

## B. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

## C. Federalism and Indian Tribal Governments

We have analyzed this proposed rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

## D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this proposed rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

## E. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This proposed rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

## V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment

applies, and provide a reason for each suggestion or recommendation.

**Submitting comments.** We encourage you to submit comments at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2026–1162 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

**Viewing material in the docket.** To view available documents, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. We will post public comments in our online docket. Additional information is on the <https://www.regulations.gov> Frequently Asked Questions web page.

**Personal information.** We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Add § 165.T07–1162 to read as follows:

### § 165.T07–1162 Safety Zone; FRL Inaugural Invitational eFoil Exhibition Race, Miami Marine Stadium Basin, Miami, FL

(a) **Location.** The following area is a safety zone: All waters of Miami Marine Stadium Basin, from surface to bottom, encompassed by a line connecting the following points beginning at 25.745062, –80.166891, 25.743008, –80.164699, thence to 25.741214, –80.166992, 25.743201, –80.169185 and back to the beginning point. These

coordinates are based on the World Geodetic System (WGS 84).

(b) **Definitions.** As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Miami (COTP) in the enforcement of the safety zone.

(c) **Regulations.** (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP’s designated representative.

(2) To seek permission to enter, contact the COTP or the COTP’s representative on VHF–FM channel 16 or by telephone at (833) 642–7271. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative.

(d) **Enforcement period.** This section will be enforced from 8 a.m. to 9:00 p.m. on November 15, 2026.

C.J. Barger,

Captain, U.S. Coast Guard, Acting Captain of the Port Sector Miami.

[FR Doc. 2026–21305 Filed 10–16–26; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### National Park Service

### 36 CFR Part 13

[NPS–GAAR–NPS0043903; XXXXXX]

RIN 1024–AF12

### Gates of the Arctic National Park and Preserve; Use of Off-Road Vehicles for Subsistence Purposes by Residents of Anaktuvuk Pass

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) proposes to amend special regulations for Gates of the Arctic National Park and Preserve (Gates) to establish a process by which the Superintendent can establish reasonable mitigation measures on the use of off-road vehicles (ORVs) for subsistence purposes by local rural residents of Anaktuvuk Pass, but only when such use is causing or likely to cause an adverse impact to public health and safety, resources, historic or scientific values, subsistence uses, or endangered or threatened species.

**DATES:** Comments must be received by 11:59 p.m. ET on December 18, 2026.

**ADDRESSES:** You may submit comments by any of the following methods:

(1) *Electronically:*

• *Go to the **Federal Register** website:* <https://www.federalregister.gov>. In the search box, enter 1024–AF12, the regulation identifier number (RIN) for this rulemaking. Click on the green “Submit a Public Comment” button at the top of the document and follow the instructions for submitting comments; or

• *Go to the **Federal eRulemaking Portal:*** <https://www.regulations.gov>. In the Search box, enter 1024–AF12, the RIN for this rulemaking. On the resulting page, select the Dockets tab and then click on the title of the rule. Next, click the “Open for Comments” box, then click the blue “Comment” box and follow the instructions for submitting comments.

(2) *By hard copy:*

• *Mail to:* Superintendent, Gates of the Arctic National Park and Preserve, 101 Dunkel St., Suite 110, Fairbanks, AK 99701.

*Instructions:* Comments will not be accepted by fax, email, or in any way other than those specified above. All submissions received must include the words “National Park Service” or “NPS” and must include the docket number or RIN (1024–AF12) for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to view the proposed rule and comments received, go to <https://www.regulations.gov> and search for “1024–AF12.” Be sure to check the Dockets Tab, Documents Tab, and Comment Tab for possible results.

**FOR FURTHER INFORMATION CONTACT:**

Mark Dowdle, Superintendent, Gates of the Arctic National Park and Preserve; (907) 519–0420; [mark\\_dowdle@nps.gov](mailto:mark_dowdle@nps.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. In compliance with the Providing Accountability Through Transparency Act of 2023, the plain language summary of the proposal is available on [Regulations.gov](https://www.regulations.gov) in the docket for this rulemaking.

