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May 29, 1991

Memorandum

Special Directive 91-3

To: Directorate, Field Directorate, WASO Office and
Division Chiefs, and all Superintendents

From: Acting Director, /s/ Herbert S. Cables

Subject: Information on Public Nudity

Continuing concern from the public and from park managers regarding nude sunbathing or swimming at national seashores and in other park areas suggests the need for information on appropriate management of these activities.

The National Park Service (NPS) policy regarding recreational activities states, in part, that:

The National Park Service will encourage recreational activities that are consistent with applicable legislation, and that are compatible with other visitor uses.

The National Park Service will manage recreational activities and settings so as to protect park resources, provide for public enjoyment, promote public safety, and minimize conflicts with other visitor activities and park uses.

Unless the activity is mandated by statute, the National Park Service will not allow a recreational activity in a park or in certain locations within a park if it would involve or result in ... unacceptable impacts on visitor enjoyment due to interference or conflict with other visitor use activities, among other things. (Management Policies, 8:2).

Although swimming and sunbathing are popular recreational activities enjoyed by visitors to national seashores and other park areas, activities regarding nude or "clothing optional" swimming or sunbathing has been consistent over the years. Because of the potential for such use conflicting with the enjoyment of visitors participating in other recreational uses, the NPS will neither encourage persons to engage in such activities, nor will

we designate areas for the use of individuals or groups wishing to engage in public recreation activities in the nude.

There is no Federal regulation prohibiting nudity that applies to all units of the NPS. Only Cape Cod National Seashore has a special regulation in effect that addresses such activity. When **unacceptable visitor conflicts** occur as a result of public nudity, a resolution of the situation should be attempted informally, if appropriate, with the persons who are the subject of the complaint. If informal attempts fail to resolve the conflict and enforcement action becomes necessary, the option may exist of either applying NPS regulations addressing disorderly conduct (36 CFR 2.34), park specific regulations, or State or local laws that specifically prohibit public nudity. The latter method has the advantage of providing consistency in enforcement on both Federal lands and adjacent areas.

Park areas experiencing a particularly difficult situation that cannot be solved by the above methods may wish to propose park specific rulemaking that will address these problems. There is no current plan to promulgate Servicewide regulations regarding this activity.

For additional information, please contact the Ranger Activities Division, WASO, at FTS 268-4874, or commercial 202-208-4874.

Effective Period: This information will remain in effect indefinitely, or until superseded by the promulgation of regulations.