



National Park Service
U.S. Department of the Interior

Horseshoe Bend
National Military Park

11288 Horseshoe Bend Road
Daviston, AL 36256

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

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Approved:

Stephen Laff

Superintendent

08/16/2014

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 for the proper management, protection, government, and public use of the portions of Horseshoe Bend National Military Park ("the park") under the jurisdiction of the National Park Service ("NPS"). Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

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

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

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

- The Visitor Center will be open from 9:00 a.m. to 4:30 p.m. daily. The Visitor Center will be closed on Thanksgiving, Christmas Day, and New Year's Day.

Public Use Limits:

- Horseshoe Bend National Military Park is closed to all public access from sunset until 8:00 a.m. unless otherwise permitted in writing by the Superintendent.
- During emergency conditions, such as fire, ice and snow, park roads may be closed to the public without advance notice.
- Recreational activities such as picnicking are allowed only in the two (2) existing picnic areas and the grass field located immediately south of the Visitor Center.

Closures:

- **Maintenance Area:** The maintenance area located across State Road 49 is closed to public use.
- **Administrative Offices:** All Park administrative office areas are closed to general public use.
- **Employee Residence Area:** The employee residence area, located north of the Visitor Center is closed to the general public.

Determination: Those areas of the park which will be closed do not contain any facilities which are normally used at night, and have vandalism and/or visitor safety concerns (e.g. falling hazards) that require limited access and use after dark. The restrictions on the Commemorative Area arise from the legislative mandate to preserve the battlefield, and out of respect for American Indian sentiment regarding the site of the battle.”

- **Unmanned Aircraft:** Launching, landing or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Horseshoe Bend National Military Park is prohibited except as approved in writing by the Superintendent.

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, quad-copters, drones) that are used for any purpose, including for recreation or commerce.

Determination: The compendium closures required to implement this interim policy are necessary to maintain public health and safety in units of the National Park System and to protect park resources and values until the NPS can determine whether specific uses of manned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values. This closure by the Superintendent implements Section 1.5 of the NPS Management Policies of 2006, which provides that a new form of park use may be allowed within a park only after a determination has been made in the professional judgment of the Superintendent that it will not result in 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.

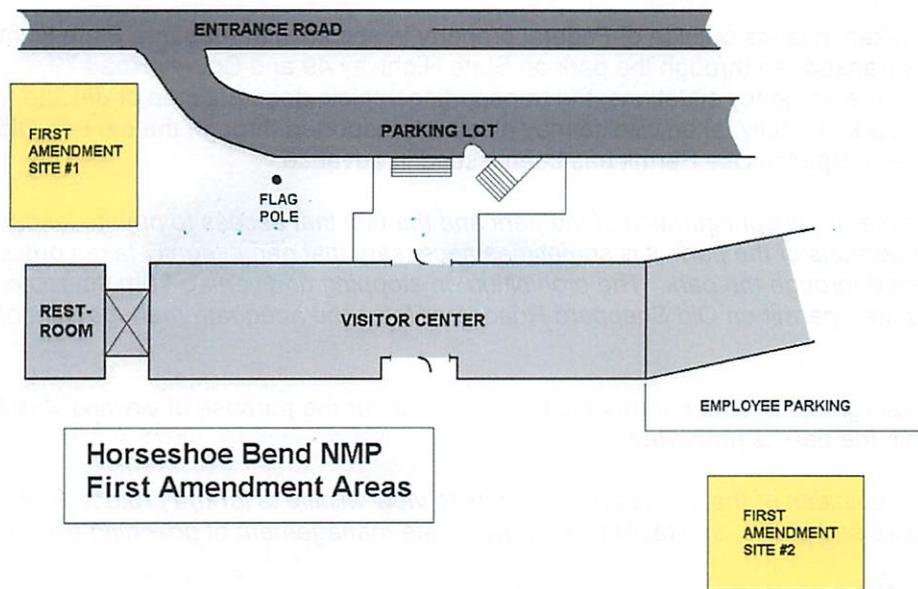
(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

- The Picnic Areas, located east of the Visitor Center adjacent to the front parking lot and at the Boat Ramp located south of the Tallapoosa River on State Road 49 in the park boundaries are designated for visitor picnicking. Picnic tables shall be used on a “first-come first-served basis”. The picnic area is only open during park hours.
- Passenger-carrying buses must shut down their engines when parked in any of the park’s parking lots.

Determination: The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by park visitors and park neighbors of the park’s peace and tranquility. Due to the nature of the service provided by shuttle buses, these vehicles are excluded from this requirement.

