

STATE OF ALASKA

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February 15, 2003

Robert L. Arnberger
Regional Director, National Park Service
2525 Gambell Street, Room 107
Anchorage, Alaska 99503

Dear Mr. Arnberger:

The State of Alaska has reviewed the set of eleven draft compendia prepared for public review covering each of the sixteen units of the National Park System in Alaska. This letter represents the consolidated views of state agencies.

First, the State of Alaska commends you and your staff for your unprecedented effort invested in improving these documents and correcting many longstanding deficiencies. We also welcome the newly created annual public review process, which will facilitate continual fine tuning to keep these tools appropriately responsive to changing conditions over time. In addition, we support and encourage your intent to transition certain management provisions from the compendia to Alaska-specific regulations following this public comment period. All of these actions are moving park management closer to the standards envisioned by Congress in the Alaska National Interest Lands Conservation Act (ANILCA).

We appreciate the Service's recognition that the increased accountability required by ANILCA and its regulations reduce the scope of compendia in Alaska park units. The State correspondingly acknowledges that there remains a limited role for certain discretionary decisions (with public review) traditionally embodied in a compendium. We are hopeful that Alaska park compendia will continue to evolve to successfully integrate these dual realities.

Finally, we must acknowledge your responsiveness to our desire for constructive dialogue. You and your staff have shown a willingness – again unprecedented – to look beyond the confines of past thinking to seek new solutions. All those whom are familiar with the objectives at hand recognize the challenges associated with this undertaking. While not all issues and problems identified by the State will be easy to resolve, we are optimistic that we can continue to address them in a forthright and constructive manner.

As a foundation for the specifics of our detailed compendium review, we wish to review the milestones achieved and progress made in the last year or so.

- Park compendia in Alaska will be subject to annual public review and comment.
- Individual parks will work with the state, local communities and other constituents on issues as they develop.
- The Service will consider a full range of tools in response to new issues – e.g. education, state management tools, and park-specific regulations – with an eye on achieving management objective using the least restrictive measures.
- The Service is improving and expanding written determinations that form the basis for compendium (or regulatory) management actions.
- Unless needed to reflect park-specific differences, compendium entries should generally be consistent for all park units statewide.
- Numerous compendium provisions, including those for access and camping, will be proposed as draft regulations in the Federal Register, consistent with 36 CFR Part 1, ANILCA and 36 CFR Part 13.

The attached comments are organized into four parts:

General Comments
General Comments by Section Number
Park-specific Comments
Appendices

Thank you for the opportunity to provide our views, analyses, and recommendations. We look forward to working with you and Service staff on further revisions.

Sincerely,

/ss/

Sally Gibert
State ANILCA Coordinator

GENERAL COMMENTS

Maps. We appreciate that more maps accompany the '03 draft compendia than have been readily available in the past. We also recognize the difficulty of creating maps that can be easily introduced into a document or downloaded from the web site. We expect that by the time the final '03 compendia are implemented these technical problems will be solved. We also note that in some cases the use of maps can be avoided by a good physical description. For example, the need for a map of the camping closure at Kennicott in the Wrangells compendium has been obviated by the clear and concise physical description of the affected area.

Determinations. Pursuant to 36 CFR Part 1, all compendia restrictions or liberalizations must be “based upon a determination that such action is necessary.” (Appendix A reviews the specific Part 1 and Part 13 requirements regarding “determinations.”) Some of the proposed 2003 compendium provisions are supported by detailed “determinations” available at the park office. Others have explanations in italics following a compendium entry. Some of these explanations are useful additions that clarify intent. Others appear to be cursory attempts to fulfill the 36 CFR Part 1 “determination” requirement. In the continuing evolution of compendium determinations we recommend that most of the determinations be removed from the compendia unless they are needed to clarify intent. As individual determinations are further expanded to meet regulatory requirements, we recommend separating them in a separate file or document so that they don't bog down or dilute the primary compendia content. While this seems an exercise in unnecessary paperwork for some of the very simple compendium entries, many could be handled generically just as we are urging that many of the provisions be generically addressed. All determinations should be available upon publication of the final compendia, ideally through a link on each park's web site.

We also recommend that updated determinations be discussed with the state since many restrictions may impact the state's management of fish, wildlife, water, related public activities, and adjoining lands. A cooperative approach will also assure that the compendia meet the regulations' requirement of taking the least restrictive measures necessary to suffice for management of the park resources. Least restrictive measures may include use of state authorities.

Use of state law. We have discussed on several occasions and in our written comments the use and applicability of existing state laws. We appreciate that NPS is willing to consider expansion of this approach, and support those already in place (for example 2.3(d)(2) bait fishing, and general fishing at 13.21(b)). Our specific comments include additional suggestions along these lines. We are anxious to continue working with the Service to address enforcement issues as they arise.

Limit applicability to federal land. The introduction to each compendium should include an explanation that park rules only apply to park lands. Unless otherwise agreed to by other landowners or managers, park compendium provisions do not apply to private lands or state land and waters. We also have noted in our park-specific comments where references to state-owned water, beaches, etc. should be removed.

Compendia as educational tools. In a refinement of some of our earlier views, we see that the role of compendia can be broadened beyond a rulebook to be an educational device in some instances to encourage responsible behavior. Hence we support certain new additions to the compendia that go beyond enforceable Service requirements that offer information about applicable non-federal rules. This letter also suggests some new sections that recommend appropriate behaviors for the public.

Public Involvement. The state is pleased with the new compendia public involvement mechanisms that are being implemented. As the bugs are worked out, we encourage continued efforts to target and seek input from specific affected stakeholder groups that might otherwise be missed by general public notices and web page announcements. For example, we appreciate that the draft Katmai compendium was emailed to those incidental business permit holders with an email address.

GENERAL COMMENTS BY SECTION NUMBER

1.5 Closures and public use limits

We understand the Service is working on development of a proposed regulation that would improve the ability of the Service to manage facilities (buildings and other structures, park roads, parking lots, campgrounds, and paved trails) for public health and safety. We support this approach and find it to be consistent with ANILCA as long as it is limited to facilities and not undeveloped areas. Unless otherwise noted in our park-specific comments, we do not object to the continuation of basic health and safety provisions currently listed throughout the '03 compendia under Section 1.5 and other sections of the compendia that address use of facilities.

