

RESPONSE TO COMMENTS
SUPERINTENDENT’S COMPENDIUM
2020
DENALI NATIONAL PARK AND PRESERVE

The superintendent’s compendium is a list of designations, closures, permit requirements, and other authorizations and restrictions adopted pursuant to authority in the Code of Federal Regulations (CFR) applicable to areas administered by the National Park Service (NPS). On January 15, 2020, the NPS published proposed changes for the 2020 Denali National Park and Preserve compendium and invited public comment on those proposed changes through February 15, 2020. A summary of substantive comments and NPS responses is provided below. No response or summary is provided for general statements of support or “votes” either for or against a proposed change. The NPS welcomes feedback received during the comment period and notes that some suggestions received during that period have been incorporated into the final compendium.

2.10 Food storage: designated areas and methods
2. Frontcountry developed area

Comment: A commenter requested that the NPS add language to clarify that food carried by visitors does not need to be stored in a bear resistant container (BRC) in the frontcountry developed area (FDA).

NPS Response: Language will be added to clarify that only unattended food and other unattended scented items must be stored according to the provisions of this section. The revised sentence reads:

Unattended food and beverages, food and beverage containers, garbage, harvested fish, and all other unattended scented items must be stored in a bear resistant container (BRC) or secured –

- Within an NPS provided food storage locker
- Within a hard sided building
- Within a lockable and hard sided section of a vehicle, vessel, or aircraft

2.15 Areas designated as closed to pets

Comment: One commenter stated that NPS administrative use of dogs does not need to be included in the list of exceptions.

NPS Response: Adding dogs used by the NPS for wildlife management to the list of exceptions to the prohibition is needed to address this emerging administrative use of dogs. While it is true that not all administrative uses of dogs or other animals need to be specifically listed as an exception to the prohibition on pets, this use is similar to a previously-listed exception (i.e., dogs used for emergency search and rescue missions) in that the dog handler may or may not be an NPS employee and the use may take place in any area of the park. The addition of dogs used by the NPS for wildlife management as an

exception to the prohibition clarifies that this use is allowed, even with a non-NPS dog handler in highly-visible frontcountry locations or in backcountry areas of the park.

Comment: A commenter requested that the NPS reinstate the date range pertaining to when pets are prohibited outside of the frontcountry developed area (FDA) to be consistent with the Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a).

NPS Response: The proposed changes to this section of the compendium are intended to clarify the distinction between pets, animals used for NPS administrative purposes, and working dogs used for non-motorized surface transportation as allowed under ANILCA Section 1110(a).

Language in previous compendia prohibited pets outside of the FDA from April 15 through September 30. The proposed changes extend this prohibition to the rest of the year in order to protect park wildlife resources. Pets may carry diseases that can be transmitted to wildlife, and may engage in behaviors (e.g., barking, chasing) that disturb wildlife. Extending the dates that pets are prohibited outside of the FDA to include October 1 through April 14 helps protect wildlife during times of year that are already particularly stressful for many wildlife species. This is consistent with longstanding messages regarding pets that the NPS has communicated to visitors.

The NPS agrees that dogs can be a mode of nonmotorized surface transportation and when being used in this capacity, ANILCA provides for that use notwithstanding NPS regulations to the contrary. The modifications being made in the compendium for Denali National Park and Preserve serve to provide additional clarity on how and when the provisions of section 2.15(a) apply to sled dogs and clarify that from October 1 through April 14, although pets would not be allowed outside of the FDA, working dogs engaged in non-motorized surface transportation are allowed throughout the park, as provided in ANILCA. These changes are consistent with the provisions of ANILCA Section 1110(a).

13.50 Closures and restrictions, National Park System Units in Alaska

Comment: A commenter suggested the definition of an e-bike be modified. The commenter noted that the proposed definition of an e-bike includes cycles with either two or three wheels. The commenter noted that a “bicycle” by definition is limited to two wheels. The commenter also stated that three wheeled devices are more likely to damage vegetation along single-track trails since the wheel base may be wider than the trail.

NPS Response: The definition of “low speed electric bicycle” in the Consumer Product Safety Act includes devices with two or three wheels. 15 U.S.C. 2085. The NPS also includes three-wheeled cycles within its definition of “e-bike” so that these devices are not categorically excluded from areas where they may be appropriate. Based upon existing information, the NPS believes use of three-wheeled vehicles on single track trails will be infrequent and not likely to damage vegetation. The Superintendent retains the authority to restrict these devices in certain locations to protect resources or for other reasons.

Comment: A commenter stated that allowing e-bikes on trails open to traditional bicyclists would cause conflicts with other users and consequently should only be allowed on roads and parking areas.

NPS Response: The NPS has evaluated the roads, parking areas, and trails where traditional bicycles are authorized and, based on existing information, does not believe user conflicts are likely with the addition of e-bikes in those locations. The Superintendent retains the authority to close areas to e-bikes to prevent user conflict or for other reasons.

