

Superintendent's Compendium

Of designations, Closures, Permit Requirements and Other Restrictions
Imposed Under Discretionary Authority

National Park Service
U.S. Department of the Interior

Richmond National Battlefield Park
Maggie L. Walker National Historic Site
3215 East Broad Street
Richmond, VA 23223

Approved by:

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 understand the regulations governing the use and enjoyment more fully 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.govinfo?app/collection/cfr/>

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, if 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, then that Superintendent is obliged to place limitations on public use.

3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent’s Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

4. Development of the Requirements of the Superintendent’s Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any National Park System area. The requirements of the Superintendent’s Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park’s enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park’s protected natural and cultural resources and other protected values?

- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

6. Enforcement of Compendium Requirements

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

7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

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.

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 3215 East Broad Street, Richmond, Virginia 23233. It may also be found at

<https://www.nps.gov/rich/learn/management/lawsandpolicies>

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 Richmond National Battlefield Park and Maggie L. Walker National Historic Site. 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 italicized print.

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

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 following visiting hours are established for all or for the listed portions of the park:

VISITOR CENTERS

All the following park-operated buildings open to the public maintain the visiting hours from 9:00 am – 4:30 pm EST, unless otherwise noted. Hours of visitation may vary seasonally, and they may be affected by current staffing levels, funding, severe weather, or any emergency situation that may pose a serious risk to visitors or staff. All park buildings are closed to the public on Thanksgiving Day, December 25, and January 1 of each year. The Maggie L. Walker site is closed on Sundays and Mondays (this closure does not include the sidewalks outside the park structures).

Applies to:

- Chimborazo Medical Museum
- Cold Harbor Visitor Center
- Fort Harrison Visitor Center
- Tredegar Visitor Center
- Maggie L. Walker National Historic Site

Determination: Visiting hours have been established to promote an enjoyable visitor experience based on anticipated visitation and current staffing levels.

DAY USE ONLY

The grounds of Richmond National Battlefield Park are designated as “Day Use” only. Public visitation to all park property is prohibited from sunset to sunrise.

This does not apply to park personnel on official business, park sponsored special events, as well as residents and their guests with legal access rights or rights-of-way through and across the park. NPS and Friends group sponsored special events, approved public meetings and programs scheduled to occur in any of the park units after designated closure times are exempt.

Specifically included are roads, parking areas, grounds, fields, and wooded areas located at:

- Gaines’ Mill unit
- Garthright House unit
- Cold Harbor unit
- Beaver Dam unit
- Chickahominy Bluff unit
- Totopotomoy Creek/Rural Plains unit
- Malvern Hill unit
- Glendale unit
- Parker’s Battery unit
- Drewry’s Bluff unit
- Chimborazo Unit
- Maggie L. Walker National Historic Site (all buildings and property)
- North Anna Unit (access by permission of the park)
- Fort Harrison unit (local residential traffic excepted)

Determination: After hours use, nighttime activity and overnight parking would create impacts that would be inconsistent with the protection of park resources. The Superintendent has determined there is no valid use of these units during the hours of sunset to sunrise.

PUBLIC USE LIMITS

The following public use limits are established for all or for the listed portions of the park:

DREWRY’S BLUFF/FORT DARLING ACCESS AND MANAGEMENT

The following access limits are in effect at Drewry’s Bluff and Fort Darling areas of Richmond National Battlefield Park:

- Public use at the Drewry’s Bluff unit is restricted to the parking lot and trail.

- No enclosed or below grade structures are permitted to be built at this unit.

Determination: While not detected in the air, elevated concentrations of methane were detected in groundwater beneath the outer edges of the closed county landfill present at the site. Should future plans for this or surrounding properties include construction of enclosed or below grade structures or ignition sources, monitoring methane in soil vapor would be required quarterly for one year using six soil vapor samplers installed to a depth of 8 feet below ground surface. (See the Fort Darling Engineering Evaluation/Cost Assessment Report, 2016, for additional detail regarding this matter.)

MAGGIE L. WALKER HOUSE TOURS – SIZE LIMIT

Tours of the Maggie L. Walker home are restricted to no more than 15 people per tour. For groups of 15 or more, reservations are required.

