

Appendix D

RELATED REGULATIONS, POLICIES,
LAWS, AND LEGISLATION

APPENDIX D: RELATED REGULATIONS,
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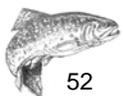
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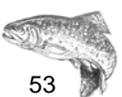
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APPENDIX D: RELATED REGULATIONS, POLICIES, LAWS, AND LEGISLATION

GENERAL LAWS RELATING TO NPS MANAGEMENT

This section is intended to highlight the existing laws, regulations, and National Park Service (NPS) management policies that specifically relate to the issues surrounding this *North Cascades National Park Service Complex Draft Mountain Lakes Fishery Management Plan / Environmental Impact Statement* (plan/EIS).

1. National Parks Omnibus Management Act of 1998 (16 USC § 5931, et. seq.)

16 USC§ 5931, Purposes

The purposes of this title are

(1) to more effectively achieve the mission of the National Park Service; (2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes; (3) to ensure appropriate documentation of resource conditions in the National Park System; (4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (commonly known as the National Park Service Organic Act); and (5) to encourage the publication and dissemination of information derived from studies in the National Park System.

16 USC § 5932, Research mandate

The Secretary is authorized and directed to assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information.

16 USC § 5936, Integration of study results into management decisions

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which an action undertaken by the National Park Service may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered. The trend in the condition of resources of the National Park System shall be a significant factor in the annual performance evaluation of each superintendent of a unit of the National Park System.

2. 1978 Redwood Amendment, which added these words to the NPS Organic Act (16 USC § 1a-1)

Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 2 of this Act, shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.



3. Code of Federal Regulations

36 CFR § 1.2, Applicability and scope

(a) The regulations contained in this chapter apply to all persons entering, using, visiting, or otherwise within:

(1) The boundaries of federally owned lands and waters administered by the National Park Service; (2) The boundaries of lands and waters administered by the National Park Service for public-use purposes pursuant to the terms of a written instrument; (3) Waters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters and areas within their ordinary reach (up to the mean high water line in places subject to the ebb and flow of the tide and up to the ordinary high water mark in other places) and without regard to the ownership of submerged lands, tidelands, or lowlands;

(d) The regulations contained in parts 2 through 5, part 7, and part 13 of this section shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resource management plans, or in emergency operations involving threats to life, property, or park resources.

36 CFR § 1.5, Closures and public use limits

(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, the superintendent may:

(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity. (2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity. (3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (a)(1) or (2) of this section.

(b) Except in emergency situations, a closure, designation, use or activity restriction or condition, or the termination or relaxation of such, which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park's natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit, or is of a highly controversial nature, shall be published as rulemaking in the Federal Register.

(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, or in the case of a termination of a restriction, condition, public use limit or closure previously established under paragraph (a), a determination as to why the restriction is no longer necessary and a finding that the termination will not adversely impact park resources. This determination shall be available to the public upon request.

(d) To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with the criteria and procedures of § 1.6 of this chapter.



(e) Except in emergency situations, the public will be informed of closures, designations, and use or activity restrictions or conditions, visiting hours, public use limits, public use limit procedures, and the termination or relaxation of such, in accordance with § 1.7 of this chapter.

(f) Violating a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited.

36 CFR § 1.7, Public notice

(a) Whenever the authority of § 1.5(a) is invoked to restrict or control a public use or activity, to relax or revoke an existing restriction or control, to designate all or a portion of a park area as open or closed, or to require a permit to implement a public use limit, the public shall be notified by one or more of the following methods:

(1) Signs posted at conspicuous locations, such as normal points of entry and reasonable intervals along the boundary of the affected park locale. (2) Maps available in the office of the superintendent and other places convenient to the public. (3) Publication in a newspaper of general circulation in the affected area. (4) Other appropriate methods, such as the removal of closure signs, use of electronic media, park brochures, maps and handouts.

(b) In addition to the above-described notification procedures, the superintendent shall compile in writing all the designations, closures, permit requirements and other restrictions imposed under discretionary authority. This compilation shall be updated annually and made available to the public upon request.

FEDERAL LAWS AND NPS MANAGEMENT POLICIES RELATING TO FISH STOCKING (EXOTIC SPECIES)

1. Code of Federal Regulations

36 CFR § 2.1, Preservation of natural, cultural and archeological resources

(a) Except as otherwise provided in this chapter, the following is prohibited:

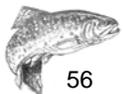
(1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: (i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.

(2) Introducing wildlife, fish or plants, including their reproductive bodies, into a park area ecosystem.

