



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:

[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=76cfbcca068e46fe401e4c06b97a8fba&c=ecfr&tpl=/ecfrbrowse/Title36/36cfrv1\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=76cfbcca068e46fe401e4c06b97a8fba&c=ecfr&tpl=/ecfrbrowse/Title36/36cfrv1_02.tpl)

## **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, 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.

Written comments on the Compendium may be submitted to:

Superintendent  
Apostle Islands National Lakeshore  
415 Washington Avenue  
Bayfield, Wisconsin 54814

## **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 415 Washington Avenue, Bayfield, Wisconsin. It may also be found at: <http://www.nps.gov/apis/parkmgmt/upload/compnd.PDF>

## **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 Apostle Islands National Lakeshore. 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 (1842)**

Nothing in this Compendium or its implementation is intended to modify, abrogate or otherwise adversely affect tribal reserved or treaty-guaranteed rights applicable within the Apostle Islands National Lakeshore. These rights include hunting, trapping, fishing, and the gathering of plants. Accordingly, exceptions to the following regulatory provisions may involve the tribal exercise of treaty rights including the use of weapons, traps, and nets as authorized by the treaties involved or as otherwise outlined in written agreements between signatory Ojibwe tribes of the 1842 Treaty and the Apostle Islands National Lakeshore.

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:

- No special determinations at this time.

Public Use Limits:

- Plowing, grooming or moving snow by mechanical means to create a road, parking lot, trail or improved route on the frozen surface of Lake Superior or other park waters or lands is prohibited.

*Determining Factors: Plowing an area on the ice leaves the NPS with an unmarked, uninspected road that can lead visitors to unknown and extremely dangerous conditions. This public use limit is necessary to prevent life-threatening accidents and property loss. Even if ice conditions are perfect when a road is plowed, all ice roads eventually become unsafe. The NPS lacks the staff to monitor, maintain, inspect, or post ice road conditions over such a large area.*

- Picnicking is prohibited in the following areas:
  - On Federally owned lands under terms of a use and occupancy lease, without prior permission of the legal occupant.
  - At reserved campsites.

*Determining Factors: Legitimate legal, security, and privacy concerns necessitate the restriction to limit reserved campsites and use and occupancy lands.*

- Demonstrations: Please refer to § 2.51.
- No fires are allowed in portable grills or stoves on docks or topside areas of boats tied to docks.

*Determining Factors: This restriction is necessary to protect visitors, vessels, public and private property. Open fires on vessels are in direct proximity to explosive fuel and vapors on boats and marine equipment. Placement of grills and stoves on docks create visitor congestion due to narrow walkways and safety hazards from accidental contact and tripping.*

- The launching of any watercraft, powered or non-powered, or any other gear or equipment that has not been decontaminated prior to launch into NPS administered waters within the National Lakeshore is prohibited.

“Launching” is defined as entering the waters of Lake Superior within Apostle Islands National Lakeshore from any land area, or upon moving watercraft, gear or equipment over land to access bodies of water within the Lakeshore.

“Decontamination” is defined as cleaning and drying the watercraft and/or all associated gear and equipment so that they are dry and free of any vegetation, animals and mud and that the bilges, live wells and other compartments are also clean, dry and free of all organic material. All water from the bilge and vessel compartments or containers of non-potable water (except those carrying VHS-free certified baits in accordance with State of Wisconsin rules) must be disposed of where it will not drain directly into Lake Superior or inland waters onshore at least 100 feet from any water source including shoreline, steam banks, launching ramps/areas and enclosed rainwater drainage systems.

*Determining Factors: The purpose of this emergency restriction is to prevent the introduction and spread, via park waters, of Viral Hemorrhagic Septicemia Virus (VHSv) into Lake Superior*

or the park's inland waters. This is an interim measure until such time as the biology of VHSv is better understood.

#### **Why current Restrictive Measure Will Not Suffice**

The State of Wisconsin's current VHS regulations require that boaters drain all water from boats, containers and fishing equipment upon leaving any body of water. While this addresses standing water in vessels leaving Lake Superior, it does not address the potential for sediments, fish remains, and organic materials that may still be in a vessel between fishing and/or recreational trips, and it does not address boats trailored to the park and recreational boats, kayaks, etc.) is identified as a moderate vector risk in the Emergency Prevention and Response Plan for VHSv (<http://www.nps.gov/apis/parkmgmt/vhs.htm>). Therefore, the park is requiring that all vessels are decontaminated prior to launching into NPS waters in Lake Superior.

Organic material removed from the watercraft or equipment must be disposed of in a National Park Service provided trash can, or stored in a closed container that remains on land, or in a vehicle until it can be properly disposed of outside of the National Lakeshore.

*Determining Factors: The purpose of this emergency restriction is to prevent the introduction and spread, via park waters, of Viral Hemorrhagic Septicemia Virus (VHSv) into Lake Superior or the park's inland waters. This is an interim measure until such time as the biology of VHSv is better understood.*

#### **Why Current Restrictive Measure Will Not Suffice**

1. The potential impacts of a VHS outbreak could be catastrophic for Lake Superior fisheries and the two state designated fish refuge areas within and adjacent to the Apostle Islands National Lakeshore.
2. Restrictive, park-specific measures are necessary to prevent the spread of VHSv by human-associated vectors through the proper disposal of dead fish, fish parts, aquatic plants or other organic matter.

