

**Compendium**  
**Listing of Special Regulations in Effect**  
**for**  
**Palo Alto Battlefield National Historical Park**  
**2021**

Under the provisions of Title 16, United States Code, Section 3; and Title 36, Code of Federal Regulations (CFR), Chapter 1, Parts 1 through 7, the following Superintendent's Orders (Compendium) are established for the Palo Alto Battlefield National Historical Park (hereinafter "park"). These orders supplement the provisions contained in Parts 1 through 7 of 36 CFR where the park Superintendent has the authority to establish supplemental regulations.

As required in 36 CFR 1.7 (b), this Compendium includes in writing all the designations, closures, permit requirements and other restrictions imposed under the discretionary authority of the Office of the Superintendent of Palo Alto Battlefield National Historical Park.

Signed: \_\_\_\_\_  
Oralia Z Fernandez, Superintendent

Date: \_\_\_\_\_

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## **SECTION 1.5, CLOSURE AND PUBLIC USE LIMITS**

### **(a)(1) Closures**

The Palo Alto Battlefield Unit is open to public use daily from 8 a.m. to 5 p.m. The Resaca de la Palma Battlefield Unit is open Tuesday through Saturday, 9 a.m. to 3 p.m. as staff levels permit.

Pedestrian traffic at the Resaca de la Palma Battlefield Unit is welcomed during daylight hours if the gates are closed but is prohibited after dusk.

The Superintendent may issue a permit to enter or remain in the park during closed hours for scientific research or special events.

The entire park is closed during the following days:

- January 1<sup>st</sup>, New Year Day
- The last Thursday in November, Thanksgiving Day
- December 25<sup>th</sup>, Christmas Day
- The Resaca de la Palma unit will also be closed on all other Federal holidays.

Entering or remaining within the park when it is closed to the public is prohibited.

Due to the sensitive nature of the cultural and natural resources, in addition to the various dangerous natural and man-made hazards, public use at the Palo Alto Battlefield Unit shall be confined to the Visitor Center, roads, trails, and shade structures that are open to the public.

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Palo Alto Battlefield NHP 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, quadcopters, and drones) that are used for any purpose, including for recreation or commerce.

***Determination:*** *Unmanned aircraft use in National Parks has increased dramatically in the past few years. Management Policies 2006 1.5 and 8.2.2 state the National Park Service will not allow new park uses until a determination has been made that the new use will not cause unacceptable impacts on park resources and values. Policy Memorandum 14-05, dated June 19, 2014, provides interim policy guidance until this determination has been made.*

*The Superintendent has determined that unmanaged or unrestricted recreational use of UAs within Palo Alto Battlefield NHP will conflict with, or impact, a variety of park uses including visitor experience of unimpaired view sheds; the disturbance, displacement or harassment of park wildlife, creation of public safety hazards per operation near roadways or large aggregations of visitors, and visual or aural impacts to the character and values within the park.*

(a)(2) Use Limits

The use of two-wheeled, gyroscopically stabilized, battery-powered personal transportation devices (i.e. Segway) or similar battery powered mobility assistance devices within Palo Alto Battlefield NHP by mobility impaired visitors is limited to the paved trails within the park. The speed of such devices shall not exceed the pace of a brisk walk.

**SECTION 1.6, PERMITS**

Pursuant to 36 CFR 1.6(f), the following is a list of activities and applicable 36 CFR statutes for which a permit is required. Permits are issued by the Superintendent and may be subject to special requirements. Engaging in these activities without a permit or violating the terms and conditions of a permit is prohibited.

Research Specimen Collection—2.5 (a)

Special Event—2.50 (a)

Public Assembly—2.51 (a)

Sale/distribution of Printed Material—2.52 (a)

Post or distribute commercial notices or advertisements—5.1

Commercial Use—5.3

Commercial Photography—5.5

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 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:

1. Engaging in a filming activity without providing advance notice to the Superintendent when required.
2. 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.
3. Violating a term and condition of a permit issued under this action.

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

In all cases, the permit or letter of authorization must be in the permittee's possession at all times and must be exhibited to any authorized person upon request.

