



Gulf Islands National Seashore

Superintendent’s Compendium

Revised May 2022

COMPENDIUM of designations, closures, permit requirements and other restrictions imposed under the discretionary authority by the Superintendent of Gulf Islands National Seashore.

In accordance with regulations and the delegated authority provided in Title 36 Code of Federal Regulations (36 CFR) Chapter I, Parts 1 through 7, authorized by Title 16 United States Code Section 3, the following regulatory provisions are established for the proper management, protection, government, and public use of those portions of Gulf Islands National Seashore under the jurisdiction of the National Park Service.

Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in Title 36 Code of Federal Regulations, Chapter 1, Parts 1 through 7.

The closures and restrictions delineated in this compendium do not apply to official/administrative use or applications (36 CFR 1.2(d) and 1.5(a)).

Written determinations, which explain the reasoning behind the Superintendent’s use of discretionary authority, appear in this document as italicized print.

36 CFR Section 1.6(f) states that a list of activities that require a permit must be maintained. That list appears in this document under 1.6.

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 is not necessary.

This compendium will remain in effect until specifically amended or supplemented by the Superintendent.

Recommended:
D. Mladucky

Approved:
Darrell L. Echols



For the purposes of this document, any references to West Petit Bois Island includes areas formerly known as Sand Island and references to Ship Island includes areas formerly known as West Ship Island and East Ship Island.

36 CFR § Part 1 - General Provisions

Section 1.5(a)(1) Closures and Public Use Limits

1) Section 1.5(a)(1): Fortifications and Structures Closure

The following fortifications and related structures are closed to all public use and access in accordance with the following conditions:

- a. The interiors of all forts and batteries are always closed to public access, except when an NPS employee is on duty at the location and/or the gate to the fort or battery is opened and/or by the posting of signs indicating the hours when the site is open to the public.
- b. The area within the fence surrounding Batteries Cullum and Sevier is always closed to the public.
- c. The tower within the fence adjacent to Battery 234 is always closed to public access.
- d. Portions of Battery Pensacola located in Fort Pickens as designated by posted signs.
- e. The Barbette Level of Fort Massachusetts's (2nd level, grassy mounds of the fort) is closed beyond established walkways.
- f. The parapets, low masonry walls on top of the forts, are closed to the public.
- g. The following areas are closed from sunset to sunrise:
 1. The tower at Battery Worth
 2. Advanced Redoubt and grounds.
 3. The areas in and around Batteries Langdon, Worth, Truman, Payne, Van Swearingen, 234, and Cooper, and Battery 233 to include the center battery and seawall.

Determination: *These closures are necessary to protect the historic fabric and integrity of fortifications and related structures, and to protect the public from areas which have inherent dangers and may be hazardous to the public in low light situations or when unsupervised by knowledgeable individuals.*

Less restrictive measures would permit unsupervised public access into historic areas which are highly susceptible to vandalism or defacement and would allow public access into areas which have steep, poorly lit steps, sheer drop-offs, and other inherent dangers.

2) Section 1.5(a)(1): Shorebird Closures

The following locations are closed to all public use and access in accordance with the following conditions:

- a. Those portions of Petit Bois Island, West Petit Bois Island, Horn Island, Ship Island, and the NPS-owned portions of Cat Island within the Mississippi District which are annually designated by posted signs from March 1 through September 1.
- b. Those portions of Santa Rosa area:



1. From the National Seashore's western boundary (East of University of West Florida property) to the National Seashore's eastern boundary located at Navarre beach which are annually designated by posted signs from February 15 through September 1, and
 2. Located on the north side of Highway 399 approximately 1 mile east of the Opal Beach complex that is which are designated by posted closure signs year-round the area (approximately 5 acres).
- c. That portion of Fort Pickens area:
1. From the National Seashore boundary at Park West to the Langdon Beach parking area which are annually designated by posted signs, from February 15 through September 1, and
 2. Located near the Pensacola Pass which are designated by posted closure signs year-round (approximately 4 acres).
- d. Those portions of Perdido Key which are designated by posted signs, from Feb.15 through September 1 of each year.

Determination: *These areas are used annually by nesting, loafing and foraging shorebirds to include threatened and endangered species. Dates for closures match those enacted by the State of Florida and are considered best management practices for federal and state protected species. These closures are necessary to protect essential habitat for foraging, loafing, and courtship prior to the nesting season. It also allows for the protection of the shorebirds, eggs, and chicks from human disturbance.*

Less restrictive measures would permit public access into areas where protected species are regularly observed and nest. Shorebirds build shallow, highly disguised nests in sand/shell and deposit small, off-white-colored eggs which are extremely difficult to see, resulting in a high probability of loss from direct impact (i.e., stepping), from heat exposure, or predation because of being flushed by humans.

3) Section 1.5(a)(1): Over-Sand Foot Travel, and Reconstructed Dune and Relic Dune Closures

The following locations are closed to all public use and access (i.e., water slides, sand slides, hiking, etc.) in accordance with the following conditions:

- a. Sand dunes along the north and south sides of Johnson Beach Road is prohibited except at designated boardwalks and identified access points.
- b. Specific relic dunes that are designated by posted signs for restoration and recovery.

Determination: *A sand dune is generally a hill of sand occurring in different shapes and sizes and formed by interaction of sand with the flow of air or water. Dunes may also be constructed by humans as part of restoration effort or other management need. The National Seashore has dunes running parallel to the shoreline directly inland from the beach. Dunes are important for the protection of land, infrastructure, and the mainland against potential impacts of storms and coastal erosion.*

The sand dunes adjacent to Johnson Beach, Santa Rosa and Fort Pickens roads are extremely fragile and subject to rapid erosion when trampled underfoot. These dunes systems are habitat for threatened and endangered species, and it is important to preserve them for their natural and esthetic values.



Most of these areas consist of portions of the last remaining relic sand dunes and the sand flats surrounding them. These dunes are made of windblown sand that has been transformed over time into special ecological niches.

Less restrictive measures would allow walking through sensitive dunes, which would result in removal of vegetation, increased erosion, and eventual loss of the dune structures.

4) Section 1.5 (a)(1): Glass Container Closures

The following locations are closed to the possession of all types of glass containers:

- a. All beaches and Gulf of Mexico/sound side shorelines on:
 1. Santa Rosa Island including Fort Pickens
 2. Okaloosa Day Use Area
 3. Perdido Key
 4. Naval Live Oaks
 5. Petit Bois Island
 6. Horn Island
 7. West Petit Bois Island
 8. Ship Island
 9. The NPS-owned portion of Cat Island
- b. Any waters exterior of a visitor's vessel
- c. The Fort Pickens Fishing Pier
- d. The Ship Island ferry dock

Determination: *Most people using the National Seashore's beaches, shorelines, and offshore islands use these areas barefoot or routinely play in the sand and water. Glass containers such as beverage bottles, mayonnaise jars, etc. are often left as trash by individuals using the beaches and shorelines. These glass containers may become broken resulting in pieces of glass being left on the ground or partially buried in the loose sand, thereby frequently causing severe lacerations to exposed feet. Glass closure on the docks/piers is necessary to provide protection to visitors on the piers and along the beach adjacent to the piers.*

Less restrictive measures would not prevent the risk of broken glass from occurring. This restriction provides protection to over five million visitors annually who spend most time walking beaches and surrounding areas barefoot.

5) Section 1.5(a)(1): Propulsion Motor Closures

The following waters are closed to certain types of propulsion motors in accordance with the following conditions:

- a. The lakes, ponds, and lagoons of Petit Bois, Horn Island, West Petit Bois Island, Ship Island, and the NPS-owned portion of Cat Island are closed to use by all motorized vessels, whether combustion or electric powered. However, vessels are not prohibited if the motor(s) are turned off and tilted up to be out of the water or removed from the transom or gunnels prior to entry into these areas.
- b. The posted lagoons of the Perdido Key area within Big Lagoon adjacent to Spanish Point, Langley Point, and Red Fish Point are closed to all combustion engines. However, motorized vessels are allowed only if their motors(s) are turned off and tilted up to be out of the water or



removed from the transom or gunnels prior to entry in the area. Paddling, poling, and electric trolling motors are permitted.

Determination: *Horn Island and Petit Bois Island, including the lakes, ponds, and lagoons are within designated wilderness areas of Gulf Islands National Seashore and are required to be closed to all motorized vessels. The lakes, ponds, and lagoons of Ship Island are very small, shallow bodies of water that are not conducive to motorized boat use, and which are used as nesting areas for wildlife. Additionally, this closure provides for protection of the shallow bottom and grassy banks of National Seashore waters and enhances the scenic values of the islands. The lagoons of Perdido Key are extremely important grassbed habitat. Propellers from combustion engines cut trenches through the grassbeds causing damage to seagrasses, erosion, increased water turbidity, and suspension of sediments that smother grasses.*

Less restrictive measures allowing for the use of motorized vessels in these waters would not provide sufficient protection to protect nesting wildlife or preserve shallow water bottoms or fragile habitats.

