



National Park Service
U.S. Department of the Interior

North Country
National Scenic Trail

PO Box 288
219 E Main Street
Lowell, MI 49331

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

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Approved:

"Signature on File" Date: _____
Mark Weaver, Superintendent

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:
www.gpo.gov

OR

U.S. Superintendent of Documents
Washington D.C
20402-0001
866-512-1800

The CFR is also available on the Internet at:
www.ecfr.gov

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

The National Park Service (NPS) is granted broad statutory authority under Title 54 United States Code (U.S.C.) §100101(a) (formerly 16 U.S.C. 1a-1, "Organic Act") to "...regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." In addition, Title 54 U.S.C. §100751(a) allows the NPS, through the Secretary of the Interior, to "prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units."

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, 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.

North Country National Scenic Trail defined:

For the purposes of this Superintendent's Compendium, park specific rules referenced below apply to the NPS-owned property located between EF Avenue and Augusta Drive in Augusta, Michigan. No registered address exists. Estimated addresses are 523 Augusta Drive, Augusta MI 49102 and 14200 East EF Avenue, Augusta, MI 49012.



Other portions of the approximately 4,600 mile long North Country National Scenic Trail fall under a variety of federal, state, county, and local government ownerships, as well as private lands. Visitors are responsible for following all public use restrictions of the managing authorities on these portions of the North Country National Scenic Trail.

6. Enforcement of Compendium Requirement

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 Superintendent at the park address found below.

Superintendent
North Country National Scenic Trail
PO Box 288
219 E. Main Street
Lowell, MI 49331

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
North Country National Scenic Trail
PO Box 288
219 E. Main Street
Lowell, MI 49331

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 219 E Main Street, Lowell, MI 49331. It may also be found at nps.gov/noco.

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 North Country National Scenic Trail (as defined above). 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:

Day Use Only (thirty minutes prior to sunrise and 30 minutes past sunset)

Visitation during other than daylight hours poses a safety hazard as the property has no artificial lighting and opens the property to looting or vandalism. The Superintendent may make exceptions for evening programs, approved special use permits, or approval on an individual basis. Emergency closures will be posted and/or announced through the media.

Public Use Limits:

- Parking of passenger vehicles under 36,000 GVW is allowed from dawn to dusk.
- Pets on 6' leashes at the trailhead area and on designated trail is allowed.
- The following uses on the trail are allowed: Foot traffic, manual wheelchair, motorized wheelchair, snow shoeing, cross-country skiing and all other foot-to-ground pedestrian transport.
- The Comprehensive Plan for Management and Use of the North Country Trail allows determination of non-motorized uses on the trail to be at the discretion of the managing authority, in this case, the Superintendent of North Country Trail. To the north of the property, adjacent off-road trail is identified as foot traffic only. In order to maximize trail use consistency, this segment of trail will also be limited to foot traffic only. The Superintendent may make exceptions for evening access and programs, approved special use permits, or approval on an individual basis.
- All medically required motorized transport are an appropriate use on the trail and trailhead.
- Uses on areas within the property boundary, excluding trailhead and trail, are limited to foot-to-ground pedestrian transport and medically required transport.
- Firearms may be carried or possessed in accordance with applicable state and federal law.
- Groups of 24 or less are allowed without a permit.
- Picnicking is allowed in the non-prairie portion of the property adjacent to the parking area. See air photo.

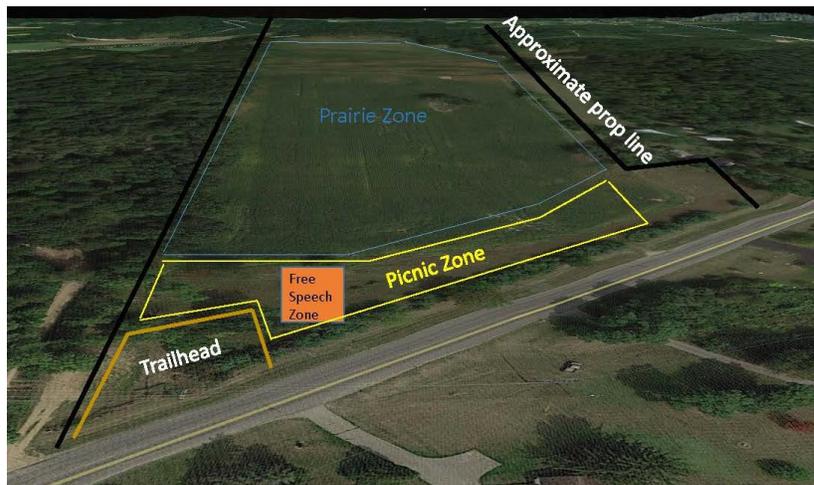


- Upon completion of appropriate studies and planning, these public use limits may be considered for modification by the Superintendent.

Closures:

- The parking area is closed to commercial vehicles or heavy equipment over 36,000 GVW and trail-unrelated carpool parking.
 - *The Superintendent may make written exceptions on a case-by-case basis.*
- The property, with the exception of the designated trail, is closed one half hour after sunset until one half hour before sunrise.

