



**Cape Cod National Seashore
Superintendent's Compendium
October 3, 2008**

CODE OF FEDERAL REGULATIONS

TITLE 36, CHAPTER 1

Compendium of Designations, Closures, Request
Requirements and Other Restrictions imposed under
the discretionary authority of the Superintendent for
Cape Cod National Seashore

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

Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36CFR, Chapter 1.



Approved By: Superintendent

10/3/08

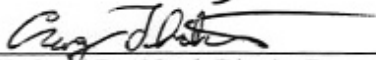
Date



Recommended By: Chief Ranger

10/23/08

Date



Updated By: North District Ranger

10/03/08

Date

TABLE OF CONTENTS

<u>CFR SECTION</u>	<u>TITLE</u>	<u>PAGE</u>
	Introduction	4
I. 36 CFR 1.5	Visiting Hours, Public Use Limits, Closures, and Area Designations	5
II. 36 CFR 1.6	Activities That Require a Permit	9
III. 36 CFR, Part 2	General Regulations	10
IV. 36 CFR, Part 3	General Regulations	17
V. 36 CFR, Part 4	General Regulations	19
Appendix 1	Special Regulations	21

Introduction

The purpose of this compendium is to provide a concise written document which provides all of the special designations, closures, public use limits, permit requirements imposed under the discretionary authority of the Superintendent. The preparation of a compendium is required under Section 1.7, Title 36, Code of Federal Regulations (CFR) and shall be made available to the public upon request. The compendium also lists special regulations found under 36 CFR 7.67 for Cape Cod National Seashore. The compendium will be reviewed and updated annually to ensure adequate protection of the parks resources, provide for public safety and enjoyment, and to meet changes in recreational use patterns.

It is important to utilize this document in conjunction with Title 36, CFR, since the compendium only addresses restrictions imposed under the discretionary authority of the Superintendent or regulations, which authorize special designations, closures, or other use limits. The use of this compendium, in conjunction with park brochure, maps, signs and other media will provide a clear understanding of park rules and regulations for both National Park Service employees and park visitors. Your comments and suggestions are welcome.

Send Comments To:

Superintendent
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667



**National Park Service
U.S. Department of the Interior**

Cape Cod National Seashore

99 Marconi Site Rd.
Wellfleet, MA 02667

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

508-349-3785 phone
508-349-9052 fax

Approved:

"Signature on File" Date: 10/15/08
George Price, Jr., Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Cape Cod National Seashore. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

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

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

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

Visiting Hours:

- Parking Areas:

The following areas are closed to vehicle use/entry during the dates and hours indicated:

Fort Hill (Upper Lot)	12 AM – 6AM
Fort Hill (Lower Lot)	9 PM – 6 AM
Salt Pond Visitor Center	12 AM – 6 AM
Doane Rock (2 hour limit)	12 AM – 6 AM
Coast Guard Beach	12 AM – 6 AM
(Private vehicles excluded except for handicapped parking, and Eastham taxpayers (in designated spaces), weekends Memorial Day to last Sunday in September, and weekdays starting the 3 rd Thursday in June through Labor Day.)	
Nauset Light Beach	12 AM – 6 AM
Great Island	12 AM – 6 AM
Marconi Beach	12 AM – 6 AM
Marconi Site	12 AM – 6 AM
Highland Center Ballfield Lot	
	½ hour after sunset – 6 AM
Head of the Meadow	12 AM – 6 AM
Pilgrim Heights	12 AM – 6 AM

High Head (2 hour limit)	12 AM – 6 AM
Race Point	12 AM – 6 AM
Province Lands Visitor Center	12 AM – 6 AM
Cranberry Lot	12 AM – 6 AM
Herring Cove	12 AM – 6 AM
Beech Forest	12 AM – 6 AM
Cranberry Bog (2 hour limit)	12 AM – 6 AM
Headquarters (North Lot)	12 AM – 6 AM
Headquarters (South Lot)	12 AM – 6 AM
Maintenance (North)	12 AM – 6 AM
Maintenance (South)	12 AM – 6 AM
Ponds Parking areas(see below)	12 AM – 6 AM

- Fire Roads All Hours

Eastham
#510, 520 (open to Nauset Rod & Gun Club),
530, 540 (open to Boy Scouts).

Wellfleet
#608, 610, 611, 612, 613, 614,
620 (seasonal), 677.

Truro
#701 (open to dune tours),
719, 731, 733, 735, 736, 737, 738, 753, 785.

Provincetown
#801 and 802 (open to dune tours),
804, 813, 820, 821, 822, 829, 831, 832, 833.

- Ponds

Parking in the ponds area will be limited to designated areas. The maximum capacity of designated parking areas at each pond is:

Dyer Pond	Vehicles Prohibited (Summer Months) 3 Vehicles all other months
Spectacle Pond	10 Vehicles
Horseleech Pond	3 Vehicles
Slough Pond	10 Vehicles
Herring Pond	3 Vehicles
Ryder Pond	2 Vehicles
Round Pond (Truro)	Vehicles Prohibited

Vehicle restrictions exist at parking lots, fire roads, and pond areas to limit environmental damage to sensitive dune, woodland and pond environments, along with public safety, protection of nearby public use facilities, and protection of private property.

