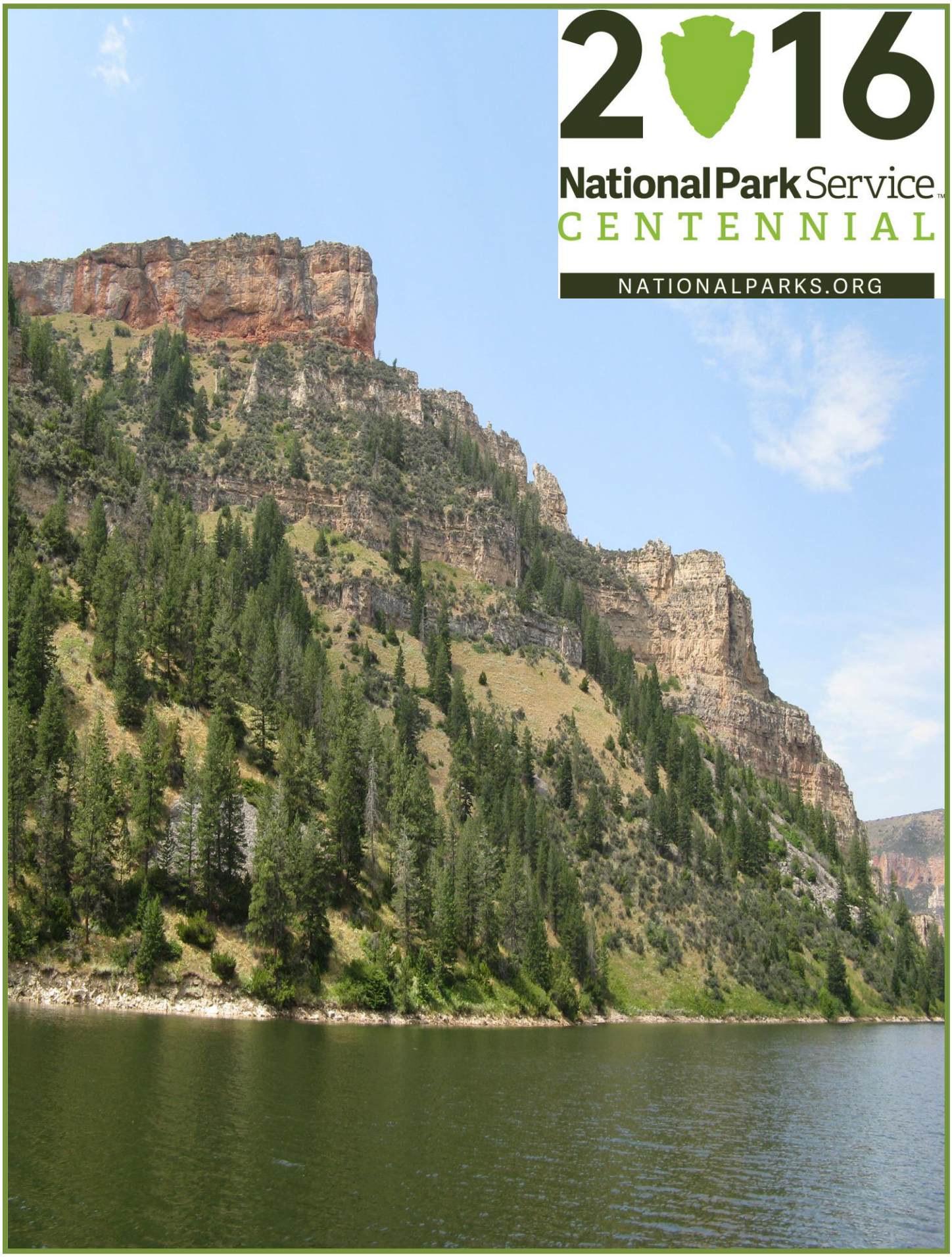
2016
National Park Service
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UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

BIGHORN CANYON NATIONAL RECREATION AREA

2016 Compendium Revised 05/01/2016

AUTHORITY
Designations, closures, permit requirements, and other restrictions and/or specifications imposed under the discretionary authority of the superintendent, Title 36, Code of Federal Regulations, Chapter 1.

In accordance with the delegated authority contained within the regulations in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 7, as authorized by Title 16, United States Code, Sections 1 and 3, the following regulatory provisions are established for Bighorn Canyon National Recreation Area.

In addition to these regulations, written determinations, that explain the reasoning behind the superintendent's discretionary authority are required by Title 36 Code of Federal Regulations, Section 1.5 (c) and appear in this document after each regulation.

These regulatory provisions are enforceable and are an addition to the regulations contained in Title 36, Code of Federal Regulations, Chapter 1.

