

# Title 36—Parks, Forests, and Public Property

(This book contains parts 1 to 199)

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# CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

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EDITORIAL NOTE: Nomenclature changes to chapter I appear at 60 FR 55790, Nov. 3, 1995; 61 FR 28505, June 5, 1996; and at 62 FR 30234, June 3, 1997.

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## PART I—GENERAL PROVISIONS

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AUTHORITY: 16 U.S.C. 1, 3, 9a, 460 1-6a(e), 462(k); D.C. Code 8-137, 40-721 (1981).

SOURCE: 48 FR 30275, June 30, 1983, unless otherwise noted.

### § 1.1 Purpose.

(a) The regulations in this chapter provide for the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the National Park Service.

(b) These regulations will be utilized to fulfill the statutory purposes of units of the National Park System: to conserve scenery, natural and historic objects, and wildlife, and to provide for the enjoyment of those resources in a manner that will leave them unimpaired for the enjoyment of future generations.

### § 1.2 Applicability and scope.

(a) The regulations contained in this chapter apply to all persons entering, using, visiting, or otherwise within:

(1) The boundaries of federally owned lands and waters administered by the National Park Service;

(2) The boundaries of lands and waters administered by the National Park Service for public-use purposes pursuant to the terms of a written instrument;

(3) Waters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters and areas within their ordinary reach (up to the mean high water line in places subject to the ebb and flow of the tide and up to the ordinary high water mark in other places) and without regard to the ownership of submerged lands, tidelands, or lowlands;

(4) Lands and waters in the environs of the District of Columbia, policed with the approval or concurrence of the head of the agency having jurisdiction or control over such reservations, pursuant to the provisions of the Act of March 17, 1948 (62 Stat. 81);

(5) Other lands and waters over which the United States holds a less-than-fee interest, to the extent necessary to fulfill the purpose of the National Park Service administered interest and compatible with the nonfederal interest.

(b) The regulations contained in parts 1 through 5, part 7, and part 13 of this chapter do not apply on non-federally owned lands and waters or on Indian tribal trust lands located within National Park System boundaries, except as provided in paragraph (a) or in regulations specifically written to be applicable on such lands and waters.

(c) The regulations contained in part 7 and part 13 of this chapter are special regulations prescribed for specific park areas. Those regulations may amend, modify, relax or make more stringent the regulations contained in parts 1 through 5 and part 12 of this chapter.

(d) The regulations contained in parts 2 through 5, part 7, and part 13 of this section shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resource management plans, or in emergency operations involving threats to life, property, or park resources.

(e) The regulations in this chapter are intended to treat a mobility-impaired person using a manual or motorized wheelchair as a pedestrian, and are not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same regulations.

[51 FR 37010, Oct. 17, 1986, as amended at 52 FR 10683, Apr. 2, 1987; 52 FR 35239, Sept. 18, 1987; 61 FR 35136, July 5, 1996]

### § 1.3 Penalties.

(a) A person convicted of violating a provision of the regulations contained in parts 1 through 7, 12 and 13 of this chapter, within a park area not covered in paragraphs (b) or (c) of this section, shall be punished by a fine as provided

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by law, or by imprisonment not exceeding 6 months, or both, and shall be adjudged to pay all costs of the proceedings.

(b) A person who knowingly and willfully violates any provision of the regulations contained in parts 1 through 5, 7 and 12 of this chapter, within any national military park, battlefield site, national monument, or miscellaneous memorial transferred to the jurisdiction of the Secretary of the Interior from that of the Secretary of War by Executive Order No. 6166, June 10, 1933, and enumerated in Executive Order No. 6228, July 28, 1933, shall be punished by a fine as provided by law, or by imprisonment for not more than 3 months, or by both.

NOTE: These park areas are enumerated in a note under 5 U.S.C. 901.

(c) A person convicted of violating any provision of the regulations contained in parts 1 through 7 of this chapter, within a park area established pursuant to the Act of August 21, 1935, 49 Stat. 666, shall be punished by a fine as provided by law and shall be adjudged to pay all costs of the proceedings. 16 U.S.C. 462.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, a person convicted of violating § 2.23 of this chapter shall be punished by a fine as provided by law. 16 U.S.C. 460.

[61 FR 2918, Jan. 30, 1996]

### § 1.4 What terms do I need to know?

(a) The following definitions shall apply to this chapter, unless modified by the definitions for a specific part or regulation:

*Abandonment* means the voluntary relinquishment of property with no intent to retain possession.

*Administrative activities* means those activities conducted under the authority of the National Park Service for the purpose of safeguarding persons or property, implementing management plans and policies developed in accordance and consistent with the regulations in this chapter, or repairing or maintaining government facilities.

*Airboat* means a vessel that is supported by the buoyancy of its hull and powered by a propeller or fan above the waterline. This definition should not be

construed to mean a “hovercraft,” that is supported by a fan-generated air cushion.

*Aircraft* means a device that is used or intended to be used for human flight in the air, including powerless flight.

*Archeological resource* means material remains of past human life or activities that are of archeological interest and are at least 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, or any portion or piece of the foregoing items, and the physical site, location or context in which they are found, or human skeletal materials or graves.

*Authorized emergency vehicle* means a vehicle in official use for emergency purposes by a Federal agency or an emergency vehicle as defined by State law.

*Authorized person* means an employee or agent of the National Park Service with delegated authority to enforce the provisions of this chapter.

*Bicycle* means every device propelled solely by human power upon which a person or persons may ride on land, having one, two, or more wheels, except a manual wheelchair.

*Boundary* means the limits of lands or waters administered by the National Park Service as specified by Congress, or denoted by presidential proclamation, or recorded in the records of a state or political subdivision in accordance with applicable law, or published pursuant to law, or otherwise published or posted by the National Park Service.

*Camping* means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy.

*Carry* means to wear, bear, or have on or about the person.

*Controlled substance* means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of part B of the Controlled Substance Act (21 U.S.C. 812) or a drug

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or substance added to these schedules pursuant to the terms of the Act.

*Cultural resource* means material remains of past human life or activities that are of significant cultural interest and are less than 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, or any portion or piece of the foregoing items, and the physical site, location, or context in which they are found, or human skeletal materials or graves.

*Developed area* means roads, parking areas, picnic areas, campgrounds, or other structures, facilities or lands located within development and historic zones depicted on the park area land management and use map.

*Director* means the Director of the National Park Service.

*Dive flag* means a flag not less than 12 inches square, red in color, with a white stripe running diagonally from the top of the staff to the opposite lower corner. The white stripe shall be one-fifth the width of the flag.

*Downed aircraft* means an aircraft that cannot become airborne as a result of mechanical failure, fire, or accident.

*Firearm* means a loaded or unloaded pistol, rifle, shotgun or other weapon which is designed to, or may be readily converted to, expel a projectile by the ignition of a propellant.

*Fish* means any member of the subclasses *Agnatha*, *Chondrichthyes*, or *Osteichthyes*, or any mollusk or crustacean found in salt water.

*Fishing* means taking or attempting to take fish.

*Flat wake speed* means the minimum required speed to leave a flat wave disturbance close astern a moving vessel yet maintain steerageway, but in no case in excess of 5 statute miles per hour.

*Harbor* means a natural or artificially improved body of water providing protection for vessels, which may include anchorage, mooring or docking facilities.

*Hunting* means taking or attempting to take wildlife, except trapping.

*Legislative jurisdiction* means lands and waters under the exclusive or con-

current jurisdiction of the United States.

*Manned submersible* means any vessel that carries or is capable of carrying passenger(s) within the confines of the vessel below the surface of the water.

*Manual wheelchair* means a device that is propelled by human power, designed for and used by a mobility-impaired person.

*Motorcycle* means every motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

*Motorized wheelchair* means a self-propelled wheeled device, designed solely for and used by a mobility-impaired person for locomotion, that is both capable of and suitable for use in indoor pedestrian areas.

*Motor vehicle* means every vehicle that is self-propelled and every vehicle that is propelled by electric power, but not operated on rails or upon water, except a snowmobile and a motorized wheelchair.

*National Park System* (Park area) means any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

*Net* means a seine, weir, net wire, fish trap, or other implement designed to entrap fish, except a hand-held landing net used to retrieve fish taken by hook and line.

*Nondeveloped area* means all lands and waters within park areas other than developed areas.

*Operator* means a person who operates, drives, controls, otherwise has charge of or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

*Other Federal reservations in the environs of the District of Columbia* means Federal areas, which are not under the administrative jurisdiction of the National Park Service, located in Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the City of Alexandria in Virginia and Prince Georges, Charles, Anne Arundel, and Montgomery Counties in Maryland, exclusive of military reservations, unless

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the policing of military reservations by the U.S. Park Police is specifically requested by the Secretary of Defense or a designee thereof.

*Pack animal* means horses, burros, mules or other hoofed mammals when designated as pack animals by the superintendent.

*Park area.* See the definition for *National Park System* in this section.

*Park road* means the main-traveled surface of a roadway open to motor vehicles, owned, controlled or otherwise administered by the National Park Service.

*Permit* means a written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.

*Person* means an individual, firm, corporation, society, association, partnership, or private or public body.

*Personal watercraft* refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

*Pet* means a dog, cat or any animal that has been domesticated.

*Possession* means exercising direct physical control or dominion, with or without ownership, over property, or archeological, cultural or natural resources.

*Power-driven vessel* means any vessel propelled by machinery.

*Practitioner* means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by the United States or the jurisdiction in which such person practices to distribute or possess a con-

trolled substance in the course of professional practice.

*Public use limit* means the number of persons; number and type of animals; amount, size and type of equipment, vessels, mechanical modes of conveyance, or food/beverage containers allowed to enter, be brought into, remain in, or be used within a designated geographic area or facility; or the length of time a designated geographic area or facility may be occupied.

*Refuse* means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded materials.

*Regional Director* means the official in charge of a geographic area of the National Park Service.

*Sailing vessel* means any vessel under sail provided, if propelling machinery is fitted, it is not being used.

*Secretary* means the Secretary of the Interior.

*Services* means, but is not limited to, meals and lodging, labor, professional services, transportation, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.

*Sewage* means human body waste or the waste from a toilet or other receptacle intended to receive or retain body waste.

*Smoking* means the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.

*Snowmobile* means a self-propelled vehicle intended for travel primarily on snow, having a curb weight of not more than 1000 pounds (450 kg), driven by a track or tracks in contact with the snow, and steered by ski or skis in contact with the snow.

*State* means a State, territory, or possession of the United States.

*State law* means the applicable and nonconflicting laws, statutes, regulations, ordinances, infractions and codes of the State(s) and political subdivision(s) within whose exterior boundaries a park area or a portion thereof is located.

*Superintendent* means the official in charge of a park area or an authorized representative thereof.

*Take or taking* means to pursue, hunt, harass, harm, shoot, trap, net, capture,



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collect, kill, wound, or attempt to do any of the above.

*Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

*Traffic control device* means a sign, signal, marking or other device placed or erected by, or with the concurrence of, the Superintendent for the purpose of regulating, warning, guiding or otherwise controlling traffic or regulating the parking of vehicles.

*Trap* means a snare, trap, mesh, wire or other implement, object or mechanical device designed to entrap or kill animals other than fish.

*Trapping* means taking or attempting to take wildlife with a trap.

*Underwater diving* means the use of any apparatus, whether self contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water, can obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water. Underwater diving would include, but is not be limited to use of SCUBA, surface supplied air, mixed gas, or re-breathers.

*Underway* means when a vessel is not at anchor, moored, made fast to the shore or docking facility, or aground.

*Unloaded*, as applied to weapons and firearms, means that: (1) There is no unexpended shell, cartridge, or projectile in any chamber or cylinder of a firearm or in a clip or magazine inserted in or attached to a firearm;

(2) A muzzle-loading weapon does not contain gun powder in the pan, or the percussion cap is not in place; and

(3) Bows, crossbows, spear guns or any implement capable of discharging a missile or similar device by means of a loading or discharging mechanism, when that loading or discharging mechanism is not charged or drawn.

*Un-manned submersible* means any device operated by remote control, used or capable of being used, to search or collect below the surface of the water. This definition does not apply to a device being used lawfully for fishing.

*Vehicle* means every device in, upon, or by which a person or property is or may be transported or drawn on land,

except snowmobiles and devices moved by human power or used exclusively upon stationary rails or track.

*Vessel* means every description of watercraft, or other artificial contrivance used, or capable of being used, as a means of transportation on the water. This definition does not apply to a seaplane on the water.

*Weapon* means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a weapon the possession of which is prohibited under the laws of the State in which the park area or portion thereof is located.

*Wildlife* means any member of the animal kingdom and includes a part, product, egg or offspring thereof, or the dead body or part thereof, except fish.

(b) In addition to the definitions in paragraph (a), for the purpose of the regulations contained in parts 3 and 7 of this chapter, the definitions pertaining to navigation, navigable waters and shipping enumerated in title 14 United States Code, title 33 Code of Federal Regulations, title 46 Code of Federal Regulations, title 49 Code of Federal Regulations, the Federal Boating Safety Act of 1971, and the Inland Navigational Rules Act of 1980, shall apply for boating and water activities.

[48 FR 30275, June 30, 1983, as amended at 49 FR 18449, Apr. 30, 1984; 51 FR 37011, Oct. 17, 1986; 52 FR 10683, Apr. 2, 1987; 60 FR 55790, Nov. 3, 1995; 61 FR 35136, July 5, 1996; 62 FR 30234, June 3, 1997; 65 FR 15089, Mar. 21, 2000; 72 FR 13702, Mar. 23, 2007]

### § 1.5 Closures and public use limits.

(a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:

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(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.

(2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

(3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (a)(1) or (2) of this section.

(b) Except in emergency situations, a closure, designation, use or activity restriction or condition, or the termination or relaxation of such, which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park's natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit, or is of a highly controversial nature, shall be published as rulemaking in the FEDERAL REGISTER.

(c) Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action. That determination shall set forth the reason(s) the restriction, condition, public use limit or closure authorized by paragraph (a) has been established, and an explanation of why less restrictive measures will not suffice, or in the case of a termination of a restriction, condition, public use limit or closure previously established under paragraph (a), a determination as to why the restriction is no longer necessary and a finding that the termination will not adversely impact park resources. This determination shall be available to the public upon request.

(d) 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 § 1.6 of this chapter.

(e) Except in emergency situations, the public will be informed of closures, designations, and use or activity restrictions or conditions, visiting hours, public use limits, public use limit pro-

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cedures, and the termination or relaxation of such, in accordance with § 1.7 of this chapter.

(f) Violating a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited.

[48 FR 30275, June 30, 1983, as amended at 51 FR 29470, Aug. 18, 1986]

### § 1.6 Permits.

(a) When authorized by regulations set forth in this chapter, the superintendent may issue a permit to authorize an otherwise prohibited or restricted activity or impose a public use limit. The activity authorized by a permit shall be consistent with applicable legislation, Federal regulations and administrative policies, and based upon a determination that public health and safety, environmental or scenic values, natural or cultural resources, scientific research, implementation of management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities will not be adversely impacted.

(b) Except as otherwise provided, application for a permit shall be submitted to the superintendent during normal business hours.

(c) The public will be informed of the existence of a permit requirement in accordance with § 1.7 of this chapter.

(d) Unless otherwise provided for by the regulations in this chapter, the superintendent shall deny a permit that has been properly applied for only upon a determination that the designated capacity for an area or facility would be exceeded; or that one or more of the factors set forth in paragraph (a) of this section would be adversely impacted. The basis for denial shall be provided to the applicant upon request.

(e) The superintendent shall include in a permit the terms and conditions that the superintendent deems necessary to protect park resources or public safety and may also include terms or conditions established pursuant to the authority of any other section of this chapter.

(f) A compilation of those activities requiring a permit shall be maintained by the superintendent and available to the public upon request.

(g) The following are prohibited:

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(1) Engaging in an activity subject to a permit requirement imposed pursuant to this section without obtaining a permit; or

(2) Violating a term or condition of a permit issued pursuant to this section.

(h) Violating a term or condition of a permit issued pursuant to this section may also result in the suspension or revocation of the permit by the superintendent.

[48 FR 30275, June 30, 1983, as amended at 51 FR 29470, Aug. 18, 1986]

### § 1.7 Public notice.

(a) Whenever the authority of §1.5(a) is invoked to restrict or control a public use or activity, to relax or revoke an existing restriction or control, to designate all or a portion of a park area as open or closed, or to require a permit to implement a public use limit, the public shall be notified by one or more of the following methods:

(1) Signs posted at conspicuous locations, such as normal points of entry and reasonable intervals along the boundary of the affected park locale.

(2) Maps available in the office of the superintendent and other places convenient to the public.

(3) Publication in a newspaper of general circulation in the affected area.

(4) Other appropriate methods, such as the removal of closure signs, use of electronic media, park brochures, maps and handouts.

(b) In addition to the above-described notification procedures, the superintendent shall compile in writing all

the designations, closures, permit requirements and other restrictions imposed under discretionary authority. This compilation shall be updated annually and made available to the public upon request.

### § 1.8 Information collection.

The information collection requirements contained in §§1.5, 2.4, 2.5, 2.10, 2.12, 2.17, 2.33, 2.38, 2.50, 2.51, 2.52, 2.60, 2.61, 2.62, 3.3, 3.4, 4.4 and 4.11 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, and assigned clearance number 1024-0026. This information is being collected to provide superintendents data necessary to issue permits for special uses of park areas and to obtain notification of accidents that occur within park areas. This information will be used to grant administrative benefits and to facilitate prompt emergency response to accidents. In §§2.33, 3.4 and 4.4, the obligation to respond is mandatory; in all other sections the obligation to respond is required in order to obtain a benefit.

[52 FR 10683, Apr. 2, 1987]

### § 1.10 Symbolic signs.

(a) The signs pictured below provide general information and regulatory guidance in park areas. Certain of the signs designate activities that are either allowed or prohibited. Activities symbolized by a sign bearing a slash mark are prohibited.

(b) The use of other types of signs not herein depicted is not precluded.

**GENERAL**



AREA WHERE FIREARMS ARE PERMITTED.\*



LOCATION OF A DAM.



AREA WHERE SMOKING IS PERMITTED.\*



AREA WHERE BEARS ARE FREQUENT AND MIGHT BE VIEWED BY VISITORS.



ROADWAY OR OTHER FACILITY WHERE AUTOMOBILES PERMITTED.\*



DRINKING WATER.\*



ROADWAY WHERE TRUCKS PERMITTED.\*



FISH HATCHERY.



TUNNEL.



AREA WHERE DEER ARE FREQUENT AND MIGHT BE VIEWED BY VISITORS.



AN OBSERVATION, LOOK-OUT OR FIRE TOWER.



VISITOR INFORMATION.



A LIGHT HOUSE.



RANGER STATION OR ADMINISTRATIVE OFFICE.



AREA OF FALLING ROCKS.



ROAD CROSSING PERMITTED.\*



AREA WHERE PETS  
UNDER PHYSICAL  
CONTROL PERMITTED

ACCOMMODATIONS OR SERVICE



PUBLIC OVERNIGHT  
ACCOMMODATIONS  
(HOTEL, LODGE,  
MOTEL, ETC.)



PUBLIC TELEPHONE



RESTAURANT,  
CAFETERIA,  
SNACK SHOP,  
LUNCHROOM



U.S. POST OFFICE



GROCERIES, FOOD  
OR CAMP STORE



AUTOMOBILE OR  
BOAT REPAIRS



MEN'S RESTROOM



FACILITY FOR  
THE PHYSICALLY  
HANDICAPPED



RESTROOMS FOR  
BOTH MEN  
AND WOMEN



AIRPORT OR  
LANDING STRIP



WOMEN'S RESTROOM



LOCKED STORAGE



FIRST AID STATION



BUS OR TOUR  
VEHICLE STOP



GAS STATION OR GAS DOCK.



PICNIC SHELTER.



VEHICLE FERRY.



AREA WHERE TRAILERS OR TRAILER CAMPING PERMITTED.\*



AREA WHERE PARKING OF MOTOR VEHICLES PERMITTED.\*



TRAILER SANITARY STATION FOR DUMPING WASTE FROM HOLDING TANKS.



SHOWER FACILITY.



AREA WHERE CAMPFIRES PERMITTED.\*



OBSERVATION POINT FROM WHICH SCENIC AND HISTORIC AREAS CAN BE SEEN OR PHOTOGRAPHED



TRAIL SHELTER, PROVIDING SOME PROTECTION FROM THE WEATHER.



TRAIL SLEEPING SHELTERS.



AREA WHERE PICNICKING PERMITTED.\*



AREA WHERE PUBLIC CAMPING PERMITTED.\*



KENNEL FOR PETS

WINTER RECREATION



WINTER RECREATION AREA



CROSS COUNTRY SKI TRAIL.

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AREA WHERE DOWNHILL SKIING PERMITTED.\*



AREA WHERE ICE SKATING PERMITTED.\*



SKI JUMP FACILITY.



TRAIL WHERE SKI BOBING PERMITTED.\*



SLEDDING AND SNOW PLAY AREA.\*



AREA OR TRAIL WHERE SNOWMOBILES PERMITTED.\*

WATER RECREATION



WATER RECREATION AREA, OR BOAT DOCK, HARBOR, BOAT SLIPS, OR BOAT MARINA.



AREA WHERE WATER SKIING PERMITTED.\*



RAMP WHERE BOAT LAUNCHING PERMITTED.\*



WATER OR BEACH WHERE SURFING ACTIVITIES ARE PERMITTED.\*



AREA WHERE MOTORBOATS AND MOTOR VESSELS PERMITTED.\*



AREA WHERE SCUBA DIVING PERMITTED.\*



AREA WHERE SAILBOATS ARE PERMITTED.\*



AREA WHERE SWIMMING PERMITTED.\*



AREA FOR HAND PROPELLED VESSELS (ROW BOATS, CANOES, KAYAKS.)



AREA WHERE DIVING PERMITTED.\*



FISHING PERMITTED.\*

LAND RECREATION



TRAIL OR AREA WHERE HORSE RIDING PERMITTED.\*



AMPHITHEATER, CAMP-FIRE CIRCLE OR OTHER ASSEMBLY POINT WHERE PROGRAMS ARE PRESENTED.



TRAIL WHERE MOTORCYCLES PERMITTED.\*



TRAMWAY, SKI LIFT, OR SIMILAR DEVICE.



TRAIL OR ROAD WHERE BICYCLES PERMITTED.\*



AREA WHERE HUNTING PERMITTED.\*



TRAIL WHERE OFF-ROAD RECREATION VEHICLES PERMITTED.\*



HORSE OR MULE STABLE.



HIKING TRAIL.



INTERPRETIVE TRAIL.



PLAYGROUND FOR CHILDREN.



INTERPRETIVE AUTO TOUR ROUTE



\*THE ABOVE SYMBOLS INDICATED BY ASTERISKS WHEN DISPLAYED WITH A RED SLASH SUPERIMPOSED OVER THE

SYMBOL INDICATES THE ACTIVITY IS PROHIBITED. THE DESIGN AND FORM OF SUCH A SLASH IS HERE PICTURED.

[48 FR 30275, June 30, 1983, as amended at 61 FR 46556, Sept. 4, 1996]



**PART 2—RESOURCE PROTECTION,  
PUBLIC USE AND RECREATION**

- Sec.
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AUTHORITY: 16 U.S.C. 1, 3, 9a, 462(k).

SOURCE: 48 FR 30282, June 30, 1983, unless otherwise noted.

**§2.1 Preservation of natural, cultural and archeological resources.**

(a) Except as otherwise provided in this chapter, the following is prohibited:

(1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:

(i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.

(ii) Plants or the parts or products thereof.

(iii) Nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof.

(iv) A mineral resource or cave formation or the parts thereof.

(2) Introducing wildlife, fish or plants, including their reproductive bodies, into a park area ecosystem.

(3) Tossing, throwing or rolling rocks or other items inside caves or caverns, into valleys, canyons, or caverns, down hillsides or mountainsides, or into thermal features.

(4) Using or possessing wood gathered from within the park area: *Provided, however,* That the superintendent may designate areas where dead wood on the ground may be collected for use as fuel for campfires within the park area.

(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue, except in designated areas and under conditions established by the superintendent.

(6) Possessing, destroying, injuring, defacing, removing, digging, or disturbing a structure or its furnishing or fixtures, or other cultural or archeological resources.

(7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or subbottom profiler.

This paragraph does not apply to:

(i) A device broken down and stored or packed to prevent its use while in park areas.

(ii) Electronic equipment used primarily for the navigation and safe operation of boats and aircraft.

(iii) Mineral or metal detectors, magnetometers, or subbottom profilers used for authorized scientific, mining, or administrative activities.

(b) The superintendent may restrict hiking or pedestrian use to a designated trail or walkway system pursuant to §§1.5 and 1.7. Leaving a trail or walkway to shortcut between portions of the same trail or walkway, or to shortcut to an adjacent trail or walkway in violation of designated restrictions is prohibited.

(c)(1) The superintendent may designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption upon a written determination that the gathering or consumption will not adversely affect park wildlife, the reproductive potential of a

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plant species, or otherwise adversely affect park resources.

(2) The superintendent may:

(i) Limit the size and quantity of the natural products that may be gathered or possessed for this purpose; or

(ii) Limit the location where natural products may be gathered; or

(iii) Restrict the possession and consumption of natural products to the park area.

(3) The following are prohibited:

(i) Gathering or possessing undesignated natural products.

(ii) Gathering or possessing natural products in violation of the size or quantity limits designated by the superintendent.

(iii) Unauthorized removal of natural products from the park area.

(iv) Gathering natural products outside of designated areas.

(v) Sale or commercial use of natural products.

(d) This section shall not be construed as authorizing the taking, use or possession of fish, wildlife or plants for ceremonial or religious purposes, except where specifically authorized by Federal statutory law, treaty rights, or in accordance with §2.2 or §2.3.

NOTE: Regulations concerning archeological resources are found in 43 CFR part 3.

### §2.2 Wildlife protection.

(a) The following are prohibited:

(1) The taking of wildlife, except by authorized hunting and trapping activities conducted in accordance with paragraph (b) of this section.

(2) The feeding, touching, teasing, frightening or intentional disturbing of wildlife nesting, breeding or other activities.

(3) Possessing unlawfully taken wildlife or portions thereof.

(b) *Hunting and trapping.* (1) Hunting shall be allowed in park areas where such activity is specifically mandated by Federal statutory law.

(2) Hunting may be allowed in park areas where such activity is specifically authorized as a discretionary activity under Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment, and sound resource management principles. Such

hunting shall be allowed pursuant to special regulations.

(3) Trapping shall be allowed in park areas where such activity is specifically mandated by Federal statutory law.

(4) Where hunting or trapping or both are authorized, such activities shall be conducted in accordance with Federal law and the laws of the State within whose exterior boundaries a park area or a portion thereof is located. Nonconflicting State laws are adopted as a part of these regulations.

(c) Except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of §1.5 for the purpose of restricting hunting and trapping or closing park areas to the taking of wildlife where such activities are mandated or authorized by Federal statutory law.

(d) The superintendent may establish conditions and procedures for transporting lawfully taken wildlife through the park area. Violation of these conditions and procedures is prohibited.

(e) The Superintendent may designate all or portions of a park area as closed to the viewing of wildlife with an artificial light. Use of an artificial light for purposes of viewing wildlife in closed areas is prohibited.

(f) Authorized persons may check hunting and trapping licenses and permits; inspect weapons, traps and hunting and trapping gear for compliance with equipment restrictions; and inspect wildlife that has been taken for compliance with species, size and other taking restrictions.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 49 FR 18450, Apr. 30, 1984; 51 FR 33264, Sept. 19, 1986; 52 FR 35240, Sept. 18, 1987]

### §2.3 Fishing.

(a) Except in designated areas or as provided in this section, fishing shall be in accordance with the laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located. Nonconflicting

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State laws are adopted as a part of these regulations.

(b) State fishing licenses are not required in Big Bend, Crater Lake, Denali, Glacier, Isle Royale (inland waters only), Mammoth Cave, Mount Rainer, Olympic and Yellowstone National Parks.

(c) Except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of §1.5 for the purpose of restricting or closing park areas to the taking of fish.

(d) The following are prohibited:

(1) Fishing in fresh waters in any manner other than by hook and line, with the rod or line being closely attended.

(2) Possessing or using as bait for fishing in fresh waters, live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe, except in designated waters. Waters which may be so designated shall be limited to those where non-native species are already established, scientific data indicate that the introduction of additional numbers or types of non-native species would not impact populations of native species adversely, and park management plans do not call for elimination of non-native species.

(3) Chumming or placing preserved or fresh fish eggs, fish roe, food, fish parts, chemicals, or other foreign substances in fresh waters for the purpose of feeding or attracting fish in order that they may be taken.

(4) Commercial fishing, except where specifically authorized by Federal statutory law.

(5) Fishing by the use of drugs, poisons, explosives, or electricity.

(6) Digging for bait, except in privately owned lands.

(7) Failing to return carefully and immediately to the water from which it was taken a fish that does not meet size or species restrictions or that the person chooses not to keep. Fish so released shall not be included in the catch or possession limit: *Provided*, That at the time of catching the person did not possess the legal limit of fish.

(8) Fishing from motor road bridges, from or within 200 feet of a public raft or float designated for water sports, or

within the limits of locations designated as swimming beaches, surfing areas, or public boat docks, except in designated areas.

(e) Except as otherwise designated, fishing with a net, spear, or weapon in the salt waters of park areas shall be in accordance with State law.

(f) Authorized persons may check fishing licenses and permits; inspect creels, tackle and fishing gear for compliance with equipment restrictions; and inspect fish that have been taken for compliance with species, size and other taking restrictions.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

### §2.4 Weapons, traps and nets.

(a)(1) Except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited:

- (i) Possessing a weapon, trap or net
- (ii) Carrying a weapon, trap or net
- (iii) Using a weapon, trap or net

(2) Weapons, traps or nets may be carried, possessed or used:

(i) At designated times and locations in park areas where:

(A) The taking of wildlife is authorized by law in accordance with §2.2 of this chapter;

(B) The taking of fish is authorized by law in accordance with §2.3 of this part.

(ii) When used for target practice at designated times and at facilities or locations designed and constructed specifically for this purpose and designated pursuant to special regulations.

(iii) Within a residential dwelling. For purposes of this subparagraph only, the term "residential dwelling" means a fixed housing structure which is either the principal residence of its occupants, or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home.

(3) Traps, nets and unloaded weapons may be possessed within a temporary

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lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use.

(b) Carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation is prohibited, except that carrying or possessing a loaded weapon in a vessel is allowed when such vessel is not being propelled by machinery and is used as a shooting platform in accordance with Federal and State law.

(c) The use of a weapon, trap or net in a manner that endangers persons or property is prohibited.

(d) The superintendent may issue a permit to carry or possess a weapon, trap or net under the following circumstances:

(1) When necessary to support research activities conducted in accordance with §2.5.

(2) To carry firearms for persons in charge of pack trains or saddle horses for emergency use.

(3) For employees, agents or cooperating officials in the performance of their official duties.

(4) To provide access to otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible.

Violation of the terms and conditions of a permit issued pursuant to this paragraph is prohibited and may result in the suspension or revocation of the permit.

(e) Authorized Federal, State and local law enforcement officers may carry firearms in the performance of their official duties.

(f) The carrying or possessing of a weapon, trap or net in violation of applicable Federal and State laws is prohibited.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

(h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the na-

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tional park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

[48 FR 30282, June 30, 1983, as amended at 49 FR 18450, Apr. 30, 1984; 52 FR 35240, Sept. 18, 1987; 73 FR 74971, Dec. 10, 2008]

### §2.5 Research specimens.

(a) Taking plants, fish, wildlife, rocks or minerals except in accordance with other regulations of this chapter or pursuant to the terms and conditions of a specimen collection permit, is prohibited.

(b) A specimen collection permit may be issued only to an official representative of a reputable scientific or educational institution or a State or Federal agency for the purpose of research, baseline inventories, monitoring, impact analysis, group study, or museum display when the superintendent determines that the collection is necessary to the stated scientific or resource management goals of the institution or agency and that all applicable Federal and State permits have been acquired, and that the intended use of the specimens and their final disposal is in accordance with applicable law and Federal administrative policies. A permit shall not be issued if removal of the specimen would result in damage to other natural or cultural resources, affect adversely environmental or scenic values, or if the specimen is readily available outside of the park area.

(c) A permit to take an endangered or threatened species listed pursuant to the Endangered Species Act, or similarly identified by the States, shall not be issued unless the species cannot be obtained outside of the park area and the primary purpose of the collection is to enhance the protection or management of the species.

(d) In park areas where the enabling legislation authorizes the killing of wildlife, a permit which authorizes the killing of plants, fish or wildlife may be issued only when the superintendent approves a written research proposal and determines that the collection will benefit science or has the potential for improving the management and protection of park resources.

(e) In park areas where enabling legislation does not expressly prohibit the killing of wildlife, a permit authorizing

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the killing of plants, fish or wildlife may be issued only when the superintendent approves a written research proposal and determines that the collection will not result in the derogation of the values or purposes for which the park area was established and has the potential for conserving and perpetuating the species subject to collection.

(f) In park areas where the enabling legislation prohibits the killing of wildlife, issuance of a collecting permit for wildlife or fish or plants, is prohibited.

(g) Specimen collection permits shall contain the following conditions:

(1) Specimens placed in displays or collections will bear official National Park Service museum labels and their catalog numbers will be registered in the National Park Service National Catalog.

(2) Specimens and data derived from consumed specimens will be made available to the public and reports and publications resulting from a research specimen collection permit shall be filed with the superintendent.

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

NOTE: The Secretary's regulations on the preservation, use, and management of fish and wildlife are found in 43 CFR part 24. Regulations concerning archeological resources are found in 43 CFR part 3.

### § 2.10 Camping and food storage.

(a) The superintendent may require permits, designate sites or areas, and establish conditions for camping.

(b) The following are prohibited:

(1) Digging or leveling the ground at a campsite.

(2) Leaving camping equipment, site alterations, or refuse after departing from the campsite.

(3) Camping within 25 feet of a water hydrant or main road, or within 100 feet of a flowing stream, river or body of water, except as designated.

(4) Creating or sustaining unreasonable noise between the hours of 10:00 p.m. and 6:00 a.m., considering the nature and purpose of the actor's conduct, impact on park users, location,

and other factors which would govern the conduct of a reasonably prudent person under the circumstances.

(5) The installation of permanent camping facilities.

(6) Displaying wildlife carcasses or other remains or parts thereof, except when taken pursuant to § 2.2.

(7) Connecting to a utility system, except as designated.

(8) Failing to obtain a permit, where required.

(9) Violating conditions which may be established by the superintendent.

(10) Camping outside of designated sites or areas.

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

(d) *Food storage.* The superintendent may designate all or a portion of a park area where food, lawfully taken fish or wildlife, garbage, and equipment used to cook or store food must be kept sealed in a vehicle, or in a camping unit that is constructed of solid, non-pliable material, or suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, or other object, or shall be stored as otherwise designated. Violation of this restriction is prohibited. This restriction does not apply to food that is being transported, consumed, or prepared for consumption.

### § 2.11 Picnicking.

Picnicking is allowed, except in designated areas closed in accordance with § 1.5. The superintendent may establish conditions for picnicking in areas where picnicking is allowed. Picnicking in violation of established conditions is prohibited.

### § 2.12 Audio disturbances.

(a) The following are prohibited:

(1) Operating motorized equipment or machinery such as an electric generating plant, motor vehicle, motorized toy, or an audio device, such as a radio, television set, tape deck or musical instrument, in a manner: (i) That exceeds a noise level of 60 decibels measured on the A-weighted scale at 50 feet; or, if below that level, nevertheless; (ii) makes noise which is unreasonable,

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considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

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

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

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

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

### § 2.13 Fires.

(a) The following are prohibited:

(1) Lighting or maintaining a fire, except in designated areas or receptacles and under conditions that may be established by the superintendent.

(2) Using stoves or lanterns in violation of established restrictions.

(3) Lighting, tending, or using a fire, stove or lantern in a manner that threatens, causes damage to, or results in the burning of property, real property or park resources, or creates a public safety hazard.

(4) Leaving a fire unattended.

(5) Throwing or discarding lighted or smoldering material in a manner that threatens, causes damage to, or results in the burning of property or park resources, or creates a public safety hazard.

(b) Fires shall be extinguished upon termination of use and in accordance with such conditions as may be established by the superintendent. Violation of these conditions is prohibited.

(c) During periods of high fire danger, the superintendent may close all or a portion of a park area to the lighting or maintaining of a fire.

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(d) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

### § 2.14 Sanitation and refuse.

(a) The following are prohibited:

(1) Disposing of refuse in other than refuse receptacles.

(2) Using government refuse receptacles or other refuse facilities for dumping household, commercial, or industrial refuse, brought as such from private or municipal property, except in accordance with conditions established by the superintendent.

(3) Depositing refuse in the plumbing fixtures or vaults of a toilet facility.

(4) Draining refuse from a trailer or other vehicle, except in facilities provided for such purpose.

(5) Bathing, or washing food, clothing, dishes, or other property at public water outlets, fixtures or pools, except at those designated for such purpose.

(6) Polluting or contaminating park area waters or water courses.

(7) Disposing of fish remains on land, or in waters within 200 feet of boat docks or designated swimming beaches, or within developed areas, except as otherwise designated.

(8) In developed areas, the disposal of human body waste, except at designated locations or in fixtures provided for that purpose.

(9) In nondeveloped areas, the disposal of human body waste within 100 feet of a water source, high water mark of a body of water, or a campsite, or within sight of a trail, except as otherwise designated.

(b) The superintendent may establish conditions concerning the disposal, containerization, or carryout of human body waste. Violation of these conditions is prohibited.

### § 2.15 Pets.

(a) The following are prohibited:

(1) Possessing a pet in a public building, public transportation vehicle, or location designated as a swimming beach, or any structure or area closed to the possession of pets by the superintendent. This subparagraph shall not

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apply to guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons.