Determination: The historic building is a small area and allowing more people in the building without a reservation would threaten public safety, the historic and cultural resources of the park, and the orderly management of the park. Visitors seeking to bring large groups within the building must make a reservation with the Superintendent.

PARKING AREAS – TIME LIMITS

The following time limits are in effect for parking:

- The parking area at Drewry's Bluff is limited to sixty (60) minutes parking.
- The parking area at Parker's Battery units is limited to sixty (60) minutes parking.
- The parking area at Chickahominy Bluff is limited to thirty (30) minutes parking time.
- The parking area at Beaver Dam Creek units is limited to thirty (30) minutes parking time.

Note: All other designated vehicle parking areas are open to park visitors during daylight hours from sunrise to sunset.

Determination: Parking outside of designated areas could negatively impact cultural and natural resources and would detract from the historic scene. Restricting use and placing time limits will help eliminate illegal or inappropriate use of the park.

FORT HARRISON PICNIC AREA – SIZE LIMITS

School, church, family or other organized groups or social gatherings are permitted to use the Fort Harrison designated picnic area if they do not exceed thirty (30) persons. This limitation is established to limit special picnicking uses to no more than five (5) tables.

CLOSURES

The following closures are established for all or a portion of the park to all public use or to a certain use or activity:

EMERGENCY OR TEMPORARY CLOSURES

The Superintendent or acting designee may temporarily close park roadways, parking areas, facilities, waters, and/or all or portions of the park due to:

- Weather, (e.g., snow and ice) based on forecasts or post-storm recovery operations, or due to other hazardous conditions
- Law Enforcement emergencies or public safety concerns
- Wildfire and/or fire management activities
- Areas of new construction, reconstruction or rehabilitation closed to visitors for safety reasons and to avoid unreasonable conflict with authorized work
- For any reason deemed necessary to protect park resources, visitors, or staff.

The posting of signs, maps, media announcements, and the use of barricades and/or gates will identify such closures.

While these areas are closed to the public, the Superintendent retains the right to grant special or routine access to park staff and/or administrative users for park management and/or research interests.

AREAS CLOSED TO ALL PUBLIC USE, ENTRY AND ACCESS AT ALL TIMES

The following park roads and areas are closed to all non-park personnel and vehicle traffic, except those on official business, park residents, their relatives and their guests, farmers utilizing agricultural leased areas and adjacent roadways, or those with a deeded access or right-of way across the area. *Justification for certain closures is based on the protection of cultural and natural resources.*

- Maintenance Way Road – the park road, seasonal quarters, parking area, fenced maintenance compound, and storage area.
- Watt House – Watt House and the gravel road leading to the rear of the Watt House residence, as well as the adjacent storage garage area.
- Garthright House – Garthright House and the gravel road leading to the rear of the residence.
- Chimborazo – Areas enclosed by chain link fence.
- Cold Harbor – Private gravel road to the rear of the property leading to the private residences.
- Malvern Hill – Private residence and grounds. (Crewe House)
- Malvern Hill – West House. (House only)

- North Anna Unit – area is closed to the public; access by permission of the park (does not apply to the resident leasing the park property)

Determination: These roads and areas are closed except for administrative purposes and serve no purpose for public access. Vehicle use from the public would detract from the historic scene.

ALL-TERRAIN VEHICLES (ATV'S) OR SIMILAR DEVICES PROHIBITED

The use of all-terrain vehicles (ATV's), or similar devices, is prohibited on the battlefield motor roads and its access roads. In addition, they are also prohibited on all lands administered by Richmond National Battlefield Park, unless the device is being used for administrative or maintenance purposes as approved by the Superintendent.

Definition of All-Terrain Vehicle: The term All-Terrain Vehicle (ATV) means any motorized vessels or conveyance manufactured for recreational, non-highway, off-road or all terrain use. ATV's would include but are not limited to; four-wheelers, three-wheelers, UTV's, mini-bikes, dirt bikes, go-carts, scooters, etc.

Determination: Richmond NBP roadways are not designated for off-road vehicle use. ATV's, and similar devices, are manufactured for recreational, non-highway, off road, or all terrain travel and would not be an appropriate use for a motor roadway or on park trails. Off road use is also prohibited for the protection of natural and cultural resources; to prevent harassment of wildlife, habitat destruction and to eliminate conflicts with visitors using allowed conveyances.

