National Park Service
U.S. Department of the Interior

Florissant Fossil Beds
National Monument

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

Approved: 08/12/14
Signature copy on file
Michelle Wheatley 8-12-2014
Michelle Wheatley,
Superintendent Date

In accordance with regulations and the delegated authority in Title 36, Code of Federal Regulations (36 CFR), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands administered by the National Park Service within the boundaries of Florissant 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.

The regulations contained herein shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resource management plans, or in emergency operations.

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.

1.5 Closures and public use limits.
(a)(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all pubic use or to a specific use or activity.

- The following schedule of visiting hours is established for the developed portions of the park: 9:00am to 5:00pm. The developed portions of the park will be closed on the following federal holidays: New Year's Day, Thanksgiving Day, Christmas Day. Determination: *Visiting hours are contingent upon staff availability, and may be extended during the summer visitor season.*
- Service and administrative roads and parking areas are closed to unauthorized vehicles. *These roads and parking areas are designated as such by a sign and/or gate.*
- Overnight parking of unauthorized vehicles is prohibited.
  Permission to leave disabled vehicles overnight may be granted when actions have been taken to repair or remove the vehicle. The park assumes no responsibility or liability for these vehicles or their contents.
- Remote controlled aircraft, both motorized and gliders, are prohibited.
  Remote controlled aircraft can disturb wildlife and impair the scenic and natural values of the park. Title 16 United States Code 1a-1 in part states, "The authorization of

activities...shall not be exercised in derogation of the values and purposes for which these areas (National Park Service) have been established".

- The idling of bus engines for extended periods while the passengers are visiting the park is prohibited.
  Excessive idling of engines adds unnecessary exhaust fumes and noise into the park environment.

1.5 Closures and public use limits continued.
(a)(1) **Unmanned Aircraft**

- Launchng, landing, or operating an unmanned aircraft from or on lands and waters administrered by the National Park Service within the boundaries of Florissant 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 are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, 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 determination has been made. Specifically, impacts to resources and values of concern related to unmanned aircraft use at Florissant Fossil Beds National Monument include: visitor experiences, natural quiet, all wildlife mating, breeding, nesting, and feeding activities, viewsheds, and scenic values.*

(a)(2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

- Self-balancing personal transporters (Segways) are permitted for use by persons with disabilities in the visitor center parking lot, connecting paved walkways, and on the wheelchair accessible Ponderosa Loop Trail. A handicap placard, issued by states for motor vehicles, is required, and travel speed is restricted to a walking pace.
  At present these transporters are defined as a motor vehicle under 36CFR 1.4 and as such are excluded for use solely as motorized wheelchairs. At the same time, it is the intent of this park to provide safe and equitable access to all visitors. Therefore, it has been determined that use of these transporters by persons with disabilities will be allowed under the conditions listed, and that a continuing assessment will be made to insure their safe use and the needs of the disabled visitors.
- Non-lethal aerosol type chemical agents are permitted to be carried for personal defense against aggressive wildlife.

Chemical agents such as "bear pepper spray" are widely accepted as an effective deterrent against aggressive wildlife, and have been found to be a safer and more effective alternative than firearms in wildlife encounters.

(a)(2) (ii) **Bear Pepper Spray:**
The carriage of pepper spray for the strict purpose of defense against bodily harm from aggressive wildlife is permitted within Florissant Fossil Beds National Monument, per order of the Superintendent. It must be commercially manufactured and labeled as "Bear Pepper Spray", and it must contain between 1% - 2% of the active ingredients capsaicin and related capsaicinoids. Carriage of "Mace" or other commercially made non-wildlife pepper sprays which contain a higher percentage of active ingredients is prohibited.

1.6 Permits.
(f) A compilation of those activities requiring a permit shall be maintained by the superintendent and available to the public upon request.

- 2.4 Weapons, traps and nets. *Except as permitted under P.L. 111-24, Section 512.*
- 2.5 Research specimens. *Includes both collection and non-collection research.*
- 2.17 Aircraft and air delivery. *Delivering or retrieving a person or object by airborne means, and removal of a downed aircraft.*
- 2.50 Special events. *Any activity that benefits an individual, group, or organization rather than the public at large.*
- 2.51 Public assemblies. *Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views.*
- 2.52 Sale or distribution of printed matter. *Sale or distribution of printed matter that is not solely commercial advertising.*
- 2.62 Memorialization. *The installation of a commemorative object, or the scattering of human ashes*
- 5.1 Advertisements. *Posting or displaying notices or advertisements.*
- 5.3 Business operations. *Engaging in or soliciting any business.*
- 5.5 Commercial photography. *Still or motion photography involving the use of a model, set, or prop, or requires use of a closed area.*
- 5.7 Construction of buildings or other facilities. *Any structure, road, trail, or utility line.*

The National Park Service has statutory authority and a mandate to protect against the impairment of a park's resources and values. When considering activities that benefit an individual, group, or organization rather than the public at large, a superintendent may require a permit to assess the appropriateness of the activity. A permit system allows the superintendent to gather information about the proposed activity, to set conditions, or deny the activity, in support of the park's resources and values.