(2) Failing to crate, cage, restrain on a leash which shall not exceed six feet in length, or otherwise physically confine a pet at all times.

(3) Leaving a pet unattended and tied to an object, except in designated areas or under conditions which may be established by the superintendent.

(4) Allowing a pet to make noise that is unreasonable considering location, time of day or night, impact on park users, and other relevant factors, or that frightens wildlife by barking, howling, or making other noise.

(5) Failing to comply with pet excrement disposal conditions which may be established by the superintendent.

(b) In park areas where hunting is allowed, dogs may be used in support of these activities in accordance with applicable Federal and State laws and in accordance with conditions which may be established by the superintendent.

(c) Pets or feral animals that are running-at-large and observed by an authorized person in the act of killing, injuring or molesting humans, livestock, or wildlife may be destroyed if necessary for public safety or protection of wildlife, livestock, or other park resources.

(d) Pets running-at-large may be impounded, and the owner may be charged reasonable fees for kennel or boarding costs, feed, veterinarian fees, transportation costs, and disposal. An impounded pet may be put up for adoption or otherwise disposed of after being held for 72 hours from the time the owner was notified of capture or 72 hours from the time of capture if the owner is unknown.

(e) Pets may be kept by residents of park areas consistent with the provisions of this section and in accordance with conditions which may be established by the superintendent. Violation of these conditions is prohibited.

(f) This section does not apply to dogs used by authorized Federal, State and local law enforcement officers in the performance of their official duties.

### §2.16 Horses and pack animals.

The following are prohibited:

(a) The use of animals other than those designated as "pack animals" for purposes of transporting equipment.

(b) The use of horses or pack animals outside of trails, routes or areas designated for their use.

(c) The use of horses or pack animals on a park road, except: (1) Where such travel is necessary to cross to or from designated trails, or areas, or privately owned property, and no alternative trails or routes have been designated; or (2) when the road has been closed to motor vehicles.

(d) Free-trailing or loose-herding of horses or pack animals on trails, except as designated.

(e) Allowing horses or pack animals to proceed in excess of a slow walk when passing in the immediate vicinity of persons on foot or bicycle.

(f) Obstructing a trail, or making an unreasonable noise or gesture, considering the nature and purpose of the actor's conduct, and other factors that would govern the conduct of a reasonably prudent person, while horses or pack animals are passing.

(g) Violation of conditions which may be established by the superintendent concerning the use of horses or pack animals.

### §2.17 Aircraft and air delivery.

(a) The following are prohibited:

(1) Operating or using aircraft on lands or waters other than at locations designated pursuant to special regulations.

(2) Where a water surface is designated pursuant to paragraph (a)(1) of this section, operating or using aircraft under power on the water within 500 feet of locations designated as swimming beaches, boat docks, piers, or ramps, except as otherwise designated.

(3) Delivering or retrieving a person or object by parachute, helicopter, or other airborne means, except in emergencies involving public safety or serious property loss, or pursuant to the terms and conditions of a permit.

(b) The provisions of this section, other than paragraph (c) of this section, shall not be applicable to official business of the Federal government, or emergency rescues in accordance with the directions of the superintendent, or

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to landings due to circumstances beyond the control of the operator.

(c)(1) Except as provided in paragraph (c)(3) of this section, the owners of a downed aircraft shall remove the aircraft and all component parts thereof in accordance with procedures established by the superintendent. In establishing removal procedures, the superintendent is authorized to: (i) Establish a reasonable date by which aircraft removal operations must be complete; (ii) determine times and means of access to and from the downed aircraft; and (iii) specify the manner or method of removal.

(2) Failure to comply with procedures and conditions established under paragraph (c)(1) of this section is prohibited.

(3) The superintendent may waive the requirements of paragraph (c)(1) of this section or prohibit the removal of downed aircraft, upon a determination that: (i) The removal of downed aircraft would constitute an unacceptable risk to human life; (ii) the removal of a downed aircraft would result in extensive resource damage; or (iii) the removal of a downed aircraft is impracticable or impossible.

(d) The use of aircraft shall be in accordance with regulations of the Federal Aviation Administration. Such regulations are adopted as a part of these regulations.

(e) The operation or use of hovercraft is prohibited.

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

### §2.18 Snowmobiles.

(a) Notwithstanding the definition of vehicle set forth in §1.4 of this chapter, the provisions of §§4.4, 4.12, 4.13, 4.14, 4.20, 4.21, 4.22 and 4.23 of this chapter apply to the operation of a snowmobile.

(b) Except as otherwise provided in this section, the laws of the State in which the exterior boundaries of a park area or a portion thereof is located shall govern equipment standards and the operation of snowmobiles. Nonconflicting State laws are adopted as a part of these regulations.

(c) The use of snowmobiles is prohibited, except on designated routes and water surfaces that are used by motor vehicles or motorboats during other seasons. Routes and water surfaces designated for snowmobile use shall be promulgated as special regulations. Snowmobiles are prohibited except where designated and only when their use is consistent with the park's natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources.

(d) The following are prohibited:

(1) Operating a snowmobile that makes excessive noise. Excessive noise for snowmobiles manufactured after July 1, 1975 is a level of total snowmobile noise that exceeds 78 decibels measured on the A-weighted scale measured at 50 feet. Snowmobiles manufactured between July 1, 1973 and July 1, 1975 shall not register more than 82 decibels on the A-weighted scale at 50 feet. Snowmobiles manufactured prior to July 1, 1973 shall not register more than 86 decibels on the A-weighted scale at 50 feet. All decibel measurements shall be based on snowmobile operation at or near full throttle.

(2) Operating a snowmobile without a lighted white headlamp and red tail-light from one half-hour after sunset to one half-hour before sunrise, or when persons and vehicles are not clearly visible for a distance of 500 feet.

(3) Operating a snowmobile that does not have brakes in good working order.

(4) Racing, or operating a snowmobile in excess of 45 mph, unless restricted in accordance with §4.22 of this chapter or otherwise designated.

(e) Except where State law prescribes a different minimum age or qualification for the person providing direct supervision and accompaniment, the following are prohibited:

(1) The operation of a snowmobile by a person under 16 years of age unless accompanied and supervised within line of sight by a responsible person 21 years of age or older;

(2) The operation of a snowmobile by a person under 12 years of age, unless accompanied on the same machine by a responsible person 21 years of age or older; or



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(3) The supervision by one person of the operation of snowmobiles by more than one person under 16 years of age.

[48 FR 30282, June 30, 1983, as amended at 52 FR 10683, Apr. 2, 1987]

### § 2.19 Winter activities.

(a) Skiing, snowshoeing, ice skating, sledding, innertubing, tobogganing and similar winter sports are prohibited on park roads and in parking areas open to motor vehicle traffic, except as otherwise designated.

(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes. This paragraph shall not apply to sleds designed to be towed behind snowmobiles and joined to the snowmobile with a rigid hitching mechanism.

(c) Failure to abide by area designations or activity restrictions established under this section is prohibited.

### § 2.20 Skating, skateboards, and similar devices.

Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in designated areas.

### § 2.21 Smoking.

(a) The superintendent may designate a portion of a park area, or all or a portion of a building, structure or facility as closed to smoking when necessary to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities. Smoking in an area or location so designated is prohibited.

(b) Smoking is prohibited within all caves and caverns.

### § 2.22 Property.

(a) The following are prohibited:

(1) Abandoning property.

(2) Leaving property unattended for longer than 24 hours, except in locations where longer time periods have been designated or in accordance with conditions established by the superintendent.

(3) Failing to turn in found property to the superintendent as soon as practicable.

(b) *Impoundment of property.* (1) Property determined to be left unattended

in excess of an allowed period of time may be impounded by the superintendent.

(2) Unattended property that interferes with visitor safety, orderly management of the park area, or presents a threat to park resources may be impounded by the superintendent at any time.

(3) Found or impounded property shall be inventoried to determine ownership and safeguard personal property.

(4) The owner of record is responsible and liable for charges to the person who has removed, stored, or otherwise disposed of property impounded pursuant to this section; or the superintendent may assess the owner reasonable fees for the impoundment and storage of property impounded pursuant to this section.

(c) *Disposition of property.* (1) Unattended property impounded pursuant to this section shall be deemed to be abandoned unless claimed by the owner or an authorized representative thereof within 60 days. The 60-day period shall begin when the rightful owner of the property has been notified, if the owner can be identified, or from the time the property was placed in the superintendent's custody, if the owner cannot be identified.

(2) Unclaimed, found property shall be stored for a minimum period of 60 days and, unless claimed by the owner or an authorized representative thereof, may be claimed by the finder, provided that the finder is not an employee of the National Park Service. Found property not claimed by the owner or an authorized representative or the finder shall be deemed abandoned.

(3) Abandoned property shall be disposed of in accordance with title 41 Code of Federal Regulations.

(4) Property, including real property, located within a park area and owned by a deceased person, shall be disposed of in accordance with the laws of the State within whose exterior boundaries the property is located.

(d) The regulations contained in paragraphs (a)(2), (b) and (c) of this section apply, regardless of land ownership, on all lands and waters within a

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park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

### § 2.23 Recreation fees.

(a) Recreation fees shall be established as provided for in part 71 of this chapter.

(b) Entering designated entrance fee areas or using specialized sites, facilities, equipment or services, or participating in group activities, recreation events, or other specialized recreation uses for which recreation fees have been established without paying the required fees and possessing the applicable permits is prohibited. Violation of the terms and conditions of a permit issued in accordance with part 71 is prohibited and may result in the suspension or revocation of the permit.

(c) The superintendent may, when in the public interest, prescribe periods during which the collection of recreation fees shall be suspended.

### § 2.30 Misappropriation of property and services.

(a) The following are prohibited:

(1) Obtaining or exercising unlawful possession over the property of another with the purpose to deprive the owner of the property.

(2) Obtaining property or services offered for sale or compensation without making payment or offering to pay.

(3) Obtaining property or services offered for sale or compensation by means of deception or a statement of past, present or future fact that is instrumental in causing the wrongful transfer of property or services, or using stolen, forged, expired revoked or fraudulently obtained credit cards or paying with negotiable paper on which payment is refused.

(4) Concealing unpurchased merchandise on or about the person without the knowledge or consent of the seller or paying less than purchase price by deception.

(5) Acquiring or possessing the property of another, with knowledge or reason to believe that the property is stolen.

(b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a

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park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

### § 2.31 Trespassing, tampering and vandalism.

(a) The following are prohibited:

(1) *Trespassing.* Trespassing, entering or remaining in or upon property or real property not open to the public, except with the express invitation or consent of the person having lawful control of the property or real property.

(2) *Tampering.* Tampering or attempting to tamper with property or real property, or moving, manipulating or setting in motion any of the parts thereof, except when such property is under one's lawful control or possession.

(3) *Vandalism.* Destroying, injuring, defacing, or damaging property or real property.

(b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

### § 2.32 Interfering with agency functions.

(a) The following are prohibited:

(1) *Interference.* Threatening, resisting, intimidating, or intentionally interfering with a government employee or agent engaged in an official duty, or on account of the performance of an official duty.

(2) *Lawful order.* Violating the lawful order of a government employee or agent authorized to maintain order and control public access and movement during fire fighting operations, search and rescue operations, wildlife management operations involving animals that pose a threat to public safety, law enforcement actions, and emergency operations that involve a threat to public safety or park resources, or other activities where the control of public movement and activities is necessary to maintain order and public safety.

(3) *False information.* Knowingly giving a false or fictitious report or other

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false information: (i) To an authorized person investigating an accident or violation of law or regulation or; (ii) on an application for a permit.

(4) *False Report.* Knowingly giving a false report for the purpose of misleading a government employee or agent in the conduct of official duties, or making a false report that causes a response by the United States to a fictitious event.

(b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

### § 2.33 Report of injury or damage.

(a) A person involved in an incident resulting in personal injury or property damage exceeding \$300, other than an accident reportable under §§3.4 or 4.4 of this chapter, shall report the incident to the superintendent as soon as possible. This notification does not satisfy reporting requirements imposed by applicable State law.

(b) Failure to report an incident in accordance with paragraph (a) of this section is prohibited.

[48 FR 30282, June 30, 1983, as amended at 52 FR 10683, Apr. 2, 1987]

### § 2.34 Disorderly conduct.

(a) A person commits disorderly conduct when, with intent to cause public alarm, nuisance, jeopardy or violence, or knowingly or recklessly creating a risk thereof, such person commits any of the following prohibited acts:

(1) Engages in fighting or threatening, or in violent behavior.

(2) Uses language, an utterance, or gesture, or engages in a display or act that is obscene, physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace.

(3) Makes noise that is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

(4) Creates or maintains a hazardous or physically offensive condition.

(b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

### § 2.35 Alcoholic beverages and controlled substances.

(a) *Alcoholic beverages.* (1) The use and possession of alcoholic beverages within park areas is allowed in accordance with the provisions of this section.

(2) The following are prohibited:

(i) The sale or gift of an alcoholic beverage to a person under 21 years of age, except where allowed by State law. In a State where a lower minimum age is established, that age limit will apply for purposes of this subparagraph.

(ii) The possession of an alcoholic beverage by a person under 21 years of age, except where allowed by State law. In a State where a lower minimum age is established, that age will apply for purposes of this subparagraph.

(3)(i) The superintendent may close all or a portion of a public use area or public facility within a park area to the consumption of alcoholic beverages and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal is broken or the contents of which have been partially removed. *Provided however*, that such a closure may only be implemented following a determination made by the superintendent that:

(A) The consumption of an alcoholic beverage or the possession of an open container of an alcoholic beverage would be inappropriate considering other uses of the location and the purpose for which it is maintained or established; or

(B) Incidents of aberrant behavior related to the consumption of alcoholic beverages are of such magnitude that the diligent application of the authorities in this section and §§1.5 and 2.34 of this chapter, over a reasonable time period, does not alleviate the problem.

(ii) A closure imposed by the superintendent does not apply to an open

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container of an alcoholic beverage that is stored in compliance with the provisions of § 4.14 of this chapter.

(iii) Violating a closure imposed pursuant to this section is prohibited.

(b) *Controlled substances.* The following are prohibited:

(1) The delivery of a controlled substance, except when distribution is made by a practitioner in accordance with applicable law. For the purposes of this paragraph, delivery means the actual, attempted or constructive transfer of a controlled substance whether or not there exists an agency relationship.

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

(c) Presence in a park area when under the influence of alcohol or a controlled substance to a degree that may endanger oneself or another person, or damage property or park resources, is prohibited.

[48 FR 30282, June 30, 1983, as amended at 52 FR 10683, Apr. 2, 1987]

## § 2.36 Gambling.

(a) Gambling in any form, or the operation of gambling devices, is prohibited.

(b) This regulation applies, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

## § 2.37 Noncommercial soliciting.

Soliciting or demanding gifts, money, goods or services is prohibited, except pursuant to the terms and conditions of a permit that has been issued under § 2.50, § 2.51 or § 2.52.

## § 2.38 Explosives.

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

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transportation shall be in accordance with applicable Federal and State laws.

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

(c) Violation of the conditions established by the superintendent or of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

## § 2.50 Special events.

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed: *Provided, however,* There is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefor has been issued by the superintendent. A permit shall be denied if such activities would:

(1) Cause injury or damage to park resources; or

(2) Be contrary to the purposes for which the natural, historic, development and special use zones were established; or unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic, or commemorative zones.

(3) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service; or

(4) Substantially impair the operation of public use facilities or services of National Park Service concessioners or contractors; or

(5) Present a clear and present danger to the public health and safety; or

(6) Result in significant conflict with other existing uses.

(b) An application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, a statement of equipment and facilities to be used, and any other information required by the superintendent. The application shall be

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submitted so as to reach the superintendent at least 72 hours in advance of the proposed event.

(c) As a condition of permit issuance, the superintendent may require:

(1) The filing of a bond payable to the Director, in an amount adequate to cover costs such as restoration, rehabilitation, and cleanup of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

(2) In addition to the requirements of paragraph (c)(1) of this section, the acquisition of liability insurance in which the United States is named as co-insured in an amount sufficient to protect the United States.

(d) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is established. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

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

[48 FR 30282, June 30, 1983; 48 FR 31847, July 11, 1983]

### § 2.51 Public assemblies, meetings.

(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views are allowed within park areas, provided a permit therefor has been issued by the superintendent.

(b) An application for such a permit shall set forth the name of the applicant; the date, time, duration, nature and place of the proposed event; an estimate of the number of persons expected to attend; a statement of equipment and facilities to be used and any other information required by the permit application form.

(c) The superintendent shall, without unreasonable delay, issue a permit on proper application unless:

(1) A prior application for a permit for the same time and place has been made that has been or will be granted and the activities authorized by that

permit do not reasonably allow multiple occupancy of that particular area; or

(2) It reasonably appears that the event will present a clear and present danger to the public health or safety; or

(3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering such things as damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquillity, interference with program activities, or impairment of public use facilities.

(d) If a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

(e) The superintendent shall designate on a map, that shall be available in the office of the superintendent, the locations available for public assemblies. Locations may be designated as not available only if such activities would:

(1) Cause injury or damage to park resources; or

(2) Unreasonably impair the atmosphere of peace and tranquillity maintained in wilderness, natural, historic or commemorative zones; or

(3) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service; or

(4) Substantially impair the operation of public use facilities or services of National Park Service concessioners or contractors; or

(5) Present a clear and present danger to the public health and safety.

(f) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is established. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

(g) No permit shall be issued for a period in excess of 7 days, provided that permits may be extended for like periods, upon a new application, unless another applicant has requested use of

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the same location and multiple occupancy of that location is not reasonably possible.

(h) It is prohibited for persons engaged in activities covered under this section to obstruct or impede pedestrians or vehicles, or harass park visitors with physical contact.

(i) A permit may be revoked under any of those conditions, as listed in paragraph (c) of this section, that constitute grounds for denial of a permit, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made to be followed by written confirmation within 72 hours.

(j) Violation of the terms and conditions of a permit issued in accordance with this section may result in the suspension or revocation of the permit.

### **§ 2.52 Sale or distribution of printed matter.**

(a) The sale or distribution of printed matter is allowed within park areas, provided that a permit to do so has been issued by the superintendent, and provided further that the printed matter is not solely commercial advertising.

(b) An application for such a permit shall set forth the name of the applicant, the name of the organization (if any), the date, time, duration, and location of the proposed sale or distribution, the number of participants, and any other information required by the permit application form.

(c) The superintendent shall, without unreasonable delay, issue a permit on proper application unless:

(1) A prior application for a permit for the same time and location has been made that has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of the particular area; or

(2) It reasonably appears that the sale or distribution will present a clear and present danger to the public health and safety; or

(3) The number of persons engaged in the sale or distribution exceeds the

number that can reasonably be accommodated in the particular location applied for, considering such things as damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities; or

(4) The location applied for has not been designated as available for the sale or distribution of printed matter; or

(5) The activity would constitute a violation of an applicable law or regulation.

(d) If a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

(e) The superintendent shall designate on a map, which shall be available for inspection in the office of the superintendent, the locations within the park area that are available for the sale or distribution of printed matter. Locations may be designated as not available only if the sale or distribution of printed matter would:

(1) Cause injury or damage to park resources; or

(2) Unreasonably impair the atmosphere of the peace and tranquility maintained in wilderness, natural, historic, or commemorative zones; or

(3) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service; or

(4) Substantially impair the operation of public use facilities or services of National Park Service concessioners or contractors.

(5) Present a clear and present damage to the public health and safety.

(f) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is established.

(g) No permit shall be issued for a period in excess of 14 consecutive days, provided that permits may be extended for like periods, upon a new application, unless another applicant has requested use of the same location and multiple occupancy of that location is not reasonably possible.

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(h) It is prohibited for persons engaged in the sale or distribution of printed matter under this section to obstruct or impede pedestrians or vehicles, harass park visitors with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.

(i) A permit may be revoked under any of those conditions, as listed in paragraph (c) of this section, that constitute grounds for denial of a permit, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made, to be followed by written confirmation within 72 hours.

(j) Violation of the terms and conditions of a permit issued in accordance with this section may result in the suspension or revocation of the permit.

### § 2.60 Livestock use and agriculture.

(a) The running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock of any kind in a park area or the use of a park area for agricultural purposes is prohibited, except:

(1) As specifically authorized by Federal statutory law; or

(2) As required under a reservation of use rights arising from acquisition of a tract of land; or

(3) As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene.

(b) Activities authorized pursuant to any of the exceptions provided for in paragraph (a) of this section shall be allowed only pursuant to the terms and conditions of a license, permit or lease. Violation of the terms and conditions of a license, permit or lease issued in accordance with this paragraph is prohibited and may result in the suspension or revocation of the license, permit, or lease.

(c) *Impounding of livestock.* (1) Livestock trespassing in a park area may be impounded by the superintendent

and, if not claimed by the owner within the periods specified in this paragraph, shall be disposed of in accordance with applicable Federal and State law.

(2) In the absence of applicable Federal or State law, the livestock shall be disposed of in the following manner:

(i) If the owner is known, prompt written notice of impoundment will be served, and in the event of the owner's failure to remove the impounded livestock within five (5) days from delivery of such notice, it will be disposed of in accordance with this paragraph.

(ii) If the owner is unknown, disposal of the livestock shall not be made until at least fifteen (15) days have elapsed from the date that a notice of impoundment is originally published in a newspaper of general circulation in the county in which the trespass occurs or, if no such newspaper exists, notification is provided by other appropriate means.

(iii) The owner may redeem the livestock by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, impounding, and the amount of damage to public property injured or destroyed as a result of the trespass.

(iv) In determining the claim of the government in a livestock trespass, the value of forage consumed shall be computed at the commercial rates prevailing in the locality for the class of livestock found in trespass. The claim shall include the pro rata salary of employees for the time spent and the expenses incurred as a result of the investigation, reporting, and settlement or prosecution of the claim.

(v) If livestock impounded under this paragraph is offered at public sale and no bid is received, or if the highest bid received is less than the amount of the claim of the United States or of the officer's appraised value of the livestock, whichever is the lesser amount, such livestock, may be sold at private sale for the highest amount obtainable, condemned and destroyed, or converted to the use of the United States.

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### § 2.61 Residing on Federal lands.

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

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

### § 2.62 Memorialization.

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

(b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit, or in designated areas according to conditions which may be established by the superintendent.

(c) Failure to abide by area designations and established conditions is prohibited.

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

## PART 3—BOATING AND WATER USE ACTIVITIES

Sec.

- 3.1 What is the applicability and scope of this part?
- 3.2 Do other boating laws and regulations apply to me when I operate my boat on park waters?
- 3.3 Am I required to obtain a permit to operate a vessel in a park area?
- 3.4 For what purposes may my vessel be inspected?
- 3.5 Do I have to report an accident involving a vessel to the National Park Service?
- 3.6 What are the requirements to operate a power driven vessel?
- 3.7 What are the NPS Personal Flotation Device (PFD) requirements?
- 3.8 What vessel operations are prohibited?
- 3.9 May I operate my personal watercraft (PWC) in park waters?
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- 3.12 May I use a vessel to tow a person for water skiing or other similar activities?
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- 3.18 May I snorkel or underwater dive in park waters?
- 3.19 May I operate a submersible within park waters?

AUTHORITY: 16 U.S.C. 1, 1a–2(h), 3.

SOURCE: 72 FR 13702, Mar. 23, 2007, unless otherwise noted.

### § 3.1 What is the applicability and scope of this part?

The applicability of the regulations in this part is described in § 1.2 of this chapter.

### § 3.2 Do other boating laws and regulations apply to me when I operate my boat on park waters?

(a) In addition to the regulations contained in this part, the NPS adopts applicable laws and regulations of the United States Coast Guard. The USCG laws and regulations are found in Title 14 United States Code, Title 33 United States Code, Title 46 United States Code, and 33 CFR chapter I, 46 CFR chapter I and III and 49 CFR chapter IV. NPS applies the adopted laws and regulations to vessels and their operation on all waters (navigable and non-navigable) subject to NPS jurisdiction. Therefore, Federal regulations authorizing an action by the “captain of the port” or another officer or employee of the United States Coast Guard, authorize a like action by the superintendent.

(b) Except to the extent that directives of the United States Coast Guard have expressly or implicitly preempted inconsistent state laws and regulations or as otherwise provided by subsection (a), vessels and their operation on all waters subject to NPS jurisdiction are governed by non-conflicting boating safety laws and regulations of the State within whose interior boundaries a park area or portion thereof is located.



**§ 3.3 Am I required to obtain a permit to operate a vessel in a park area?**

Generally, you are not required to obtain a permit to operate a vessel in a park area. However, in certain circumstances, taking into consideration public safety, protection of park resources, and weather and park management objectives, the superintendent may require a permit for use of a vessel within a park area, under §§ 1.5 and 1.7, and will issue permits consistent with § 1.6 of this chapter.

**§ 3.4 For what purposes may my vessel be inspected?**

(a) An authorized person may at any time stop and/or board a vessel to examine documents, licenses or permits relating to operation of the vessel, and to inspect the vessel to determine compliance with regulations pertaining to safety equipment, vessel capacity, marine sanitation devices, and other pollution and noise abatement requirements.

(b) An authorized person who identifies a vessel being operated without sufficient life saving or firefighting devices, in an overloaded or other unsafe condition, as defined in United States Coast Guard regulations, or in violation of a noise level specified in § 3.15(a) of this part, may direct the operator to suspend further use of the vessel until the condition is corrected.

**§ 3.5 Do I have to report an accident involving a vessel to the National Park Service?**

(a) The operator of a vessel involved in an accident must report the accident to the superintendent as soon as practical, but in any event within 24 hours of the accident, if the accident involves:

(1) Total property damage of \$2000 or more; or

(2) Injury, or death or disappearance of a person

(b) If the operator is physically incapable of making the report, the owner or an occupant of the vessel must report the accident to the superintendent.

(c) Filing a report with the superintendent may satisfy applicable United States Coast Guard, State, and local accident reporting requirements.

Superintendents will forward the accident report to the appropriate reporting authority in a timely manner that complies with the requirements of 33 CFR 173.55.

**§ 3.6 What are the requirements to operate a power driven vessel?**

(a) To operate a power-driven vessel on park waters, a person must be either:

(1) At least 16 years old; or

(2) Between 12 and 15 years old and accompanied on the vessel by a person at least 18 years old.

(b) If a park area is located within a State having different age requirements, then the applicable State law is adopted in lieu of paragraph (a) of this section.

(c) If a park area is located within a State having a mandatory boater education requirement, then that State requirement is adopted.

**§ 3.7 What are the NPS Personal Floatation Device (PFD) requirements?**

(a) All requirements in Title 33 CFR part 175 related to PFDs are adopted.

(b) The Superintendent may require that a PFD be worn or carried on designated waters, at designated times and/or during designated water based activities in accordance with §§ 1.5 and 1.7 of this chapter.

**§ 3.8 What vessel operations are prohibited?**

(a) The following operations are prohibited:

(1) Launching or operating an airboat.

(2) Launching or recovering a vessel, except at a launch site designated by the superintendent.

(3) Operating a power-driven vessel on waters not accessible by road.

(4) Operating a vessel in excess of a length, width, or horsepower restriction established by the superintendent in accordance with §§ 1.5 and 1.7 of this chapter. For the purposes of this paragraph, vessel length is measured according to criteria established in 46 CFR chapter I or 33 CFR chapter I.

(b) The following operations are inherently unsafe and therefore prohibited:

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(1) Operating a power-driven or sailing vessel within 100 feet of a diver's flag except a vessel in support of dive operations, which may not be operated in excess of flat wake speed.

(2) Failing to observe restriction(s) established by a regulatory marker.

(3) Operating a vessel in excess of flat wake speed in designated areas.

(4) Operating a vessel in excess of flat wake speed within 100 feet of:

(i) A downed water skier;

(ii) A person swimming, wading, fishing from shore or floating with the aid of a flotation device;

(iii) A designated launch site; or

(iv) A manually propelled, anchored or drifting vessel. If the park is located within a State specifying different conditions, then that State law is adopted in lieu of this paragraph.

(5) Unless a designated area is marked otherwise, operating a power-driven or sailing vessel within 500 feet of a shoreline designated as a swimming beach. This prohibition does not apply in locations such as a river, channel, or narrow cove where passage is restricted to less than 500 feet. In such restrictive locations where swim beaches are designated, the operation of a vessel in excess of a flat wake speed is prohibited.

(6) Operating a power-driven vessel while a person is riding on the decking over the bow, gunwales, top edge of the transom, motor cover, or in any other unsafe position when the vessel is being operated. This provision does not apply when that portion of the vessel is designed and constructed for the purpose of carrying passengers safely at all speeds or when the vessel is maneuvering for anchoring, docking or mooring.

(7) Operating a power driven vessel engine/s or generator with a person sitting, riding or hanging on to a swim platform or swim ladder.

(8) Operating a vessel, or knowingly allowing another person to operate a vessel in a negligent manner, by failing to exercise that degree of care which a reasonable person, under like circumstances, would demonstrate in order to prevent the endangering of the life, limb, or property of a person(s) through the operator's lack of knowl-

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edge, inattention, or general carelessness.

(9) Operating a vessel or knowingly allowing another person to operate a vessel in a grossly negligent manner, by willfully and wantonly creating an unreasonable risk of harm to person(s) or property, regardless of whether the operator intended to cause harm.

**§ 3.9 May I operate my personal watercraft (PWC) in park waters?**

(a) A person may operate a PWC only in park areas where authorized by special regulation. Special regulations may only be promulgated in the 21 parks listed in the following table:

Name	Water type	State
Amistad National Recreation Area.	Impounded Lake	TX
Assateague Island National Seashore.	Open Ocean/Bay	MD/VA
Bighorn Canyon National Recreation Area.	Impounded Lake	MT
Big Thicket National Preserve ..	River .....	TX
Cape Cod National Seashore ...	Open Ocean/Bay	MA
Cape Lookout National Seashore.	Open Ocean/Bay	NC
Chickasaw National Recreation Area.	Impounded Lake	OK
Cumberland Island National Seashore.	Open Ocean/Bay	GA
Curecanti National Recreation Area.	Impounded Lake	CO
Delaware Water Gap .....	River .....	PA/NJ
Fire Island National Seashore ..	Open Ocean/Bay	NY
Gateway National Recreation Area.	Open Ocean/Bay	NY
Glen Canyon National Recreation Area.	Impounded Lake	AZ/UT
Gulf Islands National Seashore	Open Ocean/Bay	FL/MS
Indiana Dunes National Lakeshore.	Natural Lake .....	IN
Lake Mead National Recreation Area.	Impounded Lake	AZ/NV
Lake Meredith National Recreation Area.	Impounded Lake	TX
Lake Roosevelt National Recreation Area.	Impounded Lake	WA
Padre Island National Seashore	Open Ocean/Bay	TX
Pictured Rocks National Lakeshore.	Natural Lake .....	MI
Whiskeytown-Shasta-Trinity National Recreation Area.	Impounded Lake	CA

(b) Where authorized, operation of a PWC on park waters is subject to the following conditions:

(1) No person may operate a PWC unless each person aboard is wearing a Type I, II, III, or V PFD approved by the United States Coast Guard.

(2) A person operating a PWC equipped by the manufacturer with a lanyard-type engine cut-off switch

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must attach such lanyard to his person, clothing, or PFD, as appropriate for the specific vessel.

(3) No person may operate a PWC anytime between sunset and sunrise.

(4) No person may operate a PWC by jumping the wake, becoming partially airborne or completely leaving the water while crossing the wake of another vessel within 100 feet of the vessel creating the wake.

(5) If a park area is located within a State that has more restrictive regulations for the operation of PWC, then applicable State law applies in lieu of paragraphs (b)(1) through (b)(4) of this section.

### **§ 3.10 What are the regulations regarding operating a vessel while under the influence of alcohol and/or drugs?**

(a) Operating or being in actual physical control of a vessel is prohibited while:

(1) Under the influence of alcohol, a drug or drugs, or any combination thereof, to a degree that renders the operator incapable of safe operation; or

(2) The alcohol concentration in the operator's blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or more of alcohol per 210 liters of breath.

(b) If State law that applies to operating a vessel while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits apply rather than the limits specified in paragraph (a) of this section.

(c) The provisions of this section also apply to an operator who is or has been legally entitled to use alcohol or drugs.

### **§ 3.11 When is testing for alcohol or drugs required?**

(a) At the request or direction of an authorized person who has probable cause to believe that an operator of a vessel has violated provisions of § 3.10, the operator must submit to one or more testing procedures of the blood, breath, saliva or urine for the purpose of determining blood alcohol and/or drug content.

(1) Refusal by an operator to submit to a test is prohibited and proof of re-

fusal may be admissible in any related judicial proceeding.

(2) Any test or tests for the presence of alcohol and drugs must be determined by and administered at the direction of an authorized person.

(3) Any test must be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.

(b) The results of chemical or other quantitative tests are intended to supplement the elements of probable cause used as the basis for the arrest of an operator charged with a violation of § 13.10. If the alcohol concentration in the operator's blood or breath at the time of testing is less than alcohol concentrations specified in § 13.10(a)(2), this fact does not give rise to any presumption that the operator is or is not under the influence of alcohol.

(c) The provisions of paragraph (b) of this section are not intended to limit the introduction of any other competent evidence bearing upon the question of whether the operator, at the time of the alleged violation, was under the influence of alcohol, or a drug, or drugs, or any combination thereof.

### **§ 3.12 May I use a vessel to tow a person for water skiing or other similar activities?**

(a) The towing of a person by a vessel is allowed only in designated waters, and in accordance with conditions established by the superintendent under §§ 1.5 and 1.7 of this chapter.

(b) Towing a person using a parasail, hang-glider or other airborne device may be allowed only in accordance with a permit issued by the superintendent under § 1.6 of this chapter.

(c) Where towing is designated, the following conditions apply:

(1) Towing is allowed only between the hours of sunrise and sunset.

(2) In addition to the boat operator, a person at least 12 years of age must be present to observe the action of the person being towed.

(3) A person being towed must wear a United States Coast Guard approved Type I, II, III, or V PFD.

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(4) A person being towed may not commit any act in a manner that endangers, or is likely to endanger, any person or damage property.

(5) Operating a vessel that does not have the capacity to carry the person(s) being towed in addition to the operator and observer is prohibited.

(6) No person shall operate a power driven vessel using a tow rope 20 feet or less in length when towing a person.

### § 3.13 What conditions apply to the use of Marine Sanitation Devices (MSD)?

(a) Discharging sewage from any vessel, whether treated or not, in any body of fresh water is prohibited.

(b) The owner or operator of any vessel on park fresh water that is equipped with toilet facilities and/or a MSD that is capable of discharge, must lock or otherwise secure the valves or mechanism of the device. Acceptable methods of securing the device include:

(1) Closing the seacock and removing the handle;

(2) Padlocking the seacock in the closed position;

(3) Using a non-releasable wire-tie to hold the seacock in the closed position; or

(4) Locking the door to the space enclosing the toilets with a padlock or door handle key lock.

(c) The superintendent may modify the requirements of this section through a special regulation.

### § 3.14 Am I required to remove a sunken, grounded, or disabled vessel?

(a) Except as provided in paragraph (b) of this section, the owners or authorized salvager of a sunken, grounded, or disabled vessel must remove the vessel, all component parts and equipment, and all associated cargo thereof in accordance with procedures established by the superintendent. In establishing removal procedures, the superintendent is authorized to:

(1) Establish a reasonable date by which vessel removal operations must be complete;

(2) Determine times and means of access to and from the vessel; and

(3) Specify the manner or method of removal.

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(b) The superintendent may waive the requirements of paragraph (a) of this section or prohibit removal of the vessel, equipment, or cargo upon a written determination that:

(1) The removal would constitute an unacceptable risk to human life;

(2) The removal would result in extensive resource damage; or

(3) The removal is impracticable or impossible.

### § 3.15 What is the maximum noise level for the operation of a vessel?

(a) A person may not operate a vessel at a noise level exceeding:

(1) 75dB(A) measured utilizing test procedures applicable to vessels underway (Society of Automotive Engineers SAE—J1970); or

(2) 88dB(A) measured utilizing test procedures applicable to stationary vessels (Society of Automotive Engineers SAE—J2005).

(b) An authorized person who has reason to believe that a vessel is being operated in excess of the noise levels established in paragraph (a) of this section may direct the operator of the vessel to submit the vessel to an on-site test to measure the noise level.

### § 3.16 May I swim or wade in park waters?

Swimming or wading is allowed in waters, subject to closures or restrictions designated by the superintendent in accordance with §§1.5 and 1.7 of this chapter.

### § 3.17 What regulations apply to swimming areas and beaches?

(a) The superintendent may designate areas as swimming areas or swimming beaches in accordance with §§1.5 and 1.7 of this chapter.

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

(c) The superintendent may prohibit the use or possession of flotation devices, glass containers, kites, or incompatible activities in swimming areas or swimming beaches in accordance with §§1.5 and 1.7 of this chapter.

**§ 3.18 May I snorkel or underwater dive in park waters?**

(a) Snorkeling and underwater diving is allowed in park waters, subject to closures or restrictions designated by the superintendent in accordance with §§ 1.5 and 1.7 of this chapter.

(b) In waters open to the use of vessels, a diver must prominently display a dive flag during dive operations. A dive flag must not be displayed unless dive operations are ongoing.

(c) The dive flag must be illuminated when dive operations take place between sunset and sunrise. The dive flag illumination may not consist of lights that may be confused with navigation lights or aids to navigation lights.

(d) While on the surface, submerging or surfacing the diver must remain within a 100 feet horizontal radius of the diver flag.

(e) If State laws or regulations exist concerning snorkeling activities, those provisions of State law or regulation are adopted.

**§ 3.19 May I operate a submersible within park waters?**

The use of manned or unmanned submersibles may only occur in accordance with a permit issued by the superintendent under § 1.6 of this chapter.

**PART 4—VEHICLES AND TRAFFIC SAFETY**

Sec.

