



National Park Service
U.S. Department of the Interior

Roger Williams
National Memorial

282 North Main Street
Providence, RI 02903
401-521-7266 Phone
401-521-7239 Fax
<http://www.nps.gov/rowi>

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

Approved:

Meghan Kish, Superintendent

8/20/14
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 Roger Williams National Memorial (ROWI). 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 USES OR ACTIVITIES

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

Visiting Hours:

- The Visitor Center is open seven days a week, except for New Years Day, Thanksgiving, and Christmas.
- The Visitor Center hours are from 9:00 a.m. to 5:00 p.m. from Memorial Day through Columbus Day and 9:00 am to 4:30 p.m. during the remainder of the year.
- The memorial grounds remain open to the public 24 hours a day.

These visiting hours were determined to be in the best interests of the park and park visitors, and to allow for the proper management of the park, considering its location, character, physical facilities, and staffing.

Public Use Limits – Pursuant to §1.5(d) to implement a public use limit, the Superintendent may establish a permit, registration, or reservations system:

- The Visitor Center has a maximum capacity of 30 people.

This condition was established to ensure safe and comfortable movement throughout the building and the ability for all visitors and staff to exit the building safely.

- The Visitor parking lot is limited to 2 hours per vehicle. Vehicles left unattended for over 2 hours, when the operator/owner is not on memorial grounds, in the visitor center, or on

National Park Service business, may be towed away at the owner's expense. See also 36 CFR § 2.22 of this document.

This condition was established to ensure adequate parking for visitors, taking into account the limited space available for off-street parking.

Closures:

- As needed, the Superintendent or designee may close the Visitor Center or memorial grounds due to an emergency, including severe weather, to protect the park's resources, or to protect the public and park staff from unsafe conditions. Similarly, the parking lot may be closed by the Superintendent or designee as needed to ensure safety, allow for snow plowing, repairs, striping, or other approved activity. Signs will be posted at the park and alerts posted on the park website to announce temporary closures.
- The park area is closed to all activities that have the potential to impair or derogate the resources, values, or purposes of the memorial.
- The park area is closed to all activities that have the potential to disrupt normal visitor use of the memorial and/or endanger the visiting public.
- Prohibited activities include, but are not limited to the following:
 - Unlawful activities.
 - The use of a weapon that endangers persons or property. See also 36 C.F.R. § 2.4(c).
 - Vandalism, destroying, defacing or damaging property. See also 36 C.F.R. §§ 2.1(6) & 2.31.
 - Disorderly conduct. See also 36 C.F.R. § 2.34.
 - Threatening, resisting, intimidating, or intentionally interfering with a government employee or agent engaged in an official duty or on account of the performance of an official duty. See also 36 C.F.R. § 2.32.
 - Non-commercial soliciting except pursuant to the terms and conditions of a permit. See also 36 C.F.R. § 2.37.
 - Skateboarding. See also 36 C.F.R. § 2.20.
 - Geocaching games that disturb the earth. See also 36 C.F.R. § 2.22.
 - Residing on the memorial grounds. See also 36 C.F.R. § 2.61.
 - Camping on memorial grounds, unless done as part of an historical/educational interpretive program sponsored by the National Park Service. See also 36 C.F.R. § 2.10.
 - The sale of food, merchandise, clothing, art, crafts, and other similar items, except pursuant to the terms and conditions of a special use permit. See also 36 C.F.R. § 5.3.
 - Unauthorized motorized vehicles such as motorcycles, mopeds, or other such devices.
 - Horseshoe pitching.
 - Golfing.
 - Lawn darts.
 - Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Roger Williams National Memorial is prohibited except as approved in writing by the superintendent.

These closures and any prohibitions in addition to those listed in 36 C.F.R. were established to protect the health and safety of park staff and visitors, to facilitate proper management of the park, and to promote the park's use as a memorial site. These are the minimum restrictions necessary to

achieve such protection.

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.

Permit Application:

- The Superintendent will act upon a permit request within 10 days of receiving a complete and fully executed application. Accordingly, permit applications must be received at least 10 days before the anticipated activity.
- Permit applications must be accompanied by a \$50 non-refundable application fee, except for First Amendment rights demonstrations.
- Obtain permit applications by contacting the Superintendent, Site Manager or Special Use Permit coordinator.

