

**PREAMBLE  
TO THE  
SUPERINTENDENT'S COMPENDIUM  
2006**

**DENALI NATIONAL PARK AND PRESERVE**

**PREAMBLE**

The proposed compendium was available for comment from January 1 – February 15, 2006. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, general comments from the State of Alaska, and comments from one individual.

**GENERAL COMMENTS**

**Determinations**

The State of Alaska (State) recommended that the National Park Service (NPS) consolidate all determinations for each park as an attachment to the compendium, unless needed in the body of the document to clarify intent or provide an educational component. The State noted that the development and formatting of the justifications is an evolving process towards better determinations.

The National Park Service (NPS) adopted this suggestion from the State for all Alaska parks' 2005 compendium and will continue this practice. Lengthier determinations are attached to the compendium, either in the document itself or as a separate attachment. Shorter determinations accompany an individual compendium entry to facilitate reader understanding or provide an educational component.

**Use of state law**

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases. Although the mission of the National Park Service and the objectives of the State of Alaska will sometimes conflict, we appreciate the opportunity to work cooperatively with the State where ever possible.

**Compendiums as educational tools**

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education and to encourage responsible behavior. It should be noted, however, that the primary purpose of the compendiums is to serve as a compilation of designations, closures, openings and other restrictions. Where possible, and not conflicting with the primary purpose, educational material may be used.

### **Converting compendium entries into regulation**

The State suggested converting several compendium entries into regulation if it appears those entries are reasonable and not likely to change over time.

The NPS appreciates the support to move some compendium entries to regulation, and will be guided by the determining criteria at 36 CFR 1.5, 13.30 and other relevant sections or those items where regulations would better serve the conservation of resources and visitor's ability to enjoy the parks,.

## **36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS**

### **1.5 Closures and public use limits**

#### **(a)(1) Visiting hours, public use limits, closures**

The State encourages the NPS to seek a park-specific regulation if the NPS intends to renew the closure each year.

The NPS appreciates the comments and intends to pursue this entry as part of a rule making package.

#### **(a)(2) Designated areas for specific use or activity or conditions**

The State recommended that the NPS insert language clarifying that photographers are not exempt from the wildlife distance conditions.

The NPS appreciates the State's comments but does not believe adding this provision is warranted. The compendium language refers to limits on photography and the park has a Code of Ethics for photographers on the park website.

One commenter said that the wildlife viewing distance requirements are confusing and overly restrictive. While the NPS appreciates the feedback on the revised distances, the proposed change is actually less restrictive and simpler. Previous requirements specified three different distances. The NPS decided to simplify the distance rules and use only two distances – 300 yards for bears and 25 yards for all other species and critical habitats. We also clarified how close a person must be to a protective shelter when viewing a bear.

The NPS acknowledges that opinions may differ about what constitutes a safe distance from which to view wildlife without disturbing or habituating wildlife to people. The scientific literature suggests that it is reasonable to adopt a larger viewing distance for bears at Denali relative to other areas given the specific circumstances of habitat and visitation that are present. We note that the State of Alaska also commented favorably regarding the type and amount of

information that was presented by the NPS to support of this decision and the proposed language in general during their consultation with the NPS on the topic of wildlife viewing distances.

#### **2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through the park area**

The State of Alaska requests deletion of the following paragraph:

*All legally taken game from Kantishna transported on the park road by motor vehicle must be transported out of the Park without unnecessary delay. Meat and other animal parts must be completely covered, secured, and out of view.*

The State recognizes that transporting game may be a concern as an animal attractant and requests the NPS address the concern by enforcing state law.

The park appreciates the support for greater law enforcement, but believes this is only one element of a complex issue, and will retain the entry. The vast majority of visitors on the park road come to see live wildlife in an area of the park where hunting is expressly prohibited. This requirement is intended to allow transport of legally taken game across Park lands that avoids undesirable encounters with bears or other scavengers, protects public safety and avoids unwarranted public accusations that an illegal hunt may have taken place in the Park.

#### **2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water**

The State of Alaska suggested two alternative ways of wording this entry. The NPS adopted one of the State's suggested entries.

#### **2.10(d) Food storage – designated areas and methods**

The State of Alaska recommended a consistent approach, where necessary and applicable, to listing approved bear resistant food containers and the opportunity to discuss and change requirements as emerging technologies arise. The State encouraged the use of state law and continued dialogue on best food storage methods. The State objected to blanket, park-wide requirements. The State encouraged the use of the compendium as an educational tool on the food storage issue.

The NPS believes that some parks may be able to narrow the scope of where food storage is required, but recognizes due to logistical concerns and the differences in parks, that that goal may not be achievable. As an example, both Lake Clark and Kenai Fjords limited the geographical scope of the requirement in last year's compendiums. The NPS is encouraged that continuing dialogue, along with new technology, will continue to positively influence this issue, protecting both park resources and visitors without unduly burdening park visitors. The NPS concurs that education is an important component to this issue.

The State also requested that parks that offer Bear Resistant Containers free of charge notify the public of this in the compendium. The NPS adopted this recommendation in the 2005 compendiums.

NPCA/TWS/ACE commented that NPS regulations in 36 CFR 2.2 are inconsistent with allowing bear baiting as a lawful hunting means under state law. The NPS appreciates the comment and understands the regulations are complex, but we do not believe the enforcement of these regulations is inconsistent.

### **2.15(a)(1) Pets**

The State of Alaska appreciates that the NPS is considering rulemaking for pet restrictions in Kenai Fjords and Glacier Bay, but generally prefers that the NPS rely on existing regulations and visitor education to protect park resources from pet impacts. The State acknowledges that in some instances and with certain caveats, site-specific pet prohibitions may be warranted if resource impacts outweigh the public's desire to allow pets.

While the NPS believes that the current regulations generally give the parks adequate means to manage pets, we are hoping to adopt special regulations governing pets in Kenai Fjords and Glacier Bay.

### **2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes**

The State of Alaska suggested adding the existing regulatory exception to sleds towed behind a snowmobile with a rigid hitching mechanism.

The language of the compendium reflects the language in the regulation. Because the regulation expressly exempts sleds designed to be towed behind snowmobiles and joined with a rigid hitching mechanism, the NPS does not believe this addition is necessary.

### **13.17(e)(4)(i) Designating existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit**

The State requested parks consider whether specific park cabins are routinely used for subsistence purposes during particular times of the year and designate those cabins.

The NPS agrees with this approach for subsistence purposes. However, parks will continue to address the issue of designating cabins for subsistence uses on a park-by-park basis. Many parks may choose to manage cabins as a shared resource between subsistence and other public uses.

### **13.21(e) Temporary closures to the taking of fish and wildlife**

The State commented that the NPS should also reference the federal subsistence regulations in this section as they apply to Preserve lands and recommended language.

The NPS does not believe the federal subsistence regulations should be referenced under 13.21(e). We interpret 13.21(b) and (d) to apply only to the taking of fish and wildlife for other than subsistence.

### **13.63(b) Backcountry camping**

The State of Alaska voiced a concern about requiring camping permits in the winter and in remote, uncrowded areas where resource protection is not an issue.

The NPS believes that the recent rule making was an excellent start at resolving some long standing concerns of the State and looks forward to continue working at resolutions, possibly in future rulemaking (Phase II) or in the context of the Denali Backcountry Management Plan.

**43 CFR 36.11(g)(1) ORV's on existing trails**

The State commented that most parks do not have designated trails and requested that the NPS designate trails, where appropriate.

