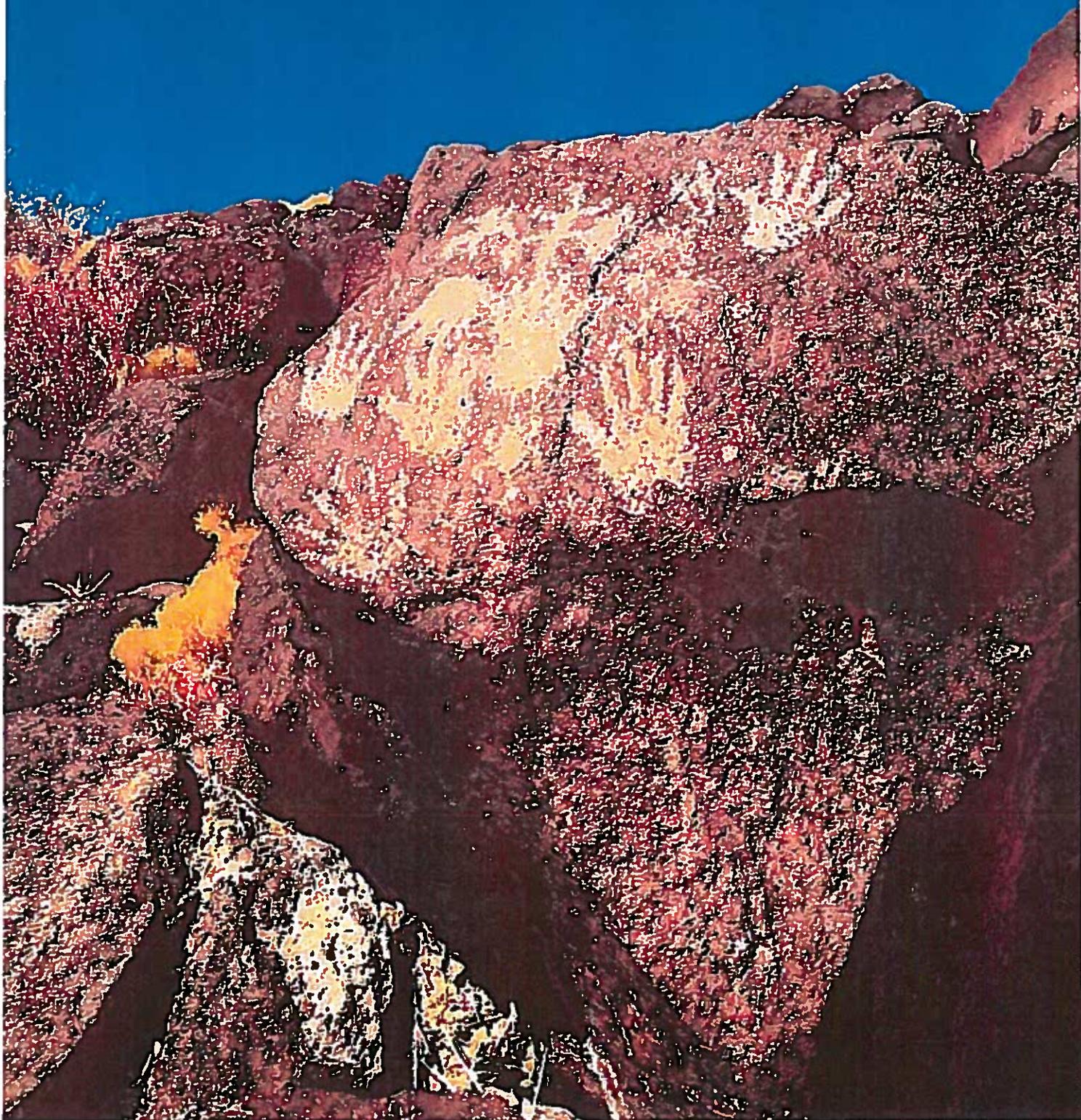


Petroglyph National Monument
Superintendent's Compendium 2016





National Park Service
U.S. Department of the Interior

Petroglyph National
Monument

6001 Unser Blvd NW
Albuquerque, NM 87114

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

505-899-0205 phone
505-899-0207 fax

2016 Superintendent's Compendium

AUTHORITY

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

In accordance with the delegated authority contained within the regulations in Title 36, Code of Federal Regulations, Chapter I, Parts 1 through 7, as authorized by Title 54, United States Code, Section 100101 and 100751, the following regulatory provisions are established for Petroglyph National Monument.

