National Park Service
U.S. Department of the Interior

Fort McHenry National Monument & Historic Shrine

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

Approved:

Tina Cappetta 2-17-16
Tina Cappetta/Superintendent 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 Fort McHenry National Monument and Historic Shrine. 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 USE OR ACTIVITIES

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

Visiting Hours:

- The park, or a portion of the park, may be closed at any time for emergency or security reasons in order to protect the welfare of staff and visitors.
- Entering or remaining in the park outside of posted hours is prohibited.
- The park is open to the public from 9:00 a.m. until 5:00 p.m. daily during the winter season and from 9:00 a.m. until 6:00 p.m. during the summer season. The extended summer season hours will start the Saturday of Memorial Day weekend and go through Labor Day. These dates will be posted on the park website, main gate, and park events brochure.
- The park will be closed Thanksgiving Day, Christmas Day, and New Year's Day.

The above visiting hours are based upon a determination that such hours are necessary for the maintenance of public health and safety, the protection of natural and cultural resources, and the implementation of management responsibilities.

Public Use Limits:

- The maximum speed for bicycles, scooters and authorized vehicles on the Seawall Trail is 10 mph.
- To provide for public safety all persons and vehicles entering the park are subject to search for explosive or terrorist devices and illegal weapons.

- Competitive events are only permitted under a permit issued by the Superintendent in accordance with §2.50(a).

The above public use limits are based upon a determination that such limits are necessary for the maintenance of public health and safety and the protection of natural and cultural resources.

Closures:

- The seawall is closed to all entry into or exit from the park. Standing on, sitting on, boat docking, fishing from, launching watercraft, crabbing, swimming or beachcombing from the seawall is prohibited.

- All administrative roads are closed to motorized vehicles unless their operators have received appropriate authority from the Superintendent or his/her representative. This includes mopeds operating under power of a motor. Handicapped visitors are authorized to use motorized wheelchairs or segways in this area.

- Employee residences located at Fort McHenry NM&HS are closed to public access.

- Maintenance facilities and areas are closed to public access.

- Parking areas are closed to all buses other than those arriving loaded, with Fort McHenry NM&HS as a destination for their occupants.

- Parking areas are closed to all vehicles whose passengers leave the grounds for more than two hours.

- The Visitor Center, Star Fort, and grounds may be closed to entry by the general public carrying backpacks, daypacks, large handbags, packages, coolers, or other large containers. These items are subject to search and inspection for weapons or items hazardous to visitors or staff. These provisions addresses terrorist concerns following the attacks of September 11, 2001 and recent terrorist activity.

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

- The use of electronic nicotine delivery systems (VAPES, E-cigs, etc) is prohibited anywhere smoking is prohibited within the park (Buildings, Historic Zone, within 25 ft of any doorway)

- The park is closed to the following activities:
    - Racing
    - Skating (including inline skating)
    - Skateboarding
    - Motorized scooters
    - Rock climbing
    - Launching, landing or operating all unmanned aircraft
    - Volleyball, badminton, and other net games
    - Golf practice
    - Horseshoes
    - Lawn darts
    - Winter Activities including sledding, skiing, snow boarding
    - Organized games or team sports such as baseball, football, soccer, or variations of such games using Frisbees or similar devices

- Recreational type activities that involve leaving property behind or affixing items to park property for other visitors to discover. Ex- Geo-caches, letterboxing, munzee barcodes, etc. See also 36 CFR §2.22
- Other games or activities that damage park resources or present public safety hazards
- Competitive events are only permitted under a permit issued by the Superintendent in accordance with §2.50(a)

The above closures are based upon a determination that such closures are necessary for the maintenance of public health and safety, the protection of environmental values, the protection of natural and cultural resources, the implementation of management responsibilities, the equitable allocation and use of facilities and the avoidance of conflict among visitor use activities.