6) Section 1.5(a)(1): Prohibition of Rafting Vessels (Anchored or Rafted)

No more than 5 boats may raft together and there must be at least 100 feet of distance between each raft of vessels.

Determination: *Rafting vessels are susceptible to property damage and/or passenger injuries when vessels operating nearby are operated at speeds over 5 mph or at a speed that creates a wake. The 100 foot distance between rafted vessels allows emergency personnel and vessels to respond in the event of an emergency medical incident or other type of emergency.*

Less restrictive measures would not provide the degree of safety to the public which is reasonable and expected.

7) Section 1.5(a)(1): Intentional Groundings Closure

All waters within the boundaries of the National Seashore are closed to the intentional grounding of commercial and any other non-recreational vessels, except in time of emergency, without specific authorization by the Superintendent. An emergency is defined as "a period of time when the captain of a vessel is in immediate danger of losing that vessel".

Determination: *The seagrass beds within the seashore are a fragile and dwindling resource. These areas are inhabited by a variety of mollusks, crustaceans, and small fish that form the basis of the food chain in these coastal waters. These seagrass areas are easily destroyed by the disturbance caused by the actual grounding of vessels, by increased turbidity produced from groundings, and by potential subsequent salvage activities.*

Less restrictive measures would permit an activity that is damaging to plants, wildlife, and habitat.

8) Section 1.5(a)(1): Segway Closure

Segway (personal transporters) use by America the Beautiful – The National Parks and Federal Recreation Lands Pass (Interagency Access Pass) holders.

- a. Segway users operating in areas only permitted to persons with disabilities must possess an Interagency Access Pass.
- b. Use of Segway's by persons with disabilities is permitted on boardwalks, designated non-wilderness hiking trails, and other established footpaths, bike paths, and fishing piers.



- c. Use of Segway's by persons with disabilities is not permitted indoors, on roadways, backcountry areas off-designated trails, wetlands, beaches, dunes, federally designated wilderness areas (on and off trail), on fortifications, and other sensitive natural and cultural environments.
- d. Speed may not exceed five miles per hour.
- e. Segway users must yield the right-of-way to pedestrians and cyclists.
- f. Segway users must operate in a safe manner to prevent personal injuries and resource damage and are encouraged to wear helmets.
- g. Use of Segway's by persons without disabilities is prohibited.

Determination: *Segway Personal Transporters meet the definition of motorized vehicles in Title 36 Code of Federal Regulations and, as such, their use would not be permissible off established roadways. However, the Rehabilitation Act of 1973, a law passed by Congress, supersedes the Code of Federal Regulations, and accommodating use of Segway's by persons with disabilities under certain situations is consistent with the Act. The rationale for permitting Segway on constructed trails and walkways is that these routes provide a measure of safety to users and protection of fragile resources. However, certain areas of the Seashore including sand dunes and wetlands are extremely fragile and subject to rapid erosion when rolled over by deeply treaded tires. Dune's systems are sensitive environments that serve as habitat for wildlife including threatened and endangered species or other species of management concern. It is important to preserve dunes for their natural and esthetic values. Wilderness islands are closed to motorized vehicles. Speed is limited to provide for safety on surfaces not designed for these vehicles and/or to minimize conflicts with other National Seashore visitors.*

Less restrictive measures would result in erosion and damage to natural features that support vegetation and wildlife.

9) Section 1.5(a)(1): Golf Carts, UTV, and ATV Closures

All roadways, off roadways, beaches, trails, and boardwalks within the boundaries of the National Seashore are closed to the use of golf carts and UTV/ATV type vehicles in accordance with the following conditions:

- a. Golf carts are allowed in the campground for persons with Americans with Disability Act (ADA) mobility impairments for access to campground facilities only.
- b. Golf carts utilized in the campgrounds must be equipped with efficient brakes, a reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices on both the front and rear.
- c. Drivers must be 14 years of age or older.

Determination: *36 CFR designates a golf cart, UTV, and ATV as a vehicle. Golf Carts and UTVs/ATV's may only be operated under certain restrictions within the seashore due to public and environmental safety.*

The campgrounds at Gulf Islands National Seashore are extremely busy each day during the spring/summer/fall months with approximately 170 RV/travel-trailers, 30 tent sites, and about 500 people in the Fort Pickens Campground and about 50 RV/travel-trailers and 200 people in the Davis



Bayou Campground. These campgrounds have children riding bicycles, people walking on roadways, and large vehicles and trailers moving about during all hours of the day or night. The mixed use of golf carts, UTV's, and ATV's, with activities of other National Seashore visitors creates the potential hazard of seriously injuring individuals, creating environmental damage, and/or property damage. Additionally, these types of vehicles have been operated off roadways creating damage to trails, sand dunes, and wetlands. This restriction provides protection for the public and the resources of the National Seashore while continuing to allow access to campground facilities for park visitors with impairments or for all visitors by other means (i.e., walking, biking, or driving personal vehicles).

Less restrictive measures would not provide the degree of public safety that is reasonable and expected.

10) Section 1.5(a)(1): Operational Area Closures

The following locations are used for National Seashore operational functions and are always closed to the public except for the delivery of supplies and materials or for conducting official business.

- a. All areas signed for official use include, but are not limited to the:
 1. Davis Bayou maintenance area and government marina and associated fenced area
 2. Ship Island generator sheds and maintenance area
 3. Naval Live Oaks maintenance area
 4. Fort Pickens Preservation shop area and access road behind Battery Langdon
 5. Government-use boat dock at the Fort Pickens Lifesaving Station
- b. Any construction or associated material and equipment staging area(s).
- c. Visitors accessing the Fort Pickens ferry pier by foot are not allowed north of the ferry pier gate indicated by "US Government No Trespassing" signs unless riding the ferry.
- d. The canals located within the Fort Pickens area.
- e. No vessels or persons in the water within 200 feet of the Fort Pickens fishing pier and the Fort Pickens ferry pier.
- f. No vessels within 200 feet of the remnants of the old pier located directly east of the current Fort Pickens fishing pier.
- g. No vessels within 200 feet of the Ship Island ferry dock from February 1 to October 31.
- h. No docking of private vessels at the Fort Pickens ferry dock or Ship Island ferry dock.
- i. The garage, roadway, and parking lots located north of the Fort Pickens Ranger/Lifesaving Station.

Determination: *The National Park Service's tour boat concessionaires to the Ship Island and Fort Pickens ferry docks require enough dock space to be reserved for the safe and efficient loading and offloading of passengers. Tour boats are long (72 feet to 110 feet in length) boats that require deep water and enough space for maneuverability.*

Keeping all activities out of the 200-foot area surrounding the Fort Pickens public fishing pier and the Fort Pickens ferry pier reduces the chance of conflicts with fishermen and swimmers. Recently, there has been an increase in visitor use in this area causing conflicts among different recreational



groups (i.e., fishing lines being cut, cast nets thrown on swimmers and boaters, and fishing lines and tackle getting caught on swimmers). Separating conflicting usage creates a safer environment for park visitors.

The remaining locations listed above are used exclusively for administrative functions, and operational and support purposes where heavy machinery, equipment, boats, etc. are used and maintained.

The closure of these locations is necessary to provide for public health and safety while accomplishing support services necessary for the management of the National Seashore.

Less restrictive measures prevent the necessary maintenance, upkeep and support required for the management of the National Seashore while maintaining adequate public health and safety.

11) Section 1.5(a)(1): General Areas Closed to Public During Specific Periods

The following locations are closed to the public in accordance with the following conditions:

- a. Davis Bayou Visitor Center area including adjacent parking lots, access roads, and the visitor center pier from sunset until 8:00 a.m.
- b. The Davis Bayou picnic area and Robert McGhee Road are closed to the public from sunset until 6:00 a.m. except for registered campers.
- c. Ship Island from sunset to sunrise for visitors and their vessels year-round.
- d. Ship Island buildings, structures, and Fort Massachusetts are closed from November 1 to February 28 unless it is a Leap year, which is then February 29th.
- e. Naval Live Oaks area, Headquarters/administrative offices, all picnic areas north and south of Hwy. 98, the Naval Live Oaks Youth Group camping area and adjacent parking lots and access roads from sunset until 8:00 a.m. except for National Seashore permitted users.
- f. Opal Beach Day Use Area facilities including adjacent parking lots and access roads, from sunset until 8:00 a.m.
- g. Parking lots along Highway 399 and Fort Pickens Road to include Beach Access Areas 17A, 19A, 32A, 33A, and 36A (AKA, parking lot numbers 1, 7, 8, 21, and 22).
- h. Okaloosa Day Use area from sunset until 8:00 a.m.
- i. Johnson Beach Day Use area from 8:00 p.m. until 5:00 a.m. during Central Daylight Savings Time (March-November) and from 6:00 p.m. until 5:00 a.m. during Central Standard Time (November-March)
- j. Fort Pickens bookstore access road and parking lots from sunset until 8:00 a.m.
- k. Fort Pickens area including the fishing pier from 8:00 p.m. until 5:00 a.m. during Central Daylight Savings time (March-November) and 6:00 p.m. until 5:00 a.m. during Central Standard Time (November-March) except for registered campers in the Fort Pickens Campground.
- l. NPS-owned portion of Cat Island is closed to all motorized vehicle traffic except for property owners with deeded easements for vehicle use.



