

Figure 3: OVERVIEW -- Areas Closed to Hunting Based on State/NPS Regulations - Cape Cod National Seashore

National Park Service
U.S. Department of the Interior

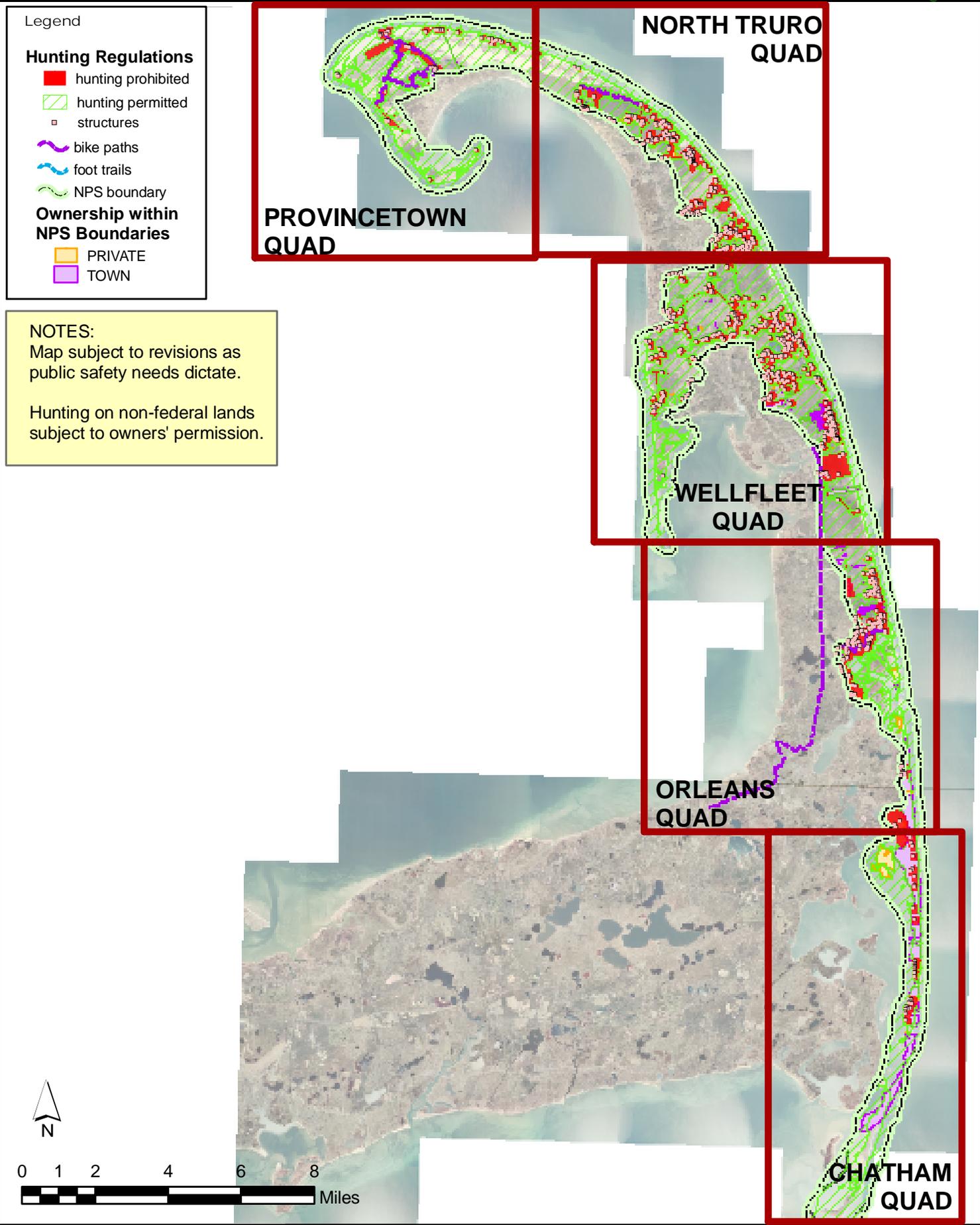


Figure 3a: Areas Closed to Hunting by State/NPS Regulations.
Cape Cod National Seashore

National Park Service
U.S. Department of the Interior



Provincetown Quad

Legend

- hunting prohibited
- hunting permitted
- structures
- foot trails
- bike paths
- NPS boundary
- Town boundaries
- Ownership within NPS Boundaries**
 - PRIVATE
 - TOWN



NOTES:

Map subject to revisions as public safety needs dictate.

Hunting on non-federal lands subject to owners' permission.

Example of 500-foot buffer for scale

Example of 150-foot buffer for scale



0 0.3 0.6 1.2 1.8 2.4 Miles

1:55,187

Figure 3b: Areas Closed to Hunting by State/NPS Regulations.
Cape Cod National Seashore

National Park Service
U.S. Department of the Interior



North Truro Quad

NOTES:

Map subject to revisions as public safety needs dictate.

Hunting on non-federal lands subject to owners' permission.



