



**National Park Service
U.S. Department of the Interior**

**George Washington
Birthplace National
Monument**

1732 Popes Creek Rd.
Colonial Beach, VA 22443

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

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Approved:

Melissa K. Cobern, Superintendent

Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of George Washington Birthplace National Monument. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, and Parts 1-7. This document can be found at: <https://www.law.cornell.edu/cfr/text/36/chapter-1>

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

36 CFR § 1.4 DEFINITIONS

The definition of *unmanned aircraft* means a device that is used or intended to be used in 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.

36 CFR §1.5 – CLOSURES AND PUBLIC USE LIMITS

(a)(1) Closures

Areas:

- All park areas are closed to the public from 5:00 pm to 9:00 am.
- All park areas are closed to the public on the following holidays: New Years Day, Thanksgiving Day, and Christmas Day.
- The park is closed on any holidays occurring on Mondays during the months of January and February, with the exception of the federally designated date in recognition of George Washington's birthday, on which the park may be open.

Established visiting hours are necessary for visitor safety and resource protection.

Wearing Masks:

Regardless of vaccination status or local community transmission levels, all individuals over the age of two must wear masks, except when actively eating or drinking, in all common areas and shared workspaces in federally owned buildings administered by the National Park Service and in office space leased by the National Park Service.

'Federally owned buildings administered by the National Park Service' include, but are not limited to, visitor centers, administrative offices, maintenance facilities, and shared government quarters; buildings assigned to concessioners or other park partners; and buildings leased for commercial purposes to individuals or entities other than the National Park Service.

All individuals over the age of two, regardless of vaccination status or local community transmission levels, must wear masks in the following outdoor areas when others are present, except when actively eating or drinking, where the superintendent has determined that physical distancing (staying at least six feet apart) cannot reasonably be maintained:

- Courtyard area in between the visitor center and the interpretative staff building, where information Kiosk is located

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.

Regardless of vaccination status, all individuals must comply with all orders regarding masks issued by the Centers for Disease Control and Prevention (CDC).

CDC prevention measures continue to apply to all travelers on public transit, regardless of vaccination status. Masks remain required on all forms of public transit that operate within parks, including busses, trains, and boats/ferries, and in transportation hubs.

Justification: Visitor safety is paramount. The park will take precautionary steps to provide for a safe visitor experience and to prevent the spread of coronavirus disease 2019 (COVID-19) by relying on the best available data and science-based public health measures. Such measures include wearing masks when around others, physical distancing, and other related precautions recommended by the Centers for Disease Control and Prevention (CDC). These conditions help ensure that visitors to the National Park System do not threaten the health and safety of NPS employees, volunteers, partners and contractors, or other park visitors.

Boating:

- The park shorelines along Popes Creek and ponds are closed to the landing and launching of all boats/watercraft and all public entry year-round, except for park volunteers, researchers and staff who may launch in the area along the Nature Trail, behind the Log House, between the trail from the Log House and the bridge. Staff, volunteers and researchers must wear a uniform, ball cap or other item of clothing that identifies their affiliation with the park.
- The park shoreline along the Potomac River beach is closed to the landing and launching of motorized boats/watercraft. The launching and landing of non-motorized boats/watercraft, such as canoes and kayaks is permitted along the Potomac River beach.

Launching/landing of boats and watercraft along Popes Creek and ponds encourages slope erosion and could cause other damage to both natural and cultural resources (see Cultural Landscape Report for more information). Launching and landing of motorized watercraft in a manner that would not negatively affect park resources requires infrastructure the park does not have.

Fishing:

- The park shorelines, pedestrian bridge, boardwalks and ponds are closed to fishing with the exception of the Potomac River Beach and Popes Creek designated fishing area, which is adjacent to the Popes Creek Picnic Area.

Fishing in undesignated areas along Popes Creek or other areas of the park could negatively affect park resources through trampling and encouraging erosion. In some areas, banks are severely undercut and pose a significant safety risk to anyone on top or below these banks. Fishing in some areas would detract from the historic landscape and could interfere with park interpretive activities (see Cultural Landscape Report for more information).

Camping:

- Camping is prohibited in the park except for NPS staff, volunteers, researchers or partners who have permission from the Superintendent to do so, Service organizations performing approved work in the park may camp with the permission of the superintendent and an approved permit.

The park does not have infrastructure or services to support overnight stays by the public.

