



**National Park Service
U.S. Department of the Interior**
Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other
Restrictions Imposed Under
Discretionary Authority.

**War in the
Pacific National
Historical Park**

135 Murray Blvd.,
Suite 100
Hagatna, Guam 96910
671-477-7278

Approved:

Barbara Alberti, Superintendent

Table of Contents

A. INTRODUCTION	3
1. Superintendent's Compendium Described	3
2. Laws and Policies Allowing the Superintendent to Develop This Compendium	4
3. Consistency of This Compendium with Applicable Federal Law and Requirements	4
4. Development of the Requirements of the Superintendent's Compendium	5
5. Applicability of the Compendium	5
6. Enforcement of Compendium Requirements	5
7. Penalties for Not Adhering to the Compendium Requirements	5
8. Comments on the Compendium	6
9. Effective Date of the Superintendent Compendium	6
10. Additional Information	6
11. Availability	6
B. SUPERINTENDENT'S COMPENDIUM	7
I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES	7
II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT	13
§1.5(d) The following activities related to Public Use Limits:	13
§2.4(e) Carry or possess a weapon, trap, or net (excluding legal firearms)	13
§2.5(a) Research Specimen collection	13
§2.12(a) Audio Disturbances:	13
§2.17 Aircraft & Air Delivery:	13
§2.37 Noncommercial Soliciting	13
§2.50(a) Special Events	13
§2.51(a) Demonstrations and designated available park areas	13
§2.52 Sale of printed matter and the distribution of printed matter and other message-bearing items. 14	
§5.1 Advertisements - (Display, posting or distribution.)	14

§5.3 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.14	
54 U.S.C. 100905.....14	
Filming, still photography, and audio recording activity may require a permit, consistent with 54 U.S.C. 100905.....14	
§5.6 Commercial Vehicles.....15	
§5.7 Construction of buildings or other facilities.15	
36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES ..16	
36 CFR §2.2 - Wildlife Protection.....17	
36 CFR §2.3 – Fishing.....17	
36 CFR §2.4 – Weapons, Traps, and Nets.....17	
Asan Beach Unit, Agat Unit including Apaca Point and Ga'an Point.....17	
36 CFR §2.10 – Camping.....17	
36 CFR §2.11 – Picnicking17	
36 CFR §2.13 – Fires.....17	
36 CFR §2.14 – SANITATION and REFUSE18	
36 CFR §2.15 – Pets.....19	
36 CFR §2.17 – Aircraft and Air Delivery19	
36 CFR §2.20 – Skating, Skateboards and Similar Devices.....19	
36 CFR §2.21 – Smoking20	
36 CFR §2.22 – Property.....20	
36 CFR §2.35 – Alcoholic Beverages20	
36 CFR §2.38 – Explosives20	
36 CFR §2.50 – Special Events.....20	
36 CFR §2.62 – Memorialization21	
36 CFR §3.23 – SCUBA AND SNORKELING21	
36 CFR §3.8 – PROHIBITED VESSEL OPERATIONS.....21	
36 CFR §4.2 – State Law Applicable21	
36 CFR §4.10 – Travel on Park Roads and Routes.....21	
36 CFR §4.21 – Speed Limits22	
36 CFR §4.30 – Bicycles.....22	
36 CFR §4.31 – Hitchhiking is prohibited.....22	

A. INTRODUCTION

1. 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: www.gpo.gov
- Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

- This CFR is also available on the Internet at: [Electronic Code of Federal Regulations \(eCFR\)](#).

2. 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 “....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, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor uses, 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.

3. 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.

4. 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?

5. 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.

6. Enforcement of Compendium Requirements

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

7. 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:

U.S. Park Ranger
War in the Pacific NHP
135 Murray Blvd., Suite 100
Hagatna, GU 96910

8. 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:

Barbara Alberti, Superintendent
War in the Pacific NHP
c, GU 96910

9. 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.

10. Additional Information

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

11. Availability

Copies of the Compendium are available at War in the Pacific National Historical Park's Visitor Center (Building 1657-B, Old Army Reserve Road, Sumay). It may also be found at: [War in the Pacific NHP: Laws and Policies.](#)

B. SUPERINTENDENT'S COMPENDIUM

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 54 U.S.C. §100751, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of War in the Pacific National Historical Park. 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 in italics.

