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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TATE PULLIAM,

Defendant.

Case No. L:25-po-00828-SAH

**MOTION TO DISMISS**

Defendant Tate Pulliam, by and through undersigned counsel, respectfully moves this Court pursuant to Federal Rule of Criminal Procedure 12(b) to dismiss the three petty offense citations issued against him in this matter. Dismissal is appropriate because the charges rest on restrictions and regulations that are unconstitutional or ultra vires and therefore void as a matter of law. First, the Superintendent of Yellowstone National Park never lawfully imposed the fishing-permit requirement or the winter closure of waters to fishing (the basis for two of the charges), because he was hired as an employee rather than appointed as an officer under the Appointments Clause of Article II of the Constitution; his actions are therefore void. Second, the regulatory provisions underlying the charges are ultra vires because they were promulgated under the National Park Service Organic Act rather

than the Act of 1894 (the Yellowstone-specific statute governing such regulations), and the Government may not rely on a different statutory basis post hoc to sustain them. Third, all three restrictions stem from regulations promulgated under the National Park Service Organic Act (or, in the alternative, the Act of 1894) which unlawfully delegates lawmaking power to the Secretary of the Interior in violation of the Legislative Vesting Clause of Article I of the Constitution. Mr. Pulliam therefore respectfully requests that the Court enter an order dismissing the charges.

DATED this 13th day of April, 2026.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 13, 2026, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following:

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UNITED STATES OF AMERICA,

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Case No. L:25-po-00828-SAH

**MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

**Introduction**

This prosecution rests on restrictions that were never lawfully promulgated and that derive from an unconstitutional delegation of legislative power. Defendant Tate Pulliam was issued three criminal citations in Yellowstone National Park for alleged violations of National Park Service regulations governing vehicle use and fishing. But criminal liability cannot rest on rules that were adopted in violation of the Constitution or beyond the authority Congress actually conferred. Three independent defects require dismissal.

First, the restrictions underlying the fishing charges were imposed by the Superintendent of Yellowstone National Park, an official who exercises significant authority under federal law, but who

was never appointed in the manner required by the Appointments Clause. Because those restrictions were promulgated by an unlawfully appointed officer, they are void and cannot support a criminal prosecution.

Second, the regulations underlying all three charges are ultra vires. Congress enacted a statute specifically governing regulation of Yellowstone, *see* 16 U.S.C. § 26, yet the agency relied on the National Park Service Organic Act’s general delegation to promulgate the Yellowstone-specific regulations here. Where Congress has spoken directly to a subject, the Executive may not rely on a broader, more general statute to define the governing rules. The regulations therefore exceed the scope of the authority Congress actually granted.

Third, the regulations underlying all three charges rest on an unconstitutional delegation of legislative power. The Government relies on the Organic Act’s authorization for the Secretary of the Interior to issue whatever regulations he “considers necessary or proper” to govern national parks, 54 U.S.C. § 100751(a), but the same defect persists even if the regulations are instead grounded in the Yellowstone-specific statute, 16 U.S.C. § 26. Neither statute supplies meaningful limits on the Secretary’s authority to define criminally enforceable rules. The Constitution does not permit Congress to hand over that core legislative function.

Because the charges against Mr. Pulliam depend on restrictions adopted through unconstitutional processes, the Court should dismiss the citations.

### **Statement of Facts**

The Government alleges that, on December 16, 2025, Defendant Tate Pulliam engaged in conduct within Yellowstone National Park that resulted in three citations. Specifically, Pulliam was cited for operating a motor vehicle on a route restricted to oversnow vehicles in violation of 36 C.F.R. § 7.13(l)(13)(ii)(E) (Citation No. 9112811); fishing in closed waters in violation of 36 C.F.R. § 7.13(e)(4) (Citation No. 9112813); and engaging in fishing without a required permit in violation of 36 C.F.R.

§ 1.6(g)(1) (Citation No. 9112812). These charges arise from alleged activity near the South Entrance Road and the Lewis River area of the park. Mr. Pulliam now moves to dismiss the charges.

The two fishing charges are based on restrictions imposed by the Yellowstone Superintendent:

Section 1.6(g)(1) prohibits “Engaging in an activity subject to a permit requirement imposed pursuant to this section without obtaining a permit.” Section 1.6(f) directs the Superintendent to maintain a “compilation of those activities requiring a permit.” The Superintendent’s Compendium for Yellowstone, Section IV, lists “Fishing” as one of the “activities for which a permit from the superintendent is required” under § 1.6(f), pursuant to his powers under § 7.13(e)(2) (empowering the Superintendent to “impose closures and establish conditions or restrictions . . . on any activity pertaining to fishing”). Nat’l Park Serv., U.S. Dep’t of the Interior, *Yellowstone Nat’l Park, Superintendent’s Compendium of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority* (Dec. 31, 2024) at 27, 30 (“Compendium”).<sup>1</sup>

Section 7.13(e)(4) prohibits “[f]ishing in closed waters or violating a condition or restriction established by the superintendent[.]” As established above, § 7.13(e)(2) empowers the Superintendent to impose fishing closures. He used this power in Section VI of the Compendium to close fishing on Lewis River and other locations from November 1 of each year to the Friday immediately prior to Memorial Day. Compendium at 59. Citation No. 9112813, which charged Mr. Pulliam with fishing in closed waters, alleges that “Lewis River closed to fishing on October 31, 2025.” Dkt. No. 1.

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<sup>1</sup> Attached as Exhibit A and available at <https://web.archive.org/web/20251210200604/https://www.nps.gov/yell/learn/management/upload/2024-YELL-Superintendent-s-Compendium.pdf>. Because the Compendium—being the legal basis of two of the Government’s charges—is necessary for the Government to make out sufficiently precise charges, Fed. R. Crim. P. 7(c)(1), the charges necessarily incorporate the Compendium. The inclusion of the Compendium in a motion to dismiss therefore cannot be objected to. *Cf. United States v. Sunseri*, No. 24-po-00893, Dkt. No. 74, at 2 (D. Wyo. Sept. 2, 2025) (“*Sunseri* Order”) (stating that an Appointments Clause defense against a charge based on a restriction in a Superintendent’s Compendium is “more appropriate to bring as a pretrial motion”).

### Legal Standard

Federal Rule of Criminal Procedure 12(b)(1) permits a defendant to raise any defense or objection that the court can determine without a trial on the merits. A court may dismiss criminal charges when the prosecution rests on a legally invalid regulation. *United States v. Covington*, 395 U.S. 57, 60 (1969). Courts routinely resolve constitutional challenges to the validity of criminal regulations before trial when, as here, such challenges present purely legal questions. *See, e.g., United States v. Pope*, 613 F.3d 1255, 1260–61 (10th Cir. 2010). If the regulation underlying a criminal charge was promulgated in violation of the Constitution, the charge cannot proceed.

### Argument

#### **I. The Fishing-Related Charges Under Sections IV and VI of the Compendium Must Be Dismissed Because the Restrictions Were Imposed by an Unconstitutionally Appointed Officer**

As established above, the fishing-related charges against Mr. Pulliam rest on restrictions imposed by the Superintendent of Yellowstone National Park. But those restrictions cannot support a criminal prosecution because the official who imposed them was never constitutionally appointed. The Appointments Clause requires that federal officials exercising significant authority under federal law be appointed in the manner prescribed by Article II. U.S. Const. art. II, § 2, cl. 2. The Yellowstone Superintendent exercises precisely that kind of authority: he determines which activities within the park are permitted and which expose visitors to federal criminal liability. Yet the Superintendent was hired through the civil service as an employee of the National Park Service, not appointed as an officer of the United States. As a result, the fishing restrictions he imposed are void and cannot serve as the basis for criminal liability.

#### **A. The Appointments Clause Requires Proper Appointment of Officers and Renders Void the Actions of Improperly Appointed Officials**

The Appointments Clause is “among the significant structural safeguards of the constitutional scheme.” *Edmond v. United States*, 520 U.S. 651, 659 (1997). Leading up to the Founding, one of the

great causes of arbitrary governance was the English monarch’s uncontrolled appointment of officers who then wielded tremendous power against the people. This “‘power of appointment to offices’ was deemed ‘the most insidious and powerful weapon of eighteenth century despotism.’” *Freytag v. Comm’r*, 501 U.S. 868, 883 (1991) (citation omitted). The problem was so great that it was listed among the grievances in the Declaration of Independence. *See* The Declaration of Independence (U.S. 1776) (“He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.”).

To guard against unaccountable officials, the new nation adopted the Appointments Clause.

The Appointments Clause provides:

[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

U.S. Const. art. II, § 2, cl. 2. When a position qualifies as an office of the United States, the Appointments Clause provides the “exclusive means” of filling that position. *Lucia v. SEC*, 585 U.S. 237, 244 (2018). Furthermore, only Congress may establish an office. *Buckley v. Valeo*, 424 U.S. 1, 138 (1976). An office is any continuing position vested with significant federal authority. *Lucia*, 585 U.S. at 245. These procedures ensure that officials with significant authority are “accountable to political force and the will of the people.” *Freytag*, 501 U.S. at 884.

Significant authority separates officers from nonofficers; but among officers, principal and inferior officers are differentiated by whether the officer “is directed and supervised” by a Senate-confirmed official. *Edmond*, 520 U.S. at 663. Inferior officers are those who are adequately controlled by a Senate-confirmed official. All other officers are principal officers. Principal offices may be filled only by Presidential nomination and Senate confirmation. That is also the default method for filling

inferior offices. *Id.* at 660. But if Congress provides “by Law,” the appointment of an inferior officer may be vested in the President, a head of department, or a court of law. U.S. Const. art. II, § 2, cl. 2.

Because the Appointments Clause provides the exclusive means of filling an office, an individual whose selection does not conform to the Clause acts only “under the color of official title.” *Ryder v. United States*, 515 U.S. 177, 180 (1995). Such individuals were not appointed to office and “lack[] the authority to carry out the functions of the office.” *Collins v. Yellen*, 594 U.S. 220, 258 (2021) (contrasting appointment claims with removal claims). The actions of improperly appointed individuals are therefore “void.” *Id.*

**B. Because Superintendent Sholly Was Not Properly Appointed, His Restrictions Are Void and Cannot Support Criminal Liability**

The Superintendent of Yellowstone National Park must be appointed pursuant to the Appointments Clause because that position is vested with significant federal authority under National Park Service regulations. But the Superintendent who created the restrictions in the Compendium, Cameron Sholly, *see* Compendium at 1 (showing Mr. Sholly’s signature as Superintendent), was not so appointed. Because Mr. Sholly was not properly appointed, he lacked the authority to carry out the functions of that office, and his fishing-related restrictions, including the permit requirement and closure of waters to fishing, are void. Accordingly, the alleged actions were never a crime, and this prosecution should never have been brought.

**1. The Superintendent must be appointed as an officer**

The position of the Superintendent may be filled only pursuant to the Appointments Clause because it is a continuing position vested with significant authority. *See Lucia*, 585 U.S. at 245. The Yellowstone Superintendent is vested with significant authority because he is empowered to manage all aspects of Yellowstone National Park. The Superintendent is defined as “the official in charge of a park area or an authorized representative thereof.” 36 C.F.R. § 1.4(a). Accordingly, the Superintendent not only possesses the authority to criminalize fishing without a permit and close waters to fishing

under 36 C.F.R. §§ 1.6 and 7.13, but he also has broad discretion to permit or prohibit other park activities, including the use of natural resources, wildlife protection, specimen collection for research and Indian usage, camping, fires, pets, aircraft, alcohol use, vehicle and bicycle usage, restaurants and hotels, and mining. *See* 36 C.F.R. §§ 1.6, 2.1–2.2, 2.5–2.6, 2.10, 2.13, 2.15, 2.17, 2.35, 4.11, 4.30, 5.10, 9.13, 9.15. Just like restricting fishing and other recreational conduct, all of these other decisions by the Superintendent are criminally enforced, because they are made under the authority of regulations issued under 54 U.S.C. § 100751(a). *See* 18 U.S.C. § 1865(a). Mr. Sholly made ample use of these criminally enforced authorities, as demonstrated by the sixty-three pages of restrictions that he imposed in the Compendium. *See generally* Compendium.

For purposes of the Appointments Clause, an official possesses significant authority if the authority is “more than ministerial,” that is, “[i]n the course of carrying out . . . important functions, the [official] exercise[s] significant discretion.” *Freytag*, 501 U.S. at 881–82; *see Bandimere v. SEC*, 844 F.3d 1168, 1188 (10th Cir. 2016). Authority is significant if it is not “sufficiently removed from the administration and enforcement of public law.” *Buckley*, 424 U.S. at 141. Indeed, an official may hold significant authority even if he lacks “‘the authority’ to issue at least some ‘final decisions.’” *Lucia*, 585 U.S. at 247 n.4 (citation omitted). Thus, the Supreme Court has held that even postmasters and district court clerks hold significant authority and any official who has greater powers “surely” does as well. *Buckley*, 424 U.S. at 126. A fortiori, “rulemaking” is a “significant governmental duty exercised pursuant to a public law.” *Id.* at 140–41.

The Yellowstone Superintendent’s authority is clearly significant. Through his broad regulatory powers, he sets policy to determine which behaviors are criminal and which are permitted. *Supra*. This authority is more than ministerial; rather, it is an important function involving significant discretion, and it is intimately bound up in the administration and enforcement of public law. Moreover, the Superintendent makes final decisions by designating such restrictions. Indeed, this case

is proof: this prosecution has been brought only because Mr. Sholly used his authority under 36 C.F.R. §§ 1.6 and 7.13 to impose fishing restrictions under pain of criminal punishment. The Superintendent's powers are like rulemaking under the Administrative Procedure Act (APA), which is a significant authority under *Buckley*, except that the Superintendent possesses even more discretion because he is usually not bound by APA notice-and-comment procedures. *See* 5 U.S.C. § 553. *But see* 36 C.F.R. § 1.5(b) (requiring rulemaking in limited circumstances).

In addition to possessing significant authority, the office of Superintendent is plainly a continuing position. Regulation establishes that the position of Superintendent is “the official in charge of a park area or an authorized representative thereof,” a permanent position, not an incidental or ad hoc post. 36 C.F.R. § 1.4(a). Accordingly, he has continuing responsibilities to manage the park, defined by law, *see supra*, and he exercises those responsibilities over the years of his tenure. *See, e.g., United States v. Garfield Cnty.*, 122 F. Supp. 2d 1201, 1208, 1210 (D. Utah 2000) (concerning incident in which one Superintendent Lundy proposed a road project in 1993, proposed improvements in 1995, and met with county officials in 1996).

This Court should not follow its recent decision holding that a National Park Service superintendent lacks significant authority. *See Sunseri Order*. That decision is inconsistent with the Supreme Court's Appointments Clause precedents in several respects.

First, *Sunseri* likened the Grand Teton Superintendent to the independent counsel in *Morrison v. Olson*, 487 U.S. 654 (1988), and the Court read *Morrison* to conclude that the independent counsel “was not a principal officer that wields significant authority.” *Sunseri Order* at 9. But that is not so. While the independent counsel was indeed held not to be a principal officer, *Morrison* concluded instead that he was an *inferior* officer. *Morrison*, 487 U.S. at 672. As an inferior officer, the independent counsel possessed significant authority. *Sunseri Order* at 8 (“[S]ignificant authority . . . marks the line between officers and nonofficers.”).

Second, *Sunseri* pointed out that a superintendent has jurisdiction only over a specific geographical area. *Id.* at 9–10. But no precedent suggests that a geographical limitation reduces an authority to non-significance. The precedent points the other way. District court clerks’ authority is limited only to cases filed within their districts, yet they are officers. *Buckley*, 424 U.S. at 126. A regional fisheries council’s authority is limited to specific waters, yet its ability to stop the Secretary of Commerce from adopting certain fisheries measures—not even the power to create restrictions—renders its members *principal officers*. *Lofstad v. Raimondo*, 117 F.4th 493, 496, 501 (3d Cir. 2024). The only test for significant authority is whether “[i]n the course of carrying out . . . important functions, the [official] exercise[s] significant discretion.” *Freytag*, 501 U.S. at 881–82. As this Court observed, “It is *important* for the Superintendent to have some *discretion* to manage” park conditions. *Sunseri* Order at 10 (emphasis added). And the authority to impose binding, criminally enforceable restrictions on the public—even within a defined geographic area—is paradigmatically significant. *See United States v. Davis*, 588 U.S. 445, 451 (2019).

Third, *Sunseri* reasoned that the Superintendent does not create policy because he “must take directions for park management from superiors.” *Sunseri* Order at 10. That is wrong for two reasons. For one, as discussed below, when an official with significant authority “is directed and supervised” by a Senate-confirmed official like the NPS Director, that reduces him to an inferior officer, not a nonofficer. *Edmond*, 520 U.S. at 663; *accord Kennedy v. Braidwood Mgmt., Inc.*, 606 U.S. 748, 762 (2025). *Sunseri*’s test would re-categorize every inferior officer as a nonofficer, leaving the category unpopulated. For another, although the NPS Director sometimes directs certain policies, the Director clearly does not direct all policies. Rather, NPS regulations explicitly delegate many decisions to Superintendents who are then left with significant discretion over these important management decisions. *Supra*. The Superintendent’s authority to impose generally applicable, binding restrictions—backed by criminal penalties—is significant authority.

Fourth, *Sunseri* relied on the Superintendent’s lack of adjudicative or prosecutorial power. *Sunseri* Order at 11. But the Supreme Court has repeatedly rejected the notion that only adjudicators or prosecutors are officers. *See Buckley*, 424 U.S. at 141 (identifying rulemaking as a “significant governmental duty”); *Kennedy*, 606 U.S. at 761–62 (noting that Task Force members are officers because they decide which preventive services must be covered by health insurers at no cost to insureds, whereas when they made only “non-binding recommendations” in a prior statutory framework, they “were not officers at all”).

At bottom, *Sunseri* failed to apply the significant-authority test: whether an official carries out important duties with significant discretion. Under that test, Superintendents possess significant authority.

Finally, *Sunseri* suggested that the lack of a statute expressly creating the position weighs against officer status. But to qualify as an office, a position—other than having significant authority—need only be continuing rather than temporary. Being created by a statute is only one indication that a position is continuing. Identifying the Superintendent as “the official in charge of a park area,” 36 C.F.R. § 1.4, as well as vesting him with continuing and manifold responsibilities, *see supra*, also shows that the position is continuing. There is no real contention that the Superintendent is hired for specific projects or “some special case,” lacks a “place of business,” and has only “occasional and intermittent” duties. *United States v. Germaine*, 99 U.S. 508, 512 (1878) (watershed case that created the continuing-position requirement, holding that a civil surgeon hired to perform occasional examinations was not an officer because his duties were intermittent rather than continuing). Following *Germaine*, the Superintendent position is continuing.

