



United States Department of the Interior

National Park Service

Katmai National Park & Preserve

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NPS Response to Public Comments

On the Proposed 2020 Changes to the

Katmai National Park and Preserve, Aniakchak National Monument and Preserve, and the Alagnak Wild River Compendium

In response to the notification of proposed changes to the 2020 compendium Katmai National Park and Preserve received 77 comments through the Planning, Environment & Public Comment system, sent in through postal mail, or delivered by hand to the Katmai National Park headquarters in King Salmon, Alaska. The NPS has read and considered all comments received.

The Park is encouraged by the level of interest and engagement from our local community, visitors, commercial partners, and friends. Of the 77 overall comments that were received in response to these changes over 80% were in support of the Park's proposals. Katmai wishes to provide our responses to comments that were received to continue the dialogue and provide additional information and clarity on the changes.

Comment #1: A commenter suggested that the NPS remove the underwater camera at Brooks River and restrict troll netting in the Brooks River and Naknek Lake.

NPS Response #1: Katmai National Park wants to clarify that net fishing in Naknek Lake and Brooks River is allowed in one specific circumstance. In 1996 congress passed a law which "permits local residents who are descendants of Katmai residents who lived in the Naknek Lake and River Drainage to continue their traditional fishery for red fish in Katmai National Park". This traditional collection of spawned out salmon is restricted to descendants with the required lineage, only occurs during late fall, and should not be confused with any commercial or general subsistence harvest, both of which are prohibited.

Katmai National Park feels the underwater camera has no impact on salmon fishing. Due to the massive volume of fish in a run, it is immediately apparent when the fish are running regardless of the camera. Since the nearest allowed net fishing is over 40 miles downstream and outside of the Park, it is unlikely that the cameras in Katmai National Park have any impact. If any netting is observed near the Brooks River is likely associated with the previously mentioned special collection of red fish which occurs at the late stages of the run. Fishermen do not have access to video footage from the camera while at Brooks Camp, but fish activity is obvious from the bank and from the elevated walkway.

Comment #2: Multiple commenters suggested that Katmai limit, cap or otherwise restrict visitation to Brooks Camp in order to protect the bears, reduce perceived overcrowding or improve the visitor experience.

NPS Response #2: Katmai National Park is planning to initiate a comprehensive visitor use planning process. We will be looking at many facets of visitation, including such items as visitor experience, impact on resources, the carrying capacity of supporting infrastructure, user group input and other related metrics. This will be a lengthy process that will take time before any resulting changes to management of the area can be implemented. We feel however that this is the correct approach to build

a solid foundation on which to make long term decisions that will provide for the best visitor experience and level of public access within our mission to protect and preserve the resources that we are entrusted to protect.

Comment #3: A commenter suggested that the NPS include the area downriver of the Brooks Bridge, including the gravel bar, in the proposed management of the Brooks River Corridor.

NPS Response #3: The elevated bridge and boardwalk was chosen as a clear demarcation between the nearby beach area and the river. It provides a hard reference point that is immediately identifiable to all. The NPS will re-evaluate the effectiveness of the permit process in the area specified on an on-going basis and may consider expanding or reducing the area and/or proposing different management actions in the future as needed.

Comment #4: Several commenters suggested restricting the number of people allowed in the river, increasing the size of restricted areas in the river or not allowing fishing or people in the river at all.

NPS Response #4: Katmai National Park receives this comment on a regular basis from visitors and webcam viewers concerned about impacts of such activities on park resources. When Katmai National Monument was expanded in 1931, that expansion included all of Brooks Camp and the Brooks River. The expressed purpose of the 1931 expansion was for "...features of historical and scientific interest and for the protection of the brown bear, moose, and other wild animals". Subsequent activity in the region established a robust sportfishing industry and sportfishing was included as an important recreational activity to be managed and authorized in the expansion areas of the park in legislation during 1980. While we recognize that sport fishing is a traditional use of the Brooks River, the area was brought under NPS management largely to protect the Alaskan Brown Bear. The mission of the National Park Service is to "preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations." We have to carefully balance the public enjoyment of NPS entrusted resources with the direction to "preserve unimpaired". This is not always easy. Katmai intends to develop a comprehensive visitor use management plan that, among other things, will help us determine what appropriate level of visitor use should be allowed. NPS will continue to strive to provide for the best visitor experience and level of public access within our mission to protect and preserve park resources.