Public Use Limits:

- Hiking and pedestrian use, in primary/foredune and beach cliff areas, is restricted to designated paths and walkways from Nauset Inlet to Long Point and from Ryder Beach south to Great Island. (SEE 2.1b).

Hiking and pedestrian use, in primary/foredune and beach cliff areas, is restricted to limit environmental damage to sensitive dune vegetation and stability, which if damaged would contribute to severe erosion. These areas are also restricted to maintain public safety, as dune heights may reach up to 150'

- The following ponds, lakes and streams are closed to gasoline powered, motorized boats/vessels:

Slough Pond	Grassy Pond
Round Pond (East)	Great Pond
Round Pond (West)	Bennett Pond
Horseleech Pond	Pasture Pond
Ryder Pond	Clapps Pond
Snow Pond	Clapps Round Pond
Pilgrim Lake	Duck Pond
Spectacle Pond	Dyer Pond
Kinnacum Pond	Long Pond
Great Pond (Wellfleet)	Turtle Pond
Northeast Pond	Southeast Pond
Gull Pond	Higgins Pond
Williams Pond	Herring Pond

Ponds on Cape Cod and particularly kettle ponds within Cape Cod National Seashore are unique and sensitive resources with significant ecological, aesthetic and recreational value. Pond systems are directly connected to the groundwater aquifer and are one of the most fragile environments administered by the National Park Service and the Commonwealth of Massachusetts. Petrochemical releases into these systems would severely denigrate the quality of the water system.

- The following activities are prohibited at all fresh water ponds:
 - Possession of glass containers
 - Bathing with or use of soap or detergents
 - Fires

The possession of glass containers and building of fires are concerns which threaten the safety and well being of individuals walking barefoot in these areas. The use of soaps and detergents would have a negative affect on freshwater pond quality and environments.

- The following activity is prohibited within 500' of posted shorebird nesting areas:
 - Kite flying

The use of kites near shorebird nesting areas simulates the flight of birds of prey. This activity has adverse affects on the nesting and feeding behavior of endangered shorebirds.

- Kite flying is prohibited within 500' of shorebird nesting areas.
- Kite surfing/boarding is prohibited on Cape Cod Bay-side beaches and Cape Cod Bay waters within the National Seashore from April 1 until the last chicks have fledged in the area.

Kite flying and kite surfing/boarding: Both hand held kites and those used in kite surfing/boarding simulates the flight of birds of prey. The use and launching of these different types of kites have adverse affects on the nesting and feeding behavior of endangered shorebirds, including flushing incubating adults off nests, causing nest abandonment, and the disrupting of feeding and chick rearing. The species primarily benefited is the federally threatened piping plover (*Charadrius melodus*).

Closures

- During periods of ice, snow and wind storms, high visitation, special events, or natural events such as sensitive species activity, roads to park features may be closed temporarily to insure visitor safety and control, and to protect natural resources. Closures will be identified by posting, maps, media notifications, and closing of access routes through barricades and/or gates.

Park management reserves the right to implement emergency road closures on a temporary basis any time public safety concerns arise.

- Shorebird and tern nesting/staging areas at Nauset Marsh and Coast Guard Beach, Eastham; and Jeremy Point, Wellfleet from April 1 - Columbus Day.

Ground nesting, staging, and roosting terns and shorebirds are extremely vulnerable to disturbance and predation by pets. Pets, especially dogs, may chase, harass and kill nesting shorebirds, their eggs and chicks as well as disturb roosting and staging shorebirds if not restrained. In late summer, thousands of migrating shorebirds and terns congregate on the mudflats and beaches of Nauset Marsh/Coast Guard Beach and Jeremy Point to feed and rest. To reduce disturbance to, and the potential for take of, nesting shorebirds, terns, and their chicks during nesting season; and to allow these and other migratory birds to accumulate the energy reserves needed for migration, it is necessary to prohibit pets from Nauset Marsh/Coast Guard Beach, Eastham; and Jeremy Point, Wellfleet.

Dogs used in the course of waterfowl hunting typically do not disturb birds on beaches and mudflats, and therefore are not included in this prohibition. The use of dogs by hunters will be allowed under section §2.15 (b) of this chapter.

- Posted shorebird and tern nesting areas are closed to pedestrians, vehicles, and pets.

Shorebird and tern nesting areas are posted to prohibit public entry during the breeding season to prevent the loss of eggs and chicks through disturbance or destruction by persons, vehicles, and pets. Visitors, vehicles, and pets entering a breeding area could cause the parent bird to leave their nests or chicks. When the adults stop tending to the eggs or young, the offspring are injured or killed by exposure to high temperatures, blowing sand, and predators. Additionally, eggs and chicks are camouflaged to avoid detection making them susceptible to being crushed.

Designated for Special Use or Activity

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

- Bike Trails:
 - Nauset Bike Trail
 - Province Lands Bike Trail
 - Head of the Meadow Bike Trail
 - Cape Cod Rail Trail
- Surfing Beaches:
 - Surfing is allowed on all saltwater beaches except when lifeguards are on duty on protected swimming beaches.