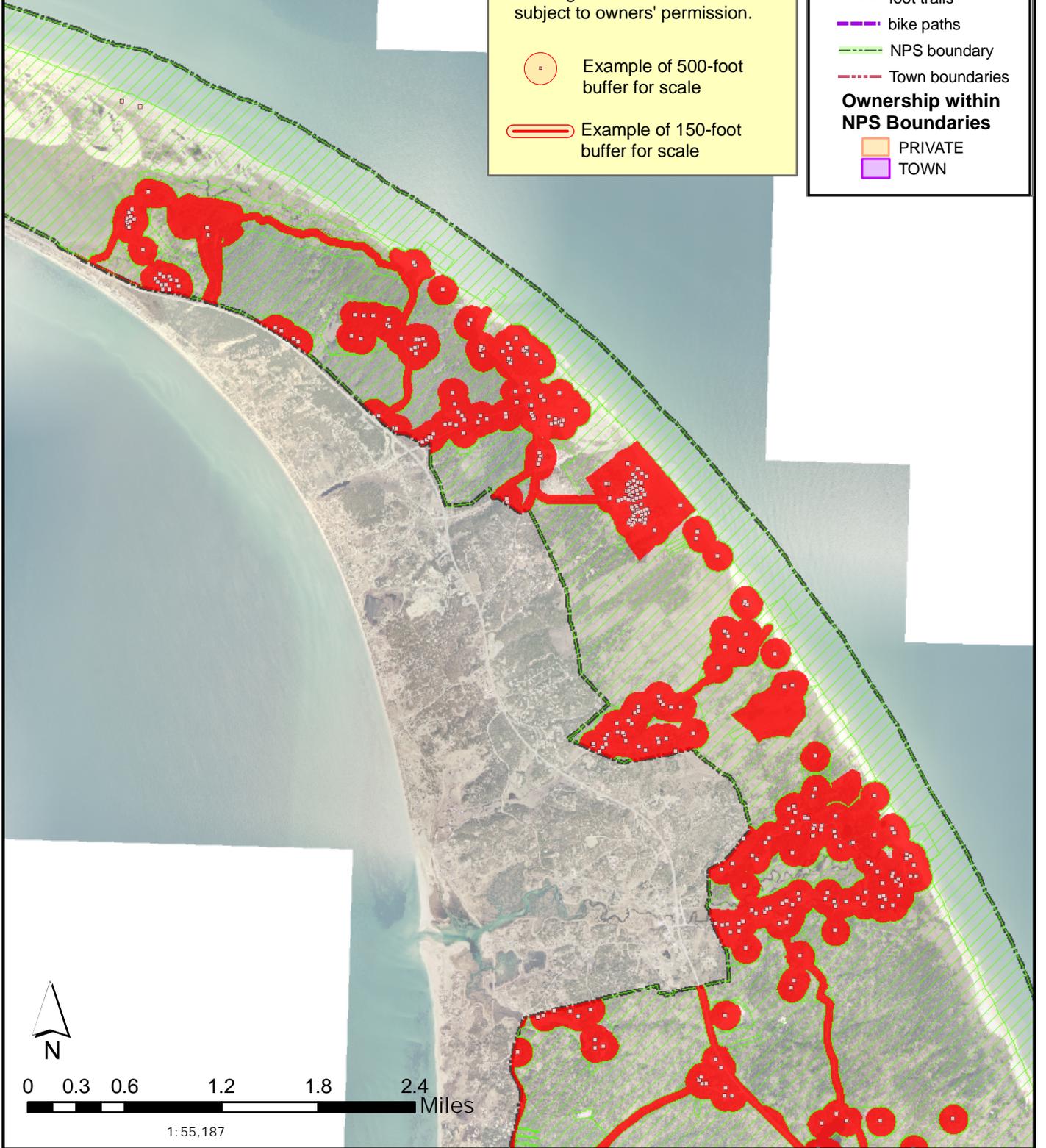
Example of 500-foot buffer for scale



Example of 150-foot buffer for scale

Legend

- hunting prohibited
- ▨ hunting permitted
- structures
- foot trails
- bike paths
- NPS boundary
- Town boundaries
- Ownership within NPS Boundaries**
- PRIVATE
- TOWN



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Figure 3c: Areas Closed to Hunting by State/NPS Regulations.
Cape Cod National Seashore

