



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

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

Fort Davis National Historic Site  
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Approved:

\_\_\_\_\_  
David Larson  
Superintendent

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Date



In accordance with applicable law and policy, and pursuant to the delegated authorities provided in Title 36, Code of Federal Regulations, Chapter 1 (“36 CFR”) the following compendium actions apply to all lands administered by the National Park Service (NPS) within the boundaries of Fort Davis National Historic Site. This document is the written compilation of designations, closures, permit requirements and other restrictions imposed under the discretionary authority of the Superintendent, as required by 36 CFR 1.7(b). Violating any provision in this Compendium may result in criminal penalties under 36 CFR 1.3.

The compendium actions in this document apply in addition to all other laws that apply to lands and waters administered by the NPS within the boundaries of Fort Davis National Historic Site. These include:

- Regulations in 36 CFR and other CFR titles such as Title 43, which contains regulations that apply on public lands administered by the Department of Interior. The current version of the CFR can be found at [www.ecfr.gov](http://www.ecfr.gov). Click on “Title 36” and then “Chapter 1” to access 36 CFR.
- Statutes codified in U.S. Code, in particular in Titles 16 and 54.

This Compendium is organized by the sections in 36 CFR that give the Superintendent discretionary authority to take the compendium action. Written determinations that explain why each compendium action is necessary appear in this document in italicized print.

Please contact David Larson or Chelsea Rios if you have any questions or comments about the Superintendent’s Compendium.

NPS regulations in 36 CFR 1.4 define certain terms that are used in 36 CFR. Other sections in 36 CFR may define terms that are used in those sections. To the extent any terms defined in the CFR are used in this Compendium, those definitions apply. In addition to terms defined in the CFR, the following terms used in this Compendium are defined as follows.

Day Use Area: Any area consisting of or adjacent to paved parking lots, buildings, or toilet facilities that are open to the general public.

Uncrewed Aircraft: A device that is used or intended to be used for flight 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.

Walkway: Sidewalk, paths, trails, or hard-surfaced areas that are closed to the use of bicycles and motorized vehicles.

### **36 CFR 1.5 – CLOSURES AND PUBLIC USE LIMITS.**

#### **36 CFR 1.5(a)(1) – Visiting hours, public use limits and closures.**

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: The park is open for visitation every day of the year, with the exception of posted holiday closures. Hours for visitation are 8:00 AM to 5:00 PM Central Time, unless otherwise posted. Severe storms or Safety concerns may cause the park to close until such time as it is safe for visitation.

Closures: Technical rock climbing or rappelling anywhere within the park is prohibited. *(The park was set aside to preserve a nationally significant historic landscape, and this type of recreational activity would not be compatible. Opportunities for this type of recreational activity exist locally.)*

The entire park is closed to public use outside of established visiting hours, unless exempted by a permit in accordance with §1.6. *(This closure is necessary to protect the nationally significant cultural resources.)*

Hiking or pedestrian traffic may only enter or exit the park via established trails, roads, or access points. Climbing over boundary fence is prohibited. *(This closure is necessary to protect nationally significant cultural resources.)*

The entire park is closed to camping. *(Limited acreage does not allow for camping facilities that would not impair the cultural landscape. Opportunities for camping exist locally.)*

The entire park is closed to tree climbing and tree rappelling. *(This closure is necessary to protect vegetation that contributes to the cultural landscape.)*

#### **36 CFR 1.5(a)(2) – Designated areas, conditions or restrictions on a use or activity.**

All motor vehicles must shut down their vehicle engines when not underway. *(The idling of vehicle engines adds unnecessary exhaust fumes to the air and diminishes visitor enjoyment of the peace and tranquility of the park.)*

Launching, landing, or operating an uncrewed aircraft from or on lands administered by the NPS within the boundaries of Fort Davis National Historic Site is prohibited except as approved in writing by the Superintendent. *(This restriction is necessary to prevent unacceptable impacts to park resources and values from the use of uncrewed aircraft. Potential impacts include harming visitors, interfering with rescue operations, causing excessive noise, impacting viewsheds, and disturbing wildlife. This restriction is required by NPS Policy Memorandum 14-05 dated June 19, 2014.*

## **36 CFR 1.6 – ACTIVITIES THAT REQUIRE A PERMIT**

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

The following activities are prohibited without a permit. Criteria for approving or denying permits are established by applicable law (statutes and regulations) and policy. Permitted activities are subject to applicable terms and conditions.

