

STATE OF ALASKA

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ANILCA IMPLEMENTATION PROGRAM

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February 15, 2005

Marcia Blaszak
Regional Director
National Park Service
240 West 5th Avenue
Anchorage, AK 99501

Dear Ms. Blaszak:

The State of Alaska reviewed the draft 2005 Superintendent's Proposed Compendiums for all park units in Alaska, as posted on the National Park Service web site. This letter represents the consolidated views of the State's resource agencies.

We appreciate the continued cooperative evaluation of park management issues that serves many mutual goals, including retaining public uses protected under ANILCA, minimizing impacts of Service actions on state management authorities, and protecting park resources. We are committed to cooperatively assessing issues throughout the year that may require changes or additions in response to changing needs. The ongoing cooperative approach assures that compendiums meet the intent of 36 CFR 1.5(c) to use the least restrictive measures necessary to suffice for management of park resources. We also appreciate recognition that "less restrictive measures" may include use of state authorities.

We are also pleased to acknowledge the revisions that respond to the new Alaska regulations finalized in December 2004. As you know, these regulations, and the corresponding compendium modifications, represent a major and positive change in the process for managing public uses under the Alaska National Interest Lands Conservation Act (ANILCA). We look forward to working with you and the individual parks to identify the next round of regulations that support the continuing goal of accountable and defensible rulemaking that serves the public interest in Alaska.

GENERAL COMMENTS

Determinations

We recognize that development and portrayal of the justifications and determinations is an evolving process. While we strongly support the increasing attention to provide "determinations" under 36 CFR Part 1 that justify all restrictions or liberalizations,¹ we observe

¹ The national and Alaska requirements for restricting public uses in compendiums are provided in the Appendix as background for readers of our comments.

that they are addressed in variety of ways and formats that can be confusing and sometimes dilute the content. Some determinations follow a compendium entry in italics, others are listed in an attachment, and some are only on file in the park office. Some of these explanations are useful additions that clarify intent. All determinations are required to be available so the public can understand the basis for the actions, but not all are necessary in the immediate context of the compendiums. We therefore recommend the Service consolidate all determinations for each park unit as an attachment or separate document, available with the respective compendiums, *unless* needed in the body of the document to clarify intent (e.g. 2.22 Property in the Klondike Compendium) or to provide an important educational component (e.g. 2.10(d) food storage). A general separation of compendiums and determinations will facilitate the continuing evolution toward better determinations (in both quantity and quality) without diluting the core compendium content. The compendium and associated determinations should both be available on the respective park web sites, as well as the region's centralized compendium page. As web site and document management capability increases in the future, individual compendium entries in web-based documents could also contain a link to the relevant determination.

Use of state law

In several instances, this letter provides discussion and recommendations on the use and applicability of existing state laws in lieu of adopting new park restrictions. We appreciate the Service's willingness to consider expansion of this approach. We look forward to further opportunities to cooperate with the Service to address enforcement issues as they arise.

Compendiums as educational tools

In addition to their role as a rulebook, we appreciate that compendiums can also educate the public and encourage responsible behavior. In a few cases, we suggest additions that offer relevant information about applicable non-federal rules.

Converting compendium entries into regulation

In several instances, we suggest converting several compendium entries into regulation if it appears those entries are reasonable and not likely to change over time.

GENERAL COMMENTS BY SECTION NUMBER

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

In 2004, the State modified hunting regulations to allow the use of artificial light by a tracking dog handler in conjunction with a single leashed dog in tracking and dispatching a wounded big game animal [see 5 AAC 92.080(7)(D)]. For park units where hunting is allowed, we request the Service recognize this change by revising the entry to the following language:

No areas designated for closure. For hunting in the Preserve under state regulations, state law determines if artificial light may be used for taking wildlife. For subsistence hunting under federal regulations, 50 CFR 100 determines if artificial light may be used for taking wildlife.

