National Park Service
U.S. Department of the Interior

Mount Rushmore
National Memorial

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2014 Superintendent's Compendium
Of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.

Approved:

"Signature on File" 06/24/2014
Cheryl A. Schreier, Superintendent

A. INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully

understand the regulations governing the use and enjoyment of all the areas of the national Park System.

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

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et.seq.* (Organic Act of 1916, as amended) to "…regulate the use of the Federal areas known as national parks, monuments, and reservations…by such means and measures as conform to the fundamental purposes of the said parks…which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S.C. Section 1c defines the National Park System as"…any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes."

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become

impaired, than that Superintendent is obliged to place limitations on public use.

3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent's Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

4. Development of the Requirements of the Superintendent's Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

6. Enforcement of Compendium Requirements

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of 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 shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent, Mount Rushmore National Memorial
13000 Hwy 244
Building 31 Suite 1
Keystone, SD 57751

9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

11. Availability

Copies of the Compendium are available at the park Visitor Center at 13000 Hwy 244, Keystone, SD 57751. It may also be found at *http://www.nps.gov/moru/parkmgmt/lawsandpolicies.htm*

B. SUPERINTENDENT'S COMPENDIUM

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 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of MOUNT RUSHMORE NATIONAL MEMORIAL (hereafter, the Memorial). 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.

I. 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 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:

Visiting Hours:

- The legal visiting hours for the visitor services areas at the Memorial, including the visitor parking lots, walkways, Avenue of Flags, Grand View Terrace, Amphitheater, Presidential Trail, and all immediately adjacent areas will be as follows: March 20th through September 30th, scheduled open hours will be from 5:00 a.m. to 11:00 p.m.; the visitor services areas listed above will be closed from 11:00 p.m. to 5:00 a.m. October 1st through March 19th, scheduled

open hours will be from 5:00 a.m. to 8:00 p.m. the visitor services areas listed above will be closed from 8:00 p.m. to 5:00 a.m.

Due to the icon park status of the Memorial, security is always a priority. After dark, when all buildings are locked and the sculpture is no longer illuminated, visitation may pose a risk to the Memorial and to the safety of the public.

Public Use Limits:

- Segways

  - Segways and motorized scooters, as defined by 36 CFR §1.4 are motor vehicles. Pursuant to 36 CFR §1.5(a) and §4.10(a), the park has imposed a restriction on the use of Segways and motorized scooters from all areas within the park including all park roads, trails, and sidewalks and walkways.
  - However, any park visitor with a disability is permitted to use a Segway or motorized scooter in the park, including in structures and facilities, and on sidewalks and paved walkways, when such devices are used for the sole purpose of mobility assistance. Use of any mobility assistive devices, as outlined above, must also adhere to the following:
    - No person under 16 years of age may operate a Segway.
    - A person shall operate any mobility assistive device in a safe and responsible manner; maximum speed will not exceed more than 8 mph (Segway "sidewalk/Intermediate" key), so as not to endanger one's self or any other park visitor.
    - A person riding any mobility assistive device upon and along a sidewalk or walkway, while crossing a roadway in a crosswalk, or on any other surface shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobility assistive device operator must always yield to pedestrians (park visitors).

Segways provide a reasonable mobility alternative for those who would otherwise be unable to visit the Memorial, or find it difficult to visit the Memorial due to personal mobility limitations.

- Food and beverages are not allowed in the Visitor Center, Theaters, and Lincoln Borglum Museum.

The decision to not allow food and beverages in the Visitor Center, Theaters, and Lincoln Borglum Museum has been made to reduce the risk of possible damage to open exhibits, and to reduce the risk of attracting insects and rodents that degrade exhibits and curatorial and museum storage items.

Closures:

- Unmanned Aircraft

  - Launching, landing, or operating an unmanned aircraft from or on lands and water administered by the National Park Service within the boundaries of Mount Rushmore National Memorial is prohibited except as approved in writing by the superintendent. The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

This public use limit is necessary to maintain public health and safety at Mount Rushmore National

Memorial and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values. When proposed park uses and the protection of park resources and values come into conflict, the protection of resources and values must be predominant.

- Area Closures

NOTE: Areas closed to the general public may be entered by persons or groups only if led or directed by authorized National Park Service (NPS) employees, as approved by the Superintendent or his/her representative, if such access does not compromise security or environmental, scenic, natural or cultural values. Admittance to closed areas may be necessary for the protection of natural and cultural resources, the maintenance of public safety, the implementation of management responsibilities, and as an aid to scientific research.

