National Park Service
U.S. Department of the Interior

Gateway National Recreation Area (GNRA)

Gateway National Recreation Area
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Superintendent's Compendium
Of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.

Approved:

JENNIFER NERSESIAN Digitally signed by JENNIFER NERSESIAN Date: 2019.12.09 12:31:26 -05'00'

Jennifer T. Nersesian, Superintendent

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A. INTRODUCTION

1. Superintendent's Compendium Described

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

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

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

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

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

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

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

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

The CFR is also available on the Internet at:

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

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

The National Park Service (NPS) is granted broad statutory authority under 54 United States Code (U.S.C.) Section 100101, and Section 100301 *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" (54 USC §100101(a)). 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" (54 U.S.C. §10751).

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 (54 U.S.C. §100101(b)), 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 §100101(b) of this Title, shall be consistent with and founded in the purpose established by §100101(b) of this Title, to the common benefit of all people of the United States."

54 U.S.C. §100102 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 visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, than that Superintendent is obliged to place limitations on public use.

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

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

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

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

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The

requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

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

5. Applicability of the Compendium

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

6. Enforcement of Compendium Requirements

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

7. Penalties for Not Adhering to the Compendium Requirements

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

8. Comments on the Compendium

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

9. Effective Date of the Superintendent Compendium

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

10. Additional Information

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

11. Availability

Copies of the Compendium are available at Building 210, New York Avenue, Staten Island NY 10305. It may also be found at https://www.nps.gov/gate/index.htm.

SUPERINTENDENT'S COMPENDIUM

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 54 United States Code, Section 100101, 100751, 100752, 100753, 102102, and 103104 (e.g. previously 16 USC Section 3) the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Gateway National Recreation Area (GNRA). Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

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

Supplemental Regulations

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

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

In accordance with § 1.5(a)(1), the following **visiting hours** have been established for the Park:

Park-Wide

- Unless otherwise noted, the general park hours, including all Day Use Areas, is open from 05:00 am to 10:00 pm daily from April 1st to October 31st and open from 05:00 am to 08:00 pm from November 1st to March 31st, except by permit or as otherwise noted.
- All navigable waters within the park boundary are open 24 hours.
- Visitor centers and contact stations are closed on Thanksgiving Day, Christmas Day (December 25) and New Year's Day (January 1).
- Hours of operation for parking areas and associated facilities are listed below by unit. Dawn is a half hour before sunrise and dusk is a half hour after sunset.
- Facilities occupied or operated by a third party (concessionaire, lessee, partner, other authorized party) are subject to the terms and conditions of a government instrument. Hours of operation may vary.

Jamaica Bay Unit

- Canarsie Pier is open from 5:00 am to 2:00 am (Closed from 2:00 am to 5 am). Motor Vehicle access is from 8:00 am to 2:00 am (Vehicles prohibited 2:00 am to 8:00 am).
- North Channel Bridge parking area is open from 5:00 am to 11:00 pm.
- The visiting hours for the Jamaica Bay Wildlife Refuge Trails are from dawn to dusk.
- The Jamaica BayWildlife Refuge Visitor Center (public areas only) has seasonal hours of operation. Visitors should visit the Park's website at: https://www.nps.gov/gate/planyourvisit/index.htm for daily hours of operation.
- Jacob Riis Park and the Riis Park Parking Lot are open daily from 6:00 am to Midnight.
- Fort Tilden is open daily from 6:00 am to dusk.
- Floyd Bennett Field is open daily dawn to dusk.
- Floyd Bennett Field Historic Aircraft Hangar B is open Tuesday, Thursday, and Saturday from 9:00 am to 3:00pm.
- The Ryan Visitor Center has seasonal hours of operation. Visitors should visit the Park's website at: https://www.nps.gov/gate/planyourvisit/index.htm for daily hours of operation..
- Frank Charles Park is open daily from dawn to dusk.
- Spring Creek is open daily from dawn to dusk.

Sandy Hook Unit

- **The Sandy Hook Visitor Center at Spermacetti Cove is currently closed**.

- Sandy Hook is open from 05:00 am to 9:00 pm daily from April 1st to October 31st and open from 05:00 am to 8:00 pm from November 1st to March 31st, except by permit or otherwise noted.
- The Sandy Hook Lighthouse Keepers Quarters Visitor Center is open May 1 to October 31 from 9:00 am to 5:00 pm and November 1 to April 30 from 10:00 am to 4:00 pm. Visitors should visit the Park's website at: https://www.nps.gov/gate/planyourvisit/index.htm for daily hours of operation.
- Sandy Hook Lighthouse tours are conducted daily May 1 to October 31 from 1:00 pm to 4:30 pm and November 1 to April 30 1:00 pm-3:30 pm.
- History House is open June 1 to September 30 daily from 1:00 pm to 5:00 pm and from October 1 to May 31 on weekends 1:00 pm to 5:00 pm.

Staten Island Unit

- The visitor contact station at Great Kills Park is open from 10:00 am to 2:00 pm Sunday, Thursday and Friday with extended days and hours during the summer.
- The Ranger Station at Miller Field is open from 10:00 am to 2:00 pm Friday through Sunday, with extended days and hours during the summer.
- The visitor Station at Ft. Wadsworth has seasonal hours of operation. Visitors should visit the Park's website at: https://www.nps.gov/gate/planyourvisit/index.htm for daily hours of operation

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

In accordance with § 1.5(a)(1), the following **public use limits** have been established for the Park:

Park-Wide

- Capacity limits for all public structures are set by code and posted, where applicable.

Justification: Limiting the number of people in buildings is required by life safety codes.

Jamaica Bay Unit:

- Special events at Floyd Bennett Field are limited to 5,500 people during peak summer season, July 1st through September 7th.
- Special events at Riis Park are limited to 2,000 people during peak summer season, July 1st through September 7th.
- No more than one special event will be permitted in any one location of the Jamaica Bay Unit on any given day during peak summer season, July 1st through September 7th. Permits are issued on a first come, first served basis.
- Special events occurring September 8th through June 30th are limited to attendance of 10,000 people.

Justification: Special event limits reflect carrying capacity, resource protection, and health and safety issues for visitors and staff.

- The following carrying capacities have been established by the Superintendent for the following areas in regards to motor vehicle access between July 1 and September 7.

Jamaica Bay Unit	
Location	**Carrying Capacity (Vehicles)**
Canarsie Pier	327
Floyd Bennett Field	3000
Fort Tilden	534
Jacob Riis	8500
Jamaica Bay Wildlife Refuge	76
North Channel Bridge	144
Riis Landing	90

Justification: Allowing more vehicles into these areas than available parking space causes damage to park resources and facilities and compromises visitor safety.

Sandy Hook Unit

- Sandy Hook has 4200 beach parking spaces. When these spaces are full, the vehicle entrance to the park is restricted to non-recreational users, residents and those individuals occupying a facility subject to the terms and conditions of a government instrument.

  Justification: Allowing more vehicles into the park than available parking spaces causes damage to park resources and facilities and compromises public safety.

- The following parking time limits have been established by the Superintendent for the following areas:

Sandy Hook Unit	
Location	**Time Limit**
Spermacetti Cove Visitor Center*	2 hours
Entrance Station	10 minutes
Fort Hancock – Building #58 Parking Lot	Authorized Use Only
Fort Hancock – Building #26 Parking Lot**	Authorized Use Only
Fort Hancock – Building #32 Parking Lot	Authorized Use Only
Sandy Hook Lighthouse	2 hours
N Lot (across from Building #58)	2 hours

  * Spermacetti Cove Visitor Center is currently closed due to damage sustained from Hurricane Sandy.
  ** Restriction does not apply to park staff or persons on official park business.

  Justification: The areas listed are not a beach use lots and in order to accommodate non-beach use visitors and their vehicles, a parking duration limit has been set.

Staten Island Unit

- The following parking time limits have been established by the Superintendent for the following areas:

Staten Island Unit	
Location	**Time Limit**
Building 120 Parking Lot	Authorized Use Only/Visitor Parking limit 2 hours (No commuter Parking)
Ballfield Parking Lot	4 Hour Limit

- Special events at Miller Field are limited to 250 participants; 150 participants at the picnic area. The parking lot may not be used for special events; except for commercial filming support.

- Special events at Great Kills Park are limited to 250 participants. The parking lot may not be used for special events; except by approved NPS Permit.

  Justification: Special event limits reflect carrying capacity, resource protection, and health and safety issues for visitors and staff.

In accordance with § 1.5(a)(1), the following **closures** have been established for the Park:

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Gateway National Recreation Area 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.

- 36 CFR §1.5 and in accordance with §3.17(c), the Superintendent has restricted the following activities or items on ocean and bayside beaches:
    - Glass containers.
    - Shade Structures – Only umbrellas with a diameter of no more than 8' that requires only one central station to support shade that have no material or fabric to form or resemble "legs", corners or sides. (No other shade canopies or other shade structures are allowed and umbrellas cannot be joined together. Small tents designed for infants/toddlers are allowed as long as infant/toddler is present).
    - Windscreens may be used on ocean beaches. However, on swimming beaches, no windscreens are permitted within 50 feet of the high tide (wrack) line or between lifeguard stands and waterline. No physical structure or combination of such may exceed twenty-five (25) feet in uninterrupted, length or have a height of more than 36 inches and may only form no more than one straight side with no curves or angles. An obstruction- free corridor measuring at least fifteen (15) feet must be maintained between the barriers specified above to ensure free access. The construction of windscreens from driftwood is prohibited.
    - No fire or any other combustibles including but not limited to sterno, propane flame or electric burners.
    - No battery or solar powered appliances, battery converters or inverters.
    - No amplified sound producing devices. Small portable radios are allowed, but may not be amplified or broadcast to negatively affect other visitors.
    - No large tables or stands or boards or other products/materials positioned to function as a table. Small personal tables with a surface of no more than 24" across are allowed
    - No warming trays or other devices utilized for the preparation and service of food for consumption by more than one person.
    - Fishing.
    - Kite flying.
    - Scuba diving and snorkeling.
    - No balls, Frisbees, or similar objects are allowed in the water
    - From March 15 to September 15, no balls, Frisbees or similar objects are allowed within 150 feet of posted shorebird nesting areas.
    - Vessels are prohibited at all designated swimming beaches.
    - The distance visitors may swim from shore is at the discretion of lifeguards based on existing conditions.
    - Ball playing restrictions are as follows:
        - Prohibited at the designated swimming beach at Great Kills Park, from Memorial Day through Labor Day, except by special use permit.
        - Ball playing and Frisbee on swimming beaches may be restricted to less populated areas within the swimming beach or restricted to areas outside the designated swimming beach.

<u>Justification:</u> These restrictions have been established for visitor safety and to minimize conflicts, disorderly offenses, hazardous conditions and unintended consequences that would likely impact park visitors if these activities were allowed.

<u>Note:</u> A portion of Area "G" (South Gunnison) on Sandy Hook is used by visitors as a clothing optional area. While this area is not designated as clothing optional, there is no prohibition against this activity. The Park acknowledges the popularity and history of the use and advises unfamiliar visitors of this activity through signs. Nudity, outside the traditional use area, may be considered Disorderly Conduct (36 CFR §2.34(a)(2)).

<u>Park-Wide</u>

- The Superintendent may temporarily close all or portions of the Park during or as a result of emergency situations or hazardous conditions, which includes inclement weather. Closures will be identified by posted signs, maps, media notifications and by barriers and/or gates as

appropriate. All permanent closures will be in accordance with the rulemaking procedures in the Federal Register.