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

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

Visitors may obtain additional information or permit applications by contacting the Office of the Superintendent, Petroglyph National Monument, 6001 Unser Blvd NW, Albuquerque, NM 87120. You may also check out our website at <http://www.nps.gov/petr>.

DALE KISSNER

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Interior, ou=National Park Service, cn=DALE KISSNER,
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Recommended By:
Dale Kissner
Chief of VP&RM

Date:

Dennis A. Vasquez

3/23/2016

Approved By:
Dennis Vasquez
Superintendent

Date:

INTRODUCTION:

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

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

Superintendent of Documents

P.O. Box 371954

Pittsburgh, PA 15250-7954

Or by calling: (202) 512-1800

The Code of Federal Regulations is also available on the internet at: <http://www.gpoaccess.gov/cfr/index.htm>

Petroglyph National Monument is an area cooperatively managed by the National Park Service and the City of Albuquerque Open Space Division and under proprietary jurisdiction. Due to the current jurisdiction and land ownership, the enforcement of the regulations contained in this compendium are stated within the Cooperative Management Agreement entered into by and between the city of Albuquerque and the National Park Service in May 2013. The agreement reads as follows: NPS law enforcement Rangers...may enforce regulations found in 36 CFR Chapter I on all lands within the Atrisco Unit (pursuant to this agreement), and 36 CFR Chapter I, Parts 2 and 4 on all other lands owned by the city or United States within the Congressionally authorized boundaries, regardless of property ownership. In short, all Parts of 36 CFR Chapter I are enforced in the Atrisco Unit. Only Parts 2 and 4 of 36 CFR Chapter I are enforced in the other areas of the monument (per the agreement).

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

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

A person who violates any provision of the regulations found in 36 CFR Parts 1-7, along with this compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings.

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

Petroglyph National Monument

6001 Unser Blvd NW

Albuquerque NM 87120

505-899-0205 (phone)

505-899-0207 (fax)

Some of the terms used in this document are defined in Appendix B. If you are unsure about a specific term not listed, please consult 36 CFR Section 1.4 Definitions. You may access them at:
<http://www.gpo.gov/fdsys/pkg/CFR-2011-title36-vol11/pdf/CFR-2011-title36-vol11-part1.pdf>.

Copies of this compendium are available at: <http://www.nps.gov/petr/learn/management/index.htm>. Hard copies are also maintained at the Park Headquarters at 6001 Unser Blvd NW, Albuquerque NM 87120.

36 CFR Section 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 monument; and the following closures are established for all or a portion of the monument for all public use or for a certain use or activity:

Monument and Gate Hours

- The two gates at the Rinconada Canyon Trail parking area and the gate at the Volcanoes Day Use Area are open 8:00 am – 5:00 pm seven days a week.
- The Las Imagenes Visitor Center and access road gate is open 8:00 am – 5:00 pm seven days a week, except on Thanksgiving, Christmas and New Year's Day.
- The park is closed to all public use from 30 minutes after sunset to 30 minutes prior to sunrise unless under an approved special use permit. The daily sunset/sunrise times for Albuquerque can be found at the following address: <http://www.timeanddate.com/astronomy/usa/albuquerque>.

Determination: Petroglyph National Monument does not maintain staffing on a 24-hour basis. Lack of artificial lighting on park trails and primitive roadways throughout the monument may foster an unsafe environment during the evening hours leading to visitor injuries. Petroglyph National Monument was set aside to protect the petroglyph rock art. The Monument has a documented history of vandalism including graffiti and gunshot damage to the petroglyphs. This damage has commonly occurred during hours of darkness when the park is unstaffed and illegal activity is unlikely to be witnessed by other visitors. This closure is consistent with City of Albuquerque Open Space Ordinances prohibiting presence on open space lands during later hours.

- Rock Climbing or scrambling (whether technical (aided) or free (unaided) is prohibited in Petroglyph National Monument.

Determination: Allowing rock climbing would be contrary to the reasons for the establishment of Petroglyph National Monument which is to protect the cultural and natural resources, especially the petroglyphs. Rock climbing, even on a limited basis, could result in unacceptable damage to natural and cultural resources. Specifically, petroglyphs, other archeological sites, and raptor habitat are located in close proximity to several areas attractive to climbers including the Mesa Prieta area at the south end of the monument.

- Hot air balloon landings are prohibited in Petroglyph National Monument.

