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:

Bonnie Schwartz
Superintendent

Date: 7/8/2016

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:
https://www.law.cornell.edu/cfr/text/36/chapter-I

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; also see Title 54) 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 wild life 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/she 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."

On December 19, 2014 P.L. 113-287 (the law that enacted Title 54) makes it clear that a reference to Title 54 is to be considered to be a reference to the underlying provision of Title 16 that Title 54 replaces.

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 operations at any time.

Written comments on the Compendium may be submitted to:

Superintendent,
Jewel Cave National Monument
11149 US Hwy 16, B12
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.

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, B12
Custer, SD, 57730

It may also be found at:
https://www.nps.gov/jeca/learn/management/lawsandpolicies.htm

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 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

- The surface areas of the Monument are open during daylight hours for foot traffic, with vehicle (road) access mirroring the facility hours for visitor services.
- The main road into the Visitor Center and parking lot is open during Visitor Center operating hours; which vary by season.
- The road into the Historic Cabin area is open during the hours and season that Historic Cave Tours are offered.

Closures:

(a) (1) Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Jewel Cave National Monument is prohibited except as approved in writing by the superintendent.

> *Definition: 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, quad copters, drones) that are used for any purpose, including for recreation or commerce.*
>
> *Determination: Pursuant to Policy Memorandum 14-05 issued on June 19, 2014, by NPS Director Jonathan B. Jarvis, this interim policy is necessary to maintain public health and safety in units of the National Park System and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on land and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values.*

The use of unmanned aircraft within the boundaries of Jewel Cave National Monument has the potential to harm visitors, disturb wildlife, impact viewsheds, cause excessive noise, and interfere with other visitors' enjoyment of the area. A

less restrictive approach is not appropriate at this time due to the impacts the devices could potentially present to visitor safety, park values, and to park resources. The interim closure will safeguard these values while the NPS considers how to address this new use on a long-term basis.

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

(b) (2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

While participating in a public Jewel Cave tour the following are required:

- All cave tours are ranger-guided and require a minimum of 2 participants.
- Scenic Tour participants must be able to independently navigate the tour route unassisted, unless being carried the entire route on the front of adult participant (i.e., infant). There is a maximum of 30 participants per tour.
- Jewel Cave Discovery Talks have a maximum of 20 participants.
- Jewel Cave Historic Lantern Tour participants must be a minimum of 6 years of age. There is a tour maximum of 20 participants.
- Jewel Cave Wild Caving Tour participants must be a minimum of 16 years of age. 16 and 17 year olds require written parental permission. Supervising parents or guardians must remain on site during the entire tour. There is a maximum of 5 participants.

While participating in a public cave tour the following are prohibited:

- The following items are not allowed on cave tours: food, candy, tobacco products, drinks, gum, tripods, hiking/walking sticks/poles, pets, strollers, backpacks, and backpack baby carriers.
- Firearms or weapons of any kind, regardless of a valid concealed carry permit
- Touching the cave surfaces/features or cave formations.
- Disposal of human waste (Urine/feces).
- Items (purses, handbags, camera bags, flashlights, etc.) larger than 10" x 6" x 5" are not allowed to be carried into the cave.

  Determination: Human skin cells, skin oils, body waste, food particles and/or liquids can permanently impair cave formations and may introduce unwanted bacteria to grow in the cave damaging sensitive cave resources. Larger carried items can brush inadvertently against cave walls and formations causing damage.

White Nose Syndrome (WNS) Prevention:

- Possession and/or use of any footwear, clothing, equipment, or any other items that have been present in any cave or mine known to have WNS is prohibited in any cave within Jewel Cave National Monument, regardless of decontamination efforts.
- In adherence to the monument's White Nose Syndrome (WNS) mitigation plan, all persons entering caves are required to be screened for WNS, and if necessary and allowable, to undergo approved decontamination procedures on footwear and equipment before entering any cave. (See current WNS Policy for additional details.)

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 material and any other activities of organized groups require a written permit from the Superintendent. The permit request must be received by the park at least 14 business days prior to the event before being approved, and at least 30 days for a major motion picture.

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

- §2.4(d) Carry or possess a weapon, trap, or net (other than an open carry firearm in compliance with South Dakota state law)
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §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 or demanding gifts, money goods or services (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 printed material

- §2.60(b) Livestock use

- §2.61(a) Residing on Federal lands

- §2.62 Memorialization:
    - (a) Erection of monuments (Requires approval from Regional Director)
    - (b) Scattering ashes from human cremation

- §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, or must be pursuant to special regulations).

- §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.

- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

III. GENERAL REGULATIONS

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

2.1 (a) The following is prohibited:

(1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:

(i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.

(iii) Non-fossilized and fossilized paleontological specimens, cultural or archeological, or the parts thereof.

(iv) A mineral resource or cave formation or the parts thereof.

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

2.1 (b) All persons on guided cave tours must stay on established trails or designated routes.

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.

36 CFR §2.2 - WILDLIFE PROTECTION

Except for inadvertent or casual encounters with wildlife in areas where foot traffic is required or essential, deliberately approaching on foot to harm, harass, disturb, molest, or take any wildlife species and/ or nesting birds is prohibited.

Determination: The purpose of the restriction is to reduce the impact of human presence on the natural behavior/migration of wildlife. If human activity alters wildlife behavior, it creates undue stress on the animal and conflicts with the processes of the ecosystem.

2.2 (d) Transportation of lawfully taken wildlife through Jewel Cave National Monument, on US Hwy 16, will be conducted in compliance with applicable South Dakota State game laws.

2.2 (4) (e) The Superintendent has closed all areas of Jewel Cave National Monument to the viewing of wildlife with artificial light. Except when conducting research with an NPS approved permit. Artificial light includes spot lights and inappropriate use of vehicle lights.

Determination: Artificial lights disturb wildlife significantly by eliminating their ability to see and have long-term effects on night vision which is critical to most of their survival.

36 CFR §2.10 – CAMPING and FOOD STORAGE

2.10 (a) All areas of Jewel Cave National Monument are closed to camping.

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. Propane stoves can be used in the developed area.

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. The outdoor area from the top of the stairs through and including the patio area adjacent to the Visitor Center and Theater is closed to pets. Pets are permitted on established roadways, sidewalks adjacent to roadways and roadway corridors.

Determination: The outdoor area described above is a confined space, surrounded by areas that are not open to pets (buildings, trails, etc...) The flow of visitors, which occurs in larger groups after tours, could be impeded by visitors pets and/or could encroach on safe space between visitors and pets. Outdoor areas closed to pets will be properly signed to avoid visitor confusion.

This regulation does not apply to service animals, as defined by the Americans with Disabilities Act (ADA) regulation:

- Service Animals. The rule defines "service animal" as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The rule states that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals. The final rule also clarifies that individuals with mental disabilities who use service animals that are trained to perform a specific task are protected by the ADA. The rule permits the use of miniature horses as alternatives to dogs, subject to certain limitations. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weighs between 70 and 100 pounds.) (www.ada.gov)

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's Housing Policy.

36 CFR §2.16 – HORSES and PACK ANIMALS

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

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.

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.

36 CFR §2.21 – SMOKING

2.21 (a) Smoking, including E-cigarettes, is prohibited in all Monument buildings, including government housing.

2.21 (b) Smoking is prohibited within all caves and caverns.

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

2.35 (a) (3) (i) All buildings open to the public and all caves 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.

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 Demonstrations

(c)(2) Public assemblies or meetings are allowed at the time and locations pursuant to the terms and conditions of a permit that has been issued by the superintendent. A map of areas allowed for such activity is on file in the office of the superintendent Conditions for issuance of a permit are available in the office of the superintendent. All such permitted activity must fully comply with 36 CFR § 2.51.

Determination: A permit is necessary to manage public assemblies and meetings in the park that may damage park resources or conflict with the overall safety and enjoyment of the park by the majority of park visitors, while allowing for First Amendment rights.

36 CFR §2.52 Sale or distribution of printed material

The sale or distribution of printed material is allowed at the time and locations pursuant to the terms and conditions of a permit that has been issued by the superintendent. Conditions for issuance of a permit are available in the office of the superintendent. A map of areas allowed for such activity is on file in the office of the superintendent. All such permitted activity must fully comply with 36 CFR § 2.52. No other areas are designated for such activity.

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

(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 parking lot.
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.

The Superintendent may designate a different speed limit upon any park road when a speed limit set forth in paragraph (a) of this section is determined to be unreasonable, unsafe, or inconsistent with the purposes for which the park area was established. Speed limits shall be posted by using standard traffic control devices.

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.

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

As a general rule, permits are not required for either commercial or non-commercial still photographers taking surface photos. However, written permits issued by the superintendent shall be required 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 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. (For advertising photography, it may be appropriate to impose a permit condition that prohibits implied or stated service endorsement of the advertised product or service.) All commercial and non-commercial still photographers that want to go in the cave need a permit. Written permits issued by the superintendent shall be in accordance with established policy and those procedures detailed in 36 CFR 1.6.