**SUPPLEMENTARY INFORMATION:**

**Background**

*ORV Use by Residents of Anaktuvuk Pass*

Anaktuvuk Pass is a small remote village, without road access, entirely within the administrative boundaries of Gates. Anaktuvuk Pass, named “the place of caribou droppings,” sits along an ancient migration route that has guided the caribou—and the people who follow them—for centuries. Most of the residents of Anaktuvuk Pass are inland Iñupiat, or Nunamiut people, and Anaktuvuk Pass is their last remaining settlement. These nomadic people roamed the Brooks Range for generations, living off the land, before dispersing in the early 1900s due to the collapse of the caribou population. By the 1940s, several Nunamiut families returned to their ancestral home, settling in the broad, treeless valley of Anaktuvuk Pass, decades before the 1980 establishment of Gates. Many residents continue to rely on subsistence activities like caribou hunting to support their way of life.

In 2024, Anaktuvuk Pass was home to 395 residents, with Iñupiat making up over 84% of the population. The community’s economy is intertwined with the land, primarily relying on subsistence hunting of caribou. The pursuit of caribou, along with fishing and gathering, sustains the community.

Anaktuvuk Pass residents have long relied on motorized access, including snowmachines in winter and ORVs in summer, to pursue subsistence resources. The final nomadic Nunamiut relocated to the modern-day village during the 1950s. After permanent settlement, Nunamiut were unable to follow the caribou during their seasonal migrations, the people of Anaktuvuk Pass ventured out from the village within what is today, Gates, to subsistence hunt. Beginning in the 1960s, and increasing during the 1970s, ORVs were regularly used by the residents of Anaktuvuk Pass engaging in subsistence activities. In the years leading up to and immediately following the passage of the Alaska National Interest Lands Conservation Act (ANILCA), residents of Anaktuvuk Pass relied increasingly on ORVs for subsistence hunting as was documented in a 1985 study titled, *In the National Interest: A Geographically Based Study of Anaktuvuk Pass Iñupiat Subsistence Through Time*.

The first documented observance of an ORV by residents of Anaktuvuk Pass is believed to have occurred in 1950 when the United States Geological Survey brought multiple large, tracked vehicles to the village to conduct

summer exploration and mapping work. By the early 1970s, the number of ORVs owned and operated by residents of Anaktuvuk Pass began to increase. By 1980, the year ANILCA became law, it is estimated there were between fifteen and twenty-eight ORVs in Anaktuvuk Pass. ORVs in Anaktuvuk Pass were regularly deployed in the 1970s as the primary means of summer transportation that allowed subsistence hunters to reach and transport game farther from the village and considered the only effective means of subsistence hunting in the summer. ORV use had been particularly important for reaching locations fairly distant from the village where subsistence species are likely to be encountered during the summer months. Subsistence hunters interviewed about their summer hunts explained they used their ORVs to “bring meat back after animals had been killed out in the field” and traveled extensively throughout the region to find caribou. Additional information available to NPS demonstrates that ORVs were used around Anaktuvuk Pass for subsistence purposes in Gates before its establishment. *See, e.g.,* U.S. Army Corps of Engineers, Effects of All Terrain Vehicle Traffic on Tundra Terrain Near Anaktuvuk Pass, Alaska (1988); NPS, Effects of All-Terrain Vehicle Use in the Vicinity of Anaktuvuk Pass, Gates of the Arctic National Park, Alaska: I. Study of Established, Recovery, and New Trail Segments (1988); and NPS, The Anaktuvuk Pass All-Terrain Vehicle Study 1986–1988: A Narrative Report of Field Operation and Dispersed ATV Use (1989).

*ANILCA Statutory Framework*

Title VIII of ANILCA establishes a statutory framework intended to protect subsistence uses by rural Alaska residents. Congress expressly recognized the importance of subsistence resources to the physical, economic, traditional, and cultural well-being of rural Alaska communities and directed that such uses be protected on the public lands of Alaska. Section 201(4)(a) of ANILCA established Gates and provides, among other things, that subsistence uses by local residents shall be permitted in the park where such uses are traditional, in accordance with title VIII of ANILCA. In turn, Section 811(a) of ANILCA provides that the Secretary “shall ensure that rural residents engaged in subsistence uses have reasonable access to subsistence resources on the public lands.” 16 U.S.C. 3121(a). Section 811(b) of ANILCA provides that “[n]otwithstanding any other provision

of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.” 16 U.S.C. 3121(b). ANILCA’s text is clear and unambiguous, reflecting Congress’s express intent “to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so.” 16 U.S.C. 3111(1).

