



National Park Service
U.S. Department of the Interior

Jefferson National Expansion Memorial
11 North Fourth Street
Saint Louis, Missouri 63102

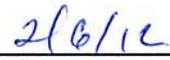
(314) 655-1600 phone
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2012 Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary Authority

Approved:



Thomas A. Bradley
Superintendent
Jefferson National Expansion Memorial



Date

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:

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, than 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 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.

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
Jefferson National Expansion Memorial
11 North Fourth Street
St. Louis, Missouri 63102
(314) 655-1600

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 11 North Fourth Street, St. Louis, Missouri 63102. It may also be found at www.nps.gov/jeff.

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 and waters administered by the National Park Service, within the boundaries of Jefferson National Expansion Memorial. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by text boxes.

PART 1 – GENERAL PROVISIONS

The specific discretionary authority for Park Superintendents to establish reasonable schedules for visiting hours, impose public use limits, and close park areas for all public use or specific use is found at Title 36 Code of Federal Regulations (CFR) §1.5. These park-specific restrictions are also based upon 36 CFR, Chapters 1-7 to protect park resources, visitors and employees. Under CFR §1.7 notice of all restrictions, closures, designations and permit requirements will be made available to the general public by at least one or more of the following methods of notifications: maps, brochures, signs, permits, or other appropriate methods, as well as within this compendium. Finally any Records of Determination are available upon request under 36 CFR §1.5(c).

36 CFR § 1.1 Definitions

The following are terms derived under 36 CFR §1.4 or §1.5, used in this document. A more complete listing can be found in the CFR.

- *Bicycle* means every device propelled solely by human power upon which a person or persons may ride upon land having one, two or more wheels, except a manual wheelchair.
- *Camping* means erecting a tent or shelter of natural or synthetic material, preparing a sleeping bag or other material for use, parking a motor vehicle, motor home or trailer, or mooring a vessel for the apparent purpose of overnight occupancy.
- *Drinking* means consumption of any liquid beverage with the exception of water.
- *Electric powered mobility assistance devices* (e.g. electric scooters, wheelchairs, Segway® devices) means motor vehicle as defined below.
- *Federal facility* means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties (18 USC 930).
- *Firearm* means a loaded or unloaded pistol, rifle, shotgun or other weapon which is designed to, or may be readily concerted to expel a projectile by the ignition of a propellant.
- *Motor Vehicle* means every vehicle that is self-propelled and every vehicle that is propelled by electric power but not operated on rails or upon water, except a motorized wheelchair.
- *Overnight parking* means a vehicle parking continuously between 12 midnight and 6:00 a.m.
- *Park road* means the main-traveled surface of a roadway open to motor vehicles, owned, controlled or otherwise administered by the National Park Service.
- *Permit* means a written authorization to engage in uses or activities that are otherwise prohibited, restricted or regulated.
- *Pet* means a dog, cat or any animal that has been domesticated.
- *Public Use Limit* means the number of persons; number of type of animals; amount, size and type of equipment, vessels, mechanical modes of conveyance, or food/beverage containers allowed to enter, be brought in, remain in, or be used within a geographic area or facility may be occupied.
- *Segway* means motor vehicles as defined above.
- ***Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. (www.ada.gov & 28 CFR 36.104)***
- *Skateboard* means a board having a set of four wheels mounted under it or on the side, ridden in a standing, crouching or seated position.
- *Smoking* is the use or carrying of a lighted cigar, cigarette, pipe, or other tobacco product. A "non-smoking area" is defined as one where smoking is prohibited, as are all by-products created by burning tobacco.

- *Superintendent* means the official in charge of a park unit (area) as the authorized representative of the National Park Service.
- *Take or taking* means to pursue, hunt, harass, harm, shoot, trap, net, capture, collect, kill, wound, or attempt to do any of the above.
- *Wading* means walking in or through water.
- *Weapon* means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, spear gun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a weapon the possession of which is prohibited under the laws of the State in which the park area or portion thereof is located.

