

CODE OF FEDERAL REGULATIONS

TITLE 36, CHAPTER 1

December 2, 2019

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

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

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

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

Approved by:

/s/ Hard copy on file
Jeff West, Superintendent

December 2, 2019
Date

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PART I – GENERAL PROVISIONS

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36 CFR §1.4 – DEFINITIONS

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

1. “All-Terrain Vehicle” (ATV) means a motorized off-highway vehicle designed to travel on three or four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control [source-NC State.]
2. “Beach” means the shore between the Atlantic Ocean and the primary dunes. Or, in the absence of dunes, it is the shore between the natural vegetation line and the ocean. If both primary dunes and vegetation are absent or further than 200 feet from the mean high tide line, it is the shore within 200 feet of the ocean.
3. “Curb Weight” means the unloaded weight of a vehicle.
4. “Designated Fish Cleaning Station” means a facility marked by the National Park Service or a concessionaire as a place where fish may be cleaned.
5. “Designated Route” means a vehicle route marked by the National Park Service with the standard symbolic sign indicating a “trail where off-road recreation vehicles permitted” in Section 1.10 of 36 Code of Federal Regulations.
6. “Designated Parking Area” means an area marked by the National Park Service for temporary short term parking or storing vehicles unattended over 24 hours.
7. “Designated Vehicle Landing” means a place marked by the National Park Service for the public to load or unload ATV/UTVs from boats.
8. “Houseboat” means any boat or vessel with a superstructure resembling a house and designed or equipped to be used for camping, as a residence, or as place of business.
9. “Primary Dune” means that line of vegetated sand dunes parallel and closest to the tide line on the Atlantic Ocean.
10. “Seashore” means Cape Lookout National Seashore.
11. “Structure” means any permanent fixture such as buildings, docks, bulletin boards, shade shelters, toilets, waterfowl hunting and observation blinds, etc.
12. “Cabin Camp Area” means the area around the Long Point and Great Island Cabin Camp Rental cabins, beginning at the first ramp to the north of a camp and ending at the first ramp to the south of a camp, excluding the beach face.
13. “Personal Watercraft” refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

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14. “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 operator 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, or drones) that are used for any purpose, including for recreation or commerce.
15. “Harkers Island Administrative Area” means all the property on Harkers Island administered by the National Park Service.
16. “E-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.) that provides propulsion assistance.

36 CFR §1.5 – CLOSURES AND PUBLIC USE LIMITS

1.5(a)(1) Schedule of visiting hours and use limits

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

❖ *Closures and Public Use Limits Justification*

Due to the remote location of Portsmouth Village, the historically low visitation after dark, and the difficulty for emergency personnel to respond to this location. Doing so at night or in harsh weather conditions needlessly endangers the lives of those responding and greatly increases the response time.

1.5(a)(2) Use or activity restrictions

Vehicle Use

1. Off-road vehicle (ORV) use is prohibited per 36 CFR 4.10 except on park roads, in parking areas, and on routes and areas designated for ORV use. Routes for off-road motor vehicle use must be designated per 36 CFR 2.10. Until an ORV Management Plan is completed, routes will be designated under 36 CFR 1.5. This is to limit and prevent impacts to threatened and endangered species that are protected by law. Designated routes/areas within the seashore that are open to motor vehicle ORV and OHV use are enumerated below:
 - a. The ocean side beach of North Core Banks and South Core Banks from the primary dune line to the waterline, unless otherwise posted.
 - b. Designated routes within cabin camp areas including vehicle ferry ramps.
 - c. Designated crossover routes or ramps between the ocean beach and interior Back Road.
 - d. The designated interior or Back Road route on North Core Banks (NCB) which lies generally parallel to the beach along the approximate center of the island from approximately 0.8 mile north of Old Drum Inlet to approximately mile marker 4. Several designated routes connect the beach with the Back Road, Core, and Pamlico Sounds, and the Portsmouth Village designated parking area. Additional designated routes connect North Core Banks ferry services with the Back Road.

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- e. The designated interior or Back Road route on Middle Core Banks when connected to NCB by dry land at all tide levels, and which lies generally parallel to the beach along the approximate center of the island from approximately 0.8 mile south of Old Drum Inlet to approximately mile marker 22. Several designated routes connect the beach with the Back Road, Core, and Pamlico Sounds.
- f. The designated interior or Back Road route on South Core Banks (SCB) which lies approximately parallel to the center of the island from Cape Lookout Point to a location approximately 2 miles south of Ophelia Inlet. Several designated routes connect the interior route with the beach. Additional designated routes connect all docks and Cape Lookout Bight with the Back Road.
- g. The designated long-term vehicle parking area on North Core Banks is located on the northern outskirts of Long Point Cabin Area.
- h. Designated long-term vehicle parking areas on South Core Banks located at the northern and central Great Island Cabins Area and in the area just north of the lighthouse.
- i. A temporary village bypass will be opened and authorized when the Cape Point is closed to vehicle traffic.
- j. Designated sound vehicle access routes (from sound to ocean beach or sound to Back Road), as designated below (Note: individual access points are subject to wildlife closures as needed):
 - NCB- MM 0.0: north end of NCB at Ocracoke Inlet, near the ocean demarcation line,
 - NCB-MM 9: road to the sound side(does not go all the way to the sound)
 - NCB- MM 12: former Wilbers/Nelson Camp also called “the Web”,
 - NCB- MM 18: 0.5 miles north of Old Drum Inlet called the “Honey Hole”,
 - SCB- MM 26.5: Gun Club
 - SCB- MM 31.5: 0.5 miles south of Great Island Camp
 - SCB- MM 42: Cape Lookout Bight
 - SCB- MM 45: Concrete road to old Coast Guard Dock.
- k. Designated emergency parking/camping areas or egress routes.