2. NPS Management Policies

4.1.5 Restoration of Natural Systems

The Service will re-establish natural functions and processes in human-disturbed components of natural systems in parks unless otherwise directed by Congress. Landscapes disturbed by natural phenomena, such as landslides, earthquakes, floods, hurricanes, tornadoes, and fires, will be allowed to recover naturally unless manipulation is necessary to protect park developments or visitor safety. Impacts to natural systems resulting from human disturbances include the introduction of exotic species; the contamination of air, water, and soil; changes to hydrologic patterns and sediment transport; the acceleration of erosion and sedimentation; and the disruption of natural processes. The Service will seek to return human-disturbed areas



to the natural conditions and processes characteristic of the ecological zone in which the damaged resources are situated. The Service will use the best available technology, within available resources, to restore the biological and physical components of these systems, accelerating both their recovery and the recovery of landscape and biological-community structure and function. Efforts may include, for example:

- Removal of exotic species;
- Removal of contaminants and non-historic structures or facilities;
- Restoration of abandoned mineral lands, abandoned or unauthorized roads, areas over-grazed by domestic animals, or disrupted natural waterways and/ or shoreline processes;
- Restoration of areas disturbed by NPS administrative, management, or development activities (such as hazard tree removal, construction, or sand and gravel extraction) or by public use;
- Restoration of natural soundscapes; and
- Restoration of native plants and animals.

When park development is damaged or destroyed and replacement is necessary, the development will be replaced or relocated so as to promote the restoration of natural resources and processes.

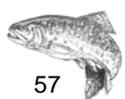
(See Decision-making Requirements to Avoid Impairments 1.4.7; Restoration of Native Plant and Animal Species 4.4.2.2; Management of Natural Landscapes 4.4.2.4; Siting Facilities to Avoid Natural Hazards 9.1.1.6. Also see Director's Order #18: Wildland fire Management)

4.4.1.1 Plant and Animal Population Management Principles

The individual plants and animals found within parks are genetically parts of species populations that may extend across both park and non-park lands. As local populations within a group of populations naturally fluctuate in size, they become vulnerable to natural or human-caused extirpation during periods when their numbers are low. The periodic disappearance of local populations is common in some species, and the regional persistence of these species depends upon the natural recolonization of suitable habitat by individuals from the remaining local populations. Thus, providing for the persistence of a species in a park may require maintaining a number of local populations, often both within and outside the park.

In addition, some populations of vertebrate and invertebrate animals, such as bats, caribou, warblers, marine turtles, frogs, salmon, whales, and butterflies, migrate at regular intervals into and out of parks. For these migratory populations, the parks provide only one of the several major habitats they need, and survival of the species in parks also depends on the existence and quality of habitats outside the parks. The Service will adopt park resource preservation, development, and use management strategies that are intended to maintain the natural population fluctuations and processes that influence the dynamics of individual plant and animal populations, groups of plant and animal populations, and migratory animal populations in parks.

In addition to maintaining all native plant and animal species and their habitats inside parks, the Service will work with other land managers to encourage the conservation of the



populations and habitats of these species outside parks whenever possible. To meet its commitments for maintaining native species in parks, the Service will cooperate with states, tribal governments, the U.S. Fish and Wildlife Service, and the National Marine fisheries Service, as appropriate, to:

- Participate in local and regional scientific and planning efforts, identify ranges of populations of native plants and animals, and develop cooperative strategies for maintaining or restoring these populations in the parks;
- Suggest mutually beneficial harvest regulations for lands and waters outside the parks for populations that extend across park boundaries, such as resident deer or fishes; for short-distance seasonal migrant populations, such as elk or fishes; or for long-distance migrant populations, such as salmon;
- Develop data, through monitoring, for use in plant and animal management programs (such as local land management decision-making for assessing resident plant and animal population trends, and in international management negotiations for such far-ranging seasonal migrants as geese, whales, and marine turtles);
- Present information about species life cycles, ranges, and population dynamics in park interpretive programs for use in increasing public awareness of management needs for all species, both resident and migrant, that occur in parks; and
- Prevent the introduction of exotic species into units of the National Park System, and remove populations of these species that have already become established in parks.

4.4.3 Harvest of Plants and Animals by the Public

Public harvesting of designated species of plants and animals, or their components, may be allowed in park units when:

- Hunting, trapping, subsistence use, or other harvesting is specifically authorized by statute or regulation and not subsequently prohibited by regulation;
- Harvest of certain plant parts or unoccupied seashells for personal consumption or use is specifically authorized by the superintendent in accordance with 36 CFR 2. 1(c)(1);
- Recreational fishing is not specifically prohibited; or
- Commercial fishing is specifically authorized by statute or regulation.

Where harvesting is allowed and subject to NPS control, the Service will allow harvesting only when the monitoring requirement contained in section 4.4.2 and the criteria in section 4.4.2.1, above, have been met, and the Service has determined that the harvesting will not unacceptably impact park resources or natural processes, including the natural distributions, densities, age-class distributions, and behavior of:

- Harvested species;
- Native species that the harvested species use for any purpose; or
- Native species that use the harvested species for any purpose.



