



National Park Service
U.S. Department of the Interior

New River Gorge NR
Gauley River NRA
Bluestone NSR

P. O. Box 246
104 Main Street
Glen Jean, WV 25846

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

304-465-0508 phone
304-465-0591 fax

Approved:

Deborah A. Darden Date: 3/15/2007
Deborah Darden, Acting 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 and waters administered by the National Park Service, within the boundaries of New River Gorge National River, Gauley River National Recreation Area and Bluestone National Scenic River. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

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

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Except for park buildings and other structures identified as open to the public, all buildings, historical ruins, and other structures are closed.

Visiting Hours

Visiting hours are sunrise to sunset as follows:

- On the Canyon Rim and Sandstone Visitor Center grounds (including the parking lots and grounds associated with or adjacent to the visitor center).
- On National Park Service property associated with the Park Headquarters complex in Glen Jean.

Canyon Rim Visitor Center, Sandstone Visitor Center and the NPS property associated with Park Headquarters in Glen Jean offer no visitor services after regular business hours and also have a history of inappropriate behavior and vandalism after daylight hours.

- At Dungen except for the parking lot and group campsite.

The area known as Dungen is located between NPS maintenance facilities and a private residence. No visitor services are available after hours.

- The area of Beauty Mountain from Short Creek to Beauty Mountain electrical substation is closed to public use one-half hour after sunset until sunrise.

The area known as Beauty Mountain was formerly owned by the Nuttall Estate and was closed

one hour after sunset until sunrise. The area used to be host to late night and often rowdy parties which not only disturbed park neighbors, but also placed the parties involved in great danger due to the close proximity of sheer cliffs and uneven terrain.

Public Use Limits

The size of group and the frequency of use for certain activities will be restricted as follows (see APPENDIX B for additional information):

- Climbing. In order to limit the impact to the climbing complex known as the Bridge Area, all groups will be limited to a maximum of 15 persons per trip, including the guide(s), with guest-to-guide ratio not to exceed four guests to one guide. Groups in all other climbing areas will be limited to a maximum of 10 persons per trip, including the guides(s), with guest-to-guide ratio not to exceed four guests to one guide. Guest count will include individuals in the group watching the climbing activity. All climbing groups are limited to four trips per day park-wide.
- Hiking/Biking. In order to limit the impact to trails in the park, all groups biking and hiking on designated trails will be limited to a maximum of 22 persons, including the guide(s) per trip, with a guest-to-guide ratio not to exceed 10 guests to one guide. In addition, biking and hiking groups will be limited to four trips per day park-wide.
- Horse Trips. In order to limit the impact to permitted trails and minimize conflict with other trail users, horse packing trips will be limited to a maximum of 22 horses and 22 persons (including the guides) per trip, with a guest-to-guide ratio not to exceed 10 guests to one guide. Trips are confined to the Brooklyn Mine Access Trail and Bluestone Turnpike Trail and are limited to day use only with a maximum of four trips per day per designated horse trail. In order to reduce trail damage and minimize conflict with other trail users, a time period of 30 minutes must lapse between the start of each trip onto a designated horse trail. Grazing is not permitted. Horses are prohibited from being tied to trees, shrubs or vegetation and must maintain a distance of at least 100 feet from a water source. Noxious weed-seed free pellets may be utilized if necessary, but hay is prohibited.

Limiting the size of all of these groups will serve to limit their impacts on park resources as well as enhance the overall visitor experience in the park. These limits will also aid in reducing the possibilities of commercial/private user conflicts.

- Personal Water Craft. In accordance with the Policy of the National Park Service, the use of Personal Watercraft are prohibited in the park. Personal Watercraft (PWC) are defined in 36 CFR §1.4(a).

Personal Water Craft (PWC) are prohibited in units of the National Park Service except where designated by special regulations.

Closures

- All park roads are open only to vehicles that:
 - Are registered with valid state registration
 - Have proof of insurance
 - Have a current valid state safety inspection sticker (if required by the state where registered), and
 - Display a current valid state license plate

All park roads are open to vehicles meeting accepted state registration and safety requirements.

- All park roads are closed to all vehicles that are designed for off-highway use as defined by West Virginia Motor Vehicle Code, Section 17A-1-1 (ii) [ATVs].

Off-road vehicles are designed for off-highway use and do not meet the requirements set forth for use on park roads. Travel OFF road by ANY vehicle on park land is prohibited.

- At river access areas (including but not limited to Gauley Tailwaters, Fayette Station, Cunard, Dungen, Stone Cliff, McCreery, Mill Creek, Glade Creek, and Meadow Creek), congestion requires different specific regulatory measures at each location, primarily concerning traffic control and visitor use management. See APPENDIX A.

Heavy private and commercial river traffic requires specific regulatory measures at each location in order to provide for orderly ingress and egress and visitor safety.

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(f) The following is a compilation of those activities for which a permit (approved in advance) from the superintendent is required (See APPENDIX B):

- §1.5(d) Reservation of Burnwood, Dungen, and Grandview picnic shelters; group climbing, hiking, biking, horse packing and tours
- §2.5(a) Collecting (form PRP-1, research specimens)
- §2.10(a) Use of Burnwood and Dungen group camping areas
- §2.12 Audio Disturbances
 - (a)(2) Operating a chain saw in developed areas
 - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft and Air Delivery
 - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means Parachuting (or BASE jumping), whether from an aircraft, structure, or natural feature, is generally prohibited. The issuance of a permit will be considered for organized BASE landings from 9:00 AM to 3:00 PM during the annual Bridge Day event held on the third Saturday of October, pursuant to terms of the July 26, 2002 Management Policies waiver specific to New River Gorge National River.
 - (c)(1) Removal of a downed aircraft
- §2.37 Soliciting or demanding gifts, money goods or services (pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks
- §2.50(a) Special events, weddings, marathons and any other activities of organized groups
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of view
 - Public assemblies, meetings, gatherings, demonstrations, and other public expressions of views will be permitted if a permit has been issued in accordance with 36 CFR §2.51 at locations designed to balance the legitimate need of persons to express their views while allowing for the needs of park visitors to enjoy the park and its resources.

- Designated areas for such activities at New River Gorge National River, Gauley River National Recreation Area and Bluestone National Scenic River include the areas listed in APPENDIX C. Some specific sites may not be available at all times due to the constraints listed in 36 CFR §2.51. Permit conditions specific to each site and event may be established in accordance with 36 CFR §2.51.

See APPENDIX C

- §2.52(a) Distribution or sale of printed matter that is not solely commercial advertising
 - The sale or distribution of printed matter will be permitted at locations designed to balance the legitimate need of persons to express their views while allowing for the needs of park visitors to enjoy the park and its resources.
 - Designated areas at New River Gorge National River, Gauley River National Recreation Area and Bluestone National Scenic River where the sale or distribution of printed matter is allowed pursuant to a written permit are listed in APPENDIX C. Some specific sites may not be available at all times due to the constraints listed in 36 CFR §2.52. Permit conditions specific to each site and event may be established in accordance with 36 CFR §2.52.

See APPENDIX C.

- §2.60(b) Agricultural Use
- §2.62(b) Scattering of Human Ashes
- §5.1 Advertisements - (Display, posting or distribution)
- §5.3 All commercial operations
- §5.5 Commercial Photography
 - Filming and photography activities – whether commercial or noncommercial – will be allowed provided that activities do not cause unacceptable impacts to park resources or public use.
 - All commercial and certain non-commercial filming requires a permit. Commercial filming is defined as digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project.
 - Still photography activities, whether commercial or non-commercial, require a permit when: (a) the activity takes place at location(s) where or when members of the public are generally not allowed; or (b) the activity uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or (c) the park would incur additional administrative costs to monitor the activity; or (d) the park needs to provide management and oversight to (1) avoid impairment or incompatible use of the resources and values of the park, or (2) limit resource damage, or (3) minimize health or safety risks to the visiting public.
 - News coverage does not require a permit, for either filming or still photography, but is subject to time, place, and manner restrictions, if warranted, to maintain order and ensure the safety of the public and the media, and to protect natural and cultural resources.
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

See APPENDIX B. For more information on permit requirements and to obtain appropriate applications, please contact the office of the Program Specialist for Commercial/Special Park Uses at 304-465-6517 or visit www.nps.gov/neri/.

