

**CODE OF FEDERAL REGULATIONS**

**TITLE 36, CHAPTER 1**

**March 26, 2013**

**Compendium of Designations, Closures, Request  
Requirements and Other Restrictions Imposed  
Under The Discretionary Authority of the Superintendent**

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 7, as authorized by Title 16, United States Code, Section 3, the following regulatory provisions are established for the protection of visitors and resources and apply within the boundaries of Cape Lookout National Seashore.

Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1.

Approved by:

  
\_\_\_\_\_  
Patrick M. Kenney, Superintendent

  
\_\_\_\_\_  
Date

## **PART 1 - GENERAL PROVISIONS**

### **SECTION 1.4 - DEFINITIONS**

In addition to the definitions found in Section 1.4 of Title 36, Code of Federal Regulations the definitions below apply to the regulations that follow.

- A. "All Terrain Vehicle" (ATV) means a motorized off-highway vehicle designed to travel on three or four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control [source- NC State.]
- B. "Beach" means the shore between the Atlantic Ocean and the primary dunes. Or, in the absence of dunes, it is the shore between the natural vegetation line and the ocean. If both primary dunes and vegetation are absent or further than 200 feet from the mean high tide line, it is the shore within 200 feet of the ocean.
- C. "Curb Weight" means the unloaded weight of a vehicle.
- D. "Designated Fish Cleaning Station" means a facility marked by the National Park Service or a concessionaire as a place where fish may be cleaned.
- E. "Designated Route" means a vehicle route marked by the National Park Service with the standard symbolic sign indicating "trail where off-road recreation vehicles permitted" in Section 1.10 of 36 Code of Federal Regulations.
- F. "Designated Parking Area" means an area marked by the National Park Service for temporary short term parking or storing vehicles unattended over 24 hours.
- G. "Designated Vehicle Landing" means a place marked by the National Park Service for the public to load or unload ATV/UTV's from boats.
- H. "Houseboat" means any boat or vessel with a superstructure resembling a house, designed or equipped to be used for camping, as a residence or place of business.
- I. "Primary Dune" means that line of vegetated sand dunes parallel and closest to the tide line on the Atlantic Ocean.
- J. "Seashore" means Cape Lookout National Seashore.
- K. "Structure" means any permanent fixture such as buildings, docks, bulletin boards, shade shelters, toilets, waterfowl hunting and observation blinds, etc.
- L. "Cabin Camp Area" means the area around the Long Point and Great Island Cabin Camp Rental cabins, beginning at the first ramp to the North of a camp and ending at the first ramp to the south of a camp, excluding the beach face.

M. Personal Watercraft” (PWC) is defined in 36 CFR 1.4:

*Personal watercraft* refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

## **SECTION 1.5 - CLOSURES AND PUBLIC USE LIMITS**

### 1.5(a)(2) Vehicle Use:

- A. Off-road vehicle (ORV) use is prohibited per 36 CFR 4.10 except on park roads, in parking areas and on routes and areas designated for ORV use. Designated routes/areas within the seashore that are open to motor vehicle ORV and OHV use are enumerated below:
1. The ocean side beach of North Core Banks and South Core Banks from the primary dune line to the waterline.
  2. Marked routes within cabin camp areas including vehicle ferry ramps.
  3. Marked crossover routes or “ramps” between the ocean beach and interior back routes.
  4. The marked “interior” or “back” route on North Core Banks (NCB) which lies generally parallel to the beach along the approximate center of the island from approximately 0.8 mile north of Old Drum Inlet to approximately mile post 4. Several designated routes connect the beach with the Interior Route, Core and Pamlico Sounds and the Portsmouth Village designated parking area. Additional designated routes connect North Core Banks ferry services with the Interior Route.
  5. The marked “interior” or “back” route on South Core Banks (SCB) which lies approximately parallel to the center of the island from Cape Lookout Point to a location approximately 2 miles south of Ophelia Inlet. Several designated routes connect the interior route with the beach. Additional designated routes connect all docks and Cape Lookout Bight with the Interior Route.
  6. The designated long-term vehicle parking area on North Core Banks located on the northern outskirts of Long Point Cabin Area.

7. Designated long-term vehicle parking areas on South Core Banks located at the northern and central Great Island Cabins Area and in the area just north of the lighthouse.
  8. Temporary village bypass open and authorized when the Cape Point is closed to vehicle traffic.
  9. Marked sound vehicle access routes (from sound to ocean beach or sound to back route), as designated below (Note: individual access points are subject to wildlife closures as needed):
    - a. NCB- MP 0.0: north end of NCB at Ocracoke Inlet, near the ocean demarcation line,
    - b. NCB-MP9: road to the sound side(does not go all the way to the sound)
    - c. NCB- MP 12: former Wilbers/Nelson Camp also called “the Web”,
    - d. NCB- MP 19: 0.5 miles north of Old Drum Inlet called the “Honey Hole”,
    - e. SCB- MP 26.5 : Gun Club
    - f. SCB- MP 31.5: 0.5 miles south of Great Island Camp
    - g. SCB- MP 42: Cape Lookout Bight
    - h. SCB- MP45: Concrete road to old Coast Guard Dock.
- B. Non-commercial delivery of ATV/UTVs for individual use is permitted at designated and marked sound-side access points (see section A.9, a-h).
- C. The following areas are **closed** to all public vehicular traffic, except as specifically authorized by the NPS:
1. Portsmouth Village Historic District on North Core Banks.
  2. Cape Lookout Light Station on South Core Banks.
  3. Property of retained rights (leases and lifetime estates), provided: 1) the property is designated as closed on the seashore off-road vehicle brochure, and/or 2) it is posted "authorized vehicles only" by the National Park Service, unless invited by the legal tenant of the lease or estate.
  4. Employee housing, and maintenance areas on Harkers Island.
  5. The beach on the ocean side of the seashore is closed year-round to vehicles between the following points:
    - Ramp 41A to Ramp 42A.
    - Mile 46.1 (Rock Jetty Area) to the tip of Power Squadron Spit.
  6. Sound side beaches on North and South Core Banks.
  7. All of Shackleford Banks.
  8. Any beach or route posted as closed by the National Park Service.

