

**CHANGES TO THE MANAGEMENT OF
CLOTHING-OPTIONAL RECREATION
AT
FIRE ISLAND NATIONAL SEASHORE**

WARNING—this document contains some explicit text and photos.



Lighthouse beach, Summer 2012. NPS Photo.

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EXECUTIVE SUMMARY

Public nudity has been a long-standing recreational beach activity at Fire Island National Seashore, a park area that shares concurrent jurisdiction with the State of New York. Despite the fact that public nudity was prohibited by New York State law in 1984, park management has not supported the enforcement of this law since then. In recent years, park employees and partners have observed a substantial increase in clothing-optional recreation, particularly at Lighthouse beach, where two of the park's three designated "clothing optional beaches" occur. In addition, park staff has observed an increase in the amount of lewd, lascivious, and voyeuristic behavior, as well as an increase in suspected prostitution, drug use, and assaults. This beach also provides high-quality habitat for several threatened and endangered species of plants and wildlife, which have been disturbed by the density of human activity in the area. National Park Service (NPS) policies favor consistent enforcement of state laws on federal lands, and disfavor the designation of clothing optional areas. The park has received criticism of the magnitude and density of nude behavior so close to the historic Fire Island Lighthouse, a feature visited regularly by school groups and the visiting public, many of whom are not attuned to nudity. Approximately 50% of park-wide visitation occurs at this western end of the park, including the Lighthouse, Lighthouse beach (both clothing optional and clothing required areas), and through these federal lands to the western communities.

These factors led the NPS in 2012 to draft changes to the 2013 Superintendent's Compendium, aimed at ending this dense recreational activity that conflicted with park purposes and other park uses. In late October of 2012, Hurricane Sandy caused significant changes to the geomorphology of Fire Island and increased concerns with these issues; the dunes that previously shielded the view of the beach from the interior access road and the Lighthouse area have now been flattened, allowing clear views to the beach. This new sandy overwash area now provides increased ideal habitat for the protected beach species, and biologists anticipate increased use of the area by these plants and wildlife.

Closing only this beach to clothing optional recreation would likely increase pressure on other areas of the park as these users were displaced. Therefore, the park proposes to begin proactively enforcing the existing state laws regarding public nudity at Lighthouse beach and other visitor use areas via the Assimilative Crimes Act, 18 USC § 13; to revise the Superintendent's Compendium for 2013 to eliminate any posting of areas as clothing optional; to initiate an information and education effort in the winter and early spring of 2013; and to concentrate its enforcement efforts at Lighthouse beach and certain beach areas where nudity presents a public use conflict as the recreation season progresses.

INTRODUCTION

The decision to change the enforcement of nudity laws at Fire Island National Seashore (FINS) is based on the following, each described in more detail in the document below:

1. Public nudity is illegal within the state of New York, and within the Town of Islip.

New York State Penal Code § 245.01 prohibits public nudity. The Assimilative Crimes Act, 18 U.S.C. §13, provides that state penal laws are enforceable on any federal lands under concurrent jurisdiction (which applies at Fire Island). To date, state and state-commissioned local law enforcement personnel have honored federal approaches at FINS and not enforced the state law when the NPS was not doing so. However, a result of the failure to enforce the state law on federal land within the park when it is being enforced on non-federal areas has made the park a magnet for this activity. Further, the Town of Islip (within which the western half of Fire Island is contained, including Lighthouse beach) has prohibited nudity on public beaches since 1979.

National Park Service Special Directive 91-3 dated May 29, 1991, recommends that parks be in line with state and local laws when possible as they apply to nudity, in that this “has the advantage of providing consistency in enforcement on both Federal lands and adjacent areas.” The State Park area adjacent to Lighthouse beach is a clothing required beach, but nudity is often visible from that area.

Consistency between federal land management practices and state law will increase the law enforcement capabilities within the Seashore, as state and state-commissioned local and county officers will then be able to supplement federal Law Enforcement (LE) rangers. No closures or public uses limits are being imposed or terminated here because the NPS is simply enforcing an existing state law, following statutory authority and bureau policy that it be consistent with state law, in particular state laws addressing nudity.

2. The location of the designated clothing optional beaches at Lighthouse beach unreasonably interferes with acceptable recreation and park values.

The Fire Island Lighthouse and the west end of Fire Island National Seashore combined draw approximately 50% of the entire park’s visitation. Visitors to the western part of the park transit between Field 5 and Lighthouse beach, the Lighthouse itself, and the western communities. An estimated 10% of those visitors use Lighthouse beach. The historic significance of this area includes the use of this beach by the U.S. Life Saving Service, an important story told on the Lighthouse grounds. The lighthouse is frequented by school groups and visitors from around the country, who have a high potential of coming into contact with high density public nudity.

One such visitor wrote a letter to Fire Island National Seashore one May. She had come to the Lighthouse with her nine-year-old son who:

“...Had a wonderful time and had enjoyed learning about the Lighthouse. We started walking toward the beach...Next thing you know we were right in the middle of the naked beach. This was very devastating to my son... And it is right next to the Lighthouse where there are many young children and tourists!!”

National Park Service Management Policies 8.2 states that “Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks,” and that requires that the Service maintain “an atmosphere that is open, inviting, and accessible to every segment of American society.” It continues, however, to state that “many forms of recreation... do not require a national park setting and are more appropriate to other venues.” Visitor activities, then, should be “appropriate to the purpose for which the park was established” and are such that they “can be sustained without causing unacceptable impacts to park resources or values.”

Management Policies 8.2 also states that the Service may allow visitor activities, as long as they do not have “unacceptable impacts.” Among the definitions of “unacceptable impacts” are those activities that are “inconsistent with a park’s purposes or values,” “create an unsafe or unhealthy environment for visitors or employees,” or “diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values.” These policies require that management controls and conditions be established to ensure that park resources and values are preserved and protected.

Furthermore, NPS Special Directive 91-3 states:

Because of the potential for [clothing optional recreation] conflicting with the enjoyment of visitors participating in other recreational uses, the NPS will neither encourage persons to engage in such activities, nor will we designate areas for the use of individuals or groups wishing to engage in public recreation activities in the nude.

The location of the clothing optional beaches on Lighthouse beach, their proximity to a significant cultural and historic resource, and the density of all types of visitation in the area have created visitor conflicts which have grown in recent years with increasing recreation and lewd behavior in this area. In addition, storm activity over the past two years (hurricanes Irene and Sandy) have drastically reduced the amount of dune between the Lighthouse and adjacent federal road and the beach; the beach is now clearly visible from both the federal road and from the Lighthouse terrace, whereas it was obscured by dune in the past. Finally, nude recreation is incompatible with the historic landscape and values for which the Lighthouse, Keepers Quarters, and Lens building stand. It is

incumbent upon Fire Island National Seashore to put management controls in place to minimize or eliminate these conflicts.

3. The designated clothing-optional beaches at Fire Island have invited an increasing amount of lewd and lascivious behavior.

On July 25, 2010, a law enforcement ranger was patrolling the clothing optional area of Lighthouse beach when he observed a naked adult man masturbating. When the ranger contacted the suspect, the suspect replied, "I thought it was OK on a nude beach." The suspect was issued a citation.

On June 29, 2012, a search on Craigslist for keyword "Lighthouse beach" yielded eight recent ads in the personals section. Each ad was explicitly offering or looking for sexual activities. In one ad, a 46 year old man posted in "missed connections:"

Thanks so much for the show. Your wife was absolutely beautiful! Love to connect again. Please drop me an e-mail and let me know what you saw too.

This ad is indicative of the increase in voyeuristic activities on Lighthouse beach. In a high percentage of incidents of public sex acts, Rangers have discovered bystanders watching the activity, and often masturbating at the same time.

Another ad by a 25 year old man advertises the following:

Nice looking bi male will be hanging at the nude beach tomorrow. I'm a bottom and would love to service some cock with my mouth and ass behind some of those windscreens. Please, serious only.

Each of the ads related to "Lighthouse beach" advertised similar activity. In addition, google searches for "Lighthouse beach" and "Lighthouse Beach sex" and "Lighthouse beach swingers" in January, 2013, result in links to swingers clubs who frequent the beach, stories of overt sexual activity, discussion board postings about hookups and sex on the beach, and other untoward websites.

4. The density of clothing-optional recreation on Lighthouse beach in particular presents a public health risk.

Since the passage of the State nudity law in 1984, Lighthouse beach has seen a dramatic rise in visitation and a change in the dynamics of visitor groups, as noted by Park

Rangers who patrol the beach daily. This increase in use is likely attributed to several factors.

First, the rising use of the internet and social media has enabled nudist and voyeuristic websites to spread the word about the availability of these beaches. These websites have attracted nudists and thrill seekers from across the United States, Europe, and Canada. In addition, the easy access to this beach from main roadways has significantly increased the ease with which visitors can access this tract of land.

Despite the dense visitation, there are inadequate facilities for either human waste or other refuse in the area, as this beach was not intended for such heavy use. The closest restrooms and trash facilities are at the Lighthouse, on Robert Moses State Park land, or in Kismet. Due to the distance one must travel to use these facilities, Lighthouse beach users primarily dispose of their human waste in the ocean or on the dunes. This beach was never meant to be a heavy use area, and as such is not lifeguarded; the park has neither plans for making it a lifeguard-protected beach, nor the means to do so. As such, thousands of visitors each day utilize the ocean and (previously) the dunes for disposal of waste.

The designated beach at Smith Point presents a similar hazard, though this beach has not traditionally been as heavily-used as Lighthouse beach. This designated clothing-optional area has been located just over one half mile west of the Wilderness Visitor Center, the closest bathroom facilities. By designating specific areas for nude recreation, park management is inviting a heavier, more concentrated type of recreation in these areas, which in turn has a more significant impact on park resources.

5. The density of humanity on Lighthouse beach has caused disturbance to protected species.

Lighthouse beach in particular creates a high potential for resource damage in that there are inadequate facilities for the density and amount of visitation. In other heavily-used areas of the park, restrooms, lifeguards and trash containers are provided nearby in order to reduce resource damage and sanitation concerns. There have been several incidents of human disturbance to sensitive wildlife and plant species prior to Hurricane Sandy, including entry into areas fenced for species' protection. Because these species concentrate on overwashed beach areas, it is highly likely that the area will see increased use in the Lighthouse beach area due to the recent changes to the geomorphology of the beach. Given the severe crowding problems which have occurred previously at Lighthouse beach, it is more likely that visitors to these beaches will go into the closed

areas for recreation or sanitary functions, thus increasing the likelihood of disturbance even more. Since the protective closures for these species begin in March, prompt implementation of the policy to focus enforcement of the existing state law at Lighthouse beach and certain other key locations is critical.

