

**KENAI FJORDS NATIONAL PARK
PROPOSED SUPERINTENDENT'S COMPENDIUM
2023**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 54 of the United States Code. The following compendium comprises a listing of NPS regulations where the Superintendent has exercised discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Kenai fjords National Park, Seward, Alaska at (907)422-0500, for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.6(f) Compilation of activities requiring a permit

- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Demonstrations involving 26 or more persons, 2.51
- Sale and distribution of printed matter for First Amendment purposes by groups of 26 or more persons, 2.52
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Towing a person using a parasail, hang glider, or other airborne device, 3.12(b)
- Removing sunken, grounded, or disabled vessels, 3.14(a)
- Operating a submersible, 3.19
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3

- Commercial Photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Scientific research, 13.50
- Launching, landing, or operating unmanned aircraft, 13.50
- Cabins on federal lands, 13.136-13.149, 13.130
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter use, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical, or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(b) Designated trails

On the Harding Icefield trail, leaving the trail to shortcut between portions of the same trail is prohibited, except in areas that are covered with snow or unvegetated rock or scree. Hikers shall remain on the designated trail in all areas where the trail passes through alpine tundra vegetation.

This restriction serves to protect plant and soil resources and public investment in trail development from damage. Hikers cutting switchbacks along the heavily used trail easily damage shallowly rooted vegetation on steep slopes. Heavy rain and snow then erodes these denuded areas, eliminating topsoil required by plants and destroying the trail, which must then be rebuilt to allow access to this popular hiking area.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks

All areas are designated as open for fishing from motor road bridges and boat docks.

2.4(a)(2)(i), (h) Carrying, using, or possessing weapons

Individuals are authorized to possess firearms in NPS areas in accordance with applicable state and federal law. With the exception of public use cabins, possession of firearms is prohibited in Federally-owned or -leased buildings. The laws regarding discharge of firearms remain unchanged.

2.10(a) Camping: conditions and permits

Registration is recommended, but not required, prior to any backcountry camping within Kenai Fjords National Park.

Superseded in part by 13.25, 13.1304, 13.1320.

2.10(d) Food storage: designated areas and methods

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include-

- Items approved by the Department of Interior and Agriculture's Interagency GrizzlyBear Committee:
<http://igbconline.org/certified-products-list/>
- Additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation:
<http://www.adfg.alaska.gov/index.cfm?adfg=livingwithbears.bearcontainers>, with the concurrence of the Superintendent;
- Park provided metal food lockers at some coastal campsites; and
- Items or methods approved by the Superintendent.

(2) Food and beverages, food and beverage containers, garbage and harvested fish must be stored in a bear resistant container (BRC) or secured-

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By suspending at least 10 feet above the ground and four-feet horizontally from a post, tree trunk, or other object.
- The Superintendent may, upon request, waive or modify food storage requirements in circumstances where compliance with these requirements is not possible, overly burdensome, and is consistent with public safety and wildlife conservation interests.

(3) At the Exit Glacier Campground all food preparation, cooking, and eating shall be done in the campground cooking shelter. No food items shall be taken to, consumed, or stored at the individual campsites.

(4) This provision does not apply-

- On the Harding Icefield, when surrounded by snow or ice for at least one mile in all directions;
- To food that is being transported, consumed, or prepared for consumption; and
- To clean dishes and cooking equipment free of food odors.

The intent of these designations is to prevent bears and other wildlife from obtaining and becoming conditioned to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored. Clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes, (Totes, Action Packers, etc.) and unmodified kayaks are not generally approved as BRC. BRCs are available for rent from commercial outfitters in Seward.

2.13(a)(l) Fires: designated areas and conditions

- State or local fire burn bans are automatically adopted under this section unless the Superintendent determines the ban is not necessary in park areas.
- Fires in the Exit Glacier Study Area¹ are allowed only in the designated steel fire rings that are provided at the campground cooking shelter and the picnic shelter and warming hut adjacent to the main parking lot.
- All trash (i.e., tin foil, burnt food, glass, and cans) must be removed from fire sites after use.

These requirements are intended to ensure that the visual and ecological impacts of campfires and cooking fires are limited in high use areas. Fire rings attract trash and food residue as campers attempt to burn trash before leaving the area. High temperature impact soils and impairs plant growth. Trampling and soil compaction occurs around fire rings as well. See also 13.1306(c)-(d).

2.14(a)(2) Sanitation and refuse: conditions using government receptacles

Dumping of refuse brought into the park in the NPS trash receptacles is prohibited unless otherwise authorized by the Superintendent.

This requirement is intended to ensure the refuse handled by the park is generated by activities occurring within the park. A written determination of need is on file at park headquarters.