The NPS continues to evaluate current ORV use in park units and access needs. Wrangells, for example, has requested funding for environmental assessments. Any authorization for ORV use in Alaska park areas will proceed in accordance with applicable federal law, including the National Environmental Policy Act.

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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 18 of the United States Code. The following compendium comprises a listing of NPS regulations that provide the Superintendent with 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.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. 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 Denali National Park and Preserve, Denali Park, Alaska at (907) 683-2294, for questions relating to information provided in this compendium.*

**TITLE 36 CODE OF FEDERAL REGULATIONS**

**PART 1. GENERAL PROVISIONS**

**1.5 Closures and public use limits**

**(a)(1) Visiting hours, public use limits, closures**

Sable Pass Wildlife Viewing Area

- (a) Entry into the Sable Pass Wildlife Viewing Area is prohibited from May 1 to September 30, except as may be specifically authorized by the Superintendent.
- (b) The Sable Pass Wildlife Viewing Area is generally defined as the area within one mile of the shoulder of the Park Road between Mile 38 and Mile 43, excluding the Tatler Creek drainage. A map that defines the specific boundaries of the closure is available for inspection at the park visitor center and on the park website. Signs posted on the park road indicate the beginning and end of the closure area.

*This closure provides one limited area along the park road where all visitors have an equal opportunity to view wildlife, undisturbed, in a natural setting. This enhances the experience of the majority of park visitors by increasing their chances of seeing park wildlife. The majority of visitors along the park road ride the buses as part of the Tundra Wildlife Tour. These buses often turn around at Toklat and do not traverse the other scenic high alpine passes, thus missing likely alpine bear viewing areas such as Highway Pass and Thorofare Pass.*

See specific sections in this document for additional information regarding closures, visiting hours, and public use limits. Information on temporary and emergency closures is available at the Park Dispatch Office.

**(a)(2) Designated areas for specific use or activity or conditions**

Wildlife Distance Conditions:

- (1) Bears. The following is prohibited (i) Approaching a bear within 300 yards; or (ii) Engaging in photography within 300 yards of a bear.
- (2) Other wildlife. The following is prohibited (i) Approaching a moose, caribou, Dall sheep, wolf, an active raptor nest, or occupied den site within 25 yards; or (ii) Engaging in photography within 25 yards of a moose, caribou, Dall sheep, wolf, an active raptor nest, or occupied den site.
- (3) The prohibitions in this paragraph do not apply to persons—
  - (i) Within a motor vehicle or a hard sided building;
  - (ii) Within 2 yards of a motor vehicle or entrance to a hard sided building that are 25 yards or more from a bear;
  - (iii) Engaged in legal hunting or trapping activities;
  - (iv) In compliance with a written protocol approved by the Superintendent; or
  - (v) Who are otherwise directed by a park employee or in accordance with a permit from the Superintendent.

*These distance restrictions are meant to apply a minimum buffer around wildlife to prevent negative encounters between humans and wildlife and to protect wildlife from habituation to humans. See attached determination of need.*

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

**1.6(f) Compilation of activities requiring a permit**

- Scientific research, 1.5
- Collecting research specimens, 2.5
- Camping, 2.10(a), 13.63(i)
- 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)
- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)

- Installing a monument or other commemorative installation, 2.62(a)
- 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))
- Cabins on federal lands-
  - General use and occupancy, 13.17(e)(1), (2))
  - Commercial fishing, 13.17(e)(3)
  - Subsistence-exclusive use, 13.17(e)(4)(i)
  - Temporary (over 14 days) facilities in Preserve for taking of fish and wildlife, 13.17(e)(7)
  - Cabins otherwise authorized by law, 13.17(e)(8)
- Subsistence use in the Park by person who does not live within the Park boundary or a resident zone community, 13.44(a)
- Using aircraft access for subsistence activities in the Park, 13.45(a), 13.45(b)(1)
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.49(a)(1)
- Travel on the Denali Park road beyond Mile 14.8, 13.63(d)
- Climbing Mt. McKinley or Mt. Foraker, 13.63(f)
- 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 landings, 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)
- Long term aircraft parking, McKinley Airstrip, PL 101-512 and Policy Circular A-25

## **PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood**

Visitors may gather dead and down wood only in the immediate area, (within short walking distance), of the campground where they are staying. Firewood may not be gathered within view of existing roads. Gathering wood for campfires in the backcountry (area outside the Frontcountry Developed Area) is not allowed between April 15 and September 30. See also, section 2.13. These restrictions apply only in the pre-ANILCA area of Denali National Park and Preserve (formerly Mt. McKinley National Park).

Superseded by in part by 13.20(c)(4), 13.20(d), and 13.49(b) in the Park additions and Preserve.

### **2.1(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending,**



**descending, or traversing an archeological or cultural resource, monument, or statue**  
No designated areas or conditions.

**2.1(b) Designated trails**

No restrictions on walking or hiking.

**2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand and collection restrictions**

All edible fruits, berries, and nuts may be gathered by hand for personal use or consumption within the former Mt. McKinley National Park.

*This designation serves to provide the broadest use and enjoyment of the park in the least restrictive manner so long as there is no adverse affect to park wildlife, the reproductive potential of a plant species or otherwise adverse affect of park resources.*

Superseded in part by 13.20(c) and 13.49(b).

**2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas**

All legally taken game from Kantishna transported on the park road by motor vehicle must be transported out of the Park without unnecessary delay. Meat and other animal parts must be completely covered, secured, and out of view.

*This requirement is intended to allow transport of legally taken game across Park lands that avoids undesirable encounters with bears or other scavengers, protects public safety, and avoids unwarranted public accusations that an illegal hunt may have taken place in the Park.*

See also 13.21(d)(5).

**2.2(e) Designated areas for wildlife viewing with artificial light**

No areas designated for closure.

**2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe**

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing by federally qualified rural residents is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

**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) Carrying, using, or possessing weapons at designated locations and times**

Weapons and traps may not be carried or used within Denali National Park within the area known as Mt. McKinley National Park prior to the passage of ANILCA. (Note: see

2.4(a)(3), which authorizes possession of unloaded weapons within a temporary lodging or mechanical mode of conveyance when made temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use).

*The intent of this requirement is to provide maximum wildlife protection by not allowing the carrying of weapons or traps within the former Mt. McKinley National Park unless the unloaded weapon is broken down or made inaccessible during transport.*

See also 13.19(b)-(f).

## **2.10(a) Camping: conditions and permits**

Superseded in part by 13.18(a), 13.63(b), (i).

## **2.10(d) Food storage: designated areas and methods**

### **1. Definitions:**

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 Grizzly Bear Committee (<http://www.fs.fed.us/r1/wildlife/igbc/>);
- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snrm/wildlife/sibbwg.htm>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent; and
- Items approved by the Superintendent.

### **2. Frontcountry Developed Area (FDA)**

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 a lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.

Note: This does not apply to:

- Clean dishes and cooking equipment that are free of food odors.
- Food that is being transported, consumed or prepared for consumption.
- Bait being used for trapping and hunting under the provisions of state and federal law in the park additions and preserve.

### **3. All areas outside the FDA (backcountry)**

The use of bear resistant food containers (BRCs) is mandatory in the following backcountry zones from April 14 through October 1. BRCs are recommended for all other backcountry zones not listed here.

