

Superintendent's Orders**CARE – 01**

Subject: Superintendent's Compendium
Contact: Sally Sprouse, Chief Ranger
Approval: Sue Fritzke, Superintendent
As of Date: February 16, 2023

Introduction: A compilation of designations, closures, permit requirements and other regulations enacted under the discretionary authority granted to the park Superintendent under Title 36 of the Code of Federal Regulations (CFR).

The regulations contained in this compendium are a supplement to those already codified in 36 CFR, Chapter 1, and are in addition to other federal and state laws applicable within Capitol Reef National Park (CRNP).

36 CFR 1.5(a)(1) – CLOSURES AND PUBLIC USE LIMITS**• Temporary Road Closures:**

All park roads are subject to temporary closure during periods of adverse weather, natural disaster, emergencies, or implementation of management action, as indicated by signs, locked gates, or other means of notification. Driving a vehicle or riding a bicycle or e-bike on closed roads is prohibited.

Determination:

Various circumstances could lead to hazardous conditions on park roads. Temporary road closures provide for enhanced visitor and employee safety.

• Service and Administrative Roads:

Those that are designated by signs and/or locked gates are closed to all vehicle and bicycle traffic except persons on official government business.

Determination:

Administrative roads are used to access critical park infrastructure only. Facilities on these roads often contain sensitive government property such as wells, sewage lagoons and other installations that are critical to the safety of the visiting public and park staff. This restriction is also in place in order to protect the facilities from vandalism or tampering.

• ATV/UTVs:

All roads within the boundary of the park are closed to the use of off-highway vehicles defined by Utah Criminal and Traffic Code, Section 41-22-2 as All-terrain type I and All-terrain type II vehicles. This definition includes any vehicle registered as a "street legal ATV/UTV" and/or eligible for a state ATV/UTV registration sticker. Motorcycles designed, equipped, and licensed for highway use are not included in this restriction.

Determination:

The addition of off-road vehicle traffic on park roads will inevitably result in injury and damage to park resources. These specialized vehicles are designed and marketed for the purpose of off-road travel, and they are uniquely capable of easily leaving the road and travelling cross-country. No reasonable level of law enforcement presence would be sufficient to prevent ATV and OHV use off roads. Park rangers will have no ability to pursue and apprehend vehicle users off-road without adding to the damage they cause to park resources.

• Area Closures:

Park areas may be temporarily closed when conditions are such that use may be hazardous to the visiting public (e.g., rockslides, flash flooding), or for resource management actions. Visitors shall be advised of such closures by the posting of signs at trailheads, trail junctions and/or other appropriate locations. Entering a closed area is prohibited.

Determination:

Rockslides, flash flooding or other hazards can pose a safety risk to visitors. In order to protect park visitors, employees, and resources, these closures may be made by the superintendent. Human caused or natural circumstances may arise that create hazards to the public or to park resources. Usually such closures are temporary and short in duration and are intended to help protect park resources, visitors, and employees.

- **Campground:**

Between 10 p.m. and 6 a.m., on nights the campground is posted as full, entry into the campground is limited to registered campers and their vehicles, or to report bona fide emergencies.

Determination:

The Fruita campground can fill by late afternoon on any given day. When the campground is full there is no need or benefit in letting visitors continue to drive through the campground looking for open sites. Closure of the campground to unnecessary traffic will improve the visitor experience

- **Administrative Buildings/Area:**

These buildings and areas are closed to the public except when escorted by park staff.

Determination:

Access to administrative facilities may compromise the safety and security of park property and employees.

- **Housing Area:**

The housing area is not open to the public unless when invited by park staff or residents.

Determination:

This closure will provide for the safety of park employees and their property.

- **Capitol Reef Field Station (CRFS):**

The facilities and grounds are closed to the public except during scheduled public events or for participants involved with scheduled activities. For purposes of this closure, the CRFS and grounds include the access road and mesa-top where the buildings are located, and the CRFS well site.

Determination:

The CRFS is periodically open to the public but usually is used for classes specific to Utah Valley University. Public access would interfere with the programs underway.

- **Orchards:**

Woven wire fenced orchards with locked gates are closed to public entry when locked.

Determination:

Some orchards are locked in order to prohibit damage to sensitive natural & cultural resources. Other orchards are locked to prevent premature harvest of fruit that is ripening. These closures will protect resources and provide for an orderly system of fruit harvest.

- **Horse Pastures:**

Pastures containing park horses are closed to public entry.

Determination:

Horses can be unpredictable and may harm visitors. This closure will help prevent unnecessary injury to park visitors or the park horses.

- **Fremont River Waterfall Area:**

Beginning at the mid-point of the westbound travel lane alongside the parking lot at the Fremont River waterfall on Utah State Route 24 at mile marker 85.9, progressing northeast (downstream) 125 yards and southwest 100 yards (upstream), including all land between the highway, the Fremont river itself, and 30 yards on the north (far) bank of the river, is closed to entry.

Determination:

The NPS is aware of 5 near drownings occurring at the waterfall. In addition, there have been several additional incidents relayed to rangers, after-the-fact, involving children being pulled into deeper water or under the water. The plunge pool appears to have the type of recirculating currents that can pull a swimmer back toward the fall, potentially causing the swimmer to be pushed under by the force of the fall, surface, and then be drawn back into the recirculating current, repeating the cycle.

- **Petroglyph Panels:**

The section of cliffs and talus slopes north of Utah State Route 24 between the Fruita Schoolhouse (mile 80.1) and the east end of the Petroglyph boardwalk is closed to entry.

Determination:

This area contains sensitive cultural resources. In addition, allowing visitors access to these resources would result in visitors traveling over dangerous terrain, and may lead to multiple trailing and erosion. This closure help protect these natural and cultural resources.

- **Hickman Bridge Trail:**

The top of Hickman Natural Bridge is closed to the public.

