

CODE OF FEDERAL REGULATIONS

Title 36, Chapter 1

MILL SPRINGS BATTLEFIELD NATIONAL MONUMENT

2025 COMPENDIUM

Of Designations, Closures,
Permit Requirements and
Other Restrictions
imposed under the discretionary authority
of the Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 7, authorized by Title 54, United States Code, Section 102701, the following regulatory provisions are established for the proper management, protection, government and public use of **Mill Springs Battlefield National Monument** under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR Chapter 1.

Written determinations which include the reasons justifying the Superintendent's use of discretionary authority, as required by 36 CFR, Chapter 1, Part 1, Section 1.5(c), appear in this document in *italicized* print.

Approved:

Niki Stephanie Nicholas
Superintendent
Mill Springs Battlefield National Monument

INTRODUCTION

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:
<http://www.gpo.gov> (U.S. Government Publishing Office)

OR

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at www.ecfr.gov.

Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under Title 54 United States Code (U.S.C.) §100101(a) (formerly 16 U.S.C. 1a-1, “Organic Act”) to “...to 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.” In addition, Title 54

U.S.C. §100751(a) allows the NPS, through the Secretary of the Interior, to “prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units.”

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970, Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating “Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States.”

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, if 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.

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.

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 there 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?

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.

Enforcement of Compendium Requirements

NPS Law Enforcement Park Rangers enforce the requirements of the United States Code, 36 CFR, and this Superintendent's Compendium.

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.

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
Mill Springs Battlefield National
Monument 9020 West Highway 80
Nancy, KY 42544

Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document and remains in effect until revised for a period up to one year.

Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 Definitions.

Availability

Copies of the Compendium are available at 9020 West Highway 80, Nancy, KY 42544. It may also be found at www.nps.gov/misp (Mill Springs Battlefield National Monument: park website).

PART 1-GENERAL PROVISIONS

36 CFR § 1.5 CLOSURES AND PUBLIC USE LIMITS

The Superintendent may temporarily close park roadways, parking areas, facilities, waters, and all or portions of the park when such actions are deemed necessary to ensure public safety, protection of resources, or the avoidance of visitor use conflicts. The posting of signs, maps, media announcements, and the use of barricades and/or gates will identify such closures.

While these areas are closed to the public, the Superintendent retains the right to grant special or routine access to park staff and/or administrative users for park management and/or research interests.

(a)(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.

Hours of Operation

- The Visitor Center is open 5 days a week, Wednesday - Sunday, 10:00 am to 4:00 pm (ET).
- Park grounds, including trails, are open daylight hours (dawn to dusk) year-round.
- The Visitor Center is closed on Thanksgiving, Christmas, and New Year's Day.
- Necessary closures, including partial closures, or delayed openings (due to inclement weather for example), will be posted at: <https://www.nps.gov/misp>.

Closures

(a)(1) Entering any area of the park which has been posted or signed as closed, or which has been designated as closed by the Superintendent, is prohibited.

- All outside areas are closed from sunset to sunrise daily.
- All vehicles must be removed from Zollicoffer parking lot and the Visitor Center parking lot prior to designated closing time. Exceptions will be made in case of after-hours programs led by National Park Service staff.
- Park hours of operation may be adjusted at the discretion of the Superintendent for various reasons including but not limited to inclement weather, staffing limits, operational needs and requirements, visitor and employee safety, and special events and/or permits. Extended hours will only occur with approval from the Superintendent.

Justification: Closures may be necessary for a variety of reasons including site restoration, protection of sensitive or threatened species and protection of visitor safety. Protection of park resources would be diminished with unrestricted "after hours" use. Closure of identified sites and restrictions placed on motor vehicle use does not interfere with normal or legitimate visitation to park resources.

(a)(1) The maintenance garage, barn, related areas, and administrative gravel/dirt roads are closed to the public except by special permission from the Superintendent.

Justification: These roads, facilities and related areas are not built or maintained for visitor use. When authorized by permit, such use of administrative roads is authorized. However, this use is limited to that required to accomplish the purposes of the permit, work agreement or incident response. Keeping these areas closed should not result in any adverse impact on visitor use.