Determination: Hot air balloon landings would be contrary to the reasons for the establishment of Petroglyph National Monument. Balloon landings are unpredictable and potentially destructive to fragile desert grass lands and sensitive archeological sites and structures. Unauthorized landings can endanger persons, property and archeological structures and impair the visitor experience. There is also an increased danger of wildland fire due to the nature of park grass habitat and high fuel loads being ignited by the fuel used to produce hot air for balloon flight.

- Launching, landing, or operating an 'Unmanned Aircraft' from or on lands administered by the National Park Service within the boundaries of Petroglyph National Monument is prohibited except as approved in writing by the superintendent. See the definition of 'Unmanned Aircraft' in the definition section. The term includes all types of devices that meet the definition (e.g., model airplanes, quad copters and drones) that are used for any purpose, including for recreation or commerce.

Determination: This compendium closure 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 lands administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values. These closures by the superintendents implement Section 1.5 of NPS Management Policies 2006, which provides that a new form of park use may be allowed within a park only after a determination has been made in the professional judgment of the superintendent that it will not result in unacceptable impacts on park resources and values. This new use of unmanned aircraft has the potential to cause unacceptable impacts such as harming visitors, interfering with rescue operations, causing excessive noise, impacting viewsheds and disturbing wildlife. These closures are a necessary, interim measure while this new use can be properly evaluated.

36 CFR Section 1.6 Permits

- (f)(1) A compilation of those activities requiring a permit shall be maintained by the Superintendent and available to the public upon request. Special Use Permits, Commercial Use Authorizations and Research Permits are requested through the Chief of Visitor Protection & Resource Management; 6001 Unser Blvd NW, Albuquerque NM 87120. Educational/Cultural Use Permits are requested through the Division of Interpretation at the same address.

The following are activities that require permits:

- 36 CFR 1.5(d) For any exceptions to Closures and Public Use Limits as stated in this document
- 36 CFR 2.5 Research Permits (including any scientific research and specimen collection)
- 36 CFR 2.12 Audio Disturbances (chain saws, public address systems, portable motors, etc.)
- 36 CFR 2.17 Aircraft and Air Delivery (delivery or retrieval of a person or object by air, removal of a downed aircraft, landing of an aircraft)
- 36 CFR 2.37 Non-commercial soliciting or demanding gifts, money, goods or services
- 36 CFR 2.38 (b) Use or Possession of Explosives and/or Fireworks
- 36 CFR 2.50 (a) Conducting a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events.
- 36 CFR 2.51 (b) Public Assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
- 36 CFR 2.52 (b) Sale or distribution of printed material
- 36 CFR 2.60(b) Livestock Use
- 36 CFR 2.61(a) Residing on Federal Lands
- 36 CFR 2.62 (b) Scattering of Human Ashes from Cremation

- 36 CFR 5.1 Displaying, posting, or distributing commercial notices or advertisements.
- 36 CFR 5.3 Engaging in or soliciting any business.
- 36 CFR 5.5(a) Commercial filming of motion pictures or television with professional casts, settings, or crews except bona fide newsreel or news television.
- 36 CFR 5.5(b) Still photography of vehicles or other articles of commerce or models for the purpose of commercial advertising.
- 36 CFR 5.6(c) Use of commercial vehicles on monument roads to access adjacent private lands.
- 36 CFR 5.7 Constructing or attempting to construct any building, structure, dock, road, trail, path, or public/private utility upon, across, over, through, or under any monument area.

Section 2.1 Preservation of Natural, Cultural and Archaeological Resources

(b) Hiking or pedestrian traffic is restricted to the trailhead or the designated trails in the following monument areas.

- Rinconada Canyon
- Volcanoes Day Use Area (there is no designated trail access to the top of JA Volcano or Vulcan Volcano, access is allowed only through the issuance of an approved permit or by Superintendent authorization)

Determination: These are areas of high cultural sensitivity and these restrictions are required for protection of Petroglyphs, re-vegetation of landscape, erosion-control efforts, reduction of social trails and to create a more organized and sustainable system of trails in these areas of the monument.

Section 2.10 Camping and Food Storage

- There are no designated camping areas within Petroglyph National Monument; and therefore no overnight camping is allowed.

Determination: Petroglyph National Monument is located in an urban area with numerous options for camping and lodging within the city of Albuquerque.

Section 2.13 Fires

(a)(1) Lighting or maintaining an open fire in the park is prohibited.

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

- The use of a propane, gas, or any other fuel powered “Coleman” type stove or lantern is limited to the parking lots at the Las Imagenes Visitor Center, Rinconada Canyon trailhead and the Volcanoes Day Use Area.
- During high fire danger closures, additional restrictions may be posted.

