



National Park Service
U.S. Department of the Interior

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

Castle Clinton
National Monument

Battery Park
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Approved:


Shirley McKinney, Superintendent

10/20/16
Date

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 CASTLE CLINTON NATIONAL MONUMENT. 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.

36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USES OR ACTIVITIES

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

Visiting Hours:

- The National Monument is open as scheduled and posted at the building and/or through press releases and public park website, www.nps.gov/cacl
- The building and interior grounds are open to the public between the hours of 8:00 a.m. and 5:00 p.m. 7 days a week.
- The park is closed on the following designated federal holiday: Christmas Day
- The park superintendent may close park facilities due to severe weather or emergencies on an as needed basis.

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:

- No signs or placards shall be permitted in the park area except hand held made of cardboard, poster board, plastic or cloth having dimensions no greater than three feet in width, four feet in length, and one-quarter inch in thickness.
- No supports shall be permitted for signs or placards. No parcel, container, package, bundle or other property shall be placed or stored on or along any park fence, hand railing, structure or barrier.
- All personal property larger than 22 inches by 14 inches by 9 inches is prohibited in the Park areas. This restriction is based on the generally accepted airline carry-on Standards. Items, including signs and pictures, cannot be attached to or otherwise left on park structures, including trees, except by permit. See also 36 CFR § 2.1.

Park quiet hours are established as between 8:00 p.m. – 9:00 a.m.

Media players, including radios, CD players, MP3 players, televisions, and computers, may only be used with headphones.

Segway's or similar motorized devices cannot be used in the park, except by individuals with documented disabilities related to mobility.

Bicycles and other items are prohibited from being attached to the fence and any other objects within the NPS property.

Unmanned Aircrafts

These conditions have been established to protect park resources, ensure visitor safety, and promote the peaceful enjoyment of the park which is located in a congested, heavily trafficked, urban setting.

These conditions have been established to protect the safety of park visitors. These conditions are designed to ensure that the Park area can be safely travelled without obstructions to walkways, entrances, and exits that could result in injury and to facilitate the proper management of the park area which is located in a congested, heavily trafficked, urban setting. These conditions are necessary to achieve the Park's objectives of protecting the safety of visitors.

Closures:

The building is closed between 5:00 p.m. and 8:00 a.m. except by permit.

The park is designated as closed to the following activities, for which a permit will not be issued:

- Camping - Camping is defined by 36 CFR 1.4(a) as the erecting of a tent or shelter or natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy
- Audio Disturbances exterior to the building - Quiet hours in the park are in place from 8:00 p.m. to 9:00 am
- Aircraft
- Snowmobiles
- Skating, Skateboards and similar coasting vehicles
- Residing on Federal Lands
- Memorialization
- The spreading of cremated human ashes
- Use of Motor Vehicles
- Construction of Buildings

These closures are in effect to protect the health and safety of park visitors, to protect the Park's cultural resources and values, and to respect the Park's surrounding environment. These closures are the minimum restrictions necessary to achieve such protection.

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.

(b) Permit application

Permit applications for Special Park Use permits are available at the park website: www.nps.gov/caci
The Superintendent will act upon a permit request within 10 days of receiving a complete and fully

executed application. Accordingly, permit applications must be received at least 10 days before the anticipated activity. Permit applications must be accompanied by a non-refundable application fee of \$50, except for First Amendment demonstration permit applications.

(e) Permit terms and conditions

Additional cost-recovery, use and monitoring fees may be charged in accordance with established policy and procedures.

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

- §2.12 Audio Disturbances:
 - (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
- §2.37 Soliciting or demanding gifts, money, goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.52 or §2.52).
- §2.50 (a) Conduct sports event, pageant, and regatta. Public spectator attraction, entertainment, ceremony and similar events.
- §2.51 (a) Public assemblies, meetings, gatherings, demonstrations, parades and or other public expressions of views for over 25 people.
- §2.52 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 (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
 - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
 - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.10(a) Operation of eating, drinking, or lodging establishments in park areas.

36 CFR §1.5 CLOSURE ON LAUNCHING, LANDING, OR OPERATING UNMANNED AIRCRAFT

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, and drones) that are used for any purpose, including for recreation or commerce.

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

§2.1 - PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

(a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue is prohibited

§2.4 (d) CARRY OR POSSESS A WEAPON TRAPS OR NETS

Pursuant to 36 CRR § 2.4(a)(1), possessing, carrying, or using a trap or net is prohibited.

Pursuant to 18 U.S.C. § 930, firearms are prohibited in federal facilities. Federal facilities are defined as "buildings or parts thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties." Federal facilities are marked with signs at public entrances, and include the following buildings: all Structures inside Castle Clinton at Battery Park New York, NY 10004

- Pursuant to 16 U.S.C. §§ 1a–7b (P.L. 111-24 Section 512), park visitors may carry firearms in National parks if they are in compliance with federal, state, and local laws.
 - Weapons cannot be used in the park except by authorized federal, state, or local law enforcement officers in the performance of their official duties. Pursuant to (e),
Authorized Federal, State and local law enforcement officers
 - Historic weapons may be carried, possessed or used by appropriate staff members and/or volunteer individuals or groups who are invited and sponsored by the Park to participate in official and regulated historic weapons living history programs.