- Beginning at SD HWY 244 vicinity N 43 52' 43.29, W 103 27' 38.79 elevation 5288 feet heading northwest to Devil's Spire vicinity N 43 52' 48.16, W 103 27' 41.53 elevation 5386 feet heading north. Devil's Spire will still be open to public access. The rock faces east of Devil's Spire are closed. The closed area will continue from last position heading northeast to vicinity N 43 52' 53.01, W 103 27' 40.69 elevation 5342 feet. The closed area boundary continues to the top of the northern wall of Emancipation Rockphormation vicinity N 43 52' 53.73, W 103 27' 38.61 elevation 5549 feet and moves across the top of Emancipation Rockphormation to vicinity N 43 52' 55.74, W 103 27' 33.90 elevation 5612 feet. The northern facing rock wall of Emancipation Rockphormation is open to public access, but once reaching the summit, the public must exit down the same rock face ascended. The closure area descends off of Emancipation Rockphormation to the ground and traverses a saddle between Emancipation Rockphormation and a rock outcropping characterized by a 10 foot deep crack barely wide enough for human passage. This saddle marks the closed boundary. The closure area boundary continues northeast to vicinity N 43 53' 00.24, W 103 27' 26.43 elevation 5395 feet, and then turns south to vicinity N 43 52' 55.92, W 103 27' 25.92 elevation 5362 feet. The closure area boundary then turns southeast to the old park road bed at vicinity N 43 52' 49.57, W 103 27' 14.21 elevation 5057 feet, and then follows the road bed to the Sculptor's Studio vicinity N 43 52' 44.01, W 103 27' 30.75 elevation 5133 feet. The closure area boundary follows the Presidential Trail on the sculpture side to the Heritage Village vicinity N 43 52' 39.59, W 103 27' 30.75 elevation 5266 feet, and then turns northwest to vicinity N 43 52' 34.29, W 103 27' 38.79 elevation 5288 feet, following the old red bed to SD HWY 244 completing the closure area boundary (See Map A).

The closure of all public access at this portion of the Memorial is necessary for the protection of an irreplaceable cultural resource. The carving of Mount Rushmore occurred between 1927 and 1941 and since that time has become a symbol of America's freedom and democracy. It is cherished by many people, but has the potential to attract others that wish to do it harm. To deter human threats and to protect Mount Rushmore for future generations to enjoy, it is necessary to deny public access to the sculpture and the areas immediately adjacent to it.

- The waste water and water treatment facilities and the water reservoirs are closed to all public access (See Map B).

This closure is necessary for the maintenance of public safety and the implementation of management responsibilities.

- NPS housing and concessioner dormitory area is closed to public access (See Map C).

These housing areas are closed to public access to protect the privacy and security of their residents.

- The radio tower is closed to public access (See Map D).

The radio tower is necessary for all radio communications throughout the Memorial and any tampering with it may hinder park operations.

- The Administration Parking Lot and Administration Road are closed to all public access (See Map E).

This area is closed to public access to protect the privacy and security of park employees.

- The Amphitheater Road and Amphitheater Parking Lot are closed to public access from one hour prior to one hour following the Evening Lighting Ceremony, or any special event located in the Amphitheater Facility. (See Map F).

This area is closed to public access for the safety and security of park employees and visitors.

- Service and administrative roads and certain parking areas are closed to non-official vehicles and will be so designated by signs, locked gates, and/or will be administratively controlled. The only roads and parking areas within the Memorial's boundary that are open to non-official vehicles are South Dakota Highway 244 and the associated pullouts, United States Highway 16A, and the Visitor Parking Structure.

All of the publicly closed roads and parking areas are important in park operations. They provide employees with access to their work area, and allow for personnel in emergency vehicles to gain access to certain areas.

- Service and administrative roads and certain parking areas are closed to bicycle use. The only roads and parking areas within the Memorial's boundary that are open to bicycle use are South Dakota Highway 244 and the associated pull-offs, United States Highway 16A, and the Visitor Parking Structure.

The developed areas of the Memorial can be crowded with foot traffic, especially during the summer months. In order to protect park visitors and prevent conflict among different user groups, bicycle use in the Memorial is restricted to South Dakota State Highway 244, United States Highway 16A, and visitor parking areas. Bicycle racks are available near the pergola at the main entrance. Visitors also have the option of walking their bike around the Memorial if they choose to do so.

- All or any portion of the Memorial, including trails, roads, and parking areas, may be temporarily closed due to wildfire and/or fire management activities which could be a threat to personal safety

Wildland fire, whether prescribed or not, poses a public safety hazard, especially during certain weather conditions.

- All or any portion of the Memorial, including trails, roads and parking areas, may be temporarily closed for special events at the Memorial.

During special events at the Memorial, there is limited space available to manage an operation. Therefore, areas that are usually open to the public may be restricted for management or public safety reasons.

- All or any portion of the Memorial, including trails, roads, and parking areas, may be temporarily closed for administrative purposes, adverse weather, natural disasters, or other emergencies.

Adverse weather, natural disasters, and other emergencies in the park and the surrounding areas at times make travel extremely dangerous for park employees and for park visitors. In order to protect the safety of visitors and park personnel, during these times the superintendent may close all or a portion of the Memorial in order to discourage travel.