Swimming Beaches/Areas (as posted):

- Herring Cove Beach
- Race Point Beach
- Head of the Meadow Beach
- Marconi Beach
- Nauset Light Beach
- Coast Guard Beach (Town of Eastham)

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

When a near closure (less than ½ mile), or total closure of the Seashore's Off-Road Vehicle (ORV) corridor exists, the Superintendent will be able to relax time and date restrictions entered in Part 7 - Special Regulations, in accordance with the 2007 ORV EA. This will enable management to consider:

- 1) Open ORV corridor north of High Head access prior to July 21. In addition, open the ORV corridor between High Head access and Head of the Meadow access, prior to July 1.
- 2) Temporary daytime access to the ORV corridor south of Coast Guard Beach in Truro until June 30th.

The purpose of the 2007 ORV Environmental Assessment was to afford the Superintendent flexibility to open areas of the beach to ORV traffic where piping plover nesting activity would not be impacted by such use.

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

(f) The following is a compilation of those activities for which a permit from the superintendent is required:

- §1.5(d) Relating to Public Use Limits:
 - To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with the criteria and procedures of 36 CFR 1.6.
 - Overnight fishing permits (parking)
 - Fire permits
- §2.5(a) Specimen Collection
- §2.12 Audio Disturbances:
 - (a)(2) Operating a chain saw in developed areas
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
 - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
 - (c)(1) Removal of downed aircraft
- §2.23(b) Entrance
- §2.37 Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks

- §2.50 Special Events (i.e.: large gatherings, walkathons, bicycle events, parades, ceremonies and similar events)
- §2.51 Public Assembly and Meetings
- §2.52 Sale or Distribution of Printer Matter
- §2.62 Memorialization
- §4.11(a) Exceeding of established vehicle load, weight and size limits
- §5.1 Advertisements – (Display, posting or distribution)
- §5.3 Business Operations (Incidental Business Permit)
- §5.5 Commercial Photography
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.
- §7.67(a)(4) Off Road Vehicle (See 36 CFR § 7.67 Special Regulations)

All recreation, film, photo or business permits are coordinated out of the Chief Ranger's office. All Research and Collection permits are coordinated out of the Natural Resource Division Chief's office. All permits, related to "Seashore Partners" and the Highland Center, are coordinated out of the Superintendent's office or Interpretation and Cultural Resource Division Chief's office. Fire permits are issued at the Visitor Centers, Oversand Office or Ranger Stations. Night time fishing permits are issued at the Visitor Centers or the Ranger Stations. Off-Road vehicle permits are issued out of the Oversand Office near Race Point Beach.

III. GENERAL REGULATIONS, PART 2

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

(a)(4) Driftwood, flotsam, and jetsam may be collected for use as fuel for campfires within the park on beaches below the spring high tide drift line.

The collection of driftwood, flotsam and jetsam is determined not to be detrimental to the protection of the beach environment. Driftwood, flotsam and jetsam are considered hazards to navigation and may be collected from beaches below the spring high tide drift line. All archeological resources, cultural resources, and lobster traps are protected by law, and may not be removed except by the authority of the Superintendent.

(b) Hiking or pedestrian traffic is restricted to the trail or walkway as listed in Section 1.5 of this document.

- Hiking and pedestrian use in the following dune or swamp areas is restricted to designated paths and walkways. Beach areas are open to foot travel except as restricted by the posting of signs or fencing.

Coast Guard Beach
 Head of the Meadow Beach
 Nauset Light Beach
 Race Point Beach
 Marconi Beach
 Marconi Site
 Atlantic White Cedar Swamp
 Herring Cove Beach
 Red Maple Swamp
 Small's Swamp

Pamet Cranberry Bog
Trails in posted erosion control and plant restoration areas

Visitor use areas which exist within dune or swamp areas requires the limitation of foot travel to designated walkways in order to protect fragile dune and swamp flora and fauna from damaging foot traffic.

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

- The following fruits and berries may be gathered by hand for personal use or consumption in amounts not to exceed one gallon, per person, per day. Collection is permitted in all park areas except those designated as closed in Section 1.5.
 1. All designated fruits and berries
Limit one (1) gallon per person per day
Bayberry (Myrica pensylvania)
Beachplum (Prunus maritima)
Blackberry (Rubus spp.)
Blueberry (Vaccinium spp.)
Cranberry (Vaccinium macrocarpon)
Dewberry (Rubus spp.)
Grapes (Vitus spp.)
Huckleberry (Gaylussacia spp.)
Juneberry (Amelanchier spp.)
Raspberry (Rubus occidentalis)
Salt Spray Rose Hips (Rosa rugosa)
Teaberry (Gaultheria procombens)
Bayberry (Myrica carolinensis)
 2. All Edible mushrooms
Limit five (5) gallons per person per day. Collection is permitted in all park areas except those designated as closed in Section 1.5 to pedestrian traffic. Digging or other soil disturbance during the course of collecting mushrooms is prohibited.
 3. All unoccupied seashells
Limit one (1) gallon container per person per day

Based on information from individuals knowledgeable in the field of park resources, and the habitat of Cape Cod National Seashore, the Superintendent has determined that the gathering, use, or consumption of the following natural products at the indicated quantity will not adversely affect park wildlife, the reproduction potential of a plant species, or otherwise adversely affect park resources.

