National Park Service
U.S. Department of the Interior

Lava Beds National Monument

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

Approved: 3/13/2015
Mike Reynolds
Mike Reynolds, Superintendent

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, the following regulatory provisions are established for the proper management, protection, government and public use of those portions of Lava Beds National Monument under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

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.

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

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

Public Use Limits:

- The Cave Loop Road is closed to motor vehicles overnight and at all other times when the road gate is closed. Pedestrian and non-motorized bicycle use during all hours is permitted. *This is to reduce instances of vandalism and illegal drinking in caves after dark.*

- Entering a cave within the monument is prohibited unless properly screened and permitted according to the white nose syndrome plan. The White Nose screening permit must be displayed in the vehicle at all times. *This determination is based on the need to protect bats from being exposed to white nose syndrome.*

- No caving gear, clothing, footwear, cameras, etc. will be allowed in any cave if those items may potentially have been contaminated with white nose syndrome fungal spores as determined by the white nose screening process. If the items can be properly decontaminated in accordance with the white nose decontamination procedures, then those items may be permissible. *This determination is based on the need to protect bats from being exposed to white nose syndrome.*

- Cross country travel outside of the developed area is limited to a maximum of 12 persons in a group. *This is to limit impact to backcountry resources and minimize development of social trails. (From Lava Beds Wilderness Stewardship Plan.)*

Closures:

- Park Facilities:

  The following areas and facilities are closed to public use:

Park administrative, maintenance, operations, utility, and storage facilities, including, but not limited to: access roads, outbuilding, and grounds. This closure shall not apply to persons engaged in legitimate Government activities, permitted business, or cooperator activities.

- Except for facilities designated for visitor use, all buildings are closed to unauthorized entry. This shall not apply to persons in non-public areas who have been granted specific permission by the National Park Service or another authorized Federal, state, or municipal agency, their representatives, or those who are under escort of park employees acting within the scope of employment.

  Determining Factors: In order to provide security for government facilities and protect vital utility services for which visitors have no need to access, these limits will address vandalism and theft issues.

- No unauthorized person or persons may enter a designated and signed management ignited prescribed fire area for 24 hours proceeding, or during active fire operations. *This determination is made to protect visitors and staff during periods of active burning.*

- All cliff faces within the Petroglyph Point unit are closed to technical and/or free climbing. Rappelling or rope use is prohibited. *This determination is made due to the inherent instability of the rock and significant resource values at risk in the area.*

- In addition to the cliff face closure listed above, no access is permitted within 100 feet of the top of any cliff face within the Petroglyph Point unit, from March 1 to August 15, each year. *This determination is made to prevent disturbance of cliff nesting birds.*

- Eagle winter roost sites within the monument, at Eagle Nest Butte, Caldwell Butte and Boundary Butte are closed to public access from November 1 to March 31 annually. *This determination is made to protect roosting Bald Eagles from disturbance. Administrative access into these buttes, during these months, can occur when no inclement weather is present and only between the hours of 0900 to1500.*

- Crystal Cave and Fern Cave may be accessible by staff-guided tours on a limited basis subject to the conditions established by the Lava Beds National Monument Cave Management Plan, and the Fern Cave Management Plan. *Access to this area is restricted due to the potential damage and disturbances to sensitive cultural resources resulting from unsupervised visitation.*

- All public use and entry past any locked, gated cave or into a cave posted "CLOSED" is prohibited. This shall include, but is not limited to: caves closed due to hazardous conditions, caves closed due to emergency conditions, caves closed temporarily to provide protection for breeding colonies of bats (subject to monitoring by the National Park Service staff), or caves closed to provide protection for bats during the winter hibernaculum season. Termination of temporary restrictions, limits, or closures shall be accompanied with the removal of the posted notices.

- Unmanned Aircraft: Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Lava Beds National Monument is prohibited except as approved in writing by the superintendent.

  Closure Determination: The use of unmanned aircraft potentially presents unacceptable risks to visitors (collisions between unmanned aircraft and visitors, the uncontrolled fall of unmanned aircraft, contact with spinning propellers or rotors of unmanned aircraft). The use of unmanned aircraft adversely impacts visitor experiences by negatively affecting scenic and natural sound opportunities, and by potentially interfering with wildlife. The use of motorized equipment is also prohibited in areas managed as wilderness; over half of Lava Beds National Monument is managed as wilderness. Additionally, the unregulated use of unmanned aircraft would potentially violate several other regulations in Title 36 of the Code of Federal Regulations, including §2.2 Frightening Wildlife, §2.12 - Creating an Audio disturbance, §2.17 - Delivering or Retrieving an Object by Airborne Means, §2.34 - Making Unreasonable Noise, §2.34 - Creating or Maintaining a Hazardous Condition, and §5.13 - Creating or Maintaining a Nuisance.

