National Park Service
U.S. Department of the Interior

Cuyahoga Valley
National Park

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Brecksville Ohio 44141

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

Approved:

/ S / Date: 4/4/12
Stan Austin 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:

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 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 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, then 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 National Park Service Director's Order 12 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 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 Chief Ranger 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
Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, Ohio 44141

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 15610 Vaughn Road, Brecksville, Ohio 44141. It may also be found at *http://www.nps.gov/cuva/index.htm*.

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 Cuyahoga valley National 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:

The following areas are closed to all public entry and use when indicated by the closure of entry gates and/or posting of appropriate signs at the gate indicating the time of closure for visitor information:

- Virginia Kendall Ledges — Dusk to morning opening, year round
- Virginia Kendall Octagon — Dusk to morning opening, year round
- Virginia Kendall Lake — Dusk to morning opening, year round
- Brandywine Falls — Dusk to morning opening, year round
- Hills Day Use Area — Dusk to morning opening, weather condition specific.

Public Use Limits:

- Overnight parking by the Stanford Barn is prohibited except for authorized users. Overnight use of the parking lot for the Stanford backcountry camping area is not permitted.

  Determining factors: This parking lot is for day users and for persons staying overnight in the Stanford House who have a permit to park there.

Closures:

- Hines Hill Dump (Krecji Dump) Year round
- Jaite Paper Mill Year round

Determining Factors: Due to possible contaminated soil and vegetation, these areas may pose a potential safety hazard to the visiting public. Current ongoing construction and rehabilitation of the area may also create a hazard to the visiting public.

- The Environmental Education Center Core Campus Year round

Determining Factors: This restriction is necessary to provide a safe and secure learning environment for the school children that attend programs at the EEC. Due to the openness of the campus a safe environment cannot be achieved without public use limits.

The following areas are closed to all swimming during the period indicated:

- Kendall Lake Year round
- Indigo Lake Year round

- Brandywine Falls 50 feet from the top edge and 50 feet from the base of falls.

Determining Factor: Due to the safety concerns for the visiting public.

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

Rock or Ice Climbing:

- Virginia Kendall Ledges
- Blue Hen Falls
- Buttermilk Falls
- Brandywine Falls

These conditions of prohibiting the above use on the geological features are established to protect the resources.

Dogs:

- Virginia Kendall Hills during sledding activities

Determining Factors: These conditions of prohibiting the above activity during sledding use are established to protect individuals and animals from possible serious injury.

Sledding Devices and Ramps or Bumps:

- Virginia Kendall Hills

Determining Factors: The use of certain modified sledding devices and the creation of bumps or ramps have been shown to create an undue risk of injury to the general public.

Fishing:

- Virginia Kendall Lake

Determining Factors: Virginia Kendall Lake is closed to all fishing in order to achieve the resource management goal of long term fishery rehabilitation through restocking.

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

Gas Powered Motors:

- All lakes and ponds are closed to gas powered motors.

Determining Factors: Due to lack of suitable launches, water pollution, and noise concerns related to the preservation of natural soundscape, the use of gas powered motors is prohibited. The use of electric motors is permitted.

Park provided firewood:

- All areas are closed to outside firewood brought into the park.

Determining Factors: Due to the possible risk of introducing the emerald ash bore beetle into the park, firewood is provided by the park in certain locations.

Remote Control Devices:

- All areas are closed to remote control airplanes, helicopters and other like objects

Determining Factors: Due to possible risk of injury to other visitors, noise concerns, and the disruption of the natural scenic landscape and view.

Outdoor Blinds and deer stands:

- Wildlife watching blinds and deer stands are prohibited in the park.

Determining Factors; Because hunting is not permitted in the park the use of a wildlife viewing blinds is not consistent with wildlife preservation goals.

Segways:

- Segways are prohibited in all areas within the park.

Determining Factors: Due to high pedestrian and vehicle traffic and flow, Segways are a possible safety hazard to the visiting public.

(a)(3) The following restrictions, limits, closures, designations, conditions, or visiting hour restrictions imposed under §§(a)(1) or (2) have been terminated:

- No special determination at this time.

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:
  - Ledges Shelter
  - Lake Shelter
  - Octagon Shelter

- §2.4(d) Carry or possess a weapon, trap, or net

- §2.5(a) Specimen collection (take plant, fish, wildlife, rocks or minerals).