LIGHTHOUSE BEACH BACKGROUND

Map of Lighthouse beach Area, Pre-Sandy



Photo 1: Note that the entire section of beach from the park boundary to the Kismet Cut is considered “Lighthouse beach.”

Map of Lighthouse Beach Area Post- Sandy



Photo 2: Note the increased sandy overwash areas. At these locations, the dunes were flattened, and their sand pushed toward the access road. In these overwash areas, the land is now flat all the way to the ocean, with very little remaining vegetation. Note also the lack of designated trails and boardwalks now in this area.

Access and Geography

Lighthouse beach is the common term used to describe the section of ocean-front beach that begins at the Robert Moses State Park's eastern boundary and continues east approximately 1.5 miles to the western boundary of the residential community of Kismet (see photo 1). Lighthouse beach has traditionally had three pedestrian and two vehicle access points. However, in Hurricane Sandy, the two beach access boardwalks were destroyed and the dunes were flattened, leaving potential pedestrian access through the overwash throughout the area. Because the boardwalk between the park entrance and the Lighthouse has been destroyed, park management has determined that visitors will be encouraged to walk the beach between Field 5 and the Lighthouse rather than walking on the road, due to safety concerns with traffic and pedestrians on the narrow dirt road. Walking this beach route will direct visitors through the section of beach that was previously designated as "clothing optional," thus exacerbating visitor use conflicts if clothing optional recreation were allowed to continue.

The width of Lighthouse beach varies due to seasonal storms and wind patterns, but even prior to Hurricane Sandy was generally a narrow beach. As a result of Hurricane Sandy the dunes were washed out and a wider flat sandy area now extends over a much wider area—all the way to the Burma Road through much of the area. This area will be completely fenced for the protection of sensitive species in March of 2013. Due to the nesting of piping plovers and habitat for other beach-dependent threatened and endangered species in the area of the dune, a fence has traditionally been erected to keep people approximately 10 feet away from the toe of the dune, creating an increased density in use, and an increased likelihood of sensitive species being disturbed. Further, the density of chairs, wind screens, tents, and umbrellas has created limited visibility for officers on foot in the area, and limits—or prohibits, on busy days—access to the area by emergency vehicles.

A new initiative by island-wide law enforcement and emergency services departments is to create an emergency access lane immediately below the dunes (or below the fenced area, where it exists) in order to ensure that emergency vehicles can traverse the entire island unobstructed. This lane would further diminish the area in which beachgoers could safely recreate.



Photo 3: 2007 view of the lighthouse area looking east. NPS photo.



Photo 4: Post-Sandy view of lighthouse area looking west. NPS photo, 2012. Note the overwash areas, now flat, where dunes previously stood. The park entrance is just below the end of the divided roadway at the top of this photograph.

Driving is not permitted on Lighthouse beach with the exception of emergency vehicles. Traditionally, most visitors to Lighthouse beach have gained access by parking in the Robert Moses State Park Field 5 parking area and walking to the beach via the Field 5 vehicle cut or via the Burma Road to one of the three pedestrian dune crossings. A smaller number of visitors have accessed Lighthouse beach by walking west along the beach from the Fire Island communities. Others arrived by anchoring their boats along the shore of the Great South Bay and walking south onto Lighthouse beach via the pedestrian crossings. It is important to note that Field 5 provides the only public parking for vehicular access to both the beaches and the Lighthouse, in addition to limited public access to the Western Island communities. Those persons wishing to visit the Lighthouse park at Field 5 and walk about one half mile to either the Lighthouse, public beaches, or over a mile to the communities.

While most other Seashore areas are accessible only by private boat or ferry, Lighthouse beach is accessible by both private vehicle and mass transit. In addition, Lighthouse beach is situated directly south of the Fire Island Light Station, one of the primary cultural resources in the park, and a draw for approximately 10% of visitors¹ to Fire Island National Seashore. As such, Lighthouse beach attracts a high number of beachgoers and Lighthouse visitors, many of whom take time to both enjoy the beach and the light station. Lighthouse beach is the most heavily used federal beach within the boundaries of Fire Island National Seashore; it is not uncommon on a warm summer weekend for visitation to exceed an estimated 3,500 people, which presents significant public health concerns since it has no toilet facilities nearby. In addition, this beach is not lifeguarded, which adds to public safety concerns given the heavy use of the area.

The Fire Island Lighthouse Preservation Society (LHPS), a partner with the National Park Service, utilizes Lighthouse beach during summer programs such as the Junior Ranger Programs, Lantern Light Tours, and annual Walk-Run. The Preservation Society has also traditionally used the Lighthouse beach crossing and boardwalk during its annual Barefoot Black Tie event and historic Beach Apparatus Drills. The LHPS has long held concerns regarding the location of the clothing optional beaches and their proximity to the lighthouse, and is supportive of the park's move to change management of the area. In 2010, in response to the park's General Management Plan scoping, the LHPS requested that the park consider moving the clothing optional area farther east and closing the section to the west "to allow families to access the Fire Island Lighthouse on the ocean beach to or from Robert Moses Parking Field 5." In 2013, the LHPS wrote a letter to the park Superintendent in support of ending clothing optional recreation on Lighthouse beach, citing the loss of the dune line and resulting "visual impact to families and school children," the increasing conflicts between user groups, and the increase in verbal

¹ Based on a 17 year average, from 1995 to 2011, of visits to the Fire Island Lighthouse. Visitation Stats found at <https://irma.nps.gov/stats>.

complaints their staff receives. In addition, they mention the increase in “lewd acts” on the beach. (See letter, attached.)



Photo 5: Pre-Sandy view of western Fire Island from the West, looking East over Field 5 toward Lighthouse beach, 2005. NPS Photo.

Lighthouse beach has traditionally been divided into three sections; two clothing-optional areas flanking a clothing-required area (see photo 1). If a visitor parked in Field 5 and walks east along the beach, the FINS Boundary is encountered approximately 250 yards down the beach, at which point, in previous years, the visitor would have encountered a sign warning them that they were entering a designated “Clothing Optional” area. As such, the first scene that a summer visitor to the Western end of the park likely encountered was hundreds—even thousands—of nude visitors.

After this first section of beach, there was a 1200 foot section of beach directly south of the Lighthouse and Keeper’s Quarters that was designated as clothing required. There was another “clothing optional” section on the other side of this 1200 foot section, and so nude visitors were visible from any point on this clothing required section of beach. Frequently, nude visitors walked through the clothed section without covering themselves, and nudity was generally

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nudity was generally visible from any portion of the clothing required section. Post-Sandy, the lack of dunes considerably increases the visibility of this beach; both areas which have been posted as "clothing optional" are now entirely visible from the access road and footpaths where visitors to the Lighthouse, and pedestrians transiting to the communities, regularly walk.

Natural Resources

The Natural Resources Management Division at FINS monitors for federal and state-listed threatened and endangered species on beaches throughout Fire Island. As noted below, this section of beach provided excellent habitat for these species, even before Hurricane Sandy. After the hurricane, this wide overwash area is likely to be superlative habitat. However, each of these species is susceptible to negative impacts due to the dense level of human activity found on Lighthouse beach. The amount of beach area necessary to protect these sensitive species can be substantial, and there have been problems in prior years with unauthorized entry into posted and fenced areas closed for species' protection, due to the density of people squeezed onto the beach and the lack of toilet facilities.

Additionally, the dunes on a barrier island provide important protection, not only to the resources and facilities on Fire Island, but as a protective barrier to the densely-populated Long Island. Allowing these dunes to rebuild will be an important priority in the coming years, especially as they provide protection to the cultural and historic resources at the Fire Island Lighthouse. As a result, continued dense recreation activities in this area would present difficulties, and would put the new, fragile dunes at risk.

The following species are annually monitored throughout Fire Island's beaches: piping plovers (*Charadrius melodus*; federally threatened), seabeach amaranth (*Amaranthus pumilus*; federally threatened), least terns (*Sternula antillarum*; NYS threatened) and seaside knotweed (*Polygonum glaucum*; NYS rare).

Below is a summary of data available for each of the four species at Lighthouse beach from 2003-2012.

Piping plovers

Park staff and volunteers have been monitoring piping plovers since 1993; however, this species has only been observed nesting on Lighthouse beach since 2003. Annual measures are taken to protect suitable habitat for nesting since the birds are highly susceptible to human and vehicle disturbance. The birds nest in the upper beach and are usually present from late-April through late-August, depending on the success of their nests. The total number of nesting pairs on Fire Island National Seashore beaches has ranged from 12 – 25 depending on the year.

One to three plover pairs have nested on Lighthouse beach since 2003 (Table 1). The pairs are fairly successful in hatching and fledging chicks in this western section of Fire Island. However, plovers abandoned their nests in 2012, 2007 and 2003. Plovers will abandon their nests if they are disturbed, and this is usually caused by a predator (presence around/near the nest) or from a person disturbing the nest by approaching or remaining too close to an incubating bird. In 2003 seasonal biologists attributed one nest abandonment (15A) on Lighthouse beach to human

disturbance. They noted that people were regularly seen in fenced areas in close proximity to the nest.

Over the past 10 years the birds have nested on the eastern section of Lighthouse beach, between the footpath and Kismet cut. The beach is typically wider in this section and the density of beachgoers is lower in comparison to the western section of Lighthouse beach. Both piping plovers and least terns prefer nesting in areas with sparse vegetation. Winter storms in 2010/2011 and hurricane events (Hurricane Irene in 2011 and Hurricane Sandy in 2012) have created more suitable habitat (overwash) throughout all of Lighthouse beach. The number of plover pairs in this area may increase because of the increase in suitable habitat caused by these storm events, and it will become increasingly important that these new areas are appropriately fenced and monitored in order to keep foot traffic out of the area.



Photo 6: View of first section of Lighthouse Beach, looking west toward Robert Moses State Park. Summer 2012, pre-Hurricane Sandy. Note dune scarp to right of photo, blocking this beach from the view of visitors on the access roads and trails, and from the Lighthouse. NPS Photo.