The Service will manage harvesting programs, and any associated habitat management programs intended to restore and maintain habitats supporting harvested plant or animal populations, to conform with applicable federal and state regulations and in consultation and cooperation, as appropriate, with individual states or tribal governments.

Habitat manipulation for harvested species may include the restoration of a disturbed area to its natural condition so it can become self-perpetuating, but will not include the artificial manipulation of habitat to increase the numbers of a harvested species above its natural range in population levels.

The Service may encourage the intensive harvesting of exotic species in certain situations when needed to meet park management objectives.

In some situations, the Park Service may stock native or exotic animals for recreational harvesting purposes, but only when such stocking will not impair park natural resources or processes, and:

- The stocking is of fish into constructed large reservoirs or other significantly altered large water bodies and the purpose is to provide for recreational fishing; or
- Such stocking is in a national recreation area or preserve that has historically been stocked (in these situations, stocking only of the same species may be continued); or
- Congressional intent for stocking is expressed in statute or a House or Senate report accompanying a statute.

The Service will not stock waters that are naturally barren of harvested aquatic species.

4.4.4 Management of Exotic Species

Exotic species will not be allowed to displace native species if displacement can be prevented.

4.4.4.1 Introduction or Maintenance of Exotic Species

In general, new exotic species will not be introduced into parks. In rare situations, an exotic species may be introduced or maintained to meet specific, identified management needs when all feasible and prudent measures to minimize the risk of harm have been taken, and it is:

- A closely related race, subspecies, or hybrid of an extirpated native species; or
- An improved variety of a native species in situations in which the natural variety cannot survive current, human-altered environmental conditions; or Used to control another, already-established exotic species; or
- Needed to meet the desired condition of a historic resource, but only where it is prevented from being invasive by such means as cultivating (for plants), or tethering, herding, or pasturing (for animals). In such cases, the exotic species used must be known to be historically significant, to have existed in the park during the park's period of historical significance, or to have been commonly used in the local area at that time; or
- An agricultural crop used to maintain the character of a cultural landscape; or



- Necessary to provide for intensive visitor use in developed areas, and both of the following conditions exist:
 - Available native species will not meet park management objectives; and
 - The exotic species is managed so it will not spread or become a pest on park or adjacent lands; or
- A sterile, non-invasive plant that is used temporarily for erosion control; or
- Directed by law or expressed legislative intent.

Domestic livestock such as cattle, sheep, goats, horses, mules, burros, reindeer, and llamas are exotic species that are maintained in some parks for purposes of commercial herding, pasturing, grazing, or trailing; for recreational use; or for administrative use for maintaining the historic scene or supporting park operations. The policies applicable to the grazing of commercial domestic livestock are discussed in chapter 8, section 8. 6. 8. The Service will phase out the commercial grazing of livestock whenever possible, and will manage recreational and administrative uses of livestock to prevent those uses from unacceptably impacting park natural resources.

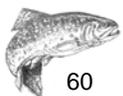
4.4.4.2 Removal of Exotic Species Already Present

All exotic plant and animal species that are not maintained to meet an identified park purpose will be managed— up to and including eradication— if (1) control is prudent and feasible, and (2) the exotic species:

- Interferes with natural processes and the perpetuation of natural features, native species or natural habitats; or
- Disrupts the genetic integrity of native species; or
- Disrupts the accurate presentation of a cultural landscape; or
- Damages cultural resources; or
- Significantly hampers the management of park or adjacent lands; or
- Poses a public health hazard as advised by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Program); or
- Creates a hazard to public safety.

High priority will be given to managing exotic species that have, or potentially could have, a substantial impact on park resources, and that can reasonably be expected to be successfully controllable. Lower priority will be given to exotic species that have almost no impact on park resources or that probably cannot be successfully controlled.

The decision to initiate management should be based on a determination that the species is exotic. For species determined to be exotic and where management appears to be feasible and effective, superintendents should (1) evaluate the species' current or potential impact on park resources; (2) develop and implement exotic species management plans according to



established planning procedures; (3) consult, as appropriate, with federal and state agencies; and (4) invite public review and comment, where appropriate. Programs to manage exotic species will be designed to avoid causing significant damage to native species, natural ecological communities, natural ecological processes, cultural resources, and human health and safety.

(Also see Executive Order # 13112 (Invasive Species))

FEDERAL LAWS AND NPS MANAGEMENT POLICIES RELATING TO WILDERNESS AREAS

1. The Wilderness Act (16 USC § 1131, et. seq.)

16 USC § 1131

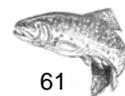
(a) it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as “wilderness areas”, and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as “wilderness areas” except as provided for in this Act or by a subsequent Act.

