National Park Service
U.S. Department of the Interior

Assateague Island National Seashore

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2021

Superintendent's Compendium

Of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.

Approved:

Hugh Hawthorne, Superintendent

A. INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be

maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the national Park System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under 54 United States Code (U.S.C.) Section 100101 *et. seq.* (Organic Act of 1916, as amended) to "the Secretary, acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wildlife in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wildlife in such manner and by such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (54 U.S.C. Section 100101). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to “prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units.” (54 U.S.C. §100751a).

54 USC 100101(b) reaffirms the original intent of Congress in the establishment of the National Park Service by recognizing “…these areas, though distinct in character, are united through their interrelated purposes and resources into one National Park System as cumulative expressions of a single national heritage….”

54 USC 100101(2) reaffirms the high standard of protection defined in the original Organic Act by stating “Congress reaffirms, declares and directs that the promotion and regulation of the various System units shall be consistent with and founded in the purpose established by subsection (a) to the common benefit of all the people of the United States. “

54 U.S.C. § 100501 defines the National Park System as”…any area of land and water administered by the Secretary, acting through the Director, for park, monument, historic, parkway, recreational, or other purposes.”

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of

Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, than that Superintendent is obliged to place limitations on public use.

3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent's Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

4. Development of the Requirements of the Superintendent's Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

6. Enforcement of Compendium Requirements

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to $5,000 for individuals and $10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. A list of fines associated with any particular provision can be obtained by contacting the Chief Ranger at the park address found below.

8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

11. Availability

Copies of the Compendium are available at: Assateague Island National Seashore
7206 National Seashore Lane
Berlin, MD 21811

It may also be found at https://www.nps.gov/asis/index.htm

B. SUPERINTENDENT'S COMPENDIUM

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 54 United States Code, 100101(a) *et.seq*, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Assateague Island National Seashore. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

- Overnight parking of unattended vehicles is permitted only in the following designated parking lots: North Beach, Bayside Day Use Parking area, and Old Ferry Landing. Bull Pen users, OSV users, front country campers, and backcountry campers are permitted to park an extra vehicle

in designated parking lots only. All other parking lots are closed to overnight parking to maximize the number of available parking spaces for day users and to facilitate emergency responses for overdue visitors. Vehicles left overnight in undesignated parking areas alert Rangers to the possibility of a visitor in distress and may initiate a search process.

Public Use Limits:

- In order to protect the health and safety of NPS employees, volunteers, partners, contractors and park visitors, Individuals over the age of two years must wear masks, except when actively eating or drinking, in the following locations:
    1. All common areas and shared workspaces in buildings owned, rented or leased by the National Park Service, including, but not limited to: park visitor centers, administrative offices, gift shops and other concessions locations.
    2. The following outdoor areas, when others are present, where the superintendent has determined that physical distancing (staying at least six feet apart) cannot reasonably be maintained:
        - Ramps, stairs, and other approach areas adjacent to the Maryland Visitor Center/Eastern National Bookstore, Maryland on-island Ranger Station/permitting office, Tom's Cove Visitor Center
        - All public access boardwalks including Life of the Forest Trail, Life of the Marsh Trail, Toms Cove Boardwalk, all boardwalks leading from Parking Lots to beaches, and sidewalks leading from the South Beach Parking Lot to South Beach
        - Waiting areas adjacent to restrooms and shower facilities if crowds do not allow visitors to social distance from other groups

Executive Order 13991, Protecting the Federal Workforce and Requiring Mask-Wearing and OMB M-21-15, COVID-19 Safe Federal Workplace: Agency Model Safety Principles outline the measures to be taken by federal agencies to halt the spread of COVID-19 by relying on the best available data and science-based public health measures. Such measures include wearing masks around others, physical distancing and other related precautions recommended by the CDC. US Department of Interior memo of 2/2/2021 directs NPS Superintendents to update workplace safety plans and to designate indoor areas and outdoor areas where social distancing is not possible as mask required areas.

- Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement. CDC guidance recognizes that masks should not be worn by children under age two or by anyone who has trouble breathing. Wearing masks may be difficult for some people with sensory, cognitive, or behavioral issues. If a visitor is unable to wear a mask properly or cannot tolerate a mask, they should not wear one and may be asked to leave any location where masks are required to be worn. Visitors may be asked to lower their masks briefly for identification purposes in compliance with safety and security requirements.

Center for Disease Control update of 18 December 2020, delineates current recommendations on preventing the spread of COVID-19, including mask wearing, social distancing and sanitation procedures. US Department of Interior memo of 2/2/2021 authorizes rules on lowering masks for identification and clarifies that individuals who are not able to wear masks may be asked to leave.

- All marine mammals and sea turtles are protected by the Marine Mammal Protection Act and the Endangered Species Act. It is illegal to touch, feed, disturb or harass marine mammals and sea turtles. Do not approach closer than 150 feet. *Resting or stranded marine mammals and sea turtles can attract excessive attention that results in crowding, handling, or other dangerous and harmful interactions.*
- Willfully approaching, remaining, viewing, or engaging in any other activity within 40 feet of horses and other wildlife (excluding marine mammals) is prohibited. Touching, feeding or attracting of horses and other wildlife is prohibited. *Approaching within 40 feet of wildlife creates an unsafe condition for humans, horses and other wildlife. This use limit does not apply*

to inadvertent or casual encounters with wildlife in developed areas where normal foot or motor vehicle traffic is required or essential, or in other areas where there is no reasonable alternative travel route. The prohibitions in this paragraph do not apply to park personnel acting within the scope of approved management activities.