Determination: *The visitor centers, parking lots, roads, piers, and areas listed are intended to be open during specific hours when services can be provided by National Seashore staff, including visitor education, visitor protection, and resource protection. At times when these services cannot be provided, the National Seashore is unable to keep these areas open while still providing for the maintenance of public health and safety, protection of natural and cultural resources and the protection of valuable government property. Ship Island receives very heavy visitation during much of the year and is minimally staffed for response to law enforcement and emergency situations. Visitation at this island is concentrated at the pier/fort/swim beach/facilities.*

Limiting visitation to day-use only allows staff to provide adequate protection to the resources and facilities during the day without regularly addressing issues overnight. It also would permit public access into offices and rooms used for administrative purposes, leading to disruption of the work force and less efficient and effective management of the National Seashore.

The Fort Pickens fishing pier is primarily used by visitors fishing who use hook-and-line and cast nets. The high concentration of people who use hook-and-line on the pier poses a significant risk of personal injury to any unsuspecting boater who enters the restricted area. Furthermore, the competition between people fishing on the piers and the people boating has risen to a level where acts of violence are not uncommon. The new fishing pier, the remnants of the old pier and the ferry pier are within proximity to one another.

Less restrictive measures would not provide reasonable protection to the public or to the natural and cultural resources or buildings and other property of the government.

12) Section 1.5(a)(1): Fishing Closures

The following areas are closed to certain types of fishing and fishing activities in accordance with the following conditions:

- a. Fishing with trammel nets, hoop nets, sein nets, barrel nets, gill nets, bow and arrow, spear guns, Hawaiian slings, or any projectile device is prohibited in all the waters of the National Seashore. Such devices may be on board vessels when stowed away and not available for immediate use.
- b. Fishing and cast netting from public boat docks are not allowed in the following areas:
 1. Fort Pickens and Ship Island ferry docks
 2. Davis Bayou boat ramp dock
 3. Ship Island cross island boardwalk

Determination: *The docks at Fort Pickens, Ship Island, and Davis Bayou allow for the passage of persons to and from boat(s) and land. Fishing poles and cast nets create obstacles for visitors walking or docking thereby impeding the primary activity for which the docks were established.*

Less restrictive measures would not provide adequate access to docks and boardwalks needed by National Seashore visitors.

13) Section 1.5-(a)(2): Fishing Closures

The following areas are closed to certain types of fishing and fishing activities in accordance with the following conditions:

- a. Fishing is prohibited in all ponds and creeks within the Davis Bayou area.



Determination: *Small ponds and creeks cannot sustain public fishing pressure. Ponds and creeks have limited capacity to sustain fishing pressure since these areas are small, ephemeral in nature, and have limited fishing stock available to remove. Fishing in these areas would remove individual fish and affect the ability of the ecosystem to sustain itself. These small ponds rely entirely on the ecosystems own reproductive capacity which is what is most hindered by fishing efforts since fisherman are usually targeting and removing adults from the systems.*

Less restrictive measure would not adequately protect sensitive habitats and species from fishing pressures.

- b. Taking of fish by cast net or other form of netting for the purposes of bait from brackish or saltwater bays, sounds, ponds, and lagoons shall be limited to the reasonable amount necessary for immediate on-site personal use only.

Determination: *Digging for bait is prohibited by 36 CFR 2.3(d)(6). Collecting of bait in saltwater ponds and lagoons offer an easy opportunity to catch large numbers of bait fish due to shallow water and restrictive banks and shorelines. Minimizing the number of baitfish collected helps preserve these fish which otherwise are not protected from exploitation by other state or federal regulations.*

The collection of terrestrial bait (i.e., insects) is prohibited to protect habitat and species such as the solitary bee. Bait for fishing within the park is readily available in other areas or commercially.

Less restrictive measures would not provide sufficient protection to small fish which are easily accessible by small seine nets.

- c. Chumming for or the placing of dead fish, fish parts, fish eggs, broadcast bait, food, chemicals, or other foreign substances or items in the waters within 500 feet of the Ship Island ferry dock, the Davis Bayou fishing pier, and the Fort Pickens fishing pier for the purpose of feeding or attracting fish is prohibited.

Determination: *The use of chum and other bait-type items intended to attract fish will normally attract sharks to the area. Sharks can be easily lured into a feeding frenzy when there are large amounts of chum in the water. Sharks exhibiting this type of violent behavior present a possible danger for visitors using the National Seashore for other recreational activities. Some visitors also swim or wade between the shore and anchored vessels in areas near the piers. It is also possible for visitors to accidentally fall into the waters surrounding these piers.*

Less restrictive measures would interfere with the function, mission and administration of the Seashore and not provide the degree of protection that visitors expect when visiting the park.

- d. Use of public fishing piers is restricted to the use of 2 forms of fishing devices per fisherman (i.e., 2 poles, 1 pole and 1 cast net, 1 cast net and 1 trap, etc.).
- e. Use of generators and the erecting of structures such as tents, canopies, tarps, or any other shelters larger than a beach umbrella is prohibited on public fishing piers.
- f. Public fishing piers are closed to the possession and consumption of alcoholic beverages and smoking products.

Determination: *The practice of erecting shelters or actively fishing devices on the piers removes large areas of the pier from use by other visitors. Such an expansion of personal space reduces the*



capacity of the pier – a limited facility that is in great public demand – to accommodate public use. Furthermore, such structures and additional fishing poles and cast nets create obstacles for visitors casting fishing poles, impeding the primary activity for which the pier was established. The restriction of alcohol and smoking products of all sources on the pier allows for the safety of all visitors and it will minimize visitor use conflicts and litter.

Less restrictive measures would interfere with the function, mission and administration of the public fishing pier and not provide the degree of protection that visitors expect when visiting the park.

14) Section 1.5(a)(1): Use of Unmanned Aircraft Closure

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

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, communications links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, and/or drones) that are used for any purpose, including for recreation or commerce.

Determination: *The unmanned aircraft is a new park use that affects park resources, staff, and visitors in ways that the National Park Service has yet to identify and analyze. It is National Park Service policy to not allow a new park use until a determination has been made that it will not result in unacceptable impacts on park resources and values. This is an interim policy that will remain in place until the National Park Service develops a Service-wide regulation to address unmanned aircraft.*

Objects of this size, configuration, and movement could startle, frighten, and/or disturb birds causing disruption of normal feeding, reproduction, and nesting behavior. Several species, including nesting species such as black skimmer, least tern, snowy plover, ospreys, and eagles are vulnerable to this type of disturbance at Gulf Islands National Seashore. As a result, use of these devices essentially closes and constricts available habitat to bird nesting and feeding. This precludes full use of available habitat, which is prime habitat for nesting birds. In addition, these devices could cause a hazard to park visitors using these beaches during high-visitation times of year.

Less restrictive measures would not provide sufficient protection to wildlife and threatened and endangered species.

15) Section 1.5(a)(1): Balloon Closure

Balloons shall not be brought, displayed, or released within the National Seashore.

Determination: *Wildlife (i.e., sea turtles) can mistake accidentally released balloons as food when balloons deflate and appear in park waters. Deflated balloons often result in entanglement or cause choking hazards.*

Less restrictive measures would not provide sufficient protection to wildlife and threatened and endangered species.



16) Section 1.5(a)(1): Picnicking Closure

Picnicking is allowed in the National Seashore except in the following locations and in accordance with the following conditions:

- a. The interior of Fort Barrancas, Advanced Redoubt, Fort Pickens, and Fort Massachusetts.
- b. Mechanical devices (including coolers with wheels, carts, or anything with wheels) or motorized devices are prohibited within the Wilderness areas on Horn and Petit Bois Islands.

Determination: *The interior of these fortifications is closed to picnicking so as not to interfere with guided tours of the forts or to intrude on the historical character the Seashore attempts to maintain.*

Horn Island and Petit Bois Island are designated wilderness areas of the National Seashore. Wilderness areas is where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed to preserve its natural conditions, and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; has outstanding opportunities for solitude or a backcountry and unconfined type of recreation.

Less restrictive measures would not provide the type of venue the Seashore attempts to maintain for the education of visitors or meet the requirements of Designated Wilderness.

