

**EXECUTIVE SUMMARY OF CHANGES
SUPERINTENDENT'S PROPOSED COMPENDIUM
2013
DENALI NATIONAL PARK AND PRESERVE**

Denali National Park and Preserve is seeking public comment on the park's proposed 2013 Superintendent's Compendium. The attached proposed compendium is a written compilation of designations, closures, permit requirements and other restrictions adopted under the Superintendent's discretionary authority. After review and consideration of the need for annual updates, the following changes are proposed.

2.10(d) Food storage: designated areas and methods

The dates when bear resistant containers (BRCs) are required in certain backcountry locations are proposed to be changed by one day for consistency with other similar seasonal provisions in the compendium. Currently BRCs are required from April 15 through October 1. The proposed change would require BRCs from April 15 through September 30.

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

The dates for seasonal restrictions for campfires have been modified by one day for consistency with other similar seasonal provisions in the compendium. The proposed revision is:

Campfires are prohibited in the former Mount McKinley National Park except 1) as provided in 13.976 in the Frontcountry Developed Area, 2) in areas outside the Frontcountry Developed Area from October 1 through April 14, 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. Any rocks used for fire-pits must be replaced in their original location after the fire is extinguished.

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

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

The NPS proposes to add the Parks Highway (Alaska Highway 3) to this provision. The proposed addition is:

The speed limit along Alaska Highway 3 will be as posted by sign by Alaska DOT; the south boundary to mile 236 the speed limit is 65 mph, mile 236 to the north boundary the speed limit is 55 mph, in the summer months the speed limit is reduced to 45 mph from mile 237 to the north boundary when posted.

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife (black bears)

The NPS proposes to re-adopt a restriction on taking black bears using artificial light at den sites and the take of black bear sows with cubs at den sites in Denali and Gates of the Arctic National Preserves. This proposal is in response to changes in state law.

Proposed language:

- From October 15 through April 30, artificial light may not be used to take a black bear at a den site except to retrieve a dead bear or dispatch a wounded bear as authorized by state law.
- From October 15 through April 30, a person may not take a cub bear or a female bear accompanied by a cub bear at a den site.

The reasons for these restrictions are:

During the 2008 Southeast Region Board of Game (BOG) meeting, the BOG made an exception to two long standing general prohibitions regarding the take of black bears. The BOG authorized all state residents to use artificial light to take black bears at den sites and to take black bear cubs and sows with cubs at den sites under customary and traditional use activities from October 15 to April 30 in Unit 19A, portions of Unit 19D, and in Units 21B, 21C, 21D, 24, and 25D. The NPS did not immediately recognize that NPS lands were affected and consequently did not comment on these proposals. When the regulation was promulgated, the NPS identified small portions of two National Preserves in Units 19D and 24 that were included in these authorizations.

The State of Alaska is the primary entity responsible for managing wildlife in accordance with State mandates. At the same time, the NPS is charged with the responsibility for assuring that the take of fish and wildlife is consistent with the fundamental purposes of the park system and those of individual park units. Federal law provides that the fundamental purpose of national park areas is conservation of park resources and values, including the scenery, the natural and historic objects, and wildlife therein and prohibits impairment of park resources or values. Under NPS Management Policies, activities that may result in impairment include those that impact a resource or value whose conservation is . . . key to the natural . . . integrity of the park or to provide opportunities for enjoyment of the park.” (NPS Management Policies, 1.4.5) Because the impact threshold at which impairment occurs is not always readily apparent, the NPS policies require managers to avoid unacceptable impacts to park resources and values. Unacceptable impacts are those that are inconsistent with park purposes and values; diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or those that unreasonably interfere with other appropriate uses.

In addition to the above, the legislated purposes of Denali and Gates of the Arctic include the protection of habitat for and populations of fish and wildlife. Congress directed the NPS to manage National Preserves in the same manner as National Parks with the exception that sport hunting and trapping are authorized. (Public Law 96-487, section 1313) In considering the management of national park areas, the National Park Service must consider the expectations laid out in the 1916 Organic Act, the 1970 General Authorities Act, and the 1978 Redwoods Amendment, as well as the 1980 Alaska National Interest Lands Conservation Act (ANILCA) and other legislation. National Park areas are closed to the taking of wildlife except as specifically authorized by Congress. Congress authorized taking of wildlife in NPS Preserves for Title VIII subsistence uses, trapping, and sport hunting. These authorizations are not without limit, and must be implemented in light of the high public value and integrity of the National Park System.