1.6(f) Activities requiring a permit

In comparing these lists among the various compendia we note a number of minor inconsistencies. Your staff may have already picked most of these up. If you would like a detailed inventory of these we can provide them under separate cover. There are three types of inconsistencies:

- 1) Permitted activities that have the same treatment region-wide are not similarly listed.
- 2) In some cases each compendium's list of permitted activities does not match the actual permitted activities as described in the rest of the document.
- 3) The titles/descriptions of the same section are sometimes labeled differently among the documents.

2.1(a)(5) Designated areas for walking or climbing on cultural sites

Except where there are park-specific issues to address, such as in Wrangells, we encourage consistent wording. We support the general intent and suggest the following language as the "default" approach, a slight variation of the existing Katmai language:

“There are no cultural resources designated for walking or climbing upon.”

2.1(b) Designated trails

Several of the compendia contain wording that is confusing, even though the intent is fine. Given the ANILCA exception that many public use activities are “open unless closed,” we recommend the following default wording if no park-specific issues are present:

“No restrictions on walking or hiking at present.”

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

Several compendia unnecessarily include lists of edible plants or berries. For consistency and simplicity, we recommend the following default language for pre-ANILCA park units:

“All edible berries and plants, edible mushrooms, and unoccupied seashells [if applicable] may be gathered by hand for personal use or consumption.”

For ANILCA additions we recommend the following (modified as shown from the Denali compendium) unless there are park-specific differences that need to be addressed, e.g. the two-quart daily limit at Sitka:

“Superseded by 13.20(b)(1) and 13.49(b) in the Preserve and Park additions, ~~Section 13.20(b)(1) authorizes~~ all persons to collect fruits, berries, mushrooms, and other natural plant food items by hand for personal or subsistence use. ~~in the Preserve and Park additions. Section 13.49(b) allows federally qualified subsistence users to collect fruits, berries, mushrooms, and other natural plant food items in the Preserve and Park additions.~~”

2.10(d) – Food storage – designated areas and methods

We request that all 2003 compendia replace the current language with the following (which replicates state law 5 AAC 92.230 Feeding of Game):

“A person may not intentionally feed a moose (except under terms of a permit issued by the Alaska Department of Fish and Game), 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 furbearers or hunting black bears conducted under provisions of state law.)”

In this manner, federal enforcement officers can enforce provisions under federal authority that are identical to the state law enforced by state enforcement officers. We suggest the above enforceable designation be followed by an italicized explanation that further ties in consequences of “negligence:”

“Guidelines for taking a bear in defense of life and property are set forth in state regulations 5 AAC 92.410. Provocation of the animal, harassment, unreasonable invasion of the animal’s habitat, negligent storage of food, improper disposal of garbage, or creating an attractive nuisance are not justification for shooting a bear.”

Under the above proposal, the Service’s compendia would be consistent with state law, the Service could enforce the restriction as federal law within the compendia, and the superintendent would retain discretionary authority where and when additional conditions may be specifically needed for public safety and resource protection.

This is one of those few management issues we recommend using the compendia as a vehicle to increase public familiarity with the issue, related laws, and consistent guidelines across all units to improve visitor compliance. Thus, we urge the above compendia designation be accompanied by educational material, replacing the proposed 2003 unit-specific compendium requirements. Information would include guidelines for the public to prevent making food, garbage, or harvested fish and game meat an attraction, such as heights for hanging in trees, storing and preparing food away from campsites, using bear resistant containers, and using deterrents such as electric fences. In developed areas where animal resistant food containers are required, the locations these are available free of charge from the Service should be noted. The language should be cooperatively developed from information available from state wildlife experts and should be as consistent as possible for all units.

This same information should be included in literature and postings for each unit. While such educational guidelines would not be enforceable, they will be valuable for visitors and residents alike and be applicable regardless of state and federal jurisdiction. We find only rare situations where public conduct generally consistent with the recommended guidelines might be insufficient for public safety or to prevent impacts to resources. In those special conditions, site-specific and duration-specific criteria may need to be cooperatively evaluated and adopted in future compendia.

Appendix B offers a template for all compendia based primarily on the Kenai Fjords provision.

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas

We request the following language, modified from the Wrangell-St. Elias compendium, be adopted in the 2003 compendia for all units. We also suggest that this language be considered for permanent rulemaking in 36 CFR Part 13:

“Hunters are required to identify themselves and the location where the wildlife that is being transported across park/preserve land was taken when requested by a park ranger. Identification of the site may consist of specific directions, maps, or upon request the hunter may be required to accompany the ranger to the location to verify the kill site.”

This approach addresses all the information needed by enforcement officers to identify the hunter and verify the kill location. There is no need to duplicate state law, which requires

persons transporting game to be in possession of appropriate licenses, tags, or other documents. We remain opposed to any requirement for a permit or notification in advance of transporting wildlife across park units. All other special conditions proposed in the 2003 compendia for Denali, Gates of the Arctic, Glacier Bay, Kenai Fjords, Lake Clark, and Western Arctic should be deleted.

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

We note that use of artificial lights is prohibited in Denali, Katmai, Kenai Fjords, Klondike, and Sitka. In all other units use of lights for hunting purposes is appropriately addressed in state and federal law. For wildlife viewing purposes, there is little darkness in Alaska during the summer so this does not seem to be a big issue. Unless we are unaware of specific problems, we see no need for prohibitions. For park units where no hunting is allowed we recommend “No areas designated for closure.” For park units where hunting is allowed we recommend the following language currently used in the Gates of the Arctic Compendium.

“No areas designated for closure. For sport hunting in the Preserve, state law determines if artificial light may be used for taking wildlife. For subsistence hunting, 50 CFR 100 determines if artificial light may be used for taking wildlife.”