Table 1: Piping plovers on Lighthouse beach, 2003-2012

Year	# of nesting pairs	# of fledged chicks	Notes
2012	1	0	Nested in eastern section; 1A was abandoned and 1B hatched and failed
2011	2	5	1A nested in eastern section and fledged 4 chicks; 10A nested in western section, brood moved all the way to eastern section after hatching (most likely due to high density of beachgoers) and fledged 1 chick.
2010	1	0	Nested in eastern section; 3A was overwashed from a high tide and 3B hatched and failed
2009	1	2	Nested in eastern section
2008	1	1	Nested in eastern section
2007	1	0	Nested in eastern section, abandoned nest
2006	1	2	Nested in eastern section, only 2 hatched and both went on to fledge
2005	1	2	Nested in eastern section; 3A was predated and 3B fledged 2 chicks
2004	1	1	Nested in middle/eastern section
2003	3	Not recorded	15A – human activities documented as reason for nest abandonment (people repeatedly found inside fenced area and close to nest)

Least terns

Least terns have only been observed nesting on Lighthouse beach in 2012. Approximately 20 individuals were observed east of the Kismet cut, along with several nests. However, no pairs were able to successfully fledge chicks. In the upcoming years we may see an increase in least tern activity on Lighthouse beach because of the increased amount of suitable habitat (overwash areas) caused by Hurricane Sandy (2012)

Seabeach amaranth and Seaside knotweed

Lighthouse beach provides suitable habitat for seabeach amaranth and seaside knotweed, two threatened and endangered annual plants that germinate and grow in the upper beach and overwash areas. The population dynamics of upper beach annual plants highly fluctuates from year-to-year due to their life history and the dynamic system in which it grows.

These plants are particularly sensitive to human foot traffic. Seabeach amaranth individuals have brittle, fleshy stems that are vulnerable to repeated trampling by beachgoers, and particularly to off-road vehicles. Repeated trampling during the growing season (May to December) can cause mortality and reduced seed production. Seabeach knotweed has a similar growing season and is also negatively affected by repeated trampling and off-road vehicles.

Although Lighthouse beach is only approximately 1 mile in length, this section has accounted for a large percentage of the total of these plants found across Fire Island in certain years. For

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example, Lighthouse beach supported approximately 50% (or more) of the total number of knotweed plants for FIIS in 2011, 2010, 2007 and 2005. In addition, Lighthouse beach has supported seabeach amaranth individuals for all years except 2012 and 2008.

Table 2: Numbers of seabeach amaranth and seaside knotweed plants on Lighthouse beach, 2003-2012

Year	Number of amaranth plants on LH Beach	Number of knotweed plants on LH Beach	Total number of plants park-wide
2012	0	1	Totals: 26 amaranth plants, 50 knotweed plants
2011	4	82	Totals: 40 amaranth plants, 163 knotweed plants
2010	2	51	Totals: 11 amaranth plants, 85 knotweed plants
2009	30	53	Totals: 78 amaranth plants, 185 knotweed plants
2008	0	5	Totals: 38 amaranth plants, 118 knotweed plants
2007	6	40	Totals: 12 amaranth plants, 66 knotweed plants
2006	5	3	Totals: 50 amaranth plants, 265 knotweed plants
2005	21	489	Totals: 242 amaranth plants, 934 knotweed plants
2004	12	132	Totals: 251 amaranth plants, 1251 knotweed plants
2003	221	N/A	Totals: 805 amaranth plants, 1077 knotweed plants; locations not specified for knotweed plants

Cultural Resources

The beach south of the Lighthouse is an important part of the history of the Fire Island Lighthouse, the tallest lighthouse on Long Island. For decades, the first evidence of land for travelers crossing the vast Atlantic Ocean from Europe was the Fire Island Lighthouse. Many European immigrants saw the Fire Island Lighthouse as their first sign of land as they neared New York Harbor. Completed in 1858 near the site of its 1826 predecessor, the current Fire Island Light is still a beacon attracting thousands of people each year. Today, a circular ring of stones is still visible near the site of the current lighthouse, marking the footprint of the original lighthouse. With a focal plane of 168 feet above the level of the sea, the light can be seen more than 20 miles away.



Photo 7: Photo courtesy of Fire Island Lighthouse Preservation Society.

The 1858 lighthouse was fitted with an 18 foot First Order Fresnel Lens with a lamp in the center. Although it was later replaced with an electric light, this original lens is now on display in a building that stands beside the lighthouse.

The United States Coast Guard has had a presence on Fire Island since 1915, and Coast Guard Station Fire Island is still an active station, standing only a few miles west of the lighthouse today. The Coast Guard took over administration of the lighthouse in 1939, and in 1996, the Fire Island Lighthouse Preservation Society, through an agreement with the NPS, took over operation of the Lighthouse. The lighthouse remains an important aid to navigation today.

This beach was also home to one of seven area United States Life Saving Service (USLSS) rescue operations. The mission of the USLSS was to protect ships along the coast, rescuing people from the many ships that grounded just off Fire Island's shores. The first Life Saving Station was built in 1848, adjacent to the first Fire Island Lighthouse. These early stations were manned entirely by volunteers who walked the coastline, watching for stranded ships, and performing rescues when needed. Today, the rescue operation is memorialized in historic reenactments, in cooperation with the U.S. Coast Guard, demonstrating the rescue techniques. These drills take place just across the access road from the Lighthouse, where a mock "erow's nest" has been built in order to demonstrate rescues.

Photos 8 and 9: U.S. Coast Guardsmen participate in Beach Apparatus Drill, 2012, Pre-Sandy. Photos courtesy of Fire Island Lighthouse Preservation Society.





Photo 10: View of Lighthouse Beach from top of Lighthouse, 2011. NPS Photo.



Photo 11: View of Lighthouse Beach after Hurricane Sandy, 2012. NPS Photo.

Use Patterns

During the last ten years, Rangers working in the Lighthouse Beach area have observed a dramatic rise in visitation and a change in the dynamics of visitor groups (see attached memos to the file from area Rangers). This increase in use can likely be largely attributed to the use of the internet; Lighthouse Beach is featured on numerous websites and message boards, some of them advertising undesirable behavior such as voyeurism and public sexual activity.

According to Rangers who have worked in the area for many years, from mid-spring to early fall, many of the regular visitors to Lighthouse Beach have traditionally been nudists belonging to one or more of three main organizations: Friends of Lighthouse Beach, Long Island Travasuns, and Kismet West. These groups are very organized; they have elected officers, held fundraisers, and published newsletters and websites. The core members of these groups are generally environmentally-conscious, removing their trash, staying off the dunes, and respecting the symbolic fencing protecting Piping Plovers. Other less-organized nudists belong to groups such as the Long Island Swingers Group, Tri-State Nudists, and the East Coast Nudist Association. All nudist groups mentioned above are of a predominantly heterosexual orientation.

Many nudists use the beach throughout the summer, coming each week with the same group of friends, and setting up in the same locations. Many use 2 ½ foot wind screens and beach tents which serve to shield them from the elements, mark out their territory, and block them from view to some extent. It is not uncommon to see a group of 25-50 people together with a windscreen at their outer perimeter. Many of these returning visitors are friendly and maintain good relations with the Park Rangers who patrol the beach. Some even volunteer their time for beach cleanup or building symbolic fencing.

In contrast to the above-mentioned users, however, in recent years Rangers have observed that there have been a growing number of nudists who use Lighthouse Beach to engage in illegal activities and display open disrespect for authority. An increasing number of visitors to Lighthouse Beach have been openly vocal about their contempt for the National Park Service; engage in overt sexual activity, exhibitionism, and voyeurism; fail to pick up their trash; and do not respect the boundaries of symbolic fencing. In the last four years, Rangers have observed almost daily occurrences of disorderly conduct, including overt sexual activity and fighting; almost daily instances of illegal drug use; regular complaints from lighthouse visitors and families regarding the nudity and the activity on Lighthouse beach; and symbolic fencing protecting plover habitat routinely moved or knocked down.

Criminal Activity and Enforcement

Definitive statistics regarding use patterns and criminal activity on Lighthouse Beach do not exist. This is due to several factors. First, there has been a lack of standardized reporting and tracking of statistics over the years. Additionally, the small size of the law enforcement staff in the area combined with an increasingly-savvy public makes detection and enforcement difficult. Rangers who regularly work in the area report the use of “lookouts” who warn others when the Rangers are approaching. In addition, many beachgoers use wind screens and tents that allow a person to see out, but which block their body from the view of an approaching officer. Finally, due to the level of activity on the beach, these incidents are often not documented via case incident report. These beachgoers are generally without their clothes (and hence their identification and wallets), making the identification and issuance of citations a time consuming and often ineffective task. Additionally, because of the frequency of these types of activities, writing a citation or a case incident report for every occurrence would be impractical.

That being said, several of the Law Enforcement Rangers who have extensive experience in the area over the years have observed this definitive shift in use patterns; their experiences over the years are captured in confidential statements in the park’s administrative file. Serious incidents such as assaults, disorderly conducts, prostitution, and overt sexual activity have become more commonplace, though Rangers often hear about this activity after-the-fact.

Postings on social media web sites are increasingly attracting people to Lighthouse Beach for the purpose of engaging in sexual activities, drugs, and partying. Even Lighthouse Beach Times, an organization that generally promotes good beach etiquette and cooperation with the NPS, writes on their website that the western part of the beach “is generally known as the party beach.” Additional web searches in January of 2013 illustrate the pervasiveness of illegal activity on the beach. While some discussion boards share sexually explicit photos, others detail sexual encounters people have witnessed or participated in while on the beach. The author of one article—that had received 840 hits—described himself as a “massive voyeur,” and details his experience with watching other nudes, becoming sexually excited as a result, and then having intercourse with his wife while other beachgoers watched and cheered. A discussion board contained details of a sex party in which one woman was “whipped” and another gave someone a “golden shower” while others looked on. Another discussion board post tells others, “Notice how many groups of teenage girls take the trip down to giggle and cock-watch.” The next post asks whether the teenage girls “join in with the nudes” and “strip down.”

It should be noted that these discussion boards were located in January, when these groups are not using the beach; in fact, the park was closed due to damage from Hurricane Sandy at the time of this web search. Another web search in June of 2010 indicated the prevalence of casual sexual encounters on Lighthouse Beach. A web search on Craig’s List revealed six postings over five days, including the following title: “Want to blow me at Robert Moses Nude Beach???”

