National Park Service
U.S. Department of the Interior

Allegheny Portage Railroad National Historic Site

Johnstown Flood National Memorial

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

Approved:

Date: January 12, 2017
Stephen M. Clark
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 Allegheny Portage Railroad National Historic Site (ALPO) and Johnstown Flood National Memorial (JOFL). 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:

- The park is open daily from Sunrise to Sunset.
- Visitor center and public buildings are open as scheduled and posted at the facility and/or through press releases.
- Park Visitor Center and other public Facilities are Closed on the following Federal Holidays; New Year's Day (January 1) and Christmas Day (December 25).
- The park superintendent may close park facilities due to severe weather on an as needed basis.

Closures:

- All abandoned surface and underground mine areas.
  This closure is established to protect the health and safety of park visitors, and is the minimum restriction necessary to achieve such protection.

- All construction sites.
  This closure is established to protect the health and safety of park visitors, and is the minimum restriction necessary to achieve such protection.

- Employee residence areas and access roads, maintenance areas and access roads.
  This closure is established to protect the privacy of park residents and the integrity of safe park operations, and is the minimum restriction necessary to achieve such protection.

- All buildings except park visitor centers, park headquarters, public restrooms and at ALPO the entire first floor and the basement restrooms of the Lemon House, the amphitheater and Engine House.
  This closure is established to protect the health and safety of park visitors and the fragile nature of historic structures, and is the minimum restriction necessary to achieve such protection.

- All or portions of the park when it is necessary to protect the public from unsafe conditions or to protect the park resources from irreversible damage. Signs will be posted to announce such temporary closures.
  This closure is established to protect the health and safety of park visitors, and is the minimum restriction necessary to achieve such protection.

- All or portions of any building when needed to protect the building from damage or wear or to protect the public from unsafe conditions. Signs will be posted to announce such temporary closures.
  This closure is established to protect the health and safety of park visitors, and is the minimum restriction necessary to achieve such protection.

- ALPO – The New Portage Railroad from the Muleshoe Bridge to Dry Run Road is closed to vehicles. Except the portion of the New Portage Railroad from the Valley Forge Road to the PA State Game Lands 198 Parking Area (National Park Service lands and roads are closed to hunting).
  This closure is established to protect the health and safety of park visitors and the fragile nature of the New Portage Railroad, and is the minimum restriction necessary to achieve such protection.

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

Motor Vehicles:

- All trails, pipelines and transmission line rights-of-way, and non-designated roads are closed to motor vehicle traffic except for park staff or those individuals authorized by Park Management. Operation of a wheeled vehicle used to accommodate handicapped individuals is permitted.
  This restriction is established to protect park resources from unnecessary damage and erosion due to off-road motor vehicle use, and is the minimum restriction necessary to achieve such protection.

Trails:

- All trails, either paved or unimproved, are open to foot traffic only, except for wheeled vehicles used to accommodate handicapped individuals.
  This restriction is established to protect park resources from unnecessary damage and erosion due to off-road motor vehicle use, and is the minimum restriction necessary to achieve such protection.

Bicycles:

- Bicycle use is prohibited on park roads closed to public travel. Bicycle use is prohibited on all trails in the parks, except the ALPO Staple Bend Tunnel Trail and the bicycle section of the ALPO 6-10 Trail, from the Muleshoe Bridge to the Dry Run Road trailhead parking area.
  This restriction is established to protect park resources from unnecessary damage and erosion, the maintenance of public health and safety and is the minimum restriction necessary to achieve such protection.

Picnicking:

- Picnicking is allowed only in the following designated sites:
- ALPO - Summit Level Picnic Area.
  Summit Level Visitor Center (west-side lawn).
  Amphitheater.
  Level Number 10 Group Camp Area.
  Staple Bend Tunnel Parking Area at Beech Hill Road.
- JOFL - Picnic Area.
  This restriction is established for the protection of park resources and is the minimum restriction necessary to achieve such protection.

Recreational Activities:

- Kite flying, ball playing, Frisbee throwing, or similar recreational activities are not permitted on or within 10 feet of any walkway, trail, parking lot, road, or within 300 feet of park buildings. All park lands are closed to the placement of geocaches.
  This restriction is established to protect the health and safety of park visitors and to minimize conflict between user groups, and is the minimum restriction necessary to achieve such protection.

