

SUPERINTENDENT'S COMPENDIUM

PROPOSED CHANGES

RESPONSE TO CIVIC ENGAGEMENT

2021

NATIONAL PARK SERVICE
ZION NATIONAL PARK

The National Park Service (NPS) at Zion National Park (ZION) issued a press release on August 30, 2021 announcing a civic engagement period for proposed changes to the 2021 Superintendent's Compendium ([NPS 2021a](#)). The Compendium is a written compilation of designations, closures, permit requirements and other restrictions adopted in response to changes in laws, agency policies or otherwise specific to a park under the Superintendent's discretionary authority. Proposed revisions to the 2021 Superintendent's Compendium requested input from the public on the following topics: 1) Bicycles, Pedestrians, & Vehicles; 2) Domestic Animals; 3) COVID-19 Face Masks; 4) Filming; and 5) Wilderness.

The public was able to submit their comment through the NPS Planning, Environmental, and Public Comment ([PEPC](#)) website from August 30, 2021 to September 10, 2021. In addition to the press release, an alert was posted on the park website and a social media post was made at the start of the comment period. A total of 317 PEPC entries were received. Below is a summary of comments received. Comments have been summarized into statements and arranged by theme. Additional comments on implementation of the proposed revisions and other management strategies were also collected and will be considered in relevant planning efforts. The revised 2021 Superintendent's Compendium has been released to the public and is available for download in the [Laws & Policies](#) section of the official NPS [ZION website](#). Text provided during the civic engagement period has been formally adopted with no change.

BICYCLES, PEDESTRIANS, & VEHICLES

COMMENT SUMMARY

Comments received were primarily focused electric bicycles (e-bike) and discussed allowances and restrictions. Some commenters were in favor of the new regulations using noise pollution, excessive speed, or safety risk and potential for accidents as reasons they did not want class two (2) or three (3) e-bikes on park trails. A comment requested that all e-bikes be banned from the park for safety concerns on the part of the riders; however, more than half of commenters requested that either type (2) or three (3) e-bikes be admitted into the park. Many comments referenced difficulties due to age or disability in accessing the park through traditional bikes or pedal-assist only e-bikes and occasionally argued that restricting e-bikes was offensive. These commenters also frequently stated that they do not use the full speed abilities of their bikes and are often passed by traditional bikes. One commenter offered to disable the throttle on their type two bicycle while in the park.

Many commenters made remarks supporting speed limits rather than limiting the types of e-bikes. A few commenters stated that requiring a bell was excessive and implied that calling out to pedestrians is sufficient. Suggestions on various management strategies were also put forward, such as installing travel

lanes specifically for cyclists, opening more ZION trails to cyclists, rewarding visitors who come with their own transportation, or modifying spacing restriction on groups of bikes.

RESPONSE

Refer to the National Environmental Policy Act documentation (Categorical Exclusion or CE) and the Final NPS E-Bike Literature Review for the [2021 ZION Proposed Changes to the Superintendent's Compendium](#) on the NPS Planning, Environment & Public Comment (PEPC). This categorical exclusion analyzes the environmental impacts associated with the use of e-bikes in ZION and substantiates the decision-making process. All revisions remain consistent with 36 CFR 4.30(i) and reaffirm the Superintendent's authority to authorize the use of e-bikes within a NPS unit ([Federal Register 2020](#); [NPS 2021b](#)).

DOMESTIC ANIMALS

COMMENT SUMMARY

While proposed changes are specific to the 36 CRF definition of a pet, a wide range of comments were received. Most commenters provided no comment or expressed support for rule changes. Others articulated frustration with the necessity of these rules and failed to see a need, specifically as it relates to goats and sheep. Several commenters expressed concerns that the current rules are not being enforced by ZION staff and described visitors neglecting to clean up pet waste or keep pets on leashes. A couple commenters also suggested that the definition of service animals to be limited to only dogs or narrowed to include only service animals who assist with physical disabilities.