17) Section 1.5(a)(1): Commercial Filming

Commercial filming is allowed in accordance with the following conditions:

- a. The following types of filming activities may occur in areas open to the public without a permit and without advance notice to the National Park Service:
 1. Outdoor filming activities outside of areas managed as wilderness involving 5-persons or less and equipment that will be hand carried at all times except for small tripods used to hold cameras.
- b. The organizer of any other type of filming activity must provide written notice to the Superintendent at least 10-days prior to the start of the proposed activity. Based upon the information provided, the Superintendent may require the organizer to apply for and obtain a permit, if necessary, to:
 1. Maintain public health and safety,
 2. Protect environmental or scenic values,
 3. Protect natural or cultural resources,
 4. Allow for equitable allocation and use of facilities, or
 5. Avoid conflict among visitor use activities.
- c. If the Superintendent determines that the terms and conditions of a permit could not mitigate the concerns identified above in an acceptable manner, the Superintendent may deny a filming request without issuing a permit. The Superintendent will provide the basis for denial in writing upon request.
- d. The NPS will consider requests and process permit applications in a timely manner. Processing times will vary depending on the complexity of the proposed activity. If the organizer provides the required 10-day advance notice to the NPS and has not received a written response from the



NPS that a permit is required prior to the first day of production, the proposed filming activities may occur without a permit.

- e. The following are prohibited:
 1. Engaging in a filming activity without providing advance notice to the Superintendent when required.
 2. Engaging in a filming activity without a permit if the activity takes place in areas managed as wilderness or the Superintendent has notified the organizer in writing that a permit is required.
 3. Violating a term and condition of a permit issued under this action. Violating a term or condition of a permit issued under to this action may also result in the suspension and revocation of the permit by the Superintendent.
 4. Engaging in a filming activity in an area, a time, or an activity that is closed to the public.

Determination: *These closures are necessary to protect the historic fabric and integrity of fortifications and their related structures and natural resources, as well as protect the public from areas which have inherent dangers. Many hazardous ruins and historic fort areas are highly susceptible to vandalism, defacement, or destruction, and have steep, poorly lit steps, sheer drop-offs, and other inherent dangers. These conditions create unsafe areas for unsupervised access.*

Less restrictive measures would not provide adequate protection for physical injury or death nor ensure that fragile historic areas can be adequately protected.

18) Section 1.5(a)(2): Kite Surfing or Kite Boarding

Kite surfing or kite boarding (board riding propelled by large wind-driven kite-like objects) is allowed in the National Seashore except in the following locations and in accordance with the following conditions:

- a. This activity is prohibited within 650 feet (216 yards) of all shorelines in the Florida district, excluding the Okaloosa Day Use Area from April 1 through September 1.
- b. This activity is prohibited within 650 feet (216 yards) of all shorelines in the Mississippi District each year from April 1 through September 1.

Determination: *Objects of this size, configuration, and movement are known to start, frighten, and disturb birds causing disruption of normal feeding, reproduction, and nesting behavior. Several species, including threatened shore nesting species such as black skimmer, least tern, and snowy plover are vulnerable to this type of disturbance especially during nesting season. As a result, use of these devices displaces birds and essentially closes and constricts available habitat to bird nesting and feeding. This precludes full use of available habitat, which is considered prime habitat for nesting birds. In addition, the long-attached lines and great forces associated with kite surfing and the possible poor control of inexperienced operators poses a hazard to National Seashore visitors using these beaches during this high-visitation time of year.*

Less restrictive measures would not provide sufficient protection to wildlife and threatened and endangered species.



19) Section 1.5(a)(2): Motorboat Operation and Use

Boating and boating activities are allowed within waters of the National Seashore in accordance with the following conditions:

- a. Operating a vessel greater than 5 mph or creating a wake is prohibited within 500 feet of:
 1. Fort Pickens fishing pier
 2. Fort Pickens ferry dock
 3. Ship Island ferry dock
- b. The towing of persons by vessels, in accordance with applicable State and federal regulations, is allowed in:
 1. Waters on the north and south sides of the Santa Rosa area except within 500 feet of the designated swim beach.
 2. Waters on the north and south sides of the Fort Pickens area except within 500 feet of the designated swim beach and within 500 feet of the Fort Pickens fishing and ferry docks.
 3. Waters on the north and south sides of the Perdido Key area except within 500 feet of the designated swim beach and within that area located at Fort McRee that is designated and signed as a no-wake zone.
 4. Waters on the north and south sides of the Mississippi barrier islands except within 500 feet of the designated swim beach or within 500 feet of the Ship Island ferry dock.

Determination: *Boating and waterskiing are acceptable forms of recreation in the warm waters of the National Seashore, so long as the activity does not significantly impact natural resources or create potentially hazardous situations for other Seashore visitors. The areas open for this activity allow ample opportunity for this type of recreation.*

Less restrictive measures would not provide the degree of safety to the public which is reasonable and expected.

20) Section 1.5(a)(2): Swimming and Wading

Swimming and wading are allowed within waters of the National Seashore in accordance with the following conditions:

- a. Swimming and wading are prohibited in waters:
 1. Within 200 feet of the Ship Island ferry dock
 2. In all areas within the Davis Bayou area
 3. Within 200 feet of the Fort Pickens fishing pier and the Fort Pickens ferry dock
 4. All canals
 5. Along all beaches on single red flag surfing warning days except for experienced surfers with appropriate equipment.
 6. Along all beaches on double red flag surf warning days.



Determination: *The Ship Island and Fort Pickens ferry docks are routinely used by large tour boats as well as public boaters. Swimming around these docks would present an unacceptable risk to public safety. The waters of the Davis Bayou Area are shallow, muddy waters that are habitat for wildlife including alligators. Swimming in these waters would disturb wildlife and would present an unacceptable risk to public safety. The Fort Pickens pier is used primarily for fishing by visitors using hook-and-line and would present an unacceptable risk to safety.*

A single red flag indicates hazardous conditions for swimmers and waders except of surfers. A double red flag indicates dangerous surf conditions for any caliber of swimmer and is necessary to maintain public safety.

Less restrictive measures would not provide adequate safety to the public or provide reasonable protection to wildlife or natural resources.

21) Section 1.5(a)(2): Federal Mask Mandate on Federal Property

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

- a. When the COVID-19 Community Level is **HIGH** in the county or all the counties where the park is located based on data provided by the CDC, all individuals over the age of two must wear masks, regardless of vaccination status, in all common areas and shared workspaces in buildings owned, leased, or otherwise controlled by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.
- b. When the COVID-19 Community Level is **HIGH** in one or more, but not all, of the counties where the park is located based on data provided by the CDC, the superintendent will determine whether individuals are required to wear masks. The requirement, if any, will apply to all facilities within the park.
- c. Masks must cover the nose and mouth and fit snugly around the nose and chin with no large gaps around the sides of the face. Masks not designed to be protective, masks with ventilation valves, and face shields do not meet the requirement.
- d. Regardless of the COVID-19 Community Level, individuals may wear masks if they choose to do so. Where a state, local, tribal, or territorial government where the park is located imposes more protective mask-wearing requirements than those indicated by the COVID-19 Community Level, individuals must follow those more protective requirements within the park. More protective state, local, tribal, or territorial mask-wearing requirements are hereby adopted as federal requirements in all units of the National Park System located within that state, locality, area subject to a federally recognized Indian tribe's regulatory jurisdiction, or territory, regardless of a particular park's jurisdictional status.
- e. Additionally, all individuals must wear masks in or on public transportation conveyances and transportation hubs/facilities, to the extent required by current orders or directives issued by the CDC, the Transportation Security Administration (TSA), or other federal agencies with jurisdiction over those conveyances or areas. As of March 4, 2022, CDC and TSA orders or directives require all individuals regardless of vaccination status to wear masks in indoor areas of all forms of public transportation conveyances, including busses, trains, and boats/ferries, and in the indoor premises of transportation hubs/facilities. Individuals are not required to wear masks while outdoors on conveyances or while outdoors on the premises of transportation hubs/facilities.



Determination: *In addition to physical distancing and hand washing, masks are a critical step to help prevent people from getting and spreading COVID-19. When you wear a mask, you protect others as well as yourself. COVID-19 spreads mainly from person to person through respiratory droplets. Masks are a simple barrier to help prevent respiratory droplets from reaching others. Masks can prevent the spread of the disease even when the wearer is not sick. This is because several studies have found that people with COVID-19 who never develop symptoms (asymptomatic) and those who are not yet showing symptoms (presymptomatic) can still spread the virus to other people.*

22) Section 1.6(f): Activities that Require a Permit

A valid permit issued by the Superintendent is required for the following activities consistent with applicable legislation, federal regulations, and administrative policies, and conditions:

- a. 36 CFR §1.5(d) Entering a closed area.
- b. 36 CFR §2.5(a) Specimen collection.
- c. 36 CFR §2.10(a) Groups of more than 10 people must have a wilderness permit to camp on the Wilderness islands, Horn and Petit Bois Islands. Campsites may not be used by more than 10 people at one time. When needed, multiple campsites will be 1/10 mile apart (approximately 500 feet).
- d. 36 CFR §2.50(a) Special events
 1. Ceremonies (i.e., weddings, graduation ceremonies, etc.), sporting events, pageants, regattas, public spectator attractions, entertainments, and similar events are required to have a permit.
 2. Organized groups (reunions, picnics, office gatherings, etc.) of 50 or more people are required to have a special use permit.
- e. 36 CFR §2.51(a) Groups of 26 or more people participating in First Amendment political speeches, religious services, public demonstrations or assemblies, and collection of signatures for petitions are required to have a permit.
- f. 36 CFR §2.52(c) Sale or distribution of printed matter.
- g. 36 CFR §2.62 Memorialization to include the scattering of ashes.
- h. 36 CFR §5.3 Business Operations.