III. GENERAL REGULATIONS

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

(a)(4) Firewood.

- Dead wood on the ground may be collected only for use as campfire fuel in campsites within park boundaries.

The collection of dead wood on the ground for immediate use as campfire fuel does not pose any particular threat to the ecosystem as fluctuating river levels regularly replenish wood in the areas where camping is popular.

(a)(5) Climbing.

- Recreational climbing and rappelling is prohibited at Grandview.

Rock climbing at Grandview would cause a conflict between user groups. With over 1,400 established climbing routes in the park, Grandview is one area where the focus around the cliffs is the enjoyment of the scenery in a peaceful, non sport-like setting.

(c)(2) Gathering.

- The following berries and other fruits growing on federally-owned lands within the park may be gathered for personal consumption in the quantity of one gallon per person per day: blueberries, blackberries, cherries, elderberries, gooseberries, grapes, huckleberries raspberries, serviceberries, strawberries, and sumac berries. Apples, may apples, peaches, pears, persimmons, plums, and black walnuts may be gathered for personal consumption in the quantity of 1/2 bushel per person per day.
- Morel mushrooms may be gathered, limited to 1/2 grocery bag or 1/8 bushel per person per day for personal consumption.
- Ramps (*Allium tricoccum*) may be gathered, limited to 1/2 grocery bag or 1/8 bushel per person per day for personal consumption.

The berries, other fruits, mushrooms and roots set forth in this section are sufficiently prolific so as to sustain gathering in limited quantities for personal use.

(c)(3) Prohibitions.

- Except for those plants and plant parts specifically designated above, it is prohibited to possess, destroy, injure, deface, remove, dig, or otherwise disturb from its natural state all other plants or the parts or products thereof on federally-owned lands within the park [36 CFR §2.1(1)(1)(ii)]. This includes various other fruits, berries, nuts, greens, bulbs, tubers, roots, and other plant parts or products which may, traditionally, have been considered to be edible or to have medicinal uses.

The gathering or possession of other fruits, berries, nuts, greens, bulbs, tubers, roots, etc. not designated in 2.1(c)(2) is prohibited. Of particular note is American Ginseng which is regulated by the state of West Virginia but illegal to harvest or possess on NPS land.

36 CFR §2.2 – WILDLIFE PROTECTION

(b)(1), (b)(2) Hunting. Hunting is allowed on federally-owned lands within the park except as noted below:

- Hunting shall be in accordance with regulations established by the West Virginia Division of Natural Resources or in accordance with posted National Park Service safety zone signs.
- At Grandview, hunting is permitted only within the portion of the former state park land that lies between Glade Creek Road and the New River as posted. All other land within the boundaries of the former state park is closed to all firearms and hunting. Legally taken game shall not be transported across this closed area. All hunting access and possession of firearms in this area are prohibited. (see attached maps).

Under the park's enabling legislation, the Superintendent may allow hunting. Within the area formerly known as Grandview State Park, now referred to as Grandview Top, hunting is not allowed as it was traditionally closed under State ownership. Additionally, hunting activities are inconsistent with the other park uses at Grandview.

- Hunting is not allowed within the Burnwood environmental education area (from the north rim of the New River Gorge along the western and northernmost boundary and south along U. S. 19 to the rim of the gorge as posted) (see attached maps).

The area known as Burnwood, including the Burnwood environmental education area is closed to hunting as an established safety zone.

- Hunting is not allowed in the Park Loop Trail area from Wolf Creek along the eastern cliff line to the northern old road trace, then following the western park boundary to area behind cemetery and south back to Wolf Creek (see attached maps).

The Park Loop Trail area is closed to hunting as a safety measure as this is a heavy visitor use area.

(b)(3) Trapping.

- Trapping is not allowed on federally-owned lands or federally-controlled waters within New River Gorge National River.
- Trapping is allowed on federally-owned lands and federally-controlled waters within Gauley River National Recreation Area and Bluestone National Scenic River.

Trapping within the Gauley and Bluestone NPS areas is allowed under the parks' enabling legislation.

36 CFR §2.3 - FISHING

(d)(8) Fishing From Boat Launch Areas.

- For visitor safety, no fishing is allowed within 100 feet of boat launch/take-out areas while watercraft are using the launch/take-out area.

(d)(2) Bait.

- Live or dead minnows, other bait fish, and amphibians, except as identified below, may be possessed or used as bait or fishing in the waters of the park, in accordance with West Virginia fishing regulations. The commercial collection of bait is prohibited. The collection and possession of the following rare salamanders is prohibited: Green Salamander (*Aneides aeneus*) and Blackbelly Salamander (*Desmognathus quadramaculatus*)

Bait collection and use consistent with West Virginia fishing regulations. Salamanders listed as protected species. Commercial collecting consistent with NPS service-wide policy.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

(b) Camping.

- Camping is defined as “the erecting of a tent or shelter or natural synthetic materials, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy” 36 CFR §1.4(a).
- Camping is permitted on federally-owned lands within the park except where specifically excluded. Camping is permitted at established campsites on NPS-owned riverfront land as long as no unacceptable impacts result. Camping is allowed by permit only at the Dungen and Burnwood group camping areas.
- Opportunities for “primitive” drive-in camping on a first-come, first-served basis have been developed at Army Camp, Grandview Sandbar, Glade Creek, Hellems Beach, and Gauley Tailwaters. Opportunities for “primitive” walk-in camping on a first-come, first-served basis have been developed at Glade Creek, Grandview Sandbar, Thayer, Stone Cliff and Brooklyn.
- Camping by commercial groups is not permitted in any developed campground from the third Saturday in May through September 30.

Glade Creek and Grandview Sandbar campgrounds are closed to commercial use May through September to eliminate conflicts between user groups. This area is accessed via a narrow 5.6 mile improved dirt road and the added burden placed on the area by commercial vehicle traffic would be detrimental to overall visitor experience and could cause a threat to visitor safety.

- Camping is prohibited within 25 feet of all main roads within the park boundary
- Camping is prohibited **within 100 feet of any** of the following unless designated or developed sites are offered (see APPENDIX A for additional information):
 - Developed Day Use and River Access areas (parking, boat launch areas)
 - Developed trails and trailhead areas
 - Park structures or historical ruins
 - Water source or improved areas (unless otherwise stated)
- More specifically, camping is prohibited at the following:
 - Grandview Top (see attached maps)
 - Former Laing property adjacent to Burnwood
 - Visitor centers at Canyon Rim, Sandstone and Thurmond (the parking lots and grounds associated with or adjacent to the visitor centers)
 - Within the Kaymoor historic area (between the metal gate to the south, Butcher Branch to the north, and the historic area from rim top to the river)
 - The area known as The Pines at the Gauley Tailwaters area (see attached map)
 - The areas known as Fern Creek and Beauty Mountain, from Workman Road to the North, through Short Creek and ending at the Beauty Mountain Electrical Substation (see attached map)
 - Keeney’s Creek Flatrock area (see attached map)
 - Within 300’ of any cliff top or cliff bottom (unless otherwise designated)
 - Within the boundaries of Bluestone National Scenic River
- In developed/designated camping areas, there will be a maximum of one tent and one RV (a vehicle designed for overnight accommodations) or two tents, eight people, and two vehicles per site.

- No person, party, or organization shall be permitted to camp for more than a total of 14 days within a 28-day period within any park campground and/or camping area. The moving from one campsite or camping area to another, or the changing of the registered name of the group or individual in order to circumvent the 14-day camping limit is prohibited.
- Campers will be required to register with park rangers when and as requested.

Camping is an intensive use of park resources. All of the camping regulations are in effect to protect 1) the natural features of the park from abuses which can result when camping activities go unchecked, and 2) the quality of the visitor's camping experience. Limitations on camping days and site capacities seek to achieve this protection while still providing adequate camping opportunities to park visitors. Commercial and group size restrictions seek to avoid exposing visitors to hazards or conflicts with other user groups (commercial trips, heavy day use).