Rangers have excellent relations with many regular visitors to Lighthouse Beach and have recruited several confidential informants who routinely provide intelligence on “who is doing what”. These efforts have led to several arrests, citations, and preventive measures over the last few years. Unfortunately, the rangers’ law enforcement efforts are becoming more challenging as greater numbers of visitors come to the beach with the perception of “anything goes” while budget restrictions have reduced the number of commissioned rangers assigned to patrol this sector.

Some may argue that the answer to Lighthouse Beach’s problems is additional enforcement of existing rules and regulations. One organized group that visits the beach, “Save Lighthouse Beach.org” has long argued that through additional policing options—including a group of beach users who are self-proclaimed “beach ambassadors,” keeping their own users in line—Lighthouse Beach could be free of criminal activity. In a draft 2006 newsletter sent to the park to review, the Friends of Lighthouse Beach discuss the history of nude recreation there, and acknowledge that “our unobstructed presence [on Lighthouse beach] was and continues to be a PRIVILEGE. It distinguishes itself well from a RIGHT by the simple fact that it is completely discretionary... in New York State public nudity is still illegal.”

Public comments on the park’s General Management Plan in 2010 indicate that many beachgoers believe that any existing problems could be taken care of utilizing different or additional enforcement techniques. One states that “this problem can be taken care of by weeding out the bad elements.” Another nudist who has used Lighthouse Beach for years sent an e-mail which was later forwarded to the park regarding the increasing illegal activity on the beach:

“It is my considered opinion based on observations on the upward trend in illegal activities that have been taking place on the beach, primarily including lewd behavior and overt sexual activity, illegal drug use, and drunk and disorderly behavior, and as a result of this behavior that many good decent folks together with their families have abandoned LHB permanently.”

This same individual then stated that when he attempted to contact other beachgoers about this illegal behavior, he was “criticized and castigated by several people,” and told that he should get “locked up” before he caused the beach to get shut down.

In this same e-mail, the complainant described particular incident on Lighthouse Beach in which an organized swingers club was having a large party with 50-60 people and a DJ playing loud music. He states:

“Initially this group was ‘behaving’, but once the alcoholic beverages took effect, things went rapidly down hill and below the belly button. The most appalling thing I witnessed was a young woman who had been bound in black rope above and below her breasts

horizontally and vertically from her neck under and around her genitals and back up between her buttocks. On the back a makeshift leash made out of the same cord was used by a male to parade her around. They were parading around by the water in full view of a family of tourists no doubt coming from the lighthouse, in which there were preteens.”

The individual closes his e-mail by stating that he is a “concerned law abiding citizen, one who enjoys being at a [clothing optional] beach, and a peaceful person. Yet now it is time for the authorities to take control of this situation in whatever way they see fit.”

The section of beach takes up an inordinate amount of Rangers’ time. In addition to this one stretch of beach, Rangers are responsible for 26 miles each of ocean and bay shoreline including islands within the Great South Bay and ocean and bay water jurisdiction, in addition to the historic William Floyd Estate on Long Island. Within these 26 miles of Fire Island stand two NPS marinas and campgrounds, three visitor centers, a federally-designated Wilderness area in which backcountry camping occurs, as well as the park facilities in Patchogue on Long Island. The Island has no developed roads, and so driving, especially in the summer time, is extremely time-consuming as Rangers navigate beaches, sand routes, and narrow, congested paths through the seventeen communities on the island. Rangers on the west end of the park patrol from the Lighthouse to Barrett Beach, which can be a 2 hour drive in summer.

The entirety of Fire Island National Seashore employs only ten full time law enforcement rangers, and up to four seasonal Rangers, though future funding projections indicate that seasonal rangers may not be feasible in years to come. Already, west district Rangers report spending between 75% and 100% of their average summer day on this one stretch of beach. Increasing the level of staffing would be impossible given current and projected budgets, and increasing enforcement given current staffing would mean largely disregarding the many other heavily visited areas of the park.

While agency enforcement approaches previously attempted to address this activity through prosecution of the more flagrant behaviors, it became apparent to the park in recent years that the permissive enforcement approach and decision not to enforce the state law failed to address the substantial mission and other visitor conflicts, as well as the impacts to natural resources.

Regulatory History

Nude sunbathers have been visiting Lighthouse beach since before the Robert Moses Causeway was built in 1964; these early visitors would boat across to the remote island. Prior to the restoration of the lighthouse in the late '80s, the general public rarely visited this area, and the beach provided a secluded and rarely-visited stretch of land where the nudists could recreate without being disturbed. In the 1978 park General Management Plan (GMP), the proposed use of the Fire Island Lighthouse Area included

“...Low density beach use to complement the high-density beach activity at Robert Moses State Park. Surfing at this area exists and it will be allowed to continue. Surf-fishing, shell fishing, bay-fishing from the shore, and beachcombing exist and will continue to be allowed for visitors seeking this type of recreation... It is expected that the maximum daily visitation to the lighthouse area by 1987 will be 1,000 (1978 GMP, pg. 72).”

When the park's current GMP was developed, the sections of beach in front of and adjacent to the Fire Island Lighthouse were owned by the U.S. Coast Guard and Robert Moses State Park, respectively. The Lighthouse Tract was only a proposed NPS area in 1978, so no existing visitation figures are available for that timeframe, but, as stated above, visitation was not expected to exceed 1,000. Today, visitation at that site can exceed 3,000 people on the beach per day on a sunny weekend, while visitation to the Fire Island Lighthouse exceeds 100,000 per year. In a 2007 response to a visitor letter complaining about nude recreation at the Lighthouse, Park Superintendent Mike Reynolds acknowledges that there had been a “significant growth” in visitation in recent years, and that “many people do exceed the bounds of acceptable behavior” on Lighthouse beach. He continues to state that “over the last few years through staffing attrition, we have not been able to keep up with the patrols as we would prefer in this area,” and that “clearly this is a growing visitor use and capacity problem that needs to be addressed by the NPS.”

In 1979, the Town of Islip, the boundaries of which contain the western half of Fire Island National Seashore, including Lighthouse beach, adopted a local law prohibiting nudity on public beaches. This law went into effect prior to New York State adopting its ban on public nudity in 1984. A note inserted into the language of the original Islip law read: “This local law is applicable to the lands owned by the Fire island National Seashore, pursuant to Chapter 993 of the Laws of 1966 and Chapter 630 of the Laws of 1967” (Islip Town Law, Chapter 35-A). In the legislative intent of the law (Chapter 35A-2), the public beaches of Islip are cited as a “treasured and valued asset,” and states that “the vast majority of the people are families with children.” Further, it states that

The contemporary community standards held by the vast majority of users of the beach require that proper attire be required. The existence on the beach of individuals who are nude is upsetting and disturbing to this general public. The users of the public beaches of Islip find themselves unwilling observers to this course of conduct and find that they must be forced to coexist with the practice. They especially take offense and are disturbed at the exposure of this practice to young, impressionable children.

Since the lighthouse restoration, school groups, families, and other visitors have come to the area in greater and greater numbers. By the late 1980s, the beach saw increased use, and some nudists began moving to the eastern beaches near Smith Point. One retired Chief Ranger remembers talking to nudists who disliked the increasing density of use at Lighthouse Beach and moved instead to beaches at the east end of the island. The lighthouse restoration occurred around the same time New York State passed its law prohibiting public nudity, and as such, this beach that had been traditionally used by only a few nudists drew more and more users. As a result, the park and the Lighthouse Preservation Society have received complaints regarding nudity on Lighthouse Beach from visitors over the years.

Before 2005, the annual Superintendent's compendium did not mention or regulate clothing optional recreation. In the 2005 Superintendent's compendium, clothing optional recreation is mentioned for the first time with the following language:

“Clothing Optional Recreational Activities: The ocean beach and adjacent waters of the Lighthouse Beach area from the eastern boundary of Robert Moses State Park and approximately 600 feet east; and from a point approximately 1800 feet east of the eastern boundary of Robert Moses State Park for an additional 600 feet to the east is a traditional clothing optional beach.

The ocean beach and adjacent waters from a point approximately 1760 feet west of the last boardwalk west of the Otis Pike Fire Island High Dune Wilderness Visitor Center for approximately 2640 feet to the west is a traditional clothing optional beach.”

That same language continued to be in the compendium in following years. In 2007, a justification sentence is added below these two paragraphs stating, *“This is necessary to control and monitor lewd and indecent behavior.”*

Superintendents' Compendia were not published between 2007 and 2012. In April of 2012, an updated version of the compendium was published which included additional restrictions on clothing optional recreation (for example, glass bottles and fishing were prohibited on clothing optional beaches) in an attempt to improve visitor safety and further control lewd behavior. Additionally, the justification statement was expanded:

Fire Island National Seashore | 2013 Clothing-Optional Recreation

Visitors have traditionally recreated on portions of Fire Island in the nude, but this activity is offensive to some members of the public. Specific areas are posted as clothing optional to allow clothing optional recreation without negatively impacting other visitors' experience.

During the review of the 2012 compendium, however, several concerns were voiced regarding the increasingly dense visitation to the clothing optional beaches, in addition to increasing lewd and lascivious behavior and resource protection concerns. Over the course of the 2012 season, these issues continued. Rangers report making daily contacts during the summer season regarding sexual disorderly conduct in this area, including masturbation, group sex, and even bondage. In addition, trash on the beach continued to be an issue, with many beach visitors leaving behind the remnants of their stay, sometimes bagging it for pickup but still leaving it on the beach. In recent years, Rangers have also reported an increase in the instances of public defecation and urination, sometimes discretely, and sometimes openly.

By the end of the summer season, FIIS was prepared to adopt a change in the policies toward nude behavior for 2013. Hurricane Sandy only increased concerns about the magnitude of conflict between other visitors and the needs of protected species due to the loss of the dunes.

ACTION

Effective immediately, begin actively enforcing existing New York State law concerning public nudity at Lighthouse Beach and selected other beaches.

- Provide that the 2013 Superintendent's Compendium eliminate clothing optional recreation areas and recognize that public nudity is prohibited in the State of New York. State that the park will concentrate its public education, informational signage, and enforcement efforts of the existing state law at the following federally-owned areas:
 - Lighthouse Beach, from the western boundary of the park to the western boundary of Kismet.
 - The federal tract of land in front of Sailors Haven, from the Point O' Woods to Cherry Grove.
 - One half mile on either side of the Barrett Beach boardwalk.
 - One mile on either side of the Watch Hill lifeguard stand.
 - From the Wilderness Visitor Center to Old Inlet
- Implement an enforcement plan that includes pro-active notification of key user groups in early spring, and an initial educational period as the weather warms, followed by a more strict enforcement approach through the summer as needed. Educational efforts will be focused in multiple areas, including internet and social media, face-to-face meetings, and on-the-ground visitor contacts. Use and compliance will be monitored throughout the summer, with additional measures being taken as necessary. Should concentrations of nudity and/or lewd and lascivious behaviors increase in other areas of the park and cause similar conflicts with other visitors and/or protected natural resources, then the park may expand its enforcement efforts to other areas.
- In October of 2013, the park will re-assess the management of Lighthouse Beach and the balance of the park, and implement additional/ different measures if appropriate.

