

**National Park Service
U.S. Department of the Interior**

**John Day Fossil Beds
National Monument**

32651 HWY 19
Kimberly, OR 97848

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

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Curt R. Dimmick Superintendent

Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 54 United States Code, Section 100751(a), the following regulatory provisions are established for the proper management, protection, government and public use of those portions of JOHN DAY FOSSIL BEDS NATIONAL MONUMENT (JODA) under the jurisdiction of the National Park Service (NPS). Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7. The specific authority for this regulatory procedure is found in § 1.5, 1.6, and 1.7 of Title 36.

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.

COMPENDIUM

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INTRODUCTION

A. What is the Compendium?

JODA Superintendent's Compendium is the summary of park specific rules implemented under the discretionary authority of the park Superintendent. It serves as public notice with an opportunity for public comment, identifies areas closed for public use, provides a list of activities requiring a special use permit, and elaborates on those public use and resource protection regulations that pertain to the specific administration of the park. It does not contain those regulations found in Title 36 Code of Federal Regulations (CFR) and other United States Codes (U.S.C.) and CFR Titles which are enforced without further elaboration at the park level.

A copy of 36 CFR can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents
P.O. Box 371954
Pittsburg, PA 15250-7954
Or by calling: (202) 512-1800

The Code of Federal Regulations is also available on the internet at: <http://www.ecfr.gov>

B. Where does the compendium apply?

The regulations contained in this compendium apply to all persons, entering, using, visiting or otherwise within the boundaries of federally owned lands and waters administered by the NPS as part of JODA.

C. Who enforces the requirements of this Compendium?

Only NPS law enforcement park rangers or a cross designated law enforcement law enforcement officer can enforce the requirements of 36 CFR and this Superintendent's Compendium. However, many federal laws and regulations similar to those are found in state and local law. Many of the requirements of this compendium complement existing state and local laws and regulations which are also in effect in the park, and are enforced by state and local law enforcement officers.

D. Is there a penalty for not adhering to the requirements found in the Compendium?

A person who violates any provision of the regulations found in 36 CFR Parts 1-7, along with this compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and can be adjudged to pay all court costs associated with any court proceedings.

E. How do I provide comment on this Compendium?

The NPS welcomes comments about its programs and activities at any time. Comments specific to the Superintendent's Compendium will be accepted any time. Any changes to the Compendium recommended by the public or others, and accepted by the Superintendent, will be incorporated into this compendium without further public comment and review.

**John Day Fossil Bed National Monument
32651 HWY 19
Kimberly, OR 97848
ATTN: Chief Ranger**

F. Is there anything else I need to know about this Compendium?

Some of the terms used in this Compendium may be unclear to you. If you are unsure about a specific term please consult 36 CFR § 1.4 Definitions. You may access them at: 36 CFR § 1.4 <https://www.ecfr.gov/current/title-36/chapter-1/part-1/section-1.4>

Definitions of terms that may be unique (or differ from those used generally in 36 CFR) to this Compendium are defined in this document.

G. Where may I find a copy of this Compendium once it is approved?

<https://www.nps.gov/joda/learn/management/superintendents-compendium.htm>

H. What are the definitions of terms used in the Compendium?

Administrative areas: Government-owned building (or portions thereof) containing offices, meeting rooms, collections and lab, loading dock/parking area, employee residences, driveways, and yards, maintenance yards and equipment storage areas, water storage tanks, well pump houses, radio repeater sites, storage space, or other areas not normally open to the public. This includes exterior storage and parking areas adjacent to these buildings as well as “bone yard” storage areas. The public spaces of visitor centers are not included in the definition.

Electric Bicycle: means a two- or three-wheeled cycle with fully operable pedals and an electric motor of not more than 750 watts that meets the requirements of one of the following three classes:

- (1) “Class 1 electric bicycle” shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- (2) “Class 2 electric bicycle” shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- (3) “Class 3 electric bicycle” shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Fire: Any outdoor flame used for warmth, cooking, ambiance, insect repellent, chemical dispersion, and/or lighting.

Vehicle, vessel, and aircraft major maintenance and repairs: The replacement, breakdown or repair of internal components of the engine, or the upper or lower drive units, including removal or replacement of the main engine. This requirement applies to outboard, inboard, and outboard/inboard engines of all motor-driven vessels, and the engines of all motorized vehicles and aircraft. The repair or removal of any exterior surface that involves the use of fiberglass, resins, gel coats, etc., or exterior painting of any, to include hulls, transoms, pontoons, exterior cabins, railings, stairs, decks, registrations numbers, boat names, and decorative ornamentation, etc. The sandblasting sanding or scraping of boat hulls or decks, or use of chemical additives and solvents for cleaning of boat hulls, and out decks, etc. Welding on the exterior of vehicles, vessels, aircraft, or other motorized means of transportation, where welding slag, flux and spent rods can fall into the waters of onto the lands of JODA could occur.

Uncrewed Aircraft: A device used for flight in the air without direct human input from being onboard the aircraft. Therefore, Uncrewed Aircraft Systems (UAS) are considered aircraft regardless of size or weight. The “system” incorporates associated operational components including flight controller, flight software, communication radios, cameras, and sensors. UAS comprise all types of single-rotor, multi-

rotor, fixed-wing, and vertical take-off and landing (VTOL) aircraft that meet this definition and are used for any purpose, from recreation to commerce.

