



**National Park Service
U.S. Department of the Interior**

**Hubbell Trading Post
National Historic Site**

½ mile West of 191 and 264
PO Box 150
Ganado, AZ 86505

Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary Authority.

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Approved:

Lyn Carranza, Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands administered by the National Park Service, within the boundaries of Hubbell Trading Post National Historic Site. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, and Parts 1-7. Since Hubbell Trading Post is located on the Navajo Indian Reservation, Navajo Nation laws are also enforced.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), are in italicized print.

36 CFR § 1.4 DEFINITIONS

The definition of *unmanned aircraft* means a device that is used or intended to be used in flight in the air without the possibility of direct human intervention from within or on the device and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

36 CFR §1.5 – CLOSURES AND PUBLIC USE LIMITS

(a)(1) Closures

Areas:

- The Historic Area, Visitor Center, Book Store, and Visitor Center parking lot are closed to the public from 5:00 pm until 8:00 am unless otherwise posted.
- All park areas are closed to the public on the following holidays: New Year's Day, Thanksgiving Day, and Christmas Day.
- The President and Superintendent have authority to designate additional closures as circumstances arise.

Established visiting hours are necessary for visitor safety and resource protection.

Camping:

- Camping is prohibited in the park except for NPS staff, volunteers or partners who have permission from the Superintendent to do so.

The park does not have infrastructure to support overnight stays by the public.

Picnicking:

The park is closed to picnicking in:

- Any of historic grounds around the Trading Post, Hubbell Home and Barn area
- Any location near livestock
- Any areas that would impede vehicular or pedestrian traffic
- Any areas that would interfere with park operations
- Picnicking is allowed where there are picnic tables near the visitor center

Picnicking in certain areas could pose a hazard to both vehicular and pedestrian traffic or impede park operations. Also, food crumbs will attract unwanted rodents.

Unmanned Aircraft:

- The launching, landing, or operating of unmanned aircraft (e.g. model airplanes, quad copters, drones) from or on lands and waters administered by the National Park Service within the boundaries of Hubbell Trading Post NHS is prohibited except as approved in writing by the Superintendent.

The use of unmanned aircraft may negatively impact public safety, natural or cultural resources, livestock, and could conflict with visitor use activities.

Sites/areas closed to the public:

Several of the Historic rooms are closed to the public. Please observe any closure signage at the following closure points.

Location:	Closure Point:
Hubbell home	Root Cellar, back patio area
Hubbell Bunkhouse	Bunkhouse
Hubbell Barn	Stable, back half and upper area of barn
Park entrance	Wide Reed Ruin, at entrance area of the park
Back 40	Sites 10, 11, 14, 15, and 18 in the unused fields
Curation facility	Curation area

Reasons for Closure:

Hubbell infrastructure, areas/rooms closed are due to safety and security reasons. Some areas are used as storage facilities and may not be suitable for visitors. Other areas contain heating and cooling units, while other areas are fragile and cannot endure what visitation brings.

The Curation Facility is closed due to the nature of collections being held in the facility. Individuals and institutions can access the collection by gaining permission from the Curator or Superintendent. Not all collections are allowed for viewing or access.

Public Trails:

The majority of trails are on the outer parameters of the Hubbell infrastructure are open and are fairly well defined.

Limits to the use of any of the Hubbell buildings:

Visitation limits:

Location

Visitation Limits

Hubbell Home

15 is the limit per house tour of the Hubbell Home.

Reasons for visitation limits to the Hubbell Home are:

- *To protect the fragile and highly unusual historic resources from the impacts of walking, touching, and potential theft*
- *To preserve the Historic resources for future generations.*
- *To preserve the Historic resource for its ethnographic, scientific, and educational integrity.*

Eating restrictions while visiting the sites:

No food, drinks or gum may be consumed in the Hubbell Home.

Food crumbs attract rodents and insects that burrow through structures and possibly weaken them. The rodents and insects can create conservation and structural problems. Foods can also contaminate precious irreplaceable historic artifacts. Disposal of chewing gum in the Hubbell home or any historic setting is difficult to remove and can contaminate precious irreplaceable historic artifacts. Drinks can ruin historic irreplaceable flooring and rugs.

Picnicking, 36CFR §2.11 - Certain areas have been closed to picnicking and are listed in section 1.5(a)(1) "Closures."**(a)(2) Public Use Restrictions**

The following areas are designated for a specific use or activity and/or the following conditions or restrictions are imposed on a specific use or activity:

Passenger Carrying Buses & Vehicles:

- Drivers of commercial passenger-carrying diesel-fueled motor vehicles are prohibited from idling their engines in parking lots of developed areas.