Justification: Park roads and facilities may be closed during periods of inclement weather or other hazardous conditions in order to provide for visitor safety. Areas of new construction, reconstruction or rehabilitation may be closed to visitors for safety reasons and to avoid conflicts with authorized work.

Note: Public notice regarding closures can be found on Gateway National Recreation Area social media websites, the Gateway NRA homepage at www.nps.gov/gate, and via local news media.

- Unless otherwise identified, all structures, buildings, houses and remnants, to include historic gun batteries and other military fortifications are closed to the public. (See the Visiting Hours section for public use facilities).

  Justification: Some non-public structures are only for Park administrative purposes while other structures and remnants may be unsafe. These historic structures are in various conditions of repair, some may be hazardous.

- The primary dune systems along the ocean and bay shorelines are closed to the public except at designated dune crossings.

  Justification: Dunes are fragile resources and easily harmed by social trails. Dune systems protect upland areas from storm surge. Dunes are easily damaged and destabilized when vegetation is trampled.

- As needed to protect park resources, to include threatened and endangered species, the Superintendent or his/her designee may restrict public access to portions of the Park on a temporary basis. This may include large areas of the seashore on the ocean and bay sides. Closures will be designated by signs and some type of physical barrier (i.e., string line, composite markers/posts, etc.)
  - Access is prohibited within 150 feet of posted shorebird nesting areas

  Justification: Threatened and endangered shorebirds (e.g., piping plovers) are very susceptible to disturbances, particularly during nesting season. Visitors cause disturbances to the shorebirds natural environment, which in turn can cause the nest failures.

Jamaica Bay Unit

- All vegetated wetland areas are closed to visitor access.

  Justification: Wetlands are fragile ecosystems and are easily damaged by people and vehicles.

- The following areas are closed to public use or access:
  - West Beach back dune and grassland areas are closed to visitor use.
  - All Grassland Management Areas on Floyd Bennett Field.
  - All islands within Jamaica Bay (above mean high water line also, no access on islands or within 300 feet of vegetated shoreline of marsh islands).
  - Ecology Village Campgrounds (permit only).

  Justification: These closures are in place to protect fragile natural resources, habitats and environments and to provide for a safe and memorable visitor experience.

- The following roads and areas are closed to public motorized vehicle use:
  - All roads in the "Back Fort" historic area in Fort Tilden, west of Hero Road.
  - Beach 169th Street, south of the "Do Not Enter" sign.
  - Riis Park Boardwalk.
  - Shore Road (and its remains) in Fort Tilden.
  - The Riis Landing Basin parking lot located behind old Station Rockaway.
  - Vehicle access to the beach at the Breezy Point Tip is prohibited from March 15th through August 31st.

- Roads leading to, and areas immediately surrounding park housing, are closed to visitor access, with the exception of Aviation Road for pass through to permit only fishing areas.
- Floyd Bennett Field, Ranger Road, east of the Building #272 access road (Navy Pier area) is closed to visitor access.
- All unpaved roads within the North Shore District (North Forty, Dead Horse Bay, Raptor Point Trail, and campgrounds).
- Flatbush Avenue Greenway (Multi-Use Pathway – MUP).
- All roads (paved and unpaved) within the Jamaica Bay Wildlife Refuge.
- Runways 6/24, 11/19 and 12/30.

Justification: These roads are closed to protect park visitors, staff and resources, to limit conflicts with pedestrians, or because they do not meet highway standards.

- Canarsie Pier is closed to carpooling, mass transit and commuter parking. Parking is for park visitor use only.

Justification: Use by commuters would limit access for park visitors.

Sandy Hook Unit

- All roadsides (shoulders) are closed to parking and stopping, except as designated for the following locations:
  - Fishing beach at Area F.
  - Paved pull-out at Horseshoe Cove (Loading and unloading only).

Justification: Roadside parking damages road shoulders and creates safety hazards for vehicle traffic and pedestrians.

- The following areas are closed to visitor parking:
  - The three (3) National Oceanic & Atmospheric Administration (NOAA) parking lots.
  - All Beach Center loading docks and storage areas.
  - Lot A is closed from the Friday before Memorial Day until Labor Day.

Justification: Parking restrictions and designations are made to facilitate the administrative needs of the park and its cooperators and provide for visitor and staff safety.

- The following areas are closed to public use or access:
  - The Holly Forest, west of Hartshorne Drive, north of the observation boardwalk and south of Horseshoe Cove is closed to the public, except by reservation or guided tour.
  - The freshwater marshes south east of Guardian Park and north and south of the Nike Missile Launch Site (except for the access to the public bird observation blind at Nike Pond).
  - The bayside saltmarshes of Spermaceti Cove, Skeleton Hill Island and Horseshoe Cove (north of the boardwalk).

Justification: These public use closures are in place to protect fragile natural resources, habitats and environments of the holly forest, the freshwater marshes and the saltwater marshes and to provide for a safe visitor experience.

- White Road, between South Gunnison Beach and Atlantic Drive is an emergency access point and is closed to public access.

- *Justification: This road is the primary emergency access road to Gunnison Beach and it has sections that are very narrow through steep dunes on soft sand. Pedestrians hinder emergency response as there are limited areas for them to leave the road.*

- Vehicle access road (dirt road) across from Beach areas “C” and “D” which runs parallel with Hartshorne Dr. South is closed to vehicular access and is for “Official” government vehicle use only. (*This road is for Resource Protection Ranger and other authorized NPS/Gov. personnel/ vehicle access only for Park operational purposes).*

- Kessler Rd. for “Authorized Vehicle” use only. There is no visitor parking allowed behind “Officers Row”

  Justification: Kessler Rd. is too narrow for two-way traffic and parking. Allowing vehicles to park along this roadway becomes a pedestrian and vehicle safety concern and also promotes picnicking in unauthorized areas along the Parade Grounds.

- Access to Sandy Hook Campground campsites is required by permit.
  The campground parking lot is designated for campers only from April 1 to Columbus Day, a Campground parking permit is required at all times to park in this lot.

  Justification: Campsites are for campers only, to protect the campers and their enjoyment; the campsites are closed to the public.

Staten Island Unit

- The following areas are closed to public use or access:
  - All marshes (except by permit).
  - Hoffman and Swinburne Islands (except by permit).
  - Areas of Great Kills Park southeast of Hylan Boulevard and north of Great Kills Harbor to a line approximately 1000 feet south of Wetland Road are fenced, signed and identified on area maps as closed to visitation due to radium contaminated soil.

  Justification: These public use closures are in place to protect fragile natural resources, habitats and environments of the marshes and provide for a safe visitor experience.

- The following roads and areas are closed to public motorized vehicle use:
  - Weed Road at Fort Wadsworth.
  - Roads leading to or surrounding employee housing, including North Road, South Road, Clifton Drive and USS New Mexico Court. This does not include Mont Sec Avenue.
  - USS North Carolina Rd. between Range Rd. and USS Connecticut Ct.

  Justification: Vehicle restrictions on Weed Road are in place to reduce pedestrian safety hazards. Vehicle restrictions around park housing are in place to reduce traffic congestion and increase safety and security. Vehicle restrictions on USS North Carolina Rd between Range Road and USS Connecticut Ct. are in place for pedestrian and bicycle safety as road closures at USCG housing areas have blocked roadways and vehicles must turn around in roadways.

- All roadsides (shoulders) are closed to parking and stopping, except as designated for the following locations:
  - Harbor Road in Great Kills Park.
  - Chapel on New York Avenue at Fort Wadsworth (during services only).
  - South side of Mont Sec Avenue at Fort Wadsworth.
  - Battery Road at Building 301 and 305 at Fort Wadsworth.
  - Miller Field Picnic Area (stopping only).
  - Fort Wadsworth Overlook (stopping by permit only).

  Justification: Roadside parking damages road shoulders and creates a hazard for traffic and pedestrians.

36 CFR 1.5(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

Areas Designated for a Specific Use or Activity:

Note: Area designations and activity conditions or restrictions will be addressed under the section of 36 CFR that codifies that particular activity. For example, 36 CFR § 2.11 applies to picnicking and under that authority the Superintendent may restrict picnicking and establish conditions for picnicking in areas where picnicking is allowed. Those area designations and activity conditions or restrictions not codified in a particular section of 36 CFR will be addressed in this section.

Jamaica Bay Unit

- From May 15 to September 15, parking at Fort Tilden Aquatics is prohibited.
- Hiking is the only activity allowed on the Jamaica Bay Wildlife Refuge Trails.

  Justification: The primary use of the wildlife refuge trails is for nature study. Activities such as jogging, running, bicycling, rollerblading, ATV's/motorcycles, and cross country skiing can startle wildlife and diminish wildlife viewing opportunities.

- Commercial filming will not be permitted at Riis Park, Fort Tilden beaches or the Breezy Point Tip from Memorial Day through Labor Day.

  Justification: The Park cannot accommodate requests for commercial filming during peak season because it negatively impacts the visitor experience and the resource.

- Wind Powered Vehicles may be operated under a Special Use Permit on Runway 19 at Floyd Bennett Field except between March 15 – August 31 when they are not allowed to be used.

  Justification: This restriction is in place to provide for the safety of the visiting public and to mitigate user conflicts. Use of such vehicles requires a large open space unimpeded by obstacles or people.

Staten Island Unit

- Parking at the Crookes Point Natural Area is by permit only.

  Justification: The permit system limits the number of users necessary to protect the ecology of the area. Parking in Fort Tilden is limited. General parking is available in the Riis Park Parking Lot.

Park-wide

- Golfing, including the use of whiffle golf balls is prohibited except at the following locations:
  - Riis Park Pitch and Putt.
  - The Brooklyn Golf Center.

  Justification: Hitting golf balls compromises visitor safety, creates visitor use conflicts, and cause divots, which damage the lawn.

- Passenger buses may not idle in the park when not underway.

  Justification: The idling of bus engines adds unnecessary exhaust fumes to the air, which affects the quality of the air in the Park and diminishes the visitor experience.

- Glass containers are prohibited on all park beaches; oceanside and bayside.

  Justification: Glass containers are prohibited on park beaches to protect visitors from injuries associated with broken glass.

- Remote controlled model cars are prohibited in the Park
  Justification: The use of remote controlled model cars are prohibited in order to mitigate user conflicts, prevent injuries to park visitors, and minimize disturbances to wildlife.

- Balloons (latex and Mylar) are prohibited within the Park.

<u>Justification:</u> Discarded and released balloons become refuse that pose health risks to threatened and endangered species, especially marine turtles. They may also disturb nesting activities of threatened and endangered birds.

- Kite Boarding is allowed; except within 650 feet of posted shorebird nesting areas or lifeguarded swimming beaches.

  <u>Justification:</u> Kiteboarding can disturb nesting shorebirds and can cause nests to fail and also be dangerous to swimmers.

- Kite flying is allowed; however, the following are prohibited:
  - Within 650 feet of posted shorebird nesting areas.
  - In parking areas.
  - Within 1000 feet of the Model Airplane Field on Floyd Bennett.
  - On all lifeguarded beaches while guards are on-duty.
  - From March 15 to September 15 at Fort Tilden Beach, West Beach and the ocean and bay beaches of Breezy Point Tip, Sandy Hook ocean side beaches.
  - Fighting kites (kite string is coated with sharp or abrasive material).