36 CFR PART 1 – GENERAL PROVISION

36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of JODA, and the following closures are established for all or a portion of JODA to all public use or to a certain use or activity:

Visiting Hours:

JODA is open 24 hours a day with the following exceptions:

- Thomas Condon Visitor Center is open on the days and hours posted on the park website and posted outside the building.
- Cant Ranch Museum and historic barn are open on the days and hours posted on the park website and posted outside the building.
- Painted Hills contact station is open when being operated by park staff or volunteers.
- Clarno contact station is open when being operated by park staff or volunteers.

(a)(2) Designated areas, conditions or restrictions on a use or activity:

- **Administrative Areas:** All administrative areas are closed to the public, unless specifically invited (such as contractors in those areas necessary for their assigned work) or when escorted by a NPS employee or volunteer.

Determination: Residences are rented and occupied by government employees. Allowing visitor access would significantly disturb the privacy and disrupt residential life of occupants. The other buildings, facilities and areas are administrative sites used by the National Park Service in the management of the park. Visitor entry of these areas would interfere with park operations and the protection of government property. This closure is necessary for the safety and security of federal employees, as well as the protection of property and sensitive information.

- **Bathing:** In all locations within JODA in the John Day River, Rock Creek, and Bridge Creek bathing with soap, detergent, or other cleaning type products is prohibited.

Determination: Restricting bathing with soap, detergent, or other cleaning type products prevents water pollution and derogation of natural resources (water quality, fish, wildlife, riparian vegetation, fresh water dependent vertebrates and invertebrates).

- **Climbing on fruit trees:** Climbing on fruit trees in the historic orchard within the Cant Ranch Historic District is prohibited.

Determination: The orchard is an important feature contributing to the Historic district. Fruit trees in the orchard are very old and fragile. Climbing on the trees may damage these cultural resources. Less restrictive measures would not adequately protect the trees.

- **Electronic Nicotine Delivery Systems (ENDS):** The following buildings and facilities are closed to the use of ENDS:
 - All public buildings including administrative offices, visitor centers, maintenance shops, restrooms, and park residences.
 - NPS-owned or leased motor vehicles.

Determination: ENDS have been prohibited to protect JODA property and afford all NPS employees and park visitors the same protections from exposure to nicotine and other harmful

substances that may be found in ENDS vapor that are currently in place for exposure to tobacco smoke.

- **Foot Travel Limits: Blue Basin, Painted Hills, and park wide**

- Public foot travel in the area identified as *Blue Basin* is restricted to two delineated and maintained trails (Island in Time Trail and the Overlook Trail), unless a uniformed National Park Service employee accompanies person(s). *Blue Basin* is identified on all National Park Service maps of JODA, including the official free park brochure entitled “John Day Fossil Beds.” The closed area is delineated by: WM, T 11S, R 26E, Section 20, S ½ and Section 29, N ½. The Superintendent may issue a permit for a person(s) engaged in non-resource damaging activities to be off the delineated trails in this area without escort.
- Public foot travel is prohibited within the Painted Hills in the area between the NPS residence driveway and the road to the Painted Hills Overlook on the south side of the Wheeler County road; This closed area is delineated by: WM, T 10S, R 21E, Section 31, SW1/4; and WM, T10S, R 20E, Section 36, SE1/4; and WM, T 11S, R 21E, Section 6, W ½; and WM, T 11S, R 20E, Section 1, NE1/4.
- Within the boundaries of JODA, hiking or pedestrian use is restricted to designated trails or **vegetated** non-developed areas. Foot travel is **prohibited** on **exposed (non-vegetated)** geological formations noted by prominent volcanic ash deposits or “badlands” type topography.

Determination: *The national significance of John Day Fossil Beds National Monument lies in the geological and paleontological resources (refer to the Statement for Management, John Day Fossil Beds NM, 1992). Furthermore, in evaluating the significance of the paleontological and associated resources of the Upper John Day Basin, Dr. J. Arnold Shotwell indicated that:*

“The primary significance of the John Day Basin is in the record of Earth History, displayed in its rocks and fossils covering a considerable portion of time.” A Report to the National Park Service on the Significance, History of Investigation, and Salient Paleontological Features of the Upper John Day Basin, Shotwell, 1967.

Blue Basin is one of the areas of highest paleontological concentrations in JODA and also one of the most accessible. Fossil material, particularly the bones of small species, is very difficult to see in the surface of the clay. Once near or exposed at the surface, the material is extremely fragile. A misplaced footstep can destroy such specimens. Material can also be dislodged from their places of burial, thereby significantly reducing their scientific integrity and value.

Two trails (Island in Time Trail and the Overlook Trail) provide visitors the opportunity to walk among the formations and to observe the fossil bed layers up close. Other opportunities for viewing fossils are provided in excursions led by Park staff. The travel paths for these excursions follow specific routes that have been surveyed to assure no fossils occur which might be damaged by foot traffic.

The Painted Hills area of the park consists of ancient soil that has been preserved by burial and turned into rock, also known as paleosol. Destruction of the paleosol can hamper future research and studies.

There are other areas of JODA with concentrations of paleontological material or fragile conditions where future closures will be considered.

- **Geocaching:** Traditional geocaching within JODA is prohibited; however NPS managed ParkCaches are allowed.