Furthermore, *Sunseri*’s reasoning contradicts the Appointments Clause itself. One of the Appointments Clause’s protections is that only Congress may create an office. *Buckley*, 424 U.S. at 138. Where Congress has not created an office and vested it with significant authority, an incumbent who

wields such authority violates the Constitution. *See, e.g., United States v. Navimala*, 2:24-CR-00099, 2026 WL 658885, at \*1 (D.N.J. Mar. 9, 2026). Thus, *Sunseri*'s reasoning indicates that an official with significant authority "is not subject to the Appointments Clause so long as the office was unlawfully created." *New Mexico v. Musk*, No. 25-cv-429, 2026 WL 799635, at \*11 (D.D.C. Mar. 23, 2026) (rejecting this "extraordinary argument"). That cannot be.

## 2. Mr. Sholly must be Senate-confirmed but was not

As an officer, Mr. Sholly must be Senate-confirmed unless he is an inferior officer *and* Congress vests his appointment in the President, a head of department, or a court of law. U.S. Const. art. II, § 2, cl. 2. Congress may accomplish such vesting only through a clear statement. *Navimala*, 2026 WL 658885, at \*14. No statute vests the appointment of the Yellowstone Superintendent in the President, a head of department, or a court of law. Thus, the post may be filled only by Senate-confirmation.<sup>2</sup> Mr. Sholly was not Senate-confirmed, and the Government will not dispute this. The defense has searched the Congressional Record, which records Senate confirmations, and there is no mention of Mr. Sholly's confirmation. There is also no mention of the Senate's confirmation of any person as Yellowstone Superintendent, because Superintendents have never been Senate-confirmed.

In addition to Mr. Sholly's absence from the Congressional Record, the United States Government Policy and Supporting Positions report (colloquially called the "Plum Book") also shows Mr. Sholly was not Senate-confirmed. The Plum Book is a report published every four years by the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Governmental Reform. The report identifies, among other positions, "the 7,000 or so posts eligible for presidential selection or discretionary replacement by presidential appointees." *Allman v. Smith*, 790 F.3d 762, 766 (7th Cir. 2015).

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<sup>2</sup> Because there is no statute allowing for appointment other than by Senate-confirmation, there is no need to decide whether the Yellowstone Superintendent is a principal or inferior officer.

Neither Mr. Sholly personally nor the position of the Superintendent of Yellowstone National Park is listed as Senate-confirmed in the Plum Book. *See generally, e.g.*, H. Comm. on Oversight & Reform, *United States Government Policy and Supporting Positions* 115–21 (Dec. 2020) (“2020 Plum Book”) (listing positions in the Department of the Interior)<sup>3</sup>; S. Comm. on Homeland Sec. & Gov’t Affs., *United States Government Policy and Supporting Positions* 84–89 (Nov. 2024) (“2024 Plum Book”) (same).<sup>4</sup> Rather, the only official within the National Parks Service who is Senate-confirmed is the Director. *See* 2020 Plum Book at 118–19; 2024 Plum Book at 86.

Superintendents are also referred to as Park Managers. *See* 159 Cong. Rec. H6809-05, 2013 WL 5787280 (Oct. 28, 2013) (then-U.S. Representative for Wyoming Cynthia Lummis observing that the Superintendent of Grand Teton National Park “is one of just 10 top-level park managers in the United States”); 36 C.F.R. § 7.100 (regarding routes “designated by the Park Manager in the Superintendent’s Compendium”). The 2020 Plum Book lists various “Park Manager[s]” in the Department of Interior as “CA” and “ES,” 2020 Plum Book at 119, indicating that the positions are filled by career civil servants in the Senior Executive Service, *id.* at v–vi. For example, Plum data for 2025 lists Cicely Muldoon and Pedro Ramos—Superintendents for Yosemite and Everglades National Parks, respectively<sup>5</sup>—as Park Managers and Career Senior Executive Service officials. U.S. Off. of Pers. Mgmt., *Plum Book Data – Harvested on July 10, 2025* (GPO-PLUMBOOK-2025-07-10).<sup>6</sup> Career

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<sup>3</sup> <https://www.govinfo.gov/content/pkg/GPO-PLUMBOOK-2020/pdf/GPO-PLUMBOOK-2020.pdf>.

<sup>4</sup> <https://www.govinfo.gov/content/pkg/GPO-PLUMBOOK-2024/pdf/GPO-PLUMBOOK-2024.pdf>.

<sup>5</sup> *See National Park Service Announces Cicely Muldoon as Yosemite National Park’s New Superintendent*, NPS (Oct. 27, 2020), <https://www.nps.gov/orgs/1207/national-park-service-announces-cicely-muldoon-as-yosemite-national-park-s-new-superintendent.htm>; *Pedro Ramos Selected as New Superintendent*, NPS (Jan. 7, 2015), <https://www.nps.gov/ever/learn/news/pedro-ramos-selected-as-new-superintendent.htm>.

<sup>6</sup> <https://www.govinfo.gov/app/details/GPO-PLUMBOOK-2025-07-10/>.

Senior Executive Service officials are hired by an agency—here, the National Park Service—on a merits-based process, not appointed. *See* 5 U.S.C. § 3393.

If the Court needs more information to establish that the Superintendent was hired by the National Park Service, and not Senate-confirmed, it should grant the defense’s motion to compel. ECF No. 16. As described in that motion, the defense has demanded that the Government produce Mr. Sholly’s hiring paperwork (with personal details redacted) as a document in the Government’s control that is material to the preparation of the defense, *see* Fed. R. Crim. P. 16(e)(1), but which the Government has refused to provide.

**3. Mr. Sholly was not appointed by the President, a head of department, or a court of law**

Even if the Superintendent were an inferior officer and Congress had vested the appointment of the Superintendent in the President, a head of department, or a court of law, Mr. Sholly’s actions would still be void because he was not so appointed. The Government will not deny this and so will waive and concede the issue.

First, Mr. Sholly was not appointed by the President. The Plum Book lists all “posts eligible for presidential selection,” *Allman*, 790 F.3d at 766, including those presidential appointments that do not require Senate confirmation, *see* 2024 Plum Book, at v (regarding positions that are “PAS” (President and Senate) and “PA” (Presidential appointment)). Neither Mr. Sholly personally nor the position of the Superintendent is listed as presidentially appointed.

Second, Mr. Sholly was not appointed by a head of department. A “[d]epartment’ for purposes of the Appointments Clause” is “a freestanding component of the Executive Branch, not subordinate to or contained within any other such component.” *Free Enter. Fund v. PCAOB*, 561 U.S. 477, 511 (2010) (quotation modified). Thus, for example, the Department of the Interior is a department under the Appointments Clause, whereas its component agency the National Park Service is not. The relevant head of department, then, is the Secretary of the Interior. Mr. Sholly, however, was not

appointed by the Secretary of the Interior. As a career Senior Executive Service official, Mr. Sholly was hired by his agency, the National Park Service, through the competitive process. *See* 5 U.S.C. § 3393.

Third, Mr. Sholly was not appointed by a court of law. Not only does no statute “by Law vest the Appointment” of the Superintendent in any court, U.S. Const. art. II, § 2, cl. 2, it would be unprecedented for a court to appoint a regulatory agency’s regional bureaucrat. Nothing suggests such an arrangement. Indeed, such an arrangement would contravene “the constitutional limitation on ‘incongruous’ interbranch appointments.” *Morrison*, 487 U.S. at 677.

Thus, Mr. Sholly was not appointed as an inferior officer, even if the Constitution permitted that course and Congress had vested that appointment in the President, a head of department, or a court of law.

\* \* \*

The Superintendent is an officer because he is authorized to criminalize or permit a vast swath of conduct in Yellowstone National Park. And Mr. Sholly was not properly appointed as an officer. Though the Government will likely argue that the Superintendent need not be appointed as an officer, it will not dispute—and so will waive—the defense’s assertion that Mr. Sholly was not Senate-confirmed, nor appointed by the President, a head of department like the Secretary of the Interior, or a court of law.

**C. Because Congress Did Not Create this Office, the Exercise of Its Powers Violates the Appointments Clause**

The office of the Superintendent also violates the Appointments Clause because no statute creates the position. “[T]he Constitution vests Congress with the exclusive power to create new offices.” *Navimala*, 2026 WL 658885, at \*1; *Buckley*, 424 U.S. at 138. This constitutional structure, under which “the Executive may not create offices,” was “intentional,” meant to avoid “combining the power to create offices with the power to appoint officers.” *Navimala*, 2026 WL 658885, at \*12 (cleaned

up); *see id.* at \*12 n.142 (citing authority). Furthermore, Congress may create an office only by a “clear statement”; “Congress must be explicit when it creates an office.” *Id.* at \*14. Here, without a statute creating a “Superintendent” office and vesting its incumbent with significant authority, no such official may wield such authority. The Compendium’s fishing restrictions are therefore void and the two resulting charges must be dismissed.

## II. The Charges Must Be Dismissed Because § 7.13 Is Ultra Vires

The three charges must be dismissed because they rest on ultra vires regulatory provisions.

The fishing-out-of-season and oversnow charges are for violations § 7.13(e)(4) and (l)(13)(ii)(e), respectively. Both provisions were issued under the National Park Service Organic Act, specifically 16 U.S.C. § 100751(a), which was previously codified at § 3. *See* 52 Fed. Reg. 19345, 19346 (1987) (adopting 36 C.F.R. § 7.13(e)(4) and citing for authority, *inter alia*, 16 U.S.C. § 3); 78 Fed. Reg. 63069, 63088 (2013) (adopting 36 C.F.R. § 7.13(l)(13)(ii)(e) and citing for authority, *inter alia*, 16 U.S.C. § 3). However, they should have been issued under a Yellowstone-specific statute, an Act of 1894, 28 Stat. 73, Ch. 72, codified at 16 U.S.C. § 26, which authorizes the Secretary of the Interior to issue rules “necessary and proper for the management and care of the park and for the protection of the property therein” and also “rules and regulations governing the taking of fish from the streams or lakes in the park.”

Where Congress legislates specifically on a subject, agencies may not rely on a broader, more general delegation to displace or circumvent the more specific statutory framework. *See RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645 (2012) (the specific governs the general). For example, in *Wyoming v. U.S. DOI*, 136 F.Supp.3d 1317, 1335 (D. Wyo. 2015), this Court held that “it defies common sense to interpret the more general authority granted by [two statutes] to regulate fracking when Congress has directly spoken to the issue in [another statute].” In such cases, the general statute’s “application to cases covered by the specific provision is suspended; it continues to govern

all other cases.” *United States v. Porter*, 745 F.3d, 1035, 1049 (10th Cir. 2014). Here, Congress specifically provided for Yellowstone-related rulemaking in the Act of 1894. *See* 16 U.S.C. § 26. And that Act provides specific, lower penalties than the Organic Act. *Compare* 16 U.S.C. § 26 (providing penalties up to a \$500 fine and six months’ imprisonment), *with* 18 U.S.C. §§ 1865(a), 3559(a)(7), 3571(b)(6) (providing penalties up to a \$5000 fine and six months’ imprisonment). Thus, only § 26 may supply authority for rules “promulgated . . . with reference to the management and care of” Yellowstone. That distinction is not academic. The statutory source of authority determines not just whether the regulation was validly promulgated, but also the penalties that may be imposed for its violation. By relying on the Organic Act rather than the Yellowstone-specific statute, the Government subjected Defendant Pulliam to a different—and more severe—penalty regime than Congress authorized for Yellowstone-specific regulations. That is, the Government is enforcing a rule under a statutory framework that does not apply, both as to the substance of the regulation and the consequences of its violation.

Nor may the Government now invoke § 26 as a post hoc justification for § 7.13(e)(4) and (l)(13)(ii)(e). A court “must judge the propriety of [agency] action solely by the grounds invoked by the agency” at the time of the agency action and “[i]f those grounds are inadequate or improper,” the court cannot “affirm the administrative action by substituting what it considers to be a more adequate or proper basis.” *SEC v. Chenery Corp.*, 332 U.S. 194, 196 (1947). Because the Government relied only on the Organic Act when promulgating 36 C.F.R. § 7.13(e)(4) and (l)(13)(ii)(e), *see* 52 Fed. Reg. 19345; 78 Fed. Reg. 63069, it cannot now rely on the Act of 1894 to justify the regulations. *See Dep’t of Air Force v. Fed. Lab. Rels. Auth.*, 877 F.2d 1036, 1041 (D.C. Cir. 1989) (refusing, under *Chenery*, to consider whether a regulation was authorized by 5 U.S.C. § 7132(c) because the agency “never invoked section 7132(c) as a basis of its regulation” until litigation arose). The two § 7.13 provisions are therefore ultra vires and the resulting charges—the oversnow and fishing-out-of-season charges—should be

dismissed.

For similar reasons, the third charge for fishing without a permit must also be dismissed. That charge is for a violation of 36 C.F.R. § 1.6(g)(1), which is not a Yellowstone-specific regulation, but the Superintendent imposed the permit requirement under the Yellowstone-specific § 7.13(e)(2). *See* Compendium at 30. Like the two provisions above, § 7.13(e)(2) was unlawfully issued under the Organic Act instead of the Act of 1894. 52 Fed. Reg. at 19346. Because the regulation underlying the Compendium permit requirement is ultra vires, the requirement is itself ultra vires, and the resulting charge must be dismissed.

### **III. The Charges Must Also Be Dismissed Because the Statutes Underlying the Regulations Violate the Nondelegation Doctrine**

All three charges must also be dismissed because the underlying statutes—16 U.S.C. § 100751(a) from the Organic Act and, if the § 7.13 regulations are considered to have been issued under 16 U.S.C. § 26, the Act of 1894—violate the separation of powers by impermissibly delegating legislative authority in contravention of the nondelegation doctrine.

#### **A. The Constitution vests legislative power exclusively in Congress**

Article I provides that “[a]ll legislative Powers herein granted shall be vested in a Congress of the United States.” U.S. Const. art. I, § 1. That vesting reflects a basic structural rule: the power to make binding rules governing private conduct belongs to Congress alone. Accordingly, Congress may not transfer “powers which are strictly and exclusively legislative.” *Wayman v. Southard*, 23 U.S. (10 Wheat.) 1, 42–43 (1825); *see also Whitman v. Am. Trucking Ass’ns*, 531 U.S. 457, 472 (2001).

The nondelegation doctrine enforces that principle by requiring Congress—not the Executive—to make the fundamental policy decisions that govern the public. While Congress may authorize executive officials to implement the law, it must supply an “intelligible principle” to guide that discretion. *J.W. Hampton, Jr. & Co. v. United States*, 276 U.S. 394, 409 (1928). Absent such guidance, a statute impermissibly transfers legislative power.

**B. The statutes supply no meaningful limits on the Secretary’s authority to define criminal conduct**

Under modern precedent, Congress may authorize executive agencies to implement statutes only if it supplies an “intelligible principle” that identifies both the general policy to be pursued and the boundaries of the delegated authority. *Whitman*, 531 U.S. at 472; *Mistretta v. United States*, 488 U.S. 361, 372–73 (1989). Although the Court has rarely invalidated statutes under this doctrine, it has repeatedly emphasized that the constitutional limitation remains real. As the Court explained in *Panama Refining*, “in every case in which the question has been raised, the Court has recognized that there are limits of delegation which there is no constitutional authority to transcend.” 293 U.S. 388, 430 (1935).

Most recently, in *FCC v. Consumers’ Research*, the Court reaffirmed that the nondelegation inquiry asks whether Congress itself supplied both a discernible policy and meaningful boundaries on agency discretion. 606 U.S. 656, 671–73 (2025). The statute there survived because Congress did not merely announce a broad aspiration. It identified specific universal-service programs as well as the persons who were to benefit from them, and limited the FCC to collecting only amounts “sufficient” to support those programs. *Id.* at 679–85. Those features correspond to the three required elements: Congress identified the policy (universal service for defined programs and beneficiaries), supplied a governing standard (“sufficient” funding), and imposed a concrete boundary (a cap tied to that sufficiency requirement). And those features constrained the agency’s discretion in a way that made the agency an implementer of legislative choices rather than the maker of them. *Id.* The requirements take on particular force where, as here, the delegation carries criminal consequences, because the greater the power conferred—especially the power to define criminally punishable conduct—the more specific and constraining Congress’s guidance must be. *See id.* at 673.

That is the benchmark here. And the question is whether, reading the relevant statutes as a whole, Congress itself decided the key issues: what kinds of conduct may be prohibited, under what

conditions restrictions may be imposed, what criteria must be satisfied before ordinary conduct is criminalized, and what limits cabin executive discretion. The answer is no.

### **1. The Organic Act**

Start with the Organic Act. Section 100101(a) states the Park Service's overarching mission: the Secretary shall "promote and regulate the use of the National Park System" in a manner that conserves park resources while providing for their enjoyment unimpaired for future generations. 54 U.S.C. § 100101(a). That is a statement of broad policy. But it is not a meaningful limit on regulatory authority. It does not say what uses may be restricted, when access may be curtailed, what degree of resource concern justifies a prohibition, what findings must precede a restriction, or when a violation should be treated as a crime rather than a matter of internal administration. It gives the Secretary objectives, not rules.

Section 100101(b)(2) does not cure that problem. It directs that management of System units must not be exercised "in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress." 54 U.S.C. § 100101(b)(2). That language reinforces the Park Service's conservation mission, but it still does not furnish operative criteria for deciding which visitor conduct may be banned, when permits may be required, or what standards govern closures and route restrictions. It identifies values to be respected; it does not supply boundaries on the Secretary's power to define criminally enforceable obligations.

Nor do the surrounding Organic Act provisions add the missing limits. The planning provisions, such as §§ 100502 through 100504, concern general management plans, planning documents, and budgeting. The resource-management provisions, such as §§ 100701 and 100702, call for sound stewardship and informed management. Those provisions may structure administration, but they do not tell the Secretary what conduct on federal land may be prohibited on pain of criminal

punishment. They do not provide the kind of substantive floor and ceiling that *Consumers' Research* found constitutionally significant.

The delegation provision itself confirms the breadth of the grant. Section 100751(a) authorizes the Secretary to prescribe whatever regulations the Secretary “considers necessary or proper for the use and management of System units.” 54 U.S.C. § 100751(a). And Congress separately provided that violations of regulations prescribed under that section are criminally punishable. 18 U.S.C. § 1865(a). So, Congress did not itself define the relevant prohibited conduct. It instead empowered the Secretary to do so under a standard as open-ended as “necessary or proper.”

