

RESPONSE TO COMMENTS

SUPERINTENDENT'S COMPENDIUM 2018

LAKE CLARK NATIONAL PARK AND PRESERVE

The compendium is a list of designations, closures, permit requirements and other authorizations and restrictions adopted pursuant to authority in the Code of Federal Regulations (CFR) applicable to areas administered by the National Park Service (NPS). On January 15, the NPS published proposed changes for the 2018 compendium and invited public comment on those proposed changes through February 15. A summary of substantive comments and NPS responses is provided below.

Process Comments and Responses

NPS received three comments concerning the compendium process used for all NPS units in Alaska.

Public notice

Comments: Several comments were received stating that NPS did not provide adequate public notice of the proposed changes and the opportunity to comment. One commenter suggested the NPS issue a region-wide press release announcing the availability of compendium proposals. Another commenter stated that the internet is not adequate to notice the public of a comment opportunity. A couple commenters suggested that the NPS consult with user groups and members of the public prior to publishing proposed changes. A couple comments stated that the NPS should seek public comment on the entire compendium rather than just proposed changes. A couple commenters also suggested that individual parks do more outreach with park constituents and local residents.

Response: Recognizing the importance of the compendium process in Alaska as a result of the Alaska National Interest Lands Conservation Act (ANILCA), since 2003 the NPS in Alaska has provided a public comment opportunity as part of each Superintendent's compendium review. Consistent with past practice, the NPS issued a region-wide press release in January notifying the public of the opportunity to comment. Similar information was available on the NPS Alaska Region webpage and through the NPS' online planning portal (PEPC). Each park manager determined what additional steps were appropriate to take to inform the public in their specific park units. Some steps taken by parks included forwarding the press release to park-specific mailing lists, updating social media pages, and updating tribal entities and various user groups. The NPS encouraged user groups to inquire with the park Superintendent for more information.

The NPS agrees with commenters that public involvement benefits the Service in evaluating proposed changes to public uses of NPS managed lands. To that end, the NPS in Alaska has adopted the model for Federal rule-making for compendiums. This consists of publishing proposed changes to the compendium, taking public comments on proposed changes, and then

responding to the comments and suggestions received on these proposed changes. The NPS welcomes comments on other topics in the compendium not included in the published proposals, but generally does not include these comments in the published response to comments unless it influences a change to the final compendium.

Web Posting and Organization

Comment: Several commenters stated that finding and navigating compendium information posted online was difficult. Commenters also noted separating the proposed changes from the current compendiums made it more challenging to understand what was being proposed.

Response: In 2018, the NPS separated the compendiums into several sections intended to make the compendium easier to navigable and understand:

1. Cover page with approval signatures. During the proposed change phase, the cover page includes the determination of need for each substantive proposed change. Following the comment period, the cover page with signatures will include a response to comment received.
2. The currently approved compendium.
3. Maps and diagrams which are incorporated by reference in the compendium.
4. Determinations of need, available upon request. Prior to 2018, the NPS reformatted the determination of need published in the proposed compendium and attached it to the compendium. In order to make the compendium document less cumbersome for the public to review, these determinations of need were removed, but are still in the administrative record and available upon request. Determinations of need published with proposed changes along with the response to comments are similarly retained as part of the agency administrative record and available to the public upon request.

The NPS recognizes some of the confusion is attributed to the change in formatting (separating these four components into separate electronic files rather than one electronic file). However, the NPS also agrees with commenters that the organization of information posted online can and should be improved, and that links on the NPS Alaska Region webpage and through the NPS' online planning portal (PEPC) were not necessarily clear or functional at times. The NPS agrees with a suggestion to indicate when the compendium comment period is open on each park's PEPC page. The NPS also agrees with a suggestion to include a link to the currently approved compendium on each park's webpage under "Laws and Policies."

Determinations and justification

Comment: Some commenters requested that parks include a discussion of less restrictive measures in the determination of need that is published with the proposed changes. One commenter stated that all determinations of need from previous changes should be posted online. Another commenter noted that controversial items cannot be included in the compendium under 36 CFR 1.5(b). Another commenter said that Congress intended in ANILCA to minimize the number of restrictions in Alaska NPS units.

Response: Regulations outlining the criteria and process for adopting closures and restrictions for Alaska NPS units which are included in the park compendiums are located in 36 CFR 13.50 rather than 36 CFR 1.5. Under the Alaska specific regulations, written determinations of need are prepared and posted online prior to implementing changes to the compendium. In developing proposals, the NPS assesses the need and publishes a proposal that the NPS believes would best address the issue. The objective of the determination of need is to describe the need and explain how the proposal addresses the need. A discussion of other options may be included in some circumstances, but is not required under NPS regulations applicable to Alaska. The comment period provides an opportunity for the public to identify other options to address issues. The NPS welcomes feedback on other solutions and we note that many suggestions received during the comment period have been incorporated into final compendiums over the years.

Regarding the comment that Congress intended in ANILCA to minimize the number of restrictions in Alaska NPS units, the NPS only adopts restrictions that the agency has determined are necessary.

The compendium for Lake Clark National Park and Preserve is approved and all previous versions are rescinded.

 3/22/2018
Superintendent Date

 3/26/12
Regional Director Date