(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:

- For purposes of regulation of activities within the Historic Zone as indicated on the attached map, the historic zone will be defined as the following: "The area within the split rail fence encompassing the Star Fort." Within the Historic Zone, the following activities are prohibited:
  - Picnicking
  - Recreational Activities
  - Bicycling and scooters

- Kite flying is restricted to the West Lawn as indicated on the attached map. Kite flyers and kites must remain in this area. Kites may not be tied to any cultural resource, natural resource, or any other object or left unattended. Kites must be under the physical control of the operator at all times.

- Ball throwing, Frisbee throwing, ball kicking and other similar activities are restricted to the West Lawn as indicated on the attached map. No nets, teams, bases, or goals are allowed to be in use while engaged in these activities.

- Bicycles and non-motorized scooters are only permitted in the designated areas listed under 36 CFR §2.20 and prohibited within the historic zone as designated on the attached map.

- Motor vehicles must shut down their engines when not underway. This condition is adopted from Maryland State Vehicle Code § 21-1101 -- Unattended motor vehicle.

The above designations are based upon a determination that such conditions are necessary for the maintenance of public health and safety, protection of environmental values, protection of natural or cultural resources and the equitable allocation and use of facilities.

(a)(3) The following restrictions, limits, closures, designations, conditions, or visiting hour restrictions imposed under §§(a)(1) or (2) have been terminated:

- N/A

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.

Applications for Special Use permits can be obtained by contacting the Permit Office:

Fort McHenry NM&HS
c/o: Permit Office

2400 East Fort Avenue
Baltimore, MD 21230
410-962-4290 x205.

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

(a)(4) Using or possessing wood gathered from within the park area is prohibited.

(a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archaeological or cultural resource, monument, or statue is prohibited except in designated areas.

(a)(7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or sub-bottom profiler is prohibited.

Under §2.1(a), collecting natural materials from the park is generally prohibited. However, pursuant to §2.1(c), the following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or possession and consumption restrictions:

- Crab apples, acorns, and pinecones may be gathered by hand from the ground for personal consumption. One peck per person per day may be gathered. Leaves and pinecones may be collected from the ground for educational purposes. Tree climbing is prohibited.

36 CFR §2.2 - WILDLIFE PROTECTION

(a)(1) The taking of wildlife is prohibited.

(b) Hunting and trapping is prohibited.

(d) Transporting wildlife through the park is prohibited.

36 CFR §2.3 – FISHING

(a) Fishing is not allowed within the boundaries of the park.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

Pursuant to 18 USC § 930, firearms are prohibited in federal facilities. Federal facilities are marked with signs at public entrances.

Pursuant to 16 USC § 1a-7b, park visitors may carry firearms in the Park if they are otherwise in compliance with federal, state, and local laws.

Traps and nets are prohibited except as permitted by the Superintendent or his/her designee.

CFR §2.5 – RESEARCH SPECIMENS

Taking plants, fish, wildlife, rocks or minerals is prohibited except in accordance with 36 CFR chapter 1 or the terms and conditions of a specimen collection permit pursuant to § 2.5(a).

36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) Camping is not allowed within the boundaries of the park.

36 CFR §2.11 – PICNICKING

As listed in 36 CFR § 1.5 of this document, picnicking is prohibited within the Historic Zone (designated on the attached map) of the park.

36 CFR §2.12 – AUDIO DISTURBANCES

Under § 2.12 (a) the following are prohibited:

(1) Operating motorized equipment, machinery, audio device, or musical instrument in a manner that makes unreasonable noise. Idling bus engines when parked is prohibited.
(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.
(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.
(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 when authorized by the Superintendent.

(a)(2) The use of stoves or lanterns is prohibited, except when authorized by the Superintendent.

36 CFR §2.14 – SANITATION and REFUSE

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

(b) Conditions for the disposal, containerization, or carryout of human body waste have been established as follows:

- All waste must be disposed of in designated human waste facilities.