36 CFR §2.11 – PICNICKING

- A reserved shelter at Burnwood, Dunglen, and Grandview will be for the entire day and for the exclusive use of the party which holds the reservation. Use of picnic shelters at Dunglen and Burnwood are by reservation only. Shelters at Grandview may be used by non-commercial groups on a first-come, first-served basis if not already reserved. (See APPENDIX B)
- Picnickers using vacant designated campsites will yield the site to those wishing to occupy the site for camping.

Picnicking is allowed throughout the park and in all park campgrounds in accordance with the food storage regulations of Section 2.10(d).

36 CFR §2.13 – FIRES

(a)(1) Fires.

- Campfires are allowed at developed sites and must be contained within the receptacles that are provided. Campfires are also allowed at established backcountry and riverfront campsites and must be contained within a fire pan or existing fire ring.
- Lighting or maintaining a fire is prohibited at:
 - Canyon Rim and Sandstone Visitor centers (the lots and grounds associated with or adjacent to the visitor centers)
 - Camp Brookside Island
 - Islands at Sandstone Falls
 - Keeney's Creek Flatrock area (see attached map)
 - The areas known as Fern Creek and Beauty Mountain, from Workman Road to the North, through Short Creek and ending at the Beauty Mountain Electrical Substation (see attached map)
 - Within the boundaries of the Bluestone National Scenic River
- Unless a receptacle is provided, lighting or maintaining a fire is prohibited **within 300 feet of any:**
 - Developed River Access Areas (this closure includes Gauley Tailwaters, Fayette Station, Cunard, McCreery, Glade Creek, and Meadow Creek; it does not include Stone Cliff and Dunglen)
 - Developed trailhead area
 - Top edge and the bottom of any cliff
 - Park structure or historical ruin

The prohibitions within this section serve the purpose of protecting park natural, historic and archaeological resources from the detrimental effects of campfires. In addition, restricting fires to receptacles (where provided) prevents fire scars from affecting campers sleeping on the ground and contains fire debris to a small area.

36 CFR §2.15 – PETS

(a)(3) Pets.

- At park visitor centers, pets may be left unattended and tied, on a leash not to exceed six feet, to an object, specified by visitor center personnel, for up to one hour.
- At other locations of federally-owned lands, pets may be left unattended and tied, on a leash not to exceed six feet, to objects for up to four hours. Pets will not be tied to trees or other woody plants. Pets will not be tied to trash cans.
- Pets left unattended and tied to an object must have direct access to drinking water, fresh air, and shade. At all times and in all places, pets must be secured on a leash not to exceed six feet.

Leash requirement provides for the protection of the pet as well as other park visitors, while preventing pets from disturbing or harassing native wildlife. All other regulations in this section are in effect to protect unattended pets from exposure to high temperatures and dehydration.

(a)(5) Pet Excrement.

- At all campgrounds, visitor centers, and developed areas, pet excrement must be immediately picked up and disposed of by the person in control of the pet.

Pet excrement poses a public health hazard in high use areas such as park campgrounds, visitor centers, and developed areas.

36 CFR §2.16 – HORSES AND PACK ANIMALS

(b) Horses and Pack Animals.

- Horses and pack animals are prohibited on all park trails unless the trail is signed as open to horse/pack animal use.

The use of horses and pack animals is restricted to areas where they will not present a safety hazard or other user group conflicts to visitors. The impact of stock on trail surfaces is also a consideration in determining where they can be used.

36 CFR §2.20 – SKATING, SKATEBOARDS, AND SIMILAR DEVICES

- These devices are prohibited within the park.

The overflow lots at Grandview (when closed to motor vehicles) are the only areas in the park where skateboards, skates and similar devices may be safely operated without interfering with other visitor uses or vehicle traffic.

36 CFR §2.21 – SMOKING

(a) Smoking.

- All National Park Service buildings and other structures are closed to smoking.

Smoking within any public building or structure poses a health and fire risk.

36 CFR §2.22 – PROPERTY

(a)(2) Unattended Property.

- Personal property left unattended on federally-owned land for more than 24 hours is prohibited. In emergency situations, personal property may be left unattended for longer periods of time with written permission from a Park Ranger.

Permission to leave property unattended for more than 24 hours will be determined on a case-by-case basis.

- Geocaching activities and the placement of a physical cache on park property are prohibited. Earth and virtual caches are described as interesting and educational locations that can be visited to learn about unique aspects of the earth and do not involve the placement of a physical cache. Earth and virtual caching are allowed under the following conditions:
 - Items or personal property are not left on park property
 - The activity involves no impacts to vegetation, wildlife, cultural and historical sites
 - The activity involves no ground disturbance (digging) or moving of rocks

36 CFR §2.35 – ALCOHOLIC BEVERAGES

(a)(3)(i) Closures.

- The following public use areas are closed to the consumption of alcoholic beverages and the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal is broken or the contents of which have been partially removed:
 - Within the Park Headquarters complex in Glen Jean
 - At Dungen, within the developed area
 - At Grandview Top
 - Within Bluestone National Scenic River
 - Stone Cliff visitor use area, including the area from the entrance road at the junction of State Route 25 to the upstream end of the “beach area”, and the overnight camping and day use areas
 - Public use areas at Thayer

At Park Headquarters and Dun Glen, the use of alcoholic beverages is inappropriate given the nature of the government business which occurs on or near these properties. At Stone Cliff visitor use areas, the irresponsible, unsafe and often violent behavior which traditionally resulted from alcohol use is inappropriate and was not able to be controlled by traditional enforcement means. The area known as Grandview top was formerly a WV State Park where alcohol was prohibited. The public use activities at Grandview include large gatherings, family reunions, church groups and an outdoor drama theater. Bluestone National Scenic River is co-managed with the state of West Virginia, which does not permit the use of alcoholic beverages in the wildlife management area. The Thayer visitor use area is located within the residential community of Thayer and the use of alcohol would be inappropriate due to the proximity of local residents.

36 CFR §2.38 – EXPLOSIVES

(b) Fireworks.

- The possession of and/or use of fireworks, firecrackers or black powder (except for its legal use in muzzle loading firearms or for living history demonstrations, to include Theatre West Virginia) or explosives in the park is prohibited except under terms of a written permit from the Superintendent.

The use of class "C" fireworks is prohibited in the state of West Virginia. With the exception of its legal use in hunting, the use or possession of black powder is a violation of state and federal law. The superintendent may allow the use of fireworks and explosives where deemed appropriate under the conditions of a permit. Theatre West Virginia uses prop firearms and theatrical pyrotechnics as a part of its productions.

36 CFR §2.62 – MEMORIALIZATION

(b) Memorialization.

- The spreading of human ashes in the park may be done only by written permission of the Superintendent. All other memorialization activity is prohibited.

36 CFR §4.30 – BICYCLE USE

(a) Bicycle Use.

- In addition to park vehicular roadways, recreational bicycling, commercial bike tours and special bicycling events are permitted on the following park administrative roads:
 - Kaymoor (formerly Cunard –Kaymoor), 2.2 miles between junction of Craig Branch Trail and Butchers Branch
 - Craig Branch 2.4 miles
 - South Side Junction, 1.4 miles from Brooklyn Trailhead to Red Ash Island.
 - Thurmond-Minden 3.4 miles
 - Keeney Branch RR 3.4 miles
 - Royal 2.6 miles
 - Nuttall Mine 0.5 miles
 - Nuttallburg Tipple 0.8 miles
 - Terry Top 1.7 miles

Under the parks enabling legislation, the superintendent may designate certain trails as open to bicycle use.

**New River Gorge National River
Gauley River National Recreation Area
Bluestone National Scenic River**

**RIVER ACCESS & LAUNCH RAMP AREAS
OPERATIONAL GUIDELINES
Revised April 2009**

In an ongoing effort to improve the operations of our public use areas, it is important that we continue to address our common management concerns. In addition to launch area and traffic control issues, other issues such as camping, visitor safety, and area closures that affect commercial boating operations are also included in this list. Visitor use pressure on these areas continues to grow. It is imperative to observe the operational guidelines and regulations listed below. This will prevent unnecessary disputes and misunderstandings that could negatively affect the experience of our guests and visitors. **Please review this information and distribute it to appropriate staff.**

GENERAL REGULATIONS

- **Vehicles and Equipment****

All park roads are OPEN to vehicles that:

- a) are registered with a valid state registration, including a Commercial Drivers License (CDL) as appropriate
- b) have proof of insurance
- c) have a current valid state safety inspection sticker
- d) display a current valid state license plate

** **This will not change regardless of revisions to WV ATV law.**

- **Speeding**

We will continue our efforts to control vehicle speed on river access roads and other park roads. Congestion, presence of pedestrians and road width/grade will determine specific posted speed limits on park roads, and it is possible for a park road to have different posted speed limits for different sections of the road.