Special Use Permit

The National Park Service may permit a special park use if the proposed activity will not:

- Cause injury or damage to memorial resources
- Be contrary to the purposes for which the memorial was established
- Unreasonably impair the atmosphere of peace and tranquility maintained in natural, historic or commemorative locations within the memorial site boundaries
- Substantially impair the operation of public facilities or services
- Present a clear and present danger to public health and safety
- Result in significant conflict with other existing uses.

Special Use permit terms and conditions protect the National Park Service and public interests, including Memorial resources and values. To ensure this protection, some or all of the following conditions will be included in each permit issued depending on the activity:

- A special use activity must not interfere or disrupt normal visitor use or enjoyment of the memorial.
- A permit holder, while on memorial property, may not collect admission or any other money associated with a special event. All monetary transactions by permit holders must take place outside the park.
- No more than one special event permit will be issued for any one day, unless the Superintendent or designee makes a determination that more than one permit can be issued without resulting in impairment or derogation of memorial resources, values or purposes, conflict between visitor use activities, or threat to public safety.
- The sale of food is allowed only when the sale is managed under a special use permit and is conducted in compliance with city, state and federal ordinances.
- Signs/banners may be allowed if approved by the Superintendent and or designee. Signs must be free-standing and may not be attached to trees, benches, planters, structures or other memorial property.
- Picnic tables in the park may be used by permit holders with prior approval. Moving the picnic tables requires prior approval.
- Erection of tents may be allowed when ties are attached to water barrels and stakes are not placed in the ground.

- Stages may be allowed when the load limit is appropriate and is handicapped accessible. The stage must be leveled, have hand rails and be above ground. No disturbance to the grounds, vegetation, trees, benches, or other property is allowed.
- Folding tables, chairs and podiums may be allowed if furnished by the permit holder.
- Freestanding flowers and plants are permitted as site decorations.
- Alcoholic beverages will not be sold at or brought onto the grounds without express permission of the Superintendent.
- Portable toilets must be provided when the event exceeds four hours duration. Allow at least one toilet per every 50 persons in attendance when the event is expected to exceed 250 persons. The toilets must be located along Canal Street on the grass.
- Amplified live, recorded or solo accompaniment music or voice may be permitted provided sound is directed away from the College Hill Historic District located to the east of the memorial and meets city ordinance noise provisions.
- Electricity is not provided unless approved by the Superintendent or designee.
- Throwing confetti, releasing balloons or any similar activity is prohibited.
- Parking for event participants is all off-site. The visitor center parking lot may be used only to unload and reload equipment.
- Litter generated by the event must be removed by the permit holder and disposed of outside the Memorial in accordance with local and state ordinances or regulations.
- First aid for the event is the responsibility of the permit holder and must meet Providence police and city ordinance requirements.
- Security for the event is the responsibility of the permit holder and must meet Providence police and city ordinance requirements.
- Interior locations are not available in case of inclement weather.
- It is the responsibility of the applicant to meet all federal, state and local regulations. Copies of permits and contracts must be supplied by the permit holder to the Special Use Coordinator before event is allowed to take place.
- Performance bonds are the permit holder's guarantee of compliance with permit conditions and reimbursement to the park for damage to resources and/or facilities a result of the permit holder's activities. An amount adequate to cover the cost of restoration, repair, rehabilitation and cleanup of the area may be required. The posting of a fully refundable performance bond may be required based on the type of activity and the potential for resource damage. This is determined on a case by case basis.
- Liability insurance protects the government from negligent actions by permit holder. Insurance in an amount sufficient to protect the interests of the United States may be required as a condition of the permit. This is determined on a case by case basis.
- Hold Harmless/Indemnification is a legal statement intended for use as a condition of a permit. It states that the federal government, its agents and employees, cannot be held liable for claims for damages or suits for any injuries or deaths from any cause occasioned by the permit holder's occupancy and use of memorial property.
- Tort Claim Provision protects the National Park Service against claims arising from an executed agreement if the cost of obligations of the memorial under such an agreement exceed the fiscal year appropriation for the memorial.
- The National Park Service may charge fees and recover costs in accordance with established policies and procedures. Charges will reflect the fair market value of the use requested. The fair market value is the value of the land use, plus costs incurred by the National Park Service in managing or supporting the use.
- A walk-through and/or meeting to assess conditions may be required prior to issuance of a permit and at the conclusion of the event.