Comment #5: A commenter indicated that they would not be able to get/wait for a permit in King Salmon.

NPS Response #5: River permits will be issued on location at Brooks Camp. There is no need to get anything in King Salmon before arriving at Brooks Camp.

Comment #6: "A permit system would not make it any safer for those in the park. You will always have those that will disregard the rules no matter if you use the current system or use a permit system."

NPS Response #6: The NPS views the river permit process as an opportunity to go over river specific etiquette and rules with those who are planning to enter the river. By meeting with each person face to face who plans to go into the river, re-enforcing the critical safety rules, giving river-specific information, and answering river related questions, we hope to raise awareness of bear and human safety. Also, if we identify an individual who disregards the rules the permit process allows the NPS to revoke that person's permit. Ultimately, NPS wants to develop a sense of responsibility and partnership with those who are using the resource to promote appropriate use and a spirit of cooperation in protecting it.

Comment #7: Katmai received several comments that expressed the desire to avoid, or complete opposition to, any closures in the Brooks River.

NPS Response #7: The NPS has held, and continues to hold, the authority to conduct closures at Brooks Camp in title 36 of the Code of Federal Regulation 13.1242. Such river closures are also called for in the areas existing planning documents when large numbers of bears are present. While the NPS views closures as the last choice alternative, it will remain a tool that is available for use. The NPS has closed the entire Brooks River in the past to address safety concerns and this may become necessary again. Alternatively, partial river closures may also become necessary that focus on a very specific area. Such closures may be permanent or temporary in nature and may remain in effect as long as the issue causing the closure is ongoing. We already do this exact thing on the trails and paths around Brooks Camp. When a sow is nursing cubs on a trail for example, we close that section of trail and route people around. We feel that level of management may become necessary in the Brooks River as well.

Comment #8: One commenter requested clarification on the statement about changing visitor use patterns, wildlife use patterns and other factors that are necessitating a change in visitor management at Brooks Camp.

NPS Response #8: Visitation to Brooks Camp overall has more than doubled in the last 10 years. NPS monitoring data from the Brooks River shows that non-fishing use of the Brooks River by humans has risen dramatically during this time. What was once predominately fishing use in-river has now expanded to include photographers and walking tours in addition to the use by anglers. This represents a change in the pattern of use for visitors in the river.

With this higher number of visitors has come a higher level of scrutiny of all activity at Brooks Camp. One issue that observers consistently bring to the NPS' attention is a perception of problems between bears and visitors. With more people to cause issues and more people to report those issues, the number of complaints about visitors not respecting wildlife regulations and in general not exhibiting proper bear etiquette has increased.

Over the past two decades, we have seen more bears staying around the Brooks River during times that historically saw lower numbers for bears, and also patterns of use along the river are changing. Historically, bear activity was generally low in August before picking back up in September, and bear activity in September was very low in the area around the waterfall. More recently, bear activity, while low during August, is higher than it was previously and includes activity at the falls, and that activity now continues into September. Accordingly, the original dates to restrict ground access and nightly viewing from the Brooks Falls platforms of Jun 15 to Aug 15 no longer match the bear activity being observed. Therefore, instead of locking in another set of hard dates, the NPS desires to have the flexibility to adjust the use restriction dates as needed to match the current conditions in any given year.

Comment #9: The NPS received comments about the proposed visitor management in the Brooks Camp Developed Area. The commenter points out that closure authority found in 36 CFR 13.1242 is limited to "protecting public health and safety or park resources". Additionally, the commenter expressed concern that Park management activities might impact sport fishing. Finally, the commenter recommended an evaluation of the newly constructed bridge to see if that changed the on-the-ground issues.

NPS Response #9: The NPS agrees that 36 CFR 13.1242 gives authority to prohibit or restrict activities to "protect public health and safety or park resources". All actions that we take are to either protect public health and safety or to protect and preserve park resources including natural resources such as bears and other wildlife, as well as cultural resources such as sensitive historic sites.

