

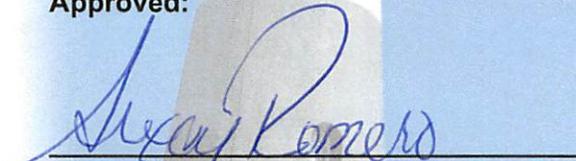


## 2022 Superintendent's Compendium

### of Designations, Closures, Permit Requirements and other Restrictions Imposed Under Discretionary Authority

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 Section 100751(a) the following regulatory provisions are established for the proper management, protection, government, and public use of those portions of Fire Island National Seashore under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Approved:

  
\_\_\_\_\_  
Alexcy Romero, Superintendent



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## About this Document

### 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:

<https://www.ecfr.gov>

## Law and Policies Allowing the Superintendent to Develop this Compendium

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 et.seq. (Organic Act of 1916, as amended) to:

*"...regulate the use of the Federal areas known as national parks, monuments, and reservations... by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1).*

In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to:

*"make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).*

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S.C. Section 1c defines the National Park System as, "... any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service 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 visitors 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, then that Superintendent is obliged to place limitations on public use.

## 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.

## Development of the Requirement 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 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 the 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 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?

## 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. Fire Island National Seashore is rather unique in that there are many private in-holdings, lands owned/managed by local municipality, county, and state jurisdictions. This compendium does not apply to those lands not owned by the federal government and or above the mean high tide water line.

## Enforcement of Compendium Requirements

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

## 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. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

## 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.

## Effective Date of the Superintendent's 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.

## CCTC Policy Statement

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

## Additional Information

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

## Availability

Copies of the Compendium are available at 120 Laurel Street, Patchogue NY 11772. A summary may also be found at

<https://www.nps.gov/fiis/learn/management/lawsandpolicies.htm>

## 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

The following buildings have been identified as open to the public during established hours of visitation. Hours of visitation may vary seasonally, and they may be affected by current staffing levels, funding or severe weather. Current hours of visitation at the following Seashore locations can be found at the park website at <https://www.nps.gov/fiis/planyourvisit/hours.htm>

- Fire Island Wilderness Visitor Center
- Watch Hill Visitor Center
- Patchogue Ferry Terminal
- Fire Island Light House Stations and Lens Building
- William Floyd Estate - (*Old Mastic House – by guided tour only*)

*Justification: Visiting hours have been established to promote an enjoyable visitor experience based on anticipated visitation and current staffing levels.*

### Public Use Limits

- Except for the Otis Pike Fire Island High Dunes Wilderness Area, hiking and walking in/on primary/fore-dune areas is restricted to designated paths and boardwalks.
- Bicycles are not permitted on Seashore boardwalks, in marina areas, or the Wilderness.
- Electronic Bicycles (e-bikes) – Are permitted where bicycles are permitted. See section 4.30
- Operating a motor vehicle on Fire Island National Seashore is limited to those possessing a valid Over-sand Driving Permit. The permitting process is regulated through the superintendent's office and Title 36 CFR 7.20 Special Regulations.

### Areas Closed to the Public Generally

The following areas are not considered visitor contact areas and therefore are not open to the public:

- Park Headquarters, 120 Laurel St, Patchogue
- Patchogue Maintenance Facility, 166 West Ave, Patchogue
- Residential area at the Lighthouse Annex building (Ranger Station Checkpoint)
- Sailors Haven Maintenance yard
- Sailors Haven employee housing
- Watch Hill Maintenance yard
- Watch Hill employee housing
- William Floyd Estate Maintenance area (including Museum building), 20 Washington Ave, Mastic Beach
- William Floyd Estate employee housing, 20 Washington Ave, Mastic Beach

## Occasional Closures

The Superintendent may close all or portions of the park during periods for inclement weather (based on forecasts of inclement weather), hazardous conditions and/or for the protection of natural and or cultural resources.

Closures will be identified by posting signs, maps, media notifications, and/or barriers and gates as appropriate.

*Closure/Determination Justification: Areas where threatened and endangered species may be present may be periodically closed for the protection of wildlife or the environment. Roads and other facilities may be closed during periods of inclement weather or periods of other hazardous conditions to ensure public safety. Areas of new construction, reconstruction, or rehabilitation may be closed to visitors for safety reasons and to avoid unreasonable conflict with authorized work.*

## Unmanned Aircraft (Drones)

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Fire 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. For further guidance, <https://www.nps.gov/articles/unmanned-aircraft-in-the-national-parks.htm>

## Marinas

The following docks are managed by concessionaire LoveFINS and are available for daily/weekly rental. Please see their [website](https://www.lovefins.com). (<https://www.lovefins.com>)

- Watch Hill Marina
- Sailors Haven Marina

*Closure/Determination Justification: Fire Island National Seashore marinas are desirable vacation facilities. Time restrictions promote a healthy and equitable turnover of park visitors by ensuring that no vessels occupy a marina slip for the duration of the summer.*

## Anchorage

- Vessels may not anchor in the Great South Bay within Park boundaries for more than 14 days in a 21-day period.

*Closure/Determination Justification: Fire Island National Seashore provides desirable anchorages for visitors. Time restrictions promote a healthy and equitable turnover of park visitors.*

## Dock Restrictions

Vessels may dock at the Talisman/Barrett Beach Dock for no more than 15 minutes to load or unload. This regulation does not apply to vessels utilized by authorized agencies for official business.

The Lighthouse Annex dock is closed to public use. This regulation does not apply to vessels utilized by authorized agencies for official business or vessels authorized under a special use permit or commercial use authorization.

Vessels may use the Patchogue Ferry Terminal and adjacent bulkhead for no more than 15 minutes to load or unload. This regulation does not apply to vessels utilized by authorized agencies for official business. Vessels may at no time interfere with the use of the dock by a passenger ferry.

Docking a vessel at the Patchogue Headquarters docks is prohibited, except to load and unload for no more than 15 minutes, or with a valid park issued Special Use Permit.

The Patchogue Maintenance Facility is closed to public use. This regulation does not apply to vessels utilized by authorized agencies for official business or vessels authorized under a special use permit or commercial use authorization.

*Closure/Determination Justification: These restrictions have been put in place to specify where the general public can dock and to establish safe docking conditions at those sites.*

## Public Vehicle Operation Restrictions

Beach driving by the general public is defined as driving a motor vehicle on the beach within the jurisdictional boundary of Fire Island National Seashore from the waterline to within twenty (20) feet of the toe of the dune.

- Watch Hill to Old Inlet: Operating any motor vehicle is prohibited on the beach from Watch Hill to the wilderness breach at Old Inlet without written authorization from the Superintendent.
- Smith Point to Old Inlet: A recreational driving permit is required to be obtained from the Superintendent prior to driving on the beach from the Wilderness Visitor Center at Smith Point to the Old Inlet. However, all driving is prohibited from January 1<sup>st</sup> through September 15<sup>th</sup>.
- Oakleyville Dune Crossing through the Sailors Haven East Dune Crossing: Operating any motor vehicle is prohibited between March 15<sup>th</sup> and Columbus Day unless written authorization from the Superintendent.
- Kismet Dune to Robert Moses State Park: Operating any motor vehicle is prohibited on the beach between the Kismet dune crossing and the westernmost boundary of the Seashore adjacent to Robert Moses State Park.

*Closure/Determination Justification: These regulations are established to manage the operation of motor vehicles at the Seashore as required in 36 CFR§7.20. These regulations are created to provide clarification and direction concerning the vehicle permit system and to provide for the protection of the general public and the resource, particularly nesting shorebirds and threatened and endangered species in the area.*

*Exceptions: The above vehicle operation restrictions are exempt to Law enforcement and emergency response vehicles serving in an official capacity.*

## Emergency Traffic Lane on Beaches

An emergency traffic lane has been established ten (10) feet from the toe of the primary dune on the seaward side. The emergency traffic lane will be ten (10) feet wide. All other vehicles will travel at least twenty (20) feet from the toe of the primary dune on the seaward side. Obstructing this lane is prohibited.

*Closure/Determination Justification: Emergency vehicles must regularly transit the island, and frequently use the Atlantic route to do so. Providing a designated emergency access lane allows for the improved safety of both vehicle operators and beachgoers, and reduces the likelihood of obstructions, holes, and other hazards to emergency responders.*

## Dune Restrictions

Entering the primary dune area from five feet south of the toe of the dune to five feet north of the north side of the dune is prohibited. This prohibition does not apply to constructed wooden walkways and designated dune crossings. Pedestrian dune crossings are identified by boardwalks constructed over the top of the dune or natural breaks that allow easy pedestrian access across the dune line.

The following locations are posted as designated vehicle dune crossings:

- Smith Point
- Watch Hill
- Blue Point Beach
- Barrett Beach
- Fire Islands Pines east
- Sailors Haven Eastern Dune Crossing
- Oakleyville
- Corneille Estates
- Kismet Firehouse

*Closure/Determination Justification: The dunes protect and stabilize natural habitats as well as facilities and infrastructure behind the dunes. By establishing pedestrian crossings, foot traffic is directed to specific locations and the integrity of the dunes is maintained. Foot traffic on the dunes would destroy the vegetation that holds them together. Although beach grass can strengthen the integrity of the dunes, their roots are highly sensitive to being trampled and damaged, lowering the dunes' resilience to wind and storm events: Dune crossings (vehicle cuts) are not maintained and are subject to periodic closure due to dynamic/changing beach conditions.*

## Entering a Breach

Entering a breach through federally owned land and/or waters in the Seashore is prohibited, either on foot, vehicle or vessel.