36 CFR § 1.2 Applicability and Scope

The regulations and public use limits or restrictions contained in this document apply to all persons entering, using, visiting or otherwise within the boundaries of lands and waters, controlled, leased, administered or otherwise subject to the jurisdiction of the National Park Service, Jefferson National Expansion Memorial.

The regulations and public use limitations or restrictions contained in this document shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved management plans, or in emergency operations involving threats to life, property, or park resources.

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:

I. SCHEDULE OF VISITING HOURS

- The **Arch Grounds** are open to visitors every day of the year between 5:00 a.m. to 11:00 p.m.
- **Luther Ely Smith Square** is open to visitors every day of the year between 5:00 a.m. to 11:00 p.m.
- The **Arch Parking Garage** is open for public parking and use during posted hours daily except for Thanksgiving and Christmas Day.
- The **Historic Old Courthouse** is open between 8:00 a.m. and 4:30 p.m. It is closed on Thanksgiving, Christmas, and New Year’s Day.
- The **Gateway Arch and Visitor Center** is open as follows:
 Memorial Day through Labor Day – 8:00 a.m. to 10:00 p.m.
 Labor Day through Memorial Day – 9:00 a.m. to 6:00 p.m.
 Christmas Eve (Dec 24) – 9:00 a.m. to 4:00 p.m.
 It is closed Thanksgiving, Christmas and New Year’s Day.

Reason for Determination:
 The above schedule is in place to provide maximum Visitor and Resource Protection consistent with current staffing levels.
 Exception: The Superintendent may shorten or lengthen operating hours due to special park uses, or other circumstances benefitting either park management objectives or the public. The Superintendent may also allow workers connected with a Special Use Permit to remain on the grounds for purposes of set-up, tear-down, re-supply or securing equipment and supplies.

II. PUBLIC USE LIMITS

During most of the year those buildings and/or portions of buildings whose visitation is controlled by the National Park Service and which have not been designated as closed to the public are open for public visitation. Hours vary and are extended for some facilities. From time to time, because of staffing shortages, special activities, severe weather, mechanical failures, or for maintenance purposes buildings may be closed to the public. The public will be notified of this by the posting of appropriate signs, via the Internet at: www.nps.gov/jeff, by a park representative, or they may call 314-655-1600 or 314-655-1700 for information.

PUBLIC USE SECURITY LIMITATION:

Arch Complex

- *No explosives, explosive device, or components of an explosive device or system.*
- *No chemical or biological agents including mace, pepper spray, and other propellants.*
- *No guns and other items that shoot projectiles.*
- *No Tasers/stun guns.*
- *No knives or weapons illegal under Missouri State law such as: butterfly knives, brass knuckles, switchblades and stiletto knives, dirks, throwing stars, double bladed knives, knives with blades over 4", sheathed knives; and other edged weapons such as, but not limited to, household/garden tools, sabers, bayonets, swords, daggers and machetes, spring assisted knives or knives with similar mechanisms.(Example- Kershaw Ken Onion series)*
- *Other items determined by security staff to be potential weapons.*
- *Liquid or food without lids are prohibited and will not be admitted as they cannot be screened.*
- *All visitors entering the Gateway Arch Complex must submit to security by NPS staff for the purpose of deterring and detecting explosives, weapons, and other prohibited items. Refusal to submit to security screening is grounds to refuse entry to the Gateway Arch Complex.*
- *NPS and other employees, vendors, and contractors entering the Gateway Arch Complex must submit to security screening by NPS staff when requested to do so for the purpose of deterring and detecting explosives, weapons, and other prohibited items. Refusal to submit to security screening is grounds to refuse entry to the Gateway Arch Complex.*
- *No packages, bags, or containers that cannot fit through the Safe Passage X-ray will be admitted.*
- *All mobility devices including wheelchairs and strollers will be physically searched.*
- *Persons may be patted down by a commissioned Ranger at the discretion of screening staff.*
- *Guard staff may conduct pat downs of visitors for the specific purpose of clearing magnetometer alarms.*
- *Unattended packages, bags, or containers are prohibited. Visitors will keep packages, bags, or containers on their person or in their possession at all times. Only empty strollers and wheelchairs may be left prior to riding to the top of the Arch.*
- *The NPS does not provide storage or safekeeping for any item that is prohibited.*
- *Signs that cannot be rolled/folded to fit through the x-ray machine.*
- *Poles that cannot be carried through the Arch entrance doors without being manipulated i.e. carried horizontally turned diagonally, canted forward or back to allow them to be carried through the doors. In addition, the pole must be able to pass through the x-ray machine safely.*