APPENDIX A: APPLICABLE LAWS AND POLICIES

New York State Penal Code § 245.01 Exposure of a person.

“A person is guilty of exposure if he appears in a public place in such a manner that the private or intimate parts of his body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola. This section shall not apply to the breastfeeding of infants or to any person entertaining or performing in a play, exhibition, show or entertainment. Exposure of a person is a violation. Nothing in this section shall prevent the adoption by a city, town or village of a local law prohibiting exposure of a person as herein defined in a public place, at any time, whether or not such person is entertaining or performing in a play, exhibition, show or entertainment.”

18 United States Code §13 Assimilative Crimes Act

Within the territorial jurisdiction of the United States, “whoever...is guilty of any act...which... would be punishable if committed or omitted within the jurisdiction of the State... in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.”

National Park Service Management Policies

8.1.1: Appropriate Use: “...the Service will allow only uses that are (1) appropriate to the purpose for which the park was established, and (2) can be sustained without causing unacceptable impacts.”

8.2: Visitor Use

Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks. The Service is committed to providing appropriate, high-quality opportunities for visitors to enjoy the parks, and the Service will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society. However, many forms of recreation enjoyed by the public do not require a national park setting and are more appropriate to other venues. The Service will therefore

- Provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the parks...

For the purposes of these policies, unacceptable impacts are impacts that, individually or cumulatively, would

- Be inconsistent with a park's purposes or values, or
- Impede that attainment of a park's desired conditions for natural and cultural resources as identified through the park's planning process, or
- Create an unsafe or unhealthy environment for visitors or employees, or
- Diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resource values, or
- Unreasonably interfere with
 - Park programs or activities, or
 - An appropriate use, or
 - The atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park, or
 - NPS concessioner or contractor operations or services.

National Park Service Director Special Directive 91-3: Information on Public Nudity

“Because of the potential for such use conflicting with the enjoyment of visitors participating in other recreational uses, the NPS will neither encourage persons to engage in such activities, nor will we designate areas for the use of individuals or groups wishing to engage in public recreation activities in the nude.”

“There is no Federal regulation prohibiting nudity that applies to all units of the NPS... When unacceptable visitor conflicts occur as a result of public nudity, a resolution of the situation should be attempted informally, if appropriate, with the persons who are the subject of the complaint. If informal attempts fail to resolve the conflict and enforcement action becomes necessary, the option may exist of either applying NPS regulations addressing disorderly conduct (36 CFR 2.34), park specific regulations, or State or local laws that specifically prohibit public nudity. **The latter method has the advantage of providing consistency in enforcement on both Federal lands and the adjacent areas** [emphasis added].”

36 CFR §1.5 Closures and public use limits.

- (a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:
- (1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.
 - (2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.
 - (3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (a)(1) or (2) of this section.

36 CFR § 2.34 Disorderly Conduct

- (a) A person commits disorderly conduct when, with the intent to cause public alarm, nuisance, jeopardy or violence, or knowingly or recklessly creating a risk thereof, such person commits any of the following prohibited acts:
- (1) Engages in fighting or threatening, or in violent behavior.
 - (2) Uses language, an utterance, or gesture, or engages in a display or act that is obscene, physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace.
 - (3) Makes noise that is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.
 - (4) Creates or maintains a hazardous or physically offensive condition.

Town of Islip Law, Chapter 35A. Nudity on Public Beaches

[**HISTORY:** Adopted by the Town Board of the Town of Islip 6-11-79 as Local Law No. 7, 1979. Editor's Note: A note originally inserted at the end of this local law reads as follows: "This local law is applicable to lands owned by the Fire Island National Seashore, pursuant to Chapter 993 of the Laws of 1966 and Chapter 630 of the Laws of 1967." **Amendments noted where applicable.**]

§ 35A-1. Title.

This local law shall hereinafter be known and cited as the "Nudity — Public Beaches Law of the Town of Islip."

§ 35A-2. Legislative intent.

A. The public beaches of the Town are a treasured and valued asset enjoyed not only by the three hundred fifteen thousand (315,000) citizens of the Town of Islip but additionally by hundreds of thousands of other metropolitan residents. The vast majority of the people are families with children. The continued enjoyment of these beaches by Town residents and visitors is an important and substantial government interest.

B. The contemporary community standards held by the vast majority of users of the beach require that proper attire be required. The existence on the beach of individuals who are nude is upsetting and disturbing to this general public. The users of the public beaches of Islip find themselves unwilling observers to this course of conduct and find that they must be forced to coexist with the practice. They especially take offense and are disturbed at the exposure of this practice to young, impressionable children.

C. Additionally, especially on Fire Island, the oceanfront is lined with residences which are now forced to view this course of conduct. The Board, therefore, in the interests of the contemporary moral standards of conduct within the community, feels that nudity on the public beaches of the Town should be banned.

§ 35A-3. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

ADJACENT WATERS

Those waters in which the nudity of a swimmer could be recognized by one standing on a public beach in the Town of Islip.

NUDITY

A person's intentional failure to cover, with a fully opaque covering, that person's own genitals, pubic hairs, rectal areas or female breasts below a point immediately above the tip of the areola, when on a public beach.

PUBLIC BEACHES

Fire Island National Seashore | 2013 Clothing-Optional Recreation

A place which is open to the common use of the unorganized public and each of its members; included but not limited in such definition shall be Town-owned beaches and the oceanfront on Fire Island.

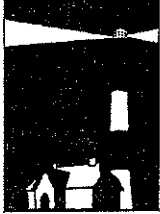
§ 35A-4. Nudity prohibited.

A. Nudity shall not be allowed on any public beach or adjacent waters within or under the jurisdiction, control or ownership of the Town of Islip. [Amended 12-16-1980]

B. This prohibition shall not apply where individuals have obtained a permit from the Town Board to entertain or perform in a play, exhibition or show, nor shall it apply to children under ten (10) years of age.

C. A person is guilty of exposure when, in a public place as defined by § 240 of the Penal Law of the State of New York, he or she urinates or exposes the private or intimate parts of his or her body, except as provided herein above. [Added 10-8-1996]

APPENDIX B: LETTERS FROM LIGHTHOUSE PRESERVATION SOCIETY



THE FIRE ISLAND LIGHTHOUSE PRESERVATION SOCIETY, INC.

A Cooperating Association with the National Park Service
Fire Island National Seashore

January 16, 2013

OFFICERS

Robert LaRosa
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Thomas F. Roberts, III
First Vice-President - Finances
William L. Chaloupka
First Vice-President - Operations
Geraldine M. Sheridan
Second Vice-President
Gayle E. Haines, Ed.D.
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OFFICE STAFF

David Griese
Administrator
Patricia Stanton
Administrator Assistant
Lynn Dunlop
Program Coordinator

Superintendent
Fire Island National Seashore
120 Laurel Street
Patchogue, New York 11757

Dear Chris:

The Fire Island Lighthouse is doing well after Sandy, although there are a few changes that the Society feels will affect the visitation to the Lighthouse in the future.

The loss of the dune line in front of the Lighthouse and west to the Robert Moses State Park results in a beach that is flat and void of vegetation in most places. As this was typically a clothing optional area, we are concerned of the visual impact to families and school children visiting the Lighthouse. We have over 7,000 school children attending on school trips each year and over 100,000 visitors to the Fire Island Lighthouse, a National Historic Site.

Over the 30 years the Fire Island Lighthouse Society has been involved with the Fire Island Lighthouse and the National Park Service, both attendances to the Fire Island Lighthouse has increased as well as the visitation to the clothing optional beach. This increase has resulted in "conflicts" between the two groups visiting this small area.

During the past years we have received an increase of verbal complaints from visitors and families concerning the negative impacts of seeing nude people when they were walking to the Lighthouse. This was even more common last year after the 2011 storm when the beach was close to the boardwalk and the only means of walking to the Lighthouse was on this boardwalk.

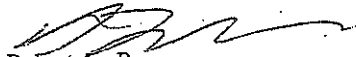
In addition, school groups are denied access to the ocean beach due to the fact that teachers were concerned for the students not to see nude people on the ocean beach in front of the Lighthouse. Students were denied the opportunity to visiting the National Seashore ocean beach and not being

We have also received an increase of complaints from visitors of witnessing "lewd" acts on the beach between the Lighthouse and Robert Moses Field 5.

The "Sandy" storm has also destroyed many of the boardwalks families used in the past to access the Lighthouse and therefore are channeled to the ocean beach to access the Lighthouse.

The Fire Island Lighthouse Society feels that consideration should be given to eliminating the clothing optional area on the Lighthouse ocean beach to allow families and school groups to access the Fire Island Lighthouse on the ocean beach to and from the Robert Moses State Park Parking Field 5.

Sincerely,



Robert La Rosa
President
Fire Island Lighthouse Preservation Society Inc

Fire Island National Seashore | 2013 Clothing-Optional Recreation

recd 9/4/2010



THE FIRE ISLAND LIGHTHOUSE PRESERVATION SOCIETY, INC.

A Cooperating Association with the National Park Service
Fire Island National Seashore

September 2, 2010

Fire Island National Seashore
General Management Plan
Attn: Ellen Carlson, Project Manager
15 State Street
Boston, MA 02109

General Management Comments

The following are comments for consideration of the General Management Plan for the Fire Island National Seashore from the Fire Island Lighthouse Preservation Society:

OFFICERS

Thomas F. Roberts, III
President
Robert LaRosa
First Vice-President
Geraldine M. Sheridan
Second Vice-President
William L. Chaloupka
Secretary
William S. Dempsey
Treasurer

TRUSTEES

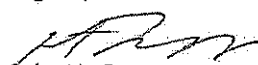
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Gayle E. Haines, Ed. D.
Elizabeth Benham-Herman
Gary N. Lombardi
Warren C. McDowell
Gerard Stoddard

OFFICERS

David Griese
Administrator
Patricia Stanton
Administrator Assistant
Lynn Dunlop
Program Coordinator

- Expand interpretive experiences at the lighthouse to include all aspects of Fire Island History, including the Radio Annex and artifacts in park collection.
- Encourage volunteerism and partnerships by providing proper facilities at the FI Lighthouse site.
- Improve lateral boat transportation from Fire Island communities through the use of NPS Lighthouse Dock by permitted commercial vessels.
- Provide adequate handicapped access to and at lighthouse.
- Consideration should be given to limiting clothing optional area to 500 feet east of the Lighthouse boardwalk to allow families to access the Fire Island Lighthouse on the ocean beach to or from Robert Moses Parking Field 5.

