

National Park Service
U.S. Department of the Interior

Andrew Johnson
National Historic Site

121 Monument Avenue
Greeneville, TN 37743

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

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Approved:

/s/ A. Shandor
Aaron Shandor,
Superintendent

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 protect visitors and 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 disallowing 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 on the Internet at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

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.) § 10010 (a)(formerly 16 U.S.C. 1a-1, "Organic Act"). §100101 states: "The Secretary, acting through the Director of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wildlife in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wildlife in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. In addition, 54 U.S.C. § 100175(a) allows the NPS, through the Secretary of the Interior, "to make such regulations as the Secretary considers necessary or proper for the use and management of the System units."

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, 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 1916.

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."

§100101 Section (b)(1)(A) defines the National Park System as "...the National Park Service, which began with the establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region in the United States and its territories and possessions."

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 the 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 visitor 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 on a number of small entities 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 516 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 National Park System 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 there use or activity consistent with the NPS Organic Act 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 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 fines and/or imprisonment as provided by law (18 U.S.C. 3571) (18 U.S.C. 3559) You may receive a list of fines associated with any particular provision by contacting the Superintendent at the park address found below.

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.

Written comments on the Compendium may be submitted to:

Superintendent
Andrew Johnson National Historic Site
121 Monument Ave.
Greeneville, TN 37743

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 for a period up to one year.

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 the Visitor Center, located at 101 N. College St. Greeneville, TN 37743 and at Park Headquarters, located at 121 Monument Ave. Greeneville, TN 37743. The Compendium may also be found at www.nps.gov/anjo/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 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Andrew Johnson National Historic Site. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

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

I. CLOSURES AND PUBLIC USE LIMITS

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:

- Visitor Center, Early Home, and The Homestead

Summer Hours (April 1 – November 30)

- Open seven days a week 9:00 a.m. to 4:00 p.m., Eastern Time.

Winter Hours (December 1 – March 31)

- Open Tuesday through Saturday, 9:00 a.m. to 4:00 p.m., Eastern Time.
- Closed at 12:00 p.m. on the day prior to Thanksgiving Day, Christmas Day and New Year's Day and all day Thanksgiving Day, Christmas Day and New Year's Day.

- Andrew Johnson National Cemetery
 - The Andrew Johnson National Cemetery gates will generally remain open seven days per week for both pedestrian and vehicle traffic. The Cemetery is open for visitation sunrise to sunset.

***Determination:** This restriction establishes operating hours for the visiting public. On occasion, limited variations to this schedule may occur due to hazardous weather or operational need.*

Public Use Limits:

- While participating in a public tour of the Homestead, the following are required:
 - All tours are ranger-guided and accompanied by at least one NPS employee or volunteer at all times.
 - Guided tour groups through the Homestead will be limited to 10 persons per tour.
 - During special events at the Homestead, no more than 30 persons will be allowed inside at a time.
- While participating in a public tour of the Homestead, the following are prohibited:
 - The following items are not allowed on tours: food, candy, tobacco products, drinks, gum, tripods, hiking/walking sticks/poles, pets, strollers, backpacks, and backpack baby carriers.
 - Firearms or weapons of any kind, regardless of a valid concealed carry permit

- Touching of furnishings or objects.
- Disposal of human waste (Urine/feces).
- Items (purses, handbags, camera bags, flashlights, etc.) larger than 10" x 6" x 5" are not allowed to be carried into the building.

***Determination:** These restrictions serve to protect the resources contained inside the historic structure of the Homestead. On occasion, limited variations to these limitations may occur due to operational need.*

- The Visitor Center and Memorial building, Early Home, and Homestead are closed to the carrying of any bottle, can or receptacle containing food or beverage that is open or uncovered unless specifically authorized by the superintendent.

***Determination:** This protects historic furnishings and park facilities from damage due to spills of food or beverage. This also protects the museum environment from food droppings helping to prevent the attraction of pests.*

- The number of visitors in the following indoor locations may not exceed the maximum occupancy identified for each location.

