



National Park Service  
U.S. Department of the Interior

Booker T. Washington  
National Monument

12130 Booker T. Washington  
Highway  
Hardy, Virginia 24101

(540) 721-2094 phone  
(540) 721-8311 fax

## Superintendent's Compendium

Of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.

Approved:

Date: August 19, 2021

Robin Snyder, 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 provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Booker T. Washington National Monument Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, and 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. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours, public use limits, and closures are established:

#### Visiting Hours:

- Sunday – Saturday, 7 days a week – Park opens at 9:00 a.m. Closes at 5:00 p.m.
- Closed Thanksgiving Day, Dec. 25, and Jan. 1.

*These visiting hours were determined to be in the best interests of the park and are necessary for the proper management of the park.*

Public Use Limits -- Pursuant to §1.5(d) to implement a public use limit, the Superintendent may establish a permit, registration, or reservations system:

- Seasonal and daily tour availability is updated on park website and calendar of events.
- Reservations are required for all ranger-led tours unless program is listed as a daily tour or scheduled program with no reservation requirements.

*Tour reservations are needed to ensure quality program availability to visitors on a scheduled basis. Tour and program availability may be influenced by staffing availability and weather.*

Closures:

- The entire park area is closed to kite flying at all times.
- The historic area and the park trails are closed to bicycle use. See also 36 CFR § 4.30 of this document.
- Fenced field areas, gates, and chain-linked fenced courtyards are closed to public access.
- Public use of the park Head Quarters access road is prohibited.
- The parking of motor vehicles along Visitor Center entrance road is prohibited unless directed by park employees during special events and overflow parking events.
- Geo-caching is prohibited throughout the park except that virtual caching is allowed.

*These closures are in effect to maintain the historical significance of the National Monument, protect resources, and to provide visitors with the appropriate experience to be able to commemorate the birthplace of Book T. Washington.*

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 Booker T. Washington National Monument are prohibited except as approved in writing by the superintendent.

Personal recreational use is not currently authorized.

In limited cases the following activities may be considered acceptable use of UAS systems and subject to approval by the superintendent.

- Administrative use includes the use of unmanned aircraft by:
  - NPS personnel as operators or crew.
  - Cooperators such as government agencies and universities.
  - For scientific Research that benefits the preservation of natural and cultural resources.

The term “unmanned aircraft” means a device that is used or intended to be used for flight in the air without the possibility of 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 camera, 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 recreation or commerce.

With the dramatic growth in the use of unmanned aircraft in the country, the superintendent has determined that a careful review of the use of these devices is necessary because of the unacceptable impact potential including possible harm to visitors, interference with rescues, causing excessive noise, impacting view sheds, and disturbing wildlife. These issues have been observed at other National Park Service areas. NPS Management Policy, Section 1.5, provides that a new form of park use may be allowed only after a determination has been made that it will not result in unacceptable impacts on park resources and values. Similarly, Section 8.2 also states that a new form of recreation will not be allowed within a park until a superintendent has made a determination that it will be appropriate and not cause unacceptable impacts

- Washing, cleaning, waxing, lubricating, repairing, or performing mechanical work on motor vehicles, except in emergencies in any public use area is prohibited.

*Locations exist outside the park for these activities. These types of activities are inconsistent with resource protection and park purpose and values. They interfere with the peace and tranquility of the park and are inconsistent with the reason the park was created.*

**(a)(2) The following areas are designated for a specific use or activity and/or the following conditions or restrictions are imposed on a specific use or activity:**

Passenger Carrying Buses:

Engines must be shut down when not underway in appropriate bus parking areas including the circle and the parking lot.

*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. Due to the nature of the service provided by the shuttle busses, they are excluded from the requirement.*

Mask Wearing:

Regardless of vaccination status or local community transmission levels, all individuals over the age of two must wear masks, except when actively eating or drinking, in all common areas and shared workspaces in federally owned buildings administered by the National Park Service and in office space leased by the National Park Service.