Rock climbing:

- Rock climbing, repelling or similar activities are not permitted.
  This restriction is established to protect the health and safety of park visitors, and is the minimum restriction necessary to achieve such protection.

Vehicle Maintenance:

- Washing, waxing, cleaning, or lubricating motor vehicles or repairing or performing any mechanical work upon motor vehicles, except in emergencies, are not permitted.
  This restriction is established to protect the health and safety of park visitors, the fragile nature of the park, and is the minimum restriction necessary to achieve such protection.

Special Activities:

- Activities or temporary structures that detract from the visitor experience and that are not related to park purpose, themes, or co-sponsored by the park are not permitted.
  This restriction is established to protect the health and safety of park visitors, the protection of natural or cultural resources, the implementation of management responsibilities, to minimize conflict between user groups, and is the minimum restriction necessary to achieve such protection.

Radio Controlled and unmanned aerial vehicles (drones).

Launching, landing, or operating an unmanned aircraft, including drones, from or on lands and waters administered by the National Park Service (NPS) within the boundaries is prohibited except as approved in writing by the Superintendent.

Determination of Closure/Limit:

National Park Service units are designed to provide for visitor experiences in which the park's natural and cultural resources are protected in such a manner as to provide for their enjoyment by future generations. Noise and nuisance complaints have been documented in other NPS units where there has been use of unmanned aircraft systems. Their use is not compatible with visitors enjoying their National Parks in an unimpaired state. Additionally, unmanned aircraft systems have been shown to impact wildlife. Activities which disturb nesting, breeding and other activities are prohibited under 36 CFR § 2.2.

In addition to preserving the natural and cultural resource qualities, visitor solitude, and ecosystem processes of the park, this closure is also necessary to provide for the security of closed park areas. The use of unmanned aircraft systems would provide an unacceptable security threat to areas of the park which are closed to the public. Less restrictive measures are not sufficient for security due to the sensitive nature of these closed areas. ."

Conditions and Exceptions:

1. This closure does not apply to the following activities:

   (a) Administrative use of unmanned aircraft as approved in writing by the Associate Director of Visitor Resource Protection for such purposes as scientific study, search and rescue operations, fire operations, and law enforcement. Administrative use includes the use of unmanned aircraft by (i) NPS personnel as operators or crew; (ii) cooperators such as government agencies and universities that conduct unmanned aircraft operations for the NPS pursuant to a written agreement; and (iii) other entities, including commercial entities, conducting unmanned aircraft operations for the NPS, provided such entities are in compliance with all applicable FAA and Department of the Interior requirements.

   (b) Activities conducted under a Scientific Research and Collecting Permit that specifically authorizes launching, landing, or operating an unmanned aircraft and is approved in writing by the Associate Director of Visitor Resource Protection in consultation with the Associate Director for Natural Resource Stewardship and Science.

   (c) Activities conducted under a Special Use Permit (NPS Form 10-930) that specifically authorizes launching, landing, or operating an unmanned aircraft and is approved in writing by the Associate Director of Visitor Resource Protection.

Pertinent Aircraft and Air Delivery information are stated in 36 CFR §2.17

This condition is established to protect the health and safety of park visitors and to minimize conflict between user groups, and is the minimum restriction necessary to achieve such protection.

II. <u>36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT</u>

(b) Permit application.

- Permit applications must be filed with the Superintendent at least 10 days before the anticipated activity. Applications are accepted no earlier than one year in advance of the proposed event. Permit applications must be accompanied by a $50 non-refundable Application Fee. When a permit is requested for the exercise of First Amendment rights, including freedom of assembly, speech, religion, and the press, the superintendent will issue the permit without any requirement for fees, cost recovery, bonding, or insurance.

(e) Permit terms and conditions.

- Additional use and monitoring fees may be charged in accordance with established policy and procedure.

(f) The following is a compilation of those activities and/or public uses for which a permit from the superintendent is required:

- §1.5(d) Relating to Public Use Limits:
  - To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with the criteria and procedures of 36 CFR 1.6.
  - The use of horses requires a permit, see section 2.16.

- §2.2(d) Transporting lawfully taken wildlife across the park.

- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals).

- §2.10(a) The following camping activities:
  - ALPO - Level Number 10 Group Camping Area (refer to Section III, General Regulations of this Compendium for further details).

- §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.

- §2.37 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).

- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events.