Regards,


Robert La Rosa
First Vice President

4640 Captree Island, Captree Island, New York 11702-2601 - (631) 321-7028 - FAX (631) 321-7033
Website - www.fireislandlighthouse.com E-mail - programs@fireislandlighthouse.com

Statement by Ex. 6 & 7(c)

EMPLOYEE BACKGROUND

Ex. 6 & 7(c)

I am employed by the National Park Service at Ex. 6 & 7(c)
Ranger at Fire Island National Seashore. Ex. 6 & 7(c)

Ex. 6 & 7(c)

LIGHTHOUSE BEACH BRIEFING:

The purpose of this document is to illustrate for the reader how the character of Lighthouse Beach and the nature of its users has changed from when I started at Fire Island National Seashore in 1997 to present day. I will be using three time periods as snapshots and addressing the following factors:

- 1) NPS Staffing
- 2) Access
- 3) Visitation
- 4) Incidents

1997 - 2001

National Park Service Commissioned Ranger Staff:

During the summer months of 1997 through 2001 there were three to four full time commissioned rangers and three seasonal commissioned rangers assigned primarily to the Lighthouse Beach area. There were three additional seasonal rangers and the West District law enforcement supervisor at Sailors Haven who would assist at Lighthouse Beach when / if needed.

In addition to NPS commissioned resources, the Suffolk County Police Marine Bureau had two patrol trucks within close response time plus two additional officers detailed to the beach for the summer. The detail officers were given quads to operate and were always in the area for assistance if needed. The New York State Park Police employed seasonal officers at this time. The majority of these seasonal officers were retired New York City and Nassau County Police Officers who were assigned along with four full time NYSPP Officers to the Parking Field 5 Area. They were usually available to assist if needed.

Public Access:

The majority of public access to Lighthouse Beach came through Robert Moses State Park Parking Lot #5. Visitors parked in Field 5 and walked along the parkway east to the Burma Road on Fire Island National Seashore property. From here most visitors to the Clothing Optional sections would walk along sand trails designated as the 1st and 3rd Cuts. The 2nd Cut, also known as Lighthouse Cut, was in the center and was / is designated as a Clothing Required section.

A smaller number of beach visitors would walk to Lighthouse Beach east along the Atlantic Ocean from Field 5 or west from the community of Kismet.

Visitation:

An average busy summer weekend day or holiday could see approx. 2,000 visitors to Lighthouse Beach. The greatest number of beach goers would recreate at the western Clothing Optional

section. An average summer weekday during this time period would see approx. 500 to 1,500 people.

The nature of the visitors was very group oriented. Visitors would set up their blankets, chairs, and windscreens close together in groups of 10 to 40 and leave plenty of space between themselves and the next group which would also leave space for the rangers and police to pass through with their vehicles.

The three largest organized nudist groups were the Friends of the Lighthouse Beach, Kismet West, and the Trivasuns. The rangers built strong relationships with these groups who genuinely cared about the natural resources and understood the National Park Service mission and respected the responsibilities of the rangers. Through the rangers' "community" outreach and education these groups predominately cleaned up after themselves, removed trash from the beach, donated portable signs, and kept other visitors off the dunes with whistles. Piping Plover symbolic fencing and habitat were rarely disturbed.

Visitors would generally leave their clothes on until they were set up on the beach with their group and would only walk nude from their group to the water and back. There was almost no lateral movement between groups without clothes on.

Incidents:

Lighthouse Beach shared many of the incidents that any beach would have of comparable size. These included possession of marijuana, disorderly conduct (fighting), public intoxication, public urination, closure violations (dunes), and occasionally also saw incidents involving overt sexual activity. Occasionally nude sunbathers would cross from one Clothing Optional section to the other without putting their close back on. The Clothing Required section was not as crowded but occasionally someone would be offended and contact us.

2003 – 2009

National Park Service Commissioned Ranger Staff:

During the summer months of 2003 through 2009 there was a decline in the number of resources dedicated to the Lighthouse Beach area as people retired, transferred, or were promoted without immediately filling the vacant positions. There were two full time commissioned rangers and two seasonal commissioned rangers assigned primarily to the Lighthouse Beach area. There were two additional seasonal rangers and the West District law enforcement supervisor at Sailors Haven (later stationed at Lighthouse Annex) who would assist at Lighthouse Beach when / if needed.

The Suffolk County Police Marine Bureau had reduced their staff and now had only one patrol truck (M-1) within close response time plus only one additional officer detailed to the beach for the summer (M-55). The detail officer still was assigned a quad but had an increased patrol area eastward and was not always in the immediate area for assistance if needed. The New York State Park Police had discontinued the practice of hiring seasonal officers. The NYSPP staffed four full time Officers to the area but these officers were also tasked with responding to Jones Beach State Park 14 miles away when needed.

Although, through the efforts of the rangers, the inter-agency relationships were stronger - the reduction of resources hindered the ability to back each other up. This is the time period where Ex. 6 & 7(c) began coordinating our schedules with those of SCPD and NYSPP for maximum mutual support.

Public Access:

The majority of public access to Lighthouse Beach still came through Robert Moses State Park Parking Lot #5. But now visitors parked in Field 5 and walked along the new state boardwalk to the Burma Road on Fire Island National Seashore property and then walked along the relatively new (1999) 1st Cut Boardwalk which replaced the sand trail. Other visitors continued on to the 3rd Cut. The 2nd Cut, also known as Lighthouse Cut, was in the center and was / is designated as a Clothing Required section.

A smaller number of beach visitors would still walk to Lighthouse Beach east along the Atlantic Ocean from Field 5 or west from the community of Kismet.

Visitation:

During these years visitation saw a marked increase. An average busy summer weekend day or holiday could see approx. 3,000 visitors to Lighthouse Beach. The greatest number of beach goers would crowd together at the western Clothing Optional section. An average summer weekday during this time period would see approx. 1,000 to 2,500 people.

The nature of the visitation was still very group oriented but with increased numbers, new emerging groups, and an influx of eastern European immigrants from Brooklyn, NY. The long established Kismet West group disbanded because they did not like the changes in attitudes occurring to the beach. Many members of the older groups stopped coming to the beach entirely. The Friends of the Lighthouse Beach group became smaller. The Travasuns membership increased but soon broke into several smaller groups because of differing opinions. At first, the

established groups tried to continue educating the newcomers about beach etiquette and the importance of resource protection but often their efforts would lead to conflicts and increased tensions.

The new groups had a different perception of what a Clothing Optional beach should be about and began to view the rangers and the National Park Service as adversarial to their enjoyment of the beach. Windscreens were sometimes set up not to block sunbathers from the wind but to prevent vehicle access for the rangers. Foot patrols were now considered by many nudists as an invasion of their privacy.

The contacts the rangers had with the remaining members of the older groups was still evident, some new contacts were made, but it was also apparent that despite the rangers best efforts to maintain order through rapport a network of confidential informants needed to be created and plain clothes patrols needed to be conducted.

Incidents:

During this time period, the number of incidents increased not only because of increased access and higher visitation but also because of the advancements in technology. Visitors to Lighthouse Beach were now setting up chat rooms and message boards on the internet, people were soliciting sexual encounters via web pages such as Backpage and Craigs List.

In addition to the internet many people now had cell phones, most with cameras. Groups were now calling one another to give a “heads up” when the rangers were patrolling or watching from the 1st Cut Boardwalk.

The rangers saw an increase in the number of possession of controlled substance cases now including cocaine, ketamine, GHB, Methamphetamines, and heroin in addition to marijuana.

Disorderly conduct incidents for both overt sexual activity and fighting were daily occurrences. Public urination and defecation cases were common as well as public intoxication. The rangers would consistently receive complaints from lighthouse visitors on the Clothing Required section of the beach that nudists were frequently crossing between the two Clothing Optional Sections and at times walking right up to their children.

The Piping Plover symbolic fencing was often moved or knocked down by nudists to make room for the higher volume of visitors during a high tide. Visitors would leave bags of trash for the rangers to pick up or they would just bury it.

The advertising of Lighthouse Beach on the internet attracted the attention of Robert Loveys, a citizen of Canada who had been arrested several times for sexually assaulting children. We arrested him in 2003 and again in 2005 for attempting to do the same thing at Fire Island.

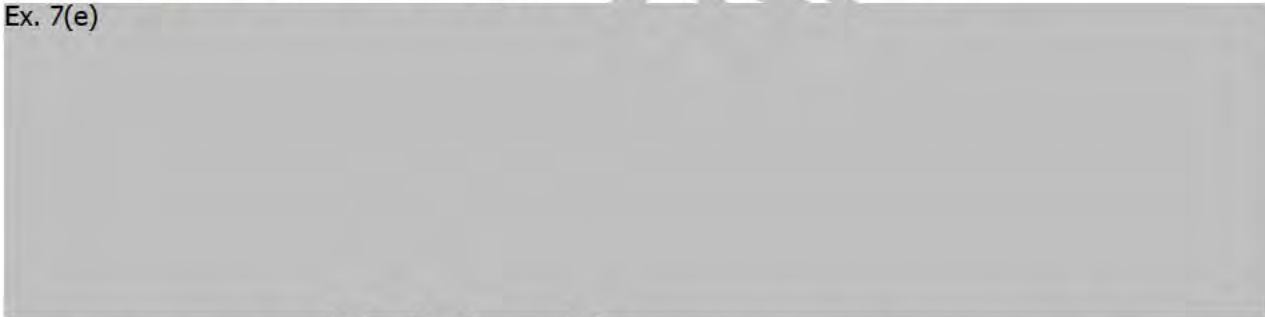
Due to the increased visitation and excessive use of alcohol rangers are now responding to more swimmers in distress and general EMS calls. The rangers' reaction time is slower due to number of people and windscreen obstacles.

