National Park Service
U.S. Department of the Interior

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

GREAT SAND DUNES NATIONAL PRESERVE

2014

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Approved:

Lisa Carrico, Superintendent

4-17-14
Date

36 CFR § 1.5 – CLOSURES AND PUBLIC USE LIMITS

(a)(1) The following closures and public use limits are established for all or listed portions of the preserve to all public use or to a specific use or activity:

Closures

Camping:

The following areas are closed to camping:

- All areas in krumholtz tree zones and above timberline. Krumholtz trees are described as trees that have stunted and bent growth due to elevation, climate, and wind exposure. Timberline is defined as the limit of elevation above which trees do not grow.

Determination: This restriction is intended to protect fragile krumholtz trees and alpine tundra vegetation from undue impacts resulting from trampling due to repetitive foot traffic around campsites and other campsite impacts, including campfires, litter, and human waste disposal.

Commercial Use Authorizations:

- Effective March 01, 2007 and until further notice no new Commercial Use Authorizations (CUA's) will be issued for commercial operations that utilize any area within the Sangre De Cristo Wilderness Area. Examples of such operations include, but are not limited to, guided hiking services, guided hunting services, horse rides, or services that pack in supplies and equipment using livestock. This restriction does not apply to persons or businesses that held a CUA in 2006.

Determination: This moratorium is established until a Wilderness Management/Backcountry Management Plan can be prepared as a supplement to the park's General Management Plan. Such a plan is necessary to assure protection of natural and cultural resources, implement

management responsibilities, assure equitable allocation and use of the area, and avoid overuse or conflict among the various uses and users of the area.

Public Use Limits

Use of Segways and Similar Devices by Persons with Disabilities:

The following areas in Great Sand Dunes National Preserve are open to the use of Segways and Similar Devices by visitors with disabilities:

- The Medano Pass Primitive Road and within the marked bounds of established campsites along the road, provided:
  - The person operating the Segway or similar device must be at least 16 years of age.
  - The maximum speed that the Segway or similar device is operated must not exceed 8 MPH while being operated in places other than along park roads.
  - Segway or similar device operators will yield the right-of-way to other pedestrians.

Determination: Per memorandum from the Director of the National Park Service dated May 24, 2007, the NPS has concluded that allowing the use of Segways and similar devices by individuals with mobility disabilities is compelled by the Rehabilitation Act of 1973 and the Department of the Interior's (DOI) regulations found at 43 CFR Part 17, Subpart E. DOI regulations acknowledge that there are limits to accessibility in the outdoor environment. The NPS believes that the use of Segways and similar devices by persons with disabilities may be appropriate in certain locations but may not be in others. Because of topography, surface characteristics, and other attributes, these devices are suitable for use in the areas described above subject to the described conditions which are intended to provide for the safety of the operator and other visitors. All other locations not listed above are not open to Segways and similar devices because of the nature of the terrain which would render use of these devices unsafe for the operator and/or other visitors (such as gradient, narrowness of trails, stream crossings, rocky ledges, or drop-offs) or could cause resource damage (such as to vegetation along trail-sides because the wheel width of the Segway is larger than the trail width).

Group size limits:

- The group size limit for all wilderness areas of the preserve is 15 people. Additionally, groups with livestock may have a combination of up to 25 people and livestock, of which no more than 15 of the group can be people.

Determination: Group size limits are set to minimize or prevent undue impacts to individual campsites and surrounding areas; to prevent campsites from growing to prevent increased social trails; to prevent intrusions on other visitors enjoying backcountry or campground experiences; to manage human waste accumulations in backcountry areas; and protect water quality and wilderness values.

Overnight stays:

- The overnight stay limit within the preserve for all persons, groups, and organizations is 14 consecutive days and 21 total days per calendar year. This limit does not apply to holders of Commercial Use Authorizations or their employees who are conducting business operations under the terms and conditions of the company's CUA, but it does apply to their clients.

  Determination: Overnight stay limitations are a 'standard industry practice' to ensure the equitable use and allocation of campsites and campground facilities.