***Determination:** Permit systems authorized and issued pursuant to specific regulations in this chapter, except Section 1.5, need not be supported by a written determination unless required by the specific authorizing regulation {48 FR 30262}.*

## **SECTION 1.7, IMPLEMENTING AND ENFORCING MASK-WEARING REQUIREMENTS FOR PARK VISITORS**

Individuals over the age of two years must wear masks, except when actively eating or drinking, in the following locations:

1. All common areas and shared workspaces in buildings owned, rented or leased by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, and gift shops.
2. The following outdoor areas, when others are present, where the superintendent has determined that physical distancing (staying at least six feet apart) cannot reasonably be maintained:
  - a. outdoor areas adjacent to visitor centers
  - b. parking lots, picnic area, and battlefield overlook
  - c. crowded trails, viewpoints, and other areas of interest
  - d. visitor center back patio and outdoor exhibits

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.

***Determination:** In order to protect the health and safety of NPS employees, volunteers, partners and contractors, and park visitors, superintendents must implement mask-wearing requirements for park*

visitors, using the authority in 36 CFR 1.5(a)(2). This authority allows superintendents to impose restrictions on activities within park areas for the maintenance of public health and safety.

## **SECTION 2.1, PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES**

(a) Except as otherwise provided in this chapter, the following is prohibited:

(1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:

(i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.

(ii) Plants or the parts or products thereof.

(iii) Cultural or archeological resources, or the parts thereof.

(2) Introducing wildlife, fish or plants, including their reproductive bodies, into a park area ecosystem.

(3) Climbing or playing on top of monuments, replica cannons, interpretive waysides, and signs.

(5) Possessing, destroying, injuring, defacing, removing, digging, or disturbing a structure or its furnishing or fixtures, or other cultural or archeological resources.

(6) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, or any other remote sensing device.

### (b) Hiking and Pedestrian Use

Due to the sensitive archeological sites and dangerous natural and man-made hazards within the Palo Alto Battlefield Unit, public use shall be confined to the Visitor Center, and trails.

### (c) (1) Collection of Fruits, Berries, Nuts

The collection of fruits, berries, and or any plant material is prohibited.

## **SECTION 2.2: WILDLIFE PROTECTION**

### (e) Viewing Wildlife

Use of an artificial light for purposes of viewing wildlife in the park is prohibited. Artificial light is defined as a flashlight, hand-held spotlight, headlights, exterior vehicle lights or other light, which is emitted from a non-natural source. This also includes any infrared or similar light used in connection with a scope or electronic viewing device.

***Determination:*** This closure is intended to provide a measure of protection to all wildlife species from persons who are otherwise engaged in unlawful wildlife activities. It is also intended to assure that the natural habits or activities of the wildlife are not adversely affected while being artificially illuminated and that animals are not unduly harassed which may affect feeding, resting, or mating.

## **SECTION 2.10, CAMPING AND FOOD STORAGE**

(a) Camping is prohibited at any time within the park.

*The Living History demonstration area can be opened to overnight camping subject to conditions of a permit issued by the Superintendent.*

## **SECTION 2.13, FIRES**

(a)(1) Fires:

Lighting and or maintaining a fire is prohibited within the park.

*Fires can be maintained in the Living History demonstration subject to conditions of a permit issued by the Superintendent*

## **SECTION 2.15, PETS**

(a) (1), Possession of Pets

Pets are allowed on parking areas and pedestrian trails. All pets must be on a leash no greater than six feet in length. Pets are prohibited in all other areas of the park. Service animals are allowed in any area open to the public, accompanied by a handler.

(a) (5), Pet Excrement

Pet owners and handlers are responsible for removing any solid waste excrement from pets that are within the park. Pet excrement must be deposited into a solid waste container at the park or removed from the park.

## **SECTION 2.16, HORSES AND PACK ANIMALS**

(g) Use of Horses and Pack Animals

Use of horses and pack animals is prohibited within the park.

*Horses may be used in conjunction with Living History demonstrations subject to conditions of a permit issued by the Superintendent*

## **SECTION 2.20, SKATING, SKATEBOARDS, AND SIMILAR DEVICES**

Use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices in all National Park Service managed areas is prohibited.