Idling engines are noisy and add unnecessary exhaust fumes to the air, which impacts tranquil atmosphere of the park that is sought by many visitors.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

- Specimen Collecting 2.5 (a)
- Special Events 2.50(a)
- Agricultural 2.60(b)
- Memorialization 2.62(b)
- Business Operations 5.3
- Commercial Filming and Photography 5.5
- Demonstrations* 2.51(b)
- Sale & Distribution of Printed Matter* 2.52(b)
- Public assemblies §2.51(a)

*May require a permit depending on the scope of the activity.

Permits will be specific in nature to the activity being permitted. A permit or letter of authorization must be in the permittee's possession at all times and exhibited to any authorized person upon request.

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending or traversing the listed archeological or cultural resource, monuments or statues:

- All archeological sites are closed to the public

Archeological sites are closed for the preservation of their ethnographic, scientific, and educational integrity. There are also safety issues because there are no formalized trails to the sites, and the areas are overgrown with various types of thorny plants and brush. Permission from the Superintendent may be obtained to gain access.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is prohibited, except in the following areas and/or receptacles, and under the conditions noted:

- Fires may be allowed for certain events in the park
- During periods of high fire danger, the Superintendent may close all or a portion of the park to the lighting and maintaining of fires

(a)(2) The following restrictions are in effect for the use of stoves or lanterns:

- Propane stoves are only permitted in the Picnic Area
- Lanterns may not be attached to trees, vegetation, or park structures
- No charcoal or wood grills are allowed

Fires, fire extinguishment and ash disposal are regulated to protect human life, park structures and park resources. Lantern hanging is restricted to prevent impacts to natural and cultural resources.

36 CFR §2.15 – PETS (36 CFR requires that all pets be on a leash)

(a)(1) Dogs, cats and other pets are prohibited in the following areas:

- All park buildings
- Historic grounds
- These restrictions do not apply to serviced animals or livestock
- All service animals must wear proper identification

Pet behavior interferes with the quiet nature of the park and can scare wildlife and park farm animals.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

- Pet owners must pick up and dispose of pet excrement.

Pet excrement has an undesirable smell and is unsightly. The smell of pets and their excrement has been shown to alter natural wildlife behavior.

36 CFR §2.21 – SMOKING

(a) Smoking is prohibited:

- In all buildings and structures
- Within 25 feet of the entrance to all public buildings
- Within 25 feet of heating/cooling units of all public buildings

Tobacco and e-cigarette smoking is prohibited in the above areas to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities.

36 CFR §2.22 – PROPERTY

(a)(2) Property may be left unattended for periods longer than 24 hours in the following areas and under the following conditions:

- With the consent of the Superintendent and only in approved area/s

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- The park does not allow for the possession or consumption of alcoholic beverages
- It is also against Navajo Nation Law to possess or consume alcoholic beverages on the Navajo reservation
- The consumption of an alcoholic beverage or the possession of an open container of an alcoholic beverage would be inappropriate considering other uses of the location and the purposes for which it is maintained or established; or
- Incidents of aberrant behavior related to the consumption of alcoholic beverages are of such magnitude that the diligent application of the authorities [in 36CFR], over a reasonable time period, does not alleviate the problem.

36 CFR §2.51 – DEMONSTRATIONS

- (a) Demonstrations of 25 people or less are allowed within the park areas designated as available under paragraph (c)(2). Demonstrations of more than 25 people are allowed within designated park areas when the Superintendent has issued a permit for the activity.
- (e) The following location/s are designated as available for demonstrations:
 - North Parking lot

36 CFR §4.21 – SPEED LIMITS

(b) The following speed limits are established for the routes/roads indicated:

- Park entrance road and bridge 10 MPH

The established 10 mph for the entrance road is due to local pedestrian traffic along side of entrance road and bridge. The entrance road is of dirt and gravel, which can get slippery during storms, it also cannot be striped.

36 CFR 1.5(a)(2) Wearing of Face Masks

The Navajo Nation Public Health Emergency Order number 2020-007 states that “all individuals two (2) year of age and older on the Navajo Nation shall wear masks, while in public as defined herein.”

1. “Mask: a covering designed to filter one’s breathing through both the nose and mouth. A mask must snugly cover the face around the nose and mouth to prevent the wearer from breathing unfiltered air. May be a commercially-made face mask, or a homemade cloth face covering such as those found on the Center for Disease Control and Prevention (CDC) website: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html> “
2. “Public: any area outside you home where you could come within 6 feet of someone who is not from your household.”

