

TONTO NATIONAL MONUMENT

TITLE 36, CHAPTER 1

**COMPENDIUM OF DESIGNATIONS, CLOSURES AND OTHER
RESTRICTIONS**

UNDER THE DISCRETIONARY AUTHORITY OF THE SUPERINTENDENT



Approved:

D.C. Hubbard
Duane C. Hubbard, Superintendent

10-31-16
Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations (“36 CFR”), Chapter 1, Parts 1 through 7, authorized by Title 16 United States Code, Section 3, the following regulatory provisions are established for the proper management, protection, government and public use of Tonto National Monument under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in Title 36 Code of Federal Regulations, Chapter 1, Parts 1 through 7.

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 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:

Tonto National Monument is open to the public from 8:00 a.m. to 5:00 p.m. The Superintendent may establish extended hours of operation in response to seasonal needs.

General Public Access:

The Monument is closed to the public on December 25th.

In order to protect the cultural resources of the Monument, the Upper Cliff Dwelling and Upper Cliff Dwelling Trail are closed to public entry except to participants on NPS-conducted tours and individuals so authorized by the Superintendent. All other archeological sites are closed to the public unless so authorized by the Superintendent.

The Lower Cliff Dwelling and Lower Cliff Dwelling Trail are open daily from 8:00 a.m. to 4:00 p.m.

All areas within Tonto National Monument are specified as “day-use” only and are closed to overnight camping and parking.

Old State Route 88, north of the present highway, is closed to public access. Interagency partners can request access to this area for wildland fire physical training since it is adjacent to USFS roads, offices and housing.

Access to the Salt River Power right-of-way is through a locked gate below the air quality station and is closed to all off-road vehicle use, except when authorized by park officials, specifically the Superintendent or Resource Manager.

In the Lower Cliff Dwelling, Rooms 9 and 13 are closed to public access with posted signage. Room 10 is accessible to the public, except beyond the physical barrier, in order to protect the fragile wood roofing. This closure beyond the physical barrier is also

posted by signage. Rooms 14 and 15 are closed to the public to protect the fragile roof and hearth, respectively.

The Superintendent can impose additional restrictions, as hazardous or emergency conditions require, by posting appropriate signs.

Determination: All visitors to Tonto National Monument must initially pass through the visitor center contact area, in order to pay the entrance fee. There, they will be informed of the significance of the Monument, about the sensitivity of natural and cultural resources, and any resource-related regulations. They will be informed that travelling on foot or by vehicle through closed areas will result in damage or disturbance to sensitive natural and cultural resources.

Employee Residences, Administration Building and Maintenance/Resources Areas:

All administrative, maintenance and residential areas, including buildings, facilities, yards, and residences, are closed to public access. All personal property of employees or residents of the monument is closed to public access.

Determination: Due to the remote nature of Tonto National Monument, and because of the need for expanded vigilance over its fragile resources, it has been deemed necessary to house employees within the NPS Residence Area contained within the Monument's boundaries. In the interest of maintaining the privacy and safety of these employees, public visitation to this area is prohibited.

Temporary Trail Closures:

Both the Upper and Lower Cliff Dwelling Trails may be closed on a temporary basis due to adverse environmental conditions, safety concerns, or maintenance projects.

Determination: Conditions for temporary closure of the trails may include snow, ice, high winds, thunderstorms and lightning, presence of potentially hazardous wildlife, Africanized bees, fire danger, excessive heat, or rock-falls. It may also be necessary to close the trails during major maintenance and preservation activities.

(a)(2) The following restrictions and/or conditions are in effect for the specific uses or activities noted:

Smoking and Fire Restrictions:

When established fire restrictions are in effect, smoking will be limited within Tonto National Monument to the Visitor Center Parking Area or in vehicles with windows closed.

Determination: Smoking during high fire danger could result in a catastrophic wildfire, impacting natural and cultural resources and endangering the safety of staff and visitors.

Vehicle idling and generators:

All vehicles, including passenger carrying buses, must shut down their engines when parked, except while loading or unloading passengers. All vehicles are subject to this

restriction on all park roads and areas within Tonto National Monument.
Running/idling generators are prohibited.

Determination: The idling of engines or generators adds unnecessary exhaust fumes to the air and diminishes visitor enjoyment of the peace and tranquility of the Monument.

Geocaching:

The activity of geocaching is not allowed within the boundaries of Tonto National Monument.

Determination: All visitors to Tonto National Monument must initially pass through the Visitor Center Contact Area, in order to pay the entrance fee. There, they will be informed of the significance of the Monument, the sensitivity of natural and cultural resources, and applicable resource-related regulations. They will be informed that travelling on foot or by vehicle through closed areas will result in damage or disturbance to sensitive natural and cultural resources.