Medano Pass Primitive Road

The Medano Pass Primitive Road is closed to motor vehicle traffic during those periods: When stream crossings become hazardous due to weak ice or excessive runoff; snow accumulations make travel hazardous or may result in motorists traveling off-road in an attempt to bypass snowdrifts; when muddy and wet conditions may result in road damage or motorists traveling off-road in an attempt to bypass muddy sections; when the road washes out due to flooding or landslide; or when hazard trees have fallen across the road.

Determination: During the late fall or early winter when stream crossings begin to ice over an ice condition often results wherein the ice cannot support the full weight of a vehicle. During this time one or two wheels of the vehicle may break through causing the wheel or wheels to get stuck behind a ledge of ice from which it is impossible to get out without significant help. Closing the road at these times is intended to protect drivers who may get stuck at remote crossings during cold weather.

Snow accumulations can cause the road to become impassable, thereby presenting a safety hazard should motorists become stuck. Patrol resources are limited and stuck motorists may not be discovered for days. Also, experience has shown that many motorists will attempt to drive off road around snowdrifts so this measure will prevent associated off-road travel impacts.

During spring snowmelt or warm periods the road frequently becomes very muddy and snowmelt often runs down or across the roadway. During these periods vehicle traffic can cause damage to the road in the form of rutting or by causing runoff to cause additional erosion. This temporary closure is intended to minimize road damage. Also, during runoff, stream flows may reach a point where vehicles could be swept downstream when attempting to cross.

Due to fires in the area thunderstorms can cause flooding that create debris flows that cover the road making it impassable due to rocks, dirt and trees. In the same area the fires have created areas of dead standing trees. Winds from thunderstorms cause these trees to fall across the road.

Animals or livestock that may be ridden

Horse, mules, burros, and llamas are designated as authorized for riding within the national preserve.

The total number of livestock allowed in the Cold Creek Drainage is limited to six (6) head.

Determination: The animals listed have historically and traditionally been ridden within

the area now encompassed by the national park. All other animals capable of being ridden have neither a traditional presence in the area nor have they been evaluated for the possibility of being a disease vector to wildlife. The limit the impacts in Cold Creek is due to the confined space and limited forage.

36 CFR § 1.6 – PERMITS

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

§ 2.5 Research Specimens
- (a) Collect or take plant, fish, wildlife, rocks, or minerals

§ 2.12 Audio Disturbances
- (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas (except in designated campsites along the Medano Pass Primitive Road)
- (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51

§ 2.17 Aircraft and Air Delivery
- (a)(3) Delivery or retrieval of a person or object by parachute, helicopter, or other airborne means
- (c)(1) Removal of downed aircraft

§ 2.23 Recreation Fees
- (b) Special recreation activities

§ 2.37 Noncommercial Soliciting
- Soliciting or demanding gifts, money, goods, or services

§ 2.38 Explosives
- (a) Use, possess, store, or transport explosives or blasting agents
- (b) Use or possess fireworks

§ 2.50 Special Events
- (a) Conduct a sports event, pageant, regatta, public sector attraction, entertainment, ceremony, and similar events

§ 2.51 Public Assemblies, Meetings
- (a) Public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views

§ 2.52 Sale or Distribution of Printed Matter
- (c) Sale or distribute printed matter provided it is not solely commercial advertising

§ 2.60 Livestock Use and Agriculture
- (b) Livestock use

§ 2.61 Residing on Federal Lands
- (a) Residing on park lands

§ 2.62 Memorialization
- (b) Scattering human ashes

§ 4.11 Load, Weight, and Size Limits
- (a) Exceeding established vehicle load, weight, and size limits

§ 5.1 Advertisements

- Display, posting, or distribution

§ 5.3 Business Operations

- Engaging in or soliciting any business (requires permit, contract or other written agreement with the United States, or must be pursuant to special regulations)

§ 5.5 Commercial Photography

- (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 or Other Facilities

- Construction of buildings, facilities, trails, roads, paths, structures, etc.

§6.9 Permits

- (a) Operation of a solid waste disposal site

36 CFR § 2.1 - PRESERVATION OF NATURAL, CULTURAL, AND ARCHAEOLOGICAL RESOURCES

(a)(4) Dead wood on the ground that is less than four (4) inches in diameter may be collected for use as fuel for campfires within the preserve in the following areas:

- All areas within the preserve at elevations below the lowest extent of the krumholtz tree zone.

