



National Park Service
U.S. Department of the Interior

Petroglyph National
Monument

6001 Unser Blvd NW
Albuquerque, NM 87114

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

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Approved:

Nancy Hendricks, Superintendent

Date

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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 (U.S.C.) and CFR Titles. These regulations 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 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 U.S.C. 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: <https://gov.ecfr.io>

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

The NPS is granted broad statutory authority under 54 U.S.C. §102701 (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” (54 U.S.C. §100101). 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” (54 U.S.C. §100501).

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 (54 U.S.C. §100101-101301), 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.”

54 U.S.C. §100501 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, NPS, 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 visitors and other users, if use does not impair specific park resources or overall visitor experience. The appropriateness of any 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, then 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 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 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 the 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 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 persons entering, using, visiting or otherwise present on all federally owned lands, to include submerged lands, waters and all areas administered by the NPS within the legislative boundaries of Petroglyph National Monument (Park).

6. Enforcement of Compendium Requirements

The Park has *Concurrent Legislative Jurisdiction* which exists when both the state and federal governments have authority over a specific area. Usually this occurs when a state has ceded land to the United States but has reserved to itself the right to exercise its state authority. In these jurisdictions, both the state and federal governments may enforce their respective criminal laws and prosecute those who violate their respective laws.

Under concurrent legislative jurisdictional authority, NPS Law Enforcement Park Rangers enforce the requirements of the United States Code, 36 CFR, assimilated state regulations, and this Superintendent's Compendium within the legislative boundaries of the park. Many of the requirements of this compendium complement existing state/local law and other regulations that are in effect within the park and are enforced by state and local law enforcement officers. If a state or local law is recently enacted, this compendium does not replace or repeal that law.

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
Petroglyph National Monument
6001 Unser Boulevard NW
Albuquerque, NM 87120

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* or at the below link: [Definitions](#)

11. Availability

Copies of the Compendium are available for viewing at Petroglyph National Monument, 6001 Unser Blvd NW, Albuquerque, New Mexico 87120. It may also be found online at:

<https://www.nps.gov/petr/learn/management/lawsandpolicies.htm>

12. Closed Circuit Television (CCTV)

In accordance with National Park Service (NPS) Law Enforcement Reference Manual 9 (RM-9), notice is hereby given that Petroglyph National Monument uses Closed Circuit Television (CCTV) security camera monitoring.

The NPS's use of CCTV for law enforcement and security purposes and will only be to visually monitor public park areas and public activities where no constitutionally protected reasonable expectation of privacy exists. Such CCTV use – which will have adequate privacy and First Amendment safeguards – will be to help ensure public safety and security; facilitate the detection, investigation, prevention, and deterrence of terrorist activity; help ensure the safety of citizens and officers; help assist in the proper allocation and deployment of law enforcement and public safety resources; and help facilitate the protection of the innocent and the apprehension and prosecution of criminals.

This policy does not restrict the official use of CCTV in government administrative areas, including administrative buildings, jail holding facilities, revenue collection sites, etc., where the government may record/monitor its facilities. For example, the government may perform unrestricted video/audio recording at revenue collection points (entrance stations, visitor center counters, etc.). This policy does not restrict the use of an Audio/Visual Recording Device (AVRD) in patrol vehicles or officer-worn recording devices used by commissioned rangers.

Operation of CCTV cameras will be in accordance with NPS and Department policy. No person will be targeted or monitored merely because of race, religion, gender, sex, disability, national origin, or political affiliation or views.

Nothing in this policy statement is intended to create any rights, privileges, or benefits not otherwise recognized by law.

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 54 United States Code §100501, the following regulatory provisions are established for the proper management, protection, government and public use of Petroglyph 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.

I. PUBLIC USE LIMITS

36 CFR §1.5 Closures and public use limits

(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 for all public use or for a specific use or activity:

Hiking and Pedestrian Access and Use

- Hiking and pedestrian access is allowed only at the designated primary and secondary access points at trailheads; hiking and pedestrian use is restricted to the designated trails in the monument.
- All trail or area-closed signage when posted is in effect.
- There is no designated trail or access to the top of JA Volcano or Vulcan Volcano as per the posted signage.

