

**EXECUTIVE SUMMARY OF CHANGES
SUPERINTENDENT'S PROPOSED COMPENDIUM
2015
GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE**

Gates of the Arctic National Park and Preserve is seeking public comment on the park's proposed 2015 Superintendent's Compendium. The attached proposed compendium is a written compilation of designations, closures, permit requirements and other restrictions adopted under the Superintendent's discretionary authority. Comments will be accepted by mail or e-mail between January 15 and February 15. Comments are welcome at any time in addition to this timeframe, but comments received after February 15 will be considered in future compendium revisions. All comments received are subject to public release without modification, including any personal information provided. After review and consideration of the need for annual updates, the following changes are proposed.

Free Ranging or Use of Domestic Goats, Sheep, Llamas, and Alpacas

This change would prohibit use, possession, or free ranging of domestic goats, sheep, llamas, alpacas, or any other domestic animal of the Bovidae or Camelidae Family within NPS administered areas.

The reasons for this restriction are as follows:

- Wildlife biologists have determined that there is a significant risk of disease transmission from domestic livestock other than from the Family Equidae (horses, mules, donkeys) to Alaska's Dall's sheep, mountain goat, and other ungulate populations.
- Elsewhere in North America, wild sheep populations have been severely reduced after coming in contact with domestic livestock carrying a variety of pathogens. Other wild ungulates such as mountain goats are susceptible to many of the same pathogens as wild sheep.
- Introduced pathogens, such as *Pasturella* bacteria that causes pneumonia, could spread rapidly among Dall's sheep and mountain goats because these animals are immunologically native to domestic livestock diseases.
- According to The Wildlife Society and based on recommendations by the Alaska Department of Fish and Game, the Western Association of Fish and Wildlife Agencies, and others; potential threats include Johne's disease (paratuberculosis), infectious keratoconjunctivitis, contagious ecthyma, parainfluenza-3, lungworms and nasal bot flies.
- Direct contact between animals is not necessary for the spread of some diseases. For example, Johne's disease bacteria shed in the feces of livestock can remain viable and infective in the soil for a year, according to research summarized by The Alaska Chapter of The Wildlife Society.
- Potential consequences of a single disease transmission event are uniquely high for Dall's sheep and mountain goats in Alaska; both because they have not been exposed and habitat connectivity exists throughout the State; also according to research summarized by The Wildlife Society.
- In the last few years, Dall's Sheep have experienced low productivity in several parts of the state. Alaskan wild sheep abundance is generally low.

- The State of Alaska, Board of Game, recently prohibited use of goats and sheep for hunting wild sheep and mountain goats, due concern over disease transmission.

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

- Domestic livestock are prone to free ranging when not physically restricted.
- In other Alaska NPS areas, visitors have been observed in possession of domestic goats in the vicinity of Dall's sheep habitat.
- The NPS does not have information that local rural residents engaged in subsistence uses have traditionally employed domestic livestock for transportation purposes other than horses, mules or donkeys.
- In order to protect native wildlife populations from disease transmission, a total restriction on use of domestic livestock (excluding horses, mules and donkeys) within park areas is necessary.

Local Fire Bans

The NPS proposes a change to automatically adopt state and local burn/fire bans within NPS areas unless the superintendent determines the restriction is unnecessary.

Temporary Restriction on Taking Black Bear Cubs and Sows with Artificial Light at Dens

The NPS proposes to re-adopt temporary restrictions on taking black bears using artificial light at den sites and the take of black bear cubs and sows with cubs at den sites in the Denali and Gates of the Arctic National Preserves. These changes are in response to changes in state law. This proposal would not affect harvest under Federal Subsistence Regulations.

- From October 15 through April 30, artificial light may not be used to take a black bear at a den site except to retrieve a dead bear or dispatch a wounded bear as authorized by state law in Denali and Gates of the Arctic National Preserves.
- From October 15 through April 30, a person may not take a cub bear or a female bear accompanied by a cub bear at a den site Denali and Gates of the Arctic National Preserves.