(a)(2) The following areas have been designated for a specific use or activity, under conditions and/or restrictions as noted:

- Commercial Bus Parking Area: Allowing vehicles with diesel engines or any vehicle which produces noxious exhaust to idle more than 5 minutes, except while actually loading or unloading passengers, is prohibited. This does not preclude vehicles from reasonable warm-up times away from concentrated visitor areas.

The location of commercial bus parking is on either side of the main entrance to the visitor services area of the Memorial. Idling diesel engines produce noise and odor that interfere with the comfort of park visitors, and due to the location or the parking, the visitors would have a difficult time avoiding the nuisance.

II. <u>36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT</u>

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

- §1.5(d) The following activities related to Public Use Limits
  - None listed
- §2.4(d) Carry or possess a weapon, trap, or net
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.10(a) The following camping activities
  - See 36 CFR §2.10 - Camping and Food Storage
- §2.12 Audio Disturbances:
  - (a)(2) Operating a chain saw in developed areas
  - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
  - (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 & Air Delivery:
  - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
  - (c)(1) Removal of a downed aircraft
- §2.23(b) The following special recreation activities (per 36 CFR Part 71):
  - None listed
- §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, possess, store, transport explosives, blasting agents
  - (b) Use, or possess fireworks

- §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

- §2.52(c) Sale or distribution of printer matter that is not solely commercial advertising

- §2.60(b) Livestock use

- §2.61(a) Residing on federal lands

- §2.62 Memorialization:
    - (a) Erection of monuments (Requires approval from Regional Director)
    - (b) Scattering ashes from human cremation

- §3.3 Use of a vessel

- §4.11(a) Exceeding of established vehicle load, weight and size limits

- §5.1 Advertisements - (Display, posting or distribution.)

- §5.2(b) Sale of intoxicants on private lands.

- §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 Commercial Photography/Filming:
    - (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.

- §5.6(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.

- §6.9(a) Operation of a solid waste disposal site

Title 16 United States Code § 1 directs the National Park Service to "…regulate the use of the Federal areas known as national parks…." Title 16 United States Code § 3 directs the Secretary of the Interior to "…make and publish such rules and regulations…necessary or proper for the use and management of the parks…under the jurisdiction of the National Park Service…" Title 36 Code of Federal Regulations meets these statutory requirements (in part) and identifies the above listed activities as those to be regulated by a permit issued by the superintendent or his/her designee.

For special use permit information, please visit www.nps.gov/moru or contact the Parks Permit Office at 605-574-3118.

III. GENERAL REGULATIONS

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

(a)(4) Dead wood on the ground may be collected for use as fuel for campfires within the park in the following areas:

- The entire Memorial.

Campfires are not allowed in the Memorial except in designated areas established by the Superintendent. (See 36 CFR 2.13 - Fires)

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending or traversing the listed archaeological or cultural resource, monument, or statue:

- The superintendent of the Memorial has not established any conditions that are in effect for any archaeological or cultural resource, monument, or statue within the Memorial. Therefore, walking, climbing, entering, ascending or traversing any archaeological or cultural resource, monument, or statue within the Memorial is prohibited.

(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:

- The superintendent of the Memorial has not designated any fruits, nuts, berries, or unoccupied seashells that may be gathered. Therefore, any collection of these natural resources 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:

- The animal must be secured to the vehicle or trailer and must be tagged appropriately as required by state law.
- The hunter must be in possession of a valid hunting license.

The Memorial is regularly visited by hunters traveling to or from a hunt. If they are transporting game through the park, appropriate state laws apply.

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

- The entire Memorial.

Artificial light is often used by poachers during their illegal taking of wildlife. Preventing this method of viewing wildlife makes detecting wildlife violations more successful, 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. Wildlife within the Memorial is protected from intentional disturbances, and flash photography may frighten it and disrupt normal activities.

36 CFR §2.3 – FISHING

(a) The following State fishing laws and/or regulations, as noted, do not apply in the listed areas:

- All South Dakota state fishing laws and/or regulations apply in the Memorial.

(d)(2) Possession or use of live or dead minnows or other bait fish, amphibian, non-preserved fish eggs or roe is permitted in the following fresh water areas:

- Possession or use of live or dead minnows or other bait fish, amphibian, non-preserved fish eggs, or roe is prohibited throughout the Memorial.

(d)(4) In accordance with federal statutory law, commercial fishing is authorized in the following areas, under the conditions noted:

- Commercial fishing is prohibited in the Memorial.

(d)(8) Fishing is allowed in or from the following otherwise prohibited areas:

- There are no prohibited fishing areas within the Memorial.

<u>36 CFR § 2.4 – WEAPONS, TRAPS, AND NETS</u>

(h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

- This authority does not extend to Federal facilities within the park (18 USC § 930(a)). Federal facilities include: Amphitheater Building, Visitor Center, Administration Building, Information Center, Sculptor's Studio, Maintenance Facilities, Water Treatment Facilities and Waste Water Treatment Facilities.

