



National Park Service
U.S. Department of the Interior

Fort Laramie
National Historic Site

965 Gray Rocks Road
Fort Laramie, Wyoming
82212

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

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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 Laramie National Historic Site. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Vacant
Chief Ranger

Date

Richard Barrett

Superintendent, Richard Barrett

6-23-14

Date

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INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

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

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

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

The CFR is also available on the Internet at:

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 the 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
Fort Laramie National Historic Site
965 Gray Rocks Road
Fort Laramie, WY 82212**

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:
Fort Laramie National Historic Site
965 Gray Rocks Road
Fort Laramie, WY. 82212

It may also be found at: <http://www.nps.gov/foia/parkmgmt/lawsandpolicies.htm>.

B. SUPERINTENDENT'S COMPENDIUM

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Fort Laramie National Historic Site. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park:

Visiting Hours:

- Operating hours for the park are sunrise to sunset. From Memorial Day through Labor Day, the park visitor center is open from 8:00 a.m. – 7:00 p.m., as staffing permits. The visitor center is open in the winter season from 8:00 a.m. – 4:30 p.m.
- Fort Laramie National Historic Site is closed on the following days: New Year's Day, Thanksgiving Day, and Christmas Day.

Public Use Limits:

- All park grounds and facilities including the Army Iron Bridge are closed from sunset to sunrise to the public. During the summer season the park visitor center and historic structures are open 7:00 a.m.- 8:00 p.m. During the winter season, the park visitor center and historic structures are open from 8:00 a.m. -4:30 p.m. Park grounds will be open from sunrise to sunset year round.

(a)(2)The following restrictions and/or conditions are in effect for the specific uses or activities noted:

Closures:

- Motor vehicle traffic and bicycles are prohibited from traveling on the canal road.

Reason for determination: The canal road is on private property of local landowners.

- Jumping, diving, or rappelling off of any bridge structure in the site is prohibited.
- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Fort Laramie National Historic Site is prohibited except as approved in writing by the superintendent.

Definition: The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of

devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

Reason for determination: Maintenance of public health and safety, protection of environmental and scenic values, protection of natural and cultural resources, and avoidance of visitor use activities, unreasonable noise and impacts to viewshed. The use of unmanned aircrafts is not consistent with the purpose for which Fort Laramie National Historic Park was established. Less restrictive measures will not suffice do public assess being restricted to historic districts and the historic districts is not appropriate for unmanned aircraft use.

Gyroscopically controlled mobility devices:

The use of Segways or similar gyroscopically controlled devices in lieu of manual or motorized wheelchairs is allowed by persons with disabilities who would otherwise only have the option of using a manual or powered wheelchair with the following restrictions:

A person using a Segway or similar gyroscopically controlled device at Fort Laramie NHS would be medically determined to have a permanent disability that severely limits one or more major life functions. A permanent disability is a permanent physical, mental, or sensory impairment that substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Persons claiming disability will show proof of medically determined permanent disability or eligibility for receiving benefits under federal law following the guidelines in effect for obtaining an America the Beautiful – Access Pass, e.g: a statement by a licensed physician; a document issued by a Federal agency such as Veterans Administration; Social Security Disability Income; etc.

Segways may be used on the historic fort grounds pedestrian pathways, sidewalks, the picnic area, and the confluence trail; although terrain may limit their success. Segways may not be operated at speeds greater than 2-3 mph, the equivalent of a walking pedestrian. **36 CFR § 1.5 (a)(2)**

Segways may be operated for administrative use on park grounds by NPS staff.

