

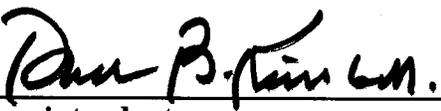


## CODE OF FEDERAL REGULATIONS

### TITLE 36. CHAPTER I

#### Compendium of Designations, Closures, Requests Requirements and Other Restrictions imposed under the discretionary authority of the Superintendent, Everglades and Dry Tortugas National Parks

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter I, Parts 1 through 7, authorized by Title 16, United States Code, Section 3, the following regulatory provisions are established for the proper management, protection, government and public use of the portion of Dry Tortugas National Park under the jurisdiction of the National Park Service. These discretionary regulations are in addition to the other regulations published in Title 36 CFR, Chapter I, Parts 2 through 7. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1.

  
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Superintendent

  
\_\_\_\_\_  
Date

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## DRY TORTUGAS NATIONAL PARK COMPENDIUM

### 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**

#### PUBLIC USE LIMITS:

- All areas of the park are closed to the sale or use of helium-filled latex or mylar balloons unless they are tethered or released indoors.
- Camping is allowed only in the designated campground on Garden Key and designated anchorage area as defined 36 CFR 7.27 (a)(3) (Appendix A).
- Standing or sitting on the edges of the fort parapet is prohibited.
- With the exception of drinking water, possession of food and drink by visitors is prohibited within the interior of Fort Jefferson.
- Glass containers are prohibited on all islands. Park employees, their families, guests and VIP's are permitted to possess glass containers in the designated residential areas on Garden and Loggerhead Keys.
- **Restrictions on Vessels**
  1. Until such a time as mooring buoys are available, vessels can anchor in the Research Natural Area (RNA) on sand bottom only (Appendix B).
  2. Anchored vessels may not be left unattended for more than 4 hours unless the boat operator is within sight of the vessel and capable of responding to it for on board emergencies.
  3. Recreational and commercial vessels mooring, tying off to, or using the Garden Key dock are subject to the following restrictions:
    - a. The dock is reserved for ferries that are operating under park permit from 10:00 a.m. to 3:00 p.m.
    - b. Total allowable dock use for one day is two hours (cumulative) per vessel.
    - c. Vessels can only dock between sunrise and sunset (No overnight docking).
    - d. Vessels may not dock in or block designated government slips.
  4. Recreational and commercial vessels mooring, tying off to, or using the Garden Key Finger Pier Courtesy dock are subject to the following restrictions:
    - a. Allowable courtesy pier use at any one time is 30 minutes.
    - b. Vessels can only dock between sunrise and sunset (No overnight docking).

- c. Vessels may not dock in or block designated government slips.
5. Vessels in Garden Key Harbor may not anchor west of a line extending from SW Channel marker #12 to the westernmost tip of Bush Key.
6. Persons planning night activities outside the one nautical mile designated anchorage area must obtain a boating permit in advanced from the Superintendent or his/her designee.
7. To access Loggerhead Key, individuals are allowed to land or beach their vessels in the areas identified in Appendix C.
8. To prevent conflict and hardship, on a case by case basis, any of the periods described in this section may be further reduced or extended by the Superintendent or his/her designee for circumstances involving:
  - a. Adverse weather conditions.
  - b. Mechanical failure.
  - c. Medical emergencies.
  - d. Other public safety matters.
8. Mooring at the site known locally as the Windjammer Wreck (approx. 24° 37' 25.4" North Latitude, 082° 56' 33.5" West Longitude), is limited to 2 hours.

#### VISITING HOURS:

- The following islands are closed from sunset to sunrise during the time indicated:
  - a. From October 16 to April 14 on East and Middle Keys;
  - b. Loggerhead Key year round.
- The interior of Fort Jefferson is closed between sunset and sunrise.

#### CLOSURES:

- Areas Closed to the Public

*Closed to the public* means that neither members of the visiting public nor property, including animals, under their ownership or control may be physically present in an area during the time period it is listed as closed.

*The Interior of Fort Jefferson* means all areas beyond the wood bridge entering the Fort.

1. The following areas are closed or restricted as indicated below:
  - a. Hospital Key and Long Key are closed year round. All persons and boats must remain at least 100 feet from the mean low tide mark, unless otherwise indicated by demarcation buoys or signage.
  - b. Bush Key is temporarily closed year-round to allow for revegetation and recovery from hurricane damage and for protection of the terns during nesting season.

During such closure, all persons and boats must remain at least 100 feet from the mean low tide mark, unless otherwise indicated by demarcation buoys or signage.

- c. East and Middle Keys are closed from April 1 to October 15 during sea turtle nesting season.
- d. All buildings and structures on Loggerhead Key and the upland part of the island within the RNA are closed to the public.
- e. Entry into residential and service areas is prohibited.
- f. Areas designated closed by barricades or signs.
- g. The area designated as the "Shark Special Protection Zone" is closed from June 1 to October 31 (See Appendix D).

