

CODE OF FEDERAL REGULATIONS
TITLE 36, CHAPTER I

Compendium of Designations, Closures, Request Requirements and Other Restrictions imposed under the discretionary authority of the Superintendent.

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter I, Parts I through 7, authorized by Title 54, United States Code, Section 3, the following regulatory provisions are established for the proper management, protection, government and public use of the portions of Stones River National Battlefield under the jurisdiction of the National Park Service.

Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter I.

Superintendent

Date

1.5 Closures and Public Use Limits

(a) (1) Hours of Operation

Stones River National Battlefield will be open to the public by foot or bike from sunrise to sunset. All park areas are closed to the public at sunset.

The Visitor Center parking area will be open daily to vehicles from 6:00 a.m. to approximately 30-60 minutes before sunset from March 1st through the first Saturday in November.

The visitor Center will remain open for public use from 9:00 a.m. to 5:00 p.m. from March 1 through the first Saturday in November.

Winter Hours: The visitor center will remain open for public use from 9:00 a.m. to 4:00 p.m. from the first Sunday in November through the last day of February.

The following gates will be open from 8 AM-5 PM from March 1st through the first Saturday in November.

Thompson Lane

Van Cleve Lane at Old Nashville Highway

Stones River National Cemetery

McFadden Farm Unit

Redoubt Brannan

Winter Hours (Gates) - All park gates, including the Visitor Center Parking Lot gate, will be open from 8:00 a.m. to 4:30 PM from the first Sunday in November through the last day of February.

Justification: Park enabling legislation calls for battlefield preservation the marking and studying of the battlefield all of which is reasonably accommodated during daylight hours. Closures at posted hours prevent vandalism and enhance public safety.

(a) (1) Park housing and maintenance areas are closed to the general public.

Justification: Road is meant for use by park staff and housing residents. Closure enhances security and public safety.

(a) (1) Non-emergency repair, waxing and washing of motor vehicles is not allowed in areas open to the general public.

Justification: Parking areas are not safe for performing maintenance and repairs and such activities interfere with experience of other visitors.

(a) (1) During emergency situations such as flooding, ice, snow, etc., park roads may be temporarily closed without advance public notice.

Justification: Closures enhance public safety when hazardous conditions are present.

(a) (1) All cedar glades within the park are closed to the public.

Justification: Cedar glades are designated a Tennessee State Natural area and habitat for more than dozen endemic species including the federally listed Pyne's ground plum. Cedar glade plants are easily damaged or destroyed when stepped upon.

(a) (1) All tall grass fields are closed to the public.

Justification: Fields managed in warm season native grasses and forbs provide habitat and food sources for a wide variety of animals. Human intrusion in these areas can have an adverse effect on wildlife behaviors and damage natural resources.

(a) (2) Mask Requirements

When the COVID-19 Community Level is LOW or MEDIUM in the county 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 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.

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.

Justification: Requirements are consistent with March 4, 2022 guidance from the Office of the Director of the National Park Service.

(a) (2) Unmanned Aircraft

Definition: 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, drones) that are used for any purpose including for recreation or commerce.

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service with the boundaries of Stones River National Battlefield is prohibited except as approved in writing by the superintendent.

Justification: Unmanned aircraft present a variety of safety risks to employees and visitors. Unmanned aircraft introduce noise and visual features that will negatively impact the experience of other visitors. A probability exists for unmanned aircraft to negatively affect natural and cultural resources.

(a) (2) Recreational activities including, but not limited to football, baseball, frisbee, sun-bathing or any like activity are not permitted on any portion of the park except an area set aside for incidental picnicking near the visitor center parking lot. Kite flying is not permitted within park boundaries.

Justification: Recreational activities other than walking, jogging or biking compromise the experience of visitors attempting to experience park resources according to its legislative mission.