2.3(d)(2) Fresh Waters Designated as Open to Bait Fishing

References to the federal subsistence regulations affecting fishing are unnecessary in the compendiums. Since ANILCA Sections 1313 and 1314 reaffirm state management of fishing under applicable state and federal law, both the State and federal boards regulate subsistence fishing, not just the federal board under the cited regulations. Regulations affecting subsistence as well as other fisheries can occur at any time during the year. If the Service chooses to retain reference to the federal subsistence regulations, we request the following revision:

Superseded by Section 13.21(b)—State law applies. Unless modified for subsistence pursuant to 50 CFR Part 100, bait may be used in accordance with State law.

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

The State encourages proper food storage consistent with state law (5 AAC 92.230 Feeding of Game). We understand the Service has concerns over the enforceability of state law; however, we wish to continue dialogue regarding best methods for food storage. While we support the Service requiring responsible food storage in some areas, we object to blanket requirements on food storage across entire park units. In many parks, there are areas where bears and other wildlife densities are low enough to relax food storage requirements (for example, at Lake Clark and the Harding Ice Field area of Kenai Fjords). In addition, we would like to continue the opportunity to discuss and change requirements for food storage as emerging technologies, such as solar powered electric fences, arise.

We also note that several park compendiums contain language on food storage that may be misconstrued by the public. Several state that food can be stored “*by suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, or other object on a **wire or branch** which will not support a bear’s weight.*” We assume the Service does not intend to limit suspending food only by wire or branch, thus precluding hanging food by a rope, as is commonly done in most backcountry settings. To remedy this small oversight, we encourage other park units to adopt the compendium language from Gates of the Arctic regarding methods and means for proper food storage. Where necessary and applicable, we also recommend a consistent approach for listing approved bear resistant food containers, such as the list provided in the Kenai Fjords compendium.

Food storage is one of those few management issues where the compendium can play an important educational role regarding the issue, related laws, and consistent guidelines across all units to improve visitor compliance. Thus, we recommend accompanying the food storage entry with information about how to prevent making food, garbage, or harvested fish and game an attraction (such as heights for hanging in trees), storing and preparing food away from campsites, using bear resistant containers, and using deterrents such as electric fences. In areas where animal resistant food containers are recommended, the locations where the public can obtain containers from the Service free of charge should be noted. The language should be cooperatively developed with state wildlife experts using the best information available and should be as consistent as possible for all units.

This same information should be included in “hand out” literature and postings for each unit. While the educational guidelines would not be enforceable, they will be valuable for visitors and

residents alike and be applicable regardless of state and federal jurisdiction. We find only rare situations where public conduct generally consistent with the recommended guidelines might be insufficient for public safety or to prevent impacts to resources. In those special conditions, site-specific and duration-specific criteria may need to be cooperatively evaluated and adopted in future compendiums.

2.15(a)(1) Pets

The compendiums for Denali, Kenai Fjords, and Glacier Bay propose to restrict or prohibit pets in backcountry areas. Park staff report a general concern about the impact of free ranging pets on wildlife and other resources; however, park regulations nationally already require pets be restrained on leashes so for most areas the issue is largely a matter of education and enforcement. Except on an emergency or temporary and then site-specific basis, we appreciate that the Service is willing to consider permanent prohibitions of pets in the backcountry within the context of regulations. We recognize that in some instances and with certain caveats, site-specific pet prohibitions may be warranted if resource impacts outweigh the desire of the public to allow pets. See additional park-specific comments for Denali, Kenai Fjords, and Glacier Bay.

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

As a minor editorial point, stating there are “*no conditions*” for leaving pets unattended and tied to an object could imply that this behavior is acceptable; even though the source regulation clearly indicates this activity is prohibited unless authorized with “*conditions*” by the superintendent. To eliminate this erroneous interpretation, we recommend replacing or supplementing the existing language with the following default language when there are no “*conditions*.” “*Leaving pets unattended and tied to an object is prohibited.*”

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

We recognize the value of including this provision in the compendiums. We request that the response be expanded to explicitly recognize the existing exception important for Alaskans for sleds attached with a rigid harness. Using the default approach, we suggest the following:

No designated areas or routes. This prohibition does not apply to sleds towed behind a snowmobile with a rigid hitching mechanism.