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

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

Visiting Hours:

- Visiting hours for certain facilities have been established for War in the Pacific National Historical Park. All current designations are posted on the park's website:
[Plan Your Visit – War in the Pacific National Historical Park](#)

Public Use Limits:

- T. Stell Newman Visitor Center Theater: for events not sponsored by the National Park Service, a reservation/permit system has been established and will require an approved Special Use Permit Authorization.
 - Determining Factor(s): This area receives a great deal of use and reservations are needed to reduce visitor conflict, monitor impacts on the resources, as well as to maintain the orderly management of the park.*
- T. Stell Newman Visitor Center Theater: will be limited to 55 spectators.
 - Determining Factor(s): Seating Capacity*
- In order to manage large groups properly and efficiently within the park, a reservation/permit system has been established for groups larger than 100 participants.
 - Determining Factor(s): These areas receive a great deal of use and reservations are needed to reduce visitor conflict, monitor, and control the impacts on the resources, and provide for the orderly management of the park.*

Filming:

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 to this action may also result in the suspension and revocation of the permit by the Superintendent.

Closures:

- Any areas of the park, which are temporarily closed by the Superintendent's Order during an emergency pursuant to 36 CFR §1.5.
- The use of “wheeled” modes of conveyance: bicycles (road, mountain, e-bike), skateboards, scooters, roller skates, in-line skates, and similar devices, are restricted to the use of the asphalt pathways, sidewalks and roadways. These devices are prohibited from use in and on the following areas:
 - Park Headquarters
 - T. Stell Newman Visitor Center
 - Maintenance Shop
 - Asan Bay Overlook
 - Piti Guns Unit
 - Memorial Structures
 - Government Buildings
 - Historic Structures
 - Other areas as needed when a large public event has been permitted and such use may cause conflicts
- 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 War in the Pacific 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 War in the Pacific 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.
 - *Determining Factor(s): The superintendent has determined that the use of wheeled modes of conveyance within those park areas is inconsistent with the mission of the park and other visitor pursuits and is further prohibited to protect the fragile resources of the park, ensure visitor safety, and not to impede the peace and tranquility of these areas.*
- The operation of off-road vehicles, commonly known as All-Terrain Vehicles (ATVs) or Off Highway Vehicles (OHVs), is prohibited. “Off road motor vehicle” is defined by Executive Order Number 11644 (37 Federal Register 2887.) Off road motor vehicles may be allowed for administrative purposes, such as fire control, search and rescue, law enforcement, resource management activities, and maintenance when approved by the superintendent.
 - *Determining Factor(s): The superintendent has determined that the use of off-road motor vehicles within the park is inconsistent with the mission of the park and*

other visitor pursuits and is further prohibited to protect the fragile resources of the park and ensure visitor safety.

- Operating a power driven or sailing vessel within 500 feet of a shoreline is prohibited at the following areas:

Determining factor(s): The use of motorized boats or sailing vessels could adversely impact and possible damage the fragile coral reef systems and marine life habitats.

- The following areas are closed to public entry:

Maintenance Shop

Park roads and parking areas that may be temporarily closed during special events.

Determining Factor(s): These closures are in place in order to protect government equipment, to protect the public water supply, and to protect the public from hazards.

- Camping is prohibited in all areas of the park.

Determining Factor(s): These closures are in place in order to protect government equipment, to protect the public water supply, and to protect the public from hazards.

- Glass Containers are prohibited in all areas of the park.

Determining Factors: This restriction is necessary for the protection of visitors who frequent these areas in bare feet as glass containers have the potential to break causing an unsafe environment.

- Ground Fires are prohibited in all areas of the park.

Determining Factors: Fires may pose a threat to the park visitors, park facilities and surrounding private property.

- All trails, sidewalks, picnic sites, beaches and unimproved areas are closed to motor vehicles with the following exceptions:

○ Emergency Response (Police, Fire and EMS)

○ Authorized access by a Special Use Permit and NPS staff supervision.

Determining Factor(s): These restrictions are necessary to protect the park visitors who frequent these areas on foot.

- The entire park is closed to the playing of sporting activities (games or practices) by teams in organized sports leagues.

Determining Factor(s): These activities are prohibited to protect the resources, ensure visitor safety, and not impede the peace, tranquility, and commemorative nature of the park.

- Overnight Parking (vehicles and trailers) is prohibited in all areas of the park. The only exception for leaving a vehicle or trailer, overnight, would be for emergency repairs that could not be completed safely in one day.

Determining Factors: Leaving property unattended in the park threatens public safety, the environmental and scenic values of the park, the natural and cultural resources of the park, and the orderly management of the park. Visitors seeking to leave property unattended within the park must obtain a permit from the Superintendent.