- The maximum number of motor vehicles that are allowed in the Maryland OSV zone at any one time is 145. The maximum number of motor vehicles that are allowed in the Virginia Tom's Cove Hook OSV zone at any one time is 48 (18 maximum when the hook is closed due to bird nesting; at which time the North OSV zone is opened for a maximum of 12 vehicles). *This limit is based on approximately 12 vehicles per mile to provide for visitors' use of the resource, while protecting the fragile resources of the barrier island.*
- The automated OSV entrance gate for the Maryland OSV zone is designed to maintain an accurate count of motor vehicles on the OSV zone, and to prohibit over-capacity (maximum: 145 vehicles). Only one vehicle is authorized entry per each full cycle (raising and lowering) of the gate. The gate must be allowed to lower after the entry of each vehicle. *Multiple vehicles accessing the OSV zone without allowing the gate to lower leads to vehicle count inaccuracies, which contributes to an excessive number of vehicles on the OSV.*
- Beach parties of more than 25 persons are prohibited in the Maryland Developed Area except where allowed by permit in the designated beach party area north of the Maryland lifeguarded beach area. Permitted groups are limited to a maximum of 100 people per site. *These restrictions are in place for reasons of visitor safety, to avoid conflict between visitors, and to protect natural resources.*
- Tents and shade structures are authorized on the beach only between sunrise and sunset. *Shade structures are sometimes necessary for infants or visitors needing to limit sun exposure.*
- Camping is prohibited except in designated areas. Tent camping or sleeping overnight on beaches is prohibited. *Camping impacts natural resources and leaves a "footprint" or damage on those resources wherever it occurs. By limiting camping to designated areas, the NPS can limit potential damage from this use.*
- Bait Launching cannons/devices: These devices are permitted on the OSV zone between KM 22 - KM 27 only. When this section of the beach is closed, this activity is prohibited. *This area is outside of the primary day use areas for beachgoers. It is also not immediately adjacent to any backcountry campgrounds. Because this activity tends to attract on-lookers, this area limitation is necessary to minimize exposure to this device by bystanders and passersby.*

Closures:

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Assateague Island National Seashore is prohibited except as approved in writing by the superintendent.

Definition: The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links.) This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

Determination: The prohibition of unmanned aircraft operation is necessary to maintain public health and safety, and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values.

- All public areas of the park are closed to the possession or use of all balloons, to include those made of latex, Mylar, or plastic. *Balloons are routinely mistaken as a food source by marine mammals and sea turtles. Ingestion of such items presents a serious health risk to these protected species.*

- The buildings, docks, grounds and any other infrastructure of the former Coast Guard Station at Toms Cove are temporarily closed to the public until the damage from Hurricane Sandy is repaired. *The piers and other structures were damaged by Hurricane Sandy and are dangerous to the public. This closure will be in effect until such time as the damage can be repaired and the facilities safely opened to the public.*
- Jumping and or diving from the Verrazano Bridge (MD) and Assateague Bridge (VA) is prohibited*. The closure is based on hazardous conditions and visitor safety. The waters under the bridges have a number of submerged pilings and a sunken barge on the bay bottom that present hazards to anyone jumping or diving from bridges.*
- Fishing or crabbing off the Assateague and Sheepshead Bridges (VA) and Verrazano Bridge (MD) is prohibited. *Public use of these areas would conflict with bridge, vehicle and bicycle traffic. Boat traffic passing under the bridge may become entangled in fishing lines or tackle.*
- The designated Over Sand Vehicle (OSV) routes are closed to the use of tow-behind travel trailer campers *(overnight/camper type). Tow behind trailers destroy the tire tracks in the sand utilized by vehicles and present a significant risk of getting stuck in sand.*
- The operation of all-terrain vehicles (ATVs) is prohibited in all areas of the park, unless otherwise designated by the Superintendent. This prohibition includes all vehicles which are similar in function and purpose to ATVs, but differ in that they have a side-by-side seating arrangement, steering wheel and pedals, seat belts, and rollover protection (utility terrain vehicles (UTVs), recreational off-highway vehicles (ROVs) or multi-purpose off-highway utility vehicles (MOHUVs)).
- The dwellings and surrounding property of buildings south of the Maryland OSV entrance to the Virginia state line including those in the Pope Bay area are closed to public entry. *A 150 foot safety zone around each building is in effect for public safety and security. These buildings are in a dilapidated condition and unsafe for public entry. They are closed to the general public for reasons of safety and to prevent vandalism.*
- All colonial breeding bird colonies, including those located on small bay islands, are closed to public entry. *Bird breeding areas are closed to public entry during the breeding season to prevent the loss of eggs and chicks through disturbance or destruction by persons, remotely operated toys, vehicles, and pets. Visitors, pets, vehicles and remotely-operated toys entering a breeding area cause the parent birds to leave their nests or chicks to avoid contact with the threat, or to lure the threat away from their young. When the adults stop tending to the eggs or young, the offspring are injured or killed by exposure to high temperatures and predators. Additionally, eggs and chicks are camouflaged to avoid detection making them susceptible to being crushed by pedestrians or vehicles. For the small bay islands, it should be noted that all colonial bird breeding species in the coastal bays have declined in number. Most are listed by the Maryland Department of Natural Resources as threatened or endangered species.*
- All active sea turtle nest sites and associated areas are closed to public entry. *Sea turtle nests are closed to public entry to prevent the loss of eggs and hatchlings from disturbance or destruction by persons, vehicles and pets.*
- The headquarters housing area is closed to public access, except for invited guests. *The housing area is closed to ensure the safety and security of park residents and government facilities.*
- The headquarters maintenance area is closed to public access except for official government business. *These areas are closed to ensure the security of government facilities and equipment, public safety, and to avoid interference with official government operations.*
- The eastern half or unimproved portion of the north end jetty is closed to public entry. *This closure was put into effect 1/1/2010 due to concerns for public and rescuer safety. Visitors falling into the water from the jetty cannot be rescued without significant personal risk to rescuers due to the constant violent wave and ocean currents activity here.*

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

Camping: Please refer to §2.10 for detailed camping area designations.