Visitors may obtain additional information or permit applications by contacting the Office of the Superintendent, Bighorn Canyon National Recreation Area, P.O. Box 7458, Fort Smith, MT 59035. You may also check out our website at http://www.nps.gov/bica.

Kevin Tillman — 04/13/2016
Recommended By: Kevin Tillman, Chief Ranger — Date

John Bundy — 4/13/2016
Approved By: John Bundy, Superintendent — Date

INTRODUCTION:
The Bighorn Canyon National Recreation Area Superintendent's Compendium is the summary of park specific rules implemented under the discretionary authority of the park superintendent. It serves as public notice with an opportunity for public comment, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on those public use and resource protection regulations that pertain to the specific administration of the park. Regulations found in 36 Code of Federal Regulations (CFR) and other United States Codes (U.S.C.) and CFR titles which are enforced without further elaboration at the park level.

A copy of 36 CFR can be purchased from the U.S. Government Printing Office at:
Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954
Or by calling: (202) 512-1800
The Code of Federal Regulations is also available on the internet at:
http://www.gpoaccess.gov/cfr/index.htm

The regulations contained in this compendium apply to all persons entering, using, visiting or otherwise within the boundaries of federally owned lands and waters administered by the NPS as part of the Bighorn Canyon National Recreation Area. This includes all water subject to the jurisdiction of the United States, including all navigable waters and areas within their ordinary reach (up to the ordinary high water mark) without regard to the ownership of the submerged lands or lowlands.

Only NPS Law Enforcement Park Rangers can enforce the requirements of the United States Code, CFR Titles, and this superintendent's compendium. However, many federal laws and regulations have similar statutes found in state and local law.

Many of the requirements of this compendium complement existing state and local law and regulations which are also in effect within the park, and are enforced by state, and local law enforcement officers. However, if a state or local law is currently enacted, this compendium does not replace or repeal that law.

A person who violates any provision of the regulations found in 36 CFR Parts 1-7, along with 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.

The compendium is reviewed annually and the park welcomes comments about its programs and activities at any time. Comments specific to the superintendent's compendium will be accepted any time. Any changes to this compendium recommended by the public or others, and accepted by the superintendent, will be incorporated into this compendium without further public comment and review and will be included in the next year’s compendium. Comments can be directed to either the park superintendent or the Chief Rangers Office at;

Bighorn Canyon National Recreation Area
5 Avenue B
P.O. Box 7548
Fort Smith, Montana 59035

Some of the terms used in this compendium may be unclear to you. If you are unsure about a specific term please consult 36 CFR sec. 1.4 Definitions. You may access them at: http://www.gpo.gov/fdsys/pkg/CFR-2011-title36-voI1 Ipdf/CFR-2011-title36-voI1-part1.pdf. Terms that may be unique to this compendium are defined in this document.

Copies of the compendium are available online at: http://www.nps.gov/bica/parkmgmtllawsandpolicies.htm. Hard copies are also maintained at the Lovell Visitor Center and Park Headquarters in Fort Smith.

DEFINITIONS:

Administrative Roads and Areas: Areas closed to the public, but necessary for government vehicles, equipment and personnel to use in order to maintain park facilities and infrastructure.

Backcountry Camping: Camping outside of a designated camping area and at least one half mile distant from a developed area.

Camping: Erecting of a tent 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.

Developed Area: Area with roads, marinas, docks, 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.

Dock: Any floating platform, fixed platform, or vessel, which is anchored or otherwise installed for the primary purpose of providing a location for vessel moorage. This applies to all such platforms or vessels, regardless of whether they are equipped with motors/propulsion devices, Hull Identification Numbers, US Coast Guard capacity plates, or whether they are registered as a vessel by a federal or state government agency.

Flat wake speed: The minimum required speed to leave a flat wave disturbance close astern a moving vessel yet maintain steerageway, but in no case in excess of 5 statute miles per hour.

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

Hunting: The taking or attempting to take wildlife, except trapping.

Picnic Areas: Those areas designated as day-use public areas that include picnic tables, NPS established metal campfire grates or above ground barbecue grates.

Swim beach and Swim Area: Those areas of Bighorn Canyon NRA designated by signs, buoys, log booms or other physical barriers as being closed to rigid devices including surfboards, the possession of glass containers, pets, and the lighting or maintaining of a fire.

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, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

Section 1.5 Closures and Public Use Limits

(a)(1) The following roads and/or areas are closed to non-official vehicles:

- All administrative, Western Area Power Administration roads or roads and parking areas not identified by designated signs, maps, newspaper publication, or other appropriate methods such as electronic media, park brochures, and handouts in accordance with 36 CFR §1.7.

- Areas around all potable water system tanks and developed springs.