- Picnicking in the following areas are prohibited:
 - T. Stell Newman Visitor Center
 - Historic structures
 - Other areas as needed when a large public event has been permitted and such use may cause conflict

Determining Factor(s): Due to the large number of visitors and intended uses, picnicking in these areas diminishes the enjoyment by park visitors of the aesthetic, scenic, cultural values. These areas are identified by a yellow circle or yellow square on the attached Superintendents Compendium Reference Map.

- (a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:
- In order to manage large groups properly and efficiently within the park, a reservation/permit system has been established for groups larger than 100 participants in the following areas:
 - T. Stell Newman Visitor Center
 - Asan Beach Unit
 - Asan Inland Unit
 - Apaca Point
 - Ga'an Point
 - Mt Alifan Unit
 - Mt. Chachao/Mt Tenjo Unit
 - Fonte Plateau Unit

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

- Idling Vehicles: All vehicles must shut down their engines when not underway. First Responder (Police, Fire and EMS) vehicles are exempt when in-service.

The idling of engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park. Due to the nature of the service provided by first responders, they are excluded from the requirement.

- Unmanned Aircraft:

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of War in the Pacific NHP is prohibited except as approved in writing by the Superintendent.

Definition: *Unmanned Aircraft (UA)* - 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.

Determining Factor(s): The Superintendent has determined that unmanaged or unrestricted recreational use of UAs within War in the Pacific NHP will conflict with, or impact, a variety of park uses including visitor experience, and could produce unreasonable noise and impacts to the view shed that will adversely affect the park's natural, aesthetic, scenic and cultural value. In addition, UA's may cause an unintentional disturbance of wildlife nesting, breeding, or other activities.

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(f) The following is a compilation of those activities for which a permit from the superintendent is required:

§1.5(d) The following activities related to Public Use Limits:

All events not sponsored by the National Park Service

All groups larger than 100 participants park wide with the exception that all groups larger than 50 participants at Asan Bay Overlook and Piti Guns Unit.

§2.4(e) Carry or possess a weapon, trap, or net (excluding legal firearms)

(e) (1) When necessary to support research activities conducted in accordance with §2.5.

§2.5(a) Research Specimen collection

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

§2.12(a) Audio Disturbances:

(a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51

§2.17 Aircraft & Air Delivery:

(a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means

(c)(1) Removal of a downed aircraft

§2.37 Noncommercial Soliciting

Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)

§2.50(a) Special Events

Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed: Provided; however, 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.

§2.51(a) Demonstrations and designated available park areas

Public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views

§2.52 Sale of printed matter and the distribution of printed matter and other message-bearing items.

Printed matter and other message-bearing items. The term “printed matter” means message-bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising. The term “other message-bearing items” means a message-bearing item that is not “printed matter” and is not solely commercial advertising. Other message-bearing items include but are not limited to: Readable electronic media such as CDs, DVDs, and flash drives; clothing and accessories such as hats and key chains; buttons; pins; and bumper stickers.

(b) The sale or distribution of printed matter, and the free distribution of other message-bearing items without asking for or demanding payment or donation, is allowed within park areas if it occurs in an area designated as available under §2.51(c)(2) and when the superintendent has issued a permit for the activity

§5.1 Advertisements - (Display, posting or distribution.)

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. Such permission may be granted only if the notice or advertisement is of goods, services, or facilities available within the park area and such notices and advertisements are found by the Superintendent to be desirable and necessary for the convenience and guidance of the public.

§5.3 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.

54 U.S.C. 100905

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

- 1) Filming, still photography, and audio recording activity that occurs in closed areas, requires exclusive use of a site or area, or involves a set or staging equipment other than handheld equipment (such as a tripod, monopod, and handheld lighting equipment) requires a permit, unless the activity is affiliated with an activity or event that has been allowed under a written authorization, such as a special use permit.
- 2) Filming, still photography, and audio recording that involves more than eight individuals requires a permit, unless the NPS has specifically notified an individual or group that a permit is not required, or if the activity is affiliated with an activity or event that has been allowed under a written authorization, such as a special use permit.

- 3) If a permit is required for the reasons stated above, or if the NPS otherwise determines and then notifies an individual or group that a permit is required for a filming, still photography, or audio recording activity, then engaging in that activity without a permit is prohibited. Violating a term or condition of a permit issued by the NPS for a filming, still photography, or audio recording activity is prohibited, and may result in the suspension or revocation of the permit, in addition to any penalties that may apply under 36 CFR 1.3.