Determination: Petroglyph National Monument is a culturally sensitive park and the restrictions are required for protection of petroglyphs, archeological resources, and other park resources; re-vegetation of landscape and erosion-control efforts; reduction of un-authorized paths and illegal use (e.g., bicycles, off-road vehicles and motorcycles). These changes are in accordance with the implementation of the Visitor Use Management Plan, approved in 2019.

Gate and Parking Lot Hours

- The vehicle gates at the Rinconada Canyon main trailhead parking lot are open from 8 a.m. to 5 p.m. daily, every day of the year, except for three days when it remains closed (Thanksgiving Day, December 25, and January 1) and during severe weather and for other safety concerns.
- The vehicle access gate into Volcanoes Day Use Area main parking lot is open from 9 a.m. to 5:00 p.m. daily, every day of the year, except for three days when it remains closed (Thanksgiving Day, December 25, and January 1) and during severe weather and for other safety concerns.
- The vehicle access gate into South Point Day Use Area parking lot is open from 8:30 a.m. to 5:00 p.m. daily, every day of the year, except for three days when it remains closed (Thanksgiving Day, December 25, and January 1) and during severe weather and for other safety concerns.
- The vehicle access gate into Boca Negra Canyon is open from 8:30 am to 4:00 p.m. daily, every day of the year, except for three days when it remains closed (Thanksgiving Day, December 25, and January 1) and during severe weather and for other safety concerns.
- The vehicle access gate into the Las Imágenes Information Center and developed area is open from 8:30 a.m. to 4:00 p.m. daily, every day of the year, except for three days when it remains closed (Thanksgiving Day, December 25, January 1) and during severe weather and for other safety concerns.
- All vehicles must vacate the parking lot by listed closing hours or be subject to impounding and owners subject to after-hours violation resulting in a citation and/or fines.
- Updates and special closures for gate and parking lot hours are provided on the park's website at: [Basic Information - Petroglyph National Monument \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/basic-information-petroglyph-national-monument).
- The employee parking lot at the Las Imágenes Information Center is closed to public vehicle and pedestrian access. There are no public services or trail access from this parking lot.

Park Information Center and Park Hours

- The Las Imágenes Information Center hours are posted on the park's website at: [Basic Information - Petroglyph National Monument \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/basic-information-petroglyph-national-monument). The Las Imágenes Information Center is closed Thanksgiving Day, December 25, and January 1 and during severe weather and for other safety concerns.
- The park is closed to all public use from 30 minutes after sunset to 30 minutes prior to sunrise unless present under an approved permit issued by the Superintendent. The daily sunset/sunrise times for Albuquerque can be found at the following address: <http://www.timeanddate.com/astronomy/usa/albuquerque>.

Determination: *Lack of artificial lighting on monument trails creates an unsafe environment during dark hours, which could lead to visitor injuries. Petroglyph National Monument was set aside to protect over 20,000 petroglyphs within the monument. The park has a documented history of vandalism (e.g., graffiti and gunshot damage to the petroglyphs), off-road driving and trash dumping. This activity commonly occurs during hours of darkness, and the illegal activity is unlikely to be witnessed by other visitors. This closure is consistent with Albuquerque Open Space Division (ABQOSD) Ordinances prohibiting presence on open space lands during later hours.*

Mesa Point

- The top of Mesa Point within Boca Negra Canyon site is accessible only by NPS-approved or NPS- or Open Space-led guided tour and/or authorized under a special use permit or research permit. Visitors may hike on the main portion of Mesa Point trail, however, the approximate 160-foot-long spur trail to the top of Mesa Point is closed and unauthorized access to the top of Mesa Point is prohibited.



Determination: Petroglyph National Monument is a culturally sensitive park and the restrictions at Mesa Point are required to protect from ongoing resource damage. Efforts, such as signage and trail cabling were used to attempt to prevent ongoing resource damage from people accessing the site. These efforts have proved ineffective necessitating the closure of the spur trail and top of Mesa Point.