#### Closures:

- Park administrative, maintenance, operations, storage, and employee housing facilities, including but not limited to access roads, outbuildings, grounds, and docks. This closure shall not apply to residents, guests of residents, or persons engaged in legitimate Government activities or permitted business activities.
- Except for facilities designated for visitor use, all buildings are closed to unauthorized entry. This shall not apply to persons in non-public areas who have been granted specific permission by the National Park Service (NPS), another authorized Federal agency, licensed concessionaire or their representatives, or those who are under escort of park employees acting within the scope of employment.

*Determining Factors: Uncontrolled or unregulated access would complicate the protection of historic structures, expose visitors to health and safety issues relating to the operation of heavy machinery, vehicles and power equipment; interfere with the ability of employees to complete necessary and required business; and intrude upon the privacy and security of employees and their families in authorized Government housing areas.*

- Gull and Eagle Islands – are closed to protect colonial nesting birds, 500 feet seaward from shore, May 15 to September 1.

*Determining Factors: These islands are very small, rocky, and generally inaccessible in all but the most ideal conditions. But together, they are one of the largest colonial bird rookeries on Western Lake Superior, with hundreds of exposed nests covering the ground every year. Human activity in*

*these areas can cause disturbance and nest abandonment, which could seriously disrupt populations of these birds over a large area.*

- Diving, jumping, or dropping into a water/ice area from the sandstone cliffs at Devils Island (those in T53N R3W section 10), the Swallow Point Cliffs at Sand Island (those in T52N R4W section 18), or the Mawikwe Bay sea caves (T51N R5W sections 8, 9, & 18) is prohibited.

*Determining factors: Edges of cliff faces are often exposed or undercut, and can lead to falls resulting in injury or death. Additionally, the areas below the cliffs have become popular for a variety of watercraft, so divers (and any rocks or debris they may dislodge from above) could cause serious injury or death to themselves or watercraft users below. Some of Wisconsin's rarest plants also grow along cliff edges and can suffer from the repetitive trampling of cliff divers in popular areas.*

- The uptake and/or discharge of ballast water by all vessels within the authorized boundary of Apostle Islands National Lakeshore, which extends a distance of ¼ mile into Lake Superior from every island and the mainland unit is prohibited.

*Determining Factors: The purpose of this emergency restriction is to prevent the introduction and spread, via park waters, of Viral Hemorrhagic Septicemia Virus (VHSV) into Lake Superior or the park's inland waters. This is an interim measure until such time as the biology of VHSV is better understood.*

#### **Why Less Restrictive Measures Will Not Suffice**

1. Two state designated fish refuge areas are located within and adjacent to the Apostle Islands National Lakeshore. The near shore waters that surround the islands are primary fishing areas for commercial, tribal and recreational users which have a significant impact on area businesses and local economy.
  2. Commercial traffic is moving throughout Lake Superior, which is now known to be infected with VHSV. A small number of these vessels move through park waters, but this restriction will impact only a small portion of the navigable waters used by these vessels.
- Only artificial bait may be used for fishing inland waters on any island within Apostle Islands National Lakeshore.
  - For all other waters, only the following may be possessed or used as bait:
    - Any live or dead fish or fish part, including fish roe (eggs) otherwise permitted for use by the State of Wisconsin provided that it was harvested from the Wisconsin waters of Lake Superior with Ashland and Bayfield Counties
    - Live minnows purchased from a State of Wisconsin licensed bait dealer in compliance with the State's fish health standards for bait fish (i.e. tested as VHS-free using methods approved by the State by a qualified fish health expert).
    - Worms, crayfish, and other non-fish organic baits otherwise permitted for use by the State of Wisconsin.

*Determining Factors: The purpose of this emergency restriction is to prevent the introduction and spread, via park waters, of Viral Hemorrhagic Septicemia Virus (VHSV) into Lake Superior or the park's inland waters. This is an interim measure until such time as the biology of VHSV is better understood.*

#### **Why Less Restrictive Measures Will Not Suffice**

1. The potential VHS-positive water sources for bait fish and fish parts increase because Apostle Island's visitor base is from several states.

2. Fishing at Apostle Islands is a primary attraction and recreational activity for visitors because many come directly from MI, MN and WI to the Apostle Islands to primarily fish or lake trout.
3. There is no effective way to prevent anglers from combining bait from different sources after purchase or to detect when it has occurred.

### **Hunting and Trapping**

- Hunting and trapping are permitted on all islands and waters in accordance with Federal and State laws including the following conditions:

- No hunting May 15 through Labor Day

*Determining Factors: This time period corresponds with the park's peak visitor season. Visitors enter the park from a multitude of different directions and have access to 154 miles of coastline, and thousands of them will hike island interiors along more than 50 miles of trails. Regardless of whether they are wearing bright colored clothing, they are generally difficult or impossible to see in the dense island vegetation. This restriction only impacts a tiny number of state seasons and is necessary to ensure public safety at the busiest time of year in the park.*

- No hunting or trapping on Gull or Eagle Islands at any time

*Determining Factors: Breeding and nesting areas are critical to colonial bird habitat and perpetuation. Human activity in or near these areas may interfere with wildlife habits and may cause damage or nest abandonment.*

- No hunting or trapping is permitted within 100 yards of any building, dock, designated campsite, or facility administered by the Lakeshore; on use and occupancy lands without the permission of the lessee; or from a public road in an area where hunting is authorized.