Park regulation cannot be less restrictive than United States Code.

<u>36 CFR §2.10 – CAMPING and FOOD STORAGE</u>

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

- The entire Memorial is closed to camping year-round, which includes parking of a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

There are ample camping opportunities in the Black Hills National Forest, which almost entirely surrounds the Memorial. As part of protecting the sculpture, resources, and park property, the entire Memorial closes to visitors at night.

(b)(3) Camping within 25 feet of a fire hydrant or main road, or within 100 feet of a flowing stream, river, or body or water is authorized only in the following areas, under the conditions noted:

- Camping is prohibited in the entire Memorial.

<u>36 CFR §2.11 – PICNICKING</u>

- Picnicking is allowed in public use areas, except in the concessioner patio area outside the restaurant where tables are provided as part of a food service.

Picnicking is prohibited in concessioner facilities to minimize impact on those operations where food services are provided.

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/or receptacles, and under the conditions noted:

Designated Areas:

- Fire pit in NPS housing common area
- Fire pit in concessioner dormitory area
- Patio areas of employees living in park housing as required occupants

Receptacles Allowed:

- Established fire pits in park housing and concessioner dormitory areas
- Proper receptacles which adhere to the Guidelines for Minimum Acceptable Safety Requirements for Outdoor Fireplaces as set forth by the South Dakota Department of Agriculture's Wildland Fire Suppression Division (www.state.sd.us/doa/wfs)

Established Conditions for Fires:

- Must complete a Fire Pit Use Agreement for fires in NPS housing common area and concessioner dormitory area. Form is located in Mount Rushmore Communications Center.

- Must adhere to all conditions stated on Fire Pit Use Agreement.

- During periods of high fire danger, the Superintendent may close these areas to the lighting or maintaining of a fire.

There are no fire receptacles anywhere in the Memorial, except NPS housing and concessioner dormitory areas. Fires outside of proper receptacles pose unnecessary risk to park resources.

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

- Use of a gas stove or lantern in the Memorial is allowed as long as it is used in a manner that does not threaten, cause damage to, or does not result in the burning of property or Memorial resources, or creates a public safety hazard.
- Charcoal grills are prohibited in the entire Memorial.
- During periods of high fire danger, the Superintendent may close the entire Memorial to the use of stoves or lanterns.

The Memorial does not currently have any type of picnic area or accommodations for visitors to cook food. Therefore, visitors are allowed to use their own equipment for cooking, as long as the above criteria are met.

(b) Fires must be extinguished according to the following conditions:

- Conditions are outlined on the Fire Pit Use Agreement

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:

- The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is prohibited at the Memorial.

36 CFR §2.15 – PETS

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

- Main walkways, Nature Trail, Borglum Court, Restrooms, Information Center and Bookstore, Avenue of Flags, Concession facilities, all viewing terraces including the Grand View Terrace and Borglum View Terrace, Visitor Center and museum, Amphitheater, Presidential Trail, Sculptor's Studio, and all areas immediately adjacent to those listed. This regulation does not apply to service animals, as defined by the Americans with Disabilities Act (ADA) regulation:
    - Service Animals. The rule defines "service animal" as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The rule states that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals. The final rule also clarifies that individuals with mental disabilities who use service animals that are trained to perform a specific task are protected by the ADA. The rule permits the use of trained miniature horses as alternatives to dogs, subject to certain limitations. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) (www.ada.gov)
- Designated "Pet Exercise Areas" are available as the grassy areas surrounding the main parking complex.

NOTE: "Pet" means dogs, cats, or any animal that has been domesticated. [36 CFR §1.4]

This use restriction of possessing a pet in all structures and main public use areas of the Memorial is necessary for the protection of cultural resources, the maintenance of public safety, the minimization of visitor conflicts, and the implementation of management responsibilities.

(a)(3) Pets may be left unattended and tied to an object in the following areas, under the conditions noted:

- Leaving a pet unattended and tied to an object is prohibited throughout the Memorial.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

- The Pet owner is required to clean up after his/her pet in the "Pet Exercise Areas." Plastic bags will be furnished by the park in these areas and trash receptacles are available throughout the park.

This requirement is for the maintenance of public health and safety. Less restrictive measures will not suffice because of the potential sanitary and health threat to the public.

(b) The use of dogs in support of hunting must be in accordance with Federal and State laws

and the following conditions:

- All hunting is prohibited at the Memorial.

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

- Pets may be kept by residents of park areas consistent with the provisions of this section and in accordance with conditions which may be established by the superintendent.

NPS employees assigned to housing in which pets are permitted must meet conditions that protect park resources and government property. These conditions are identified in the park's Housing Management Plan.