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 a camera, 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.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(f) The following activities are prohibited except under the terms of a valid permit from the Superintendent. Permits must be obtained in advance and in writing from Monument Headquarters during regular business hours or via mail addressed to Superintendent, Lava Beds National Monument, P.O. Box 1240, Tulelake, CA 96134-8216.

- §2.4(d) Carry or possess a weapon, trap, or net (excluding firearms carried in accordance with California State Law)
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals) – [Research Permit required]
- §2.12 Audio Disturbances:
- §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 Aircraft and air delivery:
- §2.17(a)(3) Delivery/retrieval of a person/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 (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives: a) Use, possession, storage, or transport of explosives or blasting agents
- §2.50(a) Conduct a sports event, pageant, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views for groups of more than 25 people.
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising
- §2.60(b) Livestock use
- §2.62 Memorialization:
- §2.62(a) Erection of monuments (Requires approval from Regional Director)
- §2.62(b) Scattering ashes from human cremation
- §5.1 Display, posting or distribution of advertisements
- §5.3 Engaging in or soliciting any business (Requires a Commercial Use Authorization, contract or other written agreement with the United States, or must be pursuant to special regulations)
- §5.4(a) Commercial transportation of passengers by motor vehicles (Commercial Use Authorization required)
- §5.5 Commercial Photography/Filming:
- §5.5(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
- §5.5(b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertisement.
- Any other activities requiring permits by state, county or other federal agencies (inquire at the Superintendent's Office).

GENERAL REGULATIONS

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

(a)(4) No wood collection is permitted within Lava Beds National Monument with the exception of wood collected though on-going resource management and maintenance projects and placed in a designated collection/disposal area. These designated collection/disposal sites will be posted as available to the public and located at the campground when available.

(b) In the following areas hiking and pedestrian traffic is restricted to the designated trail except with written permission of the Superintendent:

- Schonchin Butte Area – hiking id restricted to Schonchin Butte Trail
- Petroglyph Point Area – hiking in the vicinity of Petroglyph Point Trail is restricted to the designated trail

(c)(1), (c) (2) The following fruits, nuts, or berries 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:

- Edible fruits, berries, and nuts may be collected for personal consumption within the monument and is limited to an amount equal to or less than 1 pint per day. *Limited consumption of these resources does not adversely affect the reproduction of either the plants or the wildlife food source. If future monitoring indicates that such gathering or consumption is likely to cause adverse affects to park resources, then the authorization of this consumptive use will be terminated. Use of these items for any purpose other than personal consumption is specifically prohibited. Certain fruits, nuts, and berries may not be suitable for human consumption.*

- Collection of mushrooms for any purpose is prohibited.

36 CFR §2.2 - WILDLIFE PROTECTION

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

- Legally taken wildlife may be transported through the monument. The game must be properly tagged and fully compliant with all state game regulations.

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

- Use of artificial light for locating or viewing wildlife in the monument is prohibited.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for the campground or camping activities, and conditions for camping and camping activities are in effect as noted:

- In any 30-day period, camping in Lava Beds National Monument may not exceed 14 days, either consecutively or in a combined period. Further, camping within the monument shall not exceed 30 days annually. Campsite capacity at Indian Well Campground is 8 persons per site unless approved in advance by the Superintendent.

- A valid Camping Permit is required for camping in Indian Well Campground. Camping permits are available at the self-registration kiosk in Indian Well Campground.

- A maximum of two vehicles or three motorcycles per campsite is permitted in Indian Well Campground provided those vehicles do not obstruct traffic. *This determination is based on the need to keep all vehicles on the pavement.*

- All vehicles in Indian Well Campground must be parked on the pavement. *This determination is based on the need to protect the area from undue resource damage from vehicles and their by-products.*

- Without prior permission of the Superintendent, failing to have at least one person occupy a designated campsite during the first night after camping equipment has been set up is prohibited.