- §2.51(a) Demonstrations by more than 25 people.

- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising by more than 25 people.

- §2.62 Memorialization:
  - (a) Erection of monuments (Requires approval from Regional Director).
  - (b) Scattering ashes from human cremation.

- §5.1 Advertisements - (Display, posting or distribution).

- §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:
  - (a) 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.

Applications for permits for the above-listed activities may be obtained by calling Allegheny Portage Railroad National Historic Site at 814-886-6100.

III. GENERAL REGULATIONS

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

(a)(4) Dead wood on the ground may be collected for use as fuel for campfires within the park in the following areas:

- ALPO - Level Number 10 Group Camping Area

(b) Restricted hiking or pedestrian traffic is listed in Section 1.5 of this document.

(c)(1), (c)(2) The following fruits, nuts and berries 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:

- Berries: 1 gallon per person/group per day.
- Nuts: 1 pound per person/group per day.
- Mushrooms: ½ pound per person/group per day.
- Fruits: ½ bushel per person/group per day.
  This restriction is established to allow for collection of fruits, nuts, berries, and mushrooms by hand and for personal consumption in the quantities outlined above, which will not adversely affect park resources, and is the minimum restriction necessary to achieve such protection.

36 CFR §2.2 - WILDLIFE PROTECTION

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

- Transportation of lawfully taken game is prohibited within the boundaries of the park unless prior notification has been received and approval given by the Superintendent. Approval will be given only if there is no other method or route to transport the wildlife without entering the park. Information must be given as to the circumstances of why it is necessary to enter the park, and a park staff member must be present during the transportation.

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

- All areas of the parks are closed to the viewing of wildlife with an artificial light, including those areas within the parks along township roads and state highway routes.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

18 U.S.C. § 930 prohibits the possession of firearms in "federal facilities", which are defined as "buildings or parts thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties." These places are marked with signs at public entrances.

(d) The superintendent may issue a permit to carry or possess a weapon, trap or net under the following circumstances:

- (1) When necessary to support research activities
  (3) For employees, agents or cooperating officials in the performance of their official duties.

(e) Authorized Federal, State, and local law enforcement officers may carry firearms in the performance of their official duties.

(h) Notwithstanding any other provision in 36 CFR §2.4, a person may possess, carry, and transport concealed, loaded, and operable firearms within the park in accordance with the laws of the state of Pennsylvania, except as otherwise prohibited by applicable Federal law.

The role of the responsible gun owner is to know and obey the federal, state, and local laws appropriate to the park they are visiting.

36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) The Superintendent may require permits, designate sites or areas, and establish conditions for camping.

- Group Camping is allowed only at designated sites and with a permit from the Superintendent.

(d) Conditions for the storage of food are in effect, as noted, for the following areas:

- Food must be stored at designated camping areas to adequately protect it from wildlife.

36 CFR §2.11 – PICNICKING

- Certain areas have been closed to picnicking and are listed in section 1.5(a)(2) Closures.

Conditions for Picnicking:

- The use of open fires for food preparation is prohibited except for receptacles allowed in section 2.13 Fires.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining a fire is prohibited, except in designated areas or receptacles and under the conditions that may be established by the superintendent.

Designated Areas:

- Fires may be lit and maintained under the terms of a permit issued pursuant to Sections 2.50 or 2.51, if the special condition terms specifically authorize the fire.
- Fires may be lit only in park provided charcoal grills or visitor provided portable gas grills within the designated picnic area.
- Fires may be lit in the park provided fire pits within the designated group camp areas.

Receptacles Allowed:

- Other than park provided charcoal grills or fire pits, fires may be maintained in portable gas grills brought to the parks by visitors. See "Established Conditions" below.

Established Conditions for Fires:

- Fires may be lit by park employees or other approved officials under conditions that may be established by the Superintendent.
- No fire may be left unattended.

(b) Fires shall be extinguished upon termination of use and in accordance with such conditions as may be established by the superintendent.

- Charcoal and wood fires must be extinguished with water immediately after their use, and any cold ashes or other extinguished materials must placed in proper trash receptacles, which are not provided by the parks, (see "Sanitation and Refuse" below).

36 CFR §2.14 – SANITATION and REFUSE

(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is prohibited.