2.1 Preservation of natural, cultural and archeological resources.
(b) The superintendent may restrict hiking or pedestrian use to a designated trail or walkway system.

- Leaving the trail or walkway is prohibited on the Ponderosa Loop Trail, the Petrified Forest Loop Trail, the Excavation Site Interpretive Trail (previously the Scudder Pit), and the connecting walkways from the visitor center.
  Most visitors to the park walk one or all of these trails and walkways, and most of the park paleontological resources are located along or near these trails and walkways. The enabling legislation which created this park in part states, " to preserve...fossils and related geologic sites". In order to carry out this mandate, the disturbance of these resources is reduced by limiting public access.

2.2 Wildlife protection.
(a)(2) The feeding, touching, teasing, frightening or intentional disturbing of wildlife nesting, breeding or other activities.

- All Park areas are closed to the use of elk bugles, varmint calls, audio attractants or other artificial or natural means of attracting or disturbing wildlife (including rattling antlers, coyote, or other calls or verbal bugling or howling imitations) are prohibited.
  To maintain a natural setting for wildlife, to prevent adverse interactions with people, and in support of the park No Hunting regulations, the non-natural attraction of wildlife is inappropriate.

(d) The superintendent may establish conditions and procedures for transporting lawfully taken wildlife through the park area.

- Wildlife lawfully taken outside the park may be transported through the park by vehicle on public roads in accordance with state law.
  The public roads through the park not only support park operations, but the surrounding community as well, and it is not the intent of the park to interfere with the lawful activities of non-park traffic.

(e) The superintendent may designate all or portions of a park area as closed to the viewing of wildlife with an artificial light.

- All areas of the park are closed to the viewing of wildlife with an artificial light which includes and is not limited to spotlights and vehicle headlights directed beyond those areas covered in normal driving on monument roads.
  Since wildlife viewing opportunities are abundant during daylight hours, and as viewing wildlife with an artificial light (spotlighting) is a common technique used by poachers, and to minimize the disturbance of wildlife, this activity is unnecessary and inappropriate.

2.4 Weapons, traps, and nets.
(f) The carrying or possessing of a weapon, trap, or net in violation of applicable federal and state laws is prohibited.

- The possession of a firearm under P.L. 111-24, Section 512 is prohibited in the following federal facilities: Visitor Center, Administrative Office, Paleontology Lab (yurt), Maytag Barn, Fowler Education Center (A-frame).
  As of February 22, 2010 P.L. 111-24, Section 512 allows people who can legally possess firearms under applicable federal, state, and local laws to legally possess firearms in Florissant Fossil Beds National Monument. Though Section 512 supersedes the treatment of firearms possession under the regulations found in 36 CFR, 2.4, the other regulations found in 2.4 remained unchanged. Also remaining unchanged is the federal law 18 USC, 930 under which the possession of a firearm in a federal facility is prohibited. The federal facilities found in this park are listed above and each public entrance is posted with a notice of this prohibition as per law and agency policy.

2.10 Camping and food storage.
(a) The superintendent may require permits, designate sites or areas, and establish conditions for camping.

- Camping is prohibited throughout the park except by employees or researchers under conditions set forth by the superintendent in support of research or park operations.
  Numerous federal, state, and private campgrounds are available near the park. Without established camping facilities, this park is unable to provide overnight recreational opportunities and provide for public health, safety, and protection of park resources.

2.13 Fires.
(a)(1) Lighting or maintaining a fire, except in designated areas or receptacles and under conditions that may be established by the superintendent.

- Fires are permitted for cooking purposes in the receptacles provided by the park in established picnic areas, or in private grills when used in those areas.

(a)(4) Leaving a fire unattended.

- At no time will fires; wood, charcoal, or gas, 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.

- All fires, wood and charcoal, must be completely extinguished upon termination of use. Charcoal from private grills must be completely extinguished and deposited in a metal trash receptacle.