- The park’s First Amendment Areas, located adjacent to the flagpole in front of the Visitor Center and behind the Visitor Center for public assemblies, gatherings, meetings, demonstrations and other public expressions of views. (See map below)

Determination: For the purposes of maintaining the values for which the park was established by its authorizing legislation, it hereby designates only these specific areas for the purpose of First Amendment Rights. Under a Special Use Permit, the request will be reviewed and deemed as appropriate and reasonably consistent with protection and use of the park area for the purposes for which it was established.



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. Application for permits may be obtained from the Superintendent's office and shall be submitted for approval at least two weeks prior to the scheduled date of the event.

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

(a)(4) There are no designated firewood gathering areas with in Horseshoe Bend National Military Park.

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

(c) (4) 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:

- Blackberries
- Mulberries
- Persimmons
- Pecan Nuts
- Walnuts
- Pine Cones
- Acorns
- Hickory Nuts

36 CFR §2.2 – WILDLIFE PROTECTION

(d) Wildlife, lawfully taken in lands outside of Federal property in accord with Alabama State Hunting Regulations, may be transported through the park on State Highway 49 and County Road 79, provided that, except in emergency situations, the transporting vehicle does not stop or deviate from its route through the park. Legally taken wildlife may also be transported through the park on Old Sheppard Road, when a Special Use Permit has been issued in advance.

Determination: Because of the configuration of the park and the fact that access to private lands is by trail or road through portions of the park, it is sometimes necessary that game legally taken outside the park be transported through the park. The prohibition on stopping or diverting from the route, combined with a required permit on Old Sheppard Road, facilitates the adequate management of poaching activities.

(e) The use of artificial lights, handheld or mounted on a vehicle, for the purpose of viewing wildlife within the park is prohibited.

Determination: The prohibition of the use of artificial lights to view wildlife is for the protection of wildlife and public, and facilitates the adequate management of poaching activities.

36 CFR §2.3 – FISHING

(a) Unless otherwise posted, Alabama Fishing Regulations are assimilated within Horseshoe Bend National Military Park.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

(a)(2)(i) Firearms are permitted in accordance with Alabama State Law. The possession of a concealed handgun, or the possession of a handgun inside a motor vehicle, requires a state-issued permit. Firearms are not permitted in any park buildings. Park employees (other than commissioned law enforcement rangers) are not permitted to possess firearms on park property.

CFR §2.5 – RESEARCH SPECIMENS

(a) Taking plants, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations Chapter 1 of 36 CFT or pursuant to the terms and conditions of a specimen collection permit.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

(a) Camping is prohibited anywhere within Horseshoe Bend National Military Park. Exceptions:

- Living History participants during sponsored special events.
- NPS sanctioned Groups: SCA and Fire Crews may be allowed to camp during work projects. Camping will be done outside of the public use areas (maintenance area, housing area or actual back country work site) and will be suspended at the completion of the project.

36 CFR §2.11 – PICNICKING

Picnicking is prohibited within Horseshoe Bend National Military Park except:

- the Visitor Center picnic area,

- the boat ramp picnic area,
- the grassy area behind the Visitor Center (between Highway 49 and the Tour Road)

36 CFR §2.12 – AUDIO DISTURBANCES

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

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

(a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51.

36 CFR §2.13 – FIRES

(a) (1) Fires are allowed in the park picnic areas, as long as they are contained in park-provided grill. Fires in other areas in the park will only be allowed under a Special Park Use permit, or as part of a park-sponsored living history event and will be contained in an established fire pit. All fires shall be completely extinguished prior to leaving the area.

All open fires may be prohibited without prior public notice, during periods of high fire danger.

Determination – It is necessary to restrict fires to government provided grills or designated areas to prevent uncontrolled fires and an excessive number of fire pits.

36 CFR §2.15 – PETS

(a)(1) The following structures and/or areas are closed to the possession of pets:

- With the exception of guide or service animals, pets are not allowed in any buildings or structures within the Park. Pets must be on a leash not exceeding 6 feet and under physical control of their handler at all times while at Horseshoe Bend National Military Park.

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

- Pet excrement must be collected and disposed of in a trash receptacle, or removed into the woodline at least 15 feet from any public use area.

Determination: Since there are many wooded areas where the visitor is allowed to take leashed pets (e.g. along the nature trail) the owner is responsible for ensuring that pet excrement does not pose as a sanitation problem or inconvenience for other visitors or the management at the area.