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 permitted in the Historic Zone. Pets may be walked in other parts of the park, including the Seawall Trail, but must be kept on a leash not to exceed six feet in length.
- This restriction does not apply to service animals. The NPS will use the same definition of service animal currently found in DOJ regulations 28 CFR 363104 and will not rely on 36 CFR 2.15. Service animals will be allowed wherever visitors or employees are allowed when accompanying a person with a disability.

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

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

- Owners/handlers shall place pet excrement in an appropriate refuse container

(b) The use of dogs in support of hunting is not allowed within the park.

(e) Pets may be kept by park residents under the following conditions:

- Pets may be kept by residents of government quarters in accordance with park pet policy.

36 CFR §2.16 – HORSES and PACK ANIMALS

(b) The use of horses or pack animals is prohibited except with written permission from the Superintendent. No trails, routes, or areas are designated for their use.

36 CFR §2.17 – AIRCRAFT and AIR DELIVERY

(c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent through written authorization.

36 CFR §2.18 – SNOWMOBILES

(c) The use of snowmobiles is prohibited.

36 CFR §2.19 – WINTER ACTIVITIES

(a) Skiing, snowshoeing, ice skating, sledding, innertubing, tobogganing, and similar winter sports are prohibited on park roads and in parking areas open to motor vehicle traffic.

(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited. Scooters are permitted on administrative roads, sidewalks and or gravel areas except as noted under closed areas. Limitations are necessary for visitor safety along roadways and to avoid conflicts with other park users.

- As listed under 36 CFR § 1.5(a)(2) of this document, scooters are prohibited in the Historic Zone.

(A) Scooter use is permitted on the following administrative roads:

- Seawall Trail
- Orpheus Trail

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 within of all park buildings, including in the Star Fort buildings. Permanent employee residences are excluded.
- Smoking is prohibited immediately adjacent of any park building doors.

These restrictions are consistent with federal law and have been determined to protect park resources, reduce the risk of fire, and prevent conflicts among visitor use activities.

36 CFR §2.22 – PROPERTY

(a)(2) Leaving property unattended for longer than 24 hours is prohibited, except with the permission of the Superintendent.

36 CFR §2.23 – RECREATION FEES

(b) Recreation fees, and/or a permit, in accordance with 36 CFR part 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:

Entrance Fee Areas:

- The 2004 Federal Lands Recreation Enhancement Act (FLREA) is the authority under which a recreation fee is authorized to be charged to enter the historic area of Fort McHenry National Monument and Historic Shrine.
- Visitors pass through a Visitor Center where each visitor is screened individually to determine their category for entrance fee purposes.
- Adult Daily Fee (16 years of age and older) - $10.00 – (Seven-day pass)
- Children (15 years of age and younger) – free
- Senior Pass – Lifetime - (62 years of age+) - $10.00
- Access Pass – Lifetime – free
- Federal Recreation Lands Annual Pass - $80.00
- Fort McHenry Annual Pass - $40.00
- Annual Pass – Active Duty Military – free
  This pass provides free entrance to all national parks for active-duty members of the U.S. military and their dependents.
- Entrance fees may be paid for and passes may be purchased using cash, personal check, commercial check, traveler's check, credit card, or voucher.
- Groups from recognized educational institutions whose visit is educational in purpose and related to its curriculum may be granted a waiver from the entrance fee. Such groups must go through an approved application process in advance of the visit to be granted a waiver.
- No entrance fee is charged to any visitor on National Public Lands Day, which is usually the last Saturday in September.
- No entrance fee is charged to United States Veterans, members of the Armed Forces, or their families on Veterans' Day, November 11.

Daily Site Use Fee Areas:

- Fort McHenry has no daily use fees apart from those which fall under the Special Use Permit

Special Recreation Permit Fee (Such as but not limited to, group activities, recreation events, and the use of motorized recreation vehicles):

- Special Use Permit Application Fee - $50
- Land use for parades, rallies, ceremonies, celebrations, pageants

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 Historic Zone as designated on the attached map

This closure is implemented following the determination that the consumption and possession of alcohol in the Historic Zone would be inappropriate considering other uses of the location and the purpose for which it is maintained and was established.