- All fenced sewage lagoons.

- Areas between fences and cliff faces at Ok-A-Beh, Devil's Canyon Overlook and Barry's Landing and Trail Creek.

- Electrical switchyards and their entranceways.

- Concession docks are closed except to lessees, their guests and customers.

Determination: Concession docks and slips are rented to park visitors on an annual basis. Allowing other boats to moor for extended periods of time takes potential business from the contracted Concessioner and creates conflicts with those who have rented the docking spaces.

- Docking limit is fifteen (15) minutes at the public boat docks and fifteen (15) minutes at the floating comfort stations (official and concession vessels excepted). Overnight docking or mooring at Box Canyon, Black Canyon, and Dayboard Nine public boat docks is permitted on a first come/first served basis.

- Bighorn Lake from the base of the Yellowtail Dam up stream to the orange log boom is closed to the general public.

- Om-Ne-A Trail is closed to the general public.

- Yellowtail Dam is closed to the general public.

- Afterbay Lake is closed between dam intake works and buoyed cable line 100 feet west.

- Afterbay Lake is closed between orange log boom and Yellowtail Dam, 3,500 feet up stream.

Determination: These areas are closed for security of the Yellowtail Dam and Visitor Safety. The purpose of this closure is to prevent unauthorized access and protection of Bureau of Reclamation property, critical infrastructure, and facilities.

All vessels are required to stop at open Bighorn Canyon NRA; Aquatic Invasive Species (AIS) Check stations prior to launching for inspections. Vessels that have been used within 30 days in states with known occurrence of zebra or Quagga mussels will not be allowed on park waters until completing the prescribed abatement process. Operators of vehicles towing boat trailers will stop at all designated AIS boat inspection stations within the park before launching boats. Boat operators will perform AIS self-inspection of their boat before launching in park waters if the inspection station is not open.

Determination: Currently the Bighorn Lake is free of zebra mussels. However, if zebra mussels were to infest the Lake, they will likely foul dock and ramp facilities, encrust boats, clog engines, and damage the quality of lake fishing by disrupting the food chain. In response to the continued and growing threat of the introduction of Quagga and zebra mussels at Bighorn Canyon NRA AIS inspection requirements for Bighorn Lake boaters have been implemented. These increased measures are intended to prevent the unintentional introduction of Quagga and zebra mussels into the waters of Bighorn Lake.

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park System within the boundaries of the Bighorn Canyon National Recreation Area is prohibited except as approved in writing by the superintendent.

Determination: The superintendent has determined that unmanaged or unrestricted recreational use of unmanned aircraft within Bighorn Canyon National Recreation Area will conflict with, or impact, a variety of park uses, including visitor experience. Use may also lead to the disturbance, displacement or harassment of park wildlife and creation of public safety hazards per operation near roadways and persons. *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 park superintendent that it will not result in unacceptable impacts on park resources and values. Less restrictive measures are not considered sufficient at this time.

Section 1.6 Permits

(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 and Commercial Use Authorizations are requested through the Chief Rangers Office; Fort Smith, Montana. Research Permits may be requested through the Chief of Resource Management, Lovell Visitor Center, Lovell, WY

The following activities require permits:

- 36 CFR 2.5 Research Permits (includes specimen collection)
- 36 CFR 2.38 (b) Use or Possession of Fireworks
- 36 CFR 2.50 (a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events.

- 36 CFR 2.51 (b) Public Assemblies: Demonstrations of 25 persons or less do not require a permit.

- 36 CFR 2.52 (a) Sale and Distribution of Printed Material

- 36 CFR 2.60 Livestock Trailing Operations

- 36 CFR 2.62 (b) Scattering of Human Ashes from Cremation

- 36 CFR 2.60 Commercial Livestock Trailing Operations

- 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(a) Commercial filming of motion pictures or television with professional casts, settings, or crews except bona fide newsreel or news television.

- 36 CFR 5.5(b) Still photography of vehicles or other articles of commerce or models for the purpose of commercial advertising.

- 36 CFR 5.6(c) Use of commercial vehicles on park area roads to access adjacent private lands.

- 36 CFR 5.7 Constructing or attempting to construct any building, structure, dock, road, trail, path, or public or private utility upon, across, over, through, or under any park area.

Section 2.1 Preservation of Natural, Cultural and Archaeological Resources

(a)(4) Driftwood within and around Bighorn Lake, the Yellowtail Wildlife Habitat Area and driftwood piles at Ok-A-Beh, Horseshoe Bend and Barry's Landing may be gathered, used and/or removed from the park for personal use only. Dead and downed wood at park campgrounds may be collected for immediate on-site use only. Off road travel is not permitted for this purpose. A commercial use of driftwood is prohibited.