36 CFR §2.16 – HORSES and PACK ANIMALS

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

- Horses, burros, mules, and other hoofed mammals.

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

- Blackberry Trail

Restrictions on locations for stock use are necessary to protect the resources from unacceptable damage and to avoid conflict among visitor use activities.

(d) Free-trailing or loose-herding is allowed on the following trails/routes, subject to the conditions noted:

- Free-trailing or loose-herding is prohibited throughout the Memorial.

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

- While in visitor parking areas, or any area not listed in subsection (b) above, horses and pack animals must remain inside a trailer.

Restrictions on locations for stock use are necessary to protect the resources from unacceptable damage and to avoid conflict among visitor use activities.

36 CFR §2.18 – SNOWMOBILES

(c) Snowmobiles may be operated only on routes designated in section 7.

- The operation of snowmobiles within the Memorial is prohibited.

36 CFR §2.19 – WINTER ACTIVITIES

(a) The following park roads and/or parking areas open to motor vehicle traffic may be used for skiing, snowshoeing, ice skating, innertubing, tobogganing, and similar winter activities under the conditions noted:

- There are no roads and/or parking areas in the Memorial that are available for skiing, snowshoeing, ice skating, innertubing, tobogganing, or similar winter activities.

(b) The towing of persons on skis, sled, or similar device by motor vehicle or snowmobile is allowed in the following areas and/or routes:

- The towing of persons on skis, sled, or similar device by motor vehicle or snowmobile is prohibited throughout the Memorial.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

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

- NPS housing area
- Concessioner dormitory area

Roller skates, skateboards, roller skis, coasting vehicles, and other such devices may create hazardous conditions when used on the same roadways as vehicles or on walkways traveled by pedestrians. They additionally cause damage to natural resources when used off pavement or other hard surfaces. Vehicle and pedestrian traffic are minimal in the NPS residential area and concessioner dormitory area.

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, including the use of e-cigarettes, as noted:

- Inside all buildings in the Memorial
- Amphitheater
- Balcony seating area
- Presidential Trail and Nature Trail
- Backcountry and all non-developed areas

Smoking is prohibited in the above areas to protect public health, to protect structures and resources from fire danger or smoke, and to prevent conflicts among visitor use activities. Smoking is allowed outdoors on paved walkways and roadways (not included in the list above) and in the visitor parking garage.

36 CFR §2.38 – EXPLOSIVES

(b) Fireworks and firecrackers may be possessed and/or used in the following areas, under the conditions noted:

- Possession of fireworks or firecrackers within the Memorial is prohibited.

36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS

(c)(2) Public assemblies or meetings are allowed at the time and locations pursuant to the terms and conditions of a permit that has been issued by the superintendent. Conditions for issuance of a permit are available in the office of the superintendent, and are also available online at http://www.nps.gov/moru/planyourvisit/permits.htm. A map of areas allowed for such activity is on file in the office of the superintendent and online at the above web address. All such permitted activity must fully comply with 36 CFR § 2.51. No other areas, besides the four listed below, are designated for such activity:

- Area 1: The “Greenway” area of the pedestrian trails leading from the visitor parking lot to the

visitor services area.
- Area 2: The walkway between the SW corner of Main Restroom/NW corner of Information Center and the back of the concession buildings (See map at link above for clarification).
- Area 3: The amphitheater stage and seating area.
- Area 4: The Borglum View Terrace

A permit is necessary to manage public assemblies and meetings in the park that may damage park resources or conflict with the overall safety and enjoyment of the park by the majority of park visitors, while allowing for First Amendment rights.

36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

The sale or distribution of printed matter is allowed at the time and locations pursuant to the terms and conditions of a permit that has been issued by the superintendent. Conditions for issuance of a permit are available in the office of the superintendent, and are also available online at http://www.nps.gov/moru/planyourvisit/permits.htm. A map of areas allowed for such activity is on file in the office of the superintendent and online at the above web address. All such permitted activity must fully comply with 36 CFR § 2.52. No other areas, besides the four listed below, are designated for such activity:

- Area 1: The "Greenway" area of the pedestrian trails leading from the visitor parking lot to the visitor services area.
- Area 2: The walkway between the SW corner of Main Restroom/NW corner of Information Center and the back of the concession buildings (See map at link above for clarification).
- Area 3: The amphitheater stage and seating area.
- Area 4: The Borglum View Terrace

A permit is necessary to manage sale or distribution of printed matter since such activities may conflict with the overall safety of visitors and employees, the right of park visitors to have free and unencumbered passage throughout park facilities, the right of park visitors to enjoy park values without non-value related intrusions, and basic operational needs.

36 CFR §2.62 – MEMORIALIZATION

(b) A permit is required for the scattering of ashes from cremated human remains, or in the following designated areas without a permit, in accordance with the following terms and conditions:

- Within the Memorial, the scattering of ashes from cremated human remains requires a permit.

