



National Park Service
U.S. Department of the Interior

Thomas Stone
National Historic Site

6655 Rose Hill Rd.
Port Tobacco, MD 20677

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

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Approved:

Melissa K. Cobern, Superintendent

Date

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

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

36 CFR § 1.4 DEFINITIONS

The definition of *unmanned aircraft* means a device that is used or intended to be used in flight in the air without the possibility of direct human intervention from within or on the device and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

36 CFR §1.5 – CLOSURES AND PUBLIC USE LIMITS

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

Areas:

- The Thomas Stone Mansion, Visitor Center, entrance road, and parking lot are open to the public between 10:00 am and 4:00 pm Thursday-Sunday.
- Pedestrian access into the park is permitted daily ½ hour before sunrise until ½ hour after sunset unless otherwise posted.
- The park is closed during the months of January through early March.

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

Wearing Masks:

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

'Federally owned buildings administered by the National Park Service' include, but are not limited to, visitor centers, administrative offices, maintenance facilities, and shared government quarters;

buildings assigned to concessioners or other park partners; and buildings leased for commercial purposes to individuals or entities other than the National Park Service.

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

Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement.

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

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

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

Roads

- The maintenance access road is closed to public vehicular traffic.

The maintenance road is narrow with sharp turns and limited site distance and is not suitable for vehicular use levels associated with public access.

Camping

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

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

Swimming

- Swimming, wading, bathing, snorkeling and diving are prohibited in the park.

Swimming, wading, bathing, snorkeling and diving could accelerate soil and slope erosion and damage shoreline vegetation. See also 36 CFR §§ 3.16 & 3.18.

Unmanned Aircraft:

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

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

Picnicking:

- Picnicking is prohibited in all public areas that would impede vehicular or pedestrian traffic.
- See also 36 CFR § 2.11.

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

Passenger Carrying Buses & Vehicles

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

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

CCTV Policy Statement

In accordance with National Park Service Law Enforcement Reference Manual 9 (RM-9), notice is hereby given that Thomas Stone National Historic Site uses Closed Circuit Television (CCTV) security camera monitoring.

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

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

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

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

Filming Activities:

The following types of filming activities may occur in areas open to the public without a permit and without advance notice to the NPS:

- Outdoor filming activities [outside of areas managed as wilderness involving five persons or less and equipment that will be carried at all times, except for small tripods used to hold cameras.

The organizer of any other type of filming activity must provide written notice to the Superintendent at least 10 days prior to the start of the proposed activity. Based upon the information provided, the Superintendent may require the organizer to apply for and obtain a permit if necessary to:

- maintain public health and safety;
- protect environmental or scenic values;
- protect natural or cultural resources;
- allow for equitable allocation and use of facilities; or
- avoid conflict among visitor use activities.

If the Superintendent determines that the terms and conditions of a permit could not mitigate the concerns identified above in an acceptable manner, the Superintendent may deny a filming request without issuing a permit. The Superintendent will provide the basis for denial in writing upon request.

The NPS will consider requests and process permit applications in a timely manner. Processing times will vary depending on the complexity of the proposed activity. If the organizer provides the required 10 day advance notice to the NPS and has not received a written response from the NPS that a permit is required prior to the first day of production, the proposed filming activities may occur without a permit.

The following are prohibited:

- Engaging in a filming activity without providing advance notice to the Superintendent when required.
- Engaging in a filming activity without a permit if the activity takes place in areas managed as wilderness or if the Superintendent has notified the organizer in writing that a permit is required.
- Violating a term and condition of a permit issued under this action.

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

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

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

- The regulation prohibiting fishing in the farm pond is terminated due to conditions under 36 CFR § 2.3 (c).

