

STATE OF ALASKA

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

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Sue Masica
Regional Director
National Park Service
240 West 5th Avenue
Anchorage, AK 99501

Dear Ms. Masica:

The Citizens' Advisory Commission on Federal Areas has reviewed the proposed changes to the 2012 Superintendents' Compendiums for the National Park units in Alaska. We again thank your office for the opportunity to meet with Andee Sears, Regional Law Enforcement Officer, and the chief rangers and other park staff to discuss possible changes to this year's compendiums. We offer the following comments for your consideration in finalizing these documents for 2012.

All Park Units

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

The Commission supports the proposed revision to this section to clarify that public use cabins are not considered federal facilities where firearms are prohibited. This issue was brought up in a meeting in Eagle with the National Park Service and the Eagle Yukon Subsistence Working Group. We appreciate the positive response on this issue. Clarifications of this type, while minor, help to reduce possible misunderstandings between NPS staff and park visitors in all park units.

We do note, however, that the compendium for Sitka National Historic Park does not include section 2.4(a)(2)(i) informing park visitors that individuals are authorized to carry firearms in NPS areas in accordance with state and federal law. While the clarification regarding firearms and cabins is unnecessary because Sitka NHP is a day use area, possession of firearms in the park is authorized and should be noted in the compendium.

2.10(d) Food storage: designated areas and methods

The Commission also supports this proposed revision and clarification to provide flexibility in food storage methods. This issue was also discussed at both the Eagle meeting and in the annual compendium meeting with the chief rangers. While we recognize that each park has different conditions and situations that necessarily preclude the adoption of identical provisions for food storage, we find some differences in wording and in the time periods during which these provisions apply that should be examined before final compendiums are adopted.

For example, the Yukon-Charley Rivers compendium states that food storage provisions apply only between April 1 and November 14. This recognizes that food storage requirements are only necessary when bears are not denning. The compendiums for Gates of the Arctic, Glacier Bay, Katmai, Kenai Fjords, Lake Clark, Wrangell-St. Elias, and the Western Arctic Parklands do not contain seasonal limits for food storage requirements. For consistency, we suggest that appropriate seasonal limits for food storage be included in the compendium for all park units where specific requirements are not already in place, such as in the Frontcountry Developed Area and most Backcountry units in Denali, the Brooks Camp Developed Area in Katmai and the Bartlett Cove Developed Area in Glacier Bay.

We also suggest revision of the compendiums for all park and preserve units where hunting and fishing activities are authorized to include the fourth bullet point found in paragraph 4 under Section 2.10(d) on page 4 of the Yukon-Charley compendium which states: *“This provision does not apply to.....Fish nets, game bags (either empty or containing game meat), and tarps.”* This exception is appropriate in all park and preserve areas where hunting and fishing activities are permitted.

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

The Commission supports modification of this section to make it clear that a permit is not required for vessels that can be safely bailed out, ungrounded, or repaired on site safely by the operator. As previously written, this section could have been interpreted in a way that would have required a permit before even minor problems could be corrected and a vessel removed from a park unit.

Wrangell – St. Elias National Park & Preserve**13.25(c) Designated campgrounds: restrictions, terms, and conditions**

The Commission has no objection to the proposed seasonal restriction on discharging a firearm at the newly established Kendesnii Campground. This is an appropriate safety measure. We suggest that maps depicting the boundary of the campground be posted along with boundary markers.

Glacier Bay National Park & Preserve**13.1152(a) Private vessel permits and conditions**

The proposed allocation of 12 short notice permits and 13 permits available for reservation up to 60 days in advance to accommodate spontaneous vessel use between June 1 and August 31 appears to be an equitable division. While we understand it is unlikely for a permit to be unused, we suggest that any unused reserved permit for a given day be made available as a short notice permit.

**Denali National Preserve
Gates of the Arctic National Preserve**

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

- 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.

As we previously commented in 2010 and 2011, the Commission considers these restrictions to be unnecessary. The State Board of Game adopted the regulations authorizing this customary and traditional practice in accordance with its authorities to establish hunting seasons and bag limits as well as means and methods of harvest. Any harvest of bears under these regulations would have negligible impacts on the resources in these two national preserve units. These restrictions should be removed from the compendium for each unit.

Aniakchak, Katmai, and Lake Clark National Preserves

13.40(e) Temporary closures to the taking of fish and wildlife

This proposed closure would also override a State Board of Game action extending the wolf hunting and trapping season for those portions of the three national preserve units included in Game Management Unit (GMU) 9.

