



National Park Service
U.S. Department of the Interior

Little Rock Central High
School National Historic
Site

2120 Daisy L. Gatson Bates Dr.
Little Rock, Arkansas 72202
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Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary Authority.

Approved:
/s/ Signature on File
Robin White, Superintendent
Date: August 19, 2014

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 16 United States Code (U.S.C.) Section 1 *et. seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

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 (16 U.S.C. Sections 1a1-1a8), 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."

16 U.S.C. Section 1c defines the National Park System as "...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes."

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, than 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 a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger 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
Little Rock Central High School National Historic Site
2120 Daisy L. Gatson Bates Drive
Little Rock, Arkansas 72202

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 2120 Daisy L. Gatson Bates Drive, Little Rock, Arkansas 72202. It may also be found at www.nps.gov/chsc.

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 administered by the National Park Service, within the boundaries of Little Rock Central High School National Historic Site. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Public Law 105-356 [112 STAT. 3268], Section 2(b) states, in part, "Only those lands [at Little Rock Central High School National Historic Site] under the direct jurisdiction of the Secretary shall be administered in accordance with the provisions of law generally applicable to units of the National Park System including the Act of August 25, 1916 (16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (16 U.S.C. 461-467)." Accordingly, the provisions of this compendium do not apply to property within the historic site that is owned by entities other than the federal government.

Lands at the historic site under direct jurisdiction of the Secretary of the Interior generally include:

- The visitor center and adjacent parking lot, plaza, and grounds (2120 Daisy L. Gatson Bates Drive)
- The historic Mobil gas station and adjacent parking lot and grounds (2125 Daisy L. Gatson Bates Drive)
- The commemorative garden (2200 Daisy L. Gatson Bates Dr. located at the northeast corner of Daisy L. Batson Bates Drive and South Park Street)

The Central High School building and surrounding campus are owned and under the jurisdiction of the Little Rock School District.

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 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:

- The visitor center is open for public visitation from 9:00 a.m. to 4:30 p.m., daily. The visitor center is closed on Thanksgiving, Christmas Day, and New Year's Day. The visitor center will also be closed during inclement weather or when closure is directed by the Midwest Regional Office of the National Park Service or by the Washington Office. (i.e. extended holidays, funerals).

The visitor center closures are based on staffing, including transportation to and from the site and the ability to perform the work in a safe environment.

- The commemorative garden is open for public visitation and use from 7:00 a.m. until sunset daily.

The commemorative garden provides contemplative space for reflection on the history of the high school and the events that happened there. It is not intended for overnight use.

- The Mobil gas station is unavailable for public use and is currently used as an office for maintenance employees.

Public use of the facility was closed following the opening of the visitor center.

Public Use Limits:

- Individuals and groups of twelve people or less may congregate in the commemorative garden for low-key activities, including eating meals. Groups larger than twelve people may not use the garden unless a special use permit for that activity has been issued by the office of the superintendent.

While using the garden for a low-key group activity ~~or eating in itself~~ is an appropriate activity in the commemorative garden, large groups may create a level of noise and distraction that would impinge on the contemplative nature of the garden.

Closures:

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Little Rock Central High School National Historic Site 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, Little Rock Central High School National Historic Site is closed to the use of these devices. The use of unmanned aircraft within the boundaries of Little Rock Central High School National Historic Site has the potential to harm visitors, 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.

- Sporting activities including, but not limited to, kite flying, Frisbee throwing, golfing, and field games are prohibited on federal lands within the boundary of the historic site.

Because of the small size of the site's facilities, the activities also pose potential safety risks to other visitors. Further, recreation activities such as those mentioned are not in keeping with the contemplative nature of the commemorative garden.

- The possession of firearms in the visitor center and Mobil service station are prohibited and marked with signs at all public entrances. In addition, Little Rock Central High School is an operating, four year public school within the boundary of the park. State law prohibits firearms in "any school, college, community college, or university campus building or event, unless for the purpose of participating in an authorized firearms-related activity."

It is the responsibility of the visitor to understand and comply with all applicable and state firearm laws before entering this park.

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

- Commemorative Garden:

Audio devices such as, but not limited to, a radio, tape deck, musical instrument, television set, bullhorn, or public address system may not be used in the commemorative garden unless specifically authorized as part of a special use permit issued pursuant to 36 CFR § 2.50 or 36 CFR § 2.51.