9. Roads within the seashore that are posted as “Authorized Vehicles Only.”
- D. The following are prohibited:
1. Loading or unloading vehicles(s) from or onto a vehicle loading docks in cabin camp areas, except for NPS authorized operations.
  2. Operating an ATV without a DOT approved helmet.
  3. Operating any motor vehicle, including an ATV/UTV, without possession of a valid state driver's license, and by anyone under the age of 16.
  4. A person who owns, or is responsible for any motor vehicle, allowing any person not possessing a valid driver's license to operate that motor vehicle.
  5. Driving a vehicle in a manner that needlessly ruts the sand.
  6. Operating a motorcycle, tracked motor vehicle or any motor vehicle (including Segways, see attached policy Appendix C) with less than three wheels anywhere on the seashore (except on the roadways at the Harkers Island Administrative site).
  7. Operating any vehicle on Shackleford Banks (except NPS vehicles for official use or other use as authorized by NPS).
  8. Failing to fill to the original level any hole caused by excavating a vehicle from the sand.
  9. Camping from a vehicle (i.e. in a tent) or in a recreational vehicle while the vehicle is parked on or next to the backroad, except in marked designated sites.
- Note: Refer to Section 2.22 of the compendium for conditions relating to parking vehicles unattended over 24 hours.
10. The delivery of vehicles to the banks, except by authorized ferry operators. (Note: Limited exception for ATV/UTVs, see section B above.)
  11. Parking in a Designated Long Term Parking lot without a valid permit or verifiable advance authorization.
- E. The operation of vehicles on any part of the Seashore (except on the roadways at the Harkers Island Administrative site) from January 1 through March 15 is prohibited. This does not prohibit administrative use of vehicles by the National Park Service employees, or other entities specifically authorized by the NPS.

1.5(a)(2) Boat, Personal Watercraft, Boat Basin and Dock Use:

- F. Private boats may moor at seashore public docks, for a maximum of 15 minutes, while actively loading and unloading, except for specific closures posted at docks, or as otherwise noted below:
1. The waters within the areas marked off by the lines of buoys to the north and south adjacent to the lighthouse dock and the dock are closed to mooring/anchoring; vessels may use the dock only while actively loading and unloading passengers and gear.
  2. The waters within the areas marked off by the lines of buoys to the east and west adjacent to the Shackleford dock and the dock itself are closed to mooring/anchoring; vessels may use the dock only while actively loading and unloading passengers and gear.
- G. Operators of private boats may use the Great Island boat basin, and may use the small dock at the basin for a maximum of 15 minutes, while actively loading and unloading, provided that:
1. Within the boat basin, private boat operators immediately give way to any arriving/departing permitted ferry.
  2. Private boat operators immediately yield the main dock at Great Island Cabin Area to any ferry operating under a permit issued by the National Park Service.
- H. Operators of private boats may use the Long Point boat basin. Private boaters may use the dock in the boat basin for a maximum of 15 minutes, while actively loading and unloading. A limited number of boats may be beached on the shore near the ferry loading ramp (mostly behind the breakwater), provided that:
1. Within the boat basin, private boat operators immediately give way to any arriving/departing permitted ferry.
  2. Boats beached on the shore do not interfere with permitted ferry operations and that private boat operators immediately move boats on request of permitted ferry operators. (Note: Ferry operators are authorized to move boats that interfere if operators are not present.)
  3. Private boat operators immediately yield the dock at Long Point Cabin Area to any ferry operating under a permit issued by the National Park Service.
- I. The former U. S. Coast Guard dock at Cape Lookout is closed to all public mooring and vehicle use, except as otherwise authorized. The dock is closed to all public entry.
- J. Personal Watercraft (PWC) use must comply with 36 CFR 7.49. This prohibition does not apply to PWC operated by duly authorized federal, state, or local law enforcement and emergency response agencies whose jurisdictions lie within or adjoin Cape Lookout National Seashore and when engaged in training, enforcement and rescue activities.

- K. Without written permission from the Superintendent, power vessels are prohibited from entering into the breaks, or be in any waters behind the rock groin at the Harkers Island Administrative site.
- L. Fishing is prohibited from the Lighthouse dock daily from 9:00 AM until 6:00 PM from May 1 until September 30.
- M. The use of non-motorized vessels (canoes, kayaks, etc.) within the Harkers Island Boat Basin.

1.5(a)(2) Cleaning Fish:

- N. Removing the scales or entrails of fish may be done only on the beach and at designated fish cleaning stations. Such fish parts shall be disposed of only in the ocean or sound side waters, not on the land. (Note: State law prohibits possessing fish subject to harvest or size limits without its head and tail attached while actively fishing.)

1.5 (a)(2) Hunting:

Until special regulations are promulgated hunting closures for visitor safety will be managed under 36 CFR 1.5.

- O. In addition to and notwithstanding any stricter provision of NC State hunting regulations, the following areas are closed to hunting (as is shown on Appendix B and in the seashore hunting flier):
  - a. Within 200 yards of any structure or campsite
  - b. Portsmouth Village Historic District, as shown on the attached map
  - c. The Long Point Cabin Area, as shown on the attached map
  - d. The Great Island Cabin Area, as shown on the attached map
  - e. Cape Lookout Light Station Complex
  - f. Cape Lookout Historic Village
  - g. Harkers Island Administrative Site

1.5 (a)(2) Firearms:

- P. Firearms may be possessed in compliance with State and Federal Law.

1.5 (a)(2) Swimming:

- Q. Swimming within the areas marked off by the lines of buoys to the north and south adjacent to the Cape Lookout Lighthouse dock is prohibited.

- R. Swimming within the areas marked off by the lines of buoys to the east and west adjacent to the Shackleford dock is prohibited.
- S. Jumping or diving from any dock or piling within Cape Lookout National Seashore is prohibited.