*Determining Factors: This restriction is necessary to ensure public safety in high visitor use areas, minimize adverse impacts on other users, and protect personal and government property.*

### **Camping**

- Please refer to §2.10 for detailed camping area designations.

### **Mainland Boat Launching Sites:**

- The following areas are designated for the launching of non-powered vessels.
  - The kayak launch area on the sand beach immediately west of the harbor at Little Sand Bay
  - The sand beach within 100 yards, east, of the stairway at the terminus of Meyers Road.
  - The beach at the terminus of Allen Road.

*Determining Factors: These restrictions are necessary to ensure public safety, prevent damage to natural and cultural resources (i.e. social trails), minimize adverse impacts on other users and avoid recreational conflicts.*

### **Docking and Mooring Areas**

- The docking, tying, securing, anchoring, or storing of any private or commercial vessel or other type of watercraft at docks, slips, launch ramps, or facilities reserved and posted for Government use is prohibited.

*Determining Factors: The designation of specific mainland and island docks, slips, launch ramps, and facilities for government use are required to ensure the safe and effective use, operation, maintenance, and administration of the Lakeshore.*

- Docking in areas reserved and posted for concession or contract operations is prohibited.

*Determining Factors: Mooring restrictions at dock facilities are necessary to ensure safe and unrestricted access for concession vessels that provide scheduled visitor transportation services and contractors that perform a variety of required Government projects or functions.*

- Side to side mooring of vessels (rafting off), while one vessel is moored at a dock, is prohibited at Little Sand Bay, Presque Isle Marina-Stockton Island and areas posted by the Superintendent. "Rafting or Rafting-up/off," is defined as the process of anchoring, mooring, tying, fastening, linking or joining of two or more vessels together.

*Determining Factors: The practice of side to side mooring (commonly referred to as rafting off) creates congestion and a significant navigational hazard for vessels that are entering, leaving, or maneuvering at marinas and docks due to shallow water. Improperly secured vessels increase the potential for visitor injury and property damage from collision and severe and unexpected movement of vessels due to abrupt changes in lake conditions.*

- Leaving a vessel unattended at a public dock more than 24 hours is prohibited.

*Determining Factors: Public docks are provided for the temporary convenience of visitors engaged in day use activities to safely access park locations, and for the use of their vessel for overnight accommodations. This is necessary due to limited dock space, to accommodate as many visitors as possible and allow safe and emergency access to high visitor use locations. Without time limits, unattended vessels limit public access for extended periods and interfere with safe navigation and emergency operations.*

- Overnight docking fees apply to all vessels and watercraft secured to park docks. This includes vessels that are secured together by rafting and/or Mediterranean mooring (med-mooring). Med-mooring is the process of securing the aft end of the vessel to a dock and using long extended bow anchor(s) and anchor rope(s) to hold the vessel in a perpendicular position to the dock.

*Determining Factors: Docking fees provide financial support for related maintenance projects. Med-mooring creates navigational hazards at small, shallow docks and harbors.*

- Docking fees are in effect for any mooring at docks between 6pm to 6am.

*Determining Factors: Docking fees support for related maintenance projects and apply only to overnight use.*

#### **Water Skiing/Towing Areas:**

- The towing of person(s) by vessels in the Lakeshore is allowed on Lake Superior except in the following locations:
  - Within 100 feet of any dock, marina, anchored boat, boat landing or shoreline.
  - Within ¼ mile of any shoreline adjacent to any lightstation or sea cave (geologic rock) formation (see map, appendix B).
  - Presque Isle Bay, Quarry Bay and Julian Bay (Stockton Island).  
*Determining Factors: These restrictions are necessary to ensure public safety, protection of park resources, eliminate congestion in high visitor use areas and reduce navigational hazards for vessels entering, leaving or maneuvering at heavily used dock facilities and anchorages.*

#### **Extreme Watersports:**

- Using any device or sporting apparatus that is towed by a boat, vehicle or that harnesses wind power and allows an individual to leave the surface of the water for an extended period of time or

take flight is prohibited. This includes kite boarding, kite tubing, hang gliding, parasailing, water tubing and any other device that is capable of taking flight. An extended period of time is defined as 2 seconds or longer. Also see 36 CFR §3.12(b)

*Determining Factors: Apparatus that is towed behind a vessel or depends on wind speed cannot be sufficiently controlled and may result in serious visitor injuries if it abruptly loses momentum, flips or entirely leaves the surface of the water.*

#### **Operation of a Generator at an Anchorage**

- Operation of a generator aboard a vessel at a dock or anchorage is prohibited between 10:00 p.m. and 6:00 a.m.