Unmanned Aircraft:

- The launching, landing, or operating of unmanned aircraft (e.g. model airplanes, quad copters, drones) from or on lands and waters administered by the National Park Service within the boundaries of George Washington Birthplace National Monument is prohibited, except as approved in writing by the Superintendent.

The use of unmanned aircraft may negatively impact public safety, natural or cultural resources and could conflict with visitor use activities.

Fishing:

Fishing is allowed in the followed areas:

- Location adjacent to the Popes Creek Picnic Area designated by signs indicating that fishing is allowed
- Potomac River Beach

Topography and soil conditions in these areas will support repeated foot traffic from fishing. These locations are also well-away from the Historic Area and fishing here does not conflict with visitor use or interpretation or detract from the historic landscape.

See also 36 CFR § 2.3 of this document.

Picnicking:

The park is closed to picnicking in:

- Any areas that would impede vehicular or pedestrian traffic
- Any areas that would interfere with park operations

See also 36 CFR § 2.11.

Picnicking in certain areas could pose a hazard to both vehicular and pedestrian traffic or impede park operations.

Reservations:

Reservations are required for public use of the following facilities:

- Loghouse—Popes Creek Conference Center
- Picnic Pavilion – First come/ first served if not reserved on www.recreation.gov

Passenger Carrying Buses & Vehicles

- Drivers of commercial passenger-carrying diesel-fueled motor vehicles are prohibited from idling their engines in parking lots of developed areas.

Idling engines are noisy and add unnecessary exhaust fumes to the air, which impacts the tranquil atmosphere of the park that is sought by many visitors.

CCTV Policy Statement

In accordance with National Park Service Law Enforcement Reference Manual 9 (RM-9), notice is hereby given that George Washington Birthplace National Monument uses Closed Circuit Television (CCTV) security camera monitoring.

The park's use of Closed Circuit Television (CCTV) for law enforcement and security purposes will only be to visually monitor public park areas and public activities where no constitutionally protected reasonable expectation of privacy exists. Such CCTV use – which will have adequate privacy and First Amendment safeguards – will be to help ensure public safety and security; facilitate the detection, investigation, prevention, and deterrence of terrorist attack and crime; help ensure the safety of citizens and officers; help assist in the proper allocation and deployment of law enforcement and public safety resources; and help facilitate the protection of the innocent and the apprehension and prosecution of criminals. (RM-9, 26.1)

This policy does not restrict the official use of CCTV in government administrative areas, including administrative buildings, jail holding facilities (RM-9, 26.3.7), revenue collection sites, etc., where the government may record/monitor its facilities. For example, the government may perform unrestricted video/audio recording at revenue collection points (entrance stations, visitor center counters, etc.). This policy does not restrict the use of an Audio/Visual Recording Device (AVRD) in patrol vehicles or officer-worn recording devices used by commissioned rangers. (RM-9, 26.1).

Operation of CCTV cameras, maintenance of recorded images and use of recorded images will be in accordance with NPS and Department policy and applicable laws and regulations. (RM-9, 26.1-26.4) No person will be targeted or monitored merely because of race, religion, gender, sex, disability, national origin, or political affiliation or views. (RM-9, 26.4.2)

Nothing in this policy statement is intended to create any rights, privileges, or benefits not otherwise recognized by law.

Hammocks:

The use of hammocks is prohibited in the entire park.

Hammocks cause damage to trees and limit mobility of visitors around them on the beach.

Shade structures and bounce houses:

- Shade structures are prohibited in the park, except for the beach, without a permit.
- Shade structures at the beach must be 10 feet X 10 feet or smaller in size.
- Bounce houses are prohibited throughout the park.

- Volleyball nets or other structures that require staking into the ground are prohibited throughout the park.

Shade Structures reduce mobility for those around them and can be a safety hazard for those around them when caught by the wind. The picnic pavilion is available as a shade structure at the picnic area for visitors.

Filming Activities:

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:

- Engaging in a filming activity without providing advance notice to the Superintendent when required.
- 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.
- Violating a term and condition of a permit issued under this action.

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

On January 22, 2021, the United States District Court for the District of Columbia issued its decision

in Price v. Barr, No. 19-3672, (D.D.C. Jan. 22, 2021). The court held that the requirements in 54 U.S.C. § 100905, 43 C.F.R. Part 5, and 36 C.F.R. § 5.5 that those engaged in “commercial filming” must obtain permits and pay fees are unconstitutional under the First Amendment. The court entered a permanent injunction preventing the National Park Service (NPS) from implementing and enforcing those permit and fee requirements. The Department is currently determining whether to recommend appealing the decision. This Memorandum serves as interim guidance.