(c) During periods of high fire danger, the superintendent may close all or a portion of a park area to the lighting or maintaining of a fire.

- In coordination with federal and state agencies, the superintendent will close the park to fires during periods of high fire danger.
  These conditions and restrictions are intended to prevent wildfires. During closures, park visitors will be notified by the posting of signs in conspicuous locations.

2.15 Pets.
(a)(1) Possessing a pet in a public building, or any structure or area closed to the possession of pets by the superintendent.

- Pets, when leashed, are permitted only in the signed, designated pet area in, and adjacent to, the visitor center picnic area and along public roads and in parking areas. Pets are prohibited on all trails and remaining areas.
  These restrictions do not apply to service dogs accompanying a disabled person. Service dogs are not considered to be pets, and are trained to do work or perform tasks for the benefit of an individual with a disability. An individual with a disability is an individual with a physical or mental impairment that substantially limits one or more of the major life activities. Training of service dogs by nondisabled persons in the park is prohibited.

(a)(3) Leaving a pet unattended and tied to an object, except in designated areas or under conditions which may be established by the superintendent.

- Leaving a pet unattended and tied to an object is prohibited.
- Failing to cage, crate, restrain on a leash, which shall not exceed six feet in length, or otherwise physically restrain the pet at all times is prohibited.
- Under the ADA, service animals must also be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
- Allowing a pet to make noise that is unreasonable considering the location, impact on park visitors, or frightens or disturbs wildlife by barking, howling or making other noise is prohibited.
- Pets may not be left unattended in vehicles if it creates a danger to the animal, or if the animal becomes a public nuisance.
  This restriction is intended to prevent park visitors from approaching an unfamiliar dog and possibly being bitten, and to protect the unattended dog from the mountain elements and wildlife. Additionally, excessive barking can disturb visitors, wildlife and impair the natural values of the park.

(a)(5) Failing to comply with pet excrement disposal conditions which may be established by the superintendent.

- Pet owners are required to immediately remove and properly dispose of their pet's excrement in an appropriate refuse container.
  This is basic to pet ownership responsibilities and it provides for public health and visual cleanliness.

2.16 Horses and pack animals.
(b) The use of horses or pack animals outside of trails, routes or areas designated for their use.

- Horses and pack animals are prohibited on all trails and in developed areas. Riding must be done in a dispersed manner as to prevent the creation of unapproved trails.
- A Horse and Pack Animal Use Information sheet is available for public distribution and is attached to this compendium as a supplemental description of the prohibited areas and specific activity regulations.

Horse use has been allowed in this park as a traditional use, though this use has the potential to cause long-term impacts on park resources and impacts on other park uses. Horse use areas are available near the park on over one million acres of federal and state lands. This park is managed primarily to accommodate hikers, and it is the intent of this park to provide a unique hiking trail environment among area public lands free from other recreational uses. Horses are prohibited from the park trails because of their size, they cause trail deterioration, and the common presence of manure. Most nondeveloped areas of the park are open to horses with few restrictions.

2.21 Smoking.
(a) The superintendent may designate a portion of a park area, or all or a portion of a building, structure or facility as closed to smoking.

- The park shall adhere to Director's Order #50D which establishes the smoking policy for the National Park Service. A copy of this order is attached to this compendium.
  Smoking has long been recognized as a major cause of death and disease not only for those who smoke, but also those who are exposed to environmental smoke. The Director's Order states that it is the policy of the National Park Service to provide a smoke-free environment for its employees and members of the visiting public.
  Under this policy smoking is prohibited in government buildings, vehicles, and within 25 feet of a building doorway, window, air duct, or other opening. The superintendent may also close specified outdoor areas to smoking during periods of high fire danger.

2.51 Public assemblies, meetings. ***and***
2.52 Sale and distribution of printed matter.
(e) The superintendent shall designate on a map, that shall be available in the office of the superintendent, the locations available for public assemblies and distribution of printed matter.

- The superintendent has designated an area for these activities as described on the First Amendment Activity Area map which is attached to this compendium and is available to the public.
  The designated First Amendment activity area is visible and accessible to the public and government employees, while allowing for freedom of movement without disruption.

4.30 Bicycles.
(a) The use of a bicycle is prohibited except on park roads, in parking areas and on routes designated for bicycle use. Routes may only be designated for bicycle use based on a determination that such use is consistent with the protection of a park area's natural, scenic and aesthetic values, safety considerations and management objectives and will not disturb wildlife or park resources.