Determination: *Permit systems authorized and issued pursuant to specific regulations in this chapter, except Section 1.5, need not be supported by a written determination unless required by the specific authorizing regulation, {48 FR 30262}. A group consisting of 50 or more individuals will require increased trash collection, cleaning of restrooms, stocking of restrooms, monitoring by protection, and has the potential to impact National Seashore resources and the desired visitor experience. A permit with conditions mitigates those impacts. It also allows the National Seashore to recover costs for any services that were provided.*



36 CFR § Part 2 – Resource Protection, Public Use, and Recreation

36 CRF Section 2.1 Preservation of Natural, Cultural and Archaeological Resources

Section 2.1(a)(4): Dead wood which has already fallen to the ground may be collected in the following areas for use as campfire fuel in authorized camping areas:

- a. The Davis Bayou and Fort Pickens Campground's and picnic areas.
- b. The Naval Live Oaks Youth Group Camping area (north of U.S. Hwy 98).

Determination: *The removal of dead wood lying on the ground in these areas will have no significant impact on natural resources or natural processes when collected in small amounts for occasional, small campfires.*

Less restrictive measures are not necessary since these are the only areas open to camping activities.

Section 2.1(c)(1): Certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption in all locations, except where such items are found in an archeological site.

Section 2.1(c)(2)(i): The collection of edible berries to include blackberries, dewberries, and prickly pear cactus fruit can be gathered up to 1 quart per person for personal consumption.

Section 2.1(c)(2)(i): The collection of leaves, pine needles, sweet gum balls, pinecones, nuts, and acorns for educational purposes is permitted under the following conditions:

- a. Persons may collect and keep up to five (5) items of each type listed here, per person, per day.

Section 2.1(c)(2)(ii): Natural products may be collected from the ground after they have been shed from the parent vegetation; however, none may be picked from live or standing vegetation. Persons may collect these items only from within developed picnic areas and from the surface of paved roads. Items may not be collected from visitor center areas, trails, or undeveloped woodlands.

Determination: *The removal of unoccupied seashells will have no significant impact on natural resources or natural processes when collected in small amounts for personal use. The removal of small numbers of shed leaves, acorns, pinecones, etc. from parking lots and picnic areas serves an educational purpose and will have no significant impact on natural resources or natural.*

Less restrictive measures such as allowing the collecting of large amounts of these items or collecting of living plant parts would conflict with wildlife protection regulations. The exception to this is with a written agreement(s) with the National Seashore with federally recognized Indian tribes to allow for the gathering and removal of plants or plant parts from National Park System areas for traditional purposes.

36 CFR Section 2.2: Wildlife Protection

Hunting is prohibited in the National Seashore except for waterfowl hunting, which is authorized under the Seashore's enabling legislation (16 USC 459h). Waterfowl Hunting is authorized only pursuant to applicable seasons, times and other regulations established by Federal and State migratory bird regulations and under the following conditions:



Section 2.2(b): Waterfowl Hunting is authorized in all areas of the seashore up to the mean high-water tide line EXCEPT within:

- a. The Mississippi District.
- b. All areas of Naval Live Oaks.
- c. All areas of Fort Pickens.
- d. The 150-yard no hunting buffer located west and east of the north side picnic area (Beach Access 34C) at the Opal Beach Day Use Area, on Santa Rosa Island.
- e. The area of Perdido Key from the western park boundary to ½ mile east of the Johnson Beach turnaround.

Section 2.2(b)(2): Waterfowl hunting is limited as follows:

- a. The designated waterfowl hunting areas can only be accessed by water. No overland access for hunting is permitted. When traveling over seagrass beds in hunting areas, all propulsion engines must always be turned off.
- b. Temporary waterfowl hunting blinds (including boat blinds) are permitted at or below the mean high-water tide line in areas open to hunting. There will be a 300-yard separation between blinds.
- c. The use of non-native plants or plant materials for the construction of blinds or transportation of non-native species into the Seashore is strictly prohibited. The harvesting of any National Seashore plant material for the construction of a blind is prohibited. No person shall cut, damage, or remove any natural, man-made, or cultural resources without written authorization of the National Seashore.
- d. Discard blind materials outside of the National Seashore including its lands and waters, and properly dispose of in accordance with Federal, State, and local laws.
- e. All blinds will be removed at the end of each hunting day. Construction of permanent blinds and digging are prohibited.
- f. Dogs must always remain under the control of the hunter. Dogs are permitted to cross the beach to retrieve downed waterfowl to avoid wanton waste but must remain under control of the owner. Dogs are strictly prohibited from pursuing or harassing wildlife other than downed waterfowl and are strictly forbidden from roaming the shorelines, beaches, or upland areas within the National Seashore.
- g. Hunters are not allowed to hunt over bait or place any bait, or other food for wildlife within the National Seashore boundaries.

Determination: *The National Seashore's enabling legislation (16USC459h) authorizes the Superintendent to designate areas when and where hunting is permitted within the Seashore. Retrieval of slain waterfowl is more efficient using trained and controlled bird dogs. Using trained bird dogs is an accepted aspect of waterfowl hunting and requires that the dog be allowed to retrieve slain waterfowl. Waterfowl hunting within the Florida District of Gulf Islands National Seashore is managed in cooperation with the Florida Fish and Wildlife Conservation Commission.*



Less restrictive measures would not provide the degree of safety necessary for National Seashore visitors, provide for the appropriate separation of conflicting visitor activities, or allow this type of hunting experience.

36 CFR Section 2.10: Camping and Food Storage

Section 2.10(a):

- a. The Fort Pickens and Davis Bayou Campgrounds and facilities are closed to all public access by other than registered campers or persons visiting registered campers. In the interest of visitor safety and protection, developed campgrounds are closed to non-camper use and non-camper vehicle traffic from 10:00 p.m. to 7:00 a.m.
- b. Naval Live Oaks Youth Group Campground, including the parking lot, campsites, pavilion, and the immediate surrounding area are closed to the public during such times that the campground and/or pavilion is reserved for use pursuant to permit. During these time periods the access road to the campground will remain closed to vehicle traffic, except those vehicles associated with the reserved use of the area. During the times when the area isn't reserved the access road gate will remain closed to vehicle traffic, but the area will be open for foot and bicycle traffic.

Determination: *These campgrounds are intended for the use of visitors who are camping in the campgrounds, and who have paid a current camping registration fee. This closure provides the registered camper the opportunity to participate in camping activities, which often includes outside living, without being under constant observation by all National Seashore visitors. It provides a degree of privacy to the campers, allocates resources in a manner consistent with visitor use fees, and increases safety by reducing the amount of vehicle traffic in the campgrounds.*

Section 2.10(a): Front country camping is allowed by persons who have purchased a valid camping permit for an individual campsite at the Fort Pickens or the Davis Bayou Campgrounds under the following conditions:

- a. Campers (to include but not limited to groups, families, individuals) at the Fort Pickens Campground may stay no more than 42 days annually; the maximum time permitted for camping in the campground is fourteen (14) consecutive days. At the end of fourteen (14) days, campers must completely remove themselves and their property from the National Seashore for a minimum of 2 days (48 hours) before returning for another overnight visit. During the campground's peak period of March 1 through Labor Day campers are only allowed a total of 14 days.
- b. Campers at the Davis Bayou Campground may stay no more than 42 days annually; the maximum time permitted for camping in the campground is fourteen (14) consecutive days. At the end of fourteen (14) days, campers must completely remove themselves and their property from the National Seashore for a minimum of 2 days (48 hours) before returning for another overnight visit. During the campground's peak period of January 1 through March 31 campers are only allowed a total of 14 days.
- c. Campers' time limits described in paragraphs (a) and (b) of this section will be calculated cumulatively during the calendar year, whether camping is in a series of short stays or in a continuous 14-day stay, and may be waived only for emergency situations, as specifically authorized by the Superintendent, Deputy Superintendent, or Chief Ranger.
- d. Individual campsites at the Davis Bayou Campground and the Fort Pickens Campground in Loops A, C and E are limited to a maximum of 8 people. No more than 1 recreational vehicle or motor home and 1 tent, or two tents.