Determination: Due to concerns of unchecked development of social trails in areas of archeological, paleontological, scenic and biological significance, and concerns of geocache placement in unsafe areas, traditional geocaches are prohibited. Geocaching also violates the following regulations: 36 CFR Section 2.22(a)(2), 2.1(a)(1), 2.31(a)(3).

- **Geologic Feature Closure:** Except with a permit issued by the Superintendent, all caves, karsts, pseudokarsts, or similar geologic features within the boundary of the park are closed.

Determination: The closure of the above-mentioned geologic features is the best available method to meet the National Park Service mission to protect park resources for the enjoyment of future generations. The closure serves to protect the fragile ecosystems and resources within these features and to minimize negative impacts upon any sensitive species or resource. It is also very dangerous for visitors to be in these areas.

*White Nose Syndrome is a threat to the bats of John Day Fossil Beds National Monument, and every effort should be made to prevent or slow its spread to the park. The U.S. Fish and Wildlife Service, as the lead federal agency in wildlife conservation, has issued protocols that are designed to prevent the spread of the suspected causative agent of the syndrome. First documented in New York in 2006, White Nose Syndrome has spread rapidly across the United States, killing more than six million bats. The fungus associated with White Nose Syndrome, *Pseudogymnoascus destructans*, has now been detected as far west as Texas, has jumped to Washington State, and is expected to continue spreading. While the fungus is transmitted primarily by bat-to-bat contact, biologists suspect humans could transmit it inadvertently. Fungal spores can be transferred from affected sediment to clothing and equipment and then transported to unaffected areas.*

- **Motorized Personal Transportation Devices:** included but not limited to motorized foot scooters, motorized skateboards, mopeds, motorcycles, ATV's, OHV's, motor assisted bicycles, golf carts, and other similar type devices that are not street legal for use on Oregon state highways or County roads, are prohibited from being operated within JODA. All motorized personal transportation devices and motor vehicles are prohibited from off road operation.

Determination: The recreational and general use of off-highway vehicles such as OHV's, ATVs, and other motorized conveyances manufactured for recreational non-highway, off-road, or all-terrain travel poses a significant risk to park resources and conflicts with other park visitors and wildlife. These risks and conflicts cannot be appropriately mitigated or be sustained without causing unacceptable impacts. The use of such vehicles is, therefore, not consistent with the protection of the monument. Administrative use by on-duty JODA employees will be limited to instances when other alternatives to an OHV/ATV are not available and the use of the OHV/ATV is the most efficient means to accomplish given work or ensure employee safety such as when hauling large amounts of heavy materials over rough terrain.

- **Electric Personal Assistive Mobility Devices (EPAMD's)** may be operated on routes and in areas open to motor vehicle traffic only. The use of EPAMD's remains prohibited in all other areas, except as provided below for mobility-impaired persons.

Determination: Exemptions have been made for electric wheelchairs, other motor-assisted limited mobility devices, and vehicles used by the NPS for administrative purposes. The Segway™, or a similar device, is a two-wheeled, gyroscopically stabilized, battery-powered personal transportation device. While the Segway (or similar device) is not "designed solely for" mobility-impaired persons and thus does not meet the definition of a motorized wheelchair in 36 CFR Section 1.4, some individuals with disabilities use this device as their means of personal mobility, in lieu of more traditional devices like the wheelchair or scooter. The use of this type of device by

a person with a mobility disability within JODA shall be allowed to the same extent as a motorized wheelchair. The use of such devices shall be limited to a walking pace on all designated trails and other irregular surfaces. The use of such devices on JODA roads by persons with a mobility disability shall be limited to the posted speed limits. The use of such devices by all others is prohibited off approved roads within JODA pursuant to 36 CFR §4.10(a). This is to ensure that visitors will be able to enjoy the facilities for which they were designated, and to limit accidents, injuries, and visitor conflicts that commonly occur with the use of such devices. Most of these devices are also not yet commonly regulated for noise, emissions/mufflers, safety equipment, and other requirements to which licensed vehicles must conform.

- **Other Power-Driven Mobility Devices (OPDMDs):** OPDMDs are defined under the Americans with Disabilities Act (ADA) as “any mobile device powered by batteries, fuel, or other engines... that is used by individuals with mobility disabilities for the purpose of locomotion... or any mobility device designed to be operated in areas without defined pedestrian routes, but that is not a wheelchair.” 28 CFR §35.104. When used by persons with disabilities, the NPS considers e-bikes to be OPDMDs. Only individuals with disabilities may use OPDMDs in the park. OPDMDs with an internal combustion engine are prohibited in designated wilderness areas.

OPDMDs may be used under the following conditions:

- Operators must be 16 years or older.
- The OPDMD must be a zero-emissions vehicle.
- The OPDMD is no greater than 36 inches in width at its widest point.
- The OPDMD speeds may not exceed 5 mph.
- The OPDMD users must yield to pedestrians.

OPDMDs must be equipped with the following safety mechanisms:

- Front, rear, and side reflectors
- A system that enables the operator to bring the device to a controlled stop
- A lamp emitting a white light that is visible from 300 feet in front of the OPDMD while it is in motion if operating it between half an hour before sunset to half an hour after sunrise
- A sound emitting device that can be activated by the operator to alert nearby persons, as appropriate

Determination: These restrictions are necessary for visitor safety and the safety of those operating OPDMDs. The use of OPDMDs by able bodied persons is prohibited in the park because they meet the definition of a motor vehicle, and off-road travel is prohibited, the only exception being those individuals who met the criteria of a disabled person as defined by the ADA.