Old Courthouse

- *No guns or illegal knives.*
- *Visitors, employees, and vendors may be required to submit to security screening by NPS employees for the purpose of deterring or detecting explosives, weapons, and other prohibited items. The public will be notified of the need for screening by the presence of a security screening checkpoint and signage.*

Arch Grounds

- *Visitors, vendors, contractors, and park employees entering all or part of the Memorial Grounds may be required to submit to security screening by NPS staff or contract guards during special events or due to a security risk. The public will be notified by signage, fencing, security checkpoints, and press release as time permits. Prohibited items will include all items identified as prohibited at the Gateway Arch and may include coolers, glass bottles, pets, bicycles, and other items identified by the Park Superintendent.*
- *Persons must submit to a pat down by a commissioned Ranger when requested. Refusal to submit to screening is grounds to refuse entry to the Memorial Grounds while security checkpoints are operational.*

NOTES:

- For security reasons, access to the Gateway Arch, Visitor Center, Museum of Westward Expansion, and grounds within the security bollards is restricted. Prior to entry, visitors must be screened. Screening may be accomplished through visual observations or through the use of magnetometers and x-ray equipment.
- Security measures are periodically evaluated and may change at the discretion of park management.
- Because of these changes and other special activities which may occur at any time, it may be necessary to revise this section on short notice. In all cases, the public will be given as much notice of these changes as possible.
- During hazardous conditions (such as flooding on the Mississippi Riverfront) or emergency situations some areas may be closed on short notice for public safety reasons. These closings may be denoted by closed gates, fencing, posted employees, caution tape, and/or "Do Not Enter" flagging.

Reason for Determination:

Security measures in place provide for the protection of facilities, people, and irreplaceable objects held in national trust. Utilizing guidance from the Department of the Interior for the safety and security of a location identified as a National Icon, and information provided by other agencies charged with the protection of valuable resources and people, the National Park Service provides these security measures to repel potential threats and present an educational and enjoyable opportunity for all that visit.

ORGANIZED SPORTS

The following areas are closed to organized sports:

- Gateway Arch Grounds
- Luther Ely Smith Square

Reason for Determination:

"Organized games and sports" are defined as recreation that require physical activity governed by a set of rules or customs and often undertaken competitively involving the erection of associated equipment, use of uniforms, organized teams. Small impromptu pickup games that do not adversely impact the designated natural and cultural resources within designated areas will be allowed, e.g. frisbee, hacky sack or similar low impact games. This closure is necessary to protect the cultural landscape of the park and reduce impact to the turf, including length of stay.

RESTRICTED USE VEHICLES

Parking in and around all facilities associated with the Jefferson National Expansion Memorial is limited.

Arch Parking Garage

- Parking facility cannot accommodate vehicles taller than 7'.
- Trailers are not permitted.

Old Cathedral Parking Lot

- Parking is provided for visitors to the Old Cathedral only.
- The pullout lane next to the Old Cathedral Parking Lot is meant for small buses or motor-coaches to drop off and pick up Arch visitors not to exceed 10 minutes.

Streets next to Historic Old Courthouse

- Restricted Use Vehicles authorized to park temporarily alongside the Old Courthouse when they are supporting activities sponsored by holders of Special Use Permits, contractors, vendors, activities sponsored by the National Park Service, or authorized Park Partners.

Reason for Determination:

The NPS does not maintain or establish regulation on the primary roads surrounding the park and its facilities. Areas identified above are available for public use for purposes of traffic safety and visitor safety or to provide for safe passing & turning around.

