

SUPERINTENDENT’S COMPENDIUM

PROPOSED CHANGES

2021

NATIONAL PARK SERVICE
ZION NATIONAL PARK

The Superintendent at Zion National Park is seeking public comment on the below proposed changes to park regulations within the Superintendent’s Compendium.

The compendium is a written compilation of designations, closures, permit requirements and other restrictions adopted in response to changes in laws, agency policies or otherwise specific to a park under the Superintendent’s discretionary authority.

To return to PEPC to comment on this proposal, go to:

<https://parkplanning.nps.gov/zion>

To visit to the ZION Laws & Policies page, go to:

<https://www.nps.gov/zion/learn/management/lawsandpolicies.htm>

To review the 2020 ZION Superintendent’s Compendium, go to:

https://www.nps.gov/zion/learn/management/upload/Superintendents-Compendium-Final-Signed_Scanned-4-29-20.pdf

After review and consideration of the need for annual updates, the following substantive changes are proposed:

BICYCLES, PEDESTRIANS, & VEHICLES

§1.5 Road and Vehicle Closures and Use Limits (a)(1)(xvi)

Pedestrian traffic on Canyon Junction Bridge is prohibited.

Justification: Canyon Junction Bridge is not wide enough to safely accommodate both pedestrians and vehicle traffic. There are no shoulders, sidewalks or other pedestrian walkways on the narrow bridge. The Pa’rus Trail provides an underpass for pedestrians to safely cross this section of roadway. Photographs of Watchman Peak and the Virgin River may be taken from pedestrian bridges on the Pa’rus Trail that cross over the Virgin River.

§1.5 General Use Limits (a)(2)(viii)

Pedestrians and bicycle riders (including e-bikes), are prohibited within the Zion-Mt. Carmel Tunnel. Bicycles and pedestrians must be transported through the tunnel by a motor vehicle.

Justification: To ensure their safety and that of passing traffic, bicyclists and pedestrians must be transported through the 1.1 mile, unlit tunnel in a motor vehicle.

§1.5 General Use Limits (a)(2)(xi)

The Pa'rus Trail is open to use by bicycles (solely powered by human as defined by 36 CFR) and class 1 e-bikes (see section 4.30). Portions of the Pa'rus Trail are generally accessible to wheelchairs and other means of mobile conveyance for those that require assistance. It is closed to all other vehicles and forms of conveyance both motorized and non-motorized except for those authorized under § 2.20 and to the use of motorized carts, wheelchairs or Segways for recreational purposes.

The first quarter mile of the Riverside Walk Trail is generally accessible to motorized and non-motorized wheelchairs.

All trails in Zion, with the exception of those identified, are closed to all other vehicles and forms of conveyance that do not serve to assist those with an accessibility need.

Justification: These provisions protect the park's natural, scenic, and aesthetic values, while contributing to minimal disturbance to wildlife or park resources. Additionally, due to the narrow width of the trails, safety considerations preclude the use of any vehicles other than those identified above. Motorized and non-motorized wheelchairs are not recommended beyond the first quarter mile of the Riverside Walk Trail. Motorized and non-motorized wheelchairs are not recommended for use on all other trails in Zion due to trail character and conditions.

§4.21 Speed Limits (b)

The speed limit on all park roads is 35 mph unless otherwise posted.

The speed limit on the Pa'rus Trail for authorized uses, including bicycles and e-bikes is 15 mph.

Justification: Due to the character of park roads, 35 mph is the maximum speed limit, unless otherwise posted or when conditions for safe travel dictate less. Due to the congested/multi-use nature of the Pa'rus Trail that passes through South Campground, the post speed limit is set at 15 mph for all cycles in order to prevent collisions and conflicts.

§4.30 Bicycles and E-bikes

(f, i(7)) Cyclists (bicycle and e-bike riders) must yield to approaching shuttle buses, provided it is safe to do so (ie: there is a place for the cyclists and e-bike riders to safely pull off), when traveling on Park roads in the same lane of travel. Shuttle bus drivers will allow cyclists and e-bike riders to find a safe pullout location and come to a complete stop before attempting to pass when the cyclists and e-bike riders are in the same lane of travel.

Bicycles and e-bikes entering Zion National Park must be equipped with a bell to alert other visitors and wildlife of their presence and approach.

Groups of cyclists using park roads must break into groups of 6 riders or less with groups separated by one quarter mile. Cyclists must ride single file on all park roadways.

Justification: Shuttle buses with trailers have limited visibility which prevents passing moving cyclists in a safe manner. Large bicycle and e-bike groups prevent vehicles from passing them in a safe manner on the narrow park roads. Due to the congested/multi-use nature of the Pa'rus Trail and the Scenic Drive, a bell is required on all cycles entering Zion National Park to act as a warning device to other visitors and wildlife to avoid collisions.

(i) The term “e-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).

E-bikes are allowed in Zion National Park where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.21, 4.22, 4.23 and 4.30(h)(2)-(5).

Except as specified in this Compendium, the use of an e-bike within Zion National Park is governed by State Law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

The Pa'rus Trail is the only trail within Zion National Park that is open to bicycles (devices that are propelled solely by human power).