Amplified music and voices are not consistent with the contemplative nature for which the garden was created.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

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

- §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
- §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.

III. GENERAL REGULATIONS

36 CFR §2.15 – PETS

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

- Pets are not permitted within the visitor center or education center. This restriction does not apply to guide dogs for the visually or hearing impaired. All pets must be leashed or otherwise restrained in accordance with 36 CFR 2.15(a)(2).

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

- Individuals in possession of pets must have on their person a bag or devise for the containerization and removal of pet excrement. Individuals shall immediately containerize and dispose of excrement deposited by their pet in a trash receptacle or remove it from the historic site.

The proper disposal of pet excrement protects public health and safety, helps control the spread of disease, and avoids degradation of the visitor experience from the sight and smell of fecal material.

36 CFR §2.21 – SMOKING

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

- Smoking is prohibited inside all federally owned buildings within the historic site.

Smoking is prohibited to ensure a healthy workplace for employees and visitors. Further, smoke and gases from cigarettes, cigars, and pipes adversely affect museum exhibits and artifacts.

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:

- The visitor center and adjacent parking lot, plaza, and grounds (2120 Daisy L. Gatson Bates Drive)
- The historic Mobil gas station and adjacent parking lot and grounds (2125 Daisy L. Gatson Bates Drive)
- The commemorative garden (2200 Daisy L. Gatson Bates Drive located at the northeast corner of Daisy L. Gatson Bates Drive and South Park Street)

The consumption of an alcoholic beverage or the possession of an open container of an alcoholic beverage would be inappropriate considering that the environs of the park including Little Rock Central High School is still utilized as an active high school campus with students attending classes and other

school activities. The presence of alcoholic beverages would also not be appropriate due to the commemorative nature of the garden and the historic areas.

36 CFR §2.50 – SPECIAL EVENTS

A special use permit must be issued by the office of the superintendent before a special event can take place on federal lands within the historic site. Requests for an early opening or late closing of facilities are considered special events. Permits for special events will be issued pursuant to standards established in Directors Order and Reference Manual 53 and 36 CFR. Application for a special use permit must be made in writing to the superintendent at least four business days before the event.

These regulations are enacted to ensure the protection of historic site resources, prevent interference with interpretive or other NPS sponsored programs or activities and reduce conflicts with other visitors.

36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS

- Public assemblies, meetings, gatherings, demonstrations, parades, and other expressions of views are allowed providing a special use permit has been issued by the office of the superintendent. Application for a special use permit must be made in writing to the superintendent at least 48 hours before the event. All permits will be issued with provisions that make clear that permittees may not harass visitors or impede visitors' mobility into, out of, or within the historic site.

These regulations are enacted to ensure the protection of resources, prevent interference with interpretive or other NPS sponsored programs or activities and reduce conflicts with other visitors.

- Demonstrations involving 25 persons or fewer may be held without a permit within designated park areas, provided that none of the reasons for denying small groups permit exception occur.

While it is not mandatory, the organizer is requested to provide reasonable notice of the proposed event to the park superintendent, including whether there is any reason to believe that there may be an attempt to disrupt, protest, or prevent the activity. In the event that two or more groups taking advantage of the small group permit exception seek to use the same designated available area at the same time, and the area cannot reasonably accommodate multiple occupancy, the superintendent will, whenever possible, direct the later-arriving group to relocate to another nearby designated available area.

- All federal property within the historic site may be used for exercising of First Amendment rights, except:
 - Inside of the Visitor Center or Education Center, or within 25 feet of any entrance to those buildings.
 - Within any area planted with ornamental landscaping and covered with mulch or vegetative ground cover (other than turf grass).
 - Within any parking lot.

36 CFR §2.52 – SALE AND DISTRIBUTION OF PRINTED MATTER

- The sale and distribution of printed matter is allowed provided that a special use permit has been issued by the office of the superintendent, and provided the printed matter is not solely commercial advertising. The location authorized for this activity will be designated by the Superintendent.

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 historic site by the majority of visitors.

- To ensure the exercise of First Amendment rights, the free distribution of message bearing items to the public other than printed matter, so long as the activity occurs within the designated First Amendment area and complies with First Amendment activities.

Examples of message-bearing items that may be distributed for free include CDs, DVDs, and other readable electronic media. Such items must be distributed free of charge, and individuals may not ask or demand payment or request a donation in exchange for the item, which would violate 36 CFR 5.3.