Through enactment of this language, Congress directed that reasonable subsistence access be ensured and that traditionally employed means of surface transportation be permitted for subsistence purposes, subject only to reasonable regulation. Accordingly, Title VIII reflects a congressional policy favoring the continuation of subsistence uses and the practical ability of rural residents to reach and harvest subsistence resources. These congressional findings and policies inform the NPS’s interpretation of Sections 811(a) and 811(b) and confirm that ANILCA’s subsistence provisions are intended to preserve meaningful and practical access for subsistence purposes.

ANILCA distinguishes between requiring subsistence access and regulating subsistence access. Section 811(b) directs that the Secretary “shall permit” appropriate use of traditionally employed means of surface transportation for subsistence purposes while authorizing reasonable regulation of those uses. Accordingly, an agency may take only reasonable measures necessary to address demonstrated impacts of a means of surface transportation within the scope of Section 811(b), while at the same time ensuring that reasonable access is maintained consistent with the purposes of Title VIII.

#### *NPS Prohibition of ORV Subsistence Access to Gates*

On January 28, 1986, an official within the NPS Alaska Regional Office sent a memorandum to the superintendent of Gates concluding that all-terrain vehicles (ATVs) do not constitute means of surface transportation that have been “traditionally” employed for subsistence purposes in Gates. The terms ORV and ATV have been used interchangeably over time to refer to similar classes of vehicles. The 1986 Memorandum stated that “until it can be shown that ATVs are traditional in [Gates] as defined by Webster and Black [dictionaries], they are prohibited for

subsistence uses in the park.” The 1986 Memorandum thus concluded that ATVs “are not permitted by ANILCA” and had “not been shown to be a traditionally employed means of surface transportation for subsistence uses.” This interpretation of “traditional” and the prohibition on ATV use for subsistence purposes was incorporated into the Gates General Management Plan (GMP), which stated that within Gates, “the use of ORVs, which are defined in the GMP to include ATVs, for subsistence is not allowed because the use has not been shown to be a traditional means of access.”

On December 17, 1992, NPS entered into a land exchange agreement (1992 Agreement) with the Nunamiut Corporation, the city of Anaktuvuk Pass, and the Arctic Slope Regional Corporation that was amended in 1993 and 1994. In 1996, Congress ratified the 1992 Agreement in section 302 of the Omnibus Parks and Public Lands Management Act of 1996 (Act). In the Act, Congress recognized that “[u]nlike most other Alaskan Native communities, the village of Anaktuvuk Pass is not located on a major river, lake, or coastline that can be used as a means of access. The residents of Anaktuvuk pass have relied increasingly on snow machines in winter and all-terrain vehicles in summer as their primary means of access to pursue caribou and other subsistence resources.” Public Law 104–333, 110 Stat. 4093 (1996).

The 1992 Agreement allowed some ATV access in Gates for subsistence uses. Specifically, certain non-wilderness areas of Federally-owned park land were opened to dispersed ATV use. The land exchange agreement was intended in part “to resolve the longstanding dispute over subsistence use of ATVs only on public lands in and around Anaktuvuk Pass.” H.R. Rep. No. 104–8 (1995). However, the land exchange agreement did not “conf[i]rm or deny that ATV access to public lands for subsistence use is a statutorily protected traditional access right under ANILCA,” and did “not purport to resolve this issue.” *Id.* Accordingly, the dispute over whether ORVs, including ATVs, may be used in Gates continued. Local residents of Anaktuvuk Pass contend the ATV access granted by the 1992 Agreement is insufficient for Anaktuvuk Pass residents who rely on subsistence uses, in part, because caribou herds now migrate further west and south of the village. As a result, local residents have reported that the subsistence hunters of Anaktuvuk Pass are unable to reach the caribou needed to feed their community because they

are prohibited from using ORVs within the boundaries of Gates where the caribou now frequently congregate during hunting season.