Hunting: The Seashore is closed to all hunting from February through September. Hunting is permitted in designated areas and in accordance with state law as outlined in the annually approved Assateague Island National Seashore Hunting Program Guidelines. The document includes hunting guidelines and harvesting restrictions that are adopted as part of the Superintendent's Compendium. *Hunting is permitted by the enabling legislation of Assateague Island National Seashore, P.L. 89-195.*

Boat Launching Sites: Please refer to §3.8 of this document for detailed vessel operation conditions.

Horseback Riding: The NPS-owned portion of Assateague Island (in Maryland) is closed to horses and other saddle or pack animals from May 15 to October 9 of each calendar year. *This restriction is necessary to prevent the spread of insect-borne equine diseases into the wild horse herds of Assateague.*

Kites & Airborne Flying Devices :

- Use of kites above or within 100 meters of any area designated by signs as a "Closed – Bird Nesting Area", or in lifeguarded beaches, is prohibited. *Kite use disturbs breeding birds because adult birds view kites of all kinds as birds of prey. When kites are within visible range of adult birds with nests or chicks, the adults flee the area to lure the potential threat away from the eggs or chicks. Eggs and young chicks may be killed by exposure when they are not being protected from high temperatures, blowing sand and predators. Kite flying presents undue hazards to other visitors in crowded lifeguarded beach areas.*
- The launching or use of fire balloons is prohibited. *These devices use an open flame to achieve buoyancy, thus creating a fire hazard.*

Kite Surfing is authorized at the following locations and during the following times:

1) From October 1 through March 15
    (a) OCEANSIDE: All waters open
    (b) BAYSIDE: All waters open
2) From March 16 through September 30
    (c) BAYSIDE: Open from Verrazano Bridge to 1 mile south of Bayside Peninsula (Bayside Rd Picnic Area). The southern limit of this use area is located approximately 150 yards north of Lumber Marsh Island.
    (d) OCEANSIDE: Open from the south boundary of Assateague State Park south to the area in the OSV zone known as the "Bullpen" (@KM 21.5) **except** for the National Park lifeguard protected beach areas (Memorial Day to Labor Day) and the OSV zone when closed.

Area and time restrictions are to minimize visitor and operational conflicts and to protect shorebirds that are nesting.

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

Passenger Carrying Buses: Engines must be shut down when not underway. *The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park.*

CCTV Policy Statement

In accordance with National Park Service Law Enforcement Reference Manual 9 (RM-9), notice is hereby given that Assateague Island National Seashore uses Closed Circuit Television (CCTV) security camera monitoring.

The park's use of Closed Circuit Television (CCTV) for law enforcement and security purposes will only be to visually monitor public park areas and public activities where no constitutionally protected reasonable expectation of privacy exists. Such CCTV use – which will have adequate privacy and First Amendment safeguards – will be to help ensure public safety and security; facilitate the detection, investigation, prevention, and deterrence of terrorist attack and crime; help ensure the safety of citizens and officers; help assist in the proper allocation and deployment of law enforcement and public safety resources; and help facilitate the protection of the innocent and the apprehension and prosecution of criminals. (RM-9, 26.1)

This policy does not restrict the official use of CCTV in government administrative areas, including administrative buildings, jail holding facilities (RM-9, 26.3.7), revenue collection sites, etc., where the government may record/monitor its facilities. For example, the government may perform unrestricted video/audio recording at revenue collection points (entrance stations, visitor center counters, etc.). This policy does not restrict the use of an Audio/Visual Recording Device (AVRD) in patrol vehicles or officer-worn recording devices used by commissioned rangers.
(RM-9, 26.1).

Operation of CCTV cameras, maintenance of recorded images and use of recorded images will be in accordance with NPS and Department policy and applicable laws and regulations. (RM-9, 26.1-26.4) No person will be targeted or monitored merely because of race, religion, gender, sex, disability, national origin, or political affiliation or views. (RM-9, 26.4.2)

Nothing in this policy statement is intended to create any rights, privileges, or benefits not otherwise recognized by law.

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(f) The following is a compilation of some of the activities for which a permit from the superintendent is required. Contact the Maryland Ranger Station (410-641-3030) for permit applications:

- §2.5(a) Specimen collection (Taking of plant, fish, wildlife, rocks or minerals)
- §2.10(a) The following camping activities:
  - A permit is required for front country and backcountry camping at Assateague Island National Seashore.
  - Refer to §2.10(a) under III General Regulations for specific camping regulations.
- §2.12 Audio Disturbances:
  - (a)(2) Operating a chain saw in developed areas
  - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
  - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
  - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
  - (c)(1) Removal of a downed aircraft
- §2.23(b) Over-sand vehicle use

- §2.37 Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
  - (a) Use, possess, store, transport explosives, blasting agents
  - (b) Use or possess fireworks
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
- §2.52(c) Sale or distribution of printer matter that is not solely commercial advertising
- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §2.62 Memorialization:
  - (a) Erection of monuments (Requires approval from the NPS Director)
  - (b) Scattering ashes from cremation
- §4.11(a) Exceeding established vehicle load, weight and size limits.
- §5.1 Advertisements - (Display, posting or distribution).
- §5.2(b) Sale of intoxicants on private lands.
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
  - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
  - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.
- §6.9(a) Operation of a solid waste disposal site
- Part 7 Special Regulations:
  - Sec. 7.65 Assateague Island National Seashore. (a) Hunting. (1) Hunting, <u>except</u> with a shotgun, muzzleloader or bow and arrow, is prohibited. Hunting with a shotgun, muzzleloader, or bow and arrow, is permitted in accordance with State and Federal law, and in accordance with regulations in the ASIS annual hunting plan.
  - §7.65 (b) (2) Over Sand Vehicle use (outside of established roadways) requires the purchase of an OSV permit

Permits are required to manage uses that have potential for impact to natural resources and/or other visitors, and/or may not be in concert with overall NPS policies and mission.