- 4.1 Applicability and scope.
- 4.2 State law applicable.
- 4.3 Authorized emergency vehicles.
- 4.4 Report of motor vehicle accident.
- 4.10 Travel on park roads and designated routes.
- 4.11 Load, weight and size limits.
- 4.12 Traffic control devices.
- 4.13 Obstructing traffic.
- 4.14 Open container of alcoholic beverage.
- 4.15 Safety belts.
- 4.20 Right of way.
- 4.21 Speed limits.
- 4.22 Unsafe operation.
- 4.23 Operating under the influence of alcohol or drugs.
- 4.30 Bicycles.
- 4.31 Hitchhiking.

AUTHORITY: 16 U.S.C. 1, 3, 9a, 462(k).

SOURCE: 52 FR 10683, Apr. 2, 1987, unless otherwise noted.

**§ 4.1 Applicability and scope.**

The applicability of the regulations in this part is described in § 1.2 of this chapter. The regulations in this part also apply, regardless of land ownership, on all roadways and parking areas within a park area that are open to public traffic and that are under the legislative jurisdiction of the United States.

**§ 4.2 State law applicable.**

(a) Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is adopted and made a part of the regulations in this part.

(b) Violating a provision of State law is prohibited.

**§ 4.3 Authorized emergency vehicles.**

(a) The operator of an authorized emergency vehicle, when responding to an emergency or when pursuing or apprehending an actual or suspected violator of the law, may:

- (1) Disregard traffic control devices;
- (2) Exceed the speed limit; and
- (3) Obstruct traffic.

(b) The provisions of paragraph (a) of this section do not relieve the operator from the duty to operate with due regard for the safety of persons and property.

**§ 4.4 Report of motor vehicle accident.**

(a) The operator of a motor vehicle involved in an accident resulting in property damage, personal injury or death shall report the accident to the superintendent as soon as practicable, but within 24 hours of the accident. If the operator is physically incapable of reporting the accident, an occupant of the vehicle shall report the accident to the superintendent.

(b) A person shall not tow or move a vehicle that has been involved in an accident without first notifying the superintendent unless the position of the vehicle constitutes a hazard or prior notification is not practicable, in which case notification shall be made before the vehicle is removed from the park area.

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(c) Failure to comply with a reporting requirement specified in paragraph (a) or (b) of this section is prohibited.

(d) The notification requirements imposed by this section do not relieve the operator and occupants of a motor vehicle involved in an accident of the responsibility to satisfy reporting requirements imposed by State law.

#### § 4.10 Travel on park roads and designated routes.

(a) Operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use.

(b) Routes and areas designated for off-road motor vehicle use shall be promulgated as special regulations. The designation of routes and areas shall comply with § 1.5 of this chapter and E.O. 11644 (37 FR 2887). Routes and areas may be designated only in national recreation areas, national seashores, national lakeshores and national preserves.

(c) The following are prohibited:

(1) Operating a motor vehicle not equipped with pneumatic tires, except that a track-laying motor vehicle or a motor vehicle equipped with a similar traction device may be operated on a route designated for these vehicles by the superintendent.

(2) Operating a motor vehicle in a manner that causes unreasonable damage to the surface of a park road or route.

(3) Operating a motor vehicle on a route or area designated for off-road motor vehicle use, from ½ hour after sunset to ½ hour before sunrise, without activated headlights and taillights that meet the requirements of State law for operation on a State highway.

#### § 4.11 Load, weight and size limits.

(a) Vehicle load, weight and size limits established by State law apply to a vehicle operated on a park road. However, the superintendent may designate more restrictive limits when appropriate for traffic safety or protection of the road surface. The superintendent may require a permit and establish conditions for the operation of a vehicle exceeding designated limits.

(b) The following are prohibited:

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(1) Operating a vehicle that exceeds a load, weight or size limit designated by the superintendent.

(2) Failing to obtain a permit when required.

(3) Violating a term or condition of a permit.

(4) Operating a motor vehicle with an auxiliary detachable side mirror that extends more than 10 inches beyond the side fender line except when the motor vehicle is towing a second vehicle.

(c) Violating a term or condition of a permit may also result in the suspension or revocation of the permit by the superintendent.

#### § 4.12 Traffic control devices.

Failure to comply with the directions of a traffic control device is prohibited unless otherwise directed by the superintendent.

#### § 4.13 Obstructing traffic.

The following are prohibited:

(a) Stopping or parking a vehicle upon a park road, except as authorized by the superintendent, or in the event of an accident or other condition beyond the control of the operator.

(b) Operating a vehicle so slowly as to interfere with the normal flow of traffic.

#### § 4.14 Open container of alcoholic beverage.

(a) Each person within a motor vehicle is responsible for complying with the provisions of this section that pertain to carrying an open container. The operator of a motor vehicle is the person responsible for complying with the provisions of this section that pertain to the storage of an open container.

(b) Carrying or storing a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal is broken or the contents of which have been partially removed, within a motor vehicle in a park area is prohibited.

(c) This section does not apply to:

(1) An open container stored in the trunk of a motor vehicle or, if a motor vehicle is not equipped with a trunk, to an open container stored in some other portion of the motor vehicle designed

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for the storage of luggage and not normally occupied by or readily accessible to the operator or passengers; or

(2) An open container stored in the living quarters of a motor home or camper; or

(3) Unless otherwise prohibited, an open container carried or stored in a motor vehicle parked at an authorized campsite where the motor vehicle's occupant(s) are camping.

(d) For the purpose of paragraph (c)(1) of this section, a utility compartment or glove compartment is deemed to be readily accessible to the operator and passengers of a motor vehicle.

### § 4.15 Safety belts.

(a) Each operator and passenger occupying any seating position of a motor vehicle in a park area will have the safety belt or child restraint system properly fastened at all times when the vehicle is in motion. The safety belt and child restraint system will conform to applicable United States Department of Transportation standards.

(b) This section does not apply to an occupant in a seat that was not originally equipped by the manufacturer with a safety belt nor does it apply to a person who can demonstrate that a medical condition prevents restraint by a safety belt or other occupant restraining device.

[62 FR 61633, Nov. 19, 1997]

### § 4.20 Right of way.

An operator of a motor vehicle shall yield the right of way to pedestrians, saddle and pack animals and vehicles drawn by animals. Failure to yield the right of way is prohibited.

### § 4.21 Speed limits.

(a) Park area speed limits are as follows:

(1) 15 miles per hour: within all school zones, campgrounds, picnic areas, parking areas, utility areas, business or residential areas, other places of public assemblage and at emergency scenes.

(2) 25 miles per hour: upon sections of park road under repair or construction.

(3) 45 miles per hour: upon all other park roads.

(b) The superintendent may designate a different speed limit upon any park road when a speed limit set forth in paragraph (a) of this section is determined to be unreasonable, unsafe or inconsistent with the purposes for which the park area was established. Speed limits shall be posted by using standard traffic control devices.

(c) Operating a vehicle at a speed in excess of the speed limit is prohibited.

(d) An authorized person may utilize radiomicrowaves or other electrical devices to determine the speed of a vehicle on a park road. Signs indicating that vehicle speed is determined by the use of radiomicrowaves or other electrical devices are not required.

### § 4.22 Unsafe operation.

(a) The elements of this section constitute offenses that are less serious than reckless driving. The offense of reckless driving is defined by State law and violations are prosecuted pursuant to the provisions of section 4.2 of this chapter.

(b) The following are prohibited:

(1) Operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent considering wildlife, traffic, weather, road and light conditions and road character.

(2) Operating a motor vehicle in a manner which unnecessarily causes its tires to squeal, skid or break free of the road surface.

(3) Failing to maintain that degree of control of a motor vehicle necessary to avoid danger to persons, property or wildlife.

(4) Operating a motor vehicle while allowing a person to ride:

(i) On or within any vehicle, trailer or other mode of conveyance towed behind the motor vehicle unless specifically designed for carrying passengers while being towed; or

(ii) On any exterior portion of the motor vehicle not designed or intended for the use of a passenger. This restriction does not apply to a person seated on the floor of a truck bed equipped with sides, unless prohibited by State law.

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### § 4.23 Operating under the influence of alcohol or drugs.

(a) Operating or being in actual physical control of a motor vehicle is prohibited while:

(1) Under the influence of alcohol, or a drug, or drugs, or any combination thereof, to a degree that renders the operator incapable of safe operation; or

(2) The alcohol concentration in the operator's blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or more of alcohol per 210 liters of breath. Provided however, that if State law that applies to operating a motor vehicle while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits supersede the limits specified in this paragraph.

(b) The provisions of paragraph (a) of this section also apply to an operator who is or has been legally entitled to use alcohol or another drug.

(c) *Tests.* (1) At the request or direction of an authorized person who has probable cause to believe that an operator of a motor vehicle within a park area has violated a provision of paragraph (a) of this section, the operator shall submit to one or more tests of the blood, breath, saliva or urine for the purpose of determining blood alcohol and drug content.

(2) Refusal by an operator to submit to a test is prohibited and proof of refusal may be admissible in any related judicial proceeding.

(3) Any test or tests for the presence of alcohol and drugs shall be determined by and administered at the direction of an authorized person.

(4) Any test shall be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.

(d) *Presumptive levels.* (1) The results of chemical or other quantitative tests are intended to supplement the elements of probable cause used as the basis for the arrest of an operator charged with a violation of paragraph (a)(1) of this section. If the alcohol concentration in the operator's blood or breath at the time of testing is less than alcohol concentrations specified in paragraph (a)(2) of this section, this

fact does not give rise to any presumption that the operator is or is not under the influence of alcohol.

(2) The provisions of paragraph (d)(1) of this section are not intended to limit the introduction of any other competent evidence bearing upon the question of whether the operator, at the time of the alleged violation, was under the influence of alcohol, or a drug, or drugs, or any combination thereof.

[52 FR 10683, Apr. 2, 1987, as amended at 68 FR 46479, Aug. 6, 2003]

### § 4.30 Bicycles.

(a) The use of a bicycle is prohibited except on park roads, in parking areas and on routes designated for bicycle use; *provided, however,* the superintendent may close any park road or parking area to bicycle use pursuant to the criteria and procedures of §§1.5 and 1.7 of this chapter. Routes may only be designated for bicycle use based on a written determination that such use is consistent with the protection of a park area's natural, scenic and aesthetic values, safety considerations and management objectives and will not disturb wildlife or park resources.

(b) Except for routes designated in developed areas and special use zones, routes designated for bicycle use shall be promulgated as special regulations.

(c) A person operating a bicycle is subject to all sections of this part that apply to an operator of a motor vehicle, except §§4.4, 4.10, 4.11 and 4.14.

(d) The following are prohibited:

(1) Possessing a bicycle in a wilderness area established by Federal statute.

(2) Operating a bicycle during periods of low visibility, or while traveling through a tunnel, or between sunset and sunrise, without exhibiting on the operator or bicycle a white light or reflector that is visible from a distance of at least 500 feet to the front and with a red light or reflector visible from at least 200 feet to the rear.

(3) Operating a bicycle abreast of another bicycle except where authorized by the superintendent.

(4) Operating a bicycle while consuming an alcoholic beverage or carrying in hand an open container of an alcoholic beverage.



§4.31 Hitchhiking.

Hitchhiking or soliciting transportation is prohibited except in designated areas and under conditions established by the superintendent.

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

Sec.

- 5.1 Advertisements.
- 5.2 Alcoholic beverages; sale of intoxicants.
- 5.3 Business operations.
- 5.4 Commercial passenger-carrying motor vehicles.
- 5.5 Commercial photography.
- 5.6 Commercial vehicles.
- 5.7 Construction of buildings or other facilities.
- 5.8 Discrimination in employment practices.
- 5.9 Discrimination in furnishing public accommodations and transportation services.
- 5.10 Eating, drinking, or lodging establishments.
- 5.11-5.12 [Reserved]
- 5.13 Nuisances.
- 5.14 Prospecting, mining, and mineral leasing.

AUTHORITY: 16 U.S.C. 1, 3, 9a, 17j-2, 462.

SOURCE: 31 FR 16660, Dec. 29, 1966, unless otherwise noted.

§5.1 Advertisements.

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent. Such permission may be granted only if the notice or advertisement is of goods, services, or facilities available within the park area and such notices and advertisements are found by the Superintendent to be desirable and necessary for the convenience and guidance of the public.

§5.2 Alcoholic beverages; sale of intoxicants.

(a) The sale of alcoholic, spirituous, vinous, or fermented liquor, containing more than 1 percent of alcohol by weight, shall conform with all applicable Federal, State, and local laws and regulations (See also §2.35 of this chapter.)

(b) No such liquor shall be sold on any privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic Mesa Verde, Denali, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, or Yosemite National Parks, unless a permit for the sale thereof has first been secured from the appropriate Regional Director.

(1) In granting or refusing applications for permits as herein provided, the Regional Directors shall take into consideration the character of the neighborhood, the availability of other liquor-dispensing facilities, the local laws governing the sale of liquor, and any other local factors which have a relationship to the privilege requested.

(2) A fee will be charged for the issuance of such a permit, corresponding to that charged for the exercise of similar privileges outside the park area boundaries by the State government, or appropriate political subdivision thereof within whose exterior boundaries the place covered by the permit is situated.

(3) The applicant or permittee may appeal to the Director from any final action of the appropriate Regional Director refusing, conditioning or revoking the permit. Such an appeal shall be filed, in writing, within 20 days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Director may be appealed to the Secretary of the Interior within 15 days after receipt of notice by the applicant or permittee of the Director's decision.

(4) The permit for sale of intoxicating liquors shall contain such general and special conditions as the Regional Director may deem reasonably necessary to insure safe and orderly management of the park area.

(5) The permittee shall comply with all State and county laws and regulations, other than fee and license requirements, which would be applicable to the premises and to the sale and dispensing of intoxicating beverages if the privately owned lands were not subject

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to the jurisdiction of the United States.

[31 FR 16660, Dec. 29, 1966, as amended at 35 FR 12542, Aug. 6, 1970; 65 FR 37878, June 19, 2000]

#### § 5.3 Business operations.

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

#### § 5.4 Commercial passenger-carrying motor vehicles.

(a) The commercial transportation of passengers by motor vehicles except as authorized under a contract or permit from the Secretary or his authorized representative is prohibited in Crater Lake (prohibition is limited to sight-seeing tours on the rim drive), Glacier (prohibition does not apply to non-scheduled tours on portions of the park road as defined in § 7.3 of this chapter), Grand Canyon (prohibition does not apply to the north rim or to non-scheduled tours as defined in § 7.4 of this chapter), Grand Teton (prohibition does not apply to those portions of Highways Nos. 26, 89, 187, and 287 commencing at the south boundary of the park and running in a general northerly direction to the east and north boundaries of the park), Mesa Verde (prohibition does not apply to transportation between points within the park and outside points), Denali National Park and Preserve (prohibition does not apply to that portion of the Denali Park road between the Highway 3 junction and the Denali Park Railroad Depot), Sequoia-Kings Canyon, Yellowstone (prohibition does not apply to nonscheduled tours as defined in § 7.13 of this chapter, nor to that portion of U.S. Highway 191 traversing the northwest corner of the park) and Yosemite National Parks. The following principles will govern the interpretation and enforcement of the section:

(1) Transportation is commercial if it is operated primarily as a business activity or for profit of the operator, or if any person or organization may receive a profit, commission, fee, brokerage or

other compensation for organizing, advertising, promoting, soliciting or selling the trip or tour of which such transportation is a part.

(2) Transportation is commercial if payment therefor is made directly or indirectly to the operator: *Provided*, That bona fide sharing of actual expenses will not be deemed a payment.

(3) Transportation by a motor vehicle licensed as a commercial vehicle, or of commercial type, will be presumed to be commercial unless otherwise established to the satisfaction of the Superintendent or his authorized representative.

(4) Transportation will not be deemed commercial for the sole reason that the motor vehicle is chartered or rented in good faith to the operator, by the owner, for general use at a charge based upon time or mileage or both. Nothing in this section is intended to prohibit the operation of pleasure type automobiles rented without a driver on the normal terms from the owner.

(5) Subject to the provision of paragraph (a)(1) of this section, transportation is not commercial if it is a part of a trip or tour initiated, organized, and directed by an established bona fide school or college, institution, society or other organization, as a non-profit activity of such organization, and if all passengers are students, faculty, members, or employees of such organization, or otherwise connected therewith, provided that credentials are presented at the park entrance from the head of such institution or organization indicating the trip is in accordance with the provisions stipulated herein. Clubs or associations having as a principal purpose the arranging of tours, trips, or transportation for their members will not qualify for admission into the above-named parks under the provision of this paragraph.

(6) As used in this section, “owner” means the person or organization having legal title, or all the incidents of ownership other than legal title, of a motor vehicle by which passengers may be transported, and includes a registered owner or a purchaser under a conditional sales contract. “Operator” means the person, organization, or

group that arranges for the transportation, assumes responsibility for financial risk and management, and determines who shall be transported upon what terms, conditions, or charges. The operator may be the owner, but need not be.

(b) Passenger-carrying motor vehicles, otherwise admissible, that are so large as to require special escort in order to proceed safely over park roads, or which in the judgment of the Superintendent are beyond the carrying capacity or safety factor of the roads, will not be permitted in the parks, except that, where they may satisfactorily enter and travel to park headquarters they may be parked there during the period of stay.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

[31 FR 16660, Dec. 29, 1966, as amended at 37 FR 12722, June 28, 1972; 38 FR 10639, Apr. 30, 1973; 60 FR 35841, July 12, 1995; 65 FR 37878, June 19, 2000]

#### § 5.5 Commercial photography.

(a) *Motion pictures, television.* Before any motion picture may be filmed or any television production or sound track may be made, which involves the use of professional casts, settings, or crews, by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent, in accordance with the provisions of the special regulations contained in part 5, subtitle A, title 43 of the Code of Federal Regulations.

(b) *Still photography.* The taking of photographs of any vehicle, or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

#### § 5.6 Commercial vehicles.

(a) The term "Commercial vehicle" as used in this section shall include, but not be limited to trucks, station wagons, pickups, passenger cars or other vehicles when used in transporting movable property for a fee or profit, either as a direct charge to another person, or otherwise, or used as an incident to providing services to another person, or used in connection with any business.

(b) The use of government roads within park areas by commercial vehicles, when such use is in no way connected with the operation of the park area, is prohibited, except that in emergencies the Superintendent may grant permission to use park roads.

(c) The Superintendent shall issue permits for commercial vehicles used on park area roads when such use is necessary for access to private lands situated within or adjacent to the park area, to which access is otherwise not available.

#### § 5.7 Construction of buildings or other facilities.

Constructing or attempting to construct a building, or other structure, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or any other private or public utility, upon across, over, through, or under any park areas, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States, is prohibited.

#### § 5.8 Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public within any park area is prohibited from discriminating against any employee or maintaining any employment practice which discriminates because of race, creed, color, ancestry, sex, age, disabling condition, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by derivative subcontract or sublease. As used in this section, the term "employment" includes, but is not limited to, employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.

(b) Each such proprietor, owner or operator shall post either the following notice:

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### NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior. No discrimination in employment practices on the basis of race, creed, color, ancestry, sex, age, disabling condition, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints or violations of this prohibition should be addressed to the Director, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

or notices supplied in accordance with Executive Order 11246 at such locations as will ensure that the notice and its contents will be conspicuous to any person seeking employment.

(c) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[31 FR 16660, Dec. 29, 1966, as amended at 52 FR 35240, Sept. 18, 1987; 53 FR 740, Jan. 12, 1988]

### **§5.9 Discrimination in furnishing public accommodations and transportation services.**

(a) The proprietor, owner or operator and the employees of any hotel, inn, lodge, or other facility or accommodation offered to or enjoyed by the general public within a park area and, while using such a park area, any commercial passenger-carrying motor vehicle service and its employees, are prohibited from: (1) Publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, sex, age, disabling condition, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, sex, age, disabling condition, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator shall post the following notice at such locations as will insure that the notice and its contents will be con-

spicuous to any person seeking accommodations, facilities, services, or privileges:

### NOTICE

This is a facility operated in an area under the jurisdiction of the U.S. Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry, sex, age, disabling condition or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

(c) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[31 FR 16660, Dec. 29, 1966, as amended at 52 FR 35240, Sept. 18, 1987; 53 FR 740, Jan. 12, 1988]

### **§5.10 Eating, drinking, or lodging establishments.**

(a) No establishment offering food, drink, or lodging for sale on any privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Denali, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite National Parks may be operated without a permit obtained from the Superintendent. Such permit may include terms and conditions deemed necessary by the Superintendent to the health, safety and welfare of the public and it may be revoked upon failure to comply with the requirements of paragraphs (b) and (c) of this section or the conditions set forth in the permit.

(b) Such establishment shall be maintained and operated in accordance with the rules and regulations recommended by the U.S. Public Health Service for such establishments, and the substantive requirements of State and local laws and regulations relating to such establishments, which would apply if such privately owned lands were not subject to the jurisdiction of

the United States. In the event of conflict or inconsistency between such U.S. Public Health Service recommendations and State or local laws the former shall prevail.

(c) The Superintendent shall have the right to inspect such establishments at reasonable times to determine whether the establishment is being operated in accordance with the applicable rules and regulations and in accordance with the provisions of the permit.

[31 FR 16660, Dec. 29, 1966, as amended at 65 FR 37878, June 19, 2000]

#### §§ 5.11–5.12 [Reserved]

#### § 5.13 Nuisances.

The creation or maintenance of a nuisance upon the federally owned lands of a park area or upon any private lands within a park area under the exclusive legislative jurisdiction of the United States is prohibited.

#### § 5.14 Prospecting, mining, and mineral leasing.

Prospecting, mining, and the location of mining claims under the general mining laws and leasing under the mineral leasing laws are prohibited in park areas except as authorized by law.

### PART 6—SOLID WASTE DISPOSAL SITES IN UNITS OF THE NATIONAL PARK SYSTEM

Sec.

- 6.1 Purpose.
- 6.2 Applicability and scope.
- 6.3 Definitions.
- 6.4 Solid waste disposal sites not in operation on September 1, 1984.
- 6.5 Solid waste disposal sites in operation on September 1, 1984.
- 6.6 Solid waste disposal sites within new additions to the National Park System.
- 6.7 Mining wastes.
- 6.8 National Park Service solid waste responsibilities.
- 6.9 Permits.
- 6.10 Financial assurance.
- 6.11 Appeals.
- 6.12 Prohibited acts and penalties.

AUTHORITY: 16 U.S.C. 1, 3, 4601–22(c).

SOURCE: 59 FR 65957, Dec. 22, 1994, unless otherwise noted.

#### § 6.1 Purpose.

(a) The regulations contained in this part prohibit the operation of any solid waste disposal site, except as specifically provided for, and govern the continued use of any existing solid waste disposal site within the boundaries of any unit of the National Park System.

(b) The purpose of the regulations in this part is to ensure that all activities within the boundaries of any unit of the National Park System resulting from the operation of a solid waste disposal site are conducted in a manner to prevent the deterioration of air and water quality, to prevent degradation of natural and cultural, including archaeological, resources, and to reduce adverse effects to visitor enjoyment.

(c) The regulations in this part interpret and implement Pub. L. 98-506, 98 Stat. 2338 (16 U.S.C. 4601–22(c)).

#### § 6.2 Applicability and scope.

(a) The regulations contained in this part apply to all lands and waters within the boundaries of all units of the National Park System, whether federally or nonfederally owned, and without regard to whether access to a solid waste disposal site requires crossing federally-owned or controlled lands or waters.

(b) The regulations contained in this part govern:

(1) The use of solid waste disposal sites not in operation on September 1, 1984, including the approval of new solid waste disposal sites;

(2) The continued use or closure of solid waste disposal sites that were in operation on September 1, 1984;

(3) The continued use or closure of solid waste disposal sites on lands or waters added to the National Park System after January 23, 1995.

(c) Exceptions.

(1) The regulations contained in this part do not govern the disposal of residential or agricultural solid wastes in a site by a person who can show that he or she:

(i) Resides within the boundaries of the unit;

(ii) Generates the residential or agricultural solid waste within the boundaries of the unit;

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(iii) Disposes of the solid waste only on lands that the person owns or leases within the unit;

(iv) Does not engage in a solid waste disposal practice that poses a reasonable probability of adverse effects on health or the environment, as described by the criteria in 40 CFR part 257, Criteria For Classification Of Solid Waste Disposal Facilities and Practices found at 40 CFR 257.3-1 to 257.3-8; and

(v) Is not required to possess a State or local permit or license for the disposal of solid waste.

(2) The exemption in paragraph (c)(1) of this section does not apply to agricultural solid waste consisting of a chemical used as a pesticide, an item used to apply, or a container used to store, a pesticide.

(3) Manure and crop residue returned to the soil as a fertilizer or soil conditioner are not solid wastes for purposes of this part, and do not require a request, environmental report, financial assurance or permit issued under this part.

(d) The conditions in § 6.4(a) govern the establishment of new, or the expansion of existing, solid waste disposal sites operated by the National Park Service. The conditions in § 6.5(c) govern the continued use of existing solid waste disposal sites operated by the National Park Service. However, the permit, financial assurance, administrative and penalty provisions of this part do not apply to any solid waste disposal site operated by the National Park Service.

#### § 6.3 Definitions.

The following definitions apply to this part:

*Agricultural solid waste* means solid waste that is generated by the rearing or harvesting of animals, or the producing or harvesting of crops or trees.

*Boundaries* means the limits of lands or waters that constitute a unit of the National Park System as specified by Congress, denoted by Presidential Proclamation, recorded in the records of a State or political subdivision in accordance with applicable law, published pursuant to law, or otherwise published or posted by the National Park Service.

*Closure and Post-closure care* means all of the requirements prescribed by 40 CFR part 258, Criteria For Municipal Solid Waste Landfills at 40 CFR 258.60 and 258.61.

*Compostible materials* means organic substances that decay under natural and/or human-assisted conditions within relatively short time intervals, generally not in excess of ninety days.

*Degrade* means to lessen or diminish in quantity, quality or value.

*Hazardous waste* means a waste defined by 40 CFR part 261, Identification And Listing Of Hazardous Waste. Hazardous waste does not include any solid waste listed under 40 CFR 261.4(b).

*Leachate* means liquid that has percolated through solid waste and has extracted, dissolved or suspended materials in it.

*Mining overburden* means material overlying a mineral deposit that is removed to gain access to that deposit.

*Mining wastes* means residues that result from the extraction of raw materials from the earth.

*National Park Service activities* means operations conducted by the National Park Service or a National Park Service contractor, concessionaire or commercial use licensee.

*National Park System* means any area of land or water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational or other purposes.

*Natural resource* means the components of a park, both biotic and abiotic, including but not limited to, vegetation, wildlife, fish, water, including surface and ground water, air, soils, geological features, including subsurface strata, the natural processes and interrelationships that perpetuate such resources, and attributes that contribute to visitor enjoyment.

*Operator* means a person conducting or proposing to conduct the disposal of solid waste.

*PCBs or PCB item* means an item as defined in 40 CFR part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution In Commerce, And Use Prohibitions at 40 CFR 761.3(x).

*Residential solid waste* means waste generated by the normal activities of a

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household, including, but not limited to, food waste, yard waste and ashes, but not including metal or plastic.

*Solid waste* means garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, and contained gaseous material resulting from industrial, commercial, mining and agricultural operations or from community activities. "Solid waste" does not include a material listed under 40 CFR 261.4(a).

*Solid waste disposal site* means land or water where deliberately discarded solid waste, as defined above, is discharged, deposited, injected, dumped, spilled, leaked, or placed so that such solid waste or a constituent thereof may enter the environment or be emitted into the air or discharged into waters, including ground waters. Solid waste disposal sites include facilities for the incineration of solid waste and transfer stations. Facilities for the management of compostible materials are not defined as solid waste disposal sites for the purposes of this part.

### § 6.4 Solid waste disposal sites not in operation on September 1, 1984.

(a) No person may operate a solid waste disposal site within the boundaries of a National Park System unit that was not in operation on September 1, 1984, unless the operator has shown and the Regional Director finds that:

(1) The solid waste is generated solely from National Park Service activities conducted within the boundaries of that unit of the National Park System;

(2) There is no reasonable alternative site outside the boundaries of the unit suitable for solid waste disposal;

(3) The site will not degrade any of the natural or cultural resources of the unit;

(4) The site meets all other applicable Federal, State and local laws and regulations, including permitting requirements;

(5) The site conforms to all of the restrictions and criteria in 40 CFR 257.3-1 to 257.3-8, and 40 CFR part 258, subparts B, C, D, E and F;

(6) The site will not be used for the storage, handling, or disposal of a solid waste containing:

(i) Hazardous waste;

(ii) Municipal solid waste incinerator ash;

(iii) Lead-acid batteries;

(iv) Polychlorinated Biphenyls (PCBs) or a PCB Item;

(v) A material registered as a pesticide by the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 *et seq.*);

(vi) Sludge from a waste treatment plant, septic system waste, or domestic sewage;

(vii) Petroleum, including used crankcase oil from a motor vehicle, or soil contaminated by such products;

(viii) Non-sterilized medical waste;

(ix) Radioactive materials; or

(x) Tires;

(7) The site is located wholly on non-federal lands, except for NPS operated sites in units where nonfederal lands are unavailable, or unsuitable and there is no practicable alternative;

(8) The site is not located within the 500 year floodplain, or in a wetland;

(9) The site is not located within one mile of a National Park Service visitor center, campground, ranger station, entrance station, or similar public use facility, or a residential area;

(10) The site will not be detectable by the public by sight, sound or odor from a scenic vista, a public use facility, a designated or proposed wilderness area, a site listed on, or eligible for listing on, the National Register of Historic Places, or a road designated as open to public travel;

(11) The site will receive less than 5 tons per day of solid waste, on an average yearly basis; and

(12) The proposed closure and post-closure care is sufficient to protect the resources of the National Park System unit from degradation.

(b) A person proposing to operate a solid waste disposal site that was not in operation on September 1, 1984, must submit a request for a permit to the proper Superintendent for review by Regional Director demonstrating that the solid waste operation meets the

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criteria in paragraph (a) of this section. The following information must be included in a permit request:

(1) A map or maps, satisfactory to the Regional Director, that adequately shows the proposed area of solid waste disposal, size of the area in acres, existing roads and proposed routes to and from the area of operations and the location and description of surface facilities;

(2) The name and legal addresses of the following:

(i) Owners of record of the land; and  
(ii) Any lessee, assignee or designee of the owner, if the proposed operator is not the owner of the land;

(3) The mode and frequency (in number of trips per day) of transport and size and gross weight of major vehicular equipment to be used;

(4) The amount of solid waste to be received, in average tons per day and average cubic yards per day;

(5) The estimated capacity of the site in cubic yards and tons;

(6) A detailed plan of the daily site operations;

(7) A plan for the reclamation and post closure care of the site after completion of solid waste disposal;

(8) Evidence that the proposed operator has obtained all other Federal, State and local permits necessary for solid waste disposal; and

(9) An environmental report that includes the following:

(i) A description of the natural and cultural resources and visitor uses to be affected;

(ii) An assessment of hydrologic conditions of the disposal site with projections of leachate generation, composition, flow paths and discharge areas and geochemical fate of leachate constituents;

(iii) An analysis of the quantitative and qualitative extent to which natural and cultural resources will be affected based on acceptable and appropriate monitoring of existing resource conditions;

(iv) Steps to be taken by the operator to prevent degradation of air and water quality, to manage pests and vermin, and to minimize noise, odor, feeding by native wildlife and conflicts with visitor uses;

(v) An analysis of alternative locations and methods for the disposal of the solid waste; and

(vi) Any other information required by the Regional Director to effectively analyze the effects that the proposed solid waste disposal site may have on the preservation, management and public use of the unit.

(c) If the Regional Director finds that the permit request and environmental report do not meet the conditions of approval set forth in paragraph (a) of this section, the Regional Director must reject the application and notify the proposed operator of the reasons for the rejection.

### § 6.5 Solid waste disposal sites in operation on September 1, 1984.

(a) The operator of a solid waste disposal site in operation as of September 1, 1984, within the boundaries of a unit of the National Park System, having been in continuous operation on January 23, 1995, and who wishes to remain in operation, must submit to the proper Superintendent for review by the Regional Director, within 180 calendar days of January 23, 1995, a permit request and an environmental report as described in § 6.4(b) (1)-(9).

(b) Any operator who fails to submit a request as described in paragraph (a) of this section will not be allowed to continue operations and must immediately fulfill all applicable closure and post-closure care requirements.

(c) The Regional Director may approve a request to allow the continued use of a solid waste disposal site only if the operator has shown and the Regional Director finds that:

(1) Adverse effects resulting from leachate, noise, odor, vehicular traffic, litter and other activities upon natural and cultural resources will be adequately mitigated;

(2) The proposed operator meets all other applicable Federal, State and local laws and regulations, including permit requirements;

(3) The site will no longer be used for the storage, handling or disposal of a solid waste containing:

(i) Hazardous waste;  
(ii) Municipal solid waste incinerator ash;  
(iii) Lead-acid batteries;



(iv) Polychlorinated Biphenyls (PCBs) or a PCB Item;

(v) A material registered as a pesticide by the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) Sludge from a waste treatment plant, septic system waste or domestic sewage;

(vii) Petroleum, including used crankcase oil from a motor vehicle, or soil contaminated by such products;

(viii) Non-sterilized medical waste;

(ix) Radioactive materials; or

(x) Tires;

(4) The proposed closure and post-closure care is sufficient to protect the resources of the National Park System unit from degradation; and

(5) The site conforms to all of the restrictions and criteria applicable to the site under 40 CFR 257.3 and 40 CFR part 258, or where applicable, 40 CFR part 240, Guidelines for the Thermal Processing of Solid Waste.

(d) If the Regional Director finds that the permit request and the environmental report do not meet the conditions for approval set forth in paragraph (c) of this section, the Regional Director shall reject the request and notify the proposed operator of the reasons for the rejection. Within 90 calendar days of such notice, the operator of the solid waste disposal site must cease disposing of solid waste at the site. The operator may resume disposing of solid waste only upon submission and approval of a permit request and environmental report that the Regional Director determines meet the conditions set forth in paragraph (c) of this section.

(e) *Site expansions.* (1) A request for an existing solid waste disposal site to continue operations by expanding its capacity, laterally or vertically, is considered a request for a new solid waste disposal site and is subject to the conditions of § 6.4(a), except as provided in paragraph (e)(2) of this section.

(2) A request for an existing solid waste disposal site to continue operations by expanding its capacity, laterally or vertically, will be judged by the approval conditions of paragraph (c) of this section if the operator shows that:

(i) The solid waste is generated solely from sources within the boundaries of the unit;

(ii) The area proposed for site expansion encompasses only nonfederal lands owned or leased by the operator; and

(iii) the solid waste disposal site lacks road, rail, or adequate water access to any lands outside the unit for all or substantial portions of the year.

(f) After January 23, 1995, an operator of an NPS-approved existing landfill solid waste disposal site may convert that site to a transfer station only after submitting a request under paragraph (a) of this section, and only after receiving approval from the Regional Director under paragraph (c) of this section. The Regional Director may approve such a request, if in addition to meeting the standards of paragraph (c) of this section, the Regional Director finds that the conversion to a transfer station better protects the unit's natural or cultural resources than the existing land-fill operation.

#### **§ 6.6 Solid waste disposal sites within new additions to the National Park System.**

(a) An operator of a solid waste disposal site located on lands or waters added to the National Park System, by act of Congress or by proclamation, after January 23, 1995, will not be permitted to dispose of solid waste after expiration of the permit or license in effect on the date of the land's or water's designation as being within a National Park System unit's boundaries. The operator must then immediately fulfill all applicable closure and post-closure care requirements.

(b) An operator of a solid waste disposal site located on lands or waters designated as being within the boundaries of a unit of the National Park System established or expanded after January 23, 1995, who wishes to remain in operation for the duration of the existing permit or license, must submit to the Regional Director, within 180 calendar days of the land's or water's designation as being within a National Park System unit boundaries, a permit request and environmental report as described in § 6.4(b) (1)-(9).

(c) Any operator who fails to submit a request as described in paragraph (b)

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of this section will be subject to the penalty provisions of § 6.12.

(d) If the Regional Director finds that the permit request and the environmental report do not meet the conditions for approval set forth in § 6.5(c), the Regional Director will reject the request and notify the proposed operator of the reasons for the rejection. Within 90 calendar days of such notice, the operator of the solid waste disposal site must cease disposing of solid waste at the site. The operator may resume disposing of solid waste only upon submission and approval of a permit request and environmental report that the Regional Director determines meet the conditions set forth in § 6.5(c).

### § 6.7 Mining wastes.

(a) Solid waste from mining includes but is not limited to mining overburden, mining byproducts, solid waste from the extraction, processing and beneficiation of ores and minerals, drilling fluids, produced waters, and other wastes associated with exploration, development, or production of oil, natural gas or geothermal energy and any garbage, refuse or sludge associated with mining and mineral operations.

(b) A person conducting mining or mineral operations on January 23, 1995, and not governed by a plan of operations approved under 36 CFR part 9, Minerals Management, or pursuant to the terms of a Federal mineral lease, may continue to operate a solid waste disposal site within the boundaries of a unit only after complying with § 6.5 and § 6.10 and with a permit issued by the Regional Director under § 6.9.

(c) A person conducting mining or mineral operations on January 23, 1995, and governed by a plan of operations approved under 36 CFR part 9 or pursuant to the terms of a Federal mineral lease may continue to operate a solid waste disposal site under the terms of the approved plan of operations or lease. Where an existing mining or mineral operation is governed by 36 CFR part 9 or a Federal mineral lease, an NPS-approved plan of operations will constitute the permit for solid waste disposal site operation otherwise required under § 6.9. A bond required under 36 CFR part 9, or by the Bureau

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of Land Management for Federal lessees, will satisfy the requirements of § 6.10.

(d) A person proposing to initiate mining or mineral operations after January 23, 1995, within the boundaries of a unit of the National Park System, whether or not governed by a plan of operations approved under 36 CFR part 9 or the terms of a Federal mineral lease, may not establish or operate a new solid waste disposal site within a unit.