For example, nothing in the Organic Act tells the Secretary whether or when to impose a route restriction like the one imposed by § 7.13(l)(13)(ii)(e). Whether, for example, a visitor may drive an otherwise lawful vehicle on an otherwise open road, turns on the Secretary’s own policy judgment. That is a legislative choice. Congress did not decide the circumstances under which ordinary vehicular travel in Yellowstone should be forbidden. It did not say what facts matter, how much they matter, or what balance should be struck among conservation, safety, access, and recreation. It delegated all of that.

The fishing charges are similar. The Organic Act identifies no criteria for deciding what activities should be subject to a permit requirement or limited by a Superintendent-set season. These charges are especially problematic because they rest on multiple layers of delegated discretion. Congress did not direct that fishing be subject to a permit requirement or a fishing season. The Secretary, through regulations, authorized permit requirements and seasons to be set by the Superintendent. The operative requirement is then implemented through park-specific restrictions and the Superintendent’s Compendium. By the time criminal liability attaches, the decisive policy choice has been made entirely by executive actors.

The Organic Act contrasts sharply with *Consumers' Research*. In the Telecommunications Act, Congress itself set the substantive end points: specified programs, specified beneficiaries, and a sufficiency cap. *See also* Clean Water Act, 33 U.S.C. §§ 1311(a), 1342 (prohibiting pollutant discharges absent a permit issued under statutory criteria); Endangered Species Act, 16 U.S.C. §§ 1533, 1538 (tying regulatory restrictions to the listing of species based on specified statutory factors); Clean Air Act, 42 U.S.C. §§ 7408–7409 (requiring air-quality standards based on identified public-health criteria). Here, Congress has not specified which activities should be restricted, under what factual circumstances, or according to what criteria. The regulations therefore do not implement a legislative judgment already made by Congress; they supply one that Congress never made. Because 16 U.S.C. § 100751(a) delegates Congress's lawmaking power to the Executive in violation of the nondelegation doctrine, the regulations issued thereunder are themselves void, and the resulting charges should be dismissed.

## 2. The Act of 1894

If the Court determines that § 7.13(e)(2), (e)(4), and (l)(13)(ii)(e) are exercises of the power conferred by the Act of 1894, 16 U.S.C. § 26, they are still void—and the corresponding charges should be dismissed—because § 26 also violates the nondelegation doctrine. The Act of 1894, 28 Stat. 73, Ch. 72, as amended by 39 Stat. 238, ch. 179, provides even less guidance than the Organic Act. It does not contain even a purpose statement like § 100101(a).

It says nothing about oversnow routes, and so § 7.13(l)(13)(ii)(e) would have to rely on the bare authority for “such rules and regulations as [the Secretary] may deem necessary and proper for the management and care of the park and for the protection of the property therein.” 16 U.S.C. § 26. By itself, that authority provides no guidance at all for whether or when to restrict travel to oversnow vehicles.

As to § 7.13(e)(2) and (e)(4) and the fishing charges, the Act of 1894 directs the Secretary to adopt a fishing season, 16 U.S.C. § 26, but it provides no further guidance. *Consumers' Research* demands more than identification of a field. The Court upheld the statute there because Congress paired the field of regulation with concrete policy targets and practical limits. Here, § 26 supplies none. It says, in substance, that the Secretary may decide the relevant seasons, times, and manner of fishing, and may criminally enforce those decisions. That is a delegation of the core choice itself: when fishing is allowed and when it is a crime. The statute does not provide a general policy to guide the Secretary in establishing a fishing season or requiring permits. Nor does it establish any relevant limitations, such as how long or short a fishing season may be, or identify any biological threshold, recreational interest, conservation benchmark, factual finding, geographic condition, or procedural prerequisite that must exist before the Secretary may close waters, require permits, or otherwise transform recreational conduct into a crime. Thus, § 26 is specific as to topic, but not limiting as to discretion. It narrows the field to fishing; it does not constrain the Secretary's power within that field.

**C. Delegating the power to define criminally punishable conduct raises especially serious constitutional concerns**

Delegations that expose individuals to criminal liability demand especially careful scrutiny because they implicate the core legislative function of defining crimes. *See Touby v. United States*, 500 U.S. 160, 165–66 (1991). Criminal punishment is one of the most severe exercises of government power, and allowing executive officials to determine which conduct constitutes a crime concentrates legislative and prosecutorial authority in the same branch—precisely the danger the separation of powers was designed to prevent.

From the outset, the Supreme Court has recognized that “the legislative authority of the Union must first make an act a crime, affix a punishment to it, and declare the Court that shall have jurisdiction of the offence.” *United States v. Hudson & Goodwin*, 11 U.S. (7 Cranch) 32, 34 (1812). As Madison explained, with respect to “criminal subjects,” Congress should “leave as little as possible to

the discretion of those who are to apply and to execute the law.” James Madison, *The Report of 1800* (1800). That reflects a basic constitutional premise: when liberty is at stake, the people are entitled to have criminal prohibitions enacted through bicameralism and presentment by their elected representatives, not executive discretion.

The same structural concern underlies the vagueness doctrine. When Congress fails to specify what conduct is forbidden, it effectively “hand[s] off the legislature’s responsibility for defining criminal behavior to unelected prosecutors and judges.” *United States v. Davis*, 588 U.S. 445, 448 (2019); *see also Sessions v. Dimaya*, 584 U.S. 148, 156 (2018) (explaining that vagueness doctrine enforces the separation of powers by requiring Congress, not “judges,” to define criminal conduct); *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972) (explaining that vague laws impermissibly delegate “basic policy matters” to police, judges, and juries for resolution on an ad hoc basis). The Supreme Court has therefore stressed that “[o]nly the people’s elected representatives in the legislature are authorized to ‘make an act a crime.’” *Davis*, 588 U.S. at 451 (quoting *Hudson & Goodwin*, 11 U.S. at 34). Statutes that delegate the power to “defin[e] criminal behavior” to the Executive, *id.* at 448, does explicitly what vague laws do implicitly. They thus offend the same constitutional principles. The Court therefore should subject the delegation here to great scrutiny. *See Touby*, 500 U.S. at 165–66 (leaving open the possibility of a heightened nondelegation test for criminal rulemaking).

The Government will likely rely on *United States v. Grimaud*, 220 U.S. 506 (1911). But the statute in *Grimaud* defined a policy—“to preserve the forests . . . from destruction”—and simply allowed the agency to fill in the details of its administration by identifying the fact that grazing destroys forests and controlling grazing with a rule. *Id.* at 509, 515. The regulation thus operated as a genuinely administrative rule; it merely provided the detail of what conduct destroys forests. Here, by contrast, the regulations supply the substantive prohibitions themselves, rather than filling in the details of an otherwise definite statute.

\* \* \*

The allocation of authority in the Organic Act and the Act of 1894 crosses the constitutional line. Because these statutes fail to provide a policy or meaningful boundaries on their rulemaking provisions, their resulting regulations and charges are invalid.

### Conclusion

The Constitution does not permit federal officials to impose criminal liability through restrictions issued by unlawfully appointed officers, adopted pursuant to ultra vires regulations, which themselves rest on unconstitutional delegations of legislative power. Because the charges against Mr. Pulliam suffer from these defects, the Court should grant the motion to dismiss.

DATED this 13th day of April, 2026.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 13, 2026, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following:


Ariel C. Calmes  
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/s/ Michael Poon  
Michael Poon

# Exhibit A

<p>National Park Service U.S. Department of the Interior</p>  <p>Superintendent's Compendium of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.</p>	<p><b>YELLOWSTONE NATIONAL PARK</b></p>	<p>P.O. Box 168 Yellowstone National Park Wyoming, 82190</p> <p>307-344-7381 phone 307-344-2136 fax</p>
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The Superintendent's Compendium is the summary of park specific rules implemented under Title 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of Yellowstone National Park.

  
Date: 12/31/2024

Chief Ranger - Chris Flesch

  
Date: 12/31/24

Superintendent - Cameron H. Sholly

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# **INTRODUCTION TO THE SUPERINTENDENT'S COMPENDIUM**

## **Superintendent's Compendium Described**

The Superintendent's Compendium does not repeat regulations found in Title 36 Code of Federal Regulations (36 CFR), United States Code and other CFR Titles, which are enforced without further elaboration at the park level. The Superintendent's Compendium is the summary of park specific rules implemented under 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 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.

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 or found on the Internet at:

[https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36tab_02.tpl)

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

The National Park Service (NPS) is granted broad statutory authority under 54 United States Code (U.S.C.) Section 100101 et.seq. (Omnibus Public Land Management Act of 2009, previously Organic Act of 1916, as amended) to "...regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." [54 U.S.C. Section 100101(a)].

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.”

54 U.S.C. Section 100501 defines the National Park System as “... any area of land and water administered by the Secretary, acting through the Director, for park, monument, historic, parkway, recreational, or other purposes.”

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the NPS Management Policies (2006). The Superintendent is also guided by more specific policies promulgated by the Director of the 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 visitors 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, then that Superintendent is obliged to place limitations on public use.

### **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 the Regulatory Flexibility Act or 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 12 and as such, an Environmental Assessment will not be prepared.

## **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 the 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 injure the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or 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?

## **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.

The rules contained in this Compendium shall not be construed to prohibit administrative activities conducted by the National Park Service or its agents in accordance with approved general management and resource management plans, or in emergency operations involving threats to life, property, or park resources.

## **Enforcement of Compendium Requirements**

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

## **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. In addition to any fines or imprisonment, an individual may be subject to a period of probation not to exceed five years in length (18 USC 3561).

### **Comments on the Compendium**

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

Written comments on the Compendium may be submitted to:

Superintendent  
Yellowstone National Park  
P.O. Box 168  
Yellowstone National Park, WY 82190

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

The Superintendent's Compendium is effective on the approval date listed on the first page of this document.

### **Additional Information**

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

### **Availability**

The Superintendent's Compendium may be found at: [www.nps.gov/yell](http://www.nps.gov/yell)

## **SECTION I: 36 CFR § 1.2 APPLICABILITY AND SCOPE**

(d) Grizzly Bear Management: The administrative activities conducted by Yellowstone National Park or its agents relative to the management and handling of grizzly bears (*Ursus arctos horribilis*) and their habitat, will be in accordance with guidelines, procedures, and rules described in the “Final Environmental Impact Statement, Grizzly Bear Management Program” and “Yellowstone National Park Annual Bear Management Plan,” and, upon de-listing of the species from *Threatened Status* by the U.S. Fish and Wildlife Service, in accordance with the “Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area.”

## **SECTION II: 36 CFR § 1.4 WHAT TERMS DO I NEED TO KNOW?**

In addition to definitions found in 36 CFR § 1.4(a), the following definitions, created by the Superintendent, apply to all parts of this Compendium for park-wide consistency:

*Administrative travel* means roads closed to motor vehicle or oversnow use by the public but are open to motor vehicle or oversnow use for administrative activities.

*Area Managed as Wilderness* means lands evaluated and categorized as “designated,” “recommended,” “proposed,” “suitable,” or “study area” in the Wilderness Preservation System.

*Artificial fly* means a hook in which a minimum of half the shank of the hook is dressed with conventional, natural, or synthetic material in a method commonly known as fly-tying. This includes dry flies, wet flies, streamers, egg patterns, and nymphs. Hair, feathers, metallic colored tape, tinsel, mylar, bead eyes, dumbbell eyes, beads (metal, glass, or plastic), foam, rubber, and lead-free metal wire, tape, or body wrap may be used as an integral part of the design and fly pattern.

*Artificial light* means any man-made light or lighting device.

*Artificial lure* means a man-made or artificial device, complete with a hook, intended to attract and entice a fish for the purpose of taking them; excludes artificial flies and attractors.

*Attractor* means a hook-less device attached to a fishing line between the end of a rod and an artificial fly or artificial lure that provides additional motion or other visual attraction. Typical attractors include, but are not limited to, dodgers, lake trolls (such as Ford fenders), willow leaf, or cowbell flashers, artificial rubber, or molded plastic (soft or hard beads). A strike indicator is not considered an attractor.

*Bait* means all dead or live organisms or edible parts thereof; natural or artificial food or products thereof; chemically treated or processed fish eggs or animal products; artificial dough, paste or edible lures; and rubber worms, rubber leeches, or twister tails. This definition does not apply to hair or feathers used as fly-tying material.

*Barbless hook* means a hook manufactured without a barb or a hook on which barbs have been filed off, closed (point of the barb has been crimped or pinched so the barb touches the hook shank), or otherwise completely removed.

*Bear Spray* means a chemical formula designed specifically to deter aggressive or attacking bears. It must be registered with the Environmental Protection Agency and individual states. It must be commercially manufactured and labeled as “Bear Spray”. Bear spray must contain between 1% to 2% of the active ingredients capsaicin and related capsaicinoids.

*Bear resistant food container (BRFC)* means an item constructed of a solid, non-pliable material to prevent access by a bear. Allowed BRFCs include personal backpacking canisters, stock panniers, and coolers approved and listed by the Interagency Grizzly Bear Committee (<http://www.igbconline.org/html/safety.html>).

*Boiling River Swimming Area* means the water 25 yards upstream and downstream of where Boiling River drains into Gardner River. Terrain within 50 yards of water and the trail that access the area is also included as part of the swimming area.

*Catch and release* means a fish must be carefully and immediately returned alive to the water from which it was taken.

*Class A Campground* means a campground with flush toilets and running water.

*Class B Campground* means a campground with vault toilets and water pumps.

*Closely attended* means a person fishing must be able to immediately control their line or rod at all times in order to react to a potential strike.

*Coggins test* means a blood test that identifies Equine Infectious Anemia, which is caused by a viral infection that affects the immune system of equine species. Equine species are defined as horses, burros, and mules, but not llamas.

*Core camp* means the area within a 100-foot radius of an NPS-established fire ring or cooking area of a designated campsite.

*Drainage* means the stream proper and area of land which includes all streams, lakes and tributaries that drain into that stream.

*Dropper or drop fly* means an artificial fly being used as a second artificial fly on a two (2) artificial fly rig. A dropper is commonly attached to a primary fishing line or artificial fly by means of tippet or other fishing line.

*Drug free school zone* means that area within a radius of 1,000 feet of the Snoopy School/Mammoth Community Center, the Mammoth Little People's Learning Center, and the NPS lands adjacent to the Gardiner public school. (21 USC 860)

*Fly fishing* means only artificial flies may be attached to a line for the purpose of attracting and enticing fish for take, regardless of the type of rod or line used; weights or split shot and strike indicators are permitted.

*Firehole Swimming Area* means the section of Firehole River, approximately 2 miles south of Madison Junction adjacent to Firehole Canyon Drive, that is comprised of flat, calm water starting upstream at whitewater rapids situated between narrow cliffs and ending approximately 250 yards downstream where the flat, calm section of water becomes narrow and whitewater again. Terrain within 25 yards of the water and the trail that access the area is also included as part of the swimming area.

*Hook* means a bent wire device for catching fish to which a single, double, or treble point is attached to a single shank. Hooks can be:

- (1) Single Point with only one point.
- (2) Double Point with two points on a common shank.
- (3) Treble Point with three points on a common shank.

*Invasive (nonnative) species* means a species that does not naturally occur or is alien to the ecosystem under consideration that causes, or is likely to cause, economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g. microbes).

*Lake* means a body of standing water in a depression of land. This term also includes reservoirs and ponds but does not include ponds created by beavers.

*Pack animal* means horses, burros, mules, ponies, and llamas only.

*Service animal* means any dog or miniature horse 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.

*Scented attractants* mean any substance that has been added, infused, or applied to an artificial fly, artificial lure, line, or hook for the purpose of attracting fish by scent; excludes non-scented materials or chemicals specifically designed and produced to cause flies to float or sink.

*Snagging* means taking or attempting to take a fish using an artificial fly or artificial lure in any manner or method that the fish does not voluntarily take the hook in its mouth. Fishing only by means of a bare hook that is not an artificial fly or artificial lure, regardless of manner or method, is considered snagging.

*Stream* means water in a permanent or seasonal bed or channel with a current that is usually continuous in one direction. This term includes creeks, rivers, ditches, sloughs, and ponds created by beavers. Streams may not flow continuously during low-flow periods. Ponds or puddles in a stream channel during low-flow periods shall be considered a stream.

*Strike Indicator* means a hook-less, unscented floating device attached to a line or leader to signal a strike at an artificial fly or artificial lure.

*Thermal area* means any area where surface manifestations of hot springs, geysers, mud springs, fumaroles, or warm ground are present.

*Tributary* means a stream that flows into a larger stream, river, or lake.

*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, quadcopters, and drones) that are used for any purpose, including for recreation or commerce.

*Upgrading* means the practice of substituting captured fish for fish in possession.

*Yellowstone Native Fish Species* means a species that is endemic or indigenous to Yellowstone National Park. This includes, but is not limited to:

- (1) Yellowstone Cutthroat Trout
- (2) Westslope Cutthroat Trout
- (3) Mountain Whitefish
- (4) Arctic Grayling

*Yellowstone Native Trout Conservation Area* means all lakes, streams, and tributaries within Yellowstone National Park that are outside the Nonnative Trout Tolerance Area.

*Yellowstone Nonnative Trout Tolerance Area* means the Firehole River and its tributaries; the portion of the Gibbon River downstream of Gibbon Falls and the tributaries that flow into that section of the Gibbon River; Lewis Lake and its tributaries; the Lewis River, above Lewis Falls, and its tributaries; Shoshone Lake and its tributaries; and the Madison River and its tributaries.

### **SECTION III: 36 CFR § 1.5 - CLOSURES AND PUBLIC USE LIMITS**

**§(a)(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.**

**Bear Management Areas (BMA):** [Bear Management - Yellowstone National Park \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov)

- Unless otherwise specified below, the following areas will be closed to all public access for bear management activities during their prescribed dates. Additionally, all areas will open at 8am MST on the date listed. For permits allowing exceptions to any of the closures below

please contact the Backcountry District Ranger at (307) 344-2761 or the Bear Management Office at (307) 344-2162:

A. Hayden Valley BMA.

- From July 15-Sept. 15, travel is allowed only on designated trails (off-trail travel is prohibited).

A1. The Mary Mountain Trail.

- The Mary Mountain Trail from the Nez Perce trailhead to Mary Lake is closed March 10 through June 15. Through travel from the Canyon trailhead is not allowed; however, travel is allowed from the Canyon trailhead to Mary Lake and back. Streamside use is allowed from the point where Nez Perce Creek crosses the main road to a point one mile upstream along Nez Perce Creek.