36 CFR §2.2 - WILDLIFE PROTECTION

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

- Hunting
 - Hunting is authorized in Cape Cod National Seashore under Section 7.67(f).
 - Hunting is permitted in accordance with applicable state and federal hunting laws and regulations, except as further specified in this section or other federal laws or regulations.

- Hunting is prohibited from March 1 through August 31.
- Hunting or the possession of a loaded weapon is prohibited on or within 500 feet of established bicycle trails. Discharge of a weapon across any established bicycle trail is prohibited. These restrictions apply to the following bicycle trails:

Nauset Bike Trail
 Province Lands Bike Trail
 Head of the Meadow Bike Trail
 Cape Cod Rail Trail

- Hunting or the possession of a loaded weapon is prohibited within 500 feet of any building, except as authorized by the owner or occupant thereof.
- Hunting or the possession of a loaded weapon is prohibited, regardless of land ownership, in certain areas within the boundaries of Cape Cod National Seashore pursuant to 36 CFR 1.5 and 36 CFR 7.67(f). These areas include the following:

Fort Hill Area (Eastham)
 Marconi Station/Cedar Swamp Area (Wellfleet)
 Cedar Banks Area (Eastham)
 Former Ball Trust Land (Truro)
 Pilgrim Heights Area (Truro)
 Beech Forest Area (Provincetown)

The specific areas in which hunting is allowed are designated on the Seashore's Hunting Brochure and individual area maps, which are available for review in the Chief Ranger's Office at Park Headquarters, the visitor centers, and ranger stations.

- Upland game, as used in 36 CFR 7.67, includes the following species:
 - Crow, Ruffed Grouse, Quail, English Sparrow, Starling, Pheasant.
 - Cottontail Rabbit, Snowshoe Hare, Opossum, Raccoon, Fox, Coyote, Gray Squirrel, Red Squirrel, Chipmunk, Weasel, Skunk, Woodchuck
- The disposal/dumping of an animal carcass is prohibited.

Hunting is a permitted activity as written in PL 86-127 the enabling legislation of Cape Cod National Seashore and the 2007 Hunting Environment Impact Statement. Hunting regulations are established to protect private property, park structures, and public use areas where high concentrations of public activity would result in safety and user conflicts.

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

- The use of artificial lights at night for hunting wildlife is prohibited in Cape Cod National Seashore.

This is to protect wildlife from disturbances and to prevent illegal hunting activities within the boundaries of the park.

36 CFR §2.3 – FISHING

(d)(8) Fishing is allowed in or from the following otherwise prohibited areas:

Swimming Beaches:

- Fishing is authorized from designated swimming beaches throughout the year except from 8:00am – 6:00pm from June 15 – Labor Day.

Fishing from designated Swimming beaches from 6 pm – 8 am is allowed due to an absence of safety and visitor conflict concerns.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

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

- Possession of weapons, traps, and nets is allowed, only in accordance with requirements enumerated in 36 CFR 7.67 and assimilated State regulations, when engaged in hunting activities in the Seashore.

36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for certain campgrounds or camping activities, and conditions for camping and camping activities are in effect as noted:

- Camping in self-contained vehicles is permitted in the designated Race Point North and Race Point South Self-Contained Areas in accordance with requirements enumerated in 7.67(a)(5).

Designated camping areas along the oversand route are established with time, place, vehicle, and number conditions which protect environment and limit public use conflicts.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

Designated Areas:

- Small fires are allowed by permit on designated salt-water beaches (except for protected or posted beach areas). The Superintendent may restrict the number of permits issued according to the visitor use and resource conditions in the area. Designated beaches are:
 - Coast Guard (4)
 - Nauset Light (4)
 - Marconi (4)
 - Head of the Meadow (3)
 - Herring Cove (3 North, 2 South)
 - Race Point (4)
 - Race Point North oversand corridor (3)
 - Race Point South oversand corridor (3)
- Fires are also allowed in the two oversand route self-contained vehicle areas, and do not require a permit.

Established Conditions for Fires:

1. Fire location and date are only valid as written on the fire permit.

2. From June – September beach fires must be located between 100 and 500 feet beyond the lifeguard protected beach (diagram on fire permit illustrates this designated area). The protected beach area is designated by “End of Lifeguard Protected Beach” signs.
3. Fires are not allowed in areas of vegetation or at the base of the dune.
4. Fires must be small, with flames not more than three feet high.
5. Fires must be completely extinguished with water by the time indicated on the permit. Fires must not be buried.
6. Fires may not be ignited before 5 PM (5:30 PM for Coast Guard Beach).

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

- Contained charcoal grill or gas grill fires are allowed (without permit) at all beaches and the following designated picnic areas:

Doane Rock
 Pilgrim Heights
 Beech Forest
 Self Contained Vehicle Areas
 Marconi Site
 Marconi Beach (Picnic Site)
 Great Island
 Outer Beach (except for protected or posted beach areas)

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

- Fires will be extinguished by 11:30 pm, except for person(s) night fishing with fire permits on the Coast Guard ORV corridor.

Designated locations for fires and charcoal and gas grills are established in areas, which provide for adequate supervision, and in concert with a permit system, protect beach and upland environments and limit public use conflicts.