(c) Definition of wilderness. A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

16 USC § 1133, Use of wilderness areas

(a) Purposes of national forests, national park system, and national wildlife refuge system; other provisions applicable to national forests, Superior National Forest, and national park system. The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and—

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain



to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225); section 3(2) of the Federal Power Act; and the Act of August 21, 1935 (49 Stat. 666)

(b) Agency responsibility for preservation and administration to preserve wilderness character; public purposes of wilderness areas. Except as otherwise provided in this Act each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(c) Prohibition provisions: commercial enterprise, permanent or temporary roads, mechanical transports, and structures or installations; exceptions: area administration and personal health and safety emergencies. Except as specifically provided for in this Act and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

(d) Special provisions. The following special provisions are hereby made:
 (1) Aircraft or motorboats; fire, insects, and diseases. Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.
 (2) Mineral activities, surveys for mineral value. Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the [United States] Geological Survey and the [United States] Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

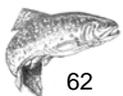
(6) State water laws exemption. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(7) State jurisdiction of wildlife and fish in national forests. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

2. NPS Management Policies Relating to Wilderness Areas

6.1 General Statement

The National Park Service will manage wilderness areas for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and



enjoyment as wilderness. Management will include the protection of these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness. The public purpose of wilderness in the national parks includes the preservation of wilderness character and wilderness resources in an unimpaired condition, as well as for the purposes of recreational, scenic, scientific, education, conservation, and historical use.

6.3.1 Wilderness Resource Management, General Policy

For the purposes of applying these policies, the term “wilderness” will include the categories of suitable, study, proposed, recommended, and designated wilderness. Potential wilderness may be a subset of any of these five categories. The policies apply regardless of category. In addition to managing these areas for the preservation of the physical wilderness resources, planning for these areas must ensure that the wilderness character is likewise preserved. This policy will be applied to all planning documents affecting wilderness. The National Park Service will take no action that would diminish the wilderness suitability of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. Until that time, management decisions pertaining to lands qualifying as wilderness will be made in expectation of eventual wilderness designation. This policy also applies to potential wilderness, requiring it to be managed as wilderness to the extent that existing non-conforming conditions allow. The National Park Service will seek to remove from potential wilderness the temporary, nonconforming conditions that preclude wilderness designation. All management decisions affecting wilderness will further apply the concepts of “minimum requirements” for the administration of the area regardless of wilderness category.

6.3.4.3 Environmental Compliance

Proposals having the potential to impact wilderness resources will be evaluated in accordance with National Park Service procedures for implementing NEPA. Those procedures include the use of categorical exclusions, environmental assessments (EAs), and/ or environmental impact statements (EISs). Administrative actions impacting wilderness must be addressed in either the EA or EIS accompanying the approved wilderness management plan, or as a separate environmental compliance document. Managers contemplating the use of aircraft or other motorized equipment or mechanical transportation within wilderness must consider impacts to the character, esthetics, and traditions of wilderness before considering the costs and efficiency of the equipment. In evaluating environmental impacts, the National Park Service will take into account wilderness characteristics and values, including the primeval character and influence of the wilderness; the preservation of natural conditions (including the lack of man-made noise); and assurances that there will be outstanding opportunities for solitude, that the public will be provided with a primitive and unconfined type of recreational experience, and that wilderness will be preserved and used in an unimpaired condition. Managers will be expected to appropriately address cultural resources management considerations in the development and review of environmental compliance documents impacting wilderness resources.

6.3.5 Minimum Requirement

All management decisions affecting wilderness must be consistent with the minimum requirement concept. This concept is a documented process used to determine whether administrative activities affecting wilderness resources or the visitor experience are necessary, and how to minimize impacts. The minimum requirement concept will be applied as a two-step process that determines:



- Whether the proposed management action is appropriate or necessary for administration of the area as wilderness and does not pose a significant impact to wilderness resources and character; and the techniques and types of equipment needed to ensure that impact to wilderness resources and character is minimized.
- In accordance with this policy, superintendents will apply the minimum requirement concept to the context of wilderness management planning, as well as to all other administrative practices, proposed special uses, scientific activities, and equipment use in wilderness. When determining minimum requirement, the potential disruption of wilderness character and resources will be considered before, and given significantly more weight than, economic efficiency and convenience. If a compromise of wilderness resources or character is unavoidable, only those actions that preserve wilderness character and/ or have localized, short-term adverse impacts will be acceptable.

While park managers have flexibility in identifying the method used to determine minimum requirement within the approved wilderness management plan, the method used must clearly weigh the benefits and impacts of the proposal, document the decision-making process, and be supported by an appropriate environmental compliance document. Parks with no approved wilderness management plan must develop a separate process to determine minimum requirement until the plan is finally approved. Parks will complete a minimum requirement analysis on those administrative practices and equipment uses that have the potential to impact wilderness resources or values. The minimum requirement concept cannot be used to rationalize permanent roads or inappropriate or unlawful uses in wilderness.