*Determining Factors: Use of generators adds an unnatural sound to a natural setting and experience. It also makes sufficient noise that is unreasonable for time periods that campers and boaters are enjoying their camping experience. Most docks and anchorages are located directly adjacent to or near campsites and developed visitor use areas. Noise that occurs in water areas carries over long distances. Loud noises are unexpected and interfere with the visitor's opportunity to enjoy quiet and natural soundscapes.*

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

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

- §2.1(a)(5) Scuba diving on submerged cultural resources (e.g. shipwrecks)
- §2.2(b)(4) Hunting/Trapping (Access Permit) in compliance with State law, NR10.(104)15
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.10(a) The following camping activities:
  - Overnight camping at designated campsites
  - Overnight camping in designated camping zones, non-developed areas
- §2.12 Audio Disturbances:
  - (a)(2) Operating a chain saw in developed areas
  - (a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
  - (a)(4) Operating a public address system, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
  - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
  - (c)(1) Removal of a downed aircraft
- §2.23(b) The following special recreation activities (per 36 CFR Part 71):
  - Parking Fees at Meyers Beach;
  - Overnight Docking Fees at public docks
  - Interpretive Fees for tours and programs
- §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: (a) Use, possess, store, transport explosives, blasting agents  
(b) Use or possess fireworks
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- §2.51 Demonstrations
- §2.52 Sale or distribution of printer matter
- §2.62 Memorialization: (b) Scattering ashes from human cremation
- §4.11(a) Exceeding of established vehicle load, weight and size limits
- §5.1 Advertisements - (Display, posting or distribution.)
- §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 Commercial Photography/Filming:
  - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
  - (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) Dead wood, including loose driftwood found on the ground (not buried) may be collected for use as fuel for campfires within the park except the following locations:**

- On Federally owned lands under terms of a use and occupancy lease, without prior permission of the legal occupant.
- From vegetated portions of island beaches. “Vegetated portions” are defined as sand beach locations containing shoreline grasses, shrubs and/or small plants.
- Firewood must be used on the island where it is collected.
- Transporting firewood from the mainland or between islands is prohibited.
- The possession of firewood in a motor vehicle, vessel, or other mode of transportation is prohibited.

**(a)(5) The following conditions are in effect for walking, climbing, entering, ascending or traversing the listed archeological or cultural resource, monuments or statues:**

- The historic Devils, Long, Michigan, Outer, Raspberry, and Sand Island light stations and associated buildings may be entered, ascended, and descended by the general public only at such times when the structures are open to the public and only under the supervision of an NPS employee or designated park volunteer. Touching or handling of historic or modern navigational aids and related components is prohibited.
- Use of candles, lanterns, and other portable appliances or devices with an open flame inside or on the grounds of historic structures are prohibited.
- No person shall smoke, eat, drink, or utilize any type of food product inside historic buildings, including all primary and secondary structures associated with the light stations and fish camps. The superintendent may issue exceptions for specific events or programs and living quarters designated for employee occupancy.
- Anchoring or tying a vessel to submerged cultural resources is prohibited.

**(c)(1), (c)(2) The following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or use or consumption restrictions:**

- Native fruits (except apples) and berries: all species (not listed as nationally or state threatened or endangered species) and in quantities not greater than one (1) gallon per person per week.
- Apples: in quantities not greater than five (5) gallons per person per week.
- Mushrooms: all edible mushrooms (not listed as nationally or state threatened or endangered species) and in quantities not greater than one (1) gallon per person per week.
- The collection of wildflowers is prohibited.

*Determining Factors: The gathering of fruits, nuts, berries, mushrooms, and apples in the quantities identified will not have an adverse affect on the species population using the traditional harvest methods of hand gathering. Gathering the aforementioned items can be done without harming the source plant species or substantially impacting the surrounding natural resources. The allowable species exist in quantities that will sustain the established harvest amounts.*

### **36 CFR §2.2 - WILDLIFE PROTECTION**

**(d) The transporting of lawfully taken wildlife through the park is permitted under the following conditions and procedures:**

- The carcass must be tagged and transported in accordance with state law.

**(e) The following areas are closed to the viewing of wildlife with the use of an artificial light:**

- All areas of the park

### **36 CFR §2.3 – FISHING**

**(a)** All State fishing laws and/or regulations apply as authorized in section §7.82.

**(d)(4) In accordance with federal statutory law, commercial fishing is authorized in the following areas, under the conditions noted:**

- Lake Superior waters as permitted by state regulations.

**(d)(8) Fishing is allowed in or from the following otherwise prohibited areas:**

Public boat docks at:

- |                   |                         |
|-------------------|-------------------------|
| • Basswood Island | • Outer Island          |
| • Devils Island   | • Raspberry Island      |
| • Little Sand Bay | • Rocky Island          |
| • Long Island     | • Sand Island           |
| • Manitou Island  | • South Twin Island     |
| • Michigan Island | • Stockton Presque Isle |
| • Oak Island      | • Stockton Quarry Bay   |
| • Otter Island    |                         |

### **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 state and federal law

**(h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.**

- This authority does not extend to Federal facilities within the park (18 USC § 930(a)). Federal facilities include:
  - All NPS visitor centers, contact stations, and ranger stations
  - All NPS administrative facilities (e.g. offices, maintenance buildings, utility buildings, and fenced/locked compounds)
  - All buildings accessible to the public only when accompanied by NPS staff or volunteers (e.g. light station buildings)
  - All NPS housing units
- This authority does not extend to US Coast Guard Certificated Tour Boats.