2.3(a) Fishing

We request a new section be added under **Section 2.3 Fishing (a) and (e)**:

“**All** park areas are designated for this activity, including methods and means allowed under regulations adopted by the state and the federal subsistence boards.” [emphasis added]

Under the Alaska-specific regulation at Section 13.21(b), “*fishing is permitted in all park areas in accordance with applicable State and Federal law . . . to the extent they are not inconsistent with Section 2.3 of this chapter.*” Methods and means allowed under Alaska’s fishing regulations include some net fisheries in fresh waters (closely regulated for subsistence, commercial, personal use, and recreation). Section 2.4 of the national regulations defers the use of nets in Alaska to the Part 13 regulations, but the Part 13 regulations on fishing defer to state law if consistent with Section 2.3, which prohibits use of nets “*except in designated areas.*” Thus, we request all Superintendents add Section 2.3(a) to their compendium and designate as “*State law applies.*” Without this designation, many people legally fishing under state regulations could inadvertently be in violation of the net prohibition in 2.3(e) and subsequently be deprived from participating in traditional fisheries under state management. The requested change is consistent with the Service’s intent cited in the preamble to the 1983 regulations to defer to state fisheries management with regard to use of nets for fishing:

“*In general, the rules found in 36 CFR Part 13 apply to Alaska park areas and supersede the general regulations found in 36 CFR Parts 1-6 in those specific instances where the provisions of the general regulations are in conflict. For example, Alaskan park areas have specific regulatory provisions concerning snowmobiles, motorboats,*

aircraft, weapons, traps and nets, hunting, trapping, off-road vehicles, nonmotorized surface transportation (including dogsleds), unattended or abandoned property, camping, picnicking, permits, access, and cabins.” (emphasis added)

Clearly this is one of “those specific instances where the provisions of the general regulations are in conflict” with the Alaska-specific regulations. There is no reason for superceding Alaska’s management of its fisheries statewide. This designation would clear up the conflict consistent with the Congressional intent and the Service’s Alaska-specific rulemaking to maintain the state’s management of its fish and wildlife.

2.3(d)(2) Waters Open to Bait Fishing in Fresh Water

ANILCA Sections 1313 and 1314 reaffirm state management of fishing under applicable state and federal law. References to the federal subsistence regulations affecting fishing are unnecessary in the compendia. Both the state and federal boards regulate subsistence fishing, not just the federal board under the cited regulations. Regulations affecting subsistence as well as other fisheries can occur at any time during the year. We thus request this provision be revised as follows:

“Superceded by Section 13.21(b)—State law applies. 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 in the ANILCA additions is governed by 36 CFR part 13 and 50 CFR part 100.”

2.3(d)(8) Designated areas open for fishing from public boat docks, bridges, etc.

Consistent with the rationale for 2.3(d)(2), we request this provision be revised as follows:

“Superceded by Section 13.21(b)—State law applies. No public boat docks, bridges, swimming beaches, etc., All areas are designated as open to fishing.”

The language should not imply that the Service may use this provision to close anything more than Service-owned facilities. If there are specific park-owned docks, bridges, etc. that the park desires to be closed to fishing, these should be listed specifically, such as the Bartlett Cove fuel dock at Glacier Bay. See suggested language specific to Glacier Bay.

2.4(a)(2)(ii) Target practice

For consistency and clarity, we suggest the following default wording:

“There are no designated areas for target practice.”

We assume enforcement personnel in the field will exercise discretion to accommodate the legitimate need to sight in a rifle used for legal hunting.

2.13(a)(1) Fires

We agree it is appropriate to require that fire pits be left clean after use. We suggest the default language be slightly expanded to match the wording in Kenai Fjords, page 8:

“All trash (tin foil, burnt food, glass, and cans) must be removed from fire pits after use.”

We also suggest the Service consider this as a candidate for a regulation if it appears to be reasonable and not likely to change over time.

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

For clarity and consistency we suggest deleting the phrase “No designated areas” that appears in some compendia and adopting the following default language if no park specific issues are present:

“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.”

Like 2.13(a)(1) above, we suggest the Service consider this as a candidate for a regulation if it appears to be reasonable and not likely to change over time. This addition would allow a superintendent to use the compendia to designate, for example, specific washing facilities such as the Brooks Camp fish cleaning facilities.

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

For consistency and clarity, we recommend the following language be adopted as the default approach unless there are park-specific issues that can be addressed via compendium for individual park units. Note that “No designated areas” has been removed since this is confusing.

“Fish remains may not be disposed of on either land or water within 200 feet of public boat docks or designated swimming beaches.”

This is another possible candidate for a new regulation if it fits the criteria referenced under 2.13(a)(1) for reasonableness and expected longevity.

2.14(a)(9) Human waste disposal in undeveloped areas

We recognize the need for some selected park-specific variations (e.g., glacier travel, areas with cultural sites). These are addressed in our park-specific comments. At the same time we encourage a consistent default approach whenever possible. Consistent with state law and established practices, we strongly support a compendium provision that prohibits human waste disposal within 100 feet of all waterbodies. The following language, slightly modified from page 8 of Wrangells, adequately addresses distance from water bodies:

“Disposing of human body waste within 100 feet of a water source, high water mark of a body of water, or a campsite, or a trail is prohibited.”

The digging of cat holes is addressed in some, but not all compendia. We recommend an additional requirement that all human waste be buried in most cases. Unless dictated by special circumstances such as high use areas or low biological activity, we recommend that all park units provide the option of disposing of toilet paper in the backcountry by burial, burning, or packing out as trash.

2.14(b) carrying out human waste

As a minor editorial point, for clarity we recommend “*No restrictions at present*” when applicable in lieu of the alternative wording “*No conditions at present.*” Also, it appears that 2.14(a)(9) and 2.14(b) are sometimes used interchangeably but not consistently, between parks. See also park specific comments.

2.15(a)(1) Pets

Most of the park compendia currently allow pets in the backcountry, which we support. Current regulations already require that pets must be leashed or otherwise under physical control at all times (Section 2.8). For clarity and consistency we suggest the following revised default wording if there are no park specific issues:

“Pets must be leashed or otherwise physically restrained. There are no additional conditions or restrictions at present.”

The draft '03 compendia for Denali, Kenai Fjords, and Glacier Bay restrict or prohibit pets in the backcountry. The state believes that any general prohibitions of pets should be implemented through regulations. The state would consider supporting a pet prohibition in regulation for Glacier Bay Park (not the preserve) and portions of Denali Park (not the preserve). At this time, however, we do not see the need for a prohibition in the Kenai Fjords backcountry.

2.19(a) Winter activities -- designated areas

Except where there are park-specific issues to address, we encourage consistent wording to prevent potential confusion associated with saying there are “no designated areas.” We suggest the following language as the “default” approach, lifted from the Gates of the Arctic compendium:

“All areas are open to winter use.”