2.14(a)(5) Sanitation: designated areas for bathing and washing

The pit toilets at the Exit Glacier Campground are designated for the disposal of wastewater from dishwashing and bathing activities. Bathing is not permitted in the restrooms adjacent to the main parking area at Exit Glacier.

2.14(a)(9), (b) Sanitation: disposal, carrying out of human waste

- Coastal Public Use cabins and beaches - Restop II, PETT Wag Bags, or similar containers must be used and carried out for disposal in a landfill.
- Exit Glacier Developed Area - When the ground is frozen and NPS facilities are not available, human waste will be disposed of in Restop II, PETT Wag Bag, or similar containers and carried out for disposal in a landfill.
- Exit Glacier - Restop II, PETT Wag Bags, or similar containers must be used and carried out for disposal in a landfill.
- All other glaciated areas of the park - Human waste must be deposited in a deep crevasse or carried out in a Restop II, PETT Wag Bag, or similar container and disposed of in a landfill.
- Tissue paper and sanitary items should be packed out or burned when fire hazard is low.

¹ The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited.

2.18(c) Snowmobiles-designated areas for use

No areas are designated for snow machine use.

See also 43 CPR 36.11(c) regarding snowmachine use for traditional activities and 36 CPR13.1326 regarding snowmachine use in the Exit Glacier Developed Area.

2.19(a) Winter activities on roads and in parking areas: designated areas

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities listed in §2.19(a).

2.21 Smoking

Smoking is prohibited in all park facilities, in all public use cabins, and in any other park structure. Smoking is prohibited in any NPS- owned or -leased vehicle, and on any park vessel. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facilities.

These restrictions are intended to protect public health from the effects of smoking and minimize the risk of fire and explosions around fuel storage and dispensing facilities. Electronic cigarettes, or e-cigs, are included in the above restrictions.

2.51 First Amendment Demonstrations

The following areas are designated as open to public demonstrations that involve 25 or fewer persons without a permit. Demonstrations involving 26 or more individuals must have a permit issued by the Superintendent.

- Exit Glacier parking lot, the small plaza bounded by the recreational vehicle parking lot on the northeast, the car parking lot on the northwest, and the bus traffic lane and handicapped parking area 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. See attached map.

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 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.

2.60(a)(3) Designated areas for grazing

Individuals may allow authorized pack or saddle animals to graze in NPS areas without a permit for less than 14 days in a calendar year under the following conditions:

1. Grazing is in conjunction with the animals being used as pack or saddle animals in NPS areas.
2. Any feed brought in must be weed free.

Grazing in support of commercial operations is only allowed under permit from the superintendent.

These restrictions seek to lessen the impact of extended camps on vegetation.

See also section 13.50 of this document which prohibits certain domestic animals in NPS areas.

2.62(b) Memorialization: designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.14(a) Conditions for removing sunken, grounded, or disabled vessels

A permit is required from the Superintendent before sunken, grounded, or disabled vessels may be removed from waters within NPS administered areas except when the operator is able to remove or repair the vessel on site safely and without potential for damage to resources.

This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources and provide for public safety.

3.20(a) Water skiing: designated waters

No waters are designated as open.

3.21(a)(1) Swimming and bathing: areas designated as closed

All areas are open to swimming. No designated bathing locations.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.21(b)-(c) Speed limits: designation of a different speed limit

The speed limit on Exit Glacier Road from the park boundary to the Exit Glacier Parking Lot is 35 mph.

4.30(i)(1) Designated roads, parking areas, and trails open to electric bicycles, or specific classes of electric bicycles:

Exit Glacier Road and parking areas.

4.30(i)(7) Electric bicycle use restrictions/conditions

No additional restrictions or conditions in areas designated as open to electric bicycle use. See 36 CFR 4.30(i) for more information.

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 13. ALASKA REGULATIONS

13.25(c) Designated campgrounds: restrictions, terms, and conditions

No more than six persons and/or two tents may occupy a single campsite in the Exit Glacier Campground. Tents are allowed only on designated tent pads as marked by rock borders, gravel pads, signs, or similar devices.

13.50 Closures and restrictions

Bicycles, skateboards, skates, and similar devices

The riding or use of bicycles, unicycles, skateboards, roller skates, in-line skates, or similar devices is prohibited on the deck and sidewalks of the Kenai Fjords Visitor Center, the Exit Glacier Nature Center, and trails within the Exit Glacier Developed Area. A map showing these trails is available at the park visitor center and on the park web site.

This restriction is based on the determination that public safety is threatened by the use of these devices in these crowded pedestrian areas. A written determination of need is on file at park headquarters.

Unmanned Aircraft

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the NPS within the boundaries of Kenai Fjords National Park is prohibited except as approved in writing by the Superintendent.

The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

In Park areas where use of model aircraft for hobbyist or recreational use has been previously authorized, such use may continue under a permit issued by the Superintendent.