### **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:**

<b>Island</b>	<b>Individual Site #</b>	<b>Group Campsites</b>	<b>Camping Zones</b>
Basswood	1-6	A	1
Cat	1		1-2
Devils	1		
Hermit			1
Ironwood	1		1
Long			1
Mainland	1		
Manitou	1		1
Michigan	1		1
North Twin			1
Oak	1-6	A, B	1-3
Otter	1		1
Outer	1		1-4
Raspberry			1
Rocky	1-7		1
Sand	1-3	A, B	1
South Twin	1-4		1
Stockton	1-21	B,C	1-3
York	1-3		

**Camping – General**

- Camping permits are non-transferable.
- Use of the campsite reservation system is for overnight camping only.
- Campsite reservations are allowed up to 14 consecutive days.
- Reservations for individual campsites and camping zones can be made up to 30 days in advance.
- Reservations for group campsites can be made during or after the annual group camping lottery for the calendar year.
- Fees must be paid at the time the reservation is made or changed.
- Fees will not be charged for itinerary changes relating to severe weather conditions.
- Campers choosing to make itinerary changes for other reasons will be charged the established camping fee for each campsite change.
- Permits must be picked up in person at the headquarters Visitor Center by 4:30 pm. Unclaimed permits may be reassigned.
- Responsibility for compliance with permit conditions applies to the applicant, group, organization, and commercial entity that utilizes the permit.
- Individual campsites are limited to a maximum of seven campers and three tents.
- Regular group campsites are limited to parties comprised of eight up to twenty campers per site.
- Checkout time for leaving campsites is 3:00 p.m.
- Park users must pack out all food scraps and garbage. Burning or burying food scraps or garbage is prohibited.

- Gray water must be strained and the food residues properly stored and packed out as garbage. Strained gray water must be broadcast on the ground at least 50 yards from camping and picnic areas or disposed of in a vault toilet.
- Camping with bear dogs or sled dogs at group campsites only.

**Designated Camping Zones:**

- Maximum of five campers and two tents.
- Maximum of one permit per night will be issued per designated zone.
- May camp on the sand beach below the vegetation line.

**NO camping:**

- Within view of any designated trail.
- Within 1/4 mile of any building, individual or group campsite.
- Within 100 feet of a flowing stream.
- On Federally owned lands under terms of a USE and OCCUPANCY lease, without prior permission of the legal occupant.
- On Eagle, or Gull Islands.
- In areas closed to protect archeological sites, bird nesting areas, sensitive vegetation, or threatened or endangered species. Specific areas and the extent of the closures will be identified each camping season.

**(d) Conditions for the storage of food are in effect, as noted, for the following areas:**

- **For all designated campsites, camping zones and docks**
  - Food, leftover food scraps, food residue from cooking and cleaning, garbage, lawfully taken fish, cooking materials, condiments, utensils and toiletries must be secured from wildlife contact in bear-proof storage lockers, galley areas of boats or disposed of in authorized garbage facilities.
  - Grills, cook stoves, and utensils may not be left unattended until they have been thoroughly cleaned of all food scraps or stored in facilities inaccessible to wildlife. Proper storage facilities include bear-proof lockers and galley areas of boats.
  - If bear proof storage lockers or closed vessels are not available, all food, garbage, cooking materials, condiments, utensils, and toiletries must be secured from wildlife contact.
  - Wildlife harvested by hunters during designated hunting seasons must be secured from all wildlife contact. Acceptable storage includes bear proof lockers or suspending large animals such as deer at a sufficient height between trees at least 100 yards from any designated camping area.

**36 CFR §2.11 – PICNICKING**

Certain areas have been closed to picnicking and are listed in section 1.5(a)(1) "Closures".

- A maximum of seven individuals may use an unreserved and unoccupied campsite for picnicking and/or day use activities.
- Park users must pack out all food scraps and garbage. Burning or burying food scraps or

- garbage is prohibited.
- Gray water must be strained and the food residues properly stored and packed out as garbage. Strained gray water must be broadcast on the ground at least 50 yards from camping and picnic areas or disposed of in a vault toilet.

### **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:

- Campfires are allowed at designated campsites and in conjunction with designated camping zones and day use activities as listed below.
- Beach fires are allowed on sand beaches below the vegetation line, at such distance that use of fire will not result in trampling or damage to beach and shoreline vegetation.
- Fires are prohibited on Stockton Island beaches at Presque Isle Bay and Julian Bay, all beaches on Raspberry Island, beach locations within 150 feet of developed campsites where fire receptacles are provided, and in Outer Island camping zone #3 (NW quarter of the island).

#### Receptacles Allowed:

- Campfires must be contained in fire rings and grills where provided.
- Moving or relocating receptacles (fire rings and grills) is prohibited.

#### Established Conditions for Fires:

- Beach and camp fires may not be larger than 3 feet height or diameter.
- Burning or placing garbage, food, or food scraps in fires is prohibited.

**(b) Fires must be extinguished according to the following conditions:**

- Any remnants of a fire must be extinguished, cold to the touch, free of litter with no evidence of food remains that could attract wildlife and remnants dispersed.