Commission staff has discussed this proposal to restrict the take of wolves under the State of Alaska hunting and trapping regulations with the Alaska Department of Fish & Game. Based on those discussions, the Commission fully agrees with the ADF&G determination that the extended hunting and trapping season does not pose a conservation concern for either the wildlife resources or the purposes and values of these preserve units. For example, over a 10 year period (2000 to 2010) the average documented harvest level of wolves on NPS managed lands in GMU 9 is two per year. Broken down by preserve unit over this time period, there was an average of 1 wolf taken per year in Lake Clark National Preserve (Unit 9B); 0.6 wolves taken annually in Katmai National Preserve (Unit 9C); and 0.4 wolves annually in Aniakchak National Preserve (Unit 9 E).

As the NPS is aware, a considerable portion of GMU 9 is closed to the harvest of caribou under both federal subsistence regulations and state general hunting regulations because of low

population levels. With the exception of the Alagnak River drainage in Unit 9C, all federal lands in Units 9C, D and E are closed to harvest of caribou under federal subsistence regulations. Under state hunting regulations, a portion of 9C is open for caribou harvest by Alaska residents only, with the remainder of 9C, D & E closed to all hunting. Low caribou populations in this area are primarily attributed to high levels of wolf predation. As the narrative in the compendium points out, the State Board of Game action to extend the wolf harvest season is intended to reduce predation in GMU9 and aid recovery of the caribou population. The goal is to maintain a healthy predator-prey balance and ultimately provide additional harvest opportunities for all hunters.

The Commission is concerned that the proposed action by the National Park Service is inconsistent with the Master Memorandum of Understanding between the State of Alaska and the National Park Service under which the NPS agrees:

“To adopt Park and Preserves management plans whose provisions are in substantial agreement with the Department’s fish and wildlife management plans, unless such plans are determined formally to be incompatible with the purposes for which the respective Parks and Preserves were established.”

“To utilize the State’s regulatory process to the maximum extent allowed by federal law in developing new or modifying existing Federal regulations or proposing changes in existing State regulations governing or affecting the taking of fish and wildlife on Service lands in Alaska.”

The Commission does not agree that the extension of the wolf hunting and trapping season in GMU 9 is inconsistent with federal law nor is it incompatible with the purposes for which the preserve units were established. We note that the NPS regularly engages in animal population control and reduction programs in other national park units. For example, an elk reduction program was recently implemented in Theodore Roosevelt National Park and white-tail deer population reduction programs are authorized in several national park units. The proposed restrictions which override the Board of Game regulations are not warranted from a conservation standpoint and should be removed from the compendiums for these National Preserve units.

Katmai National Park

13.1204 Traditional redbfish fishery: conditions established by the Superintendent

We believe that the proposed protocol that will be used to clarify who is eligible to take redbfish (spawned out sockeye salmon) within Katmai National Park is consistent with the statute and the regulations authorizing this harvest. The local Native Village Councils are the logical choice to provide information to assist the Superintendent in developing a list of individuals eligible to take redbfish in Katmai National Park.

Yukon – Charley Rivers National Preserve

Based upon our notes and participation in the discussions at the December 6, 2011 meeting in Eagle with National Park Service officials and the Eagle Yukon Subsistence Working Group,

the following revised portions of the compendium appear responsive to the concerns and requests for clarification by the members of the public in attendance. In addition to the proposed revisions outlined in our comments above under **All Park Units**, we recommend the proposed revisions for the following regulations be included in the final 2012 compendium for Yukon–Charley NP.

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

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

2.17(a)(1) Aircraft operation

13.170 Designated cabins or other structures for general public use

Previously Adopted Restrictions and Closures

There are a number of seasonal closure and use restrictions that have been in various park compendiums for several years. These have remained in place and, in some cases, evolved into permanent closures and restrictions despite the fact that the procedural requirements in 36 CFR §13.50 have not been met. While this Commission and the National Park Service have differing interpretations on when and how formal regulatory closure procedures must be followed, we strongly believe that the practice of implementing and maintaining closures and restrictions for extended periods through park compendiums is a misuse of the compendium process. Frankly, we view this practice as merely a means to avoid compliance with the statutory and regulatory requirements that management agencies are expected to meet before closing areas or restricting uses in all Alaskan Conservation System Units, including National Parks and Preserves. We repeat our longstanding objections to the continuing use of this practice.

We appreciate the opportunity to comment on the proposed 2012 Compendiums for the Alaskan Park Units. Despite the objections noted above, the Commission considers the park compendiums to be useful management tools and we continue to encourage the public to participate in the annual revisions. Please contact our office if there are questions or if we need to clarify anything.

Sincerely,



Stan Leaphart
Executive Director

cc: Sue Magee – ANILCA Program Coordinator