  <u>Justification:</u> Kite flying can disturb nesting shorebirds and can cause nests to fail. Due to the large number of visitors, kites on the bathing beaches and parking areas pose a safety hazard and can cause injury to visitors and wildlife and damage property. Kite flying at Floyd Bennett Field would create safety issues and user conflicts with model plane activities.

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Gateway National Recreation Area is prohibited except under the following conditions:
  - All quadcopters, drones, helicopters, or similar devices are prohibited.
  - Fixed wing model aircraft (airplanes) may be operated only by permit at the model airplane field at Floyd Bennett Field in the Jamaica Bay Unit. Permits are issued by the Pennsylvania Avenue Radio Controlled Society (PARCS). All fixed wing model aircraft must be operated in accordance with PARCS General and Safety Rules. Appropriate Academy of Model Aeronautics (AMA) insurance is required. (This activity may be suspended during the U.N. General Assembly Meetings each September/October).
  - Fixed wing model aircraft may only be flown for recreational or hobby use only (non-commercial) and remain within sight of the operator at all times.
  - The Superintendent may authorize the use of unmanned aircraft in accordance with the provisions of a valid permit. This authorization is at the discretion of the Superintendent and will be evaluated based on the merits of the request and its relevancy to the mission of the NPS (e.g., research project). (See also page 9)

  <u>Justification:</u> The closure is necessary to maintain public health and safety within the Park and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts.

  The Park contains sensitive natural areas which support a variety of wildlife including threatened and endangered species and nesting shorebirds. This wildlife can be easily disturbed by unmanned aircraft flying in close proximity. Visitors in the park could be injured by a downed aircraft and their experience at the park could be lessened by the intrusion of these aircraft during their visit. Other immediate concerns regarding the use of unmanned aircraft include interference with commercial flight operations at nearby JFK Airport and possible intrusions into cooperator areas such as the U.S. Coast Guard facilities, Armed Forces Reserve Center and the NYPD facilities.

  The model airplane field at Floyd Bennett Field is an authorized longstanding area for the use of model aircraft. The continued use of this area for recreational flying of fixed wing model aircraft is appropriate as the site is a former airfield and the activities take place on a portion of large open runway exclusive of other visitor activities. The airfield is operated by the Pennsylvania Avenue Radio Controlled Society (PARCS) and the flying of model unmanned aircraft is in accordance with Federal Aviation

Administration (FAA) Advisory Circular 91-57 and section 336 of the FAA Reauthorization Act of 2012, which further reduces possible impacts on visitors, wildlife, and neighboring airports.

- The use of tents is permitted only in designated campgrounds. Tents will not be permitted in any other area of the park to include but not limited to beaches, picnic areas, day use areas and parking lots.

  Justification: *Per the Merriam- Webster dictionary, a tent is defined as a collapsible shelter of fabric (as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building. Per §2.10(b)(10), camping is only permitted at designated sites or in designated areas. At Gateway National recreation Area camping is only permitted in designated campgrounds, not on the beach, in the picnic areas, parking lots or day use areas. Section 5.7 prohibits constructing a building on other facility upon, over, across, through or under any park area, except in accordance with the provisions of a valid permit. Constructing tents or similar structures in areas where they are not permitted can affect emergency response, create user conflicts and disturb the aesthetics of the park environment. Additionally, tents have been used on the beach to conceal illegal activity, such as public lewdness and the use of controlled substances.*

- The use of temporary shade structures, such as canopies, umbrellas, tarps is permitted during daylight hours and only in the following areas:
  - Designated picnic areas
  - Designated campgrounds (see section on Campgrounds for additional restrictions)
  - Any area designated in accordance with the provisions of a valid permit.
  - Umbrellas, no larger than 8' in diameter may be used on beach areas, however, no other shade structures are allowed on beaches.

  Note: These structures cannot be enclosed or modified or combined with any other structure, additional umbrellas or material to construct an enclosure or expand the size of a shade structure. The use of driftwood to construct an enclosure is prohibited.

  Windscreens may be used on ocean beaches. However, on swimming beaches, no windscreens are permitted within 25 feet of the high tide (wrack) line and must not be between the lifeguard stands and the waterline. No physical structure or combination of such structure may exceed 36 inches in height, twenty-five (25) feet in an uninterrupted straight length with no curves or bends. An obstruction- free corridor measuring at least fifteen (15) feet must be maintained between the barriers specified above to ensure free access. The construction of windscreens from driftwood is prohibited. (see also page 10)

  Justification: *Maintaining obstruction-free corridors is necessary for effective emergency response and visitor movement. Additionally, it helps facilitate visitor movement along the waterline, aids the lifeguards in seeing and responding to events along the shoreline, and provides an unobstructed viewing area of the ocean.*

- The following restrictions apply to all Multi-Use Pathways (MUPs):
  - Users must keep to the right of the center dividing line per the pathway postings.
  - The Multi-Use Path (MUP) is closed to motorized vehicles. This does not apply to those vehicles meeting the intent of the American's with Disabilities Act of 1990 (ADA).

  Justification: *The MUP receives heavy visitor use from pedestrian (e.g., walkers, runners) and wheeled (e.g., bicycles, roller blades) user groups. The heavy traffic along with the winding curves can make for a potentially unsafe situation. The divided pathway is intended to mitigate associated risks for all user groups involved.*

- In accordance with 18 USC § 795, Photographing active defense installations or vessels is prohibited.

  Justification: *Due to the heightened security as a result of the terrorist attacks of September 11, 2001, Park areas across from the Earle Naval Weapons Station, the US Coast Guard Stations, and the shipping*

channel at the north end of the Sandy Hook Unit are under greater scrutiny and visitors taking photographs of naval vessels or homeland security facilities may be investigated.

The following **vessel restrictions** are in effect:

Sandy Hook Unit

- Landing or beaching vessels on ocean beaches is prohibited.
- Spermaceti Cove is closed to vessel operation.
- Mooring, operating, launching or retrieving a vessel within 500 feet of the ferry dock at Fort Hancock is prohibited, except in emergencies.

  Justification: In accordance with 33 CFR 95.010 a vessel is defined as "every description of a watercraft or other artificial contrivance used or is capable of being used, as a means of transportation on water."

Staten Island Unit

- Operating a vessel within 300 feet of all marshes is prohibited including the peat flat at Great Kills Park.

  Note: See 36 CFR Part 3 for additional boating and water use activities regulations.

  Justification: Restrictions are in place to mitigate user conflicts, provide for the safety of the vessel operators and other park visitors and to protect the fragile coastal environments found at Spermaceti Cove and the marshes at Great Kills Park.

CCTV POLICY STATEMENT

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

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

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

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

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

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

In accordance with § 1.6(f), the following is a compilation of those activities for which a permit from the superintendent is required:

§ 1.5 - Public Use Limits

- Entering or remaining in the park between park closure and 5:00 am, except for third party occupants authorized by a government instrument.
- 36 CFR § 1.5 (d) Social gatherings by groups of 50 persons or more, whether organized through social media or other means shall be considered special events and require a permit be issued to the group through proper application prior to the event. (This does not include school groups and day camps that are only coming to utilize the beaches, have paid the daily amenity fee where required, and will not violate any other regulations or permit requirements).

§ 2.4 – Weapons, Traps or Nets

- Using traps for fur bearing game species requires a permit. (NPS Scientific Research and Collection Permit required).
- Permits are required year round for use of the archery range on Floyd Bennett Field.
    1) Permits expire January 31st following the year of issuance.
    2) A $50.00 "Administrative Fee" is required.

§ 2.5 – Research Specimens

- Collecting Specimens of plants, fish, wildlife, rocks or minerals (NPS Scientific Research and Collection Permit required).

§2.10 – Camping and Food Storage

- Camping at all public and group campgrounds.
- Camping requires a tent in designated tent campgrounds

§ 2.12 - Audio Disturbances

- Operating a power saw in developed areas.
- Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas.
- Operation of a public address system in connection with a public gathering or special event.

§ 2.13 - Fires

- Fire permits may be issued in conjunction with a Special Use Permit.
- Fire permits for after-hours fishing.
    - Only in conjunction with afterhours fishing.
    - Only issued at Sandy Hook Unit from October 15 through April 14.
    - Issued daily and are valid from sunset to sunrise.

§ 2.17 - Aircraft and & Air Delivery

- Delivery or retrieval of a person or object by parachute, helicopter or other airborne means.
- Removal of a downed aircraft.
- Runways at Floyd Bennett Field may be opened to aircraft for educational or interpretive purposes, (Public Law 92-592).

§ 2.22 – Property

- Leaving Property Unattended (see page 31 for details).

§ 2.23 – Recreation Fees

- Daily Site Use Fees
  - In the Sandy Hook Unit the use of parking areas B, C, D, E, G, I, J and K. Memorial Day Weekend through Labor Day. (7:00 a.m. through 5:00 p.m.).
  - In the Jamaica Bay Unit the use of Riis Park parking areas Memorial Day Weekend through Labor Day (7:00 a.m. through 5:00 p.m.).

- Special Recreation Permit Fees
  - Fishing access parking.
  - Off road vehicle access at Breezy Point Tip.
  - Access to park for fishing after established hours of operation.
  - Access to park for other recreation after established hours of operation.
  - Archery area parking access.
  - Youth and school group camping.
  - Group picnic areas.
  - Public gardening.
  - Vehicle access to Floyd Bennett Field runways.
  - Boat trailer parking at Great Kills Park.
  - Crooke's Point Nature Study Area parking.
  - Athletic Fields.

  Note: Other activities such as special events, ceremonies, filming and photography, and use of park buildings are subject to special use permit fees and may have additional costs associated with cost recovery for park supplied services.

§ 2.37 – Noncommercial Soliciting

- Soliciting or demanding gifts, money goods or services.

§ 2.38 – Explosives

- Use, possession, store, transport explosives, blasting agents.
- Use or possession of fireworks.

§ 2.50 – Special Events

- Conduct sporting events, pageants, public spectator attractions, parades, entertainments, ceremonies, and similar events.

§ 2.51 – Demonstrations

- Public assemblies, meetings, gatherings, demonstrations, parades and other activities for public expressions of views.
- Groups of less than 25 persons do not require a permit within designated areas.

§ 2.52 - Sale or Distribution of Printed Matter

- Groups of less than 25 persons do not require a permit within designated areas.

§ 2.61 - Residing on Federal Lands

- Permit, lease or contract required.

§ 2.62 - Memorialization

- Erection of monuments (Requires approval from the Regional Director or designation by Congress).
- Scattering ashes from human cremation.

§ 4.11 – Load, Weight and Size Limits

- Exceeding vehicle load, weight, length and width limitations as established by State law.

§ 5.1 – Advertisements

- Commercial notices or advertisements.
  Requires a permit, contract or other written agreement. Can only be goods and services within park.

§ 5.2 – Alcoholic Beverages; Sale of Intoxicants

- Sale of alcoholic, spirituous, vinous or fermented liquor (more than 1% of alcohol by weight) requires Regional Director approval.

§ 5.3 – Business Operations

- Engaging in or soliciting any business requires a permit, contract or other written agreement

§ 5.5 - Commercial Photography

- Motion pictures and Television. (NOTE: commercial filming/photography is not allowed between March 15 - Sept. 15 at park designated bird nesting areas.)
- Still photography of vehicles or other articles of commerce or professional models for the purpose of commercial advertising.

§ 5.6 – Commercial Vehicles

- Use of commercial vehicles on park area roads requires a permit.