Comment: Some commenters stated the provision proposing to allow e-bikes is inconsistent with nationally applicable NPS regulations because they do not meet the regulatory definition of “bicycle” in 36 CFR 1.4.

NPS Response: The NPS agrees that e-bikes do not meet the definition of bicycle in NPS regulations because e-bikes are not “solely human powered”. This means they are not specifically regulated by 36 CFR and therefore may be managed under the Superintendent’s authority in 36 CFR 1.5(a)(2) to “designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity”.

Comment: One commenter said that the e-bike proposal was overly restrictive in limiting e-bikes to roads, parking areas, and trails in Alaska NPS units.

NPS Response: NPS regulations at 36 CFR 4.30 limit traditional bicycles to public roads, parking areas and designated administrative roads and trails. Under Federal law applicable to Alaska, “nonmotorized surface transportation for traditional activities . . . and for travel to and from villages and homesites” is allowed notwithstanding any other provision of law. 16 USC 3170(a). Because e-bikes have a motor, they do not fall under this provision. The NPS policy memorandum recognizes the Superintendent’s authority to manage e-bikes differently than traditional bicycles based on considerations involving public health and safety, natural and cultural resource protection, and other management activities and objectives. The decision of the NPS to limit e-bikes to roads, parking areas and trails that are open to traditional bikes (unless noted in this compendium) will ensure the NPS manages e-bikes in Alaska the way it manages e-bikes outside of Alaska. This helps achieve a consistent management framework for use of e-bikes within the National Park System. In addition, the NPS has no data on the level of bicycle use on more 20 million acres that are not in designated wilderness. Given the lack of information, NPS is not able to assess the potential impacts to park resources and associated management challenges that could occur from allowing e-bikes in those vast areas. Consequently, NPS has determined that e-bike use in Alaska NPS units will be allowed only on roads, parking areas, and trails that are open to traditional bicycles.

Comment: One commenter stated that prohibiting e-bikes on trails in designated wilderness would also close sport and subsistence hunting opportunities.

NPS Response: Because of the 1964 Wilderness Act prohibition on “motor vehicles, motorized equipment . . . [or] other form of mechanical transport,” NPS does not have authority to allow e-bikes in designated wilderness. Nothing in ANILCA modifies this prohibition with respect to e-bikes. NPS notes that e-bikes are a new and emerging form of technology. Accordingly, such devices have not been traditionally used by sport or subsistence hunters. This action does not establish any closures or restrictions on sport or subsistence hunting. These activities may continue to occur on NPS lands in the same manner as before.

Comment: One commenter stated the procedures for closing areas to e-bikes should be those in 43 CFR Part 36, which implements access under ANILCA (16 USC 3170 and off-road vehicles).

NPS Response: Department of the Interior regulations at 43 CFR 36.11 implement the special access provisions in ANILCA discussed above. They also address off-road vehicle (ORV) use. E-bikes are motorized and therefore do not fall under the special access provisions implemented by section 36.11. Neither are they ORVs. For this reason, the closure procedures at 43 CFR 36.11 do not apply.

Comment: One commenter stated that the conditions of the Denali Park Road (Park Road) make it unsafe for the operation of e-bikes.

NPS Response: The intent of the national policy is to allow e-bike use wherever traditional bike use is allowed. E-bikes do not present any additional safety concerns to other road users beyond those presented by traditional bicycles and other traffic on the Park Road. The top speeds of e-bikes are slower than most motorized vehicle traffic on the Park Road, and the road is already shared between motorized vehicles and cyclists, even on sections of road that are narrow and intentionally maintained in a rustic state.

While it is true that crashes from an e-bike operating at higher speeds have the potential to be more injurious to riders than crashes from a traditional bicycle, the NPS routinely trusts visitors to gauge and mitigate the risks they undertake while recreating in the national parks.

Comment: A commenter suggested that the NPS should only allow e-bikes on the paved section of the Park Road until the impacts from increased use are better understood.

NPS Response: The intent of the national policy is to allow e-bike use wherever traditional bike use is allowed. The NPS anticipates that any impacts to resources or safety from the use of e-bikes on roads and designated trails will be similar to impacts from existing traditional bicycle use. If additional impacts from e-bikes emerge, the NPS is able to impose reasonable restrictions on this use.

Comment: One commenter requested that the NPS specify which trails are open to bicycle use.

NPS Response: Trails that are open to bicycle use, including e-bike use, are listed in section 13.914(b) of the compendium. The only listed trail in Denali National Park is the multi-purpose trail between the Nenana River Canyon bridge and the Denali Visitor Center, also known as the Bike Path.

Comment: A commenter stated that any new trails in non-wilderness that open to traditional bicycle use should not necessarily open to e-bike use.

NPS Response: The intent of the national policy is to allow e-bike use wherever traditional bike use is allowed. However, if needed, the NPS is able to impose reasonable restrictions on e-bike use. The need for such restrictions will be evaluated if and when trails in non-wilderness are considered to be opened for any bicycle use.