B. Richard's Pond BMA.

- Area is closed March 10 through the Friday of Memorial Day weekend. From the Saturday of Memorial Day weekend through September 30, Duck Creek, from the park boundary upstream to the Campanula Creek/Richards Creek fork, is open to streamside travel. The area upstream from Campanula Creek/Richard's Creek fork is closed from March 10 through September 30.

C. Gneiss Creek BMA.

- Area is closed March 10 through June 30. From July 1 through November 10, travel is allowed only on designated trails (off-trail travel is prohibited).

D. Gallatin BMA.

- From May 1 through November 10, travel is allowed only on designated trails with the exception that travel is allowed on the three designated routes along the ridgeline of Electric Peak (off-trail travel is prohibited).

E. Blacktail BMA.

- Area is closed March 10 through June 30.

F. Washburn BMA.

- Area is closed August 1 through November 10. From March 10 through July 31, the area is open by special permit only. Contact the Tower Ranger Station or Bear Management Office for permit information.

G. Antelope BMA.

- Area is closed March 10 through November 10. The Dunraven Road, Grand Loop Road, Chittenden Road, and related turnouts are open.

H. Mirror Plateau BMA.

- From May 15 through November 10, the area is closed to camping with the exception that from July 1 through August 14, overnight camping is permitted for a combined total of 14 nights per summer at the 3O1 and 5P7 campsites.

I. Pelican Valley BMA.

- Area is closed April 1 through July 3. From July 4 through November 10, the area is open to day-use only between the hours of 9 a.m. and 7 p.m.

J1. Clear Creek BMA.

- From April 1 through August 10, travel is only allowed on the east shore from Nine-mile trailhead to Park Point. Campsite 5H1 is open (no travel from site). All other campsites and all other trails are closed and off-trail travel is prohibited. On August 11, all campsites and trails open and off-trail travel is permitted.

J2. Clear Creek BMA.

- From April 1 through July 14, travel is allowed only on the east shore trail from Park Point to Beaverdam Creek. All other trails are closed and off-trail travel is prohibited. Open campsites are 5E2, 5E3, 5E4, and 5E6 (no travel away from campsite). All other campsites are closed. On July 15, all campsites and trails open and off-trail travel is permitted.

K. Lake Spawn BMA.

- From May 15 through July 14, no off-trail travel is allowed and the trail between Cabin Creek and Outlet Creek is closed. Open Campsites are 7L5, 7L6, 7L7, 7L8, 7M3, 7M4, 7M5, 6A3, 6A4, and 6B1 (no travel away from campsite). All other campsites are closed. On July 15 all campsites and trails open and off trail-travel is permitted.

L. Two Ocean BMA.

- From March 10 through July 14 and August 22 through November 10, travel is allowed only on designated trails (off-trail travel is prohibited). From July 15 through August 21, a permit is required for persons wishing to travel away from designated trails.

M. Riddle and Solution BMA.

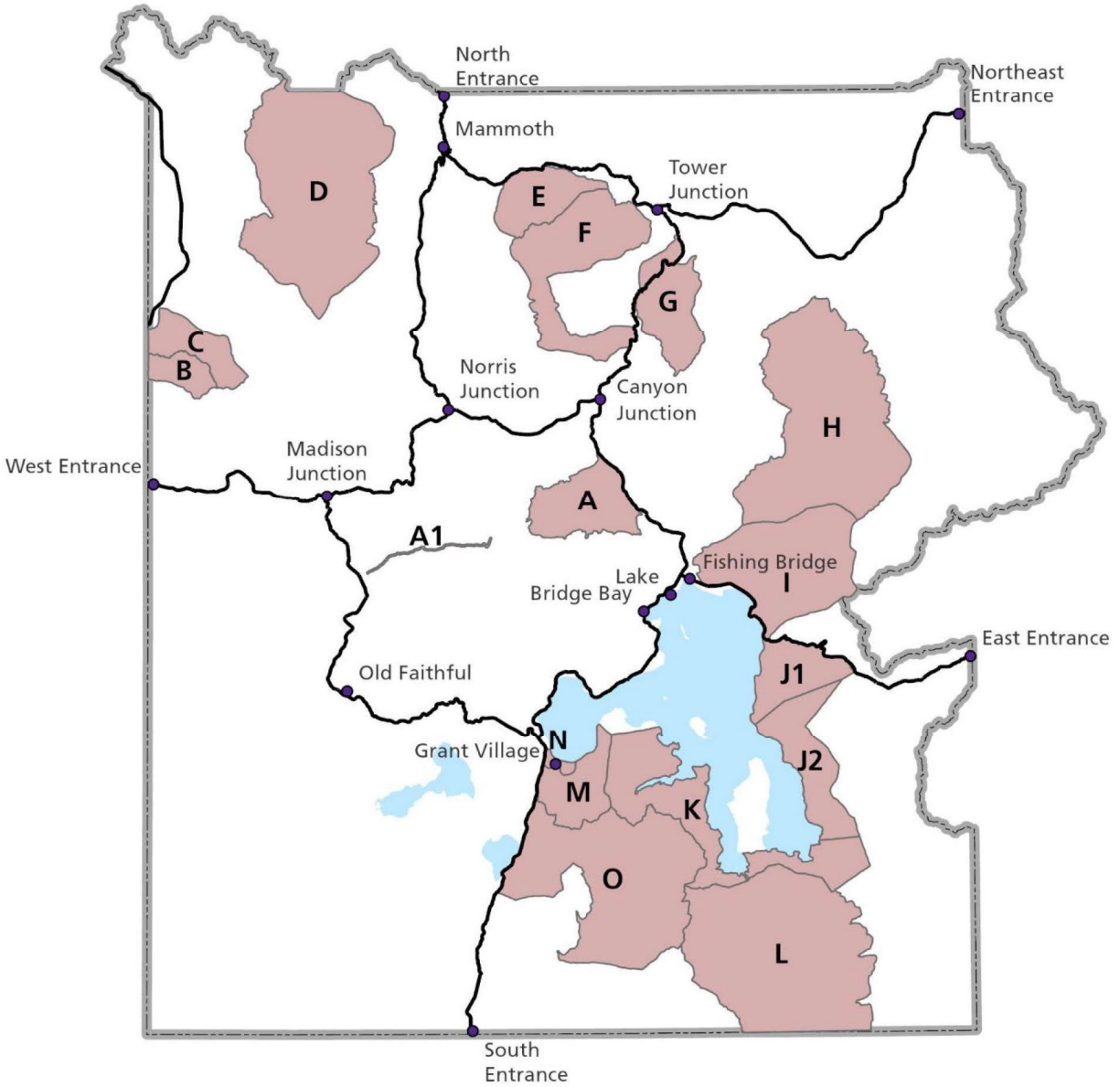
- Area is closed April 30 through July 14.

N. Grant Village BMA.

- Campground opens June 20 or earlier if bear use of the area spawning streams is over prior to that time. If bears are still frequenting the spawning streams after June 20, the campground loops adjacent to the stream(s) will remain closed until bear activity ceases. Campground closes October 16.

O. Heart Lake BMA.

- Area is closed April 1 through June 30.



*Determination: The Superintendent has determined these closures are necessary for the protection and repopulation of Grizzly Bears in Yellowstone National Park and the Greater Yellowstone Ecosystem.*

Bird nesting closures:

- Annually, from May 1<sup>st</sup> to September 15<sup>th</sup>, all lands within ¼ mile or any other distance designated on signs or maps of active sensitive bird nesting sites are closed to all public access.
  
- The following locations are known, reoccurring nesting sites that close in accordance with this section:
  - (1) Beula Lake.
  - (2) Campsite 7L7, South Arm of Yellowstone Lake.
  - (3) Frank Island, except the picnic area.
  - (4) Peale Island.
  - (5) Stevenson Island.
  - (6) Molly Islands.
  - (7) The Mouth of the Lewis Channel.
  - (8) Tanager Lake.
  - (9) Heart Lake.
  - (10) Riddle Lake.
  - (11) Between Campsite 7N2 and 7N4, South Arm of Yellowstone Lake.
  - (12) Wolf Lake.
  - (13) Grebe Lake.
  - (14) Blacktail Ponds.
  - (15) Swan Lake.
  - (16) Floating Island Lake.
  - (17) Ice Lake.

*Determination: The Superintendent has determined that this closure is necessary for the protection of bird species during the sensitive nesting period and that a ¼ mile distance is reasonable considering U.S. Fish and Wildlife Service guidance. Should documentation of fledging or nesting failure occur earlier than September 15<sup>th</sup>, closures may be lifted by the removal of posted signs.*

Caves

- All caves within the park are closed to public use, except when a permit has been issued by the Superintendent.

*Determination: This public use limit has been established in accordance with the Federal Cave Resource Protection Act of 1988 (16 USC §§4301-4309) and departmental policy, which states all caves located on NPS lands are "significant caves." The permit requirement is done to protect sensitive cave resources and provides a protection for the public from potentially accessing areas with concentrated toxic gas.*

McMinn Bench Sheep Closure:

- The McMinn Bench sheep closure is closed to all public access.



*Determination: The Superintendent has determined this closure is necessary for the protection and repopulation of Bighorn Sheep in Yellowstone National Park and the Greater Yellowstone Ecosystem.*

### Elk Calving Closures:

- Beginning in approximately mid-May through approximately mid-June and/or when signed as closed, the Mammoth Parade Grounds are closed to all foot travel.



*The National Park Service (NPS) has determined that cow elk become aggressive and territorial during the spring calving season and in recent years have caused serious injuries to employees and visitors in the Mammoth area. In an effort to protect humans from dangerous surprise encounters with elk, the Parade Grounds have been posted as closed to all travel during the duration of calving season (approximate dates of mid-May to mid-June). While elk may be present in many different locations of the Mammoth developed area, the Parade Grounds have pedestrian foot paths through sage brush areas where elk calves are easily stashed, and the elk can be difficult to see until a person is too close. An elk attack resulting in serious injury occurred on a pedestrian path on the Parade Ground during the 2019 calving season.*

### Construction Areas

- Construction or demolition areas are closed to public access except where a designated route and means of travel have been established by the Superintendent.

*Determination: The Superintendent has determined that this prohibition is necessary for public and traffic safety.*

### Jumping, Diving, Rappelling

- Jumping, diving, or rappelling off any bridge, structure, or natural feature in the park is prohibited.

*Determination: The Superintendent has determined this closure is necessary for public and employee safety, as well as resource protection.*

### Unmanned Aerial Systems

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within Yellowstone National Park is prohibited except as approved in writing by the Superintendent.

*Determination: The Superintendent has determined that unmanaged or unrestricted recreational use of unmanned aircraft within Yellowstone National Park will conflict with or impact a variety of park uses, including visitor experience of unimpaired view sheds; the disturbance, displacement, or harassment of park wildlife to include threatened and endangered species; present potential for impacts or damage to sensitive thermal areas; creation of public safety hazards per operation near roadways or large aggregations of visitors; and visual or aural impacts to wilderness character and values within the park backcountry. Less restrictive measures were not considered sufficient due to the rapidly expanding and evolving use of UAs throughout the world. Section 1.5 of NPS Management Policies 2006 provide that a new form of park use may be allowed within a park only after a determination has been made by the park Superintendent that it will not result in unacceptable impacts on park resources and values.*

### Firearm Ranges

- All firearm ranges, to include the administrative roads that access them, are closed to public access.

*Determination: The Superintendent has determined this closure is necessary for public and employee safety, as well as resource protection.*

### Obsidian Cliff:

- Obsidian Cliff is closed to all public access.
- For the purposes of this part, “Obsidian Cliff” means all areas within the following exterior boundary: a straight line from 44°50’55.00” N, 110°44’07.94” to the peak of Horseshoe Hill; a straight line from the peak of Horseshoe Hill to the west bank of Solfatara Creek; along the western bank of Solfatara Creek to its intersection with the Solfatara Creek trail; 100 feet off the north edge of Solfatara Creek Trail to Solfatara North trailhead; 100 feet off the east edge of Grand Loop Road to 44°50’55.00”N, 110°44’07.94”.

*Determination: The Superintendent has determined this closure is necessary to provide for the protection of cultural resources associated with Obsidian Cliff National Historic Landmark. The values associated with Obsidian Cliff are still strong today, making recreational activities at the site inappropriate.*

### Road Closures:

- Roads closed to non-official use: All roads, including service and administrative roads, designated by signs and/or locked gates, or barricaded with logs and/or boulders. (Foot traffic is permitted unless specifically posted otherwise. Pets and bicycles are prohibited.)
- Firehole Canyon Drive is closed to wheeled buses, trailers, and recreational vehicles.
- Starting November 1<sup>st</sup> until spring opening in April or May, the Grand Loop Road and park entrance roads are closed to wheeled motor vehicle use by the public, except for the following sections of park road which remain open year-round:
  1. North Entrance Station to Mammoth Hot Springs.

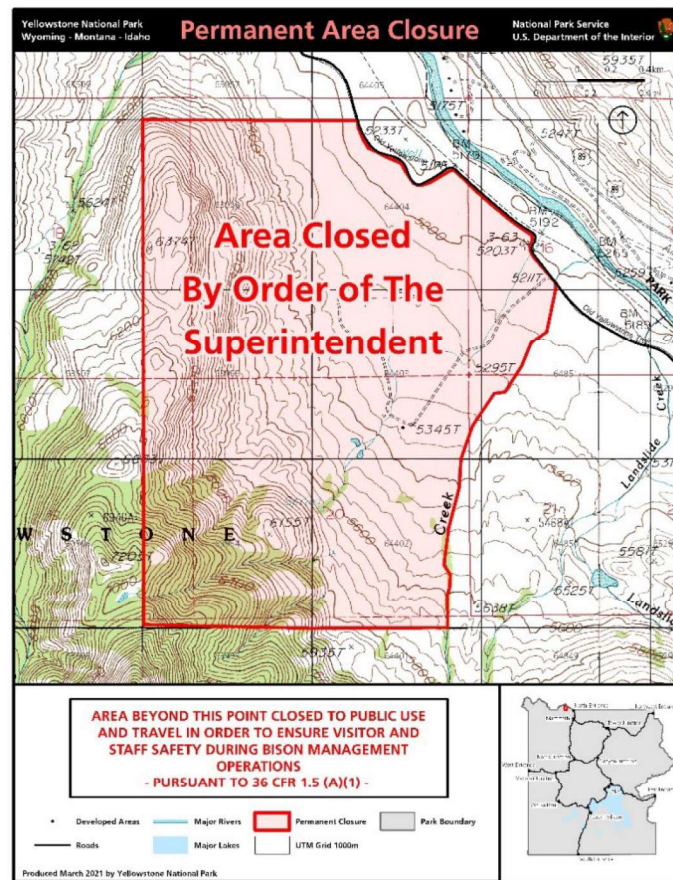
2. Mammoth Hot Springs to Upper Terrace Drive.
3. Mammoth Hot Springs to Tower Junction.
4. Tower Junction to the Northeast Entrance Station.

- Firehole Lake Drive is closed to vehicles weighing six tons or more at the direction of Federal Highways.

*Determination: The Superintendent has determined that these use prohibitions and restrictions are necessary for public safety and resource protection.*

Stephens Creek Administrative Facility:

- For the purpose of this part, “Stephens Creek Administrative Facility” means Stephens Creek access road, Stephens Creek corral, Stephens Creek barn and infrastructure, Stephens Creek firearms range, and the surrounding area as fenced and signed and as shown on the following map.



- The Stephens Creek Administrative Facility is closed to all public access.
- In addition, temporary closures may be implemented throughout the year in the Stephens Creek Administrative Facility area to accommodate wildlife management operations. All areas within these additional temporary closures are closed to public access.

*Determination: The Superintendent has determined that this closure is necessary for resource protection, as well as public and employee safety.*

#### Storm Point Trail Area:

- The Storm Point Trail in the vicinity of Yellowstone Lake is closed to all off trail travel as marked in the map below and signs placed at the closure.



*Determination: The Superintendent has determined this closure is necessary for the protection and repopulation of Sand Verbena, a rare endemic plant in Yellowstone National Park and the Greater Yellowstone Ecosystem.*

#### Sylvan Pass Avalanche Control Area:

- For the purposes of this part, “Sylvan Pass Avalanche Control Area” means the entire south aspect of Hoyt Peak, from a point 1.5 miles east of Avalanche Peak Trailhead to a point 1.6 miles east of Avalanche Peak Trailhead.
- The Sylvan Pass Avalanche Control Area is closed to all public access.

*Determination: The Superintendent has closed this area year-round for public safety. Over the winter months, NPS staff conduct avalanche mitigation operations, to include the use of explosive rounds. Regardless of season, the area listed above may contain unexploded ordnance.*

- The Sylvan Pass howitzer platform and the administrative road that accesses the platform are closed to public access.

*Determination: The Superintendent has closed this area for public safety. Over the winter months, NPS staff conduct avalanche mitigation operations, to include the use of explosive rounds fired off from this location. The tools used to conduct avalanche mitigation in the area are left on site and the nature of the equipment is dangerous.*

#### Agricultural and Domesticated Wild Animals

- The possession of an agricultural or domesticated wild animal is prohibited unless the Superintendent has provided written authorization.

*Determination: The Superintendent has determined that these use prohibitions and restrictions are necessary for public safety and resource protection.*

#### Foot Travel within Yellowstone Canyon

- Foot travel within the Yellowstone Canyon between Chittenden Bridge and Upper Falls is restricted to designated trails and boardwalks.
- Foot travel within the Yellowstone Canyon between Inspiration Point and Silver Cord Cascade is restricted to designated trails and boardwalks.

*Determination: The Superintendent has determined the restrictions above are similar and connected to the areas closed in 36 CFR 7.13(j). Foot travel is also restricted to boardwalks and trails within the Yellowstone Canyon between the Upper Falls and Inspiration Point. These restrictions have been determined necessary to provide for visitor safety and protect thermal and natural resources.*

### **(a)(2) Designate areas for a specific use or activity or impose conditions or restrictions on a use or activity.**

#### Activity Use Restriction

- Use of unattended, automatic, motion-detection, or remote controlled still photography, videography, and audio recording devices is prohibited.

*Determination: The Superintendent has determined this closure is necessary for public and employee safety, as well as resource protection.*

#### Boating and Water Use Activities:

Aquatic invasive species (AIS) inspections.