36 CFR §2.37 – NONCOMMERCIAL 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 §2.38 – EXPLOSIVES

(b) Fireworks, firecrackers, and sparklers may be possessed and/or used in the following areas, under the conditions noted:

- Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit. When permitted, the use, possession, storage and transportation shall be in accordance with applicable Federal, state, and local laws.

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 within designated park areas when the Superintendent has issued a permit for the activity.

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

- The West Field and the area east of the Visitor Center, as indicated on the attached map. These areas are in prominent view of the visiting public and will not interfere with public access to the park.

36 CFR §2.52 – SALE OF DISTRIBUTION OF PRINTED MATTER

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

- These activities are allowed in the West Field and the area east of the Visitor Center, as indicated on the attached map.

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

(b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit and according to the following conditions:

- A permit is required for the scattering of ashes from cremated human remains in the monument.
- The remains to be scattered must have been cremated and pulverized.
- The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, developed facility, or body of water.
- No scattering of remains from the air is to be performed.
- No scattering of remains from the seawall is permitted.

36 CFR §3.3 – VESSEL PERMITS

No access to the park via water vessel is allowed except pursuant to the terms and conditions of a permit.

36 CFR §3.21 – SWIMMING AND BATHING

(a)(2) No access to the water for swimming, bathing, or other aquatic recreation is allowed from the park.

36 CFR §4.2 – STATE LAW APPLICABLE

(a) Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law is now or may later be in effect is adopted and made a part of the regulations in this part.

(b) Violating a provision of State law is prohibited.

36 CFR §4.21 – SPEED LIMITS

(b) The following speed limits are established for the routes/roads indicated:

- Main Road – 15mph
- Seawall Trail – 10mph

36 CFR §4.30 – BICYCLES

(a) The use of a bicycle is permitted on park roads and in parking areas that are otherwise open for motor vehicle use by the general public.

- As listed under 36 CFR § 1.5(a)(2) of this document, bicycles are prohibited in the Historic Zone.

(b) Bicycle use is permitted on the following administrative roads:

- Seawall Trail
- Orpheus Trail

(d)(3) Riding a bicycle abreast of another rider is not allowed in the park.

36 CFR §4.31 – HITCHHIKING

Hitchhiking or soliciting transportation is prohibited.

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 requires a permit, contract or other written agreement with the United States, or must be specifically authorized under special regulations.

36 CFR §5.5 - COMMERCIAL PHOTOGRAPHY/FILMING

(a) Before any motion picture, television production, or sound track may be made within the park 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 vehicles, models, or other articles of commerce for the purpose of commercial advertising requires a written permit from the Superintendent.

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 issued by the Superintendent.