When encountering problems related to excessive speeds or other vehicle/driver behavior related to visitor safety, please contact Rangers with this specific information. All posted speed limits and traffic regulations will be enforced as necessary to help ensure a safer park environment for all park users.

- **Unattended Vehicles**

Leaving unattended commercial or private vehicles at river access and launch ramp areas is prohibited. At all areas, vehicles must have a driver immediately available. **Any unattended commercial or private vehicle is subject to being cited and towed from the areas.**

- **Natural and Cultural Resources**

Park regulations prohibit the possession, collection, removal, destruction, or disturbance of both natural and cultural objects on public land. Protected natural features include plants, trees, roots, rocks, fossils, animal and insect nests, shelf fungus, wildlife products, and other components of the natural environment. Protected cultural objects include Native American and prehistoric artifacts, glass bottles, historic pottery shards, bricks and cut stone blocks, metal objects, and any other remains from past human activity. Collecting, or permitting customers to collect, "souvenirs" from park lands, coal towns, historic ruins, or any other site is prohibited. **The park encourages the commercial rafting community to report incidents of looting and damage to cultural and natural sites in a cooperative effort at protecting these important features of the park.**

RIVER ACCESS & LAUNCH RAMPS

- **Short-Cutting at Ramps**

Short-cutting is not allowed at any river access area. Those launching watercraft must use the appropriate ramp and/or launch site. This will reduce unintended resource damage to the sites.

- **Stacking and Staging on Launch Ramps**

Stacking and staging boats and equipment on launch ramps or in a manner that prevents others from using the ramps is not allowed. All launch ramps and vehicle turnaround areas must remain open for immediate use. **The stacking and staging boats and equipment remains a problem. We prefer that issues of this nature be resolved by extending common courtesy to all, private and commercial user alike, rather than involving the law enforcement Ranger staff.**

- **Human Waste**

Please encourage commercial customers to utilize the toilet facilities provided at the river access and launch sites and take precautions to prevent leaving solid human waste within the river corridor.

- **Lunch Stops**

Please do not serve lunch at river access and launch ramp areas, including the Cunard bus parking lot and staging areas. These areas are not designed to accommodate this use.

- **Trash, Food Scraps and Overnight Trips**

Food items must be secured in a closed vehicle or in a hard-sided container, such as a cooler, secured by a strap or other secure cord. All trash and food scraps must be packed out when exiting the river and leaving the park. This is especially important for overnight trips coming off the river.

Food scraps dropped on the ground or trash (which normally contains unused food products) from overnight trips attract nuisance insects (bees, ants, etc.) and lead to undesirable interactions with wildlife. Wildlife feeding at garbage containers continues to be a growing problem parkwide, especially at public river access areas. Physically dangerous human/wildlife interaction may eventually develop, as will the rabies threat, if we do not work together to prevent this problem. Please help keep wildlife wild – do not feed wildlife.

- **Camping in Developed Areas**

Camping by commercial groups is not permitted in any **developed** camping area from the third Saturday in May through September 30 each year. This includes Glade Creek, Grandview Sandbar, Army Camp and other developed camping areas. The Dungen and Burnwood group camping areas are by Special Use Permit only.

DEVELOPED AREAS

Meadow Creek Public Access

- The private landowner has agreed to allow **non-commercial** use of her property for river access, including the launching and retrieval of watercraft, through a Memorandum of Agreement between the NPS and the landowner. The private landowner has stipulated this area is only for private, **non-commercial** public use and **only available for commercial use under an annual fee system between the landowner and commercial entities**. Commercial use of the Meadow Creek Public Access area constitutes a trespass in the absence of expressed agreement with the landowner. **It is imperative that all commercial companies inform their staff of the landowner's desires and refrain from any use of the Meadow Creek Public Access area without the required landowner permission.**

Grandview Sandbar

- Commercial use of the Grandview Sandbar developed area for the launching and retrieval of boats will be limited to only allow trips such as fishing or rafting or "duckie" trips with up to 14 guests each trip. This limitation affects the entire river front property, from the "Upper Day Use/Beach Area" to the "Walk-in Camping Area" on the downstream end of the area.
- Based on established company identities as of January 1, 2009, as well as nonprofit entities operating under commercial licenses, commercial outfitters will be limited to two separate trips per day per company, whether two fishing or rafting trips with up to two boats each, or two "duckie" trips with up to the number of boats necessary to accommodate 14 guests, or one "duckie" trip and one fishing or rafting trip.
- Passenger vehicles larger than a 15-passenger van will not be allowed to enter the area for the purpose of transporting commercial guests and/or equipment.
- Staging of boats and equipment is prohibited.
- Vehicles will not block access or be left unattended.
- Camping by commercial groups is not permitted at Grandview Sandbar from the third Saturday in May through September 30.
- Use of this area for kayak/canoe clinics/demos, race events, baptisms and weddings is allowed under Special Use Permits. Please contact the park's Program Specialist at 304-465-6517 to check available dates and request Special Use Permit applications.

Glade Creek

The same restrictions apply to commercial outfitters at Glade Creek as for the Grandview Sandbar, with the exception as noted below, and these restrictions apply to the camping areas and entire riverfront property from the Glade Creek piers above the confluence of Glade Creek and the New River, downstream to the end of the walk-in camping areas below the river access ramp.

- Based on established company identities as of January 1, 2009, as well as nonprofit entities operating under commercial licenses, commercial outfitters will be limited to one trip per day per company, with no more than two vehicles per trip. Passenger vehicles larger than a 15-passenger van will not be allowed to enter the area for the purpose of transporting commercial guests and/or equipment.

- Use of this area for organized events such as kayak/canoe clinics/demos, race events, baptisms and weddings is allowed under Special Use Permits. Please contact the park's Program Specialist at 304-465-6517 to check available dates and request Special Use Permit applications.

Mill Creek

The same restrictions apply to commercial outfitters at Mill Creek as for Grandview Sandbar.

- Mill Creek is a "No Camping" area. Vehicles should not block access or be left unattended.
- Off-loading passengers and boats along the Glade Creek Road and sliding down the bank in the near vicinity of Mill Creek is not allowed. This causes very unsightly resource damage and erosion. **Utilize the gravel river access road at Mill Creek for off-loading and loading passengers and equipment.**
- Use of this area for organized events such as kayak/canoe clinics/demos, race events, baptisms and weddings is allowed under Special Use Permits. Please contact the park's Program Specialist at 304-465-6517 to check available dates and request Special Use Permit applications.

McCreery

- **Only one bus at a time is allowed at the McCreery launch area from Route 41 to the river and is limited to a maximum of 15 minutes to unload or pick up guests and/or equipment and launch/take-out river trips.** To avoid the intervention of law enforcement actions, please keep the boat ramp clear at all times, unless actively launching or retrieving passengers and equipment.
- No parking at any time is allowed at the McCreery launch area from Route 41 to the river. Parking is available across Highway 41 and should be utilized whenever possible instead of using the landing area at the ramp for all day parking.
- **Crossing Highway 41 can be dangerous! Please warn guests to use extreme caution when crossing this highway.**
- Busses should park perpendicular to the road near the former general store building, leaving room for additional busses and vehicles. Park as far back as possible to make the line-of-sight distances as great as possible for crossing Highway 41. **Do not block the front overhead door of the building as this building houses river rescue boats and equipment.**
- Use of this area for organized events such as kayak/canoe clinics/demos, race events, baptisms and weddings is allowed under Special Use Permits. Please contact the park's Program Specialist at 304-465-6517 to check available dates and request Special Use Permit applications.

