National Park Service
U.S. Department of the Interior

Mojave National Preserve

2701 Barstow Road
Barstow, CA 92311

760 252-6100 phone
760 252-6174 fax

Superintendent's Compendium- 2014

Of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.

Approved:

Stephanie R. Dubois

Stephanie R. Dubois, Superintendent

3-18-14

Date

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 regulatory provisions are established for the proper management, protection, government and public use of those portions of Mojave National Preserve under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7

Written determinations, which explain the reasoning behind the superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for 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:

- Any areas not posted as closed to public access are open to the public twenty-four hours a day
- Park Headquarters is open Monday through Friday 0800 hours until 1600 hours except on federal holidays
- Unless otherwise posted, the Kelso Depot Visitor Center is open Friday through Tuesday 0900 hours through 1700 hours; Except Christmas Day
- Hole-in-the-Wall Information Center is open intermittently throughout the year

Public Use Limits:

- A Special Use Permit is required for all organized events or for a group containing more than 15 people and/or more than 7 vehicles or 7 horses. Groups this size or larger that are registered in the Group Campsite, using only campground facilities, do not need a Special Use Permit.
- Groups must pack in and pack out their trash

Justification: The permit requirement is established in order to enable the National Park Service staff to monitor potential resource impacts of large group travel or camping. The permit serves as the means of acquiring information needed to complete an environmental review, and enables staff to educate users about various conditions which help to protect park resources

- The discharging of weapons is prohibited within one half mile of all structures and facilities within the Preserve. This includes but is not limited to: Hole-in-the-Wall Campground, Hole-in-the-Wall Fire Center, Rock House, Mid Hills Campground, Fort Piute, Kelso Dunes, Kelso Depot, Kelso Schoolhouse, Desert Studies Center, Ivanpah Desert Tortoise Research Facility, and all employee housing
- The discharging of weapons is prohibited in Granite Mountain Natural Reserve and Granite Mountain exclusion zone

Justification: The restriction is necessary in order to protect visitors that may be involved in recreational activities, and neighbors/employees who live within the Preserve

- Rock climbing is allowed inside the Preserve with the following restrictions:
  - Bolt drills or devices may not be used for placing or replacing bolts except when authorized by the Superintendent
  - Chipping of rock faces, the gluing of holds onto rock, or the intentional removal of vegetation is prohibited
  - Technical climbing is prohibited within 500 feet of any prehistoric or historic pictograph or petroglyph site, any other cultural resource, or the Hole-in-the-Wall Visitor Center
  - Existing bolts and other fixed anchors that are deemed unsafe by climbers may be replaced on a piece-by-piece basis with approval from the Park Superintendent
  - Only neutral or rock-colored fixed anchors are permitted
  - Leaving fixed ropes, webbing, etc. for extended periods for the purpose of ascending and descending (rappelling) rock walls is prohibited

Justification: These conditions are necessary to protect cultural and natural resources, and recreational experiences from visual or physical impacts

- Camping length of stay restrictions

  Mid Hills and Hole-in-the-Wall Campgrounds
  - Camping within the designated park campgrounds (Mid Hills and Hole-in-the-Wall) is limited to a maximum of 14 consecutive days per visit/stay and 30 total days per year
  - Site limits are a maximum of eight people per site with one camping unit (i.e. trailer, motor home, converted van, etc.) and one vehicle; Or eight people per site with two vehicles

  Backcountry and Roadside Camping
  - Backcountry or roadside camping is limited to a maximum of 14 consecutive days per visit/stay and 30 total days per year

Justification: Length-of-stay restrictions allow more of the public to utilize a limited number of available campsites. Additionally, in a fragile ecosystem, it allows areas that have been impacted by camping activities to recover

Closures

- Employee residential areas, park offices, and maintenance facilities are open to the public only when authorized by a park employee or resident

Justification: This is necessary to protect government and personal property from vandalism and theft, and to ensure the privacy of resident employees

36 CFR §1.5 (a)(2)The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

Camping:

- Please refer to 36 CFR §2.10 for detailed camping area designations

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

- **36 CFR §1.6(f) The following is a compilation of those activities for which a permit from the superintendent is required:**

For permit information/application contact the Special Use Permit coordinator.

