



# United States Department of the Interior

## NATIONAL PARK SERVICE

Fort Union National Monument

P.O. Box 127

Watrous, NM 87753

505-425-8025

## **INTRODUCTION TO THE SUPERINTENDENT'S COMPENDIUM**

### A. What is the Superintendent's Compendium?

The Fort Union National Monument Superintendent's Compendium is the summary of monument specific rules implemented under the discretionary authority of the monument Superintendent. It serves as public notice with an opportunity for public comment, identifies areas closed for public use, provides a list of activities requiring a special use permit, and elaborates on those public use and resource protection regulations that pertain to the specific administration of the monument. It does not contain those regulations found in 36 Code of Federal Regulations (CFR) and other United States Codes (U.S.C.) and CFR Titles which are enforced without further elaboration at the monument 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 monument and to protect visitors and property within the monument. 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 and monuments. 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 monument resource or activity, monument plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) Closures and Public Use Limits, provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by this Section, however, requires the Superintendent to comply with the Administrative Procedures Act (5 USC Section 551) which requires public notice on actions with major impact on visitor-use patterns, monument 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 monument. 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 monument.

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

The monument's compendium should be used in conjunction with 36 CFR, Sections 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the National Park System.

The CFR is available on the Internet at: <http://www.gpoaccess.gov/nara/index.html> or a copy of the CFR can be purchased from the U.S. Government Printing Office at the internet site shown above or by writing:

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

**B. What laws and policies allow the Superintendent to develop a Compendium?**

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

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

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

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

36 CFR Section 1.7(b) requires the Superintendent to compile in writing all the designations, closures, permit requirements, and other restrictions imposed under discretionary authority. This

compilation, called the Superintendent's Compendium, shall be updated annually and made available to the public upon request.

In addition to the above statutory authority, the Superintendent is also guided by established NPS policy as found in the NPS Management Policies (2006). As stated in this policy document, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitors and other users, as long as use does not impair specific monument 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 or monument area may not be appropriate in another. Each monument Superintendent is directed to analyze overall monument use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a basis to believe a resource is or would become impaired, then that Superintendent is obliged to place limitations on public use.

**C. Does a Compendium comply 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, a Compendium does not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

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

**D. How are the requirements of the Superintendent's Compendium developed?**

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

- Is the use or activity consistent with the National Park Service Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the monument's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage or impair the monument'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 monument uses and activities?
- Will the use or activity compromise employee or public safety?

E. Where does the monument's Compendium apply?

The regulations contained in the monument's Compendium apply to all persons entering, using, visiting or otherwise within the boundaries of federally owned lands and waters administered by the NPS as part of the Fort Union National Monument. You can find this information on the monument map, available at any monument office or visitor contact station.

F. What federal regulations apply within the monument boundary regardless of land ownership?

The regulations contained in these sections apply, regardless of land ownership including easement property, on all lands and waters within Fort Union National Monument that are under the legislative (concurrent) jurisdiction of the United States.

Section 2.2	Wildlife protection
Section 2.3	Fishing
Section 2.4	Weapons, traps, and nets
Section 2.13	Fires
Section 2.22	Property
Section 2.30	Misappropriation of property and services
Section 2.31	Trespassing, tampering, and vandalism
Section 2.32	Interfering with agency functions
Section 2.34	Disorderly conduct
Section 2.36	Gambling
Section 4	All parts
Section 5.8	Discrimination in employment practices
Section 5.9	Discrimination in furnishing public accommodations and transportation services

G. Who enforces the requirements of a Compendium?

Only NPS Law Enforcement Park Rangers can enforce the requirements of the United States Code, CFR Titles, and this Superintendent's Compendium. However, many Federal laws and regulations have similar statutes found in State and local law. Many of the requirements of the monument's Compendium complement existing State and local law and regulations which are also in effect within the monument and enforced by State and local law enforcement officers.

H. Is there a penalty for not adhering to the requirements found in a Compendium?

A person who violates any provision of the regulations found in 36 CFR Parts 1-7, along with the monument's 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 monument address found below.

I. How do I provide comment on the monument's Compendium?

The monument welcomes comments about its programs and activities at any time. Comments specific to the current year's Compendium will be accepted until March 1<sup>st</sup> of that year. Any comments received after March 1st, will be used in the final decision-making process for the following years Compendium.

Any changes to the monument's Compendium recommended by the public or others, and accepted by the Superintendent, will be incorporated into the compendium without further public comment and review.

Please send any written comments to:

Superintendent  
Fort Union National Monument  
P.O. Box 127  
Watrous, New Mexico 87753  
ATT: Superintendent's Compendium

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

J. When do Compendiums become effective?

The Fort Union NM Superintendent's Compendium's effective date is listed on the first page of the document and remains in effect until superseded.

K. Is there anything else I need to know about a compendium?

Some of the terms used in Compendiums may be unclear to you. If you are unsure about a specific term please consult 36 CFR 1.4 Definitions. Terms that may be unique to this Compendium will be defined.

Where may I find a copy of the monument's Compendium once it is approved?

Copies of the current Fort Union NM Compendium are available at monument headquarters. Hours of operation vary. Please call ahead of time to ensure the facility is open (Tel. 505-425-8025).

The Fort Union National Monument Superintendent's Compendium may also be found on the Fort Union National Monument website at: [www.nps.gov/foun/](http://www.nps.gov/foun/). Look under Management Documents.