- **Potable Water:** Any action other than consumption and heat related illness prevention of potable water from park provided drinking fountains, sinks, and water spigots by monument visitors and pets is prohibited.

Determination: With continued drought conditions, JODA is taking an active approach to water conservation. Visitors who fill water barrels/tanks, wash their motor vehicles, or engage in other personal uses that don't align with monument conservation is prohibited. Also, these activities do not adhere to the purposes of the monument facilities.

- **Rock Climbing:** Rock climbing, including both “free-climbing” (without mechanical aids) and “aid climbing” (with mechanical aids) is prohibited throughout JODA.

Determination: A large majority of JODA rock formations consist of rock that is of poor climbing quality thus increasing the likelihood of climbing accidents and injuries. Access to medical treatment for such injuries would be difficult and slow.

The Palisades are ancient lahars and some layers contain fossils that could be damaged by climbing activity.

- **Sledding, Downhill Skiing, Snowboarding, and Sliding Devices:** All areas within JODA are closed to sledding, downhill skiing, snowboarding, or the use of sliding devices.

Determination: Sledding, skiing, snowboarding, or using sliding devices pose a risk to park resources, as well as significant potential hazards to visitors.

- **Vehicle Maintenance:** Major maintenance and repair to mobile conveyances or aircraft which have the potential to pollute or contaminate the lands or waters of JODA are prohibited except as needed for administrative purposes. (see definition of “Major Maintenance and Repair” on page 4)

Determination: This closure protects natural and cultural resources.

- **Underwater (SCUBA) diving:** Underwater (SCUBA) diving is prohibited within John Day Fossil Beds National Monument.

Determination: The rivers and streams within John Day Fossil Beds National Monument are generally very shallow, with rapid flow during periods with more water. It would be difficult to SCUBA dive safely in the fast, low water without damaging natural resources. SCUBA diving is prohibited to protect park resources and visitor safety.

- **Uncrewed Aircraft:** Launching, landing, or operating an uncrewed aircraft from or on lands and waters administered by the National Park Service within the boundaries of John Day Fossil Beds National Monument is prohibited except as approved in writing by the superintendent.

Determination: This closure is necessary to protect visitor safety and to prevent unacceptable impacts to, wildlife, the natural, geological and paleontological resources within the monument. The visual and sound disturbance caused using an unmanned aircraft also detracts from the natural soundscape and aesthetic setting of the park. Potential impacts include harming visitors, birds of prey, interfering with rescue operations, causing excessive noise, impacting viewsheds and disturbing wildlife. This restriction is required by NPS Policy Memorandum 14 - 05 dated June 19, 2014.

- **Filming:** Filming, still photography, and audio recording activity may require a permit, consistent with 54 U.S.C. 100905.
 - Filming, still photography, and audio recording activity that occurs in closed areas, requires exclusive use of a site or area, or involves a set or staging equipment other than handheld equipment (such as a tripod, monopod, and handheld lighting equipment) requires a permit, unless the activity is affiliated with an activity or event that has been allowed under a written authorization, such as a special use permit.
 - Filming, still photography, and audio recording that involves more than eight individuals requires a permit, unless the NPS has specifically notified an individual or group that a permit is not required, or if the activity is affiliated with an activity or event that has been allowed under a written authorization, such as a special use permit.
 - If a permit is required for the reasons stated above, or if the NPS otherwise determines and then notifies an individual or group that a permit is required for a filming, still photography, or audio recording activity, then engaging in that activity without a permit is prohibited. Violating a term or condition of a permit issued by the NPS for a filming, still photography, or audio recording activity is prohibited, and may result in the suspension or revocation of the permit, in addition to any penalties that may apply under 36 CFR 1.3.

Determination: *Federal law at 54 U.S.C. 100905 states that permits and fees are not required for filming, still photography, or audio recording in park areas if certain requirements are met. These requirements address various topics, including, but not limited to, group size, location, equipment, potential impacts to resources and visitors, and the likelihood that the NPS will incur related administrative costs. If any of these requirements are not met, the law allows the Secretary of the Interior, acting through the NPS, to require a permit for the subject activity. Permit requirements are imposed by the superintendent under discretionary authority provided by 36 CFR 1.5(a)(2), which allows the superintendent to impose conditions or restrictions on a use or activity, consistent with applicable legislation, to implement management responsibilities. The general regulations for permits in 36 CFR 1.6 do not apply to permits issued for filming, still photography, and audio recording, which instead are governed by the statutory provisions in 54 U.S.C. 100905. The imposition of permit requirements, on a case-by-case basis, for filming, still photography, or audio recording does not require rulemaking under 36 CFR 1.5(b). Requiring a permit with reasonable terms and conditions in accordance with statutory requirements at 54 U.S.C. 100905 is not highly controversial, will not result in a significant alteration in the public use pattern of the System unit, will not adversely affect the System unit's natural, aesthetic, scenic or cultural values, or require a long-term or significant modification in the resource management objectives of the System unit, because the permit requirement is limited in time and scope to the specific activities authorized by the permit, which contain terms and conditions that protect the values, resources, and visitors of the System unit, and implements federal law.*

Filming, Still Photography and Audio Recording Information

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

- Camping:
 - “Please refer to §2.10 of this compendium for specific camping area designations.”
- Boat Launching Sites:
 - “Please refer to §3.8 of this compendium for specific boat launching site designations.”
- Technical Rock Climbing Routes:
 - “Please refer to §1.5(a)(1) of this compendium for specific climbing route restrictions.”