III. <u>GENERAL REGULATIONS</u>

<u>36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES</u>

(a)(1)(iii) The digging, collecting, possession, or removal of munitions debris/unexploded ordnance is prohibited.

(a)(4) Using or possessing wood gathered from within the park area is prohibited, except that dead wood on the ground may be collected for use as fuel for campfires within the park in the following areas:

- Maryland District only
- Driftwood (free of any metal objects such as metal bolts, nails, screws, etc.) in the Maryland district may be collected for personal use equivalent to the amount of one 5 gallon bucket per day or one arm-full. Driftwood collection is prohibited in the Virginia district by USFWS.

Driftwood with metal fasteners may be from archeological resources (shipwrecks) and must be reported to park staff to protect park resources.

(a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statute is prohibited.

(b) Hiking or pedestrian traffic in developed areas is restricted to trails or walkways where provided and as listed in Section 1.5 of this document. *Pedestrian traffic off trails and walkways destroys natural resources, accelerates erosion, and disturbs wildlife.*

(a)(7) Possessing or using a neodymium magnetic device for the purpose of retrieving ferromagnetic objects (magnet fishing) without a permit from the Superintendent is prohibited.

Under §2.1(a) collecting natural materials from the park is generally prohibited. However, pursuant to §2.1(c), the following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or possession and consumption restrictions:

- Blueberries – not to exceed 1 quart for each individual per visit.
- Blackberries – not to exceed 1 quart for each individual per visit.
- Grapes – not to exceed 1 quart per each individual per visit.
- Seashells Free of Animal Habitation – not to exceed 1 gallon for each individual per visit. (Shells may not be taken from archaeological sites)
- Pine Cones – not to exceed 50 pine cones that must be harvested off of the ground, per individual per visit.
- Pine needles (straw) may also be taken off of the ground, and should not exceed one 5 gallon bucket per individual, per visit.
- Horse Manure – Manure must be taken only from paved areas within the park (roads, bike paths, and parking lots) (no limits).
- Mussels – may be taken in accordance with tool and collection method restrictions. Visitors wishing to harvest mussels must acquire and review closely the latest mussel harvesting informational handout available at visitor centers and Ranger Stations.
- Game fish, clams, crabs may be harvested in accordance with applicable state regulations.

It has been determined that the minor collection of any of these items will not result in an adverse effect to park wildlife, the reproduction of any plant species, or other park resources.

<u>36 CFR §2.2 - WILDLIFE PROTECTION</u>

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

- Deer Check-In: All Hunters should reference the annual Assateague Island National Seashore Hunting Program Guidelines released each August for up-to-date information pertaining to hunting. Hunters are required to sign in, sign out, and self-report their harvest at the hunter information station. Deer will be weighed and rangers will confirm that Maryland Big Game Harvest Record is completed in ink and that the “Managed Hunt Deer” box is checked. Deer taken on Assateague Island will not count toward state bag limits. In addition all hunters are required to register their deer with Maryland Department of Natural Resources using the Tele-check System by midnight on the day the deer is harvested. The Tele-check system can be accessed using one of the following methods: 1) Via phone by

calling the Big Game Registration Phone Line at 1-888-800-0121, or 2) Via the internet at www.gamecheck.dnr.state.md.us. Hunters will be asked to provide a deer hunt code. The hunt code for Assateague Island National Seashore is 585.

- Waterfowl Check-In: All successful waterfowl hunters are required to check their harvest at the hunter information station. *This data is utilized by the NPS to help manage and ensure the success of the overall waterfowl hunting program.*

(e) All areas are closed to the viewing of wildlife with the use of artificial lighting, including any active sea turtle nest site. *Artificial lights are known to disturb wildlife and are widely used in illegal hunting activities. Sea turtle hatchings instinctively crawl towards the direction of the brightest light. Artificial lighting causes them to become disoriented and wander inland, where they often die of predation or dehydration.*

36 CFR §2.3 – FISHING

(a) In accordance with federal statutory law, fishing is authorized in the following areas, under the conditions noted:

Anglers fishing in all salt waters in Maryland and Virginia must possess a valid Maryland or Virginia saltwater fishing license. *Public Law 89-195 Sec.5: The Secretary shall permit hunting and fishing on land and waters under his control within the seashore in accordance with the appropriate State laws, to the extent applicable, except that the Secretary may designate zones where, and establish periods when no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management or public use and enjoyment: Provided. That nothing in this Act shall limit or interfere with the authority of the States to permit or to regulate shell fishing in any waters included in the national seashore.*

(d)(8) Fishing from motor bridges or within the limits of locations designated as swimming beaches is prohibited.

(e) Fishing in salt waters with net, spear or weapon shall be in accordance with State law.

36 CFR §2.5 – RESEARCH SPECIMENS

(a) Taking plants, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR or pursuant to the terms and conditions of a specimen collection permit.

36 CFR §2.10 – CAMPING and FOOD STORAGE

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

- A permit is required for all camping activities at Assateague Island National Seashore.
- The designated bayside campsites in the backcountry of the island are closed to landing of motorized watercraft.