36 CFR §2.15 – PETS

(a)(1) The following structures and/or areas are closed to the possession of pets:

- Pets are prohibited on the following trails:

Atlantic White Cedar Swamp	Nauset Marsh
Beech Forest	Pamet Cranberry Bog
Buttonbush	Pilgrim Spring
Nauset Bicycle	Fort Hill
Red Maple Swamp	Province Lands Bicycle (May 1 – Oct. 31)
Great Island (south of the gut)	Small Swamp
West	Sunset

- Pets are prohibited from the following areas:
 - Freshwater pond beaches and water: May 15 – October 15.

The presence of dogs and other pets along designated nature trails and ponds is determined to result in user conflicts and health and safety concerns. Pets, that are not controlled and are unfriendly, result in safety concerns for other visitors and animals. Pets that leave their scent on nature trails and ponds may disrupt the natural activities of the wildlife

Fresh water ponds are a unique and sensitive resource with significant ecological, aesthetic, and recreational value. Many of the kettle ponds are very susceptible to changes in water quality due to increased sedimentation and nutrient loading. Dogs can add phosphorous, nitrogenous compounds and bacterial and possibly viral organisms to the water column by urination and defecation along the pond shorelines.

Because of ecological considerations, aesthetics, and visitor conflicts, this action to restrict dogs at ponds within the Seashore between May 15 - October 15 is being taken.

- Lifeguard protected beaches (leashed pets may only pass through the protected beach area).

Pets on leash are permitted to pass through lifeguard protected areas in order to reach areas where they may otherwise be allowed. This is due to the public use limit restrictions in the primary/foredune and beach cliff areas.

(a)(3) Pets may be left unattended and tied to an object in the following areas, under the conditions noted:

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

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

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

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

- Dogs may be used while hunting in accordance with state laws, with the exception that only six (6) dogs per group are allowed when hunting on Seashore lands. The training of dogs is prohibited except during the established hunting season for rabbits, and prescribed waterfowl seasons.

The use of hunting dogs in park areas open to hunting activity and in accordance with established state law and hunting seasons is determined to be appropriate. The limit of six (6) dogs per hunting group is established to provide greater control of the animals. The training of dogs is limited to established hunting seasons to reduce user conflicts, protect park resources, and be in compliance with 36CFR.

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

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

36 CFR §2.16 – HORSES and PACK ANIMALS

(b) The use of horses or pack animals is allowed on the following trails, routes or areas:

- Trail riding and horse use is permitted only in the following locations:
 - Province Lands
 - Sunset Trail
 - West Trail
 - Herring Cove Trail (Beach route north to Hatches Harbor (Oct. 15 – May 15))

Park fire and dirt roads (except ORV routes and those designated as interpretive trails.)
On all saltwater beaches (Oct. 15 – May 15)
Beside Cape Cod Rail Trail

The designated times and location for riding horses within the Seashore are established to limit user conflicts and to protect fragile park environments.

36 CFR §2.17 – AIRCRAFT and AIR DELIVERY

(a)(1) Areas designated for operating or using aircraft are provided for in section 7.

- Land based aircraft may be landed at Provincetown Airport as authorized in 7.67(b).

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices are allowed only in the following areas:

- Most Park roadways and all Park parking lots and bike trails are designated as open to roller skating, skateboards, roller skis, roller blades, coasting vehicles or similar devices in accordance with state law and local ordinances. (State law ch. 720 §9.09, allows pedestrians [skates] to proceed “when practicable” on the left side of the roadway on its unfinished shoulder facing traffic).
- Only roller skates and in-line skates are allowed on Race Point Road and Province Lands Road. Individuals are prohibited from using skateboards, roller skis, coasting vehicles, and any other similar devices on these two roads, and all other areas posted as closed to this activity.

36 CFR §2.21 – SMOKING

(a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking as noted:

- Smoking is prohibited within the interior portions of all NPS buildings, other than residences.

These restrictions are intended to reduce any possible conflict between users and the harmful effects of second hand smoke and to protect park structures from fire danger or smoke. This prohibition is consistent with federal law.

36 CFR §2.23 – RECREATION FEES

(b) Recreation fees, and/or a permit, in accordance with 36 CFR part 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:

Entrance Fee Areas:

- Coast Guard Beach (Little Creek)
- Head of the Meadow Beach
- Nauset Light Beach
- Herring Cove Beach
- Marconi Beach

- Race Point Beach

Special Recreation Permit Fee:

- Salt Pond canoe trip
- Old Harbor Beach Apparatus Drill

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- The possession or consumption of an alcoholic beverage is prohibited within all ranger stations, visitor centers, amphitheaters and government buildings except government owned housing, unless specifically allowed as part of official duty or as part of a special event authorized by the Superintendent.

These locations are closed to the consumption of alcohol as it is deemed an inappropriate activity considering the other uses of these areas for educational, administrative, and interpretative activities.

36 CFR §2.62 – MEMORIALIZATION

(b) A permit is required for the scattering of ashes from cremated human remains, or in the following designated areas without a permit, in accordance with the following terms and conditions:

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

- The remains to be scattered must have been cremated and pulverized.
- The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, developed facility, or body of water.