In passing ANILCA, Congress did not absolve the National Park Service from operating within the legal, regulatory, and policy framework applicable across the National Park System. The Senate Energy and Natural Resources Committee (S. Rpt. 96-413) stated ~~It~~ is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources.” A further statement in the Congressional Record on ANILCA provides that ~~the~~ standard to be met in regulating the taking of fish and wildlife and trapping is that the preeminent natural values of the Park System shall be protected in perpetuity and shall not be jeopardized by human uses. These are very special lands and this standard must be set very high[.]” The State’s general hunting program applies in NPS Preserves to the extent that it is consistent with NPS laws, regulations and policies. The NPS may close or restrict the take of wildlife in Preserves pursuant to ANILCA section 1313 and federal regulations at 36 CFR 13.40-13.50.

The State of Alaska provisions that allow use of artificial light to take denning black bears and the take of cubs and sows with cubs at den sites have the potential to create unacceptable impacts to the purposes and values of these Preserves. The potential unacceptable impacts include:

- The State provisions create efficient methods of take for black bears, including sows with vulnerable cubs, which have the potential to create harvest pressures on local populations and denning behavior of this species. Such unnatural manipulations of populations are contrary to ANILCA and NPS policies. Further, NPS Management Policies state that ~~In~~ cases of uncertainty as to the impacts of activities on park natural resources, the protection of natural resources will predominate.” (Management Policies 2006, 4.1)

These hunting practices have been prohibited since Statehood with limited exceptions. Consistent with sound management principles and conservation of wildlife, practices that disturb animals when they are in a vulnerable state—in their dens, when reproducing, or very young—are usually avoided. Accordingly, these practices are generally prohibited under federal subsistence and the state’s general hunting regulations.

Continuation of the natural process is expected in park areas except as specifically authorized by Congress. The practical effect of these allowances, open to all Alaska residents, is increased opportunity and efficiency for taking predator species – in particular, vulnerable denning family groups. State laws or actions that seek to manipulate natural wildlife populations for human consumption, or have that practical effect, are inconsistent with Congress’s authorization for sport hunting and with NPS statutes, regulations, and policies.

The NPS recognizes and supports subsistence by qualified rural residents, sport/recreational hunting, and trapping. These activities are important heritage activities in NPS Preserves in Alaska. The authorizations established by the BOG are not isolated from Federal authorities applicable on NPS lands. NPS management responsibilities established in the Organic Act and further refined in subsequent legislation, regulation, and policy, must be followed in determining which activities will and will not benefit the fundamental purpose of the National Park System. Introducing NPS Preserves to these historically illegal methods of harvest and liberalizing the harvest of black bears to include cubs and sows with cubs, have the potential to be unacceptable impacts inconsistent with the limited authorization for sport hunting. This compendium provision recognizes that State and Federal management objectives and authorities differ. A

Federal restriction is necessary for NPS Preserves to remain compliant with Federal law and policy for NPS areas. The NPS remains committed to managing park resources and values in a way that avoids unnecessary interference with State management of resident wildlife resources.

A less restrictive approach was not effective. The NPS consulted with the State of Alaska and made a proposal to the BOG to exempt NPS Preserves from these authorizations. At the March 2010 BOG meeting, the BOG voted not to adopt the NPS proposal. These restrictions are necessary in absence of a change in State law. The NPS intends to propose a regulation to permanently address this issue.

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife (brown bears)

The NPS proposes to prohibit the take of brown bears at a bait station in Denali, Yukon-Charley Rivers, and Wrangell-St. Elias National Preserves. This proposal is in response to recent changes in state law.

Proposed language:

A person may not take a brown bear at a bait station from April 15 through June 30 in the Preserve.

The reasons for this restriction are:

During the 2012 Spring Board of Game (BOG) meeting, the BOG made an exception to a long standing general prohibition regarding the take of brown bears at bait stations. The BOG authorized the taking of brown bears at bait stations in Unit 12, Units 20C and 20E, and Unit 21D. When the regulation was proposed and then promulgated, the NPS identified that portions of three National Preserves were affected by these authorizations.