ENGINE IDLING

The idling of any vehicle engine that produces exhaust in the bus pullout zone near the Old Cathedral and Old Cathedral Parking Lot is restricted to loading and unloading of passengers. Engine warm-up or idling prior to loading or unloading of passengers is limited to 10 minutes.

Reason for Determination:

The idling of bus engines adds unnecessary exhaust fumes to the air, unnecessary noise, and diminishes the enjoyment for visitors.

VEHICULAR TRAFFIC

Vehicular traffic within the boundary of the Arch Grounds, staircases, and the sidewalks surrounding the Arch Grounds is prohibited with the following exceptions:

- Authorized NPS vehicles
- Authorized St. Louis City Police, Fire, and Emergency Medical Services and ambulance contractors
- Service vehicles authorized for deliveries
- Vehicles authorized in appropriate lots during operating hours
- Jefferson NEM employees in appropriate lots and at appropriate times as authorized by the Superintendent
- Vehicles operating under the authority of a Special Use Permit
- Vehicles authorized for use by contractor

Reason for Determination:

The Arch grounds (excluding the Arch Parking Garage) are mostly surrounded by security bollards and do not have publicly accessible roadways. The sidewalks, while wide, are only drivable under pre-determined excepted conditions as described above.

III. PUBLIC USE CLOSURES

PARK FACILITIES

- Park administrative, maintenance, protection, and interpretation offices and work areas, including but not limited to storage areas, closets, basements, access roads, stairways, roof tops, outbuildings and grounds. This closure shall not apply to persons engaged in legitimate Government activities or permitted business activities.
- 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 concessionaires or their representatives, contractors, or those who are under escort of park employees.
- All buildings or areas within buildings used for the storage, treatment, or transmission of electricity, gas, telephone, waste disposal, and domestic water.
- All fenced and/or gated areas on the Arch grounds and courtyards around the Historic Old Courthouse.
- The top of the Gateway Arch may close for high winds or severe weather.

Reason for Determination:

Security measures put in place after September 11, 2001 necessitate that public ingress and egress is managed in all non-public areas to reduce risk and for public safety.

PARKING

- All parking areas in the park are closed to camping and overnight parking, with the exception of overnight parking in the Arch Parking Garage that is generally open 24 hours per day, 7 days per week, and those areas park employees are authorized to park.

Reason for Determination:

Since overnight use and camping is prohibited in the park there is no valid reason for a vehicle to remain in the park overnight unless the National Park Service has been previously advised and authorized its presence overnight.

ENHANCED SECURITY MEASURES – THREAT ADVISORY LEVEL ELEVATED

- Operating hours of the Arch Visitor Center and Old Courthouse may be significantly reduced or facilities closed altogether if the threat is specific to the greater St. Louis metropolitan area.
- The park grounds, Arch Parking Garage, and Maintenance Facility and Warehouse will remain open for business.
- "After hours" and other Special Use Permit events inside facilities or on the park grounds may be cancelled.
- Public warnings will be provided.

Reason for Determination:

These potential closures are necessary when the condition is declared where there is a high risk of terrorist attacks. These closures restricting visitor access will remain in effect during threat advisory level Elevated. If the threat level is increased to Imminent these closures will remain in effect or may be enhanced under additional threat conditions measures. These closures are rescinded when threat level high condition orange is reduced or cancelled.

ENHANCED SECURITY MEASURES – THREAT ADVISORY LEVEL IMMINENT

- Gateway Arch and Visitor Center
- Park grounds
- Arch Parking Garage
- Historic Old Courthouse

Reason for Determination:

These closures are necessary when the condition is declared where there is an extreme risk of terrorist attacks. These closures restricting visitor access will remain in effect during threat advisory level Imminent. These closures are rescinded when threat level extreme condition is reduced or cancelled.

- Maintenance Facility and Warehouse

(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

WATER SPORTS:

- There are no designated areas for aquatic sports within the boundary of Jefferson National Expansion Memorial except if authorized by a Special Use Permit or by specific permission of the Superintendent.

Reason for Determination:

The reflective ponds are cultural landscape features and not established for the purpose of water-based sports or use of water-based devices such as boats, kayaks, boards, inflatables, etc. Additionally, the reflective ponds attract migratory and non-migratory waterfowl that breed, nest and raise young in and around the reflective ponds. The above restriction provides protection to the waterfowl and reduces disturbance to this wildlife.