(c)(1) Edible fruits, nuts, vegetable food stuffs, and berries may be gathered and removed from the park for personal consumption. Off road travel is not permitted for this purpose. All commercial use is prohibited.

Determination: The gathering and removal of driftwood removes fuels that could contribute to later wildfires. During periods of high lake levels, driftwood creates hazards to navigation at marina locations, and is too dangerous to burn without controlled prescription fire methods.

Section 2.2 Wildlife Protection

(b)(1) In accordance with the enabling legislation establishing Bighorn Canyon National Recreation Area, hunting is allowed as specified in Title 16 of the United States Code section 460t-3, i.e., 16 USC § 460t-3.

(b)(1) Hunting within one half mile of any developed area; including the Government Camp, Afterbay Ranger Station, Crooked Creek Ranger Station, and campgrounds of the park is prohibited.

Determination: Visitors enter and exit Bighorn Canyon National Recreation Area near these developed areas. Visitors routinely enter and leave the ranger stations, hunting in close proximity to these areas can result in damage to government property. Residences and business offices are located around the Government Camp area. The ½ mile closure around these areas is necessary to achieve public safety and minimize public use conflicts. Unless specified; Bighorn Canyon NRA remains open to hunting and adopts all non-conflicting Montana and Wyoming State hunting regulations as approved.

Exemption: Upland bird hunting is allowed at the 3-Mile Access area, one half mile away from the access parking lot, during the specific times and seasons found in the Montana Upland Game Bird Regulations.

Exemption: The use of dogs in pursuit of mountain lions is regulated by State and Federal laws, and hunters are encouraged to contact the appropriate State agency prior to going afield.

(e) Bighorn Canyon NRA is closed to spotlighting or any use of an artificial light for the purposes of wildlife viewing.

Section 2.3 Fishing

(a) Fishing from Afterbay Dam, including the fenced areas on the west side of the dam, is prohibited.

Determination: The Afterbay Dam and fenced areas are off limits for safety and security of the facility.

Section 2.4 Weapons, Traps and Nets

(a)(2)(ii)Target practice is only allowed at the Fort Smith Firing Range.

- Alcohol, possession of alcohol, or being under the influence of alcohol or controlled substances are prohibited.

Determination: The Fort Smith Firing Range is open to the public. However, it is subject to closure for law enforcement weapons training and qualifications. Prohibiting alcohol is necessary to prevent unintentional weapons discharges, accidents or death.

Section 2.10 Camping and Food Storage

(a)(1) Designated Camping Areas:

- Dayboard Nine, Black Canyon and Medicine Creek Campgrounds, Barry's Landing – tents only.
- Afterbay Campground North & South, Horseshoe Bend Campground – tents or RVs
- Trail Creek Campground – tents or hard-sided camping trailers; in designated areas only, with self-contained black and gray water only.
- Overnight camping is prohibited at all marina parking areas and boat ramps.
- Camping/Parking on the Ok-A-Beh Helipad is prohibited.

Determination: Park campsites are no longer free within the park. Camping is restricted to established campsites only in designated camping areas. All campsites have picnic tables, toilet facilities and trash service.

(a)(2) Common Corrals-The area just east are designated camping areas for persons with livestock. Other campers may be allowed, if not in use by visitors with livestock, but must give way if visitors with livestock arrive later.

(a)(3) Backcountry camping is allowed below the high water mark of 3640 feet elevation or along underdeveloped areas of Bighorn Lake.

(b)(9) Camping is limited to a maximum of 30 days per calendar year per person. No more than 14 consecutive days may be spent at any one campground between May 15 and October 15 each year. Campers or tents may not be left unattended for more than 24 hours.

(d)(1) All food and coolers must be kept in a vehicle, vessel, hard-sided camping unit or, where available, park-provided bear-proof storage boxes, when not in.

Determination: Animals are attracted to food and other scented items that are not secured. Securing these items minimizes human versus wildlife conflicts and protects wildlife. Bear-proof storage boxes are provided at some park campgrounds for visitor use.

Section 2.13 Fires

(a)(2) Fires are not permitted in the Ok-A-Beh, Afterbay, Horseshoe Bend, North Kane, and Barry's Landing parking lots.

(c) High fire danger closures may be in effect as noted.

Determination: During extreme fire danger or by order of the superintendent, fires of any type may not be allowed. Visitors may contact the recreation area headquarters office at (406) 666-3300, Lovell Visitor Center at 307-548-5406, or the park website at www.nps.gov/bica to check on current conditions. Two states, two counties, and the exterior boundary of the Crow Tribe Reservation adjoin Bighorn Canyon NRA, and there may be different fire restrictions in each

area. To reduce confusion, Bighorn Canyon NRA will either be completely open to certain types of fires, or completely closed them.