*Closure/Determination Justification: Breaches in a barrier island present a significant safety risk, as they can be unstable and often have strong currents running through them.*

## Public Nudity

Fire Island National Seashore has adopted the State of New York public nudity laws under the Assimilative Crimes Act. Enforcement will be based on the totality of the circumstances and in accordance with the mission of the National Park Service and Fire Island National Seashore.

*Closure/Determination Justification: Public nudity has been prohibited in the State of New York since 1984 under New York State Penal Code 245.01.*

## Balloons

All balloons are prohibited on federally owned national seashore lands.

*Closure/Determination Justification: Mylar balloons are far more resilient than rubber balloons and do not burst or break down easily in the atmosphere or the environment thus creating a refuse issue and potential threat to wildlife.*

## Kite Flying

The following areas are closed to kite flying.

- William Floyd Estate
- Any beach area during a “Protection of Wildlife Closure” (see below).

*Closure/Determination Justification: Kites can harm nesting shorebirds. These designated closed areas protect cultural and natural resources, provide for increased visitor safety, and protect threatened and endangered species. Prohibiting kite flying on the William Floyd Estate ensures the protection of the historic structures and landscape.*

## Areas Closed for the Protection of Wildlife

The following areas are closed for the protection of colonial and shorebird nesting and rearing activities from March 15<sup>th</sup> through Labor Day. The areas closed will be those areas that have “symbolic fencing”. The specific areas closed are dependent upon where birds are nesting but generally include:

- Beaches at Watch Hill, Sailors Haven, Barrett Beach, the federal tracts, and Lighthouse.
- The area from the Wilderness Visitor Center west to the east end of Watch Hill.

## Clothing Restrictions at Lighthouse Tower

Appropriate attire is required for all visitors at the Lighthouse Tower, Keeper's Quarters, Lens Building and Old Mastic House. Appropriate attire is defined as a shirt that covers the chest and pants, shorts, or a skirt that fully cover private or intimate parts, including the buttocks.

*Closure/Determination Justification: The lighthouse sometimes attracts visitors from the beach in beachwear that may not be appropriate at another venue. This regulation is intended to mitigate user conflicts that may arise.*

## Shelters and Tents on the Beaches

Shelters and tents for day use are subject to the following restrictions:

- Shelters may only be used on the vegetation-free beaches during daylight hours.
- Shelters must be temporary and have no more than three sides (i.e. for a windscreen).
- Small tents (fitting in a 6 ft. by 6 ft. footprint) may be erected for the purpose of sun protection, but only when they do not unreasonably impede public access and emergency services movement.
- No individual barrier, or barrier in combination with others, will exceed twenty-five (25) feet in uninterrupted length. An obstruction-free corridor measuring at least fifteen (15) feet must be maintained between the barriers to ensure free access by all.

*Closure/Determination Justification: The popular use of physical barriers along Fire Island National Seashore to block the wind or provide privacy has led to the construction of large, unnecessary obstacles along portions of the beach front. These barriers can significantly impede public access and emergency services movement along the beach and limit public enjoyment of the beach by restricting public access. Prohibiting larger barriers allows improved access by the public and by emergency responders.*

**(a)(2) Designate areas for specific use or activity, or impose conditions or restrictions on a use or activity.**

## Facial Mask Required in Federal Building / Lands (COVID-19)

Effective March 7, 2022, until rescinded

When the COVID-19 Community Level is **LOW** or **MEDIUM** in the county or all the counties where the park is located based on data provided by the Centers for Disease Control and Prevention (CDC), individuals are not required to wear masks.

When the COVID-19 Community Level is **HIGH** in the county or all the counties where the park is located based on data provided by the CDC, all individuals over the age of two must wear masks, regardless of vaccination status, in all common areas and shared workspaces in buildings owned, leased, or otherwise controlled by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.

When the COVID-19 Community Level is **HIGH** in one or more, but not all, of the counties where the park is located based on data provided by the CDC, the superintendent will determine whether individuals are required to wear masks. The requirement, if any, will apply to all facilities within the park.

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.

Regardless of the COVID-19 Community Level, individuals may wear masks if they choose to do so. Where a state, local, tribal, or territorial government where the park is located imposes more protective mask-wearing requirements than those indicated by the COVID-19 Community Level, individuals must follow those more protective requirements within the park. More protective state, local, tribal, or territorial mask-wearing requirements are hereby adopted as federal requirements in all units of the National Park System located within that state, locality, area subject to a federally recognized Indian tribe's regulatory jurisdiction, or territory, regardless of a particular park's jurisdictional status.

Additionally, all individuals must wear masks in or on public transportation conveyances and transportation hubs/facilities, to the extent required by current orders or directives issued by the CDC, the Transportation Security Administration (TSA), or other federal agencies with jurisdiction over those conveyances or areas. As of March 4, 2022, CDC and TSA orders or directives require all individuals regardless of vaccination status to wear masks in indoor areas of all forms of public transportation conveyances, including busses, trains, and boats/ferries, and in the indoor premises of transportation hubs/facilities. Individuals are not required to wear masks while outdoors on conveyances or while outdoors on the premises of transportation hubs/facilities.

*Closure/Determination Justification: On February 28, 2022, the Center for Disease Control and Prevention (CDC) updated its guidance for wearing facial masks. Pursuant to this updated, the Department of Interior directed its Bureaus to update their policies respectively.*

## Camping Areas

- Camping at the Watch Hill Campground is permitted in designated campsites only and is managed by a concessionaire. All other camping within Fire Island National Seashore requires a permit. Please refer to section [2.10 Camping](#) for more information.
- Camping is prohibited within the Seashore marinas (behind boats or in picnic areas).
- Camping is prohibited on the beaches except as described below.

### Wilderness Camping (permit required):

- Fire Island Wilderness Eastern Zone - From 1000 feet west of Breach at Old Inlet (camping year-round)
- Old Inlet to the eastern boundary of Bellport Beach (camping year-round).
- Fire Island Wilderness Western Zone - From 1000 feet west of Bellport Beach (aka Ho Hum Beach) to Long Cove (camping year-round)
- Great South Beach Western Zone - From 1000 feet west of Bellport Beach to Long Cove between March 15 and Labor Day (camping seasonally from March 15th to Labor Day)

## Docking or Mooring Areas

- Docking at the Sailors Haven Marina and Watch Hill Marina is managed by concessionaire, LoveFINS. Information for day-use and seasonal rentals can be found on their [website](https://www.lovefins.com). (<https://www.lovefins.com>)
- Mooring is allowed within the boundary of the Seashore for 14 consecutive days within a 21-day period outside of designated channels

## Swimming and Wading Beaches/Areas

Sailors Haven Beach, Talisman/ Barrett Beach, and Watch Hill are designated as seasonal lifeguarded swimming areas subject to staffing.

## Personal Watercraft Use Areas

Operation of Personal Watercraft (PWC) is limited to the navigable channels and community marinas located on Fire Island. Operation of PWCs anywhere else within the boundaries of Fire Island National Seashore is prohibited.

## Boating and Water Use Areas

New York State law is adopted under the Assimilated Crimes Act except as outlined under [36 CFR §3.2](#).

## Hiking and Pedestrian Use

- Creating a trail or walkway to shortcut between portions of the same trail or walkway is prohibited.

*Closure/Determination Justification:* Restricting hikers and pedestrians to the park's trails and walkways helps protect the fragile habitat and natural resources of the park.

## 36 CFR §1.6 – Activities that Require a Permit

- (a) When authorized by regulations set forth in this chapter, the superintendent may issue a permit to authorize an otherwise prohibited or restricted activity or impose a public use limit. The activity authorized by a permit shall be consistent with applicable legislation, Federal regulations and administrative policies, and based upon a determination that public health and safety, environmental or scenic values, natural or cultural resources, scientific research, implementation of management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities will not be adversely impacted.
- (f) A compilation of those activities requiring a permit shall be maintained by the superintendent and available to the public upon request.
- (g) The following are prohibited:
- (1) Engaging in an activity subject to a permit requirement imposed pursuant to this section without obtaining a permit; or
  - (2) Violating a term or condition of a permit issued pursuant to this section.

### **§2.4(e) – Weapons**

The Superintendent may issue a permit to carry or possess a weapon trap or net under the following conditions:

- (1) When necessary to support research activities conducted in accordance with §2.5.
- (3) For employees, agents, or cooperating officials in the performance of their official duties.

### **§2.5(a) – Specimen collection**

- Taking of plants, fish, wildlife, rocks, or minerals

### **§2.10 (a) – Camping**

- Backcountry wilderness camping. Permits are issued through Recreation.gov (<https://www.recreation.gov/permits/234768>)
- Watch Hill Campground permits are issued through park's authorized concessionaire for the period of May 18 through October 18.

**§2.12 Audio Disturbances:**

- (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

**§2.12 Aircraft and Air Delivery:**

- (c)(1) Removal of a downed aircraft

**§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)

**§2.50(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 printed matter that is not solely commercial advertising

**§2.62 Memorialization:**

- (a) Erection of monuments (Requires approval from Regional Director)  
 (b) Scattering ashes from human cremation

**§3.3** Use of a vessel for commercial purposes

A Commercial Use Authorization is required for any vessel providing commercial services within the legislative boundaries of the seashore that:

- uses park-owned land, fixture or facility in any manner, or
- provides recreational services, such as guided or organized fishing tours, sight-seeing, or other chartered recreational tours.