(e) The temporary storage, stockpiling for return, or return of nonhazardous mining overburden to the mine site for the purpose of mine site reclamation does not require a request, environmental report, financial assurance or a permit issued under this part.

### § 6.8 National Park Service solid waste responsibilities.

(a) Beginning one year after January 23, 1995, a Superintendent will not permit or allow a person to dispose of solid waste at a National Park Service operated solid waste disposal site except for waste generated by National Park Service activities.

(b) The Superintendent of a unit where the National Park Service operates a solid waste disposal site will establish a waste collection program for harmful wastes generated by residential activities by National Park Service and concessionaire households within the unit. The Superintendent will establish frequency and place of collection but such frequency must be, at a minimum, every twelve months.

(c) Each Superintendent will ensure full compliance with regulations at 40 CFR part 244, Solid Waste Management Guidelines For Beverage Containers. Only those units of the National Park System where carbonated beverages in containers are not sold, or that have prepared formal documentation of non-implementation under 40 CFR 244.100(f)(3) that has been approved by the Director and the Administrator of the Environmental Protection Agency, are exempt from the deposit and container return program mandated in 40 CFR part 244.

(d) NPS concessionaires, commercial use licensees and contractors will comply with acquisition, recycling and

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waste minimization goals established by the NPS.

### § 6.9 Permits.

(a) A permit issued under this section is required to operate a solid waste disposal site within the boundaries of a unit of the National Park System, except as specified in § 6.2(c) or § 6.7(c).

(b) Upon receipt of a request under § 6.4, § 6.5 or § 6.6, the Regional Director will analyze whether a new site, or continued operation of an existing site, meets the approval conditions of § 6.4, or § 6.5 respectively. The Regional Director will also review the request under appropriate laws and executive orders, including, but not limited to the National Environmental Policy Act (43 U.S.C. 4321), the National Historic Preservation Act (16 U.S.C. 470), the Endangered Species Act (16 U.S.C. 1531-1543), and E.O. 11988, Floodplain Management (3 CFR, 1978 Comp., p. 117), and E.O. 11990, Wetland Protection (3 CFR, 1978 Comp., 121).

(c) The Regional Director must approve or deny a solid waste disposal site request under this part within 180 calendar days of receipt of the request. The 180 calendar days do not include any days required for consultation with State or Federal agencies under, but not limited to, the Endangered Species Act, the National Historic Preservation Act and the Coastal Zone Management Act, or days required to prepare an Environmental Impact Statement under the National Environmental Policy Act.

(d) If the Regional Director approves a solid waste disposal site request under § 6.4, § 6.5 or § 6.6, the Regional Director may issue, after operator compliance with § 6.10, a nontransferable permit, the term of which shall not exceed five years. The permittee may request a new five year permit upon expiration of an existing permit. The permit instrument will be Form 10-114 (OMB No. 1024-0026), Special Use Permit, available from the park Superintendent.

(e) A permit for a solid waste disposal site will prescribe the site capacity and the requirements under which the solid waste disposal site will be operated. The requirements must include, but are not limited to:

- (1) Hours of operation;
  - (2) Number, frequency, size, gross weight and types of vehicles used, and access routes;
  - (3) Type and height of perimeter fencing;
  - (4) Compliance with all applicable Federal, State and local laws and regulations, including permit requirements;
  - (5) Type and frequency of groundwater, surface water, explosive gas and other pertinent natural resource monitoring;
  - (6) Rights and conditions of access for inspection by National Park Service and other responsible Federal, State or local officials;
  - (7) Closure and post-closure care requirements;
  - (8) Methods of pest and vermin control;
  - (9) Methods of excluding hazardous waste, municipal solid waste incinerator ash, lead-acid batteries, PCBs and PCB Items, material registered by the Environmental Protection Agency as a pesticide, sludge from a waste treatment plant or septic system, domestic sewage, petroleum, including used crankcase oil from a motor vehicle and soil contaminated by such products, medical waste, radioactive materials and tires;
  - (10) Methods of excluding waste generated from non-National Park Service activities, except for a solid waste disposal site approved under § 6.5, or § 6.6, or § 6.7(c); and
  - (11) Methods of litter control.
- (f) Any conflict between a requirement of the permit issued by the National Park Service and a requirement of State or local law will be resolved in favor of the stricter of the two requirements.

### § 6.10 Financial assurance.

(a) The Regional Director will not require a bond or security deposit for a solid waste disposal site for which the operator has established a bond under 40 CFR 258.74(b).

(b) The Regional Director will not require a bond or security deposit for a solid waste disposal site whose owner or operator is a State entity whose debts and liabilities are the debts and liabilities of a State.

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(c) Upon approval of a request to operate a new, or continue an existing, solid waste disposal site, an operator who is not described in paragraphs (a) or (b) of this section must file with the Regional Director a suitable performance bond with satisfactory surety, payable to the Secretary of the Interior or the Secretary's designee. The bond must be conditioned upon faithful compliance with all applicable laws and regulations, and the permit requirements as approved. When bonds are to serve as security, an operator must provide a power of attorney to the Secretary or the Secretary's designee. The bond must be issued by a surety company listed and approved by the Department of the Treasury.

(d) In lieu of a performance bond, an operator may deposit with the Secretary or the Secretary's designee cash or negotiable bonds of the United States Government. The cash deposit or the market value of such securities must be at least equal to the required sum of the bond(s).

(e) The bond or security deposit will be established by the Regional Director in an amount equal to the estimated cost to accomplish all closure and post-closure care requirements as described in 40 CFR part 258, subpart F, but in no case less than \$25,000.

(f) The responsibility and liability of the operator (and the surety, if any) under the bond or security deposit must continue until the Regional Director determines that closure and post-closure care have been completed in accordance with the permit requirements. No portion of the performance bond or security deposit may be released until such a determination has been made.

(g) Within 30 calendar days after the Regional Director determines that all closure and post-closure care requirements have been successfully completed according to the permit, the Regional Director will notify the operator (and the surety, if any) that liability under the bond or security deposit has been terminated and the bond or security deposit released.

### §6.11 Appeals.

(a) An applicant aggrieved by a decision of the Regional Director with re-

gard to a permit request under this part may appeal, in writing, to the Director for reconsideration. The aggrieved applicant must file the appeal with the Director within 45 calendar days of notification to the applicant of the decision complained of. The appeal must set forth in detail the respects to which the decision of the Regional Director is contrary to, or in conflict with, the facts, the law, this part, or is otherwise in error.

(b)(1) Within 45 calendar days after receiving the written appeal of the aggrieved applicant, the Director will make a decision in writing. The Director's decision will include:

- (i) A statement of facts;
- (ii) A statement of conclusions; and
- (iii) an explanation of the reasons upon which the conclusions are based.

(2) The decision of the Director will constitute the final administrative action of the National Park Service.

### §6.12 Prohibited acts and penalties.

(a) The following are prohibited:

(1) Operating a solid waste disposal site without a permit issued under §6.9 or, where applicable, without approval granted under §6.7(c);

(2) Operating a solid waste disposal site without the proper amount or form of bond or security deposit, as prescribed by the Regional Director, when such a bond or security deposit is required by this part;

(3) Operating a solid waste disposal site in violation of a term or a requirement of a National Park Service issued permit; or

(4) Operating a solid waste disposal site in violation of 40 CFR Parts 257 or 258, or in violation of the equivalent State law or regulation.

(b) A person who violates a provision of paragraph (a) of this section is subject to:

(1) The penalty provisions of 36 CFR 1.3; and/or

(2) Revocation of the permit by the Regional Director if a permit exists; and/or

(3) Forfeiture of a bond or security deposit if a bond or security deposit is required under §6.10.

**PART 7—SPECIAL REGULATIONS,  
AREAS OF THE NATIONAL PARK  
SYSTEM**

- Sec.
- 7.1 Colonial National Historical Park.
- 7.2 Crater Lake National Park.
- 7.3 Glacier National Park.
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- 7.34 Blue Ridge Parkway.
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- 7.46 Virgin Islands Coral Reef National Monument.
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- 7.50 Chickasaw Recreation Area.
- 7.51 Curecanti Recreation Area.
- 7.52 Cedar Breaks National Monument.

- 7.53 Black Canyon of the Gunnison National Monument.
- 7.54 Theodore Roosevelt National Park.
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- 7.59 Grand Portage National Monument.
- 7.60 Herbert Hoover National Historic Site.
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- 7.63 Dinosaur National Monument.
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- 7.65 Assateague Island National Seashore.
- 7.66 North Cascades National Park.
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- 7.68 Russell Cave National Monument.
- 7.69 Ross Lake National Recreation Area.
- 7.70 Glen Canyon National Recreation Area.
- 7.71 Delaware Water Gap National Recreation Area.
- 7.72 Arkansas Post National Memorial.
- 7.73 Buck Island Reef National Monument.
- 7.74 Virgin Islands National Park.
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- 7.78 Harpers Ferry National Historical Park.
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- 7.84 Channel Islands National Park.
- 7.85 Big Thicket National Preserve.
- 7.86 Big Cypress National Preserve.
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- 7.88 Indiana Dunes National Lakeshore.
- 7.89 New River Gorge National River.
- 7.90 [Reserved]
- 7.91 Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area.
- 7.92 Bighorn Canyon National Recreation Area.
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- 7.96 National Capital Region.
- 7.97 Golden Gate National Recreation Area.
- 7.100 Appalachian National Scenic Trail.

AUTHORITY: 16 U.S.C. 1, 3, 9a, 462(k); Sec. 7.96 also issued under DC Code 10-137 (2001) and DC Code 50-2201 (2001).

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Zion National Park, Utah .....	7.10

[32 FR 6932, May 5, 1967; 32 FR 7333, May 17, 1967, as amended at 32 FR 21037, Dec. 30, 1967]

EDITORIAL NOTE: The Alphabetical Listing is updated annually by the Office of the Federal Register.

§ 7.1 Colonial National Historical Park.

(a) *Boating.* Except in emergencies, no privately owned vessel shall be launched from land within Colonial National Historical Park and no privately owned vessel shall be beached or landed on land within said Park.

(b) *Commercial passenger—carrying motor vehicles.* Permits shall be required for the operation of commercial passenger-carrying vehicles, including taxi-cabs, carrying passengers for hire on any portion of the Colonial Parkway. The fees for such permits shall be as follows:

- (1) Annual permit for the calendar year: \$3.50 for each passenger-carrying seat in the vehicle to be operated.
- (2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: \$1 for each passenger-carrying seat in the vehicle to be operated.
- (3) Permit good for one day, 5-passenger vehicle: \$1.

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(4) Permit good for one day, more than 5-passenger vehicle: \$3.

[32 FR 16213, Nov. 28, 1967, as amended at 48 FR 30293, June 30, 1983]

### § 7.2 Crater Lake National Park.

(a) *Fishing.* Fishing in Crater Lake and park streams is permitted from May 20 through October 31.

(b) *Boating.* No private vessel or motor may be used on the waters of the park.

(c) *Snowmobiles.* Snowmobile use is permitted in Crater Lake National Park on the North Entrance Road from its intersection with the Rim Drive to the park boundary, and on intermittent routes detouring from the North Entrance Road as designated by the Superintendent and marked with snow poles and signs. Except for such designated detours marked with snow poles and signs, only that portion of the North Entrance Road intended for wheeled vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated roadway is closed to all wheeled vehicles used by the public.

[34 FR 9751, June 24, 1969, as amended at 41 FR 33263, Aug. 9, 1976]

### § 7.3 Glacier National Park.

(a) *Fishing.* (1) Fishing regulations, based on management objectives described in the park's Resource Management Plan, are established annually by the Superintendent.

(2) The Superintendent may impose closures and establish conditions or restrictions, in accordance with the criteria and procedures of §§ 1.5 and 1.7 of this chapter, or any activity pertaining to fishing, including but not limited to, species of fish that may be taken, seasons and hours during which fishing may take place, methods of taking, size, location, and possession limits.

(3) Fishing in violation of a condition or restriction established by the Superintendent is prohibited.

(b) *Eating, drinking, and lodging establishments.* (1) No eating, drinking, or lodging establishment offering food, drink, or lodging for sale may be operated on any privately owned lands within Glacier National Park unless a permit for the operation thereof has

first been obtained from the Superintendent.

(2) The Superintendent will issue a permit only after an inspection of the premises and a determination that the premises comply with the substantive requirements of State and county health and sanitary laws and ordinances and rules and regulations promulgated pursuant thereto which would apply to the premises if the privately owned lands were not subject to the jurisdiction of the United States.

(3) No fee will be charged for the issuance of such a permit.

(4) The Superintendent or his duly authorized representative shall have the right of inspection at all reasonable times for the purpose of ascertaining that the premises are being maintained and operated in compliance with State and county health laws and ordinances and rules and regulations promulgated pursuant thereto.

(5) Failure of the permittee to comply with all State and county substantive laws and ordinances, and rules and regulations promulgated pursuant thereto applicable to the establishment for which a permit is issued, or failure to comply with any Federal law or any regulation promulgated by the Secretary of the Interior for governing the park, or with the conditions imposed by the permit, will be grounds for revocation of the permit.

(6) The applicant or permittee may appeal to the Regional Director, National Park Service, from any final action of the Superintendent, refusing, conditioning, or revoking a permit. Such an appeal, in writing, shall be filed within 30 days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Regional Director may be appealed to the Director, National Park Service, within 30 days after receipt of notice by the applicant or permittee of the Regional Director's decision. During the period in which an appeal is being considered by the Regional Director or the Director, the establishment for which a permit has been denied or revoked shall not be operated.

(7) The revocable permit for eating, drinking, and lodging establishments

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issued by the Superintendent shall contain general regulatory provisions as hereinafter set forth, and will include such reasonable special conditions relating to the health and safety of visitors both to the park and to the establishments as the Superintendent may deem necessary to cover existing local circumstances, and shall be in a form substantially as follows:

(Front of Permit)

U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

REVOCABLE PERMIT FOR OPERATION OF EATING OR DRINKING AND LODGING ESTABLISHMENTS

Permission is hereby granted \_\_\_\_\_, who resides at \_\_\_\_\_, to operate during the period of \_\_\_\_\_, 19\_\_\_\_, to \_\_\_\_\_, 19\_\_\_\_, inclusive a \_\_\_\_\_ (specify type of establishment) within Glacier National Park on lands privately owned or controlled by him (her) over which the United States exercises exclusive jurisdiction. This permit is subject to the general provisions and any special conditions stated on the reverse hereof.

Issued at Glacier National Park, Mont., this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Superintendent

I, \_\_\_\_\_, the permittee named herein, accept this permit subject to the terms, covenants, obligations, and reservations expressed or implied.

Copartnership—permittees sign as "Members of firm".

Corporation—the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal in lieu of witness.

Permittee

Witness:

Name
Address
Name
Address

(Reverse of Permit)

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the Park.

intendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the Park.

2. Any building or structure used for the purpose of conducting the business herein permitted shall be kept in a safe, and sightly condition.

3. The permittee shall dispose of all refuse from the business herein permitted as required by the Superintendent.

4. Permittee, his agents, and employees shall be responsible for the preservation of good order within the vicinity of the business operations herein permitted.

5. Failure of the permittee to comply with all State and county substantive laws and ordinances and rules and regulations promulgated pursuant thereto applicable to eating, drinking, and lodging establishments or to comply with any law or any regulation of the Secretary of the Interior governing the Park or with the conditions imposed by this permit, will be grounds for revocation of this permit.

6. This permit may not be transferred or assigned without the consent, in writing of the Superintendent.

7. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Department of the Interior, shall be admitted to any share or part of this permit or derive, directly or indirectly, any pecuniary benefit arising therefrom.

8. Standard Equal Employment Provision to be set out in full as provided for by Executive Orders 10925 and 11114.

9. The following special provisions are made a part of this permit: \_\_\_\_\_

(c) Water supply and sewage disposal systems. The provisions of this paragraph apply to the privately owned lands within Glacier National Park. The provisions of this paragraph do not excuse compliance by eating, drinking, or lodging establishments with §5.10 of the chapter.

(1) Facilities. (i) Subject to the provisions of paragraph (e)(3) of this section, no person shall occupy any building or structure intended for human habitation, or use, unless such building is served by water supply and sewage disposal systems that comply with the standards prescribed by State and county laws and regulations applicable in the county within whose exterior boundaries such building is located.

(ii) No person shall construct, rebuild or alter any water supply or sewage disposal system without a written permit issued by the Superintendent. The Superintendent will issue such permit



only after receipt of written notification from the appropriate Federal, State, or county officer that the plans for such system comply with State or county standards. There shall be no charge for such permits. Any person aggrieved by an action of the Superintendent with respect to any such permit or permit application may appeal in writing to the Director, National Park Service, Department of the Interior, Washington, DC 20240.

(2) *Inspections.* (i) The appropriate State or county health officer, the Superintendent, or their authorized representatives or an officer of the U.S. Public Health Service, may inspect any water supply or sewage disposal system, from time to time, in order to determine whether such system complies with the State and county standards; *Provided, however,* That inspection shall be made only upon consent of the occupant of the premises or pursuant to a warrant.

(ii) Any water supply or sewage disposal system may be inspected without the consent of the occupant of the premises or a warrant if there is probable cause to believe that such system presents an immediate and severe danger to the public health.

(3) *Defective systems.* (i) If upon inspection, any water supply system or sewage disposal system is found by the inspecting officer not to be in conformance with applicable State and county standards, the Superintendent will send to the ostensible owner and/or the occupant of such property, by certified mail, a written notice specifying what steps must be taken to achieve compliance. If after one year has elapsed from the mailing of such written notice the deficiency has not been corrected, such deficiency shall constitute a violation of this regulation and shall be the basis for court action for the vacation of the premises.

(ii) If upon inspection, any water supply or sewage disposal system is found by the inspecting officer not to be in conformance with established State and county standards and it is found further that there is immediate and severe danger to the public health or the health of the occupants, the Superintendent shall post appropriate notices at conspicuous places on such

premises, and thereafter, no person shall occupy the premises on which the system is located until the Superintendent is satisfied that remedial measures have been taken that will assure compliance of the system with established State and county standards.

(d) *Motorboats.* (1) Motorboats and motor vessels are limited to ten (10) horsepower or less on Bowman and Two Medicine Lakes. This restriction does not apply to sightseeing vessels operated by an authorized concessioner on Two Medicine Lake.

(2) All motorboats and motor vessels except the authorized, concessioner-operated, sightseeing vessels are prohibited on Swiftcurrent Lake.

(3) The operation of all motorboats and motor vessels are prohibited on Kintla Lake.

(e) *Canadian dollars.* To promote the purpose of the Act of May 2, 1932 (47 Stat. 145; 16 U.S.C. 161a), Canadian dollars tendered by Canadian visitors entering the United States section of Glacier National Park will be accepted at the official rate of exchange in payment of the recreation fees prescribed for the park.

(f) *Commercial passenger-carrying motor vehicles.* The prohibition against the commercial transportation of passengers by motor vehicles to Glacier National Park, contained in § 5.4 of this chapter, shall be subject to the following exceptions:

(1) Commercial transport of passengers by motor vehicles on those portions of the park roads from Sherburne entrance to the Many Glacier area; from Two Medicine entrance to Two Medicine Lake; from West Glacier entrance to the Camas Entrance; U.S. Highway 2 from Walton to Java; and the Going-to-the-Sun Road from West Glacier entrance to Lake McDonald Lodge and from St. Mary entrance to Rising Sun will be permitted.

(2) Commercial passenger-carrying motor vehicles operated in the above areas, on a general, infrequent, and nonscheduled tour in which the visit to the park is incidental to such tour, and carrying only round-trip passengers traveling from the point of origin of the tour, will be accorded admission to the park. Such tours shall not provide, in effect, a regular and duplicating

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service conflicting with, or in competition with, the tours provided for the public pursuant to contract authorization from the Secretary as determined by the Superintendent.

[34 FR 5842, Mar. 28, 1969, as amended at 36 FR 9248, May 21, 1971; 37 FR 7499, Apr. 15, 1972; 48 FR 29847, June 29, 1983; 48 FR 30293, June 30, 1983; 52 FR 10685, Apr. 2, 1987; 60 FR 35841, July 12, 1995; 60 FR 55791, Nov. 3, 1995]

### § 7.4 Grand Canyon National Park.

(a) *Commercial passenger-carrying motor vehicles.* The prohibition against the commercial transportation of passengers by motor vehicles to Grand Canyon National Park contained in § 5.4 of this chapter shall be subject to the following exception: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will be accorded admission to the park.

(b) *Colorado whitewater boat trips.* The following regulations shall apply to all persons using the waters of, or Federally owned land administered by the National Park Service, along the Colorado River within Grand Canyon National Park, upstream from Diamond Creek at approximately river mile 226:

(1) No person shall operate a vessel engaging in predominantly upstream travel or having a total horsepower in excess of 55.

(2) U.S. Coast Guard approved life preservers must be worn by every person while on the river or while lining or portaging near rough water. One extra preserver must be carried for each ten (10) persons.

(3) No person shall conduct, lead, or guide a river trip unless such person possesses a permit issued by the Superintendent, Grand Canyon National Park. The National Park Service reserves the right to limit the number of such permits issued, or the number of persons traveling on trips authorized by such permits when, in the opinion of the National Park Service, such limitations are necessary in the interest of public safety or protection of the ecological and environmental values of the area.

(i) The Superintendent shall issue a permit upon a determination that the person leading, guiding, or conducting a river trip is experienced in running rivers in white water navigation of similar difficulty, and possesses appropriate equipment, which is identified in the terms and conditions of the permit.

(ii) No person shall conduct, lead, guide, or outfit a commercial river trip without first securing the above permit and possessing an additional permit authorizing the conduct of a commercial or business activity in the park.

(iii) An operation is commercial if any fee, charge or other compensation is collected for conducting, leading, guiding, or outfitting a river trip. A river trip is not commercial if there is a bona fide sharing of actual expenses.

(4) All human waste will be taken out of the Canyon and deposited in established receptacles, or will be disposed of by such means as is determined by the Superintendent.

(5) No person shall take a dog, cat, or other pet on a river trip.

(6) The kindling of a fire is permitted only on beaches. The fire must be completely extinguished only with water before abandoning the area.

(7) Picnicking is permitted on beach areas along the Colorado River.

(8) Swimming and bathing are permitted except in locations immediately above rapids, eddies and riffles or near rough water.

(9) Possession of a permit to conduct, guide, outfit, or lead a river trip also authorizes camping along the Colorado River by persons in the river trip party, except on lands within the Hualapai Indian Reservation which are administered by the Hualapai Tribal Council; *Provided, however,* That no person shall camp at Red Wall Cavern, Elves Chasm, the mouth of Havasu Creek, or along the Colorado River bank between the mouth of the Paria River and the Navajo Bridge.

(10) All persons issued a river trip permit shall comply with all the terms and conditions of the permit.

(c) *Immobilized and legally inoperative vehicles.* (1) An immobilized vehicle is a motor vehicle which is not capable of moving under its own power due to equipment malfunction or deficiency. This term shall also include trailers

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whose wheels have been removed or which, for other reasons, cannot be immediately towed from their location, excluding trailers being used as residences which are occupying sites designated for this purpose by the Superintendent. A legally inoperative vehicle is a motor vehicle capable of movement under its own power, but not licensed to legally operate on roads.

(2) Leaving, storing, or placing upon federally owned lands within the park any immobilized or legally inoperative vehicle for a period exceeding 30 days is prohibited, except under the terms of a permit issued by the Superintendent.

(3) A revocable permit for an immobilized or legally inoperative vehicle may be issued without fee by the Superintendent for a specific period of time, upon a finding that the issuance of such a permit will not interfere with park management or impair park resources.

(i) Any permit issued will be valid for the period stated on the permit, unless otherwise revoked or terminated by the Superintendent, and will state the name and address of the owner, the description of the vehicle, and the exact location where it may be left, stored or placed.

(ii) The permittee will affix the permit securely and conspicuously to the vehicle.

(iii) The permit shall be nontransferable.

(iv) Any person issued a permit shall comply with all terms and conditions of the permit. Failure to do so will constitute cause for the Superintendent to terminate the permit at any time.

(v) A permit may be revoked at any time for the convenience of the National Park Service or upon a finding that continued authorization under the permit would interfere with park management or impair park resources.

(4) An immobilized or legally inoperative vehicle left in excess of 30 days without a permit will be removed at the owner's expense.

(5) An immobilized or legally inoperative vehicle constituting a safety hazard, causing an obstruction to roads or trails, or interfering with maintenance operations will be removed immediately at the owner's expense. Such interference or impairment may in-

clude, but shall not be limited to, the creation of a safety hazard, traffic congestion, visual pollution, or fuel and lubricant drip pollution.

(6) The Superintendent shall have the right of inspection at all reasonable times to ensure compliance with the requirements of this paragraph.

[34 FR 14212, Sept. 10, 1969 as amended at 36 FR 23293, Dec. 8, 1971; 42 FR 25857, May 20, 1977; 43 FR 1793, Jan. 12, 1978; 52 FR 10685, Apr. 2, 1987]

### § 7.5 Mount Rainier National Park.

(a) *Fishing.* (1) The following waters are closed to fishing:

(i) Tipsoo Lake.

(ii) Shadow Lake.

(iii) Klickitat Creek above the White River Entrance water supply intake.

(iv) Laughing Water Creek above the Ohanapecosh water supply intake.

(v) Frozen Lake.

(vi) Reflection Lakes.

(vii) Ipsut Creek above the Ipsut Creek Campground water supply intake.

(2) Except for artificial fly fishing, the Ohanapecosh River and its tributaries are closed to all fishing.

(3) There shall be no minimum size limit on fish that may be possessed.

(4) The daily catch and possession limit for fish taken from park waters shall be six pounds and one fish, not to exceed 12 fish.

(b) *Climbing and hiking.* (1) Registration with the Superintendent is required prior to and upon return from any climbing or hiking on glaciers or above the normal high camps such as Camp Muir and Camp Schurman.

(2) A person under 18 years of age must have permission of his parent or legal guardian before climbing above the normal high camps.

(3) A party traveling above the high camps must consist of a minimum of two persons unless prior permission for a solo climb has been obtained from the Superintendent. The Superintendent will consider the following points when reviewing a request for a solo climb: The weather prediction for the estimated duration of the climb, and the likelihood of new snowfall, sleet, fog, or hail along the route, the feasibility of climbing the chosen route because of normal inherent hazards,

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current route conditions, adequacy of equipment and clothing, and qualifying experience necessary for the route contemplated.

(c) *Backcountry Camping*—(1) *Backcountry camping permits required.* No person or group of persons traveling together may camp in the backcountry without a valid backcountry camping permit. Permits may be issued to each permittee or to the leader of the group for a group of persons. The permit must be attached to the pack or camping equipment of each permittee in a clearly visible location. No person may camp in any location other than that designated in the permit for a given date.

(2) *Group size limitations.* Groups exceeding five persons must camp at a group site, but groups may not exceed twelve persons. The Superintendent may, however,

(i) Waive group size limitations on routes in the climbing zone when he determines that it will not result in environmental degradation; and

(ii) Establish special zones and group size limitations during the winter season to balance the impact of cross-country skiers, snowshoers, and snowmobilers on the resource.

(d) *Snowmobile use*—(1) *Designated routes.* (i) That portion of the West Side Road south of Round Pass.

(ii) The Mather Memorial Parkway (State Route 410) from its intersection with the White River Road north to the park boundary.

(iii) The White River Road from its intersection with the Mather Memorial Parkway to the White River Campground.

(iv) The Cougar Rock Campground road system.

(v) The Stevens Canyon Road from Stevens Canyon Entrance to the Stevens Canyon Road tunnel at Box Canyon.

[34 FR 17520, Oct. 30, 1969, as amended at 40 FR 31938, July 30, 1975; 41 FR 14863, Apr. 8, 1976; 41 FR 33264, Aug. 9, 1976; 42 FR 22557, May 4, 1977; 48 FR 30293, June 30, 1983]

## §7.6 Muir Woods National Monument.

(a) *Fires.* Fires are prohibited within the monument.

(b) [Reserved]

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(c) *Fishing.* Fishing is prohibited within the Monument.

[24 FR 11035, Dec. 30, 1959, as amended at 34 FR 5255, Mar. 14, 1969; 39 FR 14338, Apr. 23, 1974]

## §7.7 Rocky Mountain National Park.

(a) *Fishing.* (1) Fishing restrictions, based on management objectives described in the park's Resources Management Plan, are established annually by the Superintendent.

(2) The Superintendent may impose closures and establish conditions or restrictions, in accordance with the criteria and procedures of §§1.5 and 1.7 of this chapter, on any activity pertaining to fishing, including, but not limited to species of fish that may be taken, seasons and hours during which fishing may take place, methods of taking, size, creel, and possession limits.

(3) Fishing in closed waters or violating a condition or restriction established by the Superintendent is prohibited.

(b) *Trucking Permits.* (1) The Superintendent may issue a permit for trucking on a park road when the load carried originates and terminates within the counties of Larimer, Boulder, or Grand, Colorado.

(2) The fee charged for such trucking over Trail Ridge Road is the same as the single visit entrance fee for a private passenger vehicle. A trucking permit is valid for one round trip, provided such trip is made in one day, otherwise the permit is valid for a one-way trip only.

(3) The fees provided in this paragraph also apply to a special emergency trucking permit issued pursuant to §5.6(b) of this chapter.

(c) *Boats.* (1) The operation of motorboats is prohibited on all waters of the park.

(2) All vessels are prohibited on Bear Lake.

(d) *Dogs, cats, and other pets.* In addition to the provisions of §2.15 of this chapter, dogs, cats, and other pets on leash, crated, or otherwise under physical restraint are permitted in the park only within 100 feet of the edge of established roads or parking areas, and are permitted within established campgrounds and picnic areas; dogs, cats,

and other pets are prohibited in the backcountry and on established trails.

(e)(1) *On what route may I operate a snowmobile?* Snowmobiles may be operated on the North Supply Access Trail solely for the purpose of gaining access between national forest lands on the west side of the park and the town of Grand Lake. Use of this trail for other purposes is not permitted. This trail will be marked by signs, snow poles or other appropriate means.

(2) *When may I operate a snowmobile on the North Supply Access Trail?* The Superintendent will determine the opening and closing dates for use of the North Supply Access Trail each year, taking into consideration the location of wintering wildlife, appropriate snow cover, and other factors that may relate to public safety. The Superintendent will notify the public of such dates through one or more of the methods listed in §1.7(a) of this chapter. Temporary closure of this route will be initiated through the posting of appropriate signs and/or barriers.

[40 FR 14912, Apr. 3, 1975, as amended at 41 FR 49629, Nov. 10, 1976; 43 FR 14308, Apr. 5, 1978; 48 FR 30293, June 30, 1983; 49 FR 24893, June 18, 1984; 49 FR 25854, June 25, 1984; 52 FR 10685, Apr. 2, 1987; 52 FR 23304, June 19, 1987; 54 FR 4020, Jan. 27, 1989; 54 FR 43061, Oct. 20, 1989; 69 FR 53630, Sept. 2, 2004]

### § 7.8 Sequoia and Kings Canyon National Parks.

(a) *Dogs and cats.* Dogs and cats are prohibited on any park land or trail except within one-fourth mile of developed areas which are accessible by a designated public automobile road.

(b) *Fishing.* (1) Fishing restrictions, based on management objectives described in the parks' Resources Management Plan, are established annually by the Superintendent.

(2) The Superintendent may impose closures and establish conditions or restrictions, in accordance with the criteria and procedures of §§1.5 and 1.7 of this chapter, on any activity pertaining to fishing including, but not limited to, species of fish that may be taken, seasons and hours during which fishing may take place, methods of taking, size, location and elevation, and possession limits.

(3) Soda Springs Creek drainage is closed to fishing.

(4) Fishing in closed waters or in violation of a condition or restriction established by the Superintendent is prohibited.

(c) *Privately owned lands—(1) Water supply, sewage or disposal systems, and building construction or alterations.* The provisions of this paragraph apply to the privately owned lands within Sequoia and Kings Canyon National Parks.

(i) *Facilities.* (a) Subject to the provisions of paragraph (c)(1)(iii) of this section, no person shall occupy any building or structure, intended for human habitation or use, unless such building complies with standards, prescribed by State and county laws and regulations applicable in the county within whose exterior boundaries such building is located, as to construction, water supply and sewage disposal systems.

(b) No person shall construct, rebuild, or alter any building, water supply or sewage disposal system without the permission of the Superintendent. The Superintendent will give such permission only after receipt of written notification from the appropriate Federal, State, or county officer that the plans for such building or system comply with State or county standards. Any person aggrieved by an action of the Superintendent with respect to any such permit or permit application may appeal in writing to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

(ii) *Inspections.* (a) The appropriate State or county officer, the Superintendent, or their authorized representatives or an officer of the U.S. Public Health Service, may inspect any building, water supply, or sewage disposal system, from time to time, in order to determine whether the building, water supply, or sewage disposal system comply with the State and county standards: *Provided, however,* That inspection shall be made only upon consent of the occupant of the premises or pursuant to a warrant.

(b) Any building, water supply, or sewage disposal system may be inspected without the consent of the occupant of the premises or a warrant if there is probable cause to believe that

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such system presents an immediate and severe danger to the public health and safety.

(iii) *Defective systems.* (a) If upon inspection, any building, water supply or sewage disposal system is found by the inspecting officer not to be in conformance with applicable State and county standards, the Superintendent will send to the ostensible owner and/or the occupant of such property, by certified mail, a written notice specifying what steps must be taken to achieve compliance. If after 1 year has elapsed from the mailing of such notice the deficiency has not been corrected, such deficiency shall constitute a violation of this regulation and shall be the basis for court action for the vacation of the premises.

(b) If upon inspection, any building, water supply or sewage disposal system is found by the inspecting officer not to be in conformance with established State and county standards and it is found further that there is immediate and severe danger to the public health and safety or the health and safety of the occupants or users, the Superintendent shall post appropriate notices at conspicuous places on such premises, and thereafter, no person shall occupy or use the premises on which the deficiency or hazard is located until the Superintendent is satisfied that remedial measures have been taken that will assure compliance with established State and county standards.

(d) *Stock Driveways.* (1) The present county road extending from the west boundary of Kings Canyon National Park near Redwood Gap to Quail Flat junction of the General's Highway and the old road beyond is designated for the movement of stock and vehicular traffic, without charge, to and from national forest lands on either side of the General Grant Grove section of the park. Stock must be prevented from straying from the right of way.

(e) *Snowmobiles.* (1) The use of snowmobiles is allowed on the unplowed roads of Wilsonia, the Wilsonia parking lot, and the Mineral King road.

(2) Snowmobile use will be limited to providing access to private property within the exterior boundaries of the park area, pursuant to the terms and

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conditions of a permit issued only to owners of such private property.

[34 FR 9387, June 14, 1969, as amended at 49 FR 18450, Apr. 30, 1984; 56 FR 41943, Aug. 26, 1991]

### § 7.9 St. Croix National Scenic Rivers.

(a) *Snowmobiles.* After consideration of existing special situations, i.e., depth of snow or thickness of ice, and depending on local weather conditions, the superintendent may allow the use of snowmobiles on the frozen surface of the Saint Croix River on those sections normally used by motor boats during other seasons, between the Boomsite and Highway 243 near Osceola, Wisconsin, and Saint Croix Falls to Riverside, Wisconsin, and in those areas where county or other established snowmobile trails need to cross the riverway or riverway lands to connect with other established snowmobile trails.

(b) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(c) *Vessels.* (1) Entering by vessel, launching a vessel, operating a vessel, or knowingly allowing another person to enter, launch or operate a vessel, or attempting to do any of these activities in park area waters when that vessel or the trailer or the carrier of that vessel has been in water infested or contaminated with aquatic nuisance species, except as provided in paragraph (c)(2) of this section is prohibited.

(2) Vessels, trailers or other carriers of vessels wishing to enter park area waters from aquatic nuisance species contaminated or infested waters may enter after being inspected and cleaned using the technique or process appropriate to the nuisance species.

(d) Placing or dumping, or attempting to place or dump, bait containers, live wells, or other water-holding devices that are or were filled with waters holding or contaminated by aquatic nuisance species is prohibited.

(e) Using a wet suit or associated water use and diving equipment previously used in waters infested with aquatic nuisance species prior to being inspected and cleaned using a process appropriate to the nuisance species is prohibited.

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(f) For the purpose of this section:

(1) The term aquatic nuisance species means the zebra mussel, purple loosestrife and Eurasian watermilfoil;

(2) The term vessel means every type or description of craft on the water used or capable of being used as a means of transportation, including seaplanes, when on the water, and buoyant devices permitting or capable of free flotation.

[47 FR 55918, Dec. 14, 1982, as amended at 49 FR 18450, Apr. 30, 1984; 51 FR 8493, Mar. 12, 1986; 62 FR 33751, June 23, 1997]

### § 7.10 Zion National Park.

(a) *Vehicle convoy requirements.* (1) An operator of a vehicle that exceeds load or size limitations established by the superintendent for the use of park roads may not operate such vehicle on a park road without a convoy service provided at the direction of the superintendent.

(2) A single trip convoy fee of \$15 is charged by the superintendent for each vehicle or combination of vehicles conveyed over a park road. Payment of a convoy fee by an operator of a vehicle owned by the Federal, State or county government and used on official business is not required. Failure to pay a required convoy fee is prohibited.

(b) *Snowmobiles.* After consideration of snow and weather conditions, the superintendent may permit the use of snowmobiles on designated routes within the park. Snowmobile use is restricted to the established roadway. All off-road use is prohibited. The designated routes are defined as follows:

(1) All of the paved portion of the Kolob Terrace Road from the park boundary in the west one-half of Sec. 33, T. 40 S., R. 11 W., Salt Lake Base and Meridian, north to where this road leaves the park in the northwest corner of Sec. 16, T. 40 S., R. 11 W., SLBM. This paved portion of the Kolob Terrace Road is approximately three and one-half miles in length.

(2) All of the unplowed, paved portions of the Kolob Terrace Road from the park boundary, north of Spendlove Knoll, in Sec. 5, T. 40 S., R. 11 W., SLBM, north to where this road leaves the park in the southwest corner of Sec. 23, T. 39 S., R. 11 W., SLBM, a distance of approximately five miles.

