National Park Service
U.S. Department of the Interior

Lowell National Historical Park

Lowell National Historical Park
67 Kirk Street
Lowell, MA 01852
978-275-1700 phone
978-275-1762 fax
www.nps.gov/LOWE

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

Approved:

Celeste Bernardo Date: May 1, 2013
Celeste Bernardo, Superintendent

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 Lowell 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.

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

(a)(1) The following visiting hours, public use limits, and closures are established:

Public buildings and facilities have established hours of operation for the general public.

Visiting Hours:

- Visitor Center 9:00 – 5:00
- Boott Museum 9:30 – 5:00
- Mogan Center 9:30 - 5:00
  Mill Girl and Immigrant Exhibit Hours (In Mogan Center)
  Nov. 25th – March 9th 1:30-5:00 Weekends Only
  March 10th – June 21st 1:30-5:00 Daily
  June 22nd - August 25th 11:00 – 5:00 Daily
  August 26th – Nov 24th 1:30-5:00 Daily

- Kirk Street Agents House HQ 8:30 – 4:30 Monday through Friday (Closed on established Federal Holidays)

  All facilities are closed Thanksgiving and Christmas Days

Public Use Limits:

- Private vehicle parking in Boott Mill courtyard is restricted to maintain access for emergency vehicles.
- Private vehicle parking in Market Mills Courtyard is restricted – heavy pedestrian use area and historic settings are determined to be inappropriate use for vehicle parking.
- Parking is prohibited along the eastern canal in the area in front of the Boott Mills (NPS) and Boott Mills South (behind Boarding House Park and the Patrick J. Mogan Cultural Center).
- Boarding House Park: Prohibited uses:
    - Boarding House Park is not to be used as a play or recreation area for groups unless under the direct supervision of NPS or UML Tsongas Industrial History Center staff and for a specific NPS sponsored program.

Closures:

- Northern Canal Walkway closed to public from School Street Bridge to Pawtucket Street Bridge from October 15th to May 15th and any day when water flows exceed 3,500 cfs.

  Unsafe water levels may rise suddenly as Canal is a Hydro-power generation canal causing the potential for water to overflow the walkway and create risk to anyone on the walkway during higher flow rates.

- Boats. Private Boats and personal watercraft of any type are prohibited on the Lowell Canal System within the concurrent jurisdiction of Lowell National Historical Park except by permit only as noted in 304 CMR Regulations Section 16.04 (11).

  This is in concurrence with Commonwealth of Massachusetts Regulation 304 CMR Section 16.04 (11) which provides that " private boats (motorized and non motorized) are allowed to travel on the Lowell Heritage Park Canals by permit only ." This does not include work boat operations by City, State or Federal agencies or Boott Hydropower or their authorized Contractors performing legitimate work in the Canal System.

- Canalway from Central Street to the North West end of the Trio Condominium building (near the Credit Union Parking Lot area) is closed to public access from 11:00 PM to 6:00 AM .

  Due to a number of documented cases of vandalism, disorderly conduct, drug use and intoxicated persons which have occurred mostly during the late night and early morning hours, this section of the walkway is closed during the hours prescribed.

Ice skating and any trespassing on any frozen surface of any canal within the concurrent jurisdiction of Lowell National Historical Park, and the Pawtucket Dam on Merrimack River is prohibited.

(a)(2) The following designations, conditions, and/or restrictions are imposed on a specific use or activity:

Passenger Carrying Busses:

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

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.

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:

- Certain activities related to designated public use limits pursuant to 36 CFR § 1.5(d).
- Certain audio disturbances pursuant to 36 CFR § 2.12:
  - Operation of a public address system pursuant to 36 CFR § 2.12(a)(4)
- Lighting or maintaining a fire pursuant to 36 CFR § 2.13(a)(1).
  - *Open or contained fires are prohibited. Fires used for cooking or ceremonial events need written approval (Special Use Permit) signed by the Superintendent and must be in accordance to the conditions of that permit and applicable Lowell City Fire Department approvals or permits.*
- Soliciting or demanding gifts, money goods or services pursuant to 36 CFR § 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials pursuant to §2.38(a)
- Holding sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events pursuant to 36 CFR § 2.50(a)
- Holding demonstrations with more than 25 people pursuant to 36 CFR § 2.51(b).
- Selling or distributing printed matter by more than 25 people pursuant to 36 CFR § 2.52(b).
- Displaying, posting, or distributing advertisements or commercial notices pursuant to 36 CFR § 5.1.
- Engaging in or soliciting any business in park areas pursuant to 36 CFR § 5.3.
- Commercial photography pursuant to 36 CFR § 5.5.
- Special Use / Filming – Contact John Marciano at 978-275-1883
- Special Events as delineated in 36 CFR 2.50 – Contact John Marciano at 978-275-1883
- Public Assemblies and meeting as delineated in 36 CFR 2.51
- Distribution of Printed Material as delineated in 36 CFR 2.52

GENERAL REGULATIONS

NOTE: Each of the following underlined sections include language (in the CFR) that authorizes the superintendent to designate areas or sites for certain activities or uses; set terms and/or conditions for activities or uses; require a permit; set procedures, or a combination thereof. Since the authority to exercise discretion is built-in, a written determination in each case is not required, <u>except</u> when specifically required such as in §2.1(c)(1), (gathering of berries, etc., for personal use).

