

2016

National Park Service

Intermountain Region

Fossil Butte National Monument

Compendium of designations, closures, permit requirements, and other restrictions imposed under discretionary authority.



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Angel G. White 6/8/16

Superintendent Approval /Date

Authority:

Under the provisions of 54 U.S.C., Section 100751 and Title 36, Code of Federal Regulations, Chapter 1, Parts 1-7 and as required by Section 1.7 (b), Chapter 1, Code of Federal Regulations, the following is the compendium of the Superintendent's discretionary designations, closures, permit requirements and other restrictions. These requirements apply within Fossil Butte National Monument in addition to the provisions contained in Parts 1-7 of Chapter 1, Title 36, Code of Federal Regulations.

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.

As required by 1.7(b), designations, closures, permit requirements, and other restrictions imposed under discretionary authority shall be updated annually and made available to the public upon request.

36 CFR 1.5(a)(1) Closures and Public Use Limits

Camping and overnight parking is prohibited within the boundaries of Fossil Butte National Monument.

The Chicken Creek Picnic Area, Nature Trail, and Historic Quarry Trail are closed between 11:00 p.m. and 5:00 a.m. daily.

The scientific quarry on Cundick Ridge is closed to all public access as posted.

Determination: Restricting camping and night access in Fossil Butte NM reduces the impact on park natural and cultural resources, including wildlife habitat. Restricting night access to the picnic area and trails reduces the possibility of vandalism and theft. This restriction was also identified in the park's General Management Plan – 1980, FOBU Statement of Management 1991; 1996.



The maintenance and employee housing areas are closed to the public.

Determination: All the above closures are necessary to provide government efficiency, ensure accountability of government equipment, and provide a safe environment for government employees.

Park roads are as follows, identified by the Monument's Link Node System (Appendix A):

- Chicken Creek Road (Rt. 101) from Lincoln County Rd. 300 to the Visitor Center and Historic Quarry Road and Parking (Rt. 100) and will remain open as conditions allow.
- The 7.5 mile Scenic Road (Rt. 101 and 205) north of the Visitor Center (including paved and unpaved portions) and BLM Point Road (Rt. 200) will be closed by the Superintendent when road, weather or other conditions require.
- Rubey Point Road (Rt. 201), Cundick Ridge Road (Rt. 202), Eagle Nest Point Road (Rt. 203) and Cundick Spring Road (Rt. 208) are closed to motor vehicle traffic except administrative use.
- All other roads or trails are deemed abandoned and closed to all motor vehicle travel.

Determinations: These park roads are closed to motor vehicles and to visitors for providing protection to the natural and cultural resources when staff is not on site. Winter closures of the Scenic Road and BLM Point Road occur to provide for visitor and employee safety.

The use of all-terrain vehicles (ATVs), off-highway vehicles (OHVs), utility terrain vehicles (UTVs), motorized vessels and any other type of motorized conveyance manufactured for recreational, non-highway, off-road or all terrain travel, including those licensed by a state for street use, within monument boundaries is prohibited.

Determination: The public use of ATVs/OHVs and other motorized conveyances manufactured for recreational, non-highway, off-road, or all-terrain travel within monument boundaries pose a significant risk to visitor safety, park resources and values which cannot be appropriately mitigated and which cannot be sustained without causing unacceptable impacts. The use of such vehicles is, therefore, not consistent with the protection of the monument.

Recreational horse (equestrian) use is allowed as follows:

- Horses are not allowed on the two park trails – Historic Quarry Trail and Nature Trail. These trails are designated for hikers and pets on leash only.
- Horses are not allowed on the Chicken Creek Road.
- Recreational horse use is allowed on the Rubey Point Rd. (Rt. 201), Cundick Ridge Road (Rt. 202) and Eagle Nest Point Road (Rt. 203). Horseback riding on the gravel Scenic



Road is allowed between these three roads (between points 205B and 205C of Link Node Map). Riders must yield right-of-way to all traffic by moving off the road to allow traffic to pass.

- Off trail recreational use of horses is allowed within the stock trailing routes only. A recreational horse use map is available at the visitor center.
- Horses are not allowed on the Scenic Road except:
 - to cross it when following the stock trailing route, or
 - as specified above to travel between Rubey Pt. Road and Cundick Ridge and Eagle Nest Point Roads.
- Stock loading and unloading is not allowed on monument lands.

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

Unmanned aircraft:

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, drones) that are used for any purpose, including for recreation or commerce.