(3) The unplowed, graded dirt road from the park boundary in the southeast corner of Sec. 13, T. 39 S., R. 11 W., SLBM, south to Lava Point Fire Lookout in the northwest quarter of Sec. 31, T. 39 S., R. 10 W., SLBM, a distance of approximately one mile.

(4) The unplowed, graded dirt road from the Lava Point Ranger Station, southeast to the West Rim Trailhead and then to a point where this road divides and leaves the park, in the southeast corner of Sec. 30, and the northeast corner of Sec. 31, T. 39 S., R. 10 W., SLBM, a distance of approximately two miles.

(5) The unplowed, graded dirt road from the Lava Point Ranger Station, north to the park boundary where this road leaves the park, all in the southeast corner of Sec. 13, T. 39 S., R. 11 W., SLBM, a distance of approximately one-fourth mile.

[49 FR 34482, Aug. 31, 1984 as amended at 51 FR 4736, Feb. 7, 1986]

### § 7.11 Saguaro National Park.

(a) *Bicycles.* That portion of the Cactus Forest Trail inside the Cactus Forest Drive is open to non-motorized bicycle use.

(b) [Reserved]

[68 FR 50077, Aug. 20, 2003]

### § 7.12 Gulf Islands National Seashore.

(a) *Operation of seaplanes and amphibious aircraft.* (1) Aircraft may be operated on the waters within the boundaries of the Seashore surrounding Ship, Horn and Petit Bois Islands, but approaches, landings and take-offs shall not be made within 500 feet of beaches.

(2) Aircraft may be moored to island beaches, but beaches may not be used as runways or taxi strips.

(3) Aircraft operating in the vicinity of any developed facilities, boat docks, floats, piers, ramps or bathing beaches will remain 500 feet from such facilities and must be operated with due care and regard for persons and property and in accordance with any posted signs or uniform waterway markers.

(4) Aircraft are prohibited from landing on or taking off from any land surfaces; any estuary, lagoon, pond or tidal flat; or any waters temporarily

covering a beach; except when such operations may be authorized by prior permission of the Superintendent. Permission shall be based on needs for emergency service, resource protection, or resource management.

(b) *Off-road operation of motor vehicles*—(1) *Route designations.* (i) The operation of motor vehicles, other than on established roads and parking areas, is limited to oversand routes designated by the Superintendent in accordance with § 4.10(b) of this chapter. Operation of vehicles on these routes will be subject to all provisions of parts 2 and 4 of this chapter, as well as the specific provisions of this paragraph (b).

(ii) Oversand routes may be designated by the Superintendent in the following locations:

(A) In the eastern portion of Perdido Key, from the easternmost extension of the paved road to the east end of the island, excluding the Perdido Key Historic District near the former site of Fort McRee.

(B) In the westernmost portion of Santa Rosa Island, from the vicinity of Fort Pickens to the west end of the island.

(iii) Oversand routes designated by the Superintendent will be shown on maps available at park headquarters and other park offices. Signs at the entrance to each route will designate the route as open to motor vehicles.

Routes will be marked as follows:

(A) On beach routes, travel is permitted only between the water's edge and a line of markers on the landward side of the beach.

(B) On inland routes, travel is permitted only in the lane designated by pairs of markers showing the sides of the route.

(2) *Permits.* (i) The Superintendent is authorized to establish a system of special recreation permits for oversand vehicles and to establish special recreation permit fees for these permits, consistent with the conditions and criteria of 36 CFR part 71.

(ii) No motor vehicle shall be operated on a designated oversand route without a valid permit issued by the Superintendent.

(iii) Permits are not transferable to another motor vehicle or to another driver. The driver listed on the permit

must be present in the vehicle at any time it is being operated on an oversand route. Permits are to be displayed as directed at the time of issuance.

(iv) No permit shall be valid for more than one year. Permits may be issued for lesser periods, as appropriate for the time of year at which a permit is issued or the length of time for which use is requested.

(v) For a permit to be issued, a motor vehicle must:

(A) Be capable of four-wheel drive operation.

(B) Meet the requirements of § 4.10(c)(3) of this chapter and conform to all applicable State laws regarding licensing, registration, inspection, insurance, and required equipment.

(C) Contain the following equipment to be carried at all times when the vehicle is being operated on an oversand route: shovel; tow rope, cable or chain; jack; and board or similar support for the jack.

(vi) No permit will be issued for a two-wheel drive motor vehicle, a motorcycle, an all-terrain vehicle, or any vehicle not meeting State requirements for on-road use.

(vii) In addition to any penalty required by § 1.3 of this chapter for a violation of regulations governing the use of motor vehicles on oversand routes, the Superintendent may revoke the permit of the person committing the violation or in whose vehicle the violation was committed. No person whose permit has been so revoked shall be issued a permit for a period of one year following revocation.

(3) *Operation of vehicles.* (i) No motor vehicle shall be operated in any location off a designated oversand route or on any portion of a route designated as closed by the posting of appropriate signs.

(ii) No motor vehicle shall be operated on an oversand route in excess of the following speeds:

(A) 15 miles per hour while within 100 feet of any person not in a motor vehicle.

(B) 25 miles per hour at all other times.

(iii) When two motor vehicles meet on an oversand route, both drivers shall reduce speed and the driver who



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is traveling south or west shall yield the right of way, if the route is too narrow for both vehicles.

(iv) The towing of trailers on oversand routes is prohibited.

(4) *Information collection.* The information collection requirements contained in § 7.12(b)(2) have been approved by the Office Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0017. The information is being collected to solicit information necessary for the Superintendent to issue ORV permits. This information will be used to grant administrative benefits. The obligation to respond is required to obtain a benefit.

(c) *Personal Watercraft (PWC).* (1) PWCs may operate within Gulf Islands National Seashore except in the following closed areas:

(i) The lakes, ponds, lagoons and inlets of Cat Island, East Ship Island, West Ship Island, Horn Island, and Petit Bois Island;

(ii) The lagoons of Perdido Key within Big Lagoon;

(iii) The areas within 200 feet from the remnants of the old fishing pier and within 200 feet from the new fishing pier at Fort Pickens; and

(iv) Within 200 feet of non-motorized vessels and people in the water, except individuals associated with the use of the PWC.

(2) PWC may not be operated at greater than flat wake speed in the following locations:

(i) Within 0.5 mile from the shoreline or within 0.5 mile from either side of the pier at West Ship Island;

(ii) Within 0.5 mile from the shoreline on the designated wilderness islands of Horn and Petit Bois; and

(iii) Within 300 yards from all other park shorelines.

(3) PWC are allowed to beach at any point along the shore except as follows:

(i) PWC may not beach in any restricted area listed in paragraph (c)(1) of this section; and

(ii) PWC may not beach above the mean high tide line on the designated wilderness islands of Horn and Petit Bois.

(4) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration

public health and safety, natural and cultural resource protection, and other management activities and objectives.

[41 FR 29120, July 15, 1976, as amended at 46 FR 40875, Aug. 13, 1981; 52 FR 10686, Apr. 2, 1987; 71 FR 26244, May 4, 2006]

### § 7.13 Yellowstone National Park.

(a) *Commercial Vehicles.* (1) Notwithstanding the prohibition of commercial vehicles set forth in § 5.6 of this chapter, commercial vehicles are allowed to operate on U.S. Highway 191 in accordance with the provisions of this section.

(2) The transporting on U.S. Highway 191 of any substance or combination of substances, including any hazardous substance, hazardous material, or hazardous waste as defined in 49 CFR 171.8 that requires placarding of the transport vehicle in accordance with 49 CFR 177.823 or any marine pollutant that requires marking as defined in 49 CFR Subtitle B, is prohibited; provided, however, that the superintendent may issue permits and establish terms and conditions for the transportation of hazardous materials on U.S. Highway 191 in emergencies or when such transportation is necessary for access to lands within or adjacent to the park area.

(3) The operator of a motor vehicle transporting any hazardous substance, hazardous material, hazardous waste, or marine pollutant in accordance with a permit issued under this section is not relieved in any manner from complying with all applicable regulations in 49 CFR Subtitle B, or with any other State or federal laws and regulations applicable to the transportation of any hazardous substance, hazardous material, hazardous waste, or marine pollutant.

(4) The superintendent may require a permit and establish terms and conditions for the operation of a commercial vehicle on any park road in accordance with § 1.6 of this chapter. The superintendent may charge a fee for permits in accordance with a fee schedule established annually.

(5) Operating without, or violating a term or condition of, a permit issued in accordance with this section is prohibited. In addition, violating a term or

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condition of a permit may result in the suspension or revocation of the permit.

(b) Employee motor vehicle permits:

(1) A motor vehicle owned and/or operated by an employee of the U.S. Government, park concessioners and contractors, whether employed in a permanent or temporary capacity, shall be registered with the Superintendent and a permit authorizing the use of said vehicle in the park is required. This requirement also applies to members of an employee's family living in the park who own or operate a motor vehicle within the park. Such permit, issued free of charge, may be secured only when the vehicle operator can produce a valid certificate of registration, and has in his possession a valid operator's license. No motor vehicle may be operated on park roads unless properly registered.

(2) The permit is valid only for the calendar year of issue. Registry must be completed and permits secured by April 15 of each year or within one week after bringing a motor vehicle into the park, whichever date is later. The permit shall be affixed to the vehicle as designated by the Superintendent.

(c) [Reserved]

(d) *Vessels*—(1) *Permit*. (i) A general permit, issued by the Superintendent, is required for all vessels operated upon the waters of the park open to boating. In certain areas a special permit is required as specified hereinbelow. These permits must be carried within the vessel at all times when any person is aboard, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(ii) A special permit shall be issued by the Superintendent to any holder of a general permit who expresses the intention to travel into either the South Arm or the Southeast Arm "Five Mile Per Hour Zones" of Yellowstone Lake, as defined in paragraphs (d)(6) (ii) and (iii) of this section, upon the completion and filing of a form statement in accordance with the provisions of paragraph (d)(10) of this section.

(iii) Neither a general nor special permit shall be issued until the permittee has signed a statement certifying that he is familiar with the speed and all other limitations and require-

ments in these regulations. The applicant for a special permit shall also agree in writing to provide, in accordance with paragraph (d)(10) of this section, information concerning the actual travel within the "Five Mile Per Hour Zones."

(2) *Removal of vessels*. All privately owned vessels, boat trailers, waterborne craft of any kind, buoys, mooring floats, and anchorage equipment will not be permitted in the park prior to May 1 and must be removed by November 1.

(3) *Restricted landing areas*. (i) Prior to July 1 of each year, the landing of any vessel on the shore of Yellowstone Lake between Trail Creek and Beaverdam Creek is prohibited, except upon written permission of the Superintendent.

(ii) The landing or beaching of any vessel on the shores of Yellowstone Lake (a) within the confines of Bridge Bay Marina and Lagoon and the connecting channel with Yellowstone Lake; and (b) within the confines of Grant Village Marina and Lagoon and the connecting channel with Yellowstone Lake is prohibited except at the piers or docks provided for the purpose.

(4) *Closed waters*. (i) Vessels are prohibited on Sylvan Lake, Eleanor Lake, Twin Lakes, and Beach Springs Lagoon.

(ii) Vessels are prohibited on park rivers and streams (as differentiated from lakes and lagoons), except on the channel between Lewis Lake and Shoshone Lake, which is open only to handpropelled vessels.

(5) *Lewis Lake motorboat waters*. Motorboats are permitted on Lewis Lake.

(6) *Yellowstone Lake motorboat waters*. Motorboats are permitted on Yellowstone Lake except in Flat Mountain Arm as described in paragraph (d)(6)(i) of this section and as restricted within the South Arm and the Southeast Arm where operation is confined to areas known as "Five Mile Per Hour Zones" which waters are between the lines as described in paragraphs (d)(6) (ii) and (iii) of this section in the South Arm and Southeast Arm, but which specifically exclude the southernmost 2 miles of both Arms which are open only to hand-propelled vessels.

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(i) The following portion of Flat Mountain Arm of Yellowstone Lake is restricted to hand-propelled vessels: West of a line beginning at a point marked by a monument located on the south shore of the Flat Mountain Arm and approximately 10,200 feet easterly from the southwest tip of the said arm, said point being approximately 44°22'13.2" N. latitude and 110°25'07.2" W. longitude, then running approximately 2,800 feet due north to a point marked by a monument located on the north shore of the Flat Mountain Arm, said point being approximately 44°22'40" N. latitude and 110°25'07.2" W. longitude.

(ii) In the South Arm that portion between a line from Plover Point running generally east to a point marked by a monument on the northwest tip of the peninsula common to the South and Southeast Arms; and a line from a monument located on the west shore of the South Arm approximately 2 miles north of the cairn which marks the extreme southern extremity of Yellowstone Lake in accordance with the Act of Congress establishing Yellowstone National Park; said point being approximately in latitude 44°18'22.8" N., at longitude 110°20'04.8" W., Greenwich Meridian, running due east to a point on the east shore of the South Arm marked by a monument. Operation of motorboats south of the latter line is prohibited.

(iii) In the Southeast Arm that portion between a line from a monument on the northwest tip of the peninsula common to the South and Southeast Arms which runs generally east to a monument at the mouth of Columbine Creek; and a line from a cairn which marks the extreme eastern extremity of Yellowstone Lake, in accordance with the Act of Congress establishing Yellowstone National Park; said point being approximately in latitude 44°19'42.0" N., at longitude 110°12'06.0" W., Greenwich Meridian, running westerly to a point on the west shore of the Southeast Arm, marked by a monument; said point being approximately in latitude 44°20'03.6" N., at longitude 110°16'19.2" W., Greenwich Meridian. Operation of motorboats south of the latter line is prohibited.

(7) Motorboats are prohibited on park waters except as permitted in paragraphs (d) (5) and (6) of this section.

(8) *Hand-propelled vessel waters.* Hand-propelled vessels and sail vessels may operate in park waters except on those waters named in paragraph (d)(4) of this section.

(9) *Five Mile Per Hour Zone motorboat restrictions.* The operation of motorboats within "Five Mile Per Hour Zones" is subject to the following restrictions:

(i) Class 1 and Class 2 motorboats shall proceed no closer than one-quarter mile from the shoreline except to debark or embark passengers, or while moored when passengers are ashore.

(ii) [Reserved]

(10) *Permission required to operate motorboats in Five Mile Per Hour Zone.* Written authority for motorboats to enter either or both the South Arm or the Southeast Arm "Five Mile Per Hour Zones" shall be granted to an operator providing that prior to commencement of such entry the operator completes and files with the Superintendent a form statement showing:

(i) Length, make, and number of motorboat.

(ii) Type of vessel, such as inboard, inboard-outboard, turbojet, and including make and horsepower rating of motor.

(iii) Name and address of head of party.

(iv) Number of persons in party.

(v) Number of nights planned to spend in each "Five Mile Per Hour Zone."

(vi) Place where camping is planned within each "Five Mile Per Hour Zone," or if applicable, whether party will remain overnight on board.

(11) The disturbance of birds inhabiting or nesting on either of the islands designated as "Molly Islands" in the Southeast Arm of Yellowstone Lake is prohibited; nor shall any vessel approach the shoreline of said islands within one-quarter mile.

(12) Boat racing, water pageants, and spectacular or unsafe types of recreational use of vessels are prohibited on park waters.

(e) *Fishing.* (1) Fishing restrictions, based on management objectives described in the park's Resources Management Plan, are established annually by the superintendent.

(2) The superintendent may impose closures and establish conditions or restrictions, in accordance with the criteria and procedures of §§1.5 and 1.7 of this chapter, on any activity pertaining to fishing, including, but not limited to, seasons and hours during which fishing may take place, size, creel and possession limits, species of fish that may be taken and methods of taking.

(3) *Closed waters.* The following waters of the park are closed to fishing and are so designated by appropriate signs:

(i) Pelican Creek from its mouth to a point two miles upstream.

(ii) The Yellowstone River and its tributary streams from the Yellowstone Lake outlet to a point one mile downstream.

(iii) The Yellowstone River and its tributary streams from the confluence of Alum Creek with the Yellowstone River upstream to the Sulphur Calderon.

(iv) The Yellowstone River from the top of the Upper Falls downstream to a point directly below the overlook known as Inspiration Point.

(v) Bridge Bay Lagoon and Marina and Grant Village Lagoon and Marina and their connecting channels with Yellowstone Lake.

(vi) The shores of the southern extreme of the West Thumb thermal area along the shore of Yellowstone Lake to the mouth of Little Thumb Creek.

(vii) The Mammoth water supply reservoir.

(4) Fishing in closed waters or violating a condition or restriction established by the superintendent is prohibited.

(f) *Commercial passenger-carrying vehicles.* The prohibition against the commercial transportation of passengers by motor vehicles in Yellowstone National Park contained in §5.4 of this chapter shall be subject to the following exception: Motor vehicles operated on an infrequent and non-scheduled tour on which the visit to the park is an incident to such tour,

carrying only round trip passengers traveling from the point of origin of the tour will, subject to the conditions set forth in this paragraph, be accorded admission to the park for the purpose of delivering passengers to a point of overnight stay in the park and exit from the park. After passengers have completed their stay, such motor vehicles shall leave the park by the most convenient exit station, considering their destinations. Motor vehicles admitted to the park under this paragraph shall not, while in the park, engage in general sightseeing operations. Admission will be accorded such vehicles upon establishing to the satisfaction of the superintendent that the tour originated from such place and in such manner as not to provide in effect a regular and duplicating service conflicting with, or in competition with, the services provided for the public pursuant to contract authorization from the Secretary. The superintendent shall have the authority to specify the route to be followed by such vehicles within the park.

(g) *Camping.* (1) Camping in Yellowstone National Park by any person, party, or organization during any calendar year during the period Labor Day through June 30, inclusive, shall not exceed 30 days, either in a single period or combined separate periods, when such limitations are posted.

(2) The intensive public-use season for camping shall be the period July 1 to Labor Day. During this period camping by any person, party, or organization shall be limited to a total of 14 days either in a single period or combined separate periods.

(h) *Dogs and cats.* Dogs and cats on leash, crated, or otherwise under physical restraint are permitted in the park only within 100 feet of established roads and parking areas. Dogs and cats are prohibited on established trails and boardwalks.

(i) [Reserved]

(j) *Travel on trails.* Foot travel in all thermal areas and within the Yellowstone Canyon between the Upper Falls and Inspiration Point must be confined to boardwalks or trails that are maintained for such travel and are marked by official signs.

(k) *Portable engines and motors.* The operation of motor-driven chain saws, portable motor-driven electric light plants, portable motor-driven pumps, and other implements driven by portable engines and motors is prohibited in the park, except in Mammoth, Canyon, Fishing Bridge, Bridge Bay, Grant Village, and Madison Campgrounds, for park operation purposes, and for construction and maintenance projects authorized by the Superintendent. This restriction shall not apply to outboard motors on waters open to motorboating.

(1)(1) *What is the scope of this regulation?* The regulations contained in paragraphs (1)(2) through (1)(17) of this section apply to the use of snowcoaches and recreational snowmobiles. Except where indicated, paragraphs (1)(2) through (1)(17) do not apply to non-administrative oversnow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(2) *What terms do I need to know?* The definitions in this paragraph (1)(2) also apply to non-administrative oversnow vehicle use by NPS, contractor, or concessioner employees, and other non-recreational users authorized by the Superintendent.

*Commercial guide* means a guide who operates a snowmobile or snowcoach for a fee or compensation and is authorized to operate in the park under a concession contract. In this section, "guide" also means "commercial guide."

*Historic snowcoach* means a Bombardier snowcoach manufactured in 1983 or earlier. Any other snowcoach is considered a non-historic snowcoach.

*Oversnow route* means that portion of the unplowed roadway located between the road shoulders and designated by snow poles or other poles, ropes, fencing, or signs erected to regulate oversnow activity. Oversnow routes include pullouts or parking areas that are groomed or marked similarly to roadways and are adjacent to designated oversnow routes. An oversnow route may also be distinguished by the interior boundaries of the berm created by the packing and grooming of the unplowed roadway. The only motorized

vehicles permitted on oversnow routes are oversnow vehicles.

*Oversnow vehicle* means a snowmobile, snowcoach, or other motorized vehicle that is intended for travel primarily on snow and has been authorized by the Superintendent to operate in the park. An oversnow vehicle that does not meet the definition of a snowcoach must comply with all requirements applicable to snowmobiles.

*Snowcoach* means a self-propelled mass transit vehicle intended for travel on snow, having a curb weight of over 1,000 pounds (450 kilograms), driven by a track or tracks and steered by skis or tracks, and having a capacity of at least 8 passengers. A snowcoach has a maximum size of 102 inches wide, plus tracks (not to exceed 110 inches overall); a maximum length of 35 feet; and a Gross Vehicle Weight Rating (GVWR) not exceeding 25,000 pounds.

*Snowmobile* means a self-propelled vehicle intended for travel on snow, with a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow, and which may be steered by a ski or skis in contact with the snow.

*Snowplane* means a self-propelled vehicle intended for oversnow travel and driven by an air-displacing propeller.

(3) *May I operate a snowmobile in Yellowstone National Park?* (i) You may operate a snowmobile in Yellowstone National Park in compliance with use limits, guiding requirements, operating hours and dates, equipment, and operating conditions established under this section. The Superintendent may establish additional operating conditions and must provide notice of those conditions in accordance with §1.7(a) of this chapter or in the FEDERAL REGISTER.

(ii) The authority to operate a snowmobile in Yellowstone National Park established in paragraph (1)(3)(i) of this section is in effect through the winter season of 2010–2011.

(4) *May I operate a snowcoach in Yellowstone National Park?* (i) Snowcoaches may only be operated in Yellowstone National Park under a concessions contract. Snowcoach operation is subject to the conditions stated in the concessions contract and all other conditions identified in this section.

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(ii) All non-historic snowcoaches must meet NPS air emissions requirements, which mean the applicable EPA emissions standards for the vehicle that were in effect at the time it was manufactured.

(iii) All critical emission-related exhaust components (as listed in 40 CFR 86.004–25(b)(3)(iii) through (v)) must be functioning properly. Such critical emissions-related components may only be replaced with the original equipment manufacturer (OEM) component, where possible. Where OEM parts are not available, aftermarket parts may be used if they are certified not to worsen emission and sound characteristics.

(iv) Modifying or disabling a snowcoach's original pollution control equipment is prohibited except for maintenance purposes.

(v) Individual snowcoaches may be subject to periodic inspections to determine compliance with the requirements of paragraphs (1)(4)(ii) through (1)(4)(iv) of this section.

(vi) The authority to operate a snowcoach in Yellowstone National Park established in paragraph (1)(4)(i) of this section is in effect only through the winter season of 2010–2011.

(5) *Must I operate a certain model of snowmobile?* Only commercially available snowmobiles that meet NPS air and sound emissions requirements as set forth in this section may be operated in the park. The Superintendent will approve snowmobile makes, models, and years of manufacture that meet those requirements. Any snowmobile model not approved by the Superintendent may not be operated in the park.

(6) *How will the Superintendent approve snowmobile makes, models, and years of manufacture for use in the park?*

(i) Beginning with the 2005 model year, all snowmobiles must be certified under 40 CFR part 1051, to a Family Emission Limit no greater than 15 g/kW-hr for hydrocarbons and to a Family Emission Limit no greater than 120 g/kW-hr for carbon monoxide.

(A) 2004 model year snowmobiles may use measured emissions levels (official emission results with no deterioration factors applied) to comply with the

emission limits specified in paragraph (1)(6)(i) of this section.

(B) The snowmobile test procedures specified by EPA (40 CFR parts 1051 and 1065) must be used to measure air emissions from model year 2004 and later snowmobiles.

(ii) For sound emissions, snowmobiles must operate at or below 73 dBA as measured at full throttle according to Society of Automotive Engineers J192 test procedures (revised 1985). Snowmobiles may be tested at any barometric pressure equal to or above 23.4 inches Hg uncorrected. The Superintendent may revise these testing procedures based on new information and/or updates to the SAE J192 testing procedures.

(iii) Snowmobiles meeting the requirements for air and sound emissions may be operated in the park for a period not exceeding 6 years from the date upon which first certified.

(iv) The Superintendent may prohibit entry into the park of any snowmobile that has been modified in a manner that may adversely affect air or sound emissions.

(v) These air and sound emissions requirements do not apply to snowmobiles being operated on the Cave Falls Road in Yellowstone.

(7) *Where may I operate my snowmobile in Yellowstone National Park?* (i) You may operate your snowmobile only upon designated oversnow routes established within the park in accordance with §2.18(c) of this chapter. The following oversnow routes are so designated for snowmobile use through the winter of 2010–2011:

(A) The Grand Loop Road from its junction with Upper Terrace Drive to Norris Junction.

(B) Norris Junction to Canyon Junction.

(C) The Grand Loop Road from Norris Junction to Madison Junction.

(D) The West Entrance Road from the park boundary at West Yellowstone to Madison Junction.

(E) The Grand Loop Road from Madison Junction to West Thumb.

(F) The South Entrance Road from the South Entrance to West Thumb.

(G) The Grand Loop Road from West Thumb to its junction with the East Entrance Road.

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(H) The East Entrance Road from Fishing Bridge Junction to the East Entrance.

(I) The Grand Loop Road from its junction with the East Entrance Road to Canyon Junction.

(J) The South Canyon Rim Drive.

(K) Lake Butte Road.

(L) In the developed areas of Madison Junction, Old Faithful, Grant Village, West Thumb, Lake, Fishing Bridge, Canyon, Indian Creek, and Norris.

(M) Firehole Canyon Drive, between noon and 9 p.m. each day.

(N) North Canyon Rim Drive, between noon and 9 p.m. each day.

(O) Riverside Drive, between noon and 9 p.m. each day.

(P) Cave Falls Road.

(ii) The Superintendent may open or close these routes, or portions thereof, for snowmobile travel after taking into consideration the location of wintering wildlife, appropriate snow cover, public safety, avalanche conditions, and other factors. Notice of such opening or closing will be provided by one or more of the methods listed in §1.7(a) of this chapter.

(iii) This paragraph (1)(7) also applies to non-administrative over-snow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(iv) Maps detailing the designated oversnow routes will be available from Park Headquarters.

(8) *What routes are designated for snowcoach use?* (i) Authorized snowcoaches may be operated on the routes designated for snowmobile use in paragraphs (1)(7)(i)(A) through (1)(7)(i)(O) of this section. The restricted hours of snowmobile use described in paragraphs (1)(7)(i)(M) through (1)(7)(i)(O) do not apply to snowcoaches. Snowcoaches may also be operated on the following additional oversnow routes through the winter of 2010-2011:

(A) Fountain Flat Road.

(B) The Grand Loop Road from Canyon Junction to Washburn Hot Springs overlook.

(C) For rubber-tracked snowcoaches only, the Grand Loop Road from Upper Terrace Drive to the junction of the Grand Loop Road and North Entrance Road, and within the Mammoth Hot Springs developed area.

(ii) The Superintendent may open or close these oversnow routes, or portions thereof, or designate new routes for snowcoach travel after taking into consideration the location of wintering wildlife, appropriate snow cover, public safety, and other factors. Notice of such opening or closing shall be provided by one of more of the methods listed in §1.7(a) of this chapter.

(iii) This paragraph (1)(8) also applies to non-administrative snowcoach use by NPS, contractor, or concessioner employees, and other non-recreational users authorized by the Superintendent.

(9) *Must I travel with a commercial guide while snowmobiling in Yellowstone and what other guiding requirements apply?* (i) All recreational snowmobile operators must be accompanied by a commercial guide.

(ii) Snowmobile parties must travel in a group of no more than 11 snowmobiles, including that of the guide.

(iii) Guided parties must travel together within a maximum of one-third mile of the first snowmobile in the group.

(iv) The guiding requirements described in this paragraph (1)(9) do not apply to snowmobiles being operated on the Cave Falls Road.

(10) *Are there limits established for the number of snowmobiles and snowcoaches permitted to operate in the park each day?* The number of snowmobiles and snowcoaches allowed to operate in the park each day is limited to a certain number per entrance or location. The limits are listed in the following table:

Park entrance/location	Commercially guided snowmobiles	Commercially guided snowcoaches
(i) North Entrance * .....	12	13
(ii) West Entrance .....	160	34
(iii) South Entrance .....	114	13
(iv) East Entrance .....	20	2
(v) Old Faithful * .....	12	16

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Park entrance/location	Commercially guided snowmobiles	Commercially guided snowcoaches
(vi) Cave Falls .....	** 50	0

\* Commercially guided snowmobile tours originating at the North Entrance and Old Faithful are currently provided solely by Xanterra Parks and Resorts. Because this concessioner is the sole provider at both of these areas, this regulation allows reallocation of snowmobiles between the North Entrance and Old Faithful as necessary, so long as the total daily number of snowmobiles originating from the two locations does not exceed 24. For example, the concessioner could operate 6 snowmobiles at Old Faithful and 18 at the North Entrance if visitor demand warranted it. This will allow the concessioner to respond to changing visitor demand for commercially guided snowmobile tours, thus enhancing the availability of visitor services in Yellowstone.

\*\* These snowmobiles operate on an approximately 1-mile segment of road within the park where the use is incidental to other snowmobiling activities in the Caribou-Targhee National Forest. These snowmobiles do not need to be guided or to meet NPS air and sound emissions requirements.

(11) *When may I operate my snowmobile or snowcoach?* The Superintendent will determine operating hours and dates. Except for emergency situations, any changes to operating hours will be made on an annual basis, and the public will be notified of those changes through one or more of the methods listed in §1.7(a) of this chapter.

(12) *What other conditions apply to the operation of oversnow vehicles?* (i) The following are prohibited:

(A) Idling an oversnow vehicle for more than 5 minutes at any one time.

(B) Driving an oversnow vehicle while the driver's motor vehicle license or privilege is suspended or revoked.

(C) Allowing or permitting an unlicensed driver to operate an oversnow vehicle.

(D) Driving an oversnow vehicle in willful or wanton disregard for the safety of persons, property, or park resources or otherwise in a reckless manner.

(E) Operating an oversnow vehicle without a lighted white headlamp and red taillight.

(F) Operating an oversnow vehicle that does not have brakes in good working order.

(G) The towing of persons on skis, sleds, or other sliding devices by oversnow vehicles, except in emergency situations.

(ii) The following are required:

(A) All oversnow vehicles that stop on designated routes must pull over to the far right and next to the snow berm. Pullouts must be used where available and accessible. Oversnow vehicles may not be stopped in a haz-

ardous location or where the view might be obscured, or operated so slowly as to interfere with the normal flow of traffic.

(B) Oversnow vehicle drivers must possess a valid motor vehicle driver's license. A learner's permit does not satisfy this requirement. The license must be carried by the driver at all times.

(C) Equipment sleds towed by a snowmobile must be pulled behind the snowmobile and fastened to the snowmobile with a rigid hitching mechanism.

(D) Snowmobiles must be properly registered and display a valid registration from a state or province in the United States or Canada, respectively.

(iii) The Superintendent may impose other terms and conditions as necessary to protect park resources, visitors, or employees. The public will be notified of any changes through one or more methods listed in §1.7(a) of this chapter.

(iv) This paragraph (1)(12) also applies to non-administrative over-snow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(13) *What conditions apply to alcohol use while operating an oversnow vehicle?* In addition to 36 CFR 4.23, the following conditions apply:

(i) Operating or being in actual physical control of an oversnow vehicle is prohibited when the driver is under 21 years of age and the alcohol concentration in the driver's blood or breath is 0.02 grams or more of alcohol per 100 milliliters of blood or 0.02 grams or more of alcohol per 210 liters of breath.

(ii) Operating or being in actual physical control of an oversnow vehicle is prohibited when the driver is a snowmobile guide or a snowcoach driver and the alcohol concentration in the operator's blood or breath is 0.04 grams or more of alcohol per 100 milliliters of blood or 0.04 grams or more of alcohol per 210 liters of breath.

(iii) This paragraph (1)(13) also applies to non-administrative over-snow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.



(14) *Do other NPS regulations apply to the use of oversnow vehicles?* (i) The use of oversnow vehicles in Yellowstone is subject to §§ 2.18(a) and (c), but not subject to §§ 2.18 (b), (d), (e), and 2.19(b) of this chapter.

(ii) This paragraph (1)(14) also applies to non-administrative over-snow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(15) *Are there any forms of non-motorized oversnow transportation allowed in the park?* (i) Non-motorized travel consisting of skiing, skating, snowshoeing, or walking is permitted unless otherwise restricted under this section or other NPS regulations.

(ii) The Superintendent may designate areas of the park as closed, reopen such areas, or establish terms and conditions for non-motorized travel within the park in order to protect visitors, employees, or park resources. Notice will be made in accordance with § 1.7(a) of this chapter.

(iii) Dog sledding and ski-joring are prohibited.

(iv) Bicycles are prohibited on oversnow routes in Yellowstone.

(16) *May I operate a snowplane in Yellowstone National Park?* The operation of a snowplane in Yellowstone is prohibited.

(17) *Is violating any of the provisions of this section prohibited?* (i) Violating any of the terms, conditions or requirements of paragraphs (1)(1) through (1)(16) of this section is prohibited.

(ii) Anyone who violates any of the terms, conditions or requirements of this regulation will be considered to have committed one separate offense for each term, condition or requirement that they violate.

(m) *Swimming.* The swimming or bathing in a natural, historical, or archeological thermal pool or stream that has waters originating entirely from a thermal spring or pool is prohibited.

[36 FR 12014, June 24, 1971]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 7.13, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

#### § 7.14 Great Smoky Mountains National Park.

(a) *Fishing*—(1) *License.* A person fishing within the park must have in possession the proper State fishing license issued by either Tennessee or North Carolina. A holder of a valid resident or nonresident license issued by either State may fish throughout the park irrespective of State boundaries, except in *Closed and Excluded Waters*.

(2) *Closed and Excluded Waters.* All waters of Mingus Creek, Lands Creek, Chestnut Branch and that portion of LeConte Creek as posted through the park residential area of Twin Creeks, are closed to and excluded from fishing.

(3) *Open Waters.* (i) All of the waters of the Oconaluftee River downstream from where it joins with Raven Fork to the park boundary and that portion of Raven Fork from its junction with the Oconaluftee River upstream and paralleling the Big Cove Road to the park boundary are open to fishing in accordance with the Cherokee Fish and Game Management regulations.

(ii) All other park waters are open to fishing in accordance with National Park Service regulations.

(4) *Season.* Open all year for rainbow and brown trout, smallmouth bass, and redeye (rockbass). All other fish are protected and may not be taken by any means.

(5) *Time.* Fishing is permitted from sunrise to sunset only.

(6) *Fish and equipment and bait.* Fishing is permitted only by use of one handheld rod and line.

(i) Only artificial flies or lures having one single hook may be used.

(ii) The use or possession of any form of fish bait other than artificial flies or lures on any park stream while in possession of fishing tackle is prohibited.

(7) *Size limits.* All trout or bass caught less than the legal length shall be immediately returned unharmed to the water from which taken.

(i) No trout or bass less than 7" in length may be retained.

(ii) No size limit on redeye (rockbass).

(8) *Possession limit.* (i) Possession limit shall mean and include the number of trout, bass or redeye (rockbass) caught in park waters which may be in

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possession, regardless of whether they are fresh, stored in ice chests, or otherwise preserved. A person must stop and desist from fishing for the remainder of the day upon attaining the possession limit.

(ii) Five, fish, trout, bass, or redeye, or a combination thereof, is the maximum number which a person may retain in one day or be in possession of at any one time.

(9) The superintendent may designate certain waters as Experimental Fish Management Waters and issue temporary and special rules regulating fishing use by posting signs and issuance of official public notification. All persons shall observe and abide by such officially posted rules pertaining to these specially designated waters.

(b) *Beer and alcoholic beverages.* The possession of beer or any alcoholic beverages in an open or unsealed container, except in designated picnic, camping, or overnight lodging facilities, is prohibited.

[24 FR 11041, Dec. 30, 1959, as amended at 31 FR 5827, Apr. 15, 1966; 32 FR 21038, Dec. 30, 1967; 33 FR 18156, Dec. 6, 1968; 40 FR 16315, Apr. 11, 1975; 40 FR 25590, June 17, 1975; 48 FR 30294, June 30, 1983; 48 FR 31022, July 6, 1983]

### § 7.15 Shenandoah National Park.

(a) *Backcountry camping.* For purposes of clarification at Shenandoah National Park, “backcountry camping” is defined as any use of portable shelter or sleeping equipment in the backcountry. “Backcountry” is defined as those areas of the park which are more than 250 yards from a paved road, and more than one-half mile from any park facilities other than trails, unpaved roads and trail shelters. The Superintendent may designate areas where backcountry camping is prohibited if there would be potential damage to park resources or disruption to other park uses. Such areas will be marked on maps available in the Superintendent’s office, visitor centers and ranger stations. A person or group of persons may camp overnight at any other backcountry location within the park, except:

(1) No person or group of persons traveling together may camp without a valid backcountry camping permit. The issuance of this permit may be de-

nied when such action is necessary to protect park resources or park visitors, or to regulate levels of visitor use in legislatively-designated wilderness areas;

(2) No person may camp in or with a group of more than nine (9) other persons;

(3) No person or group may backcountry camp:

(i) Within 250 yards or in view from any paved park road or the park boundary;

(ii) Within one-half mile or in view from any automobile campground, lodge, restaurant, visitor center, picnic area, ranger station, administrative or maintenance area, or other park development or facility except a trail, an unpaved road or a trail shelter;

(iii) On or in view from any trail or unpaved road, or within sight of any sign which has been posted by park authorities to designate a no camping area;

(iv) Within view of another camping party, or inside or within view from a trail shelter: *Provided, however,* That backcountry campers may seek shelter and sleep within or adjacent to a trail shelter with other camping groups, during periods of severely unseasonable weather when the protection and amenities of such shelter are deemed essential;

(v) Within 25 feet of any stream; and

(4) No person shall backcountry camp more than two (2) consecutive nights at a single location. The term “location” shall mean that particular campsite and the surrounding area within a two hundred fifty (250) yard radius of that campsite.