§1.5(d) Public Use Limits -- *Pursuant to §1.5(d) to implement a public use limit, the Superintendent may establish a permit, registration, or reservations system:*

- Leaving property unattended in or around NPS building(s), or anywhere within the Monument for longer than 12 hours, requires a permit.

Leaving unknown property unattended in the park area threatens public safety, the environmental and scenic values of the park, the natural and cultural resources of the park, and the orderly management of the park. Visitors seeking to leave property unattended within the park must obtain a permit from the Superintendent.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

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

- §1.5(d) Leaving property unattended for greater than 12 hours.
- §2.4(d) Carry or possess a weapon, trap, or net
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks, minerals, or fossils)
- §2.10(a) The following camping activities:
- any camping within the Monument as defined by 36 CFR 1.4
- §2.12(a)(2) Operating a chain saw in developed areas (Residents of government quarters may operate power saws in the immediate vicinity of their quarters)
- § 2.12(a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
- § 2.12(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(a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
- §2.17(c)(1) Removal of a downed aircraft
- §2.37 Soliciting or demanding gifts, money, goods or services
- §2.38(a) Use, possess, store, transport explosives, blasting agents
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views that involve the use of a public address system regardless of size or that do not meet the requirements of the small group exception in §2.51(b)(1). The areas formally designated for such use are listed under §2.51 of this Compendium.
- §2.52(c) Sale or distribution of printer matter (that is not solely commercial advertising regulated under §5.1) other than by groups meeting the small group exception under §2.52. The areas designated for such use are listed under §2.51 of this Compendium.
- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business (requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Some filming, still photography, and audio recording (depends upon the facts and circumstances; contact the park for more information). 54 U.S.C. 100905. [Filming, Still Photography and Audio Recording Information](#)

- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.
- Part 11 Use of Arrowhead and Parkscape Symbols
- Part 14 Rights-Of-Way
- Part 18 Leases and Exchanges of Historic Property

36 CFR PART 2 – RESOURCE PROTECTION, PUBLIC USE AND RECREATION

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

(b) Hiking or pedestrian traffic is restricted to the trail tread or walkway on the following trails/walkways (see section §1.5 for additional limits):

- Foot travel in the area identified as *Blue Basin* is restricted to two delineated and maintained trails (Island in Time Trail and the Blue Basin Overlook Trail), unless a uniformed National Park Service employee accompanies person(s). *Blue Basin* is identified on all National Park Service maps of JODA, including the official free park brochure entitled “John Day Fossil Beds.” The closed area is delineated by: WM, T 11S, R 26E, Section 20, S ½ and Section 29, N ½. The Superintendent may issue a letter of authorization for a person(s) engaged in non-resource damaging activities to be off the delineated trails in this area without escort.

Determination: Blue Basin is one of the areas of highest paleontological concentrations in JODA and also one of the most accessible. Fossil material, particularly the bones of small species, is very difficult to see in the surface of the clay. Once near or exposed at the surface, the material is extremely fragile. A misplaced footstep can destroy such specimens. Material can also be dislodged from their places of burial, thereby significantly reducing their scientific integrity and value.

Two trails (Island in Time Trail and the Overlook Trail) provide visitors the opportunity to walk among the formations and to observe the fossil bed layers up close. Other opportunities for viewing fossils are provided in excursions led by Park staff. The travel paths for these excursions follow specific routes that have been surveyed to assure no fossils occur which might be damaged by foot traffic.

(c)(1), (c)(2) The following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or use or consumption restrictions:

- Apples, apricots, cherries, peaches, pears, and plums may be gathered by hand or manual means for personal use or consumption from fruit trees within the James Cant Ranch Historic District. Pick only ripe fruit that easily comes off the tree. No more than one gallon of fruit per person per day may be removed from the orchard. Use provided hand pickers to reach ripe fruit and return pickers to ranch house front porch when done. Climbing on fruit trees within the James Cant Ranch Historic District is prohibited.

Determination: Fruit trees within the James Cant Ranch Historic District are non-native to the area and are maintained for cultural landscape reasons. JODA staff manages park wildlife to survive under native conditions. For this reason, the gathering or consumption of apples,

apricots, cherries, peaches, pears, and plums within the Cant Ranch Historic District will not adversely impact park wildlife or otherwise adversely affect park resources.

36 CFR §2.2 - WILDLIFE PROTECTION

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

- Lawfully taken wildlife outside the monument may be transported through the monument by vehicle on those monument roads within Federal jurisdiction. Such transportation through the monument must utilize the shortest possible direct route and shortest possible amount of time between where the vehicle first entered the monument to the logical exit from monument roads within Federal jurisdiction to the destination of the transporter. This means that only through roads can be utilized for this purpose. Roads or parking areas that end within the monument's boundaries are prohibited from being utilized to transport lawfully taken wildlife.
- Residents living in park quarters may transport legally taken wildlife through the monument directly to their residence.
- Lawfully taken wildlife on BLM or private lands immediately adjacent to John Day Fossil Beds National Monument's Sheep Rock Unit may be transported only via the NPS unpaved route beginning on the west side of Highway 19 across from the Cant Ranch House. Wildlife may be carried through the monument by a person on foot by hand, in a backpack, or hunting vest with a permit issued by the Superintendent.