National Park Service
U.S. Department of the Interior

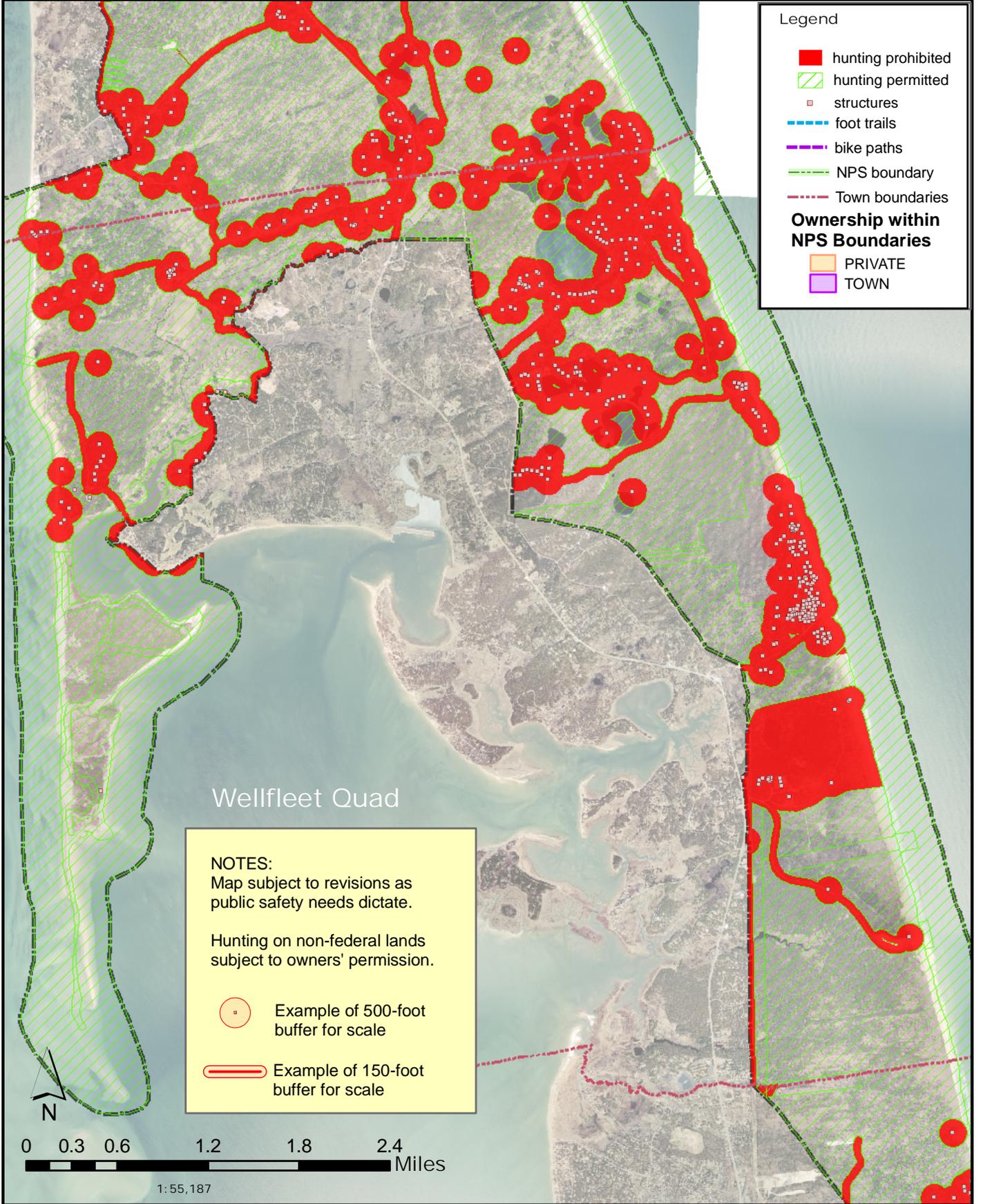


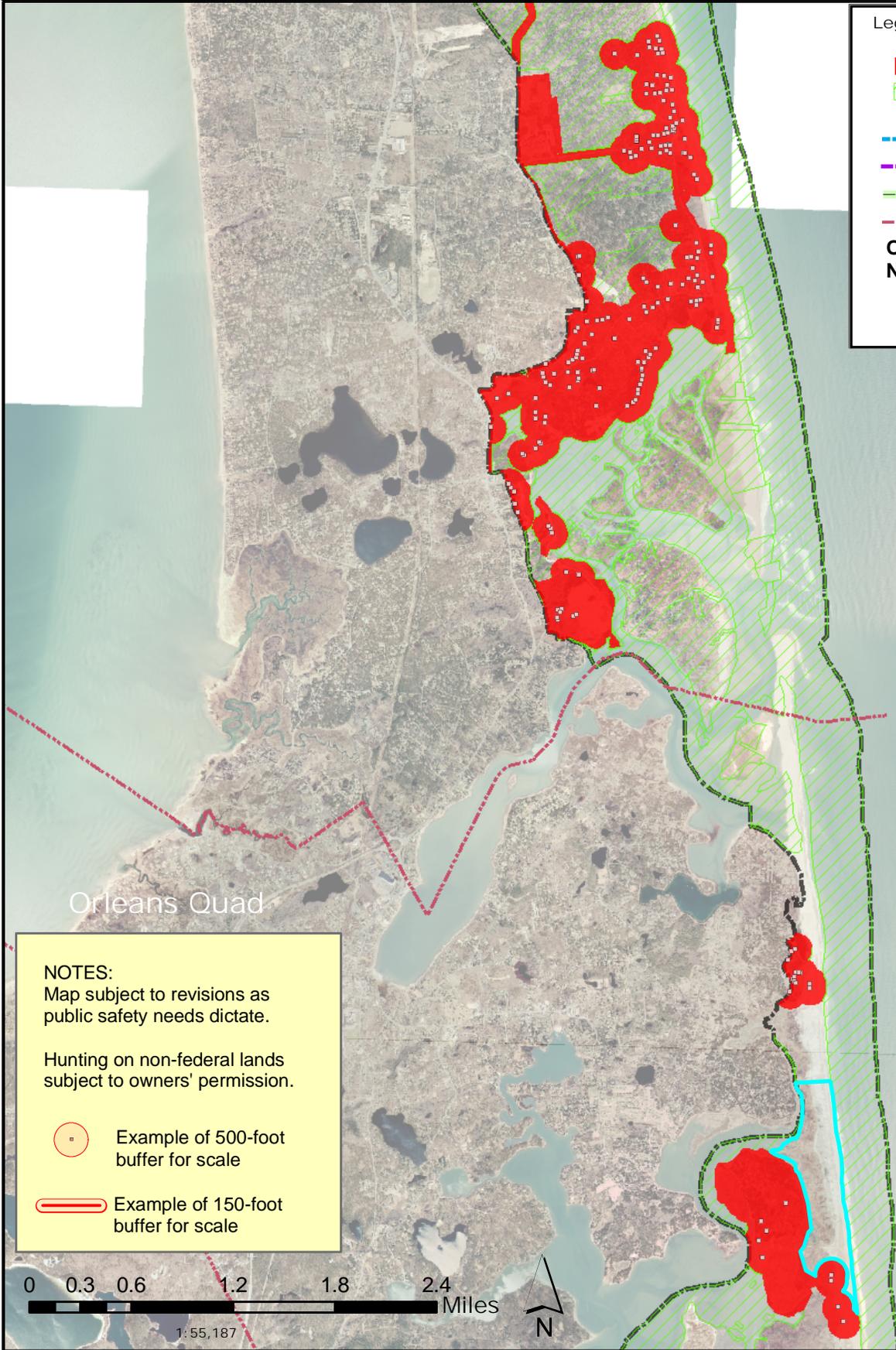
Figure 3d: Areas Closed to Hunting by State/NPS Regulations.
Cape Cod National Seashore

National Park Service
U.S. Department of the Interior



Legend

- hunting prohibited
 - hunting permitted
 - structures
 - foot trails
 - bike paths
 - NPS boundary
 - Town boundaries
- Ownership within NPS Boundaries**
- PRIVATE
 - TOWN



Orleans Quad

NOTES:

Map subject to revisions as public safety needs dictate.