On May 16, 2026, Secretary of the Interior Doug Burgum issued a Memorandum concluding that:

NPS’s 1986 interpretation is inconsistent with ANILCA’s broader statutory context regarding the continuance of subsistence uses. . . . The better reading of the term “traditionally employed” in Section 811(b) is one that allows for the continuation of surface transportation means that were in use for subsistence purposes at the time of Gates’ creation. This interpretation is bolstered by ANILCA’s legislative history as well as the agency interpretations associated with ANILCA implementing regulations enacted in 1981.

The Memorandum concludes that information contained in several studies from the mid- to late-1980s “demonstrates that ORVs were used for subsistence purposes in Gates before its establishment.” The Memorandum adopted technical corrections to the GMP that removed language that adopted the NPS’s previous interpretation of “traditional” in the 1986 Memorandum. The language of the GMP was revised to state that in Gates, “the use of ORVs for subsistence is allowed because the use has been shown to be a traditional means of access.”

#### **Proposed Rule**

##### *Purpose for the Rule*

The NPS is proposing to amend the special regulations for Gates to codify in NPS regulations that, for purposes of implementing section 811(b) of ANILCA, off-road vehicles (ORV) used by local rural residents of Anaktuvuk Pass constitute a means of surface transportation traditionally employed for subsistence purposes. This rule would codify technical corrections made to the 1986 GMP for Gates that reversed a previous conclusion that ORVs did not meet the dictionary definitions of “traditional” and were thus prohibited for subsistence purposes in Gates. This prohibition had confined local residents of Anaktuvuk pass to areas where subsistence uses were unreachable and only certain types of ORVs were allowed. As stated in a Memorandum issued by Secretary Burgum on May 16, 2026, that made the technical corrections to the GMP, the prohibition was based on a misreading of ANILCA, including lack of consideration of ANILCA’s statutory purpose. The Memorandum directed NPS to “complete a regulatory process in consultation with key stakeholders within six months of this decision to

enact the minimal regulations that may be necessary to avoid adverse impacts.” This rule would implement that direction by establishing a process by which the Superintendent can establish reasonable mitigation measures on the use of ORVs for subsistence purposes by local rural residents of Anaktuvuk Pass, but only when such use is causing or likely to cause an adverse impact.

The purpose of this proposed rule is to provide regulatory certainty and clarity regarding use of ORVs for subsistence purposes in Gates consistent with Federal law. This proposed rule implements ANILCA’s affirmative protections for subsistence access within the specific factual circumstances present in Gates, where the residents of Anaktuvuk Pass rely extensively on subsistence resources for food security and cultural continuity. It reflects NPS’s determination, based on the text of ANILCA, Congress’s findings and statements of policy, the legislative history of Title VIII, and documented longstanding use of ORVs by residents of Anaktuvuk Pass, that ORVs constitute a means of surface transportation traditionally employed for subsistence purposes within the meaning of Section 811(b). This rule does not create a new subsistence access right. Rather, it provides a clear regulatory framework governing the exercise of an existing statutory right recognized and protected by ANILCA, as further explained below.

#### *Consistency With ANILCA*

The NPS’s 1986 Memorandum was based on a misinterpretation of the phrase “traditionally employed” in ANILCA as explained in the Secretary’s May 16, 2026, Memorandum. To reach the conclusion that ORV use was not “traditionally employed,” NPS looked to dictionary definitions of the word “traditional” rather than considering the meaning of “traditionally employed” in the context of ANILCA, the purpose behind the statute, the history of the peoples and lands, and the priority placed on subsistence uses. The dictionary definitions, generic definitions without the unique context of Alaska and ANILCA, employed concepts like “successive generations,” “[c]ultural continuity embodied in a massive complex of evolving social attitudes, beliefs,” and “[a]n inherited or established way of thinking, feeling or doing.” Based on this context-less definition, the NPS concluded in 1986 that ORV use was not “traditional” and prohibited its use, thereby cutting off the community of Anaktuvuk Pass from rights preserved by ANILCA that should have been recognized with the passage of that Act.

The NPS’s 1986 interpretation was inconsistent with ANILCA’s broader statutory context regarding the continuance of subsistence uses. Congress generally sought to preserve the status quo with respect to subsistence with a focus on its continuation. The better reading of the term “traditionally employed” under Section 811(b) is one that allows for the continuation of surface transportation means that were in use, for some decades, for subsistence purposes at the time of Gates’ creation. This interpretation is bolstered by ANILCA’s legislative history. The section-by-section analysis in the Senate Committee on Energy and Natural Resources report for the bill that became ANILCA stated that the text of ANILCA Section 811 “recognize[d] the importance of” snowmobiles and motorboats. S. Rep. No. 96–413 at 275 (1979). Those means of access were not singled out as the exclusive means of subsistence access, but rather, as illustrative examples of “means of surface transportation traditionally employed.”