Determination: Federal jurisdiction does not apply to U.S. Highway 26, Oregon Highway 19, or Oregon Highway 218 within Monument boundaries, and therefore this regulation is not applicable to them. However, the Painted Hills Road, the Bear Creek Road, do apply to transportation of lawfully taken wildlife. The Painted Hills Road and the Bear Creek Road are both open to the general public and provide the only access to some parcels of Bureau of Land Management administered lands open to public hunting.

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

- All of JODA.

Determination: JODA has a history of wildlife being illegally taken adjacent to roads. The Monument has lost a significant gene pool with these takings. Taking these animals with the aid of the use of artificial light is one method suspected by Monument staff. Preventing this method of viewing wildlife makes detecting wildlife violations easier, it makes criminal cases stronger in court, and it prevents wildlife disturbance while feeding, mating, and other activities that are necessary for them to survive.

36 CFR §2.3 – FISHING

(a) Fishing shall be in accordance with Oregon State laws and regulations.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

(b)(2)(ii) No facilities/locations are designated for target practice. Target shooting is prohibited throughout JODA.

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

- (1) When necessary to support approved/permitted research activities.**

- (2) To persons in charge of pack trains or saddle horses for emergency use.
 - (3) For employees, agents or cooperating officials – for official duty.
 - (4) To provide access to otherwise inaccessible lands or waters that are contiguous to the park when other means of access are impractical or impossible.
- A permit from the Superintendent or his officially delegated representative is required for a person(s) to carry or possess a weapon, trap or net who is accessing otherwise inaccessible lands or waters contiguous to JODA when other means of access are otherwise impracticable or impossible.

Determination: Reasonable ability to access contiguous lands open to hunting and trapping fosters community support for JODA management and other Federal regulations. When done legally this activity has no documented negative impacts on JODA resources.

36 CFR §2.10 – CAMPING and FOOD STORAGE

- (a) Camping is prohibited throughout the Monument except when in possession of a permit from the Superintendent for areas designated by the Superintendent.**

Determination: There are no designated campgrounds in the monument. Sufficient public lands exist outside park boundaries for camping. Camping in certain areas may damage paleontological and other resources.

- (d) When not being immediately consumed, food will be stored in sealed containers, coolers, bags, and/or a vehicle to prevent wildlife access.**

Determination: These measures are necessary to prevent wildlife from gaining access to human food, which is unhealthy for wildlife and creates safety issues for visitors. Food-conditioned animals lose their fear of humans and may approach them, sometimes aggressively, for further food reward.

36 CFR §2.11 – Picnicking

Picnicking by the visiting public is prohibited in the following area:

- JODA residences
- JODA administrative areas

Determination: Residences and administrative areas are not intended to accommodate picnicking for the public and conflict with the intended uses of these areas.

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 and under the conditions noted:**

- Gas stoves may be used for cooking in all JODA picnic areas.
- Gas stoves and grills may be used by park staff and residents for cooking at monument residences and administrative areas.
- Open fires are permitted by park residents in fire receptacles at monument residences.
- Where permitted by staff and residents, a fire may be ignited and maintained only by using fuel sources designed and commonly used for warmth or the preparation of food, such as charcoal briquettes or natural firewood. Lighting or maintaining a fire with other materials including, but not limited to, flammable liquids, garbage, fireworks, plastics, aerosol canisters, batteries, or other manufactured or synthetic materials, is prohibited.

- Administrative use of fire by park staff is permitted with prior confirmed approval by the Superintendent, Fire Management Officer, and Chief Ranger. Pile burns require an approved Burn Plan under NPS RM-18.

Determination: These restrictions are implemented to reduce the chance of unwanted wildland fires, which can quickly spread to contiguous state and private lands. These actions are also necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, and the implementation of management responsibilities. Materials other than approved combustibles – especially fire accelerants and substances prone to wind transport or explosion – creates serious risks when used to light or maintain fires. These combustibles can ignite or spread wildfires that directly threaten people and valuable resources and assets. The burning of manufactured or synthetic materials can contribute to air pollution, contaminate soil and water, and be toxic to humans and the environment. Less restrictive measures, such as an education campaign informing visitors of the risks of using certain materials to light or maintain a fire, would not be commensurate with the substantial risks associated with those activities and could lead to adverse outcomes that might be prevented by establishing an enforceable condition.

(a)(1) The following restrictions are in effect for the use of stoves or lanterns:

- Stoves and lanterns must be monitored at all times and are not permitted inside any building.
- Lanterns (gas or battery) are not permitted to be hung from monument vegetation.

Determination: These restrictions are implemented to reduce the chance of wildland fires, property damage, and natural resource damage.

36 CFR §2.14 –SANITATION and REFUSE

(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is allowed under the following conditions:

- Disposal of refuse in government receptacles or facilities is authorized for recreation users visiting the park as a day use activity.
- Removal, or “dumpster diving”, of refuse in government receptacles is prohibited.

Determination: These restrictions are necessary to maintain sanitary conditions, prevent transmission of disease, and avoid unsightly refuse that detracts from the visitor experience.