- A Yellowstone AIS inspection, as specified in the sections below, is required to obtain a general permit for boating in the park.
- AIS inspections will be completed by an authorized inspector from the park on all vessels and related equipment that will contact park waters.
- Following an AIS inspection, the Yellowstone AIS decal must be displayed on the boat permit decal, which must be displayed on the vessel in accordance with the boating regulations.
- The following are required to obtain an AIS decal:

- (1) All vessels and related equipment must pass an AIS inspection. Yellowstone requires all watercraft to be cleaned, drained, and dried prior to launch.
  - (2) If non-native Dreissenid mussels are present on a vessel or related equipment, or the vessel or equipment cannot be adequately decontaminated of other AIS, the contaminated vessel or related equipment will be subject to a 30-day quarantine before another inspection will be completed which is subject to the requirements of this part.
  - (3) All vessels must not have a ballast tank or similar areas that cannot be visually inspected, except as specifically authorized by the Superintendent.
- A boat permit issued in accordance with this part is only valid during the dates specified on the AIS decal, or until the vessel or related equipment exits the park.
  - All vessels and related equipment, regardless of previous AIS inspections, must be re-inspected, in accordance with this part, upon reentry and intended launch into Yellowstone National Park waters.
  - It is prohibited to allow any vessel or related equipment to contact any park waters without a valid Yellowstone AIS inspection or seal as specified in this part.

*Determination: The Superintendent established this restriction for the protection of natural resources and to address the risk of introducing Dreissenid mussels and other (AIS) to Yellowstone National Park waters. Dreissenid mussels are a highly invasive species and have caused irreversible changes in waterways in the Midwestern and Eastern United States and in the Colorado River basin, to include Lake Mead and Lake Powell. Sealed internal water ballast tanks pose an elevated risk of accidental transportation and introduction of AIS because they are less likely to completely drain or be fully decontaminated. In addition, Yellowstone National Park requires an inspection of all watercraft to make sure they are cleaned, drained, and dry, and this is not possible with sealed tanks. A general permit is required to boat in the park, as referenced in 36 CFR §7.13(d)(1)(i). The Superintendent has determined an AIS inspection and sections detailed in this part are necessary to obtain a general permit for boating in the park to prevent the introduction and spread of AIS in Yellowstone National Park waters.*

- All bilge and ballast plugs or other barriers that prevent water drainage from a vessel shall be removed and remain open while a vessel is being stored, left unattended, or transported by land within the park.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Anchoring a vessel on Yellowstone Lake in the following locations is prohibited:
  - a) Bridge Bay Marina.
  - b) Grant Village Launch Ramp Lagoon.
  - c) Within 300 yards of the shoreline between Lake Hotel and the entrance to Bridge Bay Marina.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Anchoring or beaching any vessel overnight in the park is prohibited, except if a person has an active and valid Yellowstone National Park Backcountry Use Permit.
- Docks on Yellowstone Lake are designated for Yellowstone National Park Backcountry Use Permittees. Persons without a Yellowstone National Park Backcountry Use Permit may only use these docks when the associated backcountry campsite is not in use.
- It is prohibited to transport a vessel or related equipment that is known to have invasive species attached through the park.
- Landing or beaching a vessel in the following locations is prohibited:
  - a) In or within 25 yards of a thermal area, except at the designated boat landing area for Shoshone Geyser Basin.
  - b) In an area closed to public use.
  - c) In areas as designated by signs or as posted on maps in visitor use areas.
  - d) On the shoreline of Yellowstone Lake between Little Thumb Creek and the south end of West Thumb Geyser Basin.
- It is prohibited to operate a vessel over submerged thermal area(s) where doing so damages the thermal area. Striking a thermal area, both on shore or underwater, with a vessel or anything from a vessel, such as with a paddle, pole, or anchor is also prohibited.
- Power-driven vessels on Yellowstone Lake may be used in areas restricted to hand-propelled vessels if the device that powers the vessel has been completely removed from the transom or is non-operational and completely fixed out of the water.
- Power-driven vessels from Lewis Lake may be used on Shoshone Lake only if the device that powers the vessel has been removed. Storage requirements for the device are detailed in this Compendium under the Section V: General 36 CFR Regulations: 36 CFR §2.22(a)(2).
- The park's boating season begins the Saturday immediately prior to Memorial Day and ends October 31. Boating outside of these dates is prohibited.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

#### Cooke City Area Resident Permit Restrictions

- In lieu of paying a Yellowstone National Park Recreation Fee, Cooke City area residents may obtain a free permit, as authorized by the Superintendent, for non-recreational travel through the park between the north and northeast entrances.

*Determination: The Superintendent has determined that this is necessary to protect the resource and enhance public safety and accessibility.*

#### Resource Protection:

- The possession or consumption of food and beverages is prohibited in all thermal areas, except when contained in a pack-like container for carrying purposes. Water is not included in this prohibition.

*Determination: The Superintendent has determined that this restriction is necessary to protect and prevent impact to thermal resources.*

- Transporting or hauling plant products, plant byproducts, plant waste products, or minerals into or through the park is prohibited, except when a person has received written authorization from the Superintendent. Only securely wrapped State certified weed-free forage including pelletized or steam rolled feed grains, or certified weed-free hay cubes may be used in the Park.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

#### Wildlife Protection:

- The possession of Bear Spray for the strict purposes of protecting life and property against aggressive wildlife is permitted within the park.

*Determination: The Superintendent has determined that the use of Bear Spray in a manner consistent with IGBC recommendation is appropriate as a deterrent to negative human/bear encounters.*

- The use or possession of any radio electronic signal receiving device capable of being set at wildlife research operation frequencies assigned to NPS, U.S. Fish and Wildlife Service, Interagency Bear Management Team, or any other permitted wildlife research organization within Yellowstone National Park is prohibited for the purposes of pursuing, tracking, harassing, or viewing wildlife or attempting to do any of the above.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- To protect park wildlife, the following are prohibited:
  - (a) Knowingly approaching, remaining, viewing, or engaging in any activity:
    - (1) Within 25 yards of any wildlife, except bears, wolves, and cougars.
    - (2) Within 100 yards of bears, wolves, and cougars.
    - (3) Within any distance that disturbs, displaces, or interferes with the free unimpeded movement of any wildlife.
    - (4) Within any distance that creates or contributes to a potentially hazardous condition or situation.
  - (b) Willfully using a motor vehicle to approach wildlife or in a manner that disturbs, displaces, or interferes with the free unimpeded movement of wildlife.
  - (c) Failure to comply as directed by NPS staff (employees, volunteers, or agents) engaged in administering wildlife management protocols approved by the Superintendent.

- (d) Failing to remove oneself to prescribed distances during inadvertent, accidental, or surprise encounters with wildlife.
- (e) The prohibitions of this section do not apply to someone who is:
  - (1) In compliance with written protocols approved by the Superintendent.
  - (2) In accordance with the terms and conditions of a permit issued by the Superintendent.

*Determination: The Superintendent has determined that these public use restrictions and requirements are necessary to maximize public safety, protect wildlife, and provide park staff with the flexibility to situationally manage dynamic, diverse, and rapidly evolving wildlife viewing opportunities.*

### General Park Usage:

#### Commercial Vehicle Travel Restrictions.

- Permitted oversize and overweight vehicles are only permitted to travel between 9:00 p.m. and 7:00 a.m. from the Friday before Memorial Day to September 15<sup>th</sup> unless otherwise permitted by the Superintendent.
- Permitted transportation of combustible or flammable petroleum products in vehicles exceeding 30 feet in length, 8 feet 6 inches in width, 13 feet 6 inches in height, or 80,000 pounds of gross weight will be required to travel between 9:00 p.m. and 12:00 pm from the Friday before Memorial Day through September 15<sup>th</sup>.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Commercial Tour Fee. For commercial tour groups entering the park using the commercial tour fee:
  - (a) Commercial tour groups entering the park using the commercial tour fee are limited to road-based tour services and may not provide other guided activities managed under the Commercial Use Authorization program or through concession contracts.
  - (b) Commercial tour groups shall not construct any structures, fixtures, or improvements in the park area. This includes tents, canopies, or picnic tables, except in association with paid overnight campground occupancy associated with a prepackaged itinerary.
  - (c) Commercial tour groups are prohibited from conducting tour activities in or from entering areas that could be considered residential in nature to include administrative areas, service areas, employee housing areas, lodging/cabin areas, and campgrounds, unless in association with paid overnight occupancy associated with the prepackaged itinerary.
  - (d) Interpretive services provided by commercial tour groups (including but not limited to guide dialog, tour narration, and wildlife viewing) are permitted inside the vehicle and at specific areas in the park, including:
    - i. Old Faithful Geyser Basin
    - ii. Grand Canyon of the Yellowstone (North and South Rims including overlooks)
    - iii. Biscuit Basin
    - iv. Black Sand Basin

- v. Norris Geyser Basin
  - vi. Mammoth Hot Springs Terraces
  - vii. West Thumb Geyser Basin
  - viii. Fountain Paint Pots
  - ix. Firehole Lake Drive (Vehicle GVW limited to 6 tons)
  - x. Midway Geyser Basin
  - xi. Mud Volcano
- (e) Tours may not stop on the roadway or the road shoulder.
  - (f) Commercial tour group representatives or guides may accompany clients at visitor centers, frontcountry areas like thermal area boardwalks, and established pullouts and interpretive exhibits. Commercial tour group representatives or guides may not accompany clients on hiking trails (other than the above listed areas), or guide outdoor recreation activities, unless conducted as an activity facilitated by an authorized CUA holder or concessioner.
  - (g) Entities that have a commercial use authorization application denied or an authorization suspended or revoked for administrative or criminal violations may not enter the park under the commercial entry fee for the applicable duration of denial or revocation. This restriction excludes entities that applied for a CUA but were denied based on the activity not fitting a CUA category, but who then opt to provide road-based tours under the commercial tour fee.
- Employee motor vehicle permits issued in accordance with 36 CFR §7.13(b)(1) and (2) are only valid while the person is employed within the park and must be surrendered upon termination of employment.

*Determination: The Superintendent has determined this condition is necessary for the proper use of the park by those no longer employed within the park.*

- Gyroscopically Controlled Mobility Devices
  - (a) The use of a Segway or other similar gyroscopically controlled device, in lieu of a manual or motorized wheelchair, is allowed by persons with disabilities who would otherwise only have the option of using a manual or power wheelchair under the following conditions:
    - (1) A person using a Segway or a similar gyroscopically controlled device in the park would be medically determined to have a permanent disability that severely limits one or more major life functions. A permanent disability is a permanent physical, mental, or sensory impairment that substantially limits one or more major life activities, such as caring for oneself, performing manual task, walking, seeing, hearing, speaking, breathing, learning, and working.
    - (2) Persons claiming disability will show proof of medically determined permanent disability or eligibility for receiving benefits under federal law following the guidelines in effect for obtaining an America the Beautiful Access Pass (e.g. a statement by a license physician).
  - (b) When use of a gyroscopically controlled mobility device is permitted, the following conditions will apply:
    - (1) Segways or similar gyroscopically controlled devices are permitted on sidewalks, formalized paved overlooks, and in campgrounds.

- (2) Segways are prohibited on park roads, to include their shoulders, and boardwalks.
- (3) Segways may not be operated at speeds greater than 3 mph.

*Determination: The Superintendent has determined that these use conditions are necessary to ensure public safety and the safety of ADA defined users.*

- Idling an engine or motor vehicle is prohibited, except:
  - (a) While stopped in traffic or a construction line.
  - (b) While actively loading or unloading.
  - (c) While warming up a motor vehicle's engine for no longer than 10 minutes in developed areas or parking lots.
  - (d) While warming up an engine or motor vehicle away from concentrated visitor use or residential area.

*Determination: Idling engines and motor vehicles produce noise and noxious fumes that adversely affect air quality, park resources, and visitor health and experience. The Superintendent has established these conditions to protect park resources, promote better air quality in the park, and protect and enhance visitor experience. These conditions have been determined as the least restrictive means to ensure operators can still warm up engines or motor vehicles for optimum use and to heat and cool motor vehicle interiors for passenger comfort without negatively impacting park resources and the public.*

- It is prohibited to leave or confine a pet in an unattended motor vehicle under conditions that endanger the health or well-being of a pet due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the pet.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

## **SECTION IV: 36 CFR § 1.6 - PERMITS**

**(a) When authorized by regulations set forth in this chapter, the superintendent may issue a permit to authorize an otherwise prohibited or restricted activity or impose a public use limit.**

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

§1.5 Closures and public use limits.

- (d) The following activities related to Public Use limits:
  - Non-recreational Cooke City area resident permit.
  - Entering a closed area.
  - Entering any cave.
  - Possession of a domesticated wild or agricultural animal.
  - Transportation of mineral or plant products.

- Transportation of wildlife parts not associated with lawfully taken wildlife and parts thereof.

§2.2 Wildlife Protection.

- (d) Transportation of lawfully taken wildlife and parts through park areas.

§2.4 Weapons, traps and nets.

- (e) Carry or possess a weapon, trap, or net that is otherwise not authorized.

§2.5 Research specimens.

- (a) Taking plants, fish, wildlife, rocks, or minerals for specimen collection.

§2.6 Gathering of plants or plant parts by federally recognized Indian tribes.

- (b) Gathering plants or plant parts within a park area by a federally recognized Indian tribe.

§2.10 Camping and food storage.

- (a) Camping.

§2.12 Audio Disturbances.

- (a)(2) In developed areas, operating a power saw, except pursuant to the terms and conditions of a permit.
- (a)(3) In non-developed areas, operating any type of portable motor or engine, or device powered by a portable motor or engine.
- (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) Delivering or retrieving a person or object by parachute, helicopter, or other airborne means.

§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) Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials.
- (b) Using or possessing fireworks and firecrackers.

§2.50 Special events.

- (a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events.

§2.51 Demonstrations and designated available park areas.

- (b) Demonstrations for groups of 26 or more persons.

§2.52 Sale of printed matter and the distribution of printed matter and other message-bearing items.

(b) Sale and distribution of printed matter and other message-bearing items that are not solely commercial advertising for groups of 26 or more persons.

§2.60 Livestock use and agriculture.

(b) Livestock use.

§2.61 Residing on Federal lands.

(a) Residing on Federal lands.

§2.62 Memorialization.

(b) Scattering of human ashes from cremation.

§3.3 Operation of a vessel in a park area.

§3.12 May I use a vessel to tow a person for water skiing or other similar activities?

(b) Towing a person using a parasail, hang-glider, or other airborne device on park waters.

§3.19 Using manned or unmanned submersibles.

§4.11 Load, weight, and size limits.

(a) Operation of vehicles exceeding designated load, weight, and size limits.

§5.1 Display, posting, or distribution of commercial notices or advertisements.

§5.2 Alcoholic beverages; sale of intoxicants.

(b) Sale of alcoholic, spirituous, vinous, or fermented liquor, containing more than 1 percent of alcohol by weight on privately owned lands.

§5.3 Engaging in or soliciting any business.

§5.4 Commercial passenger-carrying motor vehicles.

(a) The commercial transportation of passengers by motor vehicles.

§5.5 Commercial Photography & Filming

(a) Still photography of vehicles, other articles of commerce, or models for the purpose of commercial advertising (as defined by 43 CFR 5.12, per 43 CFR 5.2).

§5.6 Commercial Vehicles

(c) Commercial vehicles used on park area roads when such use is necessary for access to private lands situated within or adjacent to the park area, to which access is otherwise not available.

§5.7 Constructing or attempting to construct a building, or other structures, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or any other private or public utility, upon across, over, through, or under any park areas.

§5.10 Eating, drinking, or lodging establishments.

(a) Operation of an establishment offering food, drink, or lodging for sale on any privately owned lands.

§7.13 Yellowstone National Park.

(a)(2) Transportation of any substance or combination of substances, including hazardous substances, hazardous materials, hazardous waste, or any marine pollutants on U.S. Highway 191 in emergencies or when such transportation is necessary for access to lands within or adjacent to the park area.

(a)(4) Operation of a commercial vehicle on any park road.

(b)(1) Motor vehicle owned and/or operated by an employee of the U.S. Government, park concessioners, and contractors, whether employed in a permanent or temporary capacity.

(d)(1)(i) Operation of a vessel upon the waters of the park open to boating.

(d)(1)(ii) Any vessel operator with the intention to travel into either the South Arm or Southeast Arm “Five Mile Per Hour Zones” of Yellowstone Lake.

(d)(3)(i) Landing any vessel between Trail Creek and Beaverdam Creek prior to July 1.

(e)(2) Fishing.

(l)(9)(vi) Non-commercially Guided Snowmobile Access.

(l)(13)(iii) Individuals who do not reside in the portion of Yellowstone National Park that is closed to wheeled vehicles during the winter months are required to obtain a permit for oversnow vehicle access to interior portions of the Park. All conditions of the issued permit must be adhered to.

## **SECTION V: GENERAL 36 CFR REGULATIONS**

### **PART 2 - RESOURCE PROTECTION, PUBLIC USE, AND RECREATION**

#### **36 CFR §2.1 - Preservation of Natural, Cultural, and Archeological Resources:**

**(a)(4) Designated areas where dead wood on the ground may be collected for use as fuel for campfires within the park area:**

- In the immediate area surrounding a backcountry campsite where fires are permitted.
- In developed areas or along park roads that are open to the public.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue:**

- No areas or conditions have been designated as an exception to this prohibition.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(b) Restrictions for hiking or pedestrian use to designated trail or walkway systems:**

- Foot travel is restricted to designated trails and walkway systems when traveling through signed revegetation and restoration areas.

*Determination: Revegetation and restoration efforts are an important function of the NPS. Revegetation and restoration are an attempt to get an area of the park back to baseline condition before a certain event or use caused unacceptable resource impacts. To successfully restore a park area back to baseline takes significant planning and effort for NPS staff. The Superintendent has determined this restriction is necessary and the least restrictive means to prevent further unacceptable resource impacts and provide an opportunity for successful revegetation and restoration attempts.*

- Foot travel within the Firehole Swimming Area is restricted to designated trails and walkways.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(c)(1) Designated fruits, berries, nuts, or unoccupied seashells that may be gathered for personal use or consumption within the park.**

- Edible berries and mushrooms may be gathered with the following limitations and restrictions:
  - (a) Gathering is limited to 1 quart per species, per person, per day.
  - (b) Possession and consumption of berries and mushrooms is restricted to park areas.

