



Gulf Islands National Seashore

Superintendent's Compendium

Revised January 2016

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.

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.

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

Recommended:

D. Moody 3-24-16

Approved:

A. Daniel R. Brown 3/29/16



Section 1.5 Closures and Public Use Limits

Closed Fortifications and Structures:

Section 1.5 - 1 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 closed to public access at all times, 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 closed to the public at all times.
- (c) The platform of the tower adjacent to Battery 234 is closed to public access at all times, except during specially scheduled interpretive tours.
- (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 and the barbette tier of Ft. Pickens south of the tower and flag bastions is closed to the public.
- (f) The parapets of all forts are closed to the public.
- (g) The tower at Battery Worth is closed after sunset except for interpretive programs.
- (h) No loitering after sunset in parking lots 1, 7, 8, 21, & 22.
- (i) The following areas are closed from sunset to sunrise:
 - (1) The fenced in area of Ft. Barrancas which includes all of Fort Barrancas and the grounds, exclusive of the path to the fort when the gate is open.
 - (2) The grounds around Advanced Redoubt.
 - (3) The areas in and around Batteries Langdon, Worth, Trueman, Payne, Van Swearingen, 234 and Cooper.

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 especially hazardous ruins or historic fort structures which have steep, poorly lit steps, sheer drop-offs and other inherent dangers.

Nesting Shorebird Closures:

Section 1.5 - 2 The following locations are used by nesting shorebirds and are closed to all public use and access as indicated below:

- (a) That portion of West Petit Bois Island (AKA Sand) (AKA: Sand Island), Horn Island, East Ship and West Ship Islands within the Mississippi District which is designated by posted signs, from March 1 through September 30 of each year.
- (b) That portion of Santa Rosa area, from the park boundary near Escambia's Park East to the eastern park boundary located at Navarre beach which is designated by posted signs, from March 1 through September 30 of each year.
- (c) That portion of Fort Pickens, from the park boundary at Park West to the Fort Pickens Ranger Station, which is designated by posted signs, from March 1 through September 30 of each year.
- (d) That portion of Perdido Key adjacent to the Johnson Beach Road, which is designated by posted signs, from March 1 through September 30 of each year.

Determination: *These areas are used each year by nesting shorebirds. 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 shorebirds build shallow, highly disguised nests in sand and deposit small, off-white colored eggs which are extremely difficult to see, resulting in a high probability of the loss of wildlife.*

Osprey and Bald Eagle Closures:

Section 1.5 - 3 The following locations are used by nesting osprey and bald eagle, which are subject to human disturbance, and these areas are closed to all public use and access as indicated below:



- (a) Osprey nesting on Petit Bois Island, West Petit Bois Island (AKA Sand), Horn Island, West Ship Island, East Ship Island, Cat Island, and Davis Bayou in Mississippi; and in Florida, Santa Rosa Island, Perdido Key Island, which is designated by posted signs from March 1, through July 31.
- (b) Eagle nesting on Petit Bois Island, West Petit Bois Island (AKA Sand), Horn Island, West Ship Island, East Ship Island, Cat Island, and Davis Bayou in Mississippi; and in Florida Santa Rosa Island, Perdido Key Island, which is designated by posted signs from Oct 1, through April 31.
- (c) For those areas that are not posted but any active osprey or eagle nest is present then the area within 300 yards of each osprey/eagle nest which contains adult or juvenile osprey or eagle is closed to all public use.

Determination: *These closures are necessary to protect osprey and bald eagle adults, eggs, and juveniles. These birds are subject to human disturbance which causes the adults to leave the nests allowing for eggs and chicks to perish from overheating and dehydration. Less restrictive measures would permit public access to areas close enough to disturb these birds and resulting in a high probability of the loss of wildlife.*

Over-Sand Foot Travel and Relic Dune Closures:

Section 1.5 - 4 A Sand dune is a hill of sand built by either wind or water flow. Dunes occur in different shapes and sizes, formed by interaction with the flow of air or water. GUIS has dunes running parallel to the shoreline directly inland from the beach. In most cases, the dunes are important in protecting the land against potential ravages by storm waves from the sea.

The following locations contain highly fragile relic sand dune structures and are closed to all public use and access (i.e.: water slides, sand slides, hiking, etc...) as indicated below:

- (a) Access to the beaches on the north and south sides of Johnson Beach road is prohibited except at the designated boardwalks and identified access points.
- (b) The sand dunes on the north and south sides of Perdido Key located from the turnaround of Johnson Beach Roadway to the Pensacola Pass.
- (c) The sand dunes north and south of Highway 399 through the Santa Rosa area.
- (d) The sand dunes north and south of the Fort Pickens road.



- (e) Any other relic dunes that are designated by posted signs for restoration recovery.

Determination: *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.*

Majority of these areas consist of some 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 the dunes which would result in erosion and eventual loss of the dune structures, or would not provide the degree of safety necessary for Seashore visitors.

Glass Container Closures:

Section 1.5 - 5 All beaches, (from the north to the south shores of the Santa Rosa Island, Perdido Key, Naval Live Oaks, Okaloosa, Petit Bois, Horn, West Petit Bois Island (AKA Sand), East Ship and West Ship Islands, and Cat Island), of Gulf Islands National Seashore and the Fort Pickens Fishing Pier and West Ship Island pier are closed to the possession of all types of glass containers; this **also includes individuals holding glass containers in the water close to the shoreline.**

Determination: *Most of the people using the beaches, and the offshore islands of Gulf Islands National Seashore use these areas barefoot. Glass containers such as beverage bottles, mayonnaise jars, etc. are often left as trash by individuals using the beaches and shorelines. These glass containers will eventually become broken, jagged pieces of glass, partially buried in the loose sand, and frequently cause severe lacerations to exposed feet.*

Glass closure on the piers is necessary to provide protection to visitors on the piers and along the beach adjacent to the piers.

Residents of the MS. Islands need the convenience of possessing glass containers for living on the islands. Their restricted use of glass containers poses no significant hazard to require banning their use in limited areas. Less restrictive measures would not prevent this danger from occurring. The Seashore receives over five million visitors per year, and the vast majorities spend



time walking the beaches barefoot. This restriction provides protection for the public.