Indoor Location	Maximum Occupancy
Theater	30
Visitor Center & Memorial Building	40
Early Home	20
Homestead	10 (Guided Tour) 30 (Special Events)
Restroom (each side)	6
Stables	12

Entering or remaining in any of the indoor locations identified in the table above after being asked not to enter or to leave the location because the maximum occupancy has been reached is prohibited.

***Determination:** Pursuant to 36 C.F.R. § 1.5(a)(2), the Park has imposed these restrictions to protect the health and safety of NPS employees, volunteers, partners and contractors, and park visitors.*

- Segways and motorized scooters, as defined under 36 C.F.R. § 1.4, are motor vehicles. Pursuant to 36 C.F.R. § 1.5(a), 4.10(a) the Park has imposed an interim restriction on the use of Segways and motorized scooters from all areas within the park including all park roads and sidewalks.

However, any park visitor with a disability is permitted to use Segways and motorized scooters throughout the park, including all structures that are handicap accessible, facilities, park roads, sidewalks, and other surfaces when such devices are used for the sole purpose of mobility assistance. Finally, use of any mobility assistive device, as outlined above, must also adhere to the following:

- A person shall operate any mobility assistive device in a safe and responsible manner; maximum speed will not exceed more than 8 M.P.H. ("Segway sidewalk/Intermediate" key), so as not to endanger one's self or any other park visitor.
- A person riding any mobility assistive device upon entering or exiting from a chairlift, or on any other surface shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobility assistive device operator must always yield to pedestrians (park visitors).

Determination: This is an interim limitation on Segways as well as motorized scooters subject to change pending development of NPS Management Policy that addresses this emergent technology in the National Park System.

- The term “e-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).
 - a) E-bikes are allowed in Andrew Johnson National Historic Site where traditional bicycles are allowed.
 - b) E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.
 - c) A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).
 - d) Except as specified in this Compendium, the use of an e-bike within Andrew Johnson National Historic Site is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

Determination: This is consistent with Policy Memorandum 19-01 and provides for e-Bike use and regulation on the same basis as bicycles without power assist capabilities (“traditional bicycles”).

Closures:

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

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

Determination: Until the NPS can determine whether specific uses of unmanned aircraft are appropriate and will not cause unacceptable impacts on park resources and values, Andrew Johnson NHS is closed to the use of these devices. The use of unmanned aircraft within the boundaries of Andrew Johnson NHS has the potential to harm visitors, disturb wildlife, impact viewsheds, cause excessive noise, and interfere with other visitors' enjoyment of the area. This closure is being implemented as an interim measure while this new use can be properly evaluated. A less restrictive approach is not appropriate at this time due to the impacts the devices could potentially present to visitor safety, park values, and to park resources. The interim closure will safeguard these values while the NPS considers how to address this new use on a long-term basis.

- All areas outside the National Cemetery are closed to group recreational activities, as defined in 36 CFR 12.3 (The National Cemetery is closed to such activities under 36 CFR 12.11).

Determination: This restriction is designed to protect the historic character and cultural resources of the site, as well as avoiding conflict among visitor use activity in the limited acreage of the park.

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

- In compliance with regulations published at 36 CFR 12.4, conducting a special event or demonstration in the National Cemetery, whether spontaneous or organized, is prohibited except for official commemorative events conducted for Memorial Day, Flag Day, Veterans Day, Pearl

Harbor Day, Wreaths Across America Day (the third Saturday in December), December 29th (Presidential wreath laying ceremony), and other dates designated by the superintendent as having special historic and commemorative significance to a particular national cemetery. Committal services are excluded from this restriction.

- In compliance with regulations published at 36 CFR 12.4, the following activities are prohibited in the Andrew Johnson National Cemetery:
 - Soliciting funds
 - Distributing printed matter, and
 - Engaging in partisan political activity

Determination: As specified in 36 CFR 12, “National cemeteries are established as national shrines in tribute to the gallant dead who have served in the Armed Forces of the United States. Such areas are protected, managed and administered as suitable and dignified burial grounds and as significant cultural resources. As such, the authorization of activities that take place in national cemeteries is limited to those that are consistent with applicable legislation and that are compatible with maintaining the solemn commemorative and historic character of these areas.” As a final resting place of the President of the United States and thousands of veterans across many theaters of war, the Superintendent has specifically designated Pearl Harbor Day, Wreaths Across America Day, and December 29th (the day of Andrew Johnson’s birth), as day with special historic and commemorative significance to the Andrew Johnson National Cemetery.

