



**National Park Service
U.S. Department of the Interior**

**Effigy Mounds
National Monument**

151 HWY 76
Harpers Ferry, IA 52146

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

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Approved:

Jim Nepstad, Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 54 United States Code, Section 100751, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Effigy Mounds National Monument. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

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

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

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

Visiting Hours:

- The park visitor center located at 151 Highway 76 is closed on Thanksgiving day and Christmas day. The rest of the year it is open daily from 8:30 a.m. to 4:30 p.m., with longer hours in the spring, summer and fall.
- The park is open during daylight hours. "Daylight hours" are defined as being one hour before sunrise until one hour after sunset. The superintendent makes exceptions to these limits for evening programs, approved special use permits or approval on an individual basis.

Reason for Determination:

Visiting hours: With the establishment of the Park, the President of the United States proclaimed that no unauthorized person shall "appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof". There are no overnight camping facilities in the park, and except for scheduled evening interpretive programs there is no valid scientific or educational reason to allow visitor use of the park after dark. This would leave the site vulnerable to looting or vandalism if it remained open to the public. Visiting is therefore limited to daylight hours.

Closures:

- The superintendent reserves the right to close the park or portions thereof, for resource management purposes, non-public meetings, tribal government-to-government meetings and consultations, public holidays, national security or emergency situations.
- All rock faces along the Mississippi and Yellow Rivers are closed to both free and technical rock climbing.

Reason for Determination:

Technical and free climbing of any rock faces along the Mississippi and Yellow Rivers may potentially damage archaeological resources and/or rare, threatened or endangered plant or animal communities. Climbing in these areas is therefore prohibited.

- All rock shelters located in the North, South and Heritage Addition units are closed to public access unless authorized by the superintendent or their designee.

Reason for Determination:

Unauthorized access to rock shelters located in the North, South and Heritage Addition units may potentially damage archaeological resources. Accessing these areas without authorization is therefore prohibited.

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Effigy Mounds National Monument is prohibited except as approved in writing by the superintendent.

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

Reason for Determination:

Effigy Mounds National Monument is a pre-European contact ceremonial and burial area. Respect for the prehistoric builders of the sites and appropriate interpretation and protection of the surviving features requires decorum from visitors. Appropriate scientific and educational activities of the site would be adversely impacted by allowing the unregulated use of unmanned aircraft within the Monument.

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

- Picnicking is permitted in the public use areas adjacent to the parking lots. Picnicking along public trails and adjacent to mound groups is prohibited.

Reason for Determination:

Effigy Mounds National Monument exists to preserve and protect ceremonial and burial areas for prehistoric cultures of the region. Respect for the prehistoric builders of the sites and appropriate interpretation and protection of the surviving features requires decorum from visitors. There is no valid educational reason to allow picnicking activities in these areas.

- Recreational activities such as frisbee throwing, ball playing, etc. are restricted to the mowed turf area between State Highway 76 and the visitor center entrance drive at park headquarters. Activities are further restricted, at the discretion of the superintendent, to those that are low impact and do not result in damage to turf or other resources, or cause undue interference with other visitors to the park. (See attached *Low Impact Recreational Activities* map)

Reason for Determination:

Effigy Mounds National Monument exists to preserve and protect ceremonial and burial areas for prehistoric cultures of the region. Respect for the prehistoric builders of the sites and appropriate interpretation and protection of the surviving features requires decorum from visitors. There is no valid educational reason to allow sport-like recreational activities in these areas.

Boat Launching Sites:

- Watercraft may be launched from the boat ramp at the Sny Magill Unit.

Wakeless Areas:

- The Yellow River is a no wake zone.

Reason for Determination:

Restrictions on Specified Uses: River access points and wakeless areas at Effigy Mounds National Monument reflect the very limited number of river public access points within the park and the fragile nature of the foreshore.

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

Passenger Carrying Busses:

- Engines must be shut down when not underway.

Reason for Determination:

The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

Activities requiring a permit are listed above under Public Use Limits and throughout this document under the specific 36 CFR Section that authorizes or requires the issuance of a permit.

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

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

- Except for management purposes, walking on identifiable mounds, cultural and archaeological resources is prohibited.
- All rock shelters located in the North, South and Heritage Addition units are closed to public access unless permitted in writing by the superintendent or their designee.

Reason for Determination:

Walking on known mounds and cultural and archaeological resources may damage the resource, and there is no valid interpretive or educational reason for walking on the mounds. Native American tribal authorities have expressed concerns that walking on the mounds is disrespectful to those that were buried in the mounds. Mounds are therefore closed to foot travel.

36 CFR §2.2 - WILDLIFE PROTECTION

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

- Legally obtained wildlife that is within the limits of federal and state laws may be transported through the Sny Magill Unit public access road.