- §2.10(a) The following camping activities:
  - Overnight camping at designated campsites
  - Overnight camping in designated camping zones

- §2.12 Audio Disturbances:
  - (a)(2) Operating a chainsaw in developed areas
  - (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 & 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) The following special recreation activities (per 36 CFR Part 71):
  - No special determination at this time.

- §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)

- §2.38 Explosives:
  - (a) Use, possess, store, transport explosives, blasting agents
  - (b) Use or possess fireworks

- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events

- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views over 25 individuals

- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising over 25 individuals

- §2.60(b) Livestock use

- §2.61(a) Residing on federal lands

- §2.62 Memorialization:
  - (a) Erection of monuments (requires approval from Regional Director)
  - (b) Scattering ashes from human cremation

- §4.11(a) Exceeding of established vehicle load, weight and size limits

- §5.1 Advertisements - (Display, posting or distribution)

- §5.2(b) Sale of intoxicants on private lands.

- §5.3 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).

- §5.5 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.

- §5.6(c) Use of commercial vehicles on park area roads (The Superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)

- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

- §6.9(a) Operation of a solid waste disposal site.

- Part 7 Special Regulations: 7.17(a) *Alcoholic beverages*-(1) *Possession*. The possession or consumption of a bottle, can, other receptacle containing an alcoholic beverage which has been opened, a seal broken, or the contents of which have been partially removed is prohibited, except in residences or other areas specifically authorized by the Superintendent as to time and place.

III. GENERAL REGULATIONS

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

(a)(4) Dead wood on the ground may be collected for use as fuel in grills within the park in the following areas:

- Virginia Kendall Ledges — Year round
- Virginia Kendall Octagon — Year round
- Virginia Kendall Lake — Year round
- Virginia Kendall Hills — Year round
- Oak Hills area — Year round
- Small developed picnic site — Year round
- Stanford Backcountry Camping Area — Seasonal

(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:

- Visitors may collect by hand reasonable quantities of edible fruit, berries, or nuts, for personal use or consumption, except from plants that are contained in the Federal or State of Ohio lists of rare, threatened, or endangered species of plants.
- Fungi (mushrooms) and bulbs are not considered fruit, berries or nuts and may not be collected in any quantity.
- All park waters are closed to the removal of minnows, bait fish, and crayfish.
- The Ohio regulations regarding fishing license requirements are adopted for all waters within the CVNP.

36 CFR §2.2 - WILDLIFE PROTECTION

(d) The transporting of lawfully taken wildlife through the park is permitted under the following conditions and procedures:

(e) All Federal land held in fee or positive easement in Cuyahoga Valley National Park is closed to the viewing or spotlighting of wildlife with an artificial light from a vehicle, and/or the viewing or spotlighting of wildlife with an artificial light other than from a vehicle when in possession of any hunting device.

This closure does not apply to National Park Service employees while in the performance of their duties.

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:

Firearms are only authorized in accordance with applicable Federal and State law.

- Firearms are prohibited in facilities owned or leased by the federal government where federal employees are regularly present for performing their duties. These facilities are posted with signs informing the public that firearms are prohibited in these buildings.
- The law prohibits the carrying of firearms on school property. Firearms are prohibited on the entire Cuyahoga Valley Environmental Education Center campus and in the Stanford House.
- Possession and use of traps and nets is prohibited.

36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for certain campgrounds or camping activities, and conditions for camping and camping activities are in effect as noted:

- Stanford Backcountry Camping Area

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

Designated Areas:

- Virginia Kendall Ledges
- Virginia Kendall Octagon
- Virginia Kendall Lake
- Virginia Kendall Hills
- Oak Hills area
- Small developed picnic sites
- Stanford Backcountry Camping area. In designated group fire ring only.

Receptacles Allowed:

- Existing grills or fireplaces, or self-contained grills

Established Conditions for fireplaces:

- No firewood may be brought into the park. Use only NPS-provided firewood or downed wood in park.