The public safety concerns posed by food conditioned bears are universally recognized by natural resource agencies throughout the range of the species. Food conditioned bears are more likely to be a danger to humans than those that are not food conditioned. Further, food conditioning of bears tends to increase the likelihood of a bear being killed in defense of life or property. Baiting is incongruent with best management practices and standard public educational messaging on the issue of food and bears.

The State of Alaska is the primary entity responsible for managing wildlife in accordance with State mandates. At the same time, the NPS is charged with the responsibility for assuring that the take of fish and wildlife is consistent with the fundamental purposes of the park system and those of individual park units. Federal law provides that the fundamental purpose of national park areas is conservation of park resources and values, including the scenery, the natural and historic objects, and wild life therein and prohibits impairment of park resources or values. Under NPS Management Policies, activities that may result in impairment include those that impact a resource or value whose conservation is . . . key to the natural . . . integrity of the park or to provide opportunities for enjoyment of the park.” (NPS Management Policies, 1.4.5) Because the impact threshold at which impairment occurs is not always readily apparent, the NPS policies require managers to avoid impacts that are inconsistent with park purposes and values; diminish

opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or those that unreasonably interfere with other appropriate uses.

In addition to the above, the legislated purposes of Denali, Wrangell-St. Elias, and Yukon-Charley Rivers include the protection of habitat for and populations of fish and wildlife. Congress directed the NPS to manage National Preserves in the same manner as National Parks with the exception that sport hunting and trapping are authorized. (Public Law 96-487, section 1313). In considering the management of national park areas, the National Park Service must consider the expectations laid out in the 1916 Organic Act, the 1970 General Authorities Act, and the 1978 Redwoods Amendment, as well as the 1980 Alaska National Interest Lands Conservation Act (ANILCA) and other legislation. National Park areas are closed to the taking of wildlife except as specifically authorized by Congress. Congress authorized taking of wildlife in NPS Preserves for Title VIII subsistence uses, trapping, and sport purposes under state law. This is not an authorization without limit, and must be implemented in light of the high public value and integrity of the National Park System.

In passing ANILCA, Congress did not absolve the National Park Service from operating within the legal, regulatory, and policy framework applicable across the National Park System. The Senate Energy and Natural Resources Committee (S. Rpt. 96-413) stated ~~It~~ is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources.” A further statement in the Congressional Record on ANILCA provides that ~~the~~ standard to be met in regulating the taking of fish and wildlife and trapping is that the preeminent natural values of the Park System shall be protected in perpetuity and shall not be jeopardized by human uses. These are very special lands and this standard must be set very high[.]” The State’s general hunting program applies in NPS Preserves to the extent that it is consistent with NPS laws, regulations and policies. The NPS may close or restrict the take of wildlife in the Preserves pursuant to ANILCA section 1313 and federal regulations at 36 CFR 13.40-13.50.

Continuation of the natural processes is expected in NPS areas except as specifically authorized by Congress. The new practice of taking brown bears over bait is not consistent with this expectation in that baiting explicitly alters the natural behavior of any wildlife species coming into contact with, or finding palatable, the contents of a bait station. Behavior of carnivorous or omnivorous species is altered and their vulnerability to harvest is increased. The practical effect is increased efficiency for taking predator species and has potential to create harvest pressures on the local natural abundance, behavior, distribution, and ecological integrity of these native wildlife species. State laws or actions that seek to manipulate natural wildlife populations for human consumption, or have that practical effect, are inconsistent with Congress’s authorization for taking wildlife for sport purposes and with NPS statutes, regulations, and policies.

Until recently, brown bear baiting has been prohibited since statehood. To our knowledge, brown bear baiting is not currently allowed by any other state, province, or country. Thus, there is little current or historic data available to predict effects of this practice.

The taking of black bears over bait is allowed on some Alaskan NPS units under both State and Federal regulations. However, the take of black bears over bait on NPS lands is a rare event.

From 1992-2010, the reported number of black bears taken over bait on NPS lands was ≤ 37 bears (i.e, less than two per year). Of these, only three bears were reportedly harvested by federally qualified rural residents. Regardless, the same concerns raised for brown bears relative to food conditioning and public safety apply to black bears and this topic warrants additional future consideration.