**§4.11(a)** Exceeding of established vehicle load, weight, and size limits

**§5.1** Advertisements - (Display, posting, or distribution.)

**§5.2(b)** Sale of intoxicants on public 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).

**§5.6(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

**§7.20** Operation of a Motor Vehicle ([7.20\(a\) Special Regulations](#))

## **Filming Activity 36 CFR §5.5**

The following types of filming activities may occur in areas open to the public without a permit and without advance notice to the NPS:

Outdoor filming activities, outside of areas managed as wilderness, involving five persons or less and equipment that will be always carried, except for small tripods used to hold cameras.

The organizer of any other type of filming activity must provide written notice to the Superintendent at least 10 days prior to the start of the proposed activity. Based upon the information provided, the Superintendent may require the organizer to apply for and obtain a permit if necessary to:

- Maintain public health and safety;
- Protect environmental or scenic values;
- Protect natural or cultural resources;
- Allow for equitable allocation and use of facilities; or
- Avoid conflict among visitor use activities

If the Superintendent determines that the terms and conditions of a permit could not mitigate the concerns identified above in an acceptable manner, the Superintendent may deny a filming request without issuing a permit. The Superintendent will provide the basis for denial in writing upon request.

The NPS will consider requests and process permit applications in a timely manner. Processing times will vary depending on the complexity of the proposed activity. If the organizer provides the required 10 day advance notice to the NPS and has not received a written response from the NPS that a permit is required prior to the first day of production, the proposed filming activities may occur without a permit.

### **The following are prohibited:**

- (1) Engaging in a filming activity without providing advance notice to the Superintendent when required.
- (2) Engaging in a filming activity without a permit if the activity takes place in areas managed as wilderness or if the Superintendent has notified the organizer in writing that a permit is required.
- (3) Violating a term and condition of a permit issued under this action.
- (4) Filming of any kind may not occur in closed areas without written authorization.
- (5) Filming may not violate applicable laws such as:
  - a. Endangered Species Act (16 U.S.C. 1531-1544)
  - b. Archeological Resources Protection Act (16 U.S.C. 470)
  - c. Wilderness Act(16 U.S.C, 1131-1136)
- (6) Filming must not violate law protecting the NPS's intellectual property such as laws and regulations governing the use of other NPS Arrowhead and images of NPS employees.

Violating a term or condition of a permit issued under to this action may also result in the suspension and revocation of the permit by the Superintendent.

Filming activities may not violate the provisions of the Wilderness Act, including prohibitions on structures, installations, motor vehicles, mechanical transport, motorized equipment, motorboats or landing of aircraft in wilderness areas. 16 U.S.C. § 1133

In order to help preserve wilderness character, the Superintendent must require a permit for all filming activities in wilderness areas other than casual filming by visitors, no matter the group size or equipment used.

Before issuing a permit to film in wilderness, the Superintendent will work with the permittee to identify substitute filming locations outside of wilderness and may not issue a permit if there are suitable filming locations outside of wilderness.

*Closure Determination/Justification: On January 22, 2021, the United States District Court for the District of Columbia issued its decision in Price v. Barr, No 19-3672, (D.D.C. Jan. 22, 2021). This ruling concerns filming with the Department of the Interior. A memorandum issued by the National Park Service's Deputy Director of Operations dated 02/22/2021 provides guidance for what filming activities may still require a permit.*

*In order to help preserve wilderness character, the Superintendent must require a permit for all filming activities in wilderness areas other than casual filming by visitors, no matter the group size or equipment used. Before issuing a permit to film in wilderness, the Superintendent will work with the permittee to identify substitute filming locations outside of wilderness and may not issue a permit if there are suitable filming locations outside of wilderness. If a permit is issued, the following is prohibited:*

- (1) Use of structures;*
- (2) Installations;*
- (3) Motor vehicles;*
- (4) Mechanical transport;*
- (5) Motorized equipment;*
- (6) Motorboats or landing of aircraft*

*Other terms and conditions may be necessary to limit impacts to the qualities of wilderness character and the wilderness experience of other visitors including potentially limiting crew size, equipment, sets, and props.*

## GENERAL REGULATIONS

### 36 CFR §2.1 – Preservation of Natural, Cultural and Archeological Resources.

- (a) Except as otherwise provided in this chapter, the following is prohibited.
- (1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:
    - (i) Living or dead wildlife or fish, or the parts or products thereof such as antlers or nests.
    - (ii) Plants or the parts or products thereof.
    - (iii) Non-fossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof.
  - (2) Introducing wildlife, fish or plants, including their reproductive bodies, into a park area ecosystem.
  - (4) Using or possessing wood gathered from within the park area: **Provided, however,** That the superintendent may designate areas where dead wood on the ground may be collected for use as fuel for campfires within the park area.
  - (5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue, except in designated areas and under conditions established by the superintendent.
- (b) The superintendent may designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption upon a written determination that the gathering or consumption will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.
- The following items may be collected by hand for personal use or consumption, provided that no person exceeds two quarts per day:
    - Bayberry (*Myrica* spp.)
    - Beach plum (*Prunus maritima*)
    - Bearberry (*Arctostaphylos uva-ursi*)
    - Raspberry (*Rubus* spp.)
    - Blackberry (*Rubus* spp.)
    - Serviceberry (*Ametanchier canadensis*)
    - Cranberry (*Vaccinium macrocarpon* or *Vaccinium oxycoccos*)
    - Blueberry (*Vaccinium corymbosum* [highbush], *Vaccinium angustifolium* [lowbush])
    - Huckleberry (*Gaylussacia baccata*)
    - Dewberry (*Rubus* spp.)
    - Black cherry (*Prunus serotina*)
    - Chokeberry (*Aronia arbutifolia*)
    - Grape (*Vitis* spp.)
    - Unoccupied Seashells

*Closure/Determination Justification: This allowance is made based on a determination that the gathering or consumption of small quantities of fruits, berries, and nuts will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.*

### 36 CFR 2.2- Wildlife

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

- Waterfowl hunting is permitted at the Seashore in the area to the north of the Burma Road (or its trace, where the actual trail has been over-washed or overgrown) beginning ½ mile west of the boundary with Smith Point County Park known as Hayhole Point, and ending ½ mile east of Watch Hill known as Long Cove. Waterfowl hunting is also permitted in the waters surrounding Sexton Island, East Fire Island, and West Fire Island located in the Great South Bay out to 4,000 feet north of Fire Island. A Federal Duck Stamp, New York State hunting license, Migratory Bird Harvest Information Program (HIP) confirmation number, and a National Park Service waterfowl hunting permit are also required.

*Closure/Determination Justification: Under Public Law 88-587, enacted by the 88th Congress on September 11, 1964, The Secretary shall permit hunting, fishing and shell fishing on lands and waters under his administrative jurisdiction in the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when no hunting shall be permitted for reasons of public safety, administration or public use and enjoyment. Any regulations of the Secretary under this Section shall be issued after consultation with the Conservation Department of the State of New York.*

- Hunters may only use nontoxic shot while waterfowl hunting. Approved nontoxic shots include steel, bismuth/tin, tungsten/iron, tungsten/polymer, tungsten/matrix, tungsten/nickel/iron, or other shot approved by the U.S. Fish and Wildlife Service. Possession or use of shells loaded with shot other than listed above is strictly prohibited when hunting waterfowl.

*Closure/Determination Justification: Lead is poisonous to humans, the environment and to the animals that may accidentally consume it.*

- Waterfowl hunting is the only permitted hunting within the boundaries of the National Seashore.

*Closure/Determination Justification: The Seashore has determined that land-based hunting for animals will not be permitted within 500 feet of residential areas and NPS facilities within the park. Organized public hunting of deer within the designated Otis Pike Fire Island High Dune Wilderness may be organized by the NPS as to be beneficial to the management of plant and animal populations and pursuant to New York State hunting regulations.*

- The transportation of lawfully taken wildlife through the park is permitted under the following conditions and procedures:

- The transportation of wildlife must be in accordance with New York State Department of Environmental Conservation (DEC) rules and regulations.
- Recognized organizations that hold current National Park Service, New York State DEC, U.S. Fish and Wildlife Service, and/or National Marine Fisheries Service permits in accordance with the Marine Mammal Act and the Endangered Species Act may transport and possess wildlife within Fire Island National Seashore boundaries.
- Waterfowl lawfully taken within the boundaries of Fire Island National Seashore may be transported in accordance with a National Park Service hunting permit, a New York State Hunting License, and a Federal Duck Stamp.

*Closure/Determination Justification: This regulation allows for the legal transportation of wildlife so long as it is harvested or collected in accordance with a valid New York State hunting license or a valid permit.*

**(d) The following areas are closed to the viewing of wildlife with the use of an artificial light:**

- The use of artificial light to view wildlife is prohibited within Fire Island National Seashore.

*Closure/Determination Justification: Viewing wildlife with artificial light is a technique associated with hunting and is commonly referred to as "spotlighting". The use of artificial light to view wildlife negatively impacts the creatures in their natural environment.*

### 36 CFR §2.3 – Fishing

- Recreational fishing and shell fishing are authorized within the legislative boundary of Fire Island National Seashore.