2.60(a)(3) Grazing

For consistency, the state encourages the language used in Katmai, Kenai Fjords, and Lake Clark as the default approach unless park specific issues need to be addressed:

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

Compendia should not be used to prohibit grazing, as is currently proposed for Glacier Bay, Klondike, and Sitka. Regulations for a permanent closure are necessary. The state would consider supporting a regulatory prohibition of grazing for Glacier Bay Park (not preserve) and Sitka. We are continuing to evaluate grazing issues at Klondike.

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

All park units currently propose to allow the scattering of ashes from human remains; although Denali, Katmai, and Sitka require a permit. We see no need for such a permit requirement and suggest all compendia adopt the more common default language:

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

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence use without a permit

We suggest changing the above word “use” to “purposes.” This would clarify the apparent intent to require a permit of all users who may use the cabin for subsistence purposes, not to designate the building as a subsistence cabin. Several of the compendia do not designate cabins for use without a permit. We request that superintendents annually consider whether a cabin is routinely used for subsistence purposes during particular times of year for specific purposes. It would be less burdensome for the superintendent and the subsistence users to include such designations in the compendium.

13.17(e)(5)(i) Designated cabins for general public use

The text of the regulation gives the superintendent authority to designate a cabin as a public use cabin and such cabins “are intended for short term recreational use and occupancy only.” The superintendent “may establish conditions and develop an allocation system in order to manage the use of designated public use cabins.” The cabins shall be signed and location available on a map. We are aware of other cabins in the parks and request adding the following guidelines to each as is done in Glacier Bay’s compendium:

“No [additional] formal designations; however, all federal cabins not otherwise under permit, are open for short term public use (up to 14 days).”

13.19 (b) Carrying firearms

We recognize and support the Service’s interest in changing existing park regulations (e.g., 13.1(f) and 13.19) that create conflicts with the Alaskan way of life and inhibit reasonable safety. We encourage development of new regulations that accomplish the following objectives:

- provide for the use of bear spray in all Alaska park units
- allow use of firearms for legitimate hunting and trapping under state and federal laws
- allow transport of firearms for legal purposes across the former Katmai National Monument

In the meantime for the '03 compendia, we encourage exploration of the broadest possible use of superintendent's discretion to minimize the impact of the existing regulations. We also support the enforcement discretion currently exercised in the field.

13.20(a) Waterskiing

Currently some park compendia allow waterskiing while others do not. Waterskiing is not a significant problem in Alaska park units; however, the state is concerned about the implications of park management decisions being applied to state waterways. It is reasonable to assume that any waterway suitable for waterskiing would be considered navigable, and thus under state jurisdiction. We therefore oppose any prohibitions.

In addition, the current wording that allows this use is also problematic: "*All park areas open to waterskiing.*" Again, given state jurisdictional concerns, we suggest the following alternative approach for all units that accomplishes the same results without triggering a legal dispute:

"No restrictions at present."

13.22(c) unattended personal property

We appreciate the progress that has been made since the '02 compendia on this issue. The Wrangells compendium contains the best approach to date and we request that all compendia adopt this language for the '03 season. We also encourage consideration of the regulation based on the Wrangells approach.

13.30(d)(2) Camping

Several compendia contain various permanent backcountry camping closures or restrictions. We have long advocated that backcountry camping limits must be implemented through rulemaking in the Federal Register and we are pleased to note that the Service is in the process of developing such regulations. We recommend promulgation of a regulation that allows each superintendent to mirror state rules for camping on state land. The following is excerpted from the January, 2003 version of "Generally Allowed Uses on State Land:"

Setting up and using a camp for personal, noncommercial recreational purposes, or for any non-recreational purpose (such as a support camp during mineral exploration), for no more than 14 days at one site, using a tent platform or other temporary structure that can readily be dismantled and removed, or a floathouse that can readily be moved. Moving the entire camp at least two miles starts a new 14-day period. Cabins or other permanent improvements are not allowed, even if they are on skids or another non-permanent foundation. The camp must be removed immediately if the department determines that it interferes with public access or other public uses or interests.

This basic camping limit 1) ensures that individual parties can not monopolize prime camping sites for long periods of time, 2) deters illegal guides that rotate clients through the same campsite all season, and 3) minimizes damage to vegetation from long term site use. We believe this a reasonable restriction that has broad application. Where superintendents believe that permanent closures or camping limits of a duration shorter than 14 days are warranted, such restrictions should be proposed (with suitable justification) as park-specific regulations under Part 13, Subpart C.

13.69(a)(2) Customary trade of handicraft articles made from plant materials

An entry from the Western Arctic compendium states “*Handicraft articles made from plant material taken by local rural residents of the park area is permitted.*” This is a useful provision that applies, per regulation, only to Kobuk Valley. We encourage consideration of a new Part 13 regulation that would allow application of this concept to all Alaska park units.

36.11(f)(3)(ii) Salvage of downed aircraft

Park regulations that apply nationally already require that downed aircraft be removed from park units. We support the general provision in most compendia as follows:

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

This topic may be suitable for consideration as a Part 13 regulation for consistency. We oppose the more restrictive Katmai provision. See park specific comments.

36.11(g)(1) ORVs on established trails

Most park units do not have designated trails, even though some ORV use is unofficially recognized in some areas. We continue to object to the failure of the Service to research, recognize and designate traditional trails used by ORVs for subsistence and other activities. We continue to believe this is a de facto closure without studying pre-ANILCA traditional access methods and activities. We continue to encourage application of the Wrangell-St. Elias park unit model that has in place a joint park/Alaska Department of Fish and Game traditional access study and that actively allows and addresses legal ORV use.

PARK-SPECIFIC COMMENTS

DENALI

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

Page 3 of the Denali compendium states “*Riding bicycles is not allowed on NPS trails or the roadside path.*” The scope of this provision and the location of the trails are unclear. Affected trails should be mapped or more specifically described. If the referenced trails are paved, then after ’03 they would presumably be covered by a new facilities regulation. If other well-used, improved trails in the park entrance area are included we recommend establishing a “developed area” regulation to collectively address entrance area bicycle use. Consistent with ANILCA, bicycles in undeveloped areas or on backcountry trails can only be prohibited by regulation.

2.13(a)(1) fires—designated areas and conditions

Provision A on page 10 states: “*No fires may be kindled in the backcountry of the wilderness area of the Park or Preserve between April 15 and September 30.*” This provision is too restrictive in that it does not recognize emergencies, fires that traditionally accompany hunting activities, or the presence of snow cover as a wildfire deterrent. We agree, however, that the Superintendent should have the ability to restrict fires when and where fire danger is high, or in higher use areas with limited firewood sources. We recommend cooperative consideration of a regulation to appropriately balance the reasonable use of fire with resource protection.