- e. Individual campsites at the Fort Pickens Campground B loop are for soft sided tents only. Campsites are limited to a maximum of 8 people and no more than 2 soft sided tents.
- f. Individual campsites at the Fort Pickens Campground, D loop are for soft sided tents, pop-up trailers, small trailers, cars, trucks, or vans. Campsites are limited to a maximum of 8 people and no more than 2 tents, or 1 tent and one vehicle for sleeping, or 2 vehicles used for sleeping.
- g. Generators are not allowed in the Fort Pickens Campground, B-Loop.
- h. No more than two vehicles, including trailers, per campsite at the Davis Bayou or Fort Pickens Campgrounds. Vehicles and trailers must be parked on the designated site's paved parking pad and cannot impeded the flow of traffic or extend into the traffic lane. Additional vehicles and trailers that do not fit on the paved site will be parked at one of the designated overflow parking areas.
- i. Campground check in is after 2:00 p.m. and check-out is by 11:00 a.m.
- j. Individual campsites at the Fort Pickens and Davis Bayou Campground are limited to 1 external container (i.e., kiddie pool - 5' diameter x 14" high).
- k. Campers at the Fort Pickens and Davis Bayou campgrounds are not allowed to hang food bags, trash, string lights, clothes lines, hammocks, equipment, or other items in trees and vegetation.
- l. Camping equipment must be kept within designated areas provided for each site.
- m. Portable air conditioning units used for tents or outside are not allowed.

Determination: *The above listed conditions provide reasonable access to the National Seashore's campgrounds for the thousands of visitors who come each year to camp. Limits on the number of nights ensure that newly arriving visitors have any opportunity to camp and that a small group of campers cannot monopolize the campgrounds. Limitations on the number of people, vehicles, tents, and property at a site minimize damage to vegetation and topography, as well as help maintain the characteristics of a National Park Service campground that visitors seek. The National Park Service strives for "green energy use." The National Seashore has seen an increase in use in portable air conditioning units over the last several years being left on in tents and picnic tables when campers are not present. Requesting campers to not use portable air conditioning units in tents and outside will assist in the conservation of energy.*

Less restrictive measures would not provide adequate protection to park utilities, resources, or provide reasonable opportunities, or the type of campground experience the public seeks when visiting the National Seashore.

Section 2.10(a): Group tent camping is allowed for those who have purchased a valid group tent camping permit for the Fort Pickens Group Tent Site, the Davis Bayou Group Tent Site, and the Naval Live Oaks Youth Group Tent Site under the following conditions:

- a. Group camping is limited to a minimum of 10 persons and a maximum of 40 persons at each site.
- b. Group campers may stay no more than 14 days annually, and this limit will be calculated cumulatively during the calendar year, whether camping is in a series of short stays or in a continuous stay.



- c. The group sites are for tent camping only.
- d. Naval Live Oaks is only rented to youth groups.

Determination: *The above listed conditions provide reasonable access to the group campsites for the many groups wishing to use them each year. Limits on the number of nights ensure that newly arriving groups have every opportunity to camp and that a small number of groups cannot monopolize the campgrounds. Limitations on the number of people at a site minimize damage to vegetation and topography as well as help maintain the characteristics of a National Park Service campground that visitors seek.*

Less restrictive measures would not provide adequate protection to National Seashore resources or provide reasonable opportunities, or the type of campground experience the public seeks when visiting the Seashore.

Section 2.10(a): Backcountry boat-in and wilderness camping is allowed on Perdido Key, West Petit Bois Island, NPS-owned portion of Cat Island, and the Wilderness Islands of Petit Bois Island, and Horn Island, under the following conditions:

- a. Backcountry camping at Perdido Key is only available via camping by vessel. Walk-in or drop-off camping are not allowed.
- b. Backcountry campers arriving by vessel can camp ½ mile east of the Johnson Beach turn around east to Pensacola Pass.
- c. Backcountry campsites must be on relatively flat, level beaches without damage to vegetation or dunes. Camping on dunes, foredunes, or on vegetation is prohibited.
- d. Wilderness camping groups of more than 10 people must have a National Seashore issued wilderness permit to camp on wilderness islands (Horn and Petit Bois Islands). Campsites may not be used by more than 10 people at one time and must be separated 500 feet apart (approx. 1/10th of a mile).
- e. No motorized or mechanical means devices (wheeled coolers, carts, wheelbarrows, or anything with wheels and axles, etc.) are allowed in the wilderness areas of Horn and Petit Bois Islands.
- f. Camping is limited to fourteen (14) consecutive days in the boat-in backcountry and wilderness areas. At the end of fourteen (14) days, campers must completely remove themselves and their property from the National Seashore for a minimum of 2 days (48 hours) before returning for another overnight visit. There is a 42-day maximum timeframe for camping in the backcountry and wilderness areas during the calendar year.

Determination: *The above listed conditions provide reasonable access to the public for backcountry camping while protecting the natural resources and the backcountry, secluded, characteristics of the islands.*

Less restrictive measures would not provide adequate protection to National Seashore resources or provide reasonable opportunities, or the type of camping experience the public seeks when visiting the Seashore.



Section 2.10(d): Food storage in campgrounds, picnic areas, parking lots, and vessels in undeveloped areas will be kept sealed in a vehicle or in a secured camping enclosure constructed of solid, non-pliable material.

Determination: *Feeding wildlife can lead to problems for squirrels, raccoons, deer, and bears, etc. Wildlife can get used to being fed and will rely on this even though there is plenty of natural foods in the environment. It might seem harmless feeding the wildlife, these actions can lead to increased habituation.*

Less restrictive measures would not provide adequate protection to National Seashore resources.

36 CFR Section 2.11: Picnicking

Use of the National Seashore's picnic pavilions is limited as follows:

- a. Designated picnic pavilions may be reserved by obtaining the proper permit(s); (i.e.: reservation and/or Special Use Permits); however, these permit(s) do not provide exclusive rights to that location. When not reserved, the pavilions are available on first come, first serve basis. The National Seashore will display a sign on the pavilion indicating that the pavilion is reserved.
- b. Visitors may not display signs on the pavilions for the purpose of holding or reserving a pavilion for later use. If the pavilion is not reserved through the National Seashore's pavilion reservation system, then the pavilion must be available to the public on a first-come, first-served basis. Groups must physically occupy the pavilion to hold them for use later in the day.
- c. The use of carnival-like games and equipment is prohibited. This includes, but is not limited to moon walks, inflatable slides or similar items, dunk tanks, pony rides, merry-go rounds, and other equipment deemed in appropriate by the superintendent for use in the National Seashore.
- d. The use of amplified music, streamers, flowers, or similar items is prohibited without a special Use Permit.
- e. The group who reserved the pavilion may place no more than one sign at each pavilion entrance indicating the name of the group hosting the event and occupying the pavilion. Signs may not be attached to natural features or to National Seashore structures. Buildings, road signs, roads, etc., cannot be marked or painted in any way. Any sign placed to indicate occupancy of a pavilion shall be removed when departing the facility.

Determination: *The National Seashore has provided an opportunity for members of the public to reserve certain facilities for exclusive use. This offers a service so that parties, group camping, etc. may be planned with the knowledge that a location for the activity is assured. Limiting the number and locations of signs allows the National Seashore to maintain the characteristics of a park area. Carnival-like games and equipment are not conducive to providing an enjoyable visit to the National Seashore for all visitors. Many of these devices require electricity and result in electrical cords being run for long distances causing a potential safety hazard. Many of these devices are noisy and some require generators that are not allowed within the National Seashore.*

Less restrictive measures would not allow for this service to be provided to the public, nor maintain the characteristics of a National Seashore area.



36 CFR Section 2.13: Fires

Section 2.13(a)(1): Fires may be built at the following locations and in accordance with the following conditions:

- a. In all developed campgrounds and picnic areas, fires may be built in permanent grills (charcoal only) or fire rings at designated sites.
- b. Portable grills may be used at designated campsites by registered campers at the Fort Pickens and Davis Bayou campgrounds, and Perdido Key from ½ mile east of the turnaround to the Pensacola Pass.
- c. Portable grills cannot be used under picnic pavilions, breezeways, boardwalks, on or within any structure, or between buildings.
- d. Campfires are allowed on Johnson beach from ½ mile east of the turnaround to the Pensacola Pass, Horn, Petit Bois, West Petit Bois, and NPS owned portion of Cat Island, below the mean high tide line and not in any vegetated area. Campers must bring their own firewood to use and take any unused firewood with them when they leave.
- e. Fires are permitted in portable gas grills only on Ship Island except for the designated swim beach.
- f. All burned and unburned material from portable grills will be placed in ash receptacles where provided or removed from the area.

Determination: *Fires in grills can be safely used in all campgrounds and picnic areas except in or on boardwalks and pavilions, or under breezeways. Fires can also be safely used on the beaches open to backcountry camping, so long as the fires are close to the water, away from dune and marsh vegetation. Fires on beaches which receive heavy visitor use would present an unsafe situation due to the probability of persons dumping hot coals on the sand.*

Less restrictive measures would not provide the degree of public safety which is reasonable and expected or provide appropriate protection to natural resources.