Determination:

The Hickman Bridge Trail passes directly underneath the bridge creating a hazard of falling debris if people were on top of the bridge. In addition, accessing the top and descending off the bridge is technical and increases the risk of visitors needing rescue. Hickman Bridge is one of the most photographed features of the park; human traffic would detract from the visual resources of the bridge and may potentially lead to premature erosion of the feature. This closure is in place to help protect visitors and natural resources.

- **Temple of the Sun and Moon:**

The vertical surfaces of the Temple of the Sun and Moon are closed to the public.

Determination:

These features are very popular, unique, and fragile. They are comprised of soft material that is easily erodible. Any climbing traffic on them would lead to premature decomposition. This closure protects these important features from damage.

- **Chimney Rock:**

The vertical surfaces of Chimney Rock are closed to the public.

Determination:

This feature is very popular, unique, and fragile. Any climbing traffic on it would lead to premature decomposition. This closure protects this important feature from damage.

- **Research Areas:**

All fenced research exclosures are closed to entry.

Determination:

Some areas of research are sensitive to human traffic. Damage to resources inside exclosures can cause irreversible damage, compromise scientific research, and/or create expense to the NPS or researching institutes. This closure will protect the integrity of research and the resources.

- **Archeological Sites:**

All archaeological and petroglyph sites that have barriers/fencing are closed to public access.

Determination:

These areas have been impacted by graffiti and other vandalism in the past and are closed to entry to preserve cultural resources.

- **Access Roads and Sewage Lagoons:**

The access roads leading to the potable water storage tank and 200 feet from the tank in all directions; the sewage lagoons and the access road leading to them from the equipment storage area; the road leading to the burn pile; and the irrigation water/potable water well diversion road beginning 100 yards east of the solar panel site and 200 feet in all directions of the solar panels are closed to the public.

Determination:

Unrestricted access to public utilities poses inherent risk to both the visitors and the people being served by the utilities. This closure protects valuable facilities, park visitors and employees.

- **Gifford House Parking Area:**

This parking area is limited to thirty (30) minute parking March 1 through November 30 each year. From December 01 through February 28 the Gifford House parking area is available for time unlimited parking in accordance with other park specific and NPS regulations.

Determination:

Increased visitation combined with limited parking (18 vehicles) near the Gifford House has made it difficult for visitors wishing to access the Gifford House to find parking. The 30-minute parking limitation will create a reoccurring availability of nearby parking that will better serve more visitors who want to enjoy and experience the historic setting of the Gifford House and the goods sold there.

- **The interior of the Gypsum Sink Hole is closed to the public.**

Determination:

The sinkhole contains crumbling, unstable rock which is a fall hazard. Entering it would require rappelling and using local anchors which would cause resource damage.

- **Refuse Containers:**

Scavenging in government refuse containers is prohibited.

Determination:

Materials in refuse containers may be hazardous and are the official property of the park until abandoned at a landfill or other off park collection station. This closure protects park visitors and may protect park property.

- **Unmanned Aircraft Systems (UAS):**

Launching, landing, or operating an unmanned aircraft from or on the lands and waters administered by the National Park Service (NPS) within the boundaries of Capitol Reef National Park is prohibited except as approved in writing by the Superintendent.

The term “unmanned aircraft” means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from, within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this

definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

Determination:

Use of "unmanned aircraft" within Capitol Reef National Park is not a compatible use with the purpose of Capitol Reef National Park as detailed in the Park's General Management Plan (2001) for wilderness management, preservation of natural soundscapes, natural resources and visitor experience based on noise, lack of appropriate landing sites, visitor safety, conflicts with wildlife including endangered species, conflicts with motor vehicle traffic, and intrusion on other visitors' enjoyment of the park. Less restrictive use of "unmanned aircraft" will not provide the protection to wildlife such as Mexican Spotted Owls and Desert Bighorn or the visitor experience of solitude and natural quiet in Capitol Reef National Park wilderness (96% of the park is managed as Wilderness).

- **Technical Canyoneering:**

Canyoneering is defined as cross-country travel involving descending into canyons or major rock formations using a variety of techniques that are associated with technical descents – those that require rappels and rope work, technical climbing or down-climbing, technical jumps and/or technical swims.

Canyoneering groups are limited to 12 persons per group (to include commercially permitted guides) in the following technical canyons:

- 1) Cassidy Arch Canyon
- 2) The Wives: 1,2,3,4,5 & 6
- 3) Old School
- 4) Beaver Bay
- 5) Na-Gah
- 6) Arch Nemesis

Canyoneering groups are limited to 8 persons per group (to include commercially permitted guides) in all technical canyons not listed in the 12 person areas.

A canyoneering group shall not exceed the determined number of people (as outlined in the above identified areas/canyons) sharing the same affiliation (school, church, club, scout group, family, friends, etc., or combination thereof) in the same canyon, drainage, general area or the same route on the same day.

Groups larger than 8 or 12 sharing the same affiliation may divide into groups smaller than 8 or 12, provided they do not occupy the same canyon, drainage, general area or the same route on the same day.

Determination:

Canyon resources are sensitive and susceptible to negative impacts when canyoneering activities occur. Technical canyoneering can speed up the erosion process through rope and equipment scarring created by these activities, archeological resources are extremely susceptible to damage by human contact, and nesting raptors are easily disturbed from their nests which can jeopardize clutches. In order to best protect these park resources the superintendent has determined that canyoneering group size and affiliation should be limited as described above.

- **Group Size Limits (Day Hiking):**

Group size for day hiking shall not exceed 40 people sharing the same affiliation (school, church,

club, scout group, family, friends, etc., or combination thereof) in the same drainage or on the same trail on the same day. Groups larger than 40, sharing the same affiliation, may divide into groups smaller than 40, provided they do not occupy the same drainage or the same route on the same day. Groups not wishing to divide into smaller than 40 subgroups must submit a Special Use Permit application a minimum of 30 days prior to their hike.