❖ **ORV Routes Justification**

Off-road vehicle operation is limited to specific areas, designated routes, designated parking areas and designated vehicle landings to protect seashore resources to a degree that ensures they will remain unspoiled for the enjoyment of future generations. This vehicle route system provides convenient vehicular access throughout the Seashore with minimum impact on resources. The sections of beach closed to vehicles are areas where visitors arriving without vehicles have historically concentrated. Many of these visitors prefer experiencing a seashore environment in its most natural condition possible; removing vehicular intrusions from the environment enriches this type of visitor's experience. Many of these visitors lay on the beach and are occasionally difficult to see; prohibiting vehicular traffic reduces the possibility of vehicles striking beach users. Effects of these closures on vehicle users are minimal because access around closures to major destination points is maintained and less than three miles of 45 miles of beach is permanently closed.

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2. Non-commercial delivery of ATV/UTVs for individual use is permitted at designated and marked sound-side access points (*Refer to section 1.j above*). ATV/UTVs may be safely off-loaded under most circumstances. NPS Authorized/Permitted Commercial Use Authorization (CUA) holders have permits for all commercial motor vehicle delivery (including ATV/UTVs) to the National Seashore.

❖ ***Personal ATV Use Justification***

Off-road vehicle operation is limited to specific areas, designated routes, designated parking areas and designated vehicle landings to protect seashore resources to a degree that ensures they will remain unspoiled for the enjoyment of future generations. The ATV use mirrors that of all approved off-road vehicle operations.

3. E-bikes are allowed in Cape Lookout National Seashore where traditional bicycles are allowed. E-bikes are not allowed where traditional bicycles are prohibited, including wilderness and proposed wilderness areas. Except on park roads and other locations where the use of motor vehicles by the public is allowed, operators may only use the power provided by the electric motor to assist pedal propulsion of an e-bike. Any 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 Cape Lookout 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.

❖ ***E-bike Use Justification***

The intent of this policy is to allow e-bikes to be used for transportation and recreation in a manner similar to traditional bicycles.

4. The following areas are **closed** to all public vehicular traffic, except as specifically authorized by the NPS:
 - a. Portsmouth Village Historic District on North Core Banks.
 - b. Cape Lookout Light Station area on South Core Banks.
 - c. Property of retained rights (leases and lifetime estates), provided: 1) the property is designated as closed on the seashore off-road vehicle brochure, and/or 2) it is posted “Authorized Vehicles Only” by the National Park Service, unless invited by the legal tenant of the lease or estate.
 - d. Employee housing, Administrative and Maintenance areas on Harkers Island.
 - e. The beach on the ocean side of the seashore is closed year-round to vehicles between the following points:
 - f. Ramp 41A to Ramp 41B (Lighthouse Pedestrian Only Beach).
 - g. Mile 46.1 (Rock Jetty Area) and the entirety of Power Squadron Spit.
 - h. Sound side beaches on North and South Core Banks.
 - i. All proposed or designated Wilderness Areas, such as Shackelford Banks.
 - j. Any beach or route posted as closed by the National Park Service.
 - k. Roads within the seashore that are posted as “Authorized Vehicles Only.”

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❖ *Closures Justification*

Areas may be closed for safety, protection of rare/ endangered species, and management / restoration of roadways. Portsmouth Village is closed to vehicular entry because vehicular traffic can severely damage Village roads and walkways when wet by creating deep ruts and tearing up vegetation leaving mud and scars behind. They also detract from the visitor experience by intruding on the cultural and historic landscapes. Cape Lookout Light Station is closed to vehicular entry because vehicular traffic detracts from the visitor experience by intruding on the cultural and historic landscapes. This is also a high visitation area with many visitors carrying large items which can impact their ability to see traffic or to control the movements of young children. Vehicle closures are implemented to protect visitors in high density beach areas, to protect park resources, to protect the visitor experience in historical areas, to protect privacy of park residential areas, and to control use in other administrative areas. Holders of life estates, use and occupancy leases, or historic property leases are closed to public vehicles for the security and privacy of tenants. Except for limited designated access points, soundside beaches are not readily accessible to vehicles from the designated interior routes. Soundside beaches are usually narrow (especially at high tide), have associated marsh environments, and impact on sound beaches is expected to be significantly greater and longer lasting. Shackleford Banks is a proposed wilderness area; off-road vehicle use is inconsistent with such designation. Certain roads are designated for management “Authorized Use Only”. Closure of these roads is for security of park management facilities.

5. The following are prohibited:
 - a. Loading or unloading vehicles(s) from or onto a vehicle loading dock in cabin camp areas, except for NPS authorized operations.
 - b. Operating an ATV without a DOT approved helmet.
 - c. Operating a motorcycle, tracked motor vehicle, Segway, motorized scooters, or any motor vehicle with less than three wheels anywhere on the seashore (except on the roadways at the Harkers Island Administrative site, NPS vehicles for official use, or other use as authorized by NPS).
 - d. Failing to fill to the original level any hole caused by excavating a vehicle from the sand.
 - e. Camping from a vehicle (i.e. in a tent) or in a recreational vehicle while the vehicle is parked on or adjacent to the Back Road, except in marked designated sites.
 - f. Leaving a vehicle parked on or adjacent to the Back Road unattended or while the owner/operator is out of sight of the vehicle. (*Refer to Section 2.22(a)(2) for conditions relating to parking vehicles unattended over 24 hours.*)
 - g. The delivery of vehicles to the banks, except by authorized ferry operators. (Limited exception for ATV/UTVs. Refer to section 2 above.)
 - h. Parking in a designated Long Term Parking lot without a valid permit or verifiable advance authorization.
 - i. Segways and motorized scooters as defined under 36 C.F.R. § 1.4, are motor vehicles. Pursuant to 36 C.F.R. § 1.5(a), 4.10(a) the Park has imposed an interim restriction on the use of motorized scooters, including Segways, from all areas within the park, with the exception of any park visitor requiring mobility assistance.