This restriction does not affect the primary jurisdiction of the Federal Aviation Administration over the National Airspace System.

Mask Wearing Requirements

When the COVID-19 Community Level is LOW or MEDIUM in the county or all the counties where the park is located based on data provided by the Centers for Disease Control and Prevention (CDC), individuals are not required to wear masks.

When the COVID-19 Community Level is HIGH in the county or all the counties where the park is located based on data provided by the CDC, all individuals over the age of two must wear masks, regardless of vaccination status, in all common areas and shared workspaces in buildings owned, leased, or otherwise controlled by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.

When the COVID-19 Community Level is HIGH in one or more, but not all, of the counties where the park is located based on data provided by the CDC, the superintendent will determine whether individuals are required to wear masks. The requirement, if any, will apply to all facilities within the park.

Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement.

Regardless of the COVID-19 Community Level, individuals may wear masks if they choose to do so. Where a state, local, tribal, or territorial government where the park is located imposes more protective mask-wearing requirements than those indicated by the COVID-19 Community Level, individuals must follow those more protective requirements within the park. More protective state, local, tribal, or territorial mask-wearing requirements are hereby adopted as federal requirements in all units of the National Park System located within that state, locality, area subject to a federally recognized Indian tribe's regulatory jurisdiction, or territory, regardless of a particular park's jurisdictional status.

Additionally, all individuals must wear masks in or on public transportation conveyances and transportation hubs/facilities, to the extent required by current orders or directives issued by the CDC, the Transportation Security Administration (TSA), or other federal agencies with jurisdiction over those conveyances or areas. As of March 4, 2022, CDC and TSA orders or directives require all individuals regardless of vaccination status to wear masks in indoor areas of all forms of public transportation conveyances, including busses, trains, and boats/ferries, and in the indoor premises of transportation hubs/facilities. Individuals are not required to wear masks while outdoors on conveyances or while outdoors on the premises of transportation hubs/facilities.

Domestic Goats and Sheep

Use or possession of domestic goats or sheep within NPS administered areas is prohibited.

Llamas, Alpacas, and other Members of the Camelidae or Bovidae Family

Use or possession of llamas, alpacas, or any other domestic animal of the Camelidae or Bovidae Family within NPS administered areas is prohibited except as pack animals in accordance with written authorization from the superintendent.

Exit Glacier Winter Road Closure

The Exit Glacier Road in Kenai Fjords National Park is closed to highway vehicles with exception to holders of a permit when the state of Alaska closes or barricades the Exit Glacier Road outside the park boundary.

Commercial Filming

The NPS is removing the interim language regarding commercial filming that was instituted in 2021.

36 CFR 13.50 – Requirements – Rescinded

In early 2021 the United States District Court for the District of Columbia issued a decision in the Price v. Barr case that invalidated existing laws for managing commercial filming in national park areas. The US Department of Justice appealed the District Court's decision and on August 23, 2022, the United States Court of Appeals for the District of Columbia issued a decision reversing the order of the District Court. The statute and regulations that governed commercial filming before the Price v Barr decision are once again in effect.

13.170 Designated cabins or other structures for general public use

The following NPS cabins are designated for public use:

- Holgate Arm Cabin
- Aialik Bay Cabin
- Willow Cabin is available for general public use when the road to Exit Glacier is closed by snow for the winter or November 1 -April 15.

13.172 Established conditions and allocation system to manage the use of designated public use cabins

A Special Use Permit is required for occupancy of any designated public use cabin.

13.1312 Climbing and walking on Exit Glacier

Areas within 1/2 mile of the Exit Glacier terminus when open to the public are shown on a map available at the park visitor center.

13.1326 Snowmachines, designated route through the Exit Glacier Campground to Exit Creek.

A map showing the designated route is available at the park visitor center and park website.

36 CFR 13.1328 Exit Glacier Developed Area Closures and Restrictions

Public Safety Closure

The Superintendent has issued a Closure, within the Exit Glacier developed area, from the toe of Exit Glacier to the end of the canyon where Exit Creek opens into the Outwash Plain. The canyon is susceptible to unpredictable glacier outburst flooding events which can produce sudden surges of

water combined with large ice chunks, rock, and other debris. Glacier outburst can happen with no warning and at any time.

To ensure the safety of visitors and employees the area is closed to all visitor travel and use between May 1st and October 31st. This provision is approved and will remain in effect until rescinded or superseded.

A map showing the closed area is available at the park visitor center and park web site.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures to the use of snowmachines for traditional activities

The Superintendent will notify the public when snow cover is adequate for the Park to allow snowmachine use each winter season. The public will also be notified of any changes in conditions (inadequate snow cover) resulting in any temporary closures or restrictions on snowmachine use and or re-openings following such temporary closures or restrictions.

The use of snowmachines for other activities is prohibited pursuant to 36 CFR 2.18(c).

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

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

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