36 CFR §5.7 – CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES

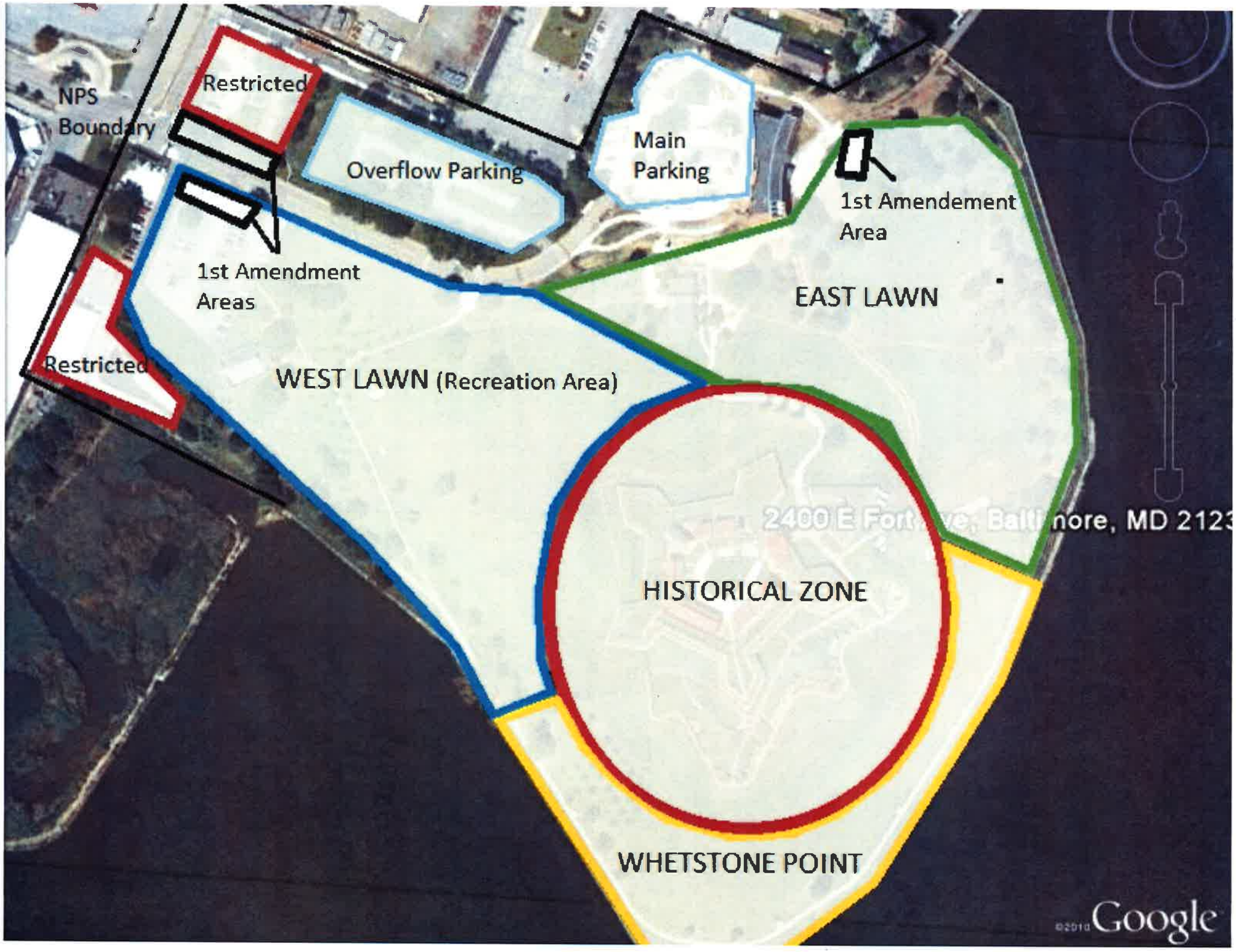
Such activities, including the use of tents, canopies, and other ground penetration, are prohibited, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.

CCTV Use Policy

The National Park Service's use of Closed Circuit Television (CCTV) for law enforcement and security purposes will only be to visually monitor public park areas and public activities where no constitutionally protected reasonable expectation of privacy exists. Such CCTV use - which will have adequate privacy and First Amendment safeguards – will be to help ensure public safety and security; facilitate the detection, investigation, prevention and deterrence of terrorist attack and crime; help ensure the safety of citizens and officers; help assist in the proper allocation and deployment of law enforcement and public safety resources; help facilitate the protection of the innocent and the apprehension and prosecution of criminals.

This policy does not restrict the official use of CCTV in government administrative areas including administrative buildings, jail holding facilities, revenue collection sites, etc, where the government may record/monitor its facilities. For example, the government may perform unrestricted video/audio recording at revenue collection points (entrance stations, visitor center counters, etc). This policy does not restrict the use of Mobile Audio/Video Recording Equipment (MVRE) in patrol vehicles driven by commissioned law enforcement rangers; that use is addressed in other policy documents, *RM-9, Chapter 26, Section 1.*

This information is included as required by RM-9, Chapter 26, Section 4.6


NPS
Boundary
Restricted
Overflow Parking
Main
Parking
1st Amendement
Area
1st Amendment
Areas
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