(a) (2) Parking at tour stop lots will be limited to 15 minutes. Visitors may park in the Hazen Brigade Monument lot to access the main battlefield by foot or bike after 5:00 p.m., and they may park in the lot at Fortress Rosecrans until sunset to access the earthwork's trail or the Stones River Greenway.

Justification: Long term parking at tour stops hinders the ability of visitors to participate in the self-guiding tour experience that contributes to the park's legislative mission.

(a) (2) Parking is not permitted in front of any closed gate.

Justification: Parking in front of closed gates may impede access by local emergency services personnel.

(a) (3) Individuals with mobility disabilities may use any mobility device powered by batteries, fuel, or other engines-whether or not designed primarily for use by individuals with mobility disabilities-that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair on all paved trails and roadways.

Individuals may not use the above described devices on the boundary trail and must yield the right of way to vehicles on the park tourroad.

Justification: This provision complies with Section 35.175 of the Americans With Disabilities Act (Title II) and provides for the use of other power driven devices by individuals with mobility disabilities in areas where such use will not present undue safety hazards for the individual and/or other members of the public.

(c) Still Photography Sessions

Still photography sessions involving a photographer and unpaid models may take place under the following conditions.

1. All vehicles must be parked in the recreational user lot near the park visitor center. Photography session parking is not permitted at tour stops nor Stones River National Cemetery.
2. No props are permitted. The photographer may use a tripod, but no additional equipment is permitted.
3. Photographer and subjects must remain on marked trails or in mown grass areas that are open to the public. Sessions are not permitted in tall grass fields, wooded areas, cedar glades and other areas managed to preserve natural resources.
4. Photography sessions may not take place in roads, nor may they obstruct access to trails by other visitors.

Justification: Limits on session photography help ensure preservation of park resources that those activities do not unduly interfere with the enjoyment of park resources by other visitors. Parking limits are designed to keep tour stop access available to tour users. The banning of props allows visitors to experience the battlefield landscapes without interference from items that distract from the historic setting. Restricting activities to marked trail and mowed areas protects natural resources, and the prohibition on sessions in roadways enhances visitor safety.

Section 1.6 Permits

(c) In accordance with Title 36 CFR 1.7, the following Special Park Uses require a permit:

- Collecting Research Specimens in accordance with 36 CFR 2.5
- Gathering and removal of plants or plant parts by enrolled members of federally recognized Indian tribes for traditional purposes in accordance with 36 CFR 2.6
- Special events that meet the requirements of 36 CFR 2.50
- Public assemblies, religious services, and other exercises of First Amendment Rights in accordance with the provisions of 36 CFR 2.51 (see below)
- Sale or distribution of printed matter in accordance with the provisions of 36 CFR 2.52 (see below)
- Display of commercial notices or ads in accordance with 36 CFR 5.1
- Business operations in accordance with 36 CFR 5.3
- Any construction on Federal property in accordance with 36 CFR 5.7
- Memorialization or scattering of human ashes in accordance with 36 CFR 2.62
- Commercial filming and still photography in accordance with 36 CFR 5.5 & 43 CFR Part 5
- Commercial Activities (i.e. Bus Tours & Guide Services)-P.L. 105-391

Applications for permits can be obtained from the Superintendent upon request.

Applications must be submitted in time to reach the Superintendent within five business days of the event, but at least two-week's notice will allow a more thorough consideration of the application. Permit applications not accompanied by the proper, non-refundable application fee will not be processed. Applications for Public gatherings and other protected rights will not require a fee.

Permittees will be required to compensate the National Park Service for all administrative, monitoring, and restoration costs associated with the permit; except for permits issued for the exercise of protected rights. Fees for the use of NPS lands and facilities may also be charged when appropriate according to Director's Order-53 *Special Park Uses*.

Justification: Permits are those specifically authorized by 36 CFR, Parts 1 through 7. Added provisions comply with NPS DO-53. Permits allow park management to ensure activities do not damage park resources, interfere with the experiences of other visitors and/or create a public safety hazard.