- Closed to Fishing -  
The reserved government boat slips at the Garden Key dock are closed to fishing.
- Closed to All Vessels
  1. The dock at Loggerhead Key.
  2. The designated swim and snorkeling areas at Garden Key (See Appendix E).

## **II. 36 CFR §1.6 - ACTIVITIES THAT REQUIRE A PERMIT**

**(f) The following is a compilation of those activities for which a special use permit or filming permit is required from the Superintendent:**

- §1.5(d) Entering closed areas
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.17 Aircraft landing in designated areas
- §2.50(a) Special Events: sporting, pageants, regattas, public spectator attractions, entertainment, ceremonies, or other similar events
  - Educational activities sponsored by educational institutions and having organized agendas
  - Boating or organized clubs
- §2.51(a) Public Assemblies, meeting, gatherings, demonstrations, parades, and other public expressions of views (See Appendix F and map)
- §2.52 (c) Sale or distribution of printed matter
- §2.62 Memorialization (scattering ashes from human cremation)
- §3.3 Vessels
  - Vessels in support of recreational activities
  - Vessels larger than 50 meters (164 feet)
- §5.3 Business Operations (Commercial Use Authorizations)
- §5.5 Commercial Filming (still, video and movie)
- §5.7 Construction of buildings or other facilities
  - Construction of photographic/observation blinds

### **III. GENERAL REGULATIONS**

#### **36 CFR §2.1 - Preservation of Natural, Cultural and Archeological Resources**

(c)(1) & (2) The following fruits and berries may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collections sites, and/or consumption restrictions:

- On Garden Key only:
  1. Coconuts that have fallen to the ground in public areas may be gathered or removed for personal consumption.
  2. Up to one quart of sea grapes per person may be gathered for immediate personal consumption from trees located in public areas.

#### **36 CFR §2.10 - Camping**

(a) The sites and areas listed below have been designated for camping activities as noted. Conditions for camping and camping activities are in effect as noted:

- Garden Key Campground and the overnight anchorage are the only designated camping areas in the park. Campers in the Garden Key Campground must register and pay for a permit, prior to sunset, on the day of arrival.
- Motorized generators may not be operated on any key.
- No person shall be permitted to camp/anchor at Dry Tortugas National Park for more than 14 consecutive days and a total of 30 days in a calendar year.
- Extensions of the stay limit may be granted by the Superintendent or his/her designee under one of the following circumstances:
  - a. Unsafe weather conditions.
  - b. To facilitate an emergency repair.
  - c. Medical emergencies.
- Parties of 10 or more persons arriving without an advanced group site reservation shall not receive exclusive use of that site.
- Tents must be pitched on provided tent pads, or within 10 feet of the site's designated picnic table if no tent pad is present.
- Maximum number of persons per site is 6; maximum number of tents is 3.
- Checkout time for the Garden Key Campground is 10:00 a.m.
- Once taken, campsites must be occupied. Sites may not be reserved by placing tents/gear or fee stubs for persons who will not be present.

- Persons on Garden Key without adequate food, water, and shelter may not remain overnight. Adequate food, water, and shelter are defined as: one meal and one quart of water for each camping day; a waterproof tent, bivy, fly or tarp.

### **36 CFR §2.13 - Fires**

(a)(1) Ground fires and wood fires are prohibited throughout the park.

(a)(1) Charcoal or pressed log fires are permitted on Garden Key, in portable grills, or grills provided.

### **36 CFR §2.14 – Sanitation**

(a)(2) Visitors are responsible for collection and removal of any refuse they bring into, or create, in the park.

(a)(7) Recreationally possessed fish remains may be disposed of in waters immediately adjacent to the fish cleaning station at the Garden Key Public Dock.

(a)(7) Commercially possessed fish parts may not be discarded anywhere within Dry Tortugas National Park.

### **36 CFR §2.15 - Pets**

(a)(1) Pets on a leash and under physical control are allowed only on Garden Key, but must remain outside Fort Jefferson.

(a)(5) Visitors must remove pet-generated waste from Dry Tortugas National Park.

### **36 CFR §2.21 - Smoking**

(a) All public buildings are closed to smoking in accordance with DRTO Smoking Policy, which is hereby adopted and made part of these orders. (See Appendix G)

### **36 CFR §2.22 - Property**

(a)(2) Personal property may not be left unattended longer than 24 hours in the park without a written permit of the Superintendent or his/her designee.

- Day use items such as picnic tables are for immediate and active use only. Personal property may not be used to reserve any day use equipment for persons who are not present and actively using that equipment.
- Fuel, gasoline and diesel or other flammable fuels or hazardous substances (including empty containers) may not be stored, cached or in any way placed on any park key. Leaving such materials aboard unattended auxiliary vessels is also prohibited.
- One gallon of camp stove fuel is allowed in the Garden Key campground.

