National Park Service
U.S. Department of the Interior

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

American Memorial Park

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Approved:
Jim Richardson 8/18/14
Jim Richardson, Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following regulatory provisions are established for the proper management, protection, government and public use of those portions of **American Memorial Park** under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

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: American Memorial Park is open 24-hours-a-day, except:

- Any areas in the park which are temporarily closed by Superintendent's Order during an emergency per 36 CFR 1.5
- The American Memorial Park Visitor Center is open daily from 9:00 a.m. until 5:00 pm. The Visitor Center is closed on Thanksgiving, Christmas, and New Year's Day.
- The American Memorial Park public use tennis courts open at 6:00 a.m. and close three hours after sunset.

Closures:

- All paved roads and parking areas in the park are open to motor vehicles. The unpaved Microbeach Loop Road and adjacent parking areas are open to motor vehicles. The unpaved road and parking areas located at the tennis courts are open to motor vehicles. All trails, sidewalks, picnic sites, beaches, and unimproved areas are closed to motor vehicles.

- The concrete access road from the amphitheater parking lot to the park administrative offices is closed to public vehicular travel.
    - *There is limited parking at the end of this road. It is for administrative use only.*

- All roads and parking lots within the park are subject to emergency closure without notice during periods of serious storm and / or wind events.

- Park roads and parking areas may temporarily close during special events.

- Launching, landing, or operating an unmanned aircraft from or on lands administered by the National Park Service within the boundaries of American Memorial Park 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 closure to unmanned aircraft is a necessary, interim measure until the NPS considers how to address this new use on a long-term basis. Allowing the use of unmanned aircraft before the park has properly evaluated whether this use is appropriate could result in unacceptable impacts to park resources, park values, and visitor safety.*

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

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

- Commercial vehicles at all areas in the Park: Commercial vehicles must shut down their engines when not underway except for three minutes of idling during shut-down and start up of diesel buses.
    - *The idling of engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park.* Commonwealth EPA Clean Air Requirement

- The playing of games, tournaments, or practices by teams in organized sports leagues will be administered through the Special Use Permit Program.

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

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

- **§1.5(d) The following activities require a Special Use Permit:**

    - Any event with over 25 people participating at one time
        - *There are a limited amount of areas which can accommodate groups larger than 25 persons. A Special Use Permit is required when group size exceeds this limit to ensure all groups have a fair and equal ability to use the park without unreasonably affecting other visitors.*

    - Social and family groups of more than 25 utilizing the park.

    - Groups or events utilizing the amphitheater stage.

    - Organized events utilizing the tennis courts.

- Events utilizing sound equipment and audio devices

- All organized sports / social activities of a recurring nature (e.g. gathering in the park at least once a week)
    - *Permits are required to prevent one user group from dominating the use of these popular areas. This allows for everyone to have a fair opportunity.*

- **§2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views require a permit when the activity involves more than 25 persons or is requested for a location outside the identified designated area. The following location is designated for First Amendment activities:**

    - The following areas are designated for public assemblies and/ or meetings pursuant to First Amendment Rights of the Constitution:

        - The Primary site is the flat area west of the amphitheater and north of the parking lot.
        - The secondary site is the flat area east of the amphitheater and north of the visitor center.
            - *These areas are set aside for use by demonstrators. They are in visible locations so that their message is heard and seen. The area west of the amphitheater is the primary location, with the area east of the amphitheater to be used only when the west area is already being used by another group.*

- **§2.52(c) Sale or distribution of printed matter that is not solely commercial advertising requires a permit when the activity involves more than 25 persons or is requested for a location outside the identified designated area. The following location is designated for First Amendment activities:**

    - The Distribution and sale of printed matter in conjunction with the Constitutional exercise of free speech will be confined to the areas described in §2.51(a)

    - Political signs used in conjunction with a "Free Speech" event are permitted as long as the sign(s) is removed immediately after the end of the event.

        - *This area allows for the meeting or assembly and distribution of printed matter to be visible to the public without unreasonable interfering with the other visitors' enjoyment of the park.*

III. GENERAL REGULATIONS

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

(c)(1), (c)(2) The following fruits, nuts, berries or unoccupied seashells 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:

- Up to ten (10) unoccupied seashells may be collected per person per day.
- Coconuts which have fallen naturally on the ground may be collected for personal use.
- Noni which have fallen naturally on the ground may be collected for personal use.
- Papayas which have fallen naturally on the ground may be collected for personal use.
- Soursop which have fallen naturally on the ground may be collected for personal use.

- Pacific Almonds which have fallen naturally on the ground may be collected for personal use
    - *These limits allow for personal use and consumption, will not harm the reproductive cycle of the plants, and are small enough to prevent commercialization. Allowing fruit to fall naturally on the ground does not harm the tree by shaking, climbing or cutting.*

- The gathering of fruits, berries and nuts in the wetlands portion of the park (bounded by Smiling Cove Road, Chalan Pale Arnold Road, Micro Beach Road and the Court of Honor entrance walkway) is prohibited.
    - *The wetlands are a sensitive area which would be damaged by people walking repeatedly to the same tree to gather fruits or nuts.*

36 CFR §2.2 - WILDLIFE PROTECTION

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

- Legally taken fish and wildlife may be transported through the park by the most direct route
    - *There are areas adjacent to park lands where fish and wildlife may be lawfully taken. These areas have no other reasonable way to transport lawfully taken fish and wildlife other than through the park.*

36 CFR §2.11 Picnicking

Conditions for Picnicking:

- Picnics involving groups of 25 or more people require a permit
    - *There are a limited amount of picnic areas which can accommodate groups larger than 25 persons. A Special Use Permit is required when group size exceeds this limit to ensure all groups have a fair and equal ability to use the limited number of picnicking spots without unreasonably affecting other visitors.*

- All areas of the park are open to picnicking except:
    - Court of Honor
    - Marianas Memorial
        - *These areas are set aside for the memorialization of the dead and should be treated with respect.*

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:

- Fires are permitted only in government furnished grills or in visitor provided containerized grills or stoves, provided, however, that used coals or ash is not to be disposed of on the ground or in a trash can.

