



National Park Service
U.S. Department of the Interior
Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other
Restrictions Imposed Under
Discretionary Authority.

**First State National
Historical Park**

211 Delaware St.
New Castle, DE 19720
302-544-6363 New Castle
302-478-2769 Woodlawn

Approved:

Superintendent

2020 Superintendent's Compendium

Approved by William Eric Breitreutz, Acting Superintendent, on December 4, 2019

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 Secretary, acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations (54 U.S.C. §100101(a)).

In 1970, Congress declared:

(A) the National Park System, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States and its territories and possessions;

(B) these areas, though distinct in character, are united through their interrelated purposes and resources into one National Park System as cumulative expressions of a single national heritage;

(C) individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one System preserved and managed for the benefit and inspiration of all the people of the United States; and

(D) it is the purpose of this division to include all these areas in the System and to clarify the authorities applicable to the System (54 U.S.C. §100101(b)).

54 U.S.C. §100102(2) defines the National Park System as "...any areas of land and water administered by the Secretary, acting through the Director, 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, then 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 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
First State National Historical Park
211 Delaware St.
New Castle, DE 19720

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.

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 Park Headquarters located at: 211 Delaware St., New Castle, DE 19720.

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 First State National Historical Park. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

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

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

Visiting Hours:

- Woodlawn Tract (aka, Beaver Valley): Sunrise to Sunset

Justification: The Park is considered a Day Use Area. With the exception of Woodlawn Tract residents, guests of those residents, and traffic on through roads, the Park will be closed before sunrise and after sunset. The closure is justified by public safety, as the trails and parking lots of the park are unlit and unpatrolled by NPS during nighttime hours.

- Sheriff's House: Closed to public access.

Justification: Not yet open to the public, as the building is in disrepair and is considered unsafe.

Closures:

- All rivers, creeks, and streams within First State National Historical Park are closed to the use of any type of vessel, except that non-motorized vessels may use the following waterways under the conditions noted below:

All sections of the Brandywine Creek within park boundaries.

The following conditions must be met:

- Vessels must be in good condition and rated for the classification of water users are intending to navigate.
- Use of a trailer or wheeled device to launch or retrieve a vessel is prohibited.
- Dragging vessels on vegetation is prohibited.
- A personal flotation device must be worn while any vessel is underway by any boater 12 or under and must be within reach for all boaters in accordance with Delaware State Law
- Boaters must take precautions to ensure their vessel is free of invasive species.

Justification: The Superintendent has determined that management of the park's rivers must meet the needs of all park users including but not limited to photographers, fishermen, and those wishing to see undisturbed sections of free flowing river. By placing constraints on certain activities, each of the visitor groups can be accommodated, while providing for both visitor and resource protection. This action has been determined not to be a major shift in policy nor a significant change to previous regulatory efforts. These restrictions and conditions are necessary to preserve the natural character of the rivers, creeks, and streams for public enjoyment and safety.

Possession of a glass container within 50 feet of any riverbank, lakeshore, on the water, or in a vessel is prohibited.

Justification: This restriction is necessary for the protection of visitors who frequent these areas with bare feet.

- Fishing is prohibited within 100 feet of any swimmer

Justification: To reduce the hazard to swimmers by sharp hooks and lures cast by fishers.

- The Brandywine Creek and its tributaries are designated as Swimming and Wading Areas. All other bodies of water within the park, including ponds, are closed to swimming and wading.

Justification: The Brandywine Creek and its tributaries are considered appropriate for swimming and wading, where possible. Other bodies of water, which include ponds on leased property, are closed to swimming and wading as they are located within areas with agricultural and residential leases and may conflict with those designated uses.

- All areas of the park are closed to Unmanned Aircraft

Launching, landing, or operating an unmanned aircraft from or on lands and water administered by the National Park Service within the boundaries of First State National Historical Park is prohibited except as approved in writing by the superintendent. The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

Justification: This public use limit is necessary to maintain public health and safety at First State National Historical Park and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values. When proposed park uses and the protection of park resources and values come into conflict, the protection of resources and values must be predominant.