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

Determination: Unmanned aircraft use in the United States has had a dramatic growth 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, resources and values of concern to unmanned aircraft use at Fossil Butte NM include: areas designated as sensitive bird/raptor habitat, unreasonable noise, all wildlife to include threatened and endangered species and impacts to the viewshed.

Electronic Cigarettes:

- All areas within the Monument are closed to smoking the use of electronic cigarettes (See 36 CFR § 2.2).



Determination: Electronic cigarettes are relatively new, and much research is currently being done on them to assess the risk they pose to people nearby someone who is vaping. The guidance from the Office of Policy, National Park Service is to treat electronic cigarettes just as lit cigarettes. Therefore, to reduce potential risk to most visitors and minimize visitor conflict, the use of electronic cigarettes within the Monument will be restricted just like lit cigarettes.

Passenger Carrying Buses:

Idling a vehicle engine which produces exhaust is restricted to loading or unloading of passengers.

Determination: The idling of engines adds unnecessary exhaust fumes to the air and noise pollution which diminishes the enjoyment by visitors of the peace and tranquility of the park and has the potential to increase the health risks to visitors and employees.

Temporary Closures:

Specific areas with Fossil Butte National Monument may be closed to visitors or both visitors and employees by posting appropriate signs when, in the opinion of the superintendent, there are conditions that warrant such a closure. These conditions may include, but are not limited to, extreme fire danger, fires, hazardous conditions or construction. The determination is made for both visitor and employee safety.

Determination: The closure is to provide for visitor and employee safety and preclude interference with emergency and administrative operations by visitors.

CFR 36 1.6(f) Permits

(f) Permits are required for the following:

Permitted Activities	CFR
Specimen Collections	2.5
Commercial Photography	5.5
Motion Pictures & Television	5.5
Public assemblies, meetings	2.51
Sale & Distribution of Printed Matter	2.52
Special Events	2.50
Public assemblies	2.51
Sale or distribution of printed matter	2.52



Livestock Use – stock driving only	2.60
Picnicking (except in designated picnic area or at NPS provided picnic tables or during special events)	2.11
Public Vehicle Use on Park Lands (excluding entrance road, scenic road, parking & picnic areas)	1.5
Public Park Use (except during official visiting hours)	1.5
All Restricted Visitor Activities	1.5

Determination: Management Policies 2006 8.2.2 states the National Park Service will manage recreational activities, including geocaching that take place in parks and support the federal policy of promoting the health and personal fitness of the general public. It further states that, even though not all activities will be appropriate in all parks, the Superintendent can make determination on whether a new form of recreational activity will be appropriate and not cause unacceptable impacts and any restrictions placed on appropriate recreational uses will be limited to the minimum necessary to protect park resources/values and promote visitor safety/enjoyment.

Permit systems authorized and issued pursuant to specific regulations in this chapter, except Section 1.5, need not be supported by a written determination unless required by the specific authorizing regulation [48 FR 30262].

For more information on permit requirements and to obtain appropriate applications, please contact the Administration office at 307-877-4455 or write to FOBU_administration@nps.gov.

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

(a)(4) Collecting down and dead wood is prohibited.

Determination: The collection of dead wood on the ground for immediate use as grill fuel in the picnic area is not permitted due to the insufficient resources (wood) to prevent degradation of the resource and the greater probability of sparks over the use of charcoal.

(c)(1) Picking fruit, berries, roots and mushrooms is prohibited.

Determination: The removal of native plants, fungi and fruit has an adverse impact on park resources given the limited number of populations in the park. Commercial harvesting of fruits would deny visitors the opportunity to experience the park in its natural state and could lead to resource degradation. Native Americans may collect botanical items for personal use (edible and medicinal).



36 CFR 2.2 Wildlife Protection

- (a)(2) Attracting or disturbing wildlife is prohibited. The use of elk bugles, varmint calls, audio attractants or other artificial means or natural methods (including rattling antlers, coyote, turkey and sage grouse calls, or verbal bugling or howling imitations) is prohibited.

Determination: Intentional disturbing of wildlife may adversely affect wildlife behavior (i.e., breeding and mating rituals, feeding habits, travel patterns/routes) possibly causing stressful and/or disruptive conditions for wildlife. Using calls can cause wildlife to leave foraging and mating areas and attract them to roads where they are more likely to become injured or killed. They may also become unnatural prey if artificially attracted out of cover.