BACKCOUNTRY ZONE

<b>No.</b>	<b>Name</b>	<b>BRC</b>
1	Triple Lakes	Required
2	Riley Creek	Required
3	Jenny Creek	Required
4	Upper Savage	Required
5	Upper Sanctuary	Required
6	Upper Teklanika	Required
7	Upper East Fork	Required
8	Polychrome Glaciers	Required
9	East Branch Upper Toklat	Required
10	West Branch Upper Toklat	Required
11	Stony Dome	Required
12	Sunset /Sunrise Glaciers	Required
13	Mount Eielson	Required
14	McKinley Bar East	Required
15	McKinley Bar West	Required
16	Windy Creek	Required
17	Foggy and Easy Pass	Required
18	Upper Glacier Creek	Required
19	Pirate Creek	Required
20	McGonagall Pass	Required
21	Muddy River	Required
24	Mount Healy	Required
25	Healy Ridge	Required
26	Primrose Ridge	Required
27	Mount Wright	Required
28	Sushana River	Required
29	Igloo Mountain	Required
30	Tributary Creek	Required
31	Polychrome Mountain	Required
32	Middle Toklat	Required
33	Stony Hill	Required
34	Mount Galen	Required
35	Moose Creek	Required
36	Jumbo Creek	Required
37	Lower East Fork	Required
38	Lower Toklat	Required
39	Stony Creek	Required
40	Clearwater Fork	Required
41	Spruce Peak	Required
42	Eureka Creek	Required
43	Eldorado Creek	Required

- In treeless areas where BRCs are not required, at a minimum food shall be stored in double wrapped plastic at least 100 feet downstream/hill from campsite.

- In forested areas where BRC's are not required, at a minimum food shall be suspended at least 10 feet above the ground and four feet horizontally from a post, tree trunk, or other object, and at least 100 feet down-wind and visible from tent sites.
- Backcountry parties that have special needs due to size of their party, length of stay, mountaineering logistics, etc., must obtain permission of the Chief Ranger or his/her designee to travel without BRC's where otherwise required.
- BRCs are available for loan from the wilderness access center free of charge. BRCs borrowed from the NPS must be returned within 48 hours of returning from a backcountry trip.

*The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but 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. The park offers bear resistant containers for temporary use to the public.*

### **2.11 Picnicking: designated areas**

Superseded by 13.18(b).

### **2.13(a)(1) Fires: designated areas and conditions**

Campfires are prohibited in the former Mount McKinley National Park except 1) as provided in 13.63(i)(3) in the Frontcountry Developed Area, 2) in the area designated as Wilderness from October 1 through April 15, 3) in emergency situations.

Campfires are authorized in the 1980 Park and Preserve Additions, except at the Kantishna Airstrip from April 15 through September 30.

All trash (tinfoil, burnt food, glass, cans, etc) must be removed from the fire site after use.

*These requirements are intended to ensure that wood sources are not depleted, visual and ecological impacts of campfires and cooking fires are limited in high use areas, and the risk of human caused wildfire is minimized. Fire rings attract trash and food residue as campers attempt to burn trash before leaving the area. High temperature impacts soils and impairs plant growth. Trampling and soil compaction occurs around fires rings as well. A written determination of need per 36 CFR 1.5(c) is attached.*

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

No conditions established at present. Dumping commercial, household, or industrial refuse, brought in from private or municipal property, in government receptacles is prohibited.

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

No designated areas. Unless otherwise allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.

**2.14(a)(7) Sanitation: designated areas for disposal of fish remains**

There are no designated areas.

*Fish remains may not be disposed of on either land or water within 200 feet of public boat docks or designated swimming beaches, or within developed areas for reasons of public health and safety.*

**2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas**

Human body waste will be deposited in cat-holes when the ground is not frozen, dug at least 100 feet from any surface freshwater source.

*This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety.*

**2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste**

Persons engaged in any travel (such as skiing, snowshoeing, aircraft landings) or activities (such as mountaineering, climbing, flight seeing, camping) in a glacier environment such as Mt. McKinley and other peaks and glaciers within the Park & Preserve are required to properly dispose of solid human waste as follows:

1. Pit latrines must be used where provided by the National Park Service, such as those typically located at the 7,200 and 14,200 foot camps on the West Buttress route of Mt. McKinley.
2. Below 15,000 feet on the West Buttress route of Mt. McKinley – Solid human waste must be collected in a personal receptacle or bagged and deposited in a deep crevasse.
3. Above 15,000 feet on the West Buttress of Mt. McKinley – Solid human waste must be collected in a personal receptacle.
4. Solid human waste must be collected in a personal receptacle when within one-half mile of glacial landing sites used by aircraft.
5. On technical climbing routes within the park and preserve, not including the West Buttress, solid human waste must be tossed or shoveled away from the route.
6. In all other glaciated areas of the park covered by snow and ice, solid human waste must be bagged and carried out in a personal receptacle or deposited in a deep crevasse.
7. Personal receptacles containing solid human waste must be removed from the backcountry and deposited at designated locations.

In non-glacier environments, toilet paper must be burned or removed as trash.

Failure to properly dispose of human waste as required is prohibited.

*This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety. A written determination of need is attached per 36 CFR 1.5(c).*

**2.15(a)(1) Areas designated as closed to pets**

For the Frontcountry Developed Area, see 13.63(i)(4). From May 1 through September 30, pets are prohibited in all other areas of the park. This prohibition does not apply to—

- dogs used for legal hunting in the park and preserve additions;
- transportation during the winter months;
- emergency search and rescue missions; or
- qualified service dogs accompanying persons with disabilities per the ADA.

*This restriction serves to protect wildlife, park visitors, and NPS sled dogs from conflicts. A written determination of need per 36 CFR 1.5 is available in the office of the Superintendent and attached.*

**2.15(a)(3) Conditions for leaving pets unattended and tied to an object**

- Pets will not be left unattended in areas or in circumstances that they will create a nuisance to other visitors or cause a conflict with wildlife.
- Pets will not be left in areas where food, water, shade, ventilation and other basic needs are inadequate.

*This requirement is intended to ensure pets do not harass wildlife or disturb park visitors and also to ensure pets are properly cared for in the park. Leaving pets unattended and tied to an object is prohibited.*

**2.15(a)(5) Pet excrement disposal conditions**

Pet feces must be removed from areas around buildings, parking areas, campgrounds, and the train depot.

*This requirement is intended to keep commonly visited areas sanitary.*

**2.15(b) Conditions for using dogs in support of hunting activities**

No conditions at present.

**2.15(e) Pets of park residents**

Permanent park residents may keep pets in accordance with the Denali National Park Housing Management Plan.

**2.16 (a)-(c) Horses and pack animals**

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

**2.17(a)(1) Aircraft operation**

Superseded by 43 CFR 36.11(f)(1).

Use of aircraft in the Park for subsistence purposes is prohibited under 36 CFR 13.45.

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

No areas prohibited.

**2.17(c)(1) Conditions for removing downed aircraft**

Superseded by 43 CFR 36.11(f)(3)(ii).

**2.18(c) Snowmobiles: designated areas for use**

No areas designated for snowmachine use.

The former Mt. McKinley National Park (old park) is closed to all snowmachine use under 36 CFR section 13.63(h).

Only new Park and Preserve additions are superseded in part by 43 CFR 36.11(c) Special access. As authorized under 36 CFR 13.63 (h)(6) The Superintendent will determine when adequate snowcover exists and notify the public at such time.

The use of snowmachines for subsistence uses in the new Park and Preserve additions ONLY, under 36 CFR 13.46(a) supersedes this section.

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

No special designations. Winter activities as listed in this section remain prohibited on all park roads and parking areas open to winter vehicle traffic.

*Winter sports activities are not allowed on open roads and parking areas in order to separate such uses from vehicle traffic for reasons of public safety.*

**2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes**

No designated areas or routes.