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❖ **ORV Use Justification**

Off-road vehicle operation is limited to specific areas, designated routes, designated parking areas, and designated vehicle landings to protect seashore resources to a degree that ensures they will remain unspoiled for the enjoyment of future generations. The Back Road has limited width and parking along the Back Road creates a hazard to passing vehicles by restricting the area to pass safely. These ORV rules are in place while awaiting legislation for a Special Regulation specific to Cape Lookout National Seashore.

6. The operation of vehicles on any part of the Seashore (except on the roadways at the Harkers Island Administrative site) from January first through March 15th of each year is prohibited. This does not prohibit administrative use of vehicles by National Park Service employees, or other entities specifically authorized by the NPS.

❖ **Use or Activity Restriction Justifications**

Areas closed to vehicular use:

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

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

The sections of beach closed to vehicles are areas where historically the majority of visitors arriving without vehicles concentrate. Many of these visitors prefer experiencing a seashore environment in its most natural condition possible; removing vehicular intrusions from the environment enriches this type of visitor's experience. Many of these visitors lay on the beach and are occasionally difficult to see; prohibiting vehicular traffic reduces the possibility of vehicles striking beach users. Effects of these closures on vehicle users are minimal because access around closures to major destination points is maintained and less than three miles of 45 miles of beach is permanently closed.

Areas may be closed for safety, protection of rare/endangered species, and management / restoration of roadways.

The following are prohibited:

All cabin camp ferry ramps/docks are designed specifically for authorized commercial vessels and NPS operations, and they are maintained for these operations. They are therefore unsuitable for loading/unloading vehicles from private vessels. Vehicle loading/unloading activities inherently cause high wear to dock facilities and are unsafe for the general public (who may not be trained and equipped to conduct such activities).

NPS Management Policies 2006 states: "The Service will strive to identify and prevent injuries from recognizable threats to the safety and health of persons and to the protection of property by applying nationally accepted codes, standards, engineering principles, and guidance". According to the ATV Safety Institute, a helmet is the "single most important piece of protective gear" a rider can wear.

This regulation further reinforces the above driver's license requirement by giving motor vehicle owners incentive not to allow an unlicensed person to operate a motor vehicle.

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The requirement also emphasizes that the use of vehicles within the seashore is for transportation and access and is in no way focused on recreational ORV use for its own sake.

Motorcycles and tracked motor vehicles are prohibited because, historically, they tend to rut the beach and ORV routes more than other types of vehicles and they are inherently more unstable operating in a sand environment. The use of Segways and motorized scooters will not be permitted on Shackleford Banks. Wheelchairs as defined in the ADA for use in a wilderness area: “means a device designed solely for use by a mobility impaired person for locomotion, that is suitable for use in an indoor pedestrian area.”

Shackleford Banks is closed to all vehicular traffic because public off-road vehicle use there is incompatible with its designation as proposed wilderness.

Filling the hole caused by excavating a vehicle reduces environmental impacts and safety issues caused by leaving such holes in the beach or routes.

There is little or no room for setting up camping sites along the Back Road. Vehicles camped along the Back Road and ramps impede traffic flow or by necessity create adverse impacts by widening routes.

The delivery of larger vehicles to the banks is more technical, requires specialized equipment and ramps. Absent such supporting equipment is a safety hazard. Equipment needed for such delivery is generally expected to be commercial in nature. Commercial Use Authorization permit holders have permission for commercial delivery of larger vehicles.

Parking in the designated Long Term Parking Lots is a permitted activity that requires either a permit or advance authorization in order to avoid use by unauthorized vehicles and maintain a reasonably controlled area and the ability to easily contact vehicles parked in those areas in case of emergency or environmental concerns.

An interim rule pending the completion of the ongoing ORV Management Plan. Historically closing the beach to vehicular traffic during a time when the vehicle ferries traditionally have not run and when there have been prior compendium closures, allows for wintering populations of various species to have greater use of the wintering areas with less disturbance.

Boat, Personal Watercraft, Boat Basin, and Dock Use

1. Private motor boats may moor at seashore public docks, for a maximum of 15 minutes, while actively loading and unloading, except for specific closures posted at docks, or as otherwise noted below:
 - a. The waters within the areas marked off by the lines of buoys to the north and south adjacent to the lighthouse dock and the dock are closed to mooring/anchoring; vessels may use the dock only while actively loading and unloading passengers and gear. Kayaks, canoes, and similar watercraft should beach their crafts outside of the buoys.
 - b. The waters within the areas marked off by the lines of buoys to the east and west adjacent to the Shackleford dock and the dock itself are closed to mooring/anchoring; motorized vessels may use the dock only while actively loading and unloading passengers and gear. Kayaks, canoes, and similar watercraft should beach their crafts outside of the buoys.
 - c. The waters within the area marked off by the Island Express Ferry signs posted on the west end of Shackleford Banks.