- Launching or landing uncrewed aircraft. 36 CFR 1.5.
- Specimen collection for research purposes. 36 CFR 2.5.
- Gathering of plants or plant parts by Federally recognized Indian tribes. 36 CFR 2.6.
- Operating a power saw in developed areas and a motor or engine in undeveloped areas. 36 CFR 2.12.
- Operating a public address system. 36 CFR 2.12.
- Delivery or retrieval of a person or object by parachute, helicopter, or other airborne means. 36 CFR 2.17.
- Soliciting or demanding gifts, money, goods, or services. 36 CFR 2.37.
- Using, possessing, storing, or transporting explosives; using or possessing fireworks or firecrackers. 36 CFR 2.38.
- Conducting a special event. 36 CFR 2.50.
- Conducting a demonstration by groups of more than 25 people. 36 CFR 2.51.
- Selling or distributing printed matter and other message-bearing items by groups of more than 25 people. 36 CFR 2.52.
- Running-at-large, herding, driving across, allowing on, pasturing, or grazing of livestock, or using the park for agriculture. 36 CFR 2.60.
- Residing on federal lands. 36 CFR 2.61.
- Scattering of human ashes from cremation. 36 CFR 2.62.
- Towing a person using a parasail, hang-glider, or other airborne device. 36 CFR 3.12.
- Displaying, posting, or distributing commercial notices or advertisements. 36 CFR 5.1.
- Engaging in or soliciting any business. 36 CFR 5.3.
- Some audio recording (if conditions are met). 36 CFR 5.5.

- Using commercial vehicles on NPS-administered roads. 36 CFR 5.6.
- Constructing or attempting to construct any building, structure, road, trail, path, or utility. 36 CFR 5.7.
- Rights-of-way. 36 CFR part 14.
- Examining ruins, excavating archeological sites, and gathering of objects of antiquity. 43 CFR part 3.
- Commercial filming. 43 CFR 5.2.
- Some still photography (if conditions are met). 43 CFR 5.2.
- Excavating or removing archeological resources. 43 CFR part 7.
- Collecting paleontological resources. 43 CFR part 49.

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

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending, or traversing the listed archeological or cultural resource:

- All historic buildings are open for visitation during normal business hours, unless posted otherwise or physically restricted. Visitation is only permitted via established access/egress points. Walking on ruins or foundations is prohibited.
- The consumption of any food or beverage (except water) within a historic structure, with the exception of administrative offices, is prohibited.

(b) Hiking or pedestrian traffic may only enter or exit the park via established trails, roads, or access points. Climbing over boundary fence is prohibited.

(c)(1) Fruits, nuts, and berries may be collected by hand for immediate personal consumption on site without a collection permit. All collected items must be edible. No more than one handful may be taken per person, per day unless otherwise noted:

- Prickly pear fruits. 1 quart (4 cups). *(Determination: It has been determined that the gathering or consumption of these items in these quantities will not adversely affect park wildlife, the reproduction potential of any plant species, or otherwise adversely affect park resources. 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.*

### **36 CFR 2.2 - WILDLIFE PROTECTION**

(e) The viewing of wildlife with an artificial light is prohibited except when conducting research with an approved permit.

### **36 CFR 2.4 – WEAPONS, TRAPS, AND NETS**

(a)(2) Weapons, traps or nets may only be carried, possessed, or used at the following designated times and locations:

In accordance with Texas state law, except as otherwise prohibited by applicable federal law and regulation.

Firearms are prohibited in facilities owned or leased by the federal government where federal employees are regularly present for performing their duties. These facilities are posted with signs informing the public that firearms are prohibited in these buildings. *(This prohibition is for the protection of federal employees, and in accordance with national law and guidance on possession of firearms inside of federal facilities).*

### **36 CFR 2.10 – CAMPING and FOOD STORAGE**

(a) Camping is prohibited.

### **36 CFR 2.11 – PICNICKING**

Areas Closed to Picnicking: Picnicking is prohibited within the Historic Core ROA except in the Oak Grove and on picnic tables around the visitor's main parking lot. *(This restriction is necessary to maintain the historic scene.)*

Conditions for Picnicking: Open wood and ground fires are prohibited. Charcoal fires in a suitable container or a portable stove are allowed while picnicking. *(See restrictions on fires in 36 CFR 2.13.)*

### **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 or receptacles, and under the conditions noted:

Open wood and ground fires are prohibited. Charcoal fires in a suitable container or a portable stove are allowed while picnicking, provided no violation of county burn bans. Charcoal fire containers in use must not scorch the ground. Employees and resident volunteers may have wood and charcoal fires in suitable containers within the employee housing area, provided no violation of county burn bans. *Designated Areas include Visitor Center parking picnic tables, public picnic area, and residential housing.*

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

Fire residue must be thoroughly extinguished and must be disposed of in metal trash receptacles or removed from the park.