(b) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

(c) *Sanitation.* (1) The possession of food or beverage in discardable glass containers is prohibited in the backcountry.

(2) Except in comfort facilities provided therefor, no person in the backcountry shall urinate or defecate within ten (10) yards of any stream, trail, unpaved road or park facility. Fecal material must be placed in a hole

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and be covered with not less than three (3) inches of soil.

[24 FR 11041, Dec. 30, 1959, as amended at 28 FR 1797, Feb. 27, 1963; 32 FR 17661, Dec. 12, 1967; 39 FR 9964, Mar. 15, 1974; 48 FR 30294, June 30, 1983; 49 FR 18450, Apr. 30, 1984; 52 FR 10686, Apr. 2, 1987; 52 FR 19345, May 22, 1987; 63 FR 13343, Mar. 19, 1998]

### § 7.16 Yosemite National Park.

(a) *Fishing*—(1) *Open season and limit of catch.* The open season for fishing and the daily bag limit and possession limit shall conform to that of the State of California for the Central Sierra Region, except as otherwise provided by paragraph (k) of this section.

(2)–(3) [Reserved]

(4) *Fishing from horseback.* Fishing from horseback in any lake or stream is prohibited.

(5) *Gathering or securing grubs.* Gathering or securing grubs for bait through the destruction or tearing apart of down trees or logs within sight of roads, trails or inhabited areas is prohibited.

(b) *Closed roads.* (1) The road between Hetch Hetchy Dam and Lake Eleanor is closed to all motor vehicle travel except vehicles belonging to the United States Government, the State of California, or the City of San Francisco, California.

(2) [Reserved]

(c) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

(d) [Reserved]

(e) *Camping.* (1) Camping is permitted in Yosemite National Park for not more than a total of 30 days in any calendar year: *Provided, however,* That during the period from June 1 to September 15, inclusive, camping within the Yosemite Valley is limited to not more than a total of 7 days and camping within all other portions of the park, during the same period, is limited to not more than a total of 14 days.

(2) Quiet shall be maintained at all camps between 10 p.m. and 6 a.m.

(f)–(g) [Reserved]

(h) *Regulations governing eating and drinking establishments and sale of food*

*and drink.* (1) No restaurant, coffee shop, cafeteria, short order cafe, lunch room, tavern, sandwich stand, soda fountain, or other eating and drinking establishment, including kitchens, or other place in which food and drink is prepared for sale elsewhere, may be operated on any privately-owned lands within Yosemite National Park unless a permit for the operation thereof has first been secured from the Superintendent.

(2) The Superintendent will issue such a permit only after an inspection of the premises to be licensed by the County Health Officer and written notice that the premises comply with the substantive requirements of State and County health laws and ordinances which would apply to the premises if the privately-owned lands were not subject to the jurisdiction of the United States.

(3) The Superintendent or his duly authorized representative shall have the right of inspection at all reasonable times for the purpose of ascertaining whether eating and drinking establishments are being operated in a sanitary manner.

(4) No fee will be charged for the issuance of such a permit.

(5) The applicant or permittee may appeal to the Regional Director, National Park Service, from any final action of the Superintendent refusing, conditioning or revoking the permit. Such an appeal, in writing, shall be filed within twenty days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Regional Director may be appealed to the Director of the National Park Service within 15 days after receipt of notice by the applicant or permittee of the Regional Director's decision.

(6) The revocable permit for eating and drinking establishments and sale of food and drink authorized in this paragraph to be issued by the Superintendent shall contain general regulatory provisions as hereinafter set forth, and will include such special conditions as the Superintendent may deem necessary to cover existing local circumstances, and shall be in a form substantially as follows:

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FRONT OF PERMIT

No. \_\_\_\_\_

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

REVOCABLE PERMIT FOR OPERATION OF EATING AND DRINKING ESTABLISHMENTS, AND FOR SALE OF FOOD AND DRINK

Permission is hereby granted \_\_\_\_\_ of \_\_\_\_\_, during the period from \_\_\_\_\_ 19\_\_ to \_\_\_\_\_ 19\_\_, inclusive to operate a

(Specify type of establishment)

on the following described privately-owned lands within Yosemite National Park, over which the United States exercises exclusive jurisdiction \_\_\_\_\_ subject to the general provisions and any special conditions stated on the reverse hereof.

Issued at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Superintendent

The undersigned hereby accepts this permit subject to the terms, covenants, obligations and reservations, expressed or implied therein.

Two witnesses to signature(s):

1 \_\_\_\_\_

(Address)

(Address)

<sup>1</sup> Sign name or names as written in body of permit; for copartnership, permittees should sign as "Members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the secretary, with corporate seal, in lieu of witnesses.

REVERSE OF PERMIT

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the Park.

2. Any building or structure used for the purpose of conducting the business herein permitted shall be kept in a safe, sanitary and sightly condition.

3. Permittee shall dispose of brush and other refuse from the business herein permitted as required by the Superintendent.

4. Permittee shall pay to the United States for any damage resulting to Government-owned property from the operation of the business herein permitted.

5. Permittee, his agents, and employees shall take all reasonable precautions to prevent forest fires and shall assist the Superintendent to extinguish forest fires within the vicinity of the place of business herein permitted, and in the preservation of good order within the vicinity of the business operations herein permitted.

6. Failure of the permittee to comply with all State and County substantive laws and ordinances applicable to eating and drinking establishments and the sale of food and drink, or to comply with any law or any regulations of the Secretary of the Interior governing the Park, or with the conditions imposed by this permit, will be grounds for revocation of this permit.

7. No disorderly conduct shall be permitted on the premises.

8. This permit may not be transferred or assigned without the consent, in writing, of the Superintendent.

9. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Department of the Interior shall be admitted to any share or part of this permit or derive directly or indirectly, any pecuniary benefit arising therefrom.

10. The following special provisions are made a part of this permit:

(i) *Motorboats.* Motorboats are prohibited on all the natural lakes and streams of Yosemite National Park.

(j) *Domestic water supplies and sewage disposal systems—(1) Sewage disposal systems—(i) Construction.* Any dwelling or establishment constructed on privately owned land within Yosemite National Park for the purpose of housing one or more persons must be served by an approved sewage disposal system prior to occupancy. Such system may not be initially constructed or rebuilt without a permit issued by the Superintendent. Such permit shall be issued only after the receipt by the Superintendent of written notification by the County Health Officer that the plans for such construction or reconstruction are consistent with the requirements of the State and county health laws and ordinances applicable to systems not located on lands within the park.

(ii) *Existing systems.* Any sewage disposal system which was constructed and was in use prior to the effective date of this regulation shall be subject to inspection by the County Health Officer or his duly authorized representative for the purpose of ascertaining whether or not such existing sewage

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disposal system would meet the requirements of the State and county health laws and ordinances were such system not located on lands within the park. In the event such existing system is found by the Health Officer to be substandard and a hazard to health, the person, corporation, or other organization controlling the structure served by such system shall have one (1) year after service of a written notice by the Superintendent to comply with the requirements of the State and county health laws and ordinances. Such notice shall describe briefly the deficiency as noted by the County Health Officer and shall specify what steps must be taken to achieve conformity with health regulations. In the event the deficiency described in the notice is not remedied within the period set forth above, the structures affected by or served by such sewage system shall be deemed unfit for human habitation and shall be vacated until such deficiency is remedied and a certificate of approval is filed with the Superintendent.

(2) *Water supply facilities*—(i) *Construction of new facilities.* Domestic water supply facilities for the use of two (2) or more families or for use of the general public may not be constructed, installed, or reconstructed on the privately owned land within Yosemite National Park unless the plans for such facilities are consistent with the requirements of State and county health laws and ordinances which would be applicable if such water supply facilities were located on privately owned lands outside of the park. Facilities for such a new water supply system shall not be constructed or reconstructed without a permit issued by the Superintendent. A permit will be issued only after the receipt by the Superintendent of written notification by the County Health Officer that the plans for the construction or reconstruction of the water supply system are consistent with the requirements of the State and county health laws and ordinances applicable to structures and establishments located outside of the park.

(ii) *Existing systems.* All water supply systems for the use of two (2) or more families or for use by the general pub-

lic, regardless of size and whether or not constructed and in use prior to the effective date of this regulation, shall be subject to inspection from time to time by the County Health Officer or his duly authorized representative for the purpose of ascertaining whether or not such water supply systems meet the requirements of the State and county health laws and ordinances. In the event any existing system is found by the Health Officer to be substandard and a hazard to health, the person, corporation, or other organization controlling the premises served by such system shall have one (1) year after service of a written notice by the Superintendent to comply with the requirements of the State and county health laws and ordinances. Such notice shall describe briefly the deficiency as noted by the County Health Officer and shall specify what steps must be taken to achieve conformity with health regulations. In the event the deficiency described by the notice is not remedied within the period set forth above, the structures affected by such deficiency shall be considered unfit for human habitation and shall be vacated until such deficiency is remedied and certificate of approval by the County Health Officer is filed with the Superintendent.

(3) *Inspection.* The County Health Officer or his duly authorized representative shall have the right of inspection for the purpose of ascertaining whether domestic water supplies and sewage disposal systems located on privately owned lands within Yosemite National Park meet State and county health standards. Inspection may be made by the County Health Officer to assure that construction of such systems, and facilities as may be built, rebuilt, or installed complies with approved plans.

(4) *Issuance of permits.* Permits for the construction or reconstruction of sewage or water supply systems shall be issued without charge by the Superintendent after written notification by the County Health Officer that the plans and specifications for any proposed system are deemed to be in conformity with the requirements of the

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State and county health laws and ordinances. Any applicant or permittee aggrieved by an action of the Superintendent in refusing or in conditioning a permit for the construction or reconstruction of a sewage disposal or a water supply system may appeal to the Regional Director, National Park Service. Such appeal shall be filed in writing within 20 days after receipt of notice by the applicant or permittee of the action of the Superintendent. A final decision of the Regional Director may be similarly appealed to the Director of the National Park Service within 15 days after receipt of notice by the applicant or permittee of the Regional Director's decision.

(5) *Permits.* Permit to construct or reconstruct domestic water facilities or a sewage disposal system authorized to be issued by the Superintendent in this paragraph shall contain general regulatory provisions as hereinafter set forth and may include such special conditions as the Superintendent deems necessary. A permit shall be in a form substantially as follows:

No. \_\_\_\_\_

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

PERMIT TO CONSTRUCT, BUILD, OR REBUILD DOMESTIC WATER SYSTEMS AND SEWAGE DISPOSAL SYSTEMS

Permission is hereby granted \_\_\_\_\_ of \_\_\_\_\_ to construct, build, or rebuild a \_\_\_\_\_ (Specify water system, sewage disposal system) on the following described privately owned lands within Yosemite National Park, over which the United States exercises exclusive jurisdiction

\_\_\_\_\_ subject to the general provisions and any special conditions stated on the reverse hereof.

Issued at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Superintendent)

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied therein.

1 \_\_\_\_\_

Two witnesses to signature(s):

Address \_\_\_\_\_

Address \_\_\_\_\_

<sup>1</sup> Sign name or names as written in body of permit; for copartnership, permittees should sign as "Members of firm"; for corporation the officer authorized to execute contracts etc., should sign, with title, the sufficiency of such signature being attested by the secretary, with corporate seal, in lieu of witnesses

REVERSE OF PERMIT

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall construct, build, or rebuild a domestic water system and/or a sewage disposal system in accordance with the standards of the Mariposa County Health Department.

2. Permittee shall not occupy constructed dwelling or establishment until completion of a bona fide, operational sewage disposal system.

3. Failure of the permittee to comply with all State and county laws and ordinances applicable to domestic water supplies and the disposal of sewage, including household waste, or with the conditions imposed by this permit will be grounds for requiring the permittee to vacate the dwelling or establishment until compliance.

4. Permittee shall take all reasonable precautions to prevent forest fires and shall assist the Superintendent to extinguish forest fires within the vicinity of the structure herein permitted.

5. This permit may not be transferred or assigned without the consent, in writing, of the Superintendent.

6. The following special provisions are made a part of this permit:

(k) Skelton Lakes and Delaney Creek from its beginning at the outlet of the lower Skelton Lake to its interception with the Tuolumne Meadows—Young Lakes Trail, are closed to all public fishing.

(l) Motor vehicles driven or moved upon a park road must be registered and properly display current license plates. Such registration may be with a State or other appropriate authority or, in the case of motor vehicles operated exclusively on park roads, with the superintendent. An annual registration fee of \$6 will be charged for vehicles registered with the superintendent which are not connected with the operation of the park.

(m) *Trucking.* (1) The fees for special trucking permits issued in emergencies pursuant to paragraph (b) of §5.6 of this chapter shall be based on the licensed

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capacity of trucks, trailers, or semitrailers, as follows:

Trucks, less than 1 ton.

Trucks of 1 ton and over, but not to exceed 10 tons.

Appropriate automobile permit fee. \$5 for each ton or fraction thereof.

(i) The fee charged is for one round trip between any two park entrances provided such trip is made within one 24-hour period; otherwise the fee is for a one-way trip.

(ii) Trucks carrying bona fide park visitors and/or their luggage or camping equipment may enter the park upon payment of the regular recreation fees.

(2) The fee provided in paragraph (m)(1) of this section also shall apply to permits which the superintendent may issue for trucking through one park entrance to and from privately owned lands contiguous to the park boundaries, except that such fee shall be considered an annual vehicle fee covering the use of park roads between the point of access to such property and the nearest park exit connecting with a State or county road.

[24 FR 11042, Dec. 30, 1959]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 7.16, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 7.17 Cuyahoga Valley National Recreation Area.

(a) *Alcoholic beverages*—(1) *Possession*. The possession or consumption of a bottle, can, or other receptacle containing an alcoholic beverage which has been opened, a seal broken, or the contents of which have been partially removed is prohibited, except in residences or other areas specifically authorized by the superintendent as to time and place.

(2) *Definition—Alcoholic beverages*. Any liquid beverage containing ½ of 1 percent or more of alcohol by weight.

[47 FR 24299, June 4, 1982]

### § 7.18 Hot Springs National Park.

(a) *Commercial Vehicles*. Permits shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers

for hire over park roads for sightseeing purposes. The fees for such permits shall be as follows:

(1) Fleet operator; equipment that includes any combination of commercial passenger-carrying vehicles, including taxicabs. Calendar-year permit—\$25.

(2) Bus operator; equipment limited to a single bus-type vehicle with passenger-carrying seat capacity in excess of eight persons. Calendar-year permit—\$20.

(3) Taxicab operator; equipment limited to a single vehicle with a capacity of not over eight passenger-carrying seats. Calendar-year permit—\$12.

(4) The fees for permits issued for commercial passenger-carrying vehicle operations starting on or after July 1 of each calendar year will be one-half of the respective rates mentioned in paragraphs (a)(1), (2), and (3) of this section.

(b) *Use of water*. The taking or carrying away of water, hot or cold, from any of the springs, fountains, or other sources of supply in Hot Springs National Park for the purpose of sale, or for any use other than personal drinking, is prohibited.

[24 FR 11042, Dec. 30, 1959, as amended at 32 FR 15710, Nov. 15, 1967; 48 FR 30294, June 30, 1983]

### § 7.19 Canyon de Chelly National Monument.

(a) Visitors are prohibited from entering the canyons of Canyon de Chelly National Monument unless accompanied by National Park Service employees or by authorized guides: *Provided, however*, That the Superintendent may designate, by marking on a map which shall be available for public inspection in the Office of the Superintendent and at other convenient locations within the monument, canyons or portions thereof which may be visited or entered without being so accompanied.

(b) The Superintendent may issue permits to properly qualified persons to act as guides for the purpose of accompanying visitors within the canyons.

[32 FR 13129, Sept. 15, 1967]

**§ 7.20 Fire Island National Seashore.**

(a) *Operation of motor vehicles*—(1) *Definitions.* The following definitions shall apply to all provisions of this paragraph (a):

(i) “Act” means the Act of September 11, 1964 (Pub. L. 88-587, 78 Stat. 928, 16 U.S.C. 459e et seq.), or as the same may be amended or supplemented, which authorizes the establishment of the Seashore.

(ii) “Seashore lands” means any lands or interests in lands owned or hereafter acquired by the United States within the authorized boundaries of the Seashore. It shall also mean any lands or interests in lands owned by the United States which are on the island, outside the authorized boundaries of the Seashore, and managed for recreational purposes by the National Park Service pursuant to an agreement with another Federal agency.

(iii) “Island” means the entirety of Fire Island, New York; without regard for property ownership, jurisdiction, or the boundaries of Fire Island National Seashore.

(iv) “Mainland” means the land of Long Island, N.Y.

(v) “Motor vehicle” means a device which is self-propelled by internal combustion or electrical energy and in, upon, or by which any person or material is or may be transported on land.

(vi) “Dune crossing” means an access route over a primary dune which has been designated and appropriately posted.

(vii) “Public utility vehicle” means any motor vehicle operated and owned or leased by a public utility or public service company franchised or licensed to supply, on the island, electricity, water, or telephone service, while that vehicle is in use for supplying such service.

(viii) “Year-round residents” means those persons who are legally domiciled on the island and who, in addition, physically reside in their fixed and permanent homes on the island continuously, except for brief and occasional absences, for 12 months of the year.

(ix) “Part-time residents” means those persons who physically and continuously reside in their homes on the

Island for less than 12 months of the year.

(x) “Essential service vehicle” means any motor vehicle other than a public utility vehicle whose use on the Island is essential to the continued use of residences on the Island. This may include vehicles used for the following purposes, while in use for such purposes:

(A) Transporting heating fuel and bottled gas.

(B) Sanitation or refuse removal.

(xi) “Official vehicle” means any motor vehicle operated and owned or leased by a Federal, State, or local governmental agency, except for law enforcement vehicles and fire fighting apparatus, while that vehicle is being used to transact the official business of that agency.

(xii) “Construction and business vehicle” means any motor vehicle other than a public utility vehicle or essential service vehicle involved in construction, maintenance, or repair of structures on the Island or the transportation of materials or supplies to retail business establishments on the Island.

(2) *Routes for motor vehicle travel.* No motor vehicle may be operated on Seashore lands except on routes designated for that purpose and subject to the limitations of this paragraph (a). The following are the routes for off-road motor vehicle travel on Seashore lands, which shall be designated on a map available at the office of the Superintendent or by the posting of signs where appropriate:

(i) Along the Atlantic Ocean on the south shore of Fire Island, within the Seashore boundaries between the water’s edge and 20 feet seaward of the beach grass (*Ammophila breviligata*) line. If the water is higher than this 20-foot line, no vehicle travel is permitted.

(ii) A 1-mile route in the interior of the Island, crossing the “Lighthouse Tract” from the easterly end of the paved road in Robert Moses State Park to the eastern boundary of the Tract, which is the western boundary of the community of Lighthouse Shores-Kismet Park.

(iii) An interior route which extends intermittently the length of the island,



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commonly referred to as the "Burma Road," for limited travel by public utility and law enforcement vehicles and fire fighting apparatus.

(iv) Posted dune crossings from the beach to the "Burma Road" or to pathways within the island communities.

(3) *Alternative means of transportation.* In providing for access to the island, the Superintendent shall require maximum possible reliance on those means of transportation which are other than private motor vehicles and which have the minimum feasible impact on Seashore lands. As used in this paragraph (a), the term "alternative transportation" shall mean a waterborne conveyance that is licensed for hire and that provides a reasonable means of transportation between the mainland and the island. Such alternative transportation shall be deemed to exist for each particular factual situation in which:

(i) The schedule of the transportation service in question permits departure from an island terminal before 9 a.m. and departure from a mainland terminal after 5 p.m. on the same day; and

(ii) When the interval between the earliest and latest service provided by the transportation service in question on any day exceeds 8 hours, such service provides at least one round trip between the mainland and the island during that interval; and

(iii) The island transportation terminal in question is no more than one mile from the point of origin or destination on the island or from a point on the island to which access by motor vehicle is permitted; and

(iv) The mode of transportation in question is adequate to carry the person or object to be transported.

(4) *Permit required.* No motor vehicle, other than a piece of firefighting apparatus or a motor vehicle operated and owned or leased by a duly constituted law enforcement agency having jurisdiction within the Seashore, shall be operated on Seashore lands without a valid permit issued by the Superintendent.

(5) *Permit eligibility.* Any person, firm, partnership, corporation, organization, or agency falling within the categories listed below may apply to the Superintendent for a permit, using a form to

be supplied for that purpose. The following will be eligible to submit permit applications:

(i) Those persons who are year-round residents.

(ii) Those persons who held part-time permits prior to January 1, 1978.

(iii) Those persons, firms, partnerships, corporations, organizations, or agencies which provide services essential to public facilities and the occupancy of residences on the Island.

(iv) Those persons who desire access by motor vehicle to Seashore lands in order to engage in fishing or hunting thereon, provided such access is compatible with conservation and preservation of Seashore resources.

(v) Those owners of estates in real property located on the Island who have a demonstrated need for temporary access to that property on days when there is no alternative transportation.

(vi) Holders of reserved rights of use and occupancy.

(6) *Standards for issuance of permits.* Permits will not be issued for the convenience of travel on Seashore lands. The Superintendent shall approve an application for a motor vehicle permit with appropriate limitations and restrictions or deny the application, in accordance with the provisions of this paragraph (a). Permits will be issued only for those motor vehicles whose travel on Seashore lands is deemed by the Superintendent to be essential to the management or enjoyment of Seashore resources, or to the occupancy of residences or the ownership of real property on the island. In making this determination, the Superintendent shall consider the purposes of the Act in providing for the conservation and preservation of the natural resources of the Seashore and for the enjoyment of these resources by the public; the scope and purpose of such travel; the availability of alternative transportation on the day or days when the applicant for a permit requests to travel on Seashore lands; the present or past issuance of other permits to the applicant; any limitations on numbers of permits established pursuant to paragraph (a)(8); and, in the case of public utility, service, and official vehicles, the feasibility of basing such vehicles and related

equipment on the island rather than the mainland.

(7) *Vehicle restrictions.* Any motor vehicle whose owner or operator has been found to qualify for a permit, according to the standards set forth in paragraphs (a) (5) and (6), must, prior to the issuance of such permit:

(i) Have a valid permit or other authorization for operation on the island issued by the local government agency or agencies within whose jurisdiction the travel is to be performed, if such permission or authorization is required by such agency or agencies.

(ii) Be capable of four-wheel drive operation.

(iii) Have a rated gross vehicle weight not in excess of 10,000 pounds, unless the use of a larger vehicle will result in a reduction of overall motor vehicle travel.

(iv) Meet the requirements of §4.10(c)(3) of this chapter and conform to all applicable State laws regarding licensing, registration, inspection, insurance, and required equipment.

(8) *Limitations on number of permits.* (i) The Superintendent may limit the total number of permits for motor vehicle travel on Seashore lands, and/or limit the number of permits issued for each category of eligible applicants listed in paragraph (a)(5) of this section as the Superintendent deems necessary for resource protection, public safety, or visitor enjoyment. In establishing or revising such limits, the Superintendent shall consider such factors as the type of use or purpose for which travel is authorized, the availability of other means of transportation, limits established by local jurisdictions, historic patterns of use, conflicts with other users, existing multiple permits held by individuals or a household, aesthetic and scenic values, visitor uses, safety, soil, weather, erosion, terrain, wildlife, vegetation, noise, and management capabilities. A revision of these limitations shall be published as a rule in the FEDERAL REGISTER except in emergency situations when closures may be imposed in accordance with the provisions of §1.5 and §1.7 of this chapter.

(ii) Limitations on permits for motor vehicle travel on Seashore lands, ac-

ording to eligible applicant category, are as follows:

(A) *Year-round residents.* No more than 145 permits at any time are issued to year-round residents. A year-round resident who is denied a permit because the limit has been reached is placed on a waiting list. When the number of outstanding permits drops below 145, permits are issued in order of the date of receipt of the application. When multiple applications are received on the same day, priority is given to persons both living and working full time on the Island. One year-round resident permit is allowed per household. Permit applications are mailed by the Superintendent by December 1 of each year to those year-round residents eligible to renew their permit. The deadline for receipt of completed applications is January 31 of the permit year. Applications received after January 31 are not considered as renewals of existing permits. Should the 145 limit be reached, late applications are placed at the end of the waiting list.

(B) *Part-time residents.* Permits are issued only to part-time residents who held a residential permit as of January 1, 1978. No more than 100 part-time resident permits are issued. A part-time resident who becomes a year-round resident is eligible to apply for a year-round resident permit in accordance with paragraph (a)(8)(ii)(A) of this section. A year-round resident permit holder as of January 1, 1978, who no longer qualifies as a year-round resident, may be eligible to obtain a part-time resident permit as long as the 100 limit is not exceeded and the part-time resident definition is satisfied.

(C)  *HOLDERS OF RESERVED RIGHTS OF USE AND OCCUPANCY.* A holder of a reserved right of use and occupancy, or a lessee thereof, occupying a property acquired by the National Park Service in the eight-mile area described in the Act, is issued a permit consistent with the terms under which the right of use and occupancy is retained.

(D) *Public utility and essential service vehicles.* No more than 30 permits at any time are issued to public utility and essential service vehicles. After consultation with the property owners' association of the appropriate unincorporated community or the village clerk

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for the Villages of Ocean Beach and Saltaire, the Superintendent may apportion permits to allow minimal service needs to each community.

(E) *Construction and business vehicles.* No more than 80 permits at any time are issued to construction and business vehicles. An operator of a construction or business vehicle who is denied a permit because the limit has been reached is placed on a waiting list. When the number of outstanding permits drops below 80, permits are issued in order of the date of receipt of the application. An operator of a construction or business vehicle may apply for either a 30-day-per-job permit or a one-year letter permit. Only a year-round construction firm or a year-round business is eligible for a one-year letter permit and only as long as the firm or business remains in year-round operation. Notwithstanding possession of either a 30-day permit or a one-year letter permit, when water transportation is available, a firm or business shall accomplish all transportation of materials, supplies, and crews by use of the nearest available ferry, freight, or other overwater transportation method. When water transportation is available, vehicles permitted under a 30-day permit may remain at the job site but must be removed upon the completion of the job.

(F) *Municipal employees.* A year-round resident who is a full-time employee of one of the two villages or of one of the 15 unincorporated communities identified in the Act is eligible for a permit if such employment necessitates year-round Island residence. Five (5) municipal employee permits are available for each village or community except on the basis of documented community need.

(G) *Recreational vehicles.* Recreational vehicles may travel between Smith Point and Long Cove along the route described in paragraph (a)(2)(i) of this section. A total of 5000 one-way trips per year are available for the recreational vehicle category. Permits for recreational vehicles may be obtained from the Smith Point Visitor Center. Annual recreational vehicle trip counts commence in September of each year and conclude the following June or when the 5000 trip limit is reached, whichever occurs first.

(9) *Permit limitations.* (i) No permit issued under these regulations shall be valid for more than one year. The superintendent may issue permits for lesser periods, as appropriate for the travel required or the time of year at which a permit is issued.

(ii) Permits for public utility, service, and official vehicles shall specify the number of vehicles and identify each vehicle whose use is authorized thereby. Permits for other motor vehicles will apply only to the single, specific vehicle for which issued.

(iii) Permits are not transferable to another motor vehicle or to a new owner or lessee of the vehicle for which issued.

(iv) Permits may specify a single or multiple uses or purposes for which travel on Seashore lands is permitted. The limitations and restrictions on authorized travel set forth in paragraph (a)(10) of this section shall apply, however, depending upon the specific use or purpose for which a permitted motor vehicle is being utilized at the time of travel.

(v) Permits may contain such other limitations or conditions as the Superintendent deems necessary for resource protection, public safety, or visitor enjoyment. Limitations may include, but will not be limited to, restrictions on locations where vehicle travel is authorized and times, dates, or frequency of travel, in accordance with the provisions of this paragraph (a).

(10) *Authorized travel.* (i) Except as specifically provided elsewhere in this paragraph (a)(10), travel across Seashore lands by motor vehicles with valid permits will be authorized only on those days in which the island location, which is the point of origin or destination of travel or is another point to which access by motor vehicle is permitted, is not served by alternative transportation.

When alternative transportation services satisfy the definition of alternative transportation in paragraph (a)(3), the schedule of transportation services available for the island community or communities named in the permit application shall determine the days when travel is not authorized for the motor vehicle to which that permit applies.

(ii) Except as provided in paragraph (a)(10)(iii) of this section, on any day on which travel by motor vehicle is authorized due to a lack of alternative transportation, travel shall be limited to not more than one round trip per vehicle per day between the mainland and the Island, and may be performed at any time except the following periods:

(A) From 9 a.m. to 6 p.m. on all Saturdays, Sundays, and national holidays from May 1 through June 13 and from September 15 through October 31.

(B) From 9 a.m. to 6 p.m. on all weekdays, and from 6 p.m. Friday to 9 a.m. the following Monday on all weekends, from June 14 through September 14.

(iii) *Exceptions.* (A) From the Monday after Labor Day through the Friday before Memorial Day, a year-round resident may make no more than two round trips per day for residential purposes.

(B) The Seashore is closed to all recreational vehicles from January 1 through March 31 and from June 14 through September 14. During the periods when the Seashore is open for recreational vehicle traffic, an operator of a recreational vehicle may make no more than two round trips per day. On weekend days in September and October, a recreational vehicle may enter the Island until 9:00 a.m. A recreational vehicle that has entered the Island may then remain or may depart but may not re-enter the Island until after 6:00 p.m.

(iv) The Superintendent may, for situations where the restrictions in paragraph (a)(10)(ii) would create a severe hardship, authorize additional trips or travel at other hours.

(v) In the case of public utility, service, and official vehicles for which permits have been issued, the Superintendent may authorize travel on Seashore lands at any time that he determines travel by such vehicles is essential, notwithstanding the above limitations and restrictions on authorized travel.

(vi) Recurring travel conducted pursuant to paragraph (a)(10) (iv) or (v) of this section is authorized only pursuant to the terms and conditions of the original permit issued by the Superintendent; single occasion travel is au-

thorized only pursuant to the terms and conditions of a permit issued by the Superintendent on a case by case basis.

(vii) In an emergency involving the protection of life or a threatened substantial loss of property, travel by a motor vehicle which is under permit is authorized at any time.

(viii) The Superintendent may suspend any travel by motor vehicle otherwise permitted under this paragraph (a) when in his judgment such travel is inconsistent with the purpose of the Act or when such factors as weather, tides, or other physical conditions render travel hazardous or would endanger Seashore resources. Such suspension of travel shall be announced by the posting of appropriate signs or verbal order of the Superintendent.

(ix) In accordance with the procedures set forth in §1.5 of this chapter, the Superintendent may establish a limit on the number of motor vehicles permitted on any portion of, or the entirety of, the Seashore lands at any one time when such limits are required in the interests of public safety, protection of the resources of the area, or coordination with other visitor uses.

(x) The provisions of this paragraph (a)(10) shall not apply to firefighting apparatus or to motor vehicles operated and owned or leased by a duly constituted law enforcement agency having jurisdiction within the Seashore.

(11) *Rules of travel.* (i) When two motor vehicles approach from opposite directions in the same track on Seashore lands, both operators shall reduce speed and the operator with the water to his left shall yield the right of way by turning out of the track to the right.

(ii) No motor vehicle shall be operated on any portion of a dune on Seashore lands except at dune crossings.

(iii) No person shall operate a motor vehicle on Seashore lands at a speed in excess of 20 miles per hour.

(iv) The speed of any motor vehicle being operated on Seashore lands shall be reduced to five miles per hour upon approaching or passing within 100 feet of any person not in a motor vehicle, or when passing through or over any dune crossings.

(12) *Violations.* (i) Failure to comply with the conditions of any permit issued pursuant to this paragraph will constitute a violation of these regulations.

(ii) In addition to any penalty required by §1.3(a) of this chapter for a violation of regulations in this paragraph, the Superintendent may suspend or revoke the permit of a motor vehicle involved in such a violation.

(b) *Operation of Seaplane and Amphibious Aircraft.* (1) Aircraft may be operated on the waters of the Great South Bay and the Atlantic Ocean within the boundaries of Fire Island National Seashore, except as restricted in §2.17 of this chapter and by the provisions of paragraph (b)(2) of this section.

(2) Except as provided in paragraph (b)(3) of this section, the waters of the Great South Bay and the Atlantic Ocean within the boundaries of Fire Island National Seashore are closed to take-offs, landings, beachings, approaches or other aircraft operations at the following locations:

(i) Within 1000 feet of any shoreline, including islands.

(ii) Within 1000 feet of lands within the boundaries of the incorporated villages of Ocean Beach and Saltaire and the village of Seaview.

(3) Aircraft may taxi on routes perpendicular to the shoreline to and from docking facilities at the following locations:

(i) Kismet—located at approximate longitude 73° 12½' and approximate latitude 40° 38½'.

(ii) Lonelyville—located at approximate longitude 73° 11' and approximate latitude 40° 38½'.

(iii) Atlantique—located at approximate longitude 73° 10½' and approximate latitude 40° 38½'.

(iv) Fire Island Pines—located at approximate longitude 73° 04½' and approximate latitude 40° 40'.

(v) Water Island—located at approximate longitude 73° 02' and approximate latitude 40° 40½'.

(vi) Davis Park—located at approximate longitude 73° 00½' and approximate latitude 40° 41'.

(4) Aircraft operation in the vicinity of marinas, boats, boat docks, floats, piers, ramps, bird nesting areas, or bathing beaches must be performed

with due caution and regard for persons and property and in accordance with any posted signs or uniform waterway markers.

(5) Aircraft are prohibited from landing or taking off from any land surfaces, any estuary, lagoon, marsh, pond, tidal flat, paved surface, or any waters temporarily covering a beach; except with prior authorization of the Superintendent. Permission shall be based on the need for emergency service, resource protection, resource management or law enforcement.

(6) Aircraft operations shall comply with all Federal, State and county ordinances and rules for operations as may be indicated in available navigation charts or other aids to aviation which are available for the Fire Island area.

(c) *Information collection.* The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024-0026. This information is being collected in order for the superintendent to issue permits and grant administrative benefits. The obligation to respond is required in order to obtain a benefit.

(d) *Personal watercraft.* (1) Personal watercraft (PWC) may operate in the following locations and under the following conditions:

(i) Great South Bay from the western boundary of the national seashore adjacent to Robert Moses State Park, east to the western boundary of the Sunken Forest, excluding any area within 1,000 feet of the shoreline, except as provided in (ii), including the area surrounding East Fire Island and West Fire Island.

(ii) Navigation channels marked by buoys or identified on the NOAA navigational chart (12352) to include access channels to and from Fair Harbor, Dunewood, Lonelyville, Atlantique, Cherry Grove, Fire Island Pines, Davis Park, Moriches Inlet, Kismet, Saltaire, Ocean Beach, Ocean Bay Park, Point O'Woods, Oakleyville, and Water Island.

(iii) The Long Island Intracoastal Waterway within the park boundaries.

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(iv) At “flat wake” speeds (maximum 6 mph) within designated marked channels to access town/community docks and harbors/marinas.

(2) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

[42 FR 62483, Dec. 13, 1977, as amended at 44 FR 44493, July 30, 1979; 47 FR 11011, Mar. 15, 1982; 50 FR 24511, June 11, 1985; 52 FR 7376, 7377, Mar. 10, 1987; 52 FR 10686, Apr. 2, 1987; 70 FR 38767, July 6, 2005]

### §7.21 John D. Rockefeller, Jr. Memorial Parkway.

(a)(1) *What is the scope of this section?* The regulations contained in paragraphs (a)(2) through (a)(17) of this section apply to the use of snowcoaches and recreational snowmobiles. Except where indicated, paragraphs (a)(2) through (a)(15) do not apply to non-administrative oversnow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(2) *What terms do I need to know?* The definitions in this paragraph (a)(2) also apply to non-administrative oversnow vehicle use by NPS, contractor, or concessioner employees, and other non-recreational users authorized by the Superintendent.

*Commercial guide* means a guide who operates a snowmobile or snowcoach for a fee or compensation and is authorized to operate in the park under a concession contract. In this section, “guide” also means “commercial guide.”

*Historic snowcoach* means a Bombardier snowcoach manufactured in 1983 or earlier. Any other snowcoach is considered a non-historic snowcoach.

*Oversnow route* means that portion of the unplowed roadway located between the road shoulders and designated by snow poles or other poles, ropes, fencing, or signs erected to regulate oversnow activity. Oversnow routes include pullouts or parking areas that are groomed or marked similarly to roadways and are adjacent to designated oversnow routes. An oversnow

route may also be distinguished by the interior boundaries of the berm created by the packing and grooming of the unplowed roadway. The only motorized vehicles permitted on oversnow routes are oversnow vehicles.

*Oversnow vehicle* means a snowmobile, snowcoach, or other motorized vehicle that is intended for travel primarily on snow and has been authorized by the Superintendent to operate in the park. An oversnow vehicle that does not meet the definition of a snowcoach must comply with all requirements applicable to snowmobiles.

*Snowcoach* means a self-propelled mass transit vehicle intended for travel on snow, having a curb weight of over 1,000 pounds (450 kilograms), driven by a track or tracks and steered by skis or tracks, and having a capacity of at least 8 passengers. A snowcoach has a maximum size of 102 inches wide, plus tracks (not to exceed 110 inches overall); a maximum length of 35 feet; and a Gross Vehicle Weight Rating (GVWR) not exceeding 25,000 pounds.

*Snowmobile* means a self-propelled vehicle intended for travel on snow, with a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow, and which may be steered by a ski or skis in contact with the snow.

*Snowplane* means a self-propelled vehicle intended for oversnow travel and driven by an air-displacing propeller.

(3) *May I operate a snowmobile in the Parkway?* You may operate a snowmobile in the Parkway in compliance with use limits, guiding requirements, operating hours and dates, equipment, and operating conditions established under this section. The Superintendent may establish additional operating conditions and will provide notice of those conditions in accordance with §1.7(a) of this chapter or in the FEDERAL REGISTER.