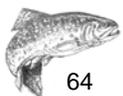
Administrative use of motorized equipment or mechanical transport will be authorized only:

- If determined by the superintendent to be the minimum requirement needed by management to achieve the purposes of the area as wilderness, including the preservation of wilderness character and values; or
- In emergency situations (search and rescue) involving the health or safety of persons actually within the area. Such management activities will be conducted in accordance with all applicable regulations, policies, and guidelines, including minimum requirement protocols as practicable.

Such management activities will also be conducted in accordance with all applicable regulations, policies, and guidelines and, where practicable, will be scheduled to avoid creating adverse resource impacts or conflicts with visitor use.

6.3.7 Natural Resources Management

The National Park Service recognizes that wilderness is a composite resource with interrelated parts. Without natural resources, especially indigenous and endemic species, a wilderness experience would not be possible. Natural resources are critical, defining elements of the wilderness resource, but need to be managed within the context of the whole ecosystem. Natural resource management plans will be integrated with, and cross-reference, wilderness management plans. Pursuing a series of independent component projects in wilderness, such as single-species management, will not necessarily accomplish the over-arching goal of wilderness management. Natural resources management in wilderness will include and be guided by a coordinated program of scientific inventory, monitoring, and research.



The principle of non-degradation will be applied to wilderness management, and each wilderness area's condition will be measured and assessed against its own unimpaired standard. Natural processes will be allowed, insofar as possible, to shape and control wilderness ecosystems. Management should seek to sustain the natural distribution, numbers, population composition, and interaction of indigenous species. Management intervention should only be undertaken to the extent necessary to correct past mistakes, the impacts of human use, and influences originating outside of wilderness boundaries.

Management actions, including the restoration of extirpated native species, the altering of natural fire regimes, the controlling of invasive alien species, the management of endangered species, and the protection of air and water quality, should be attempted only when the knowledge and tools exist to accomplish clearly articulated goals.

6.3.10.2 Trails in Wilderness

Trails will be permitted within wilderness when they are determined to be necessary for resource protection and/ or for providing for visitor use for the purposes of wilderness. The identification and inventory of the wilderness trail system will be included as an integral part of the wilderness management plan or other appropriate planning document. Trails will be maintained at levels and conditions identified within the approved wilderness management plan or other planning document. Trail maintenance structures (e. g., waterbars, gabions) may be provided, under minimum requirement protocols, where they are essential for resource preservation, or where significant safety hazards exist during normal use periods. Historic and/ or prehistoric trails will be administered in keeping with approved cultural resource and wilderness management plan requirements.

Borrow pits are not permitted in wilderness areas, with the exception of small-quantity use of borrow material for trails, which must be in accordance with an approved wilderness management plan.

6.4 Wilderness Use Management

The National Park Service will encourage and facilitate those uses of wilderness that are in keeping with the definitions and purposes of wilderness and do not degrade wilderness resources and character. Appropriate restrictions may be imposed on any authorized activity in the interest of preserving wilderness character and resources or to ensure public safety.

When resource impacts or demands for use exceed established thresholds or capacities, superintendents may limit or redirect use. Physical alterations, public education, general regulations, special regulations, and permit systems, as well as local restrictions, public use limits, closures, and designations implemented under the discretionary authority of the superintendent (36 CFR 1. 5 and Part 13; 43 CFR Part 36 for Alaska units), may all be used in managing use and protecting wilderness, if these actions are determined to be the minimally required level of management.

6.4.1 Wilderness Use Management, General Policy

Park visitors need to accept wilderness on its own unique terms. Accordingly, the National Park Service will promote education programs that encourage wilderness users to understand and be aware of certain risks, including possible dangers arising from wildlife, weather conditions, physical features, and other natural phenomena that are inherent in the various conditions that comprise a wilderness experience and primitive methods of travel. The National Park Service will not modify the wilderness area to eliminate risks that are normally associated with wilderness, but it will strive to provide users with general information

concerning possible risks, any recommended precautions, related user responsibilities, and applicable restrictions and regulations, including those associated with ethno-graphic and cultural resources.

6.4.3 Recreational Use Management in Wilderness

Recreational uses of National Park Service wilderness are generally those traditionally associated with wilderness and identified by Congress in the legislative record for the development of the Wilderness Act and in keeping with the language provided by sections 2(a) and 2(c) of the Act itself (16 USC 1131 (a) and (c)). These recreational uses of wilderness will be of a type and nature that ensure that its use and enjoyment will leave it unimpaired for future use and enjoyment as wilderness, provide for the protection of the area as wilderness, and provide for the preservation of wilderness character. Recreational uses in National Park Service wilderness areas will be of a nature that enable the areas to retain their primeval character and influence; protect and preserve natural conditions; leave the imprint of man's work substantially unnoticeable; provide outstanding opportunities for solitude or primitive and unconfined types of recreation; and preserve wilderness in an unimpaired condition.