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a) Park roads open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document (attached hereto):

- South Dakota Highway 244
- U.S. Highway 16A

(b) Routes and areas for off-road vehicle use are provided for in section 7 and in section 1.5(a)(2).

- Off-road vehicle use is prohibited throughout the Memorial.

(c)(1) Track-laying motor vehicles, or other motor vehicles equipped with a similar traction

device may be operated on the following routes under the terms and conditions noted:

- The operation of track-laying motor vehicles, or other motor vehicles equipped with a similar traction device only allowed for a documented National Park Service need.

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 permit as noted:

- Vehicle load, weight and size limits established by South Dakota State law apply within the Memorial.

36 CFR §4.21 SPEED LIMITS

(b) The Superintendent may designate a different speed limit upon any park road when a speed limit set forth in paragraph (a) of this section is determined to be unreasonable, unsafe, or inconsistent with the purposes for which the park area was established. Speed limits shall be posted by using standard traffic control devices.

- Due to steep grades, narrow lane widths, minimal unimproved shoulders, extensive curving, and traffic density, the speed limits set forth in §4.21(a) have been determined to be unreasonable and unsafe for the purposes for which the park area was established. Therefore, the Superintendent has designated the adoption of speed limits established on park roadways by the South Dakota Department of Transportation using the industry standards of: 1) 85th percentile speed study results for highway speed limits, and 2) ball bank testing for speed advisories on curves.

36 CFR §4.30 – BICYCLES

(a) Park roads and parking areas that are open to bicycle use are listed in section 1.5 of this document.

The following additional routes, in developed areas or special use zones, have been designated for bicycle use:

- The Memorial has no designated bicycle routes.

(b) Bicycle use is allowed in undeveloped areas as provided for in section 7.

- Bicycle use is prohibited in undeveloped areas of the Memorial.

(d)(3) Riding a bicycle abreast of another rider is allowed on the following routes:

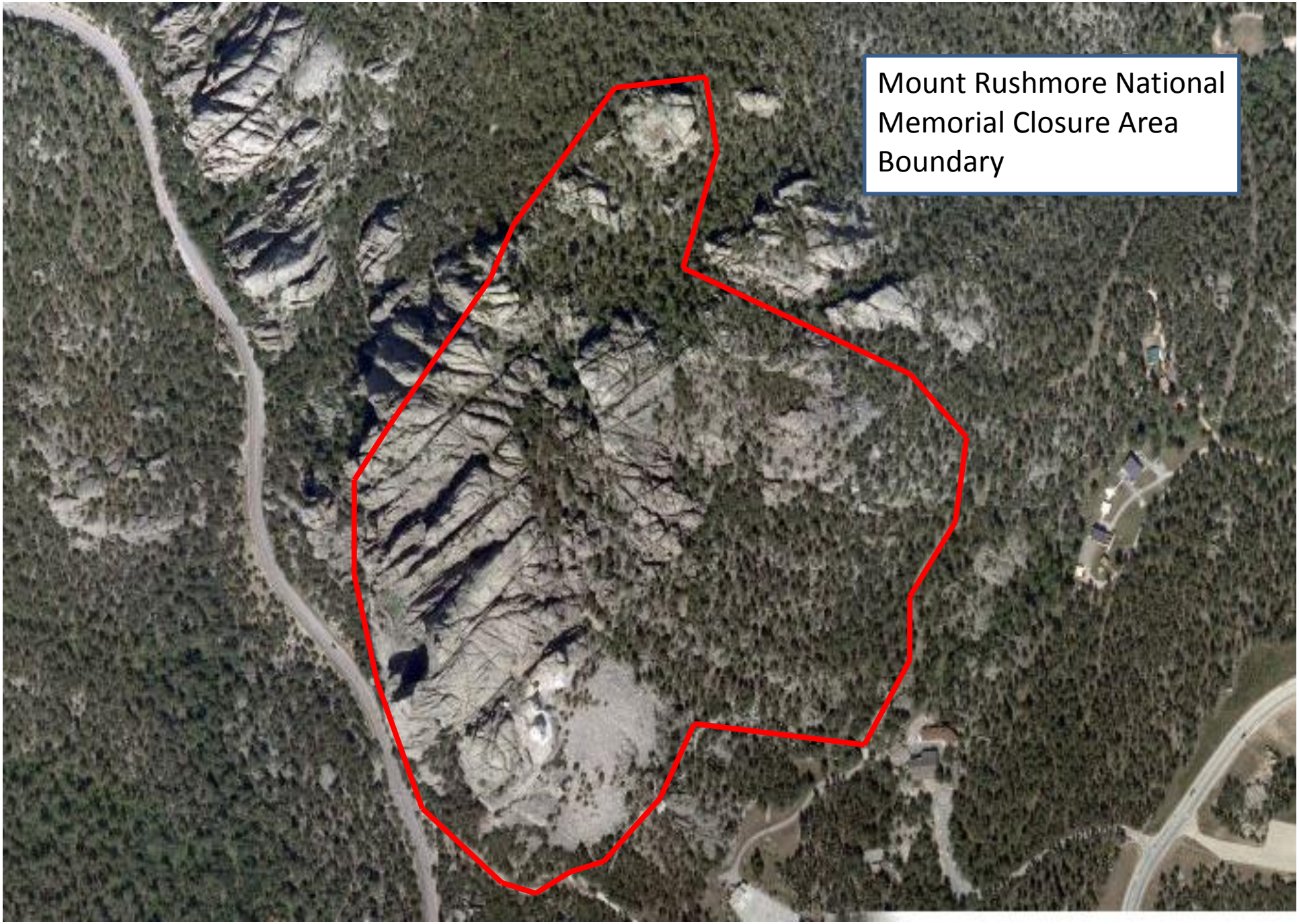
- Riding a bicycle abreast of another rider is prohibited within the Memorial.