RECREATIONAL USE

(a)(1) Since all areas of the park are important in preserving the park's historic integrity and in interpreting its historical significance, certain portions of the park grounds are closed to recreational uses. All trails are open for walking and hiking. The following recreational activities and/or non-traditional uses are prohibited.

- Flying of kites, model airplanes and similar devices
- Sunbathing
- Athletic-type games and sports with or without equipment
- Use of Frisbees, balls, and similar objects considered recreational equipment or personal athletic equipment
- Tree climbing

Justification: These activities tend to detract from the park's historical theme and legislatively mandated purpose, create the potential for a visual intrusion on the battlefield memorial landscape and have the potential to interfere with visitor's understanding of the battle.

HAMMOCKS

(a)(1) The use of hammocks and slack lines is prohibited in all areas of the park.

Justification: The use of hammocks and slack lines create modern visual intrusions within the park's cultural landscapes, interfere with visitors' opportunities to appreciate the historic scene and resources.

IDLING DIESEL-FUELED VEHICLES

(a)(1) Operators of diesel-fueled vehicles, including buses are prohibited from idling their engines within the park.

Justification: The noise and fumes caused by these engines disturbs other park visitors and wildlife.

SEARCHING OF TRASH RECEPTACLES

(a)(1) The searching of park trash receptacles, refuse containers, dumpsters and recycling bins is prohibited, as is the removal of items from such containers.

Justification: The searching of trash receptacles presents a health hazard, leads to littering and interferes with the enjoyment of other park visitors.

STACKING ROCKS OR SIMILAR ACTIVITIES

(a)(1) Stacking rocks for any purpose or using rocks to create any sort of rock structure is prohibited. Rocks which are partially or fully buried may not be disturbed.

Justification: The use of rocks to construct cairns, chairs, benches and other rock structures alter the landscape from its natural condition and in many cases detracts from the scenic beauty of the park. Disturbing rocks from their natural state can also alter or destroy habitat for a wide range of plant and animal species.

GEOCACHING AND SIMILAR ACTIVITIES

(a)(2) Any activity (for example, the activity known as “geocaching”), which involves hiding or otherwise placing an item or items within the park or physically marking a location within the park, and which is done with the intent that such items or locations will be searched for or sought out by others, is not allowed.

Justification: Physically placing geocaches in the park leads to the risk that sensitive or threatened resources may be damaged either by the individuals placing the geocache or by individuals seeking the geocache.

USE OF UNMANNED AIRCRAFT

(a)(1) Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of the Mill Springs Battlefield National Monument 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, etc.). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones, etc.) that are used for any purpose, including for recreation or commerce.

Justification: The use of unmanned aircraft has the potential to cause unacceptable impacts such as harming visitors, causing excessive noise, impacting viewsheds, and disturbing wildlife. Allowing the unrestricted use of unmanned aircraft before could result in unacceptable impacts to park resources, park values, and visitor safety.

USE OF ELECTRIC PERSONAL ASSISTANCE MOBILITY DEVICES

(a)(2) The use of electronic personal assistance mobility devices (for example, the device marketed under the brand name "Segway") by persons with a disability will be allowed in all of the park's paved parking areas, provided that such devices display a valid, government issued placard indicating that the user has a disability. The use of such devices is prohibited elsewhere in the park.

Justification: Electronic personal assistance mobility devices such as the Segway are not suited to the other, non-paved trails or spaces found within the park. All other spaces in the park contain sections that are either too steep, rocky or narrow to permit their negotiation by such devices.

FILMING, PHOTOGRAPHY, AND AUDIO RECORDINGS

Filming, still photography, and audio recording may require a permit consistent with 54 U.S.C. § 100905.

Filming, still photography, and audio recording involving more than eight individuals requires a permit unless the NPS has specifically notified the individual or group that a permit is not required, or the activity is affiliated with an authorized event under a written authorization (such as a special use permit).

Engaging in filming, still photography, or audio recording activities without a required permit is prohibited.

Violating terms or conditions of a permit issued for these activities is prohibited and may result in permit suspension or revocation.

Contact the park to determine whether a permit is required prior to conducting filming, still photography, or audio recording activities.

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 30-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.