Thayer

- The Thayer river access is shared by private boaters, fishermen, campers, traditional park visitors and most importantly, by local neighbors. Respect for others will help maintain the mixed use of this river access area. This is a pack-it-in and pack-it-out site. No trash receptacles or pickup are provided. **Alcoholic beverages are prohibited in this area.**
- The same restrictions apply to commercial outfitters at Thayer as for Grandview Sandbar, and these restrictions apply to the camping area and the entire river front property, from 100' above the "Walk-in Camping Area" downstream to the end of the "Day Use Area".
- Passenger vehicles larger than a 15-passenger van will not be allowed to enter the area for the purpose of transporting commercial guests and are not allowed at the river access site at this time. The launching or retrieval of trips must be accomplished by carrying watercraft to and from the vehicle parked outside the river access area.

Stone Cliff

- Commercial vehicles are not allowed on the upper launch site. In this area, outfitters may carry rafts and equipment to the launch ramp from the commercial parking/staging lot. **Alcoholic beverages are prohibited in this area.**
- During launching, commercial vehicles may stage in the upper parking area and carry rafts and equipment down to the put-in area next to the camping area.
- During takeout, only the lower takeout area at the downstream end of Stone Cliff is to be used for commercial takeout and "express" trips. This is the area on the lower loop of the entrance road below the restroom/changing facilities.
- Use of this area for organized events such as kayak/canoe clinics/demos, race events, baptisms and weddings is allowed under Special Use Permits. Please contact the park's Program Specialist at 304-465-6517 to check available dates and request Special Use Permit applications.

Dunglen

- Commercial use of the river access area is by Special Use Permit only. **Alcoholic beverages are prohibited in this area.**
- During launching, vehicles may be staged in the upper parking area and rafts/equipment carried down to the put-in area.
- Wildwater Expeditions Unlimited has a legal, deeded access at Dunglen for ingress/egress for Wildwater trips only.
- Use of the group camping area and the picnic shelter area are allowed under Special Use Permits.

- Use of the launch area for organized events such as kayak/canoe clinics/demos, race events, baptisms and weddings is allowed under Special Use Permits. Please contact the park's Program Specialist at 304-465-6517 to check available dates and request Special Use Permit applications.

Cunard

- Based on established company identities as of January 1, 2009, as well as nonprofit entities operating under commercial licenses, only one equipment vehicle per company may occupy a space in the commercial launch area parking/staging area at one time, with the exception that ACE, Rivers Expeditions and Class VI may have two equipment vehicles at one time.
- One exception to above: an express lane at the downstream end of the commercial lot is available for use. To use the express lane, operators must have a small trip that can be unloaded from the gear trailer without delay. No staging is allowed in the express lane, and the time limit in the express lane is 15 minutes or the minimum time necessary to launch the trip.
- A lane must be kept open a minimum of 1-1/2 raft width along the concrete walkway on the river side of the commercial parking area to allow adequate passage to carry rafts to the launch area ramp.
- Do not use the private boater ramp for routine trips. Use the provided commercial launch ramp instead.
- Use of this area for organized events such as kayak/canoe clinics/demos, race events, baptisms and weddings is allowed under Special Use Permits. Please contact the park's Program Specialist at 304-465-6517 to check available dates and request Special Use Permit applications.
- The gated access area at Cunard is available for commercial use for "special purpose" trips only. **This ramp is not intended for routine river trips involving rafts, inflatable kayaks (duckies) and/or trips involving able-bodied guests.** Examples of "special purpose" trips are "rigged" trips such as fishing and overnight trips and trips involving mobility-impaired guests, elderly guests or small children.
- If a multi-boat (such as five boats) trip has a mobility-impaired guest or a small child on one of the boats, only the boat with the mobility impairment or small child may use the special purpose ramp. Other boats and passengers must use the normal access ramp.
 - The following provisions apply to the special purpose ramp:
 - a) Do not block the access gate
 - b) Please remember this special purpose ramp gives commercial operators access to the private boater ramp. Do not interfere with private boater operations. Use of this area is limited to ten (10) minutes. Private boaters have the right-of-way at all times.
 - c) The special purpose ramp gate may have a combination lock. Call the District Ranger Station (574-0165), the Canyon Rim Visitor Center (574-2115) or Park Headquarters (465-0508) for the combination and in advance of each time of intended use.
- **NOTE:** This ramp is also available to local fishermen for the purpose of launch/take-out of trailered boats.
- **Eating of lunches is prohibited in the bus parking lot, staging area or launch ramp at Cunard.**

Fayette Station

- Commercial passenger-carrying vehicles must stage in the upper parking lots. The lower beach (commercial takeout) is only open to equipment-carrying vehicles from 6:00 AM to 6:00 PM.
- Because of limited space, a maximum of two (2) passenger busses per company (based on established company identities as of January 1, 2009, as well as nonprofit entities operating under commercial licenses) are allowed in the commercial parking area at any one time. All companies are expected to work together on a bus staging system to reduce congestion. The Burnwood area is also available for staging purposes.
- Based on established company identities as of January 1, 2009, as well as nonprofit entities operating under commercial licenses, only one equipment vehicle per company is allowed in the lower beach takeout area at any one time.
- Wildwater Expeditions Unlimited has a legal, deeded access to Fayette Station for Wildwater trips only. Through discussion with Wildwater, other commercial users of Fayette Station, and Rangers responsible for managing commercial and public use of the area, Wildwater Expeditions is granted a reserved space at the takeout. Wildwater has the right to drive their passenger pickup bus to the Lower Beach takeout. This reserved space is at the upstream end of the center aisle above the large "table rock". Park staff appreciates other outfitters' compliance in adhering to this deeded, reserved right exception in the Fayette Station area regulations.
- Use of this area for organized events such as kayak/canoe clinics/demos, race events, baptisms and weddings is allowed under Special Use Permits. Please contact the park's Program Specialist at 304-465-6517 to check available dates and request Special Use Permit applications.

Gauley-Tailwaters

Use of this area for organized events such as kayak/canoe clinics/demos, race events, baptisms and weddings is allowed under Special Use Permits. Please contact the park's Program Specialist at 304-465-6517 to check available dates and request Special Use Permit applications.

Gauley- Mason's Branch

The 2008 purchase of a small parcel of land at Mason's Branch and the access road now allows for both private and commercial use for most of the year. Continued cooperation and coordination is needed to adjust to developing ownership and access situations. The NPS launch area and parking lots are closed to overnight camping and campfires.

Gauley- Wood's Ferry

The 2008 purchase of Wood's Ferry river right and the access road now allows for both private and commercial use for most of the year. Continued cooperation and coordination is needed to adjust to developing ownership and access situations. The NPS launch area and parking lots are closed to overnight camping and campfires



EMERGENCY BACKBOARD LOCATIONS NEW RIVER

Emergency backboard locations are described below. **Each emergency backboard location is marked with fluorescent flagging tape.** In the event that you use a backboard, please return it to the location from which you obtained it as soon as possible. If you need assistance in performing an evacuation, Park Rangers can be radio dispatched by calling **256-1700** or **911**. You are requested to let the National Park Service know any time that you use a backboard.

PLEASE REPORT THE USE OF BACKBOARDS TO THE NPS: 574-0165 X 104

BROOKS – River left below falls

SANDSTONE FALLS – Under boardwalk overlook, river left

GRASSY SHOALS – River left below rapid

PICTURE RAPID – River right just before beach area after rapid

DUCKIE MUNCHER – River right below rapid at the upper end of the old apple orchard

DOWDY CREEK – River right on the left ledge after walking through tunnel

LEDGES – River left between the two ledges

SILO – River right just downstream of rapid

DUNGLEN – River left on deck of upstream storage building

JUMP ROCK – River right on Jump Rock

SURPRISE – River right in the upstream end of the eddy just downstream of the rapid

UPPER RAILROAD – River right just below the trestle

LOWER RAILROAD – River left in the upstream end of the surfing eddy

MIDDLE KEENEY – River left in the rocks just after the rapid

LOWER KEENEY – River left up on the bank below Lollygag

DUDLEY'S DIP – River right at Jump Rock

DOUBLE Z – River right on top of Spectator Rock (Vulture Rock) at bottom right of rapid

GREYHOUND BUS STOPPER – River left at bottom end of eddy below rapid

MILLER'S FOLLY – River left just upstream of Fern Creek

Revised April 2009



EMERGENCY BACKBOARD LOCATIONS GAULEY RIVER

Emergency backboard locations are described below. **Each emergency backboard location is marked with fluorescent flagging tape.** In the event that you use a backboard, please return it to the location from which you obtained it as soon as possible. If you need assistance in performing an evacuation, Park Rangers can be radio dispatched by calling **256-1700** or **911**. You are requested to let the National Park Service know any time that you use a backboard.

