




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

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

Approved:

  
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 Stephen G. Thede, Superintendent

**Nez Perce**  
**National Historical Park**

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**Big Hole**  
**National Battlefield**

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 11/6/2022  
 Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 54 United States Code, §100751, the following provisions apply to all federally owned lands and waters administered by the National Park Service, within the boundaries of Nez Perce National Historical Park, including Big Hole National Battlefield. Park sites in federal ownership that are administered by the National Park Service as part of Nez Perce National Historical Park, include: Canoe Camp, Heart of the Monster, Spalding, Weippe Prairie, and White Bird Battlefield, in Idaho; Bear Paw Battlefield and Big Hole National Battlefield, in Montana; Buffalo Eddy, in Washington, and a portion of the Old Chief Joseph Gravesite and Cemetery in Oregon.

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 36 CFR §1.5, 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) The following visiting hours, public use limits, and closures are established:

The park is open daily from sunrise to sunset, except:

- The upper parking lot, cemeteries, and upper road system at Spalding are closed when the visitor center is closed.
- The motor vehicle road accessing the lower parking lot at Big Hole National Battlefield is closed, daily, during Montana Department of Fish, Wildlife and Parks bow and rifle hunting seasons, from 4:30 p.m. to 9 a.m.
- Visiting hours of park sites managed by non-National Park Service landowners are seasonally established and advertised under the terms of the respective agreement. Contact park for current hours.
- Park sites may be closed or inaccessible due to emergency, weather, or other factors adversely impacting safety or site resources. See "alerts" section for current information on the park website ([www.nps.gov/nepe](http://www.nps.gov/nepe))

Visiting hours for park visitor centers at Spalding and Big Hole National Battlefield are posted on the park's website ([www.nps.gov/nepe](http://www.nps.gov/nepe)).

*Determination (36 CFR §1.5 (c)): Visiting hours are established to maximize the public benefit achievable with anticipated funding and staffing levels. Days and hours established also take into consideration staff and visitor safety. Restricting night access to the park reduces the possibility of vandalism and theft. Current visiting hours continue established pattern. Seasonal use hours established for the Big Hole National Battlefield lower access road are necessary to protect wildlife*

and prevent park use as a base of operation by hunters and to prevent confusion regarding the park's hunting prohibitions.

#### Public Use Limits:

A Special Use Permit is required for all non-National Park Service events involving groups of more than 25 people at any of the park sites.

*Determination (36 CFR §1.5 (c)): Groups of excessive size will not leave enough parking spaces, picnic tables, or enough capacity in the grounds or visitor center for other visitors. Excessively large groups have the potential to disrupt the reflective nature of the visitor experience and diminish visitor understanding and appreciation. Review required for decision regarding a Special Use Permit application can consider seasonal, time of week, and time of day visitation patterns to avoid exceeding park's infrastructure and personnel capacity.*

#### Closures:

- Pedestrian traffic throughout the park is restricted to gravel, compacted surface, paved or clearly mown trails and areas of mown grass (unless accompanied by National Park Service personnel). However, walking on, climbing, or traversing the unadorned portions of the rock outcropping at Buffalo Eddy is allowed in order to access petroglyphs. Walking or climbing upon the geologic features at Heart of the Monster is prohibited.
- Recreational activities, including kite flying, frisbee, badminton, ball games, group sports, or activities of a similar nature are prohibited in the Spalding, Bredell, and Old Chief Joseph cemeteries; the historic zones at Big Hole National Battlefield and Bear Paw Battlefield; and Weippe Prairie, White Bird Battlefield, and Buffalo Eddy.
- Picnicking is allowed during daylight hours in designated picnic areas at Spalding, Heart of the Monster, Canoe Camp, Big Hole National Battlefield, and Bear Paw Battlefield and is prohibited in all other federally owned park sites administered by the National Park Service.
- Camping and overnight parking are prohibited at all park sites administered by the National Park Service except as permitted as part of an event under Special Use Permit.
- Pets are prohibited in all federal facilities (except employee housing at Big Hole National Battlefield;) on trails at Big Hole National Battlefield; at the White Bird and Bear Paw battlefield sites; and within the Spalding, Bredell, and Old Chief Joseph cemeteries.<sup>1</sup>
- The use of a bicycle is permitted on park roads and in parking areas that are otherwise open for motor vehicle use by the general public. No additional administrative roads or trails are authorized for use by cyclists (36 CFR §4.30).
- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service at Nez Perce National Historical Park, including Big Hole National Battlefield, is prohibited except as approved in writing by the Superintendent. "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.