The reasons for these restrictions are:

During the 2008 Southeast Region Board of Game (BOG) meeting, the BOG made an exception to two long standing general prohibitions regarding the take of black bears. The BOG authorized all state residents to use artificial light to take black bears at den sites and to take black bear cubs and sows with cubs at den sites under customary and traditional use activities from October 15 to April 30 in Unit 19A, portions of Unit 19D, and in Units 21B, 21C, 21D, 24, and 25D. The NPS did not immediately recognize that two NPS preserves were included and consequently did not comment on these proposals. When the regulation was promulgated, the NPS identified small portions of two national preserves in Units 19D and 24 that were included in these authorizations.

The State of Alaska is the primary entity responsible for managing wildlife in accordance with State mandates. At the same time, the NPS is charged with the responsibility for assuring that the take of fish and wildlife is consistent with the fundamental purposes of the park system and individual park units. The NPS Organic Act is a Federal law that provides the fundamental purpose of national park areas is conservation of park resources and values, including the

scenery, the natural and historic objects, and wild life therein, and prohibits impairment of park resources or values. Policies implementing this mandate require the NPS to protect natural systems, processes, and wildlife populations, including the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife. NPS Management Policies 2006 §§ 4.1, 4.4.1, 4.4.1.2, 4.4.2.

Under NPS Management Policies, activities that may result in impairment include those that impact a “resource or value whose conservation is . . . key to the natural . . . integrity of the park or to provide opportunities for enjoyment of the park.” (NPS Management Policies, 1.4.5) Because the impact threshold at which impairment occurs is not always readily apparent, the NPS policies require managers avoid unacceptable impacts to park resources and values. Unacceptable impacts are those that are inconsistent with park purposes and values; diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or unreasonably interfere with other appropriate uses.

ANILCA, the Federal law specifically applicable to Alaska NPS areas, does not alter these expectations. ANILCA directs the Secretary of Interior to administer Alaska NPS units in accordance with the NPS Organic Act. ANILCA provides that national preserves are to be managed in the same manner as national parks with the exception that sport hunting and trapping are allowed. (ANILCA, sec. 1313). Taking of wildlife for subsistence uses by rural residents is also authorized in preserves in accordance with Federal subsistence regulations. Among the purposes outlined at the beginning of ANILCA, Congress expressly stated the intent to preserve wildlife and wilderness values and natural undisturbed, unaltered ecosystems while allowing for recreational opportunities, including sport hunting. ANILCA, Sec. 101(a)-(b). The legislated purposes of Denali and Gates of the Arctic specifically include the protection of habitat for and populations of fish and wildlife. ANILCA, sec. 201, 202.

The legislative history of ANILCA reaffirms that Congress did not absolve the National Park Service from operating within the legal, regulatory, and policy framework applicable across the National Park System. The Senate Energy and Natural Resources Committee (S. Rpt. 96-413) stated “It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources.” A further statement in the Congressional Record on ANILCA provides that “[t]he standard to be met in regulating the taking of fish and wildlife and trapping is that the preeminent natural values of the Park System shall be protected in perpetuity and shall not be jeopardized by human uses. These are very special lands and this standard must be set very high[.]”

The State’s general hunting program applies in NPS preserves to the extent that it is consistent with NPS laws, regulations and policies. The NPS may close or restrict the take of wildlife for sport purposes in preserves pursuant to ANILCA section 1313 and federal regulations at 36 CFR 13.40 and 13.50.

