



National Park Service
U.S. Department of Interior

Fort Monroe
National Monument

41 Bernard Road
Building #17
Fort Monroe, VA 23651-1001

757-722-FORT (3678)

Superintendent's Compendium

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

Approved:

Eola L. Dance
Acting Superintendent

04/16/2021
Date

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.

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 the 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 superintendent 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.

9. Effective Date of the Superintendent's 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 41 Bernard Road (Building #17, Lee's Quarters), Fort Monroe, VA 23651-1001. It may also be found at website address here: www.nps.gov/fomr

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 and waters administered by the National Park Service, within the boundaries of Fort Monroe 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.

INDEX TO THE COMPENDIUM

36 CFR §1.5	Closures and Public Use Limits
36 CFR §1.6	Permits
36 CFR §2.1	Preservation of Natural, Cultural, and Archeological Resources
36 CFR §2.2	Wildlife Protection
36 CFR §2.3	Fishing
36 CFR §2.4	Weapons, Traps, and Nets
36 CFR §2.5	Research Specimens
36 CFR §2.10	Camping and Food Storage
36 CFR §2.11	Picnicking
36 CFR §2.12	Audio Disturbances
36 CFR §2.13	Fires
36 CFR §2.14	Sanitation and Refuse
36 CFR §2.15	Pets and Service dogs
36 CFR §2.17	Aircraft and Air Delivery
36 CFR §2.18	Snowmobiles
36 CFR §2.19	Winter Activities
36 CFR §2.20	Skating, Skateboards, and Similar Devices
36 CFR §2.21	Smoking
36 CFR §2.22	Property
36 CFR §2.35	Alcoholic Beverages and Controlled Substances
36 CFR §2.37	Noncommercial Solicitation
36 CFR §2.38	Explosives
36 CFR §2.50	Special Events
36 CFR §2.51	First Amendment Activities
36 CFR §2.52	Sale or Distribution of Printed Matter
36 CFR §2.60	Livestock Use
36 CFR §2.61	Residing on Federal Lands
36 CFR §2.62	Memorialization
36 CFR §3.16	Swimming and Wading (including SCUBA)
36 CFR §3.8	Use of a Vessel
36 CFR §4.10	Travel on Park Roads and Routes
36 CFR §4.11	Exceeding Established Vehicle Load, Weight, and Size Limits
36 CFR §4.21	Speed Limits
36 CFR §4.30	Bicycles, and E-Bikes
36 CFR §5.1	Advertisements
36 CFR §5.3	Business Operations
36 CFR §5.5	Commercial Photography
36 CFR §5.6	Commercial Vehicles
Appendix I	Map of General NPS Property
Appendix II	Map of NPS Boundaries
Appendix III	Map of First Amendment Areas

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 following areas are **closed** to public use and access as indicated. This does not apply to park personnel on official business, attendees of park sponsored special events, those with legal access rights or right-of-ways through and across the park, and residents. Specifically included are roads, parking areas, grounds, fields, and woods located at:

– **Fort Monroe National Monument (all buildings and property) – Midnight to 5 am; North Beach area from Battery Anderson–Ruggles at the Colonies RV and Travel Park and areas north – 9 pm to 5 am; Beach areas – Sunset to Sunrise**

Determination and Justification: After hours use, nighttime activity, and overnight parking create a number of impacts that would be inconsistent with the protection of park resources. The superintendent has determined there is no valid use of these areas during the hours between Midnight and 5 am and 9 pm and 5 am respectively.

- The park is closed to the public on the following holidays: Columbus Day, Veterans Day, Thanksgiving Day, December 25, and January 1 of each year.
- NPS, Lessee, friends group sponsored special events, approved public meetings, and programs scheduled to occur in any of the park units after designated closure times are exempt.
- All park-operated buildings open to the public maintain the visiting hours from 10 am to 5 pm EST, unless otherwise noted. These include **Building # 17**. All park buildings are closed to the public on Columbus Day, Veterans Day, Thanksgiving Day, December 25, & January 1 annually.
- Lessees or licensed areas may have different hours.
- For additional information on park closures please visit the park website, www.nps.gov/fomr, Facebook, Instagram, or Twitter pages.