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2. Operators of private motor boats may use the Great Island boat basin, and may use the small dock at the basin for a maximum of 15 minutes, while actively loading and unloading, provided that:
 - a. Within the boat basin, private boat operators immediately give way to any arriving/departing permitted ferry.
 - b. Private boat operators immediately yield the main dock at Great Island Cabin Area to any ferry operating under a permit issued by the National Park Service.
3. Operators of private boats may use the Long Point boat basin. Private boaters may use the dock in the boat basin for a maximum of 15 minutes, while actively loading and unloading. A limited number of boats may be beached on the shore near the ferry loading ramp (mostly behind the breakwater), provided that:
 - a. Boats beached on the shore do not interfere with permitted ferry operations and that private boat operators immediately move boats on request of permitted ferry operators.
4. The former U. S. Coast Guard Dock at Cape Lookout is closed to all public mooring and vehicle use, except as otherwise authorized. The dock is closed to all public entry.
5. Fishing is prohibited from the Lighthouse dock daily from 9:00 AM until 6:00 PM from April 15th until September 30th.
6. The use of non-motorized vessels (canoes, kayaks, etc.) within the Harkers Island Boat Basin is prohibited. The launching/landing area for these craft is behind the rock sill at the Harkers Island Picnic Area parking lot.

❖ ***Boat, Personal Watercraft, Boat Basin and Dock Use Justifications***

Dock time for privately operated boats will vary depending on the public demand for access to a particular dock. All private boaters should have a fair opportunity to use the limited dock facilities available for loading/unloading passengers and supplies. The restriction on time is needed to ensure that boaters do not interfere with others attempting to use the dock. The lighthouse dock and waters around it are very congested. The waters around the Shackelford dock are shallow and boats anchoring close to the dock interfere with the mooring operations of park vessels.

The 15 minute limit on private boats in the Great Island Boat Basins prevents the restricting of room necessary to safely maneuver and dock the large CUA ferries. Because the CUA ferry vessels are generally larger and less maneuverable, private boat operators should give way.

The 15 minute limit on private boats in the Long Point Boat Basins prevents the restricting of room necessary to safely maneuver and dock the large CUA ferries. Because the CUA ferry vessels are generally larger and less maneuverable, private boat operators should give way.

The former U. S. Cape Lookout Coast Guard Station dock is closed due to safety issues.

The use of PWCs is regulated by published rules and regulations. See 36 CFR 7.49.

There is little room to maneuver inside these areas and the entry ways are small and restrictive, not allowing access for anything of any size. These areas may still be used to launch kayaks, canoes, and other small non-motorized vessels.

Fishing is prohibited during the times indicated because the dock is heavily congested by visitors utilizing ferries and by private boaters discharging passengers. Fishing activity and equipment could potentially cause conflicts and be unsafe.

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Small vessels such as canoes and kayaks do not give the person paddling them adequate vision from inside the basin walls and rock groin to be able to see other vessels about to enter the basin, therefore; there is no time to move their vessels safely out of the way. Likewise; very small non-motorized vessels in the boat basin are not readily visible by larger, heavier, and less maneuverable vessels coming into the basin, causing a safety hazard both to the motorboat operator and the non-motorized vessel operator.

A Safe Haven Policy will be implemented for vessels seeking safe haven during gale or higher warning conditions, as long as there are safe mooring areas available at the Harkers Island Boat Basin docks, the Lighthouse Dock, the Les and Sally's Dock, the Great Island Boat Basin Dock, the Long Point Boat Basin Dock, and the Portsmouth Village docks. This policy remains in effect until the gale conditions subside.

Hunting

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

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

❖ ***Hunting Justification***

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

36 CFR 2.2(e) WILDLIFE PROTECTION

1. All areas within the park are closed to wildlife viewing with any type of artificial light.

❖ ***Wildlife Protection Justification***

Prohibiting the use of artificial lights minimizes the potential for the illegal taking of wildlife and disorienting nesting turtles during periods of night.

36 CFR 2.3(e) FISHING

1. Except as otherwise designated, fishing with a net, spear, or weapon in the salt waters of park areas shall be in accordance with State law.
 - a. There are no sites within the park area designated for the use of bait launchers or any device used to propel bait or fishing gear with compressed air, gas, or explosives.

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- b. The possession of a bait launcher with the intent to use is prohibited.

❖ ***Fishing Justification***

Although this prohibition was originally in place under State law, recent findings have shown that this restriction was removed by the state of North Carolina. The launcher is an implement designed to discharge frozen cylindrical shaped chunks of ice imbedded with bait. These implements meet the NPS definition of a weapon under Title 36 CFR 1.4. The NPS is concerned with the potential hazards these items may have on public safety, either to swimmers unknown to the user, others who might be in the trajectory of the missile, or the missile falling over during launch and creating a trajectory over land in the location of public users.

Cleaning Fish

1. Removing the scales or entrails of fish may be done only on the beach and at designated fish cleaning stations. Such fish parts shall be disposed of only in the ocean or sound side waters, not on the land.

❖ ***Cleaning Fish Justification***

This regulation protects public health from disease and insects arising from fish scraps. In the past, throwing scraps attracted birds and predators which became nuisance animals to other visitors who were not feeding wildlife.

Swimming

1. Swimming within 150 feet of the dock or within the areas marked off by the lines of buoys to the north and south adjacent to the Cape Lookout Lighthouse dock is prohibited.
2. Swimming within 150 feet of the dock or within the areas marked off by the lines of buoys to the east and west adjacent to the Shackleford dock is prohibited.
3. Jumping or diving from any dock or piling within Cape Lookout National Seashore is prohibited.

❖ ***Swimming Justification***

Swimming within 150 feet of the Cape Lookout Lighthouse dock is prohibited because of the amount of boat traffic from NPS, ferries and private boats that deliver passengers and gear to the dock. This traffic causes congestion and creates a hazard for swimmers, many of whom are small children attracted to the area by the dock and ladders.