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.

- The public use of ATVs and UTVs is prohibited.

Any use of any off-highway vehicle (OHV), all-terrain vehicle (ATV), utility vehicles (UTVs) or other motorized conveyance manufactured for recreational non-highway, off-road, or all-terrain travel regardless of registration status (all terrain vehicles, as defined by Delaware State Code Title 21. Motor Vehicles) is prohibited offroad within First State National Historical Park. Under NPS management policies, (8.2.3.1), on-duty NPS employees and partners may use OHVs or UTVs on a case by case basis as part of their official work duties when the use of a UTV with specific advantages is essential to promoting efficiency for a project, promoting employee safety, and supporting parkwide sustainability goals. Under this allowance, staff will predominately use administrative roads within First State National Historical Park that are closed to the public and avoid public roads within First State National Historical Park whenever possible.

Justification: The recreational and general use of off-highway vehicles such as OHVs, ATVs UTVs, and other motorized conveyances manufactured for recreational non-highway, off-road, or all-terrain travel poses a significant risk to park resources and conflicts with other park visitors and wildlife. These risks and conflicts cannot be appropriately mitigated, or be sustained without causing unacceptable impacts. The use of such vehicles is, therefore, not consistent with the protection of the park. Use by on-duty First State National Historical Park employees will be limited to instances when other alternatives to a OHV/UTV are not available and the use of the OHV/UTV is essential to the project’s efficiency or employee safety such as hauling large amounts of heavy materials over rough terrain.

Note: ATV violations occurring on roadways should be cited under §1.5(f). Violations occurring off roadways should be cited under §1.5(f) and under 36 CFR §4.10(a) or §2.1(a)(1)(ii).

- Parking is limited to parking lots and paved and gravel pull-outs(

Justification: These closures are in effect to protect the cultural and natural resources of the park and to provide for public safety along the narrow roads throughout the park.

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:

Conditions and Restrictions on Specific Uses or Activities:

Camping

§2.10(a) Camping is only permitted at park sponsored events or by special use permit.

Justification: The Park closes at sunset and no campsites are located within the park. Camping is only permitted for park sponsored events or by special use permit to ensure overnight visitors have consulted with park staff, agree to proper safety and resource protection measures, and that the use occurs in an area with minimal impact to the cultural and natural resources of the park and minimal disturbance to other park visitors. Agreed upon conditions and assurance that those conditions will be adhered to is of particular importance at a small park, as the park does not have adequate staff to provide oversight for overnight users

Hiking and Pedestrian Use:

- Hiking and pedestrian use at Woodlawn is restricted to trails and walkways designated and identified on the Beaver Valley Trail Map attached as Appendix A.
- Leaving a trail or walkway to shortcut between portions of the same trail or walkway, or to shortcut between portions of the same trail or walkway is prohibited.
- Visitors may not cross or disturb fields in agricultural use.
- Horse Pasture and Agricultural Fields: Public use and entry into any enclosed horse pasture within the park is prohibited.

Justification: Restricting hikers and pedestrians to the park's trails and walkways protects the natural and cultural resources of the park and crops and animals of lessees.

Horseback Riding

Horseback riding may only be done on the designated trails and grassy strips along the road frontage in the Woodlawn Tract pursuant to §§ 1.5 & 2.16(b). See the Woodlawn Map in Appendix A.

Justification: Restricting horseback riding to designated trails ensures visitor safety and protects the natural resources of the park.

Non-Motorized Boat Loading and Unloading

The northern end of the Smith Bridge Parking Lot has been designed and designated to allow two vehicles, either commercial or personal, to load and unload non-motorized vessels. Parking vehicles in the two parking spots dedicated to the boat launching ramp longer than 15 minutes is prohibited. Anyone parking in these designated spots for more than 15 minutes is subject to being towed or fined.