- ALPO and JOFL are "trash free" parks.
- Visitors are responsible for their own trash management, collection, and removal from the parks. Disposal of refuse in park restrooms, comfort stations, restroom vaults or port-a-johns is prohibited.

36 CFR §2.15 – PETS

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

- Pets are not allowed in any public building or office except for service animals.
- Pets are permitted in areas not designated closed to pets provided they are restrained on a leash which shall not exceed six feet in length or otherwise physically confine a pet at all times.

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

- Pet excrement must be removed from picnic areas, trails, and areas of heavy public use.

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

- Pets are not allowed in single family government quarters or leased housing except by written permission from the Superintendent.
- Pets are prohibited from government multi-occupancy or dormitory quarters.

36 CFR §2.16 – HORSES and PACK ANIMALS

(b) The use of horses or pack animals outside of trails, routes or areas designated for their use is prohibited:

- No areas have been designated open to the use of horses or pack animals.
- Horses are allowed with a permit issued under sections 1.6 or 2.50.

36 CFR §2.19 – WINTER ACTIVITIES

(a) Skiing, snowshoeing, ice skating, sledding, innertubing, tobogganing, and similar winter sports are prohibited on park roads and in parking areas open to motor vehicle traffic, except as otherwise designated:

- Cross-country skiing and snowshoeing are permitted on designated park roads/trail crossings, as designated on park trail maps.

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:

36 CFR §2.22 – PROPERTY

(a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking which includes the use of ENDS (Electronic Nicotine Delivery System) as noted:

- All park buildings
- 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.
- Within any type of government-owned or leased vehicle, including heavy equipment.

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

- Unattended property is prohibited in the parks, including that property associated with the activity known as "Geocaching."

36 CFR §2.23 – RECREATION FEES

(b) Recreation fees shall be established as provided for in 36 CFR part 71.

Fee Areas:

- ALPO and JOFL: Education Fee of $1.00 per student is charged during certain School Programs.

36 CFR §2.35 – ALCOHOLIC BEVERAGES

(a)(3)(i) The consumption of alcoholic beverages, and/or 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 is prohibited in the following public use areas:

- Within all public use buildings.
- On or within 100 feet of all roads, trails, walkways and parking lots.
- Within 300 feet of public use buildings and facilities.
- ALPO - The possession or consumption of alcoholic beverages is prohibited in the picnic area, Group Camping Area and the Staple Bend Tunnel Unit.
- JOFL - The possession or consumption of alcoholic beverages is prohibited in the picnic area.
  This closure is established because such activity would be inappropriate considering other uses of the location and the purpose for which it is maintained or established and are the minimum restrictions necessary to achieve such protection.

36 CFR §2.51 – DEMONSTRATIONS

(b) Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity.

(b)(1) Demonstrations involving 25 persons or fewer may be held without a permit in designated park areas, provided that the requirements in §2.51(b) are met. The 25 person maximum for the small group permit exception may be reduced pursuant to §2.51(b)(3).

(c)(2) The following locations are designated as available for demonstrations:

- ALPO - Primary - the grass area on the left side of the parking lot road before you enter the parking lot (see Exhibit A).
- ALPO - Secondary - the grass area on the right side of the Gallitzin Entrance Road across from the exit from the parking lot (see Exhibit A).
- JOFL - Primary - the grass area on the right side of the entrance road to the visitor center parking lot (see Exhibit B).
- JOFL - Secondary - the grass area between the Unger House and the Visitor Center across from the Visitor Center (see Exhibit B).

36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

(b) The sale or distribution of printed matter by more than 25 people is allowed within park areas designated as available under § 2.51(c)(2) (see above) when the superintendent has issued a permit for the activity.

(b)(1) The sale or distribution activity provided that it is not solely commercial advertising by 25 persons or fewer may be conducted without a permit within designated park areas, provided that the requirements in §2.52(b) are met. The 25 person maximum for the small group permit exception may be reduced pursuant to §2.52(b)(3).

The following locations are designated under §2.51(c)(2) as available for the sale or distribution of printed matter:

- ALPO - Primary - the grass area on the left side of the parking lot road before you enter the parking lot (see Exhibit A).
- ALPO - Secondary - the grass area on the right side of the Gallitzin Entrance Road across from the exit from the parking lot (see Exhibit A).
- JOFL - Primary - the grass area on the right side of the entrance road to the visitor center parking lot (see Exhibit B).
- JOFL - Secondary - the grass area between the Unger House and the Visitor Center across from the Visitor Center (see Exhibit B).