1.5 (a)(2) General Closures and Public Use Limits:

- T. Locations marked by the National Park Service as bird nesting areas are closed to all recreational use, including the entry of any unauthorized vehicle, person, or pet.
- U. Sections of beach marked by the National Park Service as turtle nesting areas are closed to all unauthorized vehicular entry, camping, or beach fires.
- V. Blocking the beach or any designated route by any means (such as with a vehicle, camping gear, fishing equipment, etc.) in such a manner that prevents safe, legal flow of vehicular traffic, at all tides, is prohibited. In particular, at least 20 feet of beach between the primary dune line and ocean must be left open to vehicular traffic.
- W. Use, possession or abandonment of equines and other similar livestock is prohibited throughout the seashore.
- X. During posted visiting hours, accessible/public interiors of the following park buildings are designated as open to the public:
  1. Theodore and Annie Salter House (Visitor Center) at Portsmouth Village
  2. Post Office at Portsmouth Village
  3. Methodist Church at Portsmouth Village
  4. Life Saving Station at Portsmouth Village
  5. School at Portsmouth Village
  6. Restroom facilities at Long Point
  7. Restroom facilities at Great Island
  8. Cape Lookout Lighthouse Complex Keepers Quarters
  9. Cape Lookout Light Station Visitor Center and Restrooms
  10. Harkers Island Visitor Center lobby and restrooms
  11. Composting toilets throughout the seashore
- Y. Posted hours of operation for the following buildings are:
 

1. Portsmouth Village:	9:00 AM to 5:00 PM (Seasonally)
2. Keepers Quarters:	9:00 AM to 5:00 PM (Seasonally)
3. Light Station Visitor Center and Restrooms:	9:00 AM to 5:00 PM (Seasonally)
4. Harkers Island Visitor Center:	9:00 AM to 5:00 PM (Except Christmas and New Years Day)

Z. The following are prohibited.

1. Entering any buildings, area of a building or structure not open to the public.
2. Entering any building that is designated as open to the public, outside of normal (posted) visiting hours or when the building is locked.

AA. Portsmouth Village is closed to all unauthorized entry from one half (1/2 ) hour after sunset until one half (1/2 ) hour before sunrise.

## **SECTION 1.6 - PERMITS**

1.6(f) In compliance with Section 1.7 of 36 Code of Federal Regulations, the following enumerates activities requiring a permit:

- Vehicle Parking (if vehicle unattended over 24 hours.)
- Collecting (research specimens)
- Special Events (including regattas, weddings, etc.)
- Group use with greater than 50 persons or groups larger than 25 persons with organized activities or overnight stays.
- Public Assemblies
- Sale or distribution of printed matter
- Display of Commercial Notices
- Business Operations
- Commercial Photography and Filming
- Construction on Federal Property (including Duck Blinds)
- Scattering of Cremated Human Ashes
- Lease of Federal Property
- Explosives
- Use of Horses and/or Pack Animals

## **PART 2 - RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **SECTION 2.1 - PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES**

#### 2.1(a)(4) - Use of Dead and Down Wood.

- A. Loose dead wood on the ground within 200 feet of the shore may be collected by the public throughout the seashore for campfires. Leases and life estates are closed to the public for collecting wood. (Note: Cutting or stripping limbs from any standing tree, whether dead or living, is prohibited throughout the seashore.)
- B. Wood from shipwrecks or from historic or archeological sites may not be taken or tampered with in any manner or for any purpose.

#### 2.1(c)(1) - Collecting Natural Products

- A. Collecting seashells is limited to non-commercial purposes and two gallons of uninhabited seashells per person per day.

### **SECTION 2.10 - CAMPING AND FOOD STORAGE**

#### 2.10(a) - Camping

- A. Camping is allowed throughout the seashore, except for the following locations:
  - 1. Within 100 feet of a well, shade shelter, bulletin board, dock or other structure; except greater restrictions apply when such structures are located in areas noted below:
  - 2. Within 100 yards of any cabin or house.
  - 3. In cabin areas, except that a cabin camp permittee may obtain a permit to authorize accompanying minors (but not organized groups) to camp in a tent near their cabin.
  - 4. Portsmouth Village Historic District.
  - 5. Cape Lookout Light Station Complex.
  - 6. Cape Lookout Village.
  - 7. Areas of reserved private rights (leases and life estates).
  - 8. Harkers Island Administrative Site.

9. In a trailer/ORV anywhere except that you may camp in a trailer/ORV on the beach seaward of the primary dunes or in an area marked with camping signs.
  10. Designated long-term parking areas, except as authorized by the superintendent during emergencies.
  11. Directly on top of dunes so as to disturb dune vegetation.
  12. On the sound side beach in front of the Keepers Quarters. (Between the Buried Cable Sign and the dock)
- B. No person, party or organization shall be permitted to camp for more than 14 consecutive days within the seashore. This includes houseboats, self-propelled or otherwise.

## **SECTION 2.13 - FIRES**

### **2.13(a)(1) - Fires**

- A. Open ground fires are permitted only on the ocean side beach seaward of the primary dunes, below the mean high tide line and on soundside sandy beaches below the mean high tide line. All fire must be no greater than 3 feet in diameter. Treated wood products and wood containing nails and other foreign materials shall not be used for fire construction. The burning or attempted burning of glass, plastic, cans, and other non combustible items is prohibited.
- B. Cooking with wood or charcoal grills is permissible throughout the seashore, except on or under the porches of any structure, house or cabin, on or under any wooden structure (including but not limited to boardwalks) associated with the lighthouse, in Portsmouth Village, and the Cape Lookout Village. The Villages are closed to all wood or charcoal fires.

## **SECTION 2.16 - HORSES AND PACK ANIMALS**

### **2.16(b) - Designated Horse and Pack animal Routes.**

- A. No horse and/or pack animal routes have been designated within Cape Lookout National Seashore. Therefore use of horses and/or pack animals is prohibited throughout all areas of the seashore.

## **SECTION 2.22 - PROPERTY**

### 2.22(a)(2) - Property

- A. A permit must be requested and received from the Superintendent prior to leaving any vehicle unattended within seashore boundaries over 24 hours.
- B. A permit must be acquired to construct temporary duck blinds within the Seashore jurisdiction.
- C. The following are prohibited:
  - 1. Parking any vehicle unattended for over 24-hours outside a designated long-term parking area.
  - 2. Parking any vehicle(s) in a designated long-term parking area between January 1 and March 15.