36 CFR §2.16 – HORSES and PACK ANIMALS

(b) The use of horses or pack animals is allowed on the following trails, routes or areas:

- **Wetmore Bridle Trail**
- **Riding Run Bridle Trail System**
- **Wetmore Riding Run Connector**
- **Valley Bridle Trail**
- **Pinery Narrows Connector Bridle Trail**
- **In designated locations on the Towpath trail.**

36 CFR §2.51 – PUBLIC ASSEMBLES AND MEETINGS

Public assembly and meeting permit areas may be designated by permit or other authorizing instrument anywhere on Federal lands in the park, **except for the following:**

- Within 100 feet of Virginia Kendall Lake, Octagon and Ledges Shelters, when occupied by a permittee.
- Directly on walkways or trails at the Canal Visitor Center, Happy Days Lodge, the Environmental Education Center, the Jaite Headquarters complex, the Hunt Farm Visitor Information Center, Boston Store Visitor Center, and other NPS utilized structures.
- Directly on all trails that are used for any recreational use within the Park.
- On all leased lands and lands assigned by cooperative agreement to others, all retention and life estate properties and concession assigned lands.
- Inside all park owned buildings.

36 CFR 2.51c- PUBLIC ASSEMBLES AND PRINTED MATERIAL DISTRIBUTION

Public assembly and printed material distribution may occur in the following locations without a permit if 25 or fewer persons are assembled:

- Rockside Station — Canal Visitor Center
- Frazee House — Station Road Trailhead Bridge
- Headquarters — Boston Store Visitor Center
- Happy Days Parking Lot North — Hunt Farm Visitor Information Center

Locations within each area are defined in Compendium attachments.

36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

Distribution or sale of printed materials may be designated by permit anywhere on Federal lands in the park, **except for the following:**

- Within 100 feet of Virginia Kendall Lake, Octagon and Ledges Shelters, when occupied by a permittee.
- Directly on walkways or trails at Canal Visitor Center, Happy Days Lodge, the Environmental Education Center, the Jaite Headquarters complex, the Hunt Farm Visitor Information Center, Boston Store Visitor Center, and other NPS utilized structures.
- Directly on all trails that are used for any recreational use within the Park.
- On all leased lands and lands assigned by cooperative agreement to others, all retention and life estate properties and concession assigned lands.
- Inside all park owned buildings.

36 CFR §4.30 – BICYCLES

(a) Park roads and parking areas that are closed to bicycle use are listed in section 1.5 of this document.
The following additional routes, in developed areas or special use zones, have been designated for bicycle use:

- The Towpath Trail, Carriage Trail Connector (paved section).
- Stanford House Connector Trail, the Hale Farm Connector Trail and the Everett Covered Bridge trails designated for bicycle use, including operating a bicycle not more than two abreast when conditions allow.

The attached maps show the Environmental Education Center, the Jaite Paper Mill, and the Krejci Dump closure areas. They also show the locations where public assembly and printed material distribution may occur without a permit if 25 or fewer persons are assembled.

Environmental Education
Center (EEC)
Oak Hill Road
Wheatley Road

Highland Road
Cuyahoga River
Jaite Mill Closure Area

Krejci Dump Closure Area
I-271
Hines Hill Road

Boston Store Visitor Center – First Amendment
1550 Boston Mills Road, Peninsula, Ohio 44264
5800
A
Main St
Boston Store
Visitor Center
Ohio & Erie Canal Towpath Trail
Main St
P