Segways or Similar Device Use: The use of “Segways” and similar gyroscopically controlled devices are considered the same as motorized wheelchairs and may be used (as provided by ADA law) by persons with mobility disabilities. Use of Segways outside of ADA law is not permitted. The use of Segways or similar personal transportation devices by mobility impaired persons will be permitted under the following conditions:

A. The operation of the Segway will be limited to the following locations:

The interior spaces of the Tonto National Monument Visitor Center, normally accessible to the public.

Publicly accessible paved roads, parking lots, and picnic areas

The Lower Cliff Dwelling Trail

The Cactus Patch Trail

Amphitheater/Ramada

B. The operator of the Segway will:

Provide authenticated documentation to staff upon entry to the Visitor Center, such as, a note from a physician, handicap vehicle registration, or a National Park Service Access Pass to verify the operator’s status as mobility impaired.

Wear an approved safety helmet. Segway recommends that riders wear a multi-impact helmet and there is a specific ASTM (American Society for Testing and Materials) standard for Segway helmets. A commonly manufactured bicycle-style helmet will meet this requirement.

Yield the Right of Way to all pedestrians at all times.

Keep their Segway on the maintained trail or roadway surfaces at all times in the areas indicated in the above section.

Not be operated at a speed exceeding four miles per hour (the speed of a brisk walking pace) at any time.

Utilize extreme caution at all times, particularly while traversing areas involving slopes, irregular surfaces, or steep drop-offs.

Prominently display a blue handicap placard on the Segway.

Determination: Due to concentrated public visitation, varied topography and potentially congested or confined trail conditions encountered at Tonto National Monument, Segway use is limited to certain areas of the Monument, which are generally those accessible to regular and motorized wheelchairs. Use of Segways is specifically prohibited from use on any portion of the Upper Cliff Dwelling Trail where manually or powered wheelchairs cannot safely maneuver due to the presence of highly uneven and rough topography, narrow trail surfaces, and steep cliffs. The Superintendent has determined that this designation is in compliance with NPS policy and is a reasonable attempt to make the Park's programs, facilities and services more accessible to people with impaired mobility.

Unmanned Aircraft:

Launching, landing or operating an unmanned aircraft from, above, or on lands and waters administered by the National Park Service within the boundaries of Tonto National Monument is prohibited, except as approved in writing by the Superintendent.

Definition: Unmanned Aircraft - 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.

Determination: The Superintendent has determined that unmanaged or unrestricted recreational use of UAs within Tonto National Monument will conflict with, or impact, a variety of park use, including visitor experience of unimpaired view sheds; the disturbance, displacement or harassment of park wildlife, present potential for impacts or damage to sensitive archeological sites, and create public safety hazards near roadways, trails, or large groups of visitors.

Less restrictive measures were not considered sufficient, due to the rapidly expanding and evolving use of UAs throughout the world. Section 1.5 of NPS Management Policies 2006 provide that a new form of park use may be allowed within a park only after a determination has been made by the Superintendent that it will not result in unacceptable impacts on park resources and values.

II. 36 CFR 1.6 – ACTIVITIES THAT REQUIRE A PERMIT

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

- 1.5(d) The following activities related to Public Use Limits:
 - Demonstrations
 - Athletic events
 - Weddings
 - Other special events
 - Commercial filming (see also 5.5)
- 2.4(d) Carry or possess a weapon, trap, or net (research activities)
- 2.5(a) Specimen collection (plants, fish, wildlife, rocks, or minerals)
- 2.12(a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to 2.50 or 2.51
- 2.17(a) (3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
- (c) (1) Removal of a downed aircraft
- 2.23 Special recreation activities
- 2.37 Soliciting or demanding gifts, money, goods or services
- 2.38(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

- A small group is defined as “25 people or less”. A small group is not required to obtain a First Amendment Permit, if they are located within a park designated First Amendment Site and have no more than leaflets, booklets, and/or hand held sign. A large group is defined as “more than 25 people” and is required to obtain a First Amendment Permit, even if they are utilizing a park-designated First Amendment Site.
- 2.52 (c) Sale or distribution of printed matter that is not solely commercial advertising
- 2.61(a) Residing on federal lands
- 2.62 (b) Memorialization (Scattering ashes from human cremation)
- 5.1 Advertisements – (Display, posting or distribution)
- 5.3 Engaging in or soliciting any business (requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations)
- 5.5(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 modes for the purpose of commercial advertising.
- 5.6(c) Use of commercial vehicles on park area roads
- 5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

36 CFR 1.7 – PUBLIC NOTICE

- (a) Notice of the closures identified in Section 1.5 will be as follows:
 - Changes in the Monument’s hours of operation shall be announced by press releases, prior to the effective date, and posted at the Monument’s entrance gate on the effective date.
 - The entrance road at the junction with State Route 188 will be signed, prohibiting public entry during the hours the Monument is closed.