- Holding or reserving a campsite for another party is prohibited. Sites may not be paid for by those who do not intend to occupy the site immediately. Sites for which required fees are not paid will be considered unoccupied

and available for use. Sites left unattended for more than 24 hours will be considered open and available for other campers.

- No camp may be established in the monument for use as a base for hunting. *Hunting is prohibited within the Monument, as is the storing of taken game.*

- Camping is permitted in the designated wilderness and backcountry areas of Lava Beds National Monument in compliance with all wilderness regulations and restrictions specified under section 1.5 of this compendium.

- No person or group may camp within ¼ mile of any developed area or road outside Indian Well Campground. *This determination is to limit visual impacts and resource damage in developed areas and along roadways.*

- No person or group may camp within 50 yards of any cave entrance or within any cave. *This determination is to protect caves and cave entrances from excessive visitor impacts.*

(d) Conditions for the storage of food are in effect, as noted, for the following areas:

- Throughout Lava Beds National Monument, all food, garbage, and equipment used to cook or store food must be kept sealed in a vehicle, or in a storage unit that is constructed of solid, non-pliable material.

- This restriction does not apply to food that is being transported, consumed, or prepared for consumption, or to overnight backcountry users.

36 CFR §2.11 – PICNICKING

Conditions for Picnicking:

- Picnicking is allowed, except in designated areas closed in accordance with §1.5.

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:

- Wood fires are permitted only in metal fire rings within Indian Well Campground. No open fires are permitted in the backcountry, wilderness, or caves.

(a)(2) The following restrictions are in effect for the use of stoves or lanterns:

- Gas stoves and lanterns are permitted in Indian Well Campground and wilderness/backcountry. *This is to protect fragile cave ecosystems from potential damage.*

(c) Extreme or very high fire danger closures will be in effect as noted:

- Fires may be prohibited during periods of very high or extreme fire danger, as defined by the Monument's Fire Management Officer.

- Gas stoves, lanterns, and grills may be prohibited in the campground, wilderness, and backcountry during periods of very high or extreme fire danger.

36 CFR §2.14 – SANITATION AND REFUSE

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

- All monument caves.

36 CFR §2.15 – PETS

(a)(1) The following structures and/or areas are closed to the possession of pets:

Note: This section shall not apply to service animals.

"Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA."

Miniature horses that have been individually trained to do work or perform tasks for people with disabilities – Where reasonable, miniature horses will be allowed, provided: 1) they are housebroken, 2) they are under the owner's control, 3) the facility can accommodate the miniature horse's type, size, and weight, 4) the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility, 5) their presence is not incompatible with protection of the resources for which the monument was established. - 2010 US Department of Justice update on implementation of the Americans with Disabilities Act

- Pets are prohibited on all monument trails, in non-developed and wilderness areas, caves, and in government buildings (with the exception of authorized employee housing units). Service animals are allowed on paved cave trails if medically necessary.

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

- Pets may be left tied to an object in an occupied campsite in Indian Well Campground (subject to a valid Camping Permit) provided they create no hazard or nuisance.

(a)(5) Pet waste must be immediately picked up and properly disposed of in a waste container by the person responsible for the pet. *Excrement must be removed to prevent health hazards and to lessen negative impacts on wildlife.*

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

- Residents are permitted to have pets in accordance with the conditions of the Lava Beds National Monument Housing Management Plan.

36 CFR §2.16 – HORSES AND PACK ANIMALS

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

- Horses and pack animals are permitted only on the Whitney Butte, Lyons and Three Sisters trails within the monument. All other trails, administrative roads and backcountry and wilderness areas are closed to horse and pack animal use.

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

- Horse and pack animal use may be temporarily prohibited by the Superintendent during such times and at such locations where the use of the animals may create a hazardous condition or resource damage.

36 CFR §2.20 – SKATING, SKATEBOARDS AND SIMILAR DEVICES

The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices are allowed in the following areas:

- The National Park Service residential area on paved surfaces by residents or guests of residents.

36 CFR §2.21 – SMOKING

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

- Smoking is prohibited in all government facilities, shared government quarters, and government owned or leased vehicles.
- Smoking is prohibited within 20 feet of a main exit, entrance, or operable window of a public.
- Within any cave.
- Additional smoking restrictions may apply during periods of very high or extreme fire danger as defined in the Monument's Fire Management Plan.