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

- Regulation that prohibited swimming in the Potomac River.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

- | | |
|--------------------------------------------------|---------|
| • Specimen Collecting | 2.5 (a) |
| • Special Events | 2.50(a) |
| • Agricultural | 2.60(b) |
| • Memorialization | 2.62(b) |
| • Business Operations | 5.3 |
| • Commercial Photography | 5.5 |
| • Commercial Filming* (see Filming Activities) | |
| • Camping | 2.10 |
| • Picnic groups over 25 unless in picnic area | 2.11 |
| • Shade structures in areas other than the beach | 1.5 |
| • Demonstrations* | 2.51(b) |
| • Sale & Distribution of Printed Matter* | 2.52(b) |

*May require a permit depending on the scope of the activity.

Permits will be specific in nature to the activity being permitted. A permit or letter of authorization must be in the permittee’s possession at all times and exhibited to any authorized person upon request.

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

2.1 (c)(1) The following may be gathered by hand for personal use:

- Unoccupied seashells may be collected on the Potomac River beach.
- Driftwood or downed trees small enough to be carried out without dragging may be collected on the Potomac River Beach.

Gathering unoccupied seashells will not adversely affect park wildlife, the reproductive potential of a species, or otherwise adversely affect park resources. The collection of driftwood and down wood on the beach allows users more mobility, and helps mirror regulations with neighboring parks.

36 CFR §2.2 - WILDLIFE PROTECTION

2.2(d)

- Game animals lawfully taken outside of the park may be transported by vehicle through the park for the purpose of exiting the park under the following conditions:

- Transport vehicles may not stop in any developed area of the park
- Persons transporting will have in their possession a valid Virginia hunting license
- Animal carcasses are subject to inspection at any time by an authorized person

The park does not wish to impede those hunting legally in a jurisdiction outside the park, nor the transportation of legally taken game. However, the transportation of game through the park, an area closed to hunting, is incompatible with the tranquil atmosphere of the park and could cause confusion with the park's hunting regulations.

2.2 (e)

- Viewing wildlife or areas frequented by wildlife by means of an artificial light source (e.g., vehicle headlights, strobe) is prohibited in the park.

The viewing of wildlife at night with the use of artificial lights temporarily blinds wildlife and alters their natural behavior.

36 CFR §2.3 – FISHING

(a) Fishing shall be in accordance with the laws and regulations of Virginia:

- A Virginia saltwater or Maryland Bay Sport or Potomac River Fisheries fishing license is required to fish at the Potomac River Beach.
- A Virginia saltwater or freshwater sport fishing license is required to fish from the location designated for such activity, which is adjacent to the Popes Creek Picnic Area.
- All fishing must comply with State size limits, catch limits, and other restrictions.
- See also 36 CFR § 1.5 of this document.

36 CFR §2.5 – RESEARCH SPECIMENS

(a) The superintendent may issue permits for the collection of plants, fish, wildlife, rocks and minerals for research purposes according to general and park-specific conditions established by the National Park Service for scientific research and collection permits. These conditions are found online at <http://science.nature.nps.gov/research> and are subject to revision. The guidelines found at that website are hereby adopted and made part of these orders.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

Camping is prohibited in the park except for NPS staff, volunteers, researchers or partners who have permission from the Superintendent to do so and service organizations, as provided in a special use permit.

See 36 CFR §1.5 of this document.

36 CFR §2.11 – PICNICKING

- Picnicking by groups of more than 25 people may be considered an event and may require a Special Use Permit unless done in the park's picnic area.

Large groups present potential problems with litter, parking, resource damage and interference with park operations. For these reasons, group events will be reviewed on a case-by-case basis.

- “Holding” or unofficially reserving tables in the picnic area for other individuals is prohibited.

Picnic tables are first-come, first-served, except for the pavilion which may be reserved.

See also 36 CFR §1.5

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:

- Fires are only permitted at the Popes Creek Picnic Area in the park-supplied grills or personal grills brought by visitors.
- Fires must be monitored at all times.
- During periods of high fire danger, the Superintendent may close all or a portion of the park to the lighting and maintaining of fires.