- Camping or overnight use is permitted at the following designated locations:
  Bayside Campground
  Green Run (bay side) campsite
  Group Campsites
  Little Levels campsite (ocean side)
  Oceanside Campground
  Pine Tree (bay side) campsite
  Pope Bay (bay side) campsite

Self-contained OSV Parking Area (Bull Pen)
State Line campsite (ocean side)
Tingles Island (bay side) campsite
Horse Camp (oceanside)

- Camping time limitations are as follows:
  No person shall be allowed to camp in any campsite or moor or anchor their vessels within the boundaries of the seashore for more than a total of 28 cumulative days during the period from Memorial Day through Labor Day. The cumulative limit for the remainder of the year is 28 days. *Camping duration limits are intended to prevent domination of a campsite or the area by a relative few and to more equitably allocate use of the area. The intent of this regulation is to augment 36 CFR 2.61, "Residing on Federal Lands"; the establishing of resource-impacting and/or long-term campsites by people who seek to make the park their primary residence, or seek to reside in the park while working elsewhere.*
    - A 14-day continuous stay or reservation limit is in effect for campers and boaters within the seashore. This limit applies to individuals as well as to all of their camping equipment.
    - In backcountry campsites the limit is 7 consecutive days per visit and 28 cumulative days in a calendar year.
    - Reservations exceeding the stay limits will be cancelled by the reservation company without notice.
- Group campsites are limited to tents only (with one utility trailer located in parking lot). The minimum number of individuals for a group site is 7 and the maximum number is 25.
- Backcountry campers must have at least one adult aged 18 or older in their group.

Front Country Camping Regulations
The following apply to camping at Bayside and Oceanside Campgrounds:

- Camping is allowed in designated campsites only and equipment must be within 30 feet of the metal grill located at each campsite.
- Camping is limited per site to six persons or an immediate family and no more than 3 tents.
- Large, organized groups or non-family groups with more than 12 people must camp in a Group campsite, and are prohibited from staying in either the Bayside or Oceanside campgrounds.
- Two vehicles maximum per drive-in site and one vehicle maximum per walk-in site.
- All vehicles and associated trailers must be parked at the campsite within the confines of the paved area. All vehicles and equipment must be parked in such a way as to not block the flow of traffic.
- At walk-in campsites camping is restricted per site to tent camping only with no more than 3 tents, a maximum of six persons (or an immediate family).
- No vehicles are allowed within the boundaries of walk-in campgrounds.
- All vehicles assigned to campsites must display a campground parking pass.
- To retain a campsite the site registration must be completed and the site occupied. Sites not properly occupied or attended are subject to resale.
- Campground check-out is 11:00 am.
- Tying or hanging any lines from trees, shrubs, sign posts, etc., is prohibited.
- The use of power generators is prohibited in the Walk-in campsites, as well as those campsites in designated "Generator Free Zones".
- Quiet hours, in all park campground areas, are from 10PM through 6AM.
- Campers must have at least one adult aged 18 or older in their group.

§ 2.10(d) Food Storage – Food, food scraps, garbage, and equipment used to cook or store food must be maintained in such a manner as to prevent and deter the ability of wildlife to obtain it in all public use areas. Additionally, food and all food preparation items must be secured inside hard sided storage (i.e. vehicle, locked cooler, other latched storage), zippered fabric or vinyl bags, or provided NPS food storage lockers. Unprotected/unsecured food is subject to confiscation.

Food and food scents attract animals. Animals which gain access to human food sources tend to return to those sources and may cause property damage or injury. Reducing habituated and nuisance wildlife also reduces the potential for wildlife bites and kicks, and provides for the safety and well-being of park visitors and wildlife.

Backcountry Camping Regulations - The following apply to camping at Pine Tree, Green Run, Tingles Island, Pope Bay, Little Levels, and State Line backcountry sites.

- Backcountry permits are required for overnight use of backcountry sites.
- At bayside sites all camping must be within 50 feet of the various fire rings. At Oceanside sites all camping must be within posted boundaries (no camping on the dunes or beach) and not on top of any vegetation.
- Transportation of campers or their equipment to or from backcountry campsites by motor vehicles is prohibited.
- Vehicles are prohibited from parking in, or adjacent to the Bullpen between the hours of 9PM and 6AM, except permitted self-contained vehicles as defined in 36 CFR 7.65 (b)(ii).
- Tents, except for shade during daylight hours, are prohibited in the Bullpen except under Special Park Use Permit.
- Food, refuse, and equipment used to cook or store food must be used in such a manner as to prevent and deter the ability of wildlife to interact with it in all areas of the park, including campgrounds, camping areas, and picnic areas. Where available, metal food storage boxes must be utilized for all food as well as food storage and preparation items.

Camping is an intensive use of park resources. The NPS promotes "Leave No Trace" camping. All of the camping regulations are in effect to protect (1) the natural features of the park from damage that can result when camping activities go unchecked and (2) to reduce visitor use conflicts while providing for the quality of the visitors' camping experience. Limitations on camping days and on persons per site seek to achieve this protection while still providing an equitable allocation of camping opportunities. All restrictions seek to avoid exposing visitors to potential public safety hazards or conflicts with wildlife and other user groups.

36 CFR §2.12 – AUDIO DISTURBANCES

(a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51.

36 CFR 2.13 – FIRES

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

Designated Areas:

- Fires are prohibited in the Virginia portion of the Seashore except at the designated open fire sites pursuant to a permit or in containers as noted below.
- Fires are prohibited in the Maryland portion of the Seashore except: On the ocean beach below the normal mean high tide line, in the OSV zones self-contained overnight parking

area (Bull Pen), in the Maryland Beach designated special events site and within campground receptacles.
- Fires and/or use of any cooking equipment is prohibited at all times (24 hrs.) in the Lifeguarded beach areas and extending 100 yards north and 100 yards south of these areas.

Severe injuries have occurred in the lifeguarded beach areas due to remaining coals and debris from previous fires, often buried in the sand.

Receptacles Allowed:

- Fires may be built in grills, fireplaces or other receptacles/containers, including portable grills in Bayside Campground and Oceanside Campground and on the Virginia developed area beaches at designated sites. Containers must have sides and a bottom.
- Fires may be built in the designated fire ring in the following backcountry campsites: Green Run, Pine Tree, Pope Bay, and Tingles Island.
- At Oceanside campsites Little Levels and State Line fires are only permitted on the beach below the high tide line.
- Fires must be built in grills in the following: Bayside Picnic Area, Oceanside Picnic Area and Maryland Visitor Center picnic area.
- Over Sand Vehicles that are self-contained in the Overnight Parking Area (Bull Pen) must provide and utilize their own grills.