- The entrance gate to the Upper Cliff Dwelling Trail, and the entrance gate into the Upper Cliff Dwelling, will be signed as closed to entry unless accompanied by park staff.
- The entrance turnaround and picnic area will be signed with “no backcountry hiking.”
- The Lower Cliff Dwelling and Trail are closed after 4:00 p.m. with a chain and sign across the trail.

III. GENERAL REGULATIONS

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

(a)(4) The collection of any wood within the monument is prohibited.

(a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue, except in designated areas and under conditions established by the Superintendent is prohibited. Walking within the Lower and Upper Cliff Dwellings is permitted where authorized.

(b) Because of public safety and protection of the cultural and natural resources, hiking is restricted to established trails only.

(c)(1) The following fruits, nuts, and beans may be gathered in small amounts by hand for personal use or consumption:

- jojoba nut
- mesquite bean
- prickly pear cactus fruit

36 CFR 2.2 – WILDLIFE PROTECTION

(e) The Monument is closed to the viewing of wildlife with the use of an artificial light.

36 CFR 2.4 – WEAPONS, TRAPS, AND NETS

(d) The new federal law allows possession of all firearms that meet applicable federal, state, and local laws in national parks. All other weapons – including bows - must comply with 36 CFR 2.4 (a)(1). A permit is required to possess a weapon, trap or net. The Superintendent will only issue a permit to carry or possess a weapon, trap or net under the following circumstances:

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

- (3) For employees, agents or cooperating officials in performance of their official duty.

36 CFR 2.11 – PICNICKING

Picnicking is permitted in the designated area only.

36 CFR 2.13 – FIRES

(a)(1), (a)(2) In order to protect government facilities and resources, and because of the hazard of disposing of hot coals and ashes, open fires and solid fuel-fire grills are prohibited. Use of propane camp stoves or grills is permitted only in the designated picnic area.

(b) During periods of high fire danger, the Superintendent may prohibit all fires.

36 CFR 2.14 – SANITATION and REFUSE

(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse transported from a private or municipal property is prohibited.

36 CFR 2.15 – PETS

(a)(1) To preserve site integrity, pets (excluding guide dogs) are prohibited in the Upper Cliff Dwelling, on the Upper Cliff Dwelling Trail and in the Lower Cliff Dwelling.

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

- Short periods of time (less than five minutes) in developed areas and at the base of the Lower Cliff Dwelling in the shade.
- During emergency situations in developed and undeveloped areas.

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

- In accordance with Management Directive #108, Pet Policy, as approved December 16, 2015.
- Pets must be registered with the Park Housing Officer. Pets must also be current with required vaccinations.

Pets are not allowed in government and public buildings (even if carried). This restriction does not apply to service animals or those used by sight or hearing-impaired individuals. Pets are allowed in all other open areas of the park except on the Upper Cliff Dwelling Trail and in the Lower Cliff Dwelling. Pets must be restrained by leash (maximum of six feet) at all times when they are outside of a vehicle in the Monument.

36 CFR 2.16 – HORSES and PACK ANIMALS

Designated pack animals are limited to horses, burros, mules, and llamas. Pack animals are only allowed for support of Resources Management/Trail Maintenance or at the discretion of the Superintendent.

36 CFR 2.20 - SKATING, SKATEBOARDS AND SIMILAR DEVICES

There are no designated skating areas within the Monument.

36 CFR 2.21 – SMOKING

In accordance with Executive Order #13058, the smoking of tobacco products is prohibited within all interior spaces owned, rented, or leased by the federal government and in any outdoor areas within 25 feet of air intake ducts (including doors, windows, etc).

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

- Visitor Center (interior)
- Maintenance Facility (interior)
- Administrative Building (interior)
- Cactus Patch Trail
- Lower Cliff Dwelling and Lower Cliff Dwelling Trail
- Upper Cliff Dwelling and Upper Cliff Dwelling Trail

36 CFR 2.23 – RECREATION FEES

(b) Recreation fees, in accordance with 36 CFR part 71, are established as the following:

Entrance Fee Areas: Entrance fees are charged on an annual or single-visit basis for admission to designated fee areas. Visitors who enter the Monument are required to obtain an entrance permit when using a trail. Tonto National Monument charges a \$5.00 per person entrance fee to adults and children, 16 years of age or older. Interagency Annual, Military, Senior, Volunteer and 4th Grade Passes are accepted for admission.