2.2(d) wildlife transport

The State objects to the following paragraph appearing on page 6:

All legally taken game being transported through the Park from Kantishna by motor vehicle must be completely covered and out of sight of the general public. That game must be transported directly out of the Park without delay and must be secured at all times during that transport in such a manner as to prevent any ready access by bears or other scavengers should the vehicle have to stop for any reason.

This paragraph strongly implies that hunting in Denali is an aesthetically incompatible activity that should be hidden from public view and whisk away as quickly as possible. It appears to be an attempt to sweep recognition of an important ANILCA compromise under the proverbial rug. Instead, the visiting public should be educated through various means about the special provisions of ANILCA that allow hunting in all or parts of many park units in Alaska, including Denali. Seeing a fresh moose rack on the back of a truck, for example, should be considered by tour guides and bus drivers as a valuable teaching opportunity – rather than something to be upset or ashamed about.

We recognize that transporting game meat along the road through wildlife concentration areas is a legitimate animal attractant concern. This issue is addressed, however, by the recommendations for food storage under 2.10(d). Thus this paragraph should be deleted.

2.10(d) – Food storage – designated areas and methods

In addition to our general comments about camping, we have the following specific comments. We presume the first bullet addresses food storage requirements in campgrounds only. This should be further clarified. As noted in our general comments, the state would not support such restrictive food storage requirements in the backcountry.

Regarding the second bullet (bear proof container requirement in wilderness backcountry zones) we believe adequate food storage can be successfully addressed in the same manner we have recommended for other backcountry areas: Keep the focus on prohibiting animal attractants in combination with an education program and the availability of containers for loan from the park. We do not support the mandatory use of bear proof containers as currently proposed. We expect the food storage work group will continue discussing these issues and we hope that mutually acceptable recommendations will be developed.

2.15(a)(1) Pets

As noted in our general comments, we believe regulations are the appropriate vehicle for prohibiting pets in the backcountry. The state would consider supporting a regulation prohibiting pets in the Park (but not the Preserve) with the exceptions outlined in the first bullet for hunting and winter use. We appreciate the Service’s recognition of these exceptions, and especially the seasonality of the concern.

The remaining four bullets in the Denali compendia are reasonable examples of the use of the compendia to control a certain use. We question the scope of the bullet that states “*Pets will not be allowed on established trails including the Roadside Trail.*” [emphasis added] Assuming these are improved trails in the vicinity of the park entrance area, we would support this provision as long as the trails are specifically listed, mapped or otherwise described to remove ambiguity about the scope.

4.21(b)-(c) Speed limits

There is no need to imply that the compendium sets speed limits on the George Parks Highway. Therefore we recommend the following revision of the second sentence in this paragraph:

“Posted state speed limits apply on Alaska Highway 3 (George Parks Highway).”

13.30(d)(2)

The Denali compendium (page 16) states “*Camping in the backcountry is limited to 30 days total between April 15-September 30 with no more than 7 days in one unit on each trip.*” As noted in our general comments about backcountry camping, such permanent restrictions should be the least restrictive to accomplish the objective and should be implemented through regulation with a determination of need. While the anticipated 14-day backcountry camping limit is moving through the rulemaking process, we would not object to use of a parallel temporary limit in the ‘03 compendium. We do not, however, support a more restrictive and widely applied 7-day limit. Such shorter time limits should only be considered in locations where it is necessary to address site-specific problems, e.g., high use areas with few suitable sites or unusual sensitivity. Shorter duration restrictions should avoid impacts on legal hunting (where base camps of longer than 7 days are not uncommon), and should be limited to the specific season of concern.

The unit wide 30-day seasonal limit also seems to be unnecessarily broad. We can imagine that such a limit might be justified, for example, in certain areas that might otherwise be used as seasonal housing camps by seasonal park employees. In this hypothetical example, a more tightly defined area could make this a suitable proposal for a regulation. We do not have sufficient information to recommend an alternative to this provision.

13.63(b) Backcountry Camping

The state has long been concerned about requiring camping permits in Denali, especially in the winter and in remote areas where overcrowding or competition is not an issue. The existing park-specific regulation ties Denali camping limits to a backcountry management plan. Thus these issues will be the subject of discussion during the upcoming review of this plan.

GATES OF THE ARCTIC

2.14(b) Sanitation – conditions concerning disposal, carrying out of human waste

All other parks require disposing of human waste at least 100 feet from waterbodies, while the Gates of the Arctic set back is 200 feet. We strongly encourage a consistent approach – both among the other compendia and with state law. Any deviation should be specifically justified and, if applicable, a more site-specific approach should be considered.

Consistent with our general comments, we recommend the following modifications:

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence use purposes without a permit

No designations at present. All subsistence use requires permit from Superintendent.

13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins

~~NPS cabins are currently available for emergency use only.~~ See above.

36.11(g)(1) ORVs on established trails

The reference to the Anaktuvuk Pass Land Exchange should be accompanied by a map or web site link to indicate the location of these designated trails.

Glacier Bay

Important caveat: As you know, the state and the Service are in court over the ownership and jurisdiction of waters within the exterior boundaries of Glacier Bay National Park.

Consequently, until this legal dispute is resolved, there is little value in conducting a line by line analysis of our position with respect to individual compendium provisions affecting waters and their uses. With this in mind, our silence on these provisions does not indicate concurrence.

Consistent with our general comments, we recommend the following revisions:

2.3(d)(8) Designated areas open for fishing from public boat docks, bridges, etc.

“Superseded by Section 13.21(b) – Fishing is allowed under State law from all swimming beaches, surfing areas, and public boat docks except for the Bartlett Cove fuel dock.”

2.10(a) Camping – conditions and permits

Consistent with comments we have made in the past, we do not support most backcountry camping permit requirements, especially those that are required for information distribution and data gathering purposes. If a permit system is shown to be necessary for Glacier Bay proper to achieve necessary objectives, such as equitable or dispersed use, then a regulation should be considered.

2.14(b) Sanitation – conditions concerning disposal, carrying out of human waste

Along the Alsek River, the compendia contain the following requirement: “*Disposal of human body waste within one-half mile of the Alsek River is prohibited. Solid waste must be carried to the NPS dump station provided at Dry Bay.*” If the human waste problem is indeed severe enough to warrant this prohibition, we suggest consideration of latrines at key camping concentration areas to improve compliance.