- Bicycles are permitted only on public roads and in public parking areas. Bicycles are prohibited on all trails and remaining areas.
  Bicycles are prohibited from trails and other pedestrian walkways for public safety. The park hiking trails are managed for pedestrian use and bicycles used on trails are often operated at greater than a walking pace which can cause conflict among users seeking different levels of outdoor experience. In addition, numerous federal, state, county, and city trails in the area are open to bicycles.

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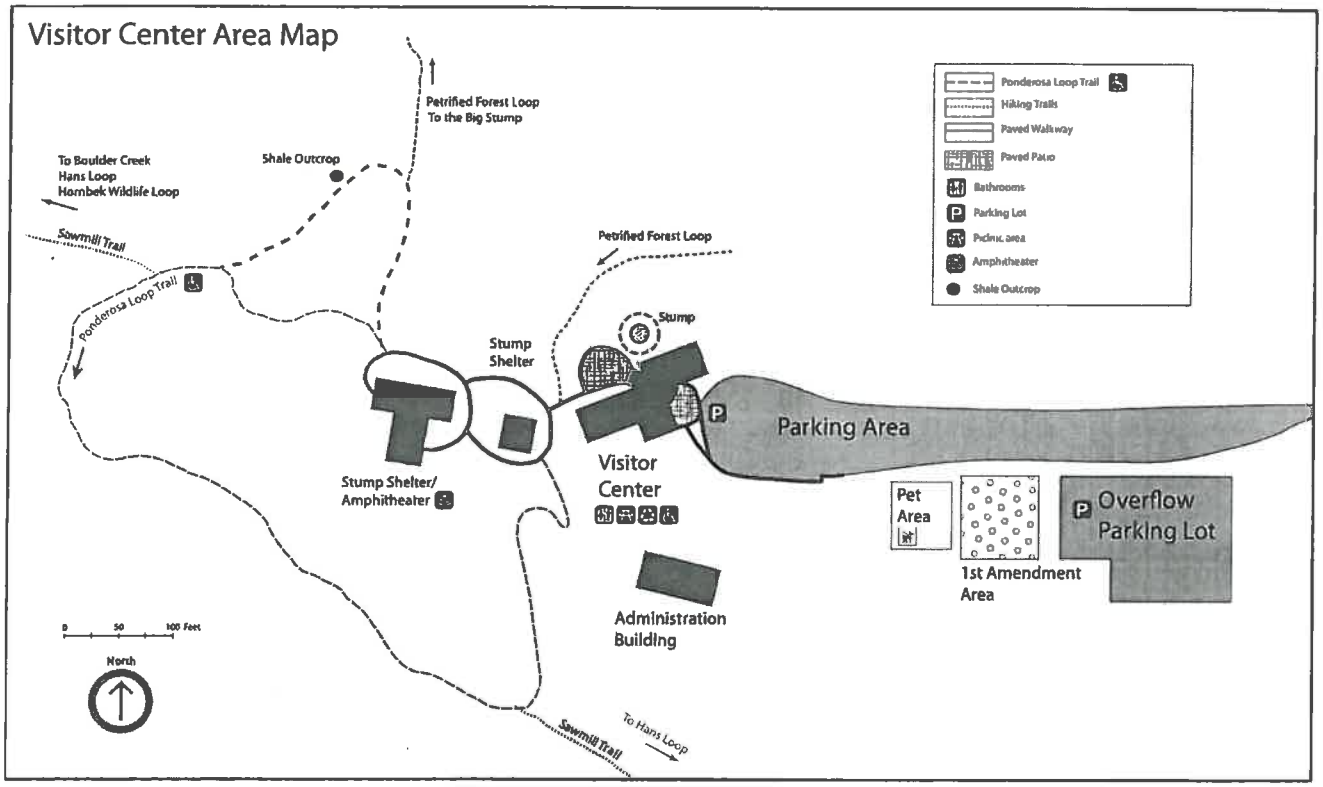
First Amendment Activity Area

The area indicated on the map below has been designated as the First Amendment activity area available for public assemblies and distribution of printed matter.