6.4.3.1 Recreation Use Evaluation

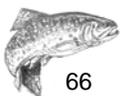
Recreational uses—particularly new and emerging activities, that compromise the stated purposes and definitions of wilderness or unduly impact the wilderness resource or the visitor experience within wilderness—will be evaluated to determine if these uses are appropriate, or should be limited or disallowed through use of the superintendent's compendium in 36 CFR 1.5. Evaluation or re-evaluation should be accomplished within wilderness management plans or similar implementation plans. Recreational uses that do not meet the purposes and definitions of wilderness should be prohibited in NPS wilderness.

Significant changes in patterns or increased levels of use will not be authorized by special permit, administrative discretion, or authorities under the superintendents' compendia, except in cases where sufficient information exists to adequately determine there is no significant impact on wilderness resources and values, including visitor experiences. These increased levels of use and changes in patterns of existing use will normally not qualify for a categorical exclusion under NEPA. Decisions regarding significant changes in patterns and new levels of use will require environmental analysis and review, including opportunity for public comment, in accordance with the requirements of NEPA.

6.4.3.3 Use of Motorized Equipment

Public use of motorized equipment or any form of mechanical transport will be prohibited in wilderness except as provided for in specific legislation. Operating a motor vehicle or possessing a bicycle in designated wilderness outside Alaska is prohibited (see NPS regulations in 36 CFR 4. 30(d)(1)).

However, section 4(d)(1) of the Wilderness Act (16 USC 1133(d)(1)) authorizes the Secretary, where legislation designating the wilderness specifically makes this provision applicable, to allow the continuation of motorboat and aircraft use under certain circumstances in which those activities were established prior to wilderness designation. Section 4(d)(1) gives the Secretary the discretion to manage and regulate the activity in accordance with the Wilderness Act, the NPS Organic Act, and individual park enabling legislation. As authorized, the National Park Service will administer this use to be compatible with the purpose, character, and resource values of the particular wilderness area involved. The use of motorized equipment by the public in wilderness areas in Alaska is governed by



applicable provisions of ANILCA, NPS regulations in 36 CFR part 13, and Department of the Interior regulations in 43 CFR part 36. The specific conditions under which motorized equipment may be used by the public will be outlined in each park's wilderness management plan.

6.4.6 Existing Private Rights

Wilderness designation does not extinguish valid existing private rights (e. g., fee-simple interest, less-than-fee-simple interest, valid mineral operations, rights-of-way, grazing permits). The validity of private rights within wilderness must be determined on a case-by-case basis. Valid private rights in wilderness must be administered in keeping with the specific conditions and requirements of the valid right.

3. NPS Management Policies Relating to Recreational Use

8.2.2 Recreational Activities

The National Park Service will encourage, allow, or not allow recreational activities according to the criteria listed in section 8.2. Examples of recreational activities that may be encouraged or allowed include, but are not limited to, boating, camping, bicycling, fishing, hiking, horseback riding and packing, outdoor sports, picnicking, scuba diving, cross-country skiing, caving, mountain and rock climbing, and swimming. However, not all of these activities will be appropriate or allowable in all parks; that determination must be made on the basis of park-specific planning. Service-wide regulations addressing aircraft use, off-road bicycling, hang gliding, off-road vehicle use, personal watercraft, and snowmobiling require that special, park-specific regulations be developed before these uses may be allowed in parks. (Somewhat different statutory and regulatory provisions apply to snowmobile, motorboat, and aircraft use in units of the national park system in Alaska.)

8.2.2.5 Fishing

Recreational fishing will be allowed in parks when it is authorized, or not specifically prohibited, by federal law, provided that it does not jeopardize natural aquatic ecosystems or riparian zones. When fishing is allowed, it will be conducted in accordance with applicable federal laws and treaty rights, and state laws and regulations. The Service may restrict fishing activities whenever necessary to achieve management objectives outlined in a park's resource management plan or to otherwise protect park resources or public safety, unless such restrictions would violate a federal law or treaty. Before the Service issues regulations or other restrictions, representatives of appropriate tribes and state and federal agencies will be consulted to ensure that all available scientific data is considered in the decisionmaking process. Any such regulations or other restrictions will be developed with public involvement.

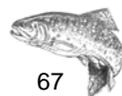
Commercial fishing will be allowed only when specifically authorized by federal law or treaty right.

PARK SPECIFIC LEGISLATION

1. Enabling Legislation

North Cascades National Park (16 U.S.C. § 90)

In order to preserve for the benefit, use, and inspiration of present and future generations certain majestic mountain scenery, snow fields, glaciers, alpine meadows, and other unique



natural features in the North Cascade Mountains of the State of Washington, there is hereby established, subject to valid existing rights, the North Cascades National Park (hereinafter referred to in this Act as the “park”). The park shall consist of the lands, waters, and interests therein within the area designated “national park” on the map entitled “Proposed Management Units, North Cascades, Washington,” numbered NP-CAS-7002, and dated October 1967. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior, and in the office of the Chief, Forest Service, Department of Agriculture.