## **SECTION 2.51 - PUBLIC ASSEMBLIES, MEETINGS**

- 2.51(e) Public assemblies are allowed in the area(s) designated in Appendix A, providing that all conditions of 36 CFR Section 2.51 are met.

## **SECTION 2.52 - SALE OR DISTRIBUTION OF PRINTED MATTER**

- 2.52(e) Distribution or sale of printed matter is permitted in the area(s) designated in Appendix A, providing that all conditions of 36 CFR Section 2.52 are met.

## **PART 4 - VEHICLES AND TRAFFIC SAFETY**

### **SECTION 4.2 – STATE LAW APPLICABLE**

- 4.2(a) "Notwithstanding the definition of "Public Vehicular Area" (PVA) in North Carolina law, the operator of any motor vehicle anywhere in the Seashore, whether in motion or parked, must at all times comply with all North Carolina traffic laws that would apply if operating on a North Carolina highway."

## **SECTION 4.21 - SPEED LIMITS**

### 4.21(b) - Designated Speed Limits

- A. The maximum speed limit on the beach is 25 miles per hour or as otherwise posted.
- B. The maximum speed limit on designated routes is 25 miles per hour or as otherwise posted.
- C. Upon approaching within 100 feet of any person, vehicle, campsite, other structure or while traveling within a lease area, the speed limit is reduced to 15 miles per hour.
- D. The maximum speed limit while carrying passengers in a trailer or other mode of conveyance towed behind the motor vehicle specifically designed for carrying passengers while being towed is 15 miles per hour.

## **SECTION 4.10 – TRAVEL ON PARK ROADS AND DESIGNATED ROUTES**

### 4.10(b) – Designated ORV Routes

- A. Until an ORV Plan is completed, and special regulations are promulgated for ORV Routes, ORV Routes will be designated under 36 CFR 1.5.

## **SECTION 4.30 - BICYCLES**

### 4.30(a) - Designated Bicycle Routes

- A. Bicycle use is allowed on the North Core, and South Core Banks, on designated routes open for off-road motor vehicles use, consistent with all regulations for vehicles.
- B. Bicycles are permitted on the Harkers Island Administrative site, and may use the nature trail as long as they give way to pedestrians.

**CODE OF FEDERAL REGULATIONS**

**TITLE 36, CHAPTER 1**

**March 26, 2013**

**Written Determination for Justifying Actions  
Listed in the Compendium of Designation, Closures,  
Request Requirements and Other Restrictions.**

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Section 1.5 (c), the following justifications are provided to identify the reasoning behind the use of the Superintendent's discretionary authority in setting forth the various closure designations, etc., as listed in the Compendium required in Section 1.7(b).

## **PART 1 - GENERAL PROVISIONS**

### **1.5 - CLOSURES AND PUBLIC USE LIMITS**

#### 1.5(a)(2) Vehicle Use:

- A. Routes for off-road motor vehicle use must be designated per 36 CFR 2.10. Until an ORV Management Plan is completed, routes will be designated under 36 CFR 1.5. Routes are designated in areas where impacts will be minimized.
- B. ATV/UTVs may be safely off-loaded under most circumstances. NPS Authorized/Permitted Commercial Use Authorization (CUA) holders have permits for all commercial motor vehicle delivery (including ATV/UTVs) to the national seashore; it is the current judgment of the staff that non-commercial delivery of ATV/UTVs by individuals for their personal use will be limited.
- C. Areas closed to vehicular use:

Vehicle closures are implemented to protect visitors in high density beach areas, to protect park resources, to protect the visitor experience in historical areas, to protect privacy of park residential areas, and to control use in other administrative areas.

Off-road vehicle operation is limited to specific areas, designated routes, designated parking areas and designated vehicle landings to protect seashore resources to a degree that ensures they will remain unspoiled for the enjoyment of future generations. This vehicle route system provides convenient vehicular access throughout the Seashore with minimum impact on resources.

1. Portsmouth Village is closed to vehicular entry because vehicular traffic severely damages Village roads and walkways and detract from the visitor experience by intruding on the historic scene.
2. Cape Lookout Light Station closed to vehicular entry because vehicular traffic detracts from the visitor experience by intruding on the historic scene.
3. Holders of life estates, use and occupancy leases, or historic property leases have a reasonable expectation of privacy and protection from public vehicle traffic.
4. Leased areas of the park are closed to public vehicles for security and privacy of tenants.

5. The sections of beach closed to vehicles are areas where visitors arriving without vehicles concentrate. Many of these visitors prefer experiencing a seashore environment in its most natural condition possible; removing vehicular intrusions from the environment enriches this type of visitor's experience. Many of these visitors lay on the beach and are occasionally difficult to see; prohibiting vehicular traffic reduces the possibility of vehicles striking beach users. Effects of these closures on vehicle users are minimal because access around closures to major destination points is maintained and less than three miles of 45 miles of beach is permanently closed.
6. Except for limited designated access points, soundside beaches are not readily accessible to vehicles from the designated interior routes. Soundside beaches are usually narrow (especially at high tide), have associated marsh environments, and impact on sound beaches is expected to be significantly greater and longer lasting.
7. Shackleford Banks is a proposed wilderness area; off-road vehicle use is inconsistent with such designation.
8. Areas may be closed for safety, protection of rare/endangered species, and management / restoration of roadways.
9. Certain roads are designated for management "authorized" use only. Closure of these roads is for security of park management facilities.

D. The following are prohibited:

1. All cabin camp ferry ramps/docks are designed specifically for commercial CUA vessels and NPS operations, and they are maintained for these operations. They are therefore unsuitable for loading/unloading vehicles from private vessels. Vehicle loading/unloading activities inherently cause high wear to dock facilities and are unsafe for the general public (who may not be trained and equipped to conduct such activities).
2. NPS Management Policies 2006 states: "The Service will strive to identify and prevent injuries from recognizable threats to the safety and health of persons and to the protection of property by applying nationally accepted codes, standards, engineering principles, and guidance .....". According to the ATV Safety Institute, a helmet is the "single most important piece of protective gear" a rider can wear.
3. A driver's license is proof that an individual has basic motor vehicle operating skills and understanding of related safety requirements. The requirement to have a valid driver's license prevents persons who are not capable of safely operating motor vehicles, including ATV/UTV's, from driving on the seashore. Note that this paragraph also requires that the driver's license be in the operator's possession while operating any vehicle. The isolated character of the seashore makes communication between law enforcement rangers and the mainland very difficult to conduct driver's license checks;

this requirement facilitates enforcement and other aspects of administering the off-road vehicle management program.