**2.20 Skating and skateboards**

Superseded by 43 CFR 36.11(e).

See also 13.63(k).

**2.21 Smoking**

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facilities.

*These restrictions are intended to protect public health and public safety from fire or explosion around fuel storage facilities.*

**2.22 Property: leaving property unattended for longer than 24 hours**

Superseded by 13.22, 13.63(c).

**2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption**

Consuming or possessing opened alcoholic beverages on shuttle or concession tour buses is prohibited (see also 4.14(b)).

*This requirement is intended to ensure park visitors have a quality experience and also protect visitor safety.*

**2.38(b) Fireworks: permits, designated areas, and conditions**

No areas designated for use of fireworks.

**2.51(e) Public assemblies/meetings: designated areas for public assemblies**

All areas are open to public assembly with a permit from the superintendent.

**2.52(e) Sale and distribution of printed matter: areas designated for such use**

Pursuant to a permit, the southwest corner of the Visitor Center deck is designated for this use.

**2.60(a)(3) Designated areas for grazing**

Grazing of pack or saddle animals by private parties engaged in recreational activities within the Park or Preserve, is authorized without a permit within the Park and Preserve, not to exceed 14 days. Grazing associated with recreational activities shall be conducted utilizing best practice techniques based on Leave No Trace (LNT) principles and closely monitored and livestock moved regularly so as not to cause resource damage. Grazing practices will conform to the terms and conditions of a backcountry permit where required for all overnight use. Any feed brought in must be “weed free”.

*These restrictions seek to minimize the impact of extended camps and associated grazing on vegetation.*

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

All areas are open to scattering of ashes without a permit with the exception of developed areas, campgrounds, and park facilities. The excepted areas require a permit.

**PART 3. BOATING AND WATER USE ACTIVITIES**

**3.3 Permits**

No permits required at present.

**3.6(i) Boating, prohibited operations: designated launching areas**

All areas are open to launching of boats.

**3.6(l) Operating a vessel in excess of designated size**

No maximum size designations at present.

**3.20(a) Water skiing: designated waters**



No areas designated open.

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

All areas are open to swimming and bathing.

**3.23(a) SCUBA and snorkeling: designated conditions in swimming, docking, and mooring areas.**

No conditions established at present.

**PART 4. VEHICLES AND TRAFFIC SAFETY**

**4.10 Routes or areas designated for off-road motor vehicle use in Preserves**

No routes or areas designated.

See also 43 CFR 36.11(g).

**4.11(a) Load weight and size limits: permit requirements and restrictive conditions**

Vehicles over 22 feet long, 12 feet high and 8 feet wide that use the Denali Park road beyond Teklanika are subject to restricted hours of travel unless specifically authorized by the superintendent.

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

Except where other speed limits are posted by sign, the speed limit along the Denali Park road will not exceed 35 miles per hour.

**4.30(a) Routes designated as open to bicycles**

Superseded by 43 CFR 36.11(e).

See also 13.63(j).

**4.30(d)(1) Wilderness closed to bicycle use**

Superseded by 43 CFR 36.11(e).

See also 13.63(j).

**4.31 Hitchhiking: designated areas**

Hitchhiking is allowed along Alaska Highway 3 as defined by State Law.

**PART 5. COMMERCIAL AND PRIVATE OPERATIONS**

**5.7 Construction of buildings, roads, trails, airstrips, or other facilities**

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required.

**PART 13. ALASKA REGULATIONS**

**SUBPART A – PUBLIC USE AND RECREATION**

**13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked**

No conditions established at present (may require access permit).

**13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit**

DENA 20 Castle Rocks Lake  
DENA 76 Slippery Creek  
DENA 92 Muddy River  
DENA 95 Birch Creek  
DENA 167 Fish Lake.

**13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually**

No conditions or standards established at present.

**13.17(e)(5)(i) Designated cabins or other structures for general public use**

No cabins or structures designated for public use.

**13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins**

Not applicable.

**13.17(e)(7)(iv)(B) Established conditions for removal of temporary facility used in excess of 14 days**

Individuals must remove facility, all personal property, and return the site to its natural condition.

*These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.*

**13.18(a)(1) Temporary closures and restrictions to camping**

See also 2.10, 13.63.

**13.18(a)(2) Site time limits: authorization to exceed 14 day limit at one location**

No general exceptions at present.

**13.18(a)(3) Designated campgrounds: restrictions, terms, and conditions**

See also 13.63(i).

**13.18(b) Picnicking-areas where prohibited or otherwise restricted**

No restrictions at present.

**13.19(b) Temporary closures or restrictions to carrying, possessing, or using firearms**

There are no additional restrictions. For the former Mt. McKinley National Park, see 2.4.

**13.20(d) Collection of dead standing wood: areas designated as open and conditions for collection**

No designated areas. For the former Mt. McKinley National Park, see 2.1(a)(4).

**13.20(f)(1) Natural features: size and quantity restrictions for collection**

No restrictions at present. For the former Mt. McKinley National Park, see 2.1(c)(1)-(3).

**13.20(f)(2) Natural features: closures or restrictions due to adverse impacts**

No restrictions at present. For the former Mt. McKinley National Park, see 2.1(c)(1)-(3).

**13.21(b) Fishing**

A State of Alaska fishing license is not required for the former Mt. McKinley National Park (Old Park). Bag limits for the former Mt. McKinley National Park come under 13.63(e). All other nonconflicting state and federal laws and regulations apply. See also, sections 2.3 and 13.63.

**13.21(e) Temporary closures or restrictions to the taking of fish and wildlife**

No closures at present where hunting is authorized. See applicable State of Alaska hunting regulations. Hunting is prohibited in the former Mt. McKinley National Park.

**13.22(b)(1)-(6) Exceptions to unattended or abandoned property**

Superintendent authorizations for exceptions for unattended or abandoned property are made on a case by case basis. Contact park headquarters for more information.

**13.22(c) Designated areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored**

Frontcountry Developed Area: Personal property may not be left unattended for longer than 24 hours or may not be left unattended for any time period in such a manner as to interfere with visitor safety, orderly management of the park area, or present a threat to park resources. The following exceptions apply: Visitors on backcountry trips are permitted to leave vehicles unattended in the Riley Creek auxiliary parking area for the period authorized on their backcountry permit. Personal property may be left unattended at a campsite in developed campgrounds only by permission of the Superintendent, or his representative, and only if camping fees have been paid in advance for the period during which the site will be unattended.

See also 13.63(c), which prohibits leaving unattended and abandoned property along the road corridor, at Wonder Lake, and in areas included in the backcountry management plan.

See also 13.22 for all other areas.

**13.30(h) Facility closures and restrictions**

No restrictions at present.

## **SUBPART B – SUBSISTENCE**

### **13.46 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses**

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30, 13.63; 43 CFR 36.11(c)-(e).

### **13.49(a)(1) Permit specifications for harvesting live standing timber greater than 3” diameter for subsistence purposes (house logs & firewood)**

The superintendent may allow subsistence harvest of trees greater than 3” subject to the terms and conditions of a permit issued by the superintendent.

*The above restriction serves to minimize impact to park resources and protect against overharvest.*

### **13.49(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes**

Stumps shall be flush cut as close to ground level as possible.