36 CFR §4.31 – HITCHHIKING

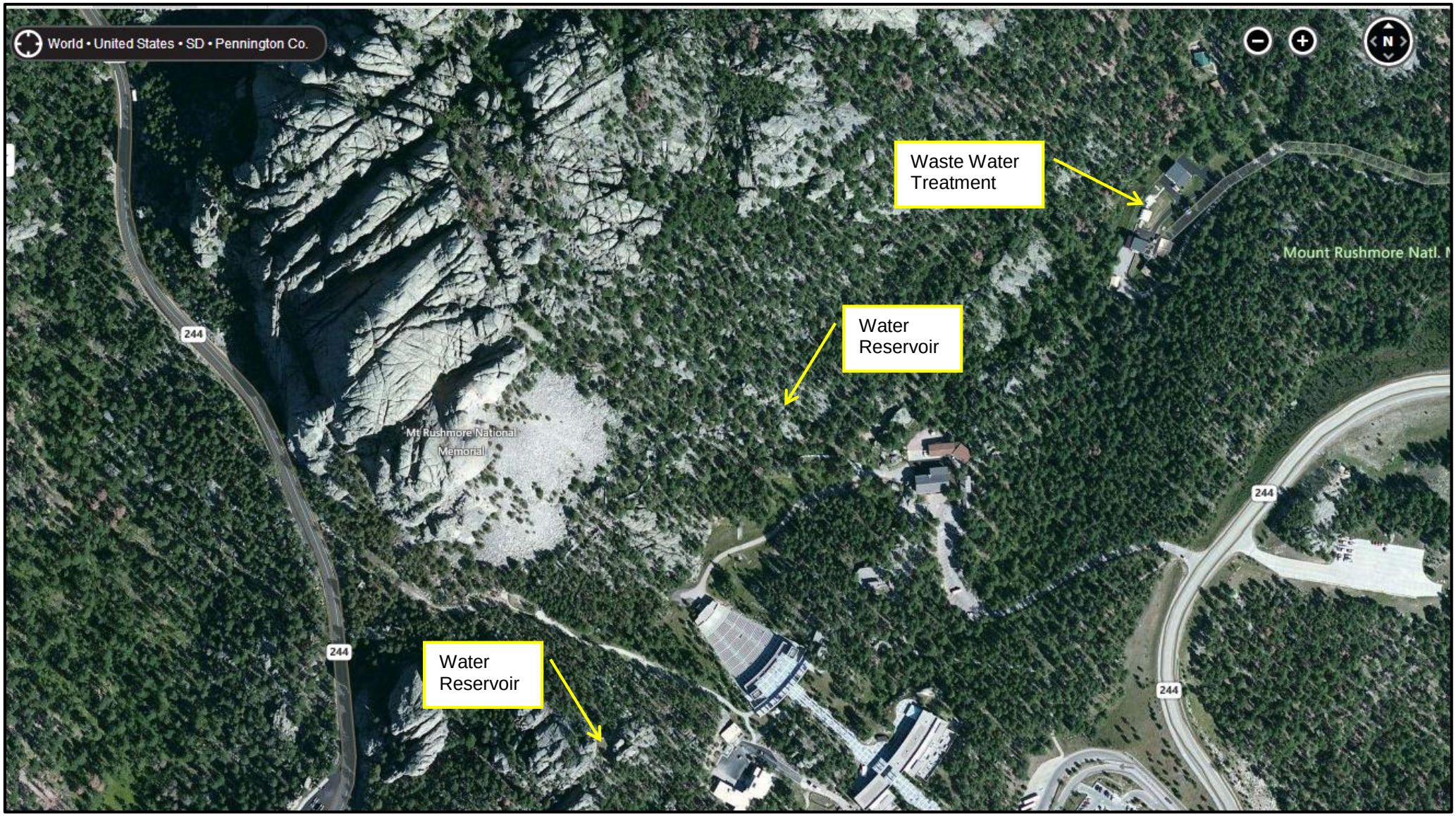
Hitchhiking is permitted in the following areas under the conditions noted:

- Hitchhiking is prohibited within the Memorial.