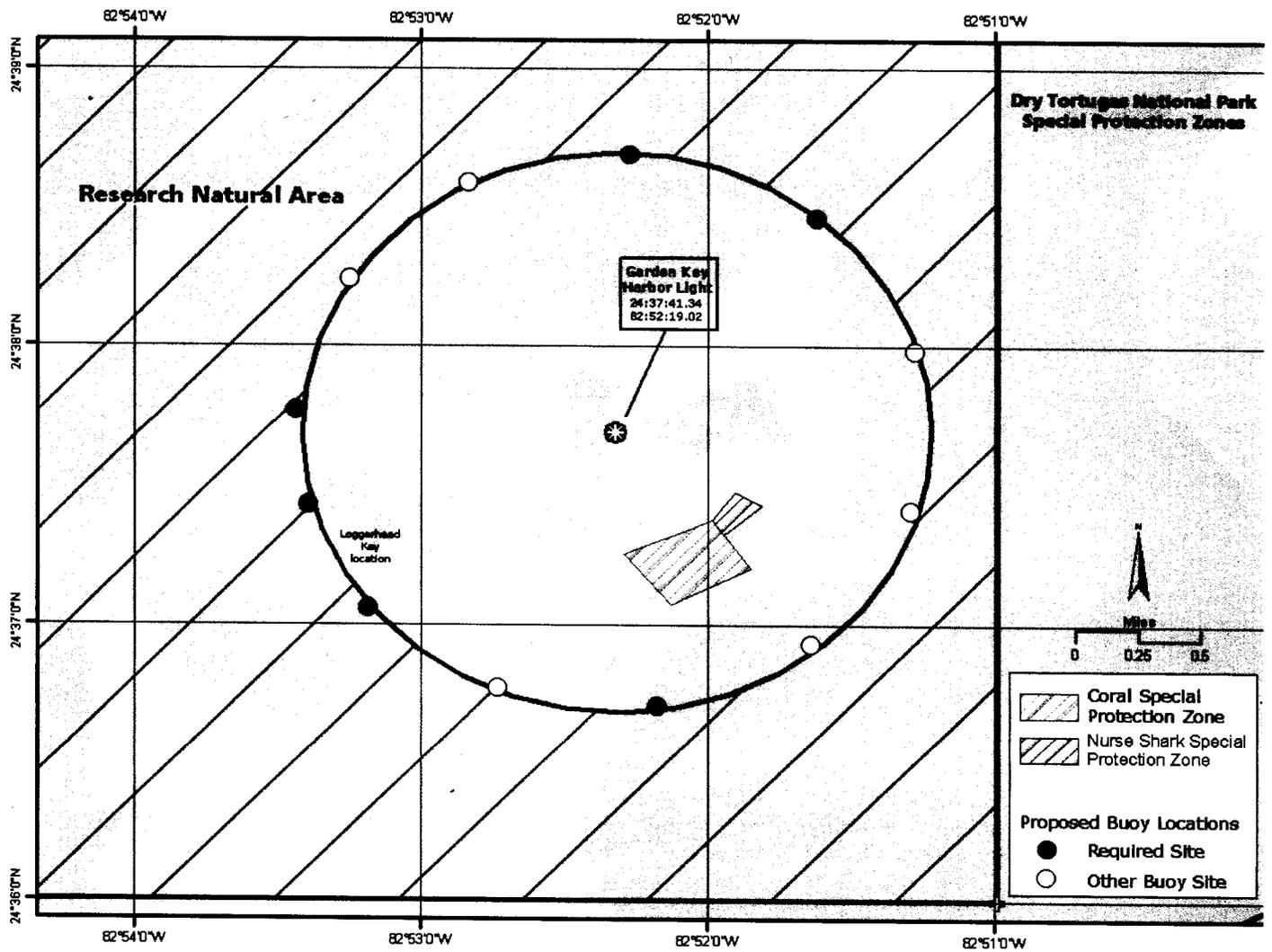
### **36 CFR §3.21 - Swimming**

(a)(1) The following areas are closed to swimming and bathing activities:

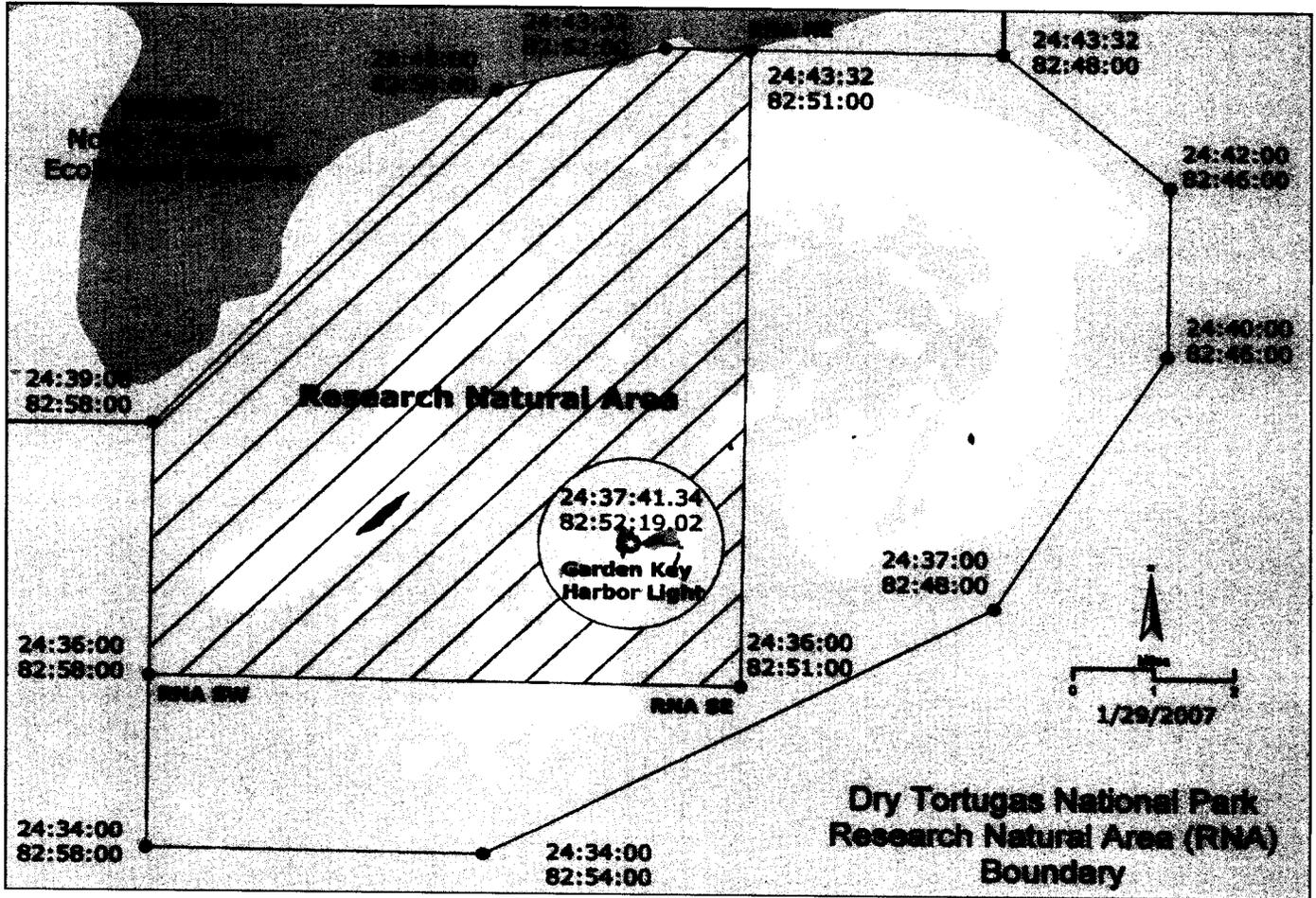
- Swimming and snorkeling in the moat surrounding the Fort is prohibited.

- Swimming, snorkeling or scuba diving immediately adjacent to or underneath any part of the Garden Key Dock is prohibited.
- Entering or exiting the water from the moat wall is prohibited.