Propulsion Motor Closures:

Section 1.5 - 6 The following waters are closed to certain types of propulsion motors, as indicated below:

- (a) The lakes, ponds, and lagoons of Petit Bois, Horn Island, West Petit Bois Island (AKA Sand), East Ship Island, West Ship Island, and Cat Island (where the NPS has acquired ownership) are closed to the use of all motorized vessels, (combustion and electric) except that vessels with motors are not prohibited if the motor(s) are turned off and tilted up so as to be out of the water, or removed from the transom or gunnels.
- (b) The posted lagoons of the Perdido Key area within Big Lagoon adjacent to Spanish Point and Langley Point are closed to all combustion engines, except that vessels with motors are not prohibited if the motor(s) are turned off and tilted up so as to be out of the water, or removed from the transom or gunnels. (Paddling, poling, and electric trolling motors are permitted)

Determination: *Horn Island and Petit Bois Island, including the lakes, ponds, and lagoons are within the designated wilderness area of Gulf Islands National Seashore and are required to be closed to all motorized vessels. The lakes, ponds, and lagoons of East Ship Island and West 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 herons, egrets, alligators and other wildlife. Additionally, this closure provides for protection of the shallow bottom and grassy banks of the waters and enhances the scenic values of the islands. The lagoons of Perdido Key are extremely important grassbed habitats that need to be protected. Propellers from combustion engines cut trenches through the grassbeds in these shallow waters and cause bottom sediments to be mixed into the water column. This sedimentation increases water turbidity and the suspended sediments smother grasses as they settle on the grassbeds. 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 banks.*

Intentional Groundings:

Section 1.5 - 7 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 along the shores of the barrier islands are a dwindling resource both within and without the boundaries of the National Seashore. These areas are inhabited by a variety of mollusks, crustaceans and small fish which form the base of the food chain in these coastal waters. These grassbed areas are easily destroyed by the disturbance caused by the actual grounding of vessels, by the increased turbidity produced, and by subsequent salvage activities. Less restrictive measures would permit an activity that is damaging to plants, wildlife and habitat.*

Segway Closure:

Section 1.5 - 8 Use of Segways - Personal Transporters by Park Visitors without Disabilities

- (a) Use of Segways by visitors not possessing the America the Beautiful Interagency Access Pass is prohibited within Gulf Islands National Seashore except in campgrounds. Travel is permitted on roads on Highway 399 when gated to prevent regular motor vehicle traffic and when travel does not interfere with construction activities.
- (b) Use of Segways by persons with disabilities is permitted subject to the following allowances: on boardwalks, designated non-wilderness hiking trails and other established footpaths, bike paths and fishing piers.
- (c) Use of Segways by persons with disabilities is not permitted: indoors, on roadways not specified earlier in this section, 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, except on permitted roadways described earlier in this section.
- (e) Segway users must yield the right-of-way to pedestrians and cyclists
- (f) Segway users operating in areas only permitted to persons with disabilities must possess the America the Beautiful Interagency Access Pass
- (g) Visitors using Segways must operate in a safe manner to prevent personal injuries and resource damage and are encouraged to wear helmets.



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 of established roadways. However, the Rehabilitation Act of 1973, a law passed by Congress, supersedes the Code of Federal Regulations, and accommodating use of Segways 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. Dunes 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 park visitors. Less restrictive measures would result in erosion and damage to natural features that support vegetation and wildlife.

Golf Cart / Utility Terrain Vehicle (UTV) Closure:

Section 1.5 - 9 Use of Golf Carts or utility terrain vehicles (UTV) - All roadways within the boundaries of the National Seashore are closed to the use of golf carts or UTV type vehicles except for those necessary to meet ADA accessibility requirements, state registered slow moving vehicles, and GUIS administrative functions in the campgrounds and to cross roadways to access beach access points.

Determination: 36 CFR designates a golf cart or UTV as a vehicle. A non-registered or registered and properly equipped (brakes, reliable steering apparatus, safe tires, rearview mirror, red reflectorized warning devices in both the front and rear, turn signals, headlights, brake lights, and a windshield) golf cart or UTV may not be operated within the seashore due to public and environmental safety. The campgrounds at Fort Pickens during the spring/summer/fall months have approximately 150 RV/Travel-trailers, 30 tent sites, and about 500 people on site to include young children and elderly. The campground roads will have many children riding bicycles, people walking to different destinations during all hours of the day or night. The utilization of these non-registered or registered golf carts, UTV's mixed with the activities of the park **creates** the potential hazard of seriously injuring visitors or creating property damage. All vehicles are required to stay on designated roadways at all times within the park. These types of vehicles have a tendency to be operated off road creating damage to trails, sand



*dunes, and wetlands. This restriction provides protection for the public and the resources of the park. The exception to this is for on duty Gulf Island National Seashore employees utilizing them for administrative purposes to accomplish park specific duties and to meet universal ADA requirements **for persons with ADA mobility impairments which will allow for access to campground facilities.** Carts may only be operated on paved or harden surfaces located within the campground.*

Operational Area Closures:

Section 1.5 - 10 The following locations are used for operational functions and are closed to the public at all times, except for the delivery of supplies and materials or on other official business.

- (a) Horn Island pier: the pier and boat hoist at Horn Island are closed to docking of private vessels.
- (b) West Ship Island government pier and boat hoist: 35 feet from the south side of the government boat hoist to the north end of the pier is closed to docking of private vessels. This closure applies to both the east and west sides of the pier. (35 feet From the south of the government boat hoist to the beach private vessels may dock)
- (c) The Davis Bayou maintenance compound.
- (d) The Naval Live Oaks maintenance compound.
- (e) The government-use boat dock and fenced compound at Davis Bayou.
- (f) The West Ship Island generator sheds and maintenance compound.
- (g) The Horn Island Ranger Station compound and generator shed, except when seeking information or assistance.
- (h) The government-use boat dock at Fort Pickens Life Saving Station.
- (i) The garage, roadway, and parking lot located by the north side of the Ft. Pickens Ranger Station/Lifesaving building, excluding the 3 parking spots designated for visitors.
- (j) The Fort Pickens carpenter shop access road located off of the Florida National Scenic trail located at Little Langdon.
- (k) Construction areas within the Seashore, as designated by



the posting of signs.

- (1) All buildings used for administrative purposes and all offices, rooms and hallways used for administrative purposes are closed to the general public. Persons are exempted from this closure when they are specifically invited into an otherwise closed area by an authorized employee of the National Seashore, in order to conduct official business. The Authorized employee may rescind the exception when they believe that the purpose of the visit has been concluded.