WINTER ACTIVITIES:

- There are no designated areas for ice skating, ice hockey or sledding within the boundary of Jefferson National Expansion Memorial.

Reason for Determination:

The reflective ponds are cultural landscape features and not established for the purpose of ice skating. Additionally, the reflective ponds attract migratory and non-migratory waterfowl that breed, nest and raise young in and around the reflective ponds. The above restriction provides protection to the waterfowl and reduces disturbance to this wildlife. Roadways, fences, drop-offs in the landscape and the reflective ponds pose a threat to sledders.

FISHING:

The following areas are closed to fishing:

- North and South Reflective Ponds

Reason for Determination:

The reflective ponds are cultural landscape features and not stocked with native game fish species. The reflective ponds do, however, attract migratory and non-migratory waterfowl that breed, nest and raise young in and around the reflective ponds. The above restriction provides protection to the waterfowl and reduces disturbance to this wildlife. Additionally, there is no fishing from park property during high water due to flooding.

CAMPING:

- There are no designated camping areas within the boundary of Jefferson National Expansion Memorial.

Reason for Determination:

There are no camp grounds or locations, programs, or facilities for camping within the park.

GLASS BOTTLES/CONTAINERS:

- Possession of glass bottles and containers, with the exception of baby bottles and souvenir items purchased at park concession operations for at-home consumption, is prohibited within the boundary of Jefferson National Expansion Memorial.

Reason for Determination:

The purpose of this regulation is to reduce the amount of injurious trash brought into the park and to prevent injury to park visitors.

PETS:

- Please refer to §2.15 "Pets".
- Prohibitions or restrictions do not apply to:
 - Emergency search and rescue missions; or
 - Law enforcement patrol or bomb dogs; or
 - Qualified service dogs accompanying persons with disabilities per the American Disability Act. (NOTE: Companion animals are not service animals and have no access rights under federal statute.)

Reason for Determination:

Consistent with public health and safety, the protection of natural and cultural resources, and avoidance of conflict among visitor use activities, pets must be restricted. It is recognized that many park visitors have pets and they are permitted where they do not jeopardize basic park values. This does not apply to service animals as covered under the Americans with Disabilities Act.

MUSEUM AT THE ARCH AND THE HISTORIC OLD COURTHOUSE:

- Consuming food, including chewing gum, candy, or beverages, or the use of smokeless or other tobacco products is prohibited within the Museum of Westward Expansion and all public areas inside of the Old Courthouse; except at times and locations authorized by a Special Use Permit or by specific permission of the Superintendent.

Reason for Determination:

Food, candy, beverages, and tobacco products if discarded inappropriately may damage irreplaceable historical or cultural artifacts. Food crumbs and other remains also attract pests and rodents that can cause damage and create an unhealthy environment for visitors and staff.

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: (314) 655-1600 or visit the park website www.nps.gov/jeff.

- §1.5(d) The following activities related to Public Use Limits:
 - Restricted Use Vehicles
 - Entry into closed area
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)

- §2.12 Audio Disturbances:
 - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
 - (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 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) Conducting a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views over 25 people
- §2.52(c) Sale or distribution of printed matter
- §2.62(b) Memorialization by scattering ashes from human cremation
- §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:
 - (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
 - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

Inquiries about special use activity requirements and permit applications may be made by contacting Superintendent, Jefferson National Expansion Memorial, 11 North Fourth Street, St. Louis, MO 63102-1882 (telephone 314-655-1600, fax 314-655-1639).

Reason for Determination:

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.

36 CFR §1.7 – Public Notices

Copies of this compendium and activity area maps are available on the Internet at www.nps.gov/jeff and available upon request at:

Jefferson National Expansion Memorial
 11 North Fourth Street
 St. Louis, Missouri 63102
 (314) 655-1600

**PART 2 – RESOURCE PROTECTION, PUBLIC USE AND RECREATION
GENERAL REGULATIONS**

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

(a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological, or cultural resource, monument, or statue, except in designated areas and under conditions established by the superintendent.