Northern Geologic Window, Southern Geologic Window, and Piedras Marcadas Pueblo Site

- The Northern Geologic Window (NGW), Southern Geologic Window (SGW), and the Piedras Marcadas Pueblo Site (Pueblo) are accessible only by NPS-approved or NPS-led guided tour and/or as authorized under a special use permit or research permit.

Determination: Petroglyph National Monument is a culturally sensitive park and the restrictions at NGW, SGW, and the Pueblo site are required for protection of petroglyphs, archeological resources, and other park resources, re-vegetation of landscape, erosion-control efforts, reduction of unauthorized paths and illegal use (e.g., bicycles, off-road vehicles and motorcycles). These changes are in accordance with the implementation of the Visitor Use Management Plan, approved in 2019.

Rock Climbing / Scrambling

Rock Climbing or scrambling (whether technical (aided) or free (unaided)) is prohibited in Petroglyph National Monument.

***Determination:** Allowing rock climbing would be contrary to the reasons for the establishment of Petroglyph National Monument, which is to protect the cultural, and natural resources, especially the petroglyphs, which are located primarily on the Escarpment. Rock climbing or scrambling, even on a limited basis, could result in unacceptable damage to the park's resources (e.g., archeological sites, raptor habitat, etc.), especially its signature resource – the Petroglyphs.*

Hot Air Balloon Launchings/Landings

Hot air balloon launchings and/or landings (including temporary touchdowns) are prohibited from/in Petroglyph National Monument.

***Determination:** Hot air balloon landings would be contrary to the reasons for the establishment of Petroglyph National Monument. Balloon landings are unpredictable and potentially destructive to fragile desert grasslands, sensitive archeological sites/ structures and government property. Unauthorized launchings and/or landings can endanger persons, property and cultural/natural resources on the ground.*

Un-manned Aircraft

Launching, landing, or operating an uncrewed or remotely piloted aircraft from or on lands and waters administered by the National Park Service within the boundaries of Petroglyph National Monument is prohibited except as approved in writing by the superintendent.

***Determination:** This compendium closure is necessary to maintain public health and safety in Petroglyph National Monument and to protect park resources and values until specific uses are determined appropriate and will not cause unacceptable impacts on park resources and values. These closures by the Superintendent implement Section 1.5 of NPS Management Policies 2006, which provides that a new form of park use may be allowed within a park only after a determination has been made in the professional judgement of the Superintendent that it will not result in unacceptable impacts on park resources and values. Recreational uses, and use by visitors, of un-manned aircraft are determined to be inappropriate and will have unacceptable impacts on park resources and values. The Superintendent will evaluate any official requests for use to determine when the benefits of the use (firefighting, search and rescue, etc.) are sufficient and proper mitigations are in place.*

Segways, Motorized Scooters and Motorized Wheelchairs

Segways and motorized scooters, as defined under 36 CFR § 1.4, are motor vehicles. Pursuant to 36 CFR § 1.5(a) and 4.10(a) segways and motorized scooters are prohibited from all areas within the Park including all Park roads, trails, and sidewalks. Motorized wheelchairs are defined separately and are not considered motor vehicles.

Mobility Assistance Exception

Any park visitor needing mobility assistance is permitted to use a motorized wheelchair, segway or motorized scooter in designated areas throughout the Park, including all structures, facilities, park roads, sidewalks, and other paved surfaces where the public is allowed access and when such devices are used for the sole purpose of mobility assistance. Use of any mobility assistance device, as outlined above, must also adhere to the following:

- a) No person under 16 years of age may operate a mobility assistance device without direct adult supervision.

- b) A person shall operate any mobility assistive device in a safe and responsible manner so as not to endanger themselves or any other Park visitor.
- c) A person riding any mobility assistance device shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobility assistance device operator must always yield to pedestrians.
- d) Motorized devices for mobility assistance may only be used on paved surfaces within the park.