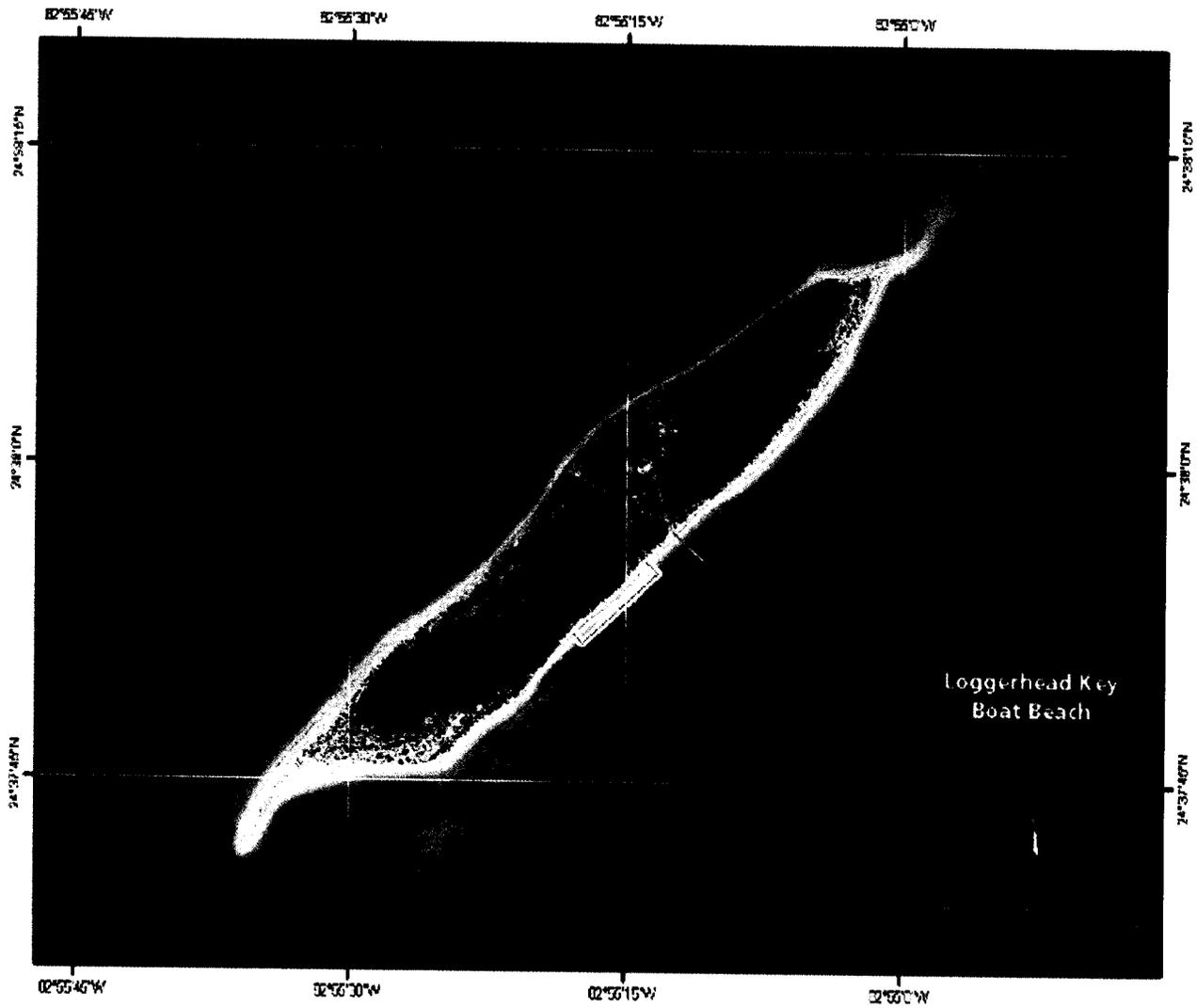
## APPENDIX A – MAP OF DESIGNATED ANCHORAGE