Hunting on non-federal lands subject to owners' permission.

Example of 500-foot buffer for scale

Example of 150-foot buffer for scale

0 0.3 0.6 1.2 1.8 2.4 Miles

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Figure 3e: Areas Closed to Hunting Based on State/NPS Regulations - Cape Cod National Seashore

National Park Service
U.S. Department of the Interior

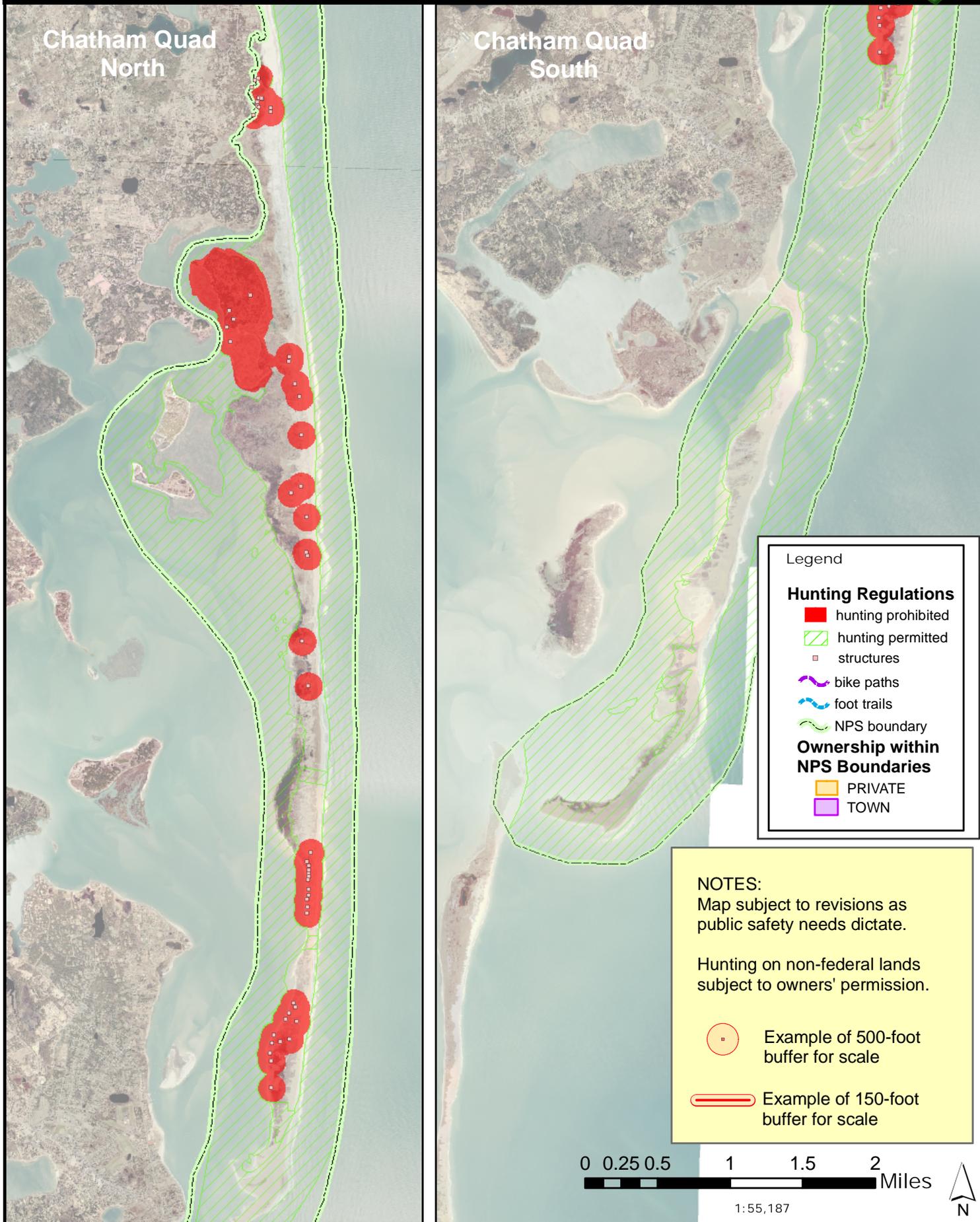


Table 5. Approximate Acreages of Areas Open and Closed to Hunting

Location or Type	Hunted or Not Hunted	Acres
Submerged Lands, below tidal zone	Hunted	14,639
Upland and wetland areas	Hunted	16,507
Subtotal Upland, Wetland, and Submerged Lands	Hunted	31,146
Upland and wetland areas specifically closed	Not Hunted	12,436
Total CACO	All Areas	43,582

Enforcement: Enforcement of resource protection laws and state and federal hunting laws is conducted primarily by NPS rangers, with some limited assistance from state environmental police and local police officers. There has never been a serious hunting accident recorded at CACO. Over the last three years, rangers have documented multiple “close calls” that have occurred from birdshot overspray between two separate hunting parties, and there have typically been several incidents between hunters each year, sometimes leading to arguments and threatening behavior on the part of the individuals involved. There have never been any documented “close calls” involving hunters and non-hunters.