While the NPS views closures as the last choice alternative, it will remain a tool that we can use. Should a closure ever become necessary, it would focus on a specific area and only remain as long as the issue causing the closure was ongoing. We already do this exact thing on the trails and paths around Brooks Camp. When a sow is nursing cubs on a trail for example, we close that section of trail and route people around. We feel that level of management may become necessary in the Brooks River as well, with sections being temporarily closed and visitors asked to travel around that area.

There is no consideration of closing the Brooks River to sport fishing. Right now, anglers have to walk around temporary trail closures like all visitors to avoid bears and sometimes have to access the river from a different point. In as much as an angler may have to walk around a section of river to fish a different section, sport fishing may be impacted. The NPS is not proposing any change in fishing regulations at this time. While the comment highlights that sport-fishing was “the original visitor attraction to the Brooks River”, it is important to note that the area came under NPS management in 1931 in large part with the expressed written purpose to protect the Alaskan Brown Bear while Sport fishing was not mentioned. The NPS acknowledges the importance of sport fishing in Alaska and will continue to strive to provide for the best visitor experience and level of public access within our primary mission to protect and preserve park resources.

The NPS is actively evaluating the impacts of the newly constructed elevated bridge and boardwalk on an ongoing basis.

Comment #10: A comment was received regarding the wildlife viewing regulations found in Title 36 of the Code of Federal Regulations 13.1206, suggesting that the Superintendent’s Compendium add exceptions “addressing stand your ground behavior.”

NPS Response #10: Bear activity in Katmai is much higher than in most of the state. The regulation in question was developed during the same period when the NPS and the State of Alaska were jointly developing the Best Bear Viewing Practices for our coast. The regulations reflect the reality that bears closely approach people and sometimes the best course of action is to stand your ground. However, the requirement to provide space around bears utilizing a concentrated food source was intended to limit the potential for bears to be excluded from feeding opportunities by people setting themselves up to occupy a spot where bears would need to come into close proximity in order to gain access to that food. Bears in most of the highly visited areas of Katmai generally do not show overt reactions to people until around the 50 yard distance, after which the primary reaction is avoidance. In cases where a concentrated food source is near a location where a viewing protocol can be developed to authorize people to continuously occupy that site while providing a consistent and predictable aggregation that bears can learn to work around, the NPS is open to developing those protocols. We have already done this for Geographic Harbor and have been working with the commercial operators to finalize a protocol for the area at the confluence of Funnel and Moraine Creeks.

Comment #11: A submitted comment stated that the temporary closure to the use of motorized vessels should be followed through with a permanent closure reflected in Federal Regulations. Falling short of promulgating the rule making process, the NPS needs to follow the public hearing requirements in 43 CFR 36.11.

NPS Response #11: The NPS held a public hearing on this issue on February 14, 2020. The NPS is considering the development of a Federal Regulation as suggested.

Comment #12: A comment was submitted that highlighted the repeated closure of the Valley of 10,000 Smokes to bicycle use, which closes the Valley to bicycles except for November 1 to March 31 if the Superintendent has determined there is adequate snow cover. The commenter questions the potential

impact of bicycles compared to existing foot traffic. The commenter also claims the NPS is avoiding notice and hearings by not promulgating this closure in the rulemaking process.

NPS Response #12: There is only one established trail maintained by the NPS in the Valley of Ten Thousand Smokes, and it merely accesses the edge of the ash sheet. Most access into the main floor of the valley is on unimproved surfaces directly. The commenter asserts that bicycles do not create more erosion than foot traffic. Bicycle traffic can cover substantially greater distances than foot traffic in most terrain, extending the potential area of impact and overall level of disturbance. Additionally, bicycles maintain continuous ground contact which further increases the potential for impacts to resources. The Valley floor is unconsolidated ash with nascent soil development. Limiting bicycle use ensures that human activity, and resultant soil erosion, in the Valley does not rapidly expand to additional areas.

The NPS gave notice and held a public hearing on this matter on February 14, 2020.

Comment #13: 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 #13: 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 #14: A commenter stated that allowing e-bikes and e-trikes 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 #14: 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 #15: 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 #15: 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 #16: 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 #16: 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. A recent 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 #17: One commenter stated that prohibiting e-bikes on trails in designated wilderness would also close sport and subsistence hunting opportunities.

NPS Response #17: 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 where they are permitted.

