



**National Park Service
U.S. Department of the Interior**

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

**President William
Jefferson Clinton
Birthplace Home
National Historic Site**

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Hope, Arkansas 71801

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Approved:

/s/ **Signature on File**

Tarona Armstrong, Superintendent

Date: July 30, 2017

A. Introduction

1. Superintendent's Compendium Described

The Superintendent's Compendium is a 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 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 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 areas of the National Park System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

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

The CFR is also available on the Internet at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

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 (16 U.S.C. Sections 1a1-1a8), 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."

16 U.S.C. Section 1c defines the National Park System as "...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes." 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 use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, 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 the 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.

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:

Superintendent
President William Jefferson Clinton Birthplace Home National Historic Site
117 South Hervey Street
Hope, Arkansas 71801

9. Effective Date of the Superintendent's 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 President William Jefferson Clinton Birthplace Home NHS, 117 South Hervey Street, Hope, AR 71801. It may also be found at: <http://www.nps.gov/wicl>

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 16 United States Code, Section 3, the following provisions apply to all lands administered by the National Park Service, within the boundaries of President William Jefferson Clinton Birthplace Home National Historic Site. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Lands at the historic site under direct jurisdiction of the Secretary of the Interior generally include:

- The visitor center and adjacent grounds (415 West Division Street)
- The Clinton Birthplace Home and adjacent grounds (117 South Hervey Street)
- The Virginia Clinton Kelley Memorial Garden (Located adjacent to the Visitor Center and Clinton Birthplace Home.)

The neighboring homes and parking lot are under the jurisdiction of private owners.

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 USE OR ACTIVITIES

Visiting Hours:

The visitor center is open for public visitation from 9:00 a.m. to 4:30 p.m., daily. The visitor center is closed on Thanksgiving Day, December 25, and January 1.

The visitor center is open based upon availability of staff.

The grounds, including the Virginia Clinton Kelley Memorial Garden, are open for public visitation and use from 7:00 a.m. until sunset daily.

The grounds and Virginia Clinton Kelley Memorial Garden provide contemplative space for reflection on the history of the site. They are not intended for overnight use.

Public Use Limits:

During interpretive tours of the historic main house, no more than a total of thirty people are allowed in the house at any one time.

Limiting the total occupant capacity is necessary to guard against structural damage and prevent damage to furnishings, wall paper, and other décor that might occur if a room were overcrowded.

Individuals and small groups of thirty people or fewer may picnic on the grounds. Groups larger than thirty people may not picnic on the grounds unless a special use permit for that activity has been issued by the office of the superintendent.

Large groups of picnickers may create a level of noise and distraction that would impinge on the visitor experience at the site for others and may inhibit access to the Clinton Birthplace Home.

Public access to the main house is limited to scheduled tours as set by any staff member at the visitor center desk.

Guided tours of the main house ensure the protection of the structure, the furnishings contained within, and the interpretive media provided for a better understanding of the resource.

Food, drinks, and chewing gum are not allowed within any historic structure except by permit. Food, drinks, and chewing gum are not allowed in the visitor center exhibit area or bookstore except by permit.

The prohibition of consumable items in the historic structure guards against inadvertent spills, litter, or the potential to attract pests that may be attracted to or damage the building.

The prohibition of consumable items from the Visitor Center exhibit area and bookstore guards against inadvertent spills, litter, or damage to the exhibits, carpet, flooring, and store displays.

No fires are allowed in portable grills or stoves on the grounds.

Placement of grills or stoves in the small area can create safety hazards from accidental contact or tripping.

Closures:

Except for facilities designated for visitor use, all buildings are closed to unauthorized entry. This shall not apply to persons in non-public areas who have been granted specific permission by the National Park Service (NPS), another authorized Federal agency, licensed contractors or their representatives, or those who are under escort of park employees acting within the scope of employment.

Uncontrolled or unregulated access would complicate the protection of historic structures, expose visitors to health and safety issues relating to the operation of machinery and power equipment and interfere with the ability of employees to complete necessary and required business

During maintenance procedures at President William Jefferson Clinton Birthplace Home NHS, any area may be closed to the public, to ensure safety. These areas will be clearly marked by construction perimeter fencing, roping, chaining, and/or taping, and may be secured by hasps and padlocks.

Temporary closures for construction and/or repair activity are necessary to facilitate a safety zone and ensure the protection of employees and visitors. The park will adhere to regulatory requirements provided by OSHA or other regulatory body applicable to the activity at hand.

Sporting activities including, but not limited to, kite flying, Frisbee throwing, golfing, field games, skate boarding, rollerblading, and roller-skating are prohibited on federal lands within the boundary of the historic site.

Because of the small size of the site's facilities, the activities pose potential safety risks to other visitors. Further, such activities would interfere with the contemplative nature for which the Virginia Clinton Kelley Memorial Garden was created.

The possession or use of fireworks, firecrackers, or other explosive devices is prohibited on federal lands within the boundary of the historic site. No permits for the use or possession of fireworks, firecrackers, or explosive devices of any kind will be issued by the office of the superintendent.

Because of the small size of the site's facilities, firecrackers, fireworks, and other explosive devices also pose potential safety risks to other visitors.