- *This area is closed at these times to maintain public health and safety*
- The parking area is closed when inaccessible due to snow
 - *The parking area will be closed during the winter season to maintain public health and safety*
- The prairie area is closed to picnicking.
 - *Picnicking is not permitted due to the fragility of the restored prairie*
- The property is closed to camping.
 - *Camping is not permitted due to the high maintenance requirements, the fragility of the restored prairie and the proximity of other adequate camping facilities.*
- The property is closed to bicycle, horse, pack animals, and all non-medically required motorized use except vehicular use in the parking area.
 - *The Comprehensive Plan for Management and Use of the North Country Trail allows determination of non-motorized uses on the trail to be at the discretion of the managing authority, in this case, the Superintendent of North Country Trail. To the north of the property, adjacent off-road trail is identified as foot traffic only. In order to maximize trail use consistency, the trail will also be limited to foot traffic only. The Superintendent may make exceptions for evening access and programs, approved special use permits, or approval on a case-by-case basis by notifying the public via the Trail website, www.nps.gov/noco.*
- The prairie portions of the property are closed to pets. See air photo.
 - *Pets are not permitted within the prairie portion of the property due to the fragility of the restored prairie and potential for threatened and endanger plants and animals.*



- *The property is closed to campfires.*
- *Fires are not permitted anywhere on the property due to the increased potential of wildfire within a prairie setting*
- *The property is closed to grazing and agricultural practices.*
 - *These practices are not permitted in order to protect resources and habitat.*
- *The property is closed to the collection of firewood or other timber products.*
 - *Collection is not permitted in order to protect resources and habitat.*
- *The property is closed to the use or possession of fireworks.*
 - *Fireworks are not permitted due to the increased potential of wildfire within a prairie setting and for public health and safety.*
- *The property is closed to hunting and trapping.*
 - *The Superintendent has determined that hunting and trapping activity is*

consistent with public safety and enjoyment within the limited confines of this property.

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

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

Unmanned Aircraft

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of North Country National Scenic Trail is prohibited except as approved in writing by the Superintendent.

Definition: Unmanned Aircraft (UA) - 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, and drones) that are used for any purpose, including for recreation or commerce.

The Superintendent has determined that unmanaged or unrestricted recreational use of UAs within North Country National Scenic Trail will conflict with, or impact, in the interest of preserving and protecting the scenic and natural values important to the visitor experience, and to avoid conflict among visitor use experiences.

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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 Permits for public use:

Groups of 25 or more.

§2.5(a) Specimen collection (Taking of plants, animals, rocks or minerals).

2.12 Audio disturbances

(a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas

(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

§2.17 Aircraft and air delivery

(a)(3) Delivery or retrieval of a person or object by parachute, helicopter, or other airborne means

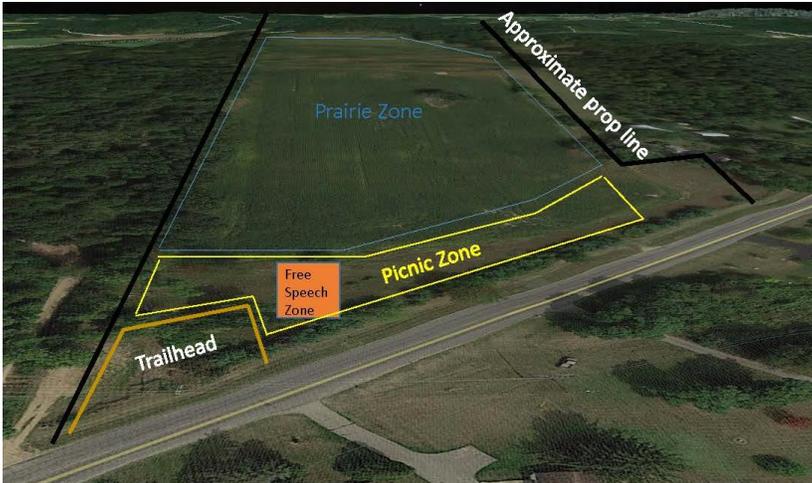
(c)(1) Removal of a downed aircraft

2.23(b) Special recreation activities. Competitive organized events. Commercial uses. Geocaching.

§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 Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events.

§2.51(b) Public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views involving more than 25 people. Demonstrations are allowed within the park areas designated as available for such uses. See air photo.



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

§2.62 Memorialization

- (a) **Erection of monuments (Requires approval from the Director).**
- (b) **Scattering ashes from human cremation according to conditions established by the Superintendent, scattering of ashes is 100 feet from existing trail or trailhead.**

§5.1 Advertisements including display, posting or distribution

§5.5 Commercial photography/filming

- **Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television**
- **Still photography of vehicles or other articles of commerce or models, for the purpose of commercial advertising**

Part 7 Special Regulations
 Research activities require a permit from the Superintendent.

III. GENERAL REGULATIONS

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

(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:

- No more than one quart total per day per person, including edible mushrooms.

36 CFR §2.2 - WILDLIFE PROTECTION

(e) This property is closed to the viewing of wildlife with the use of an artificial light:

36 CFR §2.11 – PICNICKING

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

Conditions for Picnicking:

- Non prairie areas

36 CFR §2.15 – PETS

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

- Immediately bag waste and legally dispose of off-site.
- Bags may not be left unattended.

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

36 CFR §2.17 – AIRCRAFT and AIR DELIVERY

(c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent through written authorization.

36 CFR §2.21 – SMOKING

(a) This property is closed to smoking.

Smoking prohibition reduces the risk of fire.

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:

- Geocaching is approved pursuant to the conditions of a permit.

36 CFR §4.21 – SPEED LIMITS

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

- Parking area. 10 mph.