Justification: Smith Bridge Parking Lot is frequently over capacity during summer weekends. In the past, commercial and private non-motorized boaters would often drop-off in relatively unsafe conditions on the side of the road, which resulted in traffic jams and pedestrians in active roadways. In order to ensure that boaters have safe access to the water, two parking spaces have been designated.

Passenger Carrying Busses:

Engines must be shut down when not underway.

Justifications: 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 shuttle busses, they are excluded from the requirement.

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.

- §1.5(d) The activities related to Public Use Limits and closures
- §2.4(d) Carry or possess of certain types weapons, traps, or nets.
- §2.5(a) Research specimen collection (take plant, fish, wildlife, rocks, or minerals).

- §2.12 Audio Disturbances:
 - (a)(2) Operating a chain saw in developed areas.
 - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas (e.g., portable generator).
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51.
- §2.17 Aircraft and 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, or transport explosives or blasting agents.
 - (b) Use or possess fireworks.
- §2.50(a) Special Events: Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events (e.g., weddings).
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views by groups greater than 25 persons.
- §2.52(c) Sale or distribution of printer matter by groups greater than 25 persons.
- §2.61(a) Residing on Federal lands (use and occupancy).
- §2.62 Memorialization:
 - (a) Erection of monuments (requires approval from regional director).
 - (b) Scattering ashes from human cremation.
- §3.19 Use of manned or unmanned submersibles.
- §5.1 Advertisements (display, posting, or distribution).
- §5.2(b) Sale of intoxicants on private lands.
- §5.3 Engaging in or soliciting any business - requires a permit (CUA, SUP), contract, or other written agreement with the United States, or must be pursuant to special regulations.
- §5.5 Commercial Photography/Filming.
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.
- §6.9(a) Operation of a solid waste disposal site.

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 statute is prohibited, except in the following areas and/or under the following conditions:

Entering a public structure not open to the public is prohibited.

(b) Hiking or pedestrian traffic is restricted to the trail(s) or walkway(s) listed in 36 CFR §1.5 of this document.

All trails. Bushwhacking (shortcutting trails and/or removing vegetation) and/or creation of social trails is prohibited in any area.

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:

Edible species of fruits, nuts, mushrooms, and berries may be gathered by hand for daily personal consumption in amounts not to exceed one pint, per person, per day. Collection for commercial purposes is prohibited.

Justification: Those natural items enumerated are not endangered or rare, and are present in such quantities that the gathering or consumption thereof will not adversely affect park wildlife, reproductive potential of the species, or otherwise adversely affect park resources.

36 CFR §2.2 - WILDLIFE PROTECTION

(b)(1) Hunting shall be allowed in park areas where such activity is specifically mandated by Federal statutory law.

Hunting is not allowed in any park areas.

Justification: First State National Historical Park's enabling legislation does not specifically mandate that hunting be allowed.

§2.2(b)(2), hunting may be allowed in park areas where such activity is specifically authorized as a discretionary activity under Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment and sound resource management principles. Such hunting shall be allowed pursuant to special regulations.

Hunting is not allowed in any park areas.

Justification: First State National Historical Park's enabling legislation does not specifically mandate that hunting be allowed, therefore no special regulations were created addressing hunting in the park.

2.2(c), except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of §1.5 for the purpose of restricting hunting and trapping or closing park areas to the taking of wildlife where such activities are mandated or authorized by Federal statutory law.

No consultation is required with State agencies regarding hunting.

Justification: The authority of §1.5 has not been invoked. First State National Historical Park's enabling legislation does not specifically mandate that hunting be allowed, therefore no special consultation on adjustments to the taking of wildlife are needed.

(b) no areas within the park have been designated for Hunting and Trapping. ALL hunting and Trapping activities within the park are PROHIBITED.

(d) The following conditions and procedures for transporting lawfully taken wildlife through the park area are in place:

Transporting or tracking wildlife through First State National Historical Park is limited to (a) transport directly through the park on State or County roads, without stopping on park roads or parking lots and (b) instances when a hunter may track an already-injured deer into the park, under official State of Delaware escort, during an officially-sanctioned hunt at Brandywine Creek State Park.

Justification: Public hunting is prohibited under § 2.2(b). To ensure no confusion between wildlife illegally hunted within the park and wildlife legally hunted elsewhere, the transport of wildlife through the park is limited to vehicles not stopped within park boundaries, but instead strictly passing through the park. Tracking is only permitted under official law enforcement escort by the State during a sanctioned hunt at Brandywine Creek State Park.

(e) The following areas are closed to the viewing of wildlife with the use of an artificial light:

All areas within the park are closed to viewing wildlife with any type of artificial light.

Justification: Prohibiting the use of artificial lights disrupts natural habitat and minimizes the potential for the illegal taking of wildlife.

36 CFR §2.3 – FISHING

(a) Fishing shall be in accordance with the laws and regulations of the State within whose exterior boundaries the park area or portion thereof is located, except designated as indicated in §1.5 of this document.

36 CFR §2.4 – WEAPONS, TRAPS AND NETS

(a)(2)(i) Weapons, traps, or nets may only be carried, possessed or used at the following designated times and locations:

Visitors may possess firearms within a national park unit provided they comply with federal, state, and local laws. The role of the responsible gun owner is to obey the federal, state, and local laws appropriate to the park they are visiting.

Federal law prohibits firearms in certain park facilities and buildings. These places are marked with signs at public entrances.

Possession of traps and nets pursuant to hunting activities is prohibited.

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.

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

Camping is only permitted at park sponsored events or by special use permit.

Justification: The Park closes at sunset and no campsites are located within the park. Camping is only permitted for park sponsored events or by special use permit to ensure overnight visitors have consulted with park staff, agree to proper safety and resource protection measures, and that the use occurs in an area with minimal impact to the cultural and natural resources of the park and minimal disturbance to other park visitors. Agreed upon conditions and assurance that those conditions will be adhered to is of particular importance at a small park, as the park does not have adequate staff to provide oversight for overnight users

36 CFR §2.11 – PICNICKING

Conditions for Picnicking:

- Trash must be disposed of properly and packed out when no trash receptacles are available.

- Picnicking is on a first come, first served basis.
- Gas generators are prohibited within Smith Bridge Picnic Area
- Picnicking is not permitted on land leased to 3rd parties, unless expressly identified as a picnic area.

Justification: Littering is not permitted anywhere within the park. Gas generators cause a public disturbance and inhibit visitors from enjoying the natural park setting. Several leases exist within the park that allow for residential and agricultural use, these areas are maintained as part of the cultural landscape of the park; however, picnicking on these sites may result in violations of resident privacy or inhibit agricultural operations.

36 CFR §2.12 – AUDIO DISTURBANCES

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

Justification: To prevent negative impacts on other visitors to the park and to avoid disruption of wildlife and the natural soundscape.

(a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.

Justification: To prevent negative impacts on other visitors to the park and to avoid disruption of wildlife and the natural soundscape.

(a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in nondeveloped areas is prohibited, except pursuant to the terms and conditions of a permit.

Justification: To prevent negative impacts on other visitors to the park and to avoid disruption of wildlife and the natural soundscape.

(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.

Justification: To prevent negative impacts on other visitors to the park and to avoid disruption of wildlife and the natural soundscape.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is prohibited, except in the following areas and/or receptacles, and under the conditions noted:

Designated Areas:

Smith Bridge Picnic Area

Receptacles Allowed:

Fires are permitted in contained grills, portable stoves, portable barbecues, within all designated picnic areas. Except as stated above, fires are not prohibited in the park.

Established Conditions for Fires:

Smith Bridge Picnic Area is the only area in the park with park-provided grills. All grill accoutrements must be packed out of the park by the user. This includes used charcoal and propane cook stove containers.

36 CFR §2.14 – SANITATION AND REFUSE

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

Justification: Dumping is harmful to the natural resource, habituates wildlife to human food sources, creates a fire hazard, and is unsightly.

(a)(5) Bathing or washing food, clothing, dishes, or other property at public water outlets, fixtures, or pools is prohibited.

Justification: The park's water resources are highly valuable as natural resources due to their significance to the park's landscapes, ecosystem, and recreation opportunities. In addition, 100% of Wilmington's drinking water flows through the park. It is important to ensure the resource is not contaminated by human use to the degree possible.

(a)(7) Disposing of fish remains on land or in waters within 200 feet of boat docks or designated swimming beaches or within developed areas is prohibited.

36 CFR §2.15 – PETS

NOTE: "Pet" means dogs, cats, or any animal that has been domesticated. [36 CFR §1.4]

(a)(1) Possessing a pet in a public building, public transportation vehicle, or location designated as a swimming beach, or any structure is prohibited. This subparagraph shall not apply to guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons.

(a)(2) Failing to crate, cage, restrain on a leash, or otherwise confine a pet at all times is prohibited.

Note: Pets on retractable leashes extended beyond 6' are in violation of 36 CFR §2.15 (a)(2).

(a)(3) Leaving a pet unattended and tied to an object,

(a)(4) Allowing a pet to make noise that is unreasonable considering location, time of day or night, impact on park users, and other relevant factors, or that frightens wildlife by barking, howling, or making other noise.

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

Owners or persons having custody or control of any animal(s) will immediately remove and dispose of excrement voided by an animal(s) under their control. Excrement will be properly disposed of in outdoor trash containers.

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

- Wildlife shall not be kept in violation of state or federal law.
- Excessive noise or offensive conditions created by any pet are prohibited

Justification: The park's cultural landscape consists of bucolic farms and settings

36 CFR §2.16 – HORSES AND PACK ANIMALS

(a) The use of animals other than those designated as “pack animals” for purposes of transporting equipment is prohibited. The following animals are designated as pack animals: Horses, Mules, and Burros.

§§1.5 & 2.16(b) Horseback riding may only be done on the designated trails and grassy strips along the road frontage in the Woodlawn Tract (aka “Beaver Valley Unit”). See the Woodlawn Map in Appendix A.

(e) Horses may not proceed in excess of a slow walk when passing in the immediate vicinity of persons on foot or bicycle.

36 CFR §2.17 – AIRCRAFT AND AIR DELIVERY

(a)(1) Operating or using aircraft on lands or waters is prohibited.

(a)(2) Where a water surface is designated pursuant to §2.17(a)(1), operating or using aircraft under power on the water within 500 feet of locations designated as swimming beaches, boat docks, piers, or ramps is prohibited.

There are no designated areas pursuant to §2.17(a)(1) within the park.

(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.

A permit is required for the removal of any downed aircraft, components, or parts thereof.

Justification: To ensure proper protocol and aviation law is followed.

36 CFR §2.18 – SNOWMOBILES

(c) The use of snowmobiles is prohibited.

Justification: Special regulations are required to operate snowmobiles within the park. Since no special regulations exist in 36 CFR Part 7 to authorize the use of snowmobiles, 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. There are no appropriate surfaces or safe areas within the park for their use.

36 CFR §2.21 – SMOKING

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

Smoking is prohibited in all government buildings.

The use of e-cigarettes and other Electronic Nicotine Delivery Systems (ENDS) is subject to the same restrictions as tobacco smoking.

Determination: This policy applies to both indoor and outdoor areas. Research indicates that vaping aerosols have at least some level of risk for nearby people in areas with limited ventilation and people with compromised health conditions. Available published studies evaluating the potential hazardous effects of the natural and/or synthetic chemicals used in ENDS indicate that potential health effects exist for users and those exposed secondhand.

Justification: The superintendent has determined that this restriction is necessary to protect park resources, protect employees and the public and reduce the risk of fire on government property. This measure is deemed to be the minimum necessary to achieve such protection.

36 CFR §2.22 – PROPERTY

(a)(1) Abandoning property within the park is prohibited.

(a)(2) Leaving property unattended for longer than 24 hours is prohibited

(a)(3) Found property must be turned in to the superintendent as soon as practicable.

(b)(1) Property determined to be left unattended will be impounded by the superintendent.

(b)(3) Found or impounded property will be inventoried.

36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a)(3)(i) The following areas and facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

All park areas are closed to the use and possession of alcoholic beverages.

Justification: This closure was made following the determination that the consumption of alcohol and the possession of an open container would be inappropriate considering other uses of the location and the purpose for which it was established and is maintained.

36 CFR §2.37 – NONCOMMERCIAL SOLICITING

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

36 CFR §2.38 – EXPLOSIVES

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

(b) Using, or possessing fireworks and firecrackers is prohibited, except pursuant to the terms and conditions of a permit.

36 CFR §2.50 – SPECIAL EVENTS

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

36 CFR §2.51 -- DEMONSTRATIONS

(b) Demonstrations of more than 25 people are allowed within park area designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity.

(b)(i) Demonstrations involving 25 persons or fewer may be held without a permit within designated park areas defined in (c)(2) below, provided that:

(ii) The group is not merely an extension of another group already availing itself of the small group permit exception under this provision;

(iii) They will not unreasonably interfere with other permitted demonstrations and special events, or park program activities; and

(iv) Only hand-carried signs may be used, but electronic sound amplification, stages, platforms, or structures may not be used.

(c)(2) The following location is designated as available for demonstrations:

- The grassy area at the north end of the Ramsey Parking Lot (approx. 289 Ramsey Road, directly across from the entrance to Ramsey Farm), within the area bound by Ramsey Run to the north and west and, large rocks placed along Ramsey Road to the south and east.

The designated area map may be obtained at the park's Beaver Valley Ranger Station, 4501 Thompsons Bridge Rd., Wilmington, DE, 19803.

36 CFR §2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER

(b) 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.

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 designated as available for First Amendment activities.

Examples of message-bearing items that may be distributed for free include CDs, DVDs, and other readable electronic media.

36 CFR §2.60 – LIVESTOCK USE AND AGRICULTURE

(a) Livestock are generally prohibited in any park area. They are only permitted in park areas pursuant to the exceptions provided for in §2.60(a) and only pursuant to the terms and conditions of a license, permit, or lease.

36 CFR §2.61 – RESIDING ON FEDERAL LANDS

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

36 CFR §2.62 – MEMORIALIZATION

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

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

36 CFR §3.3 – VESSEL PERMITS

The term “vessel” means every description of watercraft, or other artificial contrivance used, or capable of being used as a means of transportation on the water. This definition does not apply to a seaplane on the water. [36 CFR §1.4]

Permits are not required for the use of a vessel, but must be operated pursuant to §1.5(d). See §1.5(d) of this document for details.

36 CFR §3.7 – PERSONAL FLOATATION DEVICE (PFD) REQUIREMENTS

While operating a vessel, PDFs must be worn or carried on the designated waters, at the designated times and/or during designated water based activities outlined in §1.5 of this document.

36 CFR §3.14 REMOVING A SUNKEN, GROUNDED, OR DISABLED VESSEL

(a) The removal of a vessel and its cargo requires a permit from the park and a report of the cause of the accident.

36 CFR §3.16 – SWIMMING AND WADING

Swimming or wading is allowed in waters, subject to closures or restrictions designated in §1.5 of this document.

36 CFR §3.17 – SWIMMING AREAS AND BEACHES

(a) Swimming areas and swimming beaches are designated in §1.5 of this document.

(c) Prohibitions on the use or possession of flotation devices, glass containers, kites, or incompatible activities in swimming areas or swimming beaches are outlined in §1.5 of this document.

36 CFR §3.18 – SCUBA AND SNORKELING

(a) Snorkeling and underwater diving is prohibited in park waters, subject to the closures or restrictions designated in §1.5 of this document.

N/A

Justification: Safe conditions for scuba and snorkeling do not exist within park boundaries, as water is too shallow and all bodies of water are streams.

36 CFR §3.19 – USE OF SUBMERSIBLES

The use of manned or unmanned submersibles may only occur in accordance with a permit issued by the superintendent.

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a), (b) Operating a motor vehicle is prohibited except on park roads, routes, and areas designated for off-road motor vehicle use in §1.5 of this document.

N/A

Justification: Pursuant to this section, routes may only be designated by special regulations and only in national recreation areas, national lakeshores, national seashores, and national preserves. First State National Historical Park has no such special regulations.

(c)(1) Operating a motor vehicle not equipped with pneumatic tires is prohibited, except that a track-laying motor vehicle or a motor vehicle equipped with a similar traction device may be operated on one of the following routes designated for these vehicles:

- On dirt roads and, on a more limited basis, park trails and only for administrative and agricultural use.

Justification: The park has approximately 300 acres of agricultural use, which may necessitate tracked vehicles at times. Similarly, those vehicles may be required for administrative projects, including trail maintenance. Any other use is prohibited, as the vehicles generally may cause damage to the resource.

36 CFR §4.11 – VEHICLE LOAD, WEIGHT AND SIZE LIMITS

(a) The park does not have load, weight and size limits, which are more restrictive than State law.

N/A

36 CFR §4.30 – BICYCLES

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

E-bikes. 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 First State National Historical Park 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 [insert name of park] 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.

(b)(d) Pending compliance, the superintendent has determined that the established non-motorized bicycle use and e-bike use on existing trails within the park will not be prohibited.

- Construction or modifications to existing trails or park roads to accommodate bicycles and/or e-bikes is prohibited.

The use of all existing trails within the park as multi-use non-motorized trails (pedestrian, equestrian, and bicycle) was in place for several years before the park was established and continues through present. The initial finding of the superintendent, based upon general observation, visitor feedback, and the long-established use of bicycles on trails, is that the established bicycle and e-bike use does not pose an immediate threat to the park area's natural, scenic and aesthetic, trail safety, or management objectives, and will not disturb wildlife or park resources unduly. This finding does not negate the planning requirements of § 4.30 and, therefore, the park will pursue the planning, environmental compliance, public feedback, and regional approval process, as required by § 4.30(b)(d), which will provide scientific analysis of the impacts of biking on the park, along with natural and cultural resource protection measures, maintenance and armoring requirements needed, and safety needs.

(f) Closures and other use restrictions. All bicycle and e-bike rider on any park road, parking area, administrative road, trail, or portion thereof must:

- Leave no trace - pack it in, pack it out.
- Control your bicycle!
- Do not disturb or scare birds or animals.
- Be considerate of other trail users. All bicyclists and e-bike rider must yield to other trail users in the following manner:
 - A bicyclist and e-bike rider must yield to an equestrian
 - A bicyclist and e-bike rider must yield to a pedestrian; and

- A bicyclist and e-bike rider travelling downhill must yield to a bicyclist or e-bike rider travelling uphill.
- Yielding the right of way requires slowing down to a safe speed, being prepared to stop, establishing communication and passing safely.
- Failure to yield is prohibited.

This provision is enacted for the safety of visitors and to lessen potential visitor impacts on the cultural and natural resources of the park.

(h)(1) Bicycle and e-bike riding off of park roads and parking areas, except on administrative roads and existing trails that have been authorized for bicycle use is prohibited.

(h)(4) Riding a bicycle and/or e-bike abreast of another rider is allowed on the following routes:

- Brandywine Creek Trail
- Any gravel or dirt roads

As a former or current motor vehicle routes, these trails are the only trails within the park that are wide enough to safely ride abreast.

(h)(5) Delaware and Pennsylvania State helmet laws apply to all bicyclists within the park on trails within those respective states.

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, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY

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

(b) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

36 CFR §5.6 – COMMERCIAL VEHICLES

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

36 CFR §5.7 – CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES

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