Determination: *The segway is a two-wheeled, gyroscopically stabilized, battery-powered personal transportation device. While segways and motorized scooters (or similar devices) are not “designed solely for” mobility-impaired persons and thus do not meet the definition of a motorized wheelchair in 36 CFR Section 1.4, some individuals needing mobility assistance use these devices as their means of personal mobility, in lieu of more traditional devices like the wheelchair. As stated in NPS Management Policies, Section 8.2.4, and described in more detail in Director’s Order 42, the NPS is committed to making all reasonable efforts to make its programs, facilities, and services accessible to people needing mobility assistance. The NPS has set a goal of ensuring that all people, including persons needing mobility assistance, have the highest level of accessibility that is reasonable to our programs, facilities, and services in conformance with applicable regulations and standards. Allowing the use of motorized wheelchairs, segways and motorized scooters in the park by people needing mobility assistance is part of this effort. In that light, managers have determined that the use of motorized wheelchairs, segways, motorized scooters and similar devices by persons needing mobility assistance is safe and appropriate in all paved areas of the park currently open to access by the public.*

Restricted Buildings or Grounds

The Ranger Station-Resource Management building at Lava Shadows and the immediate surrounding area is closed to the general public unless under explicit invite and escort in order to protect the integrity of sensitive files and information systems.

The Petroglyph National Monument Headquarters area at 6001 Unser Blvd, NW, Albuquerque, is restricted to the general public, including loitering inside the interior of the building unless for official government business or under explicit invite and escort in order to protect the integrity of files and information systems.

Other areas closed to the general public include: (1) Headquarters maintenance yard and buildings, (2) Facility management building. Interior employee offices, rooms, and corridors are not open to the general public and access is restricted. This is needed for public safety due to heavy equipment and machinery that may be operating in these areas.

36 CFR 1.5(a)(2) - Designate Areas for a specific use or activity or impose conditions or restrictions on a use or activity.

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.

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.

II. GENERAL PROVISIONS

36 CFR §1.6 Activities That Require A Permit

- (f)(1) A compilation of those activities requiring a permit shall be maintained by the Superintendent and available to the public upon request. Special Use Permits (including Educational and Cultural Use Special Use Permits) and Commercial Use Authorizations are requested through the Chief of Interpretation. Research Permits are requested through the Resource Management Office. A message can be left for these offices at the main park phone number 505-899-0205.

The following activities require permits:

- 36 CFR 1.5(d) For any exceptions to Closures and Public Use Limits as stated in this document.
- 36 CFR 2.1(c)(1) Collection of plants, fruits, berries, nuts, or other similar natural resource products by tribal or non-tribal entities.

- 36 CFR 2.12 Audio Disturbances (chain saws, public address systems, portable motors, etc.)
- 36 CFR 2.17 Aircraft and Air Delivery (delivery or retrieval of a person or object by air, removal of a downed aircraft, landing of an aircraft)
- 36 CFR 2.37 Non-commercial soliciting or demanding gifts, money, goods or services
- 36 CFR 2.38 (b) Use or Possession of Explosives and/or Fireworks
- 36 CFR 2.5 Research Permits (a) Taking plants, fish, wildlife, rocks or minerals except in accordance with other regulations in this chapter or pursuant to the terms and conditions of a specimen collections permit, is prohibited. Qualifying researchers must comply with the General Condition for Scientific Research and Collecting Permit as described under the National Park Service Research Permit and Reporting System.
- 36 CFR 2.50 (a) Conducting a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and/or similar events.
- 36 CFR 2.51 (b) Public Assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views
- 36 CFR 2.52 (b) Sale or distribution of printed material
- 36 CFR 2.60(b) Livestock Use
- 36 CFR 2.61(a) Residing on Federal Lands
- 36 CFR 5.1 Displaying, posting, or distributing commercial notices or advertisements.
- 36 CFR 5.3 Engaging in or soliciting any business.
- 36 CFR 5.5 Filming/Photography
 - Some filming, still photography, and audio recording (depends upon the facts and circumstances; contact the park for more information). 36 CFR 1.5(a)(2) and 54 U.S.C. 100905
- 36 CFR 5.6(c) Use of commercial vehicles on monument roads to access adjacent private lands.
- 36 CFR 5.7 Constructing or attempting to construct any building, structure, dock, road, trail, path, or public/private utility upon, across, over, through, or under any monument area.

