

INTRODUCTION

The Mississippi National River and Recreation Area 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 either a special use permit or reservation, 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.

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>

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."

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.

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.

In compliance with Section 7 of the Endangered Species Act, as amended, the NPS has determined that the implementation of this Compendium will not adversely affect any Federally listed threatened or endangered species, or designated critical habitat.

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.

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 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?

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 Mississippi National River and Recreation Area. This includes all water subject to the jurisdiction of the United States, including all navigable waters and areas within their ordinary reach (up to the ordinary high water mark) without regard to the ownership of the submerged lands or lowlands.

The regulations contained in this Compendium do not apply on Federally owned lands and waters administered by another department or agency, on lands owned by the States of Minnesota or its local political subdivisions, on Indian tribal trust lands, or on private lands, except those lands which are administered by the NPS for public use purposes pursuant to the terms of a written agreement or lease.

Federally owned lands administered by the NPS include islands and isolated lands that total less than 50 acres.

Only NPS Law Enforcement Park Rangers can enforce the requirements of the United States Code and 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.

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 Federal Court approved fines associated with any particular provision of this Compendium or any section in 36 CFR Parts 1-7 by contacting the Chief of Resource Stewardship at the park address found below.

Public comments invited

The park welcomes comments about its programs and activities at any time. 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
Mississippi National River and Recreation Area
111 E. Kellogg Blvd., Suite 105
St. Paul, MN 55101
ATT: 2007 Superintendent's Compendium

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

Effective date

The Mississippi National River and Recreation Area Superintendent's Compendium will become effective on Friday, May 11, 2007, and will remain in effect until superseded.

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.

The Mississippi National River and Recreation Area Superintendent's Compendium may be found on the park's web site at:
www.nps.gov/miss/

If you are not able to download a copy, call 651-290-4160 and we will mail you one.

PART 1 - GENERAL PROVISIONS

Section 1.1 Closures and Public Use Limits

Section 1.1(a) General Public Use

All public use in any area closed by the Superintendent and identified with an official sign is prohibited.

Areas may be temporarily closed for a variety of reasons including site restoration, protection of at-risk endangered or threatened animal and plant species, and protection of fragile cultural and historic sites.

Areas within 500 feet of bald eagle nesting sites are closed to all public use between March 1 and July 31 each year.

Section 1.1(b) Glass beverage containers

Glass beverage containers are prohibited on lands owned or administered by the National Park Service.

Section 1.1(c) Geocaching

Geocaching is prohibited on any lands owned or administered by the National Park Service.

Section 1.1(d) Paint-balling

The possession and/or use of a paint-ball gun, or similar device, is prohibited on lands owned or administered by the National Park Service.

Section 1.2 Permits

The following activities on lands and waters owned or administered by the National Park Service require a written permit from the National Park Service:

Special Use Permits

- Research specimen collection - 36 CFR 2.5(a)
- Grazing and agricultural use - 36 CFR 2.60(b)
- Residing on park lands - 36 CFR 2.61(a)
- Memorialization and scattering of human ashes - 36 CFR 2.62(b)

Commercial Permits

- Advertisements - 36 CFR 5.1
- Construction activities including buildings, docks, roads, trails, paths, other ways, telephone lines, power lines, and other public and private utilities - 36 CFR 5.7

Engaging in any of the above activities without a permit is prohibited. Information regarding permits is available by calling 651-290-3030 extension 223.

PART 2 - RESOURCE PROTECTION, PUBLIC USE AND RECREATION

Section 2.1 Preservation of natural, cultural and archeological resources

The collection or possession of any cultural, historic, or archeological resource is prohibited.

Section 2.1(a) Firewood

Dead and down wood, including driftwood, may be collected for personal use in the park by park visitors as campfire fuel on lands owned or administered by the National Park Service.

Cutting live or dead standing trees is prohibited except by written agreement of the Superintendent.

Section 2.1(b) Collection and use of fruits, berries, nuts, or unoccupied mussel shells

The gathering by hand of edible fruits, berries and nuts for personal use or consumption on site is permitted. This includes the gathering of edible mushrooms or morels, but does not include the tapping of maple trees, or any other tree species, for sap.

The gathering and use of all live and dead mussels and empty mussel shells is prohibited.

The subsistence gathering and removal of fruits, berries, nuts and other vegetation by Native American Indians for personal use is allowed in accordance with applicable treaties and tribal rules and regulations.

The collection of wildflowers is prohibited.

Section 2.1(c) Damage to trees

Damaging trees by pounding nails, attaching boards or ropes is prohibited.

Section 2.1(d) Damage to vegetation, soils

Cutting native vegetation or grading soils is prohibited.

Section 2.2 Wildlife Protection

Section 2.2(a) Hunting

Hunting is allowed on lands owned or administered by the National Park Service in accordance with applicable Federal, State, and Tribal laws and regulations. Building or hunting from a tree stand or other elevated device which is affixed to a tree by nails, spikes, lag-bolts, screws, or similar device is prohibited. The use of screw-in ladder steps is also prohibited.

Construction of a permanent hunting stand is prohibited. Temporary stands are allowed as long as they cause no damage to vegetation and are removed each day at the close of hunting hours.

Clearing vegetation or brush for a shooting lane is prohibited.

Section 2.2(b) Trapping

Trapping is prohibited on all lands owned or administered by the National Park Service, except by Native American Indians in accordance with applicable treaties and Federal, state and tribal laws, rules and regulations. Trapping is allowed on private lands (with owner's permission) and on state and county public lands and adjacent waters in accordance with applicable state laws and regulations.