§ 5.7 - Construction of Buildings and Other Facilities

- Any building, structure, boat dock, road, trial, path, telephone line, power line, or public or private utility over, upon, across, under, or through any park areas.

  Justification: Permits are required per the provision found in 36 CFR and are intended to protect the visitor, protect the resource, reduce user conflicts, provide for an equitable visitor experience and help manage the operations of the Park.

  Note: Permits can be obtained at the following locations:
  - Sandy Hook Unit Headquarters Office, 26 Hudson Rd., Fort Hancock.
  - Sandy Hook Entrance Station
  - Ryan Visitor Center, Floyd Bennett Field, Jamaica Bay Unit
  - Staten Island Unit Office, Miller Field
  - Great Kills Park Ranger Station
  - Business Permits, Building 210, Fort Wadsworth
  - NPS Scientific Research and Collection Permits (https://irma.nps.gov/rprs/)

III. GENERAL REGULATIONS

Part 2 – Resource Protection, Public Use and Recreation

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

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

- The Superintendent has not designated any areas where dead wood on the ground may be collected for campfire fuel, therefore this is not allowed.

(a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archaeological or cultural resource, monument, or statue is prohibited, except in the following areas and/or under the following conditions:

- In accordance with § 2.1(a)(5), The Superintendent has established the following conditions for walking, climbing, entering, ascending or traversing archaeological or cultural resource, monuments or statues.
    - Walking in or on gun batteries and fortifications is limited to the areas designated by signs, walkways or under the direction of a Park Ranger when attending a ranger-led tour.

Justification: Restrictions are necessary to protect park resources and for the safety of park visitors.

(b) Hiking or pedestrian traffic is restricted to the trail(s) or walkway(s) listed in 36 CFR §1.5 of this document.

- In accordance with § 2.1(b), the Superintendent has restricted hiking or pedestrian traffic to the following trails or walkways.
    - All Jamaica Bay Wildlife Refuge trails, to include North and South Garden areas, East Pond and West Pond within the Jamaica Bay Wildlife Refuge, except within the garden areas and around the East Pond.
    - All coastal dune crossings.

Justification: Restrictions are necessary to minimize visitor impact on fragile vegetation and natural habitats.

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

Item	Quantity
Beach Plums	1 Quart Per Person Per Day
Bayberries	1 Quart Per Person Per Day
Mushrooms	1 Quart Per Person Per Day
Seashells (Empty shells only)	One Gallon Per Person Per Day

Justification: Based on information from individuals knowledgeable in the field of park resources and review of state and federal law, the Superintendent has determined that the gathering, use or consumption of the preceding natural products at the indicated quantity will not adversely affect park wildlife, the reproduction potential of a plant species, or otherwise adversely affect park resources.

36 CFR § 2.2 – WILDLIFE PROTECTION

Note: Public Law 92-592 § 3(f) establishes that the Park shall permit hunting and trapping in accordance with the applicable law of the United States and the laws of the States of New York and New Jersey and the political subdivisions thereof. The law further states that the Secretary may designate zones were and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

In accordance with § 2.2(b)(2), the Superintendent has evaluated the activity of hunting and based on the interest of public safety and enjoyment, and sound resource management principles, the following designations have been established:

- Hunting is prohibited in all areas of the Jamaica Bay Unit.
- Hunting within the Sandy Hook Unit is allowed as follows:
    - Waterfowl hunting is allowed in accordance with the State of New Jersey hunting regulations. All other hunting is prohibited.
    - Waterfowl hunting is only allowed in the Sandy Hook Bay. Hunting is prohibited within 450 feet from any point of land and hunting is prohibited in any cove.
    - Waterfowl hunting is allowed only from a floating blind or a boat. There is no hunting on land or from a permanent blind.
    - Access to the authorized hunting zones is by boat only. There is no overland access through the park for the purpose of hunting. Launching or recovering vessels within the unit for the purpose of hunting is prohibited.
- Hunting is prohibited in all areas of the Staten Island Unit.

Justification: Restrictions on hunting are to insure compliance with State hunting regulations and New York City firearm laws, for visitor safety, and for the protection of wildlife.

In accordance with § 2.2(b)(3), trapping is allowed in the Park under the following conditions:

- Fur bearing game may be taken in accordance with State trapping regulations.
- Park lands and waters are closed to the harvesting/collection of horseshoe crabs and diamondback terrapins.
- In addition to a valid State hunting license, trapping requires a park issued permit.

Justification: Restrictions on trapping are to insure compliance with State hunting regulations, for visitor safety, and for the protection of wildlife. The harvesting of horseshoe crab is prohibited in New Jersey, but allowed in New York. The horseshoe crab is closer related to an arachnid than a crab, and therefore the horseshoe crab is considered wildlife by the NPS. The diamondback terrapin is the only turtle that lives its life cycle in the salt marsh environment and recently has been receiving a lot of hunting pressure due to increase popularity in the Asian market.

In accordance with § 2.2(d), the Superintendent has established the following conditions and procedures for transporting lawfully taken wildlife through the park:

- In New York, notify USPP Dispatch at 718-338-3988.
- In New Jersey, notify NPS Dispatch at 718-354-4700.

Justification: Wildlife transportation procedures are necessary to avoid confusion with wildlife that may have been taken illegally within the park.

In accordance with § 2.2(e), the Superintendent may establish areas in the park that are closed to the viewing of wildlife with the use of artificial light. No such closures have been established; therefore, viewing wildlife with artificial light is permitted.

- In accordance with NJ State law if viewing wildlife with artificial light, no weapons of any sort may be present.

Justification: No exceptions designated.

36 CFR § 2.3 – FISHING

Note: Public Law 92-592 § 3(f) establishes that the Park shall permit fishing and shellfishing in accordance with the applicable law of the United States and the laws of the States of New York and New Jersey and the political subdivisions thereof. The law further states that the Secretary may designate zones where and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

In accordance with § 2.3(a), the Superintendent has evaluated the activity of fishing, to include shellfishing, and based on the interest of public safety and enjoyment, and sound resource management principles, the following designations have been established:

- Fishing at the Jamaica Bay Unit and the Staten Island Unit will be in accordance with the regulations found in § 2.3, which adopts non-conflicting State of New York fishing regulations as a part of these regulations.
- Fishing at the Sandy Hook Unit will be in accordance with the regulations found in § 2.3, which adopts non-conflicting State of New Jersey fishing regulations as a part of these regulations.

In accordance with § 2.3(c), the Superintendent, under the authority of § 1.5, may restrict or close park areas to the taking of fish. The following restrictions have been established:

- Fishing is prohibited in non-tidal waters. Non-tidal waters include all fresh waters in the park.
- The shoreline under the Verrazano Bridge and adjacent to Battery Weed and the Torpedo Pier is closed to fishing.
- Fishing is prohibited on lifeguard protected beaches when lifeguards are on duty. This includes fifty yards up the beach from the red lifeguard flags marking the ends of the protected swim areas.
- Fishing is prohibited within 150 feet of posted shorebird nesting areas.
- Due to health concerns, shellfishing is prohibited in all Park waters. The New Jersey Department of Environmental Protection and New York Department of Environmental Conservation has closed and "condemned" certain waters to the harvesting or collecting of shellfish. The waters around the park are included in this closure.

  Justification: These restrictions have been established to protect the fragile ecosystems that surround and include the non-tidal waters, to protect visitors from unsafe conditions, the reduce visitor use conflicts, and to comply with adopted State law.

In accordance with § 2.3(d)(2), the possession or use of live or dead minnows or other bait fish, amphibians, non-preserved fish eggs or roe in fresh water is prohibited.

Justification: No exceptions designated.

In accordance with § 2.3(d)(4), commercial fishing is prohibited. (Charter Boat fishing is not considered "Commercial Fishing" by NOAA definition).

Justification: No exceptions designated.

In accordance with § 2.3(d)(8), fishing from motor road bridges, from or within 200 feet of a public raft or float designated for water sports, or within the limits of locations designated as swimming beaches, surfing areas, or public boat docks is prohibited.

Justification: No exceptions designated.

In accordance with § 2.3(e), fishing with a net, spear or weapon in salt waters of the Jamaica Bay Unit and the Staten Island Unit will be in accordance with New York State law; and, fishing with a net, spear or weapon in salt waters of the Sandy Hook Unit will be in accordance with New Jersey State Law.

- Prohibited on swimming beaches or within 100 feet of swimming beaches.

Justification: No exceptions designated.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

Note: Carrying and using firearms, to include handguns and long guns, in the Park will be in accordance with the State and local laws in which the Park is located. Therefore, carrying a firearm at the Sandy Hook Unit will be in accordance with New Jersey State law and carrying a firearm at the Jamaica Bay Unit or the Staten Island Unit will be in accordance with New York State and New

York City law. It is the responsibility of the gun owner to know and obey the Federal, State, and local laws applicable to the park they are visiting.

Title 18 of the United States Code § 930 prohibits the possession of firearms and dangerous weapons in Federal facilities and shall be conspicuously posted at each public entrance. Federal facilities are defined as buildings or parts thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties. A dangerous weapon is a weapon, device, instrument, material, or substance, animate or inanimate, which is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.

In accordance with § 2.4(a)(2)(i), the Superintendent has designated the following times and locations when weapons, traps, or nets may be carried, possessed or used:

- Under § 2.2, Waterfowl hunting is authorized at the Sandy Hook Unit in accordance with New Jersey State law. No other hunting is authorized in the Park. The following conditions apply:
    - Firearms specific to waterfowl hunting may not be transported, carried or used on park lands.
    - Firearms specific to waterfowl hunting must be transported into the Park by boat and may only be used in the boat or a floating blind.
    - Firearms specific to waterfowl hunting may not be within 450 feet of a point of land within the Park.

  Justification: These regulations are in place to protect the visiting public, to protect wildlife, and to reduce user conflicts.

- Under § 2.2, the use of weapons and traps for trapping is authorized at the Sandy Hook Unit in accordance with New Jersey State law and at the Jamaica Bay Unit and the Staten Island Unit in accordance with New York State and New York City law. Trapping requires a park issued permit.

- Under § 2.3, the use of weapons, traps and nets for fishing is authorized at the Sandy Hook Unit in accordance with Federal and New Jersey State law and authorized at the Jamaica Bay Unit and the Staten Island Unit in accordance with Federal and New York State law. No Park specific conditions apply.

In accordance with § 2.4(a)(2)(ii), the Superintendent has established the following conditions for using weapons for target practice in the Park:

- The Archery Range at Floyd Bennett Field is the only location in the park established for target practice. The following conditions apply:
    - A permit is required for the use of the archery range on Floyd Bennett Field. The permit expires January 31st of the year following the issuance. A $50.00 administrative fee" is charged.
    - Archery range users may only use field tip arrows only. The use of broad head or judo point arrowheads is prohibited.
    - The use of crossbows is prohibited.

  Justification: A permit is required to aid in the management of the program. The other regulations are in affect to provide for the safety of the range users as well as the visiting public.

36 CFR §2.10 – CAMPING and FOOD STORAGE

In Accordance with § 2.10(a), the Superintendent has designated the following permit requirements, sites or areas for camping and conditions for camping:

- Camping is only permitted in designated camping areas/sites. Sleeping in any area other that a designated camp area/site is prohibited. This includes sleeping in any manner in conjunction with an after-hours fishing permit.

- Camping requires a tent in designated tent campground.