Closure Determination: This prohibition will help protect the Park structures and ensures that visitors and employees are not involuntarily exposed to harmful cigarette smoke while at work or entering and leaving government buildings.

36 CFR §2.35 –ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and to the possession of any open or unsealed alcoholic beverage container:

- All caves and government buildings, except residences, unless specifically allowed as part of a special event.

Closure Determination: The consumption of alcoholic beverages in the specified locations is contrary to the purpose for which they were established and maintained and is contrary to the interest of public safety for the visiting and traveling public. Possession or consumption of alcoholic beverage is prohibited in all caves because of adverse impacts to cave environments from litter and associated activities.

36 CFR §2.51 DEMONSTRATIONS

(b)(1) Demonstrations involving 25 persons or fewer may be held without a permit in the following designated park areas within the provisions of 36CFR §2.51.

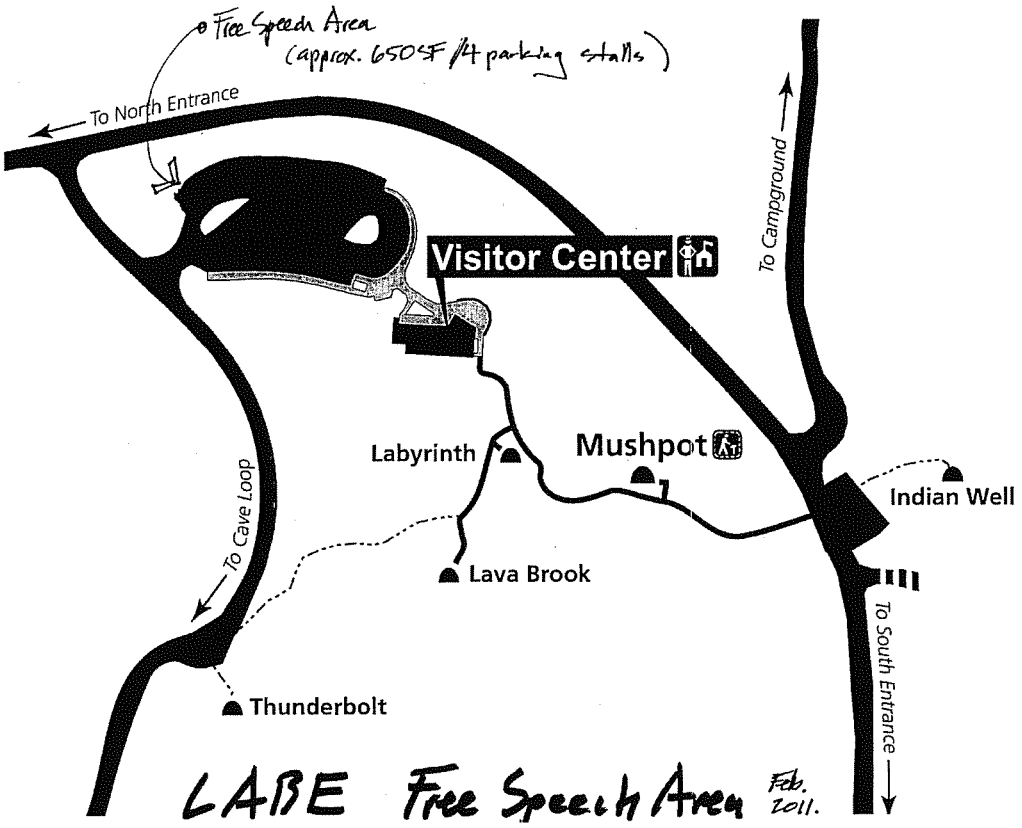
- Northwest corner of visitor center parking lot. (See attached map)

36 CFR §2.52 SALE OR DISTRIBUTION OF PRINTED MATTER

(b)(1) Sale or distribution activity involving 25 persons or fewer may be conducted without a permit in the following designated park areas within the provisions of 36CFR §2.52.

- Northwest corner of visitor center parking lot. (See attached map)

36 CFR §4.11 – VEHICLE LOAD, WEIGHT AND SIZE LIMITS

(a) The following load, weight and size limits, which are more restrictive than State law, apply to the roads indicated under the terms and conditions, and/or under permit as noted:

- Gross vehicle weight of any vehicles using monument roads may not exceed 52,000 pounds without prior written authorization of the Superintendent.