### **36 CFR §2.14 – SANITATION and REFUSE**

**(b) Conditions for the disposal, containerization, or carryout of human body waste have been established as follows:**

- All persons must properly dispose of human waste by making use of provided toilet facilities where available. In backcountry areas lacking toilet facilities, human waste must be buried in a forested area using a small hole dug in soil at least six inches deep and at least 200 feet from any trail, campsite, beach, dock, or water source.
- When traveling over snow fields or the frozen surface of Lake Superior in the winter when organic soils are not exposed, solid human waste must be buried on land at least 200 feet of any established travel route to a depth of two feet or down to mineral soil.

### **36 CFR §2.15 – PETS**

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

- Dogs, cats and other pets except certified service animals are prohibited in all public buildings, historic structures, and public transportation including concession tour boats.

**(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 at least 200 feet from any trail, campsite, beach, dock or water source.
- When traveling over snow fields or the frozen surface of Lake Superior in the winter when organic soils are not exposed, pet excrement must be buried on land at least 200 feet of any established travel route to a depth of two feet or down to mineral soil.

**(b) The use of dogs in support of hunting and winter dog sledding must be in accordance with Federal and State laws and the following conditions:**

- No person or party may have more than six (6) dogs present on any island.
- Are only allowed off leash when actively engaged in hunting activities
- The use of straw, hay or natural (organic) products for pet bedding is prohibited.
- Staking or securing dogs on sand spits or sand beaches is prohibited.

**(e) Pets may be kept by park residents under the following conditions:**

- As authorized by the park housing plan and approved by the superintendent.

**36 CFR §2.17 – AIRCRAFT and AIR DELIVERY**

**(a)(1) Operating or using aircraft on lands or waters is prohibited**

**(c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent through written authorization.**

**36 CFR §2.18 – SNOWMOBILES**

**(c) Snowmobiles may be operated only on routes designated in section §7.82**

**36 CFR §2.19 – WINTER ACTIVITIES**

**(a) The following park roads and/or parking areas open to motor vehicle traffic may be used for skiing, snowshoeing, ice skating, innertubing, tobogganing, and similar winter activities under the conditions noted:**

- All unplowed roads and unplowed parking areas are open to skiing, inner tubing, tobogganing, or similar non-motorized winter sports.

**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 Government buildings and facilities.
- All Government quarters, except designated permanent employee living quarters.
- All Government vehicles and vessels.
- All historic structures.
- The Superintendent may prohibit smoking in historic and cultural management areas and other locations as posted.
- Concession vessels used for visitor transportation services, US Coast Guard regulations.

*Determining Factors: These restrictions are necessary to protect park resources by reducing the risk and threat of fire, prevent conflicts among visitor use activities, and public health concerns.*

### **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:**

- Visitors with camping permits for designated island campsites and camping zones may leave their motor vehicle unattended at the Little Sand Bay parking lot.

### **36 CFR §2.23 – RECREATION FEES**

**(b) Recreation fees, and/or a permit, in accordance with 36 CFR part 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:**

#### Daily Site Use Fee Areas:

##### **Camping (per party per night)**

Individual designated or undesignated site	\$ 10
Group site	\$ 20

##### **Docking (per boat per night)**

Overnight docking, boats less than 40 feet	\$ 10
Six-night ticket book	\$ 50
Overnight docking, boats 40 feet and greater	\$ 20
Six-night ticket book	\$100

##### **Interpretive Programs**

Regularly scheduled on or off-site	per person	\$ 3
	per family	\$ 8
More in-depth tour	per person	\$ 5
	per family	\$ 12
Custom/specialized/immersion programs (up to 2 hours), per person		\$ 5
Per person per hour for each hour over 2 hours (min charge \$100)		\$ 5

##### **Parking**

*Vehicle length includes the length of a trailer*

Meyers Beach day use, vehicle length less than 20 feet (including trailer)	\$ 3
Meyers Beach day use, vehicle length 20 feet or greater	\$ 5
Meyers Beach annual parking pass, vehicle length less than 20 feet	\$ 15
Meyers Beach annual parking pass, vehicle length greater than 20 feet	\$ 25
Bayfield HQ overnight, vehicle length less than 20 feet	\$ 5
Bayfield HQ overnight, vehicle length 20 feet or greater	\$ 8
Bayfield HQ special event, vehicle length less than 20 feet	\$ 10
Bayfield HQ special event, vehicle length 20 feet or greater	\$ 20

### **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:**

The following buildings and facilities open to the public and used for government business, including interpretive and educational purposes, are closed in accordance with (a)(3)(i) except as authorized under special circumstances by the Superintendent:

Park Headquarters-Bayfield  
Little Sand Bay Visitor Center  
Stockton Island Visitor Center  
Manitou Fish Camp Buildings and grounds  
The Historic Lighthouses and related lightstation buildings at:  
    Devils Island  
    Long Island  
    Michigan Island  
    Outer Island  
    Raspberry Island  
    Sand Island

*Determining factors: These restrictions are necessary to protect visitors, cultural and historic resources, avoid visitor use conflicts and ensure safe and orderly access and operation of major visitor use facilities.*