36 CFR §2.15 – PETS

(a)(1) Structures or areas closed to the possession of pets by the Superintendent:

- Possessing a pet(s) is prohibited in non-developed areas other than on designated trails. This section does not apply to Service Animals. Service Animal, as defined by the American with Disabilities Act, is a dog that has been individually trained to do work or perform tasks for an individual with a disability. The tasks performed must be directly related to the person’s disability.

Determination: Pets often kill or injure wildlife due to their predatory instincts. Wildlife is more frequently found in JODA’s non-developed areas. Prohibiting pets in non-developed areas protects wildlife.

(a)(3) Pets may be left tied to an object under the following conditions:

- Pets may be left tied to trees or picnic tables at the Thomas Condon Visitor Center, Cant Ranch Visitor Center, Painted Hills Picnic Area, or the Clarno Picnic Area while their owner(s)

are inside the structures associated with these areas. Such pets must be tied with a leash that shall not exceed six feet in length. Such pets will not be allowed to make unreasonable noise as described in 36 CFR §2.15(a)(4). Pets known to be aggressive towards other pets, children, and/or adults should not be left unattended. JODA and the National Park Service is not liable for injuries to pets or people while a pet is left unattended.

Determination: *Visitors wish to enter the listed structures to gain information, learn about the monument, or meet sanitary needs. All of these purposes either enhance or are neutral to the park's mission and significance. Outside temperatures are often too high for such visitors to safely leave a pet inside their vehicle.*

(a)(5) Pet excrement must be immediately collected and disposed of in a trash receptacle.

Determination: *These conditions are necessary to protect the monument's natural resources and provide for public health and safety.*

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

- Pets kept by monument residents at government residences may only allow such pets to be unrestrained within the curtilage of that residence.
- Cost for the repair of damage caused by pets to government residences, other than normal wear-and-tear, will be borne by the assigned monument employee residing in the residence.
- All park housing policy regulations are hereby adopted.

36 CFR §2.16 – HORSES and PACK ANIMALS

(a) The following animals are designated as pack animals for the purpose of transporting equipment:

- Horses, burros, mules, llama, alpaca, and vicuña

(b) The use of riding and pack animals within JODA is prohibited on Federally owned lands in all developed areas except for loading and unloading, and in the non-developed areas listed below:

Sheep Rock Unit:

- Areas of exposed geological formations noted by prominent volcanic ash deposits or "badlands and lahar" type topography.
- All maintained foot trails.
- Areas generally known as "Blue Basin" and "Cathedral Rock."

Clarno and Painted Hills Units:

- Areas of exposed geological formations noted by prominent volcanic ash deposits or "badlands and lahar" type topography.
- All maintained foot trails.

Determination: *Use of horses and pack animals in non-developed areas of JODA has not proven to significantly impact park resources or values, except in those "exposed areas" noted above as closed to the use of horses and pack animals.*

(d) Loose herding on trails

- No areas designated.

(g) Other conditions concerning the use of horse and pack animals:

- Resting or tethering of pack animals is not allowed within 200 feet of any water source.
- Pack animals fed within the park are restricted to certified weed free hay or commercially processed pellets.

- Pack animal manure must be removed from developed loading/unloading areas.

Determination: Pursuant to 36 CFR §1.5(c) and §2.16(g) the Superintendent of JODA has determined that these conditions are the minimum to provide for the protection of JODA resources. The management of JODA includes an aggressive invasive weed program, and these conditions complement existing state and federal programs to minimize the spread of exotic invasive species.

36 CFR §2.17 – AIRCRAFT and AIR DELIVERY

- (a)(1) There are no locations designated to operate or use aircraft on monument lands or waters.**

36 CFR §2.18 – SNOWMOBILES

- (c) There are no designated routes or waterways.**

Determination: No further restriction is being placed above the requirements of this section in the CFR.

36 CFR §2.19 – WINTER ACTIVITIES

- (a) There are no areas within the monument designated for winter activities on park roads and/or parking areas.**
- (b) There are no areas within the monument designated for the towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile.**

Determination: This is necessary to provide visitors' safety and prevent user conflicts with vehicles which might be on the road.

36 CFR §2.20 – SKATING, SKATEBOARDS, AND SIMILAR DEVICES

- **Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in employee housing areas.**

Determination: These restrictions are intended to reduce any possible conflict between users, protect resources, and maintain public safety.

36 CFR §2.21 – SMOKING

- (a) The following portions of the Monument, or all or portions of buildings, structures or facilities are closed to smoking:**

- Smoking is prohibited within all structures located in JODA.
- Smoking is also prohibited:
 1. outside of the Cant Ranch Barn within 25 feet of the structure.
 2. within 25 feet of the Maintenance Area above ground fuel tanks or portable fuel tanks.
 3. within any Government vehicle or within 25 feet of any Government vehicle while fueling.
 4. Within 10 feet of all entrances, exits, windows, and air-intake vents.

Determination: *Prohibiting smoking within and near structures protects employees, visitors, and the structures themselves from potential fire and smoke hazards. Prohibiting smoking within Government vehicles protects employees, visitors, and the vehicles themselves from potential fire and smoke hazards. Prohibiting smoking near fuel and fuel containers protects employees, visitors, and Government property from potential fire and smoke hazards.*

36 CFR §2.22 – PROPERTY (see 36 CFR §1.5 for additional restrictions)

(a)(2) Leaving property unattended in or around NPS building(s), or anywhere within the monument for longer than 12 hours, requires a permit.

