

§ 13.67

(1) Bait, as defined by State law, may be used only on the Naknek River during times and dates established by the Alaska Department of Fish and Game, and only from markers located just above Trefon's cabin downstream to the park boundary.

(2) Flyfishing only is allowed on the Brooks River between Brooks Lake and the posted signs near Brooks Camp.

(3) No person may retain more than one fish per day caught on Brooks River, on the waters between the posted signs 200 yards from the outlet of Brooks lake, or on the water between the posted signs 200 yards from the mouth of the Brooks River on Naknek Lake.

[54 FR 18493, May 1, 1989]

§ 13.67 Kenai Fjords National Park.

(a) *Subsistence.* Subsistence uses are prohibited in, and the provisions of Subpart B of this part shall not apply to, Kenai Fjords National Park.

§ 13.68 Klondike Gold Rush National Historical Park.

(a) *Camping.* Camping is permitted only in designated areas.

§ 13.69 Kobuk Valley National Park.

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

- Ambler
- Kiana
- Kobuk
- Kotzebue
- Noorvik
- Selawik
- Shungnak

(2) *Customary Trade.* In addition to the exchange of furs for cash, "customary trade" in Kobuk Valley National Park shall include the selling of handicraft articles made from plant material taken by local rural residents of the park area.

§ 13.70 Lake Clark National Park and Preserve.

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

- Iliamna

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- Lime Village
- Newhalen
- Nondalton
- Pedro Bay
- Port Alsworth

§ 13.71 Noatak National Preserve. [Reserved]

§ 13.72 Sitka National Historical Park.

(a) *Camping.* Overnight camping is prohibited.

§ 13.73 Wrangell-St. Elias National Park and Preserve.

(a) *Subsistence—(1) What communities and areas are included in the park resident zone?* The following communities and areas are included within the resident zone for Wrangell-St. Elias National Park:

- Chisana
- Chistochina
- Chitina
- Copper Center
- Dot Lake
- Gakona
- Gakona Junction
- Glennallen
- Gulkana
- Healy Lake
- Kenny Lake
- Lower Tonsina
- McCarthy
- Mentasta Lake
- Nabesna
- Northway/Northway Village/Northway Junction
- Slana
- Tanacross
- Tazlina
- Tetlin
- Tok
- Tonsina
- Yakutat

(2) *How are boundaries determined for communities added to the park resident zone?* Boundaries for communities and areas added to the park resident zone will be determined by the Superintendent after consultation with the affected area or community. If the Superintendent and community are not able to agree on a boundary within two years, the boundary of the area or community added will be the boundary of the Census Designated Place, or other area designation, used by the Alaska Department of Labor for census purposes for that community or area. Copies of the boundary map will be available in the park headquarters office.

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## § 13.81

(3) *What communities are exempted from the aircraft prohibition for subsistence 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:

Yakutat (for access to the Malaspina Forelands Area only)

[46 FR 31854, June 17, 1981, as amended at 67 FR 8483, Feb. 25, 2002]

### § 13.74 Yukon Charley Rivers National Preserve. [Reserved]

#### Subpart D—Special Visitor Services Regulations

SOURCE: 61 FR 54339, Oct. 18, 1996, unless otherwise noted.

#### § 13.80 Applicability and scope.

(a) Except as otherwise provided for in this section, the regulations contained in this part apply to visitor services provided within all national park areas in Alaska.

(b) The rights granted by this subpart to historical operators, preferred operators, and Cook Inlet Region, Incorporated are not exclusive. The Director may authorize other persons to provide visitor services on park lands. Nothing in this subpart shall require the Director to issue a visitor services authorization if not otherwise mandated by statute to do so. Nothing in this subpart shall authorize the Director to issue a visitor services authorization to a person who is not capable of carrying out its terms and conditions in a satisfactory manner.

(c) This subpart does not apply to the guiding of sport hunting or sport fishing.

#### § 13.81 Definitions.

The following definitions apply to this subpart:

(a) *Best offer* means a responsive offer that best meets, as determined by the Director, the selection criteria contained in a competitive solicitation for a visitor services authorization.

(b) *Controlling interest* means, in the case of a corporation, an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business so as to permit the exercise of managerial authority over the actions and operations of the corporation or election of a majority of the board of directors of the corporation. *Controlling interest* in the case of a partnership, limited partnership, joint venture, or individual entrepreneurship, means a beneficial ownership of or interest in the entity or its capital so as to permit the exercise of managerial authority over the actions and operations of the entity. In other circumstances, *controlling interest* means any arrangement under which a third party has the ability to exercise management authority over the actions or operations of the business.

(c) *Director* means the Director of the National Park Service or an authorized representative.

(d) *Historical operator*, except as otherwise may be specified by a statute other than ANILCA, means the holder of a valid written authorization from the Director to provide visitor services within a park area that:

(1) On or before January 1, 1979, was lawfully engaged in adequately providing such visitor services in the applicable park area;

(2) Has continued, as further defined in § 13.82, to lawfully provide that visitor service since January 1, 1979, without a change in controlling interest; and

(3) Is otherwise determined by the Director to have a right to continue to provide such services or similar services pursuant to § 13.82.

(e) *Local area* means an area in Alaska within 100 miles of the location within the park area where any of the applicable visitor services is authorized to be provided.

(f) *Local resident* means:

(1) *For individuals*. Those individuals who have lived within the local area for 12 consecutive months before issuance of a solicitation of offers for a visitor services authorization for a