IV. GENERAL REGULATIONS, PART 3

36 CFR §3.8 – PROHIBITED VESSEL OPERATIONS

(a)(2) Launching or recovering a vessel is prohibited, except at the following launch sites designated by the superintendent:

- Open ORV routes
- Chequeussett Landing

Launch sites are identified due to the ability to access these areas by trailered vessels.

(b)(5) Operating a power driven or sailing vessel within marked designated swimming area is prohibited.

The following posted areas are designated as swimming beaches from June 15 – Labor Day and are closed to boating activities:

- Coast Guard Beach
- Head of the Meadow Beach
- Nauset Light Beach
- Race Point Beach
- Marconi Beach
- Herring Cove Beach

Designated swimming beaches are identified as areas closed to boating to avoid visitor use conflicts and for public safety.

36 CFR §3.9 – PERSONAL WATERCRAFT (PWC)

- **Personal Watercraft are prohibited within the boundaries of Cape Cod National Seashore.**

Personal Watercraft poses unacceptable risk of injury to operators and bystanders, and conflicts with other longstanding uses of the Seashore.

36 CFR §3.16 – SWIMMING AND WADING

Swimming or wading is allowed within the boundaries of Cape Cod National Seashore, except where designated as closed by the posting of signs in accordance with §§ 1.5 and 1.7 of this chapter.

36 CFR §3.17 – REGULATIONS THAT APPLY WITHIN DESIGNATED SWIMMING BEACHES

(a) The superintendent may designate areas for swimming areas or swimming beaches.

The following posted areas are designated as swimming beaches from June 15 – Labor Day.

- Coast Guard Beach
- Head of the Meadow Beach
- Nauset Light Beach
- Race Point Beach
- Marconi Beach
- Herring Cove Beach

(b) Within designated lifeguard protected beaches (as signed and when lifeguards are on duty) the use of a surfboard or similar rigid device is prohibited.

(c) Within designated lifeguard protected beaches (as signed and when lifeguards are on duty) the use of flotation devices, kites, or incompatible sporting activities is not permitted on the following swimming beaches, as noted:

- Use of flotation devices (other than properly worn U.S. Coast Guard approved personal flotation devices) and scuba gear
- Sporting events (except as authorized by Special Use Permit)
- Kite Flying

Within designated lifeguard protected beaches the possession of glass containers is prohibited.

The identified activities are determined to threaten public health and safety and cause user conflicts.

V. GENERAL REGULATIONS, PART 4

36 CFR §4.10 – TRAVEL ON PARK ROADS AND ROUTES

(b) Routes and areas for off-road vehicle use are provided for in section 7 and in section 1.5(a)(2).

- Designated oversand vehicle routes for Cape Cod National Seashore are promulgated as Special Regulations in Section 7.67(a)(1) and attached to this document as Appendix 1.

36 CFR §4.21 – SPEED LIMITS

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

- Eastham:
 - Cable Road – 30 MPH from Nauset Road to Ocean View Drive
 - Doane Road – 30 MPH from Nauset Road to Coast Guard Beach
 - Nauset Road – 30 MPH from Route 6 (by SPVC) to Park Boundary; 20 MPH through curves
- Wellfleet:
 - Marconi Beach Road
 - 30 MPH from Route 6 to 100' east of gate
 - 30 MPH from 100' east of gate to Marconi Beach parking lot
 - 15 MPH from parking lot to bathhouse
 - Marconi Site Road – 30 MPH from Marconi Beach Road to Marconi Site
- Provincetown:
 - North and South Oversand Routes – 15 MPH
 - Self-Contained Areas – 5 MPH
 - Shorebird Nesting Areas – 5 MPH
 - Race Point Road – 30 MPH from Race Point Beach to Park boundary
 - Province Lands Road – 40 MPH from Route 6 to Race Point Road, except 30 MPH at entrance to Herring Cove Beach
 - Route 6 East of Province Lands Road Intersection
 - 50 MPH at Park boundary
 - 40 MPH approaching Province Lands Road intersection
 - Route 6/Province Lands Road Intersection and Moors Road – 30 MPH

36 CFR §4.30 – BICYCLES

(a) Park roads and parking areas that are closed to bicycle use are listed in section 1.5 of this document.

- Bicycles are permitted on park roads and parking areas. The following routes are designated for bicycle use:

Nauset Bike Trail

Park Fire Roads
Head of the Meadow Bike Trail
Cape Cod Rail Trail
Province Lands Bike Trail

Appendix – 1

36 CFR §7.67 Special Regulations

a) Off-road operation of motor vehicles.

(1) *What do I need to do to operate a vehicle off road?* To operate a vehicle off road at Cape Cod National Seashore, you must meet the requirements in paragraphs (b) through (e) of this section. You also must obtain a special permit if you:

- (i) Will use an oversand vehicle (see paragraphs (a)(6) and (a)(7) of this section for details);
- (ii) Will use an oversand vehicle to camp (see paragraph (a)(8) of this section for details); or
- (iii) Are a commercial operator (see paragraph (a)(9) of this section for details).

(2) *Where and when can I operate my vehicle off road?* You may operate a vehicle off road only under the conditions specified in the following table, except when a near (less than ½ mile) or total closure exists (see section I. 36 CFR §1.5). However, the Superintendent may close any access or oversand route at any time for weather, impassable conditions due to changing beach conditions, or to protect resources.