❖ ***Jumping or Diving Justification***

Jumping or diving from dock/pilings is dangerous, and may lead to serious injury due to varying depths of water.

General Access and Public Use Limits

1. Locations marked by the National Park Service as bird nesting areas are closed to all recreational use, including the entry of any unauthorized vehicle, person, or pet.
2. Sections of beach marked by the National Park Service as turtle nesting areas are closed to all unauthorized vehicular entry, camping, or beach fires.

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3. Blocking the beach or any designated route by any means (such as with a vehicle, camping gear, fishing equipment, etc.) in such a manner that prevents safe, legal flow of vehicular traffic, at all tides, is prohibited. In particular, at least 20 feet of beach between the primary dune line and ocean must be left open to vehicular traffic.
4. Use, possession or abandonment of equines is prohibited throughout the seashore.
5. On an interim basis until a national rule is promulgated, launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Cape Lookout National Seashore is prohibited except as approved in writing by the Superintendent.

❖ **General Access and Public Use Limits Justifications**

Unregulated entry of vehicles, persons and pets into bird nesting areas frequently causes egg and nestling mortality when birds are frightened from nests and the intruder could physically damage eggs and hatchlings. In instances of endangered or threatened species, protection is required by the Endangered Species Act or the Migratory Bird Treaty Act.

Tire ruts left by vehicles present a hazard to turtle hatchlings, these hatchlings may become trapped in the ruts and be unable to make it to the ocean. The longer it takes for the hatchlings to make it into the water, the higher the risk of predation.

This prohibition against blocking the beach or designated routes provides for fair and convenient vehicular access for all visitors.

Equine use or abandonment on Shackleford Banks is in conflict with the management of the existing Equine Infectious Anemia free herd and the Shackleford Banks Wild Horse Protection Act (P.L.105-202 & 229). Use in other areas of the park is prohibited due to the difficulty of getting horses to the island, the relative lack of fresh water for drinking, and the likely chance of introduction of exotic species from hay (feed) and/or manure.

Designation of buildings that are open to public use; those that are not open to public use are designated as closed.

Designation of appropriate visiting hours for buildings that are designated as open to the public. Outside of designated visiting hours buildings are closed, except as otherwise specifically authorized.

Entering a closed building is prohibited for the security of the building and contents.

Closing Portsmouth Village to unauthorized entry during nighttime hours helps maintain public health and safety, helps protect the environmental and scenic values, and helps maintain the protection of natural or cultural resources. Vehicles, Camping, and fires are prohibited in the village, there are no lights in the village, and no buildings are open after 5:00 pm, so the general public has no pressing need to be in the village after dark. Those who maintain leases in the Village and their guests are authorized individuals under the law. All park employees, and cooperators, (paid or otherwise) that have a reason to be in the village after dark are authorized. The hours were set to allow late evening and early morning bird watching within the Village.

The closure is required by NPS policy on an interim basis until the new use can be properly evaluated. This interim closure will be in place until a national rule is promulgated. Cape Lookout National Seashore believes the use of unmanned aircraft is generally not a compatible use within the Seashore for the following reasons:

PART I – GENERAL PROVISIONS

- a. *Unmanned aircraft use would negatively affect nesting shorebirds including Threatened and Endangered Species. Birds are known to react to unknown and unfamiliar aerial objects as if they were aerial predators.*
- b. *The general environment, (sand, wind, etc.) do not lend themselves as an environment where complete control of an unmanned aircraft can be constantly maintained, especially by a novice pilot, creating a danger to other visitors and resources.*
- c. *Shackleford Banks is a proposed wilderness area and therefore the use of such devices within that area is contrary to policy.*
- d. *The noise created by these devices within the historic districts would greatly detract from the natural soundscapes which add significantly to the visitor experience.*

At the current time, for the reasons listed above, less than a full ban on use, unless specifically authorized in writing by the superintendent would not allow for monitoring and proper scientific evaluation, and could have unacceptable impacts and cause impairment to resources.

36 CFR §1.6(f) – PERMITS

Activities requiring permits in compliance with Section 1.6 of 36 Code of Federal Regulations:

1. Vehicle Parking (if the vehicle(s) are left unattended for over 24 hours.)
2. Erecting of temporary duck blinds
3. Off Road Vehicle (ORV) Educational Certificate
4. Group Camping (25 or more persons in the same group)

❖ *Permits Justification*

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

PART II – RESOURCE PROTECTION, PUBLIC USE, AND RECREATION

PART II – RESOURCE PROTECTION, PUBLIC USE, AND RECREATION

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

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

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

❖ *Use of Dead and Down Wood Justification*

The collection of dead wood on the ground within 200 feet of shore for immediate use as campfire fuel does not pose any particular threat to the ecosystem; consequently, the impact of allowing this traditional practice to continue will not adversely impact the seashore environment. Federal law protects wood having cultural or archeological value.

2.1(c)(1) – Collecting Natural Products

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

❖ *Collecting Natural Products Justification*

Collection of limited quantities of seashells and seashell fragments not inhabited by living creatures should not adversely affect the environment, park wildlife, or the reproductive potential of the species. These natural items are not endangered or rare. The limit that is placed is mainly to protect hermit crabs, which need seashells for shelter. Commercial collecting of seashells is prohibited to ensure that seashells are available to recreational visitors for collecting.

