National Park Service
U.S. Department of the Interior

Agate Fossil Beds
National Monument

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

Approved:

Date: 4/28/2015
James Hill, Superintendent

A. INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the national Park System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:
http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et.seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S.C. Section 1c defines the National Park System as"...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes."

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become

impaired, then that Superintendent is obliged to place limitations on public use.

3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent's Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

4. Development of the Requirements of the Superintendent's Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is the use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federal owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

6. Enforcement of Compendium Requirements

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to $5,000 for individuals and $10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

8. **Comments on the Compendium**

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent
Agate Fossil Beds National Monument
301 River Road
Harrison, NE 69346

9. **Effective Date of the Superintendent Compendium**

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

10. **Additional Information**

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

11. **Availability**

Copies of the Compendium are available at 301 River Road Harrison, NE 69346. It may also be found on the park's web pages at *www.nps.gov/agfo.*

B. SUPERINTENDENT'S COMPENDIUM

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 Agate Fossil Beds National Monument. 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:

Visiting Hours:

- Agate Fossil Beds National Monument (including the Fossil Hills Trail, Daemonelix Trail, River Access, and Bone Cabin) is open from sunrise to sunset, seven days a week, except for Thanksgiving Day, Christmas Day, and New Year's Day.

- The park visitor center hours of operation are:
    - Summer season (Saturday of Memorial Day weekend, through Labor Day), 8:00 a.m. – 5:00 p.m.

- Winter season (Tuesday after the Labor Day weekend, through Friday of Memorial Day weekend) from 8:00 a.m. – 4:00 p.m.
- The park visitor center is closed Thanksgiving Day, Christmas Day, and New Year's Day.

Reason for Determination: The above schedule is in place to provide maximum visitor and resource protection consistent with current staffing levels. These hours of operation meet the needs of current visitation trends for the park in both the summer and winter seasons. The Superintendent makes exceptions to these limits for evening programs, approved special use permits or approval on an individual basis.

Closures:

- The park, including all park trails, parking areas, park buildings and structures, is closed to public use after dark. The Superintendent makes exceptions to these limits for evening programs, approved special use permits or approval on an individual basis.

Reason for Determination: There are no overnight camping facilities in the park, and except for scheduled evening interpretive programs, or park sanctioned overnight activities, there are no valid scientific, educational, or public safety reasons to allow visitor use after dark. Such use leaves resources vulnerable to looting, vandalism, and poaching; and constitutes significant public safety risks due to the park's broken terrain, the presence of the Niobrara River and wetlands, and nocturnal wildlife (particularly prairie rattlesnakes). Visitation is therefore limited to daylight hours unless otherwise approved by the Superintendent.

- Overnight parking in the visitor center/Fossil Hill and Daemonelix Trail parking areas, and the River Access is prohibited.

Reason for Determination: Since overnight use and camping is generally prohibited in the park (without a permit or approval by the Superintendent), there is no valid reason for a vehicle to remain in the park overnight unless the National Park Service has been previously advised and authorized its presence overnight. (Overnight parking of NPS employee or VIP owned vehicles, their guests, and park contractors is permitted in the park housing and maintenance area).

- The following areas are closed all year to public use year-round:
  - *Stenomylus Quarry* (access by scientific research permit, special use permit, or written approval of the Superintendent)
  - *Posted "authorized personnel only" roads and easement roads* (local ranching traffic excepted)
  - *Agate Springs Ranch Property* (private property)

Reason for Determination: For the protection of the fragile resource, and due to the necessity for crossing private property, access to the remote Stenomylus Quarry for scientific research and educational purposes is by permit only from the Superintendent or her/his designee. Posted "authorized personnel only" and easement roads (maintained and unmaintained) are used for park operations, or by local ranchers to access private property adjacent to the park. The Agate Springs Ranch is a privately owned, active ranch and is closed to public access for safety reasons.

- Food and drinks are prohibited in the visitor center first floor except by permit.

