




National Park Service
U.S. Department of the Interior

Kings Mountain
National Military Park

2625 Park Rd
Blacksburg, SC 29702

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

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Approved by: 
Diana Bramble, Superintendent

Date: July 13, 2023

A. INTRODUCTION

1. Superintendent's Compendium Described

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

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 preserve and protect the natural and cultural resources of the park, manage visitor use, provide for visitor safety, and protect 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.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or prohibiting certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources, or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur,

however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

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 at:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available online at:

<https://www.law.cornell.edu/cfr/text/36/chapter-1>

2. 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 1 *et seq.* (Organic Act of 1954, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (54 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National park Service" (54 U.S.C. Section 3).

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 (54 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 1954.

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 1c defines the national park system as "...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service 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, National Park Service, in the form of Director's Orders. As stated in NPS 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.

3. 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, nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the 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 554 DM 6 and as such, an Environmental Assessment will not be prepared.

4. 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 park or specific park 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 Title 54 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 damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in 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?

5. 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.

6. Enforcement of Compendium Requirements

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

7. 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. You may receive a list of fines associated with any particular provision by contacting the US Park Police or the park address.

8. 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.

9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document and remains in effect until revised.

10. Additional Information

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

11. Availability

Copies of the Compendium are available at:
Kings Mountain National Military Park
2625 Park Road
Blacksburg, SC 29702

It may also be found at <https://www.nps.gov/kimo/learn/management/lawsandpolicies.htm>

B. Superintendent's COMPENDIUM

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 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Kings Mountain National Military Park (NMP) Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations that 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.

I. 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:

Kings Mountain NMP visitor center grounds, parking lot, battlefield trail, and amphitheater area will be open from 9:00 A.M. to 5:00 P.M., seven days a week except for January 1 (New Year's Day), Birthday of Martin Luther King, Jr., Washington's Birthday, Juneteenth, Columbus Day, Thanksgiving Day, and December 25 (Christmas Day). Visitor center hours may be extended or reduced at the discretion of the Superintendent, and/or upon Executive Order or direction from the Agency.

Any change in visiting hours will be posted on the park website at www.nps.gov/kimo, park social media outlets, and on the park bulletin board.

The park area contains no developed overnight accommodations, nor does it contain any facilities that are normally used at night. It is therefore felt that no legitimate public activity would be prevented by closing the park at night. The legislated purpose of the park would not normally be served by night use.

Public Use Limits:

Certain areas in the park which are of primary historical importance in preserving the battlefield's historic integrity and in interpreting the historical significance of the battle are designated historical interpretation areas. Ball playing, sunbathing, kite flying, picnicking, frisbee throwing, and similar recreational activities are prohibited in those areas.

Historical interpretation areas include: visitor center grounds (including lawn areas), battlefield area (inside the trail loop or within 50 yards of the Battlefield Trail), and the Howser House area (Howser House, cemetery, barn area, and access road from Rock House Road to Kings Creek.)

Those recreational uses not permitted in historical interpretation areas conflict with the legislative purpose of the park, detract from the historic scene, and contribute to the destruction of the historic fabric of the park.

Willfully approaching within 50 yards of bear, deer, or turkey or within any distance resulting in their disturbance or displacement is prohibited. Touching, feeding, or attracting of wildlife is prohibited.

Wild animals have behavior that is often unpredictable. Engaging in any activity which places a person in close proximity to wild animals, and/or willfully approaching wildlife, creates unsafe conditions for wildlife and humans and may place the person at risk for injury or death. Wildlife may interpret this human behavior as threatening or aggressive, which in turn jeopardizes the well-being of the animal. This restriction does not apply to inadvertent or casual encounters with wildlife in developed areas where normal foot or motor vehicle traffic is routine or essential, or in areas where there is no reasonable alternative travel route. The prohibitions in this paragraph do not apply to park personnel acting within the scope of approved management activities.

Closures:

The former wastewater plant and access road are closed to the public at all times.

The closure of the former wastewater plant area provides for the protection of unattended facilities.

The Howser House Area (Howser House, cemetery, barn area, and access road from Rock House Road to Kings Creek) is closed to the public except by special appointment for touring the area.