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

Engaging in the following activities without first obtaining the required permit is prohibited. An application for a permit should be submitted to the Superintendent during normal business hours.
36 CFR § 1.5 (a)(2)1.6(a):

- §1.5(d) The following activities related to Public Use Limits:
 - After hour visits and/or activities at Fort Laramie NHS
 - Alcohol consumption or open container (outside of the picnic area).
 - Camping
 - Public park use (except during official visiting hours).
 - Public vehicle use on park land (excluding entrance road, parking, and picnic areas).
- §2.5(a) Specimen collection (legal taking of plant, fish, wildlife, rocks, or minerals)
- §2.10(a) Camping in association with a special event or public gathering for which a permit has been issued pursuant to §2.50 or §2.51
- §2.50(a) Special events such as conducting a sports event, public spectator attraction,

entertainment, ceremony or similar events

- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising.
- §2.60(a) Livestock use and agriculture
- §2.62 Memorialization:
 - 2.62(a) Erection of monuments, memorials, or other structure requires approval from the Director.
 - 2.62(b) Scattering of ashes from human cremation
- §5.1 Commercial notices or advertisement display.
- §5.5 Commercial Photography/Filming:
 - 5.5(a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews. Other than a bona fide newsreel or news television.
 - 5.5(b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.

III. RESOURCE PROTECTION, PUBLIC USE, AND RECREATION

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

(a)(5) Walking on, climbing, or entering historic ruins on the site is prohibited.

(b) Travel to and around the hospital ruins is restricted to established trails for visitor safety and protection of archeological items present in the soil and underground in the immediate vicinity.

36 CFR §2.2 - WILDLIFE PROTECTION

(e) The viewing of wildlife with an artificial light is prohibited on Federal lands within the boundaries of Fort Laramie National Historic Site.

Reason for determination: The site is closed to public use from sunset to sunrise (unless by special use permit) and the use of an artificial light for purposes of viewing wildlife in closed areas is prohibited.

36 CFR §2.3 – FISHING

(a) Fishing shall be in accordance with laws and regulations of the state of Wyoming.

(a) The Laramie River is closed to fishing from the service bridge (adjacent to Main picnic area) to eastern most extent of the historic quartermaster's dump site. **See Appendix A.**

Reason for determination: River: This section of river has a steep, unstable bank that is unsafe for fishing. This area has artifacts on the stream bed that include a large amount of glass and jagged metal which can result in injuries. Closing the area will also support the preservation of artifacts. Areas closed to fishing are signed. Canal: Has steep banks and is not designed or safe for fishing.

36 CFR §2.10 – CAMPING

(a) There are no designated camping sites or areas within the boundaries of Fort Laramie National Historic Site. Camping and camping activities are authorized only under a Special Use Permit.

Reason for determination: The Site is closed to public use from sunset to sunrise and there are no designated camping sites or areas with the boundaries of Fort Laramie National Historic Site.

36 CFR 2.13 – FIRES

(a)(1) Fires are restricted to the designated picnic area, located between the main parking lot and the Laramie River (See Appendix B), and must be in a closed receptacle using charcoal briquettes or a gas grill. Charcoal must be fully extinguished and disposed of in a garbage receptacle.

- Fires may be further restricted or prohibited by the Superintendent and/or Goshen County Commissioner's as a result of a county-wide burn ban during high fire danger.
- Employees are authorized to have fires for interpretive programs and living history demonstrations.

Reason for determination: Typical high winds and dry conditions at the site create a high fire hazard throughout the year.

36 CFR §2.15 – PETS

(a)(1) Pets are prohibited in all park buildings.

- Service animals accompanying visitors with sight, vision, mobility, or other impairments are excluded.

(a)(2) Pets on park grounds must be on a leash or tether not exceeding six feet in length

(a)(3) Pet excrement must be promptly removed from all areas of the park by the pet owner/handler and placed in an outdoor trash receptacle.

36 CFR §2.16 – HORSES AND PACK ANIMALS

(g) No horses or pack animal usage is allowed by the public in the park without a special use permit.

Reason for determination: Fort Laramie National Historic Site does not have trails, routes, or areas designed for horse or pack animal usage. Mixing horse traffic with pedestrian traffic would create a high possibility for accidents and injuries.

36 CFR §2.21 – SMOKING

(a) Smoking is prohibited within all park buildings and structures.