2.15(a)(1), (a)(3), (a)(5), (b), (e) Pets

The ’03 compendium proposes a prohibition of pets in the Park backcountry. The italicized justification notes concern about free-ranging pets, yet national regulations already require pets to be physically controlled at all times. Consistent with our general comments, a park-specific regulation is a more appropriate method of prohibiting pets if the national regulations are not adequate.

3.3 Permits (Alsek River)

Fourth bullet: We remain on record opposing a federal permit requirement to operate nonmotorized watercraft on the Alsek River, a state-owned navigable waterbody.

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence ~~use~~ purposes without a permit

“All subsistence uses of existing cabins, shelters, or temporary facilities for subsistence purposes requires a permit from the Superintendent. During the Federal subsistence moose hunt, the East River Public Use Cabin at Dry Bay may be reserved by local rural residents at no charge via the NPS Office in Yakutat.”

~~*This provision allows subsistence users to share and use the East River Public Use Cabin during the federal subsistence moose hunt.*~~

13.30(d)(2) Temporary closures and restrictions

The third bullet under Camping for Bartlett Cove says “*Camping is prohibited within 1 mile of Bartlett Cove, except inside the boundary of the Bartlett Cove Campground.*” Such a camping closure, while not necessarily unreasonable, should be implemented with appropriate justification through regulation, either as a specific camping closure or as part of a Bartlett Cove

developed area regulation. Outside Bartlett Cove, the state does not support the existing backcountry permit requirement as noted fewer than 2.10(a), above. Other long-term actions that should be addressed in regulation instead of compendia include:

- prohibition of camping in one location for more than 3 nights
- group size limits
- backcountry quotas (i.e. limit of 1870 backcountry visitors to Glacier Bay proper per season)
- all of the Alsek camping restrictions and the Wolf Creek camping restrictions

Some of these restrictions may be reasonable and justifiable. We request the opportunity to work with the Service to develop proposed regulations for public review to accomplish those objectives that meet statutory and regulatory requirements without being unnecessarily burdensome.

13.65 Glacier Bay National Park and Preserve Special Regulations

(a)(2)(iii) New or expanded fisheries prohibited. List of existing fisheries and gear types:

The compendium notes that this list is “in progress.” We request an opportunity to see this list.

13.65(b)(3)(ix)(C)

We understand that the Service is considering development of a park-specific regulation incorporating many of the compendium provisions associated with use of Bartlett Cove. We support this approach.

36.11(e) Bicycles

This provision prohibits bicycles on the Forest Loop, Bartlett River and Bartlett Lake Trail between April 1 through October 31 to prevent damage to wet trails. While this may indeed be a reasonable restriction, a regulation is required for implementation.

KATMAI

Brooks Camp Developed Area

We are pleased to see that the Brooks Camp Developed Area has been considerably reduced in size and that some restrictions have been eased. We also understand that the Service is considering a new regulation establishing a Brooks Camp Developed Area. We acknowledge that this is a special area with management needs that are different from the backcountry and support the concept of such a regulation. For a developed area regulation to have the specific support of the state, the affected area should be more tightly defined to the immediate Brooks Camp area and readily identifiable on a map and on the ground. We cannot tell from the map whether the existing boundary includes any portion of Naknek Lake, and we would oppose any such boundary. We also object to the camping prohibition at the Brooks Camp campground from September 18 to November 1. We are not convinced that the few hardy souls who would choose to camp without the availability of the remaining facilities or the floating bridge create significant problems. We appreciate, however, that the winter camping prohibition has been lifted. Even though we still have some areas of disagreement on the specifics, we would welcome the opportunity to work with the Service on a regulation package for this area that would relieve the compendium of many Brooks Camp issues. In the interim, while regulations

are under development, we recognize that the '03 compendium may reasonably carry specific health and safety provisions related to use of the facilities.

1.5 Wildlife Viewing Conditions

As you know, this is one of the most contentious issues associated with the compendia. To address the subject, the Service and the state have established a work group of state and federal scientists with expertise in bear behavior and bear/human interactions. The state is strongly opposed to the arbitrary park-wide “50/100 yard rule” as was explained in detail in our December 2001 letter. The state/federal work group is committed to finding alternative solutions to protect both bears and people. They are making progress, so we will defer additional comment until their work has been completed and reviewed.

2.4(a)(2)(ii) Carrying weapons at designated locations and times

A map showing the boundary of the monument in relation to the post-ANILCA park and preserve boundaries should support references to the former Katmai National Monument.

2.10(d) Food Storage

As we requested in our December 2001 letter, we continue to urge that it should be acceptable to hang appropriately prepared food packages from trees per our food storage template language in Appendix B. Obviously this is only reasonable in areas with suitable trees, but there is no need to eliminate it from consideration where larger trees are indeed available.

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence use without a permit

and

13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually

It is not apparent why the Katmai compendium did not change the requirements under 13.17(e)(4)(i) provision consistent with the other units. We request it similarly read: “No conditions or standards established.” If the proposed conditions are going to be retained, we request they be revised, consistent with the directives in §13.17:

A temporary facility or structure directly and necessarily related to the taking of subsistence resources may be constructed and used by a qualified subsistence user without a permit so long as such use is for less than thirty days and the site is returned to a natural condition. The Superintendent may establish conditions and standards governing the use or construction of these temporary structures and facilities, which shall be published annually in accordance with §1.7 of this chapter.

The regulation clearly gives subsistence users the authority to construct temporary facilities without a permit. While the compendium does not expressly require a permit, failure to provide the required information from every user is a restriction on subsistence users that closely parallels a permit. When a user calls in, under what criteria would the superintendent deny the use by the user? In many cases, just the requirement to report subsistence uses may have a chilling effect on rural residents.

The regulation authorizes the Superintendent to establish “conditions and standards governing the use or construction” of temporary facilities. The information which the compendium requires from subsistence users is unrelated to “use or construction” of the facilities. Unless there are problems with subsistence users failing to remove temporary facilities, there is no reason for the superintendent to require personal information such as names of individuals using the site or the type of subsistence uses they will engage in.