Applying the correct interpretation of ANILCA Section 811 within the greater context of ANILCA requires the conclusion that ORV use was “traditionally employed” by local rural residents of Anaktuvuk Pass given the extensive factual record of that use as explained above. This proposed rule would codify the technical corrections to the GMP made by the Secretary’s May 16, 2026, Memorandum in order to foster consistency and certainty for the residents of Anaktuvuk Pass who rely on subsistence uses for village life and well-being, consistent with the requirements of ANILCA.

In addition to codifying the proper interpretation of “traditionally employed” made by the Secretary’s Memorandum, this rule allows the NPS to take reasonable mitigation measures consistent with ANILCA. Section 811(b) of ANILCA provides that “use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents” is subject to “reasonable regulation.” 16 U.S.C. 3121(b). Such regulation should be narrowly tailored and minimally burdensome to accomplish ANILCA’s statutory mandate, as stated in Section 811(a) of ANILCA, that the Secretary shall “ensure that rural residents engaged in subsistence uses have reasonable access to subsistence resources on the public lands.” 16 U.S.C. 3121(b). Specific to Gates, Section 201(4) of ANILCA expressly requires NPS to permit subsistence uses

by local residents in Gates where such uses are traditional.

Regulations governing subsistence uses in National Park System units in Alaska are in 36 CFR part 13, subpart F. These regulations authorize closure and restrictions of subsistence uses under certain conditions across all Alaska park areas, but specific System units have regulations tailored to the circumstances of subsistence use in those units. The management approach to implementing mitigation measures that is proposed in this rule is tailored to the specific statutory, factual, and geographic circumstances of Anaktuvuk Pass within Gates.

Consistent with the isolated location of Anaktuvuk Pass, the absence of road access, the community’s reliance on subsistence resources, and the limited number of local residents engaged in such activities, the NPS has determined that the general regulatory framework found in 36 CFR 13.460 for prohibitions and closures on subsistence ORV use is not the management approach best suited to these circumstances. Rather, the NPS has determined that a narrowly tailored regulatory framework is appropriate here because it protects access required by ANILCA while preserving the agency’s authority to address demonstrated adverse impacts when supported by specific facts and evidence.

This approach would allow the NPS and the residents of Anaktuvuk Pass to work together to manage the critical resources of Gates, combining local traditional knowledge and empirical science, for all of its purposes as directed by Congress in Section 201(4)(a) of ANILCA.

In developing this proposed rule, the NPS recognizes the importance of consultation with key stakeholders including the Nunamut people, the community of Anaktuvuk Pass, and associated entities and has engaged with stakeholders accordingly. The current regulatory process reflects continued consultation, coordination, and cooperation with the local community and stakeholders that will persist through this regulator process and beyond. DOI is seeking comment on the proposed rule. In particular, DOI is interested in information about the number of ORVs in use annually in Gates for subsistence purposes and information about the expected change as a result of this proposed regulation. DOI also requests comments on the costs and benefits of the proposed rule.

#### *Elements of the Rule*

The rule adds a new section 13.1005 to 36 CFR part 13, subpart M, Special

Regulations—Gates of the Arctic National Park and Preserve. The title of this section is “Off-road vehicle use for subsistence purposes in Gates of the Arctic National Park and Preserve.”

Paragraphs (a), (b), and (c) of § 13.1005 would codify the technical change made by the Secretary’s May 16, 2026, Memorandum. Paragraph (a) would establish that operating a motor vehicle off road in Gates is prohibited except by authorized residents engaged in subsistence uses as already defined in 36 CFR 13.420. “Authorized residents” would be defined as local rural residents of Anaktuvuk Pass, reflecting the unique needs of this small, land-locked, rural community. Paragraph (b) would provide that ORVs constitute a means of surface transportation traditionally employed for subsistence purposes by authorized residents of Anaktuvuk Pass and that such use is permitted pursuant to section 811(b) of ANILCA. Paragraph (c) would address the scope of that use for subsistence purposes.