Public Use Limits and Closures

- The following park roads and areas are closed to all non-park personnel visitation, and vehicle traffic, except those on official business, and adjacent roadways, or right-of-way across the area. *Justification for certain closures is based on the protection of cultural and natural resources.*
 - a. Dog Beach (Permit required)
 - b. Marsh areas
 - c. Rip Rap Rocks
 - d. Building #212, 232, 214, Endicott Batteries – DeRussy, Church, and Anderson-Ruggles
 - e. Building # 247
 - f. Building # 1, Quarters No. 1
 - g. Building # 50 - Engineer's Quarters

Determination and Justification: These roads and areas are closed except for administrative purposes and serve no public use or vehicular access purpose. Access to these areas is prohibited unless authorized by the superintendent via a special use permit.

- Emergency Road/Unit Closures: All roads and/or park units are subject to temporary closures as indicated by signs, locked gates, or other means of notification for administrative purposes, security concerns, construction and/or repair, tree trimming or felling, or during periods of adverse weather, natural disaster, or other emergency.
- Service and Administrative Roads: Such roads are closed to non-official vehicles (except by permit) and will be designated by signs and/or locked gates.
- Parking areas open to vehicular parking are open to park visitors during visitation hours from **5 am to Midnight** only.

(a) (1) Use of 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 Fort Monroe National Monument is prohibited except as approved in writing by the superintendent.

Definition of 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 recreation or commerce.

Determination and Justification: The superintendent has determined that the unmanaged or unrestricted recreational use of unmanned aircraft within Fort Monroe National Monument may conflict with, or impact, a variety of park uses including: park interpretive programs and activities provided by the NPS; as well as impacts including: impairing visitor view sheds; the disturbance, displacement or harassment of park wildlife to include threatened or endangered species; the creation of public safety hazards per operations near roadways or large aggregations of visitors. Less restrictive measures were not considered sufficient due to the rapidly expanding and evolving use of unmanned aircraft throughout the world. Section 1.5 of the NPS Management Policies (2006) provide that a new form of park use may be allowed within a park only after a determination has been made by the park superintendent that it will not result in unacceptable impacts on park resources and values.

- Sign and Notices: The park is closed to the posting of commercial signs. These include, but not limited to, private signs, announcement, realty signs, and political advertisements.
- Parking: Parking is permitted in the “designated” locations in the park only. Roadside, or at large parking on the grass is prohibited throughout the park, unless authorized by NPS permit.
- Sports and Recreation: Fort Monroe National Monument is closed to certain recreational and sporting activities including, but not limited, to the following: motor racing, model airplane and helicopter flying, model rocket launching, golfing, fishing, Horseback riding, ATV or Off-Road vehicles. See also 36 CFR § 2.20 which prohibits the use of roller skates, skateboards, roller skis, coasting vehicles, and other similar devices, except in designated areas. Specific prohibitions or limitations on certain activities may be addressed in other regulations. Organized recreational and sporting activities may be authorized by NPS permit.
- Picnicking: Picnicking is authorized in the park in accordance with 36 CFR § 2.11, except in

designated areas:

- a. Historic Structures or areas otherwise closed to visitation
- b. Seawall
- c. Rip Rap Rocks
- d. Leased areas (such as Colonies RV & Travel Park & Paradise Ocean Club)

- Electric Personal Assistive Mobility Devices: The use of these devices, such as motorized wheelchairs and Segways, by those with mobility impairments is allowed throughout the park. Users of these vehicles are viewed and treated as pedestrians. Use by others of such devices is guided by state law.

Determination and Justification: The NPS has concluded that an interim policy on allowing the use of Segways and similar devices by individuals with mobility disabilities is compelled by the Rehabilitation Act of 1973 and the Department of the Interior's (DOI) regulations at 43 CFR Part 17, Subpart E. It has been determined that such devices would be appropriate for all park areas currently open to motorized wheelchair use. Justification of Segways not permitted inside park buildings or other areas not mentioned is for overall safety concerns. This policy is in effect until a service-wide policy is enacted.

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

Determination and Justification: Ample locations exist outside the park for these activities. These types of activities are inconsistent with the preservation and protection of resources and are inconsistent with the park's purposes and values. They are inconsistent with the reasons the park was established.

