CASTILLO DE SAN MARCOS NATIONAL MONUMENT

COMPENDIUM
36-CFR 1.7(b)

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2015

Submitted by: _____ Date 1/15/15
Chief Ranger

Approved by _____ Date 01/15/2015
Superintendent

CASTILLO DE SAN MARCOS NATIONAL MONUMENT
Park Compendium-36 CFR 1.7 (b)

Under the provisions of 16 U.S.C., Section 3, and Title 36 C.F.R., Chapter 1, Parts 1-7, the following Superintendent's Orders are established for this unit of the U.S. National Park Service. Unless otherwise noted, these orders apply besides the provisions contained in Parts 1-7 of Title 36, Code of Federal Regulations.

1.5 Closure and Public Use Limits.

Hours of visitation within the Castillo will be from 8:45 AM – 5:15 PM daily, unless the park is operating under extended summer hours. *(Justification: To protect park resources when staff is not present.)*

The monument grounds are closed from midnight to 5:30 AM. *(Justification: This is necessary to reduce vandalism, and discourage camping and other illegal activities.)*

The headquarters buildings, sidewalks, benches and related structures, including any areas within 100 feet of entry doors are closed to the public at all times with the exception of park business hours, which are from 8:00 AM until 4:30 PM, Monday through Friday not including Federal Holidays, when the headquarters are officially closed. *(Justification: To reduce vandalism, provide for a higher degree of employee safety for employees who work during hours other than 8:00 AM to 4:30 PM weekdays, and to reduce the likelihood of theft, camping, vandalism and other illegal activities.)*

The fort is closed to all visitations on Thanksgiving and Christmas of each year.

Shoes or appropriate footwear and shirts must be worn by those visitors entering the fort. *(Justification: Uneven floors and coquina shell walls can present tripping hazards and may cause injury.)*

Food and beverages other than water are prohibited inside the Castillo. Employees and volunteers are permitted to bring in items necessary for meal breaks and these items must be stored in designated areas. *(Justification: This is a historic structure, which is sensitive to damage. Additionally, food and trash attract scavengers that subsequently create damage to the site.)*

The parking lot will be open 24 hours a day except when special events occur such as parades, races, fireworks or as administrative needs or repairs are necessary. *(Justification: Necessary lot closures occur under special circumstances to provide for the safety of the public.)*

Vehicles, other than buses located in designated areas are limited to an overall maximum length of 21 feet, including trailers. *(Justification: The parking restriction is necessary to maintain a safe driving lane; to provide access to buses and provide safe loading and unloading of passengers.)*

Buses are prohibited from idling their engines while parked in the Castillo parking lot unless loading

and unloading passengers. Tour or school buses are limited to 10 minutes for unloading or loading of passengers. Double parking of buses is prohibited. *(Justification: The double bus parking blocks road access and idling cause's fumes that may cause harm to visitors.)*

During periods of severe weather conditions, all or portions of, the Castillo may be closed to the public in the interest of safety. The ranking Supervisor on duty is delegated the authority by the Superintendent to determine the need to close areas of the monument for this purpose. *(Justification: The closure of all or parts of the Monument during severe weather conditions are necessary for the protection of visitors and employees from injuries or death. Severe and sudden weather conditions can occur with little or no notice. Therefore, delegation for closure is given to the on-site supervisor so as not to needlessly endanger the visiting public from weather hazard.)*

Jumping or diving from the seawall into the bay, the moat, or off the City Gates, Cubo Line and other historic structures is prohibited. *(Justification: Persons involved in such activities could severely injury themselves on the wall or objects under the surface of the water.)*

Launching, landing or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of the Castillo de San Marcos National Monument is prohibited except as approved in writing by the superintendent. 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. *(Justification: Restrictions on unmanned aircraft are necessary to prevent damage to the historic fabric and to ensure the safety of the other visitors. Unmanned aircraft operation is prohibited under Policy Memorandum 14-05 until further guidance is issued by the agency.)*