### **36 CFR §2.51 – DEMONSTRATIONS**

**Demonstrations (including picketing, speechmaking, marching, holding vigils or religious services, and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to attract a crowd or onlookers) involving 25 persons or fewer may be held without a permit in accordance with the terms and conditions listed in 36 CFR §2.51 at the park areas designated below.**

**Demonstrations involving larger groups are allowed within park areas designated below in accordance with the terms and conditions listed in 36 CFR §2.51 when the superintendent has issued a permit for the activity. The permit must be in the possession of the highest-level organizer or leader of the demonstration that is on site within the Lakeshore.**

**Maps of park areas designated for such activity are on file in the office of the Superintendent and online at <http://www.nps.gov/apis/parkmgmt/lawsandpolicies.htm>.**

- Little Sand Bay Visitor Center -- lawn
- Meyers Beach Parking Area – mowed field south of fee station

*Determining Factors: A permit is necessary to manage large public assemblies in the park that may damage park resources or conflict with the overall safety and enjoyment of the park by other park visitors, while allowing for First Amendment rights. Conflicts between groups may be controlled by the issuance of a permit that identifies the criteria under which an assembly, public meeting, or public expression of views may occur.*

### **36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER**

**The sale or distribution of “printed matter” (meaning message-bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising) by 25 persons or fewer may be conducted without a permit in accordance with the terms and conditions listed in 36 CFR §2.52 at the park areas designated immediately above for §2.51.**

**Sale or printed matter involving larger groups is allowed within park areas designated above for §2.51 in accordance with the terms and conditions listed in 36 CFR §2.52 when the superintendent has issued a permit for the activity. The permit must be in the possession of the highest-level organizer or leader of the demonstration that is on site within the Lakeshore.**

*Determining Factors: A permit is necessary to manage sale or distribution of printed matter since such activities may conflict with the overall safety of visitors and employees, the ability of park visitors to have free and unencumbered passage throughout the park, and the reasonable expectation of park visitors to enjoy park values without intrusions.*

### **36 CFR §2.62 – MEMORIALIZATION**

**(b) A permit is required for the scattering of ashes from cremated human remains, or in the following designated areas without a permit, in accordance with the following terms and conditions:**

- A special use permit is required for the scattering of human ashes. Remains may be scattered on all lands and waters of the park with the following exceptions:
  - On the grounds or within 100 yards of any historic building, structure, or archeological site.
  - No whole teeth or identifiable human bones shall be included in the ashes.

### **36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES**

**(a) Park roads, open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document (attached hereto):**

- Little Sand Bay Road
- Meyers Road
- Official Apostle Islands National Lakeshore Brochure

**(b) Routes and areas for off-road vehicle use are provided for in section 7.82.**

### **36 CFR §4.21 – SPEED LIMITS**

**(b) The following speed limits are established for the routes/roads indicated:**

- Meyers Road 15 MPH

### **36 CFR §4.30 – BICYCLES**

**(a) Park roads and parking areas that are closed to bicycle use are listed in section 1.5 of this document.**

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

- Little Sand Bay Road and parking areas
- Meyers Road and parking areas

### **36 CFR §7.82 – SPECIAL REGULATIONS, APOSTLE ISLANDS NATIONAL LAKESHORE**

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

**(b) *Snowmobiles.***

(1) Snowmobiles may be operated for authorized purposes in the following designated areas within the Lakeshore:

- (i) The frozen surface of Lake Superior that surrounds every island from the shoreline out to the authorized boundary;
- (ii) The frozen surface of Lake Superior from Sand Point to the mainland unit's eastern boundary;

(iii) The 1/4 mile section of the Big Sand Bay Road that passes through the park mainland unit to non-NPS property.

(2) Snowmobile use is authorized solely for the purpose of providing access for legal forms of:

- (i) Ice fishing;
- (ii) Hunting and trapping;
- (iii) Winter camping;
- (iv) Other non-motorized recreational activities; and
- (v) Access to non-NPS property by owners, and to NPS properties by “use and occupancy” lessees and their guests.

(3) Snowmobiles may be used for administrative, law enforcement, and emergency services as determined by the Superintendent.

(4) Snowmobile use in areas and for purposes other than those stated in paragraphs (b)(1) and (b)(2) of this section is prohibited.

(5) Maps showing designated use areas are available at park headquarters.

(c) *Off-road vehicles.*

(1) Off-road motor vehicles may be operated for authorized purposes in the following designated areas within the Lakeshore:

- (i) The frozen surface of Lake Superior that surrounds every island from the shoreline out to the authorized boundary; and
- (ii) The frozen surface of Lake Superior from Sand Point to the mainland unit’s eastern boundary.

(2) Off-road motor vehicle use is authorized solely for the purpose of providing access for legal forms of:

- (i) Ice fishing;
- (ii) Hunting and trapping;
- (iii) Winter camping;
- (iv) Other non-motorized recreational activities; and
- (v) Access to non-NPS property by owners, and to NPS properties by “use and occupancy” lessees and their guests.

(3) Off-road motor vehicles may be used for administrative, law enforcement, and emergency services as determined by the Superintendent.

(4) Off-road motor vehicle use in areas and for purposes other than those stated in paragraphs (c)(1) and (c)(2) is prohibited.

(5) Maps showing designated use areas are available at park headquarters.