*The above restriction is intended to make cut stumps visually blend in with the surroundings and minimize safety hazards to wildlife and people.*

## **SUBPART C – SPECIAL REGULATION, SPECIFIC PARK AREAS**

### **13.63(a) Subsistence Resident Zones**

- The Cantwell Residence Zone is described by the area encompassed by a circle of which the center is at the location of the Cantwell Post Office as of December 2, 1980, and whose radius is the distance from that location to the nearest boundary of Denali National Park and Preserve. That linear distance is approximately three miles.
- The Minchumina Resident Zone is described by the area encompassed within one mile perpendicular from the Lake Minchumina shoreline as shown on the D-5 Mt. McKinley 1:63,360 topographical map, 1953 edition.

### **13.63(b) Backcountry camping**

- The term "backcountry" means all areas of the Park and Preserve outside the boundaries of the Backcountry Day Use zone as defined in the 1997 Frontcountry Development Concept Plan/EIS and the Frontcountry Developed Area as defined at 13.63(i). During winter, the closed portion of the Denali Park road is considered backcountry (see 13.63(i)(1)(ii)). A backcountry permit is required for all backcountry camping in the established zones. Maps describing the zones are available at the Visitor Center. Permits are available at the Visitor Center during the summer months and at Park Headquarters during the winter months. During the periods when the Denali Park road is open, backcountry camping is prohibited within one-half mile of, and within sight of the Denali Park road, developed area, designated day use areas or in the restricted area around Wonder Lake. Camping in the backcountry designated units is limited to 30 days total between April 15 and September 30, with no more than 7 days in one unit on each trip.

- Backcountry permits may be issued in conjunction with bicycle trips on the Denali Park road. Cyclists may stay in any of the established campgrounds with a campground permit. Bicycles must be stored in an approved manner--bike racks provided at campgrounds, with other campers, or with owner's permission on private property.

**13.63(d)(3)(ii) Denali Park Road permits**

The annual date for evaluating motor vehicle permits for the restricted portion of the Denali Park road is March 1. The annual apportionment of permits for 2005 is listed below. The apportionment for 2006 is not expected to change substantively from 2005 and will follow the provisions of 36 CFR 13.31.

Denali Backcountry Lodge: 315  
 Kantishna Roadhouse: 420  
 Northface Lodge/Camp Denali: 315  
 Kantishna Air Taxi 10  
 Jeff Barney: 15  
 Gene Desjarlais: 15  
 Virginia Wood: 8  
 Romany Wood: 2  
 Greg LaHaie: 35  
 Stephen & Lisa Neff: 9  
 Michael Conlin: 35  
 Rusty Lachelt: 2  
 Ray Krieg: 8  
 Paul Shearer: 4  
 Mike Mark Anthony: 12  
 Don Phillips: 2  
 Rainey Creek LLC: 9

**13.63(h) Snowmachine operation in Denali designated wilderness (the former Mt. McKinley National Park)**

Snowmachine use is not allowed in the portion of the park formally known as Mt. McKinley National Park (Old Park). The Old Park remains closed to Snowmachine use in accordance with this section and 36 CFR 2.18.

**13.63(i)(1)(i) Frontcountry Developed Area (FDA): permit conditions for camping along the road corridor from April 15 through September 30**

- From April 15 through September 30, camping is prohibited in the FDA except at the following designated campgrounds pursuant to a permit: Riley Creek, Savage River, Sanctuary River, Teklanika River, Igloo, and Wonder Lake. Igloo, Sanctuary and Wonder Lake Campgrounds, and the Savage Group campsites are designated for tent camping only. Igloo, Sanctuary and Wonder Lake are accessible via shuttle bus only. Teklanika, Savage and Riley Creek Campgrounds are designated for use by tents, trailers and/or other camper units.

- Occupancy of one campsite at all designated campground except Wonder Lake is limited to maximum of eight people. Wonder Lake Campground is limited to four persons per campsite. 13.18(a)(3).
- There are three campsites available for groups of nine or more in the Savage River campground. These sites are available for tents only on an advanced reservation basis under procedures established by the Superintendent. 13.18(a)(3).
- Only one vehicle is allowed for each campsite, except with permission of an NPS employee. 13.18(a)(3).
- Campers wishing to drive their private vehicle to Teklanika Campground must register for a minimum of three nights. The three night minimum does not apply to Teklanika campers without vehicles. 13.18(a)(3).
- Teklanika campground permits are valid for one private vehicle trip to the campground and return. Additional travel must be by shuttle bus. Additional use of the private vehicle under the terms of the camping permit is not authorized. 13.18(a)(3).
- No person, party or organization shall be permitted to camp in designated campgrounds for more than a total of 14 days, either in a single period or combined periods between April 15 and September 30; nor more than 30 days, either in a single period or combined periods between October 1 and April 14. 13.18(a)(3). (road has to be 13.30)
- Portable generating plants used in Riley Creek, Savage Creek, and Teklanika campgrounds may only be used between the hours of 8:00 a.m. to 10:00 a.m. and 4:00 p.m. to 8 p.m.. Generators may also be prohibited if a ranger determines the noise to be disturbing to other campers. Generators or engines are not permitted to operate in Wonder Lake, Igloo, or Sanctuary Campgrounds. 13.18(a)(3).
- Following the last night of paid occupancy, campers must vacate designated campgrounds by 11:00 am. 13.18(a)(3).
- Obtaining a campground permit for the purpose of avoiding the road restrictions is prohibited. 13.18(a)(3).
- Information on camping is available at the Visitor Center, Park Headquarters and on the traveler Information Radio System, receivable in the vicinity of the Denali Park road junction with Alaska Highway 3. There is a mandatory nightly fee for all campsites when a permit is required.

**13.63(i)(1)(ii) Frontcountry Developed Area: camping along the road corridor from October 1 through April 14**

- Camping is prohibited in the FDA except in the open loop(s) of the Riley Creek campground or that area west of where the park road is closed in winter (typically Mile 3 of the park road).
- Camping in the Riley Creek campground in excess of 30 days is, either in a single period or combined periods, prohibited. See 13.18(a)(3).

*These requirements serve to ensure equitable use of NPS designated campgrounds and manage traffic on the Denali Park road in accordance with limits established by special regulation 36 CFR section 13.63(d)(2)(3).*

**13.63(i)(3) FDA conditions for lighting or maintaining fires**

- Employees of the park concessioner may build an open fire with a park issued permit at the designated sites located approximately 300 yards west of the Meadows Housing Area
- NPS employees may build an open fire at the designated site located within the C-Camp Housing Area

**13.63(i)(5) FDA closures and restrictions**

No additional closures or restrictions.

**13.63(j)(2) Trails and areas designated for bicycle use in the FDA**

The 2.3 mile long multi purpose trail between the Nenana River Canyon Bridge and the park Visitor Center is designated as open for bicycle use. No other areas or trails within the FDA are designated as open to bicycle use.

**13.63(k)(2) Trails and areas designated for the use of roller skates, skateboards, roller skis, in-line skates, and similar devices**

No designated trails or areas.

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

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

No closures at present.  
See also 2.18, 13.63(h).

**36.11(d) Temporary closures to the use of motorboats**

No closures at present.  
See also 3.3, 3.6.

**36.11(e) Temporary closures to the use of non-motorized surface transportation**

No closures at present.  
See also 2.16, 3.3, 3.6, 13.63(j)-(k).

**36.11(f)(1) Temporary closures to landing fixed-wing aircraft**

No closures at present.

**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.*

**36.11(g)(2) Use of off-road vehicles (ORV) on existing trails**

No designated trails. See also 4.10.