36 CFR §2.1 Preservation of Natural, Cultural and Archaeological Resources

(b) Off-trail use and short-cutting designated trails is prohibited.

(c)(1) Collecting of any plant material or vegetative products including berries is prohibited.

***Determination:** Petroglyph National Monument is a culturally sensitive park and these restrictions are required for protection of petroglyphs and other park resources, re-vegetation of landscape, erosion-control efforts, reduction of un-authorized paths and to create a more organized and sustainable system of trails throughout the monument.*

36 CFR §2.2 Wildlife Protection

(e) Use of artificial light for purposes of viewing wildlife in the park is prohibited.

***Determination:** Petroglyph National Monument is a day use park. Night viewing of wildlife with artificial lights has no place within the enabling legislation of the monument and the protection of its resources.*

36 CFR §2.10 Camping

There are no designated camping areas within the park; and therefore, overnight camping is prohibited.

***Determination:** Petroglyph National Monument is in an urban area with numerous options for camping and lodging within the city of Albuquerque. The park has minimal staff and no facilities or infrastructure to accommodate overnight camping.*

36 CFR §2.13 Fires

(a)(1) Lighting or maintaining an open fire in the park is prohibited.

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

- The use of a propane, gas, or any other fuel powered “Coleman” type stove or lantern is limited to the parking lots and/or picnic shelters at Las Imágenes Information Center, Rinconada Canyon Trailhead, Volcanoes Day Use Area, Boca Negra Canyon, and South Point Day Use Area.
- During very high or extreme fire danger by order of the Superintendent, additional closures and/or fire restrictions may be posted and enforced.

***Determination:** Albuquerque is a desert environment and relatively dry year-round with a high fuel loading of grass and tumbleweeds; wildland fire start is a constant concern. The park is an urban interface wildland fire area that has residential and commercial development directly on the boundaries of the park. Visitor safety and federal, city, and private property would be in serious jeopardy with a fire start. Visitors may contact the park information center at (505) 899-0205, or check the park website at www.nps.gov/petr to see current conditions and any posted fire restriction notices.*

36 CFR §2.15 Pets

(a)(1) *Pets are prohibited in the following areas:

- All petroglyph viewing trails (Mesa Point, Macaw, Cliff Base) in Boca Negra Canyon.
- The crater or top of Black Volcano. (JA and Vulcan Volcano craters are also closed to humans and pets)

(a)(2) Failing to crate, cage, restrain on a leash which shall not exceed six feet in length, or otherwise physically confine a pet at all times while in all areas of the park is prohibited.

(a)(3) Pets are not allowed to be unattended and/or tied to an object in the park unless it is due to a serious incident or emergency.

(a)(5) Pet excrement must be immediately collected and removed from the park by the pet owner. Trash receptacles and ‘mutt mitt’ stations for collecting and disposing of pet excrement are provided at the primary park trailheads.

The term “Pet” is defined in 36 CFR 1.4, as, a dog, cat or any animal that has been domesticated.

*Service animals are exempt from the park's pet policies and, when accompanying an individual with a disability, they are allowed wherever visitors are allowed. A service animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Determination: *These restrictions are necessary to provide for the protection of park resources, wildlife, and public safety. While visiting the park with pets can be a positive pet owner experience, pets have been shown to have negative impacts on park resources, wildlife, and visitors. These impacts include, noise, pursuit and harassment of wildlife, defecation, scent marking of wildlife habitat and aggressive, violent behavior. These restrictions are also necessary to keep pets safe from park wildlife, such as rattlesnakes and coyotes.*

36 CFR §2.16 Horses and Pack Animals

(g) Violation of conditions which may be established by the Superintendent concerning the use of horses and pack animals.