The State of Alaska provisions that allow use of artificial light to take denning black bears and the take of cubs and sows with cubs at den sites have the potential to create unacceptable impacts to the purposes and values of these preserves. These hunting practices have been prohibited since statehood with limited exceptions. Consistent with sound management principles and

conservation of wildlife, practices that disturb animals when they are in a vulnerable state—in their dens, when reproducing, or very young—are usually avoided. The practical effect of these allowances, open to all state hunters, is increased efficiency for taking black bears. This has potential to create pressures on the natural abundance, behavior, distribution, and ecological integrity of these native wildlife species. State laws or actions that seek to manipulate natural wildlife populations for human consumption, or have that practical effect, are inconsistent with NPS statutes and implementing policies. To the extent impacts from these allowances are uncertain, NPS Management Policies direct the NPS to err on the side of protecting the wildlife (Management Policies 2006, 4.1).

The NPS recognizes and supports subsistence by federally qualified rural residents, sport hunting, and trapping. These activities are important heritage activities in NPS preserves in Alaska. The authorizations established by the BOG are not isolated from Federal authorities applicable on NPS lands. NPS management responsibilities established in the Organic Act and further refined in subsequent legislation, regulation, and policy, must be followed in determining which activities will and will not benefit the fundamental purpose of the National Park System. Introducing NPS preserves to these historically illegal methods of harvest and liberalizing the harvest of black bears to include cubs and sows with cubs is inconsistent with how ANILCA's authorization for sport hunting has been implemented in preserves. This restriction recognizes that State and Federal management objectives and mandates differ. A Federal restriction is necessary for NPS preserves to remain compliant with Federal law and policy for NPS areas. The NPS remains committed to managing park resources and values in a way that avoids unnecessary interference with State management of resident wildlife resources.

A less restrictive approach was not effective. The NPS consulted with the State of Alaska and made a proposal to the BOG to exempt NPS Preserves from these authorizations. At the February/March 2010 BOG meeting, the BOG voted not to adopt the NPS proposal. The NPS requested the Board revisit this authorization in preserves in 2013 and the Board considered but rejected that request at their January 2014 meeting. In the absence of change in state law or regulation, these restrictions are necessary. The NPS has proposed a regulation to permanently address this issue.

Temporary Restriction on Taking Wolves and Coyotes May 1 through August 9

The NPS proposes to re-adopt temporary restrictions on the take of wolves and coyotes during the timeframe coyotes and wolves are denning in Alagnak Wild River and Aniakchak, Bering Land Bridge, Denali, Gates of the Arctic, Katmai, Lake Clark, Noatak, Wrangell-St. Elias, and Yukon-Charley Rivers National Preserves. These changes are in response to recent changes in state law. The result is that wolves and coyotes will remain protected during the period when they are raising vulnerable offspring and their pelts have little trophy, economic, or subsistence value. This change makes the affected closure dates for wolves and coyotes more consistent with Federal subsistence seasons. This proposal would not affect harvest under Federal Subsistence Regulations.

The take of wolves or coyotes under state regulations is prohibited from May 1 through August 9 in Alagnak Wild River and Aniakchak, Bering Land Bridge, Denali, Gates of the

Arctic, Katmai, Lake Clark, Noatak, Wrangell-St. Elias, and Yukon-Charley Rivers National Preserves.

This provision does not affect season start dates after August 9. For example, if the state season is September 1, taking wolves under the state regulations would be authorized on September 1. If the state season starts on August 1, then the taking of wolves is not authorized in these NPS areas until August 10.

The reasons for these restrictions are:

These restrictions are based on actions taken by the Alaska Board of Game (BOG) in 2012 and 2014 as well as previous years that extended the season for taking wolves and coyotes into the summer months in several GMUs that include some NPS Preserves. These BOG actions include establishment of a year-round coyote season and extending the season for taking wolves through June in several areas.