36 CFR §2.10(a) – CAMPING AND FOOD STORAGE

Camping is allowed throughout the seashore, except for the following locations:

1. Within 100 feet of a well, shade shelter, bulletin board, dock or other structure; except that greater restrictions apply when such structures are located in areas noted below:
2. Within 100 yards of any cabin or house.
3. In cabin areas, except that a cabin camp permittee may obtain a permit to authorize accompanying minors (but not organized groups) to camp in a tent adjacent to their rental cabin.
4. Off Road Vehicles (ORVs) and/or trailers camping on the ocean side beaches directly in front of Great Island and Long Point Cabin Camps is prohibited, except as authorized by permit.
5. Portsmouth Village Historic District.
6. Cape Lookout Light Station Complex.
7. Cape Lookout Village.
8. Areas of reserved private rights (leases and life estates).

PART II – RESOURCE PROTECTION, PUBLIC USE, AND RECREATION

9. Cape Lookout National Seashore property on Harkers Island.
10. Designated long-term parking areas, except as authorized by the Superintendent during emergencies.
11. Directly on top of dunes so as to disturb dune vegetation.
12. On the soundside beach in front of the Keepers Quarters. (Between the Buried Cable Sign and in front of the north parking adjacent to the beach taxi shade shelter.)
13. No person, party or organization shall be permitted to camp for more than 14 consecutive days within the seashore. This includes houseboats, self-propelled or otherwise.

❖ **Camping and Food Storage Restrictions Justifications**

Campsites must be farther than 100 feet from wells and shade shelters to provide fair access for all visitors to these facilities. In particular, the prohibition on camping within 100 feet of shade shelters is to prevent campers from monopolizing facilities developed for day users since day users generally have more need for these limited facilities.

Within 100 yards of cabins, houses or docks, camping may cause conflicts among various visitor uses.

Camping in cabin camp areas is incompatible with cabin use. Camping in cabin camp areas can cause further resource damage to vegetation and dunes and user conflicts. Historically, large groups have taken over the beach area in front of the Bathhouse and restricted visitor access to this facility.

Camping in historic districts such as Portsmouth Village, Cape Lookout Light Station and the Cape Village (including the Cape Lookout Coast Guard Station) is intrusive on the historic scenes preserved for visitor enjoyment and authorized commercial tour groups (i.e. MegaTruck tours and walking tours through Portsmouth Village).

Lessees and estate holders have contractual rights for protection from general public camping on their premises.

Camping on Harkers Island Administrative Site is incompatible with the other visitor uses on the site.

Trailer/ORV camping is restricted to the beach and designated areas, because pulling such vehicles off on the side of a designated route (i.e. Back Road) which are generally too narrow and two track routes often leads to inadequate areas to pass and/or turn around and may cause unacceptable levels of damage to vegetation and dunes.

Camping in the Long Term Parking lots is prohibited due to the following; limited room for camping between parked vehicles and the danger of fires spreading quickly among the closely parked vehicles. Staying in a vehicle in the lots during extremely high tides (when no beach is available) may be authorized by the Superintendent, and will be evaluated on a case-by-case basis.

Camping directly on the top of dunes and on vegetation causes the vegetation to die and the erosion of the dunes due to the wind blowing the sand away.

Camping on the soundside beach in front of the Keeper's Quarters from the dock to the buried cable sign highly distracts from the historical and cultural landscapes of the lighthouse complex where the majority of day users concentrate.

PART II – RESOURCE PROTECTION, PUBLIC USE, AND RECREATION

The 14 consecutive day limit on camping is imposed to allow all visitors fair and reasonable access to camping areas and protect favorite camping locations from resource damage caused by overuse.

36 CFR §2.13(a)(1) – FIRES

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

❖ *Fire Restriction Justification*

The prohibitions within this section serve the purpose of protecting the park's natural, historic, and archaeological resources from the detrimental effects of campfires. Open ground fires are limited to the area below the mean high tide line to prevent fire from spreading to vegetation and possibly creating wildfires and so that tidal action may obscure fire sites to reduce related aesthetic impacts. Large fires can greatly increase the risk of escape, creating wildfires. Burning treated lumber emits poisonous gases which harm the environment and can cause illness. Burning wood with nails and other foreign objects, generally causes those un-burnt objects to be left on the beach creating hazards to vehicles and feet.

Receptacles that enclose fuel on the bottom and sides offer adequate protection for surrounding vegetation (if used properly) and prevent damage to soils (and aesthetics) caused by open ground fires. However, the possibility of these devices causing wildfire in Portsmouth Village and Cape Lookout Village, to cultural resources of national significance, or structural fires on cabin or other porches, boardwalks precludes their use there.

36 CFR §2.15 – PETS

In those areas where hunting is allowed, dogs may be used in support of these activities in accordance with applicable Federal and State laws and in accordance with conditions which may be established by the Superintendent.

- a. Dogs used for hunting are required to be leashed going to and from the hunting areas.

❖ *Pets Justifications*

This restriction serves to ensure that dogs are under physical control while accessing hunting areas and to minimize disturbance to other hunters and recreational park users. This restriction complies with existing restrictions under 36 CFR 2.15(a)(2).

36 CFR §2.16(b) – HORSES AND PACK ANIMALS

No horse routes have been designated within Cape Lookout National Seashore. Therefore use of horses is prohibited throughout all areas of the seashore.

PART II – RESOURCE PROTECTION, PUBLIC USE, AND RECREATION

❖ *Horses and Pack Animals Justifications*

There is little or no demand for horse use on the islands, possibly due to the logistics and cost of bringing vehicles with horse trailers onto the islands by ferryboats. Equine use in the park is prohibited due to the difficulty of getting horses to the island, the relative lack of fresh water for drinking, and the likely chance of introduction of exotic species from hay (feed) and/or manure.

