



National Park Service
U.S. Department of the Interior

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

New Bedford Whaling
National Historical Park

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Approved:

"Signature on File" Date: April 12, 2024

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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:

<https://www.ecfr.gov/current/title-36>

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 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 33 William Street New Bedford, MA 02740. It may also be found at <https://www.nps.gov/nebe/learn/management/lawsandpolicies.htm>.

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 New Bedford Whaling National Historical Park. 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

(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:

Visiting Hours:

- The Visitor Center is open Wednesday through Sunday
- The Visitor Center is closed Thanksgiving Day, Christmas Day (December 25), and New Year's Day (January 1)
- Visitor Center hours are 9:00 AM to 4:00 PM
- All park offices are closed to the public during non-business hours
- The Visitor Center garden is open to the public during regular business hours and is closed after dark

Public Use Limits:

- Corson Building Theater is limited to 55 people
- Visitor Center is limited to 30
- Visitor Center Garden is limited to 60 people (standing) and 30 people (sitting)
- Assembly use/standing room only of the Corson Building MakerSpace (2nd floor) is limited to 200 people
- Assembly use with seating of the Corson Building MakerSpace (2nd floor) is limited to 100 people

- Educational use of the Corson Building MakerSpace (2nd floor) use is limited to 80 people

Closures:

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of New Bedford Whaling National Historical Park is prohibited except as approved in writing by the superintendent.

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.

The use of unmanned aircraft within the boundaries of New Bedford Whaling National Historical Park has the potential to harm visitors, disturb wildlife, impact view sheds, cause excessive noise, and interfere with other visitors' enjoyment of the area. This prohibition is implemented as an interim measure while this new use can be properly evaluated. A less restrictive approach is not appropriate at this time due to the impacts the devices could potentially present to visitor safety, park values, and to park resources. The interim prohibition will safeguard these values while the NPS considers how to address this new use on a long-term basis.

NPS Management Policies (1.5) require Park Superintendents to use caution when a park is confronted with a new park use such as unmanned aircraft. This type of activity is completely foreign to the historical nature of the park. Less restrictive measures will not suffice due to the historically inaccurate presence of motorized flying objects in the vicinity of the park visitor center and sites with the noise that they may produce.

Determination: The closure is in effect to maintain the historical significance of New Bedford Whaling NHP, to protect the park's natural and cultural resources and to provide for public safety.

- The use of bicycles including e-bikes (see Definition below), roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited in on park property

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.).

Determination: The closure is in effect to maintain the historical significance of New Bedford Whaling NHP, to protect the park's natural and cultural resources and to provide for public safety.

Public Health Requirements During COVID-19:

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.

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

Areas Designated for a Specific Use or Activity:

Special uses and activities are managed through the Special Use Permit process. When applying for a permit, the applicant must specify what area of the park they would like to use for the intended special use. Each application will be handled individually. In the instance that two separate applicants are requesting use of the same area on the same day, they will be handled on a "first come, first served" basis.

The permit process allows NPS to protect park resources and guarantees groups a priority for a space when multiple groups or individual demonstrators want to use a designated first amendment area in a park.

CCTV Policy Statement

In accordance with National Park Service Law Enforcement Reference Manual 9 (RM-9), notice is hereby given that New Bedford Whaling National Historical Park 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

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 issuance of a permit.

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

Special Use Permits may be obtained by accessing an application at www.nps.gov/nebe and clicking on "Reserve" on the main page, or by calling the Park at (508) 996-4095.

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.

III. GENERAL REGULATIONS

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

Individuals are authorized to possess, carry, and transport concealed, loaded, and operable firearms within NPS areas in accordance with applicable state and federal law. Possession of firearms is prohibited in Federally-owned or leased buildings. The law regarding discharge of firearms remains unchanged.

This wording reflects implementation of 512, P.L. 111-24, Credit Card Accountability Responsibility and Disclosure Act of 2009, 123 Stat. 1764-65 § 512 effective February 22, 2010

36 CFR §2.12 – AUDIO DISTURBANCES

(a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in no developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51.

36 CFR §2.15 – PETS

(a)(1) Possessing pets in public buildings, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:

- Visitor Center
- Corson Theater

This subparagraph does not apply to guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

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

Restrictions are intended to protect the health and safety of visitors.

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 as noted:

- All park buildings and grounds

Smoking is prohibited to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities. [§2.21(a)]

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:

- All park buildings and grounds

36 CFR §2.37 – NONCOMMERCIAL SOLICITING

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions or a permit that has been issued under §2.50, §2.51, or §2.52.

36 CFR §2.38 – EXPLOSIVES

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

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, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefor has been issued by the superintendent.

36 CFR §2.51 -- DEMONSTRATIONS

(b) 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.

See §2.51(b)(1) for permitting criteria.

Demonstrations involving 25 persons or fewer may be held without a permit in designated park areas, provided that the requirements in §2.51(b) are met. The 25 person maximum for the small group permit exception may be reduced pursuant to §2.51(b)(3).

(c)(2) The following locations are designated as available for demonstrations:

- Brick-paved area of exterior courtyard between Corson Building and Visitor Center

36 CFR §2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER

(b) 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.

See §2.52(b) for permitting criteria.

Sale or distribution activity by 25 persons or fewer may be conducted without a permit in designated park areas, provided that the requirements in §2.52(b) are met. The 25 person maximum for the small group permit exception may be reduced for a designated available area, pursuant to §2.52(b)(3).

36 CFR §2.62 – MEMORIALIZATION

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

36 CFR §4.30 – BICYCLES

(a) The use of a bicycle is prohibited except on park roads, in parking areas, and on routes designated for bicycle use. Park roads and parking areas that are closed to bicycle use are listed in §1.5 of this document.

e-Bikes

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.).

The following additional routes, in developed areas or special use zones, have been designated for bicycle use:

- Bicycles to include “e-Bikes “are not permitted within the boundaries of the Park.

The closure is in effect to maintain the historical significance of New Bedford Whaling NHP, to protect the park’s natural and cultural resources and to provide for public safety.

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 §5.3 – BUSINESS OPERATIONS

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

36 CFR §5.5 – COMMERCIAL FILMING, PHOTOGRAPHY and AUDIO Recording

(a) Commercial filming and still photography activities are subject to the provisions of [43 CFR part 5, subpart A](#). Failure to comply with any provision of [43 CFR part 5](#) is a violation of this section. See [43 CFR 5.2](#) for provisions.

(b) Audio recordings require a permit if any 36 CFR 5.5(b)(1-4) are met.

All commercial filming requires a permit. Photography requires a permit if 43 CFR 5.2(b) conditions are met. Potential location fees and cost recovery fees could be required. See above "Activities that require a permit" for more information.