# APPENDIX B – MAP OF RESEARCH NATURAL AREA



# APPENDIX C – MAP OF LOGGERHEAD KEY

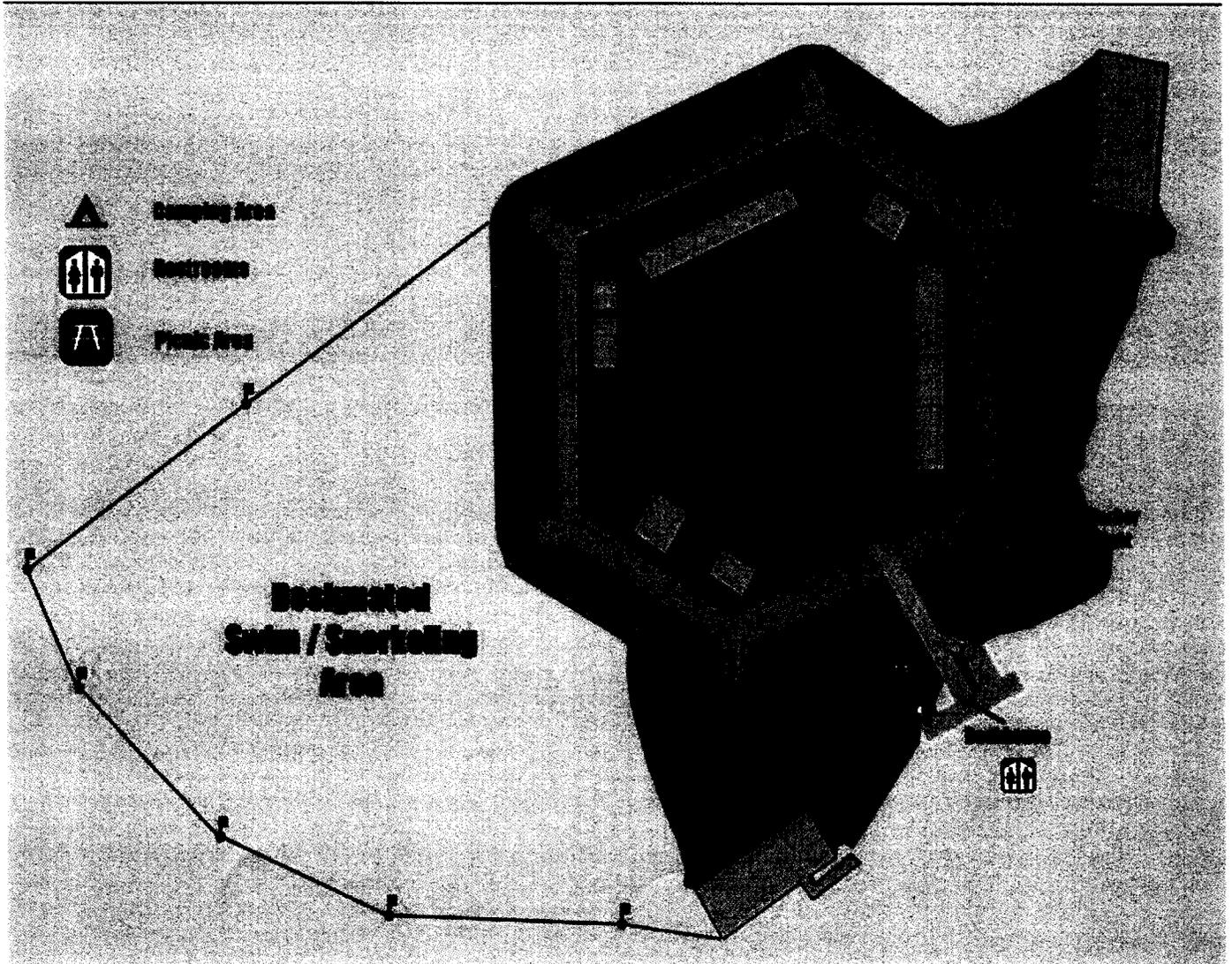


# APPENDIX D – MAP OF SHARK SPECIAL PROTECTION ZONE

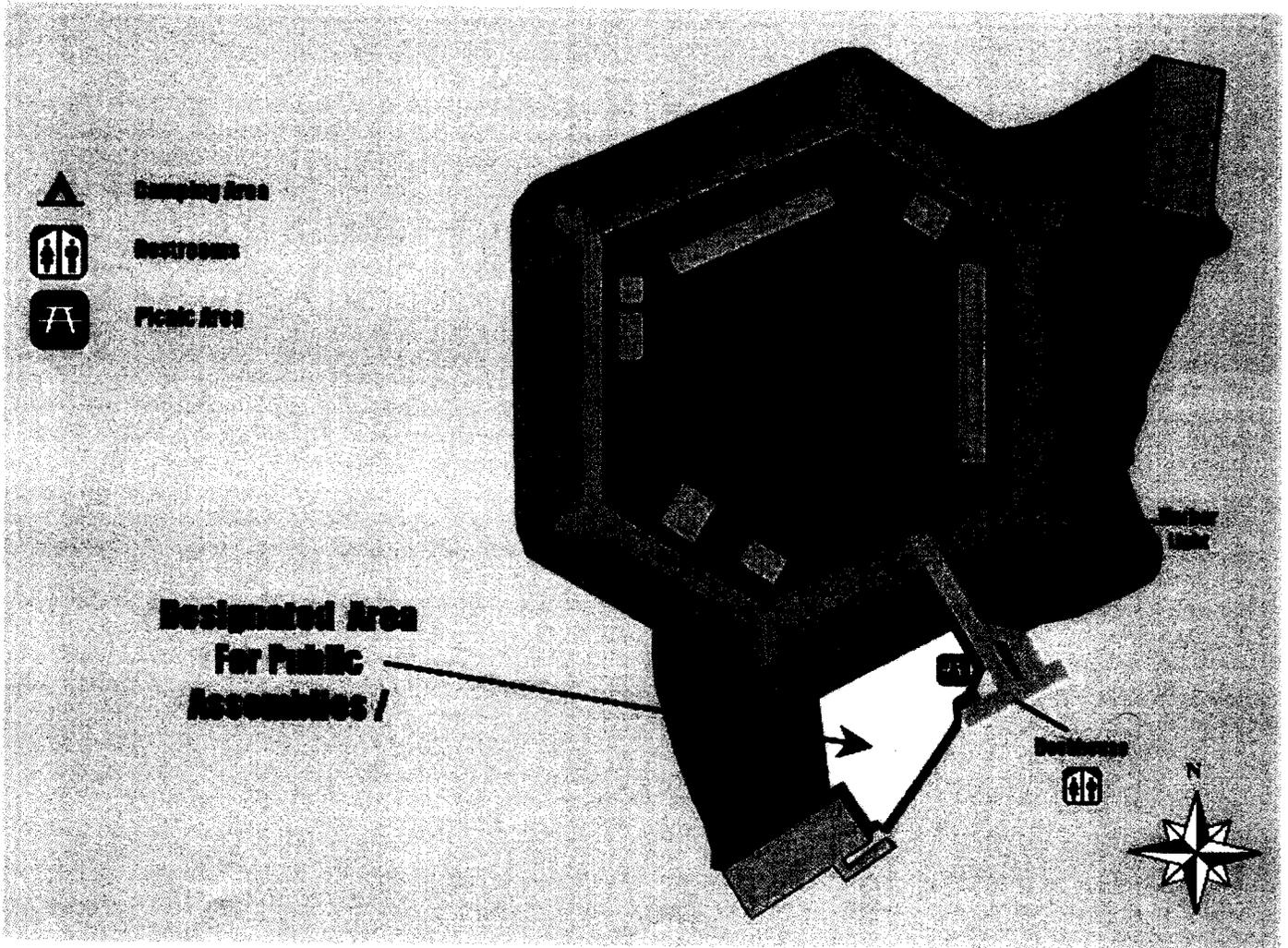


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# APPENDIX E – MAP OF GARDEN KEY SWIM/SNORKEL AREA



# APPENDIX F – MAP OF DESIGNATED AREA FOR PUBLIC ASSEMBLIES AND SALE/DISTRIBUTION OF PRINTED MATTER



## DESIGNATED AREAS FOR PUBLIC ASSEMBLIES/MEETINGS AND SALE/DISTRIBUTION OF PRINTED MATTER

In compliance with 36 CFR 2.51 and 2.52, maps identifying locations approved for public assemblies/meetings and the sale/distribution of printed matter have been prepared. The following areas are designated as inappropriate for these uses based on the criteria set forth in the Code of Federal Regulations.

1. All undeveloped areas of the park are closed to these activities, as these activities would unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic or commemorative zones. 36 CFR 2.51(e)(2) and 2.52(e)(3).
2. All offices, exhibit rooms, maintenance areas, natural trails, boat dock, campgrounds, and historic structures are closed as these activities would unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service. 36 CFR 2.51(e)(2) and 2.52(e)(3).

Public use areas not specifically mentioned above are open as follows:

**Garden Key:** the land area of Garden Key bounded on the east by the walkway to the public docks, the north by the moat wall, the west by the campground, and the south by the shoreline, as shown on the accompanying map.

## APPENDIX G – SMOKING POLICY

This policy identifies locations and guidelines for smoking pertaining to all public buildings, government administrative buildings, employee work space, and shared employee living space within Dry Tortugas National Park implementing 41 CFR Part 101.20, 36 CFR 2.21, and 310 DM 11. This policy applies to all NPS, contractor, and concessionaire employees and visitors.

Smoking is defined as the use of any lighted tobacco product.

All park building and vehicles (exception, open boats) are closed to smoking with the only exception being private residential quarters. Shared quarters are closed to smoking.

Smoking is permitted outdoors however disposal of cigarette butts should be in appropriate receptacles.

### GENERAL PROVISIONS

Employees will not be allowed to walk through non-smoking areas while smoking or carrying lighted tobacco products.

Employees and supervisors who smoke should not request permission to smoke of nonsmokers. Asking a subordinate if he/she objects to the supervisor smoking is inappropriate considering the supervisor/subordinate relationship.