36 CFR §2.62 – MEMORIALIZATION

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

(b) A permit is required for the scattering of ashes from cremated human remains, in accordance with the following terms and conditions:

- The remains to be scattered must have been cremated and pulverized.

36 CFR §4.21 – SPEED LIMITS

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

- ALPO -The speed limit on all park maintained public roads is 15 miles per hour.
- JOFL -The speed limit on all park maintained public roads is 15 miles per hour.

These speed limits have been designated because a determination has been made that greater speeds are unreasonable, unsafe, inconsistent with the purposes for which the park was established, and due to road characteristics and multi- use of vehicles and pedestrian travel.

36 CFR §4.30 – BICYCLES

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

Exhibit A

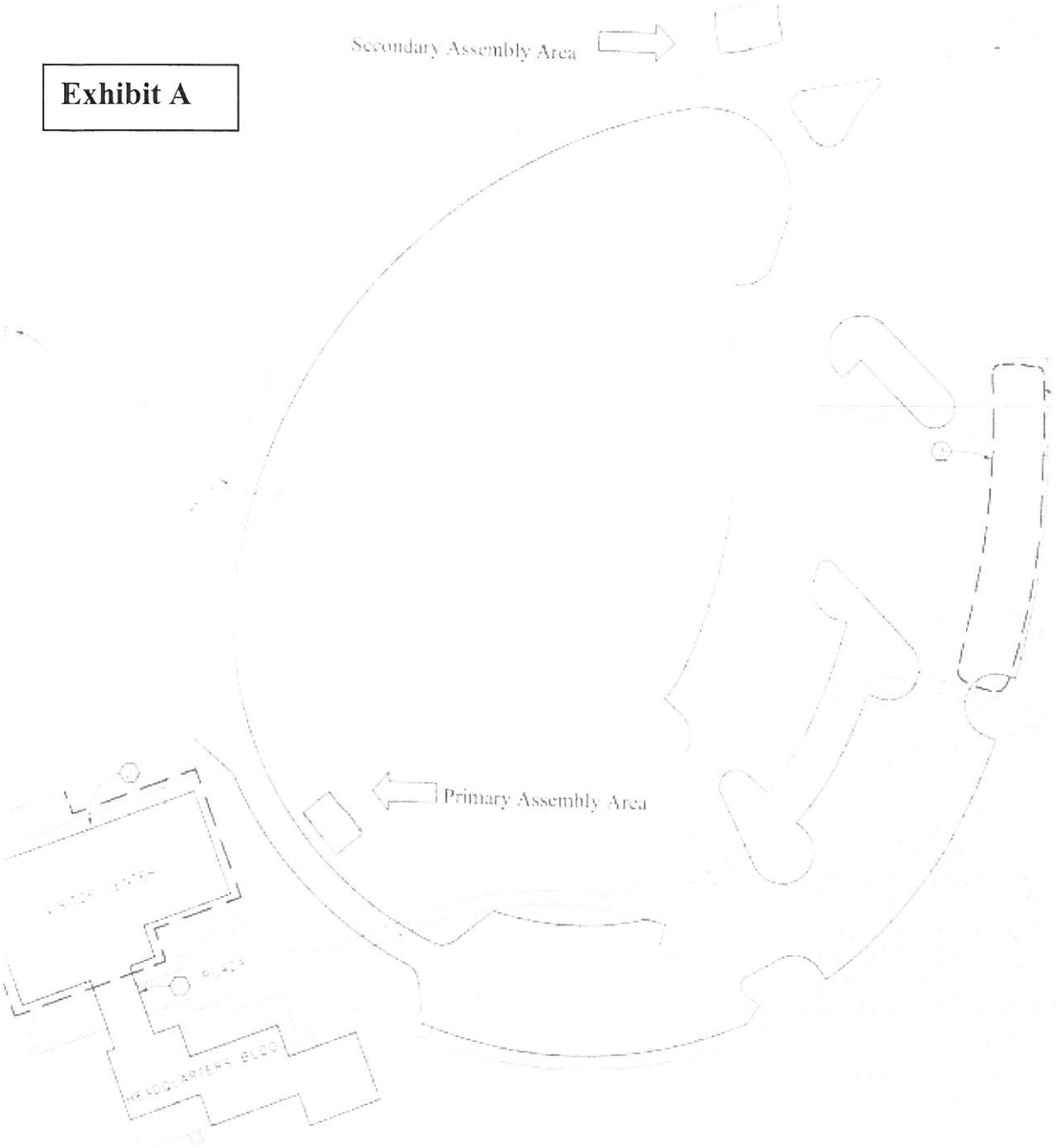
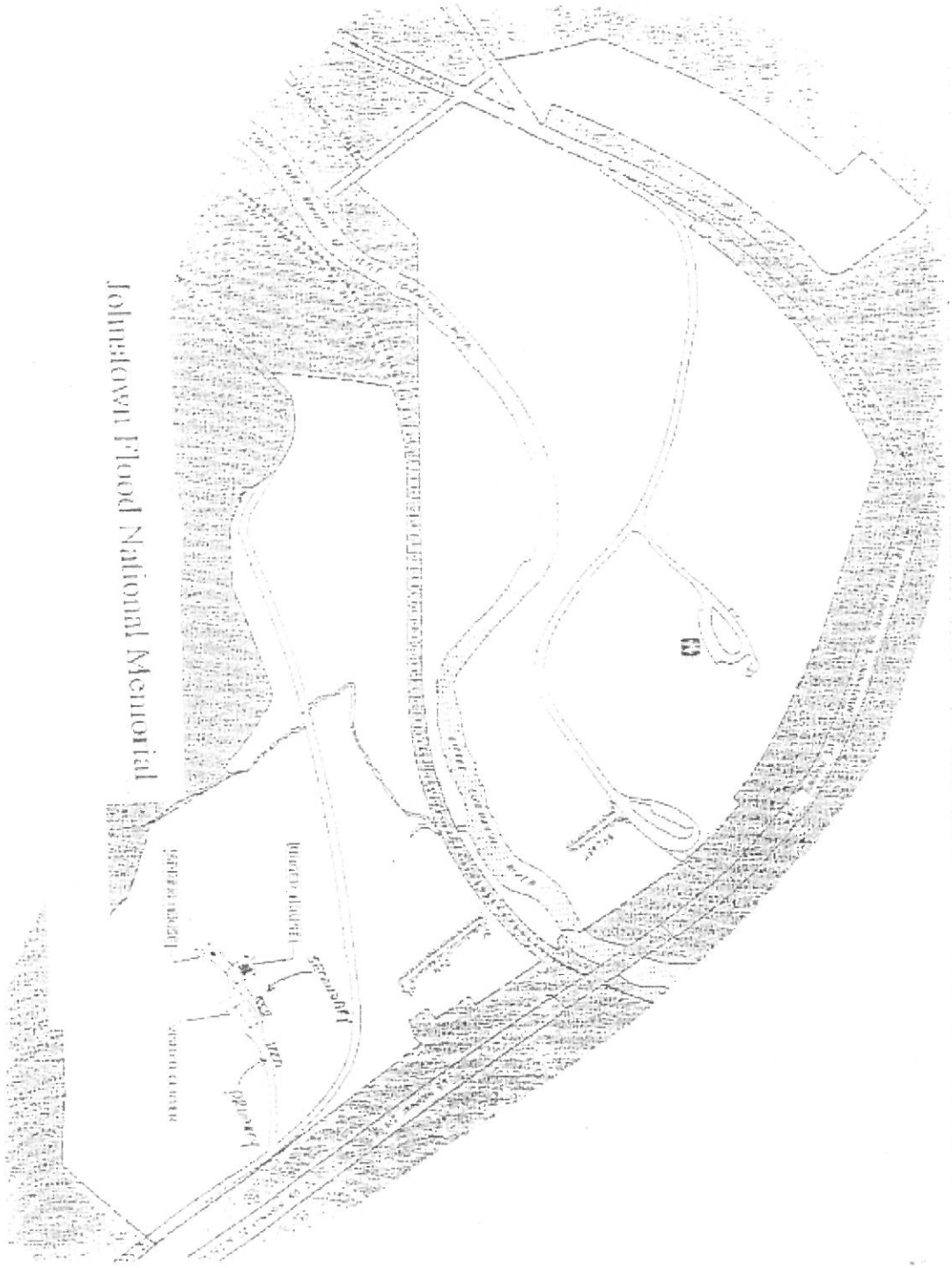
Exhibit B