Sport hunting is allowed on NPS Preserves, but the authorizations established by the BOG are not isolated from Federal authorities applicable on NPS lands. NPS management responsibilities, established in the Organic Act and further refined in subsequent legislation, regulation, and policy, must be followed in determining which activities will and will not benefit the fundamental purpose of the national park system. Introducing NPS Preserves to this historically illegal method of harvest has the potential to result in unacceptable impacts to the resources and values for which the park area was established to protect. This compendium provision recognizes that State and Federal management objectives and authorities differ. A federal restriction is necessary for NPS Preserves to remain compliant with Federal law and policy for NPS areas. The NPS remains committed to managing park resources and values in a way that avoids unnecessary interference with State management of resident wildlife resources.

A less restrictive approach was attempted but was not effective. The NPS opposed the most recent proposals to the BOG, and requested that, if such regulations were adopted, NPS lands be excluded. The request was unsuccessful. The BOG adopted the regulation authorizing the taking of brown bears at bait stations in Units 12, 20C, 20E, and 21D without excluding NPS lands. In doing so, the BOG has made it clear that the State process will not be used to remedy management inconsistencies on NPS lands. Rather, NPS has been encouraged to use its own authorities to ensure that preserves are managed in a manner consistent with federal law, policy, regulation and non-conflicting State regulation.

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife (wolves/coyotes)

The NPS proposes to adopt restrictions to the take of wolves and coyotes in several national preserves. These proposed restrictions are based on actions taken by the State Board of Game in 2012 as well as previous years, that extended the season for taking wolves and coyotes into the summer months in several areas, including some NPS Preserves. These state changes include establishment of a year-round coyote season and extending the season for taking wolves through June in several areas.

The NPS proposes to restrict the take of wolves and coyotes in National Preserves under the state regulations during the timeframe coyotes and wolves are denning. The result being that wolves and coyotes will remain protected during the period when wolves and coyotes are raising vulnerable offspring and their pelts have little trophy or economic value. This proposed change makes state closure dates for wolves and coyotes more consistent with Federal subsistence seasons.

Proposed language:

The take of wolves or coyotes under state regulations is prohibited from May 1 through August 9 in the Preserve.

This provision does not affect season start dates after August 9; the latter start date will apply. For example, if the state season is September 1, taking wolves under the state regulations would be authorized on September 1. If the state season starts on August 1, then the taking of wolves is not authorized in Preserves until August 10.

The reasons for these restrictions are:

These proposed restrictions are based on actions taken by the State Board of Game in 2012 as well as previous years that extended the season for taking wolves and coyotes into the summer months in several GMUs that include some NPS Preserves. These changes include establishment of a year-round coyote season and extending the season for taking wolves through June in several areas.

The State of Alaska is the primary entity responsible for managing wildlife in accordance with State mandates. At the same time, the NPS is charged with the responsibility for assuring that the take of fish and wildlife is consistent with the fundamental purposes of the park system and those of individual park units. Federal law provides that the fundamental purpose of national park areas is conservation of park resources and values, including the scenery, the natural and historic objects, and wildlife therein and prohibits impairment of park resources or values. Under NPS management policies, activities that may result in impairment include those that impact a resource or value whose conservation is . . . key to the natural . . . integrity of the park or to provide opportunities for enjoyment of the park.” Because the impact threshold at which impairment occurs is not readily apparent, the NPS policies require managers to avoid unacceptable impacts to park resources and values. Unacceptable impacts are those that are inconsistent with park purposes and values; diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or those that unreasonably interfere with other appropriate uses.

In addition to the above, legislated purposes of the National Preserves in Alaska include the protection of habitat for and populations of fish and wildlife. Congress directed the NPS to manage national preserves in the same manner as national parks with the exception that sport hunting and trapping are authorized. (Public Law 96-487, section 1313). In considering the management of national park areas, the National Park Service must consider the expectations laid out in the 1916 Organic Act, the 1970 General Authorities Act, and the 1978 Redwoods Amendment, as well as the 1980 Alaska National Interest Lands Conservation Act and other legislation. National park areas are closed to the taking of wildlife except as specifically authorized by Congress. Congress authorized taking of wildlife in NPS preserves for Title VIII subsistence uses and for sport purposes. This is not an authorization without limit, and must be implemented in light of the high public value and integrity of the National Park System.