The Shackleford Banks Wild Horses Protection Act (1998) protects the free roaming herd and mandates co-management with the Foundation for Shackleford Horses, Inc. or other qualified non-profit entity. These horses have tested negative to Equine Infectious Anemia in 1999, 2000 and 2001. To avoid the exposure to this and other diseases, domestic stock is prohibited on any of the islands of the seashore.

36 CFR §2.21(a) – SMOKING

The Superintendent may designate a portion of a park area, or all or a portion of a building, structure or facility as closed to smoking when necessary to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities. Smoking in an area or location so designated is prohibited.

- a. Smoking to include Electronic Nicotine Delivery Systems (ENDS) such as vapor cigarettes, e-cigarettes, etc. is prohibited in all government buildings

❖ *Smoking Justification*

The restrictions on smoking are required and in accordance with 41 CFR §101-20, 105-3. NPS policy memorandum 15-03 identifies that the use of ENDS will be treated as tobacco smoking. The memorandum was made to afford all NPS employees and park visitors the same protections from exposure to nicotine and other harmful substances that may be found in ENDS vapor that are currently in place for exposure to tobacco smoke.

36 CFR §2.22(a)(2) – PROPERTY

1. The following are prohibited:

- a. Leaving any vehicle unattended for over 24-hours outside a designated Long Term Parking area.
- b. Leaving any vehicle in a designated Long Term Parking area between January first and March 15th.

❖ *Property Restriction Justification*

Long-term parking is limited to designated parking areas to limit the environmental impacts of this activity. The park is closed to long-term parking during late winter and early spring to reduce the possibility of winter northeasters that could overwash and destroy vehicles when ferry services are not available to remove them from the island, to reduce the potential for vehicles to be abandoned on the seashore (a severe problem in the past), to allow owners to have the vehicles inspected yearly as per North Carolina law, and to allow the opportunity to clean parking areas.

Construction of structures on NPS lands is prohibited by 36 CFR 5.7, except as authorized by Special Use Permit.

PART IV – VEHICLES AND TRAFFIC SAFETY

PART IV – VEHICLES AND TRAFFIC SAFETY

36 CFR §4.2(a) – STATE LAW APPLICABLE

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

36 CFR §4.21(b) – DESIGNATED SPEED LIMITS

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

❖ ***Designated Speed Limits Justifications***

The 25-mph speed limits protect visitors and vehicle operators from driving hazards unique to the seashore environment. Such hazards include rough beach terrain and short sight distances on designated routes.

The 15-mph speed limit imposed within 100 feet of visitors reduces the possibility of vehicles striking sunbathers, children, pets, and pedestrians, especially in crowded areas.

The 15 miles per hour speed limit while having passengers in a towed conveyance will increase safety by limiting speed.

36 CFR §4.10(b) – TRAVEL ON PARK ROADS AND DESIGNATED ROUTES

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

36 CFR §4.30(a) – BICYCLES

1. Bicycle use is allowed on North Core Banks and South Core Banks, on designated routes open for off-road motor vehicle use, consistent with all regulations for vehicles.

❖ ***Bicycle Restrictions Justification***

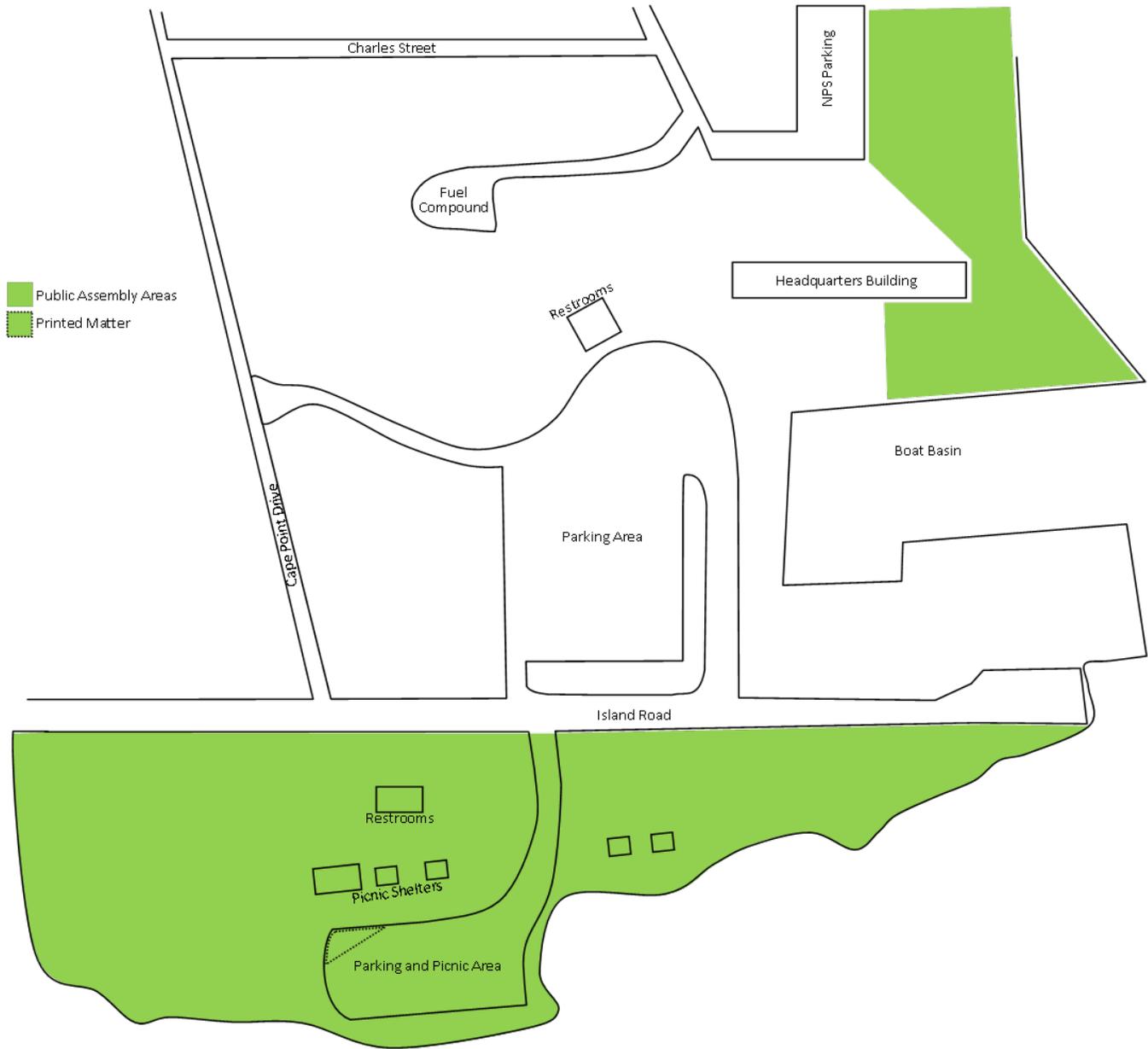
Bicycles may be used on routes and in areas authorized for off-road motor vehicle (ORV) use because bicycles are unlikely to have any greater environmental impact than ORV's.

