent with the Leave No Trace principle of “travel and camp on durable surfaces” and is a widely recognized best practice.*

#### **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://igbconline.org/certified-products-list/>
- 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) 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—

- 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—

- Food that is being transported, consumed or prepared for consumption; and
- Clean dishes and cooking equipment free of food odors.
- Bait which is being lawfully used for trapping or hunting in accordance with applicable state or federal is not considered food subject to the provisions in this section.

*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.*

## **2.11 Picnicking: designated areas**

Superseded by 13.26.

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

State or local fire burn bans are automatically adopted under this section unless the superintendent determines the ban is not necessary in park areas.

Campfires are authorized in all areas without a permit. All trash (tin foil, burnt food, glass, and cans) must be removed and packed out from the fire site after use and placed in an appropriate trash receptacle.

*The intent of this requirement is to allow for fires in the backcountry while ensuring that resource impacts associated with fires are minimized. The use of fire pans and construction of fires on gravel bars is encouraged to ensure that permanent campfire sites and build up of ash piles will not occur.*

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

No conditions established at present. Dumping commercial, household, or industrial refuse, brought in from private or municipal property, in government receptacles is prohibited.

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

No designated areas. The area does not have any public water facilities.

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

Fish entrails may be deposited on land along the Kobuk River drainage, as long as they are deposited greater than 100 feet from a campsite.

*The intent of this condition is to respect local native custom and culture in which fish entrails are left on land for other animals to scavenge.*

## **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**

- Sled dogs used as transportation may be left unattended for up to 24 hours when afforded adequate shelter, food and water.
- Leaving pets unattended or unattended tied to an object or unattended inside a public use cabin/shelter cabin for any length of time is prohibited.

*The intent of these requirements is to help ensure pets aren't lost or injured, don't harass wildlife, cause predation, endanger people, or damage resources.*

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

Pet waste must be removed from the immediate area surrounding public facilities/shelter cabins

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

Superseded by 43 CFR 36.11(e).

**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. See also 13.450, 13.1004 regarding use of airplanes in the Park for subsistence by Anaktuvuk Pass residents.

**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.

See also, 43 CFR 36.11(c) regarding snowmachine use for traditional activities and 36 CFR 13.460 for subsistence uses.

**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**

The towing of persons on sleds by dog team or snowmobile is authorized in all areas of Gates of the Arctic National Park and Preserve.

## **2.21 Smoking**

All park offices and visitor facilities 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 around fuel storage and dispensing facilities. Electronic cigarettes, or e-cigs, are included in the above restrictions.*

## **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**

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**

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

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

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

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

See also section 13.50 of this document which prohibits certain domestic animals in NPS areas.

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

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

**PART 3. BOATING AND WATER USE ACTIVITIES**

**3.3 Permits**

No permits required at present.

**3.7 Personal Flotation Devices: designated times and/or activities**

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

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

All areas are open to launching of boats.

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

No designations at present.

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

No designated areas.

**3.12(a) Water skiing: designated waters**

No 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.

### **4.30(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) Closures and restrictions to camping**

No closures or restrictions at present.

### **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**

No 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.

### **13.45(b)(1)-(6) Exceptions to unattended or abandoned property**

Subsistence users are exempt from the requirements in (b)(1)-(6). Other 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 Closures and restrictions**

### Unmanned Aircraft

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Gates of the Arctic National Park and Preserve is prohibited except as approved in writing by the superintendent.

The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

In Park areas where use of model aircraft for hobbyist or recreational use has been previously authorized, such use may continue under a permit issued by the Superintendent.

This restriction does not affect the primary jurisdiction of the Federal Aviation Administration over the National Airspace System.

### Domestic Goats and Sheep

Use or possession of domestic goats or sheep within NPS administered areas is prohibited.

### Llamas, Alpacas, and other Members of the Camelidae or Bovidae Family

Use or possession of llamas, alpacas, or any other domestic animal of the Camelidae or Bovidae Family within NPS administered areas is prohibited except as pack animals in accordance with written authorization from the superintendent.

### E-Bike

The term “e-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).

E-bikes are allowed in accordance with the provisions of 36 CFR Part 4. E-bikes are allowed on park roads, parking areas, and trails that are open to traditional bicycles.

E-bikes are prohibited where traditional bicycles are prohibited under 36 CFR 4.30. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).

Except as specified in this Compendium, the use of an e-bike is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

This provision is approved and will remain in effect until rescinded or superseded.

### **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**

No cabins or other structures designated for public use.

*NPS cabins are currently available for emergency use only.*

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

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, 13.50; 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.

*The above restriction serves to minimize impact to park resources, ensure that natural biodegradation processes are unimpaired, and protect against overharvest.*

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

No restrictions at present.

#### **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, 13.50.

**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 trails designated for ORV use except those designated in the Anaktuvuk Pass Land Exchange Legislation. Contact park headquarters for further information on these designated trails. See also 4.10.