- Oversize vehicles such as charter buses, recreational vehicles, and any vehicles with trailers are restricted from using all roads in the National Cemetery.

Determination: Developed in the early twentieth century, the roads in the national cemetery are too narrow and steep for many large modern vehicles. This restriction is made to protect the cultural resources within the cemetery, and to protect the safety of visitors.

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

(f) The following is a compilation of those activities that are prohibited, restricted, or regulated under 36 CFR Parts §2, §5, and §12 and for which a permit or written permission from the superintendent is required:

- §1.5(d) The following activities related to Public Use Limits:
 - Special areas designated for “First Amendment Rights” are specified below at 36 CFR §2.51 (a) (2).
- §1.6 Application for permits may be obtained from the superintendent’s office or the Park’s website (<https://www.nps.gov/anjo/planyourvisit/permitsandreservations.htm>) and shall be submitted for approval at least one month prior to the scheduled date of the event.
- §2.1 Preservation of natural, cultural, archeological or paleontological Resources
- §2.12 Audio Disturbances:
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.37 Soliciting (Pursuant to the terms and conditions of a permit Issued under §2.50, §2.51 or §2.52)
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment,

ceremony, and similar events

- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views that have a group of more than 25 people
- §2.51(c) Distribution or Sale of printed matter that is not solely commercial advertising
- §2.62 Memorialization
 - (a) Erection of monuments (Requires approval from Regional Director).
 - (b) Scattering ashes from human cremation.
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business (requires a permit, contract, or other written agreement with the United States).
- §5.5 Photography, Filming, and Audio Recording (If a permit is necessary according to section 125 of the EXPLORE Act (Public Law 118-234))

Determination: Permit systems authorized and issued pursuant to specific regulations in this chapter, except §1.5, need not be supported by a written determination unless required by the specific authorizing regulation {48 FR 30262}.

III. GENERAL REGULATIONS

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

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

- Visitors on guided tours of the Homestead are limited to areas delineated by ropes, signs, stanchions, floor coloring, and other access control devices.

Determination: Park management has endeavored to make historic resources open and available to public access. Barriers are placed throughout the Homestead to protect the historic resources contained within the building and better regulate visitor access and tour flow.

2.1 (c) Fruits, Berries, Nuts. The following guidelines pertain to all visitors:

- Collection of pecans, walnuts and apples for personal use is permitted.
- A reasonable quantity not to exceed 2 quarts of pecans and walnuts and 1/2 bushel of apples daily may be gathered for personal use.

Determination: Park management has determined that visitor consumption of the above quantities of listed fruits and nuts will not adversely affect park wildlife, the reproductive potential of plant species, or otherwise affect park resources.

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:

- Permitted only in designated areas during park-sponsored programs.

36 CFR §2.14 - SANITATION and REFUSE

2.14 (a) (2) The use of government refuse receptacles, garbage cans and dumpsters for the disposal of household, commercial, or industrial refuse, brought as such from private or municipal property is prohibited.

Determination: This provision is enacted to prevent an undo fiscal burden from being placed on the park and to ensure compliance with health and sanitation regulations.

36 CFR §2.15- PETS

2.15 (a) (1) Pets are prohibited in the landscaped and grassy areas within the Andrew Johnson National Cemetery; they may only be walked on the road and paved/concrete walkways within the cemetery. Pets must be leashed at all times.

Pets are permitted in the outdoor areas adjacent the visitor center, Early Home, and Homestead locations of Andrew Johnson National Historic Site with some restrictions.

- Pets cannot be left unattended. While visiting the park, pets must be kept on a leash no more than six feet in length at all times.
- Pets are prohibited from public buildings (i.e. visitor centers), and historic structures.
- Leaving animals unattended or tied to a fixed object is prohibited.
- Animal excrement shall be removed by the pet owner/handler from all public use areas.