DRONES AND UNMANNED AIRCRAFT OPERATION PROHIBITED

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Richmond National Battlefield Park and Maggie L. Walker National Historic Site is prohibited except as approved in writing by the superintendent.

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

Determination: The superintendent has determined that unmanaged or unrestricted recreational use of unmanned aircraft within Richmond National Battlefield Park and Maggie L. Walker National Historic Site may conflict with, or impact, a variety of park uses including: park interpretive programs and activities provided by the NPS; as well as impacts including: impairing visitor view sheds; the disturbance, displacement or harassment of park wildlife to include threatened or endangered species; the creation of public safety hazards

per operations near roadways or large aggregations of visitors. Less restrictive measures were not considered sufficient due to the rapidly expanding and evolving use of unmanned aircraft throughout the world. Section 1.5 of the NPS Management Policies (2006) provide that a new form of park use may be allowed within a park only after a determination has been made by the park superintendent that it will not result in unacceptable impacts on park resources and values.

NON-MOTORIZED HOBBIES PROHIBITED

The park is closed to the use of non-motorized, radio-controlled gliders, sail planes, and motorized aircraft and vehicle models, and model rockets.

Determination: Such activities are considered inappropriate in Historical Interpretive Areas and would constitute a danger to public safety. The use of propellant propelled model rocket is also a fire danger.

PARANORMAL INVESTIGATIONS PROHIBITED

Paranormal investigations (ghost hunting) and similar activities are prohibited on park property.

Determination: Activity is inconsistent with the intent of the park and conducted during park closure hours.

RECREATIONAL / SPORTING ACTIVITIES PROHIBITED

Richmond National Battlefield Park and Maggie L. Walker National Historic Site are closed to recreational and sporting activities including, but not limited to the following:

- Baseball
- Football
- Soccer
- Racing
- Skating (including roller-skating and in-line skating),
- Skateboarding
- Ball playing
- Kite flying
- Radio controlled airplane and helicopter flying
- Model rocket launching
- Throwing objects through the air (Frisbee, footballs, baseballs, etc.)
- Sunbathing

Prohibited activities do not include hiking, walking, strolling, jogging, running, bicycling, cross country skiing, fishing, or horseback riding. Specific prohibitions on certain activities may be addressed in other regulations.

Determination: Those recreational uses not permitted conflict with the legislated purpose of the park, detract from the historic scene, and contribute to the destruction of the historic fabric of the park. The entire park is considered a historic area and is of primary importance in preserving its historic significance.

SIGNS AND NOTICES PROHIBITED

The posting of signs and notices in the park is prohibited. These include but are not limited to business or private signs or announcements, realty signs, and political advertisements.

STAR GAZING PROHIBITED

Star gazing on park property is not permitted.

Determination: Activity is inconsistent with the intent of the park and conducted during park closure hours.

SWIMMING PROHIBITED

Swimming and or bathing is prohibited in all areas within the park. Use of shorelines for access to swimming or bathing is prohibited.

Determination: It is hazardous to swim or bathe in open waters throughout the park.

AREAS DESIGNATED FOR A SPECIFIC USE OR ACTIVITY

The following areas have been designated for a specific use or activity:

SEGWAYS – DESIGNATED AREAS:

The use of Segways is permitted in paved parking lots and on concrete or asphalt sidewalks, as well as the Fort Harrison trail.

Determination: The NPS has concluded that an interim policy on allowing the use of Segways and similar devices by individuals with mobility disabilities is compelled by the Rehabilitation Act of 1973 and the Department of the Interior's (DOI) regulations at 43 CFR Part 17, Subpart E. It has been determined that such devices would be appropriate for all park areas currently open to motorized wheelchair use. Justification of Segways not permitted inside park buildings or other areas not mentioned is for overall safety concerns. This policy is in effect until a service-wide policy is enacted.