Smoking receptacles should be used in all “Smoking” areas.

Smoking is not permitted when traveling in Government vehicles.

### ENFORCEMENT OF POLICY

Employees must not attempt to personally enforce the regulations by confronting others. Employees who believe that smoking regulations are being violated should report such violations to their immediate supervisor or, if he/she is violating the policy, to the next supervisory level or union representative.

Disputes should be resolved through informal discussions at the lowest level possible.

Supervisors must exercise sound and reasonable judgment in enforcing the smoking policy.

## APPENDIX H

### STATEMENTS OF FINDING IN SUPPORT OF CLOSURES DRTO SUPERINTENDENT'S COMPENDIUM – 2007

On January 19, 2007, special regulations for Dry Tortugas National Park (DRTO) went into effect. They are codified in CFR 7.27. These regulations replaced the special regulations for the abolished Fort Jefferson National Monument. They also implemented provisions for visitor use and resource protection identified in the 2001 General Management Plan Amendment (GMPA).

Many of the regulations previously in effect at DRTO via the Superintendent's Compendium are now found in the special regulations. The 2007 compendium identifies specific restrictions, conditions, public use limits and closures using the discretionary authority of the superintendent granted by Chapter 1, Part 1 of 36 CFR §1.5(a). They are actions deemed necessary for the administration of the park in concert with its enabling legislation and NPS management policies for the benefit of the resource and the visitor. Articulations of the reasons for closures are set forth in this justification as required by 36 CFR §1.5 (c).

#### **§1.5(a)(1) Public Use Limits**

##### Camping

Garden Key is the only island in the park with adequate space and restroom accommodations for camping. It is prohibited on all other islands. Closure of the small islands also protects native vegetation from trampling.

##### Food and Drink

Possession of food and drink by visitors is prohibited inside the Fort, except water in non-disposable containers. This restriction will prevent clutter of the historic scene by litter, and attraction of insects, birds and Norway rats that live on the island. Visitors are required to carry out their trash; disposal by burning or burying is not environmentally sound and transport on the M/V Fort Jefferson is not physically possible or cost effective.