- The following areas have been designated for camping in the Park, along with the following use limits:

Location	**Campers Per Site**	**Vehicles Per Site**	**Tent Sites**	**RV/Trailer Sites**
Floyd Bennett Field Public Campgrounds	6	2	32	9 (no Hook-ups)
Sandy Hook Public Campgrounds	6	1	20	None
Camp Hudson (Camp Gateway) Public Campgrounds	6	2	7	None
Ecology Village Educational Group Campground	30	N/A	3	None
Fort Tilden, Davis Road	4	N/A	10	None
Riis Park Bathhouse	4	N/A	6	None

- A permit is required for all camping within the Park. A permit is required in advance of all camping activities. Applicable fees will apply for all camping permits.
    - Reservations are required for campsites at all public campgrounds. Reservation shall be made through www.recreation.gov.
    - Persons making reservations (obtaining the camping permit) must be at least eighteen (18) years old.
    - An adult, eighteen (18) years or older, must be present at the campsite for the duration of the stay.
    - Group Camping Permits are available to educational groups participating in the Ecology Village Education Programs.
    - Camp parking at the Sandy Hook Public Campgrounds will be in a designated area and no more than 1 overnight parking pass will be issued per reservation.
    - At the Sandy Hook Public Campgrounds, the camping permit must be presented during camping check-in procedures and to access the park after normal operating hours.
    - Organized Youth Group Camping is permitted at the Sandy Hook Public Campgrounds. Reservations can be made through the www.recreation.gov website.
- Camping at all public campgrounds is limited to a maximum of 14 days.
- RVs/Trailers are not allowed at designated tent camping sites and tents are not allowed at designated RV/Trailer sites.
- Vessels may anchor overnight in the open waters in Horseshoe Cove and west of Fort Hancock without a permit.

Justification: The camping regulations and use limits have been established to provide for an equitable, safe and enjoyable visitor experience, while limiting the impact on the resources in and around the campgrounds.

In accordance with § 2.10(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.

Justification: No exceptions designated.

In accordance with §2.10(d), the Superintendent has established the following conditions for food storage:

- Food and scented items may not be left sitting out unattended in campgrounds. Food and scented items must be stored in a cooler or similar device or motor vehicle.
    - Sandy Hook: Food and scented items must be stored in vehicles or provided designated containers.

Justification: Food storage restrictions are necessary to maintain sanitary conditions in the campground and to minimize habituation of park fauna.

36 CFR § 2.11 – PICNICKING

In accordance with § 2.11, the Superintendent has established the following closures and conditions for picnicking:

- The following areas are closed to picnicking in the Park:
    - Trails within the Jamaica Bay Wildlife Refuge
    - The Ecology Village Gazebo at Floyd Bennett Field
    - The Floyd Bennett Community Garden
    - Spring Creek Park
    - Dead Horse Bay
    - West Beach, Breezy Point Cove, and the ocean and bayside beaches of Breezy Point Tip.

- Barbeque and Picnic areas have been designated at the following locations:
    - Canarsie Pier.
    - Fort Tilden (Permit Required).
    - Riis Park.
    - Miller Field.
    - Guardian Park Picnic Area at Fort Hancock.

The following conditions and restrictions have been established for picnicking areas:

- Group picnicking in designated areas is by permit only.
- Barbeque grills associated with picnicking may only be used in designated areas.
- Picnicking supplies and food shall not be left unattended.
- Inflatable structures, such as bounce houses or similar inflatable structures are prohibited.
- Excessive Noise - Incessant or repeated sounds that have the effect of disturbing member(s) of the community, or any sound in excess of 60 dB that is annoying, a nuisance or causes alarm to any person(s). Such sound includes but is not limited to mechanically-increased volume of sounds of the human voice, musical instruments, recorded music, or any other mechanically enhanced sound-producing or sound-reproducing device that is able to increase normal noise volume levels.

Justification: Picnicking restrictions are in effect to protect park resources and avoid conflicts among users.

36 CFR § 2.12 Audio disturbances.

(a) The following are prohibited:

(1) Operating motorized equipment or machinery such as an electric generating plant, motor vehicle, motorized toy, or an audio device, such as a radio, television set, tape deck or musical instrument, in a manner: (i) That exceeds a noise level of 60 decibels measured on the A-weighted scale at 50 feet; or, if below that level, nevertheless; (ii) makes noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

(2) In developed areas, operating a power saw, except pursuant to the terms and conditions of a permit.

(3) In nondeveloped areas, operating any type of portable motor or engine, or device powered by a portable motor or engine, except pursuant to the terms and conditions of a permit. This paragraph does not apply to vessels in areas where motor boating is allowed.

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

(b) Violation of the terms and conditions of a permit issued in accordance with section is prohibited and may result in the suspension or revocation of the permit

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:

- The following areas and receptacles are designated for maintaining a fire:
  - Permanent grills at the designated areas at Canarsie Pier, Riis Park, Fort Tilden, Miller Field and Fort Hancock.
  - Portable grills in Guardian Park at Fort Hancock.
  - Fire rings at campgrounds.
  - Grills at Park residences and grills as outlined in Park Housing Plan.
  - Other areas and receptacles identified in a special use permit.

- The following conditions for maintaining a fire have been established:
  - Wood from outside the park boundary may not be brought into the park or used as fuel for a fire. This includes natural and processed wood, such as lumber.
  - Only charcoal and propane may be used as a fuel source for portable grills.

Justification: These restrictions are in place to prevent resource and asset damage, as well as limit user conflicts.

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

- Lanterns may be used in conjunction with permitted night fishing, at campgrounds or when otherwise approved via a permit.

Justification: These restrictions are in place to prevent resource and asset damage.

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

- Campfires must be extinguished only with water. Campfires rings must be cool to the touch before leaving.
- All charcoal must be placed in designated barrels. Barrels are marked "charcoal" and/or are red in color.
- Ash from fires must be deposited in the receptacles provided or removed from the park.

Justification: This policy is necessary to prevent wildland fires and minimize the risk of injury to bare feet from improper disposal of hot coals.

(c) During periods of high fire danger, the following areas of the park are closed to the lighting or maintaining of a fire.

- All Campground areas.

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 allowed under the following conditions:

- This activity is not allowed

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

- At designated campground locations

(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, except as designated below:

- No such areas have been designated.

(a)(8) In developed areas, the disposal of human body waste is prohibited, except at the following designated locations or fixtures provided for that purpose:

- No such areas have been designated.

(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, except as designated below:

- This activity is not allowed at any Gateway National Recreation Area locations.

(b) Conditions for the disposal, containerization, or carryout of human body waste have been established as follows:

- At established RV camping site at Floyd Bennett Field only.

  Justification: Refuse that is not managed properly can cause unsanitary conditions which directly impact visitor health and safety as well as park aesthetics and the visitor experience.

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:

- Ocean side beaches (the entire seashore to include life-guarded and non-lifeguarded beaches) at Breezy Point Tip, Breezy Point Cove, West Beach, Fort Tilden, Riis Park and Sandy Hook from March 15 to September 15.
- The Jamaica Bay Wildlife Refuge
- The lifeguarded beach at Great Kills Park from Memorial Day weekend through Labor Day.

  Justification: These restrictions are in place to mitigate user conflicts, protect wildlife and to maintain the sanitary conditions of lifeguarded beaches.

Note: The closures do not apply to service animals as defined under the Americans with Disabilities Act of 1990. Complete regulations pertaining to service animals can be found at www.ada.gov. The following requirements can be found in the ADA revised final regulations, dated January 14, 2017:

- A service animal means any dog that is 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. Although the DOJ definition of service animal only refers to a dog, 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 for the benefit of the individual with a disability. The term “assistance animal” is not synonymous with the term “service animal”.
- A service animal is trained to perform work or a task. The work or task must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.
- Staff may only ask two questions when inquiring about the legitimacy of a service animal: 1) is the dog a service animal required because of a disability, and 2) what work or task has the dog been trained to perform.
- A person with a disability cannot be asked to remove his service animal from the premises unless the dog is 1) out of control or 2) the dog is not housebroken.
- Separate provisions have been added to the ADA about the use of miniature horses that have been trained to do work for people with disabilities.

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

- Visitors may leave a pet unattended and tied up for no more than 10 minutes to enter a park building or concession operation to obtain a permit, purchase supplies or use the restroom. A pet and its actions are the responsibility of the owner, whether restraint is direct or implied, while in the Park. Owners should consider the temperament of the pet as well as the location and the density of the visitation in that area before leaving a pet unattended and tied up.

  Justification: This regulation has been put in place to allow visitors with pets the ability to acquire essential services that are provided in areas when pets are restricted.

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

- All solid pet excrement must be collected and deposited in a waste receptacle.

  Justification: Allowing pet excrement to remain in the Park can create unsanitary conditions, create user conflicts, and impact the natural fauna. This regulation mirrors the New York State Public Health Law § 1310 for the entire Park.

(b) The use of dogs in support of hunting is prohibited in the Park.

  Justification: No exceptions designated.

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

- Pets are authorized as outlined in a Lease Agreement.
- All pets must be leashed or in a fenced-in enclosure when outdoors.

  Justification: Pet restrictions are necessary to minimize conflicts among other park visitors and staff and to protect park wildlife.

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. The following animals are designated as pack animals for purposes of transporting equipment:

- The Superintendent has not designated any additional mammals as pack animals.

  Justification: No exceptions designated.

(b) The use of horses or pack animals is prohibited outside of the following trails, routes or areas designated for their use:

- Horseback riding is allowed on the upland trails at Bergen Beach, as provided by legal instrument issued by the Superintendent, at the Jamaica Bay Riding Academy. No other visitor activities are authorized on these trails.
- At Floyd Bennett Field in accordance with special event activities associated with Aviator Sports.
- Horseback riding and the use of pack animals is prohibited at all other park locations.

(d) Free-trailing or loose-herding of horses or pack animals on trails is prohibited.

  Justification: Horseback riding is limited to minimize soil erosion and damage to vegetation in the park.

36 CFR § 2.17 – AIRCRAFT and AIR DELIVERY

(a)(1), aircraft use must be in areas designated by special regulation. There are no such areas designated at Gateway National Recreation Area; therefore, aircraft use is prohibited.

  Justification: No exceptions designated.

(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.

- The Superintendent will provide written authorization.
- Removal or salvage operations will be in compliance with Federal, State and local law under supervision of qualified specialists.
- Conditions regarding the removal of downed aircraft will be reviewed and established by the Superintendent on a case by case basis.

Justification: Removal and salvage operations must be restricted to ensure the safety of the personnel involved as well as to protect park resources.

Note: Helicopter and aircraft landings associated with the official business of the Federal government must be coordinated through the U.S. Park Police or the Resource and Visitor Protection Division. When possible, landings for law enforcement, emergencies, or rescue missions within the Staten Island Unit should be confined to the softball field at Fort Wadsworth, the southeast parking lot at Miller Field, and the main parking lot at Great Kills Park.

36 CFR § 2.18 – SNOWMOBILES

(c) The use of snowmobiles is prohibited. The Superintendent has not designated any routes or water surfaces for snowmobile use.

Justification: No exceptions designated.

36 CFR § 2.19 – WINTER ACTIVITIES

(a) Skiing, snowshoeing, ice skating, inner-tubing, tobogganing, and similar winter activities are prohibited on all park roads and parking areas open to motor vehicle traffic. The aforementioned activities are allowed in park areas that are not designated as closed to the public.

