

FORT SCOTT NATIONAL HISTORIC SITE

SUPERINTENDENT'S COMPENDIUM

2011

Under the provisions of Title 16, United States Code (U.S.C.), Section 3, and Title 36, Code of Federal Regulations (CFR), Chapter 1, Parts 1-7, the following Superintendent's Orders (Compendium) are established for the management, protection, and public use of Fort Scott National Historic Site.

These orders compliment and apply in addition to the regulations contained in Parts 1-7 of Title 36 CFR and become effective on the approval date indicated with the Superintendent's signature, below.

This Compendium in no way restricts or limits the authority of the Superintendent to otherwise place, at any time, further short term restrictions or closures on any use or activity for public and employee safety, natural and cultural resource management and protection, maintenance, or any other administrative activity.

Please send any written comments to: Superintendent, Fort Scott National Historic Site, PO Box 918 Fort Scott, KS 66701 ATTN: Chief Ranger.

If you would like further information, please contact the Chief Park Ranger at 620-223-0310 or e-mail: kelley_collins@nps.gov

RECOMMENDED: _____ /s/ Kelley A. Collins _____ 2/15/2011 _____
Kelley A. Collins, Chief Park Ranger Date

APPROVED: _____ /s/ Betty J. Boyko _____ 2/15/2011 _____
Betty J. Boyko, Superintendent Date

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Superintendent's Compendium

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A. INTRODUCTION

1. Superintendent's Compendium Described

Fort Scott National Historic Site Superintendent's Compendium is the summary of park specific rules implemented under the discretionary authority of the park Superintendent. It serves as public notice with an opportunity for public comment, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on those public use and resource protection regulations that pertain to the specific administration of the park. It does not contain those regulations found in 36 Code of Federal Regulations (CFR) and other United States Codes (U.S.C.) 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 this Section, however, requires the Superintendent to comply with the Administrative Procedures Act (5 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 or unoccupied seashells which may be gathered by hand for personal use. 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 36 CFR, Sections 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 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 Code of Federal Regulations is also available on the Internet at:
http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html.

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority in 16 U.S.C. Section 1 et seq. (National Park Service 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 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."

36 CFR Section 1.7(b) requires the Superintendent to compile in writing all the designations, closures, permit requirements, and other restrictions imposed under discretionary authority. This compilation, called the Superintendent's Compendium, shall be updated annually and made available to the public upon request.

In addition to the above statutory authority, the Superintendent is also guided by established NPS policy as found in the NPS Management Policies (2001). As stated in this policy document, 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 visitors 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. Each park 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 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 does 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 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 for that particular NPS area. The decision criteria used during this process are:

- Is the use or activity consistent with the National Park Service 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 or impair 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 within the boundaries of Federally owned lands and waters administered by the NPS as part of Fort Scott National Historic Site. This includes all water 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 States 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, along with 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 programs and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent
Fort Scott National Historic Site
PO Box 918
Fort Scott, KS 66701
ATTN: Superintendent's Compendium

or e-mail your comments to: betty_boyko@nps.gov. Please title the subject box: Superintendent's Compendium.

9. Effective Date of the Superintendent's Compendium

The Superintendent's Compendium's is effective on the approval date listed first page of the 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 have specific meaning defined in 36 CFR § 1.4 Definitions.

11. Availability

Copies of the Compendium are available at Fort Scott National Historic Site, Old Fort Boulevard, Fort Scott, KS 66701. It may also be found at: www.nps.gov/fosc. Look under Management Documents.

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 Fort Scott national Historic Site. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 26 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, Closures, Public Use Limits, and Area Designations for Specific Use of Activities

(a)(1) The following visiting hours and public use limits are established for all or a portion of the park and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours

- The park visitor center and historic structures are open daily for public visitation from 8:00 a.m. – 5:00 p.m. (Apr – Oct) and 9:00 a.m. – 5:00 p.m. (Nov – Mar). The buildings are closed on New Year's Day, Thanksgiving and Christmas.
- The park grounds, walkways and parking lot are open from ½ hour before sunrise until ½ hour after sunset. The Superintendent may make exceptions in the case of special events or permitted special park uses.

Public Use Limits

- Open containers of food or drink, eating, drinking, gum and tobacco chewing are prohibited in rooms exhibiting or storing museum objects. An exception is allowed for rooms designated as living history zones where cooking and eating may take place as part of the park interpretive program.

- Gyroscopic stabilized mobility devices, commonly referred to as Segways, shall be considered as a motorized wheelchair when operated by person with disabilities and may be operated by disabled persons throughout Fort Scott National Historic Site. All other use of gyroscopic stabilized mobility devices is prohibited.

Closures

- Rooms displaying or containing museum objects and other barricaded areas are closed to the visiting public. Visitors escorted by park employees are exempt.