4. This regulation further reinforces the above driver's license requirement by giving motor vehicle owners incentive not to allow an unlicensed person to operate a motor vehicle.
  5. Vehicle tire ruts cause resource damage that can destroy wildlife, cause erosion and detract from the esthetics of the seashore environment; this requirement reduces such negative environmental impacts and unnecessary vehicular operation where individuals are purposefully rutting the sand. The requirement also emphasizes that the use of vehicles within the seashore is for transportation and access and is in no way focused on recreational ORV use for its own sake.
  6. Motorcycles and tracked motor vehicles are prohibited because, generally, they tend to rut the beach and ORV routes more than other types of vehicles and they are inherently more unstable operating in a sand environment. Segways see appendix C.
  7. Shackleford Banks is closed to all vehicular traffic because public off-road vehicle use there is incompatible with its designation as proposed wilderness.
  8. Filling the hole caused by excavating a vehicle reduces environmental impacts, esthetics concerns and safety problems caused by leaving such holes in the beach or routes.
  9. There is little or no room for setting up camping sites along the back-routes. Vehicles camped in back-routes and ramps will generally impede traffic flow or by necessity will create adverse impacts by widening routes.
  10. The delivery of larger vehicles to the banks is more technical, requires specialized equipment and ramps and absent such supporting equipment is a safety hazard. Equipment needed for such delivery is generally expected to be commercial in nature. CUAs have permits for commercial delivery of larger vehicles.
  11. Parking in the Designated Long Term parking lots is a permitted activity that requires either a permit or advance authorization in order to avoid use by unauthorized vehicles and maintain a reasonably controlled area and the ability to easily contact vehicles parked in those areas in case of emergency or environmental concerns.
- E. An interim rule pending the completion of the ongoing ORV Management Plan. Closing the beach to vehicular traffic during a time when the vehicle ferries traditionally have not run and when there have been prior compendium closures, allows for wintering populations of various species to have greater use of the wintering areas with less disturbance.

1.5(a)(2) Boat, Personal Watercraft, Boat Basin and Dock Use

- F. Dock time for privately operated boats will vary depending on the public demand for access to a particular dock. All private boaters should have a fair opportunity to use the limited dock facilities available for loading/unloading passengers and supplies. The restriction on time is needed to ensure that boaters do not interfere with others attempting to use the dock. The lighthouse dock and waters around it are very congested. The waters around the Shackelford dock are shallow and boats anchoring close to the dock interfere with the mooring operations of park vessels.
- G. The 15 minute limit on private boats in the Great Island Boat Basins prevents the restricting of room necessary to safely maneuver and dock the large CUA ferries. Because the CUA ferry vessels are generally larger and less maneuverable, private boat operators should give way.
- H. The 15 minute limit on private boats in the Long Point Boat Basins prevents the restricting of room necessary to safely maneuver and dock the large CUA ferries. Because the CUA ferry vessels are generally larger and less maneuverable, private boat operators should give way.
- I. The former U. S. Cape Lookout Coast Guard Station dock is closed due to safety issues.
- J. The use of PWCs is regulated by published rules and regulations. See 36CFR 7.49.
- K. There is little room to maneuver inside these areas and the entry ways are small and restrictive, not allowing access for anything of any size. These areas may still be used to launch kayaks, canoes, and other small non-motorized vessels.
- L. Fishing is prohibited during the times indicated because the dock is heavily congested by visitors utilizing ferries and by private boaters discharging passengers. Fishing activity and equipment could potentially cause conflicts and be unsafe.
- M. Small vessels such as canoes and kayaks do not give the person paddling them adequate vision from inside the basin walls and rock groin to be able to see other vessels about to enter the basin, therefore; there is no time to move their vessels safely out of the way. Likewise; very small non-motorized vessels in the boat basin are not readily visible by larger, heavier, and less maneuverable vessels coming into the basin, causing a safety hazard both to the motorboat operator and the non-motorized vessel operator.

1.5(a)(2) Cleaning Fish:

- N. This regulation protects public health from disease and insects arising from fish scraps. It is also important to reduce attraction of predators that may impact protected species.

1.5(a)(2) Hunting:

- O. These areas are managed for park administrative needs, for their historical value or they experience concentrated visitor use. Hunting in such areas would be detrimental to the study and enjoyment of the cultural values and structures, or be a severe safety hazard to the public.

These closures will be managed through 36 CFR 1.5 until planning, NEPA and a special regulation are implemented.

1.5(a)(2) Firearms:

- P. State and Federal Laws Apply.

1.5 (a)(2) Swimming:

- Q. Swimming within 150 feet of the Cape Lookout Lighthouse dock is prohibited because of the amount of boat traffic from NPS, ferries and private boats that deliver passengers and gear to the dock. This traffic causes congestion and creates a hazard for swimmers, many of whom are small children attracted to the area by the dock and ladders.
- R. Swimming within 50 feet of the Shackleford dock is prohibited because of the amount of boat traffic from NPS, large ferries and private boats that deliver passengers and gear to the dock. This traffic causes congestion and creates a hazard for swimmers, many of whom are small children attracted to the area by the dock and ladders.
- S. Jumping or diving from docks/pilings is dangerous, and may lead to serious injury due to varying depth of sound water

1.5(a)(2) General Closures and Public Use Limits:

- T. Unregulated entry of vehicles, persons and pets into bird nesting areas frequently causes egg and nestling mortality when birds are frightened from nests and the intruder could physically damage eggs and hatchlings. In instances of endangered or threatened species, protection is required by the Endangered Species Act or the Migratory Bird Treaty Act.
- U. Tire ruts left by vehicles present a hazard to turtle hatchlings, these hatchlings may become trapped in the ruts and be unable to make it to the ocean. The longer it takes for the hatchlings to make it into the water the higher the risk of predation.
- V. This prohibition against blocking the beach or designated routes provides for fair and convenient vehicular access for all visitors.