Reason for Determination: The prohibition of the above consumable items from the main floor of the visitor center guards against inadvertent spills, litter or damage to the carpet, flooring and exhibits. Food and drinks (and their associated waste) attract pests that may attack, damage and destroy sensitive cultural and natural resources exhibited and stored in the visitor center; the preservation of said resources being the reason the park was established and set aside by Congress.

- Public motor vehicle traffic is prohibited from traveling on park easement roads, and roads marked "authorized personnel only" (service roads).

Reason for Determination: The easement roads lead to private property and are not intended for public use. "Authorized personnel only" roads are used by park staff for park operations.

- The Superintendent reserves the right to close the park or portions thereof, for resource management purposes, maintenance work, non-public meetings, tribal government-to-government meetings and consultations, public holidays, national security, or emergency situations. Such closures and the affected locations will be publicly signed.

Reason for Determination: Temporary closures for the activities listed above are for the protection of the resources, safety of the visiting public and park staff, and respect for tribal government-to-government relations.

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Agate Fossil Beds National Monument is prohibited except as approved in writing by the superintendent.

Definition: The term "unmanned aircraft" means a device that is used or intended to be used for 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 require 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.

Reason for Determination: Closure is necessary to maintain public safety, protect the park's natural, aesthetic, scenic and historic values. The use of these devices creates excessive noise which conflicts with the historic purpose of the park and also has the potential to disrupt wild life by interrupting migration, nesting, mating, and hunting activities.

(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

Stenomylus Quarry

- The Stenomylus Quarry is set aside for scientific research, educational field trips or special interpretive park staff-led tours, only. Access to the Stenomylus Quarry is restricted to scientific research permit, special use permit, or other written approval from the Superintendent or her/his designee.

Reason for Determination: This restriction is required for the protection of a fragile resource for which Agate Fossil Beds National Monument was established and set aside by Congress. It is also due to the necessity of crossing an extensive stretch of private property to get to the remote Stenomylus Quarry.

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

Engine Idling (Including Commercial and Private Vehicles, Recreational Vehicles, Passenger Carrying Buses, and Generators)

- Engine idling of any vehicle, or gasoline or diesel powered generator (non-NPS) that produces exhaust within the park is restricted to 5 minutes.

Reason for Determination: Idling vehicles diminish visitors' ability to enjoy the peace and tranquility of the park by adding unnatural sound and exhaust to a natural setting and experience. Engine idling may interfere with the park's ability to conduct interpretive programs, as noise carries over long distances on the prairie landscape.

Segways

- Segways and motorized scooters, as defined in 36CFR 1.4, are motor vehicles. Pursuant to 36CFR 1.5(a) and 4.10(a), the park has imposed a restriction on the use of Segways and motorized scooters from all areas within the park including all park roads, trails, sidewalks, and walkways.
- However, any park visitor with a mobility impairment is permitted to use a Segway or motorized scooter in the park, including in structures, facilities, and on sidewalks and paved walkways, when such devices are used for the sole purpose of mobility assistance. Use of any mobility assistive devices, as outlined above, must also adhere to the following:
    - a) No person under 16 years of age may operate a Segway.
    - b) A person shall operate any mobility assistive device in a safe and responsible manner; maximum speed will not exceed more than 8 mph, so as not to endanger one's self or any other park visitor.
    - c) A person riding any mobility assistive device upon and along a sidewalk or walkway, while crossing a roadway in a crosswalk, or on any other surface shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobility assistive device operator must always yield to pedestrians (park visitors).

Reason for Determination: Segways and motorized scooters provide a reasonable mobility alternative for those who would otherwise be unable to visit the fossil hills, or would find it difficult to visit the fossil hills due to personal mobility limitations.