Reason for determination: Smoking creates a fire hazard in the historic structure and smoke is detrimental to historic structures and artifacts.

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:

Entrance Fee Areas:

- Recreation fees are collected at the site entrance station from approximately Memorial Day weekend thru the middle of August. The rest of the year, fees are collected at the visitor center or in a self-pay "Iron Ranger" vault at the entrance station fee booth.

36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS

- (e) The superintendent shall designate on a map, the locations available for public assemblies.
- Refer to **Appendix B**: a map showing the designated area.
 - A special use permit is required.

Reason for determination: In order to protect the resource, safety of the visitor, and maintain the integrity and purpose of the site, the public assembly or meeting must be considered by the superintendent in a permit application to make a fair decision.

36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

- (e) The superintendent shall designate on a map, the locations for sale or distribution of printed matter.
- Refer to **Appendix B**: a map showing the designated area.
 - A special use permit is required.

Reason for determination: In order to protect the resource, safety of the visitor, and maintain the integrity and purpose of the site, the public assembly or meeting must be considered by the superintendent in a permit application to make a fair decision.

36 CFR §2.62 – MEMORIALIZATION

- (b) A permit is required for the scattering of ashes from cremated human remains and must be in accordance with the terms and conditions of a special use permit.

IV. BOATING AND WATER USE ACTIVITIES

36 CFR §3.21 - SWIMMING AND BATHING

- (a) The following are prohibited: Swimming or bathing in locations designated as closed.
- The portion of the Laramie River from the south west boundary of the Park to a point downstream from the eastern most end of the historic Quartermaster's

dump. **See Appendix A.**

- Goshen Irrigation District canal is closed to swimming

Reason for determination: River: This section of river has a steep, unstable bank and deep unseen holes in the river that are unsafe for swimming. This area has artifacts on the stream bed that include a large amount of glass and jagged metal which can result in injuries. Closing the area will also support the preservation of artifacts. Areas closed to swimming are signed. Canal: Has steep banks, is not designed for swimming purposes and is known for rip currents.

V. VEHICLES AND TRAFFIC SAFETY

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a) Operating a motor vehicle in the Park is prohibited except on park roads and established parking areas:

(b) Operating motor vehicles on the Goshen Irrigation District canal road is prohibited. Exception: Adjacent land owners may use the canal road to access their respective properties.

Reason for determination: The canal road is not maintained and is only intended for the ditch company's maintenance activities.

36 CFR §4.21 – SPEED LIMITS

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

- The posted speed limit on the Entrance Road is 20 mph.
- The posted speed limit for travel through the parking lot is 15 mph.

36 CFR §4.30 – BICYCLES

(a) The following routes are closed to bicycle use.

- The Historic Buildings Area
- The trail to the hospital ruins and barracks
- The Confluence Trail
- The canal roads
- The administrative road from the picnic area to the NPS Maintenance facility.
- The administrative road from the parking lot to the employee parking lot and fire cache area

Reason for determination: These areas are designed for foot traffic or administrative traffic only. Bicycle riding in these areas increase the chance of injury to visitors that are walking, and for those riding bicycles as well.