Section 2.15 Pets

(a) Dogs are allowed in all areas of the park including developed and back country areas with the exception of (a) (1).

(a)(1) Pets are not allowed at the Horseshoe Bend Swim Beach Area which includes the beach sand and water areas. The lake accessed from the Red Hills Day Use Area is open to dogs recreating in the water while under verbal control of their owner.

(a)(5) In developed areas, pet excrement must be immediately collected and disposed of in a trash receptacle.

(b) Dogs may be off leash when being used in support of hunting activities or permitted stock trailing operations; contained on a vessel or within a vehicle; or in open water as designated and in accordance with applicable Federal and State law.

(e) Pets may be under verbal control (e.g., call once and the pet comes) within areas jointly used by the National Park Service and the Bureau of Reclamation including Fort Smith Government Camp, Headquarters area, Grapevine road and the gravel pit area.

Determination: These restrictions are necessary to provide for the protection of recreation area resources, wildlife and public safety. While visiting the recreation area 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, harassment, defecation, scent marking of wildlife habitat and other behaviors. In those cases where a pet facilitates access (e.g. service animals or in support of legal hunting activities), the use of such pets is allowed.

Section 2.16 Horses and Pack Animals

(g)(1) Pack animals are prohibited in designated camping areas and historic ranches, except in the Common Corrals and its designated camping area to the east.

(g)(2) The feeding or dropping of forage in park areas, except for pelletized feed or certified weed and seed-free hay, straw, whole grains or cubed products is prohibited.

(g)(3) All livestock entering or leaving the recreation area must meet state requirements regarding health certificates and brand inspections.

Determination: the Superintendent of Bighorn Canyon NRA has determined these are the minimum necessary restrictions to provide for the protection of the park resources. Resource management at Bighorn Canyon includes an aggressive invasive weed program that is consistent with existing state and federal programs to minimize the spread of exotic invasive species.

Section 2.22 – Property

(a)(2) Vehicles and/or boat trailers may be parked unattended at boat launch parking facilities for the duration of overnight camping trips for visitors that are camping at boat-in campgrounds, and camping in adjacent fee campgrounds within the established camping limits.

- Vehicles and/or boat trailers left unattended for more than seven consecutive days will be impounded.
- Visitors not camping must remove their vehicle and/or trailer after daily trips.

Determination: Unattended property is inconsistent with the orderly management of park areas and may limit equitable use of park facilities. Property left unattended in excess of 24 hours may be impounded

Section 2.51 Public Assemblies, Meetings

The following are designated public meeting or assembly areas. Public meetings or assemblies cannot interfere with foot traffic or bock any public entrances. Detailed maps of specific areas will be furnished upon request. See Appendix A

- MK Hill Picnic Area, Fort Smith Montana.
- Afterbay Ranger Station 100 feet north of the building.
- Cal Taggert Visitor Center 100 feet North East of the building.
- Horseshoe Bend Marina west of the Fish Cleaning Station.

Section 2.52 Sale or Distribution of Printed Matter

The following areas are designated as acceptable for the sale or distribution of printed matter. Sale or distribution areas may not interfere with foot traffic or block any public entrance. Detailed maps of specific areas will be furnished upon request. See Appendix B.

- MK Hill Picnic Area, Fort Smith Montana.
- Afterbay Ranger Station 100 feet north of the building.
- Cal Taggert Visitor Center 100 feet north east of the building.
- Horseshoe Bend Marina west of the fish cleaning station.

Section 3.2 Boating and Water Use Activities

(b) All operators and riders must follow applicable National Park Service, US Coast Guard, state boating regulations regarding personal watercraft (PWC).

- Montana regulations are found at: http://fwp.mt.gov/recreation/regulations/boating.

- Wyoming regulations can be found at: http://wgfd.wyo.gov/web2011/fishing-1000190.aspx

Determination: The Bighorn Canyon NRA is located within the boundaries of Wyoming and Montana. The recreation area 36 CFR 3.2 allows for the adoption of federal and state laws and regulations.

Section 3.8 Vessel Operations

(a)(2) Afterbay Dam to cable 200 feet downstream is closed to boating.

(b)(2) Private vessels may not tie up to any park buoy not specifically designated as a mooring buoy at any time. Mooring buoys will be designated with a blue stripe.

- Private individuals are not allowed to place or install their own buoys in the park for mooring purposes.

- Private individuals are allowed to anchor in areas where they are not a hazard to navigation. Overnight anchoring of vessels is limited to a maximum of 30 days per calendar year.

- All vessels at anchor between sunset and sunrise must display anchor lights. If a vessel is less than 164 feet in length, then its anchor light will be an all-round light visible where it can best be seen from all directions.