Determination: *Horn Island is within the designated wilderness area of Gulf Islands National Seashore. Wilderness areas by definition is an area 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 so as 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; has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. Part of the experience of being on Horn Island is to pull a boat up to the natural shoreline. The pier and boat hoist are intended for the administrative use of the government only, as a minimal tool due to the adjacent Ranger Station.*

The National Park Service's contract with the tour boat concessionaire to the West Ship Island pier requires sufficient dock space to be reserved for the safe and efficient loading and offloading of passengers. The northern portion of the West Ship Island pier is required since these tour boats are 72 feet to 110 feet in length and require deep water and sufficient space for maneuverability. The tour boats run on a daily basis from March 1 through October 31.

The remaining locations listed above ((a), (b), (d), (e), (f), (g), (h), (i), and (j)) are used exclusively for operational and support purposes where heavy machinery, tools, 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.

General Areas Closed to Public:

Section 1.5 - 11 The following locations are closed to the public at the times indicated below:

- (a) The 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 to 6:00 a.m. Exempt from this closure are registered campers.
- (c) West Ship Island is closed to all visitor use from sunset to sunrise; the pier is closed to visitor use, including the docking of vessels from sunset to sunrise.
- (d) The Naval Live Oaks Visitor Center area, including adjacent parking lots and access roads, from sunset until 8:00 a.m.
- (e) The paved roads and parking lots both north and south of U.S. Highway 98 in the Naval Live Oaks area except for parties issued a camping or special use permit for the Naval Live Oaks Youth Group camping area north of U.S. Highway 98, from sunset until 8:00 a.m.
- (f) The Opal Beach facilities, including adjacent parking lots and access roads, from sunset until 8:00 a.m.
- (g) The Okaloosa area, from sunset until 8:00 a.m.
- (h) The Johnson Beach area is closed from 10:00 pm until 5:00 a.m. Exempt from this closure are registered walk-in campers or a special use permit issued by the National Seashore.
- (i) The one-way loop road that begins near the Chasefield Plantation Cemetery and provides access to Batteries 234 and Cooper, from 10:00 until 5:00 a.m.
- (j) The Fort Pickens parking lot, the access road to this parking lot, and the areas around adjacent historic structures that are used for park maintenance and storage purposes, from sunset until 8:00 a.m.



- (k) The Fort Pickens Area is closed to public access from 10:00 pm to 5:00 a.m. Exempt from this closure are registered campers in the Fort Pickens Campground.

- (l) The Fort Pickens ferry pier is closed to fishing, netting, and for the docking of private vessels. Visitors accessing the ferry pier by foot are not allowed north of the ferry pier gate indicated by "US Government No Trespassing" signs.

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 park 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/or cultural resources and the protection of valuable government property. West Ship Island receives very heavy visitation during much of the year and is staffed by only two Park Rangers available to respond 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 the Rangers to provide adequate protection to the resources and facilities during the day without dealing with visitors 24 hours a day. 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. 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.*

Hunting Closures: (See also section Sec. 2.2, Hunting)

Section 1.5 - 12 Hunting is prohibited in all areas of the seashore except the two designated marine areas for waterfowl hunting.

Determination: *The Park's enabling legislation (16USC459h) authorizes the Superintendent to close areas when and where hunting should not be permitted due to reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. The seashore receives approximately 4 million visitors annually, and hunting and the firing of weapons is not conducive to public safety with that level of visitation. Even the offshore islands making up the Gulf Islands Wilderness receive almost 70,000 visitors annually. The vast majority of those visitors, according to surveys, come to the Seashore to enjoy swimming and relaxing on the beaches, activities that are not well-suited to coexist with hunting.*



The Perdido Key and Santa Rosa waterfowl hunting units are the only areas of the Seashore meeting current criteria to allow waterfowl hunting.

Less restrictive measures would not provide the degree of safety necessary for Seashore visitors, or provide for the appropriate separation of conflicting visitor activities.

Fishing Closures: (See also section Sec. 2.3, Fishing)

Section 1.5 - 13 Fishing by the use of bow and/or arrow or spear guns, or Hawaiian slings is prohibited in all the waters of the Seashore.

Pole Spears and Gigs Closure:

Section 1.5 - 14 The following areas are closed to the use and possession of pole spears and gigs utilized for floundering, except that such devices may be on board vessels when stowed away and not available for immediate use. Exception to this is for individuals involved with the Science and Resource Management division that have a valid park permit to obtain Lion Fish.

- (a) In the Fort Pickens area, the shore and waters adjacent to the Pensacola Bay shoreline adjacent to the fishing pier from the first rock jetty west of the fishing pier to 200 feet east of the Ferry pier designated by the east end of the concrete sea wall
- (b) Within the designated swim beaches at Opal Beach, Langdon Beach, Johnson Beach, and West Ship Island.
- (c) At West Ship Island, the recreational beach and within 300 feet of the pier. (The Recreational beach is that area from the boardwalk to 1/8 of mile to the east and 1/8 mile to the west.
- (d) In all portions of the Davis Bayou area.

Determination: *Due to high visitation in these areas, the Use of pole spears and gigs would present an unsafe activity. Less restrictive measures would not provide the degree of safety necessary for Seashore visitors.*

Section 1.5 - 15 Fishing from public boat docks and piers at Davis Bayou and West Ship Island is permitted only when it does not interfere with the safety of the public or with the maneuvering of boats.

Determination: *The primary purpose of the docks and piers at West Ship Island and Davis Bayou is the passage of persons to and from boat and land. Fishing is an appropriate recreational activity so long as it does not interfere with the primary purpose of the docks and piers.*



Ft. Pickens Fishing Pier Closures:

Section 1.5 - 16 The use of generators and the erecting of structures such as tents, canopies, tarps, or any other shelters larger than a beach umbrella are prohibited on the Fort Pickens Public Fishing Pier.

Section 1.5 - 17 The Ft. Pickens Public Fishing Pier is restricted to the use of 2 poles per fisherman or 1 pole and 1 cast net.

Section 1.5 - 18 The Ft. Pickens Public Fishing Pier is closed to the possession and consumption of alcoholic beverages.