Justification: No exception designated.

(b) The towing of persons on skis, sled or other similar device by motor vehicle is prohibited.

Justification: No exceptions designated.

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:

- Riis Boardwalk Runways closed to motor vehicles at Floyd Bennett Field.
- Multi-use Pathways and Greenways.
- Fort Hancock roadways, excluding Hartshorne Drive.
- Great Kills Park roadways (excluding the Main Road from entrance on Hylan Blvd. to the Main Parking Lot area).
- Miller Field roadways.

Justification: Limitations are necessary for visitor safety along roadways and to avoid conflicts with other park users.

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 as noted:

For the purpose of this section, smoking is inclusive of tobacco products as well as electronic cigarettes and "vaping" products.

- Smoking is prohibited in all buildings, facilities and enclosed structures located in the Park. This applies to shared living quarters such as dormitory housing, but not to individual residences.
- Smoking is prohibited within 25 feet of all buildings, facilities and enclosed structures located in the Park. This applies to shared living quarters such as dormitory housing, but not to individual residences.
- Smoking is prohibited in all government owned and leased vehicles and vessels, to include heavy equipment and UTVs.
- All Jamaica Bay Wildlife Refuge trails, to include the East and West Garden Areas and the East Pond.
- Smoking is prohibited on all Park Beaches, playground areas, ball fields, picnic areas, and is only allowed in designated areas.
- Designated smoking areas are all parking lots in each Park Unit.

  Justification: Smoking restrictions are in alignment with both NY City and NJ state regulations, and are necessary to prevent accidental fires, avoid conflicts with second hand smoke between park users and to comply with NPS Policy and Federal law.

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:

- Disabled vehicles or vessels may be temporarily left in parking lots, anchored, docked or in another safe area after notification and approval of the US Park Police or the Resource and Visitor Protection Division.
- Vessels under agreement with marina concessionaire at Great Kills Park and Gateway marina. Geocaching is prohibited in the Park.
- Under conditions established in a permit.

  Justification: Restrictions are necessary to minimize impacts to park operations and to preserve the visitor experience and the aesthetics of the Park. Geocaching is prohibited due to the potential natural and cultural resources damage that can be associated with placing a geocache and treasure hunting.

36 CFR §2.23 – RECREATION FEES

(a) Recreation fees shall be established as provided for in 36 CFR § 71.9. The Superintendent has established the following daily recreation use fees:

Jamaica Bay Unit

- The use of Riis Park parking area Memorial Day Weekend through Labor Day, fees will be charged and collected from 7:00 a.m. until 5:00 PM daily.
  - $10.00 daily per vehicle under 20' in length.
  - $20.00 daily per vehicle over 20' in length.
  - $65.00 annual pass per vehicle under 20' in length.
  - $130.00 annual pass per vehicle over 20' in length.
- Public Campgrounds are $30.00 per site per night.

Sandy Hook Unit

- Beach parking areas B, C, D, E, G, I, J and K. Memorial Day Weekend through Labor Day Weekend, fees will be charged and collected from 7:00 a.m. until 5:00 PM daily.
  - $15.00 daily per vehicle under 20' in length.

- $30.00 daily per vehicle over 20' in length.
- $75.00 annual pass per vehicle under 20' in length.
- $150.00 annual pass per vehicle over 20'in length.

- Public Campgrounds are $30.00 per site per night.

In accordance with § 2.23(a), Recreation fees shall be established as provided for in 36 CFR § 71.9. The Superintendent has established the following special recreation permit fees:

Jamaica Bay Unit

- Parking at Breezy Point Tip beach and sandlot requires an off-road fishing permit year round. Fee is $50 per calendar year. These permits go on sale every year on February 1.
- The Bay 3 Lot also known as the Riis Park East lot requires a parking permit from dusk till dawn, Memorial Day through Labor Day. A parking permit is valid only from 8:00 p.m. to 8:00 a.m. Fee is $50 per calendar year.
- Parking at the Shore Road Fisherman's Lot and the Yacht Club Lot requires a permit for parking from dusk to dawn year round. A permit is required at all times from June 15 through September 15. Fee is $50 per calendar year.
- Parking at the Adaptive Aquatics Parking Lot requires a permit from dusk to dawn year round. From May 15 through September 15, permit is valid only from 4:00 p.m. to 9:00 a.m. The area is closed to vehicles during the hours of 9:00 a.m. to 4:00 p.m. Fee is $50 per calendar year
- 222nd Street Fisherman's Lot: A permit is required dusk to dawn September 16 – March 14, and at all times from March 15 through September 15. Fee is $50 per calendar year.
- Floyd Bennett Field: A permit is required dusk to dawn year round, except to visit concessions in designated areas. Fee is $50 per calendar year.
- Floyd Bennett Field Aviation Road Lot: A permit is required at all times, year round. Fee is $50 per calendar year.
- Floyd Bennett Field Archery Parallel Parking Area (on Ranger Road): A permit is required at all times, year round. Fee is $50 per calendar year.
- Community Gardening Areas. Fee is $50 per calendar year.
- Youth and School Group Camping – Fee is $50.00 per group, per reservation, per site.

Sandy Hook Unit

- A Fishing Parking Permit is required to fish from closing until opening in the Sandy Hook Unit. Fee is $50.00 per calendar year.

Staten Island Unit

- Use of the Great Kills Park public boat launch facility is by special use permit only. Fee is $50 per year.
- A Fishing Parking Permit is required to fish at any time of day, year-round in the Staten Island Unit. Fee is $50.00 per calendar year.
- Crooke's Point Nature Study Area parking. $50.00 per calendar year.
- Public Gardening Areas. Fee is $50.00 per calendar year.
- Group Picnic Areas. Fee is $50.00 per group, per reservation, per site.
- Athletic Fields Permit Fees for organized athletic events vary by type of event and amount of participants, contact the Park for details at (718) 354-6870.

Note: Other activities such as special events, ceremonies, filming and photography, and use of park buildings have special use permit fees and may have additional costs associated with cost recovery for park supplied services.

Justification: Fees are established to provide equitable allocation and use of services and facilities as well as recover costs associated with park operations and management responsibilities.

(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:

- There are no entrances fees at any of the park units.

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 roadways, parking areas, multi-use pathways and campgrounds.
- Fort Tilden beaches, Riis Park (including beaches), except that alcohol may be consumed within the delineated areas at certain facilities as authorized by a permit or other legal instrument (lease agreement) issued by the NPS.
- Sandy Hook Unit, except at events and locations that the consumption is authorized by special permit or other legal instrument (e.g. agreement, lease, etc.)
- Great Kills Park swimming beaches
- Alcohol is prohibited at organized except by a Special Use Permit or other legal instrument issued by the NPS.

Justification: It has been determined that the consumption of alcohol has been in conflict with the alcohol policies in NJ State Parks and Beaches as well as New York City Beaches, Parks and public places. The consumption of alcohol has had a significant and negative impact on the amount of law enforcement encounters and incidents in our Gateway NRA Parks. Consuming alcoholic beverages on roadways and along multi-use pathways contributes to the risk of injury due to collisions between pedestrians, bicycles and motor vehicles.

(b)(2) The possession of a controlled substance, unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of professional practice or otherwise allowed by Federal or State Law.

- Despite the recent attempts in both NY and NJ to legalize marijuana for medical and / or recreational use, the use of controlled substances is prohibited in all Park Unit locations of Gateway NRA. The National Park Service rules follow Drug Enforcement Agency (DEA) rules and the DEA prohibits the use of marijuana and therefore the Park prohibits the use of marijuana.
- In regards to permits or first amendment activities, Gateway will not issue permits to allow use of marijuana for any events or First Amendment activities.

36 CFR §2.38 – EXPLOSIVES

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

(b) Fireworks and firecrackers are prohibited except pursuant to the terms and conditions of a permit or in designated areas under such conditions as the superintendent may establish, and in accordance with applicable State law.

Justification: No exceptions designated.

36 CFR §2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefor has been issued by the superintendent.

36 CFR §2.51 -- DEMONSTRATIONS

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

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

Park-Wide
- Areas considered in accordance with Special Use Permit.

Jamaica Bay Unit
- Flagpole west of the Ryan Visitor Center at Floyd Bennett Field, 50' x 50' space.
- 50' x 50' center of grassy Mall area
- North east side of parking lot at Jamaica Bay Wildlife Refuge, 50' x 50 'space.

Sandy Hook Unit
- Field east of Fort Hancock Bldg. #102.
- Guardian Park.
- Parking Lot L.

Staten Island Unit
- Grass field south of Tompkins Street in Fort Wadsworth.
- Grass area, south side of Buffalo Street past the first parking lot in Great Kills Park.
- Miller Field Memorial Circle.

Justification: Provide opportunity to exercise 1st Amendment Rights.

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.

Justification: Provide opportunity to exercise 1st Amendment Rights.

36 CFR §2.61 – RESIDING ON FEDERAL LANDS

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

36 CFR §2.62 – MEMORIALIZATION

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

(b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit, or in the following areas and according to the following conditions:
- The remains to be scattered must have been cremated and pulverized.
- Scattering of human remains must be in accordance with other federal and state laws, including the Clean Water Act.
- Terms and conditions will be established in the permit.

Justification: Permits are necessary to minimize visitor use conflicts and to insure compliance with Federal and State law.

Part 3 – BOATING AND WATER USE ACTIVITIES

36 CFR §3.3 – VESSEL PERMITS

In accordance with § 3.3, a permit is not required to operate a vessel in the Park.

Justification: No exceptions designated.

36 CFR §3.7 – PERSONAL FLOATATION DEVICE (PFD) REQUIREMENTS

In accordance with § 3.7(b), the Superintendent has designated that PFDs are required during the following times, locations, and activities:

- PFDs must be worn or carried on the designated waters, at the designated times and/or during designated water based activities outlined in §1.5 of this document.
- During NPS led interpretive tours or programs.

Justification: PFD use insures visitor safety during park led programs and when operating watercraft.

36 CFR § 3.8 – VESSEL OPERATIONS

(a)(2) Launching or operating a vessel is prohibited, except at one of the following launch sites:

- Boats on trailers may be launched and recovered at the Great Kills Park Boat Ramp. Conditions of use are as follows:
  - Use of the facility is by permit only.
  - Boat launch is not for commercial use.
  - Vehicles parked at the facility must have a trailer attached. Trailers may not be parked in other parking lots.
  - Vehicles may not park more than 48 hours.

  Justification: Permits and conditions are needed to regulate the use of the boat ramps so that services are provided to visitors on a fair and equitable basis.

- Boats and vessels (hand carried/car top) may only be launched and recovered by hand at the following locations. Permits and/or fees may apply:
  - Jamaica Bay Plumb Beach.
  - Floyd Bennett Field Mill Basin inlet.
  - Floyd Bennett Field Seaplane ramp.
  - Riis Landing
  - Rockaway Point Cove.
  - Rockaway Point Yacht Club
  - Canarsie Pier.
  - Jamaica Bay North Channel.
  - Sandy Hook Bayside Area C and Horseshoe Cove.
  - Great Kills Park Boat Ramp.

  Justification: These boating restrictions are in place to limit user conflicts, limit resource damage and to provide for the safety of park visitors utilizing the park beaches.

- Boats may be docked at the following locations:
  - Great Kills Marina (Staten Island Unit).
  - Gateway Marina (Jamaica Bay Unit).