Violating the terms or conditions of a permit issued pursuant to this section is prohibited.

Contact the National Park Service office for permit information. Please call 757-722-FORT (3678).

Areas designated for a Specific Use or Activity:

- Fishing: Not allowed anywhere on NPS property.

Determination and Justification: An authorized location exists at Fort Monroe outside the park for this activity. See www.fortmonroe.org for Fort Monroe Authority regulations.

- Camping: All camping by anyone other than designated personnel participating in a park sponsored special event outside of the Colonies RV and Travel Park requires a permit.
 - Camping both Day and Night is defined as establishing or setting up an area for use in such ways that conforms with the act of camping. This would include setting up tents, hammocks, or other sleeping equipment, extension of RV pop outs or awnings, use of generators, chairs or sitting outside RVs, etc.
 - Internal use only of RVs, legally parked on paved surfaces, is authorized.

Determination and Justification: An authorized location has been established within the park for this activity.

- **Skating:** Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in designated areas.
 - Designated areas for all skating activities include: Gulick Dr - aka boardwalk, paved roads, parking lots, and sidewalks.
 - Specifically excluded from designated authorized areas: ramps, benches, stairways, walls, and other surfaces not designed for this activity.

Determination and Justification: Recreational activities in these areas are consistent with the park's purposes and values. They are consistent with the reason the park was established.

- **Geo Caching / Letter Boxing / Virtual Caching:** Geocaching is prohibited throughout the park. "Letter Boxing" is prohibited on park property unless authorized by the superintendent via a special use permit. "Virtual caching" is permitted at designated park visitor centers and units as identified on the park's web site.

Determination and Justification: Methods of stashing items such as digging, burying, covering and otherwise concealing items are sometimes used with geo-caching, and are inappropriate within these areas. Ample locations exist outside the park for these activities. These types of activities are inconsistent with the preservation and protection of resources and are inconsistent with the park's purposes and values. They are inconsistent with the reasons the park was established.

Note: 36 CFR §2.22 a) (2) Leaving property unattended for longer than 24 hours is prohibited.

- **Paranormal Investigations:** Paranormal investigations and activities are prohibited on park property.

Determination and Justification: Ample locations exist outside the park for these activities. These types of activities are inconsistent with the preservation and protection of resources and are inconsistent with the park's purposes and values. They are inconsistent with the reasons the park was established.

- **Star Gazing:** Star gazing on park property is not permitted after hours unless authorized by the park superintendent via a special use permit.

Determination and Justification: This recreational activity is consistent with the park's purposes and values. They are consistent with the reason the park was established. As such, it is prohibited on park property after hours unless authorized by the superintendent via a special use permit, except on leased areas or in participation with a park sponsored event.

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

- **Beach areas:** The use of glass containers is not permitted on all beach areas. *Determination and Justification: These restrictions are in effect to maintain the historical significance of Fort Monroe NM, to protect the park's natural and cultural resources, and to provide for public safety. These restrictions are made pursuant to 36 CFR § 3.17.*

- **Passenger Carrying Buses:** Engines must be shut down when not underway. *Determination and Justification: 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 buses, they are excluded from the requirement.*

- **Wearing of Face Covers due to COVID-19:** Individuals over the age of two years must wear masks, except when actively eating or drinking, in the following locations:
 1. All common areas and shared workspaces in buildings owned, rented or leased by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops, and restaurants.

 2. The following outdoor areas, when others are present, where the superintendent has determined that physical distancing (staying at least six feet apart) cannot reasonably be maintained:
 - Gulick Road when heavily visited

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

On January 29, 2021, the Acting Secretary of the Interior issued a memorandum entitled Protecting Our Workforce by Requiring Mask-Wearing. This memorandum reaffirmed the Administration's commitment to an urgent, robust, and professional response to the COVID-19 pandemic. The Memorandum requires all onsite employees, contractors, and volunteers to wear a mask or face covering at all times while in Department buildings or on federal public lands when physical distancing of 6 feet or more is not possible. This rule is based on that directive and current Centers for Disease Control guidance. The outdoors areas identified were identified on the basis of where it is impossible or unlikely to be able to socially distance when others are around or that have typically congested and high traffic conditions.