CONDITIONS OR RESTRICTIONS IN EFFECT ON A USE OR ACTIVITY

The following conditions or restrictions have been imposed on the noted use or activity:

FACEMASKS – CONDITIONS/RESTRICTIONS:

The following restrictions and/or conditions are in effect for the use of facemasks:

- When the COVID-19 Community Level is LOW or MEDIUM in the county or all the counties where the park is located based on data provided by the Centers for Disease Control and Prevention (CDC), individuals are not required to wear masks.
- When the COVID-19 Community Level is HIGH in the county or all the counties where the park is located based on data provided by the CDC, all individuals over the age of two must wear masks, regardless of vaccination status, in all common areas and shared workspaces in buildings owned, leased, or otherwise controlled by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.
- When the COVID-19 Community Level is HIGH in one or more, but not all, of the counties where the park is located based on data provided by the CDC, the superintendent will determine whether individuals are required to wear masks. The requirement, if any, will apply to all facilities within the park.
- Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement.
- Regardless of the COVID-19 Community Level, individuals may wear masks if they choose to do so. Where a state, local, tribal, or territorial government where the park is located imposes more protective mask-wearing requirements than those indicated by the COVID-19 Community Level, individuals must follow those more protective requirements within the park. More protective state, local, tribal, or territorial mask-wearing requirements are hereby adopted as federal requirements in all units of the National Park System located within that state, locality, area subject to a federally recognized Indian tribe's regulatory jurisdiction, or territory, regardless of a particular park's jurisdictional status.
- Additionally, all individuals must wear masks in or on public transportation conveyances and transportation hubs/facilities, to the extent required by current orders or directives issued by the CDC, the Transportation Security Administration (TSA), or other federal agencies with jurisdiction over those conveyances or areas. As of March 4, 2022, CDC and TSA orders or directives require all individuals regardless of vaccination status to wear masks in indoor areas of all forms of public transportation conveyances, including busses, trains, and boats/ferries, and in the indoor premises of transportation hubs/facilities. Individuals are not required to wear masks while outdoors on conveyances or while outdoors on the premises of transportation hubs/facilities.

FORT HARRISON UNIT ACCESS – CONDITIONS/RESTRICTIONS:

Battlefield Park Road and Hoke Brady Road through the Fort Harrison unit from State Route 5 to Fort Brady, are open to local and through traffic from sunrise to sunset. From sunset to sunrise, vehicles may not stop and/or park on these roads, nor may they use any parking areas, grounds, fields, earthen forts, or woods of the Fort Harrison park-owned unit.

PARKING – CONDITIONS/RESTRICTIONS:

Roadside, or shoulder parking is prohibited throughout the park.

PASSENGER BUS OPERATION – CONDITIONS/RESTRICTIONS:

Engines must be shut down when not underway.

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

CCTV Policy Statement:

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

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

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

Operation of CCTV cameras, maintenance of recorded images and use of recorded images will be in accordance with NPS and Department policy and applicable laws and regulations.

(RM-9, 26.1-26.4) No person will be targeted or monitored merely because of race, religion, gender, sex, disability, national origin, or political affiliation or views. (RM-9, 26.4.2)

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

II. 36 CFR 1.6 ACTIVITIES THAT REQUIRE A PERMIT

The following is a list of pertinent activities which require a permit from the Superintendent:

- Specimen collecting (scientific research) (36 CFR § 2.5)
- Camping (36 CFR § 2.10)
- Creating audio disturbance (36 CFR § 2.12)
- Soliciting or demanding gifts, money, goods, or services (36 CFR § 2.37)
- Using or possessing explosives (36 CFR § 2.38)
- Special Events (36 CFR § 2.50)
- Public Assemblies, meetings, gatherings, demonstrations, parades, and other public expression of views by groups of 26 or more (36 CFR § 2.51(a))
- Sale or distribution of printed matter (36 CFR § 2.52)
- Display of commercial notices or ads (36 CFR § 5.1)
- Memorialization (36 CFR § 2.62)
- Exceeding established vehicle load, weight, and size limits (36 CFR § 4.11)
- Selling intoxicants in certain park areas (36CFR § 5.2)
- Advertisements – (Display, posting or distribution.) (36 CFR § 5.1)
- Engaging in or soliciting any business (36 CFR § 5.3)
- Commercial photography/filming (36 CFR § 5.5) (*See Sec III, 36 CFR §5.5 for exceptions*)
- Any construction on Federal property (36 CFR § 5.7)

The listed activities are required by law (36 CFR) to acquire a Special Use Permit or Commercial Use Authorization. Special Use Permits may be obtained by accessing an application at the park permit webpage linked here (<https://www.nps.gov/rich/planyourvisit/permitsandreservations.htm>) and clicking on the applicable permit application, or by calling the Park at 804-226-1981.