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<sup>1</sup> Service animals are exempt from limitations placed on pets. In compliance with Section 504 of the Rehabilitation Act of 1973, a service animal is any dog or miniature horse trained to do work or perform tasks for the benefit of an individual with a disability. Service animals are allowed wherever visitors are allowed when accompanying an individual with a disability, subject to the following requirements:

A service animal must be harnessed, leashed, or tethered, unless (1) these devices interfere with the service animal's work, or (2) the individual's disability prevents them from using these devices. In those cases, the individual must maintain control of the animal through voice, signal, or other effective means.

Should the NPS prohibit service animals in an area closed to pets because (1) allowing them would require a fundamental alteration to the nature of the goods, services, programs, or activities provided to the public in the area, or (2) the presence of a service animal would jeopardize the safe operation of its services, programs, or activities, those closures will be specifically identified in here, in the Superintendent's Compendium.

model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

- Idling a vehicle engine which produces exhaust is restricted to loading or unloading of passengers.
- The use of generators at park sites administered by the National Park Service is prohibited except as used in NPS management activities, as provided for in Special Use Permit, or by residents of employee housing at Big Hole National Battlefield.
- The visitor centers at Spalding and Big Hole National Battlefield are closed to anyone not wearing shirt and shoes.

*Determination (36 CFR §1.5(c)): Restricting use to the trail systems (surfaced or mown) and areas of mown grass throughout the park is required to prevent damage to surface and subsurface cultural resources, disturbance to wildlife, to protect native plant communities, to reduce the spread of non-native species, and for visitor safety. The National Park Service developed a trail system throughout the park that services all significant historic areas and continues to develop and refine mown trail system that provides visitor access to a variety of ecosystems within the park while limiting access to more fragile areas. These public use restrictions decrease risk of damage to historic structures, reduce user conflicts, and allow for a reflective visitor experience. These public use restrictions are necessary to maintain public health and safety in this unit of the National Park System and to protect park resources and values. The above closures are necessary to provide government efficiency, ensure accountability of government equipment, protect park resources, and provide a safe environment for visitors and government employees alike. The idling of engines and use of generators adds unnecessary exhaust fumes to the air and noise pollution which diminishes the enjoyment by visitors of the peace and tranquility of the park and has the potential to increase the health risks to visitors and employees.*

#### Mask-Wearing Requirements

When the COVID-19 Community Level is LOW or MEDIUM in the county or all the counties where the park is located based on data provided by the Centers for Disease Control and Prevention (CDC), individuals are not required to wear masks.

When the COVID-19 Community Level is HIGH in the county or all the counties where the park is located based on data provided by the CDC, all individuals over the age of two must wear masks, regardless of vaccination status, in all common areas and shared workspaces in buildings owned, leased, or otherwise controlled by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.

When the COVID-19 Community Level is HIGH in one or more, but not all, of the counties where the park is located based on data provided by the CDC, the superintendent will determine whether individuals are required to wear masks. The requirement, if any, will apply to all facilities within the park.

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

Regardless of the COVID-19 Community Level, individuals may wear masks if they choose to do so. Where a state, local, tribal, or territorial government where the park is located imposes more protective mask-wearing requirements than those indicated by the COVID-19 Community Level, individuals must follow those more protective requirements within the park. More protective state, local, tribal, or territorial mask-wearing requirements are hereby adopted as federal requirements in all units of the National Park System located within that state, locality, area subject to a federally recognized Indian tribe's regulatory jurisdiction, or territory, regardless of a particular park's jurisdictional status.

Additionally, all individuals must wear masks in or on public transportation conveyances and transportation hubs/facilities, to the extent required by current orders or directives issued by the CDC, the Transportation Security Administration (TSA), or other federal agencies with jurisdiction over those conveyances or areas. As of August 31, 2022, all individuals must wear masks in or on any form of Department of the Interior-operated aircraft, boats and other maritime transportation conveyances, and buses with multiple occupants, regardless of COVID-19 Community Levels. Individuals are not required to wear masks while outdoors on conveyances or while outdoors on the premises of transportation hubs/facilities.