Determination: *Leaving unknown property unattended in the park area threatens public safety, the environmental and scenic values of the park, the natural and cultural resources of the park, and the orderly management of the park. Visitors seeking to leave property unattended within the park must obtain a permit from the Superintendent*

36 CFR §2.35 – ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(a)(3)(i) The consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is prohibited within all government-owned building, except residences, unless specifically authorized by the Superintendent.

Determination: *The consumption of alcoholic beverages within JODA facilities is an inappropriate activity considering the historic nature of the structures and the purpose for which they are maintained.*

36 CFR §2.38 – EXPLOSIVES

(b) NPS employees are authorized to possess legal fireworks, as described by Oregon State Law, in government-owned residences. Use of fireworks within JODA is still prohibited.

Determination: *NPS employees may possess those fireworks of the type approved for public use as described. The discharge of such fireworks is prohibited per 36 CFR 2.38. More information is available at: [Oregon State Police : Fireworks : Office of the State Fire Marshal : State of Oregon](#)*

36 CFR §2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefore has been issued by the Superintendent.

36 CFR §2.51(a) – PUBLIC ASSEMBLIES, MEETINGS, GATHERING, DEMONSTRATIONS, PARADES, and OTHER EXPRESSIONS OF VIEWS and §2.52 – SALE and DISTRIBUTION OF PRINTED MATTER

Demonstrations of 25 people or less are allowed within the park areas designated as available under paragraph (c)(2). Demonstrations of more than 25 people are allowed within designated park areas when the Superintendent has issued a permit for the activity. The sale or distribution of printed matter by 25 people or less is allowed within the park areas designated as available under paragraph (c)(2). The sale or distribution of printed matter by more than 25 people is allowed within designated park areas when the Superintendent has issued a permit.

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

- Cant Ranch area – grassy area north of the paved Cant Ranch House parking lot
- Thomas Condon Visitor Center area – half-circle concrete area north of the washrooms
- Painted Hills area – north and east area of the maintained picnic area
- Clarno area – south of the trailhead parking area on route 218, west of the gravel driveway for the monument utility building
- See attached map

36 CFR §2.62 – MEMORIALIZATION

(b) A permit is required for the scattering of ashes from cremated human remains in the following areas, and/or according to the following terms and conditions:

- The scattering of human ashes from cremation is permitted only in the four numbered agricultural fields that are part of the James Cant Ranch Historic District.

Determination: The four numbered agricultural fields that are part of the James Cant Ranch Historic District were previously tilled for hay & alfalfa production. Because these soils have been disturbed routinely and contained introduced herbicides and fertilizers, human ashes will not derogate JODA resources or values in these specific areas.

36 CFR §3.8 – BOATING OPERATIONS

(a)(2) The following areas/sites are designated for the use of trailers to launch or retrieve vessels:

- No areas are designated or authorized for the launching and/or retrieval of vessels using trailers. Small vessels (canoes, kayaks, rowboats) may be launched by hand anywhere within JODA.

Determination: Boat launching restrictions are in place to protect public safety and monument riparian resources. Access to rivers and streams within JODA is limited due to terrain and vegetation. There are no developed boat launch ramps within JODA. The river channel and water levels vary over time.

36 CFR §3.17 – What regulations apply to swimming areas and beaches?

(a) The following areas of JODA are designated for swimming or wading:

- John Day River
- Rock Creek
- Bridge Creek

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a) Park roads, open for travel by motor vehicle are those indicated in the following publication:

- “John Day Fossil Beds” National Monument Unigrid Brochure
- Roads may be closed through closure order (36 CFR 1.5) including but limited to during and after emergencies for the protection of life, property, and other park assets.

36 CFR §4.21 – SPEED LIMITS

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

- Foree Access Road: 25 miles per hour.
- Painted Hills Picnic/Contact Station Access Road: 25 mph
- Foree Parking Area, Blue Basin Access Road and Parking Area, Thomas Condon Visitor Center Access Road and Parking Area, Mascall Overlook Parking Area, Painted Hills Overlook Access Road and Parking Area, Painted Hills Picnic Area/Contact Station Parking Area: 15 mph.
- All other parking areas within the park, posted or not posted: 15 mph
- The speed limits on the state routes that pass through the park are set by the state of Oregon.
- The speed limit on Bear Creek Road through the Painted Hills Unit is set by Wheeler County.

36 CFR §4.30 – BICYCLES

The use of bicycles or E-bikes is prohibited except on park roads, parking areas, and on routes designated for bicycle use.

E-bikes: the term “e-bike” means a two-or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).

- In order to provide for resource protection, to minimize conflicts between users groups and due to the nature of the multi-use routes within the park, e-bikes are allowed where traditional bikes are allowed. E-bikes are prohibited where traditional bikes are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.
- Any person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23 and 4.30(h)(2)-(5).
- Except as specified in this Compendium, the use of an e-bike within John Day Fossil Beds National Monument is governed by state law, which is adopted and part of this Compendium. Any violation of state law adopted by this paragraph is prohibited.

36 CFR §4.31– HITCHHIKING

Hitchhiking is permitted in the following areas under the conditions noted:

- Hitchhiking is permitted under exigent conditions where the health and safety of the person hitchhiking is in jeopardy, or in compliance with state laws when the hitchhiker is not occupying the roadway.

Appendix A

First Amendment Areas

National Park Service
U.S. Department of the Interior

John Day Fossil Beds
www.nps.gov/joda