- **Service Animals**

Service animals are an exception to most pet restrictions and are allowed in public buildings. Service animals must be kept under control and on a leash at all times.

Determination: In accordance with 36 CFR 12.2, pets will not be permitted in the grassy areas of the national cemetery; they may only be walked on the road and paved walkways within the cemetery. This is to prevent animal disturbance of gravesites within the cemetery. Pets must be leashed at all times. For the purposes of this determination, service animals are not considered pets and may be utilized in the park.

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

The use of all such devices is prohibited in the national cemetery and the parking lots at the Early Home and Homestead.

36 CFR §2.21 – TOBACCO PRODUCTS

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

- Smoking and use of smokeless tobacco products, electronic cigarettes, personal vaporizers, or electronic nicotine delivery systems are prohibited at or inside:
 - Within all government facilities and vehicles.
 - Within 25 feet of any entrance or exit primarily accessed by the visiting public.
 - Within 25 feet of any entrance or exit not generally assessed by the public, where smoking would result in smoke traveling through doorways, windows, air ducts, or other openings.

Determination: These restrictions are intended to protect the health and safety of park visitors and employees, protect park resources, reduce the risk of fire and prevent conflicts among visitors use activities. [§2.21(a)] These restrictions are modeled on the guidelines and restrictions that the General Services Administration (GSA) has placed on all GSA-owned or administered facilities. The purpose is to provide for the protection of our employees' health while allowing reasonable accommodations and smoking areas for those employees who choose to smoke. The primary considerations for restricting smoking in visitor use areas are public and fire safety.

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

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

- Consumption of alcoholic beverages is prohibited within the Andrew Johnson National Cemetery.

Determination: The consumption of alcoholic beverages In the Andrew Johnson National Cemetery would be inappropriate considering the purpose for which it was established and maintained as expressed in 36 CFR §12.2 to the established values of the National Cemetery.

36 CFR §2.51 (a) (2) FIRST AMENDMENT RIGHTS DEMONSTRATIONS, PUBLIC ASSEMBLIES

- Demonstrations and the sale of printed matter in designated locations by groups of 25 or fewer persons may be conducted without a permit in accordance with the requirements of 36CFR 2.51© (Boardley v DOI, 2010)
- Public assemblies, meetings, gatherings, demonstrations and other public expressions of views will be allowed if a permit has been issued in accordance with 36 CFR 2.51 and at locations designated to balance the legitimate needs of persons to express their views and the needs of Park visitors to enjoy the Park and its resources.
- The following locations are available for public assemblies:
 - The grassy area immediately to the northeast of the Early Home (bounded by the fence and walkway) and,
 - The grassy area south of the Homestead (between the parking lot and the Homestead, bounded by the stone wall and walkway).
- These areas may be used for public demonstrations; provided that groups of more than 26 people obtain a permit from the Superintendent as provided under 36 CFR 1.6 (Permits). Written applications for permits must be submitted to the Superintendent at least 72 hours prior to the date desired for the event. The activity must not conflict with any scheduled NPS function or program.

Determination to provide a location for First Amendment rights demonstrations: This action is necessary to comply with 36 CFR 2.51 (e) to provide maps showing the locations available for public assembly and designating an area for the purpose of First Amendment rights demonstrations.

The areas provided should not unreasonably interfere with visitor service, but should provide substantial public recognition for any public assembly activity.

36 CFR §4.13 – OBSTRUCTING TRAFFIC

The following are prohibited:

- (a) Stopping or parking a vehicle upon a park road, except as authorized by the superintendent, or in the event of an accident or other condition beyond the control of the operator.
- (b) Stopping or parking a vehicle along the road at the entrance to the national cemetery.

Determination: Ensuring the honorable burial of eligible veterans and their families is among the highest priorities of park staff and operations. Maintaining open access for funeral processions and emergency vehicles is critical to the ensuring a smooth arrival and transition in the national cemetery

36 CFR 4.21 (b) SPEED LIMITS

The maximum speed limit in the National Cemetery is 10 miles per hour (MPH).

Determination: This regulation is adopted to provide for maximum safety for park visitors.