- The use of horses, burros, mules, and other hoofed mammals are prohibited within Petroglyph National Monument.

Determination: *These restrictions are necessary to prevent greater erosional impacts to archeological resources. The potential impacts from horse or other hoofed mammal use on monument resources such as erosion and soil compaction have been considered, especially should horses be inadvertently or advertently taken off trail.*

36 CFR §2.17 Aircraft and Air Delivery

(c)(1) The removal of a downed aircraft, components, or parts thereof is allowed, with prior written authorization from the Superintendent of Petroglyph National Monument who will subsequently establish removal procedures.

(d) The use of aircraft in the park shall be in accordance with regulations of the Federal Aviation Administration. Such regulations, including but not limited to the following outlined below in 14 CFR §91.119, are adopted as a part of these regulations.

14 CFR §91.119 Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) Anywhere. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) Over congested areas. Over any congested area of a city, town, or settlement, or over any open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) Helicopters, powered parachutes, and weight-shift-control aircraft. If the operation is conducted without hazard to persons or property on the surface—

- (1)** A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA; and

(2) A powered parachute or weight-shift-control aircraft may be operated at less than the minimums prescribed in paragraph (c) of this section.

[Doc. No. 18334, 54 FR 34294, Aug. 18, 1989, as amended by Amdt. 91-311, 75 FR 5223, Feb. 1, 2010]

During the annual International Balloon Fiesta event held for 14 days in the first part of October, the Park will be in a Yellow Prohibited Zone (meaning no landings or launches allowed). The Park will allow balloon pilots participating in a balloon fiesta event to fly as low as 200' AGL over the open areas of the Park if a Certificate of Waiver from 14 CFR §91.119 is granted to them by the FAA.

***Determination:** These restrictions are necessary to provide for the protection of sensitive cultural and natural resources in the park; to develop proper processes and procedures and to maintain an orderly, safe removal of aircraft-related items from the park. FAA regulations on safe altitudes will be monitored in the park to provide for visitor safety and enjoyment that would be expected within a national park environment.*

36 CFR §2.21 Smoking

(a) The Superintendent may designate a portion of a park area, or all or a portion of a building, structure or facility as closed to smoking when necessary to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities. Smoking in an area or location so designated is prohibited.

- Smoking is prohibited in the park including on all park trails except within private vehicles, designated parking areas and other locations designated by signage as smoking areas.

(b) Smoking is prohibited within all caves and caverns.

The smoking policies and prohibitions as stated above also include the practice of vaping with electronic (e-) cigarettes. The vapor or aerosol emitted by the e-cigarette can activate the smoke alarms within the government buildings causing an un-necessary fire department emergency response.

***Determination:** These restrictions are necessary to provide for the health and safety of the public and park employees by maintaining a smoke-free environment within enclosed buildings and reducing the chance of a fire start in the park vegetation. During very high or extreme fire danger, additional smoking restrictions may be necessary to prevent the start of a wildland fire that would damage both park resources and surrounding communities.*

36 CFR §2.35 Alcoholic Beverages*

(a)(3)(i) All areas of the monument are closed to the consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed.

*An exception will be made, if the consumption of alcoholic beverages is within the course of administering a religious or cultural ceremony by a member of the Native American community.

***Determination:** Allowing the public consumption of alcoholic beverages is contrary to the purposes for which the park was established. Public consumption of alcoholic beverages on trails, escarpment rocks, open public land, primitive roadways and parking lots throughout the park would create an unsafe environment leading to visitor injuries. The park has a documented history of vandalism, trash dumping and shooting. Incidents of vandalism to the park resources, specifically the petroglyphs,*

increase with the use of alcoholic beverages and controlled substances. This restriction is also consistent with ABQOSD Ordinances.

36 CFR §2.51 Demonstrations

(b) Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the Superintendent has issued a permit for the activity.

Groups of 25 or less meeting all the conditions listed in 36 CFR §2.51 are not required to have a permit.