The State of Alaska is the primary entity responsible for managing wildlife in accordance with State mandates. At the same time, the NPS is charged with the responsibility for assuring that the take of fish and wildlife is consistent with the fundamental purposes of the park system and those of individual park units. Federal law provides that the fundamental purpose of national park areas is conservation of park resources and values, including the scenery, the natural and historic objects, and wild life therein, and prohibits impairment of park resources or values. Under NPS management policies, activities that may result in impairment include those that impact a “resource or value whose conservation is . . . key to the natural . . . integrity of the park or to provide opportunities for enjoyment of the park.” Because the impact threshold at which impairment occurs is not readily apparent, the NPS policies require managers avoid unacceptable impacts to park resources and values. Unacceptable impacts are those that are inconsistent with park purposes and values; diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or unreasonably interfere with other appropriate uses.

In addition to the above, legislated purposes of the National Preserves in Alaska include the protection of habitat for and populations of fish and wildlife. Congress directed the NPS to manage national preserves in the same manner as national parks with the exception that sport hunting and trapping are authorized. (ANILCA, Public Law 96-487, section 1313). In considering the management of national park areas, the National Park Service must consider the expectations laid out in the 1916 Organic Act, the 1970 General Authorities Act, and the 1978 Redwoods Amendment, as well as the 1980 Alaska National Interest Lands Conservation Act (ANILCA) and other legislation. National park areas are closed to the taking of wildlife except as specifically authorized by Congress. Congress authorized taking of wildlife in NPS preserves for Title VIII subsistence uses and for sport purposes. This is not an authorization without limit, and must be implemented in light of the high public value and integrity of the National Park System.

In passing ANILCA, Congress did not absolve the National Park Service from operating within the legal, regulatory, and policy framework applicable across the National Park System. The Senate Energy and Natural Resources Committee (S. Rpt. 96-413) stated “It is contrary to the

National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources.” A further statement in the Congressional Record on ANILCA provides that “[t]he standard to be met in regulating the taking of fish and wildlife and trapping is that the preeminent natural values of the park system shall be protected in perpetuity and shall not be jeopardized by human uses. These are very special lands and this standard must be set very high[.]” State harvest regulations apply in NPS preserves to the extent that it is consistent with NPS laws, regulations and policies. The NPS may close or restrict the take of wildlife in preserves pursuant to ANILCA section 1313 and federal regulations at 36 CFR 13.40 and 13.50.

These season extensions have the potential to create unacceptable impacts to the preserves’ purposes and values. The practice of hunting or trapping wolves and coyotes into summer has long been prohibited. Consistent with sound management principles and conservation of wildlife, practices that disturb animals when they are in a vulnerable state—in their dens, when reproducing, or very young—are usually avoided. Accordingly, these practices have generally been prohibited under federal subsistence and state regulations.

Continuation of the natural process is expected in park areas except as specifically authorized by Congress. The take of denning wolves and coyotes has potential to impact the natural integrity of a native species. The practical effect of these allowances, open to all hunters and trappers, is increased efficiency for taking predator species. This has potential to create pressures on the natural abundance, behavior, distribution, and ecological integrity of these native wildlife species. State laws or actions that seek to manipulate natural wildlife populations for human consumption, or have that practical effect, are inconsistent with Congress’s authorization for taking wildlife for sport purposes as well as with NPS statutes, regulations, and policies.

The NPS recognizes and supports subsistence and sport hunting, and trapping. These activities are important heritage activities in NPS preserves in Alaska. However, introducing NPS preserves to these liberalized wolf and coyote harvest opportunities, to include pups, when pelts are of poor quality and offspring are vulnerable could create unacceptable impacts to the resources and values for which the park area was established to protect. It also has the potential to disrupt the subsistence opportunity for taking that wolf or coyote later in the year when its coat is prime in order to sell the pelt for cash.

This restriction recognizes that state and federal management objectives and authorities differ and adopts a federal restriction for NPS preserves to comply with federal law and policy in park areas. The NPS remains committed to managing park resources and values in a way that minimizes interference with state management of resident wildlife resources.