Closure of the historic property and resources provides for protection of unattended and isolated resources.

During emergency situations such as ice, snow, any other hazardous condition, or based upon forecasts of such impending weather; park roads, grounds, parking lots, and trails, may be temporarily closed without advance notice.

Closure of park roads during inclement weather prevents accidents and provides for the safety and protection of the public and park resources.

The maintenance compound and residential area are closed to the general public.

The park maintenance and residential area contains equipment and materials that should not be accessible to the public for security and safety reasons. There is no portion of the park historical interpretation program that takes place in this area.

The park is closed to the use of motorized, radio-controlled vehicle models.

Such activities are considered inappropriate in Historical Interpretive Areas and could constitute a danger to safety.

The Park headquarters building is a non-public administrative area used for official business. Access to the building is limited to NPS employees, volunteers, contractors and visitors with official business.

There is a critical need to provide for the safety and security of employees and government facilities. Access to the park headquarters building will be maintained through the use of locked doors and an alarm system.

Leaving a trail to shortcut between portions of the same trail or to shortcut to an adjacent trail is prohibited.

"Short cutting" on the trail system causes damage to the cultural, historical, and natural resources of the park.

All park trails and fire access roads are closed to bicycles, e-bikes and ATV's.

The design of foot trails and horse trails are for each respective designed use. Bicycle traffic on foot trails and horse trails poses a serious threat to the intended users. The slopes, narrow sections of the trails, and sharp curves are especially hazardous.

Drivers of commercial passenger carrying motor vehicles (ex. Buses) are prohibited from idling their engines. Engines must be shut down when not underway.

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.

Unmanned Aircraft: Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Kings Mountain NMP 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, quad copters, drones) that are used for any purpose, including for recreation or commerce.

The compendium closures required to implement this interim policy are necessary to maintain public health and safety in units of the National Park System and to protect park resources and values until the National Park Service can determine whether specific uses of manned aircraft on lands and waters administered by the National Park Service are appropriate and will not cause unacceptable impacts on park resources and values. This closure by the Superintendent implements Section 1.5 of the NPS Management Policies of 2006, which provides that a new form of park use may be allowed within a park only after a determination has been made in the professional judgment of the Superintendent that it will not result in unacceptable impacts on park resources and values. When proposed park uses and the protection of park resources and values come into conflict, the protection of resources and values must be predominant.

The open display and/or use of radio telemetry equipment (aka, GPS devices and radio collars), used to track wildlife and hunting dogs, is prohibited in the Park, may only be with the permission of the Chief Ranger or his/her designee (i.e., a commissioned law enforcement ranger), and may only be used to expedite the retrieval of a dog that is believed to be running loose in the park. Persons seeking permission to display or use radio telemetry equipment in the Park shall, on a daily basis, provide their name, telephone number, and vehicle description as well as a description of the dog(s) being sought, and the area in which the search is to be conducted.

Permission to use this equipment to retrieve a loose dog does not exempt a person from any other regulation or law.

Persons with a valid Research Permit are exempted from this requirement.

Radio telemetry is an efficient method of catching a dog that has entered the park. However, radio telemetry can also be used to track wildlife or to facilitate a hunt by tracking dogs in pursuit of wildlife. This restriction is intended to address the specific use of GPS technology as a means of hunting, which is prohibited within the boundaries of the park.

(a)(2) The following restrictions and/or conditions are in effect for the specific uses or activities noted:

Athletic Events:

Coordinated Running Events:

Will take place only within the existing road and trail network of the park. A special use permit will be issued for each event upon review and coordination with the sponsoring group.

Coordinated Biking Events:

Will take place only within existing road network of the park. A special use permit will be issued for each event upon review and coordination with the sponsoring group.

Camping:

Camping is only allowed at the Garner Creek Campsite.
Please refer to §2.10 for detailed camping area designations.

Wear of masks while on park property:

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 March 4, 2022, CDC and TSA orders or directives require all individuals regardless of vaccination status to wear masks in indoor areas of all forms of public transportation conveyances, including busses, trains, and boats/ferries, and in the indoor premises of transportation hubs/facilities. Individuals are not required to wear masks while outdoors on conveyances or while outdoors on the premises of transportation hubs/facilities.