Approved:

Michelle Wheatley 1/10/2014

Michelle Wheatley, Superintendent Date



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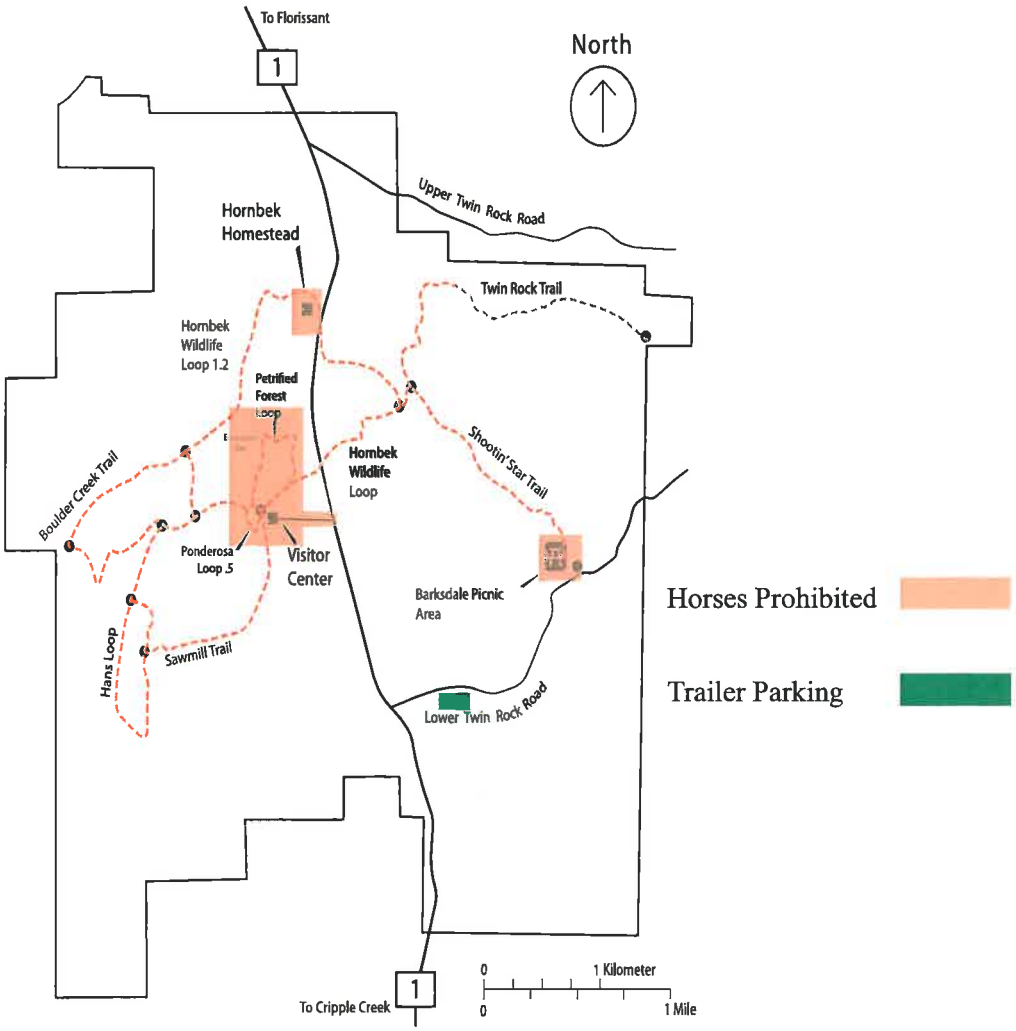
HORSE AND PACK ANIMAL USE INFORMATION

In 1969 Florissant Fossil Beds National Monument was established to provide for the protection of the fossils, related geologic sites, and scenic resources of the area. Though recreational activities such as horse use are not mentioned in the establishing legislation of the Monument, it has been a tradition to allow such uses as long as they don't conflict with management responsibilities. These management responsibilities include providing for public health and safety, protection of the natural and cultural resources, avoiding conflict among visitor use activities, and protecting wildlife. At this time we will continue to allow horse use in the Monument as long as we can meet these responsibilities. We ask for your help in allowing this use to continue by following the restrictions and regulations provided here. If you have any questions please stop by our visitor center or call the park at (719) 748-3253.



Restrictions and Regulations:

- A park entrance fee is required. Payment must be made at the visitor center. Annual passes are available.
- Dogs, camping, hunting, and target shooting are prohibited.
- Do not approach wildlife.
- Riding on any trail or in developed areas is prohibited.
- Ride dispersed; do not create new trails.
- Park hours: 9:00 am to 5:00 pm.
- Collecting rocks, fossils, petrified wood, antlers, or any natural, cultural or historic object is prohibited.

The National Park Service is active in the statewide program to control the spread of invasive weeds and encourages the use of certified weed-free feed.