The amphitheater (southwest of the Las Imágenes Information Center) is designated as a demonstration area for first amendment activities in the park. The park may allow through a permitting process, other areas of the park for these activities depending on the specific activity requested. Demonstrations cannot interfere with foot traffic or block any public entrances. The Superintendent will consider request for permits on a case-by-case basis, using the criteria listed in 36 CFR 2.51(c). See Appendix A for a detailed map of the specific area.

***Determination:** Per 36 CFR §2.51(c)(2), the Superintendent must designate on a map, which must be available in the office of the Superintendent and by public notice under §1.7 of this chapter, the locations designated as available for demonstrations and the sale of distribution of printed matter.*

36 CFR §2.52 Sale or Distribution of Printed Matter

The sale or distribution of printed matter involving more than 25 people requires a permit per 36 CFR §2.51(b). The amphitheater (southwest of the Las Imágenes Information Center) is designated as an acceptable area for the sale or distribution of printed matter. The park may allow through a permitting process, other areas of the park for these activities depending on the specific activity requested. Sale or distribution areas may not interfere with foot traffic or block any public entrance. See Appendix A for a detailed map of the specific area.

***Determination:** Per 36 CFR §2.51(c)(2), the Superintendent must designate on a map, which must be available in the office of the Superintendent and by public notice under §1.7 of this chapter, the locations designated as available for demonstrations and the sale of distribution of printed matter.*

36 CFR §2.62 Memorialization

(a) The erection of monuments requires approval from the NPS Regional Director.

(b) The scattering of human ashes from cremation in Petroglyph National Monument is prohibited.

***Determination:** The Park was created for preservation and interpretation of archeological resources, and to facilitate research activities associated with these resources. By introducing outside cremated remains, or monuments, contamination of park resources would occur, which impacts the ability to conduct research.*

36 CFR §4.21 Speed Limits

(c) Speed limits for bicycles and e-bikes on all monument roads and trails is 15 miles per hour unless otherwise posted. See 36 CFR for speed limit requirements for motor vehicles.

***Determination:** A speed limit over 15 miles per hour on monument roads and trails for bicycles and e-bikes has been determined to be unreasonable, unsafe or inconsistent with the purposes for which the park area was established.*

36 CFR §4.30 Bicycles

(f) *Closures and other use restrictions:* A Superintendent may limit or restrict or impose conditions on bicycle use or may close any park road, parking area, administrative road, trail, or portion thereof to bicycle use, or terminate such conditions, closures, limits or restrictions after:

1. Taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives; and
2. Notifying the public through one or more methods listed in 36 CFR 1.7 (a).

Bicycles are permitted in the following areas:

- On Atrisco Road entering Boca Negra Canyon, then continuing north up the paved multi-use bike path (old Atrisco Road alignment) to the top of the mesa.
- The crusher fine trail on the West Boundary of Upper Boca Negra Canyon, from the top of the mesa to Compass Dr. NW to Camino Alderete NW.
- On the access trail (shown on Google maps as Boulevard De Oest Lane) that crosses the western edge of the Northern Geologic Window from Paseo Del Norte Blvd. NE to the Paseo de la Mesa multipurpose trail.
- Paved park roads and paved parking areas that are otherwise open for motor vehicle use by the general public.

All other areas within Petroglyph National Monument are closed to bicycles.

(i) *Electric bicycles*

(1) The use of an electric bicycle may be allowed on park roads, parking areas, and administrative roads and trails that are otherwise open to bicycles. The Superintendent will designate the areas open to electric bicycles, or specific classes of electric bicycles, and notify the public pursuant to 36 CFR 1.7.

(2) The use of an electric bicycle is prohibited in locations not designated by the Superintendent under paragraph (i)(1) of this section.

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.) that provides propulsion assistance.

Electric Bicycles are permitted in the following areas:

- E-bikes are allowed on the park’s paved roads and paved parking areas that are otherwise open for motor vehicle use by the general public.
- E-bikes are permitted wherever traditional bicycles are permitted.