*Determination (36 CFR §1.5(a)(2)): It is the policy of the federal government to halt the spread of COVID-19 by relying on the best available data and science-based public health measures. Such measures include wearing masks when around others, physical distancing, and other related precautions recommended by the Centers for Disease Control and Prevention (CDC). Masks are a critical step to help prevent people from getting and spreading COVID-19.*

### **36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT**

Permits are required for the following (36 CFR §1.6 (a-h)):

- §1.5 Any non-NPS event or assembly involving more than 25 people
- §2.4 Carry or possess a weapon, trap, or net
- §2.5 Taking of plants, fish, wildlife, rocks, or minerals (specimen collection)
- §2.6 Gathering of plants or plant parts by federally recognized Indian Tribes under agreement authorized by 36 CFR §2.6
- §2.10 Camping at Big Hole National Battlefield, Bear Paw Battlefield, White Bird Battlefield, Weippe Prairie for cultural or ceremonial purposes.
- §2.12 Operating a power saw in developed areas
- §2.12 Operation of a portable motor or engine in non-developed areas
- §2.12 Operation of a public address system (in connection with public gathering under permit)
- §2.16 Use of horses and pack animals outside of paved roads
- §2.17 Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
- §2.17 Removal of a downed aircraft
- §2.37 Soliciting or demanding gifts, money, goods, or services
- §2.38 Use, possession, storage, transport of explosives or blasting agents, including fireworks
- §2.50 Sporting event, pageant, regatta, public spectator attraction, entertainment, and other events where size of audience is unknown prior or exceeds 25 persons
- §2.51 Public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of view involving groups of more than 25 persons
- §2.52 Sale or distribution of printed matter by more than 25 persons
- §2.60 Livestock use and agriculture
- §2.62 Scattering of ashes from human cremation
- §4.11 Exceeding established vehicle load, weight, and size limits
- §5.1 Display, posting, or distribution of advertising
- §5.3 Engaging in or soliciting any business
- §5.5 Commercial filming (43 CFR §5)
- §5.5 Still photography using a set, model, or prop; in a location not accessible to visitors; or that would incur costs for providing oversight to protect resources or minimize visitor use conflicts (43 CFR §5)
- §5.7 Construction of buildings or other facilities
- §6 Operation of a solid waste disposal site

*Inquiries about special use activity requirements and permit applications may be made by contacting Superintendent, Nez Perce National Historical Park, 39063 US Highway 95, Spalding, Idaho 83540, or via telephone at (208) 843-7011. Activity permits may also be required at non-National Park Service sites of the park, as stipulated under the terms of the respective agreement between the National Park Service and site landowner.*

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

(a-b): 43 CFR §7.4 prohibits excavation, removal, damage, altering, or defacing any archeological resources on federal lands, including Indian trust except when such activity is pursuant to permit. The prohibition (36 CFR §2.1 (a)) against possession or modifying of wildlife or fish parts, plants or plant parts, paleontological specimens, cultural or archeological resources, or mineral resources does not apply to interpretive and other activities undertaken by National Park Service personnel or others authorized to act on behalf of National Park Service. There are no areas within the park where visitors may collect dead wood for use except under permit issued in accordance with 36 CFR §2.6 or treaty right. Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue, including Heart of the Monster, is prohibited, however walking on, climbing, or traversing the unadorned portions of the rock outcropping at Buffalo Eddy is allowed in order to access petroglyphs. Hiking or pedestrian traffic throughout the park is restricted to gravel, compacted surface, paved, or clearly mown trails and areas of mown grass (unless accompanied by National Park Service personnel or upon the rock outcropping at Buffalo Eddy). Non-NPS metal detecting, digging, and climbing of trees is prohibited.

(c): The following fruits, nuts, berries may be gathered by hand for personal use or consumption:

- Spalding: plums, mulberries, cherries, and apples found throughout historic residential area
- Heart of the Monster: blackberries, apples, cherries
- Canoe Camp: blackberries and cherries
- White Bird Battlefield: plums

*Determination: The gathering of these domesticated/exotic fruits will not harm the health of the trees or shrubs. The fruit itself does little to enhance visitor understanding of park sites. Reduction of ripening fruit might discourage excessive yellow jacket populations, thus promoting visitor experience and safety.*

### **36 CFR §2.2 - WILDLIFE PROTECTION**

(d, f-g): Wildlife lawfully taken outside park boundaries may be transported in or on vehicles and through park sites on publicly accessible vehicular roads under the following conditions:

- Persons transporting will possess a valid state hunting license or proof of appropriate tribal enrollment.
- Animal carcasses will be subject to inspection at any time by an authorized person.
- Transported wildlife will be covered or otherwise not publicly visible.

Hunters pursuing injured wildlife into the park must contact the Superintendent prior to pursuing injured wildlife in park or inflicting additional damage to wildlife once within park.