Determination: This closure is necessary for the protection of the park's cultural resources and museum collection. Less restrictive measures would allow potential damage to or theft of irreplaceable cultural resources.

- Camping is prohibited unless it takes place in conjunction with an approved interpretive activity.

Determination: Fort Scott National Historic Site was established to commemorate Fort Scott's role in the opening of the West, the Civil War, and the strife in the state of Kansas that preceded it. The compact nature of the site does not provide an appropriate location for camping that would not impact the cultural landscape and the study and reflection of the historic events associated with the site. Less restrictive measures would allow potential damage to irreplaceable cultural resources and impact the desired visitor experience.

- The park is closed to recreational and sporting activities that potentially detract from the historic setting of the park, result in conflict among visitor use activities, or threaten the cultural resources. Prohibited activities include but are not limited to the following, bicycling, skating, (including in-line skating), skateboarding, ball playing, kite flying, model airplane flying, throwing objects (Frisbees, balls, etc.), sledding, and sunbathing. Prohibited activities do not include walking, hiking, strolling, or jogging. Exceptions may be allowed for recreational activities that are historic in nature and are planned as part of the park interpretive program.

Determination: Fort Scott National Historic Site was established to commemorate Fort Scott's role in the opening of the West, the Civil War, and the strife in the state of Kansas that preceded it. The compact nature of the site does not provide an appropriate location for recreational and sporting activities that would not impact the cultural landscape and the study and reflection of the historic events associated with the site. Less restrictive measures would allow potential damage to irreplaceable cultural resources and impact the desired visitor experience.

- The park bone yard, mechanical rooms, administrative offices, and maintenance shop are closed to visitor use. Persons escorted by park employees are exempt.

Determination: These closures are necessary for the maintenance of public safety, security of governmental functions, and protection of government property. Less restrictive measures would expose the public to potential safety hazards and allow potential damage to and theft of government property and information.

- Climbing on trees, historic structures (including but not limited to fences, walls and railings), wagons, artillery pieces, and interpretive props is prohibited.

Determination: These restrictions are necessary for the maintenance of public safety and protection of natural and cultural resources. Less restrictive measures would allow potential damage to irreplaceable natural and cultural resources or expose the public to potential safety hazards.

- The park service road is closed to the public.

Determination: The service road is a dead end road and is closed for public safety, security of government property, and protection of the park resources. Less restrictive measures would expose the public to safety hazards and allow potential damage to and theft of government property.

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

First Amendment Area

- Certain areas within the park have been designated for the exercising of First Amendment rights. They are as outlined on the attached map, the north half of the Bus parking lot from the north edge of the brick path through the prairie, to the north curb of the parking lot. Additionally, the grassy area from the south side of HS-7 (Infantry Barracks) and HS-10 (stables) south to the curb along Old Fort Boulevard, west to the boundary and east onto the bricks ending on a line from southwest corner of HS-8 (Hospital) to the curb. Also the grassy area south of HS-9 (Guardhouse) from the bricks on the west to the park boundary on the east and south. A Special Use Permit must be obtained in advance of the activity.

Determination: Fort Scott National Historic Site was established to commemorate Fort Scott's role in the opening of the West, the Civil War, and the strife in the state of Kansas that preceded it. First amendment activities within the parade ground core have the potential to interfere with visitors' ability to study and reflect upon the historic events associated with the site. Less restrictive measures would negatively impact visitor understanding and appreciation of the site and detract from the commemorative nature of the site. The remainder of the park, designated as the park perimeter, is available for First Amendment activities.

Horse Use Areas

- Horses and pack animals are also allowed on the grounds and in the stables as part of a park sponsored interpretive activity.

Determination: Demonstrations of 19th century horse and pack animal use are an integral part of the park interpretive program.

II. 36 CFR § 1.6 - Activities that Require a Permit

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

§ 1.5(d) Geocaching

§ 2.4(d) Carry/possess a weapon, trap, or net

§ 2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)

§ 2.12 Audio Disturbances:

(a)(2) Operating a chain saw in developed areas

(a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to 2.5 or 2.51

§ 2.17 Aircraft & Delivery:

(a)(3) Delivery or retrieval of a person or object by parachute, helicopter, or other airborne means

§ 2.37 Soliciting or demanding gifts, money, goods or services (Pursuant to the terms and conditions of a permit issued under 2.50, 2.51 or 2.52.

§ 2.38 Explosives:

(b) Use or possess fireworks

§ 2.50(a) Conducting a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events

§ 2.51(b) Public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views of groups more than 25 persons.

§ 2.52(b) Sale and distribution of printed material that is not solely commercial advertising by more than 25 persons.