Section 2.13(c): Fire Bans

Open fires are prohibited in accordance with the following conditions:

- a. Open fires shall not include any fire using lump charcoal, charcoal briquettes, or gas (propane or natural) within a barbecue grill, or any fire within a camper or other structure unless the state or county specifically designates these items as an open flame source.
- b. Open fires are prohibited when the National Seashore or a State, county, or municipality, within whose exterior boundaries a District or portion thereof is located, has placed a ban on open fires.

Determination: *During periods of drought, embers escaping an open fire have a strong potential to cause wildfires. The burning of any substance other than lump charcoal or charcoal briquettes in a contained grill at these times creates an unacceptable risk to public safety and the natural and cultural resources of the National Seashore.*

Less restrictive measures would not provide the degree of public safety and to the natural resources of the National Seashore. Fires within grills using lump charcoal, charcoal briquettes, or gas (natural or propane) is a reasonable option for the public during these periods.



36 CFR Section 2.14: Sanitation and Refuse

Section 2.14(b): In locations designated as open to backcountry camping, refuse must be packed out leaving no trace (pack it in/pack it out). Campers must have an approved device to receive human waste that must accompany and be used by them. Human waste and used toilet paper are to be removed from the islands and not buried in the National Seashore.

Determination: *These conditions provide reasonable means for the disposal of refuse and human waste products without causing unwarranted public safety or environmental nuisances.*

Less restrictive measures would not offer the degree of safety necessary for the protection of the public or the natural and cultural resources or help to maintain the natural characteristics of the National Seashore or the Seashore's wilderness islands being sought by visitors. Shower tents or like structures do not contain the gray water.

36 CFR Section 2.15: Pets

Section 2.15(a)(1): The following locations are closed to pets excluding service animals in accordance with the following conditions:

- a. Service animals are determined by asking the following two questions only:
 1. Is the animal required because of a disability?
 2. What tasks has the animal been trained to preform?
- b. All beaches and water less than 5 feet deep along the Gulf of Mexico, Sound, and bay side shorelines in the Florida and Mississippi Districts which include:
 1. North and the south shores of Perdido Key, Fort Pickens, Santa Rosa, Naval Live Oaks, Okaloosa, Ship Island, Horn Island, West Petit Bois, and Petit Bois Islands and NPS-owned portions of Cat Island.
- c. The Fort Pickens fishing pier.
- d. The Fort Pickens ferry pier.
- e. The Ship Island ferry dock.
- f. The interior of all masonry forts, batteries, and other fortifications.
- g. The interior of all pavilions, picnic shelters, buildings, and facilities.

Determination: *Policy Memorandum 18-02 Oct. 2018 "Service animals are not subject to the park's pet policies and, when accompanying an individual with a disability, they are allowed wherever visitors are allowed. A service animal means any dog or miniature horse that is individually trained to do work or perform specific tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability."*

A service animal must be harnessed, leashed, or tethered, unless (1) these devices interfere with the service animal's work, or (2) the individual's disability prevents them from using these devices. In those cases, the individual must maintain control of the animal through voice, signal, or other effective means.

The work or tasks performed by a service animal must be directly related to the individual's disability. Some of the many examples of work or tasks performed may include assisting individuals



who are blind with navigation and other tasks; alerting individuals who are deaf to the presence of people or sounds; pulling a wheelchair; alerting individuals to the presence of allergens or the onset of a seizure; retrieving items; providing physical support and assistance to individuals with mobility disabilities; helping persons manage psychiatric and neurological disabilities. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Pets are prohibited by Escambia and Santa Rosa County ordinances on most beaches within the Florida District. Pets are prohibited by Harrison County ordinances in the Mississippi District. Pets conflict with orderly visitor use in swim beaches, picnic shelters, pavilions, and inside public buildings, facilities, and other locations receiving highly concentrated public use. The interior of these fortifications is closed to pets so as not to interfere with guided tours of the forts or to intrude on the historical character the Seashore attempts to maintain.

Shoreline areas of the barrier islands of Mississippi District (Ship, Horn, West Petit Bois, Petit Bois and NPS-owned portion of Cat Islands), represent some of the only remaining natural habitat along the Mississippi coastline for a wide variety of shorebirds to nest, feed, and rest. The shoreline and adjacent dune areas are crucial to the success of shorebirds, many of which are threatened, endangered, or otherwise considered species of special management concern. During nesting season, dogs can cause entire bird colonies to flush and abandon their nests leaving eggs or chicks vulnerable to take due to exposure to elements (i.e., heat) and predators. Loss of any shorebirds, including adults, chicks, or eggs due to dogs encroaching upon nesting areas can have a direct and adverse effect to the nesting success and recovery of these wildlife species.

Less restrictive measures would not comply with county ordinances or provide the type of venue the Seashore attempts to maintain, for the enjoyment and education of visitors. Additionally, less restrictive measures would not ensure adequate protection to shorebirds.

Section 2.15(a)(5): It shall be unlawful for any person to fail to carry a bag/container on his/her person that will be utilized to immediately remove any feces left by his/her pet and deposit it in proper trash containers.

Determination: *The capability of and the removal of pet feces in areas of the Seashore where pets are allowed contributes to the public health and safety and helps maintain the characteristic of the Seashore that the visitors seek.*

Less restrictive measures would lead to potential health concerns and would diminish the characteristics of the National Seashore.

36 CFR Section 2.16: Horses and Pack Animals

Section 2.16(b): Horses may be ridden only on the trails and fire roads of the Naval Live Oaks area, north of U.S. Highway 98. Feeding will only occur inside the trailers and all horse feces will be removed from the National Seashore.

Determination: *The trails on the north side of U.S. Highway 98 are long, sand trails that provide reasonable opportunity for both horse and people use.*

Less restrictive measures would allow for the use of horses on much narrower, shorter trails that are not conducive to use by horse traffic and people walking.



36 CFR Section 2.20: Skating, Skateboards, stand up manual/powered scooters and Similar Devices

Section 2.20: Roller skates, roller blades, skateboards, hover boards, rip boards, stand up manual and powered scooters, etc., are prohibited except in the following areas:

- a. Within the Fort Pickens and Davis Bayou Campgrounds by registered campers only.
- b. On the multi-use path along Hwy 98 in the Naval Live Oaks area.
- c. On Boat Launch Road and from the intersection of Boat Launch Road and Robert McGhee Road west to the gate at Handley Road.

Determination: *Traffic in the campgrounds and Boat Launch Road are slow enough to allow for the use of skates and similar equipment with a minimal chance of vehicle/pedestrian accidents. The multi-use path in the Naval Live Oaks Area is a section of a 41-mile recreational path that passes through multiple local, county, and federal jurisdictions. The path was constructed to provide numerous recreational benefits that include the use of roller blades and roller skates.*

Less restrictive measures would allow for the use of skates and similar equipment on roads that are more heavily traveled by motorized vehicles. This would present potentially hazardous conditions due to the lack of control many skaters demonstrate.

36 CFR Section 2.21: Smoking

Section 2.21(a): Smoking is prohibited in accordance with the following conditions:

- a. Sources of smoking shall include, but not be limited to e-cigarettes, pipes, cigars, e-cigarettes, hookahs, vape pens, etc.
- b. Smoking is prohibited in all government vehicles and buildings, including, but not limited to, bathhouses, restrooms, forts, batteries, and fort parade grounds.
- c. Smoking is prohibited within 25 feet of exterior doorways and air intake ducts.
- d. Smoking of any source is prohibited on the Fort Pickens' and Davis Bayou fishing piers and the Fort Pickens and Ship Island ferry docks.

Determination: *Buildings and structures used by employees and the public are closed to smoking by Presidential Proclamation. The fortifications, public fishing piers, and ferry piers are closed to smoking so as not to interfere with guided tours of the forts, or to allow secondhand smoke to interfere with the enjoyment and education of visitors. Many of the forts and public fishing piers are small enough that smoking in the parade grounds and public fishing piers impacts people visiting the forts and piers.*

Less restrictive measures would not comply with Presidential Proclamation or provide the type of venue the National Seashore attempts to maintain for the enjoyment and education of visitors.

36 CFR Section 2.22: Property

Section 2.22(a)(2): Vehicles and boat trailers may be left unattended by visitors accessing the barrier islands in the following locations and in accordance with the following conditions:

- a. The Davis Bayou boat launch parking lot for up to fourteen (14) days with removal on the 14th day.



Determination: *A small number of vehicles and trailers can be accommodated at the parking area and ample parking is available to meet the daily visitor demand.*

Less restrictive measures would allow for longer periods of parking. This limit ensures that newly arriving visitors have an opportunity to park and/or launch their boats and ensures that a small number of people cannot monopolize the parking area.

Section 2.22(b)(2): Unattended Property - Leave No Trace

Unattended property is prohibited in accordance with the following conditions:

- a. Unattended property may not be left on any beach over-night.
- b. Visitors must remove belongings when they leave the beach at the end of the day, but no later than 9:00 p.m. during Daylight Savings time and by 6:00 p.m. during Daylight Standard time.