- W. Equine use or abandonment on Shackleford Banks is in conflict with the management of the existing Equine Infectious Anemia free herd and the Shackleford Banks Wild Horse Protection Act (P.L.105-202 & 229). Use in other areas of the park is prohibited due to the difficulty of getting horses to the island, the relative lack of fresh water for drinking, and the likely chance of introduction of exotic species from hay (feed) and/or manure.
- X. Designation of buildings that are open to public use; those that are not open to public use are designated as closed.
- Y. Designation of appropriate visiting hours for buildings that are designated as open to the public. Outside of designated visiting hours buildings are closed, except as otherwise specifically authorized.
- Z. Entering a building that is closed is prohibited for the security of the building and contents.
- AA. Closing Portsmouth Village to unauthorized entry during nighttime hours helps maintain public health and safety, helps protect the environmental and scenic values, and helps maintain the protection of natural or cultural resources. Vehicles, Camping, and fires are prohibited in the village, there are no lights in the village, and no buildings are open after 5:00 pm, so the general public has no pressing need to be in the village after dark. Those who maintain leases in the Village and their guests are authorized individuals under the law. All park employees, and cooperators, (paid or otherwise) that have a reason to be in the village after dark are authorized. The hours were set to allow late evening and early morning bird watching within the Village.

## **SECTION 1.6 - PERMITS**

- (f) These permits are required by Title 36 Code of Federal Regulations, Parts 1-7. Within national park service areas, a special use permit is required for visitors to conduct certain organized activities and special events. The purpose of special use permits is to ensure that such activities are legal, that they are conducted in a safe and orderly manner, that they do not negatively impact the resources of the park, and that ability of other visitors to use the area is not significantly impeded. Additionally, the park service is required to recover administrative costs for the processing of permits.

## **PART 2 - RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **SECTION 2.1 - PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES**

#### **2.1(a)(4) - Collecting Dead and Down Wood**

- A. Generally the amount of wood within 200 feet of shore is minimal; consequently, the impact of allowing this traditional practice to continue will not adversely impact the seashore environment.
- B. Federal law protects wood having cultural or archeological value.

#### **2.1(c)(1) - Collecting Natural Products**

- A. Collection of limited quantities of seashells and seashell fragments not inhabited by living creatures should not adversely affect the environment. The limit that is placed is mainly to protect hermit crabs, which need seashells for shelter. Commercial collecting of seashells is prohibited to ensure that seashells are available to recreationists for collecting.

### **SECTION 2.10 - CAMPING AND FOOD STORAGE**

#### **2.10 (a) - Camping**

- A. Camping is not allowed:
  - 1. Campsites must be farther than 100 feet from wells and shade shelters to provide fair access for all visitors to these facilities. In particular, the prohibition on camping within 100 feet of shade shelters is to prevent campers from monopolizing facilities developed for day users since day users generally have more need for these limited facilities.
  - 2. Within 100 yards of cabins, houses or docks, camping may cause conflicts among various visitor uses.
  - 3. Camping in cabin camp areas is incompatible with cabin use. Camping in cabin camp areas can cause resource damage to vegetation and dunes and user conflicts.
  - 4. Camping in historic districts such as Portsmouth Village, Cape Lookout Light Station and the Cape Village (including the Cape Lookout Coast Guard Station) is intrusive on the historic scenes preserved for visitor enjoyment. [thru #6]
  - 7. Lessees and estate holders have contractual rights for protection from general public camping on their premises.

8. Camping on Harkers Island Administrative Site is incompatible with the other visitor uses on the site.
  9. Trailer/ORV camping is restricted to the beach and designated areas, because pulling such vehicles off on the side of a designated route which are generally narrow two track routes often leads to inadequate areas to pass and unacceptable levels of damage to vegetation and dunes.
  10. Camping in the long term camping lots is prohibited due to the following; limited room for camping between parked vehicles and the danger of fires spreading quickly among the closely parked vehicles. (Staying in a vehicle in the lots during extremely high tides (when no beach is available) may be authorized by the superintendent, and will be evaluated on a case by case basis.)
  11. Camping directly on the top of dunes and on vegetation can cause the vegetation to die and the loss of the dunes due to the wind blowing the sand away.
  12. Camping on the sound side beach in front of the Keeper's Quarters from the dock to the buried cable sign highly distracts from the historical scene of the lighthouse complex.
- B. The 14 consecutive day limit on camping is imposed to allow all visitors fair and reasonable access to camping areas and protect favorite camping locations from resource damage caused by overuse.

## **SECTION 2.13 – FIRES**

### 2.13(a)(1) – Fires

- A. Open ground fires are limited to the area below the mean high tide line to prevent fire from spreading to vegetation and so that tidal action may obscure fire sites to reduce related esthetics impacts. Large fires can greatly increase the risk of escape into wildfires. Burning treated lumber emits poisonous gases which harm the environment and can cause illness. Burning wood with nails and other foreign objects, generally causes those un-burnt objects to be left on the beach creating hazards to vehicles and feet.
- B. Receptacles that enclose fuel on the bottom and sides offer adequate protection for surrounding vegetation (if used properly) and prevent damage to soils (and esthetics) caused by open ground fires. However, the possibility of these devices causing wildfire in Portsmouth Village and Cape Lookout Village, to cultural resources of national significance, or structural fires on cabin or other porches, boardwalks precludes their use there.

## **SECTION 2.16 - HORSES**

- A. There is little or no demand for horse use on the islands, possibly due to the logistics and cost of bringing vehicles with horse trailers onto the islands by ferryboats. Equine use in the park is prohibited due to the difficulty of getting horses to the island, the relative lack of fresh water for drinking, and the likely chance of introduction of exotic species from hay (feed) and/or manure.
- B. The Shackleford Banks Wild Horses Protection Act (1998) protects the free roaming herd and mandates co-management with the Foundation for Shackleford Horses, Inc or other qualified non-profit entity. These horses have tested negative to Equine Infectious Anemia in 1999, 2000 and 2001. To avoid the exposure to this and other diseases, domestic stock is prohibited on any of the islands of the seashore.