Determination: *The practice of erecting shelters or actively fishing with more than two poles or one pole and one cast net on the pier in essence blocks off use of an area of the pier by other visitors that is of a greater area than that reasonably required of the visitor(s) who erects the shelter or fishes with more than 2 poles or nets. Such an expansion of personal space reduces the capacity of the pier - a park facility in great public demand - to accommodate public use. Furthermore, such structures and additional fishing poles and cast nets create obstacles for visitors casting with fishing poles, impeding the primary activity for which the pier was established. The restriction of alcohol on the pier allows for the safety of all visitors and it will minimize visitor use conflicts. 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.*

Kite Surfing Closures:

Section 1.5 - 19 Kite surfing (board riding propelled by large wind-driven kite-like objects) is prohibited in the Florida and Mississippi District each year from March 1 through September 30 in the following areas:

- (a) Fort Pickens Area: from the eastern boundary of the Fort Pickens Area to the Pensacola Pass on the Gulf of Mexico including the water area 200 meters (650 ft) offshore and from the eastern boundary to the Fort Pickens Ranger Station pier on the Pensacola Bay including the water area with 200 meters (about 650 ft) of the mean high tide mark.
- (b) Santa Rosa Area: all NPS lands between Pensacola Beach and Navarre Beach, and the adjacent water areas in the Gulf of Mexico and Santa Rosa Sound, within 200 meters (about 650 ft) of the mean high tide marks, except kite surfing from the beach is permitted in the following zone:



1. At Opal Beach on the Gulf of Mexico from the western most pavilion to the eastern most pavilion, excluding the designated swim area when lifeguards are on duty and the flags marking the swim area are flying.
- (c) Perdido Key area: All NPS lands at Perdido Key and the adjacent water areas in the Gulf of Mexico and Big Lagoon, within 200 meters (about 650 ft) of the mean high tide marks, except kite surfing from the beach is permitted in the following zones:
1. On the Gulf of Mexico from the western park boundary to Boardwalk Crossing "A," excluding the designated swim area at Johnson Beach when lifeguards are on duty and the flags marking the swim area are flying.
- (d) Petit Bois, Horn, West Petit Bois (AKA Sand), East Ship, and West Ship Islands including the water area 200 meters (650 ft) offshore.

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 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 considered to be prime habitat for nesting birds. In addition, the long attached lines and great forces associated with kite surfing and the poor control the operator has over the movement of the kite poses a hazard to park visitors using these beaches during this high-visitation time of year*

Use of Unmanned Aircraft Closure:

Section 1.5 - 20 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 boundaries 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,



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 considered to be 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.

Section 1.6 - Permits

A valid permit issued by the Superintendent is required for the following activities consistent with applicable legislation, federal regulations, and administrative policies. (See 36 CFR 1.6 for types of permits)

- (a) Groups of 25 or more people participating in First Amendment activities such as distribution and/or sale of printed matter, political speeches, religious services, public demonstrations or assemblies, and collection of signatures for petitions are required to have a permit.

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}.*



Section 2.1 Preservation of Natural, Cultural and Archaeological Resources

Section 2.1 - 1 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 Campground and picnic areas.
- (b) The Fort Pickens Campground and picnic areas.
- (c) The Naval Live Oaks Group Use 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 - 2 Driftwood washed up on the open beaches, between the water line and the vegetation line, may be collected in the following areas for use only as campfire fuel when camping on the islands:

- (a) Petit Bois, Horn, West Petit Bois Island (AKA Sand, East Ship, and Cat Islands).
- (b) The Perdido Key area, from ½ mile east of the end of the paved road to the eastern tip of the island.

Determination: *Soil development in the sandy soil on barrier islands is slow. Organic matter is critical for the retention of moisture and nutrients in the barrier island habitats, particularly the relic dune areas. Driftwood which remains on the open beaches is not normally incorporated into the soil of the island and may be collected for firewood without having any significant impact on natural resources. Less restrictive measures would allow the collection of all down wood and would not protect the organic material needed for the maintenance of the soil in the island interiors and dune systems.*

Section 2.1 - 3 Visitors may enter or walk on historic fortifications in the Fort Pickens, Perdido Key, Pensacola Forts areas and on West Ship Island, except for those locations designated as closed by the posting of signs and/or barricades. (See Closures Sec. 1.5-1)

Determination: *The stairs, walkways and tops of the fortifications are appropriate for visitors, except for areas which have been closed off for safety purposes. Less restrictive measures would permit walking on unsafe or unsuitable portions of the fortifications.*



Section 2.1 - 4 Unoccupied sea shells may be gathered by hand for personal use in all locations, except where such shells are found in an archeological site.

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. Less restrictive measures, such as collecting occupied seashells would conflict with wildlife protection regulations.*

Section 2.1 - 5 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 - 6 The collection of leaves, pine needles, sweet gum balls, pine cones, 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 specified above, per person, per day. These items may only be collected from the ground after they have been shed from the parent vegetation. None of the items may be picked from live or standing vegetation.
- (b) Persons may collect these items only from 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 small numbers of shed leaves, acorns, pine cones, 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.*

Section 2.2 Wildlife Protection: (See hunting closure sec. 1.5-11)

Waterfowl hunting is authorized under the Seashore's enabling legislation (16 USC 459h), with the provision that zones may be designated and periods may be established where hunting is not allowed. Hunting for waterfowl is allowed in two marine areas of the Seashore, up to the mean high water tide line only.

- (a) An annual Gulf Islands National Seashore Waterfowl Hunting pass issued for \$20.00 must be obtained, signed by the park superintendent or deputy superintendent and carried on the hunter while hunting at Gulf Islands National Seashore.
- (b) Santa Rosa Waterfowl Hunting Unit:



Hunting is authorized only for waterfowl pursuant to applicable seasons, times and other regulations established by the State of Florida. This hunting area is located in the waters of Santa Rosa Sound under the Seashore jurisdiction from the western Seashore boundary at Big Sabine Point to the eastern Seashore boundary located near Navarre Beach. A 150-yard no hunting buffer shall be maintained west and east of the picnic area (cluster F) at Opal Beach.

- (c) Perdido Key Waterfowl Hunting Unit:
Hunting is authorized only for waterfowl, pursuant to applicable seasons, times and other regulations established by the State of Florida. This hunting area is located in the waters of the Big Lagoon area of Perdido Key under the Seashore jurisdiction from the western boundary beginning ½ mile east of the terminus of Johnson Beach road.
- (d) The designated waterfowl hunting areas described in 2.2(b) and(c) can be accessed by water only. When traveling over sea grass beds in these hunting areas, all propulsion engines must be turned off at all times. No overland access for hunting is permitted to these designated hunting areas.
- (e) Temporary waterfowl hunting blinds (including boat blinds) are permitted at or below the mean high water tide line within the designated waterfowl hunting units. There will be a 300-yard separation between blinds.
- (f) 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 Seashore plant materials 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 Seashore.
- (g) Discard blind materials outside of the Seashore and properly dispose of in accordance with Federal, State, an local laws.
- (h) All blinds will be removed at the end of each hunting day. Construction of permanent blinds and digging are prohibited.
- (i) Dogs must remain under the control of the hunter at all times. 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 Seashore.