- In case of cancellation by permit holder, at least 24 hours notice is required.
- A special event may be cancelled by the Superintendent or designee at any time due to an emergency, or if a situation develops that may constitute a threat to the safety of visitors, volunteers or staff of the memorial.

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

Under, (a) destroying, injuring, defacing, removing, digging, or disturbing wildlife, plants and products thereof, cultural resources, and mineral resources is prohibited.

- This section prohibits climbing trees. All trees are part of the cultural landscape and as such need protection from harm. Climbing trees is also a safety hazard.
- This section also prohibits nailing or tying objects to trees, plants, or other park structures.

Under, (a) collecting natural materials from the park is generally prohibited. However, pursuant to (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:

- Leaves and pinecones may be collected from the ground for personal use.

The gathering of leaves and pinecones will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

(a) Camping is allowed in the following designated sites or areas and is subject to the following established conditions:

- Camping is generally prohibited in the park area. Camping may be allowed if it is done a part of an historical/educational interpretive program sponsored by the National Park Service.

36 CFR §2.11 – PICNICKING

Conditions for Picnicking:

- Food and non-alcoholic beverages are allowed on memorial grounds. Alcoholic beverages are not allowed on memorial grounds. See 36 C.F.R. § 2.35.

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 nondeveloped 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) The lighting or maintaining of fires is prohibited, except in the following areas and/or receptacles, and under the conditions noted:

- The use of stoves, grills, charcoal, or other open fire is prohibited except for use during an interpretive demonstration.

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

- The use of stoves and lanterns is prohibited except for use during an interpretive demonstration.

36 CFR §2.14 – SANITATION AND REFUSE

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

- Visitors are responsible for their own trash management, collection, and disposal of trash.

36 CFR §2.15 – PETS

(a)(1) Possessing pets in public buildings, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:

- The Visitor Center. This prohibition does not apply to service dogs or dogs used by authorized Federal, State and local law enforcement officers in the performance of their official duties.

(a)(2) Failing to crate or restrain on a lease a pet is prohibited.

(a)(3) Leaving a pet unattended and tied to an object is prohibited.

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

- Pet excrement must be collected and disposed of by the pet owner off-site or in the refuse receptacles located on the memorial grounds.

36 CFR §2.18 – SNOWMOBILES

(c) The use of snowmobiles is prohibited.

36 CFR §2.20 – SKATING, SKATEBOARDS AND SIMILAR DEVICES

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

36 CFR §2.21 – SMOKING

(a) The following portions of the park, buildings, structures and/or facilities are closed to smoking as noted:

- Smoking is prohibited in all memorial buildings.

This designation is based on Executive Order 13058, published in the August 13, 1997 Federal Register. It is also designed to protect park resources and reduce the risk of fire.

36 CFR §2.22 – PROPERTY

(b)(1) Property determined to be left unattended for any period of time may be impounded. All property must remain under the direct control of its owner at all times.

- Leaving property unattended is prohibited on park grounds.
- Leaving property on park grounds for the purpose of "geocaching" is prohibited except as approved by the Superintendent or designee.
- Vehicles left unattended for over 2 hours, when the operator/owner is not on memorial grounds, in the visitor center, or on National Park Service business, may be towed away at the owner's expense.

(b)(2) Unattended property that interferes with visitor safety, orderly management of the park area, or presents a threat to park resources may be impounded by the superintendent at any time. Such property will be impounded for inspection. Inspection may be destructive.

36 CFR §2.23 – RECREATION FEES

(b) Recreation fees and/or permits, in accordance with 36 CFR part 71, are established for the following areas and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:

- There are no entrance fees for Roger Williams National Memorial.