## **SECTION 2.22 - PROPERTY**

### **2.22(a)(2)**

- A. Long-term parking is limited to designated parking areas to limit the environmental impacts of this activity.
- B. Construction of structures on NPS lands is prohibited by 36 CFR 5.7, except as authorized by Special Use Permit.
- C. The park is closed to long-term parking during late winter and early spring to reduce the possibility of winter northeasters overwashing and destroying vehicles when ferry services are not available to remove the vehicles, to reduce the potential for vehicles to be abandoned on the seashore (a severe problem in the past), to allow owners to have the vehicles inspected yearly as per North Carolina Law, and to allow the opportunity to clean parking areas.

## **SECTION 2.51 - PUBLIC ASSEMBLIES, MEETINGS**

- 2.51(e) This is an allowed activity within National Park Service areas, providing a Special use Permit is issued. (See Appendix A)

## **SECTION 2.52 - SALE OR DISTRIBUTION OF PRINTED MATTER**

- 2.52(e) This is an activity allowed in National Park Service areas under a Special Use Permit. (See Appendix A)

## **PART 4 - VEHICLES AND TRAFFIC SAFETY**

### **SECTION 4.2 – STATE LAWS APPLICABLE**

4.2(a) North Carolina, by law considers roads and routes on all federal property “Public Vehicular Areas”. There are only a limited number of North Carolina Laws that apply to these areas. It is in the best interest of the visitors, park resources, and the safety of all visitors that more than just this limited number of laws are applicable. Therefore; all vehicles operated within the seashore must meet the North Carolina traffic laws as if operating on North Carolina Highways. This will be codified in special regulations when completed in accordance with the ORV plan.

### **SECTION 4.21 - SPEED LIMITS**

#### 4.21(b) - Speed Limits

- A. The 25-mph speed limits protect visitors and vehicle operators from driving hazards unique to the seashore environment. Such hazards include rough beach terrain and short sight distances on designated routes.
- B. (see above)
- C. The 15-mph speed limit imposed within 100 feet of visitors reduces the possibility of vehicles striking sunbathers and pedestrians, especially in crowded areas.
- D. The 15 miles per hour speed limit while having passengers in a towed conveyance will increase safety by limiting speed.

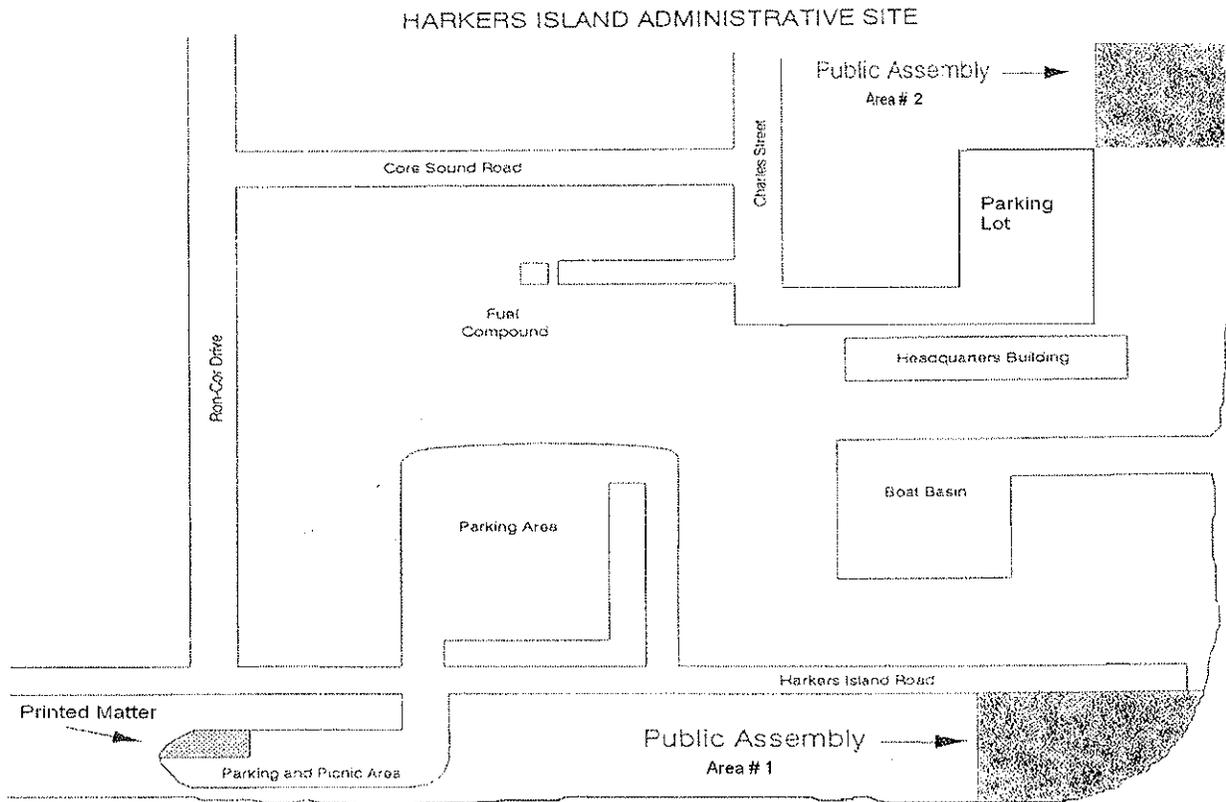
### **SECTION 4.30 - BICYCLES**

#### 4.30(a) - Designation of Bicycle Routes

- A. Bicycles may be used on routes and in areas authorized for off-road motor vehicle (ORV) use because bicycles are unlikely to have any greater environmental impact than ORV's.