Determination:

Group size limits are being tested on a trial basis as Capitol Reef managers engage in planning efforts for the park's frontcountry and backcountry areas. Larger groups have been shown to create unacceptable resource impacts as well as noise impacts that adversely affect the experience of other visitors when hiking in Capitol Reef National Park. It has been demonstrated that large groups traveling in the same drainage or on the same route routinely divide into smaller groups only to reassemble at some point along the trail or route.

36 CFR 1.5(a)(2) - Use Limits, Conditions, Restrictions

The following public use limits, conditions, and restrictions are established within Capitol Reef National Park:

• **Orchards:**

Orchard fruits may be gathered subject to the following restrictions:

- a) Fruit may only be gathered (in bulk) when orchards are designated as open by the park Orchard Manager/Horticulturist and signs are posted (U PICK) that the orchard is open for harvest.
- b) A fee, determined yearly, will be charged for fruit removed from the orchards (excluding mulberries and grapes).
- c) No fee will be charged for fruit consumed within the orchards.

Determination:

The fee for fruit removed from the orchards helps defray the cost of maintaining the orchards for public use. This condition helps protect the cultural value of the orchards.

- d) Tree climbing is prohibited in orchards, campgrounds and picnic areas.

Determination:

Many of the fruit trees around the park are fragile and historically sensitive. Climbing on the trees may create irreversible damage. This restriction will protect the integrity of the natural and cultural resources of the park.

- e) Fruit gathering is considered a recreational activity. Fruit harvested for resale or other commercial purposes is prohibited without a Commercial Use Authorization permit issued by the superintendent.

Determination:

The orchards do not produce enough fruit to sustain commercial harvests. More people can enjoy the orchards when harvest is managed as a recreational activity. In addition, government regulations prohibit the commercial sale of park resources. This restriction helps protect park resources.

- f) Only NPS provided ladders will be used to pick fruit. Visitors may not bring/use privately owned ladders.

Determination:

NPS ladders are inspected as part of the park's safety plan. Using these ladders properly should help limit fall hazards associated with faulty ladders.

• **Weddings:**

Weddings may be held in the park pursuant to a Special Use Permit issued by the superintendent including the following conditions:

- a) Unless held in the reserved group camping area, the total number of guests/participants is limited to 100. No other areas of the park may be reserved for exclusive use.

Determination:

Areas commonly requested for weddings are also popular areas for other visitors. Excluding some visitors from these areas during weddings would not be providing equal access. In addition, facilities in the park are limited and not able to accommodate groups over 100. This restriction helps provide for the enjoyment of the park by all visitors.

- b) Throwing or releasing of inanimate and/or live celebratory items (confetti, rice, birdseed, birds, butterflies, balloons, etc.) is prohibited.

Determination:

Materials such as these are difficult to clean up or to remove from the park. They all can lead to resource damage or negative effects to resources. This restriction protects park natural resources.

- c) All participant vehicles must be parked in designated parking areas.

Determination:

Off road parking can cause resource damage. Roadside parking in areas popular for weddings leads to safety risks due to narrow roadway corridors. This restriction helps protect park resources.

- d) No public address systems or amplified music are permitted.

Determination:

Amplified music and/or public address systems negatively affect the natural sound resources that visitors come to the park to enjoy. This restriction helps provide for the enjoyment of the park by all park visitors

- **Swimming/Water Activities:**

Bathing, wading, swimming, and/or immersing human bodies are prohibited in tinajas, tanks, water pockets, or other water sources that do not have water flowing both in and out at the time of the activity, except when necessary to enter the water source in order to traverse a route or trail.

Determination:

Wildlife living in these areas are dependent on these water sources and are adversely affected by people in close proximity.

- **Technical Rock Climbing and Canyoneering:**

Definitions:

- a) Technical Rock Climbing is defined as ascending or descending a rock formation utilizing rock climbing equipment.
- b) Canyoneering is defined as cross-country travel involving descending into canyons or major rock formations using a variety of techniques that are associated with technical descents- those that require rappels and rope work, technical climbing, technical jumps and/ or swims.
- c) Free Climbing and Clean Aid Climbing are minimum impact approaches that employ stoppers, nuts and camming devices, rather than fixed pitons or bolts, for protection or direct support. These are climbing aids, which are removable and do not become affixed after ascent.

- **Permits:**

Day-Use Permits are required for technical canyoneering, rock climbing, and bouldering routes.

Free Day-Use permits are available outside the Capitol Reef visitor center, or online at www.nps.gov/care/planyourvisit/. If climbing or canyoneering includes an overnight stay, a backcountry use permit is also required. Canyoneers and climbers must use minimum impact camping and climbing practices which are listed on the permit.

Determination:

The permit system collects valuable data on visitor use and numbers of visitors in certain areas. It also is a means of conveying the regulations to the public.

- **Climbing and Canyoneering Restrictions:**

Climbing and canyoneering within Capitol Reef National Park shall be either free climbing or clean aid climbing, except as described below:

- a) No new climbing hardware may be installed and/or left in a fixed location; however, if an existing bolt or other hardware item is unsafe, it may be replaced. This will limit all climbing to existing routes or new routes not requiring placement of fixed anchors.'

Determination:

Installing fixed hardware damages the rock and quickly becomes visually obtrusive. Replacement of fixed anchors however, normally can be done without any net increase in resource damage. In addition, the replacement of anchors allows for continued safe use of existing routes that for the most part have not led to significant resource damage. Many of the climbing and canyoneering routes were already bolted at the time this limitation was put in place. In order to prevent future resource damage but not eliminate existing routes, the superintendent has determined that new fixed anchors shall be prohibited.

- b) Protection may not be placed with the use of a hammer except to replace existing belay and rappel anchors and bolts on existing routes, or for emergency self-rescue.
- c) If an existing software item (webbing, sling, runner, etc.) is unsafe, it may be replaced.

Determination:

Replacement of software can normally be done without any net increase in resource damage. In addition, the replacement of software anchor components allows for continued safe use of existing routes that for the most part have not led to significant resource damage. In order to provide for visitor safety, the superintendent has determined that leaving and or replacing software anchor materials is appropriate.

- d) Software that is left in place must be black or match the color of the rock surface.