(a)(2) The following restrictions are in effect for the use of stoves or lanterns:

- Stoves and lanterns are only permitted at the Popes Creek Picnic Area.
- Lanterns may not be attached to trees, vegetation, or park structures.

(b) Fires must be extinguished according to the following conditions:

- Fires must be extinguished with water and ashes left in place.
- Ashes cannot be dumped in trash receptacles or on the ground.

Fires, fire extinguishment and ash disposal are regulated to protect human life, park structures and park resources. Lantern hanging is restricted to prevent impacts to natural and cultural resources.

36 CFR §2.15 – PETS

(a)(1) Dogs, cats and other pets are prohibited in the following areas:

- All park buildings, except quarters in accordance with the occupant’s rental agreement and the Housing Management Plan.
- Historic Area
- Burial ground
- These restrictions do not apply to service animals, horses or park livestock.

Pet behavior interferes with the quiet nature of the park and can scare wildlife and park farm animals. It is inappropriate to the business setting to have pets in park buildings. Historic structures can be damaged by pet activity. Pet behavior interferes with the solemn nature of the burial ground.

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

- Pet owners must pick up and dispose of pet excrement in trash receptacles.

Pet excrement has an undesirable smell and is unsightly. The smell of pets and their excrement has been shown to alter natural wildlife behavior.

36 CFR §2.16 – HORSES AND PACK ANIMALS

(b) The use of horses or pack animals is allowed within five feet of any roadway and on the “Navy service road” (see attached map).

(g) Other conditions concerning the use of horses or pack animals are as follows:

- Horses and pack animals are prohibited on the Potomac River beach, the Historic Area, the Burial Ground, picnic area, nature trail, traffic circle, Visitor Center parking lot and the area immediately around the visitor center and visitor center parking lot.
- Stock trailers must be parked at the Log House parking area unless otherwise directed by a park employee.
- All manure must be picked up from parking lots and roadways and either removed from the park or disposed of at least 50 feet away from developed areas or water sources.
- Per Virginia state law a valid, a negative Coggins test and proof of such is required for each horse.

36 CFR §2.21 – SMOKING

(a) Smoking, including the use of Electronic Nicotine Delivering Systems (ENDS or “Vapes”) is prohibited:

- In all buildings and structures
- In the Historic Area (i.e., the area of the trails starting at the Visitor Center and encompassing all the area from there to the traffic circle, to the bridge and boardwalks across Dancing Marsh, to the shoreline of Popes Creek and back to the visitor center).
- Within 25 feet of any entrance to all public buildings
- Within 25 feet of any heating/cooling units of all public buildings
- Within 25 feet of any propane tanks

Smoking is prohibited in the above areas to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities.

36 CFR §2.22 – PROPERTY

(a)(2) Leaving property unattended for longer than 24 hours is prohibited, except under the following conditions:

- Property may not be left unattended longer than 24 hours unless specific permission is given by the Superintendent.

36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a)(3)(i) The possession or 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 is prohibited as noted herein. The alcohol prohibition includes all park areas within the park boundary except government-owned housing and the immediate area. The possession of marijuana is prohibited throughout the national monument.

The park was established and is maintained to preserve and protect the resources of the park which serve as a living memorial to America's founding father, George Washington. The park is closed to alcohol consumption to protect the visitor experience in regard to the park's purpose.

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). However, there are exceptions and, even when not required, a permit is recommended in order to assure space will be available at a particular designated location. Demonstrations of more than 25 people are allowed at designated locations when the superintendent has issued a permit for the activity.

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

- **An area has been set aside near the Visitor Center on the West end sidewalk that bisects the parking area. A map showing the location is attached to this document and is available on the park's website.**
- **A second area is available at the Popes Creek Picnic Area. A map showing the location is attached to this document and is available on the park's website.**

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

(c)(4) The following locations are designated as available for the sale and distribution of non-commercial printed matter when a permit has been issued by the superintendent.

- **An area has been set aside near the Visitor Center. A map showing the location is attached to this document and is available on the park's website.**
- **A second area is available at the Popes Creek Picnic Area. A map showing the location is attached to this document and is available on the park's website.**

36 CFR §4.30 – BIKE USE IN THE PARK

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

(h) Prohibited acts: The following are prohibited: (1) Bicycle riding off of the park roads and parking areas.

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 George Washington Birthplace 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 George Washington Birthplace 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.