### **36 CFR 2.14 – SANITATION and REFUSE**

- (a)(2) Using government refuse receptacles for dumping household, commercial, or industrial refuse, brought as such from private or municipal property, is prohibited.
- (b) The disposal of human body waste is prohibited except in designated restrooms.

### **36 CFR 2.15 – PETS**

- (a)(1) Pets are not permitted in public buildings or historic structures unless a service animal.
- (a)(2) Pets outside of vehicles are required to be always restrained on a leash which shall not exceed six feet in length.
- (a)(3) Leaving a pet unattended in vehicles during warm weather is not permitted. Leaving a pet unattended and tied to an object is not permitted.
- (a)(5) Pet owners are required to immediately remove and properly dispose of fecal matter, deposited by pets, in an appropriate refuse container.
- (e) Employees residing in park residences may keep pets in accordance with the park Pet Policy.

### **36 CFR 2.16 – HORSES and PACK ANIMALS**

- (b) The use of horses or pack animals is permitted on the following trails, routes, or areas:
  - Persons engaged in authorized living history programs for the park may use horses or pack animals within the Historic Core ROA. Public use of horses or pack animals is prohibited anywhere in the park.

### **36 CFR 2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES**

Employees residing in park residences may use roller skates, skateboards, roller skis, coasting vehicles, or similar devices within the residential areas only.

### **36 CFR 2.21 – SMOKING**

- (a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking:
  - Smoking is prohibited in all park structures.
  - Smoking is prohibited in all government-owned vehicles.

- During periods of extremely high fire danger, the superintendent may prohibit smoking on trails and grounds.
- Smoking is permitted for park housing residents outside only, at least 25 feet from any entrance.

**36 CFR 2.23 – RECREATION FEES**

(b) Recreation fees, in accordance with 36 CFR Part 71, are established as follows: Absence a Federal Recreation Passport/Pass, fee waiver, or fee exemption, payment of the following entrance fee is required within Fort Davis National Historic Site:

Entrance Fee for Individuals 16 or Older.....\$10.00 or  
 Entrance Fee for a Private Vehicle.....\$20.00 or  
 Entrance Fee for a Private Motorcycle.....\$15.00

The entrance fee will be determined by which is the most advantageous to the visitor(s).

- (c) The collection of recreation fees may be suspended during the following periods:
- Founders Day, Public Lands Day or other designated days.
  - The Friends of Fort Davis National Historic Site events or similar activity.

**36 CFR 2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES**

(a)(3) The possession or consumption of an alcoholic beverage is prohibited on all park grounds minus the park residential areas.

The possession or consumption of an alcoholic beverage is prohibited in the park operated visitor center, administration offices, auditorium, and all historic structures within the park.

The possession or consumption of an alcoholic beverage while in or operating the park electric cart is prohibited

The possession or consumption of an alcoholic beverage by persons engaged in authorized living history programs for the park is prohibited. This prohibition applies to overnight camps while on park grounds. *(The consumption of an alcoholic beverage would be inappropriate and a safety concern considering the purpose of living history programs.)*

*Justification: Park buildings and park landscape setting are places of business and use and/or possession of alcoholic beverages is deemed inappropriate. These*



*restrictions are necessary to protect visitors, park resources, to avoid visitor use conflicts and ensure safe and orderly operation of visitor use.*

### **36 CFR 2.51 – PUBLIC ASSEMBLIES, MEETINGS**

(e) The following locations are the only areas designated for public assemblies:

- The easternmost ramada of the parking lot as a shaded structure.
  - 2163 ft<sup>2</sup> (43'x51'x43'x50').
- Designated island area with (2) picnic tables and (2) trashcans.
  - 2030 ft<sup>2</sup> (33'x75'x26'x76').



### **36 CFR 2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER**

(e) The following locations are the only areas designated for the sale or distribution of printed matter:

- The easternmost ramada of the parking lot as a shaded structure.
  - 2163 ft<sup>2</sup> (43'x51'x43'x50').
- Designated island area with (2) picnic tables and (2) trashcans.
  - 2030 ft<sup>2</sup> (33'x75'x26'x76').

### **36 CFR 4.10 – TRAVEL ON PARK ROADS AND ROUTES**

(a) Public vehicles are restricted to paved roads, unless directed otherwise by a park employee.

### **36 CFR 4.21 – SPEED LIMITS**

(b) The following speed limits are established for the routes/roads indicated:  
The speed limit on all paved park roads is 20 MPH. Non-paved road speed limit is 10 MPH.

### **36 CFR 4.30 – BICYCLES**

(a) Bicycles are restricted to paved roads.

(b) Electric Bike (e-bike)

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

E-bikes are allowed in Fort Davis National Historic Site 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 Fort Davis National Historic Site 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.