Activities requiring a permit are listed above under Public Use Limits and throughout this document under the specific 36 CFR Section that authorizes or requires the issuances of a permit.

Any activity that would otherwise violate operating hours, closures or limits listed in this compendium requires a permit.

Maps of First Amendment areas at each park unit are located at the end of this compendium.

III. GENERAL REGULATIONS

This section lists the modifications and limitations to the general Park regulations that have been made under the Superintendent's discretionary authority.

This section only lists the modifications made specific to Richmond National Battlefields Park and Maggie L. Walker National Historic Site and does not list all the regulatory requirements for visitors, which is contained in the Title 36 Code of Federal Regulations, Chapter I.

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

The following activities are prohibited:

- Collecting or gathering dead wood on the ground.
- Picking, gathering, or harvesting mushrooms.

The following fruits, nuts, berries may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or possession and consumption restrictions:

- Blackberries, Raspberries, Blueberries: 1 quart, per person, per day
- White Oak Acorns, Black Oak Acorns, Walnuts: 1 quart, per person, per day
- Pinecones: 1 basket 5-gallon basket, per person, per day

The gathering of these products is restricted to immediate trail use and prohibited on or near historic features (earthworks, breastworks, etc.)

- Picking, gathering, or harvesting mushrooms is prohibited.
- Collection is permitted only at areas open and accessible to the public.

Determination: These natural products may be collected without negatively impacting the growth and replenishment of the producing product.

36 CFR § 2.2 – WILDLIFE PROTECTION

- All park areas are closed to the viewing of wildlife with the use of an artificial light.
- Lawfully taken wildlife may be transported by motor vehicle through the park via the most direct route during legal hunting season.

36 CFR § 2.3 – FISHING

Fishing is not permitted from the foot bridge located at Beaver Dam Creek.

36 CFR § 2.10 – CAMPING AND FOOD STORAGE

Camping is prohibited *except* in conjunction with an organized and approved activity, living history presentation, or an approved service group completing a park-related project.

Determination: Participants in organized, park sponsored organized living history presentations are permitted to camp in the park to portray accurate Civil War conditions to visitors. Park approved service-related groups may also be permitted to camp.

36 CFR § 2.11 – PICNICKING

Picnicking is prohibited in the park except for the following designated areas:

- Fort Harrison picnic area
- Chickahominy Bluff parking area
- Drewry's Bluff parking area
- Beaver Dam Creek parking area
- Malvern Hill parking area
- Cold Harbor parking area
- Parsonage parking area
- Chimborazo Medical Museum grounds
- Rural Plains parking lot and area surrounding or near the historic Shelton house.

The following conditions are in effect for picnicking at the Fort Harrison Picnic Area:

- School, church, family or other organized groups or social gatherings are permitted to use the picnic area if they do not exceed thirty (30) persons. This limitation is established to limit special picnicking uses to no more than five tables.
- Picnicking is available on a first come first served basis and at no time may a group use more than half of the available tables for their use. Reservations are not accepted.
- Open fires are restricted to the provided fire ring receptacles and grills
- Portable grills (charcoal or propane) are permitted

The following conditions are in effect for picnicking at all other designated picnic areas

- Tables and/or portable grills, etc. are not permitted
- Picnicking cannot obstruct traffic or an established parking slip

36 CFR § 2.13 – FIRES

The lighting or maintaining of fires is prohibited, except as provided for in the following designated areas and/or receptacles:

- Fort Harrison Picnic Area – in the park provided fire receptacles on the ground and the park provided standing grills.
- Fort Harrison Picnic Area – personally owned portable grills (charcoal, wood, or propane) are permitted at the immediate vicinity of the picnic table.
- Fires may be approved on a limited basis under permission from the Superintendent for living history groups who may camp in conjunction with a park-sponsored activity for interpretive/educational purposes.