Hunting Program Safety Information: In the past, protection efforts have focused on ensuring that both hunters and non-hunting visitors can co-exist safely, especially with the increasing numbers of non-hunting visitors and year-round residents on the Outer Cape in and around CACO. Efforts have been directed at education and information in the form of press releases, a hunting information brochure, and the posting of information on CACO’s web site (www.nps.gov/caco) and at CACO visitor centers. Rangers also regularly speak to various groups and organizations throughout each year and emphasize, among other things, and the hunting program and hunter/visitor safety. These groups and organizations include the Barnstable League of Sportsmen, the Highland Fish and Game Club, the Nauset Rod and Gun Club, various town resident and non-resident citizen organizations, and Chambers of Commerce.

1.2.4 Areas Closed to Hunting

CACO hunting regulations specifically delineate areas that are designated closed to hunting (Figure 3). These areas are designated by two different means. First, there are large tracts that are posted in the field and expressly designated on CACO maps as closed to hunting. Many of these are popular visitor areas and are completely removed and isolated from hunting areas. Second, areas are designated as off-limits to hunting by regulation for specific safety reasons, such as areas within 500 feet of a building or within 150 feet of a bicycle trail. Overall, the areas currently closed to hunting account for 12,436 acres (Table 5) or about 43 percent of the terrestrial areas on CACO.



Scenic Photos of the Seashore, Including Nauset Lighthouse, Nauset Light Beach, and Great Island Beach (clockwise from left).

1.2.5 Summary of Enabling Legislation

CACO (Public Law 87-126) (Appendix C) was authorized by legislation signed into law on August 7, 1961, and applies to all areas within CACO boundaries. In summary:

- Section 1 of Public Law 87-126 defines CACO's boundary, including segments of the towns of Chatham, Orleans, Eastham, Wellfleet, Truro, and Provincetown. The boundary was changed slightly on November 10, 1978 (PL 95-625).
- Section 2 outlines NPS land acquisition authorities.
- Section 3 provides for the establishment of CACO once sufficient acreage was acquired; CACO was formally established on June 1, 1961.
- Sections 4, 5, and 6 provide for the acquisition of property by condemnation as well as suspension of such authority where "improved property" complies with applicable federal standards for approval of local zoning bylaws and for other statutorily authorized reasons. Regarding the use of public lands, Section 4 provides:

"(2) That the Secretary of the Interior may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the Cape Cod National Seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, state and federal law; that said Secretary shall consult with officials of the Commonwealth and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations; that said Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that he shall leave all aspects of the propagation and taking of shellfish to the towns referred to in Section One of Public Law 87-126; and that the fishing rights of the public shall be the same in the coastal waters within the CACO as prior to such conveyances."

and,

"(4) That if at any time the United States of America fails to use the lands so conveyed for the purposes in said Public Law 87-126, the title to such lands shall revert to and revest in the Commonwealth."

- Section 7 addresses the administration of CACO. Relative to the management and the conservation of CACO's resources and values, Section 7(b)(1) states:

"In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of the public shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary [of the Interior] may designate: Provided, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod within the seashore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: Provided further, That the Secretary may develop for appropriate public uses such portions of the seashore as he deems especially adaptable for camping, swimming, boating, sailing, hunting, fishing,

the appreciation of historic sites and structures and natural features of Cape Cod, and other activities of similar nature.”

The NPS has interpreted the phrase “permanently preserved in its present state” as generally limiting property development to the level that existed at the time of the legislation’s enactment, but not as restricting the restoration of cultural landscapes or natural conditions where disturbed, or precluding natural changes in the environment. Preservation would include a mixture of resources and activities that could change but must remain comparable in character and scale to that in existence in 1961.

An additional provision was added in response to concerns that visitors to CACO would violate the privacy and peace of local owners of improved property. Section 7(b)(2) specifies that:

“The Secretary shall provide public use areas in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the Seashore.”

Section 7(c) authorizes the Secretary of the Interior to permit hunting, fishing, and shellfishing within CACO and to prescribe regulations for such activities, subject to prior consultation with any governmental authority also having jurisdiction over such matters.

“The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the Seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, state, and federal law.”

Section 7(c) further authorizes the Secretary to enter into cooperative agreements regarding such activities, except that all aspects of the propagation and taking of shellfish are to be left to the towns.

- Section 8 establishes the CACO Advisory Commission (AC) to provide a means of ongoing consultation and liaison with private, local, and community interests that were expected to remain within CACO. The Advisory Commission is composed of 10 members: 1 member is appointed by each of the six towns, 1 by Barnstable County, 2 by the state, and 1 by the Secretary of the Interior. The life of the commission was originally for 10 years, but it has been extended 3 times.

The purpose of the commission is to provide advice about matters relating to the development of CACO, land acquisition, and the issuance of regulations specifying standards for zoning bylaws (Section 8(f)). Furthermore, the Secretary must consider the advice of the commission before the issuance of any permit for commercial or industrial use of property located within CACO or any decision regarding the establishment of a public use area for recreational activity (Section 8(g)).

- Section 9 authorizes the appropriation of funds to carry out the act and set a limit on the amount that could be spent for the acquisition of land and waters. The original amount (\$16 million) was subsequently increased to \$33.5 million in 1970 and to \$42.9 million in 1983. Subsequently there have been appropriations for the acquisition of land and waters in the sum of \$496,000 in 1993, \$825,000 in 1994, \$500,000 in 2000, and \$499,000 in 2001, all of which has been spent with a small remainder allocated to high priority purchases. A significant number of parcels remain to be acquired.