ROUTE	WHEN YOU MAY USE THE ROUTE
On the Outer beach between the opening to Hatches Harbor, around Race Point to High Head, including the North and South Beach access routes at Race Point and the bypass route at Race Point Light.	April 15 through November 15, except Exit 8 to High Head which is closed April 1 through July 20.
Off road vehicle corridor from Exit 8 to High Head	July 21 through November 15.
Access road at High Head from the inland parking area to the primary dune.	January 1 through December 31.
Designated dune parking at High Head (for fishing only)	January 1 through December 31.
Power Line Route access and fishing parking area	Only when the Superintendent opens the route due to high tides, beach erosion, shorebird closure or other circumstances which will, as a result, warrant public use of this access way.
On controlled access routes for residents or caretakers of individual dune cottages in the Province Lands.	January 1 through December 31.
On commercial dune taxi routes following portions of the outer beach and cottage access routes as described in the appropriate permit.	April 15 through November 15.
On the outer beach from High Head to Head of Meadow	July 1 through August 31.
Coast Guard beach in Truro to Long Nook beach	April 15 through November 15 (hours posted).

- (3) *May I launch a boat from a designated route?* Boat trailering and launching by a permitted vehicle from a designated open route corridor is permitted.
- (4) *What travel restrictions and special rules must I obey?* You must comply with all applicable provisions of this chapter, including part 4, as well as the specific provisions of this section.
- (i) On the beach, you must drive in a corridor extending from a point 10 feet seaward of the spring high tide drift line to the berm crest. You may drive below the berm crest only to pass a temporary cut in the beach, and you must regain the crest immediately following the cut. Delineator posts mark the landward side of the corridor in critical areas.
 - (ii) On an inland oversand route, you must drive only in a lane designated by pairs of delineator posts showing the sides of the route.
 - (iii) An oversand route is closed at any time that tides, nesting birds, or surface configuration prevent vehicle travel within the designated corridor.
 - (iv) When two vehicles meet on the beach, the operator of the vehicle with the water on the left must yield, except that self-contained vehicles always have the right of way.
 - (v) When two vehicles meet on a single-lane oversand route, the operator of the vehicle in the best position to yield must pull out of the track only so far as necessary to allow the other vehicle to pass safely, and then must back into the established track before resuming the original direction of travel.
 - (vi) If you make a rut or hole while freeing a stuck vehicle, you must fill the rut or hole before you remove the vehicle from the immediate area.
- (5) *What activities are prohibited?* The following are prohibited:
- (i) Driving off a designated oversand route
 - (ii) Exceeding a speed of 15 miles per hour unless posted otherwise.
 - (iii) Parking a vehicle in an oversand route so as to obstruct traffic.
 - (iv) Riding on a fender, tailgate, roof, door or any other location on the outside of a vehicle.
 - (v) Driving a vehicle across a designated swimming beach at any time when it is posted with a sign prohibiting vehicles.
 - (vi) Operating a motorcycle on an oversand route.
- (6) *What special equipment must I have in my vehicle?* You must have in your vehicle all the equipment required by the Superintendent, including:
- (i) Shovel;
 - (ii) Tow rope, chain, cable or other similar towing device;
 - (iii) Jack;
 - (iv) Jack support board;
 - (v) Low air pressure tire gauge; and
 - (vi) Five tires that meet or exceed established standards.
- (7) *What requirements must I meet to operate an oversand vehicle?* You may operate an oversand vehicle only if you first obtain an oversand permit from the Superintendent. The Superintendent administers the permit system for oversand vehicles and charges fees that are designed to recover NPS administrative costs.
- (i) The oversand permit is a Special Use Permit issued under the authority of 36 CFR 1.6 and 4.10. You must provide the following information for each vehicle for which you request a permit:
 - (A) Name and address of registered owner;
 - (B) Driver's license number and State of issue;
 - (C) Vehicle license plate number and State of issue; and
 - (D) Vehicle description, including year, make, model and color; make, model and size of tires.
 - (ii) Before we issue a permit, you must:
 - (A) Demonstrate that your vehicle is equipped as required in paragraph (a)(6) of this section;
 - (B) Provide evidence that you have complied with all Federal and State licensing registering, inspecting and insurance regulations; and
 - (C) View an oversand vehicle operation educational program and ensure that all other potential operators view the same program.