36 CFR §1.6 - PERMITS

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

- §2.4(d) Carry or possess a weapon, trap, or net
- §2.50(a) Special events
- §2.12 Audio Disturbances: 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
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
- §2.37 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)
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
 - f* (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
 - f* (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.

Activities listed above require Special Use Permits due to their potential for impact on visitation patterns, enjoyment, or other areas of the park, thereby requiring regulation by the Superintendent or his/her designee.

Inquiries about special use activity requirements and permit applications may be made by contacting Superintendent, President William Jefferson Clinton Birthplace Home National Historic Site, 117 South Hervey Street, Hope, AR 71801. (telephone 870-777-4455 fax 870-777-4935).

36 CFR §2.12 – AUDIO DEVICES

Audio devices such as, but not limited to, a radio, tape deck, musical instrument, television set, bullhorn, or public address system may not be used on the grounds or inside the visitor center or Clinton Birthplace Home unless specifically authorized as part of a special use permit issued pursuant to 36 CFR § 250 or 36 CFR § 251.

Amplified music and voices have the potential to interfere with the visitor experience of others.

36 CFR §2.15 – PETS

Pets are not permitted within the visitor center or Clinton Birthplace Home. This restriction does not apply to service animals for visitors with disabilities. All pets must be leashed or otherwise restrained in accordance with 36 CFR 2.15(a)(2).

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

Individuals in possession of pets must have on their person a bag or device for the containerization and removal of pet excrement. Individuals shall immediately containerize and dispose of excrement deposited by their pet in a trash receptacle or remove it from the historic site.

The proper disposal of pet excrement protects public health and safety, helps control the spread of disease, and avoids degradation of the visitor experience from the sight and smell of fecal material. Ensuring that a pet is leashed and not left unattended also protects the safety of visitors and helps avoid scenarios when unwanted overtures by a loose pet would diminish another visitor's experience.

36 CFR §2.21 – SMOKING

Smoking is prohibited inside all federally owned buildings within the historic site.

Smoking is prohibited to ensure a healthy workplace for employees and visitors. Further, smoke and gases from cigarettes, cigars, and pipes adversely affect museum exhibits and artifacts.

36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

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:

Inside the Visitor Center, the Clinton Birthplace Home, and the restroom complex.

The restriction is in place to protect facilities and resources from potential damage which may occur from liquid spills or the accumulation of refuse where receptacles are not appropriately present. No interpretive program is conducted which is contributory to alcohol consumption, and none are of a lengthy duration whereby refreshments are necessary to safely complete the program in its entirety.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

(h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the

state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

- This authority does not extend to Federal facilities within the park (18 U.S.C. 930(a)). Federal facilities include: the Visitor Center and the Clinton Birthplace Home. Firearms are prohibited inside these facilities.

Park regulation cannot be less restrictive than United States Code.

36 CFR §2.38 – EXPLOSIVES

(b) Fireworks and firecrackers may be possessed and/or used in the following areas, under the conditions noted:

- Possession of fireworks and firecrackers in the park is prohibited.

The President William Jefferson Clinton Birthplace Home NHS is a cultural landscape comprised of several historic structures and modern support buildings. No additional interpretive benefit may be derived through the authorization of fireworks or explosives; conversely, having fireworks and explosives within the park may place these resources at unnecessary risk.

36 CFR §2.50 – SPECIAL EVENTS

A special use permit must be issued by the office of the superintendent before a special event can take place on federal lands within the historic site. Requests for an early opening or late closing of facilities are considered special events. Permits for special events will be issued pursuant to standards established in Directors Order and Reference Manual 53 and 36 CFR. Application for a special use permit must be made in writing to the superintendent at least four business days before the event.

These regulations are enacted to ensure the protection of historic site resources, prevent interference with interpretive or other NPS sponsored programs or activities and reduce conflicts with other visitors.

36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS

Public assemblies, meetings, gatherings, demonstrations, parades, and other expressions of views are allowed providing a special use permit has been issued by the office of the superintendent. All federal property within the historic site may be used for exercising of First Amendment rights, except:

- Inside of the Visitor Center or Clinton Birthplace Home, or within 25 feet of any entrance to those buildings.
- Within any area planted with ornamental landscaping and covered with mulch or vegetative ground cover (other than turf grass).

Application for a special use permit must be made in writing to the superintendent at least 48 hours before the event. All permits will be issued with provisions that make clear that permittees may not harass visitors or impede visitors' mobility into, out of, or within the historic site.

These regulations are enacted to ensure the protection of resources, prevent interference with interpretive or other NPS sponsored programs or activities and reduce conflicts with other visitors.

36 CFR §2.52 – SALE AND DISTRIBUTION OF PRINTED MATTER

The sale and distribution of printed matter is allowed provided that a special use permit has been issued by the office of the superintendent, and provided the printed matter is not solely commercial advertising. The location authorized for this activity will be designated by the Superintendent and will generally be limited to areas close to, but outside of the visitor center. Application for a special use permit must be made in writing to the superintendent at least 48 hours prior to distribution or sale of materials.

Permits of this type are necessary to control the sale or distribution of printed mater since such activity may conflict with the overall safety and enjoyment of the historic site by the majority of visitors.