Determination: Albuquerque is a desert environment and relatively dry year round with a high fuel loading of grass and tumbleweeds, so a wildland fire start is a constant concern. There is also development directly on the boundaries of the park that would be in danger with a fire start. During extreme fire danger or by order of the superintendent, fires of any type may not be allowed. Visitors may contact

the monument visitor center (x335) or headquarters office (x221) at (505) 899-0205, or check the park website at www.nps.gov/petr to see current conditions and any posted fire restriction alerts.

Section 2.15 Pets

- (a)(1) Dogs are allowed, on a leash which shall not exceed six feet in length, in all areas of Petroglyph National Monument that are open to the public including developed and back country areas (with one exception below).
- (a)(1) Dogs are not allowed in the Boca Negra unit of the monument except for assistance animals.
- (a)(3) Dogs may be left tied to an object only in life threatening emergencies.
- (a)(5) Dog excrement must be immediately collected and disposed of in a trash receptacle. Trash receptacles for pet excrement are provided at monument trailheads and facilities.

Determination: These restrictions are necessary to provide for the protection of monument resources, wildlife and public safety. While visiting the monument with pets can be a positive pet owner experience, pets have been shown to have negative impacts on park resources, wildlife, and visitors. These impacts include, noise, pursuit, harassment, defecation, scent marking of wildlife habitat and other behaviors.

Section 2.16 Horses and Pack Animals

- (b) The use of horses and/or pack animals is permitted only on mesa top trails and roads that are closed to motor vehicle use.

Determination: These restrictions are necessary to provide for the protection of sensitive cultural and natural resources in the park. Horses and /or pack animals have potential to cause heavy wear on the resources in a fragile desert environment.

36 CFR §2.17 – Aircraft and Air Delivery

- (c)(1) The removal of a downed aircraft, components, or parts thereof is allowed, with prior written authorization from the Superintendent of Petroglyph National Monument who will subsequently establish removal procedures.
- (d) The use of aircraft in the monument shall be in accordance with regulations of the Federal Aviation Administration. Such regulations, including but not limited to the following, are adopted as a part of these regulations.

14 CFR 91.119 – Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

- (a) *Anywhere.* An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface
- (b) *Over congested areas.* Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.
- (c) *Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) Helicopters, powered parachutes, and weight-shift-control aircraft. If the operation is conducted without hazard to persons or property on the surface—

(1) A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA; and

(2) A powered parachute or weight-shift-control aircraft may be operated at less than the minimums prescribed in paragraph (c) of this section.

[Doc. No. 18334, 54 FR 34294, Aug. 18, 1989, as amended by Amdt. 91-311, 75 FR 5223, Feb. 1, 2010]

Determination: These restrictions are necessary to provide for the protection of sensitive cultural and natural resources in the park; to develop proper processes and procedures and to maintain an orderly, safe removal of items from the park. FAA regulations on safe altitudes will be monitored in the park to provide for visitor safety and enjoyment that would be expected within a national park environment.

36 CFR §2.21 – Smoking

- Smoking is prohibited in all government buildings within the monument. Smoking is only allowed within designated parking areas and other locations designated by signage as smoking areas.
- During high fire danger closures, additional restrictions may be posted.

Determination: These restrictions are necessary to provide for the safety of the public and park employees within enclosed buildings; and to maintain a smoke-free environment. During high fire danger, additional restrictions may be necessary to prevent the start of a wildland fire that would damage both park resources and surrounding communities.

36 CFR §2.35 –Alcoholic Beverages and Controlled Substances*

(a)(3)(i) All of the public use areas and facilities within the monument 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.

* An exception will be made, if the consumption of alcoholic beverages is within the course of administering a religious or cultural ceremony by a member of the Native American community.

Determination: Allowing the public consumption of alcoholic beverages is contrary to the reasons for the establishment of Petroglyph National Monument. Petroglyph National Monument does not maintain staffing on a 24 hour basis. Public consumption of alcoholic beverages on trails, escarpment rocks, open public land, primitive roadways and parking lots throughout the monument may foster an unsafe environment leading to visitor injuries. The national monument has a documented history of dumping and shooting associated with alcohol and controlled substance use. Incidents of vandalism to the monument resources, specifically the petroglyphs, increase with the use of alcohol and controlled substances. This restriction is also consistent with city of Albuquerque Open Space Ordinances.