Organized athletic or recreational activities such as softball, football, soccer, Frisbee matches and other similar sports are prohibited within the boundaries of the monument. Other sporting or recreational activities, which would present a danger to other visitors, such as golf, archery, or similar activities are prohibited. *(Justification: This is necessary to maintain the historic scenery and avoid conflict with other visitors. Organized Athletic activities such as football, soccer, baseball, Frisbee, etc. endanger visitors using the same area, who are not participating in the sport activities. Adequate recreational facilities are available with-in one and a half blocks from the monument grounds. Golf, archery or similar activities' present an obvious danger to the other visitors in a confined and heavily populated area. In addition, these activities disturb the historic atmosphere and can constitute impairment of park values.)*

Persons 15 and under must be accompanied by an adult while visiting the Fort. *(Justification: A minimum age requirement is necessary to insure that adult authorization is available in case of injury, and to insure proper adult supervision is available to children for their safety and the protection of resources.)*

Mooring or docking of vessels to the seawall is prohibited. *(Justification: The docking of a vessel in an undesignated area is a danger to visitors. This activity presents a danger of damaging the historic fabric of the seawall.)*

<u>The following restrictions apply to kite flying:</u>

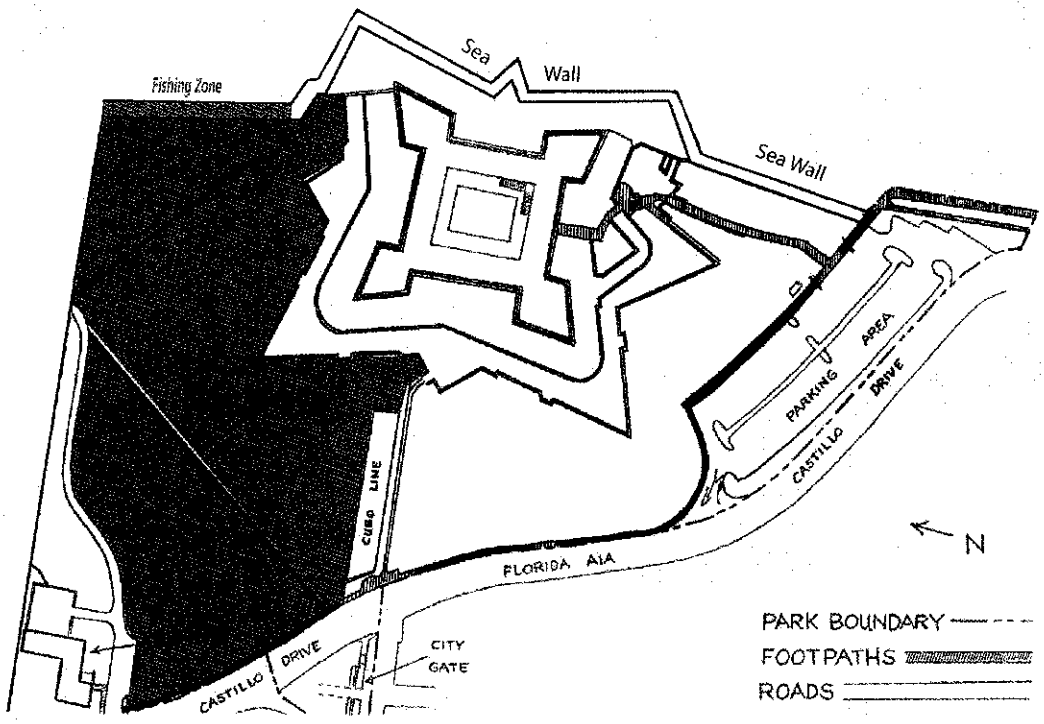
(aa) Kites may only be flown on the North green of the monument grounds (see map). Launching or

flying a kite from any other portion of the monument is prohibited. *(Justification: Restrictions on kites are necessary to prevent damage to the historic fabric and to ensure the safety of the other visitors.)*