*Determination: The Superintendent has determined berries and mushrooms, in the amounts listed above, may be gathered to provide the public a unique recreational opportunity without negatively affecting park wildlife or plant resources.*

**36 CFR §2.2 - Wildlife Protection.**

**(d) Conditions and procedures for transporting lawfully taken wildlife through the park area:**

- It is prohibited to retrieve wounded or dead wildlife that travels into the park after an attempt to take the animal occurred outside park boundaries.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Except for U.S. Highway 191, it is prohibited to transport lawfully taken wildlife and their parts through all areas of the park without written authorization from the Superintendent. Written authorization may be given only under the following conditions:
  - (a) All lawfully taken wildlife and their parts must be declared at a park entrance station.
  - (b) All lawfully taken wildlife and their parts must have valid harvest tags attached or present in accordance with state law, and the person who harvested the animal must be present with a valid hunting license.
  - (c) All wildlife and their parts must be field dressed, wrapped, or otherwise covered so they are not visible on or within a motor vehicle.
  - (d) The transport of heads and spinal cords from deer, elk, or moose through a park entrance station into the park by the public is prohibited. The following portions of a carcass may be transported after declaration at an entrance station:
    - (1) Meat that is cut and wrapped either commercially or privately.
    - (2) Quarters or other portions of meat with no part of the spinal column or head attached.
    - (3) All meat has been boned out.
    - (4) Hides have no head or spinal components attached.
    - (5) Skulls plates with antlers attached have no meat or tissue attached.
    - (6) Antlers have no meat or tissue attached.
    - (7) Teeth with no tissue attached.
    - (8) Finished taxidermy heads.
  
- Persons with a primary residence within the park boundaries may only bring legally harvested deer, elk, or moose carcasses into the park consistent with Wyoming Game and Fish provisions for chronic wasting disease (CWD) mitigation and management. The head and all portions of the spinal column need to remain at the site of kill or be disposed in an approved landfill or approved incinerator outside the park.

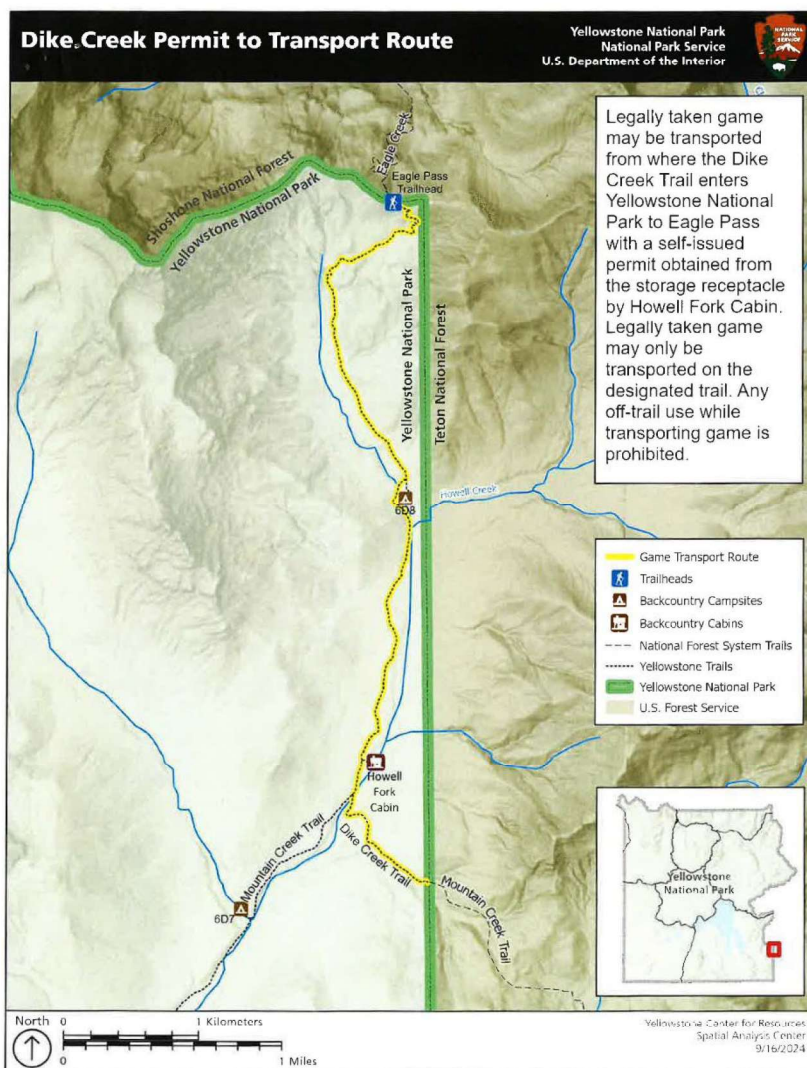
*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Upon receiving written authorization from the Superintendent to transport lawfully taken wildlife and parts thereof through the park, a person is prohibited from overnighting in the park and must take the most direct route between 2 of the 5 entrance stations that are part of through routes connecting the National Highway System.

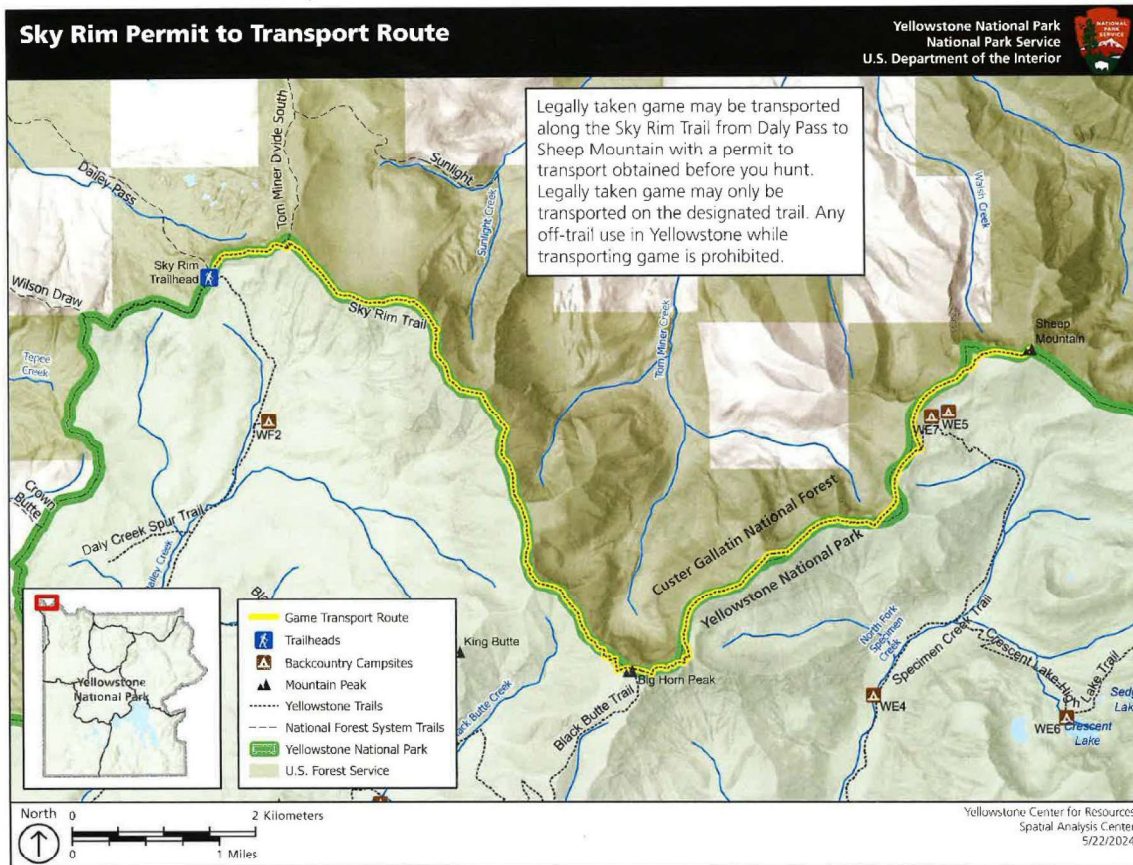
*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Game animals or animal parts may not be transported through backcountry areas or on backcountry trails anywhere in the park with exceptions of:
  - The Dike Creek Trail where legally taken game by private hunters or USFS permitted outfitters may be transported from where the Dike Creek Trail enters Yellowstone National Park to Eagle Pass with a self-issued permit obtained from a designated storage receptacle located by the Howell Fork Cabin. Legally taken

game may only be transported on the designated trail. Any off-trail use while transporting game in Yellowstone National Park is prohibited.



- The Sky Rim Trail where legally taken game by private hunters or USFS permitted outfitters may be transported from Daly Pass to Sheep Mountain with a permit to transport has been obtained before a hunt. Legally taken game may only be transported on the designated trail. Any off-trail use while transporting game in Yellowstone National Park is prohibited.



*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(e) Park areas closed to the viewing of wildlife with an artificial light:**

- The entire park is closed to viewing wildlife with artificial light, including flash photography.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

36 CFR §2.10 - Camping and Food Storage.

**(a) Permits, designated sites or areas, and established conditions for camping:**

Camping Permits:

- A backcountry use permit, camping permit, or reservation is required to stay overnight within frontcountry and backcountry areas of the park.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

Designated Sites:

- The following locations are the only areas designated for camping within the park:
  - (a) Front Country Campgrounds.
    - (1) Bridge Bay.
    - (2) Canyon Campground.
    - (3) Fishing Bridge RV Park.
    - (4) Grant Village Campground.
    - (5) Indian Creek Campground.
    - (6) Lewis Lake Campground.
    - (7) Madison Campground.
    - (8) Mammoth Campground.
    - (9) Norris Campground.
    - (10) Pebble Creek Campground.
    - (11) Slough Creek Campground.
    - (12) Tower Falls Campground.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection*

- (b) Designated Backcountry Campsites.
- (c) Undesignated Backcountry Areas.
  - (1) Undesignated camping during the summer is prohibited, except when prescribed in a valid Yellowstone National Park Backcountry Use Permit.
  - (2) Undesignated camping during the winter is permitted with a Yellowstone National Park Backcountry Use Permit.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Frontcountry Camping Conditions.
  - (a) Class A and B campsites are limited to no more than 6 persons sleeping per site.
  - (b) Vehicles must be parked on parking pads, so as not to block or restrict traffic, in class A and B campgrounds.
  - (c) Fishing Bridge RV Park is restricted to hard sided vehicles only, which means they must be constructed of solid, non-pliable material.
  - (d) Generators are prohibited from operating between the hours of 8:00 p.m. and 8:00 a.m., except in areas designated by signs or approved by an authorized official.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

Undesignated Camping Conditions:

- Camping must be out of sight and at least ¼ mile from park roads, developed areas, patrol cabins, thermal areas, and other backcountry campers.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(d) Food storage conditions:**

- The following definitions, established by the Superintendent, apply to the food storage restrictions listed in this section:
  - (a) *Food* means any item with a scent or any substance, except for water, that is eaten, drunk, or otherwise taken into the body by humans, pets, horses and pack animals, service animals, and livestock.
  - (b) *Equipment used to cook or store food* means any cooking utensils; pots; pans; plates; cups; stoves; grills; coolers, regardless of contents; storage containers; and bags that contain or have previously contained food, except Bear Resistant Food Containers; beverage containers; pet food bowls; and any other equipment and cooking or storage item that relates to food.

*Determination: The Superintendent has established these definitions to clearly identify the items addressed in the food storage restrictions below. The definitions above are defined based on items park wildlife have been known to obtain and from which they have become food conditioned. The Superintendent has determined these definitions are necessary and considered the least restrictive means to protect park wildlife and the public.*

- In all park areas all food, lawfully taken fish or wildlife, garbage, and equipment used to cook or store food must be kept sealed in a vehicle, or in a camping unit that is constructed of solid, non-pliable material, or in a Bear Resistant Food Container (BRFC), or suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, or other object, or suspended on an NPS established and designated food hanging pole. This restriction does not apply to park residents who are in compliance with the food storage conditions outlined in the Yellowstone National Park Housing Plan or to established NPS grills and fire grates in housing areas, picnic areas, and campgrounds.

*Determination: The Superintendent has implemented food storage restrictions for the entire park to prevent park wildlife from obtaining food and becoming food conditioned, especially Black and Grizzly Bears. The Superintendent has determined these restrictions are necessary and the least restrictive means to protect park wildlife and the public. The Superintendent has added BRFCs and NPS established and designated food hanging poles as a legal means to store food because they are constructed to prevent park wildlife from obtaining food and becoming food conditioned. In some areas, NPS established bear resistant containers and food hanging poles may be the only food storage option aside from BRFCs. The Superintendent has determined these options help prevent further restrictions on the public while protecting park wildlife and the public.*

- The following conditions apply when using a BRFC for food storage:
  - (a) In all areas, a BRFC must properly function in designed condition and be secured as prescribed by the manufacturer.
  - (b) In backcountry campsites, a BRFC must be stored within core camp.
  - (c) When undesignated camping, a BRFC must be stored 100 yards from any sleeping area.
  - (d) In developed, frontcountry areas, a BRFC must be kept in a vehicle or in a camping unit that is constructed of solid, non-pliable material.

- (e) During the winter season BRFCs shall be utilized for frontcountry food storage in the interior, oversnow portions of the park. BRFCs may be stored on the exterior of a vehicle or on a snowmobile or tow sled.

*Determination: Although BRFCs are designed to prohibit bears from accessing the contents within, the smells associated with them may still attract wildlife into camping areas. Requiring BRFCs to be stored in the manner above has been determined necessary by the Superintendent to prevent negative human and wildlife interactions, especially involving Black and Grizzly Bears. The Superintendent has determined these are the least restrictive means to protect park wildlife and the public.*

- All refuse receptacles placed outdoors are only designated as an approved method for dumping if it is of bear-proof construction or placed inside bear-proof enclosures.

*Determination: The Superintendent has determined this condition is necessary to prevent park wildlife from becoming food conditioned, namely Black and Grizzly Bears. The Superintendent has determined this is the least restrictive means to protect park wildlife and the public.*

### 36 CFR §2.11 - Picnicking.

- Backcountry campsites and boat docks associated with backcountry campsites on Yellowstone Lake may be used for picnicking unless the backcountry site is being occupied by a person with an active and valid Yellowstone National Park Backcountry Use Permit.

*Determination: The Superintendent has determined these picnicking restrictions are necessary and the least restrictive means to avoid conflict between park users.*

### 36 CFR §2.13 - Fires.

#### **(a)(1) Designated areas, receptacles, and conditions for lighting and maintaining a fire:**

- Except when seasonal fire restrictions based on local fire danger ratings have been established by the Superintendent, fires are permitted within the confines of NPS-designated and installed fire rings, grills, or grates in the following locations:
  - (a) Picnic areas, unless the NPS has not designated and installed fire rings, grills, or grates.
  - (b) All frontcountry campgrounds.
  - (c) All backcountry sites, unless designated otherwise in a Yellowstone National Park Backcountry Use Permit.
  - (d) Employee housing areas.

*Determination: The Superintendent has determined the need for fires to be contained within NPS-designated fire receptacles to prevent unintentional wildfire ignitions. If seasonal restrictions are implemented on the use of fires within NPS-designated fire receptacles, the Superintendent has determined this process as the least restrictive means to manage their use. Any seasonal restrictions are implemented to protect park resources and the public from unintentional wildfire ignitions.*

- Except when seasonal fire restrictions have been established by the Superintendent, fires contained within a commercially manufactured grill are permitted in all park areas.

*Determination: The Superintendent has determined the need for fires to be contained within commercially manufactured charcoal grills to prevent unintentional wildfire ignitions. If seasonal restrictions are implemented on the use of fires within commercially manufactured charcoal grills, the Superintendent has determined this process as the least restrictive means to manage their use. Any seasonal restrictions are implemented to protect park resources and the public from unintentional wildfire ignitions.*

**(a)(2) Use restrictions for stoves and lanterns:**

- Except when seasonal fire restrictions have been established by the Superintendent, the use of stoves and lanterns are permitted in all park areas.

*Determination: The Superintendent has determined no restrictions are necessary for the use of stoves and lanterns unless seasonal weather and fire danger dictate otherwise. If seasonal restrictions are implemented, the Superintendent has determined this process as the least restrictive means to manage the use of stoves and lanterns. Any seasonal restrictions are implemented to protect park resources and the public from unintentional wildfire ignitions.*

**(b) Conditions for extinguishing fires:**

- Any fuel used to light and maintain a fire, including coals and remains, must be cold to touch prior to abandonment.

*Determination: The Superintendent has determined that these conditions are necessary and the least restrictive means to protect park resources and the public from an unintentional wildlife ignition.*

**36 CFR §2.14 - Sanitation and refuse**

**(a)(2) Established conditions for use of government refuse receptacles:**

- The use of refuse receptacles located within government areas, administrative areas, and park housing areas is prohibited, except for park residents and those authorized to live within the park.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(a)(5) Areas designated for bathing, or washing food, clothing, dishes, or other property:**

- Areas designated for such use will be posted with signs.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(a)(7) Designations for disposing of fish remains on land, or in waters within 200 feet of boat docks or designated swimming beaches, or within developed areas:**

- No other designations have been established for this prohibition.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(a)(9) Designations for disposal of human body waste in non-developed areas:**

- No other designations have been established.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(b) Human body waste conditions:**

- In all non-developed areas, human waste must be disposed of in NPS-designated pit toilets or buried in a hole at least 6 inches deep and in coordination with the requirements listed in §2.14(a)(9).

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- All toilet paper or similar material must be carried out of non-developed areas, except when using an NPS-designated pit toilet and disposed of in refuse receptacles.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Depositing refuse in NPS-designated pit toilets is prohibited, except for toilet paper.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**36 CFR §2.15 - Pets**

**(a)(1) Areas closed to the possession of pets:**

- Except for service animals, pack animals, pets onboard day-use power-driven vessels, and pets within 100 feet of an established road or parking area, the following areas are closed to the possession of pets:
  - (a) Caves.
  - (b) Trails, except the railroad bed paralleling the Yellowstone River from Reese Creek to Gardiner, MT.
  - (c) Boardwalks.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- 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.

*Determination: The Superintendent has determined this necessary to align with NPS Memorandum 19-02 – Use of Service Animals by Visitors with Disabilities.*

**(a)(3) Designated areas or conditions for leaving a pet unattended and tied to an object:**

- No areas or conditions have been established as an exception to this prohibition.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(a)(5) Pet excrement disposal conditions:**

- Pet owners or responsible persons shall promptly remove and dispose pet excrement from all park areas.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(e) Conditions for residents keeping pets:**

- Park residents may keep pets in accordance with Yellowstone National Park’s housing and pet policy. Service animals are not subject to the park’s pet policies.