1.2.6 History of the Hunting Program at CACO

Initial Hunting Regulations at CACO: Hunting and fishing were recreational activities that took place on Outer Cape Cod lands prior to the establishment of CACO, in accordance with existing local, state or federal laws. When Public Law 87-126 established CACO in 1961, its enabling legislation specifically authorized that hunting and fishing could continue in CACO, as discussed in Section 1.2.3 above. This and other specified elements of eventual Federal ownership of CACO are due to the circumstances that led to the creation of CACO as a National Park. This is because the properties that became CACO were held by the towns, the Commonwealth of Massachusetts, and private residential and commercial property owners, and the Park's creation was therefore very controversial. The language in the enabling legislation resulted from specific agreements that enabled passage of the statute founding the Park, and were the result of public hearings and negotiations on the Cape. These agreements assured the affected localities and residents of the Outer Cape that establishing a National Park would allow the Outer Cape, its residents and visitors, to maintain the unique traditions, character, and experience of Cape Cod. Hunting was and remains part of those traditions and character, and received specific attention in the enabling legislation as a result.

The first Master Plan for CACO, entitled *Preservation and Use of Cape Cod National Seashore*, was developed and approved in November 1962 (NPS 1962). Volume I, Chapter 4, Section D, part 5 describes the NPS plans for fish and wildlife protection and management. The Master Plan acknowledged the fact that the enabling legislation gave the Secretary of the Interior the authority to permit hunting under applicable local, state and federal laws. The plan further stated, "Hunting and all forms of fishing are recognized as legitimate, recreational activities in this area."

The Superintendent and staff at the time began the task of planning how to manage the diversity of natural and cultural resources and a wide variety of public use activities. Towards that end, special regulations for managing public use were drafted and published in the Federal Register (FR) on June 5, 1963 [28 FR 5523]. The proposed and final rule [28 FR 11540, October 30, 1963] codified the following regulations under 36 Code of Federal Regulations (CFR) 7.67 relating to hunting at CACO:

“(a) Hunting.

- (1) The killing, wounding, frightening, capturing or attempting to kill, wound, frighten or capture of any wild bird or animal is prohibited in any portion of federally owned lands within CACO, except during the open hunting season prescribed by the state for protected species of waterfowl and upland game.
- (2) During the open season prescribed by the state, hunting of waterfowl and upland game is permitted on federally owned lands within CACO in accordance with all applicable federal, state and local laws for the protection of wildlife, except in developed and/or concentrated public use areas and areas of scientific or historic interest designated by the Superintendent which are marked on a map of CACO, which is available for inspection in the office of the Superintendent.
- (3) The carrying of loaded firearms of explosives is prohibited in developed and/or concentrated public use areas and areas of scientific or historic interest as marked on the ground and designated on a map of CACO, which is available for inspection in the office of the Superintendent. In all other areas, firearms and explosives shall not be used in a manner so as to endanger people or property.”

Designation of CACO as a “National Recreation Area”: In 1964, the NPS categorized all units of the National Park System as natural, historical, or recreational for management purposes. The NPS developed a series of administrative policies for each category that served as guidelines for NPS lands

management, and these were incorporated into general regulations. National Seashores were included in the National Recreation Area (NRA) category.

In March of 1965, the NPS issued a statement on wildlife management policy for recreation areas. National Seashores were, for management purposes, guided by the principles described in the recreation area category, which was different than natural or historical areas. The NPS statement included the following language:

“Public hunting and fishing are resource uses which are desirable and compatible with fulfilling the mission of the national recreation areas administered by the NPS. This policy has its foundation not alone in the legislation affecting specific areas but also in the report of the Secretary of the Interior’s Special Advisory Board on Wildlife Management in the National Parks, approved by the Secretary on May 2, 1963. It is the responsibility of the NPS to implement this policy through sound administration, management and use of the wildlife and fisheries resources in these recreation areas.

Fish and wildlife management involves two principle management functions; i.e., (1) the management of the habitat - soils, water and vegetation; and (2) the management of harvesting fish and wildlife populations by the public.

In national recreation areas administered by the NPS, this latter function is recognized as being within the regulatory authority of the individual states. The states should regulate the taking of fish and wildlife by the public, including such manners as season, bag limits, and licensing, and provide for the joint cooperative enforcement of such regulations.

The first management function is recognized as the responsibility of the NPS. In carrying out this function, as well as its responsibility for the overall recreation program for the area, the NPS may designate zones where, and establish periods when, no hunting or fishing may be permitted for reasons of public safety, administration, or other public use and enjoyment of the area. Regulations prescribing such restrictions shall be issued after consultation with the states.

The management of fish and wildlife in recreation areas must be a cooperative endeavor with the states. These cooperative endeavors will be affected through Memorandums of Understanding (MOU) with the respective states.”

NPS Regulation Changes, 1966 – 1970: In December of 1966, a rulemaking was published in the FR (31 FR 16651), which contained, among other things, the definition of the term “recreation area.” Under Section 1.2(i), the term “recreation area” included all National Seashores. Part 2, Section 2.32(b)(1) and (2), contained regulations pertaining to hunting in recreation areas. Section 2.32(b)(1) states specifically:

“Except as otherwise provided herein, hunting and trapping are permitted in accordance with all federal, state and local laws and regulations applicable to these areas or portions thereof. Portions of the area in which hunting and trapping are not permitted shall be designated on a map of the area which will be available for public inspection in the office of the Superintendent and at other convenient places within the area and may be posted on the ground.”

The FR notice on the proposed rulemaking stated “...the purpose of these revisions, rearrangements and amendments is to clarify and bring up to date the regulations applicable to the areas administered by the

NPS, as well as to bring them into conformity with the basic policies of the DOI relating to administration and preservation of natural resources in areas of the National Park System.”

The 1966 rulemaking apparently did not include provisions to repeal the special regulations relating to hunting at CACO, resulting in similar regulations regarding hunting appearing in two locations in 36 CFR.