(bb) Prohibition of dual control line or "stunt" kites - Only kites controlled by a single control line may be flown in the designated area. *(Justification: Dual control line kites move much faster than single line kites and are therefore more dangerous upon descent, in addition to being more difficult to control.)*

(cc) Prohibition of flying kites and other devices over the Castillo's structures - never may any kite or unmanned aircraft device be flown so that it is over the Castillo structure, or so that if it were to lose altitude, it would land inside or on the Castillo structure. For purposes of this section, the Castillo structure means the area within the outer edge of the moat/seawall surrounding the coquina structures. *(Justification: Visitors and the historic structure could be at risk of injury or damage if the device was to land inside or on the fort.)*

(dd) Other restrictions on Kite Flying - Each kite being flown must be under direct, constant control of a person. Kites may not be tied to trees, stakes in the ground, or other objects, or in any other manner that it could be left unattended. *(Justification: Kite string can get tangled in the trees and come crashing down to the ground endangering visitors.)*



2.1 <u>Preservation of Natural, Cultural and Archeological Resources.</u>

The following activities are prohibited within the Monument's boundaries:

(a)(5) Climbing, walking, ascending, descending, jumping off of or traversing on the walls, structures or cannons of the Castillo, Ravelin, City Gates, Shot Furnace or other historic structures is prohibited. *(Justification: Historic fabric is fragile and even minor contact can damage sensitive portions of the structure.)*

2.3 Fishing

(a) Fishing will only be permitted along the North Green from North of the Boardwalk to the end of the park property. The designated fishing zone is highlighted in blue in the map above. *(Fishing is not allowed along other area of the sea wall due to the congestion of visitors to the park and to keep visitors safe from the possibility of casting hooks and other debris. This restriction is consistent with City of St Augustine regulations that prohibit fishing along the seawall walkways.)*

2.4 Weapons

(a)(1)(ii) It is prohibited to carry openly or concealed any weapon to include clubs, edged weapons, firearms or facsimile thereof inside any federal facility to include the fort. See also, Florida statute Chapter 790 and 18 U.S.C 930. *(Justification: Re-enactors and other costumed individuals frequently carry weapons and replicas that could create a hazardous condition. NPS trained individuals involved in or conducting living history programs are exempt from this prohibition while conducting business for the NPS.)*

2.10 Camping

(b)(10) Camping is prohibited. The Castillo de San Marcos does not have any designated camping areas. *(Justification: Recreational camping is not consistent with the Monument's historical significance and limited size.)*

2.13 Fires

(a)(1) Fires, other than for park administrative purposes, are prohibited within the monument boundaries. *(Justification: There are no areas designated as fire sites in the interest of fire safety and prevention, and to keep grounds maintenance costs to a minimum.)*

2.15 Pets

(a)(1) Pets are prohibited within the Castillo structure except service dogs and trained commissioned K-9 teams. Service animals are defined as "a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The rule states that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals". *(Justification: Pets can pose a danger and inconvenience to other visitors, while trained service animals provide protection and assistance.)*

(a)(5) Any person or legal entity who owns, is in charge of, responsible for or in control of any pet must, when within the monument grounds, collect and remove to a proper waste receptacle any excrement left by the pet. *(Justifications: Owners are required to clean up pet excrement and dispose of the excrement in a suitable trash receptacle. This is required due to the possibility of pet to human disease transmission.)*

2.20 Skating, Skateboards, Roller Blades and similar devices.

The use of skates, skateboards, roller blades or similar devices is prohibited within the monument boundaries. *(Justification: Operation of skates, skateboards, roller blades, or similar devices on the*

grounds of the monument during operating hours can cause safety hazards for both participants and visitors.)