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

(f) The following is a compilation of those activities for which a permit from the Superintendent is required:

- §2.4(d) Carry or possess a weapon, trap, or net (excluding firearms)
- §2.5(a) Specimen Collection (legal taking of plant, fish, wildlife, rocks or minerals)
- §2.10(a) Camping in association with a special event or public gathering for which a permit has been issued pursuant to §2.50 or §2.51. Note: Camping without a permit is prohibited on federal land within the boundaries of the park.
- §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 & Air Delivery:
  - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
  - (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) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising
- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §2.62 Memorialization:
  - a) Erection of monuments (Requires approval from Regional Director)
  - b) Scattering ashes from human cremation
- §3.3 Use of a vessel
- §5.1 Advertisements – (Display, posting or distribution)

- §5.2(b) Sale of intoxicants on private lands
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations)
- §5.5 Commercial Photography/Filming:
    - Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television.
    - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.
- §6.9(a) Operation of a solid waste disposal site

Inquiries about special use activity requirements and permit applications may be made by contacting Superintendent, Agate Fossil Beds National Monument, 301 River Road, Harrison, NE 69346. (telephone (308) 668-2211, fax (308) 668-2318).

Reason for Determination: Activities listed above require Special Use Permits due to their potential for impact on visitation patterns, enjoyment, or other areas of the park, thereby requiring regulation by the Superintendent or his/her designee.

36 CFR §1.7 – Public Notices

Copies of this compendium and activity area maps are available on the Internet at www.nps.gov/agfo and available upon request at:
Superintendent
Agate Fossil Beds National Monument
301 River Road
Harrison, NE 69346
(308) 668-2211

III. GENERAL REGULATIONS

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:

- Daemonelix Trail: Walking, climbing, ascending or traversing the geologic and paleontological formations along the trail is prohibited, unless directed and monitored by park staff (e.g. a park ranger-led interpretive program, or scientific exploration under a scientific research permit signed by the Superintendent or her/his designee.)
- Fossil Hills Trail: Walking, climbing, ascending or traversing the steep quarry-cut west face of Carnegie Hill (including the debris slides) above the trail is prohibited, unless directed and monitored by park staff (e.g. a park ranger-led interpretive program, or scientific exploration under a scientific research permit signed by the Superintendent or her/his designee.)

Reason for Determination: While neither the Daemonelix Trail nor Fossil Hills Trail carries "trail-only" designation, walking, climbing, ascending or traversing the unstable soils, high slopes, and fragile geological and paleontological features along and above the trails in these specific areas constitutes a significant public safety concern and potential for resource damage.

(a)(7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or sub bottom profiler.

Reason for Determination: The park is a heavily impacted cultural landscape with many significant archeological and paleontological sites. Use of such devices, without a scientific research permit signed by the Superintendent or her/his designee opens resources to the possibility of looting and vandalism.

(c)(1), (c)(2) The following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or use or consumption restrictions:

- Buffalo berry and plum bushes are found in the public use areas of the park: visitor center; residence buildings and along the Fossil Hills and Daemonelix trails. Collection shall be limited to that which a visitor will consume on site.
- No other collection of plant, fish, wildlife, rocks or minerals is allowed within the park, except by scientific research permit or special use permit (pursuant to §2.5(a) above).

Reason for determination: When ripe, plums and berries are used park rangers for interpretive purposes. The allowable quantities will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

36 CFR §2.2 - WILDLIFE PROTECTION

(d) The transporting of lawfully taken wildlife through the park is permitted under the following conditions and procedures:

- Wildlife lawfully taken outside the park in accordance with state law may be transported directly through the park.

Reason for determination: The Superintendent has determined that the transportation through the park of wildlife legally obtained outside the park poses an acceptable level of risk to the general public and wildlife within the park.

- Any animal entering the park after being lawfully shot or wounded while outside the park

may not be retrieved except under the supervision of a law enforcement park ranger, or the Superintendent (or her/his designee).

Reason for determination: The purpose of this regulation is to protect park wildlife from poaching activity.

(e) The following areas are closed to the viewing of wildlife with the use of an artificial light:

- The viewing of wildlife with an artificial light is prohibited on federal lands within the boundaries of the park.