Food and drink in glass containers are not permitted on any of the islands. The purpose of this regulation is to prevent visitor injuries by keeping glass off the beaches and other areas where people walk barefooted. An exception to this restriction is made to allow employees, their guests, and VIP's to possess glass containers in the designated residence area of the park.

##### Restrictions on Vessels

1. According to the park's GMPA and special regulations, anchoring is prohibited in the Research Natural Area (RNA). Vessels must use mooring buoys. The superintendent is authorizing anchoring in the RNA, on sand bottom only, until such a time that mooring buoys are in place and available to the public.

2. Vessel operators are responsible for assuring the vessel's anchor is holding and no emergencies occur. It is prudent to require operators to check on their vessels at least every 4 hours.
3. Due to space limitations on the Garden Key dock, time restrictions have been identified to assure availability by the commercial ferry boats, the park's service vessel and the public.
4. Vessels are not permitted to anchor in the channel due to the high concentration of vessel traffic.
5. Night activities, such as fishing and diving, will be allowed by permit only. Visitors must obtain a vessel permit from the park prior to engaging in the activity. The permit requirement will assure visitors are oriented and familiar with navigating in the park at night and help minimize any nefarious activities such as illegal fishing, lobstering and spearfishing.
6. The superintendent has identified one location Loggerhead Key where small vessels can be beached. Since the dock on Loggerhead Key is closed to private and commercial vessels, this area is the only location that boaters can secure their boats to access Loggerhead Key. Appendix C identifies this location.

### Visiting Hours

Middle and East Keys from October 16 to March 31, and Loggerhead Keys year round are closed to landing between sunset and sunrise to protect nesting and roosting bird populations, prevent disturbance to nesting sea turtles and their eggs, and protect government property on Loggerhead Key.

The interior of the Fort is closed at night to protect resident quarters, government equipment and historical resources. It also prohibits visitors from climbing on the walls and damaging resources or injuring themselves in the dark. The interior of the Fort, including stairwells, is unlit and the top of the Fort wall and the interior edges of the casemates have no safety rails.

### **§1.5(a)(1) Closures**

#### Areas Closed to the Public

- 1a. Hospital and Long Keys are closed pursuant to 36 CFR 7.27 (c)(2). To protect bird life all vessels and individuals must remain at least 100 feet from the mean low tide mark or as signed.
- b. Bush Key is closed year-round to allow for revegetation and natural recovery from the hurricanes of 2005. The closure also protects the sooty and noddy terns that nest on the island in large numbers between February and the end of September. This island is the site of the largest nesting colonies of these two species in the continental United States.
- c. East and Middle Keys have been identified as critical nesting beaches for sea turtles. All sea turtles are listed on the Endangered Species List. To provide enhanced protection of the nests, these keys are closed from April 1<sup>st</sup> to October 15<sup>th</sup>.

- d. The buildings on Loggerhead Key are for administrative use only and therefore closed to the public. A portion of the interior of the island has been designated part of the RNA. Since no trails exist for safe walking or hiking, the interior of the island within the RNA is also closed to the public as marked.
- e/f. To protect government and personal property, all residential and administrative areas, as well as areas marked by barricades or signs are off-limits to the public.
- g. The area identified in Appendix D has been designated a “special protection zone” critical to nurse shark during mating season. To provide for added protection during mating season, this area is closed from June 1<sup>st</sup> to October 31<sup>st</sup>.

### **§2.1(c) Gathering of Natural Products**

The previous regulations that allowed the taking of one quart of unoccupied shells above the high-tide line is rescinded. This regulation was confusing to the public and resulted in noncompliance. Many visitors wanted a “souvenir” to take home with them which at times included large amounts of shells or queen conch shells. The GMPA identifies a mission goal of the park as having the type and level of public use which does not negatively impact natural resources. In keeping with this mission, the park will no longer allow the taking of unoccupied shells. The gathering of sea grapes and coconuts for personal consumption does not have the same negative impacts as the taking of shells and therefore will still be allowed on Garden Key.

### **§2.14 Sanitation**

#### **(a)(7) Commercial Fishing and Disposal of Fish Remains**

Commercial fishing is prohibited within Dry Tortugas National Park. Due to the popularity of commercial fishing that occurs outside park boundaries, numerous commercial fishing vessels seek safe harbor within the park. The commercial fishing process is not merely catching fish, but a series of actions that begins with the catch and ends with the sale of the fish to the wholesaler. Cleaning fish for transport and sale is part of the commercial fishing process. The biological effects of discharging large amounts of fish remains are not favorable in an environment where the type of process does not naturally occur and it creates a negative experience for visitors. The mission of Dry Tortugas National Park is to preserve a pristine marine coral reef resource and provide present and future visitors the opportunity to enjoy it. Allowing the dumping of fish wastes, a byproduct of commercial fishing activity, can hinder fulfillment of that mission.