Determination:

Software is made in every color imaginable. To prevent visual resource impacts the superintendent has determined that only the following software colors may be used: brown, tan, black, green, camo, or other earth tones.

- e) Chalk must closely match the color of the surrounding rock.

Determination: Chalk which matches the rock is less visually obtrusive than other colors and the superintendent has determined only colors matching the rock will be used.

- f) The use of motorized power drills is prohibited.

Determination:

36 CFR 2.12 states that the operation of any motorized equipment may be prohibited that makes noise which is unreasonable considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances. The superintendent has determined that all potential climbing areas of the park are managed as wilderness or for wilderness qualities and that nowhere would the operation of a power drill be appropriate for the replacement of climbing hardware.

- g) Ropes may not be left in place unattended for more than 24 hours, and these ropes must be out of reach from the ground or other points accessible without technical climbing.

Determination:

Ropes left accessible on climbing routes pose a safety risk for visitors. People may be tempted to climb ropes or routes when they have no other skills, equipment, or knowledge to do it safely. In addition, unattended ropes may be visually obtrusive. Without prohibiting unattended ropes completely, it has been determined that a 24 hour limit is appropriate.

- **Climbing/Canyoneering Prohibited:**

In addition to the areas identified as closed to the public in Section 1.5(a)(1), technical rock climbing and canyoneering are prohibited in the following areas:

- a) On any named or unnamed arch or natural bridge with an opening greater than three feet within the boundaries of Capitol Reef National Park.
- b) Within 300 feet of a known archeological site.
- c) Within ¼ mile of known nesting eagles, hawks or falcons.
- d) Within ¼ mile of known Mexican Spotted owl activity during the mating and nesting season.

Determination:

Resources listed above are sensitive and susceptible to negative impacts when climbing/canyoneering activities occur near them. Technical climbing and canyoneering on natural bridges and arches can speed up the erosion process through rope and equipment scarring created by these activities. Archeological resources are extremely susceptible to damage by human contact. Nesting raptors are easily disturbed from their nests which can jeopardize clutches. In order to best protect these resources the superintendent has determined that these areas should be closed to technical climbing and canyoneering.

- **Artificial Light Sources Prohibited**

The use of artificial light sources for purposes other than personal route-finding or minimum impact camping – that is, to light up landscapes, rock formations, camp sites or other park features – is prohibited.

Determination:

In 2015, the International Dark Sky Association designated Capitol Reef a Dark Sky Park. Lighting up rock features (“light painting”) detracts from visitor enjoyment of the night sky.

- **Passenger Carrying Busses and Idling – Restricted:**

Commercial vehicles (buses, vans, school buses, etc.) are only allowed to idle while actively (passengers are physically getting on or off) loading and unloading passengers. All operators must turn off vehicle engines when parked or when not actively loading or unloading. This restriction does not apply to vehicles stopped on roadways in obedience to traffic control devices or orders, or as needed in response to legitimate traffic safety concerns.

Determination:

Commercial tour bus operators have a tendency to idle their engines while parked. The primary reason is that tour operators like to keep their buses cool with air conditioning while their clients are away from the bus. Idling occurs in the visitor center parking lot and in other parking areas where large numbers of visitors congregate. Idling engines produce noise pollution and exhaust that impacts clean air. This limitation will minimize the impacts to natural resources and visitors.

- **Face Coverings Required:**

When the COVID-19 Community Level is LOW or MEDIUM in the county or all the counties where the park is located based on data provided by the Centers for Disease Control and Prevention (CDC), individuals are not required to wear masks. When the COVID-19 Community Level is HIGH in the county or all the counties where the park is located based on data provided by the CDC, all individuals over the age of two must wear masks, regardless of vaccination status, in all common areas and shared workspaces in buildings owned, leased, or otherwise controlled by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.

When the COVID-19 Community Level is HIGH in one or more, but not all, of the counties where the park is located based on data provided by the CDC, the superintendent will determine whether individuals are required to wear masks. The requirement, if any, will apply to all facilities within the park. Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement. Regardless of the COVID-19 Community Level, individuals may wear masks if they choose to do so. Where a state, local, tribal, or territorial government where the park is located imposes more protective mask-wearing requirements than those indicated by the COVID-19 Community Level, individuals must follow those more protective requirements within the park. More protective state, local, tribal, or territorial mask-wearing requirements are hereby adopted as federal requirements in all units of the National Park System located within that state, locality, area subject to a federally recognized Indian tribe’s regulatory jurisdiction, or territory, regardless of a particular park’s jurisdictional status.

Determination:

This requirement is in response to the Department of Interior memo dated March 3, 2022 directing parks to follow CDC guidance regarding face coverings depending on the local level of transmission of COVID-19.

36 CFR 1.6 – PERMITS

The following is a list of activities for which a permit is required within Capitol Reef National Park:

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|-----|---|---------------|
| 1. | Canyoneering, Climbing and Bouldering | 1.5 (a)(2)(6) |
| 2. | Specimen Collection (Scientific Research) | 2.5(a) |
| 3. | Frontcountry Camping (Fruita Campground) | 2.10(a) |
| 4. | Backcountry Use | 2.10(a) |
| | a) Overnight camping in areas other than Cedar Mesa or Cathedral Valley Campgrounds | |
| 5. | Special Events | 2.50(a) |
| 6. | Public Assemblies and Meetings | 2.51(a) |
| 7. | Sale or Distribution of Printed Material | 2.52(a) |
| 8. | Livestock, Grazing, or Agriculture Use | 2.60(b) |
| 9. | Memorialization (scattering of human ashes) | 2.62(b) |
| 10. | Post or Distribute Commercial Notices or Advertisements | 5.1 |
| 11. | Business Operations | 5.3 |
| 12. | Commercial Photography / Filming | 5.5(a)& (b) |

Permits are issued by the superintendent and may be subject to special requirements.

Permit must be in the permittee's possession at all times and exhibited to authorized personnel upon request.