Reason for determination: The purpose of this regulation is to protect park wildlife from poaching activity and the effect of temporarily blinding the animal and potentially jeopardizing its safety. Note: Night vision devices are not artificial lights; however, infrared lighting/beams are considered artificial lights and are included in this prohibition. This prohibition extends to the use flash photography at night.

(h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

- This authority does not extend to federal facilities within the park (18 U.S.C. 930(a)). Federal facilities include: the visitor center, and the maintenance facility.

Reason for determination: Park regulation cannot be less restrictive than United States Code

36 CFR §2.3 – FISHING

(a) The following State fishing laws and/or regulations, as noted, do not apply in the listed areas:

- None. Fishing in the Niobrara River within the federal lands within the park shall be in accordance with Nebraska law and the regulations of the Nebraska Game and Parks Commission.

36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for certain campgrounds or camping activities, and conditions for camping and camping activities are in effect as noted:

- None. Camping and related activities on federal lands within the boundaries of the park are authorized only under a special use permit from the Superintendent or her/designee.
- There are no designated camping sites or areas on federal lands within the boundaries of the park. A permit system has been established for certain camping activities, and conditions for camping.

Reason for determination: Since the park is closed for public use at sunset (unless under a special use permit), and there are no designated camping sites or areas within the boundaries of the park, there is no compelling reason consistent with resource protection and management or public safety to allow overnight camping on federal land within the park boundaries.

36 CFR 2.13 – FIRES

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

Designated Areas:

- The lighting or maintaining of fires is generally prohibited on federal lands within the park

boundaries, except by special use permit signed by the Superintendent or her/his designee. (The park maintenance area and residential housing area are exempt from this prohibition upon approval by the Superintendent and the park housing plan.)

Receptacles Allowed:

- Gas-fired grills are permitted in the park's residential housing area, maintenance area, and (by special use permit or approval of the Superintendent) outside the visitor center or in the picnic area.

Reason for determination: The high winds and dry conditions at the park, every season of the year, make prairie fires a constant concern. There are no public fire pits or grates on federal land within the park boundaries due to the possibility of wild fire.

36 CFR §2.15 – PETS

(a)(1) The following structures and/or areas are closed to the possession of pets:

- Pets are prohibited in all park buildings with the exception of park residences (guide animals are exempt).
- Pets off-leash are prohibited on federal lands within park boundaries.

Reason for Determination: Consistent with public health and safety, the protection of natural and cultural resources, and avoidance of conflict among visitor use activities, pets must be restricted. Pets are not considered compatible with the broad park goal of minimal visitor impact nor are they inherently suitable for adapting quickly to a strange environment often involving close association with strange persons or other animals. It is recognized that many park visitors have pets and they are permitted where they do not jeopardize basic park values. This does not apply to dogs assisting people with disabilities.

(a)(3) Pets may be left unattended and tied to an object in the following areas, under the conditions noted:

- For the purpose of using the visitor center facilities, pets may be tied and unattended for a period no longer than 30 minutes in the parking and picnic areas adjacent to the visitor center.
- Pets will not be left in areas where food, water shade, ventilation and other basic needs are inadequate.
- Leashes will not exceed 6-foot length.

Reason for Determination: These requirements are intended to protect visitors, natural and cultural resources, and park structures as well as to ensure that pets are properly cared for while in the park.

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

- In all developed areas of the park (including parking areas, pull-outs, maintained surface trails, dog-walk area, the visitor center grounds and picnic area) pet excrement must be immediately collected by the person(s) controlling the pet(s) and disposed of in the nearest trash receptacle.
- If there is not a trash receptacle in the area, the excrement shall be removed from the park.
- A dog-walk area has been established on the north side of the visitor center parking area. Pet excrement must be immediately collected and disposed of in the above-described methods.

Reason for Determination: Pet owners are responsible for their animals, including cleaning up after them. This restriction is intended to reduce possible conflict between park users and to provide for a healthy, safe environment.