  Justification: The regulations are in place to allow park visitors the opportunity to dock their boats while enjoying the park. These locations are designated to prevent boaters from mooring off in administrative or prohibited areas.

  Note: Cost and requirements for docking are set by the concessionaire and approved by the NPS.

(b)(5) Operating a power-driven or sailing vessel within 500 feet of a shoreline designated as a swimming beach is prohibited.

36 CFR § 3.9 – PERSONAL WATERCRAFT (PWC)

In accordance with § 3.9, the Superintendent may allow PWC use at Gateway NRA if promulgated by special regulations. No special regulations have been established, so PWC use is prohibited.

Justification: No exceptions designated.

36 CFR §3.12 – USING A VESSEL TO TOW A PERSON

In accordance with § 3.12(a), the towing of persons by vessels is prohibited.

Justification: No exceptions designated.

36 CFR §3.14 - REMOVING A SUNKEN, GROUNDED, OR DISABLED VESSEL

(a) The removal of a vessel and its cargo must be done in accordance with the following established procedures:

- A permit may be required for this activity depending on the location and conditions.

36 CFR §3.16 – SWIMMING AND WADING

In accordance with § 3.16, the Superintendent has established the following closures and restrictions:

- Swimming from vessels to ocean side beaches or swimming from ocean side beaches to vessels is prohibited within the view shed of on-duty lifeguards.
- Swimming from vessels to beaches that have enclosures for the protection of shorebirds, other park resources, or for public safety is prohibited.
- Swimming from vessels to Fort Tilden Beach, West Beach and ocean and bayside beaches of Breezy Point Tip is prohibited from March 15 to September 15.
- Swimming at West Beach and ocean and bayside beaches of Breezy Point Tip is prohibited from March 15 to September 15.

- The following areas are unprotected and not recommended for swimming and wading:
  - All bay side beaches and unprotected oceanside waters.
  - All ponds and landlocked bodies of water.

Justification: Visitors swimming outside protected areas or from vessels draws lifeguard attention away from the protected areas. These restrictions are in place to mitigate user conflicts and protect wildlife.

Note: Park visitors are encouraged to use designated swimming beaches during the times that lifeguard services are provided.

36 CFR §3.17 – SWIMMING AREAS AND BEACHES

In accordance with § 3.17(a), the Superintendent has designated the following conditions for swimming beaches:

- Swimming Beaches are open Memorial Day Weekend through Labor Day.
- Swimming Beaches are lifeguarded 10:00 am to 6:00 pm daily.
- At the Jamaica Bay Unit, Riis Park Bays 1 through 14.
- At the Sandy Hook Unit, Areas C, D, E, G (Gunnison) & North Beach.
- At the Staten Island Unit, Great Kills Park.
- Lifeguards may also staff special events such as competitions and concerts. Wherever park lifeguards are on duty, that area is designated as a swimming beach.
- Also see section 1.5

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

- Sandy Hook allows surfing at Oceanside B beach, an unprotected beach and Beach C Oceanside within the unprotected area.

(c) Prohibitions on the use or possession of flotation devices, glass containers, kites, or incompatible activities in swimming areas or swimming beaches are outlined in §1.5 of this document.

36 CFR §3.18 – SCUBA AND SNORKELING

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

- No closures or restrictions have been put in place. In accordance with § 3.18(e), underwater diving and snorkeling will be subject to the provisions of New York and New Jersey State laws.

  Justification: No exception designated.

36 CFR §3.19 – USE OF SUBMERSIBLES

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

Part 4 – VEHICLES AND TRAFFIC SAFETY

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(b) The Superintendent has established the following routes and areas for off-road vehicle. These routes and areas are promulgated as special regulations in § 7.29.

- Sand Road and the western tip of Breezy Point.
- Driving off designated roads or areas in other parts of the park is prohibited except by NPS employees operating government owned vehicles, by Federal, State and local cooperating agencies, and by service and utility vehicles, when it is necessary for the protection, maintenance and operation of park resources and facilities and is authorized by permit or the Superintendent.

  Justification: These designations are necessary to protect the natural resources and habitats of the seashore environment as well as provide for the equitable use and protection of park visitors.

(c)(1) Operating a motor vehicle not equipped with pneumatic tires is prohibited, except that a track-laying motor vehicle or a motor vehicle equipped with a similar traction device may be operated on one of the following routes designated for these vehicles:

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:

- In accordance with § 4.11(a), the load, weight and size limits established by the State of New York and the State of New Jersey apply to vehicles operated on park roads. A permit is required to operate vehicles which exceed the designated load, weight and size restrictions.
  - Sandy Hook: Commercial vehicles greater than 8 feet wide and/or in excess of 7 tons (Class 3 Vehicle is the limit), are prohibited from use of Hartshorne Dr. at Magruder Rd. to Hartshorn Dr. at S. Bragg (in front of Officer's Row).

  Justification: Oversize/weight vehicles on narrow roads creates a traffic hazard for two way vehicle traffic as well as pedestrian and cyclists. Accelerated deterioration to the roadway in front of Officers Row is occurring due to heavy construction vehicles using this road.

36 CFR §4.21 – SPEED LIMITS

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

Jamaica Bay Unit

- Floyd Bennett Field — 25 mph
- Fort Tilden
  - Heinzelman Road — 15 mph
  - Haan Road — 15 mph
  - Hero Road — 15 mph
- Jamaica Bay Wildlife Refuge — 15 mph (parking lot)
- Canarsie Pier — 15 mph (all areas)
- Jacob Riis Park — 15 mph (parking lots and service roads)
- Hamilton Beach — 15 mph (along road)
- Sand Road and BP Tip Beach ORV Areas — 10 mph
- North Channel Bridge in Broad Channel — 10 mph (parking lot)

Sandy Hook Unit

- Hartshorne Drive
  - Northbound from Rt. 36 to the Ranger Station — 35 mph
  - Northbound from Ranger Station to South Maintenance — 35 mph
  - Northbound from South Maintenance to Atlantic Drive — 45 mph
  - Northbound from Atlantic Drive to Guardian Park — 35 mph
  - Northbound from Guardian Park to U.S. Coast Guard Gate — 25 mph
  - Southbound from USCG Gate to Guardian Park — 25 mph
  - Southbound from Guardian Park to Atlantic Drive — 35 mph
  - Southbound from Atlantic Drive to Ranger Station — 45 mph
  - Southbound from Ranger Station to Rt. 36 — 35 mph

- Atlantic Drive
  - Northbound (except on curves as posted by signs) — 35 mph
  - Southbound (except on curves as posted by signs) — 35 mph
- Magruder Road — 25 mph
- Gunnison Road — 25 mph
- MAST Way and MAST service roads — 15 mph
- Hudson Drive — 25 mph
- Hudson Road — 25 mph
- Pennington Street — 15 mph
- Lawson Lane — 15 mph
- Kessler Road — 15 mph
- Kearney Road — 25 mph
- McNair Road — 15 mph
- Mercer Road — 15 mph
- Canfield Road — 25 mph
- North Bragg Drive — 15 mph
- South Bragg Drive — 25 mph
- Randolph Drive (Water Plant Rd) — 15 mph
- All parking areas & access roads — 15 mph
- Fee Plaza — 10 mph

Staten Island Unit

- Fort Wadsworth
  - New York Avenue — 25 mph
  - New Mexico Court — 15 mph
  - Mont Sec Avenue — 15 mph
- Great Kills Park
  - Buffalo Street — 25 mph
  - Harbor Road — 10 mph

- Crookes Point Access Road 10 mph
- Miller Field 15 mph
- Bulkhead Road 10 mph

Justification: Speed limits are established to provide for the safety of visitors on and around routes, roads and parking areas and to protect park resources and assets.

36 CFR §4.30 – BICYCLES

(a) All park roads and parking areas are open to bicycle use. The Superintendent has also designated the following routes as open to bicycle use:

- Greenway paths.
- Multi-use pathways.

Justification: Multi-use pathways and greenways were designed in developed areas to provide alternative transportation methods and recreational opportunities. These routes underwent public review and were designed in consideration of the parks natural and scenic values and the safety of park visitors. Use of bicycles on these pathways will not disturb wildlife or harm park resources.

In accordance with § 4.30(h), bicycle use is prohibited in all undeveloped areas, such as beaches.

Justification: No exception designated.

In accordance with § 4.30(h)(4), the Superintendent has established the following conditions for riding a bicycle abreast of another rider:

- Bicycles may be ridden abreast of another rider under the following conditions:
  - Riders are obeying established traffic regulations.
  - The center line is not crossed, or if no center line exists, riders are keeping to the right.
  - Riders are not creating a hazard and/or impeding traffic.

Justification: These restrictions are in place to provide for the safety of bicycle riders, pedestrians and motor vehicle operators and to mitigate user conflicts.

Use of Electric Bikes (e-bikes) in GATE:

In accordance with the recent NPS e-bike policy, e-bikes are defined as a two or three-wheel cycle with fully operable pedals and an electric motor of fewer than 750 watts (1 horsepower) that provides propulsion assistance. On pathways and trails closed to motor vehicles but open to traditional bicycles, the operator of an e-bike may only use the motor to assist pedal propulsion. The motor may not be used to propel an e-bike without the rider also pedaling.

(Currently e-bikes are not allowed in NYC and therefore, until e-bikes are permitted in NYC, Gateway will not allow e-bike use in the New York City portions of GATE.) In the NJ portion of GATE, e-bikes will be allowed in the Sandy Hook Unit as outlined here:

Class 1 and class 2 e-bikes are allowed on most routes open to traditional bicycles, including the Multi Use Paths (MUP). Class1 and class 2 e-bikes provide assistance to the operator only up to 20 miles per hour. Speed limits of 10 mph will be posted on the MUP's. Class 3 e-bikes which can provide assistance up to 28 miles per hour are not allowed on any park trails or MUP's. Additionally the park will maintain its prohibition of e-bikes on all trails where traditional bicycles are already banned. More information and frequently asked questions about e-bikes in national parks are available on the e-bike webpage.

1. 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.).

2. Comply with the requirements in 36 CFR 1.5, including the requirement to provide adequate public notice in accordance with 36 CFR 1.7.

3. Comply with all applicable laws implicated by the compendium action, including the National Environmental Policy Act of 1969 (NEPA). The compendium action will ordinarily fall within the categorical exclusion

specified in section 3.3.D.3 of the National Park Service NEPA Handbook for which documentation is required.

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 Gateway NRA is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

36 CFR § 7 – SPECIAL REGULATIONS

In accordance with § 7.29(a), the Superintendent has established the following beaches and over sand routes for 4 wheel drive off road vehicle use with valid NPS off road permit:

- Sand road and western tip of Breezy Point

In accordance with § 7.29(b)(6), the Superintendent has established the following limit on the number of over sand permits:

- 750 Special Use Permits for Off Road Vehicles will be issued annually.
    - Vehicle permit are required September 1 through March 14 to access the beach, and all year to access the sand parking lot. The beach is closed to vehicles during the remainder of the year.
    - Off Road Vehicle Permits are only issued for fishing access.