Engaging in these activities without a permit or violating the terms and conditions of a permit is prohibited.

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

2.1(b) – Hiking Restrictions

When a trail, path or walkway exists, leaving that trail, path or walkway to shortcut between portions of the same trail, path or walkway, or to cut to an adjacent trail, path or walkway is prohibited to reduce resource damage and erosion.

Determination:

Areas between trails can contain sensitive plants, cryptobiotic crust, and/or archeological resources. All of these are susceptible to damage in areas where foot traffic is high. In order to prohibit degradation, this activity is prohibited.

2.1(c)(1) – Gathering of Nuts, Berries, Fruit and Plants

Wild growing asparagus, grapes, and mulberries may be gathered for personal consumption at no charge.

Quantities are limited to 1 pound per person per week. See also Section 1.5 regarding Orchard Fruit.

Determination:

These products can be collected without damaging park resources because they are not native to the park. The quantity limit is to allow multiple visitors to enjoy these items.

36 CFR 2.2 – WILDLIFE PROTECTION

Hunting is prohibited within Capitol Reef National Park.

Determination:

Hunting is only allowed in park areas specifically mandated by Federal statutory law. The superintendent has determined that hunting is not consistent with visitor enjoyment of the park or sound wildlife management.

2.2(d) -Transportation of Lawfully Taken Wildlife

- All wildlife lawfully taken outside the park and transported through the park must be tagged in accordance with state law, with the license and the hunter present.

Determination:

Transporting of lawfully taken wildlife is allowed in limited locations of the park. In order to differentiate between lawfully and unlawfully taken wildlife, it is essential for the hunter to properly tag the animal(s) and be in possession of a valid license. This is consistent with Utah State law. This action is deemed appropriate for the protection of park wildlife resources.

- Transportation through the park of wildlife lawfully taken outside the park is permitted only in an authorized motor vehicle on designated open, through roads in the park.

Determination:

While the park superintendent may not restrict the possession of firearms he/she is given the authority under 36 CFR 2.2(d) to establish restrictions regarding the transportation across park lands of wildlife taken lawfully from lands outside the park. Therefore, with the goal of minimizing or eliminating the occurrence of illegal hunting activities on park lands, the superintendent is restricting the transportation of legally taken wildlife across park lands to maintained, through roads only.

- Legally taken bison may be transported by horse, pack animals or on foot across NPS land in the following 3 locations:
 - 1) On a previously established game or cattle trail or existing wash bottom from the NPS boundary in Swap Canyon, Bitter Creek Canyon, Divide Canyon west to the designated access parking area on the Notom/Bullfrog road.
 - 2) All other areas (not including roads) are closed to the transportation of wildlife across park lands.
 - 3) Swap Canyon, Bitter Creek Canyon, and Divide Canyon will be opened to transportation of legally taken BISON on a one year (season) basis. Any potential re-opening for transportation of legally taken bison in these areas will be evaluated prior to each bison season in coordination with the Utah Division of Wildlife Resources.

Determination:

The bison hunting area on BLM land is open in winter months and may not be accessible by road. It is a short distance from the Notom Road to the BLM boundary and the superintendent has determined that transport of legally taken bison through these canyons does not negatively impact park resources.

- Transportation (by authorized vehicle) through the park of wildlife lawfully taken outside the park must be non-stop, except for emergencies.

Determination:

Due to the abundance of hunting opportunities near the park and the high level of hunting activity there is an increased likelihood of hunters transporting legally taken game on park roads. Since hunting activities are not consistent with the enabling legislation of the national park, the superintendent has determined that stopping in the park while transporting game may cause visitors to believe that the NPS allows hunting in the park.

- Any animal entering the park after being shot or wounded while outside the park may not be retrieved without first contacting an NPS Law Enforcement Ranger.

Determination:

It is not uncommon for wounded animals to enter the park. In some instances wounded animals may be very mobile and travel a great distance into the park where it may or may not ever be located. There exists a great potential for abuse related to this issue since there are so many hunting opportunities near the park boundary. The superintendent has determined that since so many variables play into these cases, that hunters must contact a protection ranger before entering the park to retrieve any wounded animal.

- No actions may be taken in the park to aid or assist in the legal hunting of game outside the park.

Determination:

Where scouting or glassing may not be direct harassment of wildlife it clearly still alters their normal habits or travel. Scouting, glassing, hazing, or pursuing game in the park may cause visitors to believe that the NPS allows hunting in the park.

2.2(e) – Spotlighting Wildlife

All lands within the boundaries of Capitol Reef National Park are closed to viewing wildlife with an artificial light, including flash photography of wildlife at night.

Determination:

The superintendent has determined that using artificial light to view or photograph wildlife disturbs wildlife which is prohibited by 36 CFR 2.1.

36 2.10(a) – CAMPING AND FOOD STORAGE

- **Backcountry Use (camping) Permit:**

Required for all overnight use (commercial and non-commercial) outside these designated campgrounds:

- a) Fruita Campground
- b) Cedar Mesa Campground
- c) Cathedral Campground

Determination:

Permits are a means of collecting visitor use numbers and making sure visitors are aware of backcountry regulations.

- **Backcountry Camping Restrictions – Backpackers:**

(Locations and number of campers)

- a) Except for the developed campgrounds listed above, camping is not allowed within ½ mile or within sight and sound of developed roads and trails.

Determination:

Seeing camps set up within sight of roads and/or trails detracts from the visual resources that the park is preserving and providing to other visitors. By requiring backcountry campers to travel away from roads and trails there becomes less concentrated impact.

- b) Parties using the park's backcountry areas for overnight camping are limited in size to no more than 12 persons, to include commercially permitted guides.

Determination:

Large group sizes in the backcountry can significantly affect the quality of visitor experience. Large groups are also more likely to impact resources since people are concentrated into a smaller area. Soil compaction, multiple trailing, litter, and human waste accumulation are some of the noted impacts

- c) Overnight Group size shall not exceed 12 people sharing the same affiliation (school, church, club, scout group, family, friends, etc., or combination thereof) in the same drainage, general area or on the same trail on the same day. This applies to people traveling or camping together.