Justification: All filming, still photography, and audio recording is treated the same under Section 125 of the EXPLORE Act. It does not matter whether the activity is commercial, non-commercial, or conducted by media or for news gathering. There is no distinction between commercial filming and non-commercial filming. Compensation received by the person or group conducting filming or still photography activity no longer has any effect on the permissibility of the activity. The permit and fee exemptions for groups of eight or fewer individuals are not guaranteed. They are available only if the proposed activity meets a list of requirements that address the protection of park resources and visitors, the proposed activity does not impede or intrude on the experience of other visitors, and the agency doesn't incur additional costs due to the activity.

§ 1.6 PERMITS

Permits will be specific in nature to the activity being permitted. In those cases where permit use is frequent, a specific permit form may be designed. In most other cases, a special use permit or letter of authorization will be prepared describing the specific conditions under which the permitted activity is authorized. In all cases, a permit or letter of authorization must be in the permittee's possession at all times and must be shown to any authorized person upon request.

To apply for a permit, go to the park website for more information. Applications must be filed with the Specials Use Permit Coordinator 30 days prior to the anticipated activity.

The permittee shall be responsible for paying the cost of preparing the permit and for all additional costs incurred in monitoring the event and for any maintenance costs.

(f) Pursuant to the provisions of 36 CFR 1.6(f), the following is a compilation of the activities for which a permit is required. Not all of the activities/permits listed below are relevant to Mill Springs Battlefield National Monument.

Activity Requiring Permit	Relevant Section of 36 CFR
Entry of Closed Areas	1.5(d)
Adventure Races and Similar Activities	1.5(d)
Geocaching and Similar Activities	1.5(d)
Virtual Geocaching and Similar Activities	1.5(d)
Possession of an Otherwise Prohibited Weapon, Trap or Net	2.4(d)
Collection of Research Specimens	2.5
Operating a Power Saw or Portable Motor/Other Audio Disturbances	2.12(a)(2),(3)&(4)
Use of Aircraft/Air Delivery	2.17(a)(3)
Removal of Downed Aircraft	2.17(c)(1)
Entrance and Recreational Fees	2.23(b)
Soliciting of Gifts, Money, Goods or Services	2.37
Explosives	2.38(a)
Fireworks	2.38(b)
Special Events (including sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies and similar events)	2.50(a)
Demonstrations	2.51(a)
Sale or Distribution of Printed Matter	2.52(a)
Livestock Use and Agriculture	2.60(b)
Residing on Park Lands	2.61(a)
Memorialization-Erection of monuments (requires approval from the National Park Service Director) and Scattering of Human Ashes	2.62(b)

Use of a Vessel	3.3
Vehicles Exceeding Designated Load, Weight and Size Limits	4.11(a)
Displaying, posting or Distributing Advertisements and Commercial Notices	5.1
Engaging in or Soliciting any Business	5.3
Use of Government Roads by Commercial Vehicles	5.6(c)
Constructing or Attempting to Construct Buildings, Structures, Boat Docks, Roads, Trails, Paths, Ways, Telephone Lines, Telegraph Lines, Power Lines, or any other Private or Public Utilities	5.7
Operation of a Solid Waste Disposal Site	6.9(a)
Special Recreation Permit	71.10(a)
Filming/Photography/Recording - depends upon the facts and circumstances	1.5(a)(2) and 54 U.S.C. 100905

PART 2-RESOURCE PROTECTION, PUBLIC USE AND RECREATION

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

PROTECTION OF RESOURCES: EARTHWORKS/FORTIFICATIONS AND MASS GRAVE

(a) The following is prohibited:

- Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state non-fossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof.
- Climbing, walking on, or standing on the earthworks and mass grave is prohibited. Earthworks include fortifications and entrenchments.

Justification: Prohibiting these activities helps to preserve these resources for future generations.

METAL DETECTING OR RELIC HUNTING

(a)(7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or sub bottom profiler is prohibited. Digging, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resources, structure, site, artifact, or property or searching for souvenirs, relics, artifacts is prohibited.

Justification: Disturbing the landscape poses a risk to cultural and natural resources, no matter how unobtrusive the remaining hole may seem. Archaeological artifacts belong to the park and removal of them is considered theft of federal property.