**This compendium is approved and rescinds all previous compendiums issued for Denali National Park and Preserve.**

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**Superintendent**

**Date**

Attachments: 1.5 Sable Pass closure Determination  
2.10 Food Storage Determination  
2.13 Fires Determination  
2.15 Pet Determination  
2.14 Sanitation  
1.5 Wildlife Distance Conditions  
13.63(j) Use of Bicycles



March 10, 2005

Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Sable Pass Wildlife Viewing Area

Pursuant to Title 36 of the Code of Federal Regulations, 1.5, the Superintendent of Denali National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, entry into the Sable Pass Wildlife Viewing Area has been modified. Under 36 CFR 1.5 (a)(1) – Closures and Public Use Limits, the park has changed the boundaries of the Sable Pass Wildlife Viewing Area.

**Language proposed and adopted for the 2005 compendium:**

**Sable Pass Wildlife Viewing Area**

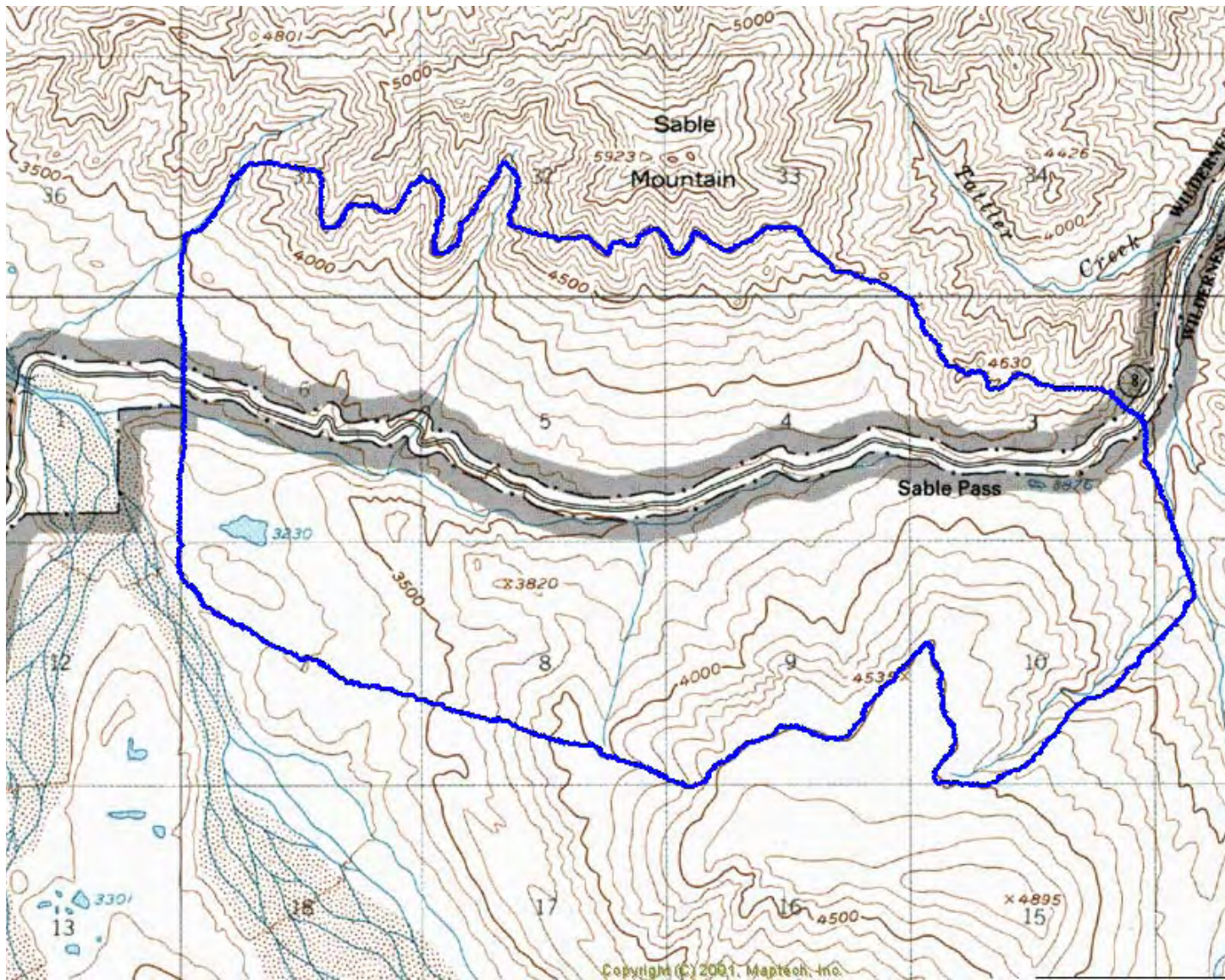
- (c) Entry into the Sable Pass Wildlife Viewing Area is prohibited from May 1 to September 30, except as may be specifically authorized by the Superintendent.
- (d) The Sable Pass Wildlife Viewing Area is generally defined as the area within one mile of the shoulder of the Park Road between Mile 38 and Mile 43, excluding the Tatler Creek drainage. A map that defines the specific boundaries of the closure is available for inspection at the park visitor center and on the park website. Signs posted on the park road indicate the beginning and end of the closure area.

**Justification**

The current boundaries for Sable Pass Wildlife Viewing Area are 1 mile on either side of the Park Road from Mile 37 to Mile 42. This revision defines the area by geographic features, such as ridge lines and drainages, between Mile 38 and 42. This revision will make it easier for the public to know where the boundaries of this area are located. Since these features are also natural travel routes, travel will be permitted along any ridgelines or drainages that form the boundaries of the closed area. The proposed area represents a reduction in size from the previous closure because it makes greater use of ridge lines that define the viewshed from this section of road rather than simply a uniform distance of one mile from the road edge.

The closure is the least restrictive method of protecting the outstanding wildlife resources of the park, allowing visitors to safely view wildlife from outside the closed area and from the park road.

A map showing the proposed boundary change is attached.



March 10, 2005

## Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, 1.5 (c) and 2.10 (d), the Superintendent of Denali National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food sources only. Obtaining human food negatively alters behavior and nutrition of wildlife.
2. Both black and brown bears are common throughout the parklands. Bears are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
3. Bears are extremely susceptible to habituation to human food sources. Once they have learned to associate a site or item (e.g. tent, kayak, boat, etc.) with acquisition of food, they will return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.
6. While nutritional impact on wildlife may vary depending on a number of factors, notably the percentage of the overall diet of the animal is made up of non-natural food and during what time of year, no impact is acceptable under National Park Service management policies.
7. Bears which become habituated to human food in this area are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper food storage and disposal of food and garbage have been undertaken by state and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife/human conflict and impacts.
2. Recognizing that variations in the environment and recreational activity require multiple food storage options, park managers have made loaner bear resistant containers available.
3. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored throughout the parklands.

4. The food storage conditions imposed under this section allow for a wide variety of storage options, including free loans of portable BRFC units, to make compliance less onerous.
5. We have considered the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under 5 AAC 84-5 AAC 92.

- Park employees lack authority to enforce this regulation directly, and would rely on state officers. Given limited state staffing in this area and other priorities, enforcement would be severely hampered.
  - If we adopted the language of the state regulation into a park condition under this section, we would unreasonably force our enforcement officers to prove “negligence” in court. The threshold we seek to enforce is lower given our specific legal mandate to protect wildlife.
6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment to promote compliance, these conditions are the least restrictive required to fulfill the parklands mission of protecting wildlife and human safety.

Signed:

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Paul R. Anderson  
Superintendent

W42

March 12, 2005

## Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Fires

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.13(a)(1) the Superintendent of Denali National Park and Preserve has determined that in order to prevent adverse impacts to park resources:

Campfires are prohibited in the former Mt. McKinley National Park except 1) as provided in 13.63(i)(3) in the Frontcountry Developed Area 2) in the area of the park designated as Wilderness from October 1 through April 15, or 3) in emergency situations.