Determination:

Large group sizes in the backcountry can significantly affect the quality of visitor experience. Large groups are also more likely to impact resources since people are concentrated into a smaller area. Soil compaction, multiple trailing, litter, and human waste accumulation are some of the noted impacts

- d) Backcountry camping is prohibited within 100 feet from flowing water courses and 300 feet from tanks, ponds, recognizable archeological or historical sites.

Determination:

This allows wildlife to access water sources and limits contamination of water courses. It also helps protect cultural resources by limiting impact from overnight use.

- e) Backcountry camping is limited to 3 nights in a particular location, 14 days per trip, and a maximum of 30 days annually, in either one visit or the accumulation of separate visits. Homesteading, or living temporarily, within the national park is not permitted.

Determination:

The purpose of backcountry camping is for recreational activity, not to provide living quarters.

- **Backcountry Vehicle Campsites:**

Camping with vehicles is restricted to designated sites. There are two (2) Backcountry Vehicle Campgrounds:

- a) Cedar Mesa Campground (south), 5 sites

- b) Cathedral Valley Campground (north), 6 sites

- **Cedar Mesa/Cathedral Valley Campground Restrictions:**

- a) Maximum capacity for camping is 8 people and 2 vehicles per campsite.
- b) Generator operation is not permitted.
- c) No collecting wood in the park. Fires in fire rings and/or stand up grill only.

Determination:

There is not sufficient firewood to allow collection of wood in the park. These campgrounds are in remote areas where large groups and unnecessary noise is not appropriate.

- **Frontcountry Vehicle Campsites:**

Camping with vehicles is permitted only designated sites in the Fruita campground. This campground is designated by appropriate signage and by NPS brochures and maps available to the public at the visitor center.

- **Fruita Campground Restrictions:**

- a) Campsite occupancy is limited to no more than 8 people.
- b) Campsite parking is limited to the number of vehicles (including trailers) that can fit within the designated parking space without extending into the roadway. The walk-in tent sites in B Loop are the exception, and are limited to the number of vehicles that can park single file in front of the marker on the rail fence corresponding to the site number without extending into the roadway.
- c) Campsite registration and fee payment must be completed within 30 minutes of occupying a campsite. (See SECTION 2.23(a) – RECREATION FEES)
- d) Occupants of the site must be present at the time of registration.
- e) No person may register for a campsite with the intent of saving the site for someone else regardless of the number of persons in their group.
- f) Campsite occupancy is not recognized unless the required camping fee has been paid, and the registration properly posted.
- g) When a campsite that has been registered for and no sign of occupancy has been observed for 24 hours, the site will be designated as open for occupancy.
- h) It is prohibited for visitors to go through the campground soliciting registered campers to share their campsite and vice versa.
- i) Check-out time at the Fruita Campground is 11 a.m.
- j) Effective 8/1/23 generator operation is permitted only in the C loop between the following hours:
 - o Mtn Standard Time (winter): 8 a.m. to 10 a.m. and 5 p.m. to 7 p.m.
 - o Mtn Daylight Savings Time (summer): 8 a.m. to 10 a.m. and 6 p.m. to 8 p.m.

Determination:

Generators are allowed for the convenience of visitors but are allowed certain hours in only the C loop to limit the noisedisturbance to other visitors. The date of 8/1 is to allow prior reservations to use generators in A or B loops as was indicated as being allowed at the time the reservations were made up to 6 months ahead.

- k) Campers may use hammocks and clotheslines in the Fruita Campground only:
 - o Within their own campsite
 - o During daylight hours
 - o In such a way that no resource damage occurs to vegetation.

Determination:

Hammocks interfere with wildlife movement and can damage trees if left up for long periods.

- l) Slacklines are permitted in the Fruita Campground and Picnic Area only, with the following restrictions:
 - o During daylight hours only
 - o Attended at all times (taken down if not attended)
 - o In such a way that no resource damage occurs to vegetation.

Determination:

Slacklines interfere with wildlife movement and can damage trees if left up for long periods.

- **Duration of Stay *:**

In designated campgrounds (Fruita, Cedar Mesa & Cathedral Valley):

- a) Between March 1 and November 30: 14 days total
 - b) Between December 1 and February 28: 30 days total
- * In either one visit or the accumulation of separate visits.

Determination:

The Fruita, Cedar Mesa, and Cathedral Campgrounds can be very popular. In order to provide camping opportunities to more visitors, the Superintendent has determined that a length of stay limit is appropriate.

- **Group Campsite:**

The following conditions apply to the Fruita Campground Group Campsite:

- a) Use of Group Campsite is by reservation only
- b) Open from April 1 through October 31.
- c) Tuesdays and Wednesdays it will be closed for grounds keeping purposes.
- d) Maximum capacity is 40 people and 10 vehicles and/or trailers combined.
- e) Maximum length of stay is 5 days, and 4 nights, annually.

Determination:

The plumbing to the site cannot be winterized and is susceptible to freezing. Keeping green grass in the campground has been the preferred practice in the Fruita Historic District, and having the group site closed two days a week allows for better preservation of the lawn.

- **Food Storage:**

In all designated campgrounds, food items must be stored in a vehicle or in an animal proof hard-sided container at all times unless being prepared or consumed.

Determination:

This is to prevent wildlife from gaining access and becoming habituated to human food.

- **Hunting Camps:**

Use of any park land as a camp for hunting and/or trapping parties is prohibited.

Determination:

Due to the abundance of hunting opportunities near the park there is an increased likelihood of hunters wanting to camp in the park. Since hunting activities are not consistent with the enabling legislation of the national park, the superintendent has determined that allowing hunters to camp in the park may cause visitors to believe that the NPS allows hunting in the park.