(e): With the exception of National Park Service conducted or sponsored programs, all park sites are closed to the viewing of wildlife with the use of an artificial light.

*Determination: The National Park Service does not wish to impede those hunting legally nor impede the transportation of legally taken game. The transportation of game through the park, which is closed to hunting, however, could cause confusion with the park's hunting regulation.*

### **36 CFR §2.3 – FISHING**

(a, g): Fishing shall be in accordance with the non-conflicting laws and regulations of the state within whose exterior boundaries a park site is located.

(d, g): Fishing within the park from gravel, compacted surface, paved or clearly mown trails and areas of mown grass is allowed except when:

- fishing in any manner other than by hook and line
- using as bait live or dead fish, amphibians, nonpreserved fish eggs or roe
- chumming or placing substances in waters to feed or attract fish
- commercial fishing
- fishing by the use of drugs, poisons, explosives, or electricity
- digging for bait
- failing to return a fish that does not meet size or species restrictions
- fishing from motor road bridges (fishing from the pedestrian bridge at Big Hole National Battlefield is allowed)

*Determination: The above statement neither increases nor decreases that already provided in 36 CFR §2.3, it merely documents that there are no additional uses permitted and all fishing must be from locations not otherwise closed to the public. Social trails developed to access shoreline result in erosion that impacts sensitive subsurface cultural resources and disturbs wildlife, impacts native plant communities, contributes to spread of non-native species, and impacts visitor safety.*

#### **36 CFR §2.4 – WEAPONS, TRAPS AND NETS**

(e): The Superintendent may issue a permit to possess a weapon, trap or net when necessary to support research activities conducted in accordance with 36 CFR §2.5; for employees, agents, or cooperating officials in the performance of their official duties; or to provide access to lands or waters contiguous to park when other means of access are impracticable or impossible.

*Determination: None of the provisions in this section or any regulation in this chapter may prohibit an individual from possessing a firearm, including an assembled or functional firearm, in any National Park unit if the individual is not otherwise prohibited by law from possessing the firearm; and the possession of the firearm is in compliance with the law of the state in which the National Park unit is located. However, firearms are prohibited within federal facilities, including leased offices in Chinook, Montana, except as otherwise permitted under 18 USC §930.*

#### **36 CFR §2.6 – GATHERING OF PLANTS OR PLANT PARTS BY FEDERALLY RECOGNIZED INDIAN TRIBES**

The Superintendent may enter into an agreement with Indian Tribes to authorize the traditional gathering and removal of plants or plant parts for traditional purposes.

#### **36 CFR §2.10 – CAMPING AND FOOD STORAGE**

(a): Camping is not allowed at federally owned park sites administered by the National Park Service except as expressly permitted as part of an event under Special Use Permit.

*Determination: The prohibition against camping is necessary for the maintenance of public health and safety, there are no facilities onsite to support such use. Prohibiting overnight access to the park reduces vandalism and theft.*

#### **36 CFR §2.11 – PICNICKING**

Picnicking is allowed during daylight hours in designated picnic areas at Spalding, Heart of the Monster, Canoe Camp, Big Hole National Battlefield, and Bear Paw Battlefield and is prohibited in all

other federally owned park sites administered by the National Park Service. All picnic tables are available on a first come-first served basis. No picnic table or picnic area reservations are allowed. These are listed in 36 CFR §1.5, above.

### **36 CFR 2.13 – FIRES**

(a-d): The lighting of fires is prohibited at all federally owned park sites administered by the National Park Service., However, charcoal grilling in provided stations (or gas grilling otherwise) is allowed at Spalding, Canoe Camp, Heart of the Monster, Big Hole National Battlefield, and Bear Paw Battlefield picnic areas. Such grilling may be prohibited as posted during periods of high fire danger.

*Determination: The prohibitions within this section serve the purpose of protecting park natural, historic, and archaeological resources from the detrimental effects of fire. In addition, restricting fire to where charcoal burning containers are provided prevents fire from impacting visits and limits fire debris to a small area. Sparks from fire can start uncontrolled grassland fires, and so are forbidden elsewhere except under those conditions established by the Superintendent under Special Use Permit.*

### **36 CFR §2.14 – SANITATION AND REFUSE**

(a-b): Other than that associated with National Park Service operations, the use of government refuse receptacles or facilities is allowed only for refuse created during visits to the park such as from picnicking at the park or disposal of vehicle litterbags. Disposal of human body waste may only occur in fixtures provided for that purpose in the public restrooms. Disposing of fish remains in the specific section of park waters from which they were legally taken is allowed. Residents of park housing at Big Hole National Battlefield may dispose of household refuse in the government refuse receptacles provided. See Section 36 CFR §2.15 for information regarding pet waste.