Campfires are allowed in the 1980 Park and Preserve additions except at the Kantishna Airstrip between April 15 and September 30.

The reasons for this restriction are as follows:

1. High temperatures impact soils and impair plant growth and create a visible scar that is long lasting.
2. Trampling and soil compaction occur around fire rings as part of their use, which in turn further impacts soils and their ability to support vegetation.
3. Wood gathering activities leave visible signs of human use.
4. A primary objective of backcountry management in the area of the former Mt. McKinley National Park is to disperse use so that signs of repeated human use typically associated with regularly used campsites do not develop. The prohibition on fires in the wilderness area of the park has been in place for 30 years and has been effective at preventing campsite formation and the associated resource impacts. The use of light, portable stoves is a common and well-accepted minimum impact hiking practice.
5. This restriction still allows fires throughout the majority of Denali National Park and Preserve, and only limits them in the area of the former Mt. McKinley National Park during the period of time when special resource protection objectives and visitation issues exist.
6. Fire rings tend to attract burnt trash and food residue as campers attempt to dispose of waste. Small amounts of plastic, glass, aluminum foil, and food scraps are frequently left behind because not everything burns completely. This restriction ensures that where fires are permitted, users are responsible for removing these materials from the area upon departure.

7. Established fire rings at the campground and picnic area provide places for cooking or warming fires that will limit soil impacts to these discrete sites and reduce fire hazards as well.

The reasons less restrictive measures will not be effective are as follows:

1. The allowance of fires in more areas of the backcountry would fail to achieve management objectives.
2. Insulating the soils through a buildup of material and / or a fire pan would reduce some of the direct soil and vegetation impact, but not the damage associated with trampling around the fire site or wood gathering. Campsite impacts would still be greater than those associated with the current restriction and unacceptable.

Signed:

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Paul R. Anderson  
Superintendent

W42

March 12, 2005

## **Determination of Need for a Restriction, Condition, Public Use Limit, or Closure**

Subject: Prohibition of Pets – 36 CFR 2.15

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c), the Superintendent of Denali National Park and Preserve has determined that in order to provide for the protection of resources and public safety it is necessary restrict pets as follows:

For the Frontcountry Developed Area, see 13.63(i)(4). This regulation does not apply to dogs used for transportation during the winter months.

From May 1 through September 30, pets are prohibited in all other areas of the park. This prohibition does not apply to:

1. dogs used for legal hunting in the park and preserve additions
2. emergency search and rescue missions
3. qualified service dogs accompanying persons with disabilities per the ADA

The reasons for this restriction are as follows:

1. While traveling or hiking with pets may be a positive experience for the owner, pets frequently have negative impacts on park resources, notably wildlife, and on the experience of other visitors. These impacts include, but are not limited to, noise, pursuit, harassment, defecation, and scent marking of wildlife habitat. Even leashed pets bark, defecate, and urinate, and disturb other visitors.
2. Potentially dangerous wildlife such a moose and bears may engage pets – either chasing and attacking, or being chased. Pets chasing wildlife is unacceptable harassment, while pets chased by wildlife will frequently return to their owner, creating a risk to human safety and an unnecessary expenditure of caloric energy on the part of the wildlife.
3. The use of pets is not required in order to have a positive recreational experience. It is optional. In those cases where a pet facilitates access (e.g. Service animals and winter activities such as mushing) the use of such pets is allowed.
4. Wildlife activity is frequently concentrated along travel corridors such as gravel river bars or game trails through thick vegetation. The crosscountry travel typical required in Denali's backcountry means that hikers also regularly use these natural travel corridors and wildlife areas as well, increasing the likelihood of conflict with wildlife.
5. Nesting shorebirds lay eggs directly on the ground along gravel bar travel routes and in the tundra. Pets, leashed or unleashed, may disturb eggs and / or frighten adult birds from the nest.
6. Denali National Park and Preserve's enabling legislations and the intent of Congress speak directly to the protection of wildlife and an unaltered ecosystem as well as the

establishment of a large sanctuary “where fish and wildlife may roam freely, developing their social structures and evolving over long periods of time as nearly as possible without the changes that extensive human activities would cause”.

7. The park is surrounded by other public lands where pets are allowed in keeping with the respective missions and legal mandates of those agencies. Rangers routinely direct pet users to those alternate sites to accommodate their recreational activities while fulfilling the strict wildlife protection mandate of the National Park Service.
8. The restriction prevents disturbance and reduces the potential of exposure to disease from pets to the park sled dogs.
9. The restriction will allow the National Park Service to fulfill this mandate and protect visitors and the unique opportunities offered at Denali while still allowing access when conditions permit.

The reasons less restrictive measures will not be effective are as follows:

1. Any pet in a park area, even where allowed, must be on a leash or under direct physical control at all times. While this measure may prevent pursuit and harassment of wildlife and other visitors, it does not prevent barking, defecation, or scent marking through urination, all of which may disturb wildlife of all types.
2. Backcountry travel at Denali is virtually all crosscountry, frequently through thick brush, on steep slopes, or across rivers. It is not practical or reasonable to suggest or expect that visitors would travel with a leashed dog under these conditions.
3. Further, Rangers issue regular warnings and respond to complaints for pets off leash and / or in closed areas despite signing and published educational material in the park newspaper, brochures, and on bulletin boards. When contacted, many visitors state that they were unaware of the rules, while others state that they knew the rules regarding leashes but chose not to comply unless confronted by authority.
4. These factors indicate that leash laws in backcountry areas would be generally ignored.
5. Leashed pets on trails could minimize some wildlife impacts, but it would increase conflicts with other visitors because of the higher contact rates created by more concentrated use and frequent encounters.
6. It would be better to maintain a standard policy that pets are generally inappropriate in National Park Service settings away from developed sites such as campground, road shoulders, parking lots, or pullouts, and that these areas are adequate within the context of a national park.

Signed:

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Paul R. Anderson  
Superintendent



December 1, 2005

### **Determination of Need for a Restriction, Condition, Public Use Limit, or Closure**

**Subject: Sanitation: conditions concerning disposal, carrying out of solid human waste**

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.14(b) the Superintendent of Denali National Park and Preserve has determined that in order to protect public health and safety and to prevent adverse impacts to park resources:

Persons engaged in any travel (such as skiing, snowshoeing, aircraft landings) or activities (such as mountaineering, climbing, flight seeing, camping) in a glacier environment such as Mt. McKinley and other peaks and glaciers within the Park & Preserve are required to properly dispose of solid human waste as follows:

1. Pit latrines must be used where provided by the National Park Service, such as those typically located at the 7,200 and 14,200 foot camps on the West Buttress route of Mt. McKinley.
2. Below 15,000 feet on the West Buttress route of Mt. McKinley – Solid human waste must be collected in a personal receptacle or bagged and deposited in a deep crevasse.
3. Above 15,000 feet on the West Buttress of Mt. McKinley – Solid human waste must be collected in a personal receptacle.
4. Solid human waste must be collected in a personal receptacle when within one-half mile of glacial landing sites used by aircraft.
5. On technical climbing routes within the park and preserve, not including the West Buttress, solid human waste must be tossed or shoveled away from the route.
6. In all other glaciated areas of the park covered by snow and ice, solid human waste must be bagged and carried out in a personal receptacle or deposited in a deep crevasse.
7. Personal receptacles containing solid human waste must be removed from the backcountry and deposited at designated locations.