36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a)(3)(i) The following areas and facilities within the park are closed to 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:

- The sale, possession and/or consumption of alcoholic beverages is prohibited in all areas of the memorial except pursuant to the terms and conditions of a special use permit.
- Dispensing of alcoholic beverages pursuant to a special use permit must be duly licensed and controlled according to state and city codes. The permit holder is responsible for acquiring the proper license and proof must be submitted to the Special Use Permit Coordinator before the event is allowed to take place. Additionally, beverages must be dispensed in recyclable containers or paper cups.

The general prohibition on public consumption of alcohol was established in consideration of the other uses of the park and the purpose for which the park was established and is maintained. The park is a memorial and as such an inappropriate place for the consumption of alcohol unless properly limited through special use permit conditions.

36 CFR §2.37 – NONCOMMERCIAL SOLICITING

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions of a permit that has been issued under §2.50, §2.51, or §2.52.

36 CFR §2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the 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

(b) Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity. Demonstrations involving 25 persons or fewer may be held without a permit in designated park areas, provided that the requirements in §2.51(b) are met.

(b)(2) The organizer of events involving 25 persons or fewer is requested to provide reasonable notice of the proposed event to the park superintendent, including whether there is any reason to believe that there may be an attempt to disrupt, protest, or prevent the activity.

- The Superintendent requests that reasonable notice be received at least 20 days prior to the date of the proposed event.

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

- The brick-paved area near the Roger Williams Spring (Hahn Memorial). The maximum capacity is 75 persons. A map of the designated area is located at the end of the compendium.

(f) The Superintendent will act upon a permit request within 10 days of receiving a complete and fully executed application. Accordingly, permit applications must be received at least 10 days before the anticipated activity.

(h) The permit may contain conditions reasonably consistent with the requirements of public health and safety, protection of park resources, and the use of the park area for the purposes for which it was established. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

(k) The Superintendent may revoke a permit, or order a small group permit exception activity to cease for reasons outlined in 36 CFR 2.51(k). These reasons include, but are not limited to, a finding that the event will present a clear and present danger to public health or safety or the event cannot be accommodated in the particular location because it would damage park resources, impair a protected area's atmosphere of peace and tranquility, interfere with program activities, or impair public use facilities.

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

(b) The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under §2.51(c)(2) (see above) when the superintendent has issued a permit. Sale or distribution activity by 25 persons or fewer may be conducted without a permit in designated park areas, provided that the requirements in § 2.52(b) are met.

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.

36 CFR §4.21 – SPEED LIMITS

(a), (b) The following speed limits are established for the routes/roads indicated:

- 15 mph within the parking area

36 CFR §4.30 – BICYCLES

(a) The use of a bicycle is prohibited except on park roads, in parking areas, and on routes designated for bicycle use. Park roads and parking areas that are closed to bicycle use are listed in §1.5 of this document.

(b) The following additional routes, in developed areas or special use zones, have been designated for bicycle use:

- Bicycles are permitted on the brick walkways within the memorial boundaries provided they are operated carefully and pedestrians are given the right of way.

36 CFR §5.1 – ADVERTISEMENTS

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent.

36 CFR §5.3 – BUSINESS OPERATIONS

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

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.

A Filming and Photography permit is *not* required when:

- A visitor is using a camera and/or a recording device for his/her own personal use and within normal visitation areas and hours
- A commercial photographer is not using a prop, model, or set, and staying within normal visitation areas and hours
- The press is covering breaking news
 - Provided that restrictions and conditions may be imposed as necessary to protect memorial resources and public health and safety, and to prevent impairment or derogation of memorial resources or values.

Other Considerations

- The Superintendent will not sign a location release supplied by an applicant.
- The Superintendent may request a credit line, provided that the content or subject matter of the filming project would not reflect adversely on the National Park Service.
- The National Park Service may actively assist filming and photography activities that promote public understanding and appreciation of the National Park System, and the Director may authorize use of the arrowhead symbol for such filming projects.
- The National Park Service will not censor the content of any filming project, nor require finished film products for review, files, or documentation purposes. However, the Superintendent may review a story board, or other material offered by the applicant to help determine whether:
 - A credit line would be appropriate or
 - It would be appropriate for the National Park Service to actively assist a filming activity or authorize use of the arrowhead symbol.