Ross Lake National Recreation Area (16 U.S.C. § 90a)

In order to provide for the public outdoor recreation use and enjoyment of portions of the Skagit River and Ross, Diablo, and Gorge Lakes, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Ross Lake National Recreation Area (hereinafter referred to in this Act as the “recreation area”). The recreation area shall consist of the lands and waters within the area designated “Ross Lake National Recreation Area” on the map referred to in section 101 of this Act.

Lake Chelan National Recreation Area (16 U.S.C., § 90b)

In order to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Lake Chelan National Recreation Area (hereinafter referred to in this Act as the “recreation area”). The recreation area shall consist of the lands and waters within the area designated “Lake Chelan National Recreation Area” on the map referred to in section 101 of this Act.

2. Washington Parks Wilderness Act of 1988 (100 P.L. 668)

An Act

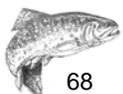
To designate wilderness within Olympic National Park, Mount Rainier National Park, and North Cascades National Park Service Complex in the State of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Washington Park Wilderness Act of 1988”.

**TITLE II: NORTH CASCADES NATIONAL PARK
SERVICE COMPLEX WILDERNESS SEC. 201. DESIGNATION**

(a) WILDERNESS. -- In furtherance of the purposes of the Wilderness Act, certain lands in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area, Washington, which –

(1) comprise approximately six hundred and thirty-four thousand six hundred and fourteen acres of wilderness, and approximately five thousand two hundred and twenty-six acres of potential wilderness additions, and (2) are depicted on a map entitled “Wilderness Boundary, North Cascades National Park Service Complex, Washington”, numbered 168-60-186 and



dated August 1988, are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System. Such lands shall be known as the Stephen Mather Wilderness.

Sec. 205. Renewable Natural Resource Use in Recreation Areas

Section 402(a) of the Act of October 2, 1968 (82 Stat. 928; 16 U.S.C. 90c-1) is hereby amended to read as follows:

“The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits and (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment. Within that portion of the Lake Chelan National Recreation Area which is not designated as wilderness, such management, utilization, and disposal of renewable natural resources and the continuation of existing uses and developments as will promote, or are compatible with, or do not significantly impair public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment, are authorized. In administering the recreation areas, the Secretary may utilize such statutory authorities pertaining to the administration of the national park system, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith. Within the Ross Lake National Recreation Area the removal and disposal of trees within power line rights-of-way are authorized as necessary to protect transmission lines, towers, and equipment;”: Provided, That to the extent practicable, such removal and disposal of trees shall be conducted in such a manner as to protect scenic viewsheds.”

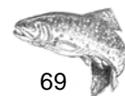
Sec. 206. Mineral Resource Use in Recreation Areas

Section 402(b) of the Act of October 2, 1968 (82 Stat. 928; 16 U.S.C. 90c-1b) is hereby amended to read as follows:

“The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from all forms of appropriation or disposal under the public land laws, including location, entry, and patent under the United States mining laws, and disposition under the United States mineral leasing laws: Provided, however, That within that portion of the Lake Chelan National Recreation Area which is not designated as wilderness, sand, rock and gravel may be made available for sale to the residents of Stehekin for local use so long as such sale and disposal does not have significant adverse effects on the administration of the Lake Chelan National Recreation Area.”

WASHINGTON STATE FISHING REGULATIONS

The following information is a summary of the 2004 Washington State freshwater fishing regulations. The entire pamphlet can be found at, <http://www.wa.gov/wdfw/fish/regs/fishregs.htm>



GENERAL RULES

- A fishing license is required for all persons 15 years or older; licenses must be carried when fishing.
- Catch record cards are required for everyone fishing for: Salmon, Sturgeon, Steelhead, Dungeness Crab, and Halibut.
- There is a prohibition against using live fish for game fish bait.
- There is a prohibition against using any chemical irritant to harvest fish.

FRESHWATER RULES

- Hook and line angling only. Barbed or barbless hooks may be used, and a hook may be single, double, or treble, but not more than one line with up to three hooks per angler may be used.
- Single barbless hooks are required in areas designated as ‘fly fishing only’ or ‘selective gear rules.’
- All fishing gear must be kept in immediate control and may not be left unattended while fishing. Rodholders may be used but the rod must be easily removed without delay; rod may be left in holder while playing the fish. Downriggers may be used if the line releases from the downrigger while playing and landing the fish.
- A club or dipnet may be used to assist landing a legal fish taken by legal gear. A gaff hook may not be used.
- It is unlawful to chum or broadcast any substance to attract game fish, unless specifically authorized by special rules.
- Where use of bait is prohibited, or where lures or flies are used voluntarily, game fish may be caught and released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye, or tongue, it should be kept if legal to do so.

