

**PROPOSED CHANGES
SUPERINTENDENT'S COMPENDIUM
2020
KENAI FJORDS NATIONAL PARK**

The Superintendent is seeking public comment on the proposed Superintendent's Compendium. The proposed compendium is a written compilation of designations, closures, permit requirements and other restrictions adopted under the Superintendent's discretionary authority.

After review and consideration of the need for annual updates, the following changes are proposed.

2.52 Designated areas for sale and distribution of printed matter for First Amendment purposes

Current Language:

2.52 Designated areas for sale and distribution of printed matter for First Amendment purposes

The following areas are designated as open to sale or distribution of printed matter by groups involving 25 or fewer persons without a permit. Printed matter is limited to message-bearing textual printed material, such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising. Distribution involving 26 or more individuals must have a permit issued by the Superintendent.

- Exit Glacier – An area bounded by the western edge of the parking lot entry road on the east, an east-west line between the northern most disabled parking space and the large boulder in the plaza on the north, a north-south line between the large erratic boulder in the plaza and the southern edge of the paved plaza to the west, and the edge of the paved plaza on the south. See attached map.
- Kenai Fjords National Park Visitor Center in Seward – The graveled area behind the building, bounded by the following perimeter: a line running east from the rear public entrance to the northern-most interpretive kiosk, then north to the fire hydrant on the south side of the paved fire lane, then west to the northeast corner of the Visitor Center building.

2.52 Designated areas for sale and distribution of printed matter for First Amendment purposes

83 FR 2069, Jan. 16, 2018: the NPS is revising its regulations to allow the free distribution of message-bearing items other than printed matter in areas of a park designated by the superintendent, subject to compliance with the regulations at 36 CFR 2.51 and 2.52. These items include readable electronic media like CDs, DVDs, and flash drives; articles of clothing like hats and accessories like buttons and pins; key chains; and bumper stickers. Changes to the title of this section above and the text below reflect these changes:

Proposed New Language:

2.52 Designated areas for sale and distribution of printed matter and other message-bearing items for First Amendment purposes

The following areas are designated as open to sale or distribution of printed matter and other message-bearing items by groups involving 25 or fewer persons without a permit. Printed matter is limited to message-bearing textual printed material, such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising. Distribution involving 26 or more individuals must have a permit issued by the Superintendent.

- Exit Glacier – An area bounded by the western edge of the parking lot entry road on the east, an east-west line between the northern most disabled parking space and the large boulder in the plaza on the north, a north-south line between the large erratic boulder in the plaza and the southern edge of the paved plaza to the west, and the edge of the paved plaza on the south. See attached map.
- Kenai Fjords National Park Visitor Center in Seward – The graveled area behind the building, bounded by the following perimeter: a line running east from the rear public entrance to the northern-most interpretive kiosk, then north to the fire hydrant on the south side of the paved fire lane, then west to the northeast corner of the Visitor Center building.

This update brings the compendium language current with the 83 FR 2069 revision to 36 CFR 2.52 revision effective February 15, 2018.

36 CFR 13.50 Closures and restrictions, National Park System Units in Alaska

The NPS seeks public comment on allowing the use of electric bicycles (e-bikes) in National Park System units in Alaska. The proposal for the 2020 compendium is:

The term “e-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 hp.).

E-bikes are allowed in accordance with the provisions of 36 CFR Part 4. E-bikes are allowed on park roads, parking areas, and trails that are open to traditional bicycles.

E-bikes are prohibited where traditional bicycles are prohibited under 36 CFR 4.30. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).

Except as specified in this Compendium, the use of an e-bike within is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

This provision is approved and will remain in effect until rescinded or superseded.

The reason for this proposed addition is as follows:

On August 30, 2019, the National Park Service published an e-bike policy. A stated goal of the policy is to address e-bikes so that the NPS can exercise clear management authority over them within the National Park System. The policy provides that e-bikes are to be allowed in areas where traditional bicycles are allowed. Under national NPS regulations, traditional bicycles are allowed only on roads, parking areas, and designated trails. 36 CFR 4.30(h).

Under Federal law specific to conservation system units in Alaska, which include national parks, “nonmotorized surface transportation methods for traditional activities ... and for travel to and from villages and homesites” are allowed notwithstanding any other provision of law. 16 USC 3170(a). It has been the position of the Department of the Interior that these methods include the use of traditional bicycles. E-bikes do not fall under this allowance because they have an electric motor and therefore are not “nonmotorized.”

Although ANILCA allows traditional bicycles anywhere within conservation system units in Alaska, NPS Region 11 (Alaska) proposes to allow e-bikes only on roads, parking areas, and designated trails where traditional bicycles are allowed. This will ensure that the NPS manages e-bikes in Alaska in the same way it manages e-bikes outside of Alaska. The nationwide policy intended to achieve a consistent management framework for e-bikes within the National Park System. In addition, the NPS has no data on the level of bicycle use on more than 20 million acres in Alaska that are off-trail and not in designated wilderness. This would make it very difficult to anticipate the impacts of allowing e-bikes in those same, vast locations – impacts that could include concerns about public safety associated with remote, cross-country travel, protection of resources in sensitive biomes such as tundra, and management objectives such as preserving wilderness character in eligible wilderness.

The National Park Service in Alaska is requesting comment on this proposed addition to the 2020 park compendiums. Information on how to submit comments is available at:

<https://www.nps.gov/locations/alaska/proposed-compendiums.htm>

X

Eric Veach
Superintendent