- (d) Wildlife lawfully taken outside the monument may be transported through the park on roads open to the public under the following conditions:

1. Persons transporting will have in their possession a valid State hunting license.
2. A properly completed valid State game tag will be carried by the person accompanying the carcass or attached to the carcass when being transported.
3. Animal carcasses will be subject to inspection at any time by an authorized person.
4. Legally taken wildlife will be covered or not visible while enroute through the park lands.

Hunters pursuing injured wildlife into the monument must contact the Superintendent and the Wyoming Department of Game and Fish prior to entering the monument.

Determination: The monument does not wish to impede those hunting legally nor impede the transportation of legally taken game. The transportation of game through the Monument, which is closed to hunting, however, has elicited visitor complaints and could cause confusion with the monument's hunting regulation. Law enforcement park rangers are authorized to check hunters transporting game to ensure wildlife was not taken illegally within the monument boundaries.

The monument is closed to the viewing wildlife with any artificial light, which includes and is not limited to spotlights and vehicle headlights directed beyond those area covered in normal driving on roadways. The Superintendent may, on a case-by-case basis, approve the use of artificial light for the purpose of filming or scientific viewing of wildlife in accordance with DO/RM-53 Filming Guidelines.

Determination: Animal's natural habits and activities can be adversely affected while being artificially illuminated, including feeding, resting and mating. The viewing of wildlife at night with the use of artificial lights temporarily blinds animals, which causes them to be unnatural prey for natural predators and poachers. The proliferation of poor quality outdoor lighting is the principle threat to the night sky.



36 CFR 2.4 Bow Permit

(d)(4) A bow permit issued by the Superintendent is required on public land within Monument boundaries for a hunter to access adjacent lands when other means of access is otherwise impractical or impossible.

Determination: The permit assists in the dissemination of park regulations and reduces the likelihood of trespassing on private property and wildlife illegally taken within the Monument, which is closed to all hunting activities. The recent change in federal law on carrying firearms within National Park Service areas addressed only firearms and not other weapons, such as bows, that are still prohibited under 36 CFR 2.4.

36 CFR 2.5 Research Specimens

(b) A specimen collection permit is required for research specimens.

Determination: Disturbance to or the collection of natural, cultural, historical resources are prohibited unless permitted by the Superintendent.

36 CFR 2.10 Camping

Camping and over-night parking are prohibited year round.

Determination: Excluding camping is necessary for the maintenance of public health and safety, protection of the environmental and scenic values, protection of natural resources, and implementation of management responsibilities. Nothing in this paragraph precludes long-term day use of the park by visitors. Restrictions were identified in the 1980 General Management Plan, Statement for Management 1991; 1996.

36 CFR 2.13 Fires

Wood fires of any kind are prohibited. Charcoal fires are authorized in designated fire grills provided within the picnic area only. Grills may be closed due to high fire danger.

Park residents may use gas or charcoal grills.

Determination: The prohibitions within this section serve the purpose of protecting park natural, historic, and archaeological resources from the detrimental effects of campfires. In addition, restricting fires to receptacles in the picnic area prevents fire scars from affecting day hikers visits contains fire debris to a small area. Sparks from wood fires can start wildland fires, and so are forbidden.



36 CFR 2.15 Pets

- (a)(1) Pets are permitted when restrained on a leash not exceeding six (6) feet in length in the park.
- (a)(5) All pet excrement must be removed by the pet owner.
- (a)(3) Leaving a pet in a vehicle and unattended without adequate ventilation and frequent observation by a responsible person is prohibited.

It is prohibited to leave a pet unattended and tied to an object.

Determination: Leash requirement provides for the protection of the pet as well as other park visitors, while preventing pets from disturbing or harassing native wildlife. Pet excrement poses a public health hazard in high use areas. All other regulations in this section are in effect to protect unattended pets from exposure to high temperatures and dehydration.

36 CFR 2.16 Horses and pack animals

- (g) Horses are allowed off trail in the park to conduct stock driving per enabling legislation and under special use permit.

Each year a map designating stock driving routes and conditions will be issued by the superintendent for those seeking a livestock driving permit. A map is available at the visitor center.

Park visitors may use the same stock driving corridors for recreational horseback riding. It is the responsibility of riders to obtain a current map of recreational horseback routes in the monument, available at the visitor center.

A special use permit will be required for 10 or more horses. The permit will describe special conditions for such rides.

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

36 CFR 2.18 Snowmobiles

- (c) The use of snowmobiles is prohibited except for administrative purposes.