A portion of commenters expressed concerns that domesticated animals could spread disease to park wildlife or disturb wildlife from their natural behaviors. Commenters also emphasized that appropriate facilities may not be available for visitors travelling with their pets and point out that while horse travel is allowed in the park, oversized spaces are limited and frequently occupied. Some pointed out that dogs are allowed on the Pa'rus trail, but that the asphalt can be hot for their paws in the summer. Others wanted the park to enforce bans on dogs in the river due to the presence of toxic cyanobacteria or suggested removing dogs from the park completely.

RESPONSE

The Civil Rights Division of the U.S. Department of Justice (USDJ) defines a person with a disability as someone who "...has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of such an impairment, or is perceived by others as having such an impairment. If a person falls into any of these categories, the [Americans with Disabilities Act (ADA)] protects them" ([USDJ n.d.](#)).

Service animals are defined as "dogs that are individually trained to do work or perform tasks for people with disabilities" ([USDJ 2020](#)). Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA." Also, "Staff may ask two questions: 'Is the dog a service animal required because of a disability?' and 'What work or task has the dog been trained to perform?'. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task. A person with a disability cannot be asked to

remove their service animal from the premises unless: the dog is out of control and the handler does not take effective action to control it or the dog is not housebroken” ([USDJ 2020](#)).

As described in the 2017 ZION Bighorn Sheep Management Environmental Assessment, domestic sheep and goats are carriers of bacteria that may cause substantial bighorn sheep mortality as a result of respiratory disease ([NPS 2017](#)). These bacteria are generally not fatal to domestic sheep or goats. Bighorn sheep are unable to mount the same immune responses to respiratory-tract diseases as domestic species do. Between 75 to 100% of a bighorn herd may die in a short period of time following contact with domestic sheep or goats. Population recovery of bighorn sheep after pneumonia die-offs is usually prolonged, due to chronically depressed lamb survival ([Sells et al. 2015](#)).

While large-scale die-offs of bighorn sheep may occur in the absence of contact with domestic sheep or goats, die-offs following interaction are more likely to occur, and are typically of greater magnitude. Pneumonia related epizootics are currently the greatest challenge to the persistence of wild bighorn sheep populations throughout the western United States; numerous examples of desert bighorn sheep pneumonia die-offs have occurred throughout the Intermountain West, including several more recent events in Utah. Research has shown that up to 85% of domesticated sheep have evidence of pneumonia infection across herded, pastured, and fenced domestic sheep operations ([Manlove et al. 2019](#)). Findings have demonstrated disease transfer from domestic sheep and goats to wild herds of desert bighorn sheep. Currently, no treatment or immunization exists for this illness which leaves natural resources managers with few to no options once a die-off begins. Reducing risk of exposure through separation of wild sheep and domestic sheep and goats is currently the best available option to protect wild populations of bighorn sheep.

Restraining pets that are in the Caprinae subfamily will not provide sufficient separation because desert bighorn sheep frequent areas where pets are permitted, such as roads and the Pa’rus trail. Additionally, bighorn sheep are a highly social animal, and attraction to domestic sheep and goats commonly occurs, especially during estrus periods. The Caprinae subfamily, specifically domestic sheep and goats, will continue to be prohibited within the boundaries of the park to maintain separation between domestic sheep and goats and the ZION desert bighorn sheep population to reduce the risk of disease transmission.

COVID-19 FACE MASKS

COMMENT SUMMARY

Comments in favor and in opposition of mask mandates were received. Those supporting use of mask mandates referenced the diversity of locations and infection rates visitors are travelling from as well as compliance with [Centers for Disease Control and Prevention \(CDC\) Travel Guidelines](#). Reasoning in opposition to mask requirements varied across individuals including personal freedoms and health concerns. Some commenters agreed with mask use indoors but had varying levels of support for masks outdoors while in close contact with others. Multiple commenters questioned the feasibility of enforcing mask mandates. This included pointing out other rule violations found throughout the park such as litter, dogs off leash and out of bounds, drones, and graffiti. Commenters expressed concern for frontline workers who become responsible for enforcing mask rules. Commenters also requested a timeline for when and how often mask mandates will be reevaluated.