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

We continue to recommend the superintendents annually consider whether specific park cabins are routinely used for subsistence purposes during particular times of year and designate those cabins for use in the annual compendium. The cited regulation states: “*the Superintendent may designate existing cabins or other structures that may be shared by local rural residents for authorized subsistence uses without a permit.*” If a cabin is routinely used for subsistence purposes during particular times of year or for specific purposes, it may be more expedient to list and designate such cabins in the compendium – at least for the period of routine use.

13.17(e)(5)(i) Designated cabins for general public use

In addition to cabins listed specifically in each compendium, we continue to request the following supplemental entry to designate other cabins for public use in all parks, based on the approach taken in the Glacier Bay compendium:

No [additional] formal designations; however, all federal cabins not otherwise under permit, are open for short term public use (up to 14 days.)

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

We request the Service also reference the federal subsistence regulations in this section as they also apply to Preserve lands. In some instances, the federal subsistence regulations may differ from the corresponding state regulations that govern harvests on Preserve lands. To address the issue, we recommend the following language:

No closures at present where hunting, fishing, and trapping are authorized. See applicable State of Alaska and Federal Subsistence regulations.

43 CFR 36.11(g)(1) ORVs on established trails

Most park units do not have designated trails, even though some ORV use is unofficially recognized in some areas. We continue to request the Service research, recognize, and designate, where appropriate, pre-ANILCA traditional access trails used by ORVs for subsistence and other activities. To assess pre-ANILCA access and facilitate more active management under existing law, we encourage application of the Wrangell-St. Elias park unit model developed jointly by the park and the Alaska Department of Fish and Game.

Park-Specific Comments

DENALI

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

We appreciate the Service revising the boundaries of the Sable Pass Wildlife Viewing Area closure to ease on-the-ground identification. Consistent with our general comments, if the Service intends to renew this public closure at Sable Pass each year, we encourage adoption as a park-specific regulation.

1.5(a)(2) Wildlife distance conditions

We continue to object to applying this compendium requirement beyond the immediate vicinity of the Park road. If unit-wide conditions are necessary, we request they mirror wildlife distance regulations developed for Katmai National Park and Aniakchak National Monument [36 CFR Parts 13.60(b) and 13.66(d)], in cooperation with the Alaska Department of Fish and Game. Among our concerns, there is no recognition of circumstances where a person is unknowingly closer than 300 yards of a bear by virtue of terrain or vegetation; nor is there an allowance for bears knowingly approaching stationary people. We recognize there is a need for customized rules about bear viewing along the park road, but we object to extending this approach to the backcountry throughout the park and preserve. In addition, we request the Service clarify that this provision does not apply to legal hunting activities in the park additions and preserve.

2.2(d) Wildlife transport

We recognize that transporting game meat along the road through wildlife concentration areas may be a legitimate concern as an animal attractant. However, the Service can address this concern through enforcement of state law. As discussed in previous years, we therefore continue to request deletion of the following provision:

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.

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

See general comments. We continue to object to the requirement that all users carry bear proof containers in most backcountry units in the old Park, even if no perishable food is being carried and the campers are well away from the park road or bear concentration areas. We also request that food storage be addressed in the same manner as recommended for other backcountry areas by keeping the focus on prohibiting animal attractants in combination with an education program and the continued availability of containers for loan from the park.

2.13(a)(1) fires—designated areas and conditions

Without explanation, this provision is more restrictive than last year in that it does not provide for use of fires in the winter or in emergency situations. For areas outside the old park, the general provision about removing trash from fire sites is also missing. We understand these important exceptions were inadvertently omitted.

Also, we suggest adding “*for the Frontcountry Developed Area*” after the corresponding reference to 13.63(i)(3) to clarify the applicability of this new regulation.

2.15(a)(1) Pets

We appreciate that the park is willing to consider pet restrictions in the context of regulations as we have requested on previous occasions. To this end, we will evaluate the justification provided by the park and make recommendations. At this time we do not support the existing prohibition throughout the backcountry since we contend there are many remote areas of the park which, with proper education and enforcement of existing regulations, would see little, if any, impacts from the occasional presence of pets. Any future regulations should retain the existing compendium exceptions for legal hunting, winter transportation, etc.

3.23(a) SCUBA and snorkeling: designated conditions in swimming areas, docks, etc.