- §1.5(d) The following activities related to Public Use Limits:
  - Special Use Permit required for all organized events or for a group containing more than 15 people and/or more than 7 vehicles or 7 horses
  - Groups of 15 people or more that are registered in the Black Canyon Group and Equestrian Campground, do not need a Special Use Permit if all activities occur within one mile of the Hole-In-The-Wall designated group camps
- §2.5(a) Specimen collection except under the auspices of a research collection permit issued by the superintendent
- §2.10(a) The following camping activities:
  - Use of the Black Canyon Group and Equestrian Campground
- §2.12(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:
  - (c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent through written authorization.
  - Authorization may be obtained from the Superintendent's Office at the Preserve Headquarters.
  - Unmanned Air Systems (UAS) are prohibited from landing except under the conditions of a permit from the preserve Superintendent
- §2.23(b) The following special recreation activities (per 36 CFR Part 71):
  - Camping at Hole-in-the-Wall and Mid Hills Campgrounds requires a camping fee of $12, the group campground fee is $25
- §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 require a permit when the activity involves more than 25 persons or is requested for a location outside the identified designated areas. Smaller groups may still apply for a permit in order to guarantee their use of a particular area. The following locations are designated for First Amendment activities:

  - Kelso Depot Visitor Center, at least 50 feet away from the building
  - Hole-in-the-Wall Visitor Center, at least 50 feet away from the building
  - Barstow Headquarters, at least 50 feet away from the building

  Justification: To conform with the National Park Service Special Uses Program Changes

- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising requires a permit when the activity involves more than 25 persons or is requested for a location outside the identified designated areas. The following locations are designated for First Amendment activities:

  - Kelso Depot Visitor Center, at least 50 feet away from the building
  - Hole-in-the-Wall Visitor Center, at least 50 feet away from the building
  - Barstow Headquarters, at least 50 feet away from the building

- §2.60(b) Livestock use

  - Domestic sheep and goats are prohibited except by approval from the Superintendents Office.
  - Justification: prevent exposure of Big Horn Sheep to pathogens carried by domestic sheep and goats

- §2.61(a) Residing on federal lands

  - Residing on federal lands is prohibited

- §2.62 Memorialization:

  - (a)Erection of monuments (Requires approval from the Director)
  - (b)Scattering ashes from human cremation

- §4.11(a) Exceeding of established vehicle load, weight and size limits

  - Prohibited unless authorized by the Superintendent's office

- §5.1 Advertisements – (Display, posting or distribution)

  - Prohibited unless authorized by the Superintendent's office

- §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)

- A Special Use permit may be obtained through the Special Use Coordinator at preserve headquarters

- §5.4(a) Commercial transportation of passengers by motor vehicles

- §5.5 Commercial Photography/Filming:

  - Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or new television
  - Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising
  - This includes student projects
  - Permits may be obtained through the Special Use Coordinator at park headquarters

- §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) – Authorization may be obtained through the Superintendent's office at preserve headquarters
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc

  - Prohibited unless authorized by the Superintendent's office

- Part 8 Labor Standards – Employees of Concessioners to the NPS

- Part 9 Minerals Management

  - Prior to the issuance of a permit for access to any claim or claims, the operator must file with the Superintendent a plan of operations pursuant to 36 CFR §9.9
  - No permit shall be issued until the plan of operations has been approved in accordance with 36 CFR §9.10 (36 CFR §9.3)
  - No mining commercial vehicle shall use roads administered by the National Park Service without first being registered with the Superintendent
  - (36 CFR §9.1 A fee shall be charged for such registration based upon a posted fee schedule, computed on a ton-mile basis)