(7) The use of a pedal-assist e-bike is prohibited within Zion National Park except on park roads open to the public and the following paved or hardened trails located primarily in frontcountry areas where traditional bicycles are allowed:

- **Pa' Rus Trail.**

Class of e-bikes allowed:

- **Class 1 e-bike:** are electric bicycles equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- **Class 3 e-bike:** ***For Law Enforcement and Emergency Response Use Only*** are electric bicycles equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Justification: The Pa'rus Trail, a 10' wide concrete path, is the only trail within Zion that can accommodate bicycles and e-bikes without suffering resource damage. Class II e-bikes, which are throttle assisted e-bikes and per policy, only authorized to be used where public motor vehicles can go, are prohibited in Zion National Park because it would be unsafe to ride one through the Zion-Mount Carmel Tunnel and because the Pa'rus trail does not allow for motor vehicle use. Manufacturers of e-bikes are producing e-bikes that can switch classes. In order to prevent illegal use of a Class II ebike on the Pa'rus Trail and from entering the tunnel as well as to assist law enforcement in readily differentiating

between the classes, Class II e-bikes are prohibited. Class III e-bikes are also prohibited (excepting law enforcement and emergency response personnel) because the speed of 28 MPH is too fast for the congested, multi-use Pa'rus Trail (15 MPH speed limit) and narrow public road corridor in Zion's main canyon, often congested with pedestrians, vehicles, shuttle buses, bicyclists, and parked vehicles.

DOMESTIC ANIMALS

§1.5 General Use Limits (a)(2)(xvii)

Domesticated Caprinae (sheep and goats) are prohibited from entering the Park, notwithstanding 36 CFR definition of a pet (a dog, cat or any animal that has been domesticated).

Justification: Consistent with protection of natural resources, domesticated Caprinae subfamily carry and can spread disease to the Park's desert bighorn sheep. Restraining pets that are in the Caprinae subfamily will not provide sufficient separation because desert bighorn sheep frequent areas where pets are permitted (roads, parking lots, Pa'rus trail, etc.).

§2.15 Pets (a)(1)(i)

Pets (as defined by 36 CFR 1.4(a) to be a dog, cat or other animal that has been domesticated) are prohibited on all trails (with the exception of the Pa'rus trail), more than 100 feet from paved roads, and in the wilderness. This prohibition does not include Service Animals. Service animals are not subject to the park's pet Policies and, when accompanying an individual with a disability, they are allowed wherever visitors are allowed. A service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.

No pets, other than service animals, are allowed on the park transportation shuttle buses.

Pet excrement must be picked up and properly disposed of by the pet/service animal owner from all areas within Zion National Park.

Park residents (employees/volunteers residing in the park) may keep pets in accordance with Zion National Park Housing Plan, excluding Caprinae (sheep, goat and related subfamilies), which park residents may not keep as pets.

Properly restrained pets are allowed in developed campgrounds, picnic areas, on the grounds of the Zion Lodge, and along public roads and parking areas within 100 feet of the road surface.

Justification: Consistent with public health and safety, protection of natural resources and avoidance of conflict among visitor use activities, pets must be restricted. The burden is placed on pet owners to assure their pets do not destroy park values for others in those areas where they are allowed. Pet excrement disposal stations are provided along the Pa'rus Trail for this purpose.

COVID-19 FACE MASKS

§1.5 General Use Limits (a)(2)(xviii)

As may apply to the COVID-19 pandemic, regardless of vaccination status or local community transmission levels, all individuals over the age of two must wear masks, except when actively eating or drinking, in all common areas and shared workspaces in federally owned buildings administered by the National Park Service and in office space leased by the National Park Service.

Federally owned buildings administered by the National Park Service include, but are not limited to, visitor centers, administrative offices, maintenance facilities, and shared government quarters; buildings assigned to concessioners or other park partners; and buildings leased for commercial purposes to individuals or entities other than the National Park Service.

All individuals over the age of two, regardless of vaccination status or local community transmission levels, must wear masks in the following outdoor areas when others are present, except when actively eating or drinking, where the superintendent has determined that physical distancing (staying at least six feet apart) cannot reasonably be maintained:

- Shuttle queue lines
- Shuttle buses
- Commercial passenger vehicles
- Lodge tram
- Lodge plaza
- All open-air pavilions where six feet distancing cannot be maintained
- The Visitor Center plaza
- Kolob Canyons Contact Station plaza
- Interpretive talks, tours and artisan demonstrations
- All public restrooms
- Amphitheater
- Campground common areas (not individual sites)
- Masks required on trails and at overlooks when six feet distancing cannot be maintained between respective parties

Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement.

Regardless of vaccination status, all individuals must comply with all orders regarding masks issued by the Centers for Disease Control and Prevention (CDC).

CDC prevention measures continue to apply to all travelers on public transit, regardless of vaccination status. Masks remain required on all forms of public transit that operate within parks, including busses, trains, and boats/ferries, and in transportation hubs.