Federally owned buildings administered by the National Park Service include, but are not limited to visitor centers, administrative offices, maintenance facilities, and shared government quarters; buildings assigned to concessioners or other park partners; and buildings leased for commercial purposes to individuals or entities other than the National Park Service.

All individuals over the age of two, regardless of vaccination status or local community transmission levels, must wear masks in the following outdoor areas when others are present, except when actively eating or drinking, where the superintendent has determined that physical distancing (staying at least six feet apart) cannot reasonably be maintained:

- Not applicable for Booker T. Washington NM.

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, mask with ventilation valves, and face shields do not meet the requirement.

Regardless of vaccination status, all individuals must comply with all orders regarding masks issued by the Centers for Disease Control and Prevention (CDC).

CDC prevention measures continue to apply to all travelers on public transit, regardless of vaccination status. Masks remain required on all forms of public transit that operate within parks, including busses, trains, and boats / ferries, and in transportation hubs.

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

**Activities requiring a permit are listed above under Public Use Limits and throughout this document under the specific 36 CFR Section that authorizes or requires the issuance of a**

**permit. The following is a compilation of those activities and/or public uses for which a permit from the superintendent is required:**

- §1.5(d) Relating to Public Use Limits:
  - To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with the criteria and procedures of 36 CFR 1.6.
- §1.6(g)(1) Permits:
  - Professional photography requires a permit.
  - Violating the terms or conditions of a permit issued pursuant to this section is prohibited. 1.6(g)(2)
- §2.4(d) Carry or possess a weapon, trap, or net:
  - Firearms may be carried or possessed in accordance with applicable local, state, and federal law.
  - Other weapons as defined under 36 CFR 1.4 will require a permit.
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks, or minerals)
- §2.12 Audio Disturbances:
  - (a)(2) Operating a chain saw in developed areas
  - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
  - (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
- §2.17 Aircraft & Air Delivery:
  - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter, or other airborne means
  - (c)(1) Removal of a downed aircraft
- §2.37 Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
  - (a) Use, possess, store, transport explosives, blasting agents
  - (b) Use or possess fireworks
- §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
- §2.52(c) Sale or distribution 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
- §4.11(a) Exceeding of established vehicle load, weight, and size limits

- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business
- §5.5 Commercial Photography:
  - Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

The Chief Ranger's office should be contacted for permit information. Please call (540) 721-2094.

#### **§5.5 Commercial Filming:**

**The following types of filming activities may occur in areas open to the public without a permit and without advance notice to the NPS:**

- Outdoor filming activities involving five persons or less and equipment that will be carried at all times, except for small tripods used to hold cameras.

The organizer of any other type of filming activity must provide written notice to the Superintendent at least 10 days prior to the start of the proposed activity. Based upon the information provided, the Superintendent may require the organizer to apply for an obtain a permit if necessary, to:

- Maintain public health and safety.
- Protect environmental or scenic values.
- Protect natural or cultural resources.
- Allow for equitable and use of facilities; or
- Avoid conflict among visitor use activities.

If the superintendent determines that the terms and conditions of a permit could not mitigate the concerns identified above in an acceptable manner, the Superintendent may deny a filming request without issuing a permit. The Superintendent will provide the basis for denial in writing upon request.

The NPS will consider requests and process permit applications in a timely manner. Processing times will vary depending on the complexity of the proposed activity. If the organizer provides the required 10-day advance notice to the NPS and has not received a written response from the NPS that a permit is required prior to the first day of production, the proposed filming activities may occur without a permit.

The following are prohibited:

- (1) Engaging in a filming activity without providing advance notice to the Superintendent when required.
- (2) Engaging in a filming activity without a permit if the Superintendent has notified the organizer in writing that a permit is required.
- (3) Violating a term and condition of a permit issues under this action.

- (4) Filming at any time outside of designated visiting times for the areas you wish to film. See 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES on Pages 1-2.