This authority allows superintendents to impose restrictions on activities within park areas for the maintenance of public health and safety. Masks must be worn in the following locations:

1. All common areas and shared workspaces in buildings owned, rented or leased by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.
2. The following outdoor areas, when others are present, where the superintendent has determined that physical distancing (staying at least six feet apart) cannot reasonably be maintained:

- Outdoor areas adjacent to the visitor center
- Parking lots, picnic area and other common areas
- Crowded trails, viewpoints, areas around animal pens, and outdoor exhibits such as the hogan, historic grounds, demonstration garden

Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement.

Determination: The policy of the administration to halt the spread of coronavirus disease 2019 (COVID-19) by relying on the best available data and science-based public health measures. (E.O. 13991) Such measure includes wearing mask when around others, physical distancing, and other related precautions recommended by the Centers of Disease Control and Prevention (CDC)

The Navajo Nation Public Health Order N0. 2020-007 Mandating Use of Masks in Public due to COVID-19 is still in effect; therefore, individuals fully or partially vaccinated with a COVID-19 vaccine or is unvaccinated must continue to wear a mask in public.

Effective date: July 8, 2021

Authority: 36 CFR 1.5(a)(2)

36 CFR 1.5 (a) (2) Filming:

The following types of filming activities may occur in areas open to the public without a permit and without advance notice to the NPS:

- Outdoor filming activities [outside of areas managed as wilderness][\[2\]](#) involving five persons or less and equipment that will be carried at all times, except for small tripods used to hold cameras.

The organizer of any other type of filming activity must provide written notice to the Superintendent at least 10 days prior to the start of the proposed activity. Based upon the information provided, the Superintendent may require the organizer to apply for and obtain a permit if necessary, to:

- Maintain public health and safety;
- Protect environmental or scenic values;
- Protect natural or cultural resources;

- Allow for equitable allocation and use of facilities; or
- Avoid conflict among visitor use activities.

If the Superintendent determines that the terms and conditions of a permit could not mitigate the concerns identified above in an acceptable manner, the Superintendent may deny a filming request without issuing a permit. The Superintendent will provide the basis for denial in writing upon request.

The NPS will consider requests and process permit applications in a timely manner. Processing times will vary depending on the complexity of the proposed activity. If the organizer provides the required 10-day advance notice to the NPS and has not received a written response from the NPS that a permit is required prior to the first day of production, the proposed filming activities may occur without a permit.

The following are prohibited:

- Engaging in a filming activity without providing advance notice to the Superintendent when required.
- Engaging in a filming activity without a permit if [the activity takes place in areas managed as wilderness or if the Superintendent has notified the organizer in writing that a permit is required.
- Violating a term and condition of a permit issued under this action.

Violating a term or condition of a permit issued under to this action may also result in the suspension and revocation of the permit by the Superintendent.

Determination: On January 22, 2021, the United States District Courts for the District of Columbia issued its decision in Price v. Barr, No. 19-3672, (D.D.C. Jan. 22, 2021). The court held that the requirements in 54 U.S.C. §100905, 43 C.F.R. Part 5, and 36 C.F.R. § 5.5 that those engage in “commercial filming” must obtain permits and pay fees are unconstitutional under the First Amendment. The court entered a permanent injunction preventing the National Park Service (NPS) from implementing and enforcing those permit and fee required.

In its decision in Price, the court acknowledge that the NPS has a substantial government interest in protecting park resource but determined that the permit requirement was not related closely enough to achieving this interest. The court objected to the fact that all commercial filming activities must obtain permit no matter the potential for resource impacts. According to the court, this was an overly broad burden on First Amendment speech. The court suggested that a permit requirement more closely tailored to the threat posed by high impact filming may be acceptable. The court also held that the NPS did not have a sufficient interest to support charging location fees for commercial filming.

36 C.F.R. § 1.5 Reduce Occupancy Limit Enforcement

The number of visitors in the following indoor locations may not exceed the maximum occupancy identified for each location.

Indoor Location	Maximum Occupancy
<i>Visitor Center</i>	16
<i>Restroom</i>	2
<i>Trading Post</i>	10

Entering or remaining in any of the indoor locations identified in the table above after being asked not to enter or to leave the location because the maximum occupancy has been reached is prohibited.

Determination: Effective July 8, 2021, pursuant to Navajo Nation Resolution No. CJN-36-21, signed into law on July 6, 2021, the Nation's roads are reopened to Visitors and Tourists, all Navajo Nation enterprises and Navajo business are open to Navajo citizens and non- Navajo tourists and visitors, in compliance with COVID-19 safety protocols and applicable Public Health Orders.

In order to enforce reduced-occupancy standards in NPS-administered facilities, superintendents must issue administrative orders under 36 C.F.R. § 1.5 that precisely describe and incorporate the standards; notify the public of the standards contained in the orders in accordance with 36 C.F.R. § 1.7(a); and incorporate the orders into the park's compendium pursuant to 36 C.F.R. § 1.7(b)