*Closure/Determination Justification: Under Public Law 88--587, enacted by the 88th Congress on September 11, 1964, The Secretary shall permit hunting, fishing and shell fishing on lands and waters under his/her administrative jurisdiction in the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when no hunting shall be permitted for reasons of public safety, administration or public use and enjoyment. Any regulations of the Secretary under this Section shall be issued after consultation with the Conservation Department of the State of New York.*

- The harvest of horseshoe crabs (*Limulus polyphemus*) is prohibited within Fire Island National Seashore.

*Closure/Determination Justification: A horseshoe crab is more closely related to an arachnid than a crab. Based on current case law (*Associates of Cape Cod, Inc. and Jay Harrington vs. Bruce Babbitt*), the National Park Service does not consider a horseshoe crab to be a fish or a shellfish; therefore, State of New York recreational fishing regulations do not apply. Collecting horseshoe crabs will not be considered under Seashore hunting regulations as the primary reason for collecting or hunting the horseshoe crab is to sell them for personal gain or to use them as fish bait.*

### 36 CFR §2.4 - Weapons, Traps, and Nets

(a)(2)(i) Weapons, traps, or nets may only be carried, possessed or used at the following designated times and locations:

- Visitors may possess firearms within a national park unit provided they comply with federal, state, and local laws. The role of the responsible gun owner is to obey the federal, state, and local laws appropriate to the park they are visiting.
- Federal law prohibits firearms in certain park facilities and buildings. These places are marked with signs at the public entrances.
- Possession of traps and nets pursuant to hunting activities is prohibited.
- Possession of fish traps and nets is permitted in salt water only in accordance with requirements stated in New York State regulations when engaged in fishing activities in the Seashore.

### 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) Camping is allowed in the following designated sites or areas and is subject to the following established conditions:

- Front Country (Developed) Camping is allowed at the Watch Hill Campground (camping seasonally from May 18 to October 18).
- Back Country (Undeveloped) Camping:
  - Fire Island Wilderness Eastern Zone - From 1000 feet west of Breach at Old Inlet to the eastern boundary of Bellport Beach (camping year-round).
  - Fire Island Wilderness Western Zone - From 1000 feet west of Bellport Beach to Long Cove (camping year-round).
  - Great South Beach Eastern Zone - From 1000 feet west of Breach at Old Inlet to the eastern boundary of Bellport Beach (camping seasonally from March 15 to Labor Day).
- Great South Beach Western Zone - From 1000 feet west of Bellport Beach to Long Cove between March 15 and Labor Day (camping seasonally from March 15 to Labor Day).

*Closure/Determination Justification: Designated camping areas have been established in the Seashore to help protect the resources and to mitigate visitor use impacts.*

- No more than 36 persons may camp in the backcountry at one time. The break down for the specific time periods and areas are as follows:
  - Off Season (After Labor Day to March 14th)

- Fire Island Wilderness Eastern Zone -12 people per night, no more than 4 to a campsite.
    - Fire Island Wilderness Western Zone - 24 people per night, no more than 8 persons per campsite.
  - Peak Season (March 15th to Labor Day)
    - Fire Island Wilderness Eastern Zone and the Great South Beach Eastern Zone - 12 people per night, no more than 4 to a campsite.
    - Fire Island Wilderness Western Zone and the Great South Beach Western Zone- 24 people per night, no more than 8 persons per campsite.
    - The Great South Beach Zones (East and West) are the area from the toe of the dune to the water's edge on the ocean side.

*Closure/Determination Justification: Maximum camping capacity has been established in the Seashore to help protect the resources and to mitigate visitor use impacts.*
- Backcountry camping limits and regulations:
  - Persons may not camp more than three (3) consecutive nights in the Fire Island Wilderness or on the Great South Beach, with a 48-hour break between visits.
  - Persons may not camp more than fourteen (14) consecutive days without a 48-hour break at the Watch Hill Campground.
  - Camping on any dune is prohibited.
  - Open fires are prohibited.
  - All trash and refuse must be carried out by visitors.

*Closure/Determination Justification: Wilderness/Backcountry camping use limits were determined based on the Wilderness and Backcountry Guidelines meant to achieve optimal wilderness character. Use limits are established to create an equitable turnover to allow for more visitors to enjoy backcountry camping and to reduce the impact on park resources. Camping on a dune would reduce the integrity of the dune. Open fires in a windy, dry environment put the natural resources and visitors at risk of fire. In order to maintain a primitive camping experience and to protect the natural environment in the backcountry, all trash and refuse must be carried out.*
- A camping permit is required for all camping.
  - Each person registering for a camping permit must be 18 years of age or older.
  - The permit holder must also be a member of the camping party.

*Closure/Determination Justification: An adult (18 years of age or older) is required to hold a permit because there is an obligation on the part of the permittee to obey the regulations associated with camping.*

**(b)(3)** Camping within 25 feet of a fire hydrant or main road, or within 100 feet of a flowing stream, river or body of water is prohibited.

**(b)(7)** Connecting to a utility system is prohibited.

**(d)** Conditions for the storage of food are in effect as designated below:

- Food left unattended at a campsite, or a picnic area must be stored in a hard sided or similar container.

### 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:

- Open Fires are prohibited at the Seashore. Fires are permissible only under the following conditions:
  - Charcoal fires are permitted in grills in designated picnic areas or at the Watch Hill campsites only.
  - Charcoal fires are prohibited on boats within the marinas or on marina boardwalks or on picnic tables. All boat on-board cooking devices, including electric grills, are restricted to the galley.
  - Charcoal fires are prohibited on all Seashore beaches.

*Closure/Determination Justification: Open fires are prohibited due to wildland fire concerns to include potential impacts on the communities located within the legislative boundaries of the park. Limited use of charcoal fires and closed fuel source cooking devices has been allowed so long as they do not create a public hazard.*

**(a)(2)** The following restrictions are in effect for the use of stoves or lanterns:

- Charcoal grills and fires are prohibited as they create a public safety hazard.
- Backpacking stoves or contained cooking units with a closed fuel source (e.g., propane, white gas) are allowed when picnicking or camping in the Seashore.

**(b)** Fires must be extinguished according to the following conditions:

- All fires and coals must be adequately extinguished using water. Burying coals is prohibited.

*Closure/Determination Justification: Water has been established as the source to be used to extinguish a fire. If not done properly, using sand can hide the smoldering fire and create a visitor safety issue.*

### 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)(5)** Bathing or washing food, clothing, dishes, or other property at public water outlets, fixtures, or pools is prohibited, except at the following outlets, fixtures, or pools designated for such purposes:

- Watch Hill Campground

**(a)(7)** Disposing of fish remains on land or in waters within 200 feet of boat docks or designated swimming beaches or within developed areas is prohibited.

**(a)(8)** In developed areas, the disposal of human body waste 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, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:

- All federally owned oceanfront National Seashore beaches from March 15 through Labor Day. National Seashore beaches are defined as beaches owned or hereafter acquired by the United States within the authorized boundaries of the Fire Island National Seashore, from the toe of the dune to the water's edge. This INCLUDES service dogs; see below.
- Within the boundaries of the Otis Pike Wilderness from March 15 through Labor Day. This INCLUDES service dogs; see below.

*Closure/Determination Justification: Possessing a pet in these areas has been restricted to mitigate user and wildlife conflicts during periods of high visitation.*

NOTE: "Pet" means dogs, cats, or any animal that has been domesticated.

NOTE: "The Service has determined that most commemorative, wilderness, natural and backcountry zones must be closed to the possession of pets. Section 2.12(a)(1) provides the authority to implement the closures necessary to protect the values enumerated in § 1.5(a)."

NOTE: This section does not apply to dogs used by authorized Federal, State and local law enforcement officers in the performance of their official duties.

**(a)(3)** Leaving a pet unattended and tied to an object is prohibited, except in the following areas and/or under the following conditions:

- Pets may be left unattended and tied to an object only in employee housing areas.

**(a)(5)** Pet excrement must be disposed of in accordance with the following conditions:

- No individual will allow a pet under their control to defecate upon sidewalks, streets, beaches, or land without immediately and permanently removing the excrement.

**(b)** The use of dogs in support of hunting must be in accordance with Federal and State laws and the following conditions:

- Dogs may be used while waterfowl hunting in accordance with New York State laws and only within the prescribed waterfowl hunting season.

**(e)** Pets may be kept by park residents under the following conditions:

- Persons residing in government quarters may keep pets in accordance with the Fire Island National Seashore Housing Management Plan.

#### SERVICE ANIMALS:

Service Animals, as defined by the ADA, are not pets and are allowed any place pets are allowed and must meet all the other requirements in §2.15. However, service animals (dogs) are NOT allowed on the beaches from March 15 through Labor Day.

*Closure/Determination Justification: Service animals (dogs) are PROHIBITED on the beach when dogs in general are prohibited due to Piping Plover breeding, nesting, hatching. The birds see dogs as a natural predator and will abandon their nest. The Endangered Species Act does not make exemptions for service animals.*

FAQ – See [APPENDIX A](#)

Contact the park at 631-687-4750 for more information .

#### 36 CFR §2.16 – Horses and Pack Animals

**(a)** The use of animals other than those designated as "pack animals" for purposes of transporting equipment is prohibited.