Justification: By relying on the best available data and science-based public health measures in order to protect the health and safety of NPS employees, volunteers, partners, contractors, and park visitors from COVID-19 and the on-going pandemic, the requirement to wear a mask applies to the identified individuals and locations. Section 361 of the Public Health Service Act (42 USC 264, 70.2, 71.31(b), 71.32(b)) requires that persons must wear masks over the mouth and nose when traveling on conveyances into and within the United States. This includes the Zion Shuttle and the ability to physically distance on

this means of conveyance does not apply as an exception to the mask requirement per the law cited. CDC guidance suggests that masks should not be worn by children under the age of two years old, individuals with pre-existing health conditions or a disability that makes wearing a mask difficult, or persons for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.

FILMING

§1.5 General Use Limits (a)(2)(xix)

Filming: The following types of filming activities may occur in areas open to the public without a permit and without advance notice to the NPS:

Outdoor filming activities [outside of areas managed as wilderness] involving five persons or less and equipment that will be carried at all times, except for small tripods used to hold cameras.

The organizer of any other type of filming activity must provide written notice to the Superintendent at least 10 days prior to the start of the proposed activity. The Superintendent may require the organizer to apply for and obtain a permit if necessary to:

- maintain public health and safety;
- protect environmental or scenic values;
- protect natural or cultural resources;
- allow for equitable allocation and use of facilities; or
- avoid conflict among visitor use activities.

If the Superintendent determines that the terms and conditions of a permit could not mitigate the concerns identified above in an acceptable manner, the Superintendent may deny a filming request without issuing a permit. The Superintendent will provide the basis for denial in writing upon request.

The NPS will consider requests and process permit applications in a timely manner. Processing times will vary depending on the complexity of the proposed activity. If the organizer provides the required 10 day advance notice to the NPS and has not received a written response from the NPS that a permit is required prior to the first day of production, the proposed filming activities may occur without a permit.

The following are prohibited:

- 1. Engaging in a filming activity without providing advance notice to the Superintendent when required.**
- 2. Engaging in a filming activity without a permit if the activity takes place in areas managed as wilderness or if the Superintendent has notified the organizer in writing that a permit is required.**
- 3. Violating a term and condition of a permit issued under this action.**

Violating a term or condition of a permit issued under this action may also result in the suspension and revocation of the permit by the Superintendent.

Filming in Wilderness:

- **In order to help preserve wilderness character, the Superintendent must require a permit for all filming activities in wilderness areas other than casual filming by visitors, no matter the group size or equipment used.**
- **Before issuing a permit to film in wilderness, the Superintendent will work with the permittee to identify substitute filming locations outside of wilderness and may not issue a permit if there are suitable filming locations outside of wilderness.**
- **If a permit is issued, the terms and conditions must prohibit the use of structures, installations, motor vehicles, mechanical transport, motorized equipment, motorboats or landing of aircraft. The permit should contain other terms and conditions necessary to limit impacts to the qualities of wilderness character and the wilderness experience of other visitors, including potentially limiting crew size and equipment, sets, and props.**

Justification: The requirements set forth in this provision on managing filming are the result of the United States District Court for the District of Columbia ruling in favor of Gordon Price, in *Price v. Barr*. In its decision, the court acknowledged that the NPS has a substantial government interest in protecting park resources but determined that the permit requirement was not related closely enough to achieving this interest. The court objected to the fact that all commercial filming activities must obtain a permit no matter the potential for resource impacts. According to the court, this was an overly broad burden on First Amendment speech. The court suggested that a permit requirement more closely tailored to the threat posed by high-impact filming may be acceptable. The court also held that the NPS did not have a sufficient interest to support charging location fees for commercial filming. The court issued a permanent injunction preventing the NPS from implementing and enforcing the permit and fee requirements for commercial filming. The injunction does not extend to any provisions in the statute or regulations related to still photography, nor does it expressly extend to the cost recovery authority for commercial filming.

All activities in park areas – including filming even if a permit is not required – must comply with all visitor use regulations in 36 C.F.R., including but not limited to those prohibiting resource damage (36 C.F.R. § 2.1), protecting wildlife (36 C.F.R. § 2.2) or mitigating audio disturbances (36 C.F.R. § 2.12), and any restrictions on visitor use in the park’s compendium, such as restrictions on the use of unmanned aircraft systems (i.e., drones). Filming of any kind may not occur in closed areas without written authorization. Filming activities may not violate applicable laws, such as the Endangered Species Act, the Archeological Resources Protection Act, or the Wilderness Act. All filming must comply with laws protecting the NPS’s intellectual property, such as laws and regulations governing the use of the NPS Arrowhead and images of NPS employees.

WILDERNESS

§2.14 Sanitation and Refuse (b)(1)

All Wilderness Permit holders must carry solid human waste out of the wilderness in personal wilderness toilet bags. All Wilderness Permit groups must carry at least one personal wilderness toilet bag per person while hiking. Toilet paper must be carried out. Climbers must remove their human waste while on all climbs.

Justification: Human waste is a threat to public health and environmental and scenic values.

The NPS at Zion National Park is requesting comment on these proposed additions to the 2021 park compendium.

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Jeff Bradybaugh, Superintendent
Zion National Park