The following restrictions and/or conditions are in effect for fires:

- Fires are only permitted in the fire receptacles provided at the Fort Harrison Picnic Area. (The fire receptacle is a metal 2' x 2' square container, approximately 12 inches in height anchored into the ground, designed to contain a fire.)
- Receptacle fires cannot exceed the diameter of the actual receptacle
- Grill fires cannot exceed the size of the actual grill (charcoal or wood only)
- Personal owned portable grills can be either charcoal or propane used only at the immediate vicinity of the picnic table.
- All fires must be completely extinguished and any coals/wood, etc. cold to the touch
- Any portion of the park, including picnic area fire receptacles or grills, may be temporarily closed, due to wildfire, potentially high wildfire threat weather conditions and/or fire management activities (e.g., prescribed burns, etc.) which pose a threat to visitor safety.

36 CFR § 2.15 – PETS

All persons visiting the park and accompanied by a pet are responsible for disposal of the pet's excrement. Owners or persons having custody or control of any animal(s) will immediately remove and dispose of excrement voided by an animal(s) under their control. Excrement will be properly disposed of in an appropriate outdoor container.

Determination: The park receives a large amount of visitation from pet owners and their pets. In the past pet excrement was allowed to remain on the battlefield. An unhealthy and problematic condition occurred. In order to facilitate visitor compliance, the park has placed excrement disposal bag dispensers and waste containers throughout the park for public use.

36 CFR § 2.16 – HORSES AND PACK ANIMALS

Horseback riding is prohibited except in the following designated areas:

- Horseback riding is permitted only on park road shoulders within the Gaines' Mill and Cold Harbor units, as well as road shoulders along Battlefield Park Road, Hoke Brady Road and Picnic Road in the Fort Harrison unit.

The following conditions are in effect for picnicking at the Fort Harrison Picnic Area:

- All individuals engaged in horseback riding must wear a protective helmet.
- Parking of horse trailers at the Cold Harbor unit is restricted to the grass field across from the Visitor Center parking lot.

Determination: Other park areas not listed is for safety concerns of visitors as well as protection of park cultural and natural resources. Use of helmet is for rider safety.

36 CFR § 2.18 – SNOWMOBILES

The use of snowmobiles is prohibited throughout the park.

36 CFR § 2.19 – WINTER ACTIVITIES

- Skiing, snowshoeing, ice skating, sledding, inner tubing, tobogganing, and similar winter sports are prohibited on park roads and in parking areas open to motor vehicle traffic. Snowshoeing and cross-country skiing is allowed on all established trails when open for use.
- The towing of persons on skis, sled or other similar device by motor vehicle or snowmobile is prohibited parkwide.

36 CFR § 2.20 – SKATING, SKATEBOARDS, AND SIMILAR DEVICES

Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited parkwide.

36 CFR § 2.21 – SMOKING

The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking and the use of Electronic Nicotine Delivery System (ENDS) as noted:

- Smoking and the use of ENDS is prohibited and will not be permitted within any Government-owned or leased vehicle, including heavy equipment, watercraft, or aircraft.
- ENDS are prohibited in shared Government quarters, but generally permissible in non-shared residential park housing.
- Smoking is permitted out of doors a minimum of 25 feet away from building entrances or open windows.

Determination: Smoking in Federal facilities is prohibited. Smoking next to doors or open windows may draw smoke into the building exposing persons to the smoke involuntarily.

36 CFR § 2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

Possession and consumption of alcoholic beverages is prohibited on all park property in accordance with Virginia State Code 4-78. The following exceptions apply: Park seasonal quarters at the Fort Harrison unit and park resident housing at the Goggin, Watt, and Garthright Houses.

Determination: Based on Virginia State Code 4-78 for prohibiting open alcoholic beverages inside motor vehicles and public areas. This type of activity is inconsistent with the park's purposes. Generally, the park is a drive through touring park to observe and learn about the Civil War battles which took place here. The consumption of alcohol and possession of open containers of an alcoholic beverage is an incompatible activity for this type of visitation. Ample locations exist outside the park for consumption of alcohol.

36 CFR § 2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, the observance contributes to visitor understanding of the significance of the park area, and a permit has been issued by the superintendent.