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

Certain activities require permits issued by the Superintendent to ensure such activities are conducted in compliance with applicable regulations. The following activities require special permits. An application for a permit should be submitted to the Superintendent or his/her designee during normal business hours.

Except as otherwise provided, application for a permit shall be made in writing to the Superintendent at least 21 days in advance of the proposed event.

Special use permit applications can be obtained by writing, calling or picking up in person at the park visitor center during normal operating hours, and they are available on the park website.

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

§1.5(d) The following activities related to Public Use Limits:

Amphitheater use for special events

Guided tours

Guided tours performed by park staff, registered and approved park volunteers, official park partners, friends groups, and cooperating associations in conjunction with park sponsored historic interpretation programs, educational programs, and/or living history demonstrations for interpretive program purposes are permitted and occur as part of regular and reoccurring park operations. Guided tours conducted by all other groups require a permit issued by the superintendent.

Personal interpretive services feature contact with park visitors, guided tours are a personal interpretive service. All interpretive and educational services, including personal services and partnerships that work to support the delivery of interpretive and educational programs, are based on and coordinated with the park's comprehensive interpretive plan.

§2.37 Noncommercial soliciting

§2.5 Research Specimen collection

§2.50 Special events

- (a) Conduct a sports event, pageant, public spectator attraction, entertainment, ceremony, or similar event.

The operation of temporary food and/or beverage sales during special events requires a commercial use permit and food permit.

Non-profit organizations do not have to obtain a commercial use authorization for temporary food and/or beverage sales as long as the organization states in writing that it will not derive any taxable income from the activities it performs in the park and must show proof of non-profit status. Non-profit organizations are required to obtain special use permits per the special use permit guidance.

§2.51 Demonstrations

- (b) **Permits and the small group permit exception.** Demonstrations are allowed within park areas designated as available under paragraph (c)(2) of this section, when the superintendent has issued a permit for the activity, except that:
 - (1) Demonstrations involving 25 persons or fewer may be held without a permit within designated park areas, provided that:
 - (i) None of the reasons for denying a permit that are set out in paragraph (f) of this section are present;
 - (ii) The group is not merely an extension of another group already availing itself of the small group permit exception under this provision;
 - (iii) They will not unreasonably interfere with other permitted demonstrations and special events, or park program activities; and
 - (iv) Hand-carried signs may be used, but stages, platforms, or structures may not be used.

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

- (b) **Permits and the small group permit exception.** The sale or distribution of printed matter, and the free distribution of other message-bearing items without asking for or demanding payment or donation, is allowed within park areas if it occurs in an area designated as available under § 2.51(c)(2) and when the superintendent has issued a permit for the activity, except that:
 - (1) Sale or distribution activity by 25 persons or fewer may be conducted without a permit within designated park areas, provided that:
 - (i) None of the reasons for denying a permit that are set out in paragraph (f) of this section are present;
 - (ii) The group is not merely an extension of another group already availing itself of the small group permit exception under this provision;
 - (iii) The sale or distribution will not unreasonably interfere with other permitted demonstrations and special events, or park program activities; and
 - (iv) Hand-carried signs may be used, but stages, platforms, or structures may not be used.

§2.62 Memorialization

- (c) Scattering of human ashes from cremation.

§5.5 Commercial filming, still photography, and audio recording.

- (a) Commercial filming and still photography activities are subject to the provisions of 43 CFR part 5, subpart A. Failure to comply with any provision of 43 CFR part 5 is a violation of this section.

- (b) Audio recording does not require a permit unless:
 - (1) It takes place at location(s) where or when members of the public are generally not allowed;
 - (2) It uses equipment that requires mechanical transport;
 - (3) It uses equipment that requires an external power source other than a battery pack; or
 - (4) The agency would incur additional administrative costs to provide management and oversight of the permitted activity to:
 - (i) Avoid unacceptable impacts and impairment to resources or values; or
 - (ii) Minimize health or safety risks to the visiting public.
- (c) Cost recovery charges associated with processing the permit request and monitoring the permitted activity will be collected.
- (d) The location fee schedule for still photography conducted under a permit issued under 43 CFR part 5 applies to audio recording permits issued under this part.