SEASONS

- Freshwater areas are open 24 hours per day when open.
- Lakes, ponds, and reservoirs are open to fishing for game fish (except Dolly Varden/Bull Trout and grass carp) year-round.
- Rivers, streams, and beaver ponds are open to fishing for game fish (except Dolly Varden/Bull Trout and grass carp) June 1 to October 31.
- An ‘open’ listing does not authorize anglers to trespass on private property.

STATEWIDE FRESHWATER SPECIES RULES

- *Cutthroat, Lake, and Golden Trout*



- In rivers, streams and beaver ponds minimum size is 8 inches. Daily limit is two. When fishing with bait, all trout (except steelhead) equal to or greater than the minimum size are counted as part of the daily limit whether kept or released.
- In lakes, ponds and reservoirs no minimum size. Daily limit is five. When fishing with bait, all trout (except steelhead) equal to or greater than the minimum size are counted as part of the daily limit whether kept or released.
- *Eastern Brook Trout*
 - In rivers no minimum size. Daily limit is five. Anglers may keep up to five Eastern Brook Trout, but no more than five trout total, and no more than two can be other trout species.
- *Dolly Varden/Bull Trout*
 - When listed as open under the special rules, count as part of the trout combined daily limit for rivers and lakes.

WESTSIDE RIVERS SPECIAL RULES

Special Regulations

Water	Season	Species	Catch Limit ^{a,b}	Minimum Size	Special Regulations
Big Beaver Creek (Beaver ponds and tributary streams)	July 1 – Oct 31	All gamefish ^c	—	—	Catch and release only.
From 1/4 mile marker upstream					Selective Gear Rules ^d
Big Beaver Creek (Beaver ponds and tributary streams) (Ross Lake to 1/4 mile upstream)	Closed Waters				
Cascade River	June 1 – Feb 29	Trout ^e	2	14 inches	Legal to retain Dolly Varden/bull trout as part of the Trout catch limit.
		Dolly Varden	—	20 inches	
		Other gamefish	Statewide	Statewide	
Hozomeen Lake	July 1 – Oct 31	All gamefish	Statewide	Statewide	
Newhalem Ponds	Closed Waters				
Nooksack River	Nov 1 – Mar 15	Trout	2	14 inches	Wild steelhead release.
Ross Lake	July 1 – Oct 31	Trout	3	13 inches	Selective Gear Rules, except motors allowed. All tributaries are closed from lake to 1 mile upstream, except see special rules for Big Beaver Creek and Ruby Creek.
		All gamefish	Statewide	Statewide	
Ruby Creek	Closed Waters				
Skagit River (Bacon Creek to Gorge Powerhouse)	June 1 – Feb 29	Trout	2	14 inches	Legal to retain Dolly Varden/bull trout as part of the catch limit.
		Dolly Varden	—	20 inches	All species night closure and non-buoyant lure restriction July 1 – Nov 30.
		Steelhead	—	—	
		Other gamefish	Statewide	Statewide	



Water	Season	Species	Catch Limit ^{a,b}	Minimum Size	Special Regulations
Skagit River (Gorge Powerhouse to Dam)	Closed Waters				
Stehekin River (Mouth to Agnes Creek)	Mar 1 – June 30	All gamefish	0	—	Game fish catch and release only, Selective Gear Rules.
	July 1 – Oct 31	Trout	2	15 inches	Release Cutthroat, Selective Gear Rules.
		Other gamefish	Statewide	Statewide	Selective Gear Rules.
Stetattle Creek	Closed Waters				
Trapper Lake	Year around	Trout	2	None	
		Other gamefish	Statewide	Statewide	

Notes:

- a. Possession limit for game fish is two daily limits in any form.
- b. The combined daily limit for anglers that fish in both rivers and lakes on the same day is five trout. In the combined daily limit, only two trout may be from rivers, except as provided for Eastern brook trout.
- c. Game fish = bass, tiger muskellunge, walleye, whitefish, burbot, catfish, crappie, northern pike, peamouth chub, perch, suckers, sunfish, bullfrogs, and all trout.
- d. Selective Gear Rules = Only unscented artificial flies or lures with one single barbless hook are allowed. Up to a total of three artificial flies or lures containing single barbless hooks may be used. Bait is prohibited; fish may be released until the daily limit is retained. No one may fish from any floating device equipped with a motor except where specifically allowed under Special Rules for individual waters. If any fish has swallowed the hook or is hooked in the gill, eye, or tongue, it should be kept if legal to do so.
- e. Trout = grayling, kokanee, brown, rainbow, golden, cutthroat, and lake.