(4) *May I operate a snowcoach in the Parkway?* Snowcoaches may only be operated in the Parkway under a concessions contract. Snowcoach operation is subject to the conditions stated in the concessions contract and all other conditions identified in this section.

(5) *Where may I operate my snowmobile in the Parkway?* (i) You may operate your snowmobile only upon designated

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oversnow routes established within the Parkway in accordance with §2.18(c) of this chapter. The following oversnow routes are so designated for snowmobile use:

(A) On U.S. Highway 89/191/287 from Flagg Ranch to the northern boundary of the Parkway.

(B) Grassy Lake Road from Flagg Ranch to the western boundary of the Parkway.

(C) Flagg Ranch developed area.

(ii) The Superintendent may open or close these routes, or portions thereof, for snowmobile travel after taking into consideration the location of wintering wildlife, appropriate snow cover, public safety, and other factors. The Superintendent will provide notice of such opening or closing by one or more of the methods listed in §1.7(a) of this chapter.

(iii) The route described in paragraph (a)(5)(i)(A) of this section is subject to the air and sound emissions requirements, guiding requirements, and daily entry limits described in §7.13(l) of this part.

(iv) This paragraph (a)(5) also applies to non-administrative oversnow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(v) Maps detailing the designated oversnow routes will be available from Park Headquarters.

(6) *What routes are designated for snowcoach use?* (i) Authorized snowcoaches may only be operated on the routes designated for snowmobile use in paragraphs (a)(6)(i)(A) and (C) of this section. No other routes are open to snowcoach use, except as provided in (a)(6)(ii) of this section.

(ii) The Superintendent may open or close these oversnow routes, or portions thereof, or designate new routes for snowcoach travel after taking into consideration the location of wintering wildlife, appropriate snow cover, public safety, and other factors. The Superintendent will provide notice of such opening or closing by one or more of the methods listed in §1.7(a) of this chapter.

(iii) The routes described in paragraph (a)(6)(i) of this section are subject to the air and sound emissions re-

quirements and daily entry limits in §7.13(l) of this part.

(iv) This paragraph (a)(6) also applies to non-administrative snowcoach use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(7) *Must I travel with a commercial guide while snowmobiling in the Parkway?* Except as may be required under paragraph (a)(5)(iii) of this section, you are not required to use a guide while snowmobiling in the Parkway.

(8) *Are there limits established for the numbers of snowmobiles and snowcoaches permitted to operate in the Parkway each day?* (i) A limit of 25 snowmobiles per day applies to the Grassy Lake Road.

(ii) The daily entry limits for snowmobiles and snowcoaches on the route from Flagg Ranch to the South Entrance of Yellowstone are established in §7.13(l) of this part.

(9) *When may I operate my snowmobile or snowcoach?* The Superintendent will determine operating hours and dates. Except for emergency situations, any changes to operating hours will be made on an annual basis and the public will be notified of those changes through one or more of the methods listed in §1.7(a) of this chapter.

(10) *What other conditions apply to the operation of oversnow vehicles?* (i) The following are prohibited:

(A) Idling an oversnow vehicle more than 5 minutes at any one time.

(B) Driving an oversnow vehicle while the operator's motor vehicle license or privilege is suspended or revoked.

(C) Allowing or permitting an unlicensed driver to operate an oversnow vehicle.

(D) Driving an oversnow vehicle in willful or wanton disregard for the safety of persons, property, or parkway resources or otherwise in a reckless manner.

(E) Operating an oversnow vehicle without a lighted white headlamp and red taillight.

(F) Operating an oversnow vehicle that does not have brakes in good working order.

(G) Towing persons on skis, sleds or other sliding devices by oversnow vehicles, except in emergency situations.

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(ii) The following are required:

(A) All oversnow vehicles that stop on designated routes must pull over to the far right and next to the snow berm. Pullouts must be used where available and accessible. Oversnow vehicles may not be stopped in a hazardous location or where the view might be obscured, or operated so slowly as to interfere with the normal flow of traffic.

(B) Oversnow vehicle drivers must possess a valid motor vehicle driver's license. A learner's permit does not satisfy this requirement. The license must be carried by the driver at all times.

(C) Equipment sleds towed by a snowmobile must be pulled behind the snowmobile and fastened to the snowmobile with a rigid hitching mechanism.

(D) Snowmobiles must be properly registered and display a valid registration from the United States or Canada.

(iii) The Superintendent may impose other terms and conditions as necessary to protect park resources, visitors, or employees. The Superintendent will notify the public of any changes through one or more methods listed in § 1.7(a) of this chapter.

(iv) This paragraph (a)(10) also applies to non-administrative oversnow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(11) *What conditions apply to alcohol use while operating an oversnow vehicle?* In addition to 36 CFR 4.23, the following conditions apply:

(i) Operating or being in actual physical control of an oversnow vehicle is prohibited when the driver is under 21 years of age and the alcohol concentration in the driver's blood or breath is 0.02 grams or more of alcohol per 100 milliliters of blood or 0.02 grams or more of alcohol per 210 liters of breath.

(ii) Operating or being in actual physical control of an oversnow vehicle is prohibited when the driver is a snowmobile guide or a snowcoach driver and the alcohol concentration in the operator's blood or breath is 0.04 grams or more of alcohol per 100 milliliters of blood or 0.04 grams or more of alcohol per 210 liters of breath.

(iii) This paragraph (a)(11) also applies to non-administrative oversnow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(12) *Do other NPS regulations apply to the use of oversnow vehicles?* (i) The use of oversnow vehicles in the Parkway is subject to § 2.18(a), (b), and (c), but not to §§ 2.18(d), (e), and 2.19(b) of this chapter.

(ii) This paragraph (a)(12) also applies to non-administrative oversnow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(13) *Are there any forms of non-motorized oversnow transportation allowed in the Parkway?* (i) Non-motorized travel consisting of skiing, skating, snowshoeing, or walking is permitted unless otherwise restricted under this section or other NPS regulations.

(ii) The Superintendent may designate areas of the Parkway as closed, reopen such areas, or establish terms and conditions for non-motorized travel within the Parkway in order to protect visitors, employees, or park resources. Notice will be made in accordance with § 1.7(a) of this chapter.

(14) *May I operate a snowplane in the Parkway?* The operation of a snowplane in the Parkway is prohibited.

(15) *Is violating any of the provisions of this section prohibited?* (i) Violating any of the terms, conditions or requirements of paragraphs (a)(3) through (a)(14) of this section is prohibited.

(ii) Anyone who violates any of the terms, conditions or requirements of this regulation will be considered to have committed one separate offense for each term, condition or requirement that they violate.

(b) [Reserved]

[74 FR 60190, Nov. 20, 2009]

### § 7.22 Grand Teton National Park.

(a) *Aircraft—Designated airstrip.* (1) Jackson Airport, located in SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 10, SE $\frac{1}{4}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 11, S $\frac{1}{2}$  and NW $\frac{1}{4}$  sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ NE $\frac{1}{4}$  sec. 15, T. 42 N., R. 116 W., 6th Principal Meridian.

(2) [Reserved]



(b) *Fishing.* (1) The following waters are closed to fishing: The Snake River for a distance of 150 feet below the downstream face of Jackson Lake Dam; Swan Lake; Sawmill Ponds; Hedrick's Pond; Christian Ponds; and Cottonwood Creek from the outlet of Jenny Lake downstream to the Saddle Horse Concession Bridge.

(2) Fishing from any bridge or boat dock is prohibited.

(3) Bait: The use or possession of fish eggs or fish for bait is prohibited, except it shall be permissible to possess or use the following dead, nongame fish for bait on or along the shores of Jackson Lake: Redside shiner, speckled dace, longnose dace, piute sculpin, mottled sculpin, Utah chub, Utah sucker, bluehead sucker, and mountain sucker. Authorized marine bait dealers at Jackson Lake may retain live bait fish in containers: *Provided*, That such fish have been taken from Jackson Lake or waters draining into Jackson Lake: *And provided further*, That such bait fish are dead when sold.

(c) *Stock grazing.* (1) Privileges for the grazing of domestic livestock based on authorized use of certain areas at the time of approval of the Act of September 14, 1950 (64 Stat. 849, Pub. L. 787), shall continue in effect or shall be renewed from time to time, except for failure to comply with such terms and conditions as may be prescribed by the Superintendent in these regulations and after reasonable notice of default and subject to the following provisions of tenure:

(i) Grazing privileges appurtenant to privately owned lands located within the park shall not be withdrawn until title to the lands to which such privileges are appurtenant shall have vested in the United States except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(ii) Grazing privileges appurtenant to privately owned lands located outside the park shall not be withdrawn for a period of twenty-five years after September 14, 1950, and thereafter shall continue during the lifetime of the original permittee and his heirs if they were members of his immediate family as described herein, except for failure to comply with the regulations applica-

ble thereto after reasonable notice of default.

(iii) Members of the immediate family are those persons who are related to and directly dependent upon a person or persons, living on or conducting grazing operations from lands, as of September 14, 1950, which the National Park Service recognized as base lands appurtenant to grazing privileges in the park. Such interpretation excludes mature children who, as of that date, were established in their own households and were not directly dependent upon the base lands and appurtenant grazing recognized by the National Park Service.

(iv) If title to base lands lying outside the park is conveyed, or such base lands are leased to someone other than a member of the immediate family of the permittee as of September 14, 1950, the grazing preference shall be recognized only for a period of twenty-five years from September 14, 1950.

(v) If title to a portion or part of the base land either outside or inside the park is conveyed or such base lands are leased, the new owner or lessee will take with the land so acquired or leased, such proportion of the entire grazing privileges as the grazing capacity in animal unit months of the tract conveyed or leased bears to the original area to which a grazing privilege was appurtenant and recognized. Conveyance or lease of all such base lands will automatically convey all grazing privileges appurtenant thereto.

(vi) Grazing privileges which are appurtenant to base lands located either inside or outside the park shall not be conveyed separately therefrom.

(2) Where no reasonable ingress or egress is available to permittees or nonpermittees who must cross Park lands to reach grazing allotments on non-Federal lands within the exterior boundary of the Park or adjacent thereto, the Superintendent will grant, upon request a temporary nonfee annual permit to herd stock on a designated driveway which shall specify the time to be consumed in each single drive. The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of these privileges.

(3) Grazing preferences are based on actual use during the period March 15, 1938 through September 14, 1950 and no increase in the number of animals or animal unit months will be allowed on Federal lands in the park.

(4)(i) A permittee whose grazing privilege is appurtenant to privately owned lands within the park will be granted total nonuse or reduced benefits for one or more years without nullifying his privilege in subsequent years.

(ii) A permittee whose privilege is appurtenant to base lands outside the park may be granted total nonuse on a year to year basis not to exceed three consecutive years. Total nonuse beyond this time may be granted if necessitated for reasons clearly outside the control of the permittee. Total unauthorized nonuse beyond three consecutive years will result in the termination and loss of all grazing privileges.

(iii) Whenever partial or total nonuse is desired, an application must be made in writing to the Superintendent.

(5) Grazing fees shall be the same as those approved for the Teton National Forest and will be adjusted accordingly.

(6) Permittees or nonpermittees who have stock on Federal lands within the park at any time or place, when or where herding or grazing is unauthorized may be assessed fifty cents per day per animal as damages.

(7) The Superintendent may accept a written relinquishment or waiver of any privileges; however, no such relinquishment or waiver will be effective without the written consent of the owner or owners of the base lands.

(8) Permits. Terms and conditions. The issuance and continued effectiveness of all permits will be subject, in addition to mandatory provisions required by Executive Order or law, to the following terms and conditions:

(i) The permittee and his employees shall use all possible care in preventing forest and range fires, and shall assist in the extinguishing of forest and range fires on, or within, the vicinity of the land described in the permit, as well as in the preservation of good order within the boundaries of the park.

(ii) The Superintendent may require the permittee before driving livestock to or from the grazing allotment to gather his livestock at a designated time and place for the purpose of counting the same.

(iii) Stock will be allowed to graze only on the allotment designated in the permit.

(iv) The permittee shall file with the Superintendent a copy of his stock brand or other mark.

(v) The permittee shall, upon notice from the Superintendent that the allotment designated in the permit is not ready to be grazed at the beginning of the designated grazing season, place no livestock on the allotment for such a period as may be determined by the Superintendent as necessary to avoid damage to the range. All, or a portion of the livestock shall be removed from the area before the expiration of the designated grazing season if the Superintendent determines further grazing would be detrimental to the range. The number of stock and the grazing period may be adjusted by the Superintendent at any time when such action is deemed necessary for the protection of the range.

(vi) No permit shall be issued or renewed until payment of all fees and other amounts due the National Park Service has been made. Fees for permits are due the National Park Service and must be paid at least 15 days in advance of the grazing period. No permit shall be effective to authorize grazing use thereunder until all fees and other amounts due the National Park Service have been paid. A pro rata adjustment of fees will be made in the event of reduction of grazing privileges granted in the permit, except that not more than 50 percent of the total annual grazing fee will be refunded in the event reduced grazing benefits are taken at the election of the permittee after his stock are on the range.

(vii) No building or other structure shall be erected nor shall physical improvements of any kind be established under the permit except upon plans and specifications approved by the National Park Service. Any such facilities, structures, or buildings may be removed or disposed of to a successor

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permittee within three months following the termination of the permit; otherwise they shall become the property of the United States without compensation therefor.

(viii) The permittee shall utilize the lands covered by the permit in a manner approved and directed by the Superintendent which will prevent soil erosion thereon and on lands adjoining same.

(ix) The right is reserved to adjust the fees specified in the permit at any time to conform with the fees approved for Teton National Forest, and the permittee shall be furnished a notice of any change of fees.

(x) All livestock are considered as mature animals at six months of age and are so counted in determining animal unit months and numbers of animals.

(xi) The Superintendent may prescribe additional terms and conditions to meet individual cases.

(9) The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of grazing privileges.

(10) Appeals from the decision of the Superintendent to the Regional Director and from the Regional Director to the Director shall be made in accordance with the National Park Service Order No. 14, as amended (19 FR 8824) and Regional Director, Order No. 3, as amended (21 FR 1494).

(11) Nothing in these regulations shall be construed as to prevent the enforcement of the provisions of the general rules and regulations and the special rules and regulations of the National Park Service or of any other provisions of said rules and regulations applicable to stock grazing.

(d) *Camping.* (1) No person, party, or organization shall be permitted to camp more than 30 days in a calendar year in designated sites within the Park.

(2) Except in group campsites and backcountry sites, camping is limited to six persons to a site.

(3) Registration is required for camping at the Jenny Lake Campground; camping in this campground shall not exceed 10 days in any calendar year.

(e) *Vessels.* (1) Motorboats are prohibited except on Jackson, Jenny, and

Phelps Lakes. On Jenny Lake, motorboats are restricted to motors not in excess of 7½ horsepower. Additionally, on Jenny Lake, an authorized boating concessioner may operate motorboats under conditions specified by the Superintendent.

(2) Hand-propelled vessels may be used on Jackson, Jenny, Phelps, Emma Matilda, Two Ocean, Taggart, Bradley, Bearpaw, Leigh, and String Lakes and on the Snake River, except within 1,000 feet of the downstream face of Jackson Lake Dam. All other waters are closed to boating.

(3) Sailboats may be used only on Jackson Lake.

(4) No person except an authorized concessioner shall moor or beach a vessel on the shore of a designated harbor area, except in an emergency.

(f) *Management of elk.* The laws and regulations of the State of Wyoming shall govern elk management as associated with formal reduction programs. Such Wyoming laws and regulations which are now or will hereafter be in effect are hereby incorporated by reference as a part of the regulations in this part.

(g)(1) *What is the scope of this section?* The regulations contained in paragraphs (g)(2) through (g)(20) of this section are intended to apply to the use of snowcoaches and recreational snowmobiles. Except where indicated, paragraphs (g)(2) through (g)(20) do not apply to non-administrative over-snow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(2) *What terms do I need to know?* The definitions in this paragraph (g)(2) also apply to non-administrative oversnow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(i) *Commercial guide* means a guide who operates as a snowmobile or snowcoach guide for a fee or compensation and is authorized to operate in the park under a concession contract. In this section, "guide" also means "commercial guide."

(ii) *Historic snowcoach* means a Bombardier snowcoach manufactured in

1983 or earlier. Any other snowcoach is considered a non-historic snowcoach.

(iii) *Oversnow route* means that portion of the unplowed roadway located between the road shoulders and designated by snow poles or other poles, ropes, fencing, or signs erected to regulate oversnow activity. Oversnow routes include pullouts or parking areas that are groomed or marked similarly to roadways and are adjacent to designated oversnow routes. An oversnow route may also be distinguished by the interior boundaries of the berm created by the packing and grooming of the unplowed roadway. The only motorized vehicles permitted on oversnow routes are oversnow vehicles.

(iv) *Oversnow vehicle* means a snowmobile, snowcoach, or other motorized vehicle that is intended for travel primarily on snow and has been authorized by the Superintendent to operate in the park. An oversnow vehicle that does not meet the definition of a snowcoach must comply with all requirements applicable to snowmobiles.

(v) *Snowcoach* means a self-propelled mass transit vehicle intended for travel on snow, having a curb weight of over 1,000 pounds (450 kilograms), driven by a track or tracks and steered by skis or tracks, and having a capacity of at least 8 passengers. A snowcoach has a maximum size of 102 inches wide, plus tracks (not to exceed 110 inches overall); a maximum length of 35 feet; and a Gross Vehicle Weight Rating (GVWR) not exceeding 25,000 pounds.

(vi) *Snowmobile* means a self-propelled vehicle intended for travel on snow, with a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow, and which may be steered by a ski or skis in contact with the snow.

(vii) *Snowplane* means a self-propelled vehicle intended for oversnow travel and driven by an air-displacing propeller.

(3) *May I operate a snowmobile in Grand Teton National Park?* You may operate a snowmobile in Grand Teton National Park in compliance with use limits, operating hours and dates, equipment, and operating conditions established under this section. The Superintendent may establish additional

operating conditions and provide notice of those conditions in accordance with § 1.7(a) of this chapter or in the FEDERAL REGISTER.

(4) *May I operate a snowcoach in Grand Teton National Park?* It is prohibited to operate a snowcoach in Grand Teton National Park except as authorized by the Superintendent.

(5) *Must I operate a certain model of snowmobile in the park?* Only commercially available snowmobiles that meet NPS air and sound emissions requirements as set forth in this section may be operated in the park. The Superintendent will approve snowmobile makes, models, and years of manufacture that meet those requirements. Any snowmobile model not approved by the Superintendent may not be operated in the park.

(6) *How will the Superintendent approve snowmobile makes, models, and years of manufacture for use in Grand Teton National Park?* (i) Beginning with the 2005 model year, all snowmobiles must be certified under 40 CFR Part 1051, to a Family Emission Limit no greater than 15 g/kW-hr for hydrocarbons and to a Family Emission Limit no greater than 120 g/kW-hr for carbon monoxide.

(A) 2004 model year snowmobiles may use measured air emissions levels (official emission results with no deterioration factors applied) to comply with the air emission limits specified in paragraph (g)(6)(i) of this section.

(B) Snowmobiles manufactured before the 2004 model year may be operated only if they have shown to have air emissions no greater than the requirements identified in paragraph (g)(6)(i) of this section.

(C) The snowmobile test procedures specified by EPA (40 CFR parts 1051 and 1065) must be used to measure air emissions from model year 2004 and later snowmobiles. Equivalent procedures may be used for earlier model years.

(ii) For sound emissions, snowmobiles must operate at or below 73 dBA as measured at full throttle according to Society of Automotive Engineers J192 test procedures (revised 1985). Snowmobiles may be tested at any barometric pressure equal to or above 23.4

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inches Hg uncorrected. The Superintendent may revise these testing procedures based on new information and/or updates to the SAE J192 testing procedures.

(iii) Snowmobiles meeting the requirements for air and sound emissions may be operated in the park for a period not exceeding 6 years from the date upon which first certified, except that snowmobiles being operated on Jackson Lake may continue to be operated up to 10 years, provided that these snowmobiles' mileage does not exceed 6,000 miles.

(iv) Snowmobiles will be exempt from these air and sound emissions requirements while in use to access lands authorized by paragraphs (g)(16) and (g)(18) of this section.

(v) The Superintendent may prohibit entry into the park of any snowmobile that has been modified in a manner that may adversely affect air or sound emissions.

(7) *Where may I operate my snowmobile in the park?* (i) You may operate your snowmobile upon the frozen water surface of Jackson Lake, a route established in accordance with §2.18(c) of this chapter, under the following conditions:

(A) You are ice fishing, and licensed or otherwise permitted to fish in Wyoming;

(B) You possess the proper fishing gear; and

(C) You limit your snowmobile travel to a direct route to and from and between fishing locations on the lake.

(ii) The Superintendent may open or close this route, or portions thereof, for snowmobile travel, and may establish separate zones for motorized and non-motorized uses on Jackson Lake, after taking into consideration the location of wintering wildlife, appropriate snow cover, public safety and other factors. The Superintendent will provide notice of such opening or closing by one or more of the methods listed in §1.7(a) of this chapter.

(iii) This paragraph (g)(7) also applies to non-administrative over-snow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(iv) Maps detailing the designated oversnow route will be available from Park Headquarters.

(8) *Must I travel with a commercial guide while snowmobiling in Grand Teton National Park?* You are not required to use a guide while snowmobiling in Grand Teton National Park.

(9) *Are there limits established for the number of snowmobiles permitted to operate in the park each day?* (i) The number of snowmobiles allowed to operate in the park each day on Jackson Lake is 25.

(ii) The Superintendent may adjust this number up or down, not to exceed a daily limit of 40 snowmobiles, after taking into consideration the location of wintering wildlife, appropriate snow cover, noise monitoring results, public safety and other factors. The Superintendent will provide notice of such adjustment by one or more of the methods listed in §1.7(a) of this chapter.

(10) *When may I operate my snowmobile?* The Superintendent will determine operating hours and dates. Except for emergency situations, any changes to operating hours or dates will be made on an annual basis, and the public will be notified of those changes through one or more of the methods listed in §1.7(a) of this chapter.

(11) *What other conditions apply to the operation of oversnow vehicles?* (i) The following are prohibited:

(A) Idling an oversnow vehicle more than 5 minutes at any one time.

(B) Driving an oversnow vehicle while the operator's motor vehicle license or privilege is suspended or revoked.

(C) Allowing or permitting an unlicensed driver to operate an oversnow vehicle.

(D) Driving an oversnow vehicle in willful or wanton disregard for the safety of persons, property, or park resources or otherwise in a reckless manner.

(E) Operating an oversnow vehicle without a lighted white headlamp and red taillight.

(F) Operating an oversnow vehicle that does not have brakes in good working order.

(G) The towing of persons on skis, sleds or other sliding devices by oversnow vehicles.

(ii) The following are required:

(A) All oversnow vehicles that stop on designated routes must pull over to the far right and next to the snow berm. Pullouts must be used where available and accessible. Oversnow vehicles may not be stopped in a hazardous location or where the view might be obscured, or operated so slowly as to interfere with the normal flow of traffic.

(B) Oversnow vehicle drivers must possess a valid motor vehicle driver's license. A learner's permit does not satisfy this requirement. The license must be carried by the driver at all times.

(C) Equipment sleds towed by a snowmobile must be pulled behind the snowmobile and fastened to the snowmobile with a rigid hitching mechanism.

(D) Snowmobiles must be properly registered and display a valid registration from the United States or Canada.

(iii) The Superintendent may impose other terms and conditions as necessary to protect park resources, visitors, or employees. The Superintendent will notify the public of any changes through one or more methods listed in § 1.7(a) of this chapter.

(iv) This paragraph (g)(11) also applies to non-administrative over-snow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(12) *What conditions apply to alcohol use while operating an oversnow vehicle?* In addition to 36 CFR 4.23, the following conditions apply:

(i) Operating or being in actual physical control of an oversnow vehicle is prohibited when the driver is under 21 years of age and the alcohol concentration in the driver's blood or breath is 0.02 grams or more of alcohol per 100 milliliters or blood or 0.02 grams or more of alcohol per 210 liters of breath.

(ii) Operating or being in actual physical control of an oversnow vehicle is prohibited when the driver is a snowmobile guide or a snowcoach operator and the alcohol concentration in the driver's blood or breath is 0.04 grams or more of alcohol per 100 milliliters of

blood or 0.04 grams or more of alcohol per 210 liters of breath.

(iii) This paragraph (g)(12) also applies to non-administrative over-snow vehicle use by NPS, contractor, or concessioner employees, or other non-recreational users authorized by the Superintendent.

(13) *Do other NPS regulations apply to the use of oversnow vehicles?* The use of oversnow vehicles in Grand Teton is subject to § 2.18(a), (b), and (c), but not subject to § 2.18(d) and (e) and § 2.19(b) of this chapter.

(14) *Are there any forms of non-motorized oversnow transportation allowed in the park?*

(i) Non-motorized travel consisting of skiing, skating, snowshoeing, or walking is permitted unless otherwise restricted under this section or other NPS regulations.

(ii) The Superintendent may designate areas of the park as closed, reopen such areas, or establish terms and conditions for non-motorized travel within the park in order to protect visitors, employees, or park resources.

(iii) Dog sledding and ski-joring are prohibited.

(15) *May I operate a snowplane in the park?* The operation of a snowplane in Grand Teton National Park is prohibited.

(16) *May I continue to access public lands via snowmobile through the park?* Reasonable and direct access, via snowmobile, to adjacent public lands will continue to be permitted on the designated routes through the park identified in the following paragraphs (g)(16)(i) through (iv). Requirements established in this section related to air and sound emissions, daily entry limits, snowmobile operator age, guiding, and licensing do not apply on these oversnow routes. The following routes are designated for access via snowmobile to public lands:

(i) From the parking area at Shadow Mountain directly along the unplowed portion of the road to the east park boundary.

(ii) Along the unplowed portion of the Ditch Creek Road directly to the east park boundary.

(iii) The Continental Divide Snowmobile Trail (CDST) along U.S. 26/287 from the east park boundary to a point

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approximately 2 miles east of Moran Junction. If necessary for the proper administration of visitor use and resource protection, the Superintendent may extend this designated route to the Moran Entrance Station.

(iv) The Superintendent may designate additional routes if necessary to provide access to other adjacent public lands.

(17) *For what purpose may I use the routes designated in paragraph (g)(16) of this section?* You may only use those routes designated in paragraph (g)(16) of this section to gain direct access to public lands adjacent to the park boundary.

(18) *May I continue to access private property within or adjacent to the park via snowmobile?* The Superintendent may establish reasonable and direct snowmobile access routes to the inholding or to private property adjacent to park boundaries for which other routes or means of access are not reasonably available. Requirements established in this section related to air and sound emissions, snowmobile operator age, licensing, and guiding do not apply on these oversnow routes. The following routes are designated for access to private properties within or adjacent to the park:

(i) From the Antelope Flats Road off U.S. 26/89/191 to private lands in the Craighead Subdivision.

(ii) The unplowed portion of the Teton Park Road to the piece of land commonly referred to as the “Townsend Property.”

(iii) From the Moose-Wilson Road to the land commonly referred to as the “Barker Property.”

(iv) From the Moose-Wilson Road to the property commonly referred to as the “Halpin Property.”

(v) From Highway 26/89/191 to those lands commonly referred to as the “Meadows”, the “Circle EW Ranch”, the “Moulton Property”, the “Levinson Property” and the “Macmahon Property.”

(vi) From Cunningham Cabin pullout on U.S. 26/89/191 near Triangle X to the piece of land commonly referred to as the “Lost Creek Ranch.”

(vii) The Superintendent may designate additional routes if necessary to

provide reasonable access to inholdings or adjacent private property.

(viii) Maps detailing designated routes will be available from Park Headquarters.

(19) *For what purpose may I use the routes designated in paragraph (g)(18) of this section?* The routes designated in paragraph (g)(18) of this section are only to access private property within or directly adjacent to the park boundary. Use of these roads via snowmobile is authorized only for the landowners and their representatives or guests. Use of these roads by anyone else or for any other purpose is prohibited.

(20) *Is violating any of the provisions of this section prohibited* (i) Violating any of the terms, conditions or requirements of paragraphs (g)(3) through (g)(19) of this section is prohibited.

(ii) Anyone who violates any of the terms, conditions or requirements of this regulation will be considered to have committed one separate offense for each term, condition or requirement that they violate.

[24 FR 11043, Dec. 30, 1959, as amended at 27 FR 9515, Sept. 26, 1962; 32 FR 7772, May 27, 1967; 36 FR 16065, Aug. 19, 1971; 48 FR 19171, Apr. 28, 1983; 48 FR 30294, June 30, 1983; 60 FR 13630, Mar. 14, 1995; 60 FR 55791, Nov. 3, 1995; 66 FR 7267, Jan. 22, 2001; 67 FR 69477, Nov. 18, 2002; 68 FR 69287, Dec. 11, 2003; 69 FR 65364, Nov. 10, 2004; 72 FR 70802, Dec. 13, 2007; 73 FR 74610, Dec. 9, 2008; 74 FR 60192, Nov. 20, 2009]

### § 7.23 Badlands National Park.

(a) *Commercial vehicles.* (1) Notwithstanding the prohibition of commercial vehicles set forth in § 5.6 of this chapter, local commercial vehicles may operate on the park road between the Northeast entrance and the Interior entrance in accordance with the provisions of this section.

(2) The term “Local Commercial Vehicles”, as used in this section, will include the definition of “commercial vehicle” in § 5.6(a), but specifically includes only those vehicles that originate from, or are destined to, the following U.S. Postal Service ZIP code areas:

Allen 57714  
Belvedere 57521  
Cottonwood 57775  
Creighton 57729  
Interior 57750  
Kadoka 57543

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Kyle 57752  
Long Valley 57547  
Owanka 57767  
Philip 57567  
Scenic 57780  
Wall 57790  
Wanblee 57577  
Wasta 57791

(3) The Superintendent may require a permit and establish terms and conditions in accordance with §1.6 of this chapter for the operation of local commercial vehicles on the park road between the park's Northeast and Interior entrances. The Superintendent may charge a fee for any permits issued to commercial vehicles in accordance with a fee schedule established annually.

(4) The commercial transport on the park road between the Northeast and Interior entrances of any substance or combination of substances, including any hazardous substance, hazardous material, or hazardous waste that requires placarding, or any marine pollutant that requires marking, as defined in 49 CFR Subtitle B, is prohibited; except for local bulk deliveries of gasoline, fuel oil and LP gas; provided, however, that the Superintendent may issue permits for the transportation of such substance or combination of substances, including hazardous waste, in emergencies, and may issue permits when such transportation is necessary for access to lands within or adjacent to the park area to which access is otherwise not available as provided in 36 CFR 5.6.

(5) The operator of a motor vehicle transporting any hazardous substance, hazardous material, hazardous waste, or marine pollutant in accordance with a permit issued under this section, is not relieved in any manner from complying with all applicable regulations in 49 CFR Subtitle B, or with any other State or Federal laws and regulations applicable to the transportation of any hazardous substance, hazardous material, hazardous waste, or marine pollutant.

(6) The transportation or use of oversize or overweight commercial vehicles on the park road between the Northeast and Interior entrances is prohibited; provided, however that the Superintendent may issue permits for transportation or use of such vehicles and

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may condition such permits on the use of special routes within the park in order to minimize impacts to park facilities and resources and also may issue permits when the transportation or use of such vehicles is necessary for access to lands within or adjacent to the park area to which access is otherwise not available as provided in 36 CFR 5.6.

(7) Operating without, or violating a term or condition of, a permit issued in accordance with this section is prohibited. In addition, violating a term or condition of a permit may result in the suspension or revocation of the permit.

(b) [Reserved]

[62 FR 2580, Jan. 17, 1997]

### § 7.24 Upper Delaware Scenic and Recreational River.

*Fishing.* Fishing in any manner authorized under applicable State law is allowed.

[53 FR 3748, Feb. 9, 1988]

### § 7.25 Hawaii Volcanoes National Park.

(a) *Fishing*—(1) *Commercial fishing.* Commercial fishing from parklands (above the high waterline) other than as provided for below is prohibited.

(2) *Nets.* The use of nets in fishing from parklands (above the high waterline) except for throw nets, is prohibited.

(3) *Kalapana extension area; special fishing privileges.* (i) Pursuant to the act of June 20, 1938 (52 Stat. 781; 16 U.S.C. 391b and 396a) Native Hawaiian residents of the villages adjacent to the Kalapana extension area added to the park by the above act and visitors under their guidance are granted the exclusive privileges of fishing or gathering seafood from parklands (above the high waterline) along the coastline of such extension area. These persons may engage in commercial fishing under proper State permit.

(ii) For the purposes of this section, the term "native Hawaiian" means any descendent of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 (Act of June 20, 1938; 52 Stat. 784; 16 U.S.C. 396a).

(b) *Backcountry registration.* No person shall explore or climb about the



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lava tubes or pit craters in the park without first registering with the superintendent and indicating the approximate length of time involved in the exploration and the number of people in the party. This section does not apply to the maintained trail through Thruston Lava Tube, nor the maintained trail down and across Kilauea Iki pit crater.

[34 FR 9338, June 13, 1969, as amended at 48 FR 30295, June 30, 1983]

### § 7.26 Death Valley National Monument.

(a) *Mining.* Mining in Death Valley National Monument is subject to the following regulations, which are prescribed to govern the surface use of claims therein:

(1) The claim shall be occupied and used exclusively for mineral exploration and development and for no other purpose except that upon written permission of an authorized officer or employee of the National Park Service the surface of the claim may be used for other specified purposes, the use to be on such conditions and for such period as may be prescribed when permission is granted.

(2) The owner of the claim and all persons holding under him shall conform to all rules and regulations governing occupancy of the lands within the National Monument.

(3) The use and occupancy of the surface of mining claims as prescribed in paragraphs (a) (1) and (2) of this section shall apply to all such claims located after the date of the act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447), within the limits of the National Monument as fixed by Proclamation No. 2028 of February 11, 1933, and enlarged by Proclamation No. 2228 of March 26, 1937, and to all mining claims on lands hereafter included in the National Monument, located after such inclusion, so long as such claims are within the boundaries of said Monument.

(4) Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining written permission from an authorized officer or employee of the National Park Service. Applications for permits shall be accompanied by a map or sketch showing the location of the mining property

to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee's maintaining the road or trail in a passable condition as long as it is used by the permittee or his successors.

(5) From and after the date of publication of this section, no construction, development, or dumping upon any location or entry, lying wholly or partly within the areas set forth in paragraphs (a)(5) (i) to (iii) of this section, shall be undertaken until the plans for such construction, development, and dumping, insofar as the surface is affected thereby, shall have been first submitted to and approved in writing by an authorized officer or employee of the National Park Service:

(i) All land within 200 feet of the center-line of any public road.

(ii) All land within the smallest legal subdivision of the public land surveys containing a spring or water hole, or within one quarter of a mile thereof on unsurveyed public land.

(iii) All land within any site developed or approved for development by the National Park Service as a residential, administrative, or public campground site. Such sites shall include all land within the exterior boundaries thereof as conspicuously posted by the placing of an appropriate sign disclosing that the boundaries of the developed site are designated on a map of the site which will be available for inspection in the office of the Superintendent. If not so posted, such sites shall include all land within 1,000 feet of any Federally owned buildings, water and sewer systems, road loops, and camp tables and fireplaces set at designated camp sites.

(b) *Use of water.* No works or water system of any kind for the diversion, impoundment, appropriation, transmission, or other use of water shall be constructed on or across Monument lands, including mining claims, without a permit approved by an authorized officer or employee of the National Park Service. Application for such permit shall be accompanied by plans of the proposed construction. The permit shall contain the following conditions:

(1) No diversion and use of the water

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shall conflict with the paramount general public need for such water; (2) such water systems shall include taps or spigots at points to be prescribed by the Superintendent, for the convenience of the public; and (3) all appropriations of water, in compliance with the State water laws, shall be made for public use in the name of the United States and in accordance with instructions to be supplied by an authorized officer or employee of the National Park Service.

(c) *Permits*. Application for any permit required by this section shall be made through the Superintendent of the Monument.

(d) *Filing of copies of mining locations*. From and after the publication of this paragraph, in order to facilitate the administration of the regulations in this part, copies of all mining locations filed in the Office of the County Recorder shall be furnished to the office of the Superintendent, Death Valley National Monument, by the person filing the mining location in his own behalf or on behalf of any other person.

(e) *Aircraft*. The following are designated as locations where the operation of aircraft is allowed:

(1) Death Valley Airport, latitude 36°27'50" N., longitude 116°52'50" W.

(2) Stovepipe Wells Airport, latitude 36°36'15" N., longitude 117°09'30" W.

[24 FR 11044, Dec. 30, 1959, as amended at 49 FR 18450, Apr. 30, 1984]

## § 7.27 Dry Tortugas National Park.

(a) *What terms do I need to know?* The following definitions apply to this section only:

(1) *Bait fish* means any of the following:

(i) Ballyhoo (family *Exocoetidae* and genus *Hemiramphus*), other genus may be included in this family;

(ii) Minnow (families *Cyprinodontidae*, *Peciliidae*, or *Aherinidae*);

(iii) Mojarra (family *Gerreidae*);

(iv) Mullet (family *Mugilidae*);

(v) Pilchard (family *Clupeidae*); or

(vi) Pinfish (family *Sparidae*, genus *Lagodon*).

(2) *Cast net* means a type of circular falling net, weighted on its periphery, which is thrown and retrieved by hand, measuring 14 feet or less stretched

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length (stretched length is defined as the distance from the horn at the center of the net with the net gathered and pulled taut, to the lead line).

(3) *Designated anchorage* means any area of sand within one nautical mile of the Fort Jefferson Harbor Light.

(4) *Dip net* means a hand held device for obtaining bait, the netting of which is fastened in a frame. A dip net may not exceed 3 feet at its widest point.

(5) *Finfish* means a member of subclasses Agnatha, Chondrichthyes, or Osteichthyes.

(6) *Flat wake speed* means the minimum required speed to leave a flat wave disturbance close astern a moving vessel yet maintain steerageway, but in no case in excess of 5 statute miles per hour.