Violating a term or condition or a permit issued under to this action may also result in the suspension and revocation of the permit by the Superintendent.

*The National Park Service and BOWA have a long history of filming within parks, and there have been documented instances when those activities have damaged park resources, values, or the visitor experience. The Superintendent is required to protect park resources, values, and all of our visitor experiences.*

### **III. GENERAL REGULATIONS**

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

**(c)(1), (c)(2) Fruits, nuts, and berries gathered by hand for personal use or consumption, is authorized by permit only.**

*The berries, other fruits, mushrooms, and roots set forth in this section are sufficiently prolific so as to sustain gathering in limited quantities for personal use.*

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

**(b) Hunting of any type within park boundaries is prohibited.**

*The park is closed to hunting because such activity is inappropriate considering the other uses of the park and the purpose for which the park was established and is maintained. The park was established and is maintained to memorialize and commemorate the birthplace of Booker T. Washington. Any activity that negatively impacts the park's natural and cultural resources is not permitted. The park's memorial grounds are part of a significant historical cultural landscape and are therefore inappropriate places for hunting.*

**(d) The following conditions and procedures for transporting lawfully taken wildlife through the park area are in place:**

- Transporting wildlife through the boundaries of Booker T. Washington National Monument is prohibited, except when escorted by a Park Ranger.

**(e) The following areas are closed to the viewing of wildlife with the use of an artificial light:**

- All park areas are closed to the viewing of wildlife with the use of artificial light between the hours of sunset and sunrise, except when necessary for park management purposes.

*Spotlighting is prohibited within established park boundaries to provide for visitor safety and protection of wildlife.*

#### **36 CFR §2.3 – FISHING**

**(a) Fishing shall be in accordance with the laws and regulations of Virginia.**



- Fishing is permitted in the park along Gills Creek during normal park visiting hours with a catch of no more than 5 fish per family daily.

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

**(a)(2)(i) Weapons, traps, or nets may only be carried, possessed, or used at the following designated times and locations:**

- Traps and nets cannot be carried, possessed, or used in the park area.
- Weapons cannot be used in the park area.
- Park visitors who can legally possess a firearm under federal, state, and local law can possess that firearm in the park under the same terms. However, firearms are prohibited in all park buildings.

### **36 CFR §2.5 – RESEARCH SPECIMENS**

**(a) Taking plants, fish, wildlife, rocks, or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR and pursuant to the terms and conditions of a specimen collection permit.**

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

**(a) Camping is subject to the following established conditions:**

- Camping is prohibited in the park year-round, unless authorized by the Superintendent or her designee.

### **36 CFR §2.11 – PICNICKING**

**Certain areas have been closed to picnicking and are listed in §1. 36 CFR 1.5(a)(1) Closures of this document.**

Conditions for Picnicking:

- Picnicking is allowed only in designated picnic area.

*The nature and purpose of the park is to protect historic buildings and landscapes. Limiting picnicking to the designated area will control litter and protect the historic landscape.*

### **36 CFR §2.12 – AUDIO DISTURBANCES**

**(a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.**

**(a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas is prohibited, except pursuant to the terms and conditions of a permit.**

**(a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51.**

### **36 CFR 2.13 – FIRES**

**(a)(1) The lighting or maintaining of fires is prohibited, except in the following areas and/or receptacles, and under the conditions noted:**

Designated Areas:

- Charcoal fires are permitted only in the picnic area. All fires are restricted to grills or other suitable receptacles.

Receptacles Allowed:

- Grills or other suitable receptacles.

Fires are permitted in approved areas used by Volunteers-in-the-Parks Living History Guild during living history interpretation programs and events.

**36 CFR §2.15 – PETS**

**(a)(1) Possessing pets in public buildings, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:**

- Pets are prohibited in the visitor center and buildings in the historic area, except guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons.

**(a)(3) Leaving a pet unattended and tied to an object is prohibited.**

- Animals not claimed within a reasonable period of time after the owner has been notified or those whose owner cannot be identified will be turned over to the local animal control.
- Pets should remain under the control of owner by way of lease throughout park.