- Horseback riding and the possession of pack animals are prohibited on National Seashore owned lands within the boundaries of Fire Island National Seashore. (Ref: 36 CFR § 2.16(g))

*Closure/Determination Justification: Horses and pack animals create a conflict with other user groups, particularly during periods of high visitation, based on the limited undeveloped lands in the park that would be conducive to such activity.*

#### 36 CFR §2.17 – Aircraft and Air Delivery

**(a)(1)** Operating or using aircraft on lands or waters other than at locations designated pursuant to §7.20 Fire Island National Seashore Special Regulations is prohibited.

- (a)(2)** Where a water surface is designated pursuant to §2.17(a)(1), operating or using aircraft under power on the water within 500 feet of locations designated as swimming beaches, boat docks, piers, or ramps is prohibited.
- (a)(3)** Delivering or retrieving a person or object by parachute, helicopter, or other airborne means is prohibited, except in emergencies involving public safety or serious property loss or pursuant to the terms and conditions of a permit
- (c)(1)** The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent.

### 36 CFR §2.19 – Winter Activities

**(a)** Skiing, snowshoeing, ice skating, sledding, inner tubing, tobogganing, and similar winter sports are prohibited on park roads and in parking areas open to motor vehicle traffic, except under the conditions below:

- Cross country skiing and snowshoeing is permitted in the following areas:
  - Burma Road (applies only to federally held sections)
  - Roads and trails at the William Floyd Estate when the estate is open to the public.
  - Otis Pike Wilderness

*Closure/Determination Justification: Winter sports are prohibited unless otherwise designated. This regulation defines those areas where cross country skiing may take place.*

**(b)** The towing of persons on skis, sled or other similar device by motor vehicle or snowmobile is allowed in the following areas and/or routes:

- The towing of persons on skis, sleds, or other similar device by motor vehicle or snowmobile is prohibited.

### 36 CFR §2.20 – Skating, Skateboards, and Similar Devices

Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in the following designated areas:

- Park roadways and parking lots are designated as open to roller skating, skateboards, roller skis, roller blades, coasting vehicles, or similar devices in accordance with New York State laws.

### 36 CFR §2.21 – Smoking

**(a)** The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking and the use of electronic nicotine delivery systems (ENDS) as noted:

- Smoking and the use of ENDS is prohibited in all government buildings.
- Smoking and the use of ENDS is prohibited within 25 feet of the exterior of all government buildings.

- Smoking and the use of ENDS is prohibited within any government owned or leased vehicle, heavy equipment, and vessels.
- Smoking and the use of ENDS is prohibited on lifeguarded beaches.

*Closure/Determination Justification: Smoking is prohibited in all Federal buildings under Executive Order 13058 to comply with the December 2010; US Court of Appeals for the D.C. Circuit ruling in Sottera, Inc., v. Food and Drug Administration. This restriction is intended to provide a smoke free environment for those areas, such as lifeguarded beaches and building entryways that tend to have a high concentration of visitors. It is also designed to protect park resources, reduce the risk of fire, and prevent visitor use conflicts.*

### 36 CFR §2.22 – Property

**(a)(2)** Leaving property unattended for longer than 24 hours is prohibited, except in the following locations or under the following conditions:

- Property may not be left unattended anywhere, anytime, other than in vehicles parked in designated parking areas.
- The superintendent may allow geocaching. A geocache will consist of a small weatherproof container large enough to hold related items accessible to the related activity.

### 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:

- Daily Site Use Fee Areas:
  - Visitor use of the Fire Island lighthouse Tower is managed by the Fire Island Light House Society. For further information, please see their [website](https://www.fireislandlighthouse.com/). (<https://www.fireislandlighthouse.com/>)
  - Patchogue Ferry Terminal is managed by Davis Park Ferry. For further information, please see their [website](https://www.davisparkferry.com/). (<https://www.davisparkferry.com/>)
  - Special Recreation Permit Fee (Such as but not limited to, group activities, recreation events, and the use of motorized recreation vehicles): Special use fees may apply. Please visit <https://www.nps.gov/fiis/planyourvisit/permits.htm> for more information.

### 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:

- All ranger stations, visitor centers, and government owned buildings except government owned housing, unless specifically allowed as part of official duty, a licensed concession operation and/or as part of a special event authorized by the superintendent.
- The Federal tracts of land located within the Town of Islip and between the communities of Atlantique and Corneille Estates are closed to the consumption of alcoholic beverages and/or the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal is broken or the contents of which have been partially removed.

*Closure/Determination Justification: These two tracts of Federal land are located within the town of Islip and are isolated to the east and the west from other Federal lands by numerous Town of Islip communities. For many years the Town of Islip has prohibited the consumption of alcoholic beverages on public lands, which includes beaches. Over the past few years, visitors realized that the Seashore did not prohibit the consumption of alcoholic beverages on these two tracts of land. These Federal lands became a destination for individuals wishing to consume alcoholic beverages. On busy weekends these lands were attracting approximately 500 to 1,000 visitors.*

*The visitation quickly outgrew the public use capacity of these lands. These lands were never intended to accommodate so many visitors and therefore, amenities such as garbage receptacles and bathrooms were not installed. Visitor services, such as lifeguarded beaches, were not provided because there was no direct NPS ferry service to this location. As such, issues developed relevant to public health and safety as well as resource degradation. Large groups of visitors, to the point of standing room only, were observed consuming large quantities of alcoholic beverages. On at least one occasion, locals from the adjacent communities had to assist an intoxicated individual out of the water. Visitors were improperly disposing of human waste on park lands as well as in the adjoining communities on private property. Visitors were damaging the resources by crossing the dunes and trampling the vegetation. Visitors would depart in the evenings leaving behind large amounts of trash, which was comprised mostly of empty alcoholic beverage containers. This debris would then have to be removed by park staff.*

*By establishing this alcohol closure, it is the intent of the Seashore that the concentration of visitation will be redistributed more evenly across the adjacent beaches, thus reducing the visitor health and safety issues as well as the resource degradation.*

### 36 CFR §2.37 – Non-Commercial 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. Fireworks and firecrackers may be possessed and/or used in the following areas, under the conditions noted:

- No terms or conditions are established, nor public areas designated for the use or possession of fireworks and firecrackers.

### 36 CFR §2.50 – 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.

NOTE: Demonstrations involving 25 persons or fewer may be held without a permit in designated park areas, provided that the requirements in §2.51(b) are met. The 25-person maximum for the small group permit exception may be reduced pursuant to §2.51(b)(3).

**(c)(2)** The following locations are designated as available for demonstrations.

- The parking corral adjacent to the Wilderness Visitor Center
- Patchogue- Watch Hill Ferry Parking Lot south of the terminal building
- The South parking lot, south of the Park Headquarters Building
- "A" Basin Picnic Area at Watch Hill
- "East" Marina picnic area in Sailors Haven
- William Floyd Estate parking lot in center island north of public restrooms

*Closure/Determination Justification: These locations are available for any group without a permit, provided they are fulfilling the small group exception of less than 25 people. Any group exceeding this limit may utilize these locations for First Amendment activity with the issuance of a special use permit.*

### 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.

### 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 §2.50(a) and only pursuant to the terms and conditions of a license, permit, or lease.

### 36 CFR §2.61 – Residing on Federal Land

**(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, or in the following areas and according to the following conditions:

The scattering of human ashes from cremation, without a permit, is allowed under the following terms and conditions:

- The remains to be scattered must have been cremated and pulverized.
- The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, developed facility, or body of water.
- The scattering of remains from the air is to be performed at a minimum of 2000 feet above the ground.
- No scattering of remains from the air is to be performed over developed areas, facilities, or bodies of water.

### 36 CFR §3.2 – Do other boating laws and regulations apply to me when I operate my boat on park waters?

**(a)** In addition to the regulations contained in this part, the NPS adopts applicable laws and regulations of the United States Coast Guard. The USCG laws and regulations are found in Title 14 United States Code, Title 33 United States Code, Title 46 United States Code, and [33 CFR chapter I](#), 46 CFR chapter [I](#) and [III](#) and [49 CFR chapter IV](#). NPS applies the adopted laws and regulations to [vessels](#) and their operation on all waters (navigable and non-navigable) subject to NPS jurisdiction. Therefore, Federal regulations authorizing an action by the “captain of the port” or another officer or employee of the United States Coast Guard, authorize a like action by the superintendent.

**(b)** Except to the extent that directives of the United States Coast Guard have expressly or implicitly preempted inconsistent state laws and regulations or as otherwise provided by subsection (a), vessels and their operation on all waters subject to NPS jurisdiction are governed by non-conflicting boating safety laws and regulations of the State within whose interior boundaries a [park area](#) or portion thereof is located.

### 36 CFR §3.2 – What Vessel Operations are Prohibited?

**(a)** The following operations are prohibited:

- (1)** Launching or operating an airboat.
- (2)** Launching or recovering a [vessel](#), except at a launch site designated by the superintendent.
  - Launching or recovering a privately owned vessel from Fire Island National Seashore lands is prohibited.
- (3)** Operating a [power-driven vessel](#) on waters not accessible by road.
- (4)** Operating a vessel in excess of a length, width, or horsepower restriction established by the superintendent in accordance with §§ [1.5](#) and [1.7](#) of this chapter. For the purposes of this paragraph, vessel length is measured according to criteria established in 46 CFR chapter I or 33 CFR chapter I.