Violating the terms or conditions of a permit issued pursuant to this section is prohibited. Contact the National Park Service office for permit information. Please call 757-722-FORT (3678).

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

(f) A compilation of those activities requiring a permit shall be maintained by the superintendent and available to the public upon request.

The following is a listing of those activities requiring a permit from the superintendent:

- §1.5(d) The following activities related to Public Use Limits:
 - Special Events
 - Weddings
 - Ceremonies
 - Any other activity that occurs outside of established operational hours
 - Access to areas that is otherwise not open to the public

- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks; or minerals)
- §2.10 Camping and Food Storage
 - (a) The superintendent may require permits, designate site or areas, and establish conditions for camping.
 - (9) Violating conditions which may be established by the superintendent.
 - (10) Camping outside of designated sites or areas.
 - All camping by anyone other than designated personnel participating in a park sponsored special event outside of the Colonies RV and Travel Park.
 - Camping both Day and Night is defined as establishing or setting up an area for use in such ways that conforms with the act of camping. This would include setting up tents, hammocks, or other sleeping equipment, extension of RV pop outs or awnings, use of generators, chairs or sitting outside RVs.
 - Internal use of RVs only that are legally parked is exempted from requiring a permit.
- §2.1 Preservation of Natural, Cultural, and Archeological Resources:
 - Parking on grass or other open areas not paved and/or marked for such activity is not permitted park wide without a permit.
- §2.12 Audio Disturbances
 - (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
- 36 CFR §2.14 – SANITATION and REFUSE
 - (a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is prohibited within the park.
 - (b) Conditions for the disposal, containerization, or carryout of human body waste have been established as follows:
 - The disposal of human body waste shall be accomplished only at public restroom facilities within the park.
- §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 (Please see General Regulations, Section III, 2.51)
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising (Please see General Regulations, Section III, 2.52)

- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §2.62 Memorialization:
 - (a) Erection of monuments (Requires approval from the NPS Director)
 - (b) Scattering ashes from human cremation
 - Roadside memorials
- §3.8 Use of a Vessel
- §4.11(a) Exceeding established vehicle load, weight, and size limits
- §5.1 Advertisements - (Display, posting, or distribution.)
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.
- §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:
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 (outside of areas managed as wilderness) 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 and obtain a permit if necessary to:

- maintain public health and safety;
- protect environmental or scenic values;
- protect natural or cultural resources;
- allow for equitable allocation 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 activity takes place in areas managed as wilderness or if the superintendent has notified the organizer in writing that a permit is required.
3. Violating a term and condition of a permit issued under this action.

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

Any citation written for a violation of this section shall be written under:

36 CFR 1.5(f)(b) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising or in a location where or when members of the public are not allowed without a written permit from the superintendent is prohibited.

- See 43 CFR Part 5 for still photography regulations
- See 36 CFR 5.5(b) for audio recording regulations

- 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.

Requests for an application for a Special Use Permit can be made by contacting:

**Fort Monroe National Monument
Attn: Special Use Permits
41 Bernard Road
Building #17
Fort Monroe, VA 23651-1001
757-722-FORT (3678)
Email: fomr_interpretation@nps.gov**

Violating the terms or conditions of a permit issued pursuant to this section is prohibited. Contact National Park Service office if you find something. Please call 757-722-FORT (3678).

III. GENERAL REGULATIONS

36 CFR §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, except in designated areas and under conditions established by the superintendent, is prohibited.

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

This paragraph does not apply to:

(i) A device broken down and stored or packed to prevent its use while in park areas.

(ii) Electronic equipment used primarily for the navigation and safe operation of boats and aircraft.

(iii) Mineral or metal detectors, magnetometers, or sub-bottom profilers used for authorized scientific, mining, or administrative activities.

Determination and Justification: Consistent with the park's purposes and values there are no areas authorized within the park to dig or disturb the soil. Possession or use of metal or other detecting devices are directly connected to the attempt to remove existing park resources protected by law.

- Parking on grass or other open areas not paved and/or marked for such activity is not permitted park wide without a permit.