Section 2.1 Preservation of Natural, Cultural and Archeological Resources

(a)(5) Walking upon, climbing, ascending, descending, traversing all earthworks, cannons, cannon carriages, wagons or monuments is prohibited.

Justification: The activities described above are unsafe, can interfere with the enjoyment of other visitors, and may cause damage to park resources.

(b) Short-cutting on trails and use of unauthorized trails is prohibited. A map of authorized trails is on the park brochure.

Justification: Short-cutting on trails and use of unauthorized trails is unsafe and damages park resources.

(c)(1) The following may be gathered by hand for personal (non-commercial) use or consumption:

- Blackberries
- Muscadine
- Wild Plums
- Rose Hips
- Passion Flower Fruit
- Stag Horn Sumac Berries
- Walnuts
- Hickory Nuts
- Acorns
- Pine cones
- Magnolia Seed Pods
- Mustard Greens

(c) (2) Gathering of the items listed above is restricted to areas along authorized trails (see Section 2.1 (b)).

Justification: Gathering of the listed plants will not adversely affect park resources as long as the gathering is restricted to areas immediately adjacent to authorized trails.

Section 2.2 Wildlife Protection

(b) (2) Hunting and trapping is not permitted.

Justification: Hunting and trapping is not authorized as a discretionary activity in the park's enabling legislation.

(e) The viewing of wildlife with an artificial light source is prohibited in all park areas.

Justification: Viewing of wildlife with an artificial light source may negatively impact wildlife behavior and requires that the visitor be in violation of the park's sunset closure regulation.

Section 2.3 Fishing

Fishing is permitted in Stones River and shall be in accordance with Tennessee State Fishing Regulations and restricted to areas that can be reached using authorized trails.

Justification: Restricting fishing activities to sites reachable using authorized trails minimizes the impact on park resources.

Section 2.4 Weapons, Traps, and Nets

In accordance with **P.L.111-24 Section 512**, members of the public with valid concealed carry permits, may carry loaded weapons (as prescribed by their permit) in the park. Firearms are not permitted in federal buildings, and the use of firearms is prohibited within the park.

Carrying or possession of traps or nets is prohibited, except for employees, agents or cooperating officials in the performance of their official duties. The superintendent may permit NPS personnel and Volunteers-in-the-Parks to carry approved, reproduction Civil War period shoulder weapons, side-arms, swords and belt knives while participating in living history programs.

Justification: Use of legally possessed firearms present a grave threat to public safety and park resources. Unauthorized use of traps or nets creates a public safety hazard and will negatively affect park resources. Use of reproduction historic weapons during interpretive programs strictly adhere to NPS policies.

Section 2.6 Gathering/Removal of Plants By Federally Recognized Tribes

Federally recognized tribal governments are required to make a written request to a specific park to enter into an agreement for tribal members to gather plants from the park. That written request must explain how the tribe is traditionally associated with the park and how that association predates the establishment of the park. The tribe's request must also provide a brief explanation of the traditional purposes to which the gathering activity relates, and a description of the gathering and removal activity that the tribe wants to conduct.

Once such a written request is received, a park superintendent has 90 days to respond to the request from a tribe. If it is determined that the Indian tribe has a traditional association with the park area, and that the proposed gathering is a traditional use of the park area by the tribe, then the park may begin consultation with the tribe on the creation of a plant gathering agreement that will outline the management of the activity and administer the Special Use Permits that will be used to identify designated tribal members for plant gathering. The NPS will not regulate out-of-park activities in gathering agreements or permits issued in conjunction with a gathering agreement.

The plant gathering agreements are between one specific Indian tribe and a specific park. The regulation does not allow multiple-tribe or multiple-park agreements. Each specific gathering agreement also requires an Environmental Assessment (EA) that leads to a Finding of No Significant Impact (FONSI) before the agreement can be finalized. Regional Directors are

required to provide written concurrence for each plant gathering agreement.

The agreements themselves are minimally required to contain information on twelve different criteria:

The name of the Indian tribe authorized to collect plants and plant parts.