*Determination: The Superintendent has determined these conditions are necessary to align with NPS Policy Memorandum 19-02 – Use of Service Animals by Visitors with Disabilities.*

**36 CFR §2.16 - Horse and Pack Animals**

**(a) “Pack animals” have been designated for Yellowstone National Park in “SECTION I: 36 CFR § 1.4 WHAT TERMS DO I NEED TO KNOW?” of this document.**

**(b) Trails, routes, and areas designated for horses and pack animals:**

- Horses and pack animals are prohibited in class A and B campgrounds.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Horse and pack animal travel.
  - (a) Horse and pack animal travel is permitted on and off-trail in the park, except:
    - (1) Off-trail travel by pack string is prohibited, unless accessing a designated backcountry campsite that is not accessible by a trail maintained for foot travel and marked by official signs.
    - (2) The areas and trails closed to travel by horse and pack animals listed in part and sections (c) and (d) of this part.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection*

- (b) Horse and pack animal travel is prohibited in all thermal areas and within Yellowstone Canyon unless confined to trails that are maintained for foot travel and marked by official signs or as otherwise designated in section (c) and (d) of this part.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection*

- (c) Horse and pack animal travel is prohibited on the following trails:
  - (1) All boardwalks.
  - (2) Artist Paint Pot trails.
  - (3) Artist Point trails.
  - (4) Avalanche Peak trail.
  - (5) Beaver Pond trails.
  - (6) Bunsen Peak trails.
  - (7) Canyon trails.
  - (8) Fairy Falls trail.
  - (9) Harlequin Lake trail.
  - (10) Osprey Falls trail.
  - (11) Seven Mile Hole trail.
  - (12) Sheepeater trail.
  - (13) Storm Point trails.
  - (14) Tower Fall trail.
  - (15) Trout Lake trail.
  - (16) Wraith Falls trail.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection*

- (d) Horse and pack animal travel is prohibited in the following locations:
  - (1) Developed areas.
  - (2) Firehole Swimming Area.
  - (3) Clear Lake.
  - (4) Lava Creek.
  - (5) Lost Lake.
  - (6) Monument Geyser Basin.
  - (7) Point Sublime.
  - (8) Riverside.
  - (9) Shoshone Geyser Basin.
  - (10) Upper Terraces.
  - (11) Washburn Hot Springs.
  - (12) West Thumb Overlook.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- The following are prohibited at trailheads:
  - (a) Leaving a horse or pack animal overnight.

(b) Leaving a horse or pack animal unattended.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection*

**(d) Designations for free-trailing or loose-herding of horses or pack animals on trails:**

- No designated areas exist as an exception to this prohibition.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(g) Horse and pack animal conditions:**

- All travel by horse and pack animal is prohibited before July 1st, unless designated otherwise by signs at trailheads.

*Determination: Stock use in the park is an intensive use. To prevent injury to park resources and trails, the Superintendent has determined this condition necessary. Prior to July 1<sup>st</sup>, most park trails are either under snow or muddy. Stock travel during this time period can cause deeper ruts in the trail system or for users to go around sections of trail with less than ideal conditions. Additionally, secondary trails paralleling or going around degraded sections of trail that are created can denude vegetation and create a greater impact on backcountry areas.*

- All users must provide a valid proof of a negative Coggins test within the past 12 months for all equine upon request.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Horse and pack animals must travel in single file on trails.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection*

- Horse and pack animals are prohibited from entering or using core camp, except to load and unload equipment.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

Horse and pack animal feed:

- Only certified weed-free forage including pelletized or steam rolled feed grains, or certified weed-free hay cubes may be used in the Park.
- Hay is prohibited to be used in the park.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Stock parties are limited to a total of 6 horses or mules when traveling off-trail. Only 1 horse or mule may be used as a pack animal.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

Horse and pack animal manure removal conditions:

- Horse and pack animal manure must be removed from trailhead areas.
- Horse and pack animal manure must be removed or scattered at least 100 feet away from core camp and hitch line areas.
- Manure must be removed or scattered in all areas, except as specified above in this part or when a horse or pack animal is underway.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

Horse and pack animal retention conditions:

- The use of electric fence, pickets, and natural features are permitted to retain stock.
- Constructing corrals or drift fences is prohibited.
- When manmade materials are not available, picket pins may be constructed out of dead and downed wood.
- Regardless of retention method, the following are prohibited:
  - (a) Retaining a horse or pack animal within 100 feet of water, designated trails, or campsites.
  - (b) Allowing resource injury to occur to a natural feature.
  - (c) Failing to move a horse or pack animal to prevent resource injury such as damaging or denuding soil and vegetation or overgrazing.
  - (d) Failing to remove picket pins after use.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

Report of lost or deceased horse and pack animals:

- An owner or operator who has a horse or pack animal that is deceased or lost, shall report the animal to the Superintendent as soon as practicable but within 24 hours. If the incident occurred in a remote area and the owner or operator is unable to meet the 24-hour reporting requirement, they shall report the incident before leaving the park.

- When in the backcountry dead stock must be moved 1/2 miles from the nearest campsite, trail, or trailhead, and 200 yards from a water source. Unless there is another way to have in place procedures established by the superintendent.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Trailers used to transport horse and pack animals must be clean and free of excess manure and loose hay when entering the park.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection*

### 36 CFR §2.18 – Snowmobiles

- Yellowstone National Park has promulgated the operation and use of snowmobiles within the park as special regulations in 36 CFR §7.13(l). The regulations found in this section only apply if they do not conflict with the paragraphs in §7.13(l).

### 36 CFR §2.19 - Winter Activities

**(a) Designated areas for skiing, snowshoeing, ice skating, sledding, inner tubing, tobogganing, and similar winter sports on park roads and in parking areas open to motor vehicle traffic:**

- Except for non-motorized travel promulgated as special regulations by Yellowstone National Park in §7.13(l)(16)(i) to (iii), no designations have been established for this prohibition.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(b) Designated areas or routes for the towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile.**

- Except for the designation promulgated as special regulations by Yellowstone National Park in §7.13(l)(13)(i)(G), no designations or routes have been established for this prohibition.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §2.20 - Skating, Skateboards, and Similar Devices

**The use of roller skates, skateboards, roller skis, roller blades, or similar devices are permitted in the following areas:**

- Government areas, NPS housing areas, and administrative areas.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Grand Loop Road and West Entrance Road, between Upper Terrace Drive and West Yellowstone, MT, when they are closed to motor vehicle use by the public, but open to motor vehicle use for administrative purposes.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §2.21 - Smoking

#### **(a) Park areas, buildings, structures, or facilities closed to smoking:**

- All interior spaces and outdoor areas within 25 feet of air intake ducts, including doors and windows, of buildings owned, rented, or leased by the federal government. This closure does not apply to park employees following the Yellowstone National Park Service Employee Housing Policy.

*Determination: The Superintendent has implemented this closure in accordance with Executive Order 13058 entitled "Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace." The intent of EO 13058 is to establish a smoke-free environment for Federal employees and members of the public visiting or using Federal facilities. The superintendent has determined this closure to be necessary and the least restrictive means to ensure federal employees and the public have access to smoke-free environments.*

- Thermal areas.

*Determination: All travel in thermal areas is restricted to NPS designated trails and boardwalks. Since the public use is confined, the Superintendent has determined it necessary to provide a smoke-free environment for the public. Additionally, refuse related to smoking is often not discarded properly which is a concern in thermal areas which are sensitive to human refuse. The Superintendent has determined this closure is necessary and is the least restrictive means to protect park resources and ensure federal employees and the public have access to smoke-free environments.*

- The grounds associated with the Mammoth Community Center.

*Determination: The grounds associated with the Mammoth Community Center are used for the enjoyment of federal employees and concession employees. The Superintendent has determined this closure to be necessary and the least restrictive means to ensure federal employees and concession employees access to smoke-free environments.*

- Flammable storage areas.
- Fuel refilling areas.

*Determination: Smoking in flammable storage and fuel refilling areas is inherently dangerous and poses a great threat to federal employee and the public. The Superintendent has determined this closure is necessary and the least restrictive means to provide safety measures for federal employees and the public.*

## 36 CFR §2.22 - Property

### **(a)(2) Unattended property designations and conditions:**

- Motor vehicles, including oversnow vehicles, may park in parking lots at or adjacent to trailheads for the duration of an active and valid Yellowstone National Park Backcountry Use Permit.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- In developed areas, between May 1<sup>st</sup> to October 31<sup>st</sup>, vessels and related equipment may be left unattended at locations designated by signs, at designated mooring slips, and at designated parking areas for the dates listed on a valid Yellowstone National Park Boat Permit or Yellowstone National Park Backcountry Use Permit.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- In undeveloped areas, between May 1<sup>st</sup> and October 31<sup>st</sup>, non-power-driven vessels that can be hand carried may be left unattended for longer than 24 hours when both of the following conditions have been met:
  - (a) Only during the dates listed on an active and valid Yellowstone National Park Backcountry Use Permit.
  - (b) Only when it has been removed from the water and stored out of sight from trails, campsites, and water.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- In undeveloped areas, between May 1<sup>st</sup> and October 31<sup>st</sup>, power-driven vessels may be beached and left unattended for more than 24 hours only during the dates listed on an active and valid Yellowstone National Park Backcountry Use Permit.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- The device used to power a vessel may be left unattended for longer than 24 hours on the shoreline of Lewis Lake, near the mouth of Lewis River, when all of the following conditions have been met:
  - (a) Only when an active and valid Yellowstone National Park Backcountry Use Permit has an itinerary utilizing Shoshone Lake backcountry campsites.
  - (b) Only during the dates listed on an active and valid Yellowstone National Park Backcountry Use Permit.
  - (c) Only when it has been stored out of sight from trails and water.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Vessels or related equipment owned by employees, persons authorized to reside in the park, and concession operated businesses may be left unattended for longer than 24 hours so long as it is stored at designated locations in park housing areas or at locations approved by the Superintendent.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §2.35 - Alcoholic beverages and controlled substances

**(a)(3)(i) The superintendent may close all or a portion of a public use area or public facility within a park area 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 is broken or the contents of which have been partially removed.**

- The following areas and facilities within the park are closed to the consumption of alcoholic beverages and 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 is broken or the contents of which have been partially removed:
  - (a) Except for Arch Park, the area north of the line from the mouth of the Gardner River, directly to the fence bordering the south side of Park Street proximal to Gardiner, MT, west to where the fence meets the stone wall of the Roosevelt Arch, along the stone wall to its western terminus, and directly north to the park boundary is closed to the consumption of alcoholic beverages.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

(b) The Mammoth Little People's Learning Center.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

(c) Thermal areas.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §2.38 - Explosives

**(b) Designated areas for using or possessing fireworks and firecrackers:**

- No areas have been designated for using or possessing fireworks and firecrackers.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §2.51 - Demonstrations

**(c)(2) The following locations have been designated as available for demonstrations and the sale or distribution of printed matter:**

- North District: Mammoth Hot Springs, Roosevelt Arch/North Entrance, Tower Junction (Winter Only), and Tower Falls Parking Area.
- Lake District: Canyon Village, Uncle Tom’s Point, Fishing Bridge Visitor Center, and West Thumb Geyser Basin.
- West District: Old Faithful developed area, Madison Museum Parking Area (Winter Only), and West Entrance.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §2.62 – Memorialization

**(b) Designated areas and conditions for scattering human ashes from cremation:**

- Scattering human ashes from cremation is allowed in the park, except in and near:
  - (a) Developed areas.
  - (b) Backcountry trails.
  - (c) Backcountry campsites.
  - (d) Thermal areas.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

## **PART 3 – BOATING AND WATER USE ACTIVITIES**

### 36 CFR §3.7 – What are the NPS Personal Flotation Device (PFD) requirements?

**(b) Designated requirements for a PFD to be worn or carried on designated waters, at designated times, and/or during designated water-based activities:**

- Sailboarders (windsurfers) are required to wear a U.S. Coast Guard approved Type I, II, III, or V PFD on all park waters open to boating.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety.*

### 36 CFR §3.8 – What vessel operations are prohibited?

#### **(a)(2) Designated launch sites:**

- Hand carried vessels can be launched or recovered in any area surrounding park waters open to boating except:
  - (a) In or within 25 yards of a thermal area.
  - (b) In an area closed to public use.
  - (c) In areas designated by signs or as posted on maps in visitor use areas.
  - (d) The shoreline of Yellowstone Lake between Little Thumb Creek and the south end of the West Thumb Geyser Basin.
  - (e) Along the Yellowstone River from the mouth of Gardner River to the boundary corner at the mouth of Reese Creek.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Vessels requiring trailers can only be launched or recovered at the following locations:
  - (a) Bridge Bay Marina boat launch.
  - (b) Grant Village Marina boat launch.
  - (c) Lewis Lake boat launch near Lewis Lake Campground.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

#### **(a)(4) Vessel length, width, or horsepower restrictions:**

- Operating a vessel 40 feet or greater is prohibited on all park waters, except for approved park concession operations.

*Determination: The Superintendent has determined this restriction is necessary because park infrastructure (e.g. docks) are not designed for boats greater than 40 feet to use.*

#### **(b)(3) Areas designated for flat wake speed:**

- Bridge Bay Marina.
- Grand Village Marina.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection*

### 36 CFR §3.12 – May I use a vessel to tow a person for water skiing or other similar activities?

#### **(a) Designated waters for towing of a person by a vessel:**

- All Park waters are closed to towing of a person by a vessel.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §3.14 – Am I required to remove a sunken, grounded, or disabled vessel?

#### **(a) Procedures for the removal of a sunken, grounded, or disabled vessel:**

- Notification to the Superintendent of a sunken, grounded, or disabled vessel is required. Procedures for removing a vessel will be created on a case-by-case basis in accordance with the requirements of this section.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §3.16 – May I swim or wade in park waters?

#### Swimming is prohibited in:

- Yellowstone River, starting at the outlet of Yellowstone Lake and continuing downstream for one mile.

*Determination: The Superintendent has determined swimming is prohibited in this area to protect cutthroat trout spawning habitat.*

#### Swimming and wading are prohibited in:

- All park waters when wearing or using foot gear with felt or other fibrous material on the soles.

*Determination: The Superintendent has determined this prohibition is a necessary step to prevent the spread of AIS in park waters which would not only affect park resources but potentially all areas downstream in the major watersheds that start and are protected by Yellowstone National Park. Although a “clean and dry your gear” message and campaign can be successful in preventing the spread of AIS by foot gear, it was determined felt or other fibrous soles posed a more serious threat for the spread of AIS and needed to be banned. Research suggests felt or other fibrous material on the soles of foot gear can be harder to clean, more difficult to dry and retain AIS longer than other types of foot gear material.*

- Bridge Bay Channel and Marina.

*Determination: Bridge Bay is the busiest boating hub in the park. The Superintendent has determined that prohibiting swimming and wading in this area will protect the public and prevent user conflicts.*

- Crawfish Creek, from the South Entrance Road Bridge to a point ¼ mile downstream.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Firehole River, 200 yards upstream and downstream of the footbridge connecting Midway Geyser Basin and Midway Geyser Basin parking area.
- Firehole River, from Grand Loop Road Bridge at Biscuit Basin to the Grand Loop Road Bridge approximately ½ mile from Old Faithful Geysers.

*Determination: The Superintendent has determined this area closed to swimming and wading to protect the public.*

### 36 CFR §3.17 – What regulations apply to swimming areas and beaches?

#### **(a) Designated swimming areas or swimming beaches:**

- Firehole Swimming Area

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

#### **(c) Prohibitions of incompatible activities in swimming areas or swimming beaches:**

- The following are prohibited in all designated swimming areas or beaches:
  - (a) Swimming or wading in the defined swimming area or beach when the area is posted closed.
  - (b) Climbing, diving, or jumping from cliffs or trees.
  - (c) Possessing glass containers.
  - (d) Using soap, shampoo, conditioner, or any other substance, except sunscreen.
  - (e) Using any vessel or flotation device, except for USCG approved PFDs.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §3.18 – May I snorkel or underwater dive in park waters?

#### **(a) Closures and restrictions for snorkeling and underwater diving:**

- Snorkeling and underwater diving is prohibited in Yellowstone River, starting at the outlet of Yellowstone Lake and continuing downstream for one mile.

*Determination: The Superintendent has determined this area closed to snorkeling and underwater diving to protect cutthroat trout spawning habitat.*

## **PART 4 - VEHICLES AND TRAFFIC SAFETY**

### 36 CFR §4.11 - Load, weight, and size limits

**(a) Vehicle load, weight, and size limit restrictions:**

- Except for vehicles transporting asphalt products required to repair and maintain roads within the park, vehicles wider than 8 feet 6 inches or longer than 75 feet are prohibited on park roads unless a permit has been issued by the Superintendent.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Firehole Lake Drive is closed to vehicles.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**36 CFR §4.21 - Speed Limits**

**(b) Speed limits designated by the Superintendent:**

The following speed limits are established unless an electronic variable speed limit sign posted at any location indicates otherwise (all other roads are 45 miles per hour as stated in 36 CFR 4.21(a)(3)):

- 15-MPH
  - (a) US 14 at the East Entrance Area
  - (b) US 89/191/287 in the South Entrance Area
  - (c) US 191 inbound at the West Entrance Area
  - (d) Lower and Upper Mammoth (Housing)
  - (e) Old Faithful East Lot/Old Faithful Proper
  - (f) Old Faithful Visitor Center to Snow Lodge
  - (g) Roosevelt Lodge Entrance Rd
  - (h) Hellroaring Trailhead Rd
  - (i) North Entrance Area
- 25-MPH
  - (a) US 212 from Warm Creek to Silver Gate
  - (b) Grand Loop Rd at Norris Junction
  - (c) Virginia Cascade Drive
  - (d) Grand Loop Rd at Mt. Washburn Trailhead
  - (e) Grand Loop Rd at Canyon Junction; north to Contractors Entrance, south to Aspen Hill, west to Cascade Meadow
  - (f) North Rim Drive
  - (g) South Rim Drive
  - (h) Grand Loop Rd at Grizzly Overlook
  - (i) Grand Loop Rd from Mud Volcano to Sulphur Caldron

- (j) Grand Loop Rd/US 89 in the Gibbon Falls Area
  - (k) US 14 from Fishing Bridge RV Park to Fishing Bridge Junction
  - (l) Gull Point Drive
  - (m) US 191 in the Lewis Lake Campground Area
  - (n) US 191 in the Lewis Falls Area
  - (o) US 191 outbound at the West Entrance Area
  - (p) Firehole Canyon Rd
  - (q) US 89 at the North Entrance
  - (r) US 89 Esplanade to Sheridan Parking Lot
  - (s) US 89 Golden Gate to Swan Lake
  - (t) Indian Creek Campground Entrance Rd
  - (u) Grand Loop Road, Old Faithful Government Area to Overpass
  - (v) Old Faithful Three Sisters to Lower Service Station
  - (w) US 212 in the area of the NE Entrance
  - (x) Slough Creek gravel Rd.
  - (y) Grand Loop Rd Tower Falls store area to Calcite Overlook
  - (z) Grand Loop Rd in the Chittenden Rd through Mae West curve area
  - (aa) Grand Loop Rd in the Dunraven Pass area
  - (bb) North Entrance to Mammoth Developed area
- 35-MPH
    - (a) Canyon to Tower Rd
    - (b) Tower Junction Area
    - (c) US 89 at Old Yellowstone Trail Area
    - (d) US 89 Sheridan Parking Lot to Golden Gate
    - (e) Roaring Mountain Northbound
    - (f) Grand Loop Rd/US 89 from the Gibbon River Bridge to the Gibbon Falls Area
    - (g) Grand Loop Rd from Canyon Contractors Entrance to Mt. Washburn Trailhead
    - (h) Norris Canyon Rd at Virginia Cascade Drive Entrance
    - (i) Grand Loop Rd from Mary Mountain Trailhead to Aspen Hill
    - (j) Grand Loop Rd in the Fishing Bridge Junction Area
    - (k) Grand Loop Rd at Lake Village Junction
    - (l) Grand Loop Rd at Bridge Bay Junction
    - (m) Grand Loop Rd at West Thumb Junction Area
    - (n) US 191 from Duck Lake curves to West Thumb Junction
    - (o) US 191 at Grand Junction
    - (p) US 89/191/287 in the Moose Falls Area
    - (q) US 14 at Sylvan Pass
    - (r) US 191 from Madison Junction to the south end of Firehole Canyon Rd
    - (s) Old Faithful inbound and outbound road

- 40-MPH
  - (a) East Entrance Rd from the Sylvan Avalanche Zone to the East Entrance
- 55-MPH
  - (a) The speed limit of U.S. Highway 191 is 55 mph within Yellowstone National Park.
- Segments within these areas may have posted speed limits that are lower than those listed in the compendium based on location conditions. In these instances, the lower speed limit applies.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

### 36 CFR §4.30 - Bicycles

**(b) Administrative roads. The following administrative roads are authorized for bicycle use:**

- Unless posted closed at entrance points and except as specified in 36 CFR §4.30(f) and §7.13(1)(16)(iii), bicycles are authorized to be used on Grand Loop Road and all park entrance roads when they are closed to motor vehicle use by the public, but open to motor vehicle use for administrative purposes.