36 CFR §2.3 – FISHING

Fishing is prohibited as identified by 304 Code of Massachusetts regulations (CMR) Division of Forests and Parks, Section 17.03 (2), except at the following locations as identified In 304 CMR Section 17.03(2) as follows:

Closed to fishing : "All areas of Lowell Heritage State Park with the following exceptions: Merrimack Canal adjacent to Lucy Larcom Park; area along Eastern Canal adjacent to Prescott and Kerouac Parks; Western Canal along Suffolk Street between Fletcher Street, Merrimack Street, and Moody Street; Pawtucket Canal along walkway, not including stairway between Market Street parking lot and Central Street "

36 CFR §2.10 – CAMPING and FOOD STORAGE

There are no public camping areas in Lowell National Historical Park. Public camping is prohibited.

36 CFR §2.11 – PICNICKING

Picnicking is allowed unless otherwise posted.

36 CFR §2.15 – PETS

NOTE: "Pet" means dogs, cats, or any animal that has been domesticated. [36 CFR §1.4]

(a)(1) Possessing pets in public buildings, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:

- Boardinghouse Park

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

All pet excrement is to be cleaned up and removed in a proper fashion and placed in an appropriate trash receptacle or removed from the park site by the pet owner or responsible party.

36 CFR §2.19 – WINTER ACTIVITIES

(a) Skiing, snowshoeing, ice skating, sledding, inner tubing, tobogganing, and similar winter sports are prohibited on park roads and in parking areas open to motor vehicle traffic.

Ice skating and any trespassing on any frozen surface of any canal within the concurrent jurisdiction of Lowell National Historical Park, and the Pawtucket Dam on Merrimack River is prohibited pursuant to 36 CFR § 1.5.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited in the following areas:

- Boott Courtyard
- Market Mills Courtyard
- Boardinghouse Park

Past experience has shown that these activities cause extensive damage to brick, granite and cement found in many cultural resource areas (such as public art or historic features) as well as to steps, sidewalks, railings and other features creating potential safety problems as well as aesthetic and maintenance issues.

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:

- No smoking allowed in any NPS building, historic structure, trolley, vehicle, or watercraft under NPS administration.
- No smoking allowed at Boardinghouse Park during public events
- No smoking within 25 feet of any entrance or exit primarily accessed by the visiting public

Within 25 feet of any entrance or exit not generally accessed by the public, where smoking would result in smoke traveling through doorways, windows, air ducts, or other opening.
(See DO 50 D which cites Executive Order 13058: "Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace.")

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:

- **Boott Cotton Mills Museum:** Adults $6.00, Youth (6-16) $3.00, Students $3.00, Seniors $4.00, Kids 6 and under free.
- **Canal Tours:** Adults $8.00, Students/Seniors $7.00, Youth (6-16) $6.00, Children 6 and under free. "Full Works Tour" Adults $10.00, Students/Seniors $9.00, Youth (6-16) $8.00, children under 6 free.

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 consumption of alcoholic beverages or possession of an open container of alcoholic beverage is prohibited where there is no special use permit in effect.

In order to insure that alcohol consumption is consistent with City ordinances and generally approved social norms and public safety, guidelines for serving alcohol at Park functions or special events under the use of a special use permit have been established and can be obtained through the Special Events Coordinator at 978-275-1783. The Superintendent may impose further restrictions or conditions as required to assure public safety and guard against immoderate or inappropriate consumption.

36 CFR § 2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefor has been issued by the superintendent.

36 CFR § 2.51 -- DEMONSTRATIONS

(b) Demonstrations of 25 people or less are allowed within the park areas designated as available under paragraph (c)(2). Demonstrations of more than 25 people are allowed within designated park areas when the superintendent has issued a permit for the activity.

(c)(2) The following locations are designated as available for demonstrations:

- *The area located immediately adjacent to the Patrick J. Mogan Cultural Center's southeast corner, which is the corner located closest to Boarding House Park and French St. This area is located at the bottom of the Granite steps leading from the main sidewalk to the sidewalk next to the Mogan Center. Reasonable accommodations can be made for a group if the area is not useable at the time due to environmental conditions. A Ranger from the Protection Division or special events staff will be consulted to make the proper adjustments.*

- *The area located at the Visitors Center Courtyard and is described as the "sunken" area on the North side of the courtyard, as you are walking into the courtyard from Market St. after walking under the archways, to your left. Reasonable accommodations can be made for a group if the area is not useable at the time due to environmental conditions. A Ranger from the Protection Division or special events staff will be consulted to make the proper adjustments.*

36 CFR § 2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER

(b) The sale or distribution of printed matter by 25 people or less is allowed within the park areas designated as available under §2.51(c)(2) (see above). The sale or distribution of printed matter by more than 25 persons is allowed within designated park areas when the superintendent has issued a permit.

36 CFR §3.8 – BOATING OPERATIONS

Private boats of any type are prohibited in the Lowell Canal System within the jurisdiction of Lowell National Historical Park except where a permit has been issued by the Commonwealth of Massachusetts Department of Conservation and Recreation / Lowell Heritage State Park. This does not include work boats of Boott Hydropower, or other City, State or Federal agencies or their contractors where permission has been granted to be in the canal system for business purposes.
(Reference 304 CMR Section 16.04 (11)

36 CFR §3.9 – PERSONAL WATERCRAFT (PWC)

Personal watercraft are prohibited in the Lowell Canal System within the jurisdiction of Lowell National Historical Park (reference 304 CMR Section 16.04 (11))

36 CFR §3.16 – SWIMMING AND WADING

Swimming is prohibited in any canal within the concurrent jurisdiction of Lowell National Historical Park and the Pawtucket Dam on the Merrimack River.

Title 304 CMR Section 16.02 (7) provides that:

"No person shall swim in any canal belonging to or managed by DEM."

36 CFR §4.21 – SPEED LIMITS

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

- Dutton Street (Visitor Center) Parking Lot: 5 miles per hour
- Boott Courtyard and entrance way: 5 miles per hour
- Maintenance Yard and Driveways: 5 miles per hour