36 CFR §2.2 – WILDLIFE PROTECTION

- (a)(1) Hunting and taking is prohibited on all park property.
- (e) The following areas are closed to the viewing of wildlife with the use of an artificial light: The entire park

Determination and Justification: Viewing, or attempting to view, wildlife by means of motor vehicle headlights, infrared lighting/beams, or other artificial light (spotlighting) is prohibited park wide.

36 CFR §2.3 – FISHING

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

Fishing is prohibited anywhere on NPS property.

Determination and Justification: An authorized location exists at Fort Monroe outside the park for this activity. See www.fortmonroe.org for Fort Monroe Authority regulations.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

- Pursuant to 18 USC § 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.
- Pursuant to 16 USC § 1a-7b, park visitors may carry firearms in the park in compliance

with federal, state, and local laws.

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 or pursuant to the terms and conditions of a specimen collection permit.

36 CFR §2.10 – CAMPING and FOOD STORAGE

- Camping and food storage outside Colonies RV and Travel Park is prohibited except under terms set forth by the superintendent.
- Camping may be permitted on a limited basis and under permission from the superintendent for living history groups in conjunction with a park-sponsored activity for interpretive/educational purposes with such individuals signed up as Volunteers In Parks.

36 CFR §2.11 – PICNICKING

- Picnicking: Picnicking is authorized in the park in accordance with 36 CFR § 2.11, except in designated areas:
 - a. Historic Structures or areas; otherwise closed to visitation
 - b. Seawall
 - c. Rip Rap Rocks
 - d. Leased/Licensed areas

General conditions for Picnicking:

- Groups or social gatherings in excess of (25) persons require a permit.
- Picnicking is first come, first served. Reservations will not be accepted.
- Open fires are restricted to the provided raised fire rings, receptacles, and grills.
- Portable grills (charcoal or propane) are **NOT** permitted.
- Tables and/or portable grills, etc. are not permitted.
- Picnicking cannot obstruct traffic or an established parking slip.
- Parking on the grass is prohibited park wide.

Determination and Justification: Recreational activities in these areas are consistent with the park's purposes and values. They are consistent with the reason the park was established. Some exceptions may exist at the Colonies RV and Travel Park due to customary use patterns. See http://thecoloniesrvandtravelpark.com/images/pdf/Campground_Rules.pdf for Colonies RV and Travel Park regulations.

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 (first amendment and demonstration purposes).

36 CFR 2.13 – FIRES

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

Designated Areas:

- Colonies RV and Paradise Ocean Club – in the park provided fire receptacles, raised off the ground, and park provided standing grills.
- Colonies RV and Paradise Ocean Club – personally owned portable grills (charcoal, wood, or propane) are permitted for registered guests.
- Fires inconsistent with the above conditions may be approved on a limited basis under permission from the superintendent for living history groups who may camp in conjunction with a park-sponsored activity for interpretive/educational purposes.

Established Conditions for Fires:

- Receptacle fires cannot exceed the diameter of the actual receptacle.
- Grill fires cannot exceed the size of the actual grill (charcoal or wood only).
- Never leave a fire unattended.
- **(a) Fires must be extinguished according to the following conditions:**

- All fires must be completely extinguished and any coals/wood, etc. cold to the touch.
- Coals and ash must be safely and properly disposed before leaving the site.

Note: all conditions found in this section apply to all provided fire receptacles found anywhere on-site. A limited number of provided fire receptacles may be found outside of the forementioned designated areas.

Contact the National Park Service office for more information regarding this section, including proper coals and ash disposal. Please call 757-722-FORT (3678).

36 CFR §2.14 – SANITATION and REFUSE

- **(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial, or industrial refuse, brought as such from private or municipal property is prohibited.**
- **(b) Conditions for the disposal, containerization, or carryout of human body waste have been established as follows:**
 - The disposal of human body waste shall be accomplished only at public restroom facilities within the park.

36 CFR §2.15 – PETS

- **(a)(1) The following park structures and/or areas are closed to the possession of pets:**
 - All park buildings. This shall not apply to service dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons; also shall not apply to mobility, therapy, emotional support, or medical alert dogs.
- **(a)(2) Failing to crate, cage, restrain on a leash, which shall not exceed six feet in length, or otherwise physically confine a pet at all times, is prohibited.**
- **(a)(3) Leaving a pet unattended and tied to an object is prohibited, except in designated areas or under conditions which may be established by the superintendent.**

Determination and Justification: Consistent with the park's purposes and values there are no areas authorized within the park.

- (a)(5) Pet excrement must be disposed of in accordance with the following conditions:
 - Excrement shall be removed by the owner/handler from picnic areas, exhibit areas, trails and other public use areas which includes frequently mowed and highly visible areas.

36 CFR §2.17 – AIRCRAFT AND AIR DELIVERY

- (a)(3) Delivering or retrieving a person or object by parachute, helicopter, or other airborne means is prohibited, except in emergencies involving public safety or serious property loss or pursuant to the terms and conditions of a permit.
- (c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the superintendent.

36 CFR §2.18 – SNOWMOBILES

- (c) The use of snowmobiles is prohibited throughout the park.

36 CFR §2.19 – WINTER ACTIVITIES

- (a) Skiing, snowshoeing, ice skating, sledding, inner tubing, 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, sled, or other similar device by motor vehicle or snowmobile is prohibited park wide.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

- Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in designated areas.

Designated areas for all skating activities include: Gulick Dr - aka boardwalk, paved roads, parking lots, and sidewalks.

Specifically excluded from designated authorized areas: ramps, benches, stairways, walls, and other surfaces not designed for this activity.

Determination and Justification: Recreational activities in these areas are consistent with the park's purposes and values. They are consistent with the reason the park was established.

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 and the use of Electronic Nicotine Delivery System (ENDS) as noted:
 - All park buildings
 - Within 25 feet of any entrance or exit primarily accessed by the visiting public.
 - Within 25 feet of any entrance or exit not generally accessed by the public, where

- smoking would result in smoke traveling through doorways, windows, air ducts, or other openings
- Smoking and the use of ENDS is prohibited and will not be permitted within any Government-owned or leased vehicle, including heavy equipment, watercraft, or aircraft.

Determination and Justification: These restrictions are intended to reduce any possible conflict between users and the harmful effects of smoking, second-hand smoke, ENDS, and to protect park structures from fire danger or smoke. This prohibition is consistent with federal law.

36 CFR §2.22 – PROPERTY

- (a) The Following are prohibited:
 - (1) Abandoning property
 - (2) Leaving property unattended for longer than 24 hours, except in locations where longer time periods have been designed or in accordance with conditions established by the superintendent.
 - (3) Failing to turn in found property to the superintendent as soon as possible. Found property should be turned in to NPS offices: 757-722-FORT (3678).
- (b)(1) Property determined to be left unattended will be impounded by the superintendent.
- (b)(3) Found or impounded property shall be inventoried to determine ownership and safeguard personal property.

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:
 - Possession and consumption of alcoholic beverages is prohibited on all park property in accordance with Virginia State Code 4-78. The following exceptions apply: In areas where licensed.
 - Prohibited in all areas without a permit issued by the superintendent. Specifically noted to include all beach areas.

Determination and Justification: Based on Virginia State Code 4-78 for prohibiting open alcoholic beverages inside motor vehicles and public areas. This type of activity is inconsistent with the park's purposes. The consumption of alcohol and possession of open containers of an alcoholic beverage is an incompatible activity for this type of visitation. Ample locations exist outside the park for consumption of alcohol.

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

- (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) The possession and or use of fireworks, firecrackers, black powder, or any other explosive device is prohibited except under the terms of a permit issued by the superintendent.

Do not approach any item suspected to be an explosive. Immediately call 911 to report the location of anything potentially explosive that is discovered. Contact National Park Service office at 757-722-FORT (3678) for any additional questions on this section.

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 has been issued by the superintendent.

36 CFR §2.51 – DEMONSTRATIONS

- (b) Demonstrations of 25 people or less are allowed within the park areas designated as available under paragraph (c) (2). 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:*

See Attachment III – First Amendment Area

36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

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

Per Policy Memorandum 14-01 dated January 28, 2014, other message-bearing items may also be distributed in designated areas under 36 CFR 2.52 if it is done free of charge and without asking for payment or a donation. This will allow the free distribution of message-bearing items to the public other than printed matter, so long as the activity occurs within an area as available for First Amendment activities.

36 CFR §2.61 – RESIDING ON FEDERAL LANDS

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

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, except pursuant to the terms and conditions of a permit.

36 CFR §3.16 – SWIMMING AND BATHING

- Swimming or wading is allowed in waters, subject to closures or restrictions designated by the superintendent.
 - **Swimming and/or bathing is prohibited** in all areas within the park.
 - **Wading** in the open waters throughout the park is **permitted**

Wading is defined as walking or recreating in water, when partially immersed i.e. the water is not over one's head while standing on the bottom.

Water access at your own risk when no Lifeguard is provided.

Determination and Justification: It is hazardous to swim or bathe in open waters throughout the park. However, the recreational use of the shorelines beaches to wade is consistent with the park's purposes and values. They are consistent with the reason the park was established. Some exceptions may exist at the Paradise Ocean Club. See appendix for Paradise Ocean Club Regulations. Also, see www.fortmonroe.org for Fort Monroe Authority regulations.

36 CFR §3.8 – Use of a Vessel

Power-driven or Sailing Vessels

- (a)(2) Launching or recovering a vessel is prohibited, except at a launch site designated by the superintendent.
 - Power-driven or sailing vessels - No areas are designated or authorized within the park.

Determination and Justification: These restrictions are intended to reduce any possible conflict between power-driven and sailing vessels and users accessing the open waters from shorelines park wide. Ample locations exist outside the park for these activities. An authorized location exists at Fort Monroe outside the park. See appendix for Fort Monroe Authority Regulations

Manually Operated Vessels

- Manually operated vessels or watercraft, such as paddle boards, canoes, and kayaks - All shoreline beach areas are authorized or designated for this recreational use park wide.

Determination and Justification: The interaction of users of manually operated vessels and those accessing the open water from the shorelines park wide are congruent with each other and present minimal possible conflicts. This recreational activity is consistent with the park's purposes and values within this area. They are consistent with the reason the park was established. Authorized locations for this activity exist at Fort Monroe outside the park. See appendix for additional locations and Fort Monroe Authority Regulations.

Operating a Power-driven or Sailing Vessel Near Shoreline

- (5) Unless a designated area is marked otherwise, operating a power-driven or sailing vessel within 500 feet of a shoreline designated as a swimming beach is prohibited. This prohibition does not apply in locations such as a river, channel, or narrow cove where passage is restricted to less than 500 feet. In such restrictive locations where swim beaches are designated, the operation of a vessel in excess of a flat wake speed is prohibited.
 - The only designated area park wide is at the Paradise Ocean Club.

- This area authorizes anchoring or tying together of vessels, so long as they cannot become grounded or beached at any time.

Determination and Justification: These restrictions are intended to reduce any possible conflict between power-driven and sailing vessels and users accessing the open waters from shorelines park wide. Additionally to protect the natural resources of the shorelines park wide. See Paradise Ocean Club regulations - 757-317-1234.

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

- **(a) Park roads, open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document (attached hereto)**
 - Please see page 5, under “Public Use Limits and Closures, 36 CFR §1.5”

36 CFR §4.21 – SPEED LIMITS

- **(b) The following speed limits are established for the routes/roads indicated:**
 - The speed limit on all roads on Fort Monroe is 25 miles per hour unless otherwise noted.
 - Areas where the speed limit exceeds 25 miles per hour are Eustis LN, Stilwell Dr, and Fenwick Road between the Baseball fields and the north end of the park.

36 CFR §4.30 – BICYCLES and E-Bikes

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

The term “e-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).

E-bikes are allowed in Fort Monroe National Monument where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles 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 following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).

Except as specified in this Compendium, the use of an e-bike within Fort Monroe 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.

Determination and Justification: Such use is consistent with the protection of the park’s natural, scenic and aesthetic values, safety considerations, and management objectives and will not disturb wildlife or park resources.

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.

Attachment #1

General Park Map



Attachment #2

Fort Monroe National Monument



- Existing Park Boundary**
- Historic Preservation Easement**
- Historic Structures, Batteries, or Closed Areas**
- First Amendment Area**
- Compendium Jurisdiction
(Area this document applies to)**