(a)(5)(e) Pets may be kept by park residents under the following conditions:

- As authorized by the park housing plan and approved by the Superintendent.

36 CFR §2.16 – HORSES and PACK ANIMALS

(a) The following animals are designated as pack animals for purposes of transporting equipment:

- Animals designated as pack animals shall be limited to horses, burros, and mules.

(b) The use of horses or pack animals is allowed on the following trails, routes or areas:

- Day use of horses and pack animals is allowed throughout the park except for the following areas: visitor center parking area; Fossil Hills Trail; Daemonelix Trail; park residential housing and maintenance areas.

(g) Other conditions concerning the use of horses or pack animals:

- Horseback riding is prohibited on all maintained surface trails within the park, and in the visitor center parking lot.
- Loading and unloading of horses and pack animals from a trailer will be confined to the River Access area and Daemonelix Trail parking area. The Daemonelix Trail parking area will be cleaned of manure at the conclusion of loading and unloading the animals.
- Horses or pack animals shall not be temporarily corralled within federal lands within the boundaries of the park.
- Horseback riders shall ride abreast, not single file, to limit the impact on the resource.
- Horse and pack animal use in any park of the park may be prohibited when, at the discretion of the Superintendent, such action is necessary to protect park values or visitors.

Reason for Determination: The duration of time horses and pack animals are in an area affects the condition of the landscape and resources. The intensive activity of loading and unloading animals, as well as riding single-file may compact soil, scar and destroy vegetation, and hasten erosion. Riding on maintained surface trails may detrimentally affect their condition, and raise safety issues between riders, the animals and hikers. These restrictions are intended to reduce possible conflict between park users and to provide for a healthy, safe environment.

36 CFR §2.20 – SKATING, SKATEBOARDS AND SIMILAR DEVICES

The use of roller-skates, skateboards, roller skis, coasting vehicles, or similar devices is not allowed in the following areas:

- On all sidewalks, maintained surface trails, roadways, parking areas, or in the visitor center or maintenance area (the park residential housing area is excepted).

Reason for Determination: These restrictions are intended to reduce possible conflict between park users, protect natural and cultural resources, and to address public safety concerns. In consideration of the increased potential for resource damage, threat to wildlife, and the health and safety of visitors these activities are prohibited.

36 CFR §2.21 – SMOKING

(a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking as noted:

- All government offices and buildings
- All historic buildings or structures
- All government quarters
- Within 25 feet of any entrance or exit primarily accessed by the visiting public
- Within 25 feet of any entrance or exit not generally accessed by the public , where smoking would result in smoke traveling through doorways, windows, air ducts, or other openings

- All government owned or leased vehicles
- Flammable storage areas
- Within 500 feet of any fuel storage dispensing facility
- Smoking on trails and other outside areas of the park may be prohibited during periods of high, very high, and extreme fire danger

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:

- None.

Reason for Determination: Unattended property is inconsistent with the orderly management of park areas and may present a security risk or threat to other park resources. Property may not be left unattended in the park for security reasons, for possible health safety reasons, and it is not compatible with the cultural landscape or interpretive value of the park.

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 consumption of alcoholic beverages or the possession of an open container of an alcoholic beverage is prohibited in the following areas: Inside the Visitor Center or any historic structure.

Reason for Determination: The restriction is in place to protect facilities and resources from potential damage which may occur from liquid spills or the accumulation of refuse where trash or recycling receptacles are not appropriately present.

36 CFR §2.38 – EXPLOSIVES

(b) Fireworks and firecrackers may be possessed and/or used in the following areas, under the conditions noted:

- None. Possession of fireworks, firecrackers and other explosives on federal land within the boundaries of the park is prohibited.