Paragraphs (d), (e), and (f) of § 13.1005 would establish specific requirements that must be met before the superintendent can establish reasonable mitigation measures to avoid adverse impacts from subsistence ORV use by local rural residents of Anaktuvuk Pass.

Paragraph (d) would provide an operating standard, requiring that the authorized use be conducted in a manner that prevents waste or unnecessary damage to park resources, avoids the herding, harassment, hazing or driving of wildlife, and is reasonably related to lawful subsistence uses.

Paragraph (e) would place certain limitations on ORV use. It would establish a presumption in favor of ORV uses for subsistence purposes as defined in the rule and allow the implementation of reasonable mitigation measures (including closures) to address impacts of such use as long as that mitigation does not require authorized residents to incur unreasonable costs. This paragraph also would establish procedures for the imposition of mitigation measures. Paragraph (e)(1) would provide that the need for mitigation measures must be based on clear evidence that the use is causing or likely to cause an adverse impact. The rule would require the Superintendent to develop a written determination that articulates why the impact is an adverse impact and explains why the mitigation measures are the least restrictive measures capable of mitigating the identified adverse impact. The rule would require that the written determination be supported by specific and articulable facts in the

administrative record. Paragraph (e)(2) would require the Superintendent to provide authorized residents notice of proposed mitigation measures 30 days in advance. The rule would require that the notice contain the information required in (e)(1), be published in the **Federal Register** and otherwise disseminated through means of notification reasonably expected to reach authorized residents, and invite authorized residents to consult with the Superintendent. Paragraph (e)(3) would require consultation with authorized residents and hold one public hearing before implementing the mitigation measures. Paragraph (e)(4) would provide that the Superintendent may issue a final written determination following the consultation and 30-day advance notice period providing that the final determination contains the information required in (e)(1) and explains why the findings have not changed since the initial notice. The rule also would require that the final determination address input from authorized residents and allow continuing reasonable access by ORV to subsistence resources during the mitigation period. Paragraph (e)(5) would allow mitigation measures to be imposed, with the concurrence of the Regional Director, to address an emergency situation without advance notice or consultation provided that such emergency mitigation measures must expire after 45 days. The rule would require that notice of an emergency mitigation measure be provided to authorized residents as soon as practicable after implementation of the mitigation measure.

Paragraph (f) of the rule would clarify that nothing in the new § 13.1005 authorizes recreational ORV use. Paragraph (g) would explain that the regulations in the rule would govern if there is a conflict with prior agency policy or park planning documents concerning whether the ORVs are traditionally employed for subsistence use in Gates. Paragraph (h) of the rule would define “adverse impact” as a direct significant impact to public health and safety, resources, historic or scientific values, subsistence uses, or endangered or threatened species. This paragraph also would require that adverse impacts be currently occurring or reasonably foreseeable.

## **Compliance With Other Laws, Executive Orders, and Department Policy**

### *Regulatory Planning and Review (Executive Orders 12866 and 14192)*

This rule has been determined to be significant for purposes of Executive Order 12866. The NPS will determine whether this rule is an Executive Order 14192 deregulatory action after consideration of public comments.

### *Regulatory Flexibility Act*

This proposed rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). No small entities would be directly regulated by this rule, which would codify the allowance of subsistence ORV use by local rural residents of Anaktuvuk Pass in NPS regulations, and establish specific requirements that must be met before the superintendent can establish reasonable mitigation measures to avoid adverse impacts from such use. This action is not expected to have adverse economic effects on any sector, including small entities. For these reasons, the NPS certifies that this rule would not have a significant economic impact on a substantial number of small entities; therefore, a regulatory flexibility analysis is not required.

### *Congressional Review Act*

This proposed rule, if finalized, is not anticipated to be a major rule under 5 U.S.C. 804(2). This proposed rule:

(a) Would not have an annual effect on the economy of \$100 million or more.