36 CFR 2.31 – Trespassing, Tampering and Vandalism

(a) The following are prohibited:

(4) Harassment: Intentional or reckless harassment of park visitors with physical contact.

(5) Obstruction: Intentional or reckless obstruction of any sidewalk, trail, highway, building entranceway, railroad track, or public utility right-of-way, or other public

passage, whether alone or with others. The mere gathering of persons to hear a speaker communicate, or simply being a member of such a gathering, does not constitute obstruction. An official may make a reasonable request or order that one or more persons move in order to prevent obstruction of a public passage, and refusal of such an order constitutes obstruction.

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 in the Monument 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:

- Consumption of alcoholic beverages is prohibited in all Monument areas and facilities, except within the designated picnic area, the housing area, and outside park facilities after hours during organized social events.

Specific regulations exist regarding alcoholic beverages, including but not limited to: being under the influence of alcohol or controlled substances to a degree that may endanger oneself or another person (36 CFR 2.35), the possession of an alcoholic beverage by a person under 21 years of age (36 CFR 4.14), and driving while under the influence of alcohol or drugs (36 CFR 4.23).

36 CFR 2.37 – NONCOMMERCIAL SOLICITING

The solicitation or demand for gifts, money, goods or services requires a permit under 2.50, 2.51, or 2.52, and is subject to the terms and conditions specified therein.

36 CFR 2.60 – LIVESTOCK USE AND AGRICULTURE

- (a) Absent a permit, the running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock of any kind in a park area for agricultural purposes is prohibited. Additionally, a permit can only be issued in the following circumstances:
- (a)(1) As specifically authorized by federal statutory law; or
 - (a)(2) As required under a reservation of use of rights arising from acquisition of a tract of land; or
 - (a)(3) As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene.

36 CFR 2.62 – MEMORIALIZATION

- (a) Authorization from the Director of the National Park Service is required to install a monument, memorial, tablet, structure, or other commemorative installation in a park area.

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

The scattering of human ashes from cremation is allowed, pursuant to the terms and conditions of a permit as outlined below:

The remains to be scattered must have been cremated and pulverized.

The scattering of remains by person on the ground is to be performed at least 300 feet away, horizontally, from known archeological sites, including cliff dwellings, or buildings of any kind.

The scattering of remains from the air is to be performed at a minimum altitude of 4,000 feet above the ground and only over the Deadman Canyon portion of the Monument. No scattering of remains from the air is to be performed over developed areas, facilities, cliff dwellings, or water sources.

36 CFR 2.51 – PUBLIC ASSEMBLIES, MEETINGS, GATHERINGS

(e) The primary location available for public assemblies and other public expressions of views is the amphitheater area adjacent to the south end of the Visitor Center Parking Lot. If additional locations are needed due to multiple groups, secondary locations will be designated by the Superintendent if possible.

(4) The location may be unavailable, and thus a permit denied, during periods of heavy visitation, as frequently occurs during the winter and spring months. The grounds for denying a permit are the additional impairment that such an assembly may have on vehicular and pedestrian traffic during these periods.

36 CFR 2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

(e) The location available for the sale or distribution of printed matter is the amphitheater area adjacent to the south end of the Visitor Center Parking Lot.

(3) The location may be unavailable, and thus a permit denied, during periods of heavy visitation, as frequently occurs during the winter and spring months. The grounds for denying a permit are the additional impairment that such an assembly may have on vehicular and pedestrian traffic during these periods.

36 CFR 4.11 – LOAD, WEIGHT, AND SIZE LIMITS

(a) Because large recreational vehicles and vehicles towing boats or trailers have difficulty negotiating the narrow turning radius of the Visitor Center Parking Lot, vehicles over thirty feet long and those towing must park in the picnic area.

36 CFR 4.21 – SPEED LIMITS

(b) The maximum speed limit on all public roads within the Monument are posted. The Superintendent can reduce limits for public safety as conditions require. The following speed limits are established and posted for the routes/roads indicated:

Tonto National Monument entrance road: 25 MPH

All parking lots, housing area, and maintenance area: 15 MPH

36 CFR 4.30 – BICYCLES

(a) Bicycle use is permitted only on Monument roads and in parking areas.

36 CFR 4.31 – HITCHHIKING

There are no designated areas for hitchhiking or soliciting rides within the Monument.