36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS

(b) Permits and the small group permit exception:

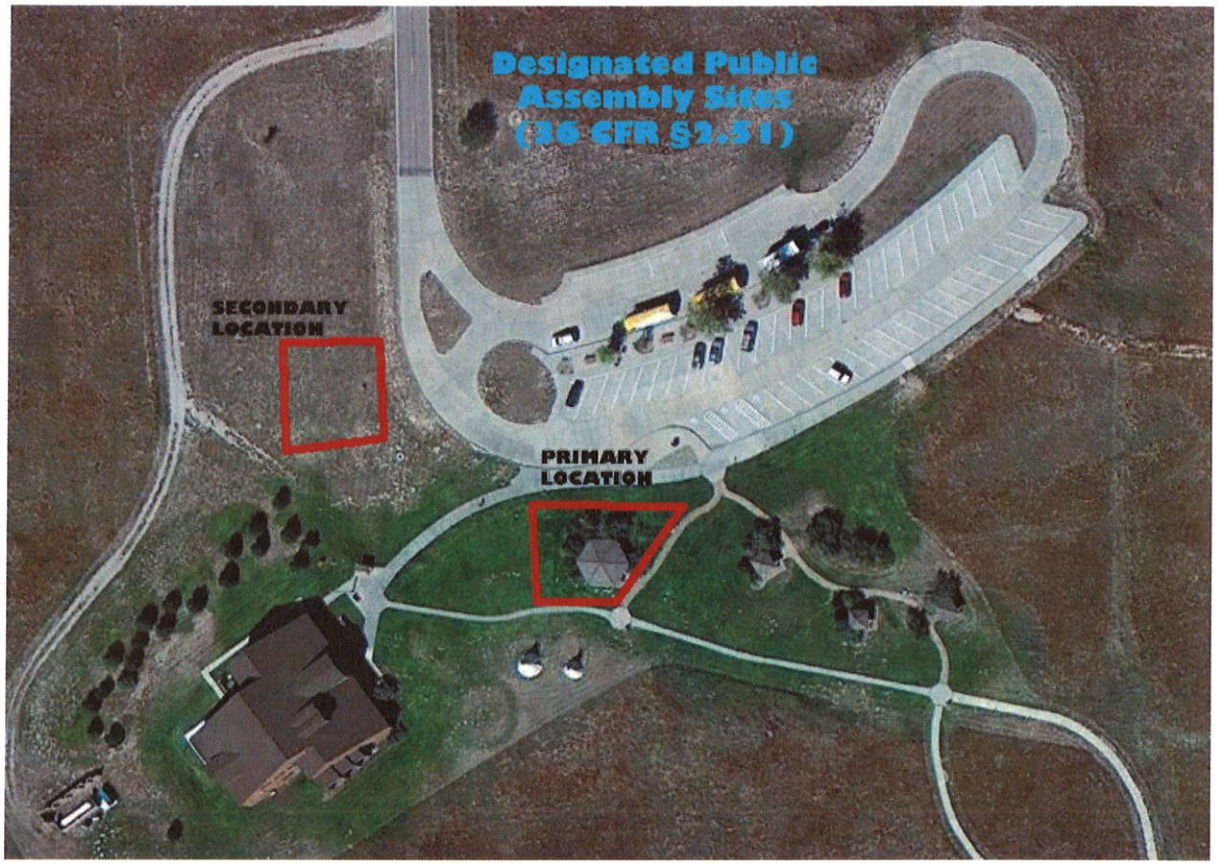
- Demonstrations are allowed within park areas designated as available (see §2.51(c)(2) and attached map), when the superintendent has issued a permit for the activity, except that demonstrations involving 25 persons or fewer may be held without a permit within designated park areas (see attached map).
- Under the small group exemption, while it is not mandatory, the organizer is requested to provide reasonable notice of the proposed event to the park superintendent, including whether there is any reason to believe that there may be an attempt to disrupt, protest, or prevent the activity.

(b)(4) In the event that two or more groups taking advantage of the small-group permit exception seek the same designated available area at the same time, and the area cannot

reasonably accommodate multiple occupancy, the superintendent will, whenever possible, direct the later-arriving group to relocate to another nearby designated available area.