(b) Would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

### *Unfunded Mandates Reform Act*

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531) requires that agencies assess whether a rule would impose a Federal mandate that may result in the expenditure by State, local, and Tribal governments in the aggregate, or by the private sector of \$100,000,000 or more (adjusted annually for inflation) in any 1 year. As of 2025, that threshold is approximately \$206 million (2024 dollars). This rule would not result in expenditures by State, local, or Tribal

governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

#### *Takings (Executive Order 12630)*

This proposed rule would not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

#### *Federalism (Executive Order 13132)*

Under the criteria in section 1 of Executive Order 13132, this proposed rule would not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule would only affect use of federally administered lands and waters. It would have no direct effects on other areas. A federalism summary impact statement is not required.

#### *Civil Justice Reform (Executive Order 12988)*

This proposed rule complies with the requirements of Executive Order 12988. This proposed rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

#### *Consultation With Alaska Native Tribes and Alaska Native Corporations (Executive Order 13175 and Department Policy)*

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. The NPS has evaluated this proposed rule under the criteria in Executive Order 13175 and under the Department's consultation policy and has tentatively concluded that this rule would not have substantial direct effects on Alaska Native Tribes or Alaska Native Corporation lands, water areas, or resources. Additionally, the Department requests comments on the proposed rule.

#### *Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)*

This proposed rule contains no new or modified information collections. All information collections require approval under the Paperwork Reduction Act of

1995 (PRA; 44 U.S.C. 3501 et seq.). The NPS may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

#### *National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 et seq.)*

A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by a categorical exclusion. This rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA. The NPS has determined that changes in this rule are categorically excluded under the DOI NEPA Handbook Appendix § 2 (February 2026), § 12.5A(10), which covers modifications or revisions to existing regulations, or the promulgation of new regulations for NPS-administered areas, provided the modifications, revisions or new regulations do not: (a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it; (b) introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it; (c) conflict with adjacent ownerships or land uses; or (d) cause a nuisance to adjacent owners or occupants. The NPS will document the application of this categorical exclusion to this rule.

#### *Effects on the Energy Supply (Executive Order 13211)*

This proposed rule is not a significant energy action under the definition in Executive Order 13211; this proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and this proposed rule has not otherwise been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. A Statement of Energy Effects is not required.

#### **List of Subjects in 36 CFR Part 13**

Alaska, National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 13 as set forth below:

#### **PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA**

- 1. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 3101 et seq.; 54 U.S.C. 100101, 100751, 320102; Sec. 13.1204 also issued under Pub. L. 104–333, Sec. 1035, 110 Stat. 4240, November 12, 1996.

- 2. Add § 13.1005 to subpart M as follows:

#### **§ 13.1005 Off-road vehicle use for subsistence purposes in Gates of the Arctic National Park and Preserve.**

(a) *General prohibition.* Operating a motor vehicle off road in Gates of the Arctic National Park and Preserve is prohibited except by authorized residents as defined in this section when engaged in subsistence uses as defined by § 13.420 of this part. For purposes of this subpart, “authorized residents” means local rural residents of Anaktuvuk Pass.

(b) *Permitted use.* For purposes of implementing section 811(b) of ANILCA, off-road vehicles constitute a means of surface transportation traditionally employed for subsistence purposes by authorized residents. As a result, off-road vehicles are permitted to be used by authorized residents for subsistence purposes in Gates of the Arctic National Park and Preserve.

(c) *Scope of use.* Vehicles authorized under paragraph (b) of this section may be used for subsistence uses defined by § 13.420 of this part.

(d) *Operating standard.* Use authorized by this section must be conducted in a manner that:

- (1) Prevents waste or unnecessary damage to park resources;
- (2) Avoids the herding, harassment, hazing, or driving of wildlife; and
- (3) Is reasonably related to lawful subsistence uses.

(e) *Limitations on off-road vehicle use.* The regulations contained in this section establish a presumption in favor of the subsistence uses described in this section. The Superintendent may require the implementation of reasonable mitigation measures (including closures) to address impacts of off-road vehicle use authorized by this section, which do not cause local authorized residents to incur unreasonable costs. Mitigation measures may only be required in compliance with the following procedures:

(1) The need for mitigation measures must be based upon clear evidence that such use is causing or is likely to cause an adverse impact as defined in paragraph (h) of this section. In support of any such measures, the Superintendent must develop a written determination that:

- (i) Articulates why the impact supporting the need for mitigation measures constitutes an adverse impact as defined in paragraph (h) of this section;

(ii) Articulates why the mitigation measures are the least restrictive measures capable of mitigating the identified adverse impact; and

(iii) Is supported by specific, articulable facts in the administrative record.