APPENDICES

APPENDIX A - Harkers Island Administrative Site Events Map

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

HARKERS ISLAND ADMINISTRATIVE SITE

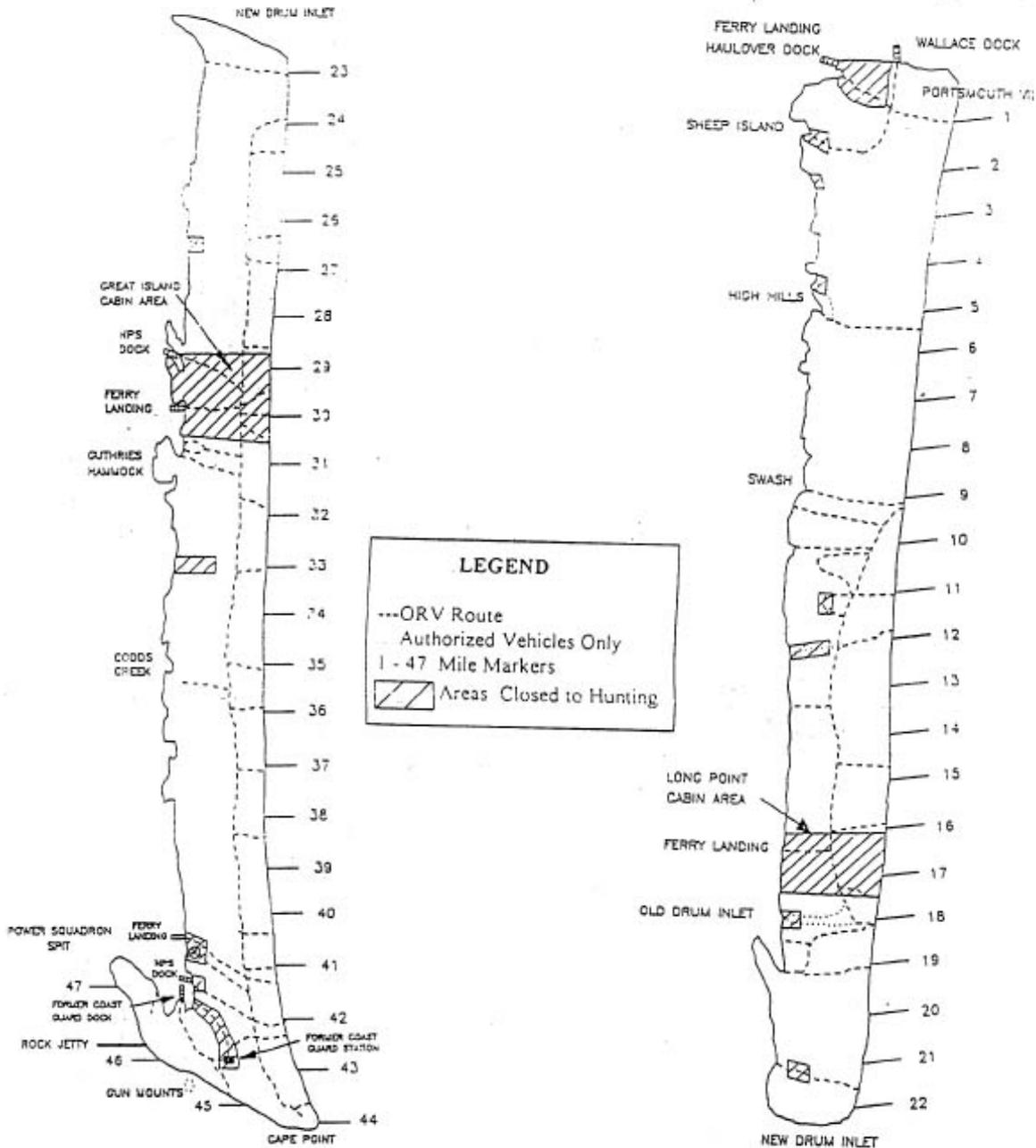


APPENDIX B - Designated hunting closures.

Hunting Closures

South Core Banks

North Core Banks



APPENDIX C - CCTV Policy Statement

CCTV Policy Statement – SOL Rev.

In accordance with National Park Service Law Enforcement Reference Manual 9 (RM-9), notice is hereby given that Cape Lookout 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.