- The basis of the tribe's eligibility to enter into the agreement.
- A description of the system to be used to administer the gathering, including a clear means of identifying tribal members who, under the permit, are designated by the Indian tribe to gather and remove plants or plant parts.
- A means for the tribal government to regularly inform the NPS on which tribal members are the current gathering designees of the tribe.
- A description of the specific plants or plant parts that may be gathered.

- Specification of the size and quantity of the plants or plant parts that may be gathered.
- Identification of the times [seasons] and locations at which the plants or plant parts may be gathered.
- Identification of the methods that may be used for gathering.
- The sale or commercial use of natural products within the park, including plants or plant parts gathered under an agreement and permit, is prohibited.
- Protocols for monitoring gathering activities, and thresholds above which NPS and tribal management intervention will occur.
- Operating protocols and additional remedies for noncompliance with the terms of the agreement; and
- A list of key officials.

The agreements may have additional information added as a result of consultation between the tribe and the park, or to address specific ecological conditions found at a park, such as specific locations to gather specific species: Specific park areas may be closed to gathering for specific reasons as outlined in the regulation at 36CFR 2.6(h).

Justification: The National Park Service has provided a process for allowing federally recognized Native American tribes to request permission to gather plants for traditional uses, providing such gathering can be documented as traditional to the site and will not adversely impact park resources.

Section 2.10 Camping and Food Storage

(a) Recreational camping is not permitted. Living history encampments are permitted at designated sites in conjunction with an approved volunteer agreement. Scouting and other youth organizations may be permitted to camp as part of a planned interpretive program with a written agreement.

Justification: There are no facilities or staffing to accommodate public camping while ensuring that activity will not adversely affect public safety, visitor experience and park resources.

Section 2.11 Picnicking

Picnicking is permitted only in the designated area adjacent to the parking lot near the visitor center. Picnic tables are available. Picnicking is prohibited at all other locations.

Justification: Picnicking in areas other than the designated picnic area will negatively affect the experience of visitors using the park according to its legislative mission. Trash may create a safety hazard and negatively affect natural resources.

Section 2.13 Fires

(a) (1) Charcoal fires in self-contained grilling devices are not permitted. Ground fires (fire pits) are permitted only for interpretive living history encampments at a location approved by the Superintendent or the designee.

Justification: The use of grills or open fires by the public is prohibited to mitigate fire hazards.

(b) All permitted fires shall be completely extinguished prior to the user leaving the area.

(c) (1) Upon receiving notice from the Tennessee Forestry Division and without prior public notice, all fires are prohibited during times of high fire danger.

Section 2.15 Pets

(a) (1) No pets are permitted in the park Visitor Center, except service animals.

Justification: The presence of pets in the visitor center may disrupt the experience of other visitors and may present safety and sanitation hazards.

(a) (2) Pets must be crated, caged, or restrained on a leash not exceeding 6 feet at all times in the park.

Justification: Restraint of pets reduces risks to pets and protects other visitors and wildlife from unwanted contact.

(a) (3) Leaving a pet unattended and tied to an object is prohibited.

Justification: Pets must be supervised for their safety and the safety of the public.

(a) (5) Pet owners must properly dispose of all pet excrement. Excrement must be bagged and disposed of in a trash receptacle.

Justification: Undisposed pet excrement presents a public safety hazard and may have negative effects on wildlife behavior.

(d) Animals found running loose or wild in the park without any identification will be turned over to the Rutherford County Rabies Control/Humane Society.

Justification: Park does not have staffing or facilities to provide for long term animal boarding.

Section 1.16 Horses and Pack Animals

(g) Horseback riding is prohibited in the park. Horses, horseback riding, and pack animals may be used by volunteers engaged in approved living history demonstrations when this activity is determined to be an essential part of the program.

Justification: Park trails are not designed to safely accommodate horseback riding and other recreational uses. Horse waste may introduce invasive species and have a negative impact on the experience of other visitors.