*Determination: The above statement neither increases nor decreases that already allowed by law, it merely documents that there are no additional uses permitted. Disposal of fish remains from other waters or alternative locations within a watershed contributes to spread of exotic pests.*

### **36 CFR §2.15 – PETS<sup>2</sup>**

(a)(1), (e): Pets are prohibited in all federal facilities; on trails at Big Hole National Battlefield; at the White Bird and Bear Paw battlefield sites; and within the Spalding, Bredell, and Old Chief Joseph cemeteries. Pets may be kept by residents of Big Hole National Battlefield employee housing under the conditions specified in the Housing Plan.

(a)(2-5): Where not outright prohibited, pets must be restrained on a leash not exceeding six (6) feet in length and are permitted only in developed areas or on surfaced or mown trails open to the general public. Pets may not be left tied to any object. Pet owners must remove and properly dispose of all solid pet excrement. Government refuse receptacles located out-of-doors may be used for this purpose.

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<sup>2</sup> Service animals are exempt from limitations placed on pets. In compliance with Section 504 of the Rehabilitation Act of 1973, a service animal is any dog or miniature horse trained to do work or perform tasks for the benefit of an individual with a disability. Service animals are allowed wherever visitors are allowed when accompanying an individual with a disability, subject to the following requirements:

A service animal must be harnessed, leashed, or tethered, unless (1) these devices interfere with the service animal's work, or (2) the individual's disability prevents them from using these devices. In those cases, the individual must maintain control of the animal through voice, signal, or other effective means. Should the NPS prohibit service animals in an area closed to pets because (1) allowing them would require a fundamental alteration to the nature of the goods, services, programs, or activities provided to the public in the area, or (2) the presence of a service animal would jeopardize the safe operation of its services, programs, or activities, those closures will be specifically identified in here, in the Superintendent's Compendium.

*Determination: Prohibition of pets in cemeteries, other areas where sensitive subsurface features are known, or natural areas providing wildlife habitat is in keeping with agency-wide approach. Leash requirement provides for the protection of the pet as well as other park visitors, while preventing pets from disturbing or harassing native wildlife. Pet excrement poses a public health hazard in high use areas. All other regulations in this section are in effect to protect unattended pets from exposure to high temperatures and dehydration.*

### **36 CFR §2.16 – HORSES AND PACK ANIMALS**

(a-g): The use of horses and pack animals is restricted to paved roads only, unless under approved special use permit or as part of National Park Service conducted or sponsored activity.

*Determination: The use of horses and pack animals is restricted to areas where they will not present a safety hazard or other user group conflicts with visitors. The impact of stock on trail surfaces is also a consideration in determining where they can be used. Trails at White Bird Battlefield, for example, are seasonally soft, resulting in erosion or damage to hiking surfaces. Associated feces can result in smells other visitors might find offensive or promote further spread of exotic species. Special Use Permits may be offered, after careful consideration, for off-road uses recognizing the cultural and historical importance of horses to Native peoples and other residents in the general park area*

### **36 CFR §2.19 – WINTER ACTIVITIES**

(a): Park roads and/or parking areas open to motor vehicle traffic may be used for skiing, snowshoeing, and similar winter activities at Big Hole National Battlefield.

*Determination: Relatively limited wintertime traffic allows for reasonably safe use of park roads and parking areas at Big Hole National Battlefield and access to park historic zone otherwise inaccessible under winter conditions. Visitors should check with park staff prior to conducting activity in order to assure compliance and become aware of potential safety concerns.*

### **36 CFR §2.20 – SKATING, SKATEBOARDS AND SIMILAR DEVICES**

The use of rollerskates, skateboards, roller skis, coasting vehicles, or similar devices are allowed only in the residential zone of Big Hole National Battlefield.

*Determination: Other than the relatively protected paved areas in the residential area of Big Hole National Battlefield, outside of public access, there are no reasonably safe accommodations for skating, skateboarding, or similar recreation that would ensure visitor safety and avoid conflicting visitor uses.*

### **36 CFR §2.21 – SMOKING**

(a): Except for those non-shared government quarters at Big Hole National Battlefield<sup>3</sup>, smoking is prohibited in all government buildings and facilities, including those leased by the National Park Service in Chinook, Montana, as well as within 25 feet of a public building entrance or air intake duct. The use of electronic nicotine delivery systems is also prohibited within all government buildings and facilities as well as within 25 feet of a public building entrance. The Superintendent may post notices and further restrict areas where smoking is allowed during periods of high fire danger.