RESPONSE

Consistent with President Biden's COVID-19 Action Plan ([The White House 2021a](#)) and the Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing ([The White House 2021b](#)), the NPS released a memorandum on August 16, 2021 stating, “the NPS is immediately requiring visitors, employees and contractors to wear a mask inside all NPS buildings and in crowded outdoor spaces, regardless of vaccination status or community transmission levels.” In accordance with this memorandum as one of the units of the NPS, ZION currently requires masks in buildings and crowded outdoor spaces ([NPS 2021b](#); [NPS 2021c](#)). NPS Deputy Director Shawn Bengé further states in the NPS memorandum, “Visitors to national parks are coming from locations across the country, if not across the world. Because of this and recognizing that the majority of the United States is currently in substantial or high transmission categories, we are implementing a service-wide mask requirement to ensure our staff and visitors’ safety.” It is also stated that, “This requirement will be in effect until further notice and applies to all NPS buildings and public transportation systems. It also applies to outdoors spaces where physical distancing cannot be maintained, such as narrow or busy trails and overlooks”.

FILMING

COMMENT SUMMARY

Most commenters did not provide a comment on the filming topic. Of those that gave simple support or opposition, more than half agreed with policy changes. Several commenters expressed concerns related to congestion, access, and user conflicts. Concerns included that filming could cause additional congestion in busy areas reducing access by the public. It was expressed that the public should have access to any areas film crews are allowed.

RESPONSE

Changes to commercial filming within the Superintendent’s Compendium are in response to the recent U.S. District Court for the District of Columbia decision in *Price v. Barr* determining the permit and fee requirements applying to commercial filming under 54 USC 100905, 43 CFR Part 5, and 36 CFR Part 5.5 are unconstitutional ([U.S. District Court for the District of Columbia 2021](#)).

Interim guidance was provided by the NPS and changes to the Superintendent’s Compendium are meant to align the park with this guidance. As a result, ZION will no longer distinguish among different types of filming if the filming group consists of five people or fewer and equipment that will be carried at all times, except for small tripods used to hold cameras. In order to help preserve wilderness character, the Superintendent must require a permit for all filming activities in wilderness areas other than casual filming by visitors, no matter the group size or equipment used. Filming other than what the NPS considers low impact will require at least 10 days advance notice to ZION.

Previously, commercial filming in parks was prohibited without a permit. The NPS was also required to collect cost recovery and location fees for commercial filming activities. As needed, parks also issued permits for news gathering activities under 54 USC 100905 and non-commercial filming under 54 USC 100101 and 54 USC 100751(a). The interim guidance will eventually be replaced with regulations addressing filming activities that are consistent with the outcome of the litigation ([NPS 2021d](#)).

WILDERNESS

COMMENT SUMMARY

Many commenters left a ‘no comment’ response. Half of all respondents gave simple support or opposition. Of these responses all but one agreed with policy changes. Several commenters gave general support for preservation ethics and keeping the Wilderness sections of the park as free to adverse impacts as possible. Some commenters expressed doubt that the provisions were necessary as they felt that waste would degrade naturally in the desert environment. Other concerns were related to enforcement, where some felt that requiring the individual removal of solid human waste was invasive and excessive.

Many recommendations were made for general Wilderness area management. These recommendations included additional signs and education campaigns, a request for additional safety precautions close to cliff edges, increasing the number of backcountry permits available in advance to reduce the same-day permit line at the visitor center, and increasing fees as a mechanism to reduce overall visitation to areas managed as Wilderness.

RESPONSE

Between 2015 and 2019, the average number of Wilderness Permits issued per year at ZION for wilderness use reached nearly 16,500,000 with a total average of 55,400 individuals ([NPS 2021e](#)). This figure averages to approximately 80 overnight users per day. Popular backpacking areas in ZION such as the West Rim, La Verkin, and Virgin River Narrows had campers in all sites an average of 280 days from October 2020 to September 2021. This amount of use does not factor in the rapidly increasing rate of non-permitted Wilderness day-use hikers.