Section 2.51 Public Assemblies, Meetings

The following area is designated as a public meeting or assembly area. Public meetings or assemblies cannot interfere with foot traffic or block any public entrances. See Appendix A for a detailed map of the specific area

- Starting 20 feet west of the stop sign on the Lava Shadows Access Road, then approximately 200 feet long and 20 feet wide on the asphalt paved surface, approximately .09 acres in size

Section 2.52 Sale or Distribution of Printed Matter

The following area is designated as acceptable for the sale or distribution of printed matter. Sale or distribution areas may not interfere with foot traffic or block any public entrance. See Appendix A for a detailed map of the specific area

- Starting 20 feet west of the stop sign on the Lava Shadows Access Road, then approximately 200 feet long and 20 feet wide on the asphalt paved surface, approximately .09 acres in size

36 CFR §2.62 – Memorialization

(b) A permit is required for the scattering of ashes from cremated human remains in the following areas, and/or according to the following terms and conditions:

- The remains to be scattered must have been cremated and pulverized.
- The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, developed facility, or body of water.
- The scattering of remains from the air is to be performed at a minimum altitude of 2000 feet above the ground.
- No scattering of remains from the air is to be performed over developed areas, facilities, or bodies of water.

Determination: These conditions for memorialization are given to provide for a safe, sanitary and orderly process for the park visitors; while at the same time properly honoring and respecting the wishes of a deceased person and/or their loved ones.

36 CFR §4.21 – Speed Limits

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

- The access road to the Las Imagenes visitor center is posted at a speed limit of 25 mph
- All other park roads are posted at speeds limits of 15 mph

Determination: Considering the roads and the surroundings, the speed limits as posted are considered to be the safest speeds to travel to adequately protect park resources and prevent motor vehicle accidents or visitor injuries.