The language could imply that scuba diving or snorkeling is not authorized outside the designated areas. Perhaps the best way to address this would be to eliminate the “*etc.*” in the heading and refer to “*swimming areas, docks and mooring areas.*”

13.63(b) Backcountry Camping

The State maintains a longstanding concern about requiring camping permits in the winter and in remote areas where overcrowding, competition, or resource protection are not issues and permitting is thus unnecessary. We request deletion of this requirement during periods and in locations of extremely low visitation.

GATES OF THE ARCTIC

43 CFR 36.11(g)(1) ORVs on established trails

We request the reference to the Anaktuvuk Pass Land Exchange be accompanied by a map or web site link that illustrates the location of these designated trails.

GLACIER BAY

Caveat: As you know, the State and the Service are in court over the ownership and jurisdiction of waters within the exterior boundaries of Glacier Bay National Park. Consequently, until this legal dispute is resolved, there is little value in conducting a line-by-line analysis of our position with respect to individual compendium provisions affecting waters and their uses. With this in mind, our silence on these provisions does not indicate concurrence.

2.4(a)(2)(i) Carrying, using, or possessing weapons at designated locations and times

The parenthesized note and justification language in italics incorrectly says, "...weapon is broken down *and* made inaccessible...." To be consistent with the CFR and the subheading, the "*and*" should be changed to "*or*."

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

This provision states: "*Within ¼ mile of shoreline, human body waste will either be removed as trash or deposited in cat-holes dug at least 100 feet from any surface freshwater source and at least 6 inches deep.*" Since there is no reason to limit this requirement to coastal areas, we request deletion of the caveat "*Within ¼ mile of shoreline.*" Since there are no other human waste provisions that apply to other backcountry areas in this unit, we presume this is leftover unintended language from earlier drafts.

2.15(a)(1) Pets

Consistent with our general comments, we appreciate that the park is willing to consider pet restrictions in the context of regulations as we have requested on previous occasions. We also appreciate that the park proposed a less restrictive compendium prohibition focusing on the margins of Glacier Bay proper in the spring of 2004. Unfortunately there was minimal public feedback on that proposal. While we don't necessarily support the spring 2004 proposal, we continue to believe that it is better than the current compendium provision. More importantly, however, we urge the park to include the spring 2004 proposal in the next regulation package to expose this topic to further public debate and analysis.

3.3 Permits (Alek River)

Fourth bullet: We remain firmly on record opposing a federal permit requirement for all non-commercial vessels on the Alek River, a state-owned navigable water body. Our opposition is partly, but not exclusively, because of jurisdictional issues. We recognize, however, that this requirement stems from an adopted river plan developed jointly with Canada so the issue is larger than the compendium. Outstanding issues related to permits and boating will be considered in a future plan revision or in proposed regulations.

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

Based on discussions in the last year about the merits of these provisions, we urge the park to move the permanent Alsek River corridor camping provisions into regulation to bring them into compliance with 36 CFR 13.30.

13.21(c) Restrictions on activities related to commercial fishing rights

We look forward to working with the Park to fine tune appropriate use of off-road vehicles in the Dry Bay area and subsequent implementation of permanent regulations that balance the needs of local users with necessary requirements for resource protection.

13.22 (c) Unattended Property

Outside Glacier Bay proper, we recommend applying the new default regulation at 36 CFR 13.22(c) that allows for a four month time period for unattended storage and 30 gallons of fuel. Unlike Glacier Bay proper, not all park users and travelers are recreationists that rely on small boats, small engines, and backcountry cook stoves, especially on the outer coast.

13.49(a)(2) Restrictions on cutting live timber less than 3” in diameter

We question the need to require verbal or written permission to harvest smaller trees for subsistence purposes. Are there areas in the Preserve where over harvest has known or potential problems? We object to this burdensome requirement unless a clear need is established.

13.65(a)(2)(iii) New or expanded fisheries prohibited. List of existing fisheries and gear types for the park’s outer waters:

In addition to the appropriate gear types listed, we request acknowledgement of a minor harvest of groundfish with mechanical jig gear and allowed incidental catch by trollers. A review of the Alaska Department of Fish and Game commercial fishing database indicates there was documented harvest of fish using those gear types in affected offshore waters prior to Congress passing legislation.