- (j) Hunters are not allowed to hunt over bait or place any bait, or other food for wildlife within the Seashore boundaries.

Determination: *The park's enabling legislation (16USC459h) authorizes the Superintendent to designate areas when and where hunting is permitted within the Seashore. Waterfowl hunting within the Florida District of Gulf Islands National Seashore is managed in cooperation with the Florida Fish and Wildlife Conservation Commission. The Perdido Key and Santa Rosa waterfowl hunting units are the only areas of the Seashore meeting the current criteria to allow waterfowl hunting. Less restrictive measures would not provide the degree of safety necessary for Seashore visitors, or provide for the appropriate separation of conflicting visitor activities. 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. Less restrictive measures would not allow this type of hunting experience.*

Section 2.3 Fishing: (See also fishing closure section Sec. 1.5-12)

Section 2.3 - 1 Fishing is authorized under the Seashore's enabling legislation (16 USC 459h), with the provision that zones may be designated and periods may be established where fishing is not allowed.

- (a) Fishing is prohibited in the following locations when lifeguards are on duty: the designated swim beaches located at Johnson Beach, Langdon Beach, Opal Beach, and the West Ship Island Swim Beach.

Determination: *Due to high visitation throughout the Seashore, especially in areas popular for this type of activity, the shooting of lethal projectiles or casting would present an unsafe activity. Less restrictive measures would not provide the degree of safety necessary for Seashore visitors.*

Section 2.3 - 2 Taking of bait from salt water bays, sounds, ponds and lagoons shall be limited to the amount for immediate on-site personal use only.

Determination: *Digging for bait or collecting bait from land is prohibited by the CFR (sections 2.2 and 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. This limitation helps preserve these fish which otherwise are not protected from exploitation by other State or federal regulations. Less restrictive measures would not provide sufficient protection to small fish which are easily accessible by small seine nets.*



Section 2.3 - 3 It is prohibited to chum or place dead fish, fish parts, fish eggs, food, chemicals or other foreign substances in the waters within 500 feet of the pier on West Ship Island and the Fort Pickens fishing pier for the purpose of feeding or attracting fish.

Determination: *The use of chum 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 would present a possible danger for visitors using the park for other recreational activities. Some visitors swim or wade to shore from their vessels in close proximity to the pier. It is also possible for visitors to accidentally fall into the waters around the pier. 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.*

Section 2.4 Weapons, Traps and Nets:

Section 2.4 - 1 The Possessing/Carrying of firearms is allowed in accordance with Mississippi and Florida State Laws.

- (a) Firearms authorized for waterfowl hunting by the State of Florida may be possessed, carried, and used by licensed waterfowl hunters only during the appropriate season when actually being used for such hunting and only in the locations designated as open to hunting in the Perdido Key and Santa Rosa Waterfowl Hunting Areas.

Determination: *Possession and use of nets and weapons in authorized fishing activities is appropriate. Possession and use of nets and weapons not approved for fishing activities is not appropriate or necessary for the use and enjoyment of the National Seashore.*

Section 2.10 Camping and Food Storage:

Section 2.10 - 1 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.

- (a) In the interest of visitor safety and protection, developed campgrounds are closed to non-camper use and non-camper vehicle traffic from sunset to 7:00 a.m.

Section 2.10 - 2 Naval Live Oaks Youth Group Campground, including the parking lot, campsites, pavilion, and the immediate surrounding area are closed to the general 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.

Section 2.10 - 3 Campsites and group tent sites, which have been properly reserved are closed to the use of all persons except for those who have reserved them.

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 park 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 - 4 Front country camping is allowed by persons who have purchased a valid camping permit for an individual campsite at the Ft. Pickens or the Davis Bayou Campground, 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 park 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 30 days annually, and no more than 14 days during the campground's peak period of January 1 through March 31.
- (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 stay, and may be waived only for emergency situations, as specifically authorized by the Superintendent, or Chief Ranger.
- (d) Individual campsites at the Fort Pickens and Davis Bayou Campgrounds are limited to a maximum of 8 people. No more than 1 recreational vehicle, 1 tent, and 1 canopy tent; or 2 tents and 1 canopy tent are allowed per campsite.



- (e) No more than two vehicles (including trailers) per campsite. Vehicles must be parked on the paved parking pad. Additional vehicles will be parked at the overflow parking area.
- (f) Check in for the campgrounds are after 1:00 p.m. and check out is by 12:00 noon.
- (g) Quiet hours are from 10:00 p.m. to 6:00 a.m.
- (h) Individual campsites at the Fort Pickens and Davis Bayou Campground are limited to 1 external container (i.e. kiddie pool-5' in diameter/14" high).
- (i) Campers at the Fort Pickens and Davis Bayou campgrounds are not allowed to string lights or other equipment in the trees/vegetation.
- (j) Camping equipment must be kept within designated areas provided per site.
- (k) Portable air conditioning units used for tents or outside need to be turned off when campers are not present.

Determination: *The above listed conditions provide reasonable access to the campgrounds for the thousands of visitors who come to the Seashore each year to camp. Limits on the number of nights ensures 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 the visitors are seeking. The NPS is seeking to strive for "green energy use" so requesting campers to turn off the use of portable window air conditioning units when they are not present will assist in the conservation of energy. Less restrictive measures would not provide adequate protection to park resources or provide reasonable opportunities or the type of campground experience the public seeks when visiting the Seashore.*

Section 2.10 - 5 Group tent camping is allowed to those who have purchased a valid group tent camping permit for the Ft. Pickens Group Tent Site, the Davis Bayou Group Tent Site, and the Naval Live Oaks Youth Group Tent Site (NLO is only rented to Youth Groups) 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.