Use of NPS provided or personal grills are required to reduce fire debris in heavily used areas. They also help eliminate the severe safety hazard created by fires left burning or buried that are not in receptacles.

Established Conditions for Fires:

- Fires shall be continuously monitored by at least one person at least 16 years or older.
- Firewood shall be free of any metal such as metal bolts, fasteners, screws, nails, or any other metal objects. Any debris of this type must be removed from the fire area and disposed of properly. *Metal trash left behind from fires leaves a long-lasting trash impact to the seashore. Wood with metal may also be associated with shipwrecks, which are protected.*
- Partially burned firewood must be completely extinguished. Fire builders should attempt to use only the amount of firewood that can be completely consumed prior to their departure. *Partially burned firewood creates litter and destroys the scenic character of the beach.*

(b) Fires must be extinguished according to the following conditions: Fires shall be extinguished upon termination of use only by extinguishing with a non-flammable liquid. Smothering fires with dry sand is prohibited. *Fires buried under sand can smolder for days, and have caused severe injuries when stepped upon by humans and animals.*

36 CFR §2.14 – SANITATION and REFUSE

(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is prohibited.
(a)(7) Disposing of fish remains on land or in waters within 200 feet of designated swimming beaches or within developed areas is prohibited.

(a)(9) In non-developed areas, the disposal of human body waste within 10 feet of a water source, high water mark of a body of water, or a campsite, or within sight of a trail is prohibited.

36 CFR §2.15 – PETS

***(*a)(1) Possessing pets in public buildings, swimming beaches, and the following structures and/or areas is prohibited:**

- Pets are prohibited on land in the Toms Cove (Virginia) District of the park.
- Pets are prohibited on lands within the Maryland portion of the Seashore north of Assateague State Park.
- Pets are prohibited in all backpack and canoe-in backcountry campsites, and on all trails.
- Pets are prohibited in the protected (guarded) beach area from Memorial Day weekend through September 30.
- The bathing of pets utilizing park showers and/or potable water hydrants is prohibited.

(a)(3) Leaving a pet unattended and tied to an object is prohibited.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions: Pet feces are to be cleaned up by the owner and disposed of in trash receptacles.

(b) The use of dogs in support of duck hunting must be in accordance with Federal and State laws and the following conditions: Dog training or working other than during authorized waterfowl hunting season is prohibited.

In order to improve public health and safety, to protect natural resources, and avoid conflict among user groups, pets must be on a maximum 6' leash and pet waste must be removed immediately.

36 CFR §2.16 – HORSES and PACK ANIMALS

(b) The use of horses or pack animals is allowed on the following trails, routes or areas: No riding is permitted in the developed areas, with the exception of the North Ocean Beach Parking Area dune crossing (at the picnic pavilion), then south along the beach to the designated OSV zone. In the OSV zone, riding is limited to the areas authorized for Over Sand Vehicle travel. During full or partial temporary closures of the OSV, horseback riding is prohibited beyond the closure point for vehicles. In the developed areas, horseback riding is not permitted on designated roadways.

(g) Other conditions concerning the use of horses or pack animals:

- Horses may not be directly tied to any living or standing vegetation.
- The total number of horses for overnight stays in the horse campground may not exceed 12, with a total cumulative day use limit of 50 horses.
- Horse campsite maximum limits: 6 people, 6 horses, 3 camping units.
- Remove excess straw, hay, or other unwanted materials before departure.

Restrictions on tying, numbers, and locations for horse use are necessary to avoid conflict among visitor use activities, resource concerns and to ensure public health.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

The use of roller skates/blades, skateboards, roller skis, coasting vehicles, or similar devices are allowed only in the following areas:

- The use of skates, skateboards, or similar devices on the NPS-owned portion of Assateague Island is prohibited, except on the bicycle path and housing headquarters areas in the Maryland portion of the Seashore.
- The use of motorized skates, skateboards, scooters and other similar motorized devices is strictly prohibited. Electrically powered devices such as wheelchairs, scooters,

Segways and other similar devices may be used by mobility-impaired persons to access Seashore trails where surfaces allow for their safe use. Visitors using electrically powered devices to access Seashore trails are cautioned to watch for loose sand, washouts and other natural hazards that are constantly changing on a natural barrier island.

Roller skates, skateboards, and other such devices may create hazards when used on the same roadways designated for vehicles or sidewalks traveled by pedestrians. For that reason, specific areas have been designated for their use where they will conflict minimally with other user groups.

36 CFR §2.21 – SMOKING

(a) In accordance with Executive Order #13058, the smoking of tobacco products and the use of ENDS (Electronic Nicotine Delivery Systems) is prohibited within all interior spaces owned, rented, or leased by the federal government, including visitors and visitor contact stations, and in any outdoor areas within 25 feet of air intake ducts (including doors, windows, etc.). In addition, the following portions of the park are closed to smoking as noted:

- Smoking and ENDS use is prohibited in all government vehicles.
- Smoking and ENDS use is prohibited while attending interpretive programs.
- Smoking and ENDS use is prohibited at fuel and flammable storage areas.
- Smoking and ENDS use is prohibited within all lifeguarded beaches and on boardwalks leading to lifeguarded beaches.

Certain areas are restricted to protect public health and structures from fire danger or smoke. This prohibition reduces the risk of fire or prevents conflicts among visitor use activities and is consistent with federal law. Additionally, if ingested, discarded cigarette butts can be hazardous to aquatic creatures and wildlife.