- Private vessels aren't required to display an all round white light if they are renting dock space from a concession operator in the park.

Determination: Buoys are designed to mark locations of dock anchoring systems and as aids to navigation. Long term mooring can affect the integrity of the system and making them unusable for park visitors.

Section 3.16 Swimming and Wading

The following locations are closed to swimming:

- Public or concession boat docks
- Fishing docks
- Boat launching areas including all courtesy docks.
- Afterbay Dam to the cable 200 feet downstream is closed to swimming and/or wading.

Determination: Swimming near boat docks and launch areas interferes with the ingress and egress of boats from the lake conflicting with visitor safety.

Determination: 200 feet downstream of the Afterbay dam has been determined as the minimum distance to maintain security and safety from unannounced water discharges.

Section 3.17 Swimming and Bathing

(a) There are two public swimming areas in the park at the Ok-A-Beh and Horseshoe Bend Marina. Public swimming areas are designated with signs at each location.

(c) Glass containers of all types are prohibited next to water areas in the park; including designated swim beaches.

(c) Children three years of age and younger must be accompanied by an adult at all times while they are in the water at public swimming areas.

Determination: Restriction on glass containers is based on safety and environmental concerns to limit injuries associated with discarded or broken glass containers and protect park resources.

Determination: The restriction on water flotation devices for children three years of age and younger is due to life safety.

UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

COMPENDIUM

APPENDIX A

DESIGNATED AREAS FOR PUBLIC ASSEMBLY

Bighorn Canyon National Recreation Area

2016

Figure 1 Horseshoe Bend Public Assembly Area

Figure 2 Lovell Visitor Center Public Assembly Area

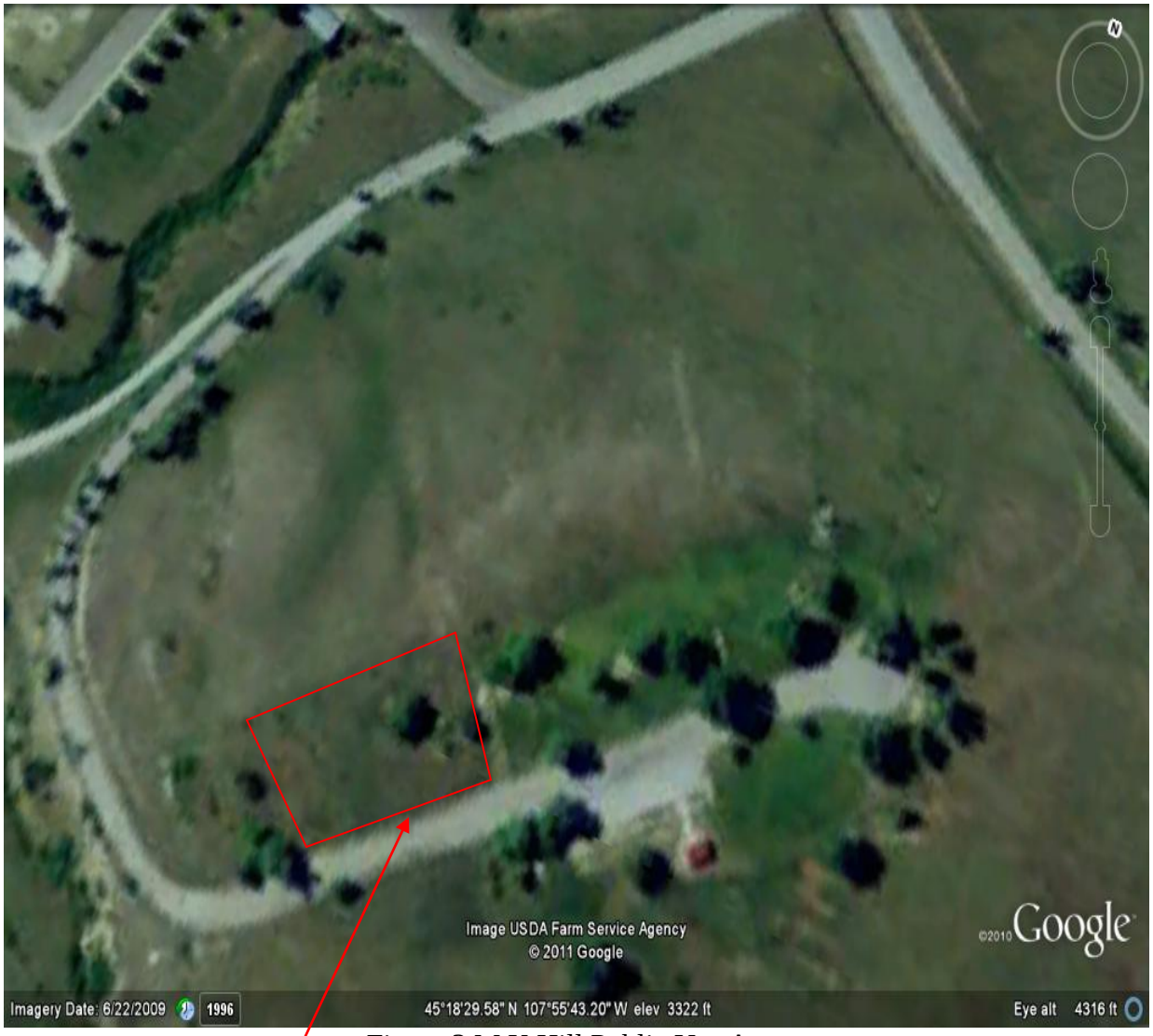

Figure 3 M K Hill Public Use Area

Public Use Area

Figure 4 Afterbay Public Assembly Area

Public Use Area

UNITED STATES DEPARTMENT OF THE INTERIOR

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COMPENDIUM