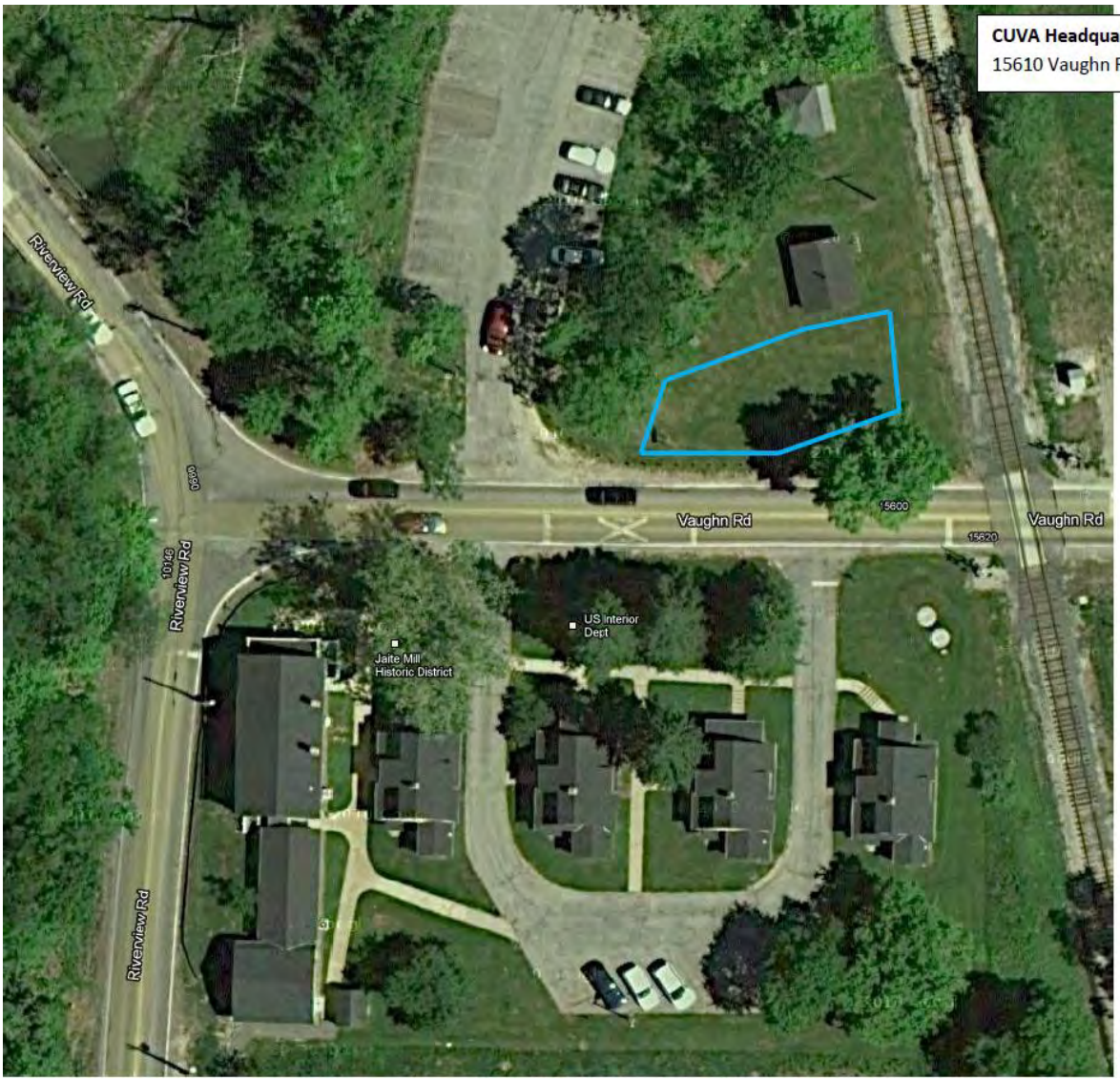
Brecksville Station – First Amendment
13513 Station Road, Brecksville, Ohio 44141
Station Rd
Station Rd
Riverview Rd
Riverview Rd
Valley Pkwy
Valley Pkwy
Cuyahoga Valley
Scenic Railroad
Brecksville Station
P
P

Brecksville Station – First Amendment
13513 Station Road, Brecksville, Ohio 44141
P
Cuyahoga Valley
Scenic Railroad
Brecksville Station

Hillside Rd
Canal Trail Bridge
Hillside Rd
7714
Hillside Rd
Hillside Rd
Towpath Trail
Canal Rd
Canal Rd
Ohio & Erie Canal Towpath Trail
A
Canal Visitor Center – First Amendment
7104 Canal Road, Valley View, Ohio

Frazee House – First Amendment
7904 Canal Road, Valley View,
Canal Rd

Happy Days Lodge North Parking Lot – First Amendment
500 West Streetsboro Road, Boston Heights, Ohio


CUVA Headquarters - First Amendment
15610 Vaughn Road, Brecksville, Ohio 44141
Riverview Rd
Vaughn Rd
Vaughn Rd
Riverview Rd
Riverview Rd
US Interior Dept
Jaite Mill Historic District

Hunt Farm Information Center – First Amendment
2045 Bolanz Road, Cuyahoga Falls, Ohio

Rockside Station – First Amendment
7900 Old Rockside Road, Independence, Ohio