36 CFR §2.23 – RECREATION FEES

(b) Recreation fees, and/or a permit, in accordance with 36 CFR part 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:

Entrance Fee Areas:

Maryland:

- Foot/Bicycle: Free
- Vehicle: Valid for 7 Days: $25.00
  Vehicle: Park Annual Pass, valid 12 months from date of purchase: $45.00
- Motorcycle: Valid for 7 days: $20.00
- Individual: $15.00 - 7 Days (per person 16 years of age or older when entering by means other than a private, non-commercial vehicle, such as taxis and limousines providing transportation only; buses carrying passengers not on a pre-packaged tour such as school groups visiting for recreational purposes; and buses or vans registered to non-profit organizations such as churches or schools. A family traveling together shall pay no more than the vehicle fee.)
- Available in Maryland and Virginia:
  - *America the Beautiful-National Parks and Federal Recreational* ***Lands Pass***, valid 1 year from purchase.
  - *America the Beautiful-National Parks and Federal Recreational Lands* ***Senior Pass***, 62 years and older: annual: $20, lifetime: $80.

- *America the Beautiful-National Parks and Federal Recreational Lands* ***Access Pass***, permanent disability, lifetime. Free (in-park issue). There is a one-time fee for on-line purchase of this permit.

- **Veterans and Gold Star Families:** Free - *America the Beautiful- National Parks and Federal Recreational Lands US Military Pass,* a veteran is identified as an individual who has served in the U.S. Armed Forces, including the National Guard and Reserves, and is able to present one of the following forms of identification; CAC Card, VHIC, Veteran Health Card, Veterans Designation on a state-issued driver's license or identification card. Gold Star Families are next of kin of a member of the United States Armed Forces who lost his or her life in a "qualifying situation." Pass is valid 1 year from date obtained.
- **Annual 4th grade Pass:** Free - *America the Beautiful - Every Kid Outdoors Annual Pass,* valid for the duration of the 4th grade school year though the following summer (September 1 - August 31). Available for: U.S. 4th graders (including home-schooled and free-choice learners 10 years of age) with a valid Every Kid Outdoors paper pass.
- Current USFWS Migratory Waterfowl Stamp with $15.00. Note: The Maryland district of Assateague accepts all CNWR passes, including the CNWR Beach Parking Permit with a valid duck stamp.
- **Virginia**: NOTE: For Virginia entrance fees please see Chincoteague National Wildlife Refuge fee schedule.

Entrance Passes purchased at Chincoteague NWR may be used to enter Assateague Island National Seashore, and passes purchased from Assateague Island National Seashore may be used to enter Chincoteague NWR.

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- Alcoholic beverages are prohibited in visitor centers and decks, ranger stations, nature trails, paved parking areas, boardwalks, vehicles and while attending interpretive programs. *The use of alcohol is inconsistent with the purpose for which these areas and programs were created.*
- Alcoholic beverages are prohibited within the Virginia District of Assateague Island National Seashore, which is administered by Chincoteague National Wildlife Refuge.

36 CFR §2.37 – NONCOMMERCIAL SOLICITING

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions or a permit that has been issued under §2.50, §2.51, or §2.52.

36 CFR §2.38 – EXPLOSIVES

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

(b) The use of fireworks and firecrackers is prohibited.

36 CFR §2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association

between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefore has been issued by the superintendent.

36 CFR §2.51 -- DEMONSTRATIONS

(b) Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity.

(c)(2) The following locations are designated as available for demonstrations. See attached maps for specific locations:

- Park Headquarters: parking lot area
- Barrier Island Visitor Center: pedestrian area
- North Beach: beach front north of the lifeguarded area, and off the north beach parking lot west of the longer of two solar arrays.
- Bayside: southeast corner of Bayside parking lot, bay front south of canoe/kayak rental stand and north of walkway
- OSV entrance: in front of air compressor building
- Toms Cove, Virginia: eastern-most section of visitor center parking lot, west of beach parking traffic circle

36 CFR §2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER

(b) The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under *§2.51(c)(2)* (see above) when the superintendent has issued a permit. *Sale or distribution activity by 25 persons or fewer may be conducted without a permit in designated park areas, provided that the requirements in §2.52(b) are met. The 25 person maximum for the small group permit exception may be reduced for a designated available area, pursuant to §2.52(b)(3).*

36 CFR §2.60 – LIVESTOCK USE AND AGRICULTURE

(a) Livestock are generally prohibited in any park area. They are only permitted in park areas pursuant to the exceptions provided for in §2.60(a) and only pursuant to the terms and conditions of a license, permit, or lease.

36 CFR §2.61 – RESIDING ON FEDERAL LANDS

(a) Residing in park areas, other than on privately owned lands, is prohibited except pursuant to the terms and conditions of a permit lease or contract.

36 CFR §2.62 – MEMORIALIZATION

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

(b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit. *The scattering of remains can be disturbing to the general public and need to be controlled by the seashore so as to allow this in areas most appropriate considering visitation, legal policies, and protection of the permittee's privacy.*

36 CFR §3.8(a)(2) – BOATING OPERATIONS

The following areas/sites are designated for the launching or recovery of car top and trailered vessels:

- Ferry Landing is open to trailered motorized boat launching/beaching only during the park's hunting season and by registered hunters only. B*oat launching/beaching sites are designated for public safety, to reduce visitor use conflicts, and to protect park resources*. *See 36 CFR Part 7 Sec. 7.65 for PWC regulations.*
- Non-powered, trailered and "car top" style boats and self-propelled watercraft may be launched from:
  - All Bayside access points
  - Beach front, south of Assateague State Park boundary to Virginia State line (excluding lifeguarded beach areas). *For the safety of swimming visitors, all floatation devices and watercraft are prohibited from lifeguarded beaches.*
- Motorized vessels may be temporarily beached at all bayside access points, except that:
  - Beaching of vessels is prohibited within 100 yards of nesting shorebirds;
  - Beaching of vessels is prohibited within 100 yards of bayside backcountry campsites and their associated vessel launching areas
  - Beaching of vessels is prohibited within any designated closure;
  - Beaching of vessels is prohibited at Old Ferry Landing except as noted above.