PLEASE REPORT THE USE OF BACKBOARDS TO THE NPS: 574-0165 X 104

INITIATION – River right in the upstream end of the eddy below the rapid

INSIGNIFICANT – River right on top of large rocks at the upper end of the recovery eddy

PILLOW ROCK – River left directly across from Recovery Rock and river right near Photographer Rocks

LOST PADDLE – **3rd Drop** - River right in the upper end of eddy after rapid
– **Tumble Home** -- River left about 100 feet below rapid

IRON RING – River left on rocks at scouting/lunch area

SWEET'S FALLS – River right at Appalachian Wildwater's lunch area
– River left at ACE's lunch area

JUMP ROCK – (Below Gillespie's Hole) - River right on ledges below Jump Rock

WOOD'S FERRY – River left just after rapid

WOOD'S FERRY ROAD – River right at top and bottom of road

JUNKYARD – River left near NARR's overnight spot

LOWER MASH – River right just above Diagonal Ledges

HEAVEN HELP YOU – River right just below rapid

PURE SCREAMING HELL – River right just below rapid



HELICOPTER LANDING SITES NEW RIVER

Landing zones are still under revision this year. The park is working on alternatives and low water LZ's. HealthNet is now located in Beckley, and we are working with them so they are more comfortable with river locations, thus making them a more viable resource in emergency situations.

TUG CREEK BOAT RAMP

BROOKS FALLS – Fields below Brooks Falls, river left

SANDSTONE FALLS – Large rock, river left side of island

SEVERAL FIELDS ON RIVER LEFT BETWEEN SANDSTONE FALLS AND I-64 BRIDGE

SANDSTONE STORE – Island just across from store

SANDSTONE VISITOR CENTER

JUST BELOW I-64 BRIDGE – Fields on river left and right

QUINNAMONT – Train station

GRANDVIEW SANDBAR

McCREERY BOATHOUSE – Requires road closure

ARMY CAMP

SILOS RAPID – River right side fields next to railroad

STONE CLIFF -- Upper parking lot or beach area. ****POWERLINE****

THURMOND – River left side downstream of Thurmond Depot

CUNARD – Top parking lot next to waterfalls

ENDER WAVES – First beach below rapids, river left

KEENEY'S RAPID – Possibly Whale Rock or beach on river right at river right eddy

DUDLEY'S DIP RAPID – Large rock below rapid, river right

DOUBLE Z – Large square rock at top of rapid, river right

MILLER'S FOLLY – Several large rocks at bottom, river left

FAYETTE STATION – Commercial take-out area near river bank
Alternate: Bridge Trailhead next to ACE/Wildwater

TEAYS LANDING – Field in bend in road or river take-out

NOTE: THESE ARE POSSIBLE SITES ONLY -- HELICOPTER LANDINGS ARE AT THE PILOT'S DISCRETION AND ARE DEPENDENT UPON WATER LEVEL, VISIBILITY, AND WEATHER CONDITIONS.

Revised April 2009



HELICOPTER LANDING SITES GAULEY RIVER

Landing zones are still under revision this year. The park is working on alternatives and low water LZ's. HealthNet is now located in Beckley, and we are working with them so they are more comfortable with river locations, thus making them a more viable resource in emergency situations.

INITIATION RAPID – Large rock, river right below the rapid

GOMER HOLE/GEEK WAVE – River left below Collision Creek Rapid on flat rock 100' from shore

PILLOW ROCK RAPID – Recovery Rock, large flat rock below first set of rapids below Pillow Rock, center of river

LOST PADDLE – Just above the rapids, river left and just out from river left beach area

IRON RING RAPID – Lunch rock on river left

AW ROAD TO SWEET'S FALLS – River right at wide bend in the road about 1/8 mile up road from the river at Sweet's Falls

BELOW SWEET'S FALLS – Three rapids downstream from Sweet's on the large rock (slightly undercut) on river left

MASON'S BRANCH ACCESS – Upper parking area

BUCKLICK ACCESS – AW parking area at top of take-out

CANYON DOORS RAPID – River left ledges above the rapid

DIAGONAL LEDGES RAPID – Rock at the top of the rapid, middle of the river

PICTURE ROCK (BFR) – Rock at the bottom of the rapid, middle of the river

PURE SCREAMING HELL RAPID – Undercut rock on downstream end of rapid, river left

UPPER SWISS ACCESS – Parking area at take-out

SWISS ACCESS – Parking area at the take-out

NOTE: THESE ARE POSSIBLE SITES ONLY -- HELICOPTER LANDINGS ARE AT THE PILOT'S DISCRETION AND ARE DEPENDENT UPON WATER LEVEL, VISIBILITY, AND WEATHER CONDITIONS.



AERIAL HAZARDS (POWERLINES)

- 1) CLAREMONT TIPPLE**
- 2) STONE CLIFF BEACH**
- 3) UPPER FIRECREEK POOL**
- 4) CUNARD**
- 5) BELOW LOWER RAILROAD RAPID**
- 6) ABOVE UPPER KEENEYS RAPIDS**
- 7) UPSTREAM OF FAYETTE STATION BRIDGE**
- 8) BELOW TEAYS LANDING**

APPENDIX B PERMIT INFORMATION

COMMERCIAL USE AUTHORIZATIONS

Note: The National Park Service has recently finalized the development of a new, more flexible business permit called a Commercial Use Authorization to be utilized for permitting suitable commercial activities on National Park Service lands. The Commercial Use Authorization (CUA) replaces the former Incidental Business Permit.

Does the National Park Service consider you a commercial entity?

Your organization is considered a commercial entity if you provide goods, services, activities, or other things to the public using National Park Service (NPS) lands and you receive any form of compensation for the things you provide. The NPS does distinguish between commercial and non-profit organizations. A non-profit organization is one that has been determined by the Internal Revenue Service to be exempt from federal income taxation as a nonprofit or not-for-profit organization under the terms of the Internal Revenue Code. If an organization can provide documentation that it will derive no taxable income from activities in the park, a CUA will not be required. However, a non-profit organization is required to obtain a Special Use Permit for the activity and pay any required associated cost recovery when engaging in activities on park lands.

What are the criteria for the Commercial Use Authorization?

First of all, does the activity fit the park? It must be appropriate to the mission of the park, compliment resource protection, visitor protection and interpretation goals, and not pose any potential for derogation of values or purpose for which the park was established. The activities must be consistent with the park's future plans as well as present operations. They should be compatible with the planning documents for the park.

The park will not normally limit the number of organizations that offer similar services or activities. However, the Superintendent will not issue more CUAs than are consistent with the preservation and proper management of park resources and values. If the demand for the activity is overwhelming, the NPS may establish controls. Some examples of controls include designation of areas for commercial use, or establishment of area carrying capacities or a reservation system. If needed, the NPS may also establish procedures to assure a balance between commercial and non-commercial use. Additionally, the park cannot guarantee that park facilities will be available every day for every CUA holder and may establish group size limitations.

Types of CUAs.

In-park services refers to an operation with annual gross receipts of not more than \$25,000 from commercial services originating and provided solely within a park area.

Out-of-park services refers to the incidental use of park area resources by operations that provide commercial services originating and terminating outside of the park area. A CUA of this type does not authorize solicitation of customers, sales or payment for commercial services to take place within the park area – all of these activities must occur outside of the park area. Unlike a CUA for in-park services, there is no cap on the annual gross receipts that may be generated by the authorized services under an out-of-park CUA. Compensation or payment for services (even tipping) may not occur on NPS lands.

CUAs do not authorize the construction of structures on NPS lands, either temporary or permanent.

What costs are involved?