*Determination: Between public motor vehicle travel and oversnow travel periods, Grand Loop Road and park entrance roads close to public motor vehicle use but remain open for administrative travel. When conditions are safe, the Superintendent has determined bicycle use is authorized during these periods to allow continued bicycle travel by the public within the interior of the park. The Superintendent has determined these roads may need to be closed during these administrative travel periods when NPS plowing operations are underway or when roads are in such a condition that bicycle use is unsafe. Where bicycle use is authorized, the NPS will post signs to indicate whether the route is open or closed.*

#### Mammoth area:

- Golden Gate Service Road
- Mammoth Service Road, from Old Gardiner Road to the telephone microwave station
- The Bunsen Peak Road
- Swan Lake Gravel Pit Road
- Obsidian Creek Campground Road

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

#### Old Faithful area:

- Lone Star Geyser Road, from Grand Loop Road to the turnaround area near Lone Star Geyser

- Fountain Freight Road
- Fire Road, from the Government Area to the Ranger Station

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

Lake Village area:

- Natural Bridge Road
- The roadbed from the Lake Fish Hatchery Building to the Transfer Station

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

Tower-Lamar area:

- Mount Washburn Service Road, from Chittenden Road Parking Lot to the summit of Mt. Washburn

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(d) Existing trails. The following existing trails have been designated for bicycle use:**

Mammoth area:

- The railroad bed paralleling the Yellowstone River, from Reese Creek to Gardiner, MT
- The trail paralleling Grand Loop Road, from the Mammoth Restroom to the YCC Camp Road

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

Old Faithful area:

- The trail from the Visitor Center to Morning Glory Pool
- The trail from Bitterroot Dorm to the Fire Road
- Daisy Geyser Cut-off trail

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

West Yellowstone area:

- Riverside Trail, from the West Entrance Station to Barns Road

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(f) Closures and other use restrictions.**

*Grand Loop Road and park entrance roads when open to motor vehicle use for administrative purposes.*

- Bicycle operation is prohibited from ½ hour after sunset to ½ before sunrise on sections of the Grand Loop Road and park entrance roads when they are open in accordance with §4.30(b).

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- The following sections of Grand Loop Road and park entrance roads are closed to bicycle use during spring administrative travel periods:
  - (a) Tower Fall to Dunraven Pass
  - (b) Dunraven Pass to Canyon Village
  - (c) Canyon Village to Norris Junction
  - (d) Canyon Village to Lake Village
  - (e) Fishing Bridge to the east side of Sylvan Pass (6-mile corner)
  - (f) Lake Village to West Thumb Junction
  - (g) West Thumb Junction to Madison Junction (via Craig Pass)
  - (h) South Entrance Road from South Entrance to West Thumb Junction

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- The following sections of Grand Loop Road and park entrance roads are closed to bicycle use during fall administrative travel periods:
  - (a) Chittenden Road to Canyon Village
  - (b) Canyon Village to Norris Junction
  - (c) Canyon Village to Lake Village
  - (d) Fishing Bridge to the east side of Sylvan Pass (6 mile corner)
  - (e) Lake Village to West Thumb Junction
  - (f) West Thumb Junction to Old Faithful

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(h)(4) Areas authorized for operating a bicycle abreast of another bicycle:**

- No areas have been authorized for operating a bicycle abreast of another bicycle.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**36 CFR §4.31 - Hitchhiking**

Designated areas and conditions for hitchhiking or soliciting transportation in park areas:

- All areas within the park are permitted for hitchhiking or soliciting transport except:
  - (a) Within 0.2 miles of park entrance stations.
  - (b) Within 200 feet of schools, businesses, NPS office buildings, or visitor centers.
  - (c) In signed residential or government areas.
  - (d) In an area where vehicles may not safely pull off a park road fully onto the road's shoulder or into a pull out.

*Determination: The Superintendent has determined that these restrictions are necessary for public safety, but also acknowledges the allowance to accommodate the needs of park users and staff given the lack of a public transportation system and distances between locations in the park.*

- Persons hitchhiking or soliciting transport are prohibited from the following:
  - (e) Holding or having a sign larger than 2 feet x 2 feet.
  - (f) Standing on the paved surface of a park road, except for clearly defined pull outs.
  - (g) Wearing dark colored clothing during hours of darkness.
  - (h) Being under the influence of alcohol or an intoxicating substance.
  - (i) Being unsafe or causing a nuisance.

*Determination: The Superintendent has determined that these restrictions are necessary for public safety, but also acknowledges the allowance to accommodate the needs of park users and staff given the lack of a public transportation system and distances between locations in the park.*

## **SECTION VI: 36 CFR §7.13 - YELLOWSTONE NATIONAL PARK**

### **36 CFR §7.13 - Yellowstone National Park**

**(a)(4) The superintendent may require a permit and establish terms and conditions for the operation of a commercial vehicle on any park road.**

- Except for U.S. Highway 191, a permit is required for the operation of a commercial vehicle on any park road.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

- Commercial vehicles, as described in 36 CFR §5.6(a) and to include vans 1 ton or lighter, may be permitted to travel on any park road as long as they are not commercial passenger-carrying, transporting natural resources, hazardous materials or substances, or hauling a trailer of any type or size and pay the commercial entrance fee prior to entering the park. The

commercial entrance permit issued at a park entrance station will be the permit required to operate on any park road as referenced in this paragraph.

*Determination: The Superintendent has determined that these prohibitions and restrictions are necessary for public safety and resource protection.*

**(e)(2) Fishing closures, conditions, and restrictions:**

Yellowstone National Park Fishing Permit

- **Adult**
  - (a) To fish within the park, people 16 years of age and older are required to purchase and carry on their person a Yellowstone National Park Fishing Permit.
  - (b) The Yellowstone National Park Fishing Permit is only valid when the permit is signed by the permittee and is non-transferrable.

*Determination: The Superintendent has determined fishing permits are necessary to ensure visitors obtain critical information regarding the park's fishery and regulations in order to protect park resources.*

- **Child**
  - (a) To fish within the park, people 15 years of age and younger are required to do one of the following:
    - (1) Fish under the direct supervision of an adult, a person 16 years of age or older, or a guardian who has purchased, signed, and is carrying on their person a Yellowstone National Park Fishing Permit.
    - (2) Obtain a free Yellowstone National Park Fishing Permit which must be signed by an adult, 16 years of age or older, or guardian. A child who has obtained this type of permit may fish without direct supervision of an adult or guardian.
  - (b) When a child is fishing, the adult or guardian associated with the child is responsible for the child's actions and is liable for any violations of applicable State and Federal fishing laws and regulations.

*Determination: The Superintendent has determined these permit requirements are necessary for children to ensure critical information is received by a parent or guardian and is shared with their child, regardless of which option is chosen, so park resources are protected.*

- A Yellowstone National Park Fishing Permit is not required to fish in the Yellowstone River on the north boundary of the park from the mouth of the Gardner River to the park's boundary corner at the mouth of Reese Creek. Fishing in this area will be in accordance with 36 CFR §2.3 and the State of Montana fishing regulations, to include the requirement to obtain a Montana State Fishing License.

*Determination: The Superintendent has determined Yellowstone National Park Fishing Permits are not required in this area to alleviate confusion over the boundary of Yellowstone National Park and the State of Montana.*

Seasons and Fishing Hours

- The standard fishing season begins the Saturday immediately prior to Memorial Day weekend through October 31<sup>st</sup> each year, except in the following areas:
  - (a) Blacktail Pond: Fishing season begins July 1<sup>st</sup> and ends October 31<sup>st</sup>.

*Determination: The Superintendent has determined the fishing season dates for this area are necessary to protect nesting birds and sensitive vegetation.*

- (b) Heart Lake: Fishing season begins July 1<sup>st</sup> and ends October 31<sup>st</sup>.

*Determination: The Superintendent has determined the fishing season dates for this area are necessary to align with the opening of a bear management area closure encompassing this area.*

- (c) Yellowstone Lake Tributaries: The fishing season for all streams and their tributaries flowing into Yellowstone Lake, to include an area 100 yards from each stream's outlet into Yellowstone Lake, begins July 15<sup>th</sup> and ends October 31<sup>st</sup>.

*Determination: The Superintendent has determined the fishing season dates for this area are necessary to protect spawning Yellowstone Cutthroat Trout and to align with the opening of a bear management area closure encompassing this area.*

- (d) Yellowstone River: The fishing season for the Yellowstone River and its tributaries from the outlet of Yellowstone Lake to the top of Upper Falls begins July 1<sup>st</sup> and ends October 31<sup>st</sup>.

*Determination: The Superintendent has determined the fishing season dates for this area are necessary to protect spawning Yellowstone Cutthroat Trout.*

- (e) The Madison River from the Wyoming/Montana state line downstream to the park boundary near the West Entrance in West Yellowstone, Montana begins January 1<sup>st</sup> and ends December 31<sup>st</sup>.

*Determination: The Superintendent has determined there is not an adverse impact to fisheries as a result of year-round fishing in this area.*

- (f) The Gardner River from Osprey Falls downstream to the confluence with the Yellowstone River near the North Entrance in Gardiner, Montana begins January 1<sup>st</sup> and ends December 31<sup>st</sup>.

*Determination: The Superintendent has determined there is not an adverse impact to fisheries as a result of year-round fishing in this area.*

- Fishing is only permitted from sunrise to sunset during the park's established fishing seasons.

*Determination: The Superintendent has determined these fishing hours are necessary to protect park resources and visitors by minimizing the potential for negative human and wildlife interactions.*

### Waters Closed to Fishing

- In addition to the areas listed in 36 CFR §7.13(e)(3), the following park waters are closed to fishing:
  - (a) Firehole River.
    - (1) From the Grand Loop Road Bridge at Biscuit Basin to the Grand Loop Road Bridge approximately 1/2 mile from Old Faithful Geyser.
    - (2) Two hundred (200) yards either side of the Midway Geyser Basin footbridge.

*Determination: The Superintendent has determined these closures necessary to protect sensitive thermal features and areas.*

- (b) Madison River: From Seven Mile Bridge to a point 250 yards upstream.

*Determination: The Superintendent has determined this closure is necessary to protect potential nesting areas for Trumpeter Swans.*

- (c) Trout Lake: The entire inlet stream and a portion of the lake, marked with signs, near the mouth of the inlet stream.

*Determination: The Superintendent has determined this closure is necessary to protect spawning Yellowstone Cutthroat Trout.*

- (d) Yellowstone River: One hundred (100) yards either side of Le Hardy Rapids.

*Determination: The Superintendent has determined this closure is necessary to protect Harlequin Duck nesting grounds and a concentrated fish migration corridor.*

### General Fishing Regulations

Except as otherwise designated, the following are prohibited in all lakes, streams, and tributaries administered by Yellowstone National Park:

- Fishing in any other manner than by one rod, which is capable of being held in hand while landing a fish, that has one line attached or by one hand-operated line without a rod or reel.
- Fishing with anything other than an artificial fly or artificial lure attached to one line. Except as otherwise provided in these regulations, this prohibition does not include weights or split shot, attractors, and strike indicators.
- Fishing with an attractor, except in a lake.
- Fishing with more than 2 artificial flies, one of which must be a dropper, or one artificial lure attached to one line.
- Fishing with an artificial fly that has:
  - (1) More than a single hook.
  - (2) A single hook with more than a single point.

(3) Anything other than a barbless hook.

- Fishing with an artificial lure that has:
  - (1) More than a single hook.
  - (2) A single hook with more than a treble point.
  - (3) Anything other than a barbless hook.
- Fishing with anything other than an artificial fly in designated fly fishing only waters.
- Snagging.
- Using or possessing a scented attractant while fishing.
- Using or possessing bait while fishing.
- Using an artificial fly, artificial lure, or fishing tackle that is made of lead or has lead added to it.
- Using an artificial light for the purposes of fishing.
- Continuing to fish after a person has reached the daily possession limit.
- Upgrading.
- Possessing a fish hooked anywhere other than inside the mouth or forward of the rear margin of the gill plate.
- Possessing a fish that does not have skin attached so the fish species may be visibly identified; gills and entrails may be removed.
- Possessing a Yellowstone Native Fish species.
- Disposing of fish or entrails within 200 feet of a backcountry campsite or into waters from which it was not taken.

*Determination: The Superintendent has determined these regulations are necessary to protect the park's fishery and to support resource management objectives.*

#### Designated Fly Fishing Only Waters

- The following streams are designated for fly fishing only:
  - (a) Firehole River.
  - (b) Gibbon River, downstream of Gibbon Falls.
  - (c) Madison River.

*Determination: The Superintendent has designated these streams as fly fishing only to protect the Blue Ribbon trout streams and trophy fishery by alleviating other forms of fishing pressure.*

### Daily Possession Limits and Release Restrictions

#### Native Trout Conservation Area

- No possession limit exists for nonnative fish species.

*Determination: The Superintendent has determined the lack of possession limit for nonnative species in the Native Trout Conservation Area is necessary because they are in direct competition with Yellowstone Native Fish Species which the park is trying to protect and bolster their population.*

- The following are prohibited:
  - (a) Failing to kill and releasing alive Rainbow Trout, Brook Trout, or Cutthroat Trout, Rainbow Trout Hybrids after taking them from the Lamar River drainage.
  - (b) Failing to kill and releasing alive Lake Trout after taking them from Yellowstone Lake.
  - (c) Failing to kill and releasing alive Smallmouth Bass found in any waters in Yellowstone National Park.

*Determination: The Superintendent has determined these prohibitions necessary because these non-native fish species are in direct competition with Yellowstone Native Fish Species which the park is trying to protect and bolster their population in the Native Trout Conservation Area.*

#### Nonnative Trout Tolerance Area

- Rainbow Trout and Brown Trout are catch and release only in the following streams and their tributaries:
  - (a) Firehole River.
  - (b) Gibbon River, below Gibbon Falls.
  - (c) Madison River.

*Determination: The Superintendent has determined these waters to be catch and release only to protect the Blue Ribbon trout streams and Trophy fishery.*

- A person may only possess a total of 5 Brook Trout per day from the following streams and their tributaries:
  - (a) Firehole River.
  - (b) Gibbon River, below Gibbon Falls.
  - (c) Madison River.

*Determination: The Superintendent has determined these possession limits are necessary to reduce competition with the Trophy Brown Trout and Rainbow Trout fishery, as well as to protect native fish species such as the Longnose Dace, Mottled Sculpin, and Mountain Whitefish.*

- A person may only possess a combination of 5 Brook Trout, Brown Trout, and Lake Trout, only one of which may be a Brown Trout, from the Lewis River drainage above Lewis Falls.

*Determination: The Superintendent has determined this possession limit necessary to protect a Trophy Brown Trout fishery.*

### **(l)(7)(ii) Closures for oversnow routes, or portions thereof for snowmobile travel:**

- Firehole Canyon Drive is closed to all northbound oversnow vehicle use from 7:00 a.m. to 12:00 p.m. During this time, only snowmobiles and long track snowcoaches are permitted to travel southbound.

*Determination: The Superintendent has determined that these restrictions are necessary for public safety.*

- Firehole Canyon Drive is closed to all southbound oversnow vehicle use from 1:00 p.m. to 6:00 p.m. During this time, only snowcoaches are permitted to travel northbound.

*Determination: The Superintendent has determined that these restrictions are necessary for public safety.*

**(I)(8)(ii) Closures for oversnow routes, or portions thereof for snowcoach travel:**

- Firehole Canyon Drive is closed to all northbound oversnow vehicle use from 7:00 a.m. to 12:00 p.m. During this time, only snowmobiles and long track snowcoaches are permitted to travel southbound.

*Determination: The Superintendent has determined that these restrictions are necessary for public safety.*

- Firehole Canyon Drive is closed to all southbound oversnow vehicle use from 1:00 p.m. to 6:00 p.m. During this time, only snowcoaches are permitted to travel northbound.

*Determination: The Superintendent has determined that these restrictions are necessary for public safety.*

**(I)(12)(ii) Operating hours, dates, and use levels for snowmobiles and snowcoaches during the park's oversnow travel period:**

- Unless otherwise specified by the terms and conditions of a permit or contract, private and commercial oversnow travel must be conducted between the hours of 7:00 a.m. and 9:00 p.m.
- South and East Entrance Roads will open no earlier than 8:00 a.m.

*Determination: The Superintendent has determined that these restrictions are necessary for public safety.*