E-bikes are prohibited where traditional bicycles are prohibited.

A 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 the park is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

Determination: *These restrictions are based on regulations contained in 36 Code of Federal Regulation 4.30 and consultation with traditionally associated Pueblos and Tribes. The presence of bicyclists (traditional or e-bikes) within the monument would be more intrusive to the inherent peaceful, sacred, qualities of the Volcanoes and their setting and would be less respectful of the traditional associations that the Pueblos and Tribes have with the area.*

**APPENDIX A - DESIGNATED AREA
FOR PUBLIC ASSEMBLY
AND/OR
DESIGNATED AREAS FOR SALE AND/OR DISTRIBUTION
OF PRINTED MATERIAL
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
COMPENDIUM**



Figure 1. First Amendment Areas – primary area (A) and secondary area (B).

APPENDIX B - DEFINITION OF TERMS
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
COMPENDIUM

Above Ground Level, or AGL, describes the literal height above the ground over which you're flying.

Archeological resource means material remains of past human life or activities that are of archeological interest and are at least 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, or any portion or piece of the foregoing items, and the physical site, location or context in which they are found, or human skeletal materials or graves.

Camping means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy.

Concurrent Legislative Jurisdiction exists when both the state and federal governments have authority over a specific area. Usually this occurs when a state has ceded land to the United States but has reserved to itself the right to exercise its state authority. In these jurisdictions, both the state and federal governments may enforce their respective criminal laws and prosecute those who violate their respective laws.

Controlled substance means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of part B of the Controlled Substance Act (21 U.S.C. 812) or a drug or substance added to these schedules pursuant to the terms of the Act.

Cultural resource means material remains of past human life or activities that are of significant cultural interest and are less than 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, or any portion or piece of the foregoing items, and the physical site, location, or context in which they are found, or human skeletal materials or graves.

Developed area means roads, parking areas, picnic areas, campgrounds, or other structures, facilities or lands located within development and historic zones depicted on the park area land management and use map.

Downed Aircraft means an aircraft that cannot become airborne because of mechanical failure, fire or accident

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.) that provides propulsion assistance.

Firearm means a loaded or unloaded pistol, rifle, shotgun or other weapon that is designed to, or may be readily converted to; expel a projectile by the ignition of a propellant.

Motor vehicle means every vehicle that is self-propelled and every vehicle that is propelled by electric power, but not operated on rails or upon water, except a snowmobile and a motorized wheelchair.

Non-developed area means all lands and waters within park areas other than developed areas.

Pack animal means horses, burros, mules or other hooved mammals when designated as pack animals by the superintendent.

Park road means the main-traveled surface of a roadway open to motor vehicles, owned, controlled or otherwise administered by the National Park Service.

Permit means a written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.

Person means an individual, firm, corporation, society, association, partnership, or private or public body.

Pet means a dog, cat or other animal that has been domesticated.

Possession means exercising direct physical control or dominion, with or without ownership, over property, or archeological, cultural or natural resources.

Public Use Limit means the number of persons; number and type of animals; amount, size and type of equipment, vessels, mechanical modes of conveyance, or food/beverage containers allowed to enter, be brought into, remain in, or be used within a designated geographic area or facility; or the length of time a designated geographic area or facility may be occupied.

Service Animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Emotional support or comfort animals are not service animals (policy memorandum 18-02 update Oct 18, 2018)

Smoking means the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.

Specimen means an individual animal, plant, piece of a mineral, etc., used as an example of its species or type for scientific study or display.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

Unmanned Aircraft: 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). The term includes all types of devices that meet this definition (e.g., model airplanes, quad copters, and drones) that are used for any purpose, including for recreation or commerce.

Vehicle means every device in, upon, or by which a person or property is or may be transported or drawn on land, except snowmobiles and devices moved by human power or used exclusively upon stationary rails or track.

Weapon means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, spear gun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a weapon the possession of which is prohibited under the laws of the State in which the park area or portion thereof is located.