43 CFR Part 36.11(d) –(e) Temporary closures to the use of motorboats and non-motorized surface transportation

We remain on record as opposing the prohibition of motorboats and permit requirements for non-commercial vessel use on the Alsek River above Gateway Knob (see Section 3.3 above).

43 CFR Part 36.11(g)(2) Use of off-road vehicles on existing trails

See park-specific comments on 13.21(c) above.

KATMAI

1.5 Wildlife Distance Conditions

Under the third bullet, we request the following revision:

- *Continuing to engage in any fishing activity within 50 yards of a bear is prohibited. Persons engaged in fishing are required to immediately terminate fishing activity by removing releasing any fish from the line (e.g., removing hook or cutting line/leader), and letting the fish go free into the water, ~~and removing the line and hook from the water.~~*

The original wording “removing any fish from the line” leaves open the possibility that the angler will take the fish off the line and hold it in their arms while the bear continues to approach. Alaska Department of Fish and Game and Service personnel have observed anglers performing these actions within close proximity of bears along the Katmai coast.

We also request that the written protocol regarding bear viewing referenced in compendium and in the new regulation accommodate a new exception as follows:

If, after attempting to get out of its way and away from the concentrated food source, a bear continues to approach within 50 yards, then visitors should stop and assert themselves until the bear withdraws beyond 50 yards.

Such a caveat would allow and encourage visitors to 1) stand their ground even when a bear approaches within 50 yards, and 2) act assertively to discourage the bear from continuing this behavior. Without this exception, visitors may get the erroneous and possibly fatal idea that they need to continue to move away from curious and/or aggressive bears. People who walk or run away from curious or assertive young bears are rewarding bad behavior that will likely get such bears killed in this or subsequent situations.

If this new caveat is widely acceptable, then it may be appropriate to consider adding to the recent regulation in a subsequent rulemaking.

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

We note there is no compendium entry for this regulation. Was this intentional?

2.23 Designated Recreation Fee use area

This provision is superceded by 36 CFR Part 13.66(c) and should be deleted.

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

While we recognize the need for careful management of camping at Hallo Bay Meadows, we request the Service take a more detailed look at this issue before implementing a camping closure for the upcoming season. We remain concerned the size of the camping closure, as proposed, may unfairly favor certain groups, such as day users. The closure may also increase camping impacts or camper safety concerns in areas immediately adjacent to the closed area. We are also concerned that campers walking to the site from adjacent camping areas will not be able to access or depart from primary viewing areas except during periods of low tide.

We request the Service provide all cited appendices along with the 2005 draft compendiums. For example, without Appendix C, it is impossible to know the boundaries for the proposed temporary closure.

13.19(b) Carrying firearms

We appreciate the changes made to revise this regulation to allow use and transportation of firearms, weapons, traps, and nets in most Alaskan park units. In addition to the recent

regulation change, we encourage the Service to develop a new regulation that allows transport of firearms for legal purposes across the former Katmai National Monument.

13.49(a)(2) Restrictions on cutting live timber less than 3” in diameter

We question the need to require verbal or written permission to harvest smaller trees for subsistence purposes. Are there areas in the Preserve where over harvest or other impacts are known or potential problems? We object to this burdensome requirement unless a clear need is established.

43 CFR 36.11(g)(2) ORVs on established trails

We request recognition of pre-ANILCA ORV trails, such as the Pike Ridge Trail.

KENAI FJORDS

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

The bottom of page 6 inadvertently includes language accompanying this section intended for disposal of fish remains under 2.14(a)(7).

2.15(a)(1) Determination of Need for prohibition of pets in the backcountry

See general comments about pet restrictions. We appreciate that the park has reduced the backcountry pet restriction to a seasonal closure of the coastal margin, above mean high tide. Nonetheless, we believe most of the impacts identified in the Determination of Need could be avoided through enforcement of existing regulations. As the park considers converting compendium pet restrictions into a new regulation, we hope to further modify the proposal to accommodate pets where there will be few impacts. For example, we are concerned that there appears to be no off-pavement designated dog-walking area in the Exit Glacier Study Area in proximity to the end of the Exit Glacier Road, thus inviting violations by those traveling with pets. The prohibition also precludes the ability of visitors with pets to access areas within the study area that are removed from the primary areas of human use (e.g., south of the developed area). We are also concerned that even though the backcountry pet closure applies only to the coastal margin, it effectively precludes access to the remainder of the unit.