A less restrictive approach has been attempted but was not effective. The NPS opposed proposals to the BOG that affected preserves, and requested that, if such regulations were adopted, NPS lands be excluded. The Board of Game adopted regulations without excluding NPS managed lands. In doing so, the Board of Game has made it clear that the State process will not be used to remedy management inconsistencies on NPS lands. Rather, NPS has been encouraged to use its own authorities to ensure that preserves are managed in a manner consistent with federal law, policy, regulation and non-conflicting State regulation. The NPS requested the Board revisit this authorization in preserves in 2013 and the Board considered but

rejected that request at their January 2014 meeting. In the absence of change in state law or regulation, these restrictions are necessary. The NPS has proposed a regulation to permanently address this issue.

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

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Gates of the Arctic National Park and Preserve, Bettles, Alaska at (907)692-5494 for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

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

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, Sheep, Llamas, and Alpacas

Use, possession, or free ranging of domestic goats, sheep, llamas, alpacas, or any other domestic animal of the Bovidae or Camelidae Family within NPS administered areas is prohibited.

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

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

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

1.6(f) Compilation of activities requiring a permit

- Launching, landing, or operating unmanned aircraft, 1.5
- Scientific research, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Public assemblies and meetings, 2.51
- 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))
- 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 live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.485(a)(1)
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood

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 13.40(d)(5).

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

No areas designated for closure.

2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing by federally qualified rural residents is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

2.4(a)(2)(i) 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 13.50(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://www.igbconline.org/html/container.html>
- Additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation:
<http://www.adfg.alaska.gov/index.cfm?adfg=livingwithbears.bearcontainers>, with the concurrence of the Superintendent;
- Items or methods approved by the Superintendent.

(2) 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 from the fire site after use.

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

No conditions at present.

Leaving pets unattended and tied to an object is prohibited.

2.15(a)(5) Pet excrement disposal conditions

No conditions at present.

2.15(b) Conditions for using dogs in support of hunting activities

No conditions at present.

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

Superseded by 43 CFR 36.11(e).

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.

Superseded in part by 43 CFR 36.11(c).

Superseded by 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

No designated areas or routes.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

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.

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 Public assemblies/meetings: designated areas for public assemblies

All areas open to public assemblies with a permit from the superintendent.

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

All areas are open to distribution with a permit from the superintendent.

2.60(a)(3) Designated areas for grazing

Private parties may graze pack or saddle animals allowed in NPS areas for 14 days in a calendar year without a permit from the NPS. 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 1.5(a)(1) 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.

PA

RT 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) Temporary 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.

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

1. Black Bears

- From October 15 through April 30, artificial light may not be used to take a black bear at a den site except to retrieve a dead bear or dispatch a wounded bear as authorized by state law in Denali and Gates of the Arctic National Preserves.
- From October 15 through April 30, a person may not take a cub bear or a female bear accompanied by a cub bear at a den site Denali and Gates of the Arctic National Preserves.

2. Wolves and Coyotes

The take of wolves or coyotes under state regulations is prohibited from May 1 through August 9 in Alagnak Wild River and Aniakchak, Bering Land Bridge, Denali, Gates of the Arctic, Katmai, Lake Clark, Noatak, Wrangell-St. Elias, and Yukon-Charley Rivers National Preserves.

This provision does not affect season start dates after August 9; the latter start date will apply. For example, if the state season is September 1, taking wolves under the

state regulations would be authorized on September 1. If the state season starts on August 1, then the taking of wolves is not authorized in Preserves until August 10.

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

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(h) Facility closures and restrictions

No restrictions at present.

13.46 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses

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

13.122 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.

13.485(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 1.5, 2.16, 3.3, 3.6.

36.11(f)(1) Temporary closures to landing fixed-wing aircraft

No closures at present.

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

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

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

36.11(g)(2) Use of off-road vehicles (ORV) on existing trails

No 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.