2.21 Smoking

Smoking, including the use of E-cigarettes or similar devices is prohibited inside all park facilities. *(Justification: Smoking is prohibited to prevent the danger of fire and to comply with government smoking regulations.)*

2.35 Alcoholic Beverages

(3)(i) The use, sale, distribution, consumption, or possession of an open container of an alcoholic beverage, in any form, is prohibited within the monument boundaries. *(Justification: The consumption of alcohol beverages is prohibited since it is inappropriate to the uses of the park's mission. This prohibition is also consistent with city ordinances.)*

2.51 Demonstrations

(a) Permits and the small group permit exemption. Permits associated with First Amendment activities are necessitated by the group size. A small group is defined as 25 people or less and is not required to obtain a permit as long as they are located within the park designated areas. The small group is further restricted to only leaflets, booklets and hand held signs.

A large group is defined as more than 25 people and is required to obtain a First Amendment Permit even if they are utilizing a park designated First Amendment location. There are no fees associated with First Amendment right permits. No public assembly permits shall be issued for a period in excess of seven days.

Please refer to the following attached map for areas open to first Amendment activities. Any area not designated for these activities would require a permit regardless of size. *(Justification: Freedom of speech, press, religion and assembly are constitutional rights. However, the courts have recognized that activities associated with the exercise of these rights may be reasonably regulated to protect legitimate government interests such as park resources. Therefore, in order to protect these resources, the NPS may regulate certain aspects of First Amendment activities, such as the time, the place and the manner in which they are conducted. It is the conduct associated with the exercise of these rights that is regulated and not the content of the message.)*

2.62 Memorialization

(a) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit, or in designated areas according to conditions which may be established by the superintendent. *(Justification: A permit is required to conduct this activity in accordance with 36 CFR 2.62(b) and to control and regulate the scattering of ashes.)*

4.10 Travel on park roads and designated routes.

(a) Operating a vehicle such as the Segway Human Transporter inside the Castillo or on the property is prohibited. Segway's are allowed on the sidewalk adjacent to A1A and the visitor parking lot for transport through the park. *(Justification: These vehicles can travel at speeds up to 12 miles per hour and in a small*

confined space like the Castillo and it's walkways, which have a high density of visitors of all ages and mobility limitations as well as high numbers of school-age children that sometimes run unsupervised, there is great potential for injury or harm to other visitors as well as operators. In addition, the presence of a mechanical device constitutes an impairment of the visual enjoyment of the character defining features of the National Monument.)

First Amendment Events

Freedom of speech, press, religion and assembly are Constitutional rights. However, the courts have recognized that activities associated with the exercise of these rights may be reasonably regulated to protect legitimate government interests, such as park resources and values. Therefore, in order to protect these resources, the National Park Service may regulate certain aspects of First Amendment activities, such as the time, the place, and the manner in which they are conducted. It is the conduct associated with the exercise of these rights that is regulated, not the content of the message.

Permits associated with First Amendment activities are necessitated by the group size. A small group is defined as "25 people or less" and is not required to obtain a permit, as long as the small group is located within areas designated by the park. The small group is further restricted in the sale or distribution of "printed matter". "Printed matter" is defined as "message-bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising". The **free distribution** of message-bearing items to the public other than printed matter, such as CDs, DVDs, and other readable electronic media, will be allowed so long as the activity occurs within the First Amendment areas designated by the park and so long as the items are distributed free of charge, and individuals may not ask or demand payment or request a donation in exchange for the item.

A small group would require a permit if they wanted to conduct any of the following activities during their demonstration:

1. Demonstrate or distribute or sell "printed matter" outside of the park-designated First Amendment areas.
2. Requests to use equipment such as tables, banners, platforms/stages, etc., even if within the park-designated First Amendment areas.
3. Is an extension of another group that has already reached the 25 person maximum for the small group permit exception.
4. Would like to guarantee priority use of the park-designated First Amendment areas.