GATHERING OF FRUITS, MUSHROOMS, BERRIES AND NUTS

(c)(1) The following fruits (including the fruiting bodies of certain mushrooms), berries and nuts may be gathered by hand for personal consumption or use:

- blackberries,
- blueberries,
- pokeberries,

- mushrooms (only edible species)
- walnuts,
- hickory nuts,
- hazel nuts,
- beech nuts and
- acorns.

Justification: It has been determined that the gathering and/or consumption of the above in the quantities described below will not adversely affect park wildlife, the reproductive potential of individual plant species, or otherwise adversely affect park resources.

(c)(2)(i) The quantity of fruits (including the fruiting bodies of certain mushrooms), berries and nuts collect under the provisions of Section 2.1(c)(1) will not exceed 1 gallon per family or group per day for each species.

Justification: The unrestricted collection of fruits, berries and nuts could have an adverse impact on plant propagation and/or wildlife food sources.

(c)(2)(ii) Persons gathering the species of fruits, berries and nuts listed in Section 2.1(c)(1) of this Superintendent's Compendium are prohibited from climbing trees or other vegetation, and from using stools or ladders. All such fruits, berries or nuts must be collected while standing on the ground. The gathering of such fruits, berries or nuts is also prohibited within 200 feet of scientific research plots or areas.

Justification: The use of collection methods such as ladders and tree climbing are prohibited to protect trees and vegetation from damage and to allow sufficient food supplies for wildlife. Gathering such items in research areas is prohibited to protect the integrity and reliability of research activities.

§ 2.2 WILDLIFE PROTECTION

(a)(1) Hunting and trapping are prohibited in the park.

Justification: Based on the enabling legislation for the park, hunting is not mandated by Federal statutory law, nor is it authorized as a discretionary activity. Hunting is incompatible with the mission of the park and poses a safety hazard to visitors.

(e) All lands within the boundaries of the park are closed to the viewing of wildlife with the use of an artificial light.

Justification: The use of artificial light to view wildlife disturbs the animals in their natural habitat and may be indicative of illegal hunting activities known as “spotlighting”.

§ 2.5 RESEARCH SPECIMENS

Scientific Research and Collection Permits

Pursuant to the authority found in 36 CFR 2.5, the Superintendent may issue permits for the collection of plants, fish, wildlife, rocks and minerals for research purposes subject to the conditions established by the National Park Service for scientific research and collection permits. These conditions, in part, are found online at <http://science.nature.nps.gov/research> and are subject to periodic revision. The guidelines and requirements contained at the above website are hereby adopted and made part of this Superintendent’s Compendium. The violation of any applicable condition, guideline or requirement is prohibited.

Justification: Conditions on research performed pursuant to permits are necessary to protect park resources from negative impacts and to ensure compliance with permitting procedures.

§ 2.10 CAMPING AND FOOD STORAGE

(a) No camping is allowed within the park except for living history events for the purpose of interpretive programming as approved by the Superintendent.

Justification: The park does not have established campgrounds for public use.

§ 2.11 PICNICKING

Picnicking is allowed in designated area at the Visitor Center. It is prohibited on the battlefield and at the Beech Grove encampment.

Justification: This restriction is necessary to preserve the historic viewshed from intrusive uses and maintain the battlefield memorial landscape.

§ 2.13 FIRES

(a)(1) A fire may be ignited and maintained only by using fuel sources designed and commonly used for warmth or the preparation of food, such as charcoal briquettes or natural firewood. Lighting or maintaining a fire with other materials including, but not limited to, flammable liquids, garbage, fireworks, plastics, aerosol canisters, batteries, or other manufactured or synthetic materials, is prohibited.

Justification: This action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, and the implementation of management responsibilities. Materials other than approved combustibles – especially fire accelerants and substances prone to wind transport or explosion – creates serious risks when used to light or maintain fires. These combustibles can ignite or spread wildfires that directly threaten people and valuable resources and assets. The burning of manufactured or synthetic materials can contribute to air pollution, contaminate soil and water, and be toxic to humans and the environment. Less restrictive measures, such as an education campaign informing visitors of the risks of using certain materials to light or maintain a fire, would not be commensurate with the substantial risks associated with those activities and could lead to adverse outcomes that might be prevented by establishing an enforceable condition.