Determination: *The above listed conditions provide reasonable access to the group camp sites for the many groups wishing to use them each year. Limits on the number of nights ensure that newly arriving groups have any 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 the visitors are seeking. Less restrictive measures would not provide adequate protection to park resources or provide reasonable opportunities or the type of campground experience the public seeks when visiting the Seashore.*

Section 2.10 - 6 Backcountry camping is allowed on Perdido Key, Petit Bois Island, Horn Island, West Petit Bois Island (AKA Sand) (AKA Sand), Cat Island and East Ship Island under the following conditions:

- (a) Backcountry campers arriving by vehicle or foot at Johnson Beach must obtain a free self registration camping permit from the entrance station, register, and display the yellow copy of the permit on the dash of their vehicle and the white copy is placed in the registration box or the returned to the entrance station. All campers must camp at least ½ mile east of the end of the Johnson Beach Road.
- (i) Persons arriving by vessels to camp at Perdido Key, Cat Island, West Petit Bois Island (AKA Sand) (AKA Sand), East Ship Island, do not need to register for the free camping permit.
- (b) Backcountry campsites must be on relatively flat, level beaches without vegetation or dune structure being damaged. Camping on dunes, fore dunes or on vegetation is prohibited.
- (c) Large organized 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 and will be 1/10 mile apart. (Approximately 500 feet)
- (d) Backcountry campers at Johnson Beach may stay no more than 42 days annually. The maximum time permitted for backcountry camping in the park is fourteen (14) consecutive days. At the end of fourteen (14) days, campers must completely remove themselves and their



property from the park for a minimum of 7 days before returning for another overnight visit.

- (e) Camping, cooking, or other activities are not allowed in areas closed for the protection of shorebirds, osprey, or eagles, including any area within 300 yards of any nest which is being used by adult or juvenile osprey or eagle.

Determination: *The backcountry camping permit requirement for Johnson Beach provides the National Seashore with the opportunity to know who is camping and who is parked in this otherwise closed area. Time limits are also intended as a means to prevent an accumulation of impacts to camping areas. Such impacts include, but are not limited to, improvements to campsites, accumulation of body wastes and litter, expansion of campsite areas and trails, and similar resource impacts. Also, this rule is intended to prevent persons whose primary interest is long-term residency. The intent of this regulation is to augment 36 CFR 2.61, "Residing on Federal Lands;" the establishing of resource-impacting and/or long-term campsites by people who seek to make the park their primary residence, or seek to reside in the park while working elsewhere. 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 park resources or provide reasonable opportunities or the type of camping experience the public seeks when visiting the Seashore.*

Section 2.11 Picnicking:

Section 2.11 - 1 The following locations are closed to picnicking:

- (a) Interior of Fort Barrancas and the Advanced Redoubt.
- (b) Interior of Fort Pickens.
- (c) Interior of Fort Massachusetts.

Determination: *The interior of these fortifications are 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. Less restrictive measures would not provide the type of venue the Seashore attempts to maintain, for the education of visitors.*

Section 2.11 - 2 Picnic pavilion use is limited as follows:

- (a) Designated picnic pavilions may be reserved in advance by obtaining a special use permit but it does not provide exclusive rights to that location. When not reserved, the



pavilions are available on first come, first serve basis. The Seashore will display a sign on the pavilion indicating that the pavilion has been 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 Seashore's pavilion reservation system then the pavilion must be available on a first-come, first-served basis for the general public. Groups must physically occupy the pavilion in order 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 be limited to: Moon walks, dunk tanks, pony rides, merry-go rounds and other equipment deemed by the superintendent as inappropriate for use in the Seashore.
- (d) The use of amplified music, streamers, flowers, is prohibited without a special use permit.
- (e) No more than one sign at each pavilion entrance indicating the name of the group hosting a picnic may be placed at the pavilion by the group that is occupying the pavilion. Signs may not be attached to natural features or to park structures. Buildings, road signs, roads, etc., cannot be marked or painted in any way. The sign shall be removed when departing the facility.

Determination: *The 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 Seashore to maintain the characteristics of a park area. Carnival-like games and equipment are not conducive to providing an enjoyable visit to the park for all visitors. Many of these devices require a large amount of electricity and result in electrical cords being run for long distances causing a severe safety hazard. Many of these devices are noisy and some require generators that are not allowed within the Seashore. Some of these items injure or destroy the wildlife. Less restrictive measures would not allow for this service to be provided to the public, nor maintain the characteristics of a park area.*

Section 2.13 Fires:

Section 2.13 - 1 Fires may be built at the locations indicated below under the following conditions:



- (a) In all developed campgrounds and picnic areas fires may be built in permanent grills or fire rings at designated sites.
- Exception: Portable grills may be used at designated campsites by registered campers at the Ft. Pickens and Davis Bayou campgrounds.
- (b) On Petit Bois, Horn, West Petit Bois Island (AKA Sand) (AKA Sand), East Ship, and Cat Island fires may be built on beaches but they must be placed no more than five feet above the high tide line, and they must be below any vegetated area. Only driftwood washed up on the beaches may be burned in these fires; dead and/or down vegetation from the interior of the islands may not be used.
- (c) On Perdido Key, in locations designated as open to backcountry camping, fires may be built on beaches but they must be placed no more than five feet above the high tide line, and they must be below any vegetated area. Only driftwood washed up on the beaches may be burned in these fires; dead and/or down vegetation from the interior of the islands may not be used.
- (d) Authorized fires on beaches, after being extinguished with water, are to be disposed of by removing burned and unburned material from the area or by burying all materials under at least six inches of sand.
- (e) On West Ship Island, fires are permitted in portable grills only. Grills and other fires are prohibited within the designated swim beach and prohibited on all portions of the boardwalk and pavilions.
- (f) Ashes and all burned and unburned material from portable grills must be placed in adjacent ash receptacles or removed from the area. Such material may not be placed in trash receptacles or placed on the ground.

Determination: *Fires in grills can be safely used in all of the campgrounds and picnic areas except for the wooden boardwalks/ pavilions at Ship Island. Fires can also be safely used on the beaches open to backcountry camping, so long as the fires are close to the beaches, away from dune and marsh vegetation and driftwood is the firewood used. 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 safety to the*



public which is reasonable and expected or provide appropriate protection to natural resources.

Section 2.13 - 2 Fire Bans: During periods of drought, as determined below, all open fires within that geographical area of the park are prohibited. For the purposes of this section, open fires shall not include any fire using charcoal briquettes or gas within a barbeque grill, or any fire within a camper or other structure unless the state or county specifically designates these items as an open flame source.

- (a) Open fires are prohibited when the park 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, burning embers escaping an open fire have a strong potential to cause wildfires. The burning of any substance other than charcoal briquettes in a contained grill at these times creates an unacceptable risk to safety and the resources of the park. Less restrictive measures would not provide the degree of safety to the public and to the natural resources of the park. Fires within grills using charcoal briquettes or gas is a reasonable option for the public during these periods.*

Section 2.14 Sanitation and Refuse:

Section 2.14 - 1 The following conditions apply to sanitation and refuse:

- (a) Picnic tables, campground bathrooms, exterior sinks, faucets, and showers/rise off facilities are closed to the cleaning and disposing of fish and fish waste materials.
- (b) In locations designated as open to backcountry camping, refuse must be packed out leaving no trace. Pack it in pack it out.
- (c) All trash will be disposed of in a trash can, trash bag, or other container immediately after use. The discarding or piling of trash on the ground with the intention of later picking it up for proper disposal is not permitted.
- (d) Horn, Petit Bois, East Ship, and Perdido Key including the Ft. McCree area, must have an approved device to receive human waste that must accompany and be used. Human waste is to be removed from the islands.