## **SECTION 2.21, SMOKING**

(a) Smoking

Smoking is prohibited within all government buildings, and at outdoor programs within the park. The Superintendent may temporarily close the entire park to smoking during periods of high fire danger to protect park resources and reduce the risk of fire.

Violation of the Superintendent's orders regarding smoking regulations is prohibited.

**SECTION 2.35, ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES**

(a)(3)(i) Alcoholic Beverages:

The park is closed to the possession and consumption of alcoholic beverages.

*The Living History demonstration areas can be opened to the possession and consumption of alcohol subject to conditions of a permit issued by the Superintendent.*

**SECTION 2.51, PUBLIC ASSEMBLIES AND MEETINGS**

(e) Permit for Public Assemblies and Meetings;

The following are designated public meeting or assembly areas. Detailed maps of specific areas will be furnished upon request. See Appendix A.

The west parking area near the Visitor Center at the Palo Alto unit.

The grass area used for overflow parking at the north end of the field at the Resaca de la Palma unit.

Engaging in a public meeting or assembly without a permit or violation of any terms or conditions of a valid permit is prohibited.

**SECTION 2.52, SALE OR DISTRIBUTION OF PRINTED MATERIAL**

(e) Permit for Sale or Distribution of Printed Material:

The following areas are designated as acceptable for the sale or distribution of printed matter. Sale or distribution areas may not interfere with foot traffic or block any public entrance. Detailed maps of specific areas will be furnished upon request. See Appendix B.

The southern end of the sidewalk bordering the parking lot in front of the Visitor Center.

The area approximately 100 feet west, southwest of the pavilion shelter at the Resaca de la Palma unit.

A map of the area(s) approved for the sale or distribution of printed matter is maintained in the Office of the Superintendent. A copy of the map, along with instructions showing which area(s) are permitted for the sale or distribution of printed matter, shall be attached to each permit.

Engaging in the sale or distribution of printed matter without a valid permit or violating the terms or conditions of a valid permit is prohibited.

***Determination:** The areas provided do not unreasonably interfere with visitor services and affords public recognition for any public assembly activity.*

### **SECTION 3.16, BOATING AND WATER USE ACTIVITIES**

Swimming or wading in the waters of Resaca de la Palma in the Resaca de la Palma unit is prohibited.

### **SECTION 4.30, BICYCLES & E-BIKES**

#### Section 4.30, Bicycles

Bicycle riding is allowed on park roads, in parking areas, and on the major portion of the battlefield trail within both park units. Due to narrow nature of the U.S. and Mexican Battle Line Trails at Palo Alto, it is necessary to walk bikes in these areas to reduce the risk of accidents/injuries.

#### Section 4.2(a), E-Bikes

In accordance with Section 4.2(a) adopting Texas Transportation Code Sections 541.201(8) and 551.003, all regulations applicable to bicycles apply to low speed electric vehicles

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 Palo Alto Battlefield NHP 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.

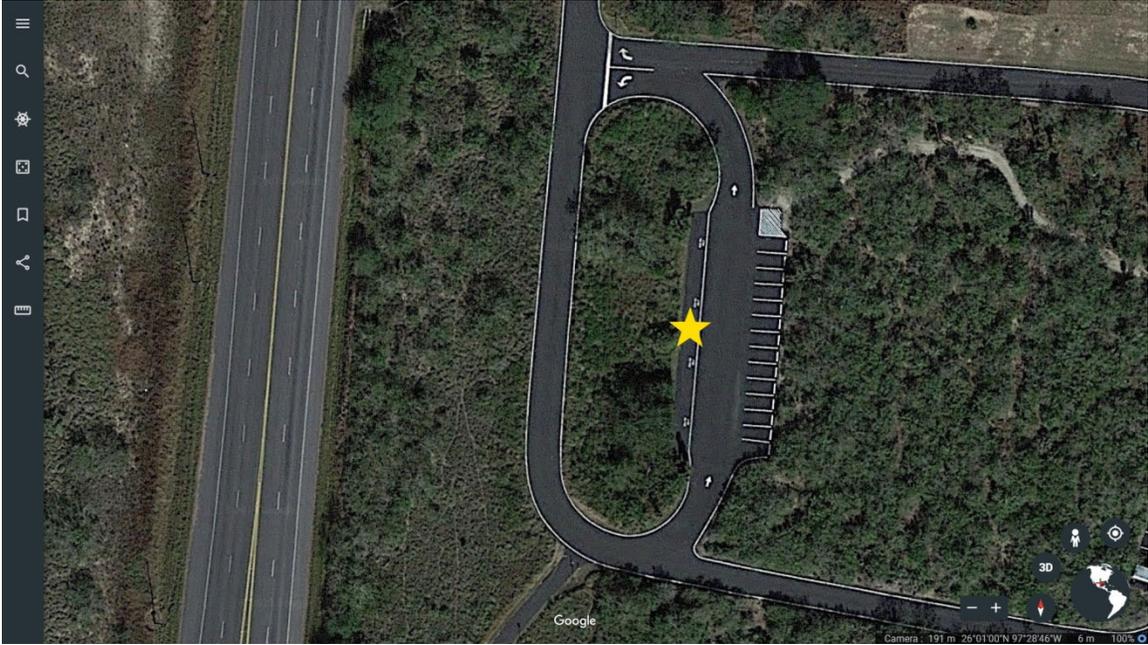
A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).