Federal law at 54 U.S.C. 100905 states that permits and fees are not required for filming, still photography, or audio recording in park areas if certain requirements are met. These requirements address various topics, including, but not limited to, group size, location, equipment, potential impacts to resources and visitors, and the likelihood that the NPS will incur related administrative costs. If any of these requirements are not met, the law allows the Secretary of the Interior, acting through the NPS, to require a permit for the subject activity. Permit requirements are imposed by the superintendent under discretionary authority provided by 36 CFR 1.5(a)(2), which allows the superintendent to impose conditions or restrictions on a use or activity, consistent with applicable legislation, to implement management responsibilities. The general regulations for permits in 36 CFR 1.6 do not apply to permits issued for filming, still photography, and audio recording, which instead are governed by the statutory provisions in 54 U.S.C. 100905. The imposition of permit requirements, on a case-by-case basis, for filming, still photography, or audio recording does not require rulemaking under 36 CFR 1.5(b). Requiring a permit with reasonable terms and conditions in accordance with statutory requirements at 54 U.S.C. 100905 is not highly controversial, will not result in a significant alteration in the public use pattern of the System unit, will not adversely affect the System unit's natural, aesthetic, scenic or cultural values, or require a long-term or significant modification in the resource management objectives of the System unit, because the permit requirement is limited in time and scope to the specific activities authorized by the permit, which contain terms and conditions that protect the values, resources, and visitors of the System unit, and implements federal law.

36CFR 1.6(f) – Activities that require a permit.

Some filming, still photography, and audio recording (depends upon the facts and circumstances; contact the park for more information). 36 CFR 1.5(a)(2) and 54 U.S.C. 100905

§5.6 Commercial Vehicles

(b) The use of government roads within park areas by commercial vehicles, when such use is in no way connected with the operation of the park area, is prohibited.

§5.7 Construction of buildings or other facilities.

Constructing or attempting to construct a building, or other structure, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or any other private or public utility, upon, across, over, through or under any park areas, except in

accordance with the provisions of a valid permit, contract, or other written agreement with the United States, is prohibited.

III. GENERAL REGULATIONS

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

(a)(4) Dead wood on the ground may be collected for use as fuel for fires in grills within the park in the following areas:

Asan Beach Unit, Agat Unit including Apaca Point and Ga'an Point

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending, or traversing archeological or cultural resources, monuments, or statues:

Visitors must stay on designated pathways

(c)(1), (c)(2) 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 use or consumption restrictions:

Unoccupied seashells: up to ten (10) may be collected per person per day

Breadfruit: which have fallen naturally on the ground may be collected for personal use

Mangos: which have fallen naturally on the ground may be collected for personal use

Coconuts: which have fallen naturally on the ground may be collected for personal use

Iba Tree Fruits: which has fallen naturally on the ground may be collected for personal use

Bananas: may be collected for personal consumption without causing damage to the plant when removing the bananas

Noni: which have fallen naturally on the ground may be collected for personal use

Papayas: which have fallen naturally on the ground may be collected for personal use

Soursop: which have fallen naturally on the ground may be collected for personal use

Pacific Almonds: which have fallen naturally on the ground may be collected for personal use.

Determining Factor(s): Limited consumption of these resources does not adversely affect the reproduction of either plants or the

wildlife food source. If future monitoring indicates that such gathering or consumption is likely to cause adverse effects to park resources, then the authorization of this consumptive use will be terminated. Use of these items for any purpose other than personal consumption is specifically prohibited.

36 CFR §2.2 - Wildlife Protection

(e) The following areas are closed to the viewing of wildlife with the use of an artificial light:

All areas of War in the Pacific National Historical Park

36 CFR §2.3 – Fishing

Fishing shall be in accordance with the laws and regulations of the Territory of Guam.

36 CFR §2.4 – Weapons, Traps, and Nets

(a)(2)(i) Weapons (excluding legal firearms), traps, or nets may only be carried, possessed, or used at the following designated locations:

Asan Beach Unit

Agat Unit including Apaca Point and Ga'an Point

36 CFR §2.10 – Camping

Camping is prohibited.

36 CFR §2.11 – Picnicking

Certain areas have been closed to picnicking and are listed in section 1.5(a)(1) “Closures”.

Conditions for Picnicking:

Picnics involving more than 100 participants require a permit

Waste items generated from picnics involving more than 100 participants will be removed from War in the Pacific NHP

36 CFR §2.13 – Fires

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

- Designated Areas:
 - Asan Beach Unit
 - Agat Unit
 - Apaca Point
 - Ga'an Point

- Receptacles Allowed:
 - Government furnished grills
 - Visitor provided containerized grill or stove
- Ground Fires are prohibited.
- Established Conditions for Fires:
 - Fires will not be left unattended

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.

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.