(2) The Superintendent must provide authorized residents with notice of proposed mitigation measures at least 30 days prior to requiring such measures. The notice must:

(i) Contain the information required in paragraph (e)(1);

(ii) Be published in the **Federal Register** and disseminated through means of notification reasonably expected to reach authorized residents; and

(iii) Invite authorized residents to consult with the Superintendent consistent with paragraph (e)(3).

(3) Prior to implementing mitigation measures to address adverse impacts defined in paragraph (h), the Superintendent must participate in meaningful consultation with authorized residents, to include at least one public hearing.

(4) Following consultation and the 30-day notice period, the Superintendent may issue a final written determination requiring compliance with the proposed mitigation measures, provided that the final determination must:

(i) Contain the information required in paragraph (e)(1) and explain why the Superintendent's findings have not changed since issuance of the notice required by paragraph (e)(2);

(ii) Address input from authorized residents provided during the consultation process; and

(iii) Allow continuing reasonable use of off-road vehicles for subsistence purposes during the mitigation period.

(5) Mitigation measures may be imposed, with the concurrence of the Regional Director, to address an emergency situation without advance notice or consultation and shall expire after 45 days. Notice of a mitigation measure to address an emergency situation must be provided to authorized residents as soon as practicable after implementation of the mitigation measure.

(f) *No recreational authorization.* Nothing in this section authorizes recreational off-road vehicle use.

(g) *Relationship to other authorities.* This section implements sections 201(4)(a) and 811 of ANILCA for Gates of the Arctic National Park. In the event of a conflict between this section and prior agency policy or park planning documents concerning whether the vehicles described in paragraph (b) are

traditionally employed for subsistence use in Gates, this section governs.

(h) *Definition of adverse impact.* For purposes of this section, "adverse impact" means a direct significant impact to public health and safety, resources, historic or scientific values, subsistence uses, or endangered or threatened species. For purposes of this section, adverse impacts to Gates of the Arctic National Park and Preserve must be currently occurring or reasonably foreseeable and cannot be based on impacts that are remote, speculative, dependent on uncertain future events, based on generalized climatic patterns, or derived from any type of modeling.

(i) *Applicability.* The regulations in this section apply notwithstanding any other provision contained in this chapter.

Dated: October 14, 2026.

**Kevin J. Lilly,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2026-21300 Filed 10-16-26; 8:45 am]

**BILLING CODE 4312-52-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2024-0600; FRL-13422-01-R9]

### Air Quality Plan; Arizona; Agricultural Best Management Practices Rules for the West Pinal County PM<sub>10</sub> Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is proposing to approve a revision to the Arizona Department of Environmental Quality (ADEQ or "State") portion of the Arizona State Implementation Plan (SIP). This revision concerns emissions of particulate matter (PM) that are 10 micrometers (µm) or smaller in diameter (PM<sub>10</sub>) from agricultural crop and animal operations in the West Pinal County PM<sub>10</sub> nonattainment area. We are proposing to approve two local rules to regulate these emission sources under the Clean Air Act (CAA or "Act").

**DATES:** Comments must be received on or before November 18, 2026.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-OAR-2024-0600 at <https://www.regulations.gov>. For comments submitted at *Regulations.gov*, follow the online instructions for submitting

comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

#### FOR FURTHER INFORMATION CONTACT:

Alina Batool, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 972-3345; email address: [batool.alina@epa.gov](mailto:batool.alina@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us," and "our" refer to the EPA. We use multiple abbreviations and terms in this proposed rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

AAC—Arizona Administrative Code  
ADEQ—Arizona Department of Environmental Quality  
AgBMP—agricultural best management practices  
A.R.S.—Arizona Revised Statutes  
BACM—best available control measures  
BMP—best management practices  
CAA—Clean Air Act  
CBI—confidential business information  
CFR—Code of Federal Regulations  
EPA—Environmental Protection Agency  
NAAQS—national ambient air quality standards  
PM—particulate matter  
PM<sub>10</sub>—particulate matter less than 10 µm in diameter  
SIP—State Implementation Plan  
TSD—technical support document

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