



**National Park Service
U.S. Department of the Interior**

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

P. O. Box 426
170 Mile Creek Road
Grand Portage, MN 55605

Approved:

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/s/ Timothy Cochrane Date: 3/12/2010
Amended Date: 10/20/2011

Timothy Cochrane, Superintendent

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.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the national Park System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

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

The National Park Service (NPS) is granted broad statutory authority under 16 United States

Code (U.S.C.) Section 1 *et seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S.C. Section 1c defines the National Park System as "...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes."

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, than that Superintendent is obliged to place limitations on public use.

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

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

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

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

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

- Is 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 Lead Park Ranger at the park address found below.

8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent
P.O. Box 426
170 Mile Creek Road
Grand Portage, MN 55605

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 Grand Portage National Monument, P.O. Box 426, 170 Mile Creek Road, Grand Portage, Minnesota 55605. It may also be found at www.nps.gov/grpo/parkmgmt.

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 Grand Portage National Monument. 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.

TREATY RIGHTS (Treaty of LaPointe, signed September 13, 1854 and ratified January 10, 1855)

Nothing in this Compendium of its implementation is intended to modify, abrogate or otherwise adversely affect tribal reserved or treaty-guaranteed rights applicable within Grand Portage National Monument. These rights may include hunting, trapping, fishing, and the gathering of plants.

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 Heritage Center summer season hours (June 21 to October 14) is: 8:30 to 6:00 p.m. every day of the week. The summer season hours for the historic depot area (Great Hall, Kitchen, and Canoe Warehouse) are 9 a.m. to 5:00 p.m, everyday of the week.
- The winter-spring season (October 15 to June 20) hours for the Heritage Center are: 8:30 a.m. to 5:00 p.m. Monday through Friday. The Heritage Center is closed Saturday and Sunday during the winter season. The historic depot area is closed for the winter.
- The Grand Portage trail is open for use year round, free to the American public and British citizens as per the Webster-Ashburton Treaty of 1842.

Public Use Limits:

- Overnight docking at the monument's dock is permitted only by permit, except during storm conditions, which prohibits safe anchorage or navigation. However, as per the enabling legislation of the Monument (P.L.85-910, Section 8), recognized members of the Minnesota Chippewa Tribe may use the dock without permit.

Determination: The restriction of use of the dock as moorage is necessary to ensure safe use of the dock by visitors and maintain the historic character of the dock so visitors can view the historic area from the dock.

Fort Charlotte camping limits are 10 persons or less per group and a maximum stay of 5 consecutive days.

Camping along Lake Superior shoreline is authorized only during park sponsored events, including but not limited to Rendezvous Days and service projects and other events authorized by the superintendent. Rendezvous event campers must be registered for the event.

Determination: Limiting group size protects adverse impacts to natural and cultural resources at Fort Charlotte. There are no regularly designated camp sites along the Lake Superior shoreline because of the open areas are used for other purposes (picnicking), fragile resources, and to maintain the historic character of the area.

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

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

- Specimen Collecting
- Back-country camping
- Special events (including weddings)
- Soliciting or demanding gifts, money goods or services
- Public assembly
 - Location: First amendment activities are permitted outside of the historic depot in the mowed area west of Grand Portage Creek, north of the stockade and gatehouse, east of the northeastern stockade line and south of Mile Creek Road (Co.Rd. 17) shoulder. This is the former parking lot and ranger station area (see map page 9).
 - Exception: Groups of 25 persons or fewer do not need a permit for first amendment activities in the assembly location.
- Sale/distribution of Printed Material
- Memorialization (scattering ashes from cremation)
- Business Operations
- Commercial Photography

III. GENERAL REGULATIONS

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

(a)(4) Dead wood and drift wood found on the ground may be collected for use as fuel for campfires at Fort Charlotte or during special events at the Lake Superior shoreline area where campfires are permitted.

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending or traversing the listed archeological or cultural resource, monuments or statues: Public entry to any historic building or structure, or any part thereof, is permitted, provided the building,

structure or part thereof is open to normal public access.

(b) Leaving the paved portion of the Mount Rose Trail for the purpose of “short-cutting” between portions of the Trail is prohibited.

36 CFR §2.3 – FISHING

(a) All Grand Portage Band of Minnesota Chippewa Tribe fishing laws and or regulations apply.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

(a)(2)(i) Weapons, traps, or nets may only be carried, possessed or used at the following designated times and locations:

- As authorized in accordance with tribal and federal law

36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for certain campgrounds or camping activities, and conditions for camping and camping activities are in effect as noted:

- A backcountry permit is required for all overnight stays in the backcountry at Fort Charlotte. The party size is limited to 10 or less people and the maximum stay is 5 consecutive days.
- The superintendent may permit camping outside the designated areas during special events.