Determination: *This limit ensures that newly arriving visitors have an opportunity to utilize the National Seashore lands, beaches, and facilities and ensures that a small number of people cannot monopolize the area. Unattended property for an extended time is a public nuisance and potentially impacts the natural resources.*

Lesser restrictive measures would not provide reasonable opportunities or the type of experience the public seeks when visiting the Seashore.

36 CFR Section 2.51: Public Assemblies, Meetings

Section 2.51(b): The following National Seashore locations are available for First Amendment activities such as the sale or distribution of printed matter in accordance with the following conditions:

- a. Events with groups of 26 people or more must obtain a Special Use Permit issued by the National Seashore.
- b. Naval Live Oaks Area at the south day use parking lot, east of the headquarters parking lot. This area is limited to a group size of 50 people.
- c. Florida District Recreational Beaches within:
 1. 1/8 mile east and 1/8 mile west of the center of a boardwalk or
 2. 1/8 mile east and a 1/8 mile west of the center of a parking lot in the following locations:
 - Highway 399 Gulf side parking lots 1, 7, and 8 (AKA Beach Access 36A, 33A, and 32A)
 - The Opal Beach Day Use Area Gulf side parking lots 2, 3, 4, 5, (AKA Beach Access 34A, B, D, and E) and sound side of parking lot 6 (34 C)
 - Fort Pickens gulf side parking lots 21 and 22 (AKA Beach Access 17A and 19A)
 - Langdon Beach
- d. Davis Bayou Visitor Center south parking lot, which is limited to a group size of 50 people.
- e. Ship Island recreational beach Gulf side accessed from the boardwalk crossover.

Determination: *The fortifications and buildings are closed to public assembly due to the inherent interference such activities would have on the guided tours of the forts and due to the intrusion on the historical character the National Seashore attempts to maintain. All closed areas and buildings are closed to public assembly due to the inherent interference such activities would have on the orderly administration and maintenance of the Seashore. The designated visitor center parking lots are limited to not interfere with public access to these locations. Wilderness areas are closed to public*



assembly due to the inherent interference such activities would have on the peace, tranquility, and characteristics of these wilderness islands. The highways are closed to public assembly so as not to interfere with normal services offered to the public or cause danger to public health and safety. The concessionaire facilities are closed to public assembly to not interfere with the access of the public to these relatively small businesses which are providing a service to the visiting public.

Less restrictive measures would interfere with the function, mission, and administration of the National Seashore or would create unsafe conditions for the public.

36CFR Section 2.52: Sale or Distribution of Printed Matter

Section 2.52(b): The following National Seashore locations are available for First Amendment activities such as the sale or distribution of printed matter. Groups of 25 people do not need a permit. Groups of 26 or higher need a permit.

- a. Events with groups of 26 people or more must obtain a Special Use Permit issued by the National Seashore.
- b. Naval Live Oaks Area at the south day use parking lot, east of the headquarters parking lot. This area is limited to a group size of 50 people.
- c. Florida District Recreational Beaches within:
 1. 1/8 mile east and 1/8 mile west of the center of a boardwalk or
 2. 1/8 mile east and a 1/8 mile west of the center of a parking lot in the following locations:
 - Highway 399 Gulf side parking lots 1, 7, and 8 (AKA Brach Access 36A, 33A, and 32A)
 - The Opal Beach Day Use Area Gulf side parking lots 2, 3, 4, and 5 (AKA Beach Access 34A, B, D, and E) and sound side of parking lot 6 (34 C)
 - Fort Pickens gulf side parking lots 21 and 22 (AKA Beach Access 17A and 19A)
 - Langdon Beach
- d. Davis Bayou Visitor Center south parking lot which is limited to a group size of 50 people.
- e. Ship Island recreational beach Gulf side accessed from the boardwalk crossover.

Determination: *The fortifications and buildings are closed to sale or distribution of printed matter due to the inherent interference such activities would have on the guided tours of the forts and due to the intrusion on the historical character the National Seashore attempts to maintain. All closed areas and buildings are closed to the sale or distribution of printed matter due to the inherent interference such activities would have on the orderly administration and maintenance of the Seashore. The designated visitor center parking lots are limited to not interfere with public access to these locations. Wilderness areas are closed due to the inherent interference such activities would have on the peace, tranquility, and characteristics of these wilderness islands. The highways are closed to the sale or distribution of printed matter to not interfere with normal services offered to the public or cause danger to public health and safety. The concessionaire facilities are closed to the sale or distribution of printed matter to not interfere with the access of the public to these relatively small businesses which are providing a service to the visiting public.*

Less restrictive measures would interfere with the function, mission, and administration of the National Seashore or would create unsafe conditions for the public.



36 CFR § Part 4 – Vehicles and Traffic Safety

Section 4.21(b): The following speed limits are established for the roads or routes indicated:

- a. Mississippi District:
 1. Park Road: 35mph unless otherwise posted
 2. Robert McGhee Road: 15mph unless otherwise posted
 3. Davis Bayou Campground: 5mph

- b. Florida District:
 1. Hwy 98 (Naval Live Oaks): 45mph
 2. Fort Pickens Road: 25 mph
 3. Fort Pickens Campground: 5mph
 4. Hwy 399 (J. Earle Bowden Way): 35mph unless otherwise posted
Shorebird nesting season areas along Hwy 399 (J. Earle Bowden Way): 25mph unless otherwise posted
 5. Perdido Key (Johnson Beach Road): 25mph unless otherwise posted

Determination: Pursuant to Section 7 of the Endangered Species Act of 1973 (16 USC 1531 et. seq.), the National Environmental Policy Act (42 USC 4332(2)(C)), the Migratory Bird Treaty Act of 1918 (16 USC 703-712) and Florida Endangered and Threatened Species Act (F. S. A. § 379.2291) and through coordination with state and federal wildlife agencies, impacts to listed species including migratory birds and state listed shorebirds are considered with regard to determining speed limits within the National Seashore. Speed limits along Fort Pickens Road and seasonal speed limits along Hwy 399 (J. Earle Bowden Way) are based upon observed shorebird mortality during nesting and fledging time periods and for protection of adult and hatchling marine turtles. Guidance provided by subject matter experts from the Science and Resource Stewardship Team was used to determine a reduction of the speed limit in these areas from 35 mph to 25 mph was the best management practice for protection of all wildlife.

Section 4.30: Bicycles and e-Bikes

On November 2, 2020, the National Park Service issued a final regulation regarding electric bicycles (e-bikes) in national parks, which became effective on December 2, 2020. This regulation was codified in 36 Code of Federal Regulation 4.30 (i) (CFR) and reaffirms a superintendent's authority to authorize, or not, the use of electric bicycles within a park unit.

The e-bike regulation is at 36 CFR 4.30(i), and the definition of an e-bike, including the classes of e-bikes, is at 36 CFR 1.4.

The term “e-bike” means a two - or three -wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1hp.).

E-bikes are only allowed in Gulf Island NS where traditional bicycles are allowed.

Section 4.30: Bicycles and e-bikes are allowed on National Seashore roads and parking areas in addition to the following designated areas:

- a. The paved Live Oak Bicycle Route, as designated by the City of Ocean Springs, in the Davis Bayou Area, from the gated Brumbaugh Road entrance north on Robert McGee Road to the old Hanley Road gated exit (0.286 miles).



- b. The paved multi-use path located in the Naval Live Oaks Area that is on the south side and immediately adjacent to but separated by a berm from Hwy 98. This path runs from the east boundary to the west boundary along Hwy 98 (2.411 miles).
- c. The paved bike lanes located along the Fort Pickens Road and J. Earle Bowden Way (HWY 399).
- d. The Florida National Scenic Trail from Battery Langdon to Fort Pickens (2.026 miles.)
- e. Bicycles and e-bikes are not allowed in the following areas:
 - 1. All beaches and any other trail in Florida and Mississippi are closed to bicycle and e-bike traffic.

Determination: *The local community, with cooperation of Gulf Islands National Seashore, constructed the multi-use paths in the Florida District's Naval Live Oaks and Santa Rosa Units to traverse from state land through the National Seashore. These paths are paved surfaces intended for the use of bicyclists, e-bikes, pedestrians, and roller skaters. These paths follow easements established alongside roadways and cause no infringement into pristine and sensitive wildlife habitats. The Santa Rosa bike path is part of the J. Earl Bowden and Fort Pickens Roadways. The use of bicycles on the paths in both the Mississippi and Florida Districts will not conflict with the National Seashore's protection of the area's natural, scenic, and aesthetic values. The bike paths also provide a sufficient degree of safety for the bicyclists.*

Less restrictive measures would not provide reasonable use by the public for enjoyment of the National Seashore. The use of bicycles on these paths will not conflict with the National Seashore's management and protection of park resources.