In non-glacier environments, toilet paper must be burned or removed as trash.

Failure to properly dispose of human waste as required is prohibited.

#### **The reasons for these restrictions are as follows:**

- Solid human waste does not break down or decompose in a cold glacial environment. It remains preserved within layers of ice and snow in the glaciers. Presence of such waste on or near the glacier surface is a public health, environmental, and aesthetic problem.
- Water required by climbers and other multi-day visitors to glaciated areas of the park can only be obtained by collecting and melting snow along travel routes or at camping areas. These are the same areas where visitors urinate and defecate. Pit toilets at the 7 and 14 foot camps on the West Buttress route of Mt. McKinley are the only established toilet facilities in glaciated areas of the park.

- Fecal contamination of the snow pack presents a public health risk wherever human use is significant or concentrated, even at the 17,200 foot high camp on McKinley. In 2005, approximately 1300 climbers spent an average of approximately 16 nights on McKinley. This represents approximately 20,800 user nights. In the same year, approximately 473 other overnight users spent approximately 7 nights each on average in other glacier – covered areas of the park, representing an additional 3000 plus user nights. Scenic tour passengers (day users) added an additional 11,562 user days in 2005 in areas including the Ruth Amphitheatre and Little Switzerland.
- Dr. Joe McLaughlin, Medical Epidemiologist for the Alaska Department of Health and Social Services, studied an outbreak of diarrheal illness on Mt. McKinley in June 2002. The introduction in Dr. McLaughlin’s study notes: “North America’s tallest peak, Denali (also known as Mt. McKinley), is considered by many mountaineers to be one of the most polluted mountains in the United States Park system. Over 1100 climbers ascend the popular West Buttress route per year, and climbers spend an average of two to three weeks on the mountain, often depositing human waste outside of latrines in or next to camps. High winds and blowing snow, which may be later consumed by unsuspecting climbers who often fail to boil or purify water collected for drinking and food preparation. Prevention of diarrheal illness is important because resulting dehydration and metabolic stress may contribute to fatigue that results in numerous fatal and non-fatal climbing accidents”. One of Dr. McLaughlin’s recommendations is for the NPS to continue efforts to remove fecal material from the mountain.
- The firn line on the Kahiltna glacier has risen from approximately 6,000 feet to approximately 7,300 feet due to warmer annual temperatures. Solid human waste from previous climbing seasons, which used to remain buried under accumulations of new snow, now melts out and is visible during following seasons.
- There is only one crevasse above 15,000 feet on the West Buttress route of Mt. McKinley, the most heavily traveled route in the range. This crevasse is not large or accessible enough to be successfully used as a depository for solid human waste.

**The reasons less restrictive measures will not be effective are as follows:**

- The single crevasse above 15,000 feet on the West Buttress is located approx. ¼ mile north of the high camp at 17,200 feet and is several hundred vertical feet below where climbers camp. 10 years of observations by NPS climbing rangers reveal that few climbers at high camp are willing or able to take their solid waste to this crevasse. Most human waste is observed in camp, dropped in piles leading toward the crevasse, or tossed off the side of the heavily used climbing route. Climbers cite numerous reasons for not using this crevasse, including exhaustion at altitude. Further, this crevasse is not large or deep enough to permanently dispose of solid waste.
- It is not practical or financially feasible for the NPS to install and maintain toilets or remove solid human waste in the glaciated areas.
- Solid human waste does not break down or decompose in a cold glacial environment.
- Crevasses are typically located too far away from glacier landing strips to be used successfully for solid human waste disposal. Air taxi operators do not want to spend the extra time on the ground while their clients make the trip to a crevasse and back. Or, the clients do not have the equipment and skills necessary to safely travel on glaciers.

- The long-term environmental and public health risks associated with continuing to dispose of large quantities of solid human waste in crevasses is unknown.

Signed:

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Paul R. Anderson  
Superintendent

March 10, 2005

## Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Wildlife Distance Conditions

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(a) & (c), the Superintendent of Denali National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, the following conditions are placed on viewing wildlife:

1. Eliminate the distinction between grizzly bears and black bears. Distinguishing between black bears and brown bears is not always easy and therefore not appropriate to expect park visitors, who may have never seen a bear before, to make this distinction.
2. Use the same format as other parks in the region. Where practical, consistency aids the park user.
3. Add a photography provision. While approaching wildlife is prohibited, there have been occasions where photographers have put themselves in path of wildlife and allowed the wildlife to approach them. The park believes these actions are unacceptable and undermines the purpose of the wildlife distance conditions.
4. Eliminate the 100 yard rule. The park is proposing to eliminate the 100 yard rule for occupied dens and raptor nests as the current regulation already requires a minimum distance of 25 yards for active nests or occupied den sites. This proposed change would correct this conflict and make the rule easier to understand.

The reasons for the wildlife distance conditions are as follows:

- Park Interior Alaska bears live at low population densities and are likely to react to human presence at considerably greater distances than coastal bears, especially during a surprise encounter.
- Furthermore, the open habitat, including much of the Denali park road, means that all wildlife species are likely to be more sensitive to human presence than the same species would be in forested habitat. For these reasons, safe viewing distances defined in Denali have been greater than distances defined for coastal parks.
- Denali experiences relatively high visitor numbers both on and off the road, which also argues for conservative management of visitor/wildlife interactions.
- This regulation is meant to provide for a minimum distance between people and wildlife to protect both wildlife and visitors, and to maintain wildlife viewing opportunities. Viewing from a close proximity can alter wildlife behavior and cause hazardous circumstances for park visitors and wildlife. 36 CFR 2.2(a)(2), which prohibits “the feeding, touching, teasing, frightening or intentional disturbance of wildlife nesting, breeding or other activities,” does not by itself provide for a minimum distance between people and wildlife.
- Disruption of natural wildlife movements can also reduce or eliminate the viewing opportunities that attract many visitors. The restrictions proposed are intended to mitigate the risks associated with humans in close proximity to

wildlife while accommodating large numbers of visitors drawn for wildlife viewing.

The reasons less restrictive measures will not be effective are as follows:

- The park considered applying these restrictions in limited areas in the park where there are high visitor use levels and known wolf dens. The park did not adopt this approach because it sends a confusing message to the public as to what type of behavior is appropriate around wildlife.
- The park also made exceptions for individuals engaged in lawful hunting or trapping, those who comply with a written protocol approved by the Superintendent, those who have a permit from the superintendent, or those who are otherwise directed by a park employee.

Signed:

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Paul R. Anderson  
Superintendent

March 10, 2005

Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Use of Bicycles

Pursuant to Title 36 of the Code of Federal Regulations, 1.5 (c) and 13.63(i)(1)(ii), the Superintendent of Denali National Park and Preserve has constructed a multi-purpose trail between the park Visitor Center and the Nenana River Canyon Bridge and authorized the use of bicycles on that trail.

The reason for this designation is:

- 13.63 (j)(2) limits the use of bicycles within the Frontcountry Developed Area (FDA) to park roads, road shoulders, public parking areas, or trails designated for bicycle use by the Superintendent. No trails within the FDA are currently designated for bicycle use. The multi-purpose trail connecting the visitor center and the Nenana River Canyon Bridge was specifically designed and constructed to accommodate bicycle use. Opening this trail to bicycle use will enhance visitor safety by separating bicycles from motor vehicles in this busy section of the park. Bicycle use on this trail will be consistent with the protection of the park's natural, scenic, and aesthetic values, safety considerations, management objectives and will not disturb wildlife or park resources.

Signed:

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Paul R. Anderson  
Superintendent