(7) *Guide operations* means the activity of a person, partnership, firm, corporation, or other entity to provide services for hire to visitors of the park. This includes, but is not limited to, fishing, diving, snorkeling, and wildlife viewing.

(8) *Live rock* means any living marine organism or assemblage thereof attached to a hard substrate, including dead coral or rock but not individual mollusk shells.

(9) *Lobster* means any of the following:

(i) Shovel-nosed or Spanish Lobster (*Scyllarides aequinocti*);

(ii) Slipper lobster (*Parribacus antarcticus*);

(iii) Caribbean spiny lobster (*Panulirus argus*); or

(iv) Spotted spiny lobster (*Panulirus guttatus*).

(10) *Marine life* means:

(i) Sponges, sea anemones, corals, jellyfish, sea cucumbers, starfish, sea urchins, octopus, crabs, shrimp, barnacles, worms, conch; and

(ii) Other animals belonging to the Phyla Porifera, Cnidaria, Echinodermata, Mollusca, Bryozoa, Brachiopoda, Arthropoda, Platyhelminthes, and Annelida.

(11) *Not available for immediate use* means not readily accessible for immediate use (e.g., by being stowed unbaited in a cabin, locker, rod holder, or similar storage area, or being securely covered and lashed to a deck or bulkhead).

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(12) *Ornamental tropical fish* means a brightly colored fish, often used for aquarium purposes and which lives in close relationship to coral communities, belonging to the families Syngathidae, Apogonidae, Pomacentridae, Scaridae, Blennidae, Callionymidae, Gobiidae, Ostraciidae, or Diodontidae.

(13) *Permit*, in the case of 36 CFR part 7.27, means an authorization in writing or orally (e.g., via radio or telephonically).

(14) *Research Natural Area (RNA)* at Dry Tortugas National Park means the 46-square-statute-mile area in the northwest portion of the park enclosed by connecting with straight lines the adjacent points of 82°51' W and 24°36' N, and 82°58' W and 24°36' N west to the park boundary, but excluding:

- (i) The designated anchorage;
- (ii) Garden Key, Bush Key and Long Key; or
- (iii) The central portion of Loggerhead key including the lighthouse and associated buildings.

(15) *Shrimp* means a member of the genus *Farfantepenaeus*, *Penaeus* sp.

(b) *Are there recreational fishing restrictions that I need to know?*

(1) Yes. After consulting with and obtaining the concurrence of the Florida Fish and Wildlife Conservation Commission, based on management objectives and the park fisheries research, the Superintendent may impose closures and establish conditions or restrictions necessary pertaining to fishing, including, but not limited to, species of fish that may be taken, seasons, and hours during which fishing may take place, methods of taking, and size, bag, and possession limits. The public will be notified of any changes through one or more methods listed in §1.7 of this chapter. In emergency situations, after consulting with the Florida Fish and Wildlife Conservation Commission, the Superintendent may impose temporary closures and establish conditions or restrictions necessary, but not exceeding 30 days in duration which may be extended for one additional 30 day period, pertaining to fishing, including, but not limited to, species of fish that may be taken, seasons, and hours during which fishing may take place, methods of taking, and size, bag,

and possession limits. In emergency situations where consultation in advance is not possible, the Superintendent will consult with the Florida Fish and Wildlife Conservation Commission within 24-hours of the initiation of the temporary closure or restriction.

(2) Only the following may be legally taken from Dry Tortugas National Park:

- (i) Fin fish by closely attended hook-and-line;
- (ii) Bait fish by closely attended hook and line, dip net, or cast net and limited to 5 gallons per vessel per day; and
- (iii) Shrimp may be taken by dip net or cast net.

(3) The following waters and areas are closed to fishing:

(i) The Research Natural Area (RNA): Fish and fishing gear may be possessed aboard a vessel in the RNA, provided such fish can be shown not to have been harvested from within, removed from, or taken within the RNA, as applicable, by being stowed in a cabin, locker, or similar storage area prior to entering and during transit through the RNA, provided further that such vessel is in continuous transit through the RNA. Gear capable of harvesting fish may be aboard a vessel in the RNA, provided such gear is not available for immediate use when entering and during transit through the RNA and no presumption of fishing activity shall be drawn therefrom;

- (ii) Garden Key moat;
- (iii) Within any swimming and snorkeling areas designated by buoys;
- (iv) Within 50 feet of the historic coaling docks;
- (v) Helipad areas, including the gasoline refueling dock.

(4) The following are prohibited:

(i) Possessing lobster within the boundaries of the park, unless the individual took the lobster outside park waters and has the proper State/Federal licenses and permits. Vessels with legally taken lobster aboard which was taken outside the park may not have persons overboard in park waters. The presence of lobster aboard a vessel in park waters, while one or more persons from such vessel are overboard, constitutes prima facie evidence that the

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lobsters were harvested from park waters in violation of this chapter.

(ii) Taking fish by pole spear, Hawaiian sling, rubber powered, pneumatic, or spring loaded gun or similar device known as a speargun, air rifles, bows and arrows, powerheads, or explosive powered guns. Operators of vessels within the park must break down and store all weapons described in this paragraph so that they are not available for immediate use.

(iii) Use of a hand held hook, gig, gaff, or snare, except that a gaff may be used for landing a fish lawfully caught by hook and line when consistent with all requirements in this section, including size and species restrictions.

(iv) Taking, possessing, or touching any ornamental tropical fish or marine life except as expressly provided in this section.

(v) Dragging or trawling a dip net or cast net.

(vi) The use of nets except as provided in paragraphs (b)(3)(ii) and (iii) of this section.

(vii) Engaging in guide operations (fee for service), including but not limited to fishing and diving, except in accordance with the provisions of:

(A) A permit, contract, or other commercial use authorization; or

(B) Other written agreement with the United States administered under this chapter.

(c) *Are any areas of the park closed to the public?* Yes. The following areas are closed to the public:

(1) The elkhorn (*Acropora palmata*) and staghorn (*Acropora prolifera*) coral patches adjacent to and including the tidal channel southeast of Long and Bush Keys and extending to 100 yards from the exterior edge of either patch;

(2) Hospital and Long Keys; and

(3) Areas that the Superintendent designates in accordance with §1.5 and noticed to the public through one or more of the methods listed in §1.7 of this chapter.

(d) *What restrictions apply on Loggerhead Key?*

(1) The Superintendent will, as necessary to protect park resources, visitors, or employees:

(i) Designate areas on Loggerhead Key open for public use;

(ii) Establish closures or restrictions on and around the waters of Loggerhead Key; and

(iii) Establish conditions for docking, swimming or wading, and hiking.

(2) The Superintendent will notify the public of designations, closures or restrictions through one or more of the methods listed in §1.7 of this chapter.

(e) *What restrictions apply to anchoring a vessel in the park?*

(1) Anchoring in the Research Natural Area (RNA) is prohibited.

(2) All vessels in the RNA must use designated mooring buoys.

(3) Anchoring between sunset and sunrise is limited to the designated anchorage area at Garden Key.

(4) Vessels engaged in commercial fishing or shrimping must not anchor in any of the channels, harbors, or lagoons in the vicinity of Garden Key, Bush Key, or the surrounding shoals outside of Bird Key Harbor, except in cases of emergency involving danger to life or property. (Emergencies may include, adverse weather conditions, mechanical failure, medical emergencies, or other public safety situations.)

(f) *What vessel operations are prohibited?* The following vessel operations are prohibited:

(1) Operating a vessel in the Fort Jefferson Moat; and

(2) Operating a vessel above a flat wake speed in the Garden Key and Bird Key Harbor areas.

(g) *What restrictions apply to discharging materials in park waters?*

(1) Discharging or depositing materials or substances of any kind within the boundaries of the park is prohibited, except for the following:

(i) *Research Natural Area:* cooling water or engine exhaust.

(ii) *Park Waters Outside the Research Natural Area:*

(A) Fish, fish parts, chumming materials, or bait used or produced incidental to and while conducting recreational fishing activities in the park;

(B) Water generated by routine vessel operations (e.g., deck wash down and graywater from sinks, consisting of only water and food particles;

(C) Vessel cooling water, engine exhaust, or bilge water not contaminated by oil or other substances.

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(2) The Superintendent may impose further restrictions as necessary to protect park resources, visitors, or employees. The Superintendent will notify the public of these requirements through one or more of the methods listed in § 1.7 of this chapter.

(h) *What are the permit requirements in the park?*

(1) A permit, issued by the Superintendent, is required for all non-commercial vessels for which occupants are engaged in recreational activities, including all activities in the RNA. Permitted recreational activities include but are not limited to use of mooring buoys, snorkeling, diving, wildlife viewing, and photography.

(2) A permit, issued by the Superintendent, is required for a person, group, institution, or organization conducting research activities in the park.

(3) Vessels transiting the park without interruption shall not require a permit.

(i) *How are corals and other underwater natural features protected in the park?*

(1) Taking, possessing, removing, damaging, touching, handling, harvesting, disturbing, standing on, or otherwise injuring coral, coral formation, seagrass or other living or dead organisms, including marine invertebrates, live rock, and shells, is prohibited.

(2) Vessel operators are prohibited from allowing their vessel to strike, injure, or damage coral, seagrass, or any other immobile organism attached to the seabed.

(3) Vessel operators are prohibited from allowing an anchor, chain, rope or other mooring device to be cast, dragged, or placed so as to strike, break, abrade, or otherwise cause damage to coral formations, sea grass, or submerged cultural resources.

(j) *What restrictions apply on or near shipwrecks?*

(1) No person may destroy, molest, remove, deface, displace, or tamper with wrecked or abandoned vessels of any type or condition, or any cargo pertaining thereto.

(2) Surveying, inventorying, dismantling, or recovering any wreck or cargo within the boundaries of the park is

prohibited unless permitted in writing by the Superintendent.

(k) *How are aircraft operations restricted?*

(1) Landing an aircraft in Dry Tortugas National Park may occur only in accordance with a permit issued by the Superintendent under § 1.6 of this chapter.

(2) When landing is authorized by permit, the following requirements also apply:

(i) Aircraft may be landed on the waters within a radius of 1 mile of Garden Key, but a landing or takeoff may not be made within 500 feet of Garden Key, or within 500 feet of any closed area.

(ii) Operation of aircraft is subject to § 2.17 of this chapter, except that seaplanes may be taxied closer than 500 feet to the Garden Dock while en route to or from the designated ramp, north of the dock.

(iii) Seaplanes may be moored or brought up on land only on the designated beach, north of the Garden Key dock.

[71 FR 76164, Dec. 20, 2006]

## § 7.28 Olympic National Park.

(a) *Fishing*—(1) *General Provisions*. All waters within Olympic National Park are open to fishing in conformance with those seasons and limits published annually by the Washington State Department of Game and the Washington State Department of Fisheries applicable in the same watershed in adjoining counties, except as provided for below.

(i) *Possession limit*. This shall be the same as the daily limit for all species; *Provided however*, it is lawful to possess four steelhead over 20 inches regardless of weight. In the Queets River and tributaries the summer season possession limit is two steelhead over 20 inches.

(ii) *General summer season*. Daily steelhead catch limit shall not exceed two fish, *Provided however*:

(A) The Queets River and tributaries shall have a summer season daily limit of one steelhead over 20 inches in length.

(B) The Quinalt River is closed to the taking of steelhead all year above the confluence of the North and East Forks, but is open in its entirety during the general summer season to the taking of two rainbow trout with a

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minimum six of 10 inches and maximum size of 20 inches.

(2) *Salmon Fishing.* Salmon fishing is permitted on the following park waters, exclusive of tributaries, when adjacent State waters are open:

Dickey River.  
Hoh River below confluence of South Fork.  
Kalaloch Creek.  
Ozette River.  
Queets River below Tshletshy Creek.  
Quillayute River.  
Quinault River below the bridge connecting North Fork and Graves Creek Roads.  
Salmon River.

Seasons and bag limits shall be established annually after consultation with the State and any affected Indian tribe.

(3) *Conservation waters.* After consultation with the State and, where appropriate, the concerned Indian tribe, the superintendent may, by local publication and conspicuous posting of signs, alter the season and change daily limits for spawning, conservation or research purposes.

(4) *Closed waters.* That portion of the Morse Creek watershed within the park (except Lake Angeles and P.J. Lake) and that section of Kalaloch Creek which is used as domestic water supply (as posted) are closed to fishing. Fishing from boats is prohibited on the Hoh River upstream from the South Fork Hoh boat launch.

(5) *Fishing gear.* Fishing with a line, gear or tackle having more than two spinners, spoons, blades, flashers, or like attractions, or with more than one rudder, or more than two hooks (single, double, or treble barbed) attached to such line, gear, or tackle, is prohibited.

(6) *Bait.* The use of nonpreserved fish eggs is permitted.

(7) *License.* A license to fish in park waters is not required; however, an individual fishing for steelhead or salmon in park waters, except treaty Indians fishing in the exercise of rights secured by treaties of the United States, shall have in his/her possession a State of Washington punch card for the species being sought. Steelhead and salmon shall be accounted for on these cards as required by State regulations.

(8) *Indian treaty fishing.* (i) Subject to the limitations set forth below, all waters within the Olympic National Park which have been adjudicated to be

usual and accustomed fishing places of an Indian tribe, having treaty-secured off-reservation fishing rights, are open to fishing by members of that tribe in conformance with applicable tribal or State regulations conforming to the orders of the United States District Court.

(ii) *Identification cards and tags.* Members of the tribes having treaty-secured fishing rights shall carry identification cards conforming to the requirements prescribed by the United States District Court and issued either by the Bureau of Indian Affairs or the applicable tribe when fishing in accordance with the tribe's reserved treaty fishing right. Such persons shall produce said card for inspection upon request of a National Park Service enforcement officer. A tribally issued identification tag shall be attached to any unattended fishing gear in park waters.

(iii) *Conservation closures and catch limits.* The superintendent may close a stream or any portion thereof to Indian treaty fishing or limit the number of fish that may be taken when it is found either that it is:

(A) Reasonable and necessary for the conservation of a run as those terms are used by the United States District Court to determine the permissible limitations on the exercise of Indian treaty rights; or

(B) Necessary to secure the proper allocation of harvest between Indian treaty fisheries and other fisheries as prescribed by the court.

(iv) *Catch reports.* Indian fishermen shall furnish catch reports in such form as the superintendent, after consultation with the applicable tribe, shall have prescribed.

(v) *Prohibition of fish cultural activities.* No fish cultural, planting, or propagation activity shall be undertaken in park waters without prior written permission of the superintendent.

(vi) *Applicability of other park regulations.* Indian treaty fishing shall be in conformity with National Park Service general regulations in parts 1-6 of this chapter.

(b) *Boating.* All vessels are prohibited on park waters except as provided below:

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(1) Hand propelled vessels and sailboats are permitted on park waters except the following:

Dosewalips River.

(2) Motorboats are permitted on the following waters:

Lake Crescent.

Lake Cushman.

Lake Mills.

Dickey River in coastal strip.

Hoh River in coastal strip.

Quillayute River in coastal strip.

Quinault River below the bridge connecting North Fork and Graves Creek Roads.

(c) *Dogs and cats.* Dogs (except guide dogs) and cats are prohibited on any park land or trail, except on designated park roads and parking areas or within one-quarter mile of an established automobile campground or concessioner overnight facility.

(d) [Reserved]

(e) *Privately owned lands*—(1) *Water supply and sewage disposal systems.* The provisions of this paragraph apply to the privately owned lands within Olympic National Park. The provisions of this paragraph do not excuse compliance by eating, drinking, or lodging establishments with § 5.10 of this chapter.

(i) *Facilities.* (a) Subject to the provisions of paragraph (e)(1)(iii) of this section, no person shall occupy any building or structure, intended for human habitation or use, unless such building is served by water supply and sewage disposal systems that comply with the standards prescribed by the State and county laws and regulations applicable in the county within whose exterior boundaries such building is located.

(b) No person shall construct, rebuild or alter any water supply or sewage disposal system without a written permit issued by the Superintendent. The Superintendent will issue such permit only after receipt of written notification from the appropriate Federal, State, or county officer that the plans for such system comply with the State or county standards. There shall be no charge for such permits. Any person aggrieved by an action of the Superintendent with respect to any such permit or permit application may appeal in writing to the Director, National Park Service, U.S. Department of the Interior, Washington, DC 20240.

(ii) *Inspections.* (a) The appropriate State or county officer, the Superintendent, or their authorized representatives or an officer of the U.S. Public Health Service, may inspect any water supply or sewage disposal system, from time to time, in order to determine whether such system complies with the State and county standards: *Provided, however,* That inspection shall be made only upon consent of the occupant of the premises or pursuant to a warrant.

(b) Any water supply or sewage disposal system may be inspected without the consent of the occupant of the premises or a warrant if there is probable cause to believe that such system presents an immediate and severe danger to the public health.

(iii) *Defective systems.* (a) If upon inspection, any water supply system or sewage disposal system is found by the inspecting officer not to be in conformance with applicable State and county standards, the Superintendent will send to the ostensible owner and/or the occupant of such property, by certified mail, a written notice specifying what steps must be taken to achieve compliance. If after 1 year has elapsed from the mailing of such written notice the deficiency has not been corrected, such deficiency shall constitute a violation of this regulation and shall be the basis for court action for the vacation of the premises.

(b) If upon inspection, any water supply or sewage disposal system is found by the inspecting officer not to be in conformance with established State and county standards and it is found further that there is immediate and severe danger to the public health or the health of the occupants or users, the Superintendent shall post appropriate notices at conspicuous places on such premises, and thereafter, no person shall occupy or use the premises on which the system is located until the Superintendent is satisfied that remedial measures have been taken that will assure compliance of the system with established State and county standards.

(2) *State forest practice laws.* Any person, firm, or corporation harvesting or cutting timber on privately owned lands within that portion of Olympic

National Park over which jurisdiction has been ceded by the State of Washington to the United States of America shall comply with the standards concerning forest practices established from time to time by or pursuant to the laws of the State of Washington which would apply to such operations if they were not being conducted in Olympic National Park and personnel of the Park will consult and cooperate with State officials in the administration of this regulation. Although forest practices standards established from time to time by or pursuant to the laws of the State of Washington shall apply, no person, firm, or corporation harvesting timber, on such privately owned lands shall be required to obtain permits or licenses from, or pay fees to, the State of Washington or its political subdivisions in connection with the harvesting or cutting of timber on such lands. Prior to the initiation of harvesting or cutting of timber on privately owned lands over which jurisdiction has been ceded to the United States, such operations shall be registered with the Superintendent of Olympic National Park.

(3) *Conflict with Federal laws.* If the standards established from time to time by or pursuant to the laws of the State of Washington, specified in paragraphs (e) (1) and (2) of this section, are lower than or conflict with any established by Federal laws or regulations applicable to privately owned lands within Olympic National Park, the latter shall prevail.

(f) *Snowmobile use.* (1) The use of snowmobiles is prohibited except in areas and on routes designated by the superintendent by the posting of appropriate signs or by marking on a map available at the office of the superintendent, or both. The following routes have been designated for snowmobile use within Olympic National Park:

(i) Staircase Road from the park boundary to the Staircase Ranger Station.

(ii) Whiskey Bend Road from the junction of the Elwha Road to the Whiskey Bend trailhead.

(iii) Boulder Creek Road from Glines Canyon Dam to the end of the road.

(iv) North Fork Quinault Road from the end of the plowed portion to the North Fork Ranger Station.

(v) South Shore Road from the end of the plowed portion to the Graves Creek Ranger Station.

(2) [Reserved]

[24 FR 11045, Dec. 30, 1959, as amended at 34 FR 5844, Mar. 28, 1969; 34 FR 6331, Apr. 10, 1969; 35 FR 10359, June 25, 1970; 35 FR 14133, Sept. 5, 1970; 46 FR 37896, July 23, 1981; 47 FR 54930, Dec. 7, 1982; 48 FR 1488, Jan. 13, 1983; 48 FR 30295, June 30, 1983]

#### §7.29 Gateway National Recreation Area.

(a) *Operation of motor vehicles.* The operation of motor vehicles, other than authorized emergency vehicles, is prohibited outside of established public roads and parking areas, except on beaches and oversand routes designated by the Superintendent by the posting of appropriate signs and identified on maps available at the office of the Superintendent. These beaches and routes will be designated after consideration of the criteria contained in sections 3 and 4 of E.O. 11644, (37 FR 2877) and §4.10(b) of this chapter.

(b) *Off-road vehicle operation.* (1) Operation of motor vehicles, (including the various forms of vehicles used for travel oversand, such as but not limited to, "beach buggies") on beaches or on designated oversand routes without a permit from the Superintendent is prohibited. Before a permit will be issued, each vehicle will be inspected to assure that it contains the following equipment which must be carried in the vehicle at all times while on the beaches or on the designated oversand routes:

- (i) Shovel;
- (ii) Jack;
- (iii) Tow rope or chain;
- (iv) Board or similar support;
- (v) Low pressure tire gauge.

Prior to the issuance of such permits, operators must show compliance with Federal and State regulations and applicable to licensing, registering, inspecting, and insuring of such vehicles. Such permits shall be affixed to the vehicles as instructed at the time of issuance.

(2) Driving off designated, marked oversand routes or beaches is prohibited.



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(3) Vehicles shall not be parked in designated oversand routes or interfere with moving traffic.

(4) When the process of freeing a vehicle which has been stuck results in ruts or holes, the ruts or holes shall be filled by the operator of such vehicle before it is removed from that area.

(5) The operation of a motorcycle on an oversand vehicle route or beach is prohibited.

(6) The Superintendent may establish limits on the number of oversand vehicles permitted on designated oversand routes and beaches when such limitations are necessary in the interest of public safety, protection of the ecological and environmental values of the area, coordination with other visitor uses.

(c) *Public lewdness.* Section 245.00 of the New York Penal Code is hereby adopted and incorporated into the regulations of this part. Section 245.00 provides that:

A person is guilty of public lewdness when he intentionally exposes the private and intimate parts of his body in a lewd manner or commits any other lewd act (a) in a public place, or (b) in private premises under circumstances in which he may readily be observed from either a public place or from other private premises, and with intent that he be so observed.

[41 FR 19220, May 11, 1976, as amended at 44 FR 44157, July 27, 1979; 52 FR 10686, Apr. 2, 1987]

### § 7.30 Devils Tower National Monument.

(a) *Climbing.* Registration with a park ranger is required prior to any climbing above the talus slopes on Devils Tower. The registrant is also required to sign in immediately upon completion of a climb in a manner specified by the registering ranger.

[42 FR 20462, Apr. 20, 1977]

### § 7.31 Perry's Victory and International Peace Memorial.

*Snowmobiles.* After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, the superintendent may permit the use of snowmobiles on that portion of land situated between State Route 357 and the seawall which designates the north boundary of the Me-

morial. This route will extend from the extreme northeast corner of the boundary to the middle of the intersection of State Route 357 and Toledo Avenue.

[47 FR 55392, Dec. 9, 1982]

### § 7.32 Pictured Rocks National Lakeshore.

(a) *Snowmobiles.* (1) Snowmobile use is permitted on designated portions of roadways and lakes in Pictured Rocks National Lakeshore. The designated routes for snowmobiles will be confined to the frozen waters of Lake Superior, Grand Sable Lake, on the major lakeshore visitor use roads that are unplowed, or on road shoulders of plowed park roads in conformance with State law. The designated snowmobile routes are:

(i) The Sand Point Road from the park boundary to Lake Superior.

(ii) The woodlands road from the park boundary off City Limits Road southwest to Becker Farm and down to the Sand Point Road.

(iii) The road to Miner's Falls, Miner's Castle parking area, and the Miner's Beach parking area.

(iv) The road from the park boundary in section 32, T48N, R17W, to the end of the road to Chapel Falls.

(v) The road from County Road H-58 at the park boundary to the Little Beaver Lake Campground.

(vi) The road from County Road H-58 to the Twelvemile Beach Campground.

(vii) The road from County Road H-58 to the Hurricane River Campground.

(viii) The road from County road H-58 to the Log Slide.

(ix) The section of Michigan Dimension Road from the park boundary to the Log Slide.

(x) The frozen waters of Lake Superior and Grand Sable Lake.

(2) Maps showing designated routes shall be available at park headquarters and at ranger stations.

(3) Snowmobile use outside designated routes is prohibited. The prohibition shall not apply to emergency administrative travel by employees of the National Park Service or law enforcement agencies.

(b) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

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(c) *Hunting*. The following lakeshore areas are closed to hunting:

(1) *Sand Point area*. All that portion of Sand Point described as the area below the top of the bluff in Sections 19 and 30, T47N, R18W, and that area situated within the corporate limits of the City of Munising, including the Sand Point Road.

(2) *Developed public use areas*. (i) The area within 150 yards of any campsite located within the Little Beaver, Twelvemile Beach, and Hurricane River Campgrounds.

(ii) The area within 150 yards of the Miners Castle overlooks, paved walkways and vehicle parking lot. Also 100 feet from the centerline of the paved Miners Castle Road and the area within 100 feet of Miners Falls parking lot, trail and associated platforms.

(iii) The area within 100 feet of: the Chapel Falls parking lot; the Little Beaver backpacker parking lot; the Twelvemile Beach picnic area parking lot; the Log Slide parking lot, platforms and walkways; the Grand Sable Lake picnic area and parking lot; the Grand Sable Lake boat launch and parking lot; the Grand Sable Lake overlook parking lot.

(iv) The area within 150 yards of any structure at the Au Sable Light Station, and within 100 feet of the trail between the lower Hurricane River Campground and the light station.

(v) The area within 150 yards of the Sable Falls parking lot and building, including the viewing platforms and associated walkway system to the mouth of Sable Creek. Also included is the area 100 feet from the centerline of the paved Sable Falls Road.

(vi) The area within 150 yards of: the Grand Sable Visitor Center parking lot and barn; the structures comprising the Grand Marais quarters and maintenance facility.

(vii) The 8.6 acre tract comprising structures and lands administered by the National Park Service on Coast Guard Point in Grand Marais.

(3) *Hunting season*. Hunting is prohibited park wide during the period of April 1 through Labor Day.

(d) *Personal Watercraft (PWC)*. (1) PWC are allowed on the waters within Pictured Rocks National Lakeshore,

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from the western boundary of the lakeshore to the east end of Miners Beach.

(2) PWC may be launched only from a designated launch site at Sand Point.

(3) PWC users may beach their craft only at Sand Point Beach and Miners Beach.

(4) The Superintendent may temporarily limit, restrict, or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

[47 FR 54932, Dec. 7, 1982, as amended at 49 FR 18450, Apr. 30, 1984; 60 FR 47703, Sept. 14, 1995; 70 FR 61905, Oct. 27, 2005]

### §7.33 Voyageurs National Park.

(a) *Fishing*. Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(b) *Snowmobiles*. (1) The following lakes and trails within Voyageurs National Park are open to snowmobile use:

(i) The frozen waters of Rainy, Kabetogama, Namakan, Mukooda, Little Trout and Sand Point Lakes.

(ii) The Moose River Railroad Grade from the park boundary north to Ash River, and then east to Moose Bay, Namakan Lake.

(iii) The portage trail between Grassy Bay and Little Trout Lake.

(iv) The Chain of Lakes Trail from its intersection with the Black Bay to Moose Bay portage, across Locator, War Club, Quill, Loiten, and Shoepack Lakes, to Kabetogama Lake.

(2) Snowmobile use is allowed across the following marked safety portages: Black Bay to Moose Bay, Lost Bay to Saginaw Bay, Laurins Bay to Kettle Falls, Squirrel Narrows, Squaw Narrows, Grassy Bay, Namakan Narrows, Swansons Bay, Mukooda Lake to Sand Point Lake (north), Mukooda Lake to Sand Point Lake (south), Mukooda Lake to Crane Lake, Tar Point, Kohler Bay, and Sullivan Bay to Kabetogama Lake.

(3) The Superintendent may determine yearly opening and closing dates for snowmobile use, and temporarily close trails or lake surfaces, taking into consideration public safety, wildlife management, weather, and park management objectives.

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(4) Maps showing the designated routes are available at park headquarters and at ranger stations.

(5) Snowmobile use outside open designated routes and lake surfaces is prohibited.

(c) *Aircraft.* (1) Aircraft may be operated on the entire water surface and frozen lake surface of the following lakes, except as restricted in paragraph (c)(4) of this section and §2.17 of this chapter: Rainy, Kabetogama, Namakan, Sand Point, Locator, War Club, Quill, Loiten, Shoepack, Little Trout and Mukooda.

(2) Approaches, landings and take-offs shall not be made within 500 feet of any developed facility, boat dock, float, pier, ramp or beach.

(3) Aircraft may taxi to and from a dock or ramp designated for their use for the purpose of mooring and must be operated with due care and regard for persons and property and in accordance with any posted signs or waterway markers.

(4) Areas within the designated lakes may be closed to aircraft use by the Superintendent taking into consideration public safety, wildlife management, weather and park management objectives.

[49 FR 18450, Apr. 30, 1984, as amended at 56 FR 3421, Jan. 30, 1991; 60 FR 39258, Aug. 2, 1995]

### §7.34 Blue Ridge Parkway.

(a) *Snowmobiles.* After consideration of any special situations, i.e. prescheduled or planned park activities such as conducted hikes or winter bird and wildlife counts, and depending on local weather conditions, the Superintendent may allow the use of snowmobiles on the paved motor road and overlooks used by motor vehicle traffic during other seasons between U.S. 220, Milepost 121.4 and Adney Gap, Milepost 136.0. The public will be notified of openings through the posting of signs.

(b) *Fishing.* (1) Fishing is prohibited from one-half hour after sunset until one-half hour before sunrise.

(2) Fishing from the dam at Price Lake or from the footbridge in Price Lake picnic area in Watauga County, N.C., and from the James River Parkway Bridge in Bedford and Amherst Counties, Va., is prohibited.

(3) The following waters are subject to the restrictions indicated:

(i) *North Carolina.* Basin Creek and its tributaries in Doughton Park; Trout Lake in Moses H. Cone Memorial Park; Ash Bear Pen Pond, Boone Fork River, Cold Prong Branch, Laurel Creek, Sims Creek, Sims Pond in Julian Price Memorial Park, and Camp Creek.

(A) On all of the above-designated waters in North Carolina the use of bait other than artificial lures having a single hook is prohibited, except that on Basin Creek and its tributaries and Boone Fork River from Price Lake Dam downstream to the Parkway boundary the use of bait other than single hook artificial flies is prohibited.

(B) On all of the above-designated waters in North Carolina the daily creel and size limits shall be posted around the lake shorelines and along the stream banks.

(ii) *Virginia.* Peaks of Otter Lake in Bedford County, Va.

(A) On the above-designated water in Virginia the use of bait other than artificial lures having one single hook is prohibited.

(B) On the above-designated water in Virginia the daily creel and size limits shall be as posted on the lake shoreline.

(4) Prohibited bait in waters in paragraphs (b)(3) (i) and (ii) of this section: Possession of or use as bait of insects, worms, and other similar organic bait or parts thereof adjacent to, on, or in streams or lakes while in possession of fishing tackle, is prohibited.

(c) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

(d) *Boating.* (1) The use of any vessel, as defined in §3.1 of this chapter on the waters of the Blue Ridge Parkway is prohibited except on the waters of Price Lake.

(2) Vessels using Price Lake shall be restricted to vessels propelled solely by oars or paddles.

(3) Vessels using Price Lake may be launched only at established or designated ramps and shall be removed from the water for the night. Campers

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shall remove their vessels from the water to their campsites at night.

[24 FR 11032, Dec. 30, 1959, as amended at 34 FR 11969, July 16, 1969; 36 FR 20945, Nov. 2, 1971; 37 FR 20247, Sept. 28, 1972; 42 FR 61042, Dec. 1, 1977; 46 FR 39818, Aug. 5, 1981; 48 FR 30295, June 30, 1983; 49 FR 18450, Apr. 30, 1984; 52 FR 10686, Apr. 2, 1987; 52 FR 20388, June 1, 1987]

### § 7.35 Buffalo National River.

(a) *Fishing*. (1) Unless otherwise designated by the Superintendent, fishing in a manner authorized under applicable State law is allowed.

(2) The Superintendent may designate times when and locations where and establish conditions under which the digging of bait for personal use is allowed.

(3) The Superintendent may designate times when and locations where and establish conditions under which the collection of terrestrial and aquatic insects for bait for personal use is allowed.

(4) Violating a designation or condition established by the Superintendent is prohibited.

(b) *Frogs, Turtles and Crayfish*. (1) The Superintendent may designate times and locations and establish conditions governing the taking of frogs, turtles and crayfish for personal use.

(2) Violating a designation or condition established by the Superintendent is prohibited.

(c) *Motorized Vessels*. (1) Except for a vessel propelled by a gasoline, diesel or other internal combustion engine with a rating of 10 horsepower or less, operating a motorized vessel from Erbie Ford to the White River is prohibited.

(2) Operating a vessel propelled by a motor is prohibited above Erbie Ford.

(3) The provisions of paragraph (c) do not apply to a vessel operated for official use by an agency of the United States, the State of Arkansas or one of its political subdivisions.

[52 FR 19343, May 22, 1987]

### § 7.36 Mammoth Cave National Park.

(a) *Fishing*—(1) *General*. Trot and throw lines shall contain hooks which are spaced at least 30 inches apart.

(2) *Seines*. (i) The use of seines is permitted only in the following runs and creeks to catch minnows and crawfish

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for bait: Bylew, First, Second, Pine, Big Hollow, Buffalo, Ugly, Cub, Blowing Spring, Floating Mill Branch, Dry Branch, and Mill Branch.

(ii) Seines shall not exceed 4 × 6 feet and the mesh shall not be larger than one-quarter inch.

(3) *Live bait*. (i) Worms are the only form of live bait which may be used in the Sloans Crossing Pond (also known as Beaver Pond), Green Pond, Doyle Pond, and First Creek Lake. Live minnows and worms may be used in all other waters.

(ii) [Reserved]

(b)(1) *Cave entry*. Except for those portions of the caves open to the general public, no person shall enter any cave within the boundaries of the park without first obtaining a permit from the Superintendent. Permits will be issued to persons who are qualified and experienced in cave exploration, who possess the needed equipment for safe entry and travel, and who are engaged in scientific research projects which in the opinion of the Superintendent are compatible with the purpose for which the park was established.

(2) Persons on guided cave tours must stay on the established designated trails and remain with the guides and tour group at all times. Exploration of side passages, going ahead of the lead guide and tour group or dropping behind the following guide or tour group is prohibited.

(3) Persons on “self-guided” or “semi-guided” cave tours must stay in the established, designated trails at all times. Exploration of side passages or taking alternate routes is prohibited.

[36 FR 506, Jan. 14, 1971, as amended at 42 FR 31454, June 21, 1977; 48 FR 30295, June 30, 1983]

### § 7.37 Jean Lafitte National Historical Park.

(a) *Fishing*. (1) Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(2) Within the Barataria Marsh unit, the superintendent may designate times and locations and establish conditions governing the taking of crayfish upon a written determination that the taking of crayfish:

(i) Is consistent with the purposes for which the unit was established; and

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(ii) Will not be detrimental to other park wildlife or the reproductive potential of the species to be taken; and

(iii) Will not have an adverse effect on the ecosystem.

(3) Violation of established conditions or designations for the taking of crayfish is prohibited.

[49 FR 18450, Apr. 30, 1984]

### § 7.38 Isle Royale National Park.

(a) *Aircraft, designated landing areas.*

(1) The portion of Tobin Harbor located in the NE $\frac{1}{4}$  of sec. 4, T. 66 N., R. 33 W.; the SE $\frac{1}{4}$  of sec. 33, T. 67N., R. 33 W., and the SW $\frac{1}{4}$  of sec. 34, T. 67 N., R. 33 W.

(2) The portion of Rock Harbor located in the SE $\frac{1}{4}$  of sec. 13, the N $\frac{1}{2}$  of sec. 24, T. 66 N., R. 34 W., and the W $\frac{1}{2}$  of sec. 18, T. 66 N., R. 33 W.

(3) The portion of Washington Harbor located in the N $\frac{1}{2}$  of sec. 32, all of sec. 29, SE $\frac{1}{4}$  of sec. 30, and the E $\frac{1}{2}$  of sec. 31, T. 64 N., R. 38 W.

(b) *Underwater diving.* No person shall undertake diving in the waters of Isle Royale National Park with the aid of underwater breathing apparatus without first registering with the Superintendent.

(c) *Mammals.* Dogs, cats, and other mammals may not be brought into or possessed in the park area, except for guide dogs accompanying the blind.

[35 FR 7793, May 21, 1970, as amended at 42 FR 21777, Apr. 29, 1977]

### § 7.39 Mesa Verde National Park.

(a) Visiting of cliff dwellings is prohibited except when persons are accompanied by a uniformed National Park Service employee. However, the Superintendent may issue special written permits to persons engaged in scientific investigations authorizing such persons to visit the cliff dwellings without escort. The Superintendent shall approve issuance of a permit provided:

(1) That the investigation plan proposed, in purpose and in execution, is compatible with the purposes for which the park was established;

(2) That the investigation proposed will not jeopardize the preservation of park resources;

(3) That the study undertaken will have demonstrable value to the National Park Service in its management or understanding of park resources; and

(4) That the permit applicants are adequately experienced and equipped so as to insure that the objectives of paragraphs (a) (1), (2), and (3) of this section will be obtained.

(b) Hiking is permitted only on trails designated for that purpose by the Superintendent by the posting of appropriate signs or by marking on a map which shall be available for inspection by the public at park headquarters and other convenient locations within the park. Persons hiking on the Pictograph Point or Spruce Canyon Trails must register in advance with the Superintendent.

(c) *Commercial automobiles and buses.* The prohibition against the admission of commercial automobiles and buses to Mesa Verde National Park, contained in § 5.4 of this chapter shall be subject to the following exceptions: Motor vehicles operated on an infrequent and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round trip passengers traveling from the point of origin of the tour, will be accorded admission to the park upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public pursuant to contract authorization with the Secretary.

[24 FR 11049, