



United States Department of the Interior  
NATIONAL PARK SERVICE  
Canyon de Chelly National Monument  
P.O. Box 588  
Chinle, Arizona 86503



## Canyon de Chelly National Monument

### Compendium of Designations, Closures, Use and Activities Restrictions, Permit Requirements and other Regulations

In accordance with the delegated authority provided by regulations as published under Title 36 Code of Federal Regulations, Chapter 1, Parts 1 through 7, authorized by Title 16 United States Codes, Section 3, the following regulatory provisions are established for the management, protection, and public use of Canyon de Chelly National Monument.

Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained elsewhere in Title 36 Code of Federal Regulations, Chapter 1, Parts 1 through 7.

The closures and restrictions delineated in this compendium to not apply to authorized official/administrative use of applications (36 CFR 1.2(d) and 1.5(a)).

This compendium supersedes all previous releases. All prior releases are rescinded.

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Superintendent

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Date

## **36 CFR 1.5 Visiting Hours, Public Use Limits, Closures, and Area Designations for Specific Use or Activities.**

### **(a)(1) CLOSURES AND PUBLIC USE LIMITS/RESTRICTIONS**

- The following geographical areas, buildings and/or roads within Canyon de Chelly National Monument are closed to public use or are restricted by specific activities and/or specific times for specific activities.

*Determination justifying closures and public use restrictions: The following area closures are determined to be necessary based upon the need to provide secure and safe working and/or living space for NPS employees and their families. Office buildings, office space, and business and residential compounds are provided to facilitate the accomplishment of essential government business. Numerous statues, regulations, and agency policies require that government equipment be maintained in a safe and secure environment, and that governmental business activities are conducted in manner and environment that satisfies various privacy requirements. The cited closures and restrictions are deemed to be the minimum necessary to accomplish the government mission and provide for the safety of employees. General public use of the greater park area is not adversely affected by these closures and restrictions.*

#### **Visiting Hours:**

- Unless otherwise posted, the visitor center lobby and museum is closed except during normal business hours. Normal business hours of operation are:
  - 0800 – 1700 (8:00 a.m. – 5:00 p.m.)
- Visitor Center will be open year-around, except Thanksgiving Day, Christmas Day, and New Years Day.

#### **NPS Visitor Center Parking Lot and Adjacent Grounds:**

- Unless otherwise posted, the visitor center parking lot and adjacent grounds are closed except during normal business hours. Normal business hours of operation are:
  - 0800 – 1700 (8 a.m. – 5:00 p.m.)
- The NPS Visitor Center Parking Lot and Adjacent grounds are described as follows:
  - This area includes a cul de sac parking lot that is entered and exited at the top of the hill on route 7 across from Chinle Wash and north of the Holiday Inn Complex. The lot makes a semi-circle around the government Visitor Center and headquarters area and includes an adjacent land mass surrounded by fence that extends to the road, south to the campground

facility which includes a cemetery facility on its west side. The entire top of this hill where the lot and buildings are located is closed to public access except during hours of operation.

### **Government Office and Working Spaces:**

- The interior of all government buildings except for designated lobbies or public business areas. This closure does not apply to persons in non-public areas who have been granted specific permission by the National Park Service, or those who are under escort of NPS employees who are acting within the scope of their employment.

### **NPS Housing Area**

- The NPS housing area, including but not limited to the access road, residences, outbuildings, yards, and pathways. This closure does not apply to assigned residents of NPS housing, their guests, or persons engaged in legitimate governmental activities or permitted business activities.
- The NPS Housing Area is described as follows:
  - NPS Housing Road located to the southeast of the Thunderbird Lodge encompassing the adjacent hill to the west (behind Mission 66 houses) and bounded on the east by a fence and private residential pasture. The geographical area extends approximately ¼ mile terminating in a cul de sac and includes a total of nine government housing units and approximately seven outbuildings. The entire housing area is bounded by a fence and hills to the west, a fence adjacent to a pasture area on the south and fence and pasture to the east. The area is also a compound for government and employee private vehicles.

*Determination: This closure is imposed to protect the health and safety of residents and their families.*

Public Notice Methods: This closure is posted at the entrance to the Residential area.

### **NPS Maintenance Compound:**

- The NPS maintenance compound, including but not limited to access road, grounds, outbuildings, and pathways.
- The NPS Maintenance Compound is described as follows:
  - The NPS Maintenance Compound includes the Law Enforcement building, a Maintenance office complex, and a warehouse and parking storage facilities. It also includes multiple outbuildings, an uncovered storage yard, parking area and various terminals for technical equipment. This also includes the recently acquired maintenance facilities from the former Thunderbird Lodge. The entire area is bounded by a fence on all

sides and lies to the west of the Thunderbird Lodge and to the south of the NPS Campground.

**(a)(2) Cottonwood Campground**

- 36 CFR 2.37 Loitering/Panhandling is prohibited during and after operating hours.
- Cottonwood campground is encompassed by chain linked fencing on the west, north and south borders of the campground and includes all camp sites.

*Determination: This closure is imposed to protect the scenic values, protect public health, and avoid visitor use conflicts.*

**(a)(1) CLOSURES TO LIVESTOCK**

- Cottonwood Campground, the picnic area, the Thunderbird Lodge area, and the staff residential area are closed to all livestock. In addition, Cottonwood Campground and the picnic area are closed to livestock transported in truck or trailer.
- Public Notice Methods: all areas closed to stock are fences and protected by cattle guards. Cottonwood Campground is signed as closed to stock trailers.

*Determination: This closure is imposed to protect the scenic values, protect public health, and avoid visitor use conflicts.*

**OTHER CLOSURES**

- (a)(1) The Canyon de Chelly National Monument Visitor Center is closed to the public on the holidays of New Year’s Day, Thanksgiving Day, and Christmas Day.
- (a)(2) Unmanned Aircraft
- Launching, landing, or operating an unmanned aircraft from or on lands whose care, maintenance, preservation, and restoration Congress has entrusted to the National Park Service pursuant to 16 U.S.C. § 445b, within the boundaries of Canyon De Chelly 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 are required for the pilot or system operator in command to operator or control the device (such as cameras, sensors, communication links).

The term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, and drones) that are used for any purpose including for recreation or commerce.

*Determination: Unmanned aircraft use in National Parks has increased dramatically in the past few years. Management Policies 2006 1.5 and 8.2.2 states the National Park Service will not allow new park uses until a determination has been made that the new use will not cause unacceptable impacts on park resources and values. Policy Memorandum 14-05, dated June 19, 2014, provides interim policy guidance until this determination has been made. Specifically, impacts to resources and values of concern related to unmanned aircraft use at Canyon De Chelly National Monument include: visitor experiences, areas of the park designated as Wilderness, associated Wilderness values, natural quiet, all wildlife including threatened and endangered species (i.e. Mexican spotted owl and yellow billed cuckoo) and viewsheds.*

### **36 CFR 2.51 Public Assemblies, Meetings**

- a) The area near the boundary/entry sign on the west end of the Canyon de Chelly has been designated by the Superintendent as designated public assembly area. This area is not to extend across the street, beyond the fenceline, or up the hill toward the visitor center. Description and map of the designated public assembly and meeting area is available at the visitor center during normal business hours.

*Determination: This restriction is imposed to protect cultural resources, for the safety of visitors, and to implement management responsibilities.*

### **36 CFR 7.19 - CANYONS CLOSED TO VISITORS UNLESS ACCOMPANIED BY A RANGER OR AUTHORIZED GUIDE**

- (a) Visitors are prohibited from entering the canyons of Canyon de Chelly National Monument unless accompanied by National Park Service employees or by authorized guides: *provided, however*, That the Superintendent may designate, by marking on a map which shall be available for public inspection in the office of the Superintendent and at other convenient locations within the monument, canyons or portions thereof which may be visited or entered without being so accompanied.
- (b) The Superintendent may issue permits to properly qualified persons to act as guides for the purpose of accompanying visitors within the canyons.

*Determination: This restriction is imposed to protect cultural resources, for the safety of visitors, and to implement management responsibilities.*

Public Notice Methods: This closure is posted at the mouth of the canyon and all backcountry trailheads. It is detailed in the monument brochure, newspaper, and all information boards. This message is presented at all evening programs and at the information desk.

## **RESTRICTIONS ON THE SALE OF NATIVE AMERICAN ARTS AND CRAFTS.**

- The sale of locally made Native American Arts and crafts items is prohibited in the following areas: the Visitor Center parking lot area, White House Overlook area, Spider Rock Overlook area, Cottonwood Campground and the picnic area, and the Thunderbird Lodge parking areas.
- At overlooks, vendors may not sell from any free standing displays, tables nor may canopy covers be used. Items may not be sold from the ground or sidewalks, items may be sold from vendor's vehicles.
- Vendors at White House, Antelope House, and Ledge Ruins may use one 8-foot table but may not use canopy covers. Tables may not be left unattended. Vending may not occur near restrooms or directly in front of archaeological sites, such as the upper terrace of White House.
- No tables may be used at Petroglyph Rock. Vendors must be 50 feet away from Petroglyph Rock and may sell from their vehicles there.
- The Indian Arts and Crafts Act of 1990 (P.L. 101-644) is a truth-in-advertising law that prohibits misrepresentation in marketing of Indian arts and crafts products within the United States. It is illegal to offer or display for sale, or sell any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian Tribe or Indian arts and crafts organization, resident within the United States. For a first time violation of the Act, an individual can face civil or criminal penalties up to a \$250,000 fine or a 5-year prison term, or both. If a business violates the Act, it can face civil penalties or can be prosecuted and fined up to \$1,000,000. Under the Act, an Indian is defined as a member of any federally or officially State recognized Indian Tribe, or an individual certified as an Indian artisan by an Indian Tribe. The law covers all Indian and Indian-style traditional and contemporary arts and crafts produced after 1935. The Act broadly applies to the marketing of arts and crafts by any person in the United States. Some traditional items frequently copied by non-Indians include Indian-style jewelry, pottery, baskets, carved stone fetishes, woven rugs, kachina dolls, and clothing. All products must be marketed truthfully regarding the Indian heritage and tribal affiliation of the producers, so as not to mislead the consumer. It is illegal to market an art or craft item using the name of a tribe if a member, or certified Indian artisan, of that tribe did not actually create the art or craft item.
- It is prohibited to cut out, collect or sell sandstone, petrified wood, and all other rock samples or artifacts found in and around Canyon de Chelly.
- The sale of food items of any kind is prohibited.

*Determination: This restriction is imposed to protect public health, to avoid conflicts between visitor activities, to avoid safety problems at the overlook areas, protect cultural and natural resources and to protect the privacy of visitors to Cottonwood Campground and Thunderbird Lodge.*

Public Notice methods: the public is made aware of these restrictions through signs posted at Cottonwood Campground, and through ranger contacts at the Visitor Center and at the overlook parking areas.

Effective date: August 22, 2014

Authority: 36 CFR 1.5 (a) 2



## 36 CFR 1.6: PERMITS

### (f) ALL AUTHORIZED GUIDES MUST HAVE PERMITS TO ACCOMPANY VISITORS INTO THE CANYONS.

- Pursuant to Special Regulation 36 CFR 7.19, The Superintendent may issue permits to authorized guides to accompany visitors into the canyons. The Superintendent in conjunction with the Navajo Nation Parks and Recreation Department will determine the suitability of individuals applying for guide permits. All authorized guides must have a permit from the Superintendent to accompany visitors into the canyons. All visitors entering the canyon, must be in the presence of an authorized guide or a National Park Ranger.

*Determination: This restriction is imposed to protect cultural resources, for the safety of visitors, and to implement management responsibilities.*

Public Notice methods: the public is made aware of these restrictions through signs posted at entrance of the canyon, backcountry trailheads and through ranger contacts at the Visitor Center.

Effective date: August 22, 2014

Authority: 36 CFR 1.6 (a), 36 CFR 7.19

## COMMERCIAL TOUR OPERATIONS

- All commercial tour companies operating within Canyon de Chelly National Monument are required to obtain a tour guide business permit through the Navajo Nation Parks and Recreation Department.
- Each authorized commercial vehicle entering into the canyon with visitors must also obtain a backcountry permit for each tour from the Navajo Nation Parks and Recreation Department.
- The National Park Service at Canyon de Chelly National Monument observes Navajo Nation Law.
- Navajo Nation Law (Title 5, Navajo Nation Code, §2501 et seq.), as amended, provides for the regulation of tour operators and guide services within the jurisdictional limits of the Navajo Nation. This law gives the Navajo Nation Parks and Recreation Department (Authority) specific authority to issue reasonable rules and regulations to implement this Act, and which rules and regulations are herein prescribed.

*Determination: This restriction is imposed to protect cultural resources, for the safety of visitors, and to implement management responsibilities.*

Effective date: August 22, 2014

Authority: 36 CFR 1.5 (a) 2

## 36 CFR 2.1 – Preservation of Natural, Cultural and Archeological Resources

(a)(4) Deadwood within the Monument may be collected for personal use if a Navajo Nation Wood Hauling Permit is in possession of the collector.

*Note: Unauthorized harvesting of forest and woodland products from the Navajo Nation is considered trespass and is a violation of the Navajo Nation Forest and Woodland Regulations, 17 N.N.C. § 525, and 25 C.F.R. § 163.29.*

(a)(5) Walking, climbing, entering, ascending or traversing archeological or cultural resource, or monuments or statues is prohibited.

(b) Hiking or pedestrian traffic is restricted to the established trails or walkways.

*Determination: Restricting pedestrian traffic to trails reduces the impact on park natural and cultural resources, including wildlife habitat.*

### 36 CFR 2.10 (a): Camping

#### (a) REGULATION OF CAMPING AREA AND ESTABLISHMENT OF CAMPING CONDITIONS

- (b)(10) Camping as defined in 36 CFR 1.4, is limited to the designated camping area at Cottonwood Campground. Camping outside of the designated area is prohibited.
- Cottonwood Campground is open for recreational overnight stays by visitors to Canyon de Chelly National Monument and is operated by the Navajo Nation Parks and Recreation Department. It is closed to use as a semi-permanent or temporary campsite for non-recreational users staying in the area for the primary purpose of pursuing employment or conducting business. Such non-recreational use of Cottonwood Campground is prohibited.
- Maximum stay in the designated campground is 5 days per visit and 14 days per year.
- Quiet hours in the campground are from 8:30 pm to 6:00 am daily.
- The running of engines or operating of generators is prohibited during these hours.
- The designated group site in Cottonwood Campground is for the use of groups with confirmed reservations only. Group sites are reserved for groups of 14-30 persons. Reservations should be made no more than 30 days in advance.

*Determination: This restriction is imposed to protect the safety of recreational visitors and to avoid conflicts.*

Public Notice methods: Signs at the campground entrance, on the campground bulletin board, and in campground brochures.

Effective date: August 22, 2014

Authority: 36 CFR 2.10 (a)

### **36 CFR 2.13 (a): Fires**

#### **1. CLOSURES DUE TO HIGH FIRE DANGER**

(a)(1) The lighting or maintaining of an open ground fire is prohibited in Cottonwood Campground and the designated picnic area.

- During periods of high fire danger, the Navajo Nation may issue fire restrictions Reservation wide and the National Park Service at Canyon de Chelly National Monument will observe Navajo Nation Restrictions.

*Determine: The fire restrictions are imposed to protect the safety of campers, to protect the resources and to protect developed areas.*

Public Notice methods: Signs will be posted at the campground, the picnic area, the Visitor Center, and other closed areas.

Effective date: August 22, 2014

Authority: 36 CFR 2.13 (a)

### 36 CFR 2.15 (a): Pets

1. POSSESSING OF A PET IN A CLOSED AREA. (This section does not apply to guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing impaired persons.)

(a) The following are prohibited:

- (1) Pets are not allowed in the Visitor Center. Pets on a leash are allowed in all other areas of the monument.

*It is unlawful to leave a domestic animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.*

- (2) Failing to cage, crate, restrain on a leash, which shall not exceed six feet in length, or otherwise under physical restraint a pet at all times.

- (3) Leaving a pet unattended and/or tied to an object.

- (4) Allowing a pet to make noise that is unreasonable considering location, time of day or night, impact on the park users, and other relevant factors, or that frightens wildlife by barking, howling, or making other noise.

- (5) (e) Pets may be kept by residents in accordance with Superintendent's Policy and Navajo Nation Animal Control Laws..

*Determination: Leash requirements provides for the protection of the pet as well as other park visitor, 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.*

Public Notice methods: this restriction is posted at the Visitor Center, at the White House trailhead, and in Cottonwood Campground. It is detailed on the backcountry permit, in the park newspaper, and on monument information sheets.

Effective date: August 22, 2014

Authority: 36 CFR 2.15 (a)1

### 2. RESIDENTS KEEPING OF PETS

- Residents that have the exclusive use of their assigned quarters may possess pets provided that the health, safety, privacy, and sensibilities of other housing area residents are not threatened or diminished.
- Residents that are required to share quarters with other assigned personnel may not have pets in their quarters without written permission from the Superintendent.

*Determination: These restrictions are imposed to avoid conflict between residents and to avoid damage to government property.*

Effective date: August 22, 2014

Authority: 36 CFR 2.15 (e)

### **36 FR 2.21 (a): Smoking**

#### **1. SMOKING WITHIN THE CANYON DE CHELLY FACILITIES IS PROHIBITED.**

- (a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking as noted:
- All non-residential federal buildings within the Park are designated as non-smoking areas.
  - All shared government housing is designated as non-smoking.
  - The Superintendent will honor any executive order from the Navajo Nation regarding fire restrictions which may, during periods of high fire danger, restrict or close all, or portions of the park to smoking.
  - Any additional restrictions shall be issued in press releases and appropriate signs will be posted at trailheads and visitor center.

E-cigarettes are also prohibited within NPS facilities. E-cigarettes are not FDA approved and could still pose a health risk.

*Determination: This restriction is imposed to reduce the risk of fire, to prevent damage to resources, to prevent conflicts among visitors, and to provide for public health and safety.*

Public Notice methods: This restriction is posted at the Visitor Center and other NPS facilities.

Effective date: August 22, 2014

Authority: 36 CFR 2.21 (a)

### **36 CFR 2.22 (a)(2): Property**

- Leaving property unattended for longer than 24 hours is prohibited except that visitors may leave property unattended for more than 24 hours in the following designated areas:
  - The Thunderbird Lodge Parking Area, with permission from the lesee.
  - At all trailheads in the monument for permitted activities.
  - All vehicles and or property left in the park for more than 24 hours are subject to impound (excluding those vehicles permitted above).

### **36 CFR 2.35 (a) (3) Alcoholic Beverages**

#### **1. RESTRICTIONS ON THE POSSESSION AND CONSUMPTION OF ALCHOLHIC BEVERAGES.**

- The public possession or consumption of alcoholic beverages of any kind is prohibited within Canyon de Chelly National Monument.
- Canyon de Chelly observes the Navajo Nation Law which prohibits the possession and consumption of alcoholic beverages on the Navajo Nation.

