



**National Park Service  
U.S. Department of the  
Interior**

**Jewel Cave  
National  
Monument**

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

Approved:

"Signature on File" \_\_\_\_\_ Date

Lawrence E. Johnson,  
Superintendent.

## **A. INTRODUCTION**

### **1. Superintendent's Compendium Described**

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to

comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the national Park System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents  
P.O. Box 371954  
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:

[http://www.access.gpo.gov/nara/cfr/waisidx\\_05/36cfrv1\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html)

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

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et.seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and

management of the parks, monuments, and reservations under the jurisdiction of the National Park Service” (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating “Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States.”

16 U.S.C. Section 1c defines the National Park System as “...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.”

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director’s Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, than that Superintendent is obliged to place limitations on public use.

### **3. Consistency of This Compendium with Applicable Federal Law and Requirements**

The Superintendent’s Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on

any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

#### **4. Development of the Requirements of the Superintendent's Compendium**

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

#### **5. Applicability of the Compendium**

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

#### **6. Enforcement of Compendium Requirements**

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

#### **7. Penalties for Not Adhering to the Compendium Requirements**

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

## **8. Comments on the Compendium**

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent, Jewel Cave National Monument,  
11149 US Hwy 16, Bldg 12,  
Custer, SD, 57730

## **9. Effective Date of the Superintendent Compendium**

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

## **10. Additional Information**

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

## **11. Availability**

Copies of the Compendium are available at:

Jewel Cave National Monument  
11149 US Hwy 16, Bldg 12  
Custer, SD, 57730

It may also be found at [www.nps.gov/jeca](http://www.nps.gov/jeca)

## **B. SUPERINTENDENT'S COMPENDIUM**

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Jewel Cave National Monument. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

### **36 CFR 1.5 Closures & Public Use Limits**

1.5 (a) (1) All caves within the exterior boundaries of Jewel Cave National Monument are closed to visitor use except by authorization or permit.

**Determination:** This restriction is in place to protect the cave resource and for visitor safety.

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

1.6 (a) Special events, weddings, foot races, bicycle races, public assemblies, meetings, certain commercial photography, sale or distribution of printed matter and any other activities of organized groups require a written permit from the Superintendent. The permit must be approved prior to the event.

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

- §2.5(a) Specimen collection
- §2.12 Audio Disturbances:
  - (a)(2) Operating a chain saw in developed areas
  - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
  - (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 Aircraft & Air Delivery:
  - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
  - (c)(1) Removal of a downed aircraft



- §2.37 Soliciting (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
  - (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
- §2.52(c) Sale or distribution of printer matter that is not solely commercial advertising
- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §4.11(a) Exceeding of established vehicle load, weight and size limits
- §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).
- §5.5 Commercial Photography/Filming:
  - (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 models for the purpose of commercial advertising.
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)

### III. GENERAL REGULATIONS

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

2.1 (a) (4) All areas of the Monument are closed to wood gathering.

2.1 (c) (1) Gathering of fruits, berries, and fallen pine cones by hand for personal consumption is permitted.

2.1 (c) (2) (I) Any size fruits, berries or fallen pine cones may be gathered. The quantity of fruits, berries or fallen pine cones gathered shall not exceed the daily use of the immediate family.

2.1 (c) (2) (ii) Fruits, berries or fallen pine cones may be gathered throughout the Monument, except for areas of restricted access as listed in this compendium or 36 CFR.

**Determination:** Collection of small amounts of these items will not adversely affect the park wildlife, the reproduction potential of these species, or otherwise adversely affect park resources.

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

2.2 (d) Transportation of lawfully taken wildlife through Jewel Cave National Monument will be conducted in compliance with applicable South Dakota State game laws.

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

Overnight camping is prohibited at Jewel Cave National Monument.

**Determination:** There is no designated campground or facilities available.

## **36 CFR §2.11 – PICNICKING**

2.11 Picnicking is permitted throughout the surface area of Jewel Cave National Monument.

## **36 CFR 2.13 – FIRES**

2.13 (a) Open fires are prohibited in all locations except for the Monument residential areas. Fires must be confined in fire grates, rock rings or charcoal broilers.

2.13 (b) All fires shall be completely extinguished and cold prior to abandonment.

Disposal of remaining ash and byproducts into garbage cans is prohibited.

### **36 CFR §2.14 – SANITATION and REFUSE**

2.14 (a) (2) The use of government refuse receptacles, garbage cans and dumpsters for the disposal of household, commercial, or industrial refuse, brought as such from private or municipal property is prohibited. Monument residents may utilize government receptacles when occupying Monument quarters.

2.14 (b) All human waste, food waste, food containers and other disposable items generated in or packed into cave areas must be packed out. Burial or abandonment of these items is prohibited.