Generally, the Leave No Trace Center for Outdoor Ethics (LNT) recommends catholes for solid waste disposal while in the backcountry ([LNT n.d.](#)). However, it is widely acknowledged that human waste does not biodegrade easily because there is little organic matter to break it down in arid, desert environments. Even when using the cathole method, LNT recommends that campers pack out all used toilet paper and feminine products. The cathole method is not recommended in waterways or riverine systems. ZION is an arid environment with narrow river canyons and contains expanses of exposed bedrock making it impracticable for visitors to dig catholes in these locations. LNT also advises campers that high traffic backcountry wilderness areas are becoming more apt to require solid waste pack-out systems due to the frequency of use and health concerns with the amount of waste remaining from daily use. Given the fragility of the desert environment, high visitor use rates, and the public’s greater familiarity with solid waste pack-out systems in recent years, ZION will continue to require wilderness campers holding a ZION Wilderness Permit to carry solid waste pack-out systems.

REFERENCES

Federal Register 2020. General Provisions; Electric Bicycles. Accessed 9/29/2021.

https://www.federalregister.gov/documents/2020/11/02/2020-22129/general-provisions-electric-bicycles?utm_campaign=subscription+mailing+list&utm_source=federalregister.gov&utm_medium=email

Leave No Trace Center for Outdoor Ethics (LNT). n.d. “Principle 3: Dispose of Waste Properly.” Accessed 9/27/2021. <https://lnt.org/why/7-principles/dispose-of-waste-properly/>

Manlove, K., Branan, M., Baker, K., Bradway, D., Cassirer, E., Marshall, K., Miller, R., Sweeney, S., Cross, P., Beseer, T. 2019. "Risk factors and productivity losses associated with *Mycoplasma ovipneumoniae* infection in United States domestic sheep operations." *Preventive Veterinary Medicine* Volume 168. Accessed 9/27/2021.

<https://www.sciencedirect.com/science/article/abs/pii/S0167587718304446>

National Park Service (NPS). 2017. "Bighorn Sheep Management Environmental Assessment." Accessed 9/30/2021. <https://parkplanning.nps.gov/documentsList.cfm?projectID=51293>

NPS. 2021a. "Proposed Changes to the Superintendent's Compendium. Zion National Park providing two-week civic engagement period on compendium changes." Website. Accessed 9/30/2021.

<https://www.nps.gov/zion/learn/news/proposed-changes-to-the-superintendent-s-compendium.htm>

NPS. 2021b. "Zion National Park Superintendent's Compendium." Website. Accessed 9/29/2021.

https://www.nps.gov/zion/learn/management/upload/2021-Superintendent-s-Compendium-9-22-2021_FINAL508.pdf

NPS. 2021c. "National Park Service implements national mask requirement." Accessed 9/28/2021.

<https://www.nps.gov/orgs/1207/covid-mask-update-aug-2021.htm>

NPS. 2021d. "National Park Service announces interim guidance for filming in parks." Accessed 9/27/2021.

<https://www.nps.gov/orgs/1207/02-22-21-interim-guidance-for-filming-in-parks.htm>

NPS. 2021e. "Visitor Use Statistics: Overnight Stays." Accessed 9/27/2021.

<https://irma.nps.gov/STATS/Reports/Park/ZION>

Sells, S., Mitchell, M., Nowak, J., Lukacs, P., Anderson, N., Ramsey, J., Gude, J., Krausman, P., Shaffer, T. 2015. "Modeling Risk of Pneumonia Epizootics in Bighorn Sheep." *The Journal of Wildlife Management* Vol 79, No 2. Accessed 9/27/2021.

<https://www.jstor.org/stable/43188323>

The White House. 2021a. "Path our of the Pandemic: President Biden's COVID-19 Action Plan."

Website. Accessed 10/1/2021. <https://www.whitehouse.gov/covidplan/>

The White House. 2021b. "Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing." Website. Accessed 10/1/2021.

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-the-federal-workforce-and-requiring-mask-wearing/>

United States Department of Justice (USDJ). n.d. "Introduction to the Americans with Disabilities Act."

Website. Accessed 9/27/2021. <https://beta.ada.gov/topics/intro-to-ada/>

United States Department of Justice (USDJ). 2020. "Service Animals." Website. Accessed 9/27/2021.

https://www.ada.gov/service_animals_2010.htm

United States District Court for the District of Columbia. 2021. "Memorandum Opinion Civil Action No. 19-3672." Accessed 9/27/2021.

https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2019cv3672-36