36 CFR §2.16 – HORSES AND PACK ANIMALS

(g) Pack animals are defined as horses, mules, burros and llamas. The use of horses and pack animals within the Horseshoe Bend National Military Park is prohibited, except on the park's back country fire access roads. In accordance with Alabama law, a Coggins Certificate is required for each horse that is ridden outside its home pasture.

Determination: The establishment of this section is to prevent damage to Park cultural resources.

36 CFR §2.20 – SKATING, SKATEBOARDS, AND SIMILAR DEVICES

The use of roller skates, skateboards and roller blades, and similar devices will only be allowed on the paved section of the Employee Residence Area by employees living in the Residence Area. Use of a Segway or similar device is limited to paved surfaces.

36 CFR §2.21 - SMOKING

- (a) All park buildings, structures and facilities are closed to smoking, including any shed, barn, building or out-building.

Determination: Smoking is prohibited in all government buildings and vehicles to comply with government-wide health and safety policies. Smoking is prohibited where posted and during high fire danger in order to protect park resources and reduce the risk of fire.

36 CFR §2.22 – PROPERTY

- (a)(2) Leaving property unattended for longer than 24 hours is prohibited.
- Property, particularly vehicles, left within the park after closing hours and after a National Park Service official has reasonably attempted to locate the owner, will be determined to be unattended.
 - Following this determination, a vehicle will be towed at the owner's expense and the owner will be held responsible for reclaiming their property.
 - If prior arrangements are made, temporary and emergency repairs must be completed within twenty-four (24) hours.
 - Other property will be recorded under lost and found procedures and disposed in accordance with title 41 CFR.
 - Park employees are allowed to leave vehicles in the park while they are in a travel status for official government travel.
 - An exception is made for visitors boating on the Tallapoosa River under a Boat Ramp Special Use Permit.

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

- (a)(1) The use and possession of alcoholic beverages within park areas is allowed in accordance with the provisions of this section:

- Alcoholic beverages may be consumed only within the established picnic areas in accordance with applicable age requirements under state law or in areas/buildings deemed appropriate for a special occasion as designated under a special use permit.

- (b)(2) Possession of control substances is prohibited, unless the possessor obtained such substance directly, or pursuant to a valid prescription or order.

Determination: To ensure public safety and litter control, the consumption of alcoholic beverages is restricted to the two designated areas.

36 CFR §2.37 – NON-COMMERCIAL 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
- (c) An exception is made to black powder used in accordance with NPS Black Powder/Historic Weapons Regulations and policies and under the supervision of a certified NPS Historic Weapons Supervisor/Safety Officer

36 CFR §2.50 – SPECIAL EVENTS

- (a) Sports event, 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

- (a) Definitions – The term “demonstrations” includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services, and all other forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to attract a crowd or onlookers.
- (b) Demonstrations of 25 or fewer people are allowed within Park areas designated as available under paragraph (c). Demonstrations of more than 25 people are allowed within Park areas designated as available under paragraph (c) when the Superintendent has issued a permit for the activity.
- (c) The following locations are designated as available for demonstrations:
 - See map above.

36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

- (a) Sale or distribution of printed matter by 25 persons or fewer may be conducted without a permit in designated park areas, provided that the requirements in §2.52 are met.
- (b) The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under §2.51(b) when the Superintendent has issued a permit.

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 issued by the Superintendent.

36 CFR §3.3 – BOATING AND WATER USE ACTIVITIES – PERMITS

A Boat Ramp Special Use Permit is required for use of the boat ramp after dark. Overnight parking at the boat ramp is prohibited, except under a Boat Ramp Special Use Permit

36 CFR §3.9 – PERSONAL WATERCRAFT

- (a) Personal watercraft (PWC or jet skis) are prohibited within the boundaries of Horseshoe Bend National Military Park.

36 CFR §4.2 – MOTOR VEHICLE OPERATIONS - STATE LAW APPLICABLE

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

36 CFR §4.21 – SPEED LIMITS

- (a) The following speed limits are established for the routes/roads indicated:
- Alabama Highway 49– forty-five (45) miles per hour
 - County Road 79 – forty-five (45) miles per hour
 - Park Tour Road – fifteen (15) miles per hour

36 CFR §4.30 – BICYCLES

- (a) The use of a bicycle is permitted only on the Park Tour Road within the entrance gates of the park. Bicycles on State Road 49 or County Road 79 are subject to state law and due care.

Determination: In the interests of visitor safety, bicycles are not allowed on the nature trail or the fire roads.

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.