Reason for Determination:

The superintendent has determined that the transportation of legally obtained wildlife through the Sny Magill Unit public access corridor poses an acceptable level of risk to the general public and wildlife

within the park.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

(a)(2)(i) Weapons, traps, or nets may only be carried, possessed or used at the following designated times and locations:

- Possession of weapons, traps and nets is allowed within the Sny Magill Unit public access corridor, provided such implements are legally possessed and being used outside the park in accordance with state and federal law, and (with the exclusion of firearms) are rendered temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use. A person may possess, carry, and transport firearms within Effigy Mounds National Monument in accordance with State of Iowa and Federal laws.

Reason for Determination:

The possession of weapons, traps and nets is permitted within the Sny Magill Unit public access corridor, and poses a limited, and acceptable level of risk to the general public and wildlife within the park, provided such implements are possessed and being used in accordance with state and federal law, and (with the exception of firearms) are rendered temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use. A person may possess, carry, and transport firearms within Effigy Mounds National Monument in accordance with State of Iowa and federal laws.

(a)(2)(h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

This authority does not extend to Federal facilities within the park (18 U.S.C. 930(a)). Federal facilities include: the Visitor Center, the Administrative / Management offices, and the Maintenance facilities.

Reason for Determination:

Park regulation cannot be less restrictive than United States Code.

36 CFR §2.5 – RESEARCH SPECIMENS

(a) Taking plants, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR or pursuant to the terms and conditions of a specimen collection permit.

Reason for Determination:

Effigy Mounds National Monument is a pre-European contact ceremonial and burial area. The collection of research specimens requires consultation with Tribal governments that are affiliated with the Monument.

36 CFR §2.11 – PICNICKING

Most areas of the park have been closed to picnicking and are listed in section 1.5(a)(1) "Closures".

Picnicking is allowed on the grounds by the visitor center / parking area.

Conditions for Picnicking:

For the purposes of this section, picnicking is defined as more than the mere possession or consumption of food. It may include such activities as the spreading of blankets or ground covers, setting up tables and/or chairs, storage of food in coolers or other containers, or other similar social activities.

Reason for Determination:

Effigy Mounds National Monument is a pre-European contact ceremonial and burial area. Respect for the prehistoric builders of the sites and appropriate interpretation and protection of the surviving features requires decorum from visitors. Additionally, the park contains sensitive archeological features. Appropriate scientific and educational activities of these features would be adversely impacted by allowing picnicking throughout the grounds.

36 CFR §2.15 – PETS

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

- For the purpose of using the visitor center facilities (bathroom, drinking fountain), pets may be tied for a period no more than 5 minutes in the parking lot area adjacent to the visitor center.

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

- Pet excrement must be immediately collected by the pet handler and disposed of in the nearest trash receptacle.
- If there is not a trash receptacle in the area, the excrement shall be removed from the park.

Reason for Determination:

Pet owners are responsible for their animals, including cleaning up after them. The nature of the park, being a cemetery, requires that the park landscape be treated with respect and decorum.

36 CFR §2.16 – HORSES and PACK ANIMALS

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

- Horses and pack animals are permitted in the paved visitor center parking lot and the Sny Magill Unit access road and parking lot. Horses and pack animals are prohibited from all other park areas.
- Horses and pack animals are prohibited everywhere else within the Monument.
- Horses may not be fed within the Monument and owners must take away all horse manure.

Reason for Determination:

The superintendent has determined this restriction necessary to maintain public safety and for the protection of the cultural, environmental and scenic values of the park.

36 CFR §2.21 – SMOKING

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

- Smoking, which includes the use of e-cigarettes and other similar devices, is prohibited in all public buildings.
- Smoking on trails and other outside areas of the park may be prohibited

during periods of high fire danger.

Reason for Determination:

The superintendent has determined this restriction is necessary for public health and safety.

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

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

The consumption of alcoholic beverages or the possession of an open container of an alcoholic beverage is prohibited in the following areas:

Inside the Visitor Center and within 100 feet of all Mound Groups

Reason for Determination:

The restriction is in place to protect facilities and resources from potential damage which may occur from liquid spills or the accumulation of refuse where receptacles are not appropriately present. No interpretive program is conducted which is contributory to alcohol consumption, and none are of a lengthy duration whereby refreshments are necessary to safely complete the program in its entirety. The Mound Groups that Effigy Mounds National Monument preserves and protects are ceremonial; and consumption of alcoholic beverages in the immediate vicinity of the burial areas may be considered disrespectful to many of the values and ideas that American Indians hold sacred.

