

§ 13.64

36 CFR Ch. I (7–1–01 Edition)

Park, there are no traditional activities that occurred during periods of adequate snow cover within the Old Park; and, thus, Section 1110(a) of ANILCA does not authorize snowmachine access. Hunting and trapping were not and are not legally permitted activities in the Old Park at any time of the year. Sport fishing has not taken place in the Old Park during periods of adequate snow cover due to weather conditions that are adverse to sport fishing, and the limited fishery resources within the Old Park. During periods of adequate snow cover, berry picking is not feasible, and has not taken place in the Old Park. Under the definition, recreational use of snowmachines is not a traditional activity. There are no villages, homesites or other valid occupancies within the Old Park. Access by snowmachine through the Old Park in transit to homesites, villages and other valid occupancies was not lawful prior to the enactment of ANILCA and is available through routes outside the Old Park that have been historically used for that purpose. Therefore, the use of snowmachines is not authorized by section 1110(a) for such travel. Further, Congress did not authorize subsistence activities in the Old Park. In addition, the National Park Service has determined that the use of even a few snowmachines in the Old Park would be detrimental to the resource values of the area. Therefore, because no usage is authorized in the Old Park by section 1110(a) the Old Park remains closed to all snowmachine use in accordance with 36 CFR 2.18.

(3) *Where can I operate a snowmachine in Denali National Park and Preserve?* You can use a snowmachine outside of the Old Park for traditional activities or travel to and from villages and homesites and other valid occupancies as authorized by 43 CFR 36.11(c), or when lawfully engaged in subsistence activities authorized by §13.46.

(4) *What types of snowmachines are allowed?* The types of snowmachines allowed are defined in §13.1(q) under *snowmachine* or *snowmobile*.

(5) *What other regulations apply to snowmachine use?* Snowmachine use is governed by regulations at §2.18(a) of this chapter, traffic safety, §2.18(b) of

this chapter, state laws, and §2.18(d) and (e) of this chapter, prohibited activities; and 43 CFR 36.11(a)(2) adequate snow cover, and 43 CFR 36.11(c) traditional activities.

(6) *Who determines when there is adequate snow cover?* The superintendent will determine when snow cover is adequate for snowmachine use. The superintendent will follow the procedures in §§1.5 and 1.7 of this chapter to inform the public.

(7) Nothing in this section shall limit the authority of the superintendent to restrict or limit uses of an area under other statutory authority.

[46 FR 31854, June 17, 1981, as amended at 45 FR 78120, Nov. 25, 1980; 48 FR 30295, June 30, 1983; 61 FR 6944, Feb. 23, 1996; 65 FR 37878, June 19, 2000]

§13.64 Gates of the Arctic National Park and Preserve.

(a) *Subsistence*—(1) *Resident Zone*. The following communities and areas are included within the resident zone for Gates of the Arctic National Park:

Alatna
Allakaket
Ambler
Anaktuvuk Pass
Bettles/Evansville
Hughes
Kobuk
Nuiqsut
Shungnak
Wiseman

(2) *Aircraft Use*. In extraordinary cases where no reasonable alternative exists, local rural residents who permanently reside in the following exempted community(ies) may use aircraft for access to lands and waters within the park for subsistence purposes in accordance with a permit issued by the Superintendent:

Anaktuvuk Pass

(3) *Customary Trade*. In The Gates of the Arctic National Preserve unit which contains the Kobuk River and its tributaries, “customary trade” shall include—in addition to the exchange of furs for cash—the selling of handicraft articles made from plant material taken by local rural residents of the park area.