- (iii) The Superintendent will affix the permit to your vehicle at the time of issuance.
 - (iv) You must not transfer your oversand permit from one vehicle to another.
- (8) *What requirements must I meet to operate an oversand vehicle in the off season?* To operate an oversand vehicle between November 16 and April 14, you must obtain from the Superintendent an oversand permit and a limited access pass. We will issue you a limited access pass if you have a valid oversand permit (see paragraph (a)(7) of this section) and if you have viewed an educational program that outlines the special aspects of off season oversand use.
- (i) You may operate a vehicle during the off-season only on the portion of the beach between High Head and Hatches Harbor.
 - (ii) You must not operate a vehicle during the off-season within two hours either side of high tide.
 - (iii) We may issue a limited access pass for the following purposes:
 - (A) Access to town shellfish beds at Hatches Harbor;
 - (B) Recovery of personal property, flotsam and jetsam from the beach;
 - (C) Caretaker functions at a dune cottage; or
 - (D) Fishing.
- (9) *What requirements must I meet to use an oversand vehicle for camping?* You may use an oversand vehicle to camp on the beach only in the manner authorized in this section or as authorized by the Superintendent through another approved permitting process.
- (i) You must possess a valid permit issued under paragraph (a)(7) of this section.
 - (ii) You may camp only in a self-contained vehicle that you park in a designated area. A self-contained vehicle has a self-contained water or chemical toilet and a permanently installed holding tank with a minimum capacity of 3 days waste material. There are two designated areas with a maximum combined capacity of 100 vehicles.
 - (A) You must drive the self-contained vehicle off the beach to empty holding tanks at a dumping station at intervals of no more than 72 hours.
 - (B) Before returning to the beach, you must notify the Oversand Station as specified by the Superintendent.
 - (iii) You must not drive a self-contained vehicle outside the limits of a designated camping area except when entering or leaving the beach by the most direct authorized route.
 - (iv) You are limited to a maximum of 21 days camping on the beach from July 1 through Labor Day.
- (10) *What special requirements must I meet if I have a commercial vehicle?*
- (i) To operate a passenger vehicle for hire on a designated oversand route, you must obtain a permit from the Superintendent. The Superintendent issues the permit under the authority of 36 CFR 1.6, 4.10 and 5.6.
 - (ii) You must obey all applicable regulations in this section and all applicable Federal, State and local regulations concerning vehicles for hire.
 - (iii) You must provide the following information for each vehicle that will use a designated oversand route:
 - (A) Name and address of tour company and name of company owner;
 - (B) Make and model of vehicle;
 - (C) Vehicle license plate number and State of issue; and
 - (D) Number of passenger seats.
- (11) *How will the Superintendent manage the off-road vehicle program?*
- (i) The Superintendent will issue no more than a combined total of 3400 oversand permits annually, including self-contained permits.
 - (ii) The Superintendent will monitor the use and condition of the oversand routes to review the effects of vehicles on natural, cultural, and aesthetic resources in designated corridors. If the Superintendent finds that resource degradation or visitor impact is occurring, he/she may amend, rescind, limit the use of, or close designated routes. The Superintendent will do this consistent with 36 CFR 1.5 and 1.7 and all applicable Executive Orders;
 - (iii) The Superintendent will consult with the Cape Cod National Seashore Advisory Commission regarding management of the off-road vehicle program.

- (iv) The Superintendent will recognize and use volunteers to provide education, inventorying, monitoring, field support, and other activities involving off-road vehicle use. The Superintendent will do this in accordance with 16 U.S.C. 18 g-j.
- (v) The Superintendent will report annually to the Secretary of the Interior and to the public the results of the monitoring conducted under this section, subject to availability of funding.
- (12) *What are the penalties for violating the provisions of this section?* Violation of a term or condition of an oversand permit issued in accordance with this section is prohibited. A violation may also result in the suspension or revocation of the permit.
- (13) *Has OMB approved the collection of information in this section?* As required by 44 U.S.C. 3501 et seq., the Office of Management and Budget has approved the information collection requirement contained in this section. The OMB approval number is 1024-0026. We are collecting this information to allow the Superintendent to issue off-road vehicle permits. You must provide the information in order to obtain a permit.
- (14) *Are other ORV corridor options available during the piping plover and tern bird nesting season?* As per the ORV EA finalized in 2007, the selected alternative enables Seashore staff to implement one or more of the following options only if a near closure (less than ½ mile) or total closure of the ORV corridor occurs
 - (i) The park will consider opening access to the High Head north ORV corridor prior to July 21st. In addition, the park would explore opening access to the ORV corridor near High Head and Head of the Meadow prior to July 1st.
 - (ii) The park would consider temporary daytime access to the ORV corridor south of Coast Guard Beach in Truro until June 30th.

(b) Aircraft.

- (1) Land based aircraft may be landed only at the Provincetown Airport approximately one-half mile south of Race Point Beach in the Provincelands area.
- (2) Float equipped aircraft may be landed only on federally controlled coastal water in accordance with Federal, State, and local laws and regulations.

(c) Motorboats. Motorboats are prohibited from all federally owned ponds and lakes within the seashore in Truro and Provincetown.

(d) Shellfishing. Shellfishing, by permit from the appropriate town, is permitted in accordance with applicable Federal, State, and local laws.

(e) Public nudity. Public nudity, including public nude bathing, by any person on Federal land or water within the boundaries of Cape Cod National Seashore is prohibited. Public nudity is a person's intentional failure to cover with a fully opaque covering that person's own genitals, pubic areas, rectal area, or female breast below a point immediately above the top of the areola when in a public place. Public place is any area of Federal land or water within the Seashore, except the enclosed portions of bathhouses, restrooms, public showers, or other public structures designed for similar purposes or private structures permitted within the Seashore, such as trailers or tents. This regulation shall not apply to a person under 10 years of age.

(f) Hunting.

- (1) Hunting is allowed at times and locations designated as open for hunting.
- (2) Only deer, upland game, and migratory waterfowl may be hunted.
- (3) Hunting is prohibited from March 1 through August 31 of each year.