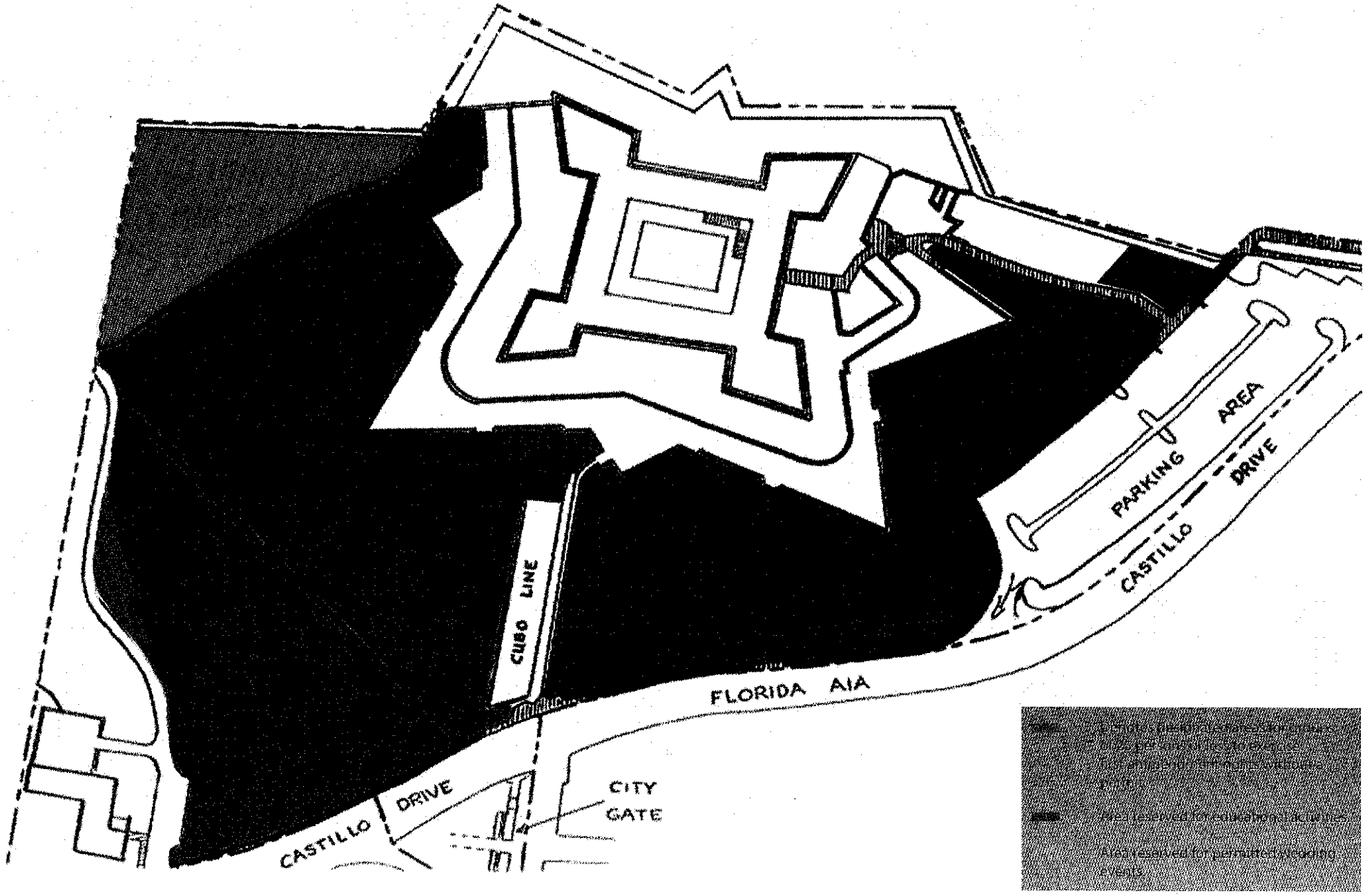
A large group is defined as "more than 25 people" and is required to obtain a First Amendment Permit, even if they are utilizing the First Amendment areas designated by the park.

There are no park-charged fees associated with First Amendment permits.

No public assembly permits shall be issued for a period in excess of seven days.

Please refer to the following attached map for the First Amendment areas designated by the park. Contact the Special Park Uses Coordinator if you require additional information.

First Amendment Sitemap

National Park Service
U.S. Department of the Interior

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