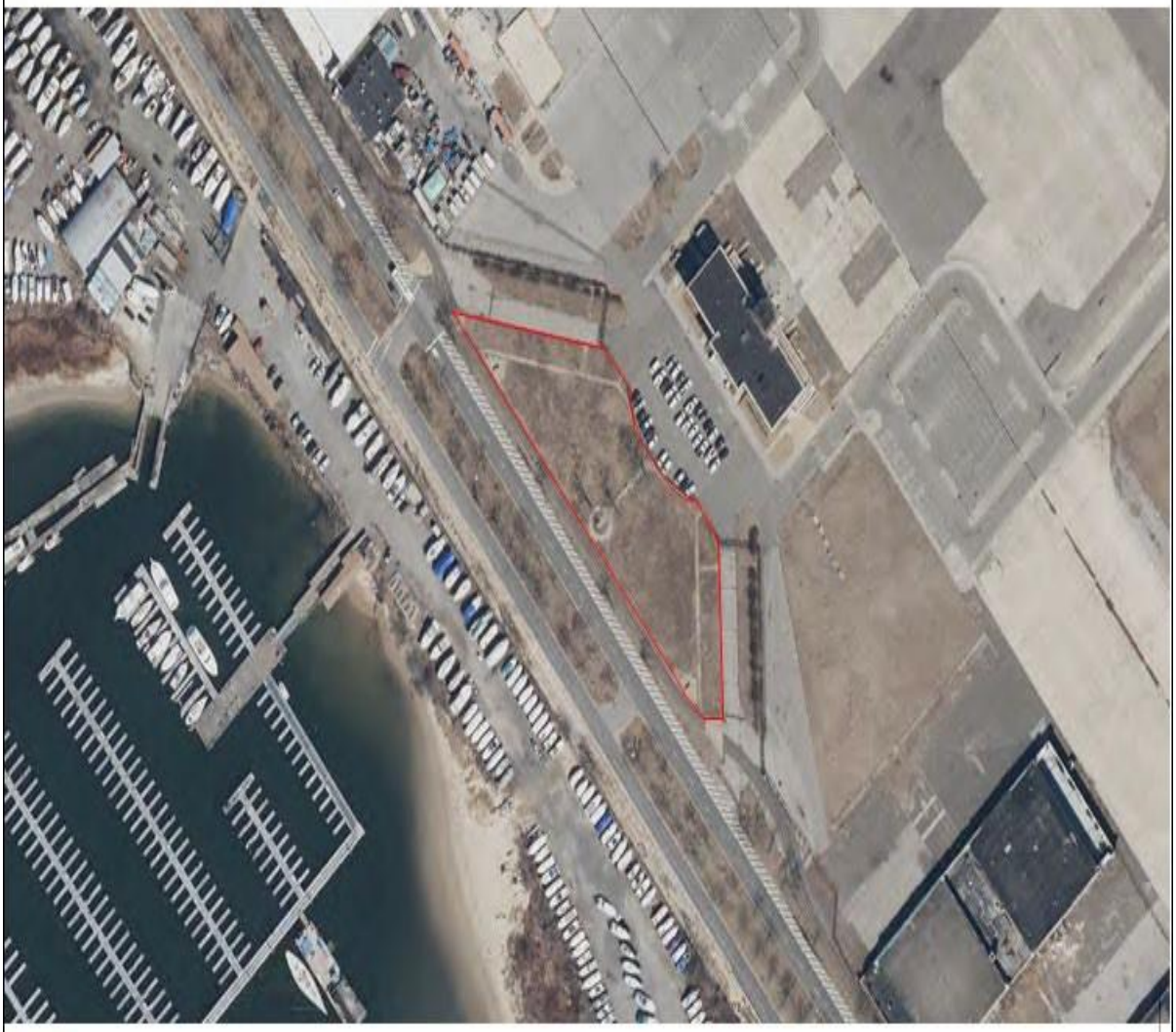
Justification: Vehicle operation limits are necessary for the protection of the coastal habitat.

APPENDIX A:
Maps of Designated First Amendment Areas

Gateway National Recreation Area
New York / New Jersey

National Park Service
U.S. Department of the Interior

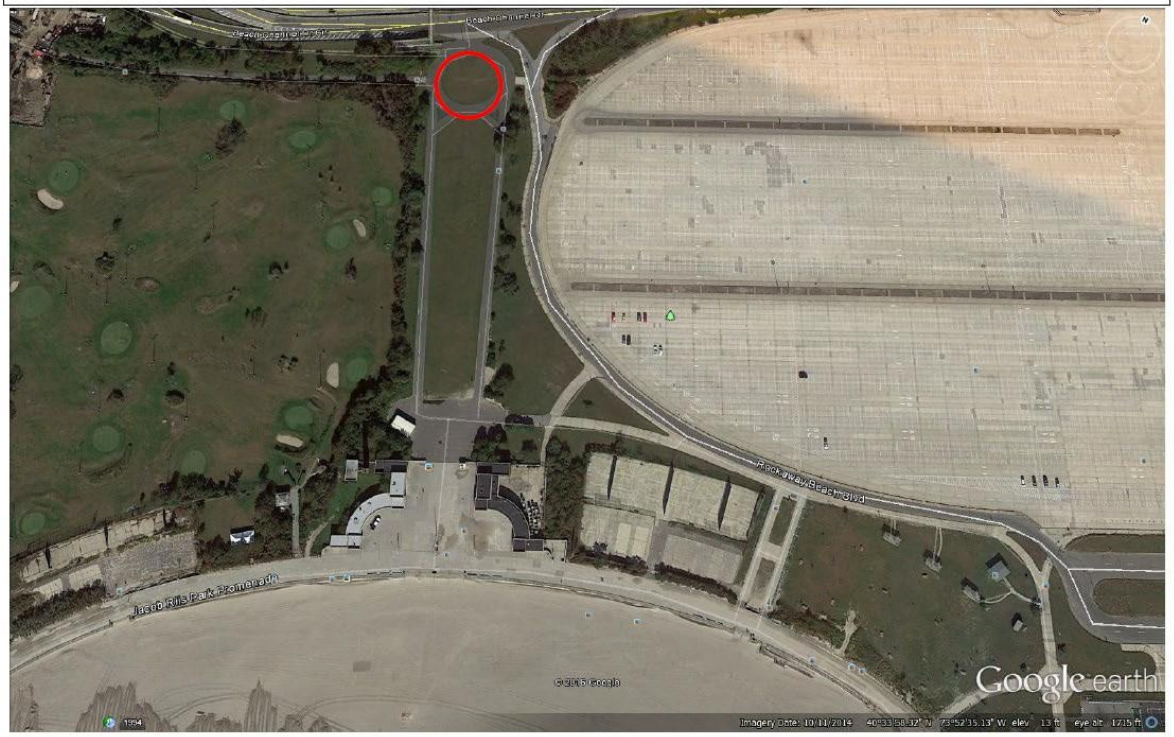
Floyd Bennett Field - Ryan Center



First Amendment Area

0 50 100 200 300 Feet

Riis Park – Bay 9 Mall Area



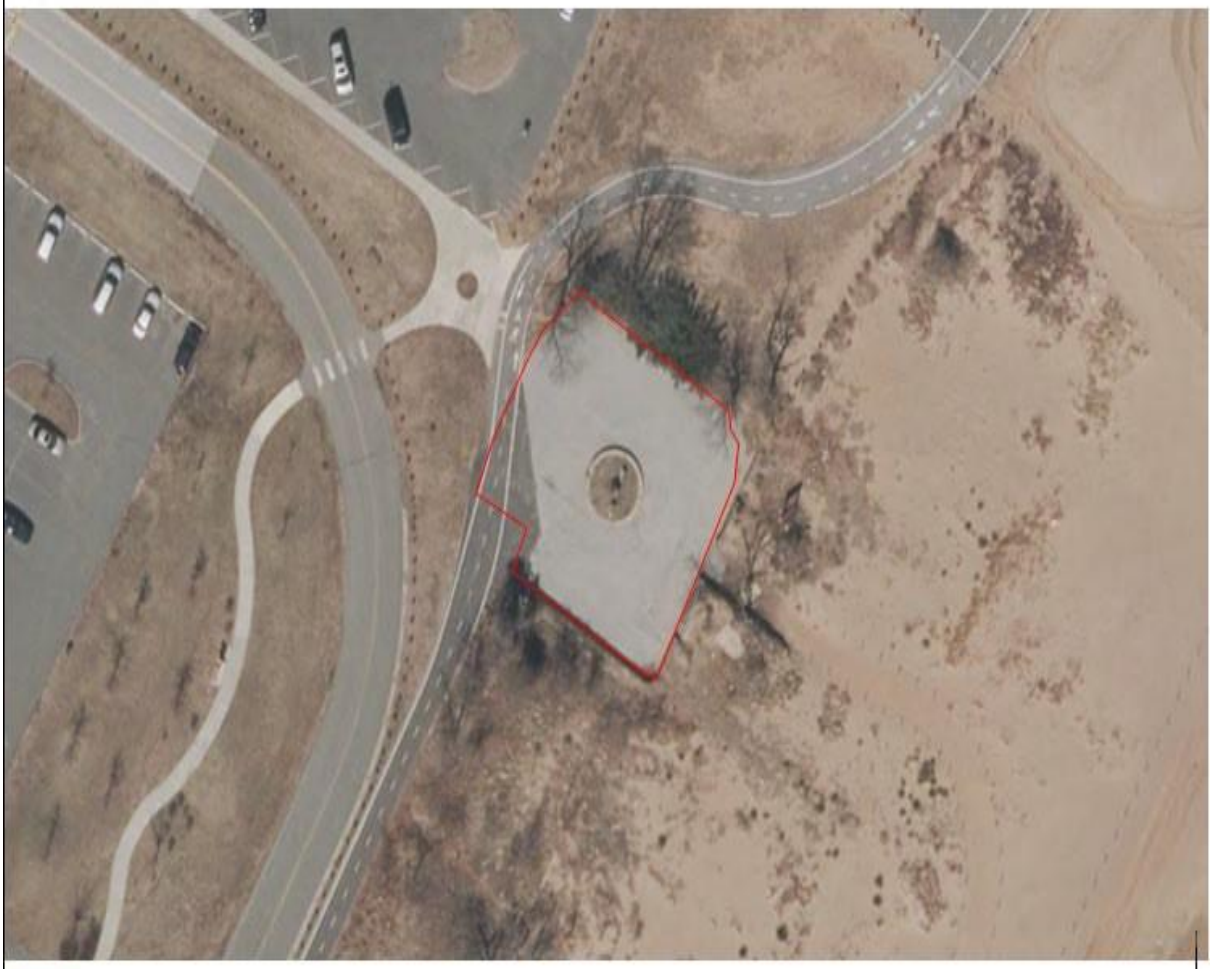
First Amendment Area

Lawn area within paved grassy circle

Gateway National Recreation Area
New York / New Jersey

National Park Service
U.S. Department of the Interior

Miller Field



First Amendment Area

Gateway National Recreation Area
New York / New Jersey
National Park Service
U.S. Department of the Interior
Great Kills Park
First Amendment Area
0
50
100
Feet

Gateway National Recreation Area
New York / New Jersey

National Park Service
U.S. Department of the Interior

Fort Wadsworth

First Amendment Area

0 50 100 200 Feet

Gateway National Recreation Area
New York / New Jersey

National Park Service
U.S. Department of the Interior

Sandy Hook - Nike Radar Site

First Amendment Area

0 50 100 Feet

Gateway National Recreation Area
New York / New Jersey

National Park Service
U.S. Department of the Interior

Sandy Hook - Guardian Park

First Amendment Area

0 50 100 200 Feet

Gateway National Recreation Area
New York / New Jersey

National Park Service
U.S. Department of the Interior

Sandy Hook - Fort Hancock

First Amendment Area

0 50 100 200 300 Feet