- Part 10 Disposal of Certain Wild Animals

III. GENERAL REGULATIONS

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

(a)(4) Dead wood on the ground may be collected for use as fuel for campfires within the park in the following areas:

- Using or possessing any wood or kindling of any kind gathered from within the preserve is prohibited

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending or traversing the listed archeological or cultural resource, monuments or statues:

- Technical climbing within 500 feet of any known archeological site is prohibited

(c)(1), (c)(2) The following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or use or consumption restrictions:

- Edible pine nuts may be collected by hand for personal use or consumption. The total quantity that may be collected is limited to one quart per person per day

36 CFR §2.2 - WILDLIFE PROTECTION

(d) The transporting of lawfully taken wildlife through the park is permitted under the following conditions and procedures:

- In accordance with applicable state and federal laws for the taking of wildlife

(e) The following areas are closed to the viewing of wildlife with the use of an artificial light:

- All areas of the preserve are closed except when utilized while hunting under the following conditions: (Title 14 CA Code of Regulation §264 – Use of Lights While Hunting)
    - Only 9 volt lights or smaller, hand-held or worn on the head are permitted
    - Persons using such lights must be on foot
    - Lights may not be used in or from a vehicle and may not be attached or powered from any source other than self-contained batteries

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

In accordance with §2.4(a) (1-2) weapons, traps, or nets may be carried, possessed or used at the following designated times and locations where the taking of wildlife is authorized by law.

In accordance with §2.2., or the taking of fish is authorized by law in accordance with §2.3: or, as designated pursuant to special regulations, for target practice during the following times and at the following facilities or locations:

- Target shooting is prohibited within the preserve
- Legal hunting weapons as defined per California Department of Fish and Wildlife regulations may be carried in the preserve during state designated hunting seasons and with possession of a valid hunting license. Outside of hunting season, weapons are prohibited except in accordance with California state laws.
- Collection of all reptiles is prohibited except under the conditions of a valid research permit issued by the Superintendent

36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for certain campgrounds or camping activities, and conditions for camping and camping activities are in effect as noted:

- Developed campsites within Mid Hills Campground and Hole-in-the-Wall Campground

- Roadside camping will be allowed in previously disturbed sites with existing fire rings outside of the "day-use-only" areas. New fire rings may not be established
- At any location in the backcountry with the following conditions:
    - Campsites must be more than 200 yards from any natural or constructed water source

- Camping is prohibited within ¼ mile of paved roads, unless formally designated as a camping area (previously disturbed sites with existing fire rings)
- For the Kelso Dunes area, camping is prohibited along the Kelso Dunes access road, the parking lot, and the area north of the road to the crest of the dunes (or a distance of one mile), and the area ¼ mile south of the access road. Camping is permitted at the disturbed site at the end of the road and all points ¼ mile to the west of that point
- Camping is prohibited within ¼ mile of the Zyzxx Road, including the visitor contact parking lot
- Camping is prohibited within ½ mile of Fort Piute and the access road to the site from the boundary along Piute Creek
- Camping is prohibited within ½ mile of the Kelso Depot

Justification: These conditions are established to protect the natural and cultural resources in the park, provide for the enjoyment of the public, and provide for public safety

(d) Conditions for the storage of food are in effect, as noted, for the following areas:

- All food and food containers must be stored in a manner that will prevent access to any wildlife

Justification: This is necessary to prevent food conditioning and habituation of wildlife

36 CFR §2.11 – PICNICKING

All areas of the park are open to picnicking

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas or receptacles, and under the conditions noted:

Designated Areas: Developed campgrounds and existing roadside campsites with fire rings

Receptacles Allowed: Fire pans are also approved for fires in designated areas with ash removal required.

Construction of new fire rings is prohibited

Established Conditions for Fires:

(a)(2) The following restrictions are in effect for the use of stoves or lanterns:

- Stoves and lanterns must be monitored at all times when in use. Lanterns are not permitted to be hung from vegetation.