43 CFR § 5.2 Commercial filming or still photography:

- a) All commercial filming requires a permit.
- b) Still photography does not require a permit unless:
 - (1) It uses a model, set, or prop as defined in § 5.12; or
 - (2) The agency determines a permit is necessary because:
 - (i) It takes place at a location where or when members of the public are not allowed;
 - or
 - (ii) The agency would incur costs for providing on-site management and oversight to protect agency resources or minimize visitor use conflicts.
- c) Visitors do not require a permit for filming or still photography activities unless the filming is commercial filming as defined in § 5.12 or the still photography activity involves one of the criteria listed in § 5.2 (b).

III. GENERAL REGULATIONS

36 CFR § 2.1 Preservation of Natural, Cultural, and Archeological Resources

- (a)(4) The possession and/or use of any firewood originating from any location outside of Kings Mountain NMP that is not certified and marked as “heat treated” in accordance with 7 CFR § 301.53-5 and 7 CFR § 301.53-8 is prohibited. Dead wood on the ground is designated for collection for campfire fuel used within the park when camping at the designated Garner Creek campsite.

The park considers firewood to be any wood cut, sold, or intended for use as firewood, including chips, limbs, branches, etc. with or without bark. Kiln dried, finished and cut lumber or lumber scraps from which the bark has been removed during the milling process and like that purchased from a hardware store or discarded at construction sites, is not considered firewood.

The required use of “Certified Heat Treated” firewood bearing a federal or state agency seal prevents the movement of firewood that may carry potentially damaging insects into the park. Firewood in violation of the above will be seized and quarantined by NPS staff upon discovery.

This closure is intended to prevent or slow the introduction of exotic insects or diseases into Kings Mountain NMP. The emerald ash borer (EAB) has already killed tens of millions of trees in those states that have been infested. As a result, the movement of firewood within and from infested areas is regulated by the states and federal government. The USDA has documented that a number of other harmful species can be transported in firewood. Therefore, it has been determined that this action is necessary to protect the natural resources of the park.

- (c)(1), (c)(2) The following fruits, nuts, or berries may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or use or consumption restrictions:

Climbing trees to gather fruits and nuts is prohibited.

One quart per person, per day of the following edible fruits, berries, nuts, and fungi may be gathered for personal use or consumption.

- Black walnuts (*Juglans nigra*)
- Blackberries (*Rubus* spp.)
- Blueberries (*Vaccinium* spp.)
- Cherries (*Prunus* spp.)
- Hickory nuts (*Carya* spp.)
- Mulberries (*Morus* spp.)
- Morel mushrooms (*Morchella* spp.)
- Pecans (*Carya illinoensis*)
- Persimmons (*Diospyros virginiana*)
- Plums (*Prunus* spp.)
- Scuppernongs/Muscadines (*Vitis rotundifolia*)
- Strawberries (*Fragaria virginiana*)

Two gallons per person, per day, of the following edible fruits and nuts may be gathered for personal use or consumption:

- Apples (*Malus* spp.)

One quart per person per day of total combined volume of all other edible fungi may also be collected. Inedible fungi may not be collected for medicinal, artistic, or other uses. (An inedible fungus is defined as one that is not consumed in its entirety by humans. These are typically woody shelf fungi.)

These natural nuts, berries, fruits are plentiful in the park and have historically been picked by visitors for consumption in the park. If monitoring reveals that removal is adversely affecting the ecosystem, this relaxation of Section 2.1 (c) (1) will be terminated.

36 CFR §2.2 – Wildlife Protection

- (b) Hunting and Trapping are prohibited on Kings Mountain NMP lands.

It is recognized that when using animal tracking technology from park roads or any property within the legislative boundary of the park to track dogs that are pursuing wildlife outside of park boundaries, persons are clearly engaged in a hunt and are in violation of this regulation.

- (d) The transportation (including recovery) of lawfully taken wildlife through the park is permitted under the following conditions and procedures:

- Lawfully taken on lands adjacent to the park when the only access to such lands through park property.
- Notification must be made to the Kings Mountain NMP Chief Ranger by calling park dispatch (828) 298-2491 and transportation must be approved prior to such transportation taking place.
- Transportation of wildlife is prohibited in Historical Interpretation Areas, the Visitor Center and Park Headquarters.
- Transport is limited to the nearest reasonable access to an intersecting state road or highway.