**(b)** The following operations are inherently unsafe and therefore prohibited:

- (1)** Operating a power-driven or [sailing vessel](#) within 100 feet of a diver's flag except a vessel in support of dive operations, which may not be operated in excess of [flat wake speed](#).
- (2)** Failing to observe restriction(s) established by a regulatory marker.
- (3)** Operating a vessel in excess of flat wake speed in designated areas.
  - Watch Hill Marina from the flat wake buoys into the marina.
  - Sailors Haven Marina and channel from the flat wake buoys into the marina.
- (4)** Operating a vessel in excess of flat wake speed within 100 feet of:
  - (i)** A downed water skier;
  - (ii)** A person swimming, wading, fishing from shore or floating with the aid of a flotation device;
  - (iii)** A designated launch site; or
  - (iv)** A manually propelled, anchored or drifting vessel. If the park is located within a State specifying different conditions, then that State law is adopted in lieu of this paragraph.
- (5)** Unless a designated area is marked otherwise, operating a power-driven or sailing vessel within 500 feet of a shoreline designated as a swimming beach. This prohibition does not apply in locations such as a river, channel, or narrow cove where passage is restricted to less than 500 feet. In such restrictive locations where swim beaches are designated, the operation of a vessel in excess of a flat wake speed is prohibited.
- (6)** Operating a power-driven vessel while a person is riding on the decking over the bow, gunwales, top edge of the transom, motor cover, or in any other unsafe position when the vessel is being operated. This provision does not apply when that portion of the vessel is designed and constructed for the purpose of [carrying](#) passengers safely at all speeds or when the vessel is maneuvering for anchoring, docking or mooring.
- (7)** Operating a power-driven vessel engine/s or generator with a person sitting, riding or hanging on to a swim platform or swim ladder.
- (8)** Operating a vessel, or knowingly allowing another person to operate a vessel in a negligent manner, by failing to exercise that degree of care which a reasonable person, under like circumstances, would demonstrate in order to prevent the endangering of the life, limb, or property of a person(s) through the operator's lack of knowledge, inattention, or general carelessness.
- (9)** Operating a vessel or knowingly allowing another person to operate a vessel in a grossly negligent manner, by willfully and wantonly creating an unreasonable risk of harm to person(s) or property, regardless of whether the operator intended to cause harm.

### 36 CFR §3.9 – May I Operate My Personal Watercraft in Park Waters?

- (a)** A person may operate a PWC only in [park areas](#) where authorized by special regulation. See [36 CFR 7.20](#)
- (b)** Where authorized, operation of a PWC on park waters is subject to the following conditions:

- (1) No person may operate a PWC unless each person aboard is wearing a Type I, II, III, or V PFD approved by the United States Coast Guard.
- (2) A person operating a PWC equipped by the manufacturer with a lanyard-type engine cut-off switch must attach such lanyard to his person, clothing, or PFD, as appropriate for the specific vessel.
- (3) No person may operate a PWC anytime between sunset and sunrise.
- (4) No person may operate a PWC by jumping the wake, becoming partially airborne or completely leaving the water while crossing the wake of another vessel within 100 feet of the vessel creating the wake.
- (5) If a park area is located within a State that has more restrictive regulations for the operation of PWC, then applicable State law applies in lieu of paragraphs (b)(1) through (b)(4) of this section.

### 36 CFR §7.20 – Fire Island National Seashore (PWC rules)

#### (d) *Personal watercraft.*

(1) [Personal watercraft](#) (PWC) may operate in the following locations and under the following conditions:

- (i) Great South Bay from the western boundary of the national seashore adjacent to Robert Moses State Park, east to the western boundary of the Sunken Forest, excluding any area within 1,000 feet of the shoreline, except as provided in (ii), including the area surrounding East Fire Island and West Fire Island.
- (ii) Navigation channels marked by buoys or identified on the NOAA navigational chart (12352) to include access channels to and from Fair Harbor, Dunewood, Lonelyville, Atlantique, Cherry Grove, Fire Island Pines, Davis Park, Moriches Inlet, Kismet, Saltaire, Ocean Beach, Ocean Bay Park, Point O'Woods, Oakleyville, and Water Island.
- (iii) The Long Island Intracoastal Waterway within the park boundaries.
- (iv) At "flat wake" speeds (maximum 6 mph) within designated marked channels to access town/community docks and harbors/marinas.

(2) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

### 36 CFR §3.12 – May I use a vessel to tow a person for water skiing or similar activities?

- (a) The towing of a person by a vessel is allowed only in designated waters, and in accordance with conditions established by the superintendent under §§ [1.5](#) and [1.7](#) of this chapter.
  - Water Skiing is prohibited in the breach, marina entrance channels, and lifeguarded beaches
- (b) Towing a person using a parasail, hang-glider or other airborne device may be allowed only in accordance with a permit issued by the superintendent under [§ 1.6](#) of this chapter.
- (c) Where towing is designated, the following conditions apply:

- (1) Towing is allowed only between the hours of sunrise and sunset.
- (2) In addition to the boat operator, a person at least 12 years of age must be present to observe the action of the person being towed.
- (3) A person being towed must wear a United States Coast Guard approved Type I, II, III, or V PFD.
- (4) A person being towed may not commit any act in a manner that endangers, or is likely to endanger, any person or damage property.
- (5) Operating a vessel that does not have the capacity to carry the person(s) being towed in addition to the operator and observer is prohibited.
- (6) No person shall operate a power-driven vessel using a tow rope 20 feet or less in length when towing a person.

### 36 CFR §3.14 – Am I required to remove a sunken, grounded, or disabled vessel?

- (a) Except as provided in paragraph (b) of this section, the owners or authorized salvager of a sunken, grounded, or disabled vessel must remove the vessel, all component parts and equipment, and all associated cargo thereof in accordance with procedures established by the superintendent. In establishing removal procedures, the superintendent is authorized to:
  - (1) Establish a reasonable date by which vessel removal operations must be complete;
    - Any grounded vessel must have removal arrangements made by the owner within 72 hours of the grounding. The vessel will be removed in its entirety within seven days of the grounding, except as otherwise authorized by the superintendent.
  - (2) Determine times and means of access to and from the vessel; and
  - (3) Specify the manner or method of removal.
    - If an unseaworthy vessel is cut up on the beach to facilitate easier removal, the owner is responsible for taking adequate measures to prevent the spill of hazardous materials or the undue destruction of natural resources. The owner is responsible for the removal of ALL debris associated with the vessel. If it is determined by the National Park Service that if debris is still on scene after removal, the park may require additional cleanup or charge the owner for the cost of cleanup.
- (b) The superintendent may waive the requirements of paragraph (a) of this section or prohibit removal of the vessel, equipment, or cargo upon a written determination that:
  - (1) The removal would constitute an unacceptable risk to human life;
  - (2) The removal would result in extensive resource damage; or
  - (3) The removal is impracticable or impossible.

*Closure/Determination Justification: These procedures have been put in place to ensure the timely removal and/or cleanup of a vessel that has become disabled, grounded or sunken. A vessel that has become disabled grounded or sunken may present a danger to park visitors and the park resources.*

### 36 CFR §3.16 – May I Swim or Wade in Park Waters?

Swimming or wading is allowed in waters, subject to closures or restrictions designated by the superintendent in accordance with §§ [1.5](#) and [1.7](#) of this chapter.

- Swimming is permitted at the Seashore; however, swimming is prohibited in and around all National Park Service marinas, in designated boat channels, and within 25 feet of any breakwater or pilings.

*Closure/Determination Justification: These restrictions and conditions are established to promote visitor safety and to ensure safe boating in and around the marinas and channels.*

### 36 CFR §3.17 – What regulations Apply to Swimming Areas and Beaches?

(a) The superintendent may designate areas as swimming areas or swimming beaches in accordance with §§ [1.5](#) and [1.7](#) of this chapter.

- Swimming areas and swimming beaches are designated in §1.5 of this document.

(b) Within designated swimming areas, the use of a surfboard or similar rigid device is prohibited.

- Emergency response personnel in the performance of their official duties are exempt for training and life-saving activities.

(c) The superintendent may prohibit the use or possession of flotation devices, glass containers, kites, or incompatible activities in swimming areas or swimming beaches in accordance with §§ [1.5](#) and [1.7](#) of this chapter.

*Closure/Determination Justification: These restrictions and conditions are established to promote visitor safety and to ensure safe boating in and around the marinas and channels.*

### 36 CFR §3.18 – May I Snorkel or Underwater Dive in Park Waters?

(a) Snorkeling and [underwater diving](#) is allowed in park waters, subject to closures or restrictions designated by the superintendent in accordance with §§ [1.5](#) and [1.7](#) of this chapter.

- Snorkeling and underwater diving is allowed at the Seashore; however, diving and snorkeling are prohibited inside marinas and designated boat channels, except in accordance with official Government business or with a permit issued by the superintendent.

(b) In waters open to the use of vessels, a diver must prominently display a [dive flag](#) during dive operations. A dive flag must not be displayed unless dive operations are ongoing.

(c) The dive flag must be illuminated when dive operations take place between sunset and sunrise. The dive flag illumination may not consist of lights that may be confused with navigation lights or aids to navigation lights.

(d) While on the surface, submerging or surfacing the diver must remain within a 100 feet horizontal radius of the diver flag.