(b) Fires must be extinguished according to the following conditions:

- All fires must be fully extinguished (cool to the touch) when leaving a campsite
- Fires must be attended at all times

(c) High fire danger closures will be in effect as noted:

- When designated and posted at visitor centers, campground bulletin boards, internet web site and social media by order of the Preserve Superintendent

Justification: These conditions are necessary to prevent wildland fires

36 CFR §2.14 – SANITATION and REFUSE

(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property may be allowed under the following conditions:

- Is prohibited throughout the park

(b) Conditions for the disposal, containerization, or carryout of human body waste have been established for the following:

- Dispose of solid human waste in individual catholes dug 6 to 8 inches deep and 6 to 8 inches in diameter and at least 200 feet from water, camp, and trails. Cover and disguise the cathole when finished
- Pack out all toilet paper and hygiene products

Justification: These conditions are necessary to provide for public sanitation, health, and safety

36 CFR §2.15 – PETS

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

- Leaving a pet tied or unattended within the park is prohibited

(a)(5) Pet excrement must be disposed in accordance with the following conditions:

- All pet excrement must be collected immediately and disposed of in garbage receptacles

(b) Where hunting is allowed, the following conditions apply for use of dogs for support of such activity in accordance with Federal and State laws:

- All dogs used in support of hunting activities (bird dogs and retrievers only) must carry identification tags or be tattooed. The identification shall comply with state and county ordinances.
- **(e) Pets may be kept by park residents under the following conditions:**

- Pets may be retained by park employees residing within the park residential areas in accordance with the Housing Management Plan, Park Quarters Agreement, and Park Pet policies. Pets must be restrained at all times and owners are subject to all applicable regulations

Justification: These conditions are necessary to protect the park's natural resources and provide for public health and safety

36 CFR §2.16 – HORSES and PACK ANIMALS

(a) The following animals are designated as pack animals:

- Horses, llamas, and mules

(b) The use of horses or pack animals is permitted on the following trails, routes or areas:

- All trails, backcountry roads and open country (including wilderness areas) within the park

(d) Free-trailing or loose-herding is permitted on the following trails/routes, subject to the conditions noted:

- Free-trailing or loose-herding is prohibited throughout the park

(g) Other conditions concerning the use of horses or pack animals:

- All feed must be brought into the park; ranging/grazing is prohibited
- All feed must be certified weed free
- Horse camps shall be at least 200 yards from a water source
- All manure from camp and staging areas must be removed from the preserve
- Up to 7 animals are allowed per group; otherwise a special use permit is required

Justification: These conditions are necessary to protect the parks natural resources

36 CFR §2.17 – AIRCRAFT and AIR DELIVERY

(a)(1) The following areas have been designated pursuant to special regulations for operating or using aircraft:

- There are no designated airstrips on preserve lands for public use
- Private aircraft must be in accordance with all FAA regulations, including a recommended minimum altitude of 2,000 feet

(c)(1) The removal of a downed aircraft, components, or parts thereof is allowed, subject to written authorizations from the superintendent, under the following terms and conditions:

- The removal of all downed aircraft, components, or parts thereof requires the approval of the park superintendent through a special use permit. All terms and conditions of the special use permit must be adhered to

36 CFR §2.18 – SNOWMOBILES

(c) Snowmobiles may be operated only on the following routes, designated pursuant to special regulations:

- No routes are designated for the use of snowmobiles

36 CFR §2.19 – WINTER ACTIVITIES

(a) The following park roads and/or parking areas open to motor vehicle traffic may be used for skiing, snowshoeing, ice skating, innertubing, tobogganing, and similar winter activities under the conditions noted:

- Skiing, snowshoeing, sledding and tobogganing and similar non-motorized winter sports are permitted on secondary park roads

(b) The towing of persons on skis, sled or other similar device by motor vehicle or snowmobile is allowed in the following areas:

- The towing of persons on skis, sled or other similar device by motor vehicle is prohibited throughout the preserve

