

# CODE OF FEDERAL REGULATIONS

## TITLE 36, CHAPTER 1

### COMPENDIUM

of Designations, Closures,  
Permit Requirements and  
Other Restrictions  
imposed under the discretionary  
authority of the Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 7, authorized by Title 54, United States Code, Section 102701, the following regulatory provisions are established for the proper management, protection, government and public use of the **Russell Cave 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.

Written determinations which include the reasons justifying the Superintendent's use of discretionary authority, as required by 36 CFR, Chapter 1, Part 1, Section 1.5(c), appear in this document in *italicized* print.

#### Recommended:

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**Chief Ranger**  
Russell Cave National Monument

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**Date**

#### Approved:

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**Acting Superintendent**  
Russell Cave National Monument

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**Date**

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 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 Russell Cave National Monument. 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:**

- Russell Cave National Monument is a day use only location. The visiting hours are 08:00 AM to 4:30 PM (*Justification: To provide for reasonable and safe public access to the park and trails and to protect cultural, natural and archeological resources*)

**Closures:**

***Drones/Unmanned Aircraft***

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Russell Cave National Monument is prohibited except as approved in writing by the superintendent. (*Justification: to maintain public health and safety and to protect park resources and values within Russell Cave National Monument. This temporary closure will remain in effect 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.*)

***Cave***

- All cave entrances or access locations are closed to the public, to include but not limited to: Ridley, Picnic, Pig, Canoe, Buckeye, Main, James, Stump, Montague, Corner Sinkhole, Russell Road, Russell Point, Howard's Hole, Roy's Plunge, Cave Below the Road, Boundary Sink are closed to public access. (*Justification: To protect archeological resources and to prevent the spread of white nose bat syndrome.*)

***Creek***

- Walking, climbing, wading or swimming in Dry Creek, creek bed or its tributaries is prohibited. (*Justification: To provide for reasonable and safe public access to view the cave area and to protect cultural, natural and archeological resources.*)

## **Emergency Closures**

- During periods of severe weather conditions, all or portions of, Russell Cave National Monument may be closed to the public in the interest of public safety. (*Justification: To provide for public safety and enjoyment*)

(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**

(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 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 restriction 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.*

*Justification: To provide for public safety and visitor enjoyment and to protect the resources located within the park boundaries.*

## **VIRTUAL GEOCACHING AND SIMILAR ACTIVITIES**

(a)(2) Any activity (for example, the activity known as “virtual geocaching”), in which a location is marked or specified by means of Global Positioning System (GPS), map or any means other than a physical marking or object placed at the site of the location, and which is done with the intent that such locations will be searched for or sought out by others, must be conducted pursuant to a permit issued by the Superintendent.

*Justification: Activities such as “virtual geocaching,” as compared to traditional geocaching activities, are generally less likely to have negative effects on park resources, in that they do not involve the burying or concealment of objects within the park. However, as in the case of traditional geocaching, such activities have the potential to attract large numbers of visitors to areas or locations which are not otherwise subject to significant public impact, and which may be unusually fragile or sensitive. The requirement of a permit allows park staff to ensure that such locations are situated in areas that are not likely to be negatively affected by increased public visitation.*

## **E-Bikes**

- The term “e-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).
- E-bikes are allowed in Little River Canyon National Preserve where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.
- 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 Little River Canyon National Preserve 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.

## **36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT**

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

The following are some of the activities that require a permit.

- Groups in excess of 25 people
- Placement/Replacement of Fixed Protection for Rock Climbing
- Collection of Research Specimens
- Special Events
- Public Assemblies/Meetings
- Sale/distribution of Printed Matter
- Noncommercial Soliciting
- Scattering Human Ashes
- Commercial Advertisements
- Business Operations
- Construction of Buildings or Other Facilities
- Camping Outside Designated Areas
- Weddings
- Birthday Parties or Celebrations

*(Justification: To provide for public safety and enjoyment)*

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

(a)(5) Walking, hiking or jogging is limited to established trails and roads, improved or not. *(Justification: To protect natural, cultural and archeological resources and to provide for public safety)*

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

- (c)(1) Individuals may collect by hand blackberries, blueberries, persimmons, hickory nuts, muscadine grapes, or walnuts for personal use and consumption.
- (c)(2) Individuals may collect by hand up to one gallon per day, per species for personal use and consumption.

*(Justification: To provide for public enjoyment and the protection of natural resources)*

### **36 CFR §2.2 - WILDLIFE PROTECTION**

(a)(1) Hunting in Russell Cave National Monument is prohibited. *(Justification: Hunting is not authorized under Federal statutory law and is not consistent with public safety and enjoyment)*

(b)(4)(d) The transporting of lawfully taken wildlife in or through the park is prohibited. *(Justification: Hunting is not authorized under Federal statutory law and is not consistent with public safety and enjoyment of the site)*

### **36 CFR §2.3 - FISHING**

(a) Fishing is prohibited. *(Justification: Fishing is not authorized under Federal statutory law and is not consistent with public safety and enjoyment of the site)*

### **36 CFR §2.10 – CAMPING and FOOD STORAGE**

(a) The Superintendent may require permits, designate sites or areas, and establish conditions for camping.

- Recreational camping is not permitted. Organizations such as Scouts, living history groups and volunteers may be granted permission by the Superintendent to camp in conjunction with planned park projects and/ or interpretive activities. *(Justification: To protect archeological resource)*

### **36 CFR §2.11 – Picnicking**

(a) Picnicking is allowed, except in areas closed in accordance with §1.5.

Picnicking is prohibited on the cave walk-way and at the cave entrance. *(Justification: To provide for reasonable and safe public access to view the cave area and public enjoyment of the same)*

### **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:

- No fires or grills allowed within Russell Cave National Monument, except by authorized personnel in designated areas. *(Justification: To provide for public safety and enjoyment and to protect archeological integrity)*

### **36 CFR §2.16 – HORSES AND PACK ANIMALS**

(C) Riding horses within Russell Cave National Monument boundaries is prohibited. *(Justification: To provide for public safety and enjoyment and the protection of archeological resources)*

### **36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES**

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

- The consumption of alcoholic beverages, in any form, is prohibited within the boundaries of Russell Cave National Monument. *(Justification: To provide for visitor safety and enjoyment. The possession of alcoholic beverages in public areas is prohibited by state law and to be consistent with local laws and regulations)*
- Simple possession of prohibited liquors and beverages, Alabama Title 28-4-20, the possession of alcoholic beverage in public areas is prohibited by state law. *(Justification: To provide for visitor safety and enjoyment. The possession of alcoholic beverages in public areas is prohibited by state law and to be consistent with local laws and regulations)*

### **36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS**

(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views are allowed within park areas.

- (c)(3)(e) Public assemblies are prohibited on the cave walk-way, at the cave entrance and on the sidewalk around the visitor center. *(Justification: To provide for public safety and not to impair the historic atmosphere of the site)*

### **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):

### **36 CFR §4.30 – BICYCLES**

(a) The use of a bicycle is prohibited except on park roads, in parking areas and on routes designated for bicycle use; provided however, the Superintendent may close any park road or parking area to bicycle use pursuant to the criteria and procedures of § 1.5 and § 1.7 of this chapter.

- Bicycles are prohibited on the driveway loop in front of the visitor center and on Mountain Road. *(Justification: To provide for public safety and enjoyment and to protect the cultural, natural and archeological resources)*