Section 2.20 Skating, Skateboards, and Similar Devices

The use of skateboards, roller skates, and other coasting devices are prohibited on all park roads, trails, and parking areas.

Justification: Paved roads, parking lots and trails are not designed to safely support skating, skateboarding, nor similar activities.

Section 2.21 Smoking

(a) Smoking is prohibited in all park buildings and within 50 feet of the powder magazine or gas pumps. Smoking is **not** permitted in park quarters.

Justification: Smoking prohibitions comply with Department of the Interior regulations (310.DM 11.1).

Section 2.35 Alcoholic Beverages and Controlled Substances

(a) (3) Consumption of alcoholic beverages is not permitted unless approved through a special park use permit.

Justification: Consumption of alcoholic beverages is inconsistent with acceptable recreational uses and present potential public safety and resource damage hazards.

Section 2.51 Public Assemblies, Meetings

(a) Groups of 25 people or less will not be required to obtain a permit for a public gathering. Individuals or small groups may exercise their First Amendment rights provided that all other requirements of this section are met including use of the designated area(s) for public gatherings and distribution of printed matter.

Justification: This provision meets National Park Service policy directives based on the U.S. Circuit Court decision in *Boardley v. United States Department of the Interior*.

(b) The designated areas for public gatherings are the mown areas adjacent to the picnic area. Gatherings are not permitted to obstruct sidewalks, trails, roads and may not interfere with public access to interpretive displays and exhibits.

Justification: The designated areas for public gatherings are located near the visitor center which is the focal point of public activity in the park. The areas are sited to ensure public gatherings do not unduly interfere with the experience of other visitors and minimize the potential for resource damage.



1- Designated Public Gathering and Print Distribution Areas

Section 2.52 Sale or Distribution of Printed Matter

(a) Groups of 25 people or less will not be required to obtain a permit for distribution of printed matter. Individuals or small groups may exercise their First Amendment rights provided that all other requirements of this section are met including use of the designated area(s) for public gatherings and distribution of printed matter.

Justification: This provision meets National Park Service policy directives based on the U.S. Circuit Court decision in *Boardley v. United States Department of the Interior*.

(b) The designated areas for sale or distribution of printed matter are the same areas designated for public gatherings (see map above).

Justification: The designated areas for public gatherings are located near the visitor center which is the focal point of public activity in the park. The areas are sited to ensure activities do not unduly interfere with the experience of other visitors and minimize the potential for resource damage.

Section 4.21 Speed Limits

(b) The maximum speed limits on all public roads in the park are posted.

Justification: Speed limits enhance public safety and protect wildlife.

Section 4.30 Bicycles

(d) Bicycles may be ridden in accordance with Tennessee State law on all paved park roads and trails. Bicycles are prohibited on walkways around the visitor center and all unpaved trails.

Justification: Bicycles are restricted to roads and paved trails to enhance public safety and protect park resources from damage.

(i)(1) Electric Bicycles

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

All classes of e-bikes are allowed in Stones River National Battlefield where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30 (h) (3)-(5).

Except as specified in this Compendium, the use of an e-bike within Stones River National Battlefield is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

Justification: Electric bicycles are restricted to roads and paved trails to enhance public safety and protect park resources from damage.

36 CFR- Part 12 – National Cemetery Regulations
36 CFR 12.4 Special Events and Demonstrations

Conducting a special event or demonstration, whether spontaneous or organized, is prohibited in Stones River National Cemetery except for official commemorative events conducted for:

- Memorial Day
- Veterans Day

In addition, the superintendent has designated the following dates to permit co-sponsored events to commemorate those interred at the national cemetery:

- Juneteenth
- Wreaths Across America Day
- Battle of Stones River Anniversary Commemoration

Justification: 36 CFR 12.4 restricts special events or demonstrations to official commemorative events on dates such as Memorial Day, Veterans Day and other dates designated as having special historic and commemorative significance to a particular cemetery.