



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

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

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Approved:  
Date: 06/22/2015

Timothy Cochrane, Superintendent

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## **A. INTRODUCTION**

### **1. Superintendent's Compendium Described**

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

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

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

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

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

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

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

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

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in

another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, than that Superintendent is obliged to place limitations on public use.

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

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

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

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

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

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

### **5. Applicability of the Compendium**

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

### **6. Enforcement of Compendium Requirements**

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

## 7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Lead Park Ranger at the park address found below.

## 8. Comments on the Compendium

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

Written comments on the Compendium may be submitted to:

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

## 9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

## 10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

## 11. Availability

Copies of the Compendium are available at Grand Portage National Monument, P.O. Box 426, 170 Mile Creek Road, Grand Portage, Minnesota 55605. It may also be found at <http://www.nps.gov/grpo/learn/management/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 Grand Portage National Monument. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

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

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

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

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

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

Visiting Hours:

- The Heritage Center is closed on Sundays during the winter season. See the webpage for Heritage Center operating hours at <http://www.nps.gov/grpo/planyourvisit/hours.htm>
- The summer season hours for the Historic Site (Great Hall, Kitchen, and Canoe Warehouse) are 9a.m. to 5:00p.m, every day of the week. The Historic Site is closed for the winter season, starting Tuesday after Columbus Day and reopening to the public Memorial Day weekend.

Public Use Limits:

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

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

- Fort Charlotte camping limits are 9 persons or less per group and a maximum stay of 2 consecutive days. Camping at Fort Charlotte requires a permit.
- Camping along Lake Superior shoreline and outside the stockade is authorized only during park sponsored events, including but not limited to Rendezvous Days, service projects and other events authorized by the superintendent. Rendezvous event campers must be registered for the event.

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

Closures:

- Picnicking is prohibited the following areas:
  - Within the historic palisade walls
  - Within the historic buildings and Heritage Center
  - Where the activity would interfere with normal agency functions, contribute or cause a safety hazard, or it interfere with visitor activities. (e.g. tailgate picnicking in parking areas)

*Determination: To maintain the historic character of the area and ensure the safety of park visitors from motor vehicle traffic.*

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Grand Portage National Monument 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.*

*Determination: Until the NPS can determine whether specific uses of unmanned aircraft are appropriate and will not cause unacceptable impacts on park resources and values, Grand Portage National Monument is closed to the use of these devices. The use of unmanned aircraft within the boundaries of Grand Portage National Monument has the potential to harm visitors, disturb wildlife, impact view sheds, cause excessive noise, and interfere with other visitors' enjoyment of the area. This closure is being implemented as an interim measure while this new use can be properly evaluated. A less restrictive approach is not appropriate at this time due to the impacts the devices could potentially present to visitor safety, park values, and to park resources. The interim closure will safeguard these values while the NPS considers how to address this new use on a long-term basis.*

**(a)(2) The Superintendent has determined that the following activities require conditions and/or restrictions:**

See the following sections under General Regulations for conditions and/or restrictions

- §2.1 Preservation of Natural, Cultural and Archeological Resources
- §2.3 Fishing
- §2.4 Weapons, Traps and Nets
- §2.10 Camping
- §2.11 Picnicking
- §2.13 Fires
- §2.15 Pets
- §2.18 Snowmobiles
- §2.21 Smoking
- §2.22 Property
- §2.35 Alcoholic Beverages and Controlled Substances
- §2.51 Public Assemblies, Meetings
- §3.3 Vessel Permits

**The following restrictions and/or conditions are in effect for the specific uses or activities noted:**

Passenger Carrying Busses:

- Engines must be shut down when not underway.
- The local shuttle bus vehicles are exempt when in-service.

*Determination: The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park. Due to the nature of the service provided by the shuttle busses, they are excluded from the requirement.*

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

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

- §1.5(d) The following activity related to Public Use Limits:  
Docking a vessel overnight
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.10(a) The following camping activities:  
Overnight camping at Fort Charlotte  
Camping Permits are available at the Heritage Center; and more information online at <http://www.nps.gov/grpo/planyourvisit/permitsandreservations.htm>
- §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)
- §2.50(a) Conduct a sport event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar event.
- §2.51 Public assembly, gatherings, demonstrations, and other public expressions of views. Groups of 25 persons or less do not need a permit for first amendment activities in the assembly location. (See map attached for assembly location)
- §2.52 Sale or distribution of printed matter.
- §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:
  1. All commercial filming requires a permit. Commercial filming is defined as digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project. It does not include news coverage or visitor use.
  2. Still photography activities require a permit only when:
    - a. the activity takes place at location(s) where or when members of the public are generally not allowed; or
    - b. the activity uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or
    - c. the park would incur additional administrative costs to monitor the activity;
    - d. the park needs to provide management and oversight to:
      1. avoid impairment or incompatible use of the resources and values of the park, or
      2. limit resource damage, or minimize health or safety risks to the visiting public

### III. GENERAL REGULATIONS

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

**(a)(4) Dead wood and drift wood found on the ground may be collected for use as fuel for campfires within the park in the following areas:**

- Areas near to designated campsites at Fort Charlotte.
- Near the Lake Superior shoreline where campfires are permitted for special events.