- (e) All areas within the park are closed to the viewing of wildlife with the use of artificial light.

36 CFR § 2.4 Weapons, Traps, and Nets

- (a) None of the provisions in this section may be enforced to prohibit an individual from possessing a firearm, including an assembled or functional firearm, in any National Park System unit if:

- (1) The individual is not otherwise prohibited by law from possessing the firearm; and
- (2) The possession of the firearm is in compliance with South Carolina law.

- (b)(1) Except as otherwise provided in this section, the following are prohibited:

- (i) Possessing a weapon, trap or net
- (ii) Carrying a weapon, trap or net
- (iii) Using a weapon, trap or net

Note: South Carolina State Law (Section 16-23-20) allows for a person who is granted a permit (concealed carry permit) under provision of law by the State Law Enforcement Division (SLED) to carry a handgun about his person, under conditions set forth in the permit; allows for a firearm to be carried in a vehicle if the handgun is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an

integral fastener and transported in luggage compartment of the vehicle; allows licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot.

According to 18 U.S.C. Subsection 930 the possession of firearms and dangerous weapons in Federal Facilities is prohibited and shall be posted conspicuously at each public entrance. Therefore, all firearms and dangerous weapons are prohibited from all buildings within Kings Mountain NMP other than restroom facilities that are accessed directly from the outdoors. Note that a dangerous weapon is a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious injury, except that such term does not include a pocket knife with a blade less than 2 ½ inches in length.

36 CFR § 2.10 - Camping and Food Storage

Camping is permitted at the Garner Creek backcountry campsite. Registration is required at the visitor center or by emailing SOCA_Permits@nps.gov. Limitations as follows:

<u>Campsite</u>	<u>Persons</u>	<u>Days Allowed</u>
Garner Creek	10 Max.	7 Days Maximum

Limitations for the Garner Creek backcountry site are based upon the size of the designated camping area.

Camping in conjunction with park sponsored historic interpretation programs, and/or living history demonstrations for interpretive program purposes is permitted in areas outside of the Garner Creek backcountry campsite with the written authorization of the Superintendent.

Scouting and/or other volunteer organizations may receive permission to camp overnight in areas outside of the Garner Creek backcountry campsite with the written authorization of the Superintendent, in conjunction with active projects they are working on with or for the park.

36 CFR § 2.11(a) - Picnicking

Picnicking is prohibited in historical interpretation areas.

Historical interpretation areas include: visitor center grounds (including lawn areas), battlefield area (inside the trail loop or within 50 yards of the Battlefield Trail), and the Howser House area (Howser House, cemetery, barn area, and access road from Rock House Road to Kings Creek.)

Picnicking in all other areas must comply with the following conditions:

- Picnicking will be limited to small groups (10 or fewer) and of short duration (1 hour or less).
- Tables, chairs, grills and other devices are not permitted.
- Picnicking may not interfere with park operations or events.

Picnicking in historical interpretation areas detracts from the historic scene. The adjoining Kings Mountain State Park was carved from the National Military Park lands to create a recreational area with facilities for such activities as picnicking.

36 CFR § 2.13 Fires

- (a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

At the Garner Creek campsite, fires are only allowed within the fire established fire ring. Fires are authorized in campsites approved for use during historic interpretation programs, living history demonstrations, and by scouting or other volunteer organizations with prior approval from the park Superintendent.

- All fires shall be extinguished before departure.

The Superintendent may impose emergency fire restrictions during periods of high fire danger.

Use of fires, lanterns and stoves are prohibited to protect natural features and resources. Those permitted at campsites are prohibited during periods of high fire danger.

36 CFR §2.14 - Sanitation and refuse

- (b) In non-developed areas, the disposal of human body waste within 200 feet of a water source, high water mark of a body of water, or a campsite, or within sight of a trail, except as otherwise designated is prohibited.

36 CFR §2.15 - Pets

- (a)(1) Pets, other than officially designated and recognized service animals, are prohibited in all public buildings.

In order to protect the health and safety of visitors, pets are excluded from public use buildings.