Comment #18: 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 #18: Department of the Interior regulations 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 #19: Several commenters indicated that e-bikes should be banned either in the Park as a whole or specifically at Brooks Camp.

NPS Response #19: 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. A recent 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. Katmai plans to monitor e-bike use and the Superintendent has the authority to manage their use based on public health and safety, resource protect or other management objectives.

Comment #20: A commenter indicated that the NPS: Brooks River should not be closed to fishermen.

NPS Response #20: The NPS is not proposing to close the river to fishing. However, the NPS is alerting the visiting public and operators that increases in activity within the river have created cause for concern and is proposing to increase focused management on in river activities to alleviate these concerns. Fishing is the most common activity for visitors within the river historically, but in recent years this general use pattern has changed as increasing numbers of non-angling visitors are entering the river even as the number of fishing visitors remains high. The proposed changes include a requirement for users to get a permit from NPS rangers on site for river access. This will help to ensure a consistent level of understanding of the regulations that pertain within the river as well as appropriate behavior both toward other guests as well as wildlife within the river.

Comment #21: Brooks River Guide program should continue. Recommend changing education requirements and forming a user group.

NPS Response #21: The Brooks River Guide program was created at a time when the NPS was unable to accommodate additional guest arrivals at the upper end of the river from the Lake Brooks side. The NPS was striving to limit the impact of traffic delays across the floating bridge on guests seeking to fish the river by ensuring that guided parties could access the upper end of the river without creating a need for a river crossing. With the recent construction of the elevated bridge and boardwalk, which has improved access across the river, most of the traffic issues have been alleviated. Now, the NPS is working towards providing visitor orientations and in-river permits on both ends, with the Lake Brooks side intended to be staffed from 8 am to noon each day. These changes in concert address the original purposes of the Brooks River Guide program and call into question the continued need for the BRGP. However, because the proposed administrative changes are still in the planning process the NPS intends to make the program available for operators that want to continue to be part of it during the 2020 visitor season. The value of commercial guide operators in helping the NPS manage and educate visitors is acknowledged, and the NPS has regularly engages with the operators wherever possible, especially through the Katmai Service Providers and the annual meetings with operators. If there are additional venues that could facilitate good communication, the NPS would be willing to explore them.

Comment #22: A comment was received that questioned the NPS' authority and corresponding obligation to develop an appropriate level of compliance for various proposed compendium additions.

NPS Response #22: In determining whether proposals have the potential for significant environmental impacts the NPS considers both context and intensity of potential impacts. Context is influenced by the importance of the resource of value being impacted, the geographic location and timing, and other relevant factors that provide context for more fully understanding the severity of the impact. Intensity refers to the significance of an impact, which may be direct, indirect, or cumulative.

Katmai has evaluated each proposal in the Superintendent's compendium and based on our understanding of current resource conditions within the park, the magnitude of the changes being proposed, the effects on visitors and public use of federal lands, and other factors have determined that they do not rise to the level in which they have the potential for significant adverse impacts to the natural environment and therefore an EA or EIS will not be completed.

Regarding Brooks Camp, the proposed management strategies for the Brooks River area of Brooks Camp are authorized under 36 CFR 13.1242. Katmai intends to implement the authority granted to the Superintendent under this regulation which was analyzed under the NEPA process prior to implementation. The park is intending to implement additional management strategies for the Brooks River area of the park in order to protect resources, and to provide for visitor health and safety. Katmai is currently engaged in a pre-NEPA planning process to identify strategies and alternatives applicable to the long-term management of the Brooks River area. Any future updates to management plans for the Brooks River area would also be subject to review under NEPA.

Regarding Motorboats, the temporary closure of Brooks River to motorboat use is consistent with existing management of the Brooks River area and its definition has only become necessary due to the replacement of the floating bridge with the new permanent Brooks River bridge and boardwalk. Brooks River will remain closed to motorized boat use between April 1 through October 31 in order to avoid unnecessary impacts to bears, salmon, and their habitat.

Regarding Electric Bicycles, Katmai National Park and Preserve is intending to allow electric bicycles (e-bikes) on park roads, parking areas, and trails that are open to traditional bicycles. The use of the Superintendent's Compendium to enact and inform the public about closures and restrictions is appropriate to address current and future e-bike use while the NPS evaluates this issue at the National level.