§ 2.62 Memorialization:

(a) Erection of monuments (Requires approval from Regional Director)

(b) Scattering ashes from human cremation

§ 5.3 Engaging in or soliciting any business (requires a permit, contract or other written agreement with the United States or must be pursuant to special regulations)

§ 5.5(a) Commercial filming of motion pictures or television involving the use of professional casts, settings, crews, other than bona fide newsreel or new television

§ 5.5(b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising

III. **GENERAL REGULATIONS**

36 CFR § 2.1 – Preservation of Natural, Cultural, and Archeological Resources

(a)(4) Downed dead wood may be collected anywhere in the park for use in approved fires within the park.

(a)(5) Individuals may enter and traverse all historic buildings and all archeological features/cultural resources with the exceptions of the latrine (HS-22) and any exposed or uncovered archeological feature. Climbing on any historic structure or archeological feature including walls is prohibited unless it is done in the conduct of official government business such as with research studies or maintenance and preservation work.

(c)(1) Edible mushrooms, fruits, nuts, and berries may be gathered by hand for personal use and consumption. The allowable limit is one quart per person, per day for berries, fruits, and mushrooms and one-half bushel per person, per day for nuts. The commercial use of gathered items is prohibited. The use of bush rakes or other harvesting devices is not allowed. Disturbing or damaging the park's natural or cultural resources to obtain these edibles is prohibited (including climbing trees, pulling vines, and breaking branches).

Determination: Historically visitors have enjoyed collecting fruits, berries, and nuts for personal consumption within Fort Scott NHS. These native natural resources are renewable. The collecting of plant fruits is not of a nature, magnitude and duration that will result in a significant alteration in the public use pattern because they are a sustainable and renewable natural resource. As such this does not affect the park's natural aesthetic or cultural values or require significant modification to the resource management objectives.

36 CFR § 2.4 - Weapons, Traps, and Nets

Current Volunteers-in-Parks are permitted to carry, transport, and use appropriate historic firearms or traps in accordance with their volunteer agreement. Additionally, a person may possess, carry, and transport concealed, loaded, and operable firearms within Fort Scott National Historic Site in accordance with the laws of the state of Kansas, except as otherwise prohibited by applicable Federal law. This authority does not extend to Federal facilities within the park (18 U.S.C. 930(a)). Federal facilities include: the Visitor Center (HS-8), the Maintenance Shop (HS-10), the Administrative Office (HS-1), and the Ranger Office (HS-7).

36 CFR § 2.11 – Picnicking

Conditions for Picnicking

- No cooking devices including portable stoves or grills are allowed.
- No portable furniture or tables are permitted unless they are used as part of an authorized interpretive program. Picnic tables and benches for seating are provided in designated locations within the park.
- Picnicking is not allowed within historic structures with the exception of the Grand Hall when arrangements are made in advance.

36 CFR § 2.13 - Fires

(a)(1) Fires are prohibited unless authorized as part of an approved interpretive activity and are restricted to designated fire receptacles.

36 CFR § 2.15 - Pets

(a)(1) Properly restrained pets are permitted in all areas of Fort Scott National Historic Site with the exception of public buildings. This restriction does not apply to service animals accompanying sensory impaired persons.

(a)(5) Pet excrement must be removed from the park grounds by the person responsible for the pet.

36 CFR § 2.16 - Horses and pack animals

(a) The following animals are designated as pack animals:

- Horses, mules, oxen.

(b) The use of horses is allowed on the following trails, routes or areas:

- Horses and pack animals are also allowed on the grounds and in the stables as part of a supervised interpretive activity.

36 CFR § 2.21 - Smoking

(a) Smoking is prohibited in all buildings and on the second story porches of the buildings. Additionally, smoking is prohibited within 15 feet of the tallgrass prairie, within 25 feet of the park above ground fuel tanks or portable fuel tanks, within any Government vehicle or within 25 feet of any Government vehicle while fueling, and anywhere in the park during posted fire bans.

36 CFR § 2.23 - Recreation fees

(a) Recreation fees, and/or a permit, in accordance with 36 CRF part 71, are established for the following entrance fee areas and/or for the following group's activity or specialized recreation uses:

(b) Entrance fee:

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

(c) Special Use Permit Fee (Such as but not limited to, group activities and other special uses)

- Grand Hall - \$50.00 per day
- Actual cost recovery for administering and managing the permit.

(d) Fees may be suspended in the public interest during times designated by the NPS and at the authorization of the superintendent.

36 CFR § 2.38 - Explosives

(a) The use of black powder for appropriate historical firing demonstrations may be permitted by the Superintendent when such activities are under the supervision of a National Park Service certified Black Powder Safety Officer.