36 CFR § 2.51 – DEMONSTRATIONS

(b) Demonstrations of 25 people or less are allowed within the park designated as available under paragraph (c)(2). Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the Superintendent has issued a permit for the activity.

The following locations are designated as available for demonstrations:

Attachment 1 – Beaver Dam Creek: East of the visitor parking lot area

Attachment 2 – Chickahominy Bluff: South of the visitor parking lot area

Attachment 3 – Cold Harbor Battlefield: West of the visitor center parking lot

Attachment 4 – Chimborazo Medical Museum: East of the parking lot area

Attachment 5 – Fort Harrison Unit: Southwest of the visitor parking lot near the Log Cabin

Attachment 6 – Drewry's Bluff Unit: West of the entrance gate

Attachment 7 – Garthright House: North of the house near the tree line

Attachment 8 – Gaines' Mill Battlefield: East of the visitor parking lot area

Attachment 9 – Malvern Hill Battlefield: Southwest of the visitor parking lot area

Attachment 10 – Maggie L. Walker NHS: NW area between the visitor center and restrooms

Attachment 11 – Parker’s Battery Unit: South of the visitor parking lot

Attachment 12 – Rural Plains Unit: South of the parking lot

Attachment 13 – North Anna Unit

36 CFR § 2.52 – SALE OR DISTRIBUTION OF PRINTED MATERIAL

- The sale or distribution of printed matter by 25 persons or less is allowed within the park areas designated areas as available under 2.51(c)(2) (see above).
- The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under §2.51(c)(2) (see above) when the Superintendent has issued a permit.
- Per Policy Memorandum 14-01 dated January 28, 2014, other message-bearing items may also be distributed in designated areas under 36 CFR 2.52 if it is done free of charge and without asking for payment or a donation. This will allow the free distribution of message-bearing items to the public other than printed matter, so long as the activity occurs within an area as available for First Amendment activities.

36 CFR § 2.62 – MEMORIALIZATION

- The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.
- The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit.

36 CFR § 4.21 – SPEED LIMITS

- The speed limit for Battlefield Park Road, Hoke Brady Road and Picnic Road is 25 miles per hour.
- The speed limit for all other park units is 15 miles per hour.

36 CFR § 4.30 – BICYCLES

Bicycles and electric bicycles are allowed on park roads and in parking areas open for motor vehicle use by the general public. Bicycles (but not electric bicycles) are allowed on the following administrative road:

- The historic Totopotomoy Creek Path from the Shelton House to Totopotomoy Creek, at the Rural Plains Unit.

Determination: Bicycles are allowed on park roads and in parking areas under 36 CFR § 4.30(a). The superintendent designated the Totopotomoy Creek Path, an administrative road,

for bicycle use in 2020 after making a written determination required by 36 CFR § 4.30(b). Previously, the park also had allowed electric bicycles on the Totopotomoy Creek Path. On September 21, 2021, the Superintendent reconsidered electric bicycle use in the park using the discretionary authority given to the Superintendent under 36 CFR § 4.30(i) and decided to allow the use of electric bicycles on park roads and parking areas but to prohibit them elsewhere in the park, including on the Totopotomoy Creek Path. Allowing electric bicycles on public roads and in parking areas will create new opportunities for recreation and access within the park. It will not create any adverse impacts to park visitors, resources, or values due to the existing use of these locations by motor vehicles and bicycles. This action is covered by the categorical exclusion 3.2.E in the NPS NEPA Handbook. For the decision to close the path to electric bicycles, studies have found that electric bicycle users tend to have a higher rate of single-bicycle crashes. (Single-bicycle crashes are those that only involved the electric bicycle and the rider, e.g., a collision with a fixed object, or skidding and falling.) Prohibiting electric bicycles on the sloping, winding, tree-lined Totopotomoy Creek Path will reduce the potential for collisions. This action is covered by the categorical exclusion 3.3.D.2 in the NPS NEPA Handbook.

36 CFR § 5.1 – Advertisements

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent.

36 CFR § 5.5 – Commercial Photography

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

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

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

- Maintain public health and safety.
- Protect environmental or scenic values.
- Protect natural or cultural resources.
- Allow for equitable allocation and use of facilities, or
- To avoid conflict among visitor use activities.

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

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

The following are prohibited:

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

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

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