Map A



Map B


World • United States • SD • Pennington Co.
Waste Water Treatment
Water Reservoir
Water Reservoir
Mt Rushmore National Memorial
Mount Rushmore Natl. M
244
244
244
244

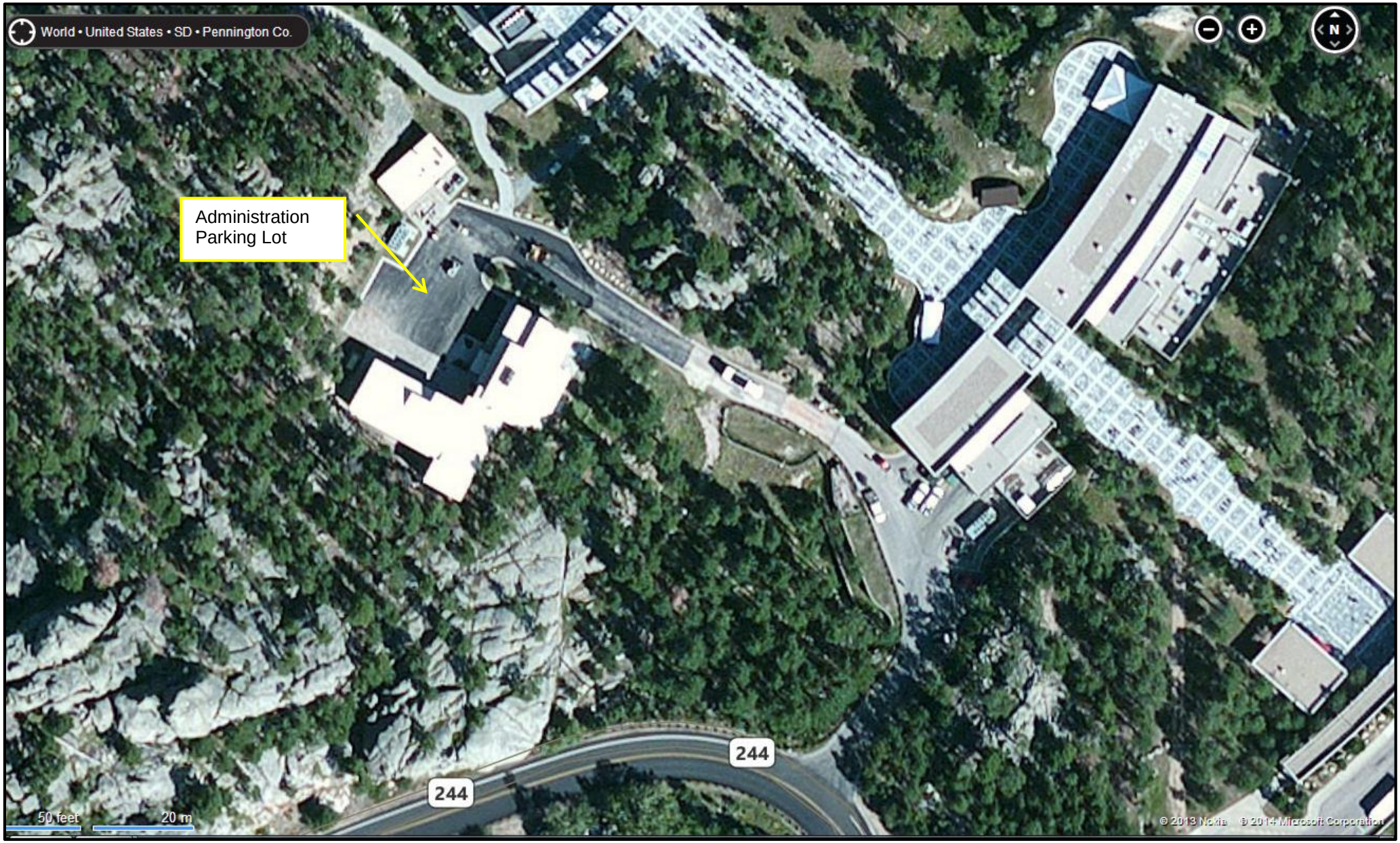
Map C

World • United States • SD • Pennington Co.
244
Doane Mountain Rd
NPS Housing Area
Concessioner Dormitory
250 feet
50 m
© 2013 Nokia
© 2014 Microsoft Corporation

Map D

World • United States • SD • Pennington Co.
Radio Tower
244
244
100 feet
25 m

Map E


World • United States • SD • Pennington Co.
Administration Parking Lot
244
244
50 feet
20 m

Map F

World • United States • SD • Pennington Co.
Amphitheater Road
Amphitheater Parking Lot
50 feet
20 m
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