### **36 CFR §2.15 – PETS**

2.15 (a) (1) All public use buildings and caves are closed to pets. All areas closed to motor vehicles use are closed to pets. Pets are permitted on established roadways and roadway corridors.

2.15 (a) (3) Leaving pets unattended or tied to any object within the Monument is prohibited, including the exterior of motor vehicles parked within the Monument boundaries. Pets may be left unattended within motor vehicles with proper ventilation and water in weather that is not hazardous to the immediate welfare of the animal.

2.15 (a) (5) Pet excrement shall be removed by the pet owner/handler from all public use areas.

2.15(e) Park residents may keep pets in accordance with Monument pet policy.

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

Horses are not allowed within the boundary of Jewel Cave National Monument.

**Determination:** Due to the limited acreage of the Monument, all trail systems are designed for hiking and not conducive to horses.

### **36 CFR §2.17 – AIRCRAFT and AIR DELIVERY**

2.17 (c) (1) Arrangements for the removal of downed aircraft will be made pursuant with the recommendations of the National Traffic Safety Board or the Federal Aviation Administration investigators or designated personnel.

### **36 CFR §2.18 – SNOWMOBILES**

2.18 (a) Snowmobiling is prohibited within the boundary of Jewel Cave National Monument.

**Determination:** The Monument is not conducive to snowmobiling due to the limited acreage available and lack of roads/trails.

### **36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES**

2.20 Except for Monument residential areas, skating, skateboarding or the use of similar devices is prohibited within the Monument.

**Determination:** Skating, skateboards and similar devices are restricted for visitor safety.

### **36 CFR §2.21 – SMOKING**

2.21 (a) Smoking is prohibited in all Monument buildings including government quarters.

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

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

**Determination:** Food and drinks are prohibited within buildings open to the public at Jewel Cave including alcoholic beverages.

### **36 CFR §2.38 – EXPLOSIVES**

2.38 The possession of and/or use of fireworks, firecrackers or black powder or explosives in the Monument is prohibited except under terms of a written permit from the superintendent.

### **36 CFR 2.51 Public Assemblies & Meetings**

All areas in the Monument may be available as First Amendment and printed material distribution areas depending upon the nature of the permit requested.

### **36 CFR 2.52 Sale or distribution of printed matter**

The sale or distribution of printed matter will be permitted at locations designated to balance the legitimate need of persons to express their views and the needs of Monument visitors to enjoy the Monument and its resources.

The designated areas at Jewel Cave National Monument where the sale or distribution of printed matter is allowed pursuant to a written permit includes the same areas identified as opened to public assemblies. All other Monument areas are closed to the sale or distribution of printed matter. As virtually all of the Monument's visitation is channeled through the above areas, individuals interested in contacting visitors have ample opportunity to do so at the above locations.

### **36 CFR 2.62 Memorialization**

2.62 (b) Spreading of human ashes may be done only by the written permission of the superintendent.

### **36 CFR 4.13 Obstructing traffic**

4.13 (a) The stopping or parking of a motor vehicle upon any of the park roadways is prohibited. Vehicle parking lots are available for those areas of cultural or natural interest.

### **36 CFR §4.21 – SPEED LIMITS**

4.21 (b) The speed limits specified in 36 CFR 4.21(a) are adopted for use in the Monument except for lower speed limits as specified below. Lower speed limits are established as follows:

- A. Paved visitor use access road within the Monument connecting Highway 16 to the Monument's visitor center parking lot: 25 miles per hour as posted near Highway 16; 15 miles per hour as posted near the visitor center.
- B. Paved visitor use access road within Monument connecting Highway 16 to the Monument's historic district: 15 miles per hour.
- C. Dirt road within Monument in Lithograph Canyon connecting to US Forest Service Road 278: 25 miles per hour.

- D. Dirt road in southeast corner of Monument connecting to US Forest Service road 278.1J: 25 miles per hour.

### **36 CFR §4.30 – BICYCLES**

4.30 (a) The operation of bicycles is permitted on all public roadways within the Monument. Bicycles are prohibited on trails, walkways, and routes closed to public vehicular traffic. Bicycles are required to follow the same laws and regulations that apply to the safe operation of motor vehicles as required in both 36 CFR 4.30 (c) and South Dakota State Law.

**Determination:** Designated trails within the Monument are for hiking only and are not designed for bicycles.

### **36 CFR §4.31 – HITCHHIKING**

The solicitation of rides by pedestrians, or hitchhiking along any roadway within Jewel Cave National Monument is prohibited.

### **36 CFR §5.5 Commercial Photography**

Permits issued by the superintendent shall be required for all filming and when the still photography involves products or service advertisement or the use of models, sets, or props, or when such photography could result in damage to the resources or significant disruption of normal visitor uses. Permits shall be required for photographers granted access to areas normally closed to the visiting public except that oral approval can be given for such access to a photographer engaged in bona fide news gathering activities.