Justification: This is necessary to provide for visitor safety and prevent user conflicts with vehicles which might be on the road

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

The use of rollerskates, skateboards, roller skis, coasting vehicles, or similar devices are allowed in the following areas:

- The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices are prohibited throughout the preserve
- The use of roller blades, roller skates, skateboards and other coasting vehicles by Preserve residents or their guests will be permitted in residential areas

36 CFR §2.21 – SMOKING

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

- All public buildings and within a 20 foot distance of the exterior of any public structures
- Smoking is prohibited within fifty (50) feet of aircraft or automotive refueling pumps

Justification: This is necessary to prevent user conflict and provide for a healthy environment

36 CFR §2.22 – PROPERTY

(a)(2) The following describes areas where property may be left unattended for periods longer than 24 hours, and the conditions under which property may be left:

Property may be cached for 14 days. Caches must be wildlife proof, tagged with the hiker's name, phone number, and date placed.

36 CFR §2.23 – RECREATION FEES

(b) Recreation fees, in accordance with 36 CFR part 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:

Entrance Fee Areas:

- No entrance fees are collected at this time

Daily Site Use Fee Areas:

- There are no specialized sites, facilities, equipment or services furnished at Federal Expense that require a fee at this time

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- The interior of any government structure which is open to the general public
- The interior of any caves within the preserve

Justification: These conditions are necessary to provide for visitor and employee safety

36 CFR §2.60 – LIVESTOCK USE AND AGRICULTURE

(a) Absent a permit, the running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock of any kind in a park area for agricultural purposes is prohibited. Additionally, a permit can only be issued in the following circumstances:

- (a)(1) As specifically authorized by Federal statutory law; or
- (a)(2) As required under a reservation of use of rights arising from acquisition of a tract of land; or
- (a)(3) As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene

36 CFR §2.61 – RESIDING ON FEDERAL LAND

- Absent a permit, lease or contract, residing in park areas on other than private land, is prohibited

36 CFR §2.62 – MEMORIALIZATION

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

(b) A permit from the park Superintendent is required for the scattering of ashes from cremated human remains

36 CFR §3.21 – SWIMMING AND BATHING

(a)(1) The following areas are closed to swimming and bathing:

- All park waters are closed to swimming and bathing including tanks and other artificial impoundments

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a) Park roads, open for travel by motor vehicle are those indicated in the following publications:

- A current AAA map of San Bernardino County
- A current National Geographic Trails Illustrated map
- A current Mojave National Preserve brochure map

(b) The following routes and/or areas, designated pursuant to special regulations, are open for off-road vehicle travel under the terms and conditions noted:

- No routes or areas are designated for off-road vehicle travel within the park

(c)(1) Track-laying motor vehicles, or other motor vehicles equipped with a similar traction device may be operated on the following routes under the terms and conditions noted:

- No routes are designated for track-laying motor vehicles within the park

36 CFR §4.11 – VEHICLE LOAD, WEIGHT AND SIZE LIMITS

(a) The following load, weight and size limits, which are more restrictive than State law, apply to the roads indicated under the terms and conditions, and/or under permit as noted:

- The park contains no load, weight, or size limits that are more restrictive than State or County laws

36 CFR §4.21 – SPEED LIMITS

(b) The following speed limits are established for routes/roads indicated:

- The posted speed limit in the Kelso area is 25 MPH
- The posted speed limit for Hole-in-the-Wall and Mid Hills Campgrounds is 15 MPH
- The posted speed limit for Wildhorse Canyon Road, Zzyzx Road and Kelso Dunes Road is 25 MPH
- The posted speed limit for all other paved roadways within the Preserve is 55 MPH

36 CFR §4.30 – BICYCLES

(a) Bicycle use is permitted on park roads, parking areas, and on the following designated routes:

- No additional routes are designated for bicycle use within the park

36 CFR §4.31 – HITCHHIKING

Hitchhiking is permitted in the following areas under the terms and conditions noted:

- No areas are designated for hitchhiking