Superintendent **Date** 1/5/2015



Concurrence by Regional Director **Date** 1/12/2015

Attachments

- 2.10 Food Storage Determination
- 3.14 Conditions for removing sunken, grounded, or disabled vessels
- 1.5 Launching, landing, or operating unmanned aircraft with NPS areas

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

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, Section 1.5 (c) and 2.10 (d), the Superintendent of Gates of the Arctic National Park & Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. The intent of the regulations is to prevent wildlife from obtaining food from humans or associating humans with food.
2. Wildlife in a natural ecosystem are adapted to subsist on natural foods. Because natural processes are expected within NPS areas, wildlife should not obtain food from people.
3. A public safety and resource conservation concern exists when wildlife obtain food from people or associate humans with any form of nutritional reward. Obtaining human food may adversely affect behavior of individuals and the health of wildlife populations.
4. Both black and brown bears are common throughout parklands and are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
5. Bears are extremely susceptible to conditioning to human food sources. Once they have learned to associate a site or item (e.g. tent, kayak, boat, etc.) with acquisition of food, they may return to that source repeatedly for further food rewards.
6. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
7. Due to the transfer of knowledge from sows to cubs and the long life span of individual bears, young bears exposed to human foods may display unnatural and unacceptable behavior for decades.
8. Bears which become conditioned to human food are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
9. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

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

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

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

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

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

Subject: Conditions for removing sunken, grounded, or disabled vessels

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 3.14(a), the Superintendent of Gates of the Arctic National Park and Preserve is requiring a permit before sunken, grounded, or disabled vessels may be removed except when the operator is able to remove or repair the vessel on site safely and without potential for damage to resources.

The reasons for this restriction are as follows:

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

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

- How to protect resources, public safety, and minimize visitor impact when removing a disabled vessel needs to be addressed on a case by case basis since the circumstances involved in each incident is unique. A permit allows the NPS and the boater maximum flexibility to address the specific circumstances at hand when removing disabled, grounded or sunken vessels.

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

Subject: Launching, landing, or operating unmanned aircraft on NPS lands and waters administered by the NPS.

Pursuant to Title 36 of the Code of Federal Regulations section 1.5, the Superintendent of Gates of the Arctic National Park and Preserve has adopted the following restriction on use of unmanned aircraft in NPS areas.

1.5 Closures and public use limits

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

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.

The reasons for this restriction are as follows:

- The use of unmanned aircraft is a relatively new activity in NPS areas across the country, including Alaska.
- As these devices have recently become more affordable, the use of these devices is increasing at a high rate, including in NPS areas.
- The Alaska Board of Game recently adopted a prohibition on using unmanned aircraft for taking wildlife.
- This restriction is based on maintenance of public health and safety, protection of environmental and scenic values, protection of natural and cultural resources, implementation of management responsibilities, and avoidance of conflict among visitor use activities.
- The Alaska National Interest Lands Conservation Act set aside federal conservation system units in Alaska (including NPS units) in part to protect natural landscapes, unaltered ecosystems in their natural state, wilderness resource values and related recreational opportunities, wildlife populations and habitat, and to maintain opportunities for scientific research and undisturbed ecosystems.
- This unit was specifically created to maintain the wild and undeveloped character of the

area including opportunities for visitors to experience solitude, to provide continued opportunities for wilderness recreation and to protect habitat for and the populations of fish and wildlife. This unit consists of six designated Wild Rivers, approximately 7.5 million acres of designated wilderness and two designated Natural Landmarks.

- The NPS must take a precautionary approach in terms of conserving resources and visitor enjoyment of those resources. New recreational activities are not allowed until the NPS has determined that such use is appropriate and will not cause unacceptable impacts.
- The NPS has adopted an interim policy, applicable nationwide, that prohibits launching, landing, or operating unmanned aircraft in areas administered by the NPS. This compendium provision is required to implement this interim national policy.

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

- This restriction is a necessary interim measure taken to ensure park resources and visitor enjoyment of those resources are protected consistent with NPS policies while the NPS considers how to address this new use on a long-term basis.
- This closure is required to implement this interim policy are necessary to maintain public health and safety in units of the National Park System and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values.