36 CFR §2.11 – PICNICKING

Picnicking is permitted in all areas except the following:

- Within the historic palisade walls
- Within the historic buildings and Heritage Center
- Where the activity would interfere with normal agency functions, contribute or cause a safety hazard, or it interferes with visitor activities in progress.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

Designated Areas:

- At Fort Charlotte within designated fire rings
- During special events on specially designated areas
- Campfires are allowed in additional areas open to the kindling of fire for an activity which supports interpretive activities at the Monument
 - Use of portable camp stoves, including charcoal burners, is permitted in the picnic areas and in designated campsites
 - Any remnants of a fire must be extinguished, cold to the touch, free of litter with no evidence of food remains that could attract animals and remnants dispersed.

(c) During times of extreme fire danger, the superintendent may close all or portions of the monument to open fires by positing notifications on park information boards and at back-country self-registration boxes

Determination: Closures of areas to fire is for human safety and the protection of natural and cultural resources.

36 CFR §2.15 – PETS

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

- **Pets are not allowed in historic depot area (gatehouse, Kitchen, Great Hall, Canoe Warehouse, Ojibwe structures, restrooms), maintenance buildings, and Heritage Center**
- **Pets are not allowed in seasonal park quarters.**
Guide or Service dogs” for seeing impaired or physically handicapped persons are permitted within all park facilities.

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

- **Pet excrement must be immediately collected and disposed of in the nearest trash receptacle or buried in a forested area using a small hole dug in soil at least six inches deep or at least 200 feet from any trail, campsite, or water.**

36 CFR §2.18 – SNOWMOBILES

(c) Snowmobiles may be operated only on routes traversing the monument designated in section §7.59

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:

- **In all monument buildings except single family housing**
- **All areas within the palisade walls.**
- **Within 25 feet of any entrance or exits primarily accessed by the visiting public**
 - **Within 25 feet of any entrance or exit not generally accessed by the public, where smoking would result in smoke traveling through doorways, windows, air ducts or other openings**

36 CFR §2.22 – PROPERTY

(a)(2) Property may be left unattended for periods longer than 24 hours in the following areas and under the following conditions:

- **Motor vehicles may be parked at trailheads with written permission of the superintendent or the completion of a back-country permit.**

36 CFR §2.23 – RECREATION FEES

Entrance to Grand Portage National Monument is free.

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 monument buildings except employee residences
- All monument parking lots
- Within the walls of the historic depot area
- The Superintendent may allow the consumption of alcoholic beverages in closed areas of the monument as part of special event activities, if the consumption of alcohol does not adversely reflect upon the monument or create an unsafe or hazardous situation or have a high likelihood of impairing park resources.

Determination: These restrictions are necessary to protect visitors and their experience while at the monument and avoid visitor use conflicts, and ensure safe and orderly access and operation of major visitor use facilities, as well as protect cultural and historic resources.

36 CFR §2.62 – MEMORIALIZATION

(b) A permit is required for the scattering of ashes from cremated human remains in any part of the monument.

36 CFR §3.3 – VESSEL PERMITS

Permits are required for the moorage of a vessel at the Grand Portage National Monument dock with the exception of vessels owned and operated by members of the Minnesota Chippewa Tribe

Determination: In order to protect the historic character of the North West Company dock limits are enforced on the number of non-historic vessels moored at this dock. Vessels of members of the Minnesota Chippewa Tribe are permitted at the dock as per Section 8 of Public Law 85-910.

36 CFR §7.59 Special Regulations, Grand Portage National Monument

(a) Snowmobiles.

After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, the superintendent may permit the use of snowmobiles on the following designated routes within the National Monument:

- (1) The trail from county Road 73 (near the Grand Portage Trading Post) which moves across the Grand Portage to County Road 17 near the Catholic Church.
- (2) The power line right-of-way road from Country [sic] Road 73 which moves across the Grand Portage Trail.
- (3) The logging road which moves across the Grand Portage Trail in NE 1/4, SE 1/4, Section 32, T64N, R6E.
- (4) Abandoned Highway 61 which moves across the Grand Portage Trail.
- (5) The logging road which moves across the Grand Portage Trail in SE ¼, NW ¼, Section 25, T64N, R5E.

(b) Fishing.

Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

Attachments

Public Assembly:

- Location: First amendment activities are permitted outside of the historic depot in the mowed area west of Grand Portage Creek, north of the stockade and gatehouse, east of the northeastern stockade line and south of Mile Creek Road (Co.Rd. 17) shoulder. This is the former parking lot and ranger station area.
- Exception: Groups of 25 persons or fewer do not need a permit for first amendment activities in the assembly location.