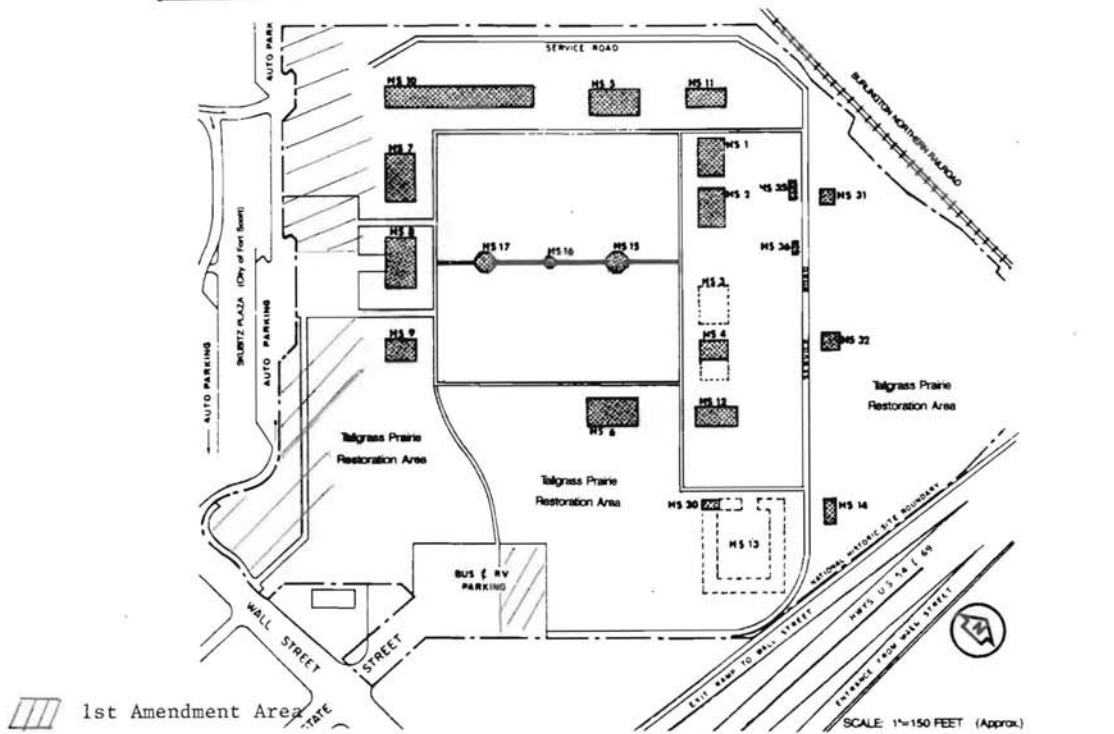
36 CFR § 4.30 - Bicycles

- (a) Bicycle use is allowed in the RV/Bus parking lot and the road leading to the lot. "Use of a bicycle" means riding. Bicycles may be walked through the Park grounds but must be dismounted and attended by the owner.

END

Figure 4

FORT SCOTT'S HISTORIC STRUCTURES and THEIR CURRENT USES
 (Current status of structures is noted in parentheses)



- | | | |
|---------------------------------------|--|------------------|
| ● HS-1 OFFICERS' QUARTERS | (Park Headquarters and furnished historic quarters) | |
| ● HS-2 OFFICERS' QUARTERS | (Exhibits with limited public access) | |
| ● HS-3 OFFICERS' QUARTERS | (No existing structure) | |
| ● HS-4 OFFICERS' QUARTERS | (Park storage) | |
| ★ HS-5 DRAGOON BARRACKS | (Exhibits and furnished historic quarters) | |
| ★ HS-6 INFANTRY BARRACKS | (Grand Hall, public restrooms, living history clothes storage & dressing rooms) | |
| ★ HS-7 INFANTRY BARRACKS | (Ranger officers and exhibits) | |
| ● HS-8 HOSPITAL | (Visitor information/orientation, book sales, public restrooms, & historically furnished wardroom) | |
| ★ HS-9 GUARDHOUSE | (Furnished -- open to public) | |
| ★ HS-10 DRAGOON STABLES | (Park maintenance shop with north end historically furnished) | |
| ★ HS-11 ORDNANCE/POST HEADQUARTERS | (Furnished -- open to public) | |
| ● HS-12 QUARTERMASTER STOREHOUSE | (Furnished -- open to public) | |
| ● HS-13 QUARTERMASTER QUADRANGLE SITE | | |
| ● HS-14 BAKERY | (Furnished -- open to public) | |
| ★ HS-15 WELL CANOPY | | |
| ★ HS-16 FLAGPOLE | | |
| ★ HS-17 MAGAZINE | (Furnished -- open to public) | |
| ● HS-30 STONE BUILDING | (Park storage) | ● RESTORATION |
| ● HS-31 CARRIAGE HOUSE | (Wheeled vehicle exhibit) | ★ RECONSTRUCTION |
| ● HS-32 CARRIAGE HOUSE | (Park storage) | |
| ● HS-35 OUTBUILDING | (Park storage) | |
| ● HS-36 OUTBUILDING | (Park storage) | |