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

- Public entry to any historic building or structure, or any part thereof, is permitted, provided the building, structure or part thereof is open to normal public access.

**(b) Hiking or pedestrian traffic is restricted to the trail or walkway as listed in Section 1.5 of this document.**

- Leaving the paved portion of the Mount Rose Trail for the purpose of “short-cutting” between portions of the Trail 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:**

- Fruits and berries – 1 pint per person per day, wherever found, for immediate consumption
- Fungi, Edible – 1 pint per person per day, wherever found, must be cut (not pulled)

*Determining Factors: The gathering of fruit, berries and mushrooms in the quantities identified will not have an adverse effect 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 §2.3 – FISHING**

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

#### **36 CFR §2.4 – WEAPONS, TRAPS, AND NETS**

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

- As authorized in accordance with tribal and federal law

**(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. Heritage Center and historic buildings)
- All NPS housing units

### **36 CFR §2.10 – CAMPING**

**(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:**

- There are two designated campsites at Fort Charlotte.
- A camping permit is required for all overnight camping at Fort Charlotte.
- The party size is limited to 9 or less people and the maximum stay is 2 consecutive days.
- The superintendent may permit camping outside the designated areas during special events.

### **36 CFR §2.11 – PICNICKING**

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

### **36 CFR 2.13 – FIRES**

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

Designated Areas:

- At Fort Charlotte within designated fire rings
- During special events on specially designated areas
- Campfires are allowed in additional areas open to the kindling of fire for an activity which supports interpretive activities by NPS employees and volunteers.
- Use of portable camp stoves, including charcoal burners, is permitted in the picnic areas and in designated campsites

**(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 animals and remnants dispersed.

### **36 CFR §2.15 – PETS**

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

- Within the palisade walls or structures therein (Gatehouse, Kitchen, Great Hall)
- Canoe Warehouse
- Ojibwe structures
- Restrooms
- Heritage Center
- Seasonal Housing
- Maintenance Facilities

Guide or Service dogs for seeing impaired or physically handicapped persons are permitted within all park facilities.

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

- Pet excrement must be removed and disposed of in waste receptacle.

### **36 CFR §2.18 – SNOWMOBILES**

**(c) Snowmobiles may be operated only on routes designated in section §7.59(a)**

### **36 CFR §2.21 – SMOKING**

**(a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking as noted:**

- In all public buildings
- All areas within the palisade walls
- Within 25 feet of any building, except single family residence.
- Other areas as posted

### **36 CFR §2.22 – PROPERTY**

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

- Motor vehicles may be parked in designated parking areas with written permission of the superintendent or the completion of a camping permit.

### **36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES**

**(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:**

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

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

### **36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS**

**(a) Permits are required for any public assembly, meeting, gathering, parade, or other public expression of view within the park boundaries.**

- Written application for a permit is requested 30 days prior to the desired event date.
- The permit holder must abide by all conditions of the permit.
- The activity must not conflict with any scheduled NPS function/program.

**(e) The superintendent has designated on a map, the location available for public assemblies.**

- Location: First amendment activities are permitted outside of the historic depot in the mowed area west of Grand Portage Creek, north of the stockade and gatehouse, east of the northeastern stockade line and south of Mile Creek Road (Co.Rd.17) shoulder. See attached map.

### **36 CFR §3.3 – VESSEL PERMITS**

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

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

### **36 CFR §7.59 Special Regulations, Grand Portage National Monument**

- (a) Snowmobiles.** After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, the superintendent may permit the use of snowmobiles on the following designated routes within the National Monument:
- (1) The trail from county Road 73 (near the Grand Portage Fire/Ambulance Hall) which moves across the Grand Portage to County Road 17 near the Catholic Church.**
  - (2) The power line right-of-way road from Country [sic] Road 73 which moves across the Grand Portage Trail.**
  - (3) Abandoned Highway 61 which moves across the Grand Portage Trail.**
  - (4) The logging road which moves across the Grand Portage Trail in SE ¼, NW ¼, Section 25, T64N, R5E.**
- (b) Fishing.** All Grand Portage Band of Minnesota Chippewa Tribe fishing laws and/or regulations apply.

**Attachment**

*Public Assembly:*

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