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



restrictive measures would not offer the degree of safety necessary for the protection of the public or the resources, or help maintain the characteristics of the islands that the visitors are seeking.

Section 2.15 Pets:

Section 2.15 - 1 The following locations are closed to pets excluding service animals.

- (a) All beaches along the Gulf of Mexico, Sound, and bay sides in the Florida District which include the north to the south shores of Perdido Key, Fort Pickens, Santa Rosa, Naval Live Oaks Areas, and Okaloosa.
- (b) The Fort Pickens fishing pier
- (c) The Fort Pickens ferry pier
- (d) All beaches along the Gulf Of Mexico and sound side of the Mississippi Islands which include the north to the south shores of Cat, West Ship, East Ship, Horn, West Petit Bois (AKA Sand) and Petit Bois Islands.
- (e) The West Ship Island pier.
- (g) All forts, batteries, and other fortifications.
- (h) The interior of all pavilions, picnic shelters, buildings and facilities.

Determination: *Pets are prohibited by Escambia and Santa Rosa County ordinances on most of the beaches within the Florida District. Pets are prohibited by Harrison County ordinances in MS. Pets conflict with orderly visitor use in swim beaches, picnic shelters, pavilions, and inside public buildings and facilities and other locations receiving highly concentrated public use. The interior of these fortifications are 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. Less restrictive measures would not comply with state law or provide the type of venue the Seashore attempts to maintain, for the enjoyment and education of visitors.*

The shoreline areas of the barrier islands of Mississippi District (West Ship, East Ship, Horn, Sand, Petit Bois and 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 on these islands are crucial to the nesting success of shorebirds, many of which are



threatened, endangered, or otherwise considered species of special management concern. Dogs in these areas can cause entire colonies of birds to flush and abandon their nests leaving eggs or chicks vulnerable to take due to exposure from the elements (e.g. 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.

The Americans with Disabilities Act (ADA) Title 2 defines a "service animal" as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The rule states that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals. The final rule also clarifies that individuals with mental disabilities who use service animals that are trained to perform a specific task are protected by the ADA. The rule permits the use of trained miniature horses as alternatives to dogs, subject to certain limitations. To allow flexibility in situations where using a horse would not be appropriate, the final rule does not include miniature horses in the definition of "service animal." If they meet this definition, they are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. Service animals perform some of the functions and tasks that the individual with a disability cannot perform. (i.e. "Seeing eye dogs" which are used by some individuals who are blind; alerting persons with hearing impairments to sounds; pulling wheelchairs or carrying and picking up things for persons with mobility impairments; assisting persons with mobility impairments with balance; alerting persons with seizures; condition signal assistance.

Section 2.15 - 2 Unattended pets may be tied to fixed objects at individual campsites in the Fort Pickens and Davis Bayou Campgrounds, providing the leash length does not exceed six feet, the pet is not annoying other campers by making unreasonable noise, and the pet is not placed in harm's way by such act.

Determination: Campsites in the campgrounds have some degree of personal possession, limiting the transit over that site by other people, and it is reasonable to allow campers to tie their pet(s) within that campsite area. Less restrictive measures would force campers to keep their pets inside their tents/camper or on a leash with them at all times, which would be unreasonable for campers with pets.



Section 2.15 - 3 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.

- (a) It shall be unlawful for any person to fail 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 are seeking. Less restrictive measures would lead to potential health concerns and would diminish the characteristics of the Seashore.*

Section 2.16 Horses and Pack Animals:

Section 2.16 - 1 Horses may be ridden only on the trails and fire roads of the Naval Live Oaks area, north of U.S. Highway 98.

Determination: *The trails on the north side of U.S. Highway 98 are fairly 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.*

Section 2.20 Skating, Skateboards, and Similar Devices:

Section 2.20 - 1 Roller skates, roller blades, and skateboards may be used 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.

Determination: *Traffic in the campgrounds is infrequent enough and slow enough to allow for the use of skates and similar equipment with only 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 the 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 be present potentially hazardous conditions due to the lack of control many skaters demonstrate.*



Section 2.21 Smoking:

Section 2.21 - 1 Smoking is prohibited in all government vehicles and buildings, including but not limited to the bathhouses, restrooms, forts, batteries and parade grounds of the forts. Smoking is prohibited within 25 feet of exterior doorways and air intake ducts.

Determination: *Buildings and structures used by employees and the public are closed to smoking by Presidential Proclamation. The fortifications are closed to smoking so as not to interfere with guided tours of the forts, or to allow second hand smoke to interfere with the enjoyment and education of visitors. Many of the forts are small enough that smoking in the parade grounds impacts people visiting the forts. Less restrictive measures would not comply with Presidential Proclamation or provide the type of venue the Seashore attempts to maintain, for the enjoyment and education of visitors.*

Section 2.22 Property

Section 2.22 - Vehicles and boat trailers may be left unattended for up to seven days in the following locations:

- (a) The parking lot adjacent to the Davis Bayou boat launching ramp, when a valid boat launch permit has been purchased and properly displayed.
- (b) The Johnson Beach parking area, when a visitor has obtained a permit for backcountry camping at the Entrance Station and the permit is properly displayed.

Determination: *A small number of vehicles and trailers can be accommodated at the parking areas, providing a service to visitors who are backcountry camping within the Seashore. 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 areas.*

Section 2.51 Public Assemblies, Meetings:

Section 2.51 - 1 All locations within the Seashore are available for First Amendment activities such as political speeches, religious services, public demonstrations or assemblies, and collection of signatures for petitions except for the following:

- (a) The interiors of Fort Pickens, Fort Barrancas, the Advanced Redoubt, and Fort Massachusetts.
- (b) The interiors of all buildings.



- (c) The designated wilderness islands, consisting of Horn and Petit Bois Islands.
- (d) U.S. Highway 98 in the Naval Live Oaks area and Highway 399 in the Santa Rosa area.
- (e) Concessionaire facilities in the Fort Pickens and West Ship Island Areas.