APPENDIX B

DESIGNATED AREAS FOR SALE OR DISTRIBUTION OF PRINTED MATERIAL

Bighorn Canyon National Recreation Area

2016

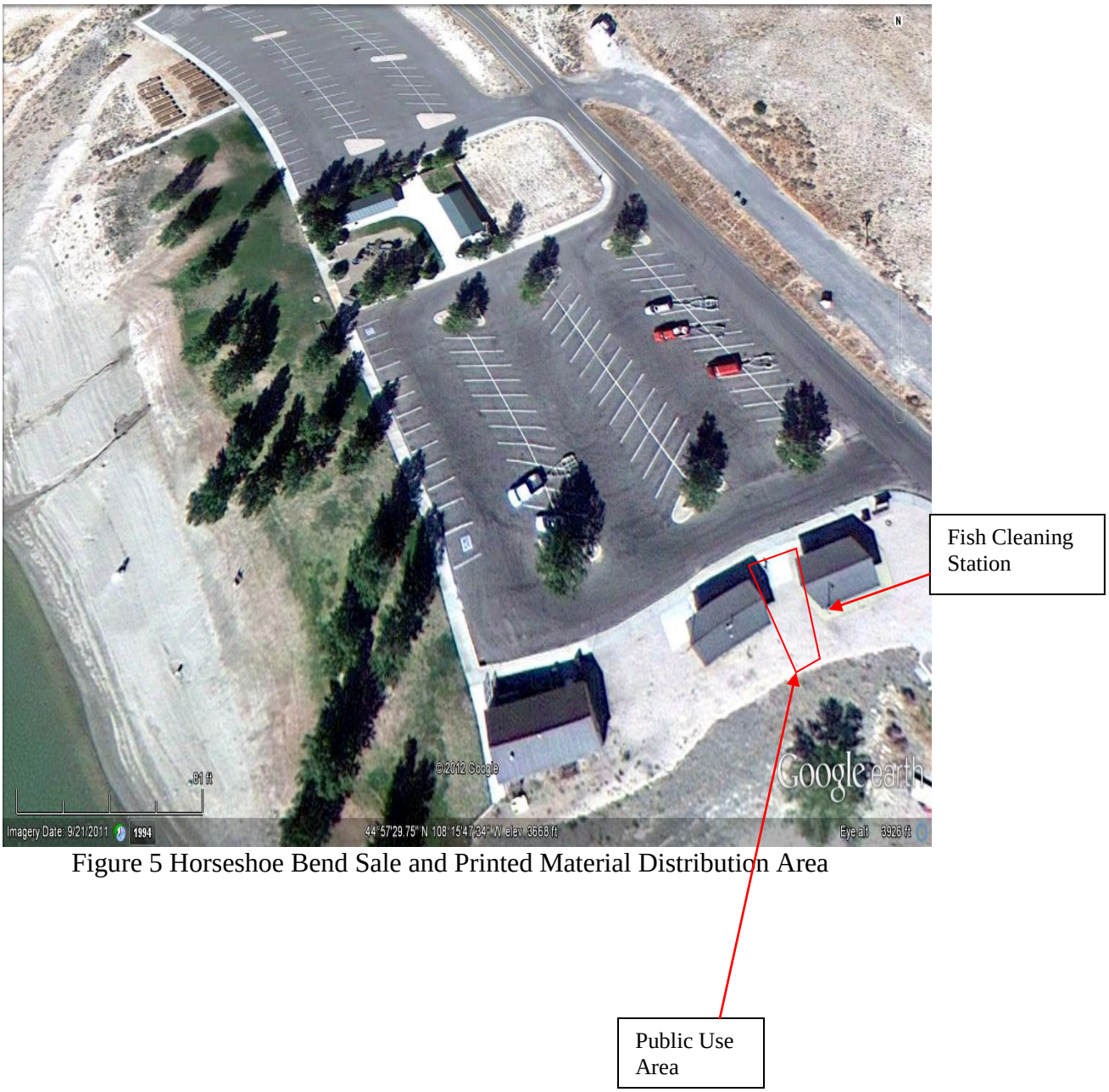

Figure 5 Horseshoe Bend Sale and Printed Material Distribution Area

Figure 6 Lovell Visitor Center Sale and Printed Material Distribution Area

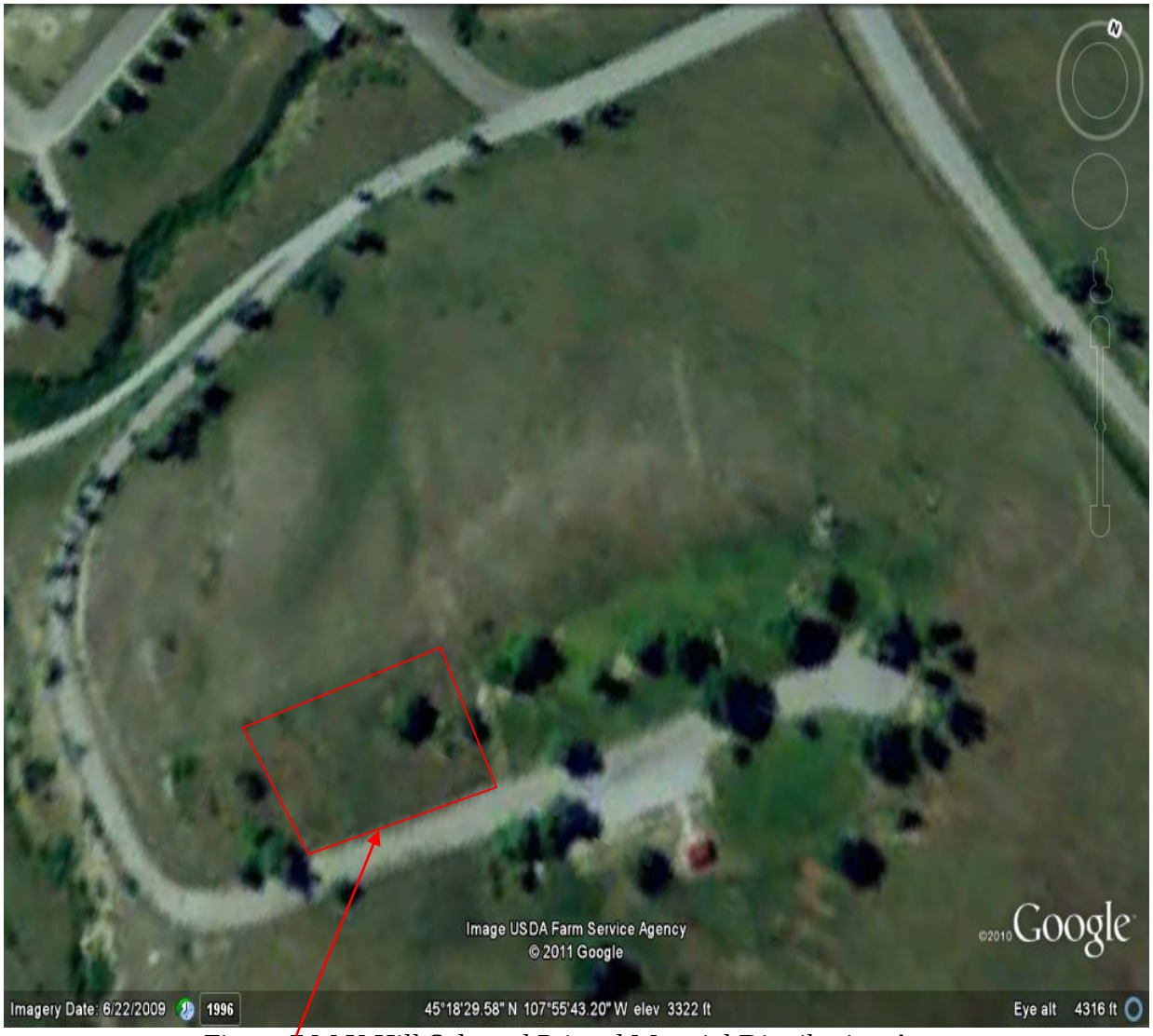

Figure 7 M K Hill Sale and Printed Material Distribution Area

Public Use Area

Figure 8 Afterbay Sale and Printed Material Distribution Area

Public Use Area