36 CFR 2.13(a)(1) – FIRES

- Open fires are permitted only in designated vehicle campsites and picnic areas. At these locations, fires shall be contained within designated grills/rings or in portable fire pans capable of containing all fire ash and residue. Portable fire pans are specifically constructed to elevate the burn pan above the surface on which it sits for the purpose of not impacting the vegetation below it or damaging resources in or around the immediate area.
- Open fires are prohibited at the Equestrian Staging Area at The Post unless contained within a portable fire pan or grill for permit holders. Ashes must be removed out of the park.
- Open fires are permitted in park housing by residents in fire pans only.

Determination:

There is not sufficient wood available in the park to allow campfires outside of developed areas. Also, the construction of fire rings creates an eye sore and damages park resources.

36 CFR 2.14(b) – SANITATION AND REFUSE

Where toilet facilities are not available, all solid human waste must be either packed out to an appropriate disposal location or buried at least 6 inches deep, away from wash bottoms, at least 300 feet from standing water, at least 100 feet from flowing water, tanks or ponds and in an area not frequented by the public. Only feces should be buried; toilet paper and other materials must be packed out, not buried or burned.

Determination:

This is a standard leave no trace principle to promote sanitation in the backcountry.

36 CFR 2.15 – PETS

- **Pets on leashes no longer than 6 feet in length, or otherwise under physical restraint, are permitted:**
 - a) Within 50 feet of the center line of roads open to public vehicle travel.
 - b) Parking areas open to public vehicle travel.
 - c) In unfenced and/or unlocked orchards.
 - d) In the Chestnut and Doc Inglesby picnic areas
 - e) On the trail between the visitor center and the Fruita Campground.
 - f) On the Fremont River Trail between the campground and the southwest end of Hattie's Field.

Determination:

Pets pose a threat to wildlife and other visitors if they are unrestrained. The superintendent has determined that leashed pets are appropriate in the above listed areas to allow visitors and staff with pets to access certain trails for exercise.

- **Pets are prohibited on all other trails, administrative roads and undeveloped areas of the park.**

Determination:

Permitting pets outside of developed areas could lead to the increase in predator scent within the park. This could detract from visitor experience by deterring wildlife people would like to see. Pets also transmit disease to wildlife, impact wildlife behavior and may injure or kill wildlife.

- **Working Livestock Dogs:**

May be used to control livestock when accompanied by ranchers with legally authorized grazing or trailing permits. Leashes are not required for these dogs.

Determination:

These dogs are allowed in support of ranchers holding grazing or trailing permits. The dogs are needed to control the livestock and cannot do that work if restrained by a leash.

36 CFR 2.16(g) – HORSES AND PACK ANIMALS

- **Animals designated as pack animals shall be limited to:**

- a) Horses
- b) Burros
- c) Mules

- **Horse and Pack Animal Use:**

Horses and pack animals are not allowed in the following areas:

- a) Trails starting on Utah State Route 24 or the Scenic Drive
- b) Capitol Gorge and Golden Throne trail
- c) Grand Wash
- d) Upper and Lower Spring Canyon
- e) Halls Creek Narrows
- f) Halls Overlook trail

Determination:

The superintendent has designated the above areas to be inappropriate for horse use. These areas would present conflicts with hikers or are otherwise inappropriate for stock use. Park staff may be granted access to areas closed to public stock use on a case by case basis as needed for government duties.

- **Horse and pack animal use restrictions:**

- a) May not be kept overnight in any established roadside pullout, campground, picnic area or orchard, with the exception of the Equestrian Staging Area at the Post Corral.
- b) Use in any part of the park may be prohibited when, at the discretion of the Superintendent, such action is necessary to protect park resources or visitors.
- c) A Backcountry Use Permit [36 CFR 1.6(f)], available at the visitor center, is required for each party with horses or pack animals staying overnight in the park.

- d) Day use and backcountry use parties with horses or pack animals must camp and picket their animals at least 300 feet from tanks, ponds, any archeological or historical site, and backcountry trail junctions, and at least 100 feet from any water course (wet or dry).
- e) Camping with horses or pack animals (other than in the Equestrian Staging Area) is prohibited within 1/2 mile of established roads or trailheads. Camping is also prohibited within sight of established roads or trails, or within sight and sound of other camping parties.
- f) Parties camping with horses or pack animals, (other than the Post Equestrian Staging Area) must camp in a new location each night.
- g) Horse and pack animal manure must be scattered upon vacating a campsite. Manure must be removed immediately if dropped in or near any spring or non-flowing water source.
- h) All feed must be carried in and supplied by horse and pack animal users. All feed must be certified weed-free during trip duration and for 2 full days prior to visit to limit exotic and/or invasive weed introduction and spreading.
- i) When being used in the park's backcountry, group size is limited to no more than 12 people and no more than a total of 12 head of horses or pack animals.
- k) Loose herding of horses and pack animals is prohibited.
- l) Riders will slow their mounts to a walk when passing hikers.
- m) Horses and pack animals must be picketed in locations where there will be minimum vegetation damage.

Determination:

These regulations protect fragile desert resources which are easily damaged by stock use. The superintendent has determined that stock use is appropriate under these conditions which help protect park resources.

- **Equestrian Staging Area (Post Corral) Restrictions**

- a) Permitted only for non-commercial horse users.
- b) Requires advanced reservation up to one year in advance by phone or in person, and requires the party to obtain a backcountry permit in person from the visitor center, prior to use.
- c) All vehicles, camping units, and trailers associated with groups camping at the site must be parked within the large (west) side of the corral, and horses must be contained within the corral area.
- d) Camp use is limited to one group of 12 riders and 12 horses. Up to two camp tenders may also accompany the group, and may remain in camp as needed.
- e) Generator operation is prohibited.
- g) Day use riders can use this area for staging day trips. Vehicles and trailers must be parked in the area marked by signs that are located adjacent to the corral, and not at the trailhead.

Determination:

These regulations are standard leave no trace practices in place to minimize resource damage and preserve the remote nature of the Post Corral area.

36 CFR 2.20 – SKATING, SKATEBOARDS AND SIMILAR DEVICES

The use of roller skates, roller blades, skateboards, kick scooters, roller skis or similar devices is prohibited except in the Fruita campground, and in the residential area on streets and driveways by residents.