(e) If State laws or regulations exist concerning snorkeling activities, those provisions of State law or regulation are adopted.

*Closure/Determination Justification: These restrictions and conditions are established to promote visitor safety and to ensure safe boating in and around the marinas and channels.*

### 36 CFR §3.19 – May I Operate a Submersible within Park Waters?

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

### 36 CFR §4.10 – Travel on Park Roads and Routes

**(a)** Park roads, open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document (attached hereto):

- William Floyd Estate road from gate to parking lot when site is open to the public.

**(b)** Routes and areas for off-road vehicle use are provided for in section 7.20 Fire Island National Seashore Special Regulations and in section 1.5(a)(2).

### 36 CFR §4.11– Vehicle Load, Weight and Size Limits

**(a)** The following load, weight and size limits, which are more restrictive than State law, apply to the roads indicated under the terms and conditions, and/or under permit as noted:

- See [36 CFR 7.20](#)

### 36 CFR §4.21– Speed Limits

**(b)** The following speed limits are established for the routes/roads indicated:

- Over-sand routes and the Burma Road have a maximum posted speed limit of 20 MPH.
- Routes within the communities of the Seashore have a posted speed limit of 8 MPH.

### 36 CFR §4.30 - Bicycles

**(a)** The use of a bicycle, including pedal-assist electric bicycles, are prohibited except on park roads, in parking areas, and on routes designated for bicycle use. Park roads and parking areas that are closed to bicycle use are listed in §1.5 of this document:

- Bicycles are permitted on park roadways and on routes consistent with motor vehicle travel.
- All ocean beaches have been designated for bicycle use.
- Bicycles are not permitted on Seashore boardwalks, in marina areas, or the Wilderness.

**(d)(3)** Riding a bicycle abreast of another rider is allowed on the following routes:

- Burma Road through the Lighthouse Tract.
- All Ocean Beaches
- William Floyd Estate parking lot and dirt trail or road

*Closure/Determination Justification: These designations are based on the determination that such use is consistent with the protection of a park area's natural, scenic and aesthetic values, safety considerations and management objectives, and will not disturb wildlife or park resources.*

## Electric Bicycles (E-bikes)

The Term “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.).

E-Bikes are allowed in Fire Island National Seashore where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles 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 within Fire Island National Seashore is governed by State law, which is adopted and made part of this Compendium. Any violation of State Law adopted by this paragraph is prohibited. 8

*Determination/Justification: On October 02, 2020 the Department of the Interior announced that its final regulations support the Secretary of Interior’s Order 3376. Order 3376 was issued on August 30, 2019 allowing e-bikes to be ridden/operated within the National Park System provided that they comply with State Law and that they be allowed to be ridden in those areas where bicycles are normally allowed. Fire Island National Seashore is wholly within the territorial boundary of the State of New York. Further guidance regarding New York laws with respect to e-bike can be found [here](#).*

## 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 §5.4 – Commercial Passenger – Carrying Motor Vehicles

**(a)** The commercial transportation of passengers by motor vehicle except as authorized under a contract or permit from the Secretary or his authorized representative is prohibited in certain parks.

### 36 CFR §5.5 – Commercial Photography

**(b)** Taking still 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 §5.7 – 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 §5.10 – Eating, Drinking, or Lodging Establishments

**(a)** In certain parks, establishments offering food, drink, or lodging for sale on privately owned lands may only be operated with a permit from the Superintendent.

### 36 CFR §§6.4, 6.5, 6.8, 6.9 – Waste Disposal Sites

A person proposing to operate a solid waste disposal site must submit a request for a permit to the proper Superintendent for review by the Regional Director.

## PART 7 - SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

The following section is this Compendia highlights 36 CFR 7.20; it is not the entire text. For the full law, click [here](#).

### 36 CFR §7.20 Fire Island National Seashore – Driving

Driving for permitted residents, construction, essential services.

#### 2022 Driving Dates

- January 1 to May 7: Driving is authorized.
- May 9 to May 29: Weekday resident driving is permitted. Driving on Saturday and Sunday may occur only before 9:00 a.m. and after 6:00 p.m.
- May 30 (Memorial Day): No driving is authorized until after 6:00 p.m.
- May 30 to June 25 (last day of school) Monday-Friday: driving may occur only before 9:00 a.m. and after 6:00 p.m. Saturday and Sunday: No driving is authorized.
- June 27 through September 5 (Labor Day): No driving is authorized.
- September 7 through September 12: Monday-Friday: driving may occur only before 9:00 a.m. and after 6:00 p.m. Saturday and Sunday: No driving is authorized,
- September 13 through October 11: Weekday resident driving is permitted. Driving on Saturday and Sunday may occur only before 9:00 a.m. and after 6:00 p.m.
- October 12 through December 31: Driving is authorized.

**Construction/Business:**

- January 1 to May 3: Driving is authorized.
- May 8 to May 21: No weekend driving is authorized. Weekday driving is allowed only when adequate ferry service is not available.
- May 22 to October 11: No driving is authorized.
- October 12 to December 31: Driving is authorized.

**Essential Services:**

- January 1 to May 7: Driving is authorized.
- May 8 to May 28: Weekday driving is permitted. Driving on Saturday and Sunday may occur only before 9:00 a.m. and after 6:00 p.m.
- May 29 to September 12: Driving may only occur before 9:00 a.m. and after 6:00 p.m. No driving on weekends or federal holidays.
- September 13 to October 11: Weekday driving is permitted. Driving on Saturday and Sunday may occur only before 9:00 a.m. and after 6:00 p.m.
- October 12 to December 31: Driving is authorized.

## APPENDIX A

### **Question (Q). Why is it important to know about service animals?**

Answer (A). Generally, the use of a service animal by an individual with a disability must be permitted. Individuals with disabilities who use service animals have a right to be accompanied by their animals at all times. Denying access to an individual with a service animal is considered discriminatory and makes the NPS vulnerable to civil rights complaints and lawsuits, as well as negative public perception.

### **Q. Why are service animals protected by law?**

A. Individuals with disabilities rely on their service animals to remain independent and safe. Service animals are NOT pets. For many individuals with disabilities, separation from a service animal has the same effect as having a wheelchair or communication device taken away. For others, separation from a service animal can put the individual in danger.

### **Q. Do NPS employees with service animals have the same rights and protections as visitors with service animals?**

A. Generally, all service animal users have the same protections. However, this FAQ is intended to address park visitors and not employees. Questions about employees or volunteers with service animals should be addressed to the Equal Opportunity Program.

### **Q. How should NPS staff members respond if a visitor with a service animal wants to complain about being denied access due to his or her service animal?**

A. In many cases, resolving a complaint can be done at the local level by following the park's process for handling complaints. However, an individual who believes they have been illegally denied access or service because of a service animal must be informed they also have the right to file a complaint with the Equal Opportunity Program or the Department of the Interior's Office of Civil Rights. Individuals also have the right to file a private lawsuit in federal court. [Defining Service Animals](#)

### **Q. What is the definition of a service animal?**

A. NPS policy defines a service animal as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The task(s) performed by the animal must be directly related to the person's disability.

### **Q. Are dogs the only type of service animal?**

A. The definition of service animal only refers to a dog, but the NPS must make reasonable modifications to policies, practices or procedures to permit the use of a miniature horse by a person with a disability if the

miniature horse has been individually trained to do work or perform tasks directly related to the person's disability. Miniature horses are the only animal for which this modification is required. For more information about miniature horses, send questions to: [accessibility@nps.gov](mailto:accessibility@nps.gov)

**Q. What does “do work or perform tasks for the benefit of an individual with a disability” mean?**

A. The animal must be trained to take a specific action when needed to assist the person with a disability. There is no prescribed list of work or tasks as these are individualized based on a person's disability, so the work or tasks are not limited. Many people are familiar with how dogs assist individuals who are blind to navigate or assist a wheelchair user to open doors, but there are many service dogs trained to perform other tasks for other disabilities. For example, a person with diabetes may have a dog that is trained to alert when an individual's blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind the individual to take medication. Additionally, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and help the person remain safe during the seizure. Because of the variation in tasks and work being performed, the size and breed of dogs that are service animals also vary.

**Q. Are service animals required to be professionally trained or certified?**

A. No. People with disabilities have the right to train the animal themselves and are not required to use a professional service animal training program. The NPS cannot require documentation (such as proof that the animal is certified, trained or licensed as a service animal) as a condition for entry into park units.

**Q. Are emotional support, therapy, comfort or companion animals considered service animals?**

A. No. Provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of what is defined as a service animal in the NPS policy. Emotional support, therapy, comfort or companion animals can be any animal, not just a dog. The presence of these animals provides a calming effect for many people, but they do not qualify as service animals because they have not been trained to perform a specific job or task.

Therefore, a park can treat an emotional support animal as a pet in accordance with its pet policy.

**Q. Does a dog qualify as a “service animal” or an “emotional support animal” when it helps an individual cope with mental illness?**

A. It depends. It is not a service animal if the dog's mere presence provides comfort. However, it would qualify as a service animal if a dog has the ability to sense the onset of a psychiatric episode and is trained to take a specific action to help avoid or lessen the impact of that episode. For example, some dogs have been trained to sense anxiety attacks and to take a specific action to avert or reduce the attack.

**Q. Is a personal protection or crime deterrent dog considered a service animal?**

A. No. Crime deterrence, guarding or personal protection does not constitute work or tasks for the purpose of defining a service animal in NPS policy.