*Determination: This restriction is imposed for the safety of visitors, and to implement management responsibilities.*

Authority: 36 CFR 2.35 (a) (3)  
Effective date: August 22, 2014

### **36 CFR 3.21 (a)1 Swimming and Bathing**

#### **1. AREAS DESIGNATED AS CLOSED TO SWIMMING AND BATHING.**

- The following areas are closed for bathing:
- All potable water spigots in the designated campground and picnic area.
- The campground vehicle sanitary dump station.

*Determination: This restriction is imposed to protect public health, and to implement management responsibilities.*

Effective date: August 22, 2014  
Authority: 36 CFR 3.21 (a) 1

### **36 CFR 4.17 (a): Speed Limits**

#### **1. ESTABLISHMENT OF MONUMENT SPEED LIMITS.**

- Speed limits are established and posted for all roads within the monument.

The speed limits are:

- From the monument boundary to the Thunderbird Lodge area is posted 25 mph.
- The Thunderbird Lodge area, the campground area, and the residential area are posted 15 mph. From the monument boundary to approximately ¼ mile east of the canyon entrance on NR 7 is posted 25 mph. From the monument boundary to approximately ¼ mile north on NR 64 is posted 25 mph. Unless otherwise posted, the remainder of NR 7 within the park is posted 45 mph and the remainder of NR 64 within the park is posted 55 mph.

*Determination: This restriction is imposed to protect the safety of visitors, and to implement management responsibilities.*

Public Notice methods: All roads are posted.

Effective date: August 22, 2014

Authority: 36 CFR 4.17 (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) The scattering of human ashes from cremation is prohibited within Canyon de Chelly National Monument.
- (c) Canyon de Chelly National Monument will also observe Navajo Nation request which states, “*DO NOT desecrate Navajo lands and violate the trust of Navajo people by discarding cremated human remains on tribal property. Please respect tribal beliefs.*”

*Determination: This restriction is imposed to protect cultural resources, for the safety of visitors, and to implement management responsibilities.*

Effective date: August 22, 2014

Authority: 36 CFR 2.62



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

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

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

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

1. All common areas and shared workspaces in buildings owned, rented or leased by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.
2. The following outdoor areas, when others are present, where the superintendent has determined that physical distancing (staying at least six feet apart) cannot reasonably be maintained:
  - Outdoor areas adjacent to the visitor center
  - Parking lots and common areas in campgrounds
  - Crowded trails, viewpoints, amphitheater and outdoor exhibits such as the hogan and demonstration garden
  - Congested tour stops, in tour vehicles even if open air or open windows,

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

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

*The Navajo Nation Public Health Order NO. 2020-007 Mandating Use of Masks in Public due to COVID-19 is still in effect; therefore, individuals fully or partially vaccinated with a COVID-19 vaccine or is unvaccinated must continue to wear a mask in public.*

Effective date: July 8, 2021

Authority: 36 CFR 1.5(a)(2)

### **36 CFR 1.5 (a) (2) Filming:**

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

- Outdoor filming activities involving five persons or less and equipment that will be carried at all times, except for small tripods used to hold cameras.

The organizer of any other type of filming activity must provide written notice to the Superintendent at least 10 days prior to the start of the proposed activity.

Based upon the information provided, the Superintendent may require the organizer to apply for and obtain a permit if necessary, to:

- Maintain public health and safety;
- Protect environmental or scenic values;
- Protect natural or cultural resources;
- Allow for equitable allocation and use of facilities; or
- Avoid conflict among visitor use activities.

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

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

The following are prohibited:

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

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

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

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

Effective date: July 8, 2021

Authority: 36 CFR 1.5 (a) (2)

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

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

<b>Indoor Location</b>	<b>Maximum Occupancy</b>
<i>Visitor Center</i>	<b>19</b>
<i>Restroom</i>	<b>2</b>

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

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

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

Effective date: July 8, 2021

Authority: 36 C.F.R. § 1.5