Reason for Determination:

This prohibition exists because there are numerous statues, monuments, and/or cultural resources (the Arch itself is considered a cultural resource) throughout the park that may be irrevocably damaged or cause a public safety concern.

(a)(7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or sub bottom profiler.

Reason for Determination:

The Arch grounds are a highly manicured cultural landscape where the use of such devices adversely affects the park resource.

(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:

- Acorns: One handful of acorns per person may be gathered for immediate personal use while in the park.

Reason for Determination:

The allowable quantities will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources

36 CFR §2.2 - WILDLIFE PROTECTION

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

- The entire park is closed to viewing wildlife by artificial light.

Reason for Determination:

The purpose of this regulation is to protect park wildlife from poaching activity and the effect of temporarily blinding the animal and potentially jeopardizing its safety. NOTE: Night vision devices are not artificial lights; however, infrared lighting /beams are considered artificial lights and are included in this prohibition.

36 CFR §2.3 – FISHING

(a) State fishing law and/or regulation do not apply in the following areas:

- None

Reason for Determination:

The reflective ponds are cultural landscape features and not stocked with native game fish species. The reflective ponds do, however, attract migratory and non-migratory waterfowl that breed, nest and raise young in and around the reflective ponds. The above restriction provides protection to the waterfowl and reduces disturbance to this wildlife. Additionally, there is no fishing from park property during high water due to flooding.

36 CFR §2.4 – WEAPONS, TRAPS, 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: Arch Visitor Center, the Historic Old Courthouse, offices within the Arch Parking Garage, and the Maintenance and Warehouse facility.

Reason for Determination:

Park regulation cannot be less restrictive than United States Code.

36 CFR §2.11 – PICNICKING

- Individual and family picnicking is limited to picnic baskets, brown bagging, lunch boxes and the like as there are no designated picnic sites or picnic tables.

Reason for Determination:

No picnic tables or facilities for picnicking are provided in the park.

36 CFR §2.15 – PETS

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

- Gateway Arch and Visitor Center
- The Historic Old Courthouse

Reason for Determination:

Consistent with public health and safety, the protection of natural and cultural resources, and avoidance of conflict among visitor use activities, pets must be restricted. Pets are not considered compatible with the broad park goal of minimal visitor impact nor are they inherently suitable for adapting quickly to a strange environment often involving close association with strange persons or other animals. It is recognized that many park visitors have pets and they are permitted where they do not jeopardize basic park values. This does not apply to dogs used by the visually or hearing impaired.

(a)(3) Leaving a pet unattended and/or tied to an object:

- Pets will not be left in areas where food, water, shade, ventilation and other basic needs are inadequate.
- Pets will not be left tied to light poles, handrails, or trees.

Reason for Determination:

These requirements are intended to protect visitors, natural resources, park structures and to ensure pets are properly cared for while in the park.

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

- In all areas of the park pet excrement shall be removed immediately from the park or deposited in a refuse container by the person(s) controlling the pet(s).

Reason for Determination:

The Gateway Arch grounds are a highly developed cultural and natural resource within an urban area where concentrations of people gather. This restriction is intended to reduce any possible conflict between users and to provide for a healthy safe environment.

36 CFR §2.16 – HORSES and PACK ANIMALS

(a) The use of horses or pack animals is permitted on the following trails, routes or areas:

- Use is prohibited unless it is a horse mounted police / patrol unit.

Reason for Determination:

The park is highly developed and not meant for routine use of horses or pack animals. This restriction is intended to reduce any possible conflict between users and to protect the cultural landscape.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

The use of roller-skates, skateboards, roller skis, coasting vehicles, or similar devices is not allowed in the following areas:

- On the sidewalks and stairs on or around the Historic Old Courthouse.
- On the stairs, walkways, benches, flood walls, railings, ramps, or curbs in or around the Gateway Arch Grounds, including Luther Ely Smith Square.