In passing ANILCA, Congress did not absolve the National Park Service from operating within the legal, regulatory, and policy framework applicable across the National Park System. The Senate Energy and Natural Resources Committee (S. Rpt. 96-413) stated “It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources.” A further statement in the Congressional Record on ANILCA provides that “the standard to be met in regulating the taking of fish and wildlife and trapping

is that the preeminent natural values of the park system shall be protected in perpetuity and shall not be jeopardized by human uses. These are very special lands and this standard must be set very high[.]” State harvest regulations apply in NPS preserves to the extent that it is consistent with NPS laws, regulations and policies. The NPS may close or restrict the take of wildlife in preserves pursuant to ANILCA section 1313 and federal regulations at 36 CFR 13.40-13.50.

These season extensions have the potential to create unacceptable impacts to the preserves’ purposes and values. The practice of hunting or trapping wolves and coyotes into summer has long been prohibited. Consistent with sound management principles and conservation of wildlife, practices that disturb animals when they are in a vulnerable state—in their dens, when reproducing, or very young—are usually avoided. Accordingly, these practices have generally been prohibited under federal subsistence and state regulations.

Continuation of the natural process is expected in park areas except as specifically authorized by Congress. The take of denning wolves and coyotes sanction practices that have the potential to impact the natural integrity of a native species. The practical effect of these allowances, open to all hunters and trappers, is increased efficiency for taking predator species and has potential to create pressures on the natural abundance, behavior, distribution, and ecological integrity of these native wildlife species. State laws or actions that seek to manipulate natural wildlife populations for human consumption, or have that practical effect, are inconsistent with Congress’s authorization for taking wildlife for sport purposes as well as with NPS statutes, regulations, and policies.

The NPS recognizes and supports subsistence and sport hunting, and trapping. These activities are important heritage activities in NPS preserves in Alaska. However, introducing NPS preserves to these liberalized wolf and coyote harvest opportunities, to include pups, when pelts are of poor quality and offspring are vulnerable could create unacceptable impacts to the resources and values for which the park area was established to protect. It also has the potential to disrupt the subsistence opportunity for taking that wolf or coyote later in the year when their coats are prime in order to sell the pelt for cash.

This compendium provision recognizes that state and federal management objectives and authorities differ and adopts a federal restriction for NPS preserves to comply with federal law and policy in park areas. The NPS remains committed to managing park resources and values in a way that minimizes interference with state management of resident wildlife resources.

A less restrictive approach was attempted but was not effective. The NPS opposed the most recent proposals to the Board of Game, and requested that, if such regulations were adopted, NPS lands be excluded. The Board of Game adopted the regulation without excluding NPS lands. In doing so, the Board of Game has made it clear that the State process will not be used to remedy management inconsistencies on NPS lands. Rather, NPS has been encouraged to use its own authorities to ensure that preserves are managed in a manner consistent with federal law, policy, regulation and non-conflicting State regulation.

13.910(a) – Mountain Climbing on Mt. McKinley and Mt. Foraker

The NPS proposes to clarify that the 60 day advance permit application only applies to unguided, private parties and not parties guided by an approved NPS concessioner. The NPS also proposes to remove the provision requiring a deposit with the application since payment in full is now due with the permit application. The proposed revision is:

1. A climbing permit application provided by the Superintendent must be completed by each private expedition member and received by the park at least sixty (60) days prior to the start date of the climb. A non-refundable and non-transferable fee must be included with the application.
2. Persons who have physically climbed on Mt. McKinley or Mt. Foraker since 1995 may apply for a climbing permit up to seven (7) days prior to the start of a planned climb. To qualify, the name of the climber(s) must be documented in the Talkeetna Ranger Station Climber Database. All expedition members must meet this requirement in order to qualify for the 7-day exception.
3. Expedition leaders may add one person to their team prior to the start of the climb if the required permit application and fee is received at least thirty (30) days prior to the start of the climb.
4. In addition to the permit application, solo climbers must complete and submit the Supplemental Solo Form provided by the Superintendent.
5. All members of an expedition must check in together at the Talkeetna Ranger Station and attend a mandatory safety and resource protection orientation. Appointments for the orientation are required.
6. Expeditions are required to check back in at the Talkeetna Ranger Station at the conclusion of the climb.