36 CFR §2.37 – NONCOMMERCIAL SOLICITING

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions or a permit that has been issued under §2.50, §2.51, or §2.52.

Reason for Determination:

Permitting noncommercial soliciting within the Monument would be contrary to sacred nature of Effigy Mounds National Monument.

36 CFR §2.38 – EXPLOSIVES

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

(b) Using, or possessing fireworks and firecrackers is prohibited.

Reason for Determination:

Permitting the use of explosives within the Monument would be contrary to sacred nature of Effigy Mounds National Monument.

36 CFR §2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor

understanding of the significance of the park area, and a permit therefor has been issued by the superintendent.

36 CFR §2.51 -- DEMONSTRATIONS

(b) Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity.

NOTE: Demonstrations involving 25 persons or fewer may be held without a permit in designated park areas, provided that the requirements in §2.51(b) are met.

(c)(2) The following locations are designated as available for demonstrations:

- The Visitor Center / Parking Area (must be at least 25 feet away from the entrance to the Visitor Center).
- The Sny Magill Parking Area.

Reason for Determination:

Permitting demonstrations in areas other than listed would be contrary to sacred nature of Effigy Mounds National Monument.

36 CFR §2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER

(b) The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under §2.51(c)(2) (see above) when the superintendent has issued a permit.

Reason for Determination:

Permitting the sale or distribution within the Monument would be contrary to sacred nature of Effigy Mounds National Monument.

36 CFR §2.60 – LIVESTOCK USE AND AGRICULTURE

(a) Livestock are generally prohibited in any park area. They are only permitted in park areas pursuant to the exceptions provided for in §2.60(a) and only pursuant to the terms and conditions of a license, permit, or lease.

36 CFR §2.61 – RESIDING ON FEDERAL LANDS

(a) Residing in park areas, other than on privately owned lands, is prohibited except pursuant to the terms and conditions of a permit lease or contract.

36 CFR §2.62 – MEMORIALIZATION

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

(b) The scattering of human ashes from cremation is prohibited.

Reason for Determination:

Permitting the installation of memorials or the scattering of human ashes within the Monument would

potentially contaminate the archaeological and sacred landscape, and would be contrary to sacred nature of Effigy Mounds National Monument.

36 CFR §3.6 – BOATING OPERATIONS

(d)(1) Vessels may not create a wake or exceed 5 mph in the following areas:

- Yellow River

(h) The following areas/sites are designated for the launching or recovery of vessels using a trailer:

- Sny Magill Public Access Area

(i) The following areas/sites are designated for the launching or recovery of vessels propelled by machinery:

- Sny Magill Public Access Area

Reason for Determination:

Restrictions on Specified Uses: River access points and wakeless areas at Effigy Mounds National Monument reflect the very limited number of river public access points within the park and the fragile nature of the foreshore.

36 CFR §3.19 – USE OF SUBMERSIBLES

The use of manned or unmanned submersibles may only occur in accordance with a permit issued by the superintendent.

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a) Park roads, open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document (attached hereto):

- Park Visitor Center / Headquarters Loop Road / Parking Area
- Sny Magill Public Access Roadway

Reason for Determination:

These are the only roads within Effigy Mounds National Monument that are maintained to a standard suitable for public use.

36 CFR §4.21 – SPEED LIMITS

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

- Park Visitor Center / Headquarters Loop Road / Parking Area: 5 MPH
- Sny Magill Public Access Roadway: 25 MPH

Reason for Determination:

Based on the standards and conditions of the roads, these speed limits are needed to ensure visitor safety and resource protection.

36 CFR §4.30 – BICYCLES

(a) The use of a bicycle is prohibited except on park roads and in parking areas.

Reason for Determination:

Trails within the Monument are not designed for bicycles and would represent an unnecessary risk to visitors.

36 CFR §5.1 – ADVERTISEMENTS

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent.

Reason for Determination:

Permitting advertisements within the Monument would be contrary to sacred nature of Effigy Mounds National Monument.

36 CFR §5.3 – BUSINESS OPERATIONS

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

36 CFR §5.4 – COMMERCIAL PASSENGER-CARRYING MOTOR VEHICLES

(a) The commercial transportation of passengers by motor vehicle except as authorized under a contract or permit from the Secretary or his authorized representative is prohibited in certain parks. See §5.4(a) for more information.

36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY

(a) Before any motion picture may be filmed or any television production or sound track may be made by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent.

(b) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

36 CFR §5.6 – COMMERCIAL VEHICLES

(b) & (c) Using commercial vehicles on government roads within park areas when such use is in no way connected with the operation of the park is generally prohibited, and requires permission or a permit from the Superintendent.

36 CFR 1.5 (a)(2) - Low Impact Recreational Activities