Determination: Adequate quantities of dead and down wood exist to provide fuel for campfires in these areas without causing significant negative resource impacts. Wood that is less than four inches in diameter can be easily sawn or broken into manageable pieces and help ensure that firewood is burned completely. This requirement also reduces smoldering and subsequent fire hazards associated with larger pieces.

(c)(1) The following fruits, berries, or nuts may be gathered by hand for personal use or consumption:

- Pinyon nuts
- Edible Mushrooms
- Currants
- Gooseberries
- Raspberries
- Strawberries

(c)(2)(i) Quantities of designated fruits, berries, or nuts that may be gathered by one person during a calendar year is as follows:

- Pinyon nuts – 1 gallon
- Currants, gooseberries, raspberries, and strawberries – 1 quart each
- Mushrooms – 2 pounds

Determination: Adequate quantities of the named fruits exist to allow for personal use in the designated quantities without causing undue competition with wildlife for their food needs.

36 CFR § 2.2 - WILDLIFE PROTECTION

(b)(1) Hunting is allowed in the preserve. All hunters must register on line or at the Hwy 150 Entrance Station.

Determination: Requiring hunters to register is a mechanism by which park can better monitor access areas and game transport through the park and assist managers in monitoring and quantifying this particular activity.

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

- All areas within the preserve.

Determination: This closure is intended to prevent frightening or disturbing wildlife engaged in their normal activities and maintain natural lighting conditions for wildlife to the extent possible. It is also intended to prevent using light as an aid in the unlawful taking of wildlife and to maintain natural darkness for the enjoyment of other visitors.

36 CFR § 2.4 – WEAPONS, TRAPS AND NETS

(d) In the following area it is prohibited to discharge a weapon:

- ½ mile east of the park boundary within the national preserve south form the preserve access point along the boundary to ½ mile south of the residential area. See map - hunting transport map 2014 – central.

Determination: This prohibition is intended to prevent impacts of noise and potential safety issues between the concentrated visitor population areas and the residents residing within the park.

36 CFR § 2.10 - CAMPING

(a) The sites and areas listed below have been designated for camping. Conditions for camping and camping activities are in effect as noted:

- In designated wilderness areas of the preserve camping is allowed anywhere <u>EXCEPT:</u>
  - Within 200 feet of trails, and 300 feet of lakes. (Camping within 200 feet of trails is allowed in campsites that were established by popular use prior to 11/22/00. These sites are identified by a Carsonite© stake with international campsite symbol affixed.)
  - All areas in krumholtz tree zones and above timberline. Timberline is defined as the limit of elevation above which trees do not grow.

Determination: These requirements are intended to prevent unnecessary visual intrusion on other visitors, prevent cumulative impacts associated with heavy visitation patterns to shoreline areas of lakes, and to maintain consistency with regulations in place on neighboring U.S. Forest Service administered lands to the extent possible. Vegetation and soils in krumholtz tree zones and above are too fragile and easily damaged by foot traffic and other activities associated with camping.

(b)(3) Camping within 100 feet of a flowing stream is allowed in the following areas:

- In the non-wilderness corridor along the Medano Pass Primitive Road, camping is allowed within 100 feet of Medano Creek only at sites designated as campsites by a Carsonite® stake at the campground entrance.
- In all other areas of the preserve camping is allowed within 100 feet of streams in campsites that were established by popular use prior to 11/22/00. These sites are identified by a Carsonite© stake with international campsite symbol affixed.

Determination: These campsites were established long before the National Park Service assumed administration of the preserve therefore no new impacts are occurring.. Additionally, moving many of the campsites is not practical.

(d) Except while being consumed or being prepared for consumption, food and lawfully taken fish, plus garbage, toiletries, and equipment used to cook or store food, must be kept sealed in a vehicle, or in a camping unit that is constructed of solid, non-pliable material, or suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, or other object, or in provided bear-proof storage lockers in the following areas:

- All areas within the preserve.

Park rangers may inspect all unattended items that have the appearance of being used for food storage, food preparation, or food waste.

Determination: Bears and many other species of wildlife are found throughout the preserve. These requirements are intended to provide for the personal safety of visitors, prevent property damage, maintain cleanliness and sanitation, and prevent habituation of wildlife to human food sources thereby maintaining natural conditions.