Designated Areas:

- Park picnic area
- Southeast corner of visitor center parking area
- The following areas of the park are closed to First Amendment Rights activities: the visitor center; historic structures; the Fossil Hills Trail and the Daemonelix Trail



36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

(b) Permits and the small group permit exception:

- Sale or distribution of printed matter is allowed within park areas designated as available under §2.51(c)(2) when the superintendent has issued a permit for the activity, except that sale or distribution activity by 25 persons or fewer may be conducted without a permit within designated park areas (see attached map),
- Under the small group exemption, while it is not mandatory, the organizer is requested to provide reasonable notice of the proposed event to the park superintendent, including whether there is any reason to believe that there may be an attempt to disrupt, protest, or prevent the activity.

(b)(4) In the event that two or more groups taking advantage of the small-group permit exception seek the same designated available area at the same time, and the area cannot reasonably accommodate multiple occupancy, the superintendent will, whenever possible, direct the later-arriving group to relocate to another nearby designated available area.

Designated Areas:

- Park picnic area
- Southeast corner of visitor center parking area
- The following areas of the park are closed to First Amendment Rights activities: the visitor center; historic structures; the Fossil Hills Trail and the Daemonelix Trail
- The map of designated areas for First Amendment Rights activities is also available by contacting the Office of the Superintendent.

36 CFR §2.62 – MEMORIALIZATION

(b) A permit is required for the scattering of ashes from cremated human remains, or in the following designated areas without a permit, in accordance with the following terms and conditions:

- The scattering of human ashes from cremation is prohibited throughout the park, except by special use permit issued by the Superintendent or her/his designee.

Designated Areas without a permit:

- None.

Reason for Determination: Because the park is a heavily impacted cultural landscape containing many significant archeological and paleontological sites, modern human remains could be confused with past archeological or paleontological sites. To prevent such confusion from occurring, a permit for this activity is required from the Superintendent.

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a) Park roads, open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document (attached hereto):

- Nebraska State Highway 29
- River Road (including the Daemonelix Trail parking area and the visitor center/Fossil Hills Trail entrance road and parking lot.)
- Local ranching traffic is exempt from this restriction (see §1.5(a)(1))

Reason for Determination: Park easement roads are not maintained and are used by ranchers to access their property. Posted "authorized personnel only" roads (maintained or unmaintained) are used by park staff for park operations and to access sensitive and remote resource areas.

36 CFR §4.21 – SPEED LIMITS

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

- The posted speed limit on Nebraska State Highway 29, while within park boundaries, is 60 mph.
- The posted speed limit on River Road, while within park boundaries, is 40 mph between Nebraska State Highway 29 and the Hoffman House service road, and 30 mph between the Hoffman House service road and the maintenance and park residential housing areas.
- The speed limit on the Visitor Center entrance road is 25 mph.
- The speed limit for parking areas and all easement and authorized personnel only roads is 15 mph.

Reason for Determination: This speed limit is established to facilitate the safe and undisruptive travel throughout the park without placing visitors or pedestrians at risk.

36 CFR §4.30 – BICYCLES

(a) Park roads and parking areas that are closed to bicycle use are listed in section 1.5 of this document.

- None. Note: Bicycles are prohibited on the Fossil Hills Trail and the Daemonelix Trail. (Bicycles operated by park staff for accomplishment park duties are exempt from this prohibition.)

Reason for Determination: The park's two maintained surface hiking trails are too narrow to support hikers and bicyclists. This restriction is intended to reduce possible conflict between park users and to provide for a healthy, safe environment. (Limited, responsible use of bicycles by park staff on the Fossil Hills Trail, in the execution of duty, facilitates park operations in an environmentally sensitive manner and poses no significant health or safety risk to the visiting public.)

The following additional routes, in developed areas or special use zones, have been designated for bicycle use:

- None

END OF DOCUMENT