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

All fires must be rendered completely out, by dowsing with water. Coals and ashes must be removed from the park. Dumping/scattering these items on the ground or in a trash can is prohibited

36 CFR §2.14 – SANITATION and REFUSE

(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is prohibited.

(b) Conditions for the disposal, containerization, or carryout of human body waste have been established as follows:

- All disposal of human body waste is limited to utilizing the public restrooms that are available at the following locations:

T. Stell Newman Visitor Center during normal operating hours

Asan Beach Unit
Agat Unit: Ga'an Point

- Betel Nut spitting in all developed areas is prohibited.

36 CFR §2.15 – Pets

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

T. Stell Newman Visitor Center

Historic Structures

Government Buildings

(2) Pets must always be confined in one of the following methods:

Crate, Cage, or Restrained on a leash which shall not exceed six (6) feet in length

(a)(3) Pets left unattended and tied to an object is prohibited

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

Removed from the park by the pet's owner.

36 CFR §2.17 – Aircraft and Air Delivery

(a)(1) Operating or using aircraft on lands or waters other than at locations designated pursuant to special regulations is prohibited.

(b) The provisions of this section, other than paragraph (c) of this section, shall not be applicable to official business of the Federal government, or emergency rescues in accordance with the directions of the superintendent, or to landings due to circumstances beyond the control of the operator.

(c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent through written authorization.

36 CFR §2.20 – Skating, Skateboards and Similar Devices

The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices are allowed only in the following areas: main pathways and sidewalks.

They are prohibited in the following areas:

Park Headquarters

T. Stell Newman Visitor Center

Asan Bay Overlook

Piti Guns Unit

Government Buildings

Historic Structures and Memorial Structures

36 CFR §2.21 – Smoking

The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking:

Asan Bay Overlook
Piti Guns Unit
Historic Structures
Memorial Structures
Government Buildings to include a distance of 25 feet from the building entrance(s)

36 CFR §2.22 – Property

(a)(1) Abandoning property is prohibited.

(a)(2) Leaving property unattended for longer than 24 hours, except in locations where longer time periods have been designated or in accordance with conditions established by the superintendent are prohibited with the following exceptions:

Any motor vehicle that is immobile because it is not capable of moving under its own power due to a mechanical malfunction.

Vehicles not removed within three (3) days or presenting a hazard to or impeding with normal park operations may be impounded by the Superintendent.

36 CFR §2.35 – Alcoholic Beverages

(a)(3)(i) The following public use areas, portions of public use areas, and/or public 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:

All areas of the park with the following exceptions:

Asan Beach Unit, Agat Unit including Apaca Point and Ga'an Point

36 CFR §2.38 – Explosives

(b) Using or possessing fireworks and firecrackers is prohibited, which is in accordance with applicable State law.

36 CFR §2.50 – Special Events

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.

A written application for a Special Use Permit must be submitted to the Superintendent at least 30 days prior to the date desired for the event, along with a non-refundable application fee.

36 CFR §2.62 – Memorialization

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.

36 CFR §3.23 – SCUBA AND SNORKELING

SCUBA diving and snorkeling is permitted in the following areas: Asan Beach Unit and Agat Unit under the terms and conditions as noted:

All diver's must be able to present proof of certification

A diver's flag must be displayed when diving operations are underway.

36 CFR §3.8 – PROHIBITED VESSEL OPERATIONS

(b)(1) Operating a power-driven or sailing vessel within 100 feet of a diver's flag except a vessel in support of dive operations.

(b)(4)(ii) Operating a vessel in excess of flat wake speed within 100 feet of a person swimming, wading, fishing from shore or floating with the aid of a flotation device.

(b)(5) Operating a power-driven or sailing vessel within 500 feet of a shoreline.

36 CFR §4.2 – State Law Applicable

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

(b) Violating a provision of State law is prohibited.

36 CFR §4.10 – Travel on Park Roads and Routes

Park roads, open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document (attached hereto):

Asan Beach Unit

Asan Inland Unit

Agat Unit

(c)(1) Track-laying motor vehicles, or other motor vehicles equipped with a similar traction device may be operated on the following routes under the terms and conditions noted:

Those activities that will be administered through the Special Use Permit Program, in accordance with the criteria and procedures of 36 CFR §1.6

36 CFR §4.21 – Speed Limits

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

Asan Beach Unit: 10 mph

Asan Inland Unit: Posted Speed Limits

All parking areas: 5 mph

36 CFR §4.30 – Bicycles

Park roads and parking areas that are closed to bicycle use are listed in section 1.5 of this document.

(d)(3) Riding a bicycle abreast of another rider is prohibited.

36 CFR §4.31 – Hitchhiking is prohibited.