Determination:

The superintendent has determined that these devices are a safety hazard on roadways except those with very little traffic where they can be accommodated.

36 C FR 2.21(a) – TOBACCO SMOKING and ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS)

- **Smoking and ENDS are prohibited:**

- a) In all public use and administrative buildings and facilities.
- b) Within 25 feet of any door, window or air intake of any building identified above.
- c) May be prohibited in any area of the park during times of high fire danger.
- d) At all NPS led activities

Determination:

Smoking and ENDS present a health and safety hazard in the above situations.

36 CFR 2.22(a)(2) – PROPERTY

- **Parking:**

Vehicles may be parked overnight in parking areas only for backcountry permit holders and only for the period of time specified on their approved backcountry camping permit. Overnight vehicle parking is allowed only for holders of backcountry permits and for users in established campgrounds.

- **Overflow Parking (Fruita Campground):**

Registered campers may park vehicles or trailers that do not fit within the required space at their individual site in the amphitheater parking area. Campers may not camp in, or occupy, these vehicles or trailers.

Determination: *Due to the increasing vehicle numbers with increased visitation, these restrictions allow for orderly parking in situations where extra cars are in the park and cannot be accommodated in the campground or other lots.*

36 CFR 2.23(a) – RECREATION FEES

1. **Scenic Drive:**

Travel south of the Fee Station on Scenic Drive requires payment of the appropriate park entrance fee.

2. Fruita Campground:

Reservations through www.recreation.gov are required for overnight stays March 1-October 31.

Campsite permits are required November 1-February 28/29. The permit application requirement will be deemed as having been completed upon:

- a) Completing the fee collection envelope and receipt (stub).
- b) Inserting the required payment into the envelope.
- c) Posting permit receipt (stub) on the corresponding number post of the campsite being registering for.
- d) Depositing the envelope in the security container at the registration station or the visitor center within 30 minutes of occupying the campsite.

Determination:

Entrance and camping fees help with the operation and maintenance of the park.

36 CFR 2.35(a)(3)(i) – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

Restrictions: All public use buildings are closed to the possession or consumption of alcoholic beverages except during officially sanctioned activities when the building is closed to the general public.

Determination:

The superintendent has determined that having alcoholic beverages in park buildings except during special approved events is not in the interest of the NPS mission.

36 CFR 2.51(c)(2) – DEMONSTRATIONS, PUBLIC ASSEMBLIES, MEETINGS and 36 CFR 2.52(e) – SALE OR DISTRIBUTION OF PRINTED MATERIALS

Requirements:

Activities pursuant to this section are allowed as follows:

1. For groups of 25 persons or less:

Groups of 25 persons or less may request a permit exemption as long as the pre-designated location is used:

- a) 144 square foot (12'x12') section of unvegetated ground across the parking lot from the Visitor Center (see attached map).

2. For groups over 25 persons:

A permit is required. Location will be determined through the application process.

3. Printed Materials:

The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under §2.51(c)(2) (see above) when the superintendent has issued a permit.

Determination:

Public assemblies are allowed under the 1st amendment of the US Constitution. Providing a designated area for these activities gives their participants the ability to gather without interfering with other park activities and uses. While conducting these gatherings, printed matter can be distributed within the areas designated by the superintendent.

36 CFR 4.11 (a) – SIZE LIMITS

Vehicles and/or trailers are limited to no more than 27 feet total length on the:

- a) Goosenecks Road
- b) Grand Wash Road
- c) Capitol Gorge Road
- d) Pleasant Creek/South Draw Road

Determination:

These roads are very narrow and have little space to turn around. Longer vehicles would be stuck at the end of these roads with no space to return.

Q. SECTION 4.21(b) – SPEED LIMITS

The following speed limits are established:

Fruita Campground: 5 mph

Park Residence Area: 10 mph

Scenic Drive (except as noted below), Notom Road and Burr Trail: 25 mph

Scenic Drive between the Merin Smith Implement Shed and the Fee Station: 15 mph

Capitol Gorge/Grand Wash/ Pleasant Creek/South Draw/ Goosenecks Roads: 15 mph

Cathedral Valley/Hartnet Road: 25 mph

Determination:

Park roads are narrow and winding in places. They also are unpaved outside the developed area. These limits are in place for the safety of visitors and wildlife.

36 CFR 4.30(a) – BICYCLES and E-BIKES

Restrictions:

Traditional bicycles are prohibited on all park trails except the trail between the Visitor Center and the campground, and the Fremont River Trail between the campground and the southwest end of Hattie's Field. A fence with a "no bikes" and "no dogs" sign marks the location where bicycles may not continue.

Class 1, 2, and 3 e-bikes are only permitted on paved/unpaved roads and/or parking lots that are open to public vehicular traffic. E-bikes are prohibited from all administrative use roads and all trails within the park. 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.).

Determination:

Because e-bikes can travel faster than traditional bicycles, they are restricted to areas where motor vehicles can go and are not allowed on the Fremont River trail or the trail between the Visitor Center and the campground. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited because the faster moving bikes are treated as motor vehicles in this situation. 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 Capitol Reef National 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.

36 CFR 5.3 – BUSINESS OPERATIONS

1. A commercial use authorization (CUA) or the commercial road-based tour fee is required of all commercial groups/tours while conducting business in the park.

Location Exceptions:

- a) Utah State Route 24 corridor, (which includes all turnouts, parking areas, the petroglyph panel and the Fruita schoolhouse)
- b) The visitor center
- c) Scenic Drive to the fee station including the picnic areas and Gifford House

2. If commercial groups utilize any area of the park except the above listed areas, they are subject to this requirement.

Determination:

Commercial groups are allowed to operate within the park provided they obtain a CUA and meet all the terms and conditions listed in the CUA. Bus groups which provide only interpretive services while on the bus have been determined to have limited impact on the park and are not required to obtain a CUA.