Section 2.2(c) Shining

Wildlife viewing or hunting with any type of artificial light (including laser sights for bow or firearm) is prohibited on lands owned or administered by the National Park Service, except while shooting raccoon, fox or an unprotected species at the point of kill while hunting on foot in accordance with applicable state laws.

Section 2.3 Fishing

Fishing is allowed in accordance with applicable Federal, state, and tribal laws and regulations, with the following special conditions:

Section 2.3(a) Non-native bait

The use of non-native bait is permitted in accordance with applicable Federal, state and tribal laws and regulations.

Section 2.3(b) Digging for bait

Digging for bait is prohibited on lands owned or administered by the National Park Service.

Section 2.4 Weapons

The possession of a weapon on lands owned or administered by the National Park Service is prohibited, except in association with hunting as allowed by Federal and state law. The carrying of a concealed weapon, regardless of any state or local law or regulation, is prohibited at all times, except by duly authorized Federal, State and local law enforcement officers in the performance of their official duties. Unloaded weapons may be possessed when they are rendered inoperable or are packed, cased or stored in a manner that will prevent their ready use. Target practice or sighting in of weapons is prohibited.

Section 2.5 Camping and food storage

Camping is allowed on lands owned or administered by the National Park Service in accordance with the regulations found in 36 CFR 2.10 *Camping and food storage*, with the following special conditions:

Section 2.5(a) Length of stay

Camping is permitted on lands owned or administered by the National Park Service. Length of stay for any particular campsite is three nights; all campsites must be vacated by noon the day after the last night's stay. The maximum length of stay is 30 days between May 15 and September 15.

Camping is prohibited where posted as *"no camping"* or *"area closed for restoration."*

Section 2.5(b) Food storage

Food, leftover food scraps, and food residue from cooking and cleaning, garbage and lawfully taken fish must be disposed of in proper garbage facilities, secured

in air-tight containers or galley areas of boats. Park users must pack out all food scraps and garbage. Burning or burying food scraps or garbage is prohibited.

Section 2.6 Picnicking

Picnicking is allowed on lands owned or administered by the National Park Service except where posted "area closed for restoration."

Section 2.7 Audio disturbances

Section 2.7(a) Audio devices

Radios, televisions, tape decks and other similar audio devices may be operated on lands owned or administered by the National Park Service as long as they meet standards listed in 36 CFR 2.12(a)(1) and do not interfere with the use of the area by other individuals. Excessive loudness is prohibited. These devices may not be operated during quiet hours of 10:00 p.m. - 6:00 a.m.

Section 2.7(b) Power saws, generators

Operation of a chain saw, portable motor, generator or similar device on lands owned or administered by the National Park Service is prohibited.

Section 2.8 - Fires

Section 2.8(a) Campfires

Campfires and cook-fires are permitted at campsites or picnic sites only and must be contained. Burning or placing garbage, food, or food scraps in fires is prohibited.

Section 2.8(b) Unattended fires

No fire shall be left unattended. All campfires and cook-fires will be out and cold before any site is permanently vacated or simply left for the day.

Section 2.8(c) Fire closures

During periods of elevated fire danger, open fires will be prohibited in accordance with appropriate State and local fire bans.

Section 2.9 Sanitation and refuse

Section 2.9(a) Disposing of refuse

All refuse will be removed from lands owned or administered by the National Park Service by park users in accordance with the park's carry in, carry out policy. Leaving of refuse on NPS lands is prohibited.

Section 2.9(b) Disposal of fish remains

Fish remains shall be buried away from the shoreline or at least 50 feet from any developed campsite, landing, picnic area, or other developed facility.

Section 2.9(c) Disposal of human waste

Where a pit toilet is not provided or available, human waste must be buried at least 6 inches under ground and a minimum of 100 feet from any water source, high water mark, trail or other developed facility.

Section 2.9(d) Wastes from boats

Dumping of human waste into any water source, including the Mississippi River, is prohibited. All human waste from boats must be disposed of at an approved marina waste dump station.

Section 2.10 Pets

Section 2.10(a) Excrement control

Persons in the park must promptly dispose of all pet excrement. Excrement must be gathered up and removed from lands owned or administered by the National Park Service, or buried at least six inches underground and 100 feet from any trail, campsite, building, picnic area, landing, or any water source, including the Mississippi River.

Section 2.10(b) Unattended pets

Pets may not be left unattended or tied to an object.

Section 2.11 Property

Section 2.11(a) Abandoned property

Personal property, including camping gear, shall not be left unattended on lands owned or administered by the National Park Service. Property left unattended for 24 hours shall be considered abandoned property and will be confiscated by the National Park Service.

Section 2.12 Livestock use and agriculture

Absent a special use permit, the running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock of any kind on lands owned or managed by the National Park Service for agricultural purposes is prohibited. Additionally, a special use permit can only be issued if specifically authorized by Federal statutory law; or when conducted as a necessary and integral part of maintaining a historic scene.

Section 2.13 Explosives

Using or possessing fireworks, firecrackers, or any type of explosive material is prohibited. The only exceptions are Visual Distress Signals (VDS) that are properly stored on vessels and approved for use by the U.S. Coast Guard.

Section 2.14 Memorialization

The scattering of human ashes is permitted within the park under the terms and conditions of a special use permit. No ashes will be scattered from an airplane flying less than 2,000 feet above the park. No teeth or identifiable human bones shall be included in the ashes.

PART 3 - BOATING AND WATER USE ACTIVITIES

Section 3.1 Swimming restrictions

Jumping or diving into the river from any tree, swing-rope, or similar structure is prohibited on lands owned or administered by the National Park Service.