In September 1968, a proposed rulemaking was published in the FR [33 FR 12914] with the part of the stated purpose being “...to revoke regulations or portions of regulations concerning hunting, fishing, swimming and water skiing, camping and fires, sanitation, litter, dogs, cats and other pets, horseback riding, and indecent exposure which are no longer needed in view of the provisions of Part 2 of Title 36.” The proposed revision to the existing special regulation found at §7.67 regarding hunting was as follows:

“(a) Hunting.

The hunting of waterfowl, upland game or any other animal species is permitted: *Provided*, that a specific open season (less than year round) has been established for that waterfowl, game or other species by the Commonwealth of Massachusetts and that the hunting is in accordance with all applicable state, federal or local laws.”

1968 CACO Memorandum of Understanding: In December of 1968, the NPS and the MDFW signed the *MOU relating to Wildlife Management in Cape Cod National Seashore*. The MOU cites, as the authority for doing so, Section 7(c) of the enabling legislation (see above) and 1965 NPS Wildlife Management Policy – NRAs, for which CACO is included. This MOU has remained in effect from its inception, and has been renewed on several occasions. The current General Agreement (formerly MOU) was renewed in 2001 and has a five-year validation period (Appendix B). The purpose of this MOU is to establish the MDFW as the entity that manages the hunting program.

NPS Regulation Changes, 1982 – 1983: In 1982, the NPS undertook a revision of regulations codified in 36 CFR parts 1-7 and 12. These rules provide guidance and controls for public use and recreational activities (i.e., camping, fishing, hunting, winter activities, boating) in areas administered by the NPS. The changes stressed consistency, clarity and increased public involvement in NPS management procedures. The proposed rule was published in the FR on March 17, 1982 (47 FR 11598), and the final rule was published on June 30, 1983 (48 FR 30252), stating, “This rulemaking document makes no substantive changes to long-standing regulations or policies.”

The “*analysis of comment*” section in the final rules specifically addressed hunting under Section 2.2, Wildlife Protection. It states: “For certain Park areas, Congress has stated that the taking of wildlife through hunting or trapping is an acceptable activity. This authority is found most frequently in connection with national recreation areas, lakeshores, and seashores. In recognition of this explicit Congressional authorization, these activities are clearly permissible in these specified areas. If the legislation for a Park area authorizes hunting or trapping on a discretionary basis, special regulations for CACO will govern a hunting or trapping program.”

The “*section-by-section analysis*” portion of the final rule also addresses hunting where authorized. It states: “If the legislation for a Park area authorized hunting or trapping on a discretionary basis, special regulations for CACO area will be required in order to implement a hunting or trapping program. The process of developing special regulations will require compliance with the NEPA and provide for public comment.”

The regulation pertaining to hunting codified in 1983 at 36 CFR 2.2 (b)(2) states that “...hunting may be allowed in Park areas where such activity is specifically authorized as a discretionary activity under

Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment, and sound and noise resource management principles (NPS 2001c). Such hunting shall be allowed pursuant to special regulations.” Section 2.2(a)(4) goes on to state “...where hunting or trapping or both are authorized, such activities shall be conducted in accordance with Federal laws and the laws of the State within whose exterior boundaries a Park area or a portion thereof is located. Non-conflicting state laws are adopted as a part of these regulations.”

The EA prepared by NPS in 1981 on the proposed revisions of these regulations, and its accompanying Finding of No Significant Impact (FONSI) dated June 17, 1983, discusses hunting on pages 14 and 15, including the following language:

“2.2 Wildlife Protection

Alternative A (Preferred Alternative):

The principle change in this regulation is the elimination of the concept of using management categories to define what taking of wildlife will be permitted. Instead, the revised regulation bases the permissibility of hunting and trapping on each Park’s enabling legislation.

In cases where this legislation is silent on the issue, all taking of wildlife is prohibited. If the law permits hunting, on a discretionary basis, special regulations for that Park will be required in order to implement a hunting program. This will ensure that there is an opportunity for public comment in the process of decision-making in such cases.

Another new feature of this regulation is the requirement for consultation with state agencies in most situations where hunting and trapping is permitted, but where the NPS has a need to restrict these activities in some manner. Most enabling legislation permitting these activities in Parks contains language requiring this consultation process.

Effects of Alternative A:

Elimination of the use of management categories will clarify that stature of hunting and trapping in a number of Parks and will ensure that the NPS management closely adheres to legislative intent for these Parks. In some instances, the issuance of special regulations will be required, where they were not necessary under the present regulations.

Consultation with state agencies will provide better interagency cooperation and make possible better communication with members of the public who hunt on CACO lands. State concurrence in NPS management decisions is not required, so control over management of CACO wildlife will remain an NPS responsibility.

Where hunting has been permitted, it has been conducted in accordance with applicable state laws, but there is no clear-cut adoption of these laws in the NPS regulations. This revision will provide clear authority for CACO personnel to control hunting on the basis of these state laws, taking enforcement action where appropriate.”

A memorandum dated July 7, 1983, from the Director of the NPS to the Washington Office of the NPS Directorate, Regional Directors, and Park Superintendents accompanied the release of these new regulations to the field. Included in this memo was a stipulation emphasizing that beginning October 3, 1983, special regulations would be required to implement a hunting program where hunting is specifically authorized as a discretionary activity. The use of the term “implement” is somewhat misleading here, as

hunting was already legally taking place at CACO at the time these regulations were proposed and made final.

CACO Special Regulations, 1983 – 1984: The Director of the NPS issued a subsequent memorandum on August 29, 1983, to Regional Directors and Park Superintendents, which restated the requirements for the development of special regulations to “... implement a hunting program where hunting is specifically authorized as a discretionary activity, that is, those Parks in which the Secretary may authorize hunting.” Parks were also required to develop proposed rules and determination of effects, including quantifiable information on the economic impact of the special regulation on individuals and small businesses.