36 CFR §2.52 SALE OR DISTRIBUTION OF PRINTED MATTER

A permit must be obtained from the Superintendent for the sale or distribution of any printed material. The sale of printed matter by 25 or fewer persons may be conducted without a permit (Boardley v. DOI, 2010). Location of such sale or distribution will be limited to those areas allowed by the superintendent.

Determination: Permits of this type are necessary to control the sale or distribution of printed mater since such activity may conflict with the overall safety and enjoyment of the Park by the majority of its visitors.

36 CFR §5.5 COMMERCIAL PHOTOGRAPHY

In accordance with Public Law 106-206, still photography, (whether commercial or noncommercial) will not require a permit unless:

- It takes place at a location(s) where or when members of the public are generally not allowed, or
- It uses model(s) or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities, or
- The National Park Service would need to provide management and oversight to prevent unacceptable impacts.

Determination: These regulations comply with current federal law and National Park Service policy.

§12.4 SPECIAL EVENTS AND DEMONSTRATIONS

Conducting a special event or demonstration, whether spontaneous or organized, is prohibited except for official commemorative events conducted for Armed Forces Day, Flag Day, Independence Day, Memorial Day, National Former POW Recognition Day, National POW/MIA Recognition Day, Veterans Day, Wreaths Across America Day, and other dates designated by the superintendent as having special historic and commemorative significance to a particular national cemetery. Committal services are excluded from this restriction.

Designated occasions when special services are permitted in the National Cemetery are: The days listed above, as well as:

Pearl Harbor Remembrance Day - "Pub. L. 103-308, 108 Stat. 1169, designates December 7 of each year as National Pearl Harbor Remembrance Day. The resolution was signed by President Bill Clinton on August 23, 1994, being listed in 36 U.S.C. § 129 of the United States Code. Andrew Johnson National Cemetery is the final resting place for many from the local community and area, who served their country during the December 7th attack and subsequent World War.

December 29th – Andrew Johnson was born Dec. 29th. Each year on their birthday, the current sitting US President provides a wreath for service and the Department of Defense conducts a ceremony at the monument or grave of each former, deceased President.

Determination: As specified in 36 CFR 12, "National cemeteries are established as national shrines in tribute to the gallant dead who have served in the Armed Forces of the United States. Such areas are protected, managed and administered as suitable and dignified burial grounds and as significant cultural resources. As such, the authorization of activities that take place in national cemeteries is limited to those that are consistent with applicable legislation and that are compatible with maintaining the solemn commemorative and historic character of these areas."

36 CFR §12.10 – FLORAL AND COMMEMORATIVE TRIBUTES

The placement on a grave of fresh cut or artificial flowers in or on a metal or other non-breakable rod or container designated by the superintendent is allowed at times designated by the superintendent.

Allowed

- Fresh-cut flowers anytime
- Metal temporary containers anytime
- Artificial flowers and potted plants from November 1 through April 1
- Christmas wreaths and floral blankets from December 1 through January 20th
- Flags when placed by the National Park Service for ceremonies within the cemetery

Prohibited

- Artificial flowers and potted plants from April 2 through October 31
- Any floral items attached to headstones
- Permanent in-ground containers
- Breakable objects, plantings, statues, vigil lights, United States flags or any decorations that are not floral
- Toys

Determination: These decoration guidelines balance the need of families to decorate graves with the responsibility of National Cemetery Staff to maintain cemetery ground in a safe and orderly fashion, with allowances for seasonal and holiday variance. Park staff will hold removed artificial flowers and other commemorative items for one month prior to disposal.

36 CFR § 12.11 – RECREATIONAL ACTIVITIES

Engaging in a recreational activity within the national cemetery is prohibited.

Determination: As stated in 36 CFR § 12.2, "the authorization of activities that take place in national cemeteries is limited to those that are consistent with applicable legislation and that are compatible with maintaining the solemn commemorative and historic character of these areas."

This prohibition applies especially to group activities that could be viewed as sporting or recreational in nature. Wedding services as well as bicycling/e-biking and sledding on the slopes within the national cemetery are considered prohibited recreational activities. This does not include individuals walking, hiking, or casually strolling on the walks and roadways of the national cemetery.