

INTRODUCTION TO THE SUPERINTENDENT'S COMPENDIUM

Rev. 11/28/06

A. What is the Superintendent's Compendium?

The Pecos National Historical Park Superintendent's Compendium is the summary of park specific rules implemented under the discretionary authority of the park 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 park. 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 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 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, 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 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 park wildlife, the reproductive potential of a plant species or otherwise adversely affect park resources.

This 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.

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

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

Or by calling: (202) 512-1800

The Code of Federal Regulations is also available on the Internet at:
<http://www.gpoaccess.gov/nara/index.html>.

B. What laws and policies allow the Superintendent to develop this 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 (2001). 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 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. Each park 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 basis to believe a resource is or would become impaired, then that Superintendent is obliged to place limitations on public use.

C. Does this 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, this 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 this 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 park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage or impair 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?

E. Where does this Compendium apply?

The regulations contained in this 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 Pecos National Historical Park. The Federally managed portions of the Pecos National Historical Park includes the main Pecos Unit and the Glorieta Unit, which in turn consists of two sub-units: Canoncito and Pigeon's Ranch. You can find this information on the park map, available at any park office or visitor contact station.

F. What federal regulations apply within the park 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 Pecos National Historical Park 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 this 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 this Compendium complement existing State and local law and regulations which are also in effect within the park and enforced by State and local law enforcement officers.

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

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

I. How do I provide comment on this Compendium?

The park welcomes comments about its programs and activities at any time. Comments specific to the current year's Compendium will be accepted until March 1st 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 this Compendium recommended by the public or others, and accepted by the Superintendent, will be incorporated into this compendium without further public comment and review.

Please send any written comments to:

Superintendent
Pecos National Historical Park
P.O. Box 418
Pecos, New Mexico
ATT: Superintendent's Compendium

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

J. When do Compendiums become effective?

The Pecos NHP 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 this compendium?

Some of the terms used in this Compendium 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 this Compendium once it is approved?

Copies of the Compendium are available at park Headquarters. Hours of operation vary. Please call ahead of time to ensure the facility is open.

Pecos National Historical Park
2 miles South of Pecos on Hwy 63
P.O. Box 418
Pecos, New Mexico
505-757-6414

The Pecos National Historical Park Superintendent's Compendium may also be found on the Pecos National Historical Park website at: www.nps.gov/peco/. Look under Management Documents.