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

This entry includes the following: *“Camping more than 1/8 mile from a road or trail but within the Exit Glacier Study Area is allowed only on areas that are covered with snow or unvegetated rock or scree.”* This restriction appears to be unnecessarily broad considering that there are probably few people that would be camping in much of the affected area and therefore impacts are likely to be insignificant in some areas. We appreciate the desire to protect sensitive vegetation and request reevaluation to define the area affected to be the least restrictive means of accomplishing the objectives. We also question the intent to direct campers to “scree” since that typically refers to unstable scree slopes where we assume the park would not want a party to excavate a flat spot for a tent. Lastly, this appears to be a permanent provision so we request it be proposed as a regulation.

WRANGELL-ST. ELIAS

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

The Service again proposes to close the unofficial campground at Mile 59 of McCarthy Road from April 15 to Oct 15. We understand there remain many opportunities to camp in the area, both in private campgrounds and on other parklands in the vicinity. We are also aware of and willing to assist with, Service efforts to educate visitors and residents of the area about safe camping techniques, proper bear safety, food storage, and waste management (e.g. compost piles). Consistent with our general comments on converting permanent compendium entries into regulation, if the Service feels it is necessary for this or a modified closure to become permanent, we request the closure be implemented through regulation.

13.46 Access by local rural residents engaged in subsistence

We note the 2005 compendium contains the identical seasonal closures that appeared in previous years. The Service justified these closures based on documented resource damage. We encourage the Service to work with ORV users to rehabilitate, harden or relocate the closed trails, which will allow the Service to lift or reduce the seasonal closures. We understand and appreciate that the park is interested in working with local residents to reevaluate more stable and appropriate ORV routes and uses. If it appears that some of the seasonal closures will be necessary over the long term, we recommend consideration of a permanent regulation.

Thank you for the opportunity to review the 2005 compendiums for Alaska park units. If you have any questions, please contact me.

Sincerely,

/ss/

Sally Gibert
ANILCA Program Coordinator

cc: Jay Liggett, Enforcement, Alaska Regional Office

APPENDIX

“Determinations” Required in Regulation in Implementing Compendium Restrictions

According to 36 CFR §1.5, a superintendent’s authority to restrict public uses (frequently issued as a “compendium” or “Superintendent’s Orders”) is required to be:

*(a) Consistent with applicable legislation and Federal administrative policies, and **based upon a determination that such action is necessary** for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities.” [Emphasis added]*

This authority is limited in Alaska under ANILCA by Alaska-specific regulations and is limited nationally by §1.5(b): Any actions affecting activities that are “*of a nature, magnitude and duration that will*” significantly alter the public use pattern, parks values, or major modification in resource management, or are highly controversial “*shall be published as rulemaking.*”

Determining whether the action is significant or controversial is a subjective process. Furthermore, the authority must be exercised via the least restrictive measure after preparing a written **determination** available to the public following the process in 36 CFR §1.5(c):

*(c) Except in emergency situations, **prior to implementing or terminating a restriction, condition, public use limit, or closure, the superintendent shall prepare a written determination justifying the action.** That determination shall set forth the reason(s) the restriction, condition, public use limit, or closure authorized by paragraph (a) has been established, **and an explanation of why less restrictive measures will not suffice.** . . . This determination shall be available to the public upon request [emphasis added]*

The Alaska specific regulations contained in Section 13.30(a) authorize the superintendent to close an area or restrict an activity on an emergency, temporary or permanent basis, subject to a **determination** that such action is necessary for

(p)public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with the purposes for which the park area was established.

Section 13.30 further states:

Emergency, temporary and permanent closures or restrictions shall be (1) published in at least one newspaper of general circulation in the State and in at least one local newspaper if available, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, and designated on a map which shall be available for public inspection at the office of the Superintendent and other places convenient to the public; or (2) designated by the posting of appropriate signs; or (3) both.