- Motorized skateboards are prohibited in all areas of the Gateway Arch Grounds, Luther Ely Smith Square, and on the sidewalks around the Historic Old Courthouse.

Reason for Determination:

The park receives millions of visitors per year. These restrictions are intended to reduce any possible conflict between users, protect natural and cultural resources, and for public safety concerns. In consideration of the increased potential for resource damage, threat to wildlife and the health and safety of visitors these activities are prohibited.

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 at or inside:
 - Within 25 feet of any entrance or exit primarily accessed by the visiting public. The Gateway Arch Visitor Center beneath the overhangs of the entrance ramps at the North and South Legs where it is a more confined space and the public may gather in concentrations to enter the facility.
 - Within 25 feet of any entrance or exit not generally accessed by the public, where smoking would result in smoke traveling through doorways, windows, air ducts, or other openings.
 - Within all government buildings/facilities/vehicles.
 - All park partner/tenant facilities located within the park.
 - Within 500 feet of any fuel storage dispensing facility.

Reason for Determination:

These restrictions are intended to protect the health and safety of park visitors and employees, protect park resources, reduce the risk of fire and prevent conflicts among visitor use activities.

36 CFR §2.22 – PROPERTY

(a)(2) The following describes areas where property may be left unattended for periods longer than 24 hours, and/or the conditions under which property may be left:

- None

Reason for Determination:

Unattended property is inconsistent with the orderly management of park areas and may present a security or other threat to park resources. Property may not be left unattended in the park for security reasons, for possible health/safety reasons and it is not compatible with the cultural landscape or interpretive value of the park.

36 CFR §2.23 – RECREATION FEES

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

Entrance Fee Areas:

Gateway Arch

- Individuals 16 years of age and older: \$3.00 per day, under 16 is free.

Expanded Amenity Fee

- Odyssey Theater Movie
- Tucker Theater Movie

Metro Fees

- Tram ride to the Top of the Gateway Arch
- Arch Parking Garage

Special Recreation Permit Fee (Such as, but not limited to, group activities and recreation events):

Activities that require a special use permit:

- Festivals, Concerts, & Athletic Events
- Weddings and ceremonies
- Use of conference rooms and training

(c) The collection of recreation fees may be suspended during the following periods:

- National Public Lands Day
- Other dates that may be authorized by the Secretary of Interior or Director of the National Park Service
- As authorized by the Superintendent through a Special Use Permit

Reason for Determination:

The authority to require a permit under this section is provided in §71.2. Examples of specialized recreation uses might be: foot or bicycle races, festivals, filming, etc.

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(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:

The consumption of alcoholic beverages or the possession of an open container of an alcoholic beverage is prohibited in the following areas:

- Arch Parking Garage
- Old Cathedral Parking Lot
- Sidewalks and improved (paved) public thoroughfares of the park
- Within all government buildings or facilities

Reason for Determination:

The establishment of parking areas is not for the purpose of providing potential entertainment venues. The combination of moving vehicles with alcohol consumption carries a high risk for serious bodily injury or death to the participants of the activity as well as the nonparticipating public. The proximity of these parking areas to nearby sporting arenas and establishments serving alcohol increases their likelihood to be utilized by the patrons of these events, or as potential 'tailgating' opportunities.

The parking facilities generate a disproportionate number of incidents involving sanitation, refuse, and alcoholic consumptive behavior during periods associated with sporting events, special events originating from both in and out of the park, as well as by patrons of non-park related establishments utilizing these locations for parking.

The surrounding City of Saint Louis jurisdiction maintains an ordinance prohibiting this activity (14.05.010 Disturbing the peace—Drinking in public). It is in the public's interest to reduce confusion and maintain consistency in the application of law when two jurisdictions have concurrent authority that regulations be applied uniformly.

Prohibition in government buildings is intended to reduce conflict between users and enhance visitor safety and enjoyment. The park sponsors no interpretive event where alcohol is considered a contributive component to the visitor understanding of themes and/or educational elements.

Exception: As authorized by the Superintendent through a Special Use Permit at specific dates, times, locations, and for a specified duration.

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.