Determination: Snowmobiles are restricted for visitor safety and to reduce wildlife stress.



36 CFR 2.20 Skating, skateboards, and similar devices

Except for Monument residential areas, skating, skateboarding or the use of similar devices is prohibited within the Monument.

Determination: Skating, skateboards and similar devices are restricted for visitor safety, and conflicting uses involving visitor recreation. The residential area, housing for NPS employees, provide the principal areas for play and activity by children and residents.

36 CFR 2.21 Smoking

- (a) Smoking is prohibited in all public use and administrative buildings and facilities, as well as within 25 feet of a public building entrance.

Determination: Smoking is prohibited to protect public health, to protect structures and resources from fire danger or smoke, and to minimize conflicts among visitor use activities. It is NPS policy that public-use and administrative facilities be smoke-free. There are no designated employee smoking areas within NPS facilities.

36 CFR 2.22 Property

- (a) Personal property may be left unattended for longer than 24 hours only when written permission (listing owner, place, property involved, address and when the property will be picked up) from the superintendent or his/her authorized representative has been obtained.

Determination: Personal property left on the monument is vulnerable to theft, destruction, or vandalism.

36 CFR 2.35 Alcoholic Beverages and Controlled Substances

- (a)(3)(i) The possession or consumption of an alcoholic beverage and/or the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal is broken, or the contents of which has been partially removed is prohibited in all public use areas and administrative buildings.

The superintendent may authorize the possession and consumption of alcoholic beverages as part of a special use event.

Determination: Closing these areas to the consumption and possession of alcoholic beverages is the public safety concerns and the orderly management of the facilities.



36 CFR 2.38 Explosives

- (b) Fireworks and firecrackers are prohibited.

Determination: Fireworks are prohibited to protect park resources and reduce the risk of fire.

36 CFR 2.50 Special Events

- (a) Special events require a permit issued by the Superintendent.

36 CFR 2.51 Public Assemblies

- (a) The following locations have been designated by the Superintendent as designated public assembly areas:

In front of Visitor Center entrance within the triangular paved patio area, no closer than 30 feet from the entrance doors, and directly south to the railing. A secondary location is designated in the visitor center parking lot near the island.

Description and maps of all designated public assembly and meeting areas are available at the visitor center, during normal hours of operation.

Areas other than those designated above may be approved by the Superintendent, on a case-by-case basis in accordance with the considerations described in 36 CFR 2.51 (e).

- (c)(3) Group size limits on Special Use Permits will be determined on a case by case basis.

Determination: Limiting the size of a group and locations to gather reduces the impact on the natural and cultural resources and reduces potential visitor use conflicts.

Determination: In accordance with 36 CFR Part 2 Interim Rule regarding First Amendment Activities, (which resulted from the mandate issued by the Court of Appeals in Boardley v. Department of the Interior, No. 09-5176, 2010) recent changes are in place for small freedom of speech activities. First Amendment activities for 14 days or less and involving 25 people or fewer no longer require a Special Use Permit to demonstrate or distribute or sell printed matter under their First Amendment rights. However, First Amendment activities without a permit are restricted to the designated first amendment sites listed above. Those sites were selected by the park for their high visibility and access to the public and for the physical nature of those sites to provide ample room for freedom of speech activities. Activities shall not cause injury or damage to park resources, unreasonably interfere with tranquility or interpretive activities, or create a clear or present danger to park visitors.



36 CFR 4.21 Speed Limits

- (b) The Superintendent may designate a different speed limit upon any park road. The park's additional speed limits follow:
- 20 mph on the approach to the curve before the visitor center, ¼ mile from VC.
 - 25 mph on the paved road (Scenic Road) leading from the visitor center north to the end of the pavement.
 - 30 mph on the paved road (Chicken Creek Road) running from the main park entrance to ¼ mile below the Visitor Center.
 - 20 mph on the unpaved Scenic Road leading from the Nature Trail to the north exits onto Bureau of Land Management Lands.

Determination: These restrictions are in place to protect the public health and safety of those on the narrow roadways, protect the scenic values, wildlife safety, protect the infrastructure of roads, and to reduce conflicts among visitor users.

36 CFR 4.30 Bicycles

- (a) The use of a bicycle is permitted only on public use roads designated for vehicular traffic and parking areas.

Determination: The use of bicycles is restricted to areas where they will not present a safety hazard or other user group conflicts to visitors, or cause resource impacts.



Appendix A: Maps