2008 - 2012

National Park Service Commissioned Ranger Staff:

During the summer months of 2008 through 2012 there was again a decline in the number of resources dedicated to the Lighthouse Beach area as staff retired, transferred, were promoted, or as a result of the Visitor and Resource Protection Division's reorganization. There was one full time commissioned ranger and one seasonal commissioned ranger assigned primarily to the Lighthouse Beach area with another ranger covering between Lighthouse Beach and Sailors Haven. There was one additional seasonal ranger at Sailors Haven and the Deputy Chief Ranger who would assist at Lighthouse Beach when needed. Rangers could be shifted west from Watch Hill during special events and emergencies.

Ex. 7(e)



The inter-agency relationships are stronger than they ever were but the current staffing levels hinder the Ex. 7(e)

Public Access:

The majority of public access to Lighthouse Beach continues through Robert Moses State Park Parking Lot #5. But now visitors park in Field 5 and walk along the state boardwalk to the Burma Road on Fire Island National Seashore property and then walk along the 1st Cut Boardwalk (destroyed by Hurricane Sandy in Oct. 2012). Other visitors continue on to the 3rd Cut. The 2nd Cut, also known as Lighthouse Cut, is in the center and is designated as a Clothing Required section.

A smaller number of beach visitors still walk to Lighthouse Beach east along the Atlantic Ocean from Field 5 or west from the community of Kismet.

Visitation:

During these last few years visitation continued to increase. An average busy summer weekend day or holiday could see approx. 3,800 – 4,500 visitors to Lighthouse Beach with an additional 500 - 800 people when the nudists “host” special gatherings. The greatest number of beach goers crowd together at the western Clothing Optional section. An average summer weekday during this time period sees approx. 1,500 to 3,000 people.

We have now identified six to eight nudist groups on Lighthouse Beach. Most groups do not get along with each other and fights are more common. Most of the new groups are a younger crowd with most members in their 20's. The older groups from the mid-1990s now number only a dozen or so. There is a lack of space and the groups are very territorial. It is very difficult to operate a patrol truck on Lighthouse Beach during mid to high tide and still difficult for even a UTV. Response time for medical and law enforcement emergencies have been seriously affected. Rangers have attempted to make emergency access lanes to be kept free of blankets and wind screens but the nudists still use it as a walkway.

Occasionally in recent summers the Long Island Swingers Group hosts their gatherings on Lighthouse Beach. This adds an additional 500 people to an already crowded beach. They set up inflatable beds under sun shelters, openly participate in bondage rituals, and attempt sexual activities.

Rangers continue to build rapport, utilize contacts, recruit informants, change up schedules, and use diverse patrol methods to gain compliance and maintain a sense of order but it has become much more difficult given the number of people.

Incidents:

During this time period, the number of incidents and enforcement obstacles has increased due to the advent of Social Media sites such as Twitter and Facebook. Visitors to Lighthouse Beach now organize events, post anti-National Park Service messages, have attempted to post the rangers' work schedules, and upload photos and videos of rangers during enforcement contacts. Soliciting sexual encounters on the internet is more prevalent now. It has become a “catch me if you can” atmosphere among most of the groups.

Reports of disorderly conduct incidents for both overt sexual activity and fighting are almost daily occurrences.

Although there is a public bathroom at the West Entrance people find it more convenient to urinate and defecate in the sand. Often times the person doing this makes no attempt to be discreet.

The rangers regularly receive complaints from lighthouse visitors and families on the Clothing Required section of the beach stating nudists are frequently crossing between the two Clothing Optional Sections.

Ex. 6 & 7(c)

Rangers frequently make possession of controlled substance cases or through their contacts receive information that drugs are being used in the area.

The Piping Plover symbolic fencing is often moved or knocked down by nudists to make room for the higher volume of visitors during a high tide. A lot of hours have been spent by the field rangers re-posting the fence line.

Many visitors leave trash for the rangers to pick up, no longer bothering to bag it. Often times after sunset rangers would spend an hour picking up this trash in a UTV.

Due to the increased visitation and excessive use of alcohol rangers are now responding to more swimmers in distress and general EMS calls. There was a drowning just last year on federal property. The state officers were first on scene because the number of people on the beach prevented a faster ranger response.

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During my time at Fire Island I have worked on many cases involving marijuana. This has given me ample opportunity to develop skills in identifying odors and body gestures that may coincide with its use. I also have training and experience in the use of drug test and identification kits at the Federal Law Enforcement Training Center and there practical application in the field.

The clothing optional areas within Fire Island have always required more patrol attention than others. Lighthouse Beach has approximately 3/4 of a mile of clothing optional beach and on a normal weekend will have three to five thousand. I would have to estimate that on an average summer weekend 85-90% of my time is dedicated to patrolling Lighthouse Beach. To put that in perspective, the park is 20,000 acres and sees approximately 760,000 annual visitors.

While the many of beach goers are there to enjoy and relax, the environment created by the large number of people, nudity, and use of drugs and alcohol is conducive to illicit activity. Specifically, Lighthouse Beach has always attracted swingers groups and sexual deviants that schedule meets via online forums such as craigslist. I have personally scanned the site and observed individuals posting pictures of their genitals in order to arrange trips to the beach with strangers with the intent to preform sexual acts on each other. In my experience most of the

individuals coming to the beach to engage in these acts exhibit a blatant disregard for those around them or the law.

I personally make six or seven contacts a week pertaining to sexual disorderly conduct on Lighthouse Beach alone. These contacts involve everything from a male discretely pleasuring himself to group sex and bondage. If the act is not overtly obvious I will usually explain the rules and regulations and remove them from the beach for the day.

Most of the beaches problem groups are there daily and have the mindset that the beach is there for them to do as they please. Over the last five or six years the Rangers have warned, cited, and arrested members of the groups and have made progress in opening lines of communication. We have talked with the group “leaders” and told them it is their actions that will close the beach to nudity. It seems as though once we get one group under control, there is another two that take its place. One attempt to get the groups working together to clean the beach up resulted in a fight that sent one to the hospital and left another with a broken wrist. Citations were issued and both were ordered to appear in court.

The dynamic of the beach will always put the advantage in the hands of those who do as they please. Thousands of people, coupled with windscreens, sun umbrellas, and “look-outs” make it difficult to approach a person without their knowledge. The odor of marijuana smoke while patrolling the clothing optional sections occurs several times a day. It can be near impossible at times to find the source due to the lack of visibility.

There have been several attempts at policing via self-proclaimed “beach ambassadors” organized by the group SaveLighthouseBeach.org. Save Lighthouse Beach printed a flier outlining proper clothing optional beach etiquette and distributed it among the visitors. They

also attempted to educate the public but seemed to shy away from the problem groups thus rendering themselves ineffective.

In the summer of 2010 I was approached by a group of nuns that had come to visit the Fire Island Lighthouse, which is the main attraction on the west end of the island. They informed me that after a delightful tour of the light and museum, they decided to go for a stroll on the beach unaware that the beach directly in front of the lighthouse had clothing optional beaches on either side of it. They were appalled when they inadvertently walked up to the boundary and were faced with nudity.

Based on the visitors I have spoken with the public opinion varies. Most are taken back by the fact that a nude beach is in such close proximity to a state park beach and a public beach. There is also a large number of clothing optional beach enthusiasts who think that “traditional use” supersedes federal law.

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Statement by Ranger Ex. 6 & 7(c)

Ex. 6 & 7(c)

Ex. 6 & 7(c)

now as a Law Enforcement Ranger, and have come to know the island and the type of visitors very well.

My time here at FIIS as a Law Enforcement Ranger, has been spent primarily on the west end of the island, from the Lighthouse area down to Talisman, although I am very familiar with the whole island from when I volunteered at Watch Hill and Smith Point. Fire Island has always been a unique place; the traditionally clothing optional beaches are just one of the ways it's unique. In recent years the clothing optional beach in front of the Lighthouse has drawn more attention due to many things; social media sites like Facebook and Twitter, and organizations like Save LH Beach and their websites. Due to this increase in visitation there has been a significant increase in law enforcement contacts, such as drunk and disorderly, fighting, engaging in sexual acts in public, and the use of marijuana and other drugs.

In 2010 Ex. 6 & 7(c) the clothing optional beach took up the majority of the day (75-90%). When you went out on patrol you were specifically patrolling that area, and if it was slow we would extend our patrols out from that immediate area (by immediate area I mean the clothing optional beach, the bay area, Kismet, the boardwalks, and Lighthouse buildings). That aspect of things hasn't changed, the amount of people on the beach in that area, and the amount of enforcement contacts we've made has increased. As the popularity of this beach grows, and word spreads, we are getting groups such as the Long Island Swingers Group. They organize an all day party on the beach; they bring air mattresses, tents, whips, chains, paddles, and assorted other sex paraphernalia. This past summer (2012) there was a man that wrapped himself in a blanket then partially buried himself in the sand with a sign next to him stating, "I like to be walked on," they took up approximately half of the western clothing optional section, and with the amount of people normally on the beach (3-5,000), patrolling the area was that much more difficult. This group came a couple of times this past summer, they were here previous summers, and stated they had plans to return again.

The Long Island Swingers is one group that makes a day out of it to come here, but there are many social groups on the beach, people that sit together every day and have their own cliques. The interactions among the different social groups can best be likened to a high school cafeteria: this group doesn't like that group, this group fights with that group. As the day winds down the issues from those groups unfolds in the form of verbal and physical altercations.

Ex. 6 & 7(c) the issues that we deal with haven't changed, but the amount of time we spend dealing with those issues has increased exponentially, and this is due to

the increase in visitation and the increased popularity of the beach due to things like Facebook, and word of mouth among nudists. It seems as though people that come here think that just because clothing is optional using good judgment and obeying laws is optional too.

On a normal weekend (Fri, Sat, Sun) or a holiday the beach can consume our whole day. If you're working at the Lighthouse then you're going to be there all day, and on the west section of the beach in that clothing optional area. We do vehicle and foot patrols of the area. Depending on the tide and the density of people on the beach patrolling that area can be easy or almost impossible. And it's usually during those times of a high tide or tightly packed beach that we have medical emergencies, which are usually due to people fighting. The western area of the clothing optional beach is the most popular area, and the number of people on the weekends in just that one area will be in the thousands.