The cost for issuing a Commercial Use Authorization is \$200.00, and the authorization in effect for one year. Short-term CUAs are available for a three-month period at a cost of \$50.00.

If the NPS incurs costs as a result of the authorized activities, the CUA holder is held responsible for reimbursement of those costs. For group use or special events, the CUA holder pays the same application/administrative charge and monitoring costs as other event permittees.

If the activity has a potential for resource disturbance or damage, the NPS may require the CUA holder to post a refundable performance bond. The bond is set at an amount adequate to cover the cost of cleanup or repair of damage to resources, including personnel or contract costs. At the end of the authorization year, the bond is returned if it was not needed.

What is involved in the CUA?

Each Commercial Use Authorization includes the following provisions:

Copy of Certificate of Liability Insurance coverage is required with the United States of America named as Additionally Insured.

The CUA holder must meet all state, county and local agency requirements for permits, licenses and business operations. All food and beverage services must meet public health standards.

IRS taxpayer identification number for the CUA holder/organization is required to be provided on the CUA application.

The NPS requires prior approval of advertising for activities that occur on park lands. The CUA holder shall not use advertising that attempts to portray them as agents of the NPS, or to use NPS symbols, seals, or other items of identity.

Commercial advertising is prohibited on park lands, including hanging or posting signs, banners and flyers.

The organization/CUA holder will provide the superintendent a statement of its monthly gross receipts, visitor use statistics and resource impact assessments. Go to www.nps.gov/neri/ to print the reporting form.

The NPS will designate an individual to whom the CUA holder will report any accidents, injuries or damages related to the authorization. The NPS liaison will be the individual providing the CUA holder with NPS emergency or site closure information.

The CUA holder will provide a method for NPS field personnel to quickly and easily identify the CUA holder's staff when on NPS property.

Some activities must be scheduled in advance to avoid conflict with other park uses.

The CUA will indicate the areas of the park in which the CUA holder may conduct activities and the types of activities covered in the CUA.

What activities may be permitted under a Commercial Use Authorization?

- Rock climbing services.
- Bicycle rentals and tours.
- Hiking tours.
- Horseback riding services.
- Tours.

Where can I get more information?

Contact the office of the Program Specialist for Commercial/Special Park Uses at 304-465-6517 to request a Commercial Use Authorization application or go to www.nps.gov/neri/ to print the Commercial Use Authorization application form.

SPECIAL USE PERMITS

Special events range from company picnics and family reunions to weddings, races/marathons, filming, demos/training and reserved group camping.

How do I schedule my event or activity?

The parks accommodate both regular park visitors and special events or group activities at the same time, by such means as to avoid the scheduling of more than one event per day for each site, with the exception of group climbing. Most events and activities are scheduled during daytime hours with the exception of group camping and some races/marathons. Please contact the park as far in advance as possible. Requests are taken first come, first served. To inquire about the necessity for a Special Use Permit or to reserve a date for your event, contact the office of the Program Specialist for Commercial/Special Park Uses at 304-465-6517.

What costs are involved?

The authority for the NPS to recover and retain costs associated with managing special park uses is found at 16 U.S.C. 3a. The NPS is required to recover all costs related to special park use permits (31 U.S.C. 9701). Recoverable costs include site preparation, use, restoration costs, utility costs, event personnel costs and supplies and materials. The NPS is also required to recover the costs of administering the permit, providing planning assistance and costs associated with preliminary consideration of proposed events.

The event producer/sponsor may be required to post a bond to assure compliance with permit conditions as well as site restoration and clean-up after the event. The bond is refundable if all permit conditions are met.

The cost for using an NPS site varies with the complexity of the activity. Factors include the number of people involved, whether there will be food and beverage service, and the amount of time you will be on-site, including deliveries and pick-ups, preparation and clean-up. You can get a rough estimate of the costs by describing the event to the park's Program Specialist and completing an Application for Special Use Permit with the details of your proposed event. Exact costs will be calculated based on your application. Modifications to your plans may impact the permit costs.

When you submit your written application, you will pay a non-refundable application/administrative charge. The cost recovery/monitoring charge is due prior to approval of the permit. If any additional costs are incurred or if you fail to complete clean-up after the event, you will be billed at the conclusion of the event. Go to www.nps.gov/neri/ to print the Special Use Permit application form.

What are some events that may require a Special Use Permit?

Climbing at designated climbing areas for non-commercial groups of 10 or more
Hiking at designated hiking areas for non-commercial groups of 10 or more
Biking at designated biking areas for non-commercial groups of 10 or more
Horseback riding on designated horse trails for non-commercial groups of 10 or more
Tours in areas of the parks for non-commercial groups of 10 or more
Group camping at Burnwood or Dungen
Picnic shelter reservations at Burnwood, Dungen and Grandview
Events which involve staging support personnel along the route
Events which charge a fee for participation (subject to a Commercial Use Authorization)
Demos/training sessions (land and water-based)
Races and/or marathons (land and water-based)
Weddings
First Amendment activities
Agricultural Use
Rights-of-Way

Examples of some activities for which a Special Use Permit is required include, but are not limited to, the following along with the designated Application/Administrative Charge:

<u>Activity</u>	<u>Application/Administrative Charge</u>
Group Climbing (non-commercial)	\$50.00/four months; \$150.00/one year
Group Hiking (non-commercial)	\$50.00/four months; \$150.00/one year
Group Biking (non-commercial)	\$50.00/four months; \$150.00/one year
Group Horse Packing (non-commercial)	\$50.00/four months; \$150.00/one year
Group Tours (non-commercial)	\$50.00/four months; \$150.00/one year
Group Camping (Dunglen and Burnwood)	\$50.00/night – includes pavilion/shelter
Wedding	\$50.00
Race/Marathon	\$100.00
Public Assembly (non-First Amendment)	\$50.00/day
Filming/Photography	\$100.00
Demo/Training	\$50.00/day
First Amendment Activity	\$0.00
Memorial/Scatter Ashes	\$0.00
Shelter Reservation (Dunglen and Burnwood)	\$50.00/day
Shelter Reservation (Grandview)*	\$70.00/day for Shelter #1 and #3 \$75.00/day for Shelter #2 and #4 \$90.00/day for Playground shelter

In addition, the Park is required to recover any operational costs caused by your activity once the permit has been issued. Costs will be charged at the rate of \$40.00 per hour per employee if monitoring of your event is determined to be necessary.

Groups must schedule each event in advance by contacting the park's Program Specialist at 304-465-6517.

*For shelter reservations and weddings at Grandview, please contact the park's Grandview Shelter Reservationist at 304-465-8064. For shelter reservations at Burnwood or Dunglen, please contact the park's Program Specialist at 304-465-6517.

Please note some restrictions apply to wedding ceremonies at overlook areas of the parks. Wedding ceremonies must not interfere with normal visitation of the overlooks, and park visitors cannot be denied access during the ceremony. With the exception of the North Grandview Overlook, wedding ceremonies will be limited to a total of 25 participants, including the wedding party, for a maximum of 30 minutes for the ceremony and photographs. At the North Grandview Overlook, wedding ceremonies will be limited to a total of 15 participants for a maximum of 30 minutes. During high visitation times from April 1 through October 31, it may be a requirement to schedule wedding ceremonies at overlooks to occur before 11:00 AM. Decorations are not allowed, and the showering of the wedding couple with rice, birdseed, confetti, and bubbles are prohibited, as well as the release of balloons or birds.

How is a site and date reserved?

First, visit the parks to see which site meets your needs. Then call the office of the Program Specialist for Commercial/Special Park Uses at 304-465-6517 to see if the site is available for your preferred date. If it is and your activity is an appropriate activity to occur on park lands, we will send you the application and hold the date for 15 working days to allow you time to complete the application and send it to us along with the non-refundable application/administrative charge. If the application and administrative charge are not returned within 15 work days (three weeks), the site and date are released. Go to www.nps.gov/neri/ to print the Special Use Permit application form.

Based on the information in your application, we will write the permit and calculate the cost recovery permit costs. You will have 10 working days (two weeks) to review and sign the permit and return it, along with the balance of the permit costs (additional administrative and/or monitoring charges). Once we have received the signed permit, we will return the approved original to you.