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<sup>3</sup> The current (2019) Big Hole National Battlefield Housing Management Plan states: Seasonal employees living in government furnished housing may not smoke or vape inside government quarters; smoking is only permitted outside. Smoking or vaping is not prohibited in permanent housing units but tenants may be charged for extra cleaning, repainting, and/or carpet replacement when they vacate.



*Determination: Smoking is prohibited to protect public health, to protect structures and resources from fire danger or smoke, and to minimize conflicts among visitor use activities. There are no designated employee smoking areas within National Park Service facilities. The onsite use of electronic nicotine delivery systems is also regulated to serve the same purpose*

### **36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES**

(a)(3): Consumption of alcoholic beverages and/or possession of a bottle, can, or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal is broken, or the contents of which have been partially removed, is prohibited within all Spalding site cemeteries, Old Chief Joseph Gravesite and Cemetery, Bear Paw Battlefield, and historic areas of the White Bird Battlefield and Big Hole National Battlefield (as accessed by the lower parking area).

*Determination: The consumption of an alcoholic beverage or the possession of an open container of an alcoholic beverage in cemeteries or vicinity of burials is considered inappropriate and disrespectful by Native descendants of those buried and can adversely impact a reflective, contemplative visitor experience associated with the site's purpose for establishment and leading to visitor use conflicts.*

### **36 CFR §2.50 – SPECIAL EVENTS**

(a): Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events where there is a meaningful association between the park area and the events that contributes to visitor understanding may be permitted under Special Use Permit by the Superintendent.

### **36 CFR §2.51-52 – DEMONSTRATIONS AND SALE OR DISTRIBUTION OF PRINTED MATTER**

§2.51 (c), §2.52 (e)(4): Public assembly areas have been designated within the park and are delineated on maps available from the Superintendent at Nez Perce National Historical Park, 39063 US Highway 95, Spalding Idaho, 83540. The public assembly areas are available for demonstrations under 36 CFR §2.51 and sale or distribution of printed matter under 36 CFR §2.52 and are:

- Spalding Site: grassed area north of visitor center approach walk
- Canoe Camp: grassed area west of restroom approach walk
- Heart of the Monster Site: grassed area surrounding circular drive and parking
- Big Hole National Battlefield: grassed area southwest of visitor center approach walk
- Bear Paw Battlefield: mown areas surrounding lower area circular drive and parking

§2.51(c): Areas other than those designated above may be approved under Special Use Permit in accordance with 36 CFR §2.51(c).

*Determination: First Amendment activities for 14 consecutive days or less and involving 25 people or fewer do not require a Special Use Permit to demonstrate or distribute or sell printed matter under their First Amendment rights. However, First Amendment activities without a permit are restricted to the designated First Amendment sites listed above. Those sites were selected by the park for their high visibility and access to the public and for the physical nature of those sites to provide ample room for freedom of speech activities. Activities shall not cause injury or damage to park resources, unreasonably interfere with tranquility or interpretive activities, or create a clear or present danger to park visitors.*

### **36 CFR §2.62 – MEMORIALIZATION**

(b): A permit is required for scattering ashes in all areas of the park. The remains to be scattered must have been cremated and pulverized. The scattering of remains by persons on the ground is to be performed at least 300 feet from any trail, road, developed area or flowing stream, river or other body of water. Scattering on the ground must result in complete dispersal of ashes so that no obvious

piles remain in any one place. No containers/urns are to be left behind or buried. No scattering of remains from the air is to be performed over developed areas, facilities, or bodies of water.

**36 CFR §4.10 – TRAVEL ON PARK ROADS AND DESIGNATED ROUTES**

Electric powered mobility assistance devices (i.e. electric scooters or Segway devices) used to help visitors overcome disabilities, are permitted on all park roads, paved trails, and walkways.

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

(a): Vehicle load, weight and size limits established by state law apply to a vehicle operated on a park road. Where vehicles, under permit, exceed established state weight and size limits, travel on park roads will require a permit issued by the superintendent and establishing conditions for the operation of such vehicle exceeding designated limits.

(b): The following are prohibited:

- (1) Operating a vehicle that exceeds a load, weight or size limit designated by the superintendent.