Determination: *The fortifications 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 Seashore attempts to maintain. Administrative 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 Gulf Island Wilderness is 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 and so as not to cause danger to public health and safety. The concessionaire facilities are closed to public assembly so as not to 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 Seashore or would endanger the public.*

Section 2.52 Sale or Distribution of Printed Matter:

Section 2.52 - 1 All locations within the Seashore are available for First Amendment activities such as the sale or distribution of printed matter except for the following:

- (a) The interiors of Fort Pickens, Fort Barrancas, the Advanced Redoubt, and Fort Massachusetts.
- (b) The interiors of all buildings.
- (c) The designated wilderness islands, consisting of Horn and Petit Bois Islands.
- (d) U.S. Highway 98 in the Naval Live Oaks area and Highway 399 in the Santa Rosa area.
- (e) Concessionaire facilities in the Fort Pickens, and West Ship Island areas.

Determination: *The fortifications 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 Seashore attempts to maintain. Administrative 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 Gulf Island Wilderness is 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 so as not to interfere with normal services offered to the public and so as not to cause danger to public health and safety. The concessionaire facilities are closed so as not to interfere with the access of the public to these relatively small businesses that are providing a service to the visiting public. Less restrictive measures would interfere with the function, mission and administration of the Seashore or would endanger the public.

Section 3.6 Boating Operations

Section 3.6 - 1 The following areas at Ft. Pickens are closed to boating operations:

- (a) Within 200 feet of the fishing pier at Fort Pickens.
- (b) Within 200 feet of the remnants of the old pier which is located directly to the east of the current public fishing pier at Fort Pickens.
- (c) Within 200 feet of the ferry pier located at Fort Pickens.

Determination: The Fort Pickens ferry pier is to be used by visitors and personal of the ferry boat operation. 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 pier, the remnants of the old pier and the ferry pier are within close proximity to one another. Less restrictive measures would not provide the degree of safety to the public that is reasonable and expected.*

Section 3.6 - 2 Operating a vessel in excess of 5 mph or creating a wake is prohibited in the following waters:

- (a) Within 500 feet of the Davis Bayou launch ramps.
- (b) Within 500 feet of the West Ship Island pier.



- (c) Within 500 feet of the Horn Island pier.
- (d) Within 500 feet of the Fort Pickens fishing pier.
- (e) Within 500 feet of the Fort Pickens Ferry Pier.
- (f) Within that area on the north side of Perdido Key, at the east end, near the Fort McRee site, as designated by posted signs.

Section 3.6 - 3 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: *Operating a vessel over 5mph or at such a speed as to create a wake represents an unsafe activity at these locations due to the number of vessels and swimmers which congregate in these areas. Less restrictive measures would not provide the degree of safety to the public which is reasonable and expected. The 100 feet distance between rafted vessels allows emergency personnel and vessels to respond in the event of a medical or other types of emergencies.*

Section 3.20 Water Skiing:

Section 3.20 - 1 The following waters are open to the towing of persons by vessels, in accordance with applicable State and federal regulations:

- (a) Waters on both the north and south sides of the Santa Rosa area, except within 500 feet of the designated swim beach.
- (b) Waters on both 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 pier.
- (c) Waters on both the north and south sides of the Perdido Key area, except within 500 feet of the designated swim beach, and within that area at the east end that is designated as a no-wake zone.
- (d) Waters on both the north and south sides of the Mississippi barrier islands, except within 500 feet of the designated swim beach, and within 500 feet of the West Ship Island pier, and within 500 feet of the Horn Island pier.

Determination: *Water skiing is an acceptable form of recreation in the warm waters of Gulf Islands National Seashore, so long as the activity does not significantly impact natural resources or create potentially hazardous situations. 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.

Section 3.21 Swimming & Bathing

Section 3.21 - 1 The following locations are closed to swimming, snorkeling or SCUBA diving:

- (a) Waters within 200 feet of the West Ship Island pier.
- (b) All waters within the Davis Bayou Area.
- (c) Waters within 200 feet of the Fort Pickens fishing pier.
- (d) Waters within 200 feet of the Fort Pickens Ferry pier.
- (e) Designated shipwreck sites.
- (f) All beaches on double red flag days.

Section 3.21 - 2 The following locations are closed to bathing

- (a) All areas except for designated campground bathing facilities

Determination: *The West Ship Island pier is routinely used by large tour boats as well as public boaters. Swimming around this pier 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 double red flag indicates dangerous surf conditions for any caliber of swimmer and is necessary to maintain employee and public safety. Shower tents or like structures do not contain the gray water. Less restrictive measures would not provide adequate safety to the public or provide reasonable protection to wildlife or natural resources.*

Section 4.0 VEHICLES AND TRAFFIC SAFETY

Section 4.21 - Speed Limits:

Section 4.21 - 1 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: 35 mph from the Eastern Boundary to 2 miles west of the Ft. Pickens Entrance Station
 - (3) Fort Pickens Road 2 miles west of FP Entrance Station: 25mph unless otherwise posted
 - (4) Fort Pickens Campground: 5mph
 - (5) Hwy 399 (J. Earle Bowden Way): 35mph unless otherwise posted
Shorebirds nesting areas along Hwy 399 (J. Earle Bowden Way): from March 1-Sept. 30th is 25mph unless otherwise posted
 - (6) Perdido Key (Johnson Beach Road.) 25mph unless otherwise posted.

Section 4.30 - Bicycles:

Section 4.30 - 1 Park roads and parking areas are open to the use of bicycles in addition to the following designated areas:

Mississippi District:

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

Florida District:

- (a) The multi-use path located in the Naval Live Oaks Area that is on the south side and immediately adjacent to Hwy 98. This path runs from the east boundary to the west boundary along Hwy 98. (The Andrew Jackson and Breckenridge trails are not open to bicycle traffic)
- (b) The bike lane located along the Fort Pickens Road and J. Earle Bowden Way. (AKA: Hwy399)

Determination: *The local community, with the cooperation of Gulf Islands National Seashore constructed the multi-use paths in the Florida District's Naval Live Oaks and Santa Rosa Units. These paths traverse from state land through the park. These paths are paved surfaces intended for the sole use of bicyclists, pedestrians and roller skaters. These paths follow easements*



already established alongside roadways and cause no infringement into pristine and sensitive wildlife habitats. The Fort Pickens bike path is located on an old railroad bed established by the military. The surface is reinforced to withstand the use of bicycles. The use of bicycles on the paths in both the Mississippi and Florida Districts will not conflict with the park's protection of the area's natural, scenic and aesthetic values. The 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 park. The use of bicycles on these paths will not conflict with the park's management and protection of park resources.