## APPENDIX A

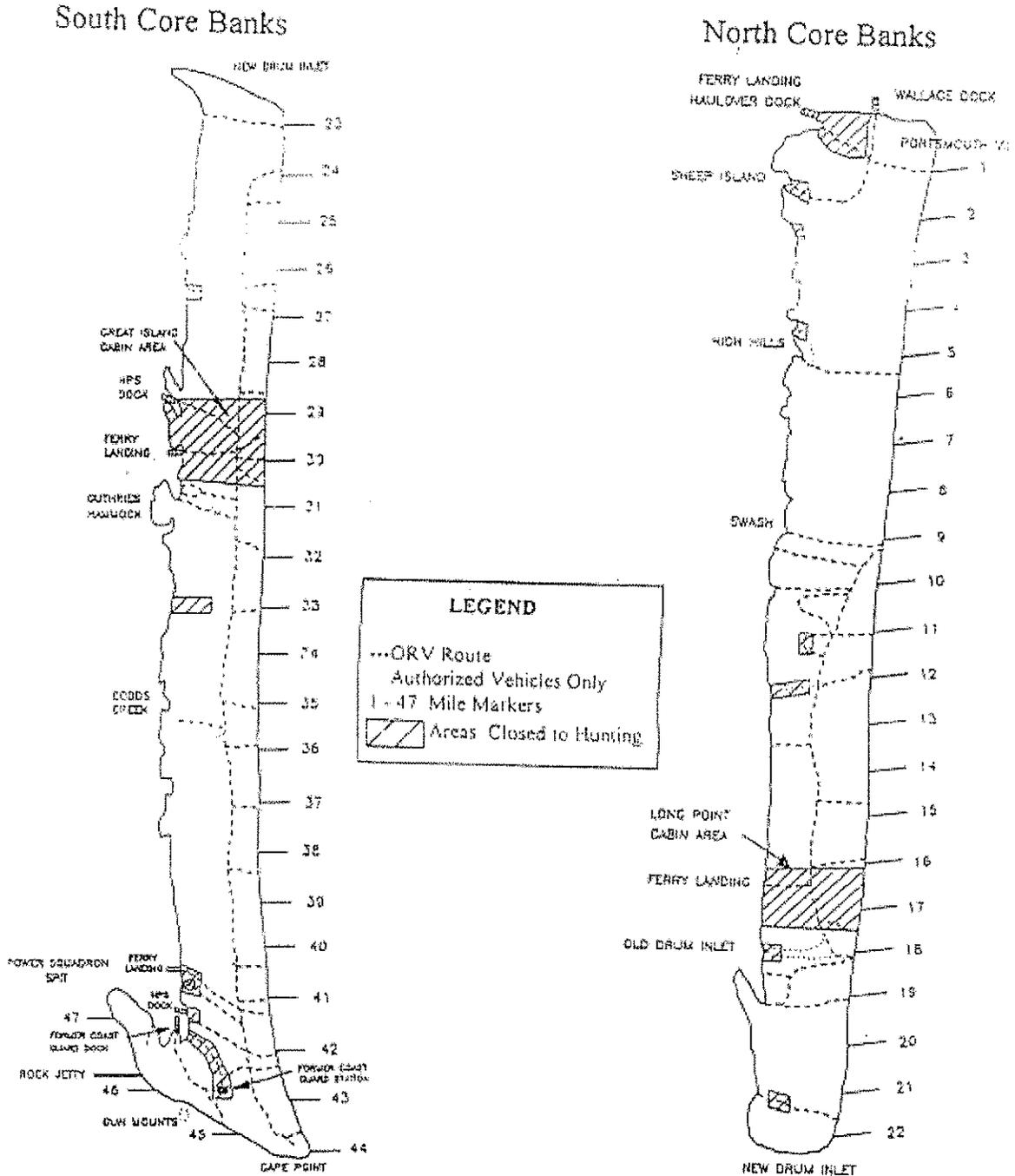
Designated locations for activities permitted under 36 CFR Sec. 2.51 (public assemblies) and 2.52 (sale or distribution of printed matter).



APPENDIX B

Designated hunting closures.

Hunting Closures



## APPENDIX C

### CAPE LOOKOUT NATIONAL SEASHORE USE OF SEGWAY'S POLICY

Segways and motorized scooters as defined under 36 C.F.R. § 1.4, are motor vehicles. Pursuant to 36 C.F.R. § 1.5(a), 4.10(a) the Park has imposed an interim restriction on the use of motorized scooters, including Segways, from all areas within the park.

However, as stated in NPS Management Policies Section 8.2.4 and in Director's Order 42, the National Park Service is committed to all reasonable efforts to ensure that programs, facilities, and services are accessible to people with disabilities. As recommended by NPS Management Policy, the park will allow the use of Segways and motorized scooters by park visitors requiring mobility assistance.

Any park visitor requiring mobility assistance is permitted to use Segways and motorized scooters throughout the park. This will include all structures, facilities, park roads, parking areas, sidewalks, trails, and boardwalks when Segways and motorized scooters are used for the sole purpose of mobility assistance.

The use of any mobility assistive device, as outlined above, must adhere to the following:

- a) Electrically powered devices such as motorized scooters, Segways and other similar devices may be used by mobility-impaired persons to access the Seashore where surfaces allow for their safe use. The area of the beach and the back road are not a suitable surface for safe use, therefore; these devices will not be permitted on these areas.
- b) No person under 16 years of age may operate a Segway in the park.
- c) A person shall operate Segways and motorized scooters in a safe and responsible manner so as not to endanger park visitors or themselves. Maximum speed on roadways and in parking areas will not exceed 10 M.P.H.; maximum speed on sidewalks, trails, and boardwalks will not exceed 5 M.P.H.; maximum speed in structures and facilities will not exceed 3 M.P.H.
- d) A person shall operate any mobility assistive device on a sidewalk, while crossing a roadway in a crosswalk or on any other surface shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the Segway operator must always yield to pedestrians.
- e) The use of Segways and motorized scooters will not be permitted on Shackleford Banks. Wheelchairs as defined in the ADA for use in a wilderness area: *"means a device designed solely for use by a mobility impaired person for locomotion, that is suitable for use in an indoor pedestrian area."*