- *Ground fires damage the fragile beach vegetation, as does dumping of hot coals from personal grills. Dumping of even cold ashes or coals detracts from the aesthetic nature of the area. Containerized grills must not damage adjacent natural resources or facilities such as recycled plastic picnic tables.*

36 CFR 2.14 Littering

(b) Conditions for the disposal, containerization, or carryout of human body waste:

- Spitting in or on the Marianas Memorial, Court of Honor, Bell Tower, tennis courts, Amphitheater, and all walking paths is prohibited.
- Betel nut chewing or spitting in government buildings and vehicles is prohibited
  - *Spitting human saliva, especially in conjunction with tobacco or betel nut chewing, causes staining of the park structures and is unsanitary in a developed area*

36 CFR §2.15 – PETS

(a)(1) The following structures and/or areas are closed to pets:

- All government buildings, restrooms, and related structures
- The Court of Honor and the Marianas Memorial
  - *These areas are set aside for the memorialization of the dead and should be treated with respect.*
- Guide dogs and assistance dogs meeting current requirements are not considered pets.

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

- Pet excrement must be removed from the park by the pet owners
  - *The park is very popular with dog owners and non-dog owners. If people did not clean up after their pets, the park would become very unsanitary.*

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices are permitted except in the following areas:

- Tennis courts, Marianas Memorial, Court of Honor, the Carillon Bell Tower, Visitor Center atria and Amphitheater seats or associated trails.
  - *These areas are usually crowded and having people on wheels moving in and out of the crowds is unsafe.*
- Other areas as needed when a large public event has been permitted and such use may cause conflicts

36 CFR §2.21 – SMOKING

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

- All enclosed government buildings, restrooms, vehicles, and related structures and within 25 feet of the entrance of any building
- The Amphitheater, tennis courts, Court of Honor, and Marianas Memorial

- *Smoking in buildings is hazardous to everyone's health and presents conflicts among user groups. Smoking in the other outdoor areas is unhealthy, incompatible with the purposes of these areas and is necessary to protect these memorials.*

36 CFR §2.22 – PROPERTY

(a)(2) The following describes areas where property may be left unattended for periods longer than 24 hours, and/or the conditions under which property may be left:

- Vehicles may be left unattended for longer than 24 hours at the Smiling Cove Marina parking lot
  - *People often leave vehicles at the parking lot while out on their boats, sometimes for days at a time.*

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

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

- Government buildings and vehicles
- The Court of Honor, Marianas Memorial, and on the tennis courts
  - *These areas are set aside for the memorialization of the dead and should be treated with respect.*

36 CFR §2.62 – MEMORIALIZATION

(c) The scattering of ashes from cremated human remains is permitted in the following designated areas without a permit, and/or according to the following conditions:

- Scattering of human ashes from lawful cremation does not require a written permit as long as the ashes are dispersed in or along the ocean's edge on Microbeach from the Hyatt Hotel area to the Smiling Cove Marina and meets the following conditions:
  - Remains to be scattered must be cremated and pulverized
  - Scattering must take place in such a manner and in such a location that the ashes will not be located and identified as human remains
  - Burying cremation urns and/or ashes without urns in the park is prohibited
  - Leaving memorials, plaques, photos, urns, or flowers in the park is prohibited
  - Those individuals scattering ashes should recognize and be aware of the sensitivity of this activity and agree to perform it in a discreet and private manner

Permits are required for ceremonies or assemblies that might conflict with normal park operations or result in impact to park resources.

  - *Scattering of cremated human remains is a reasonable accommodation to visitors and does not result in negative resource impact.*
- Constructing "roadside" crosses or similar structures in the park is prohibited

36 CFR §4.21 – SPEED LIMITS

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

- All paved roads in parking areas within the park are 5 mph, unless otherwise posted
    - *The parking areas in the park are popular for walkers, joggers, people pushing strollers, people walking dogs and kids playing. Drivers need to be especially slow in these areas in order to avoid accidents.*

- The speed limit for the Micro Beach Loop Road is 10 mph
    - *This area is used by many pedestrians as well as people engaged in playing soccer, Frisbee and other activities.*

36 CFR §4.30 – BICYCLES

(a) Bicycle use is permitted on park roads / parking areas with the exception of the following:

All paved/unpaved roads and trails within the park are open to bicycle traffic, except the following:

- In and on the trail surrounding the Court of Honor
- In and on the trail to the Marianas Memorial
- On the amphitheater stage and seating area
- In the Visitor Center atria and around the world globe
- On the tennis courts

    - *These areas can be crowded and the interaction with cyclists would create unacceptable user impacts and an unsafe condition.*

NATIONAL PARK SERVICE
NATIONAL REGISTER
OF HISTORIC PLACES
Primary First Amendment Area
American Memorial Park
Secondary First Amendment Area
NATIONAL PARK SERVICE
Image © 2014 DigitalGlobe
Google earth
2005
Imagery Date: 3/25/2013 15°13'00.36" N 145°43'11.80" E elev 5 ft eye alt 894 ft