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

- Pet excrement must be removed from the picnic area, exhibit area, and other areas of heavy public use.

**36 CFR §2.21 – SMOKING**

**(a) The following portions of the park, buildings, structures and/or facilities are closed to smoking as noted:**

- Smoking is prohibited in all park buildings, including historic buildings, the visitor center, and the headquarters building

*This designation is based on Executive Order 13058, published in the August 13, 1997 Federal Register. It is also designed to protect park resources and reduce the risk of fire.*

**36 CFR §2.22 – PROPERTY**

**(a)(2) Leaving property unattended for longer than 24 hours is prohibited, except in the following locations or under the following conditions:**

- Property may not be left unattended for longer than 24 hours unless authorized by the superintendent or her/his designee. Property left unattended in excess of 24 hours; or interferes with visitor safety, orderly management of the park area, or presents a threat to park resources will be impounded. Additionally, the superintendent may assess the owner reasonable fees for the impoundment and storage of property impounded pursuant to this section.



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

**(a)(3)(i) The following areas and 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:**

- Consuming alcohol and/or possessing open bottles, cans, or other receptacles containing alcohol is prohibited in the park unless a special use permit is obtained from superintendent.

*The park is closed to alcohol consumption because such activity is inappropriate considering the other uses of the park and the purpose for which the park was established and is maintained. The park was established and is maintained to memorialize and commemorate the birthplace of Booker T. Washington. Any activity that negatively impacts the park's natural and cultural resources is not permitted. The park's memorial grounds are part of a significant historical cultural landscape and are therefore inappropriate places for the consumption of alcohol.*

### **36 CFR §2.37 – NON-COMMERCIAL SOLICITING**

**Soliciting or demanding gifts, money, goods, or services is prohibited except pursuant to the terms and conditions or a permit that has been issued under §2.50, §2.51, or §2.52.**

### **36 CFR §2.51 -- DEMONSTRATIONS**

**(b) Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity.**

**(c)(2) The following locations are designated as available for demonstrations:**

- The area immediately west of the Burroughs Cemetery and east of edge of picnic area tables is designated as the park's First Amendment assembly area.

*NOTE: Pursuant to §2.51(c)(2) the superintendent must designate on a map, which must be available in the office of the superintendent and by public notice, the locations designated as available for demonstrations and the sale or distribution of printed matter.*

### **36 CFR §2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER**

**(b) The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under §2.51(c)(2) (see above) when the superintendent has issued a permit.**

### **36 CFR §3.16 – SWIMMING AND WADING**

**Swimming or wading is prohibited in park waters pursuant to §1.5 of this document.**

*It is hazardous to swim and/or wade any open waters throughout the park.*

### **36 CFR §4.30 – BICYCLES**

- (a) **The use of a bicycle is prohibited except on park roads, in parking areas, and on routes designated for bicycle use. Park roads and parking areas that are closed to bicycle use are listed in §1.5 of this document.**

#### E-Bikes

- The term “e-bike” means a two- or three-wheeled cycle with fully operational pedals and an electric motor of less than 750 watts (1 h.p.).
- E-bikes are allowed at Booker T. Washington National Monument where traditional bicycles are allowed. E-bikes are prohibited where traditional bikes 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.
- A person operating an e-bike is subject to the follow sections of 26 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.21, 4.22, 4.23, and 4.30(h) (2)-(5).
- Except as specified in this Compendium, the use of an e-bike with Booker T. Washington National Monument 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.

*The nature and purpose of the park to preserve, protect, and interpret the site of Booker T. Washington’s birth, enslaved childhood, and emancipation is not consistent with this activity in the historic area*

#### **36 CFR §5.1 – ADVERTISEMENTS**

**Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent.**

#### **36 CFR §5.3 – BUSINESS OPERATIONS**

**Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.**

#### **36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY**

**(a) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.**