36 CFR § 2.13 - FIRES

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

Designated Areas:

- In designated wilderness, campfires are allowed in existing fire rings below the lowest limits of the krumholtz zone, or, where krumholtz does not exist, below timberline.

- In the non-wilderness corridor along the Medano Pass Primitive Road, campfires are allowed only in metal fire grates (or, if no metal grate exists, within existing rock rings)

in designated campsites. Campsites are designated as such by a post at the campsite entrance.

Determination: Tundra vegetation and soils above timberline are too easily damaged and would take too long to recover from the effects of campfires. Fires are allowed only in fire grates in established campsites along the Medano Pass Primitive Road as a wildfire prevention measure in this relatively heavily visited corridor and to prevent the proliferation of unsightly and resource damaging fire pits.

36 CFR § 2.14 - SANITATION AND REFUSE

(b) Conditions for the disposal, containerization, or carryout of human body waste:

- Toilet paper must be carried out of backcountry and wilderness areas except where toilet facilities are provided.

- Human body waste shall be disposed of in the following manner:
  - Buried in six (6) inches of soil at least 100 feet from any water source.

Determination: These requirements are intended to maintain sanitary conditions for both humans and wildlife.

36 CFR § 2.15 - PETS

(b) Conditions under which dogs may be used in support of hunting activities:

- Dogs may only be loosed while engaged in legitimate hunting activities.

Determination: Hunting is allowed by law within the preserve and using dogs to hunt mountain lions or game birds is a legitimate activity. Otherwise, to protect wildlife and for the safety and comfort of other visitors, dogs must be leashed.

36 CFR § 2.16 - HORSES AND PACK ANIMALS

(a) The following are designated as pack animals:

- Horses
- Mules
- Burros, donkeys, asses
- Llamas

Determination: The listed animals are traditional pack animals, have historically been used in the area, or do not pose a threat as a disease vector to wildlife.

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

- All trails and areas within the preserve, except within 300 feet of lakes.

Determination: The use of horses and other pack animals is a traditional and historic use in the area. However, increasing damage associated with multiple trailing, soil compaction, and tree root exposure is occurring around the lakes which are popular destinations for visitors. This closure is intended to prevent additional resource damage caused by heavy animals, prevent visitor conflicts, and to maintain consistency with regulations in place on neighboring U.S. Forest Service administered lands to the extent possible.

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

- Livestock must be picketed at least 100 feet from streams.
- Livestock must be picketed or corralled in a manner as to prevent damage to trees and pawing around tree trunks, grazing to an extent that plants are eaten to ground level or individual plants pulled up by the roots, denuding the area of vegetation by grazing or trampling, or causing other damage to natural or cultural resources.
- Livestock must be picketed at least 300 feet from lakes or tied to hitch rails where provided.
- Stock must be fed weed-free hay at least 24 hours before entering the preserve. Only certified weed-free hay, grain, or processed pellets may be packed into the preserve.
- Livestock must be picketed at least 100 feet from designated primitive campsites along the Medano Pass Primitive Road.

Determination: These conditions are intended to prevent conflicts with other users, damage to campsites, prevent damage to or degradation of natural resources, and prevent introduction or proliferation of invasive plant species.

36 CFR § 2.22 - PROPERTY

(a)(2) The following are areas where property may be left unattended for periods longer than 24 hours and the conditions under which property may be left:

- Caches of food and equipment may be made anywhere in the wilderness portion of the preserve provided that the Superintendent or his representative is notified in advance of when and where the cache is to be made. Caches may be set in no longer than one week in advance of a planned trip and must be removed within one week after the trip concludes. Caches must be stored in a wildlife proof manner and without digging or otherwise altering natural conditions.

Determination: This provision is intended to provide a mechanism for hunters or other visitors who plan a longer term trip to remote areas in the preserve to lay in caches of supplies and food while at the same time establishing conditions to protect wildlife and other resources and ensure that caches are not left unattended for an unreasonable period.

36 CFR § 4.31 - HITCHHIKING

Hitchhiking is allowed in the following areas:

- Along all roadways.

Determination: The preserve is remote from the nearest city served by public transportation and so other transportation options are not available to some visitors. Up to now hitchhiking has been an infrequent occurrence that has not presented any problems related to criminal activity, traffic obstruction, or other safety hazards.