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

- Specimen Collecting 2.5 (a)
- Special Events 2.50(a)
- Agricultural 2.60(b)
- Memorialization 2.62(b)
- Business Operations 5.3
- Commercial Photography 5.5
- Commercial Filming* (see Filming Activities)
- Demonstrations* 2.51(b)
- Sale & Distribution of Printed Matter* 2.52(b)
- Camping 2.10
- Picnic groups greater than 25 outside picnic area 2.11

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

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

36 CFR §2.2 - WILDLIFE PROTECTION

- **Under 36 CFR § 2.2(e), viewing of wildlife by means of artificial light is prohibited.**

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

36 CFR §2.3 – FISHING

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

- A Maryland fishing license is required to fish in the farm pond.
- See also 36 CFR § 1.5 of this document.

36 CFR §2.5 – RESEARCH SPECIMENS

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

36 CFR §2.10 – CAMPING AND FOOD STORAGE

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

- Camping is prohibited in the park except for NPS staff, volunteers, researchers or partners who have permission from the Superintendent to do so, Service organizations performing approved work in the park may camp with the permission of the superintendent and an approved permit. See also 36 CFR § 1.5 of this document.

36 CFR §2.11 – PICNICKING

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

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

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

Picnic tables are available on a first-come, first-served basis.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is prohibited, except in the following areas and/or receptacles, and under the conditions noted:

- Fires are permitted only in grills provided for special events
- Fires must be monitored at all times
- During periods of high fire danger, the Superintendent may close all or a portion of the park to the lighting and maintaining of fires

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

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

36 CFR §2.15 – PETS

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

- All park buildings
- Cemetery
- These restrictions do not apply to service animals or horses.

Pet behavior has the potential to interfere with the quiet nature of the park, and can scare wildlife. Historic structures can be damaged by pet activity. Pet behavior interferes with the solemn nature of the cemetery. It is inappropriate to the business setting to have pets in park buildings.

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

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

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

36 CFR §2.16 – HORSES AND PACK ANIMALS

(b) The use of horses or pack animals is prohibited outside of the following trails, routes or areas designated for their use:

- Access to the Visitor Center and Thomas Stone Mansion is permitted via the entrance road, service road, and the trail from the Hoghole Run utility corridor via the Tenant House (see attached map).

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

- Stock trailers must be parked in the Visitor Center parking lot unless otherwise directed by a park employee.
- All manure must be picked up from parking lots and roadways and either removed from the park or disposed of at least 50 feet away from developed areas or water sources.

36 CFR §2.21 – SMOKING

(a) Smoking and the use of Electronic Nicotine Delivery Systems (ENDS or VAPES) is prohibited:

- In all buildings and structures
- Within 25 feet of any entrance to all public buildings
- Within 25 feet of any heating/cooling units of all public buildings
- Within 25 feet of any propane tank

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

36 CFR §2.22 – PROPERTY

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

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

36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a)(3)(i) The possession or consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed is prohibited as noted herein. The alcohol prohibition includes all park areas within the park boundary. Possession and use of Marijuana is prohibited throughout the park.

The park was established and is maintained to preserve and protect the resources of the park which serve as a living memorial to Thomas Stone. The park is closed to alcohol consumption to protect the visitor experience in regard to the park's purpose.

36 CFR §2.51 -- DEMONSTRATIONS

(b) Demonstrations of 25 people or less are allowed within the park areas designated as available under paragraph (c)(2). However, there are exceptions and, even when not required, a permit is recommended in order to assure space will be available at a particular designated location. Demonstrations of more than 25 people are allowed at designated locations when the superintendent has issued a permit for the activity.

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

- **An area in the field across from the Visitor Center. A map showing the location is attached to this document and is available on the park's website.**

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

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

- An area in field across from the Visitor Center. A map showing the location is attached to this document and is available on the park's website.

36 CFR §4.30 – BIKE USE IN THE PARK

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

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

The term "e-bike" means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).

E-bikes are allowed where traditional bicycles are allowed.

E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5). Except as specified in this Compendium, the use of an e-bike within George Washington Birthplace is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

Thomas Stone National Historic Site Public Assembly Area