(d) *Ice augers and power engines.*

(1) *Ice auger* means a portable gasoline or electric powered engine connected to a rotating helical shaft for boring through the frozen surface of a lake.

(2) *Power engine* means a mobile gasoline or electric powered engine or device that is connected to a rotating saw blade or teeth linked in an endless chain for cutting through the frozen ice surface of a lake.

(3) Notwithstanding the requirements of 36 CFR 2.12(a)(3), operation of an ice auger or power engine is authorized on designated portions of Lake Superior for the specific purpose of cutting through the ice surface to provide access for legal ice fishing activity.

(4) Areas designated for use of an ice auger or power engine include:

- (i) The frozen surface of Lake Superior that surrounds every island from the shoreline out to the authorized boundary; and
- (ii) The frozen surface of Lake Superior from Sand Point to the mainland unit's eastern boundary.

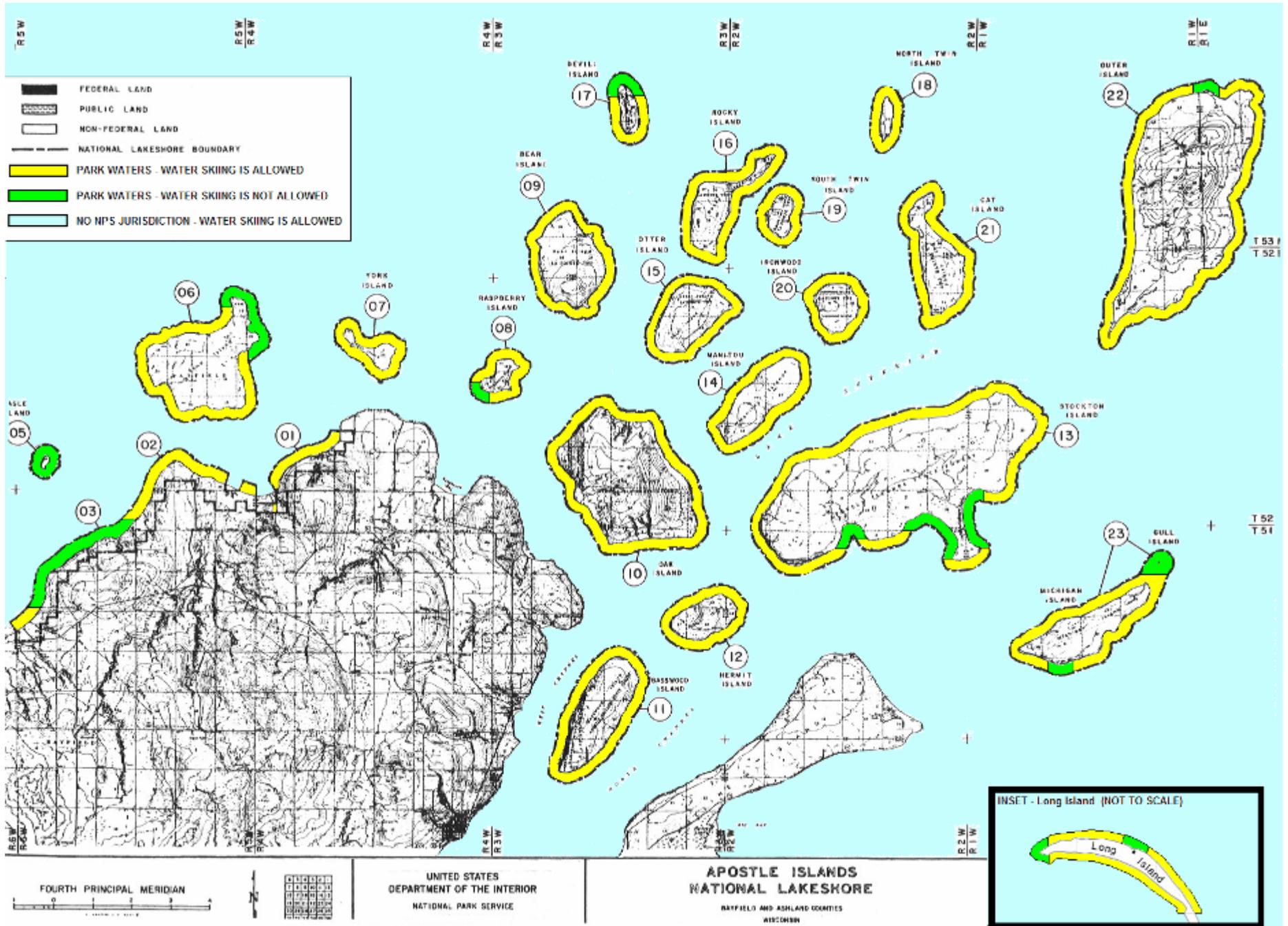
(5) Maps showing designated use areas are available at park headquarters.

(6) Use of an ice auger or power engine on any land surface or frozen water surface outside of designated use areas is prohibited without a permit.

[49 FR 18451, Apr. 30, 1984, as amended at 70 FR 16716, Apr. 1, 2005]



Appendix B – Designated Waterskiing Areas



Appendix C – Waters Under the Jurisdiction of the National Park Service