**Q. Are service-animals-in-training considered service animals?**

A. No. Under the NPS policy, the dog is not considered a service animal until it has already been trained. A park can treat a service-animal-in-training as a pet in accordance with its pet policy. Parks can allow service-animals-in-training to be trained in park units, however.

**ALLOWING SERVICE DOGS IN THE PARK**

**Q. Where are service dogs allowed to go?**

A. Service dogs are legally permitted anywhere that visitors can go and must be allowed wherever visitors are allowed. As explained under “General Knowledge,” service animal users rely on their animals to remain independent and safe. For many individuals with disabilities, separation from a service animal has the same effect as having a wheelchair or communication device taken away. For others, separation from a service animal can put the individual in danger.

**Q. Can a service dog be prohibited from an area because staff or visitors have a fear of or are allergic to dogs?**

A. No. Service animals cannot be denied because someone else has either allergies or a fear of dogs. Staff need to find a way to accommodate both parties.

**Q. Are there any circumstances under which service dogs can be denied access to part of a park?**

A. Yes. However, access can only be denied when:

- Access requires a fundamental alteration to the nature of the goods, services, programs or activities provided to the public in the area; or a dog raises legitimate safety concerns for the public, the service dog, other native animals or other park resources. Note: “Legitimate safety concerns” are those that are based on fact rather than speculation or fear.
- The dog is not housebroken or it is out of control and the handler does not take effective action to control it.

Contact [accessibility@nps.gov](mailto:accessibility@nps.gov) for assistance with identifying legitimate safety concerns or situations resulting in fundamental alterations.

**Q. What do I do if a visitor insists an emotional support animal is needed in order to participate in activities in the park?**

A. While emotional support animals are not service animals and can be treated like pets, there is no requirement to treat them like pets nor is there a requirement to ban emotional support dogs. A park can

have a policy that allows emotional support dogs if the park believes the emotional support dog will improve the experience for visitors. However, this policy should be applied consistently and clearly articulated to all park staff, volunteers and concessioners.

**Q. If an NPS facility does not allow pets, what type of sign should be used to indicate that service dogs are allowed?**

A. A simple but direct statement is all that is necessary, such as “No Pets Allowed, Service Animals Only.”

**Q. Can a park require a visitor with a disability to register a service dog to use it in any part of the park?**

A. No. Mandatory or voluntary registration of service dogs is prohibited by law.

**Q. Can a park require a visitor to seek a permit for the use of a service animal?**

A. No. The use of service dogs is already permitted by law as a reasonable modification to pet policies.

**Q. Can proof of vaccination or other proof that a service dog is free of disease be required?**

A. Yes. Service dogs are subject to the same vaccination rules that are applied to all dogs. However, an individual should not be required to provide proof of vaccination unless the park has established a specific threat posed by the presence of a canine disease. Visitors should be given advanced notice of this requirement on the park website and through other means of communication to inform the public of rules and restrictions at the park.

**Q. Can individuals with disabilities be refused access to a facility based on the type of or breed of their service dog?**

A. No. A service dog may not be excluded based on assumptions or stereotypes about the dog’s breed or how the animal might behave.

**Q. Can a service dog be brought into food operations, such as snack bars and restaurants, including self-service facilities such as buffets and salad bars?**

A. Yes. Service dogs must be allowed to accompany their handlers to and through food service facilities such as restaurants, bars and lounges and snack bars including self-service food lines.

**Q. Are restaurants, bars and other concessioner places that serve food or drink required to allow service dogs to be seated on chairs or allow the animal to be fed at the table?**

A. No. Seating, food and drink are provided for customer use only. The NPS policy gives a person with a disability the right to be accompanied by their service animal, but the parks and concessioners are not required to allow an animal to sit on or be fed at the table.

**Q. Can a service animal be removed from a facility that serves food, if the service animal is poorly groomed, such as it is dirty or has a bad odor?**

A. Yes. If a service animal were in such an unsanitary state that would result in a fundamental alteration of the nature of the services that are being provided (e.g., the stench of the animal would deter other customers from ordering food), the animal could be excluded from the food service facility.

**Q. Can hotels, lodges and campgrounds designate limited rooms or areas for guests with service dogs?**

A. No. A guest with a disability who uses a service dog must be provided the same opportunity to reserve any available room or area at the hotel, lodge or campground as other guests without disabilities. They may not be restricted to “pet-friendly” rooms/areas.

**Q. Are guests allowed to leave their service animals in their hotel room, lodge room or camp site when they leave the hotel, lodge or campground?**

A. No, the service dog must be under the handler’s control at all times.

**Q. Can hotels or lodges charge a cleaning fee for guests who have service dogs?**

A. No. Hotels are not permitted to charge guests for cleaning the hair or dander shed by a service dog. However, if a guest’s service dog causes damage to a guest room, a hotel is permitted to charge the same fee for damages as charged to other guests.

**Q. Are sites that have swimming pools required to allow a service dog in the pool with its handler?**

A. No. NPS policy does not override public health rules that prohibit dogs in swimming pools. However, service animal must be allowed on the pool deck and in other areas where the public is allowed to go.

**Q. Are concession stores and gift shops required to allow service animals to be placed in a shopping cart?**

A. No. Service dogs should be on the floor or the person can carry the animal.

**Q. If a visitor is transported from a park to a medical facility, must a service animal be allowed to ride in an ambulance with its handler?**

A. Yes, unless the dog's presence would interfere with the medical personnel's ability to perform their tasks. In which case, park staff should make other arrangements to have the dog transported to the hospital.  
Identifying Service Animals

**Q. What questions can NPS employees ask to determine if a dog is a service animal?**

A. When it is not obvious that a dog is a service animal, staff may ask:

1. Is the service dog required because of a disability?
2. What work or task has the dog been trained to perform?

**Staff cannot:**

- Inquire about the nature or extent of the person's disability, including any questions about the person's capabilities that relate to their disability;
- Require a person to show medical documentation or other proof of disability;
- Request any documentation or certification for the animal;
- Require or request that the animal demonstrate its task, work or anything that it is trained to perform that relates to the visitor's disability.

**Q. What if a visitor is carrying a dog rather than walking the dog on a leash?**

A. Service dogs can be on the floor or the person can carry the animal. There are many tasks that a service dog can be trained to do that require it to be carried. For example, if a person with diabetes has a glucose alert dog, the individual may carry the dog in a chest pack so it can be close to the face to allow the dog to smell the individual's breathe to alert of a change in glucose levels.

**Q. What if there is a group of visitors, one of whom has a disability, but that individual is not the one with the dog?**

A. In most instances, the handler will be the individual with a disability, but it is possible for a service dog to be handled by another party (such as a parent, guardian or teacher) who accompanies the individual with a disability because of the age or needs of the individual with a disability. Similarly, a visitor's companion is allowed to take a service dog out to be exercised or use a relief area without the individual with a disability.

**Q. Can people bring more than one service dog into a park?**

A. Yes. Some people with disabilities may use more than one service animal to perform different tasks. For example, a person who has a visual disability and a seizure disorder may use one service animal to assist with navigation and another that is trained as a seizure alert dog. Other people may need two service animals for the same task, such as a person who needs two dogs to assist the individual with stability when walking. If

both dogs can be accommodated, both must be allowed to accompany the individual with a disability. In some circumstances; however, it may not be possible to accommodate more than one service animal. For example, in a crowded small restaurant, only one dog may be able to fit under the table.

## **OBLIGATIONS OF THE SERVICE DOG USER**

### **Q. Do service animals have to be on a leash?**

A. The service animal must be under the control of its handler. This means that the service animal must be harnessed, leashed or tethered unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal or other effective means to maintain control of the animal. For example, a person who uses a wheelchair may use a long, retractable leash to enable the service animal to pick up or retrieve items. The handler cannot allow the dog to wander away and must maintain control of the dog, even if it is retrieving an item at a distance. Another example is a visitor who has post-traumatic stress disorder and has great difficulty entering unfamiliar spaces. They may have a dog that is trained to enter a space; check to see that there are no threats and come back and signal that it is safe to enter. The dog must be off leash to do its job, but must return to be leashed when it has completed its job or task.

### **Q. Are service dogs required to behave?**

A. Yes. The animal's handler must take effective action to control the animal, so that a service animal is not barking repeatedly in areas such as theaters/amphitheaters, museums/visitor centers, campgrounds, walks, talks, tours or other quiet places. However, if a dog barks just once, or barks because someone has provoked it, this would not mean the dog is out of control. Additionally, growling or snarling is considered threatening behavior and is considered to be out of control if the handler does not correct the behavior of the dog.

### **Q. Are service dogs required to be housebroken?**

A. Yes, service dogs must be housebroken.

### **Q. What can NPS staff do when a service animal is being disruptive or is not housebroken?**

A. Staff can request removal of the dog from the program or area if it is not housebroken or it is out of control and the handler does not take effective action to control it. If a service dog is removed, the individual with the disability must have the opportunity to participate in the service, program or activity without the dog.

### **Q. Can a dog be removed if it becomes distracting, bothersome or seeks attention from other visitors?**

A. Yes, a service dog can be removed from a program or area if it's behavior is distracting or bothering other visitors and the handler does not correct the behavior. If a dog is removed, the individual with the disability must have the opportunity to participate in the service, program or activity without the dog.