Except as specified in this Compendium, the use of an e-bike within Palo Alto Battlefield NHP 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.

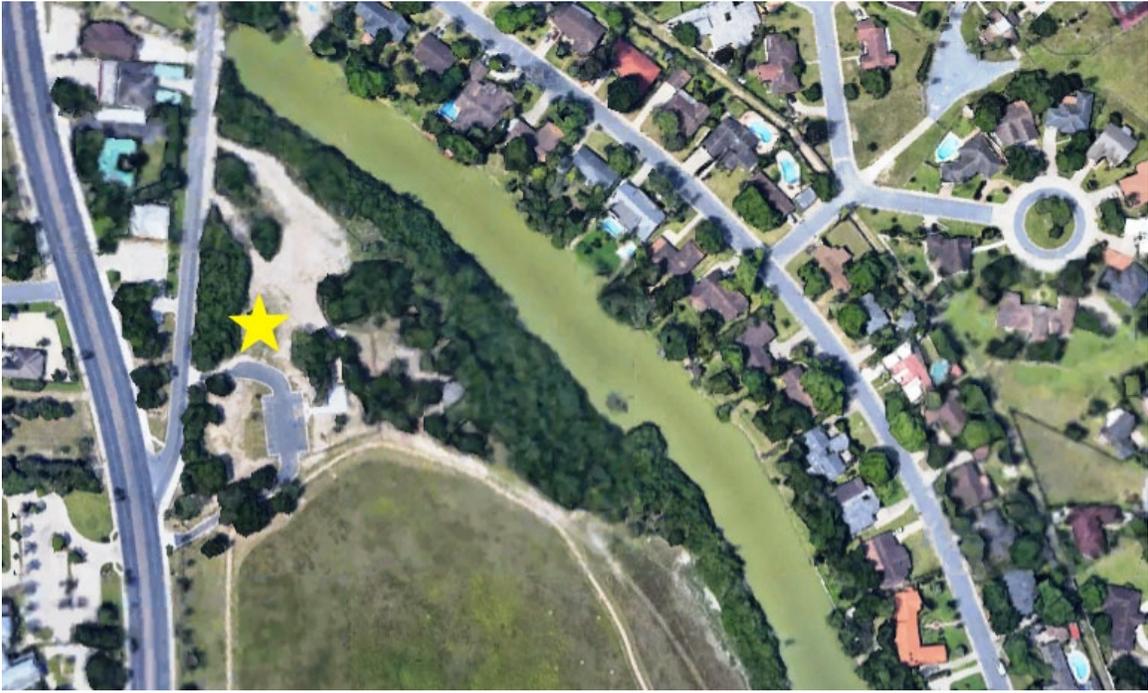
APPENDIX A

Public Assembly Area

Palo Alto Unit



Resaca de la Palma Unit



**APPENDIX B**

Sale and Distribution of Printed Matter

Palo Alto Unit



Resaca de la Palma Unit