CACO staff drafted a proposed rule, including a statement of economic impact and submitted this to the Washington NPS office through the North Atlantic Regional Office on September 8, 1983. In the CACO proposed rule, it is important to note that they referred to the proposed rule as a “recodification of activities formerly allowed under 36 CFR 2.32 (b), wildlife, and hunting in the Recreational Area Management Category.” It is also interesting to note that in the *background* information provided by CACO in the proposed rule, they state that they are complying with the requirement “under the final rules published on June 30, 1983, 36 CFR Part 2 Section 2.2(b)(2) requires that special regulations be promulgated under Section 7.67 in order to continue [emphasis added] a hunting program at CACO.”

The proposed rule, including the provision to codify special regulations relating to hunting at CACO, was published in proposed form for public comment on December 27, 1983 [48 FR 56971], with the comment period extended until February 25, 1984 [49 FR 3492]. The NPS received 3,850 timely written comments regarding the proposed amendments, with the vast majority relating to NPS-wide regulations on trapping and loaded weapons.

The *analysis of comments* section under the Part 7, Special Regulations/Hunting heading cites only one comment received regarding the proposed regulation for CACO: One commenter requested assurances that the NPS would monitor hunting activities within CACO. The NPS responded that they intended to manage hunting within CACO to ensure public safety, public enjoyment, and resource protection. The rule specified that hunting be allowed, subject to applicable federal and state laws and any special restrictions that may be necessary to ensure public safety and protect resources. The NPS would also document any adverse effect hunting may have on wildlife populations.

The commenter further requested that the NPS extend the “no hunting” season from August 31 until October 15, to protect fall recreational uses of CACO. The NPS indicated that it would not be adopting this suggestion. The prohibition on hunting from March 1 through August 31 eliminates the problem of a year-round open season on certain species within Massachusetts, such as English sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), chipmunk (*Tamias striatus*), flying squirrel (*Glaucomys sabrinus*), red squirrel (*Tamiasciurus hudsonicus*), weasel (*Mustela erminea*), porcupine (*Erethizon dorsatum*), striped skunk, and woodchuck (*Marmota monax*). The NPS responded that it believes that opening the hunting season on September 1 coincides with the time of reduced visitation, and that conflicts among users would be minimal.

In the *section-by-section analysis* portion of the rule, under Part 7, Special Regulations/Hunting, there is the following statement:

“This rule specifies that hunting be allowed, subject to applicable Federal and State laws and any special restrictions that may be necessary to ensure public safety and protect resources.”

The *section-by-section analysis* with regards to the hunting special regulations goes on to say:

“In all five of the Park areas covered by hunting regulations, hunting was practiced before the NPS assumed management responsibility. Planning documents for these areas have received extensive public review. The documents include hunting as an approved public activity. Hunting is managed jointly by the states and the NPS and has no known adverse resource effects. It is not anticipated that implementation of these regulations will result in any significant change in the manner in which hunting is conducted in these areas.”

In the years since the special regulation re-codifying hunting as a special regulation was published, CACO has attempted to ensure the public safety and protection of resources through the use of CACO Compendium, which gives Superintendents the discretionary authority to designate closures and impose public use limits and restrictions as authorized by 36 CFR 1.5.

Lastly, with respect to this particular rule making, the following information is contained under the heading, *Compliance with Other Laws*:

“As required by the NEPA (42 U.S.C. 4332, et seq.), the Service has prepared an EA on those portions of this rulemaking which are other than correcting or clarifying in nature and has made a FONSI. Copies of the EA and FONSI are available at the address noted at the beginning of this rule or at the individual Parks affected.”¹

The final rule establishing the special regulations pertaining to hunting at CACO was published in the FR on April 30, 1984. The regulations, found at 36 CFR 7.67(i) state the following:

- (1) Hunting is allowed only at times and locations designated as open to hunting.
- (2) Only deer, upland game, and migratory waterfowl may be hunted.
- (3) Hunting is prohibited from March 1 through August 31 of each year.

There have been no changes to either the service-wide general regulations (Part 2) or CACO special regulations relating to hunting since 1984.

Compendium Appendix B. 36 CFR Part 2, Resource Protection, Public Use and Recreation Determinations. Section 2.2 Wildlife Protection (NPS 2004b): The following provides a summary of the CACO compendium relating to hunting regulations.

- Hunting is permitted in accordance with applicable state and federal hunting laws and regulations, except as further specified in this section or other federal laws or regulations.
- Hunting is prohibited from March 1 through August 31.
- Hunting or the possession of a loaded weapon is prohibited on or within 150 feet of established bicycle trails. Discharge of a weapon across any established bicycle trail is prohibited. These restrictions apply to the following bicycle trails: Nauset Bike Trail; Province Lands Bike Trail; Head of the Meadow Bike Trail; and Cape Cod Rail Trail.
- Hunting or the possession of a loaded weapon is prohibited within 500 feet of any building, except as authorized by the owner or occupant thereof.
- Hunting or the possession of a loaded weapon is prohibited in certain areas of CACO pursuant to 36 CFR 1.5 and 36 CFR 7.67(f). These areas include the following: Fort Hill Area (Eastham); Cedar Banks Area (Eastham); Beech Forest Area (Provincetown); Marconi Station/Cedar Swamp Area (Wellfleet); Former Ball Trust Land (Truro); and Pilgrim Heights Area (Truro).

¹ Despite an extensive search of Park files (on site and archived), as well as regional and Washington office compliance program files, CACO staff have not been able to locate a copy of the EA and FONSI mentioned above. It is important to note that this category of document is classified as available for disposal after 15 years in accordance with the NPS record disposition rule.