VI. COMMERCIAL AND PRIVATE OPERATIONS

36 CFR § - 5.13 NUISANCES

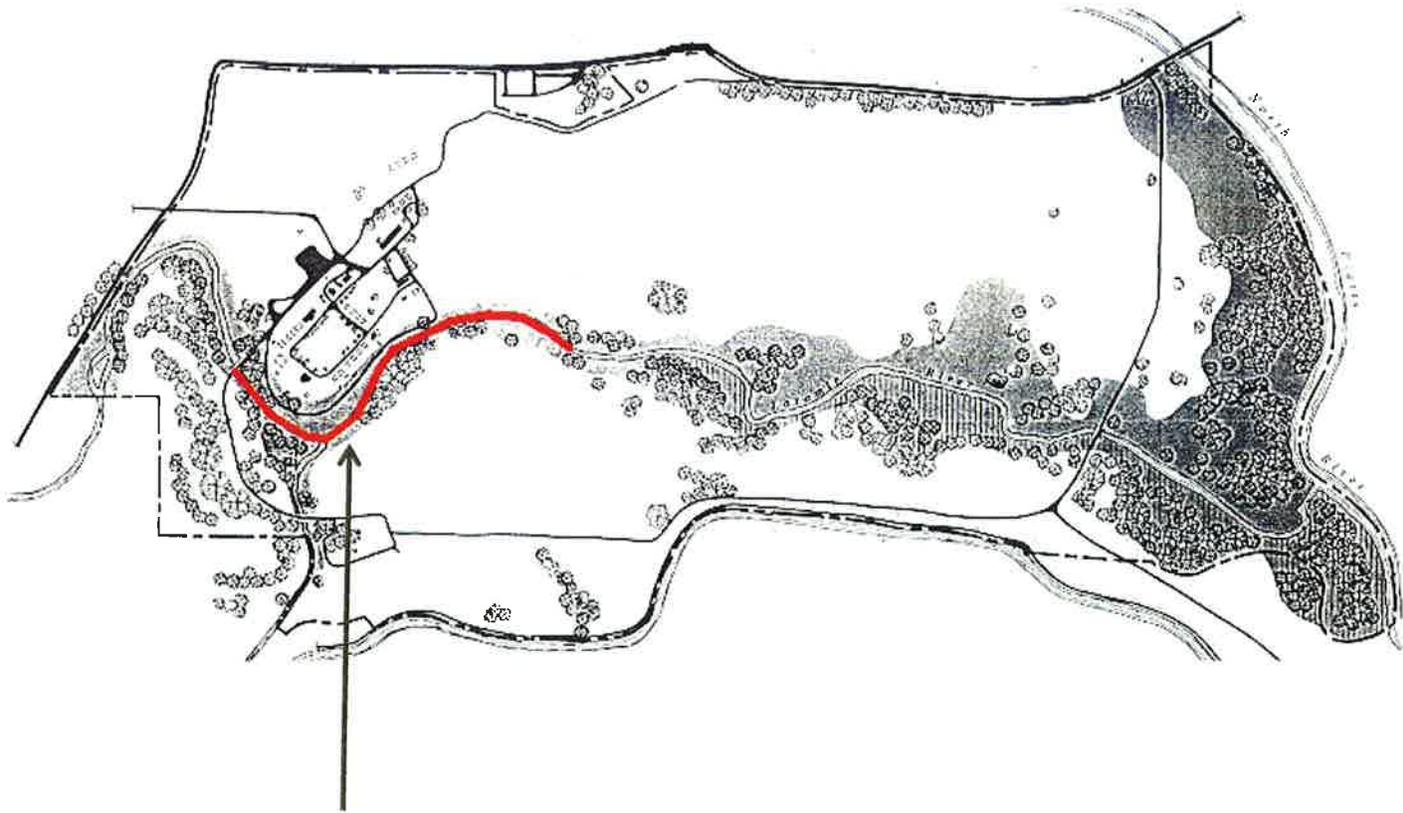
Allowing vehicles with diesel engines or any vehicle which produces noxious exhaust to idle, except

while actively loading or unloading passengers, is prohibited. This does not preclude vehicles from reasonable warm-up times away from concentrated visitor use in parking areas. Idling is limited to 10 minutes. 36 CFR § 1.5(a)(2)

Reason for determination: The idling of bus engines creates noise and adds exhaust fumes into the air which diminishes visitor enjoyment of the peace and tranquility of the park.

Appendix A

Location of Area closed to fishing and swimming



The Laramie River is closed to fishing and swimming from the service bridge (adjacent to Main picnic area) to the eastern most extent of the historic quartermaster's dump site.

Appendix B

Location of Public Assembly/First Amendment Demonstration Area and Picnic Area