**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

COMPENDIUM

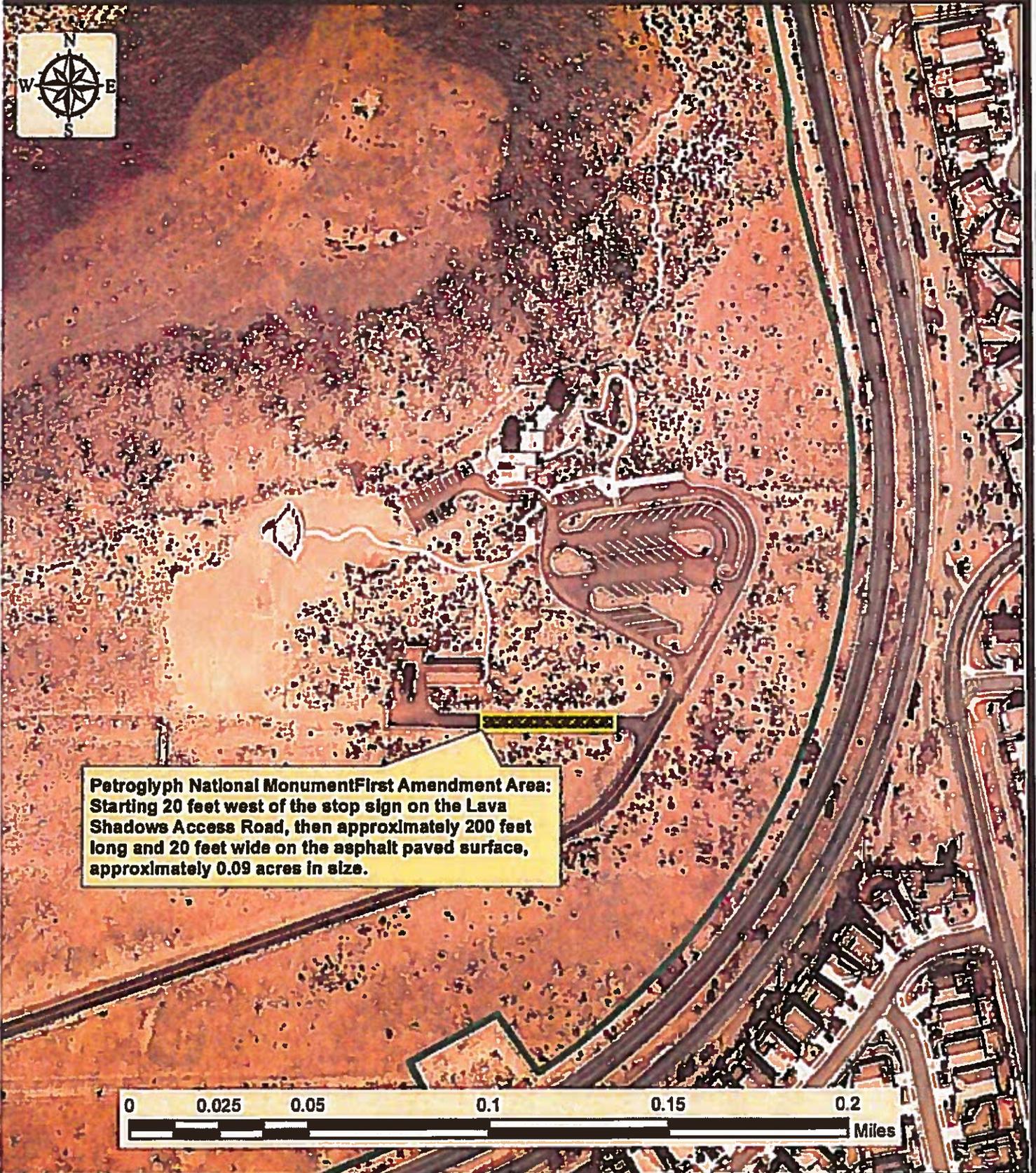
APPENDIX A

DESIGNATED AREAS FOR PUBLIC ASSEMBLY AND/OR

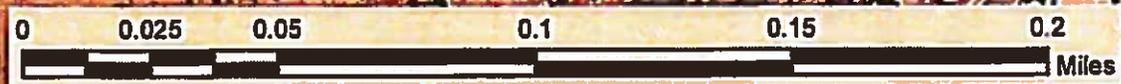
**DESIGNATED AREAS FOR SALE OR DISTRIBUTION
OF PRINTED MATERIAL**

Petroglyph National Monument

U.S. Department of the Interior
National Park Service
Albuquerque, New Mexico



Petroglyph National Monument First Amendment Area:
Starting 20 feet west of the stop sign on the Lava Shadows Access Road, then approximately 200 feet long and 20 feet wide on the asphalt paved surface, approximately 0.09 acres in size.



**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

**COMPENDIUM
APPENDIX B
DEFINITION OF TERMS**

DEFINITION OF TERMS

Archeological resource means material remains of past human life or activities that are of archeological interest and are at least 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, or any portion or piece of the foregoing items, and the physical site, location or context in which they are found, or human skeletal materials or graves.

Camping means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy.

Controlled substance means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of part B of the Controlled Substance Act (21 U.S.C. 812) or a drug or substance added to these schedules pursuant to the terms of the Act.

Cultural resource means material remains of past human life or activities that are of significant cultural interest and are less than 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, or any portion or piece of the foregoing items, and the physical site, location, or context in which they are found, or human skeletal materials or graves.

Developed area means roads, parking areas, picnic areas, campgrounds, or other structures, facilities or lands located within development and historic zones depicted on the park area land management and use map.

Downed Aircraft means an aircraft that cannot become airborne as a result of mechanical failure, fire or accident

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

Motor vehicle means every vehicle that is self-propelled and every vehicle that is propelled by electric power, but not operated on rails or upon water, except a snowmobile and a motorized wheelchair.

Non-developed area means all lands and waters within park areas other than developed areas.

Pack animal means horses, burros, mules or llamas

Park road means the main-traveled surface of a roadway open to motor vehicles, owned, controlled or otherwise administered by the National Park Service.

Permit means a written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.

Person means an individual, firm, corporation, society, association, partnership, or private or public body.

Possession means exercising direct physical control or dominion, with or without ownership, over property, or archeological, cultural or natural resources.

Public Use Limit means the number of persons; number and type of animals; amount, size and type of equipment, vessels, mechanical modes of conveyance, or food/beverage containers allowed to enter, be brought into, remain in, or be used within a designated geographic area or facility; or the length of time a designated geographic area or facility may be occupied.

Smoking means the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.

Specimen means an individual animal, plant, piece of a mineral, etc., used as an example of its species or type for scientific study or display.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

Unmanned Aircraft: A device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). The term includes all types of devices that meet this definition (e.g., model airplanes, quad copters, and drones) that are used for any purpose, including for recreation or commerce.

Vehicle means every device in, upon, or by which a person or property is or may be transported or drawn on land, except snowmobiles and devices moved by human power or used exclusively upon stationary rails or track.

Weapon means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, spear gun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a weapon the possession of which is prohibited under the laws of the State in which the park area or portion thereof is located.