Federal law prohibits the possession of a firearm or other dangerous weapon in this Federal facility unless specifically authorized. 18 USC 930(a) possession violations are subject to fine and/or imprisonment up to one year, while 18 USC 930(b) possession violations with the intent to commit a crime are punishable by a fine and imprisonment up to five years

36 CFR § 2.5 RESEARCH ITEMS & SPECIMENS

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

36 CFR § 2.12-AUDIO DISTURBANCES

- (a)(1) Operating motorized equipment or machinery in a manner:
- That exceeds a noise level of 60 decibels measured on the A-weighted scale at 50 feet; or, if below that level, nevertheless;
 - (ii) makes noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances is prohibited.
- (a)(2) Operating a power saw in 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 §2.14-SANITATION AND REFUSE

(a)(2) Using park refuse receptacles or facilities for dumping household, commercial or industrial refuse is prohibited.

- Castle Clinton National Monument is a "trash free park"
- Visitors are responsible for their own trash management, collection, and removal from the park. Disposal of refuse in park restrooms is prohibited.

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 not allowed in any part of the public building or office except for service animals
- CFR 28 part 36: A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.
- A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of disability to use harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control) e.g., voice control, signals or other effective means.

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

- Pet excrement must be removed immediately from the park

36 CFR §2.20-SKATING, SKATEBOARDS AND SIMILAR DEVICES

Using roller skates, skateboards, roller skis and similar devices is prohibited.

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 anywhere within the Park's interior offices, storage areas, restrooms, administrative offices, visitor center, government vehicles and the Eastern National bookstore.

These restrictions are based on a determination that smoking must be prohibited in these structures to protect park resources, reduce the risk of fire, and protect park visitors and staff.

36 CFR §2.22-PROPERTY

(b)(1) Property determined to be left unattended for any period of time may be impounded. All property must remain under the direct control of its owner at all times.

(b)(2) Unattended property that interferes with visitor safety, orderly management of the park area, or presents a threat to park resources may be impounded by the superintendent at any time. Such property will be impounded for inspection. Inspection may be destructive.

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:

- All government buildings are closed to the consumption of alcoholic beverages
- Consuming alcohol or possessing open containers of alcohol is also prohibited

- o These conditions are not applicable during authorized special events under permit with a liquor license.

These closures are implemented following the determination made by the superintendent that allowing alcohol consumption and open container possession in these areas would be inappropriate. The Park's walkways, parking lots, and buildings should not be used as areas to consume or possess alcohol, rather they are for park visitors seeking to walk about and enter the Park area.

36 CFR §2.37 - NONCOMMERCIAL SOLICITING

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

36 CFR §2.38 - EXPLOSIVES

- (a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.
- (b) Using or possessing fireworks and firecrackers is prohibited, except pursuant to the terms and conditions of a permit.

36 CFR §2.50 - SPECIAL EVENTS

- (a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefor has been issued by the superintendent.

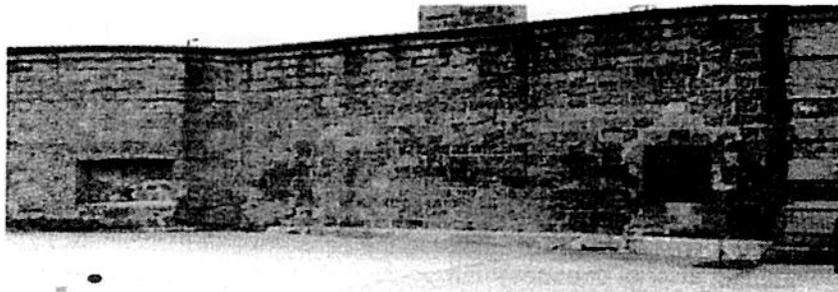
36 CFR §2.51 -- DEMONSTRATIONS

- (b) Demonstrations of more than 25 people are allowed by permit within park areas designated as **available**.
- (c)(2) When the superintendent has issued a permit for the activity.
 - o Only handheld signs/placards made of cardboard, poster board, plastic or cloth and not larger than 3 feet in width, 4 feet in length, and 1/4 inch in thickness are allowed in the park. No supports are allowed for signs or placards.

These conditions have been established to allow park visitors to exercise their First Amendment rights while also protecting the safety of visitors and demonstrators. These conditions are designed to ensure that the park area can be safely travelled without obstructions to walkways that could result in injury and to facilitate the proper management of the park area which is located in a congested, heavily trafficked, urban setting. These conditions are necessary to achieve the Park's objectives of protecting the safety of visitors.

- (c)(2) The following locations are designated as available for demonstrations:
 - o The First Amendment area for the National Monument is located to the east of the north entrance, on the cement walkway.

See Map Below



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 §2.61 - RESIDING ON FEDERAL LANDS

(a) Residing in park areas, other than on privately owned lands, is prohibited except pursuant to the terms and conditions of a permit lease or contract.

36 CFR §2.62 - MEMORIALIZATION

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

(b) The scattering of human ashes from cremation is prohibited.

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.

- o There are no roads, parking area or routes designated for bicycle use within the boundary of Castle Clinton National Monument

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) Before any motion picture may be filmed or any television production or sound track may be made by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent.

(b) 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.

36 CFR §5.6 - COMMERCIAL VEHICLES

(b) & (c) Using commercial vehicles on government roads within park areas when such use is in no way connected with the operation of the park is generally prohibited, and requires permission or a permit from the Superintendent.

36 CFR §5.7 - CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES

Such activities are prohibited, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.