We interpret the Alaska regulation allowing the superintendent to set conditions such as group size, structure size, or prohibiting use of specific building materials—only if necessary. Under the terms of §1.5(c), we question if the compendium has evaluated the minimum conditions necessary. Also, if “conditions and standards governing the use or construction” are adopted, then the posting and notice requirements of §1.7 are required of the superintendent for the compendium to be enforceable.

13.18(b) Picnicking

Consistent with our comments about the Brooks Camp Developed Area, the area affected by the picnicking restrictions in the '03 compendium should be more tightly defined while the regulation package is under development.

13.22(c) unattended personal property

For the Brooks Camp Developed Area, the compendium states “*No personal property of any kind may be left unattended for any length of time within the Brooks Camp Developed Area except for: the Brooks Lodge Porch, the Brooks Campground, or in the cache at the Brooks Camp Visitor Center.*” For the remaining areas in Katmai, Aniakchak, and the Alagnak River: “*Personal property may not be stored or left unattended for more than 48 hours without written permission from the Superintendent.*”

While we recognize the value of not leaving unattended personal property in the immediate area of the Brooks Camp trails and facilities; such a rigorous requirement should be applied to a more tightly defined area for the '03 compendium. For the longer term, this issue may be addressed in a carefully defined “developed area” regulation.

We object to the 48-hour limit imposed on a year around basis throughout all remaining park areas. If there are specific areas or times where leaving personal property for longer periods is considered a problem, those should be addressed individually in consultation with the state. Otherwise this provision is unnecessarily burdensome on the public.

13.23(a) Designated Recreation Fee Use Area

We understand that since this compendium was revised the fee designation for Brooks Camp has been lifted. We support this change. We do not object to the requirement for a bear orientation that allows exceptions for authorized state personnel and the clients of approved guides. (Although we have objections to the orientation content, as covered under 1.5.)

13.30(d)(2)

See our comments specific to the Brooks Camp Developed Area. For the remaining portions of Katmai plus all of Aniakchak and the Alagnak the compendium contains the following restriction:

*Backcountry Camping-effective from May 15th – September 15th
Camping in one location is permitted up to 7 consecutive nights at which time the camp must be moved at least one mile. The camp may not be returned back to the original site for a period of at least 14 days.*

Consistent with our general comments such a camping limit should be proposed in regulation. We would only consider supporting a regulatory 7-day camping limit for specific areas and during specific times when the Service has determined that it is necessary to protect resources. We recognize that there may be such specific locations for which a 7-day limit would be appropriate; however a park wide application is too restrictive in our view. We do appreciate that the Service has not extended the proposed restriction to the winter months.

36.11(f)(3)(ii) Salvage of downed aircraft

Page 15 of the Katmai compendium contains this unique requirement:

All downed aircraft shall be reported to National Park Service within 24 hours and removed from the parks within 30 days. A permit is required from the Superintendent before downed aircraft may be salvaged and removed from NPS lands; violation of the terms and conditions of the permit is prohibited.

Due to the remote locations and frequency of injuries and fatalities, it is not reasonable to require that downed airplanes be reported within 24 hours. Park staff will typically be aware of downed aircraft anyway as a result of search and rescue operations. Similarly, requiring rapid removal of the plane under these circumstances, and in combination with frequent inclement weather, is also unreasonable. We strongly encourage relaxation of this requirement to conform to the provisions in the remaining compendia.

36.11(g)(1) ORVs on established trails

We request recognition of trails that have been used by ORVs since before the passage of ANILCA, such as the Pike Ridge Trail.

KENAI FJORDS

Before itemizing our comments on the Kenai Fjords compendium, we wish to acknowledge and commend the park staff for providing detailed determinations as we requested in the fall. These determinations are very useful for evaluating the problems being addressed and generally do a good job of meeting the requirements of Sections 1.5 and 13.30.

1.5 Closures and public use limits

The prohibition on technical rock climbing and rock/ice scrambling appears to be a reasonable measure that should be proposed as a regulation. Given its limited area of application and the safety factors we do not object to continuing this provision in the '03 compendium while a regulation is under development.

2.15(a)(1)....Pets

As noted in our general comments, we do not see the need for, hence do not support, a prohibition of pets in the backcountry.

13.20(d) Preservation of natural features

*“The cutting of **standing** dead tress is prohibited in the Exit Glacier Study area.”* We understand that the Service is considering development of a regulation giving the superintendent the authority to limit the collection of firewood to dead and downed trees. We support this concept since it is consistent with regulations for state land. We request that the regulation incorporate a provision that the superintendent could liberalize application in cases where, for example, it would be beneficial to remove standing beetle-killed spruce trees. Care should be taken to insure that use of chainsaws (as provided for in ANILCA) is not precluded.

13.22(c) unattended property

Per our general comments, we request adoption of the Wrangells model for this provision. We are unaware of a reason why Kenai Fjords justifies a more restrictive approach.

13.30(d)(2) Temporary closures and restrictions – *Camping*

The first two bullets contain camping restrictions that should be implemented via regulation. We have no objections to the general intent.

KLONDIKE GOLD RUSH

2.10(a) Camping – conditions and permits

We understand that the Service is considering a new regulation to clarify existing rules that apply to camping permits and the use of campgrounds at Klondike. We support this concept.

2.22 Property – designated areas for leaving property unattended for more than 24 hours

If the recommended 4-month caching provision (from Wrangells) is not satisfactory here, we request further analysis about why a more restrictive time period (24 hours) is needed.

LAKE CLARK

4.21(b)-(c) Speed Limits

This entry states “No speed restrictions at present. All vehicles should operated at a safe speed, especially in the vicinity of Port Alsworth.” There is nothing enforceable in this provision. The national regulations already have a standard set of speed limits. Would any of these be

applicable here? If specific speed limits are not appropriate or applicable in the Port Alworth vicinity, we suggest separating the second sentence and placing it in italics.

13.18(b) Picnicking

While it may be reasonable to close portions of the Chinitna Bay area to picnicking to avoid bear/human conflicts, the area must be tightly defined and described (or mapped).

13.30(d)(2) Temporary closures and restrictions (Camping)

The recommended 14-day camping regulation will be able to address most of the intent in this provision, although the remaining sentences are either confusing or unenforceable. In the meantime, the '03 requirement that another camp cannot be reestablished in the same area within 5 days is problematic. How is a new party to know if a site has not been used for 5 days? Also, use of the term "area" instead of "site" leaves too much room for ambiguity. The "light hand on the land" requirement is not an enforceable standard. We appreciate that the restriction is seasonal, and suggest that this sentence be placed first. Otherwise the reader is open to the humorous interpretation that in the winter months campers don't have to clean up after themselves.