- (a)(5) Pet excrement must be picked up and disposed of in trash receptacles when it occurs within the following conditions:

20 feet from the trail edge
Within all developed areas
On walkways and hard surfaces
In parking lots

Pet excrement is malodorous, unsightly, and unsanitary. It is unreasonable for other park visitors to be exposed in close proximity to pet excrement.

36 CFR §2.16 - Horses and Pack Animals

- (g) The tying or securing of horses or mules directly to trees or other vegetation is prohibited.

Securing horses directly to trees causes damage to trees. Horses not only chew the bark, but tight ropes can damage the bark and girdle the tree.

36 CFR §2.21 - Smoking

- (a)(1) Smoking is prohibited in all park buildings and within the seating area of the amphitheater. Smoking is prohibited within 50 feet of any building entrance, monument, or exhibit.

Smoking is prohibited in these areas to provide for public health and safety and for the protection of park resources.

36 CFR §2.22 Property

- (a)(2) Vehicles may be parked in the visitor center parking area for the duration of a backcountry trip provided that the vehicle was properly registered in accordance with appropriate backcountry camping regulations.

All other vehicles left for more than 24 hours will be towed at the owner's expense.

36 CFR §2.35 Alcoholic beverages and controlled substances

- (a)(3) Consumption of alcoholic beverages within the visitor center area, battlefield, amphitheater area, trails, and Howser House area is prohibited.

Consumption of alcoholic beverages is prohibited within the entire public use area due to incompatible nature of the activity with regards to the historical and memorial purposes for which the park was legislatively intended. The use of alcohol on hiking and horse trails has contributed to significant litter issues especially on equestrian trails. The use of alcohol is prohibited by the Kings Mountain State Park with whom we share connected hiking and equestrian trails.

36 CFR §2.51 Demonstrations and designated park areas

- (c)(2) **Designated available park areas**
All public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views will be limited to the large lawn area immediately east of the visitor center and amphitheater.

The area designated is large enough to accommodate multiple use including public assemblies. This location meets the requirements outlined in 36 CFR section 2.51 (e) 1-5 as to not damage the resource, interfere or impair any government or public activity or endanger any persons.

36 CFR § 4.10 Travel on Park Roads and Routes

- (a) Operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use.

Roads that have been "closed" to the public are signed to indicate "Authorized Vehicles Only" or "Residents Only", etc.

36 CFR § 4.11 Load, Weight, and Size Limits

(b)(1) Vehicles exceeding 13 tons per axle are prohibited on all roads within the park.

Condition, width, and base of roadway and heavy visitor traffic require truck and vehicle weight restrictions in order to protect the public investment in the roadway and to ensure safe travel by the visiting public.

36 CFR § 4.21(b) Speed Limits

40 MPH	All portions of Piedmont Road within the park.
35 MPH	All portions of Park Rd. (S-11-21 & S-46-705) located within the park unless otherwise posted.
25 MPH	The portion of Park Rd. (S-11-21 & S-46-705) adjacent to the Visitor Center.

Speed limits are set consistent with visitor traffic and special road conditions that include narrow lanes, curves, and hills. The speed limit on Piedmont Rd. is consistent with SC 56-5-1520(B)(3).

36 CFR § 4:30 Bicycles

Bicycles and electric bicycles are allowed on park roads and in parking areas that are otherwise open for motor vehicle use by the general public. The use of bicycles or electric bicycles in all other locations is prohibited.

Determination: The use of bicycles and electric bicycles on trails within the National Military Park would pose a serious threat to pedestrians and horse-back riders. The trails were designed for those uses and the slopes, narrow sections and sharp curves would be especially dangerous if bicycles and electric bicycles were allowed. The Superintendent has designated park roads and parking areas as open to electric bicycles using the discretion given to the Superintendent under NPS regulations at 36 CFR 4.30(i). Allowing electric bicycles in these locations will create new opportunities for recreation and access within Kings Mountain National Military Park. It will not create any adverse impacts to the resources and values of the National Military Park due to the existing use of the roads and parking areas by motor vehicle and bicycles. This action is covered by the categorical exclusion 3.2.E in the NPS NEPA Handbook.

Designated park area under 36 CFR §2.51(c)(2)