If you're working at Sailors Haven for the day it doesn't mean that you won't get called down to the Lighthouse at the end of the day, or if it's really busy in the middle of the afternoon. It happened a few times this summer where we needed the extra officers, so everyone on the beach shifted west. This affects all parts of the beach as Watch Hill is now losing a LE to cover Sailors Haven, because that person went back to the Lighthouse.

People come from all over the island, state, and country to our beaches and to visit the Fire Island Lighthouse. Parking for the Fire Island Lighthouse is located at Robert Moses State Park in Parking Field 5. For those people not familiar with the area many are shocked and will comment about on how they can't believe what they just walked through. I've encountered many

people on the state/federal park boundary line that want to go to the lighthouse, but don't want their children to walk through that beach. We redirect them back to Field 5, and to take the boardwalk.

School groups are prevalent in the fall and spring, the groups go up the tower and if they are able to see the nudists on the beach the teachers will complain, and have the children move to the north side of the tower. This happened more when we lost a section of dune after Hurricane Irene in 2011, and now there is no dune after Hurricane Sandy, so I anticipate these complaints would rise, should it remain clothing optional. The dune is the only barrier between the Lighthouse area and the nude beach, without it everyone from small children on class or camp trips to adults just walking to Kismet will have no way of being blocked from seeing the nude beach and its patrons.

The types of incidents and illegal activity ranges from fights with resulting arrests, to issuing tickets and requiring the individuals to leave the beach, or just verbal warnings and requiring the individual or group to leave for the day. The most common issues are:

Drug use – Daily – We can always smell the marijuana, but due to the high concentration of people in the area can't always locate it, and once they see the patrol truck it's disposed of.

Drunk and disorderly – Weekly (2-5x)

Fighting – Weekly (2-5x)

Sex in public – Weekly (5-10x)

Closed area violations – being in the dunes – Daily (10+)

Urinating in public – Weekly (3-5x)

Being nude in a clothing required area – Daily (10-100+)

I'm sure there are more instances of those issues, but as those we catch that is probably about right from my point of view, but I spend a good part of the summer at Sailors Haven, but when I'm at the Lighthouse that's about it.

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Statement by Ex. 6 & 7(c)

Ex. 6 & 7(c)

I visited the beach on busy days approximately a dozen times over the course of the summer of 2012. My experiences on Lighthouse Beach have been both uncomfortable and frustrating. I have observed several things on a regular basis that lead me to believe that the uses there are wholly incompatible with the other visitation in the area, and with the purposes for which this park was established. First, it is clear that many of the nude visitors on Lighthouse beach are interested in the exhibition of being naked. Many of them set up their day camps right along the edge of the clothing optional area, even when there is ample room elsewhere. In addition, I would frequently observe men wait for a passing clothed visitor, and then

intentionally walk right in front of them or near them as they passed. On one occasion this summer, I received a phone call from a female visitor complaining of this exact behavior. She told me that she had been extremely uncomfortable by the men that, in her opinion, followed her around when she walked through the clothing optional area. She stated that she had simply wanted to take a walk along the beach with her family from the Lighthouse, but had left because she was uncomfortable, and that she would not go back to the beach because of the behavior she observed. She told me that she tried to avert her eyes and not look, but that one man “purposely ran in front of me.” She told me that she couldn’t understand why the Park Service would allow that behavior, and that it was “crude and lewd.”

When Rangers would stop their all-terrain vehicle to talk to people on the beach, I observed on several occasions a naked person come very close to the vehicle, place their hands on the roof, a foot on the sideboard, and come very close to the Ranger. It appeared to me as though a blatant attempt was being made to make the Ranger uncomfortable. In addition, many of the men and women on the beach wore large jewelry or accessories on their genitalia in what I can only assume was an overt attempt to draw attention to them. Several times I did witness overt sexual behavior. In one instance, I observed a man and woman lying front-to-back on a beach towel gyrating and presumably having intercourse. As we approached, they immediately stopped and stated that they haven’t been doing anything wrong. In another instance, I observed a man and woman rubbing sun screen on each other. While I didn’t observe any obvious sexual contact, it was clear that they were becoming aroused and acting inappropriately for a public beach.

On one summer day, I experienced a great deal of animosity toward myself and the other Ranger on patrol with me. As we drove down the beach, we observed a naked man in the surf who was obviously highly intoxicated. Each wave that came in would knock him over, and he was having trouble standing up, though he clearly was trying to get back to shore. Although the beach was crowded and this man was clearly in trouble, no one on the beach had made any move to assist him. The other Ranger and I began to remove some of our gear to go in and rescue him; we were concerned for his safety. As we did so,

several beachgoers quickly approached us, and one told us that we could leave, and that they would take care of it. Concerned for the man's safety, I continued to move toward helping him. At that time, more people approached and surrounded us, and several of them went into the water to save the man. I felt intimidated and concerned for my safety as the beachgoers continued to encourage us to leave, telling us that this was not our problem, and that they would take care of it. They pulled the man out of the water and brought him to a beach towel, where a second man promised to take care of him. We cleared the scene rather than become involved in a confrontation, despite the fact that the man was clearly under the influence to a degree that he endangered himself; we were far outnumbered, and the crowd was becoming agitated and aggressive.

Ex. 6 & 7(c)

I have witnessed the disruptive effect clothing optional recreation has on the park and its visitors. On one off-duty visit to the Lighthouse, I observed a Lighthouse employee warning visitors not to go on the beach because of "naked people," and those visitors expressing disappointment as a result. I have observed a great deal of trash left on the beach the morning following a busy day on the beach. I have observed people so dense on the beach that even a small all-terrain-vehicle was unable to pass through. These experiences have led me to believe that Lighthouse beach is an inappropriate location for clothing optional recreation.

Statement by Ex. 6 & 7(c)

Ex. 6 & 7(c)

Ex. 6 & 7(c)

in June 2001 Ex. 6 & 7(c) Then the clothing optional beach was more family oriented, and seemed more like a private nudist colony. I say this because most of the beachgoers knew each other for many years, and there did not seem to be a lot of new people visiting the beach that summer. The beachgoers seemed more organized and respectful of the beach, and some of that might have had to do with the group of nudist called “Friends of Lighthouse Beach”. This group stayed very active with Fire Island NS by donating time, resources, and money to the beach. They built boardwalks, put up signage, and educated beachgoers on etiquette. There was only one another organized group and they were not as active with Fire Island NS, and they were known as the “Tavasuns”.

The beach still had people using controlled substances, consuming large quantities of alcohol, disorderly conduct, and lewd activities, but nothing like we see today. In my three seasons (2001-2003) as a seasonal LE Ranger at Fire Island NS working on the clothing optional beach not much changed as far as cases we were reporting. During that time I worked plain clothes operations and seemed to find small amounts of controlled substances (mostly Marijuana), and random lewd activities.

In the 2003 season I felt that the popularity of our beach began to rise as the internet became more popular, and technology for cameras started to get more advanced. I started to report more disorderly conduct of people that had never been out to Lighthouse beach before, and thought there activities were alright on a nude beach. Some of these individuals believed that it was a private beach, because it was clothing optional. I spent a lot of time explaining to beachgoers that they were in a National Park, and it is a public area for everyone to experience.

The other thing I noticed was more cameras on the beach. At this time cameras were just becoming digital with small amounts of memory that could be stored, and download to a computer later. I had several cases where male individuals were hiding cameras and taking photos of unsuspecting females that were nude sunbathing.

Ex. 6 & 7(c)

[REDACTED] in May 2006 Lighthouse beach was a new place, and not for the better. I believe the internet, digital cameras, camcorders, cell phones with cameras, and social media (My Space) created a different beach. There were some familiar faces, but a lot of new people and our visitation was larger in the western area of Lighthouse beach. Two more nudist groups had developed and "Friends of Lighthouse Beach" no longer existed along with some of its members. The types of cases had increased and we were dealing with lewd activities in groups that were driven by large consumptions of alcohol. The people we were contacting acted like they had no idea that this beach is a public area on Federal property, and that they could be cited or even arrested for their activities. We were also dealing with more controlled substance case with reports of crack and cocaine.

I feel from 2008 until now the beach has been increasing getting worse and beachgoers go to all different lengths to do illegal activities on Lighthouse beach. On an average patrol in the summer on a weekday we spend 3 hours dealing with activities on Lighthouse beach. On a weekend or holidays in the summer we patrol Lighthouse beach exclusively. We rarely go a day without catching at least one beach goer engaged in disorderly conduct or lewd behavior. In a

week we can have as little as 5 or as many as 12 contacts for lewd behavior or disorderly conduct.

We know have about six to eight nudist groups on Lighthouse beach. Some of these groups talk to each other and some do not. Some of these groups and beachgoers communicate with each other using their smart phones to text, email, and upload photos of when the LE Rangers are patrolling. They also use social media (Facebook) to post on their private pages about their lewd behavior, and where Rangers are located. They do all this using cell phones, wireless laptops, iPad's, and even some digital cameras.

The groups and individual beachgoers use the internet to create webpages about Lighthouse beach, and to set up events on the beach. These events generate thousands of invites over the internet, and some of these events get close to a thousand people attending (example: LI Swingers LOLA). I believe that visitors to Lighthouse beach have changed drastically from beachgoers that came out with families to enjoy the beach, to voyeurs that enjoy playing games trying to get away with lewd behavior and other illegal activities for fun. I do believe that there are still a handful of beachgoers that are still here for the beach, but the bad outweighs the good.

In the nine summers I have worked at Fire Island NS I have received hundreds of complaints about the nude beach. Most of the complaints are from families heading east from Field 5 and run into the clothing optional beach. These complaints range from people saying we need more signage to verbal harassment of clothed beachgoers. I had a case this year of a mother and daughter who have been coming to Field 5 for several years, and walking the beach to Ocean Beach. This year on Lighthouse beach east they were approached by a man and verbally harassed about how they need to be naked on this beach. The mother explained that there was some confusion on who to report it to, and how to get ahold of us. This problem could lead to large number of unreported cases of verbal harassment to visitors on the clothing optional beach.

The other majority of complainants are from people on the clothing optional beach reporting drug use, lewd behavior, or disorderly conduct. The reporting parties will call the Ranger

Station, or report it in person to someone on patrol. I believe these people are only reporting it in an effort to save their beach from being shut down or labeled. The proof of this is the website Savelighthousebeach.org and their efforts to try and police themselves like in 2001-2003. I do not believe this is working, because the beachgoers are not interested in protecting the beach. The groups will not step up and help to make a change because they are only interested in themselves, and it is more about popularity to them than being a truly organized group of members.

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