Approximately two weeks before the actual event, you should contact the Program Specialist at 304-465-6517 for a pre-event review. If you have made modifications in your event plans, we will review the permit and cost calculation and make any needed adjustments.

Are there any other requirements?

Some events require liability insurance from your own insurance company. The amount, like the cost, is related to the complexity of the event. For family events, the liability insurance can be based on homeowner's (not renter's) insurance. We will provide you with information for your insurance agent.

The permittee must meet all state, county and local agency requirements for permits, licenses and business operations. All food and beverage service must meet public health standards.

IRS taxpayer identification number for the permittee/organization is required to be provided on the permit application.

The NPS requires prior approval of advertising for events that occur on NPS lands. The permittee shall not use advertising that attempts to portray them as agents of the National Park Service, or to use NPS symbols, seals, or other items of identity.

You are expected to provide event staff to make your event run smoothly without interfering with other park visitors. You will need to designate event staff for site clean-up and dispose of all trash in receptacles or dumpsters. You may also need to designate an individual to monitoring event parking.

Depending on the complexity of your event, we may assign an NPS monitor to be on-site during your event.

Are alcoholic beverages allowed?

Alcoholic beverages are prohibited for most activities under Special Use Permit. Please contact the park's Program Specialist at 304-465-6517 to determine if alcoholic beverages are allowed. Alcoholic beverages are prohibited at the Dungen, Stone Cliff, Thayer and Grandview areas of New River Gorge National River and all areas within the Bluestone National Scenic River.

What is not allowed at special events or group activities?

Commercial advertising is prohibited, including hanging or posting signs, banners and flyers
Cutting, destroying, digging, removing or possessing any tree, shrub, or other plant
Digging holes, moving rocks, or constructing platforms or structures
Affixing anything to trees, bushes or structures
Loud audio devices and fireworks
Helium or water balloons
Wading pools or dunk tanks
Mechanical rides or petting zoos
Activities or games that involve food such as egg toss, throwing rice or birdseed
Any form of gambling or gambling devices (including raffles or lotteries)
Firearms or weapons
Open fires unless in designated fire ring
Collection of fees or donations
Smoking in buildings, on boardwalks or in vegetated areas
Writing on or discoloring any natural feature or structure

Any proposed sales on park lands during special events are subject to the issuance of a Commercial Use Authorization.

Are permits required for festivals and/or fundraisers?

Yes, and the festival must be open to the public and have a central theme or goal related to park values. The event may include a mixture of entertainment, food, activities, and informational booths. Although a festival may be sponsored by a non-profit organization, there may be commercial elements to the event, such as entrance fee, participation fees, sale of food and beverages, or sale of festival-related items, which are subject to the issuance of a Commercial Use Authorization. Events which are held strictly for profit or do not relate to NPS values and purposes are not appropriate to be held inside the park.

It is important that the site selected for a festival is appropriate for the level and type of activities. Park areas may not be closed to other visitors during festivals or fundraisers. Trails and other facilities will remain open. The collection of fees associated with the event is prohibited on park lands.

Are permits required for First Amendment activities?

Yes. Freedom of speech, press, religion, and assembly are rights protected by the First Amendment of the Constitution of the United States. People may exercise these rights in national parks, but the NPS still retains its responsibility to protect park resources and prevent conflict among park visitors. Therefore, the NPS establishes guidelines for setting the time, place and manner (number of participants, use of facilities and type of equipment) for the events to occur.

By law, the NPS has established places in parks where First Amendment activities can be accommodated. These areas are visible to the general visiting public without interfering with the public's enjoyment of the park. These areas are identified in the Superintendent's Compendium.

While the NPS regulates aspects of the activity to protect park resources, it never regulates the content of the message. Permits are issued for First Amendment activities, but there are no costs, and no insurance is required for the activities. All requests for similar activities are treated equally. As long as permit criteria and requirements are met, no group wishing to assemble lawfully will be discriminated against or denied the right of assembly.

Types of First Amendment activities may include:

- Religious services or ceremonies
- Press conferences
- Press coverage of breaking news
- Voter registration
- Collecting signatures on petitions or voter initiatives
- Public demonstrations, picketing, assembly or rally for expressing opinion and view
- Sale or distribution of printed material related to free expression of opinion

Types of activities that are NOT covered by the First Amendment:

- Church picnic or social gathering
- Wedding ceremonies or receptions
- Political fundraiser or other invitation-only political activity or event
- Solicitation of donations
- Community parades, athletics or sporting events
- Sale of message-bearing clothing, arts and crafts, or similar merchandise

Some of these activities can be accommodated through a Special Use Permit for which cost recovery may be charged.

When is a filming permit required?

Filming and commercial activities – whether commercial or noncommercial – will be allowed provided that activities do not cause unacceptable impacts to park resources or public use. All commercial filming requires a permit. Commercial filming is defined as digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television of feature film, advertisement, or similar project. It does not include news coverage or visitor use.

Still photography activities, whether commercial or noncommercial, require a permit when: (a) the activity takes place at location(s) where or when members of the public are generally not allowed; or (b) the activity uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or (c) the park would incur additional administrative costs to monitor the activity; or (d) the park needs to provide management and oversight to (1) avoid impairment or

incompatible use of the resources and values of the park, or (2) limit resource damage, or (3) minimize health or safety risks to the visiting public.

News coverage does not require a permit, for either filming or still photography, but is subject to time, place, and manner restrictions, if warranted, to main order and ensure the safety of the public and the media, and to protect natural and cultural resources.

All commercial filming and still photography activities requiring a permit are subject to cost recovery charges and a location fee. No waivers are allowed. Cost recovery charges for all commercial and still photography permits will include costs incurred in receiving the request/application, reviewing the application, writing the permit, monitoring the activity, providing protection services, restoring park areas, or otherwise supporting the filming or photography activities. Location fees are determined by the type of activity (commercial filming versus still photography), and the number of people on park lands associated with the permitted activity. Location fees are calculated per day and are based on the following schedule:

	Commercial/Filming/Videos	Still Photography
1-2 people with camera and tripod only, working in areas open to the public	\$-0-	\$-0-
1 – 10 people	\$150.00/day	1 – 10 people \$50.00/day
11 – 30 people	\$250.00/day	11 – 30 people \$150.00/day
31 – 49 people	\$500.00/day	Over 30 people \$250.00/day
Over 50 people	\$750.00/day	

Liability insurance will be required with the United States of America named as Additional Insured. In some circumstances, posting of a bond may be required.

The NPS will encourage and may actively assist filming and photography activities that promote public understanding and appreciation of the park or the national park system. NPS employees, while on duty or in uniform, will not be employed by filming permittees. Identifiable NPS equipment, uniforms, or insignia must not be portrayed in any way that would imply NPS endorsement of a product or service.

If you are uncertain whether your project requires a permit or not, contact the park's Program Specialist at 304-465-6517 for additional information. If you already know that your project does not require a permit, please call the office to check the permit schedule in order to avoid conflicts with other activities. If your project does require a permit, please contact the Program Specialist as far in advance as possible to request and complete a film permit application. Go to www.nps.gov/neri/ for printing the Film Permit application form.

APPENDIX C
36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS
36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

- Canyon Rim Visitor Center. Grassy area to the left of the visitor center when facing the building (see attached map).
- Fayette Station. Grassy area to right of park road just past the Wolf Creek bridge heading into main parking area (see attached map).
- Park Headquarters. Across from Park Headquarters on NPS tract 173-08 in the lawn area on east end (right) of private property adjacent to the Bank of Glen Jean when facing the bank building (see attached map).
- Gauley Tailwaters. Grassy area on right side of tailwaters access road 0.3 miles from Route 129 entrance to access road (see attached map).
- McCreery. Area 50' by 50' in field north of boathouse adjacent to the bridge abutment (see attached map).
- Grandview. Grassy area to the right of trailhead to main overlook (when facing the trail) OR grassy area directly across park road from front of amphitheatre (see attached map).
- Sandstone Visitor Center. The mowed grass portion of the island adjacent to the visitor center parking lot (see attached map).
- Sandstone Falls. Area 50' by 50' in the grassy picnic area 50' downstream (left) of the boardwalk entrance when facing the boardwalk entrance (see attached map).