SITKA

1.5(a)(1) Closures and public use hours

Regarding the bicycle closure, we recognize the importance protecting public safety and the inherent dangers of mixing bicycles and large numbers of mostly-elderly pedestrians on narrow, wooded trails. By the same token, we wish to encourage opportunities for bicycling whenever possible. We understand the park is working with the city, the State Department of Transportation and Public Facilities, and other interested parties on long term solutions for recreational and commuter-style bicycle use. Once a solution is reached, we encourage development of a regulation, if applicable, to meet the intent of ANILCA. In the meantime, judicious application of bicycle restrictions for human health and safety is appropriate in the compendium.

2.1(c)(1-3) fruits and berries

Consistent with our general comments, we request deletion of the detailed list of berries. We also request deletion of the paragraph addressing clams, mollusks and use of state tidelands.

2.13(a)(1) Fires

We request deletion of reference to beaches. We assume that the new and improved language in the Executive Summary updates this provision.

2.1(b) Designated trails

Stating "*No designations at present*" is confusing in this context. Perhaps this should simply refer to 1.5(a)(1).

2.35(a)(3)(i) Alcoholic beverages

We request deletion of the phrase "*...and on park beaches.*"

3.21(a)(1) Swimming and bathing

We request deletion of the sentence “*Bathing is not allowed in park waters.*”

WESTERN ARCTIC

We recommend that the title of the compendium include the names of the actual park units.

2.14(a)(9) Human waste disposal in undeveloped areas

We question the merits of requiring that human waste be left on the ground surface. In light of the reported concern that buried human waste may not break down quickly, or that archeological sites might be compromised, we recommend consideration of requiring that human waste be at least minimally covered, especially in areas with relatively higher use. The current compendium prefaces its requirements as applying to “remote locations.” It is not clear what parts of these park units are considered “remote” for purposes of this provision.

WRANGELL-ST. ELIAS

2.1(a)(5) [cultural sites – specifically Kennicott]

We support the improvements that have been made in this section since the 2002 compendium. We understand that the Service is ready to consider developing a special regulation in Subpart C to address appropriate public use closures and restrictions at Kennicott. We support this effort. In the meantime, we also support retaining these provisions in the 2003 compendium while regulations are completed to protect human health and safety.

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence use purposes without a permit

No designations at present. ~~All subsistence use requires permit from the Superintendent.~~

13.30(d)(2) Temporary closures and restrictions (Camping)

Regarding the campground closure at the end of the McCarthy Road, if this closure is now limited to the specific area of the “campground,” as we currently interpret the 2003 draft language, then the park will be able to maintain this closure as needed via the anticipated facility regulation. If a larger area is envisioned, then a regulation would be a more appropriate vehicle.

YUKON-CHARLEY RIVERS

No park-specific comments. General comments apply.

APPENDIX A

Required “Determinations” in Support of Compendia

According to 36 CFR §1.5, a superintendent’s authority to issue a compendium to restrict public uses is required to be:

- (a) Consistent with applicable legislation and Federal administrative policies, and **based upon a determination that such action is necessary** for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities.” [emphasis added]

This authority is limited in Alaska under ANILCA, the Alaska-specific regulations, and by §1.5(b). Any actions affecting activities that are “*of a nature, magnitude and duration that will*” significantly alter the public use pattern, parks values, or major modification in resource management, or are highly controversial “*shall be published as rulemaking.*” **Determining** whether the action will be considered significant or controversial in and of itself is a subjective process. Furthermore, the authority must be exercised via the least restrictive measure after preparing a written **determination** available to the public following the process in 36 CFR §1.5(c):

- (c) *Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action. That determination shall set forth the reason(s) the restriction, condition, public use limit or closure authorized by paragraph (a) has been established, and an explanation of why less restrictive measures will not suffice . . . This determination shall be available to the public upon request* [emphasis added]

The Alaska specific regulations contained in Section 13.30(a) authorize the superintendent to close an area or restrict an activity on a emergency, temporary or permanent basis, subject to a **determination** that such action is necessary for “(p)ublic health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with the purposes for which the park area was established.”

APPENDIX B

Recommended Template for 2.10(d) Food storage

2.10(d) Food storage - designated areas and methods

A person may not intentionally feed a moose (except under terms of a permit issued by the Alaska Department of Fish and Game), 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 furbearers or hunting black bears conducted under provisions of state law.)

This language mirrors state regulations at 5 AAC 92.230 Feeding of Game. Guidelines for taking a bear in defense of life and property are set forth in state regulations 5 AAC 92.410. Provocation of the animal, harassment, unreasonable invasion of the animal's habitat, negligent storage of food, improper disposal of garbage, or creating an attractive nuisance are not justification for shooting a bear.

The following recommendations will prevent bears and other wildlife from obtaining food and habituating to campsites and garbage, thus protecting wildlife and park visitors alike. If available steps are not taken to follow these recommendations, park visitors will be considered negligent.

Store food, food containers, garbage, harvested fish, and cooking equipment in one of the following ways when not in use or being transported:

- secured within a hard sided building, designated food cache, *or*
- secured in lockable and hard sided section of a vehicle, vessel, or aircraft, *or*
- at least 100 feet from tent sites in one of the following ways:
 - stored in an animal resistant food container *, *or*
 - wrapped and suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, wire cable, or other object.

*An acceptable animal resistant food container is constructed in a manner and of material capable of preventing access by a brown or black bear, such as:

- PVC plastic or aluminum backpacker canisters (for example, those manufactured by Garcia Machine, Wild Ideas, Purple Mountain Engineering)
- steel drums with locking rings, metal raft dry boxes
- modified military ammo cans or bear resistant metal panniers, Park-provided metal food lockers

The following are not acceptable animal resistant food containers: ice chests, coolers, tents, dry bags or stuff sacks, plastic packing boxes (e.g., Totes, Action Packers), hard or soft shelled kayaks with standard hatch covers.

Animal resistant food containers area available on loan from the Service for no fee at _____ and must be returned within _____ days of completing a backcountry trip.

Public use cabins and other structures: Food must be removed when the use ceases and must be “hailed out” with the user.

Specific requirements at campgrounds or other concentrated public use areas are _____: