



National Park Service
U.S. Department of the Interior

First State National
Monument

302-824-3530 phone
www.nps.gov/FRST

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

Approved:

Russell P. Smith, Superintendent Date

In accordance with Title 36 of the 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 owned by the National Park Service, within the boundaries of First State National Monument. These regulatory provisions apply in addition to the requirements contained in 36 CFR Chapter 1.

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 DESIGNATIONS FOR SPECIFIC USES OR ACTIVITIES

The following visiting hours, public use limits, and closures are established pursuant to § 1.5(a)(1):

Woodlawn Tract Visiting Hours:

- Monday – Sunday, 8:00 am to dusk

Sheriff's House in New Castle:

- Not yet open to the public

Closures & Public Use Limits:

Pursuant to § 1.5(a)(1), the Superintendent may impose public use limits and establish closures of certain areas based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, and the avoidance of conflict among visitor use activities.

Pursuant to § 1.5(d), to implement a public use limit, the Superintendent may establish a permit, registration, or reservations system.

The following designations, conditions, and/or restrictions are imposed on a specific use or activity pursuant to § 1.5(a)(2):

Camping

- Camping is prohibited in all areas of the park.

Hiking and Pedestrian Use:

- Hiking and pedestrian use at Woodlawn is restricted to trails and walkways designated and identified on the Woodlawn Trustee's Trails Map attached as Appendix A.
- Visitors may not cross or disturb fields in agricultural use.

Restricting hikers and pedestrians to the park's trails and walkways protects the natural resources of the park and crops 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.

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

Swimming & Wading:

- Swimming and wading in park waters is allowed at the visitors' own risk.

Warning visitors against swimming and wading in the park helps ensure visitor safety.

Passenger Carrying Busses:

- Engines must be shut down when not underway.

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 throughout this document under the specific 36 CFR section that authorizes or requires the issuance of a permit. Additionally, pursuant to § 1.6(f) the following is a compilation of those activities and/or public uses for which a permit from the superintendent is required:

- Carrying and using a trap or net pursuant to 36 CFR § 2.4(d).
- Collecting research specimens pursuant to 36 CFR § 2.5.
- Certain audio disturbances pursuant to 36 CFR § 2.12:
 - Operating a power saw in developed areas pursuant to 36 CFR § 2.12(a)(2)
 - Operating any type of portable motor or engine, or device powered by a portable motor or engine in a nondeveloped area pursuant to 36 CFR § 2.12(a)(3)
 - Operation of a public address system pursuant to 36 CFR § 2.12(a)(4)

- Delivering or retrieving a person or object by parachute, helicopter, or other airborne means, except in emergency situations, pursuant to 36 CFR § 2.17(a)(3).
- Soliciting or demanding gifts, money goods or services pursuant to 36 CFR § 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials pursuant to § 2.38(a).
- Using or possessing fireworks and firecrackers pursuant to 36 CFR § 2.38(b).
- Holding sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events pursuant to 36 CFR § 2.50(a).
- Holding demonstrations with more than 25 people pursuant to 36 CFR § 2.51(b).
- Selling or distributing printed matter by more than 25 people pursuant to 36 CFR § 2.52(b).
- Livestock use and agriculture pursuant to 36 CFR § 2.60(b).
- Residing on Federal lands pursuant to 36 CFR § 2.61.
- Displaying, posting, or distributing advertisements or commercial notices pursuant to 36 CFR § 5.1.
- Engaging in or soliciting any business in park areas pursuant to 36 CFR § 5.3.
- Commercial photography pursuant to 36 CFR § 5.5.
- Using commercial vehicles on government roads within park areas when such use is in no way connected with the operation of the park pursuant to 36 CFR § 5.6.
- Constructing buildings or other facilities pursuant to 36 CFR § 5.7.
- Operating a waste disposal site pursuant to 36 CFR §§ 6.4, 6.5, 6.8, and 6.9.

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

Possessing, destroying, injuring, defacing, removing, digging, or disturbing living or dead wildlife, fish, plants, paleontological specimens, cultural resources, archeological resources, mineral resources, or any of the parts or products thereof, is prohibited pursuant to § 2.1(a)(1).

Introducing wildlife, fish or plants into park area ecosystems is prohibited pursuant to § 2.1(a)(2).

Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue is prohibited pursuant to § 2.1(a)(5).

Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or subbottom profiler is prohibited pursuant to § 2.1(a)(7).

Hiking at Woodlawn is restricted to the trails and walkways listed in 36 CFR § 1.5 of this document and identified in Appendix A. Leaving a trail to shortcut between portions of the same trail or to shortcut to an adjacent trail or walkway is prohibited pursuant to § 2.1(b).

Generally, collecting natural materials from the park is prohibited under § 2.1(a)(1). However, pursuant to § 2.1(c), fruits and berries, such as blackberries and blueberries may be gathered by hand for personal use or consumption.

36 CFR § 2.2 - WILDLIFE PROTECTION

The taking, feeding, touching, teasing, frightening or intentional disturbing of wildlife is prohibited under § 2.2(a).

Public hunting is prohibited under § 2.2(b).

36 CFR §2.3 – FISHING

Fishing shall be in accordance with the laws and regulations of the State within whose exterior boundaries the water body is located, either Delaware or Pennsylvania.

Fishing is only permitted by hook and line pursuant to § 2.3(d)(1).

Possessing or using fish, amphibians, fish eggs or roe as bait is prohibited pursuant to § 2.3(d)(2) and § 2.3(d)(3).

Commercial fishing is prohibited pursuant to § 2.3(d)(4).

36 CFR §2.4 – WEAPONS, TRAPS AND NETS

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

Pursuant to 16 U.S.C. § 1a-7b, park visitors may carry firearms in the Park if they are otherwise in compliance with federal, state, and local laws. In addition to the above, weapons, traps, and/or nets can be possessed, carried, and/or used under the following conditions:

- Pursuant to (a)(2)(iii), weapons, traps or nets may be carried, possessed or used within a residential dwelling.
- Pursuant to (a)(3), traps, nets and unloaded weapons may be possessed within a temporary lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased, or stored in a manner that will prevent their ready use.
- Pursuant to (d), visitors may carry or possess a weapon, trap, or net in certain circumstances when the superintendent has issued a permit.
- Pursuant to (e), Authorized Federal, State and local law enforcement officers may carry firearms in the performance of their official duties.

36 CFR § 2.5 – RESEARCH SPECIMENS

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

36 CFR § 2.10 – CAMPING AND FOOD STORAGE

Camping is prohibited in the park pursuant to §§ 1.5 and 2.10(a).

36 CFR § 2.11 – PICNICKING

Visitors must remove all garbage from picnicking site after use. Littering and dumping is prohibited.

36 CFR § 2.12 – AUDIO DISTURBANCES

Under § 2.12(a) the following are prohibited:

- (1) Operating motorized equipment, machinery, audio device, or musical instrument in a manner that makes unreasonable noise.
- (2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.
- (3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in nondeveloped areas is prohibited, except pursuant to the terms and conditions of a permit.
- (4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §§ 2.50 or 2.51.

36 CFR § 2.13 – FIRES

Open fires are prohibited pursuant to § 2.13(a). Fires must be contained.

36 CFR § 2.14 – SANITATION AND REFUSE

Disposing of refuse in other than refuse receptacles is prohibited under § 2.14(a)(1).

Using park refuse receptacles or facilities for dumping household, commercial or industrial refuse is prohibited under § 2.14(a)(2).

36 CFR § 2.15 – PETS

Possessing pets in the park's public buildings is prohibited pursuant to § 2.15(a)(1). This restriction does not apply to service animals. The NPS will use the same definition of service animal currently found in DOJ regulations 28 CFR 36.104 and will not rely on 36 CFR 2.15. Service animals will be allowed wherever visitors or employees are allowed when accompanying a person with a disability.

Pets must remain on leashes while in the park pursuant to § 2.15(a)(2).

Leaving pets unattended and tied to an object is prohibited pursuant to § 2.15(a)(3).

Pet owners must pick up pet waste and remove it from the park or dispose of it in an appropriate refuse receptacle pursuant to § 2.15(a)(5).

Pets may be kept by residents of park areas pursuant to § 2.15(e).

36 CFR § 2.16 – HORSES AND PACK ANIMALS

Horseback riding is prohibited outside 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.

Horses may not proceed in excess of a slow walk when passing in the immediate vicinity of persons on foot or bicycle pursuant to § 2.16(e).

36 CFR § 2.17 – AIRCRAFT AND AIR DELIVERY

Operating or using aircraft on park lands is prohibited pursuant to § 2.17(a)(1). Under § 2.17(b) this restriction does not apply to official business of the Federal government, emergency rescues in accordance with the directions of the superintendent, or to landings due to circumstances beyond the control of the operator.

36 CFR § 2.18 – SNOWMOBILES

The use of snowmobiles is prohibited pursuant to § 2.18(c).

36 CFR § 2.19 – WINTER ACTIVITIES

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 pursuant to § 2.19(a).

36 CFR § 2.20 – SKATING, SKATEBOARDS AND SIMILAR DEVICES

Using roller skates, skateboards, roller skis, coasting vehicles, or a similar device is prohibited.

36 CFR § 2.21 – SMOKING

Pursuant to § 2.21(a), all park buildings and structures are closed to smoking

These designations are made pursuant to Executive Order 13058.

36 CFR § 2.22 – PROPERTY

Abandoning property within the park is prohibited pursuant to § 2.22(a)(1).

Found property must be turned in to the superintendent as soon as practicable pursuant to § 2.22(a)(3).

Property determined to be left unattended will be impounded by the superintendent pursuant to § 2.22(b)(1). Found or impounded property will be inventoried pursuant to § 2.22(b)(3).

36 CFR § 2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

All park areas are closed to the use and possession of alcoholic beverages pursuant to § 2.35(a).

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

Under § 2.38(a), using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

Under § 2.38(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

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 event(s), 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

Pursuant to § 2.51(b), demonstrations involving 25 persons or fewer may be held without a permit within the park provided that such demonstrations will not present a danger to public health or safety, damage park resources or facilities, or impair the public's use of facilities. Demonstrations of more than 25 people are allowed within the park when the superintendent has issued a permit for the activity.

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

Pursuant to § 2.52(b), the sale or distribution of printed matter by 25 people or less is allowed within the park areas that such activities will not present a danger to public health or safety, damage park resources or facilities, or impair the public's use of facilities. The sale or

distribution of printed matter by more than 25 persons is allowed within the park when the superintendent has issued a permit.

36 CFR § 2.60 – LIVESTOCK USE AND AGRICULTURE

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

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

Under § 2.62(b), the scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit or under the following conditions:

- The remains to be scattered must have been cremated and pulverized.
- The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, developed facility, or body of water.

36 CFR § 3.3 – VESSEL PERMITS

Permits are not required for the use of a vessel in park waterways

36 CFR § 3.16 – SWIMMING AND WADING

Swimming or wading is prohibited pursuant to the restrictions designated in § 1.5 of this document.

36 CFR § 4.10 – TRAVEL ON PARK ROADS AND ROUTES

Operating a motor vehicle is prohibited except on park roads and in parking areas pursuant to § 4.10(a).

36 CFR § 4.30 – BICYCLES

Bicycle use is allowed on park roads and in parking areas that are otherwise open for motor vehicle use by the general public pursuant to § 4.30(a).

Bicycle use is allowed on the designated trails at the Woodlawn Tract pursuant to § 4.30(d).

36 CFR § 5.1 – ADVERTISEMENTS

Commercial notices or advertisements may not be displayed, posted, or distributed in park areas 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 is prohibited.

36 CFR § 5.5 – COMMERCIAL PHOTOGRAPHY

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 pursuant to § 5.5(a).

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 pursuant to § 5.5(b).

36 CFR § 5.6 – COMMERCIAL VEHICLES

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 pursuant to § 5.6(b), (c).

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.

APPENDIX A

Woodlawn Trustees, Inc. Trails

IN BRANDYWINE HUNDRED, DELAWARE
AND DELAWARE COUNTY, PA



REVISED 6.28.07 • JOHN M. LEWIS PHOTOGRAPHY