National Park Service
U.S. Department of the Interior

Keweenaw National Historical Park
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Superintendent's Compendium

Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority

Approved:

Michael D. Pflaum, Superintendent — Date: 06/11/2014

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INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park-specific rules implemented under Title 36 of the 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 the Secretary 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 *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 then 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, through Isle Royale National Park, enforce the requirements of the United States Code, 36 CFR, and this Superintendent's Compendium as they pertain to NPS fee simple lands and facilities. Areas within park boundaries, but not in fee simple to the NPS come under the jurisdiction of local, county, and state law enforcement agencies.

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 Superintendent 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
Keweenaw National Historical Park
25970 Red Jacket Road
Calumet, MI 49913

9. Effective Date of the Superintendent's 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 Keweenaw National Historical Park; 25970 Red Jacket Road; Calumet, MI 49913. It may also be found at: www.nps.gov/kewe

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 Keweenaw National Historical Park. 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, 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:

- Park lands are open for legal visitor activities 24 hours per day year-round.
- Park Headquarters is open 9:00am to 5:00pm Monday through Friday year-round.
- The Calumet Visitor Center hours vary seasonally and as staffing permits.
- The Keweenaw History Center is open to bona fide researchers and scholars by appointment (906-483-3032).
- Park facilities are closed New Year's Day, Thanksgiving Day, and Christmas Day; Columbus Day, Veterans Day, Memorial Day, and all other declared Federal holidays.
- See the park website - www.nps.gov/kewe - for schedule changes.

Public Use Limits:

- The Calumet Visitor Center has the following carrying capacity limits:
  - First Floor:
    - Exhibits 160
  - Second Floor:
    - A/V Room 45
    - Exhibits 212
  - Third Floor:
    - Entire Floor 259
    - Lodge Room (events/meetings) 110 (table seating)
      - The Lodge Room is available for public use during normal operating hours when NPS staff is available during normal tour of duty.
      - Use of the Lodge Room for meetings or events requires a Special Use Permit, available at least 30 days in advance at Park Headquarters by calling the park's Management Assistant at (906) 483-3016 or by email to: KEWE_Permits@nps.gov
      - Meeting/event requests will be considered on an individual basis, and will be allowed at the discretion of the superintendent.
        - It is the responsibility of permit holders to ensure clean-up and removal of all refuse immediately following the event.

- Food or drink is permitted only on the third floor of the building.

- Park Headquarters
  - Multipurpose Room — 60 seated (24 at tables)
  - Second Floor Conference Room — 50 seated (20 at tables)
- Quincy Mine Office
  - Second Floor Conference Room — 20

Closures:

- The Superintendent may, by the posting of appropriate signs, define the nature and extent of a restriction for visitor safety or visitor use management purposes.

(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

First Amendment Activities and/or Printed Material Distribution areas:

NOTE: Groups of 25 or fewer people may engage in First Amendment activities such as demonstrate or distribute or sell printed matter in designated available areas without obtaining a permit.

The primary area designated for First Amendment activities or the distribution of printed materials shall be limited to the parking lot and lawn area between the Keweenaw History Center and Highway US-41 (Calumet Avenue). Interference with visitors or staff entering or exiting vehicles is prohibited.

Two alternative areas are also designated:

Area A: The triangular lawn area adjacent to the Calumet Visitor Center bounded by the south façade of the Union Building, Fourth Street to the east, and Red Jacket Road to the southwest. Interference with visitors or staff entering or exiting vehicles is prohibited.

Area B: The lawn area north of the Quincy Mine Office. Interference with visitors, tenants, or staff entering or exiting vehicles is prohibited.

In all cases, harassment of visitors and obstruction of public passageways is prohibited. See section II (f) regarding permitting requirements.

Passenger-Carrying Busses:

Engines must be shut down when not underway.

The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors to the site.

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**:

§1.5(d) The following activities related to Public Use Limits:

- Special events on park lands require a written permit from the Superintendent

§2.12 Audio Disturbances:

- (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51

§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) Entertainment, ceremonies (such as weddings), and similar events

§2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views. **Exception**: Groups of 25 or fewer people may demonstrate or distribute or sell printed matter in designated available areas without obtaining a permit. These small groups may still apply for a permit in order to guarantee their use of a particular area.

§2.52(c) Sale or distribution of printed matter that is not solely commercial advertising.

§2.53 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**).

§2.53 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.
- Permit for any wedding ceremony, or wedding related event, such as wedding photography or reception.

III. 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.*

GENERAL REGULATIONS

I. 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*** park buildings.

(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.

II. 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:

- Smoking is prohibited in all park buildings.

III. 36 CFR §2.23 – RECREATION FEES

(a) 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:

- None.

(b) On-site parking is free.

IV. 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:

- Alcoholic beverages are prohibited in all park buildings unless otherwise approved by the NPS Midwest Regional Director for special events.