Reason for Determination:

The Gateway Arch grounds are a highly developed cultural and natural resource within an urban area. The use of fireworks is inappropriate in urban areas and conflicts with visitor enjoyment due to the noise and is a hazard that poses a danger to the public.

36 CFR §2.60 – LIVESTOCK USE

- Livestock within in the park is prohibited.

Reason for Determination:

The Gateway Arch grounds are a highly developed cultural and natural resource within an urban area. Livestock use is inappropriate in urban areas and conflicts with visitor enjoyment and public uses.

36 CFR §2.61 – RESIDING ON FEDERAL LANDS

- Residing within the park is prohibited.

Reason for Determination:

Residing in the park would conflict with the cultural intent and purposes and natural design of the park. It is would also conflict with visitor enjoyment and public uses.

36 CFR §2.62 – MEMORIALIZATION

(b) A permit is required for the scattering of ashes from cremated human remains, or in the following designated areas without a permit, and/or according to the following terms and conditions:

- The scattering of human ashes from cremation is prohibited throughout the park.

Designated Areas without a permit:

- None

Reason for Determination:

The Gateway Arch grounds are a highly developed cultural and natural resource within an urban area where concentrations of people gather. Scattering ashes conflicts with the public uses specific to the park.

PART 3 – BOATING AND WATER USE ACTIVITIES

36 CFR §3.17 – SWIMMING AND BATHING

(a) The following areas are closed to swimming and bathing:

- North and South Reflective Ponds

Reason for Determination:

This use is not compatible with the protection of wildlife found in and on these waters. There is also a public safety concern and this is designed to protect the safety of visitors from poor water quality conditions, unknown hazards, injurious debris that may be on the floor of the concrete, man-made ponds, and prevent the potential inability to get out of the pond safely.

PART 4 – VEHICLES AND TRAFFIC SAFETY

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(b) The following routes and/or areas, designated pursuant to special regulations, are open for off-road vehicle travel under the terms and conditions noted:

- Electric powered mobility assistance devices (e.g. electric scooters, wheelchairs, Segway devices) for the purpose of transporting persons with disabilities are permitted on park roadways and walkways.

The use of Segways and motorized scooters as a mobility assistive device, as outlined above, must also adhere to the following:

- (a) No person under 16 years of age may operate Segways, without adult supervision
- (b) A person shall operate any mobility assistive device in a safe and responsible manner; maximum speed will not exceed more than 8 miles per hour ("Segway Sidewalk/Intermediate" key), so as not to endanger one's self or other park visitors.
- (c) A person riding any mobility assistive device upon and along a sidewalk, while crossing a roadway in a crosswalk, entering or exiting from an elevator, boarding a vessel, or on any other surface shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobility assistive device operator must always yield to other pedestrians (park visitors). Elevator use will be the only exception – users on any mobility assistive device will enter first, be allowed time to park and secure such device and will be last to exit.

Reason for Determination:

Mobility impaired persons may opt to utilize a Segway as a form of locomotion when traditional forms of wheelchairs or motorized wheelchairs are not chosen as their means of mobility. This is least restrictive to mobility impaired individuals and allows them to participate in the park experience.

36 CFR §4.21 – SPEED LIMITS

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

- The maximum speed limit on paved park roads is 15 mph unless otherwise posted.

Reason for Determination:

Variations from the speed limit designations in the general regulations have been made where road conditions allow either a higher speed without jeopardizing public safety, or require a lower speed limit for public safety and to prevent road deterioration.

36 CFR §4.30 – BICYCLES

(a) Bicycle use is permitted on park walkways and parking areas with the exception of the following:

- Bicycling is not authorized in the Arch Parking Garage.

Reason for Determination:

Limited visibility, lighting conditions, the configuration of the facility causing visual obstructions and the concentration of motor vehicles jeopardize public safety.

- Bicycling on the Arch Grounds pedestrian walkways is allowed so long as it does not interfere with pedestrians or detract from the overall enjoyment of the park.

Reason for Determination:

Pedestrian walkways are wide enough that both pedestrians and bicyclists may enjoy the park without detracting from the safe enjoyment of the cultural and natural resource.

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