(a)(1) Lighting or maintaining a fire within the park is not permitted except for administrative purposes or as part of a special event.

Where and when permitted, all fires, including those in fire rings, pits, grates, grills, stoves and lanterns must be maintained at a reasonable size and level of intensity that is easily and safely contained and that can be readily extinguished. Upon termination of use and before a fire site may be left unattended for any period, however brief, the fire must be extinguished to the extent that no hot materials (including hot coals, ashes or burnt materials) remain at the site and so that all remains of the fire are cool to the touch. Stoves and lanterns may only be used for living history events. In addition to these requirements, the lighting or maintaining of any fire within the park is subject to all other relevant federal and state regulations.

Justification: Fires are prohibited to protect the cultural resources within the park. Fire must be maintained at a reasonable level of intensity for safety and to prevent the occurrence of wildfires.

§ 2.15 PETS

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

- a. All buildings.

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

This regulation does not apply to service animals as defined by the Americans with Disabilities Act (ADA).

Justification: This use restriction of possessing a pet in all structures and main public use areas of the park is necessary for the protection of cultural resources, the maintenance of public safety, the minimization of visitor conflicts, and the implementation of management responsibilities.

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

- b. Must be removed from developed areas by the person responsible for the pet.

Justification: Improper disposal of pet waste is a potential health issue.

§ 2.16 HORSES AND PACK ANIMALS

No trails, routes or areas within the park are designated for the use of horses or pack animals; the use or possession of horses or pack animals within the park is prohibited except as part of a National Park Service special/living history event.

Pack animals are defined as horses, burrows, mules, donkeys, llamas and other hoofed mammals that are ridden or used to carry or transport equipment, supplies or other such items.

Justification: Park trails and areas have not been designed to accommodate horses or other pack animals, and the use of such animals poses the risk of serious damage to cultural and natural resources.

§ 2.21 SMOKING

Smoking, including the carrying of lighted cigarettes, cigars, pipes and electronic nicotine delivery systems is prohibited inside and within 25-feet of the park's Visitor Center. Electronic nicotine delivery system means an electronic device, such as an electronic cigarette, that a person uses to simulate smoking by inhaling vapor from the device.

Justification: Second-hand smoke has negative health consequences for other visitors and park staff.

§ 2.35 ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

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

- c. All lands within the boundaries of the park, except for special use permits authorized by Superintendent.

Justification: In the locations listed above, the consumption of alcoholic beverages and the possession of open containers of alcoholic beverages is inappropriate considering the other uses of those locations and the purposes for which they were established and are maintained.

§ 2.38 EXPLOSIVES

Using, possessing, storing, or transporting explosives, blasting agents or explosive materials are prohibited. Using or possessing fireworks is prohibited.

Conditions for Explosives

The possession and use of small quantities of black powder necessary to support park sponsored historic weapons demonstrations is permitted, subject to limitations described in a permit issued by the Superintendent. Use of the black powder will be in a manner consistent with all National Park

Service policies related to historic black powder firing demonstrations.

Justification: Fireworks can intrude upon the park's contemplative visitor experience, create a safety concern, and possibly start unwanted wildfires. Black powder and other explosives are similarly dangerous, unless used under carefully controlled and supervised settings such as a historic weapons demonstration.

§ 2.51 DEMONSTRATIONS

Permits and the small group permit exemption. Permits associated with First Amendment activities are necessitated by group size. A small group is defined as 25 people or less and is not required to obtain a permit as long as they are located within the park designated areas. The small group is further restricted to only leaflets, booklets and handheld signs.

A large group is defined as more than 25 people and is required to obtain a First Amendment Permit even if they are utilizing a park designated First Amendment location. There are no fees associated with First Amendment right permits. No public assembly permits shall be issued for a period more than seven days.

Please refer to the attached maps at the end of this document for areas open to First Amendment activities. Any area not designated for these activities would require a permit regardless of size.

Justification: Freedom of speech, press, religion and assembly are constitutional rights. However, the courts have recognized that activities associated with the exercise of these rights may be reasonable regulated to protect legitimate government interest such as park resources. Therefore, to protect these resources, the NPS may regulate certain aspects of First Amendment activities, such as the time, the place and the way they are conducted. It is the conduct associated with the exercise of these rights that is regulated and not the content of the message.

§ 2.52 SALE OR DISTRIBUTION OF PRINTED MATTER

See section 2.51 above regarding the designated area.

Superintendents are authorized by 36 CFR 2.52 to issue special park use permits for the sale or distribution of “printed matter,” which the regulation defines as “message- bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising.” Sales under this regulation whether authorized by a permit or small group exception, are limited to these defined terms.

To ensure that interpretation of the 36 CFR 2.52 accommodates the exercise of First Amendment rights, and that it is uniformly applied, in interpreting and applying the regulation, superintendents will allow the free distribution of message-bearing items to the public other than printed matter, so

long as the activity occurs within the areas designated as available for First Amendment activities, and otherwise complies with 36 CFR 2.52.

Examples of message-bearing items that may be distributed for free include CDs, DVDs, and other readable electronic media. Such items must be distributed free of charge, and individuals may not ask or demand payment or request a donation in exchange for the item, which would violate 36 CFR 5.3.

Commercial Use Authorizations (CUAs)

Engaging in or soliciting any business within Mill Springs Battlefield National Monument is prohibited except in accordance with a valid Commercial Use Authorization (CUA) issued by the Superintendent pursuant to 36 CFR §5.3 and Section 418 of Public Law 105-391.

A Commercial Use Authorization is required for any individual, organization, or company providing goods, activities, services, or other functions to park visitors that:

- Take place at least in part within the boundaries of the park,
- Use park resources, and
- Result in compensation, monetary gain, or benefit to the provider.

Examples of services requiring a CUA may include, but are not limited to:

- Guided tours
- Educational or interpretive programs
- Photography or art workshops
- Transportation or shuttle services
- Instructional or fitness programs conducted within the park

All CUA holders must comply with applicable federal, state, and local laws, as well as the terms and conditions set forth in the authorization. CUAs are valid for a limited time and must be renewed annually.

Applications for CUAs must be submitted in advance using the appropriate form provided by the park. Application instructions, fee schedules, insurance requirements, and reporting forms can be found on the park's website or by contacting the Special Use Permit Coordinator.

Operating without a required CUA is a violation of 36 CFR §5.3 and may result in enforcement action, including citation, revocation of access, or disqualification from future commercial operations within the park.

Justification: Commercial services must be authorized and managed to ensure they support the mission of the park, minimize resource impacts, and maintain a quality visitor experience.

PART 4-VEHICLE AND TRAFFIC SAFETY

§ 4.21 SPEED LIMITS

- (b) A maximum speed limit of 15 miles per hour is established for the following routes and areas within the park:
- Zollicoffer Park parking
 - Visitor Center parking lot

Justification: High visitation in developed park areas necessitates reduced speed limits.

§ 4.30 BICYCLES

- (a)(1) The Superintendent has designated that all roads and parking lots open to the general public for vehicle use are open to the general public for bicycle use. Bicycle use is prohibited on park trails as well as riding cross country without trail. Bicycle use is also prohibited on park administrative roads, unless signed otherwise.

Justification: Bicycle use is prohibited because park areas can be crowded with foot traffic and an assessment has not been completed to determine the effects and impacts on park resources. There is a concern to protect visitors and the cultural and natural resources within the park.

(a)(2) Use of Electronic Bicycles (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 hp.). E-bikes are allowed in the 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 the 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.

Justification: National Park Service policy provides that electronic bicycles meeting the requirements outlined above and traditional bicycles will be generally regulated in the same manner. The park allows bicycles only on park roads and has no trails where bicycles of any sort are permitted.

Closed Circuit Television (CCTV) Monitoring Policy

In accordance with National Park Service Law Enforcement Reference Manual 9 (RM-9), notice is hereby given that Mill Springs Battlefield 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 to 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.

Appendix A

Designated Locations for Demonstrations and the Sale or Distribution of Printed Matter

As provided in Sections 2.51 and 2.52 of this Superintendent's Compendium, demonstrations as defined in 36 CFR 2.51 and the sale and distribution of printed matter as defined in 36 CFR 2.52 are allowed in the areas described below, as provided therein.

The field in front of the Mill Springs Battlefield Visitor Center is the location of the First Amendment rights area.