<u>36 CFR §3.17 – SWIMMING AND BATHING</u>

(a) The Superintendent may designate areas for swimming areas or swimming beaches:

The following posted areas are designated as swimming areas:

- Maryland lifeguarded area (Memorial Day weekend through September)
- Virginia lifeguarded area (Memorial Day weekend through September)

(c) Pets, kites, fires, glass and glass containers, fishing, boats, surfboards, or other flotation devices (other than properly worn U.S. Coast Guard approved) are prohibited in the Lifeguard-protected zone from Memorial Day through September 30. The protected zones for the purpose of this restriction extend 500 feet out from the shoreline and 300 feet north and south of the protected beach. The north and south boundaries are designated by a set of yellow flags with a black circle.

Due to heavy visitation and the daily presence of small children in lifeguarded areas, the above items are prohibited for reasons of public safety.

<u>36 CFR §3.18 – SCUBA AND SNORKELING</u>

(a) Snorkeling and underwater diving is allowed in park waters, subject to the closures or restrictions designated in §1.5 of this document.

<u>36 CFR §3.19 – USE OF SUBMERSIBLES</u>

The use of manned or unmanned submersibles may only occur in accordance with a permit issued by the superintendent.

<u>36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES</u>

(a) NPS has opened these Park roads for travel by licensed motor vehicles:

- Bayberry Drive
- Maryland Route 611
- Bayside Dr.
- Old Ferry Landing Rd.
- Oceanside Dr.
- Campground Paved Areas
- Designated Parking Areas

(b) Routes and areas for off-road vehicle use are provided for in section 7.65 and in section 1.5(a)(2).

(c)(1) Operating a motor vehicle not equipped with pneumatic tires is prohibited.

Travel by motor vehicles is limited to the paved portions of roadways to protect the park's natural and cultural resources.

36 CFR §4.11 – VEHICLE LOAD, WEIGHT AND SIZE LIMITS

(a) Load, weight and size limits for off-road vehicle use are provided for in section 7.65.

36 CFR §4.30 – BICYCLES

The following additional routes, in developed areas or special use zones, have been designated for bicycle use:

- Bicycle use in the Maryland portion of the seashore is permitted on paved public roadways and alongside same roadways on paved designated bicycle paths/routes.
- Bicycles are not permitted on boardwalks.

The use of bicycles, motorcycles and mopeds is limited to paved public roadways only. These restrictions are in place to minimize resource damage and conflict with other user groups.

The term "e-bike" means a two- or three-wheeled cycle with fully operational pedals an an electric motor of less than 750 watts (1 h.p.).

E-bikes are allowed at Assateague Island National Seashore where traditional bicycles are allowed. E-bikes are prohibited where traditional bikes are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).

Except as specified in this Compendium, the use of an e-bike with Assateague Island National Seashore is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

36 CFR §4.31 – HITCHHIKING

Hitchhiking or soliciting transportation is prohibited.

36 CFR §5.1 – ADVERTISEMENTS

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent.

36 CFR §5.3 – BUSINESS OPERATIONS

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY

(a) Before any motion picture may be filmed or any television production or sound track may be made by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent.

(b)Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

36 CFR §5.6 – COMMERCIAL VEHICLES

(b) & (c) Using commercial vehicles on government roads within park areas when such use is in no way connected with the operation of the park is generally prohibited, and requires permission or a permit from the Superintendent.

36 CFR §5.7 – CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES

Such activities are prohibited, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.

36 CFR §7.65 – SPECIAL REGULATIONS

(b)(4)(vi): Operation of Over Sand Vehicles:

- The OSV Zone may be partially or fully closed to vehicles on a temporary basis due to emergency conditions or for wildlife management purposes. *Closure determinations are necessary for the maintenance of public safety and to protect natural resources.*

(b)(2)(iv): Over Sand Permits:

- OSV permits are non-refundable and non-replaceable.
- Vehicle sale or transfer voids an OSV permit displayed on that vehicle. *The over sand permit is a special use permit issued under the authority of 36 CFR 1.6 and 4.10. The validity of each permit is limited to the specific permittee AND to the vehicle for which it was registered.*

Assateague Island National Seashore
Maryland and Virginia

National Park Service
U.S. Department of the Interior

1st Amendment Area Park Headquarters

0 30 Meters
0 100 Feet

N

Produced by Assateague Island National Seashore, Resource Management, GIS

April 2018

Assateague Island National Seashore
Maryland and Virginia

National Park Service
U.S. Department of the Interior

1st Amendment Area Barrier Island Visitor Center

0 30 Meters
0 100 Feet

N

Produced by Assateague Island National Seashore, Resource Management, GIS

April 2018

Assateague Island National Seashore
Maryland and Virginia

National Park Service
U.S. Department of the Interior

1st Amendment Area North Beach

0 30 Meters
0 100 Feet

N

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April 2018

Assateague Island National Seashore
Maryland and Virginia

National Park Service
U.S. Department of the Interior

1st Amendment Bayside Drive Day Use Area

0 30 Meters
0 100 Feet

N

Produced by Assateague Island National Seashore, Resource Management, GIS

April 2018

Assateague Island National Seashore
Maryland and Virginia

National Park Service
U.S. Department of the Interior

1st Amendment MD OSV Entrance

0 30 Meters
0 100 Feet

N

Produced by Assateague Island National Seashore, Resource Management, GIS

April 2018

Assateague Island National Seashore
Maryland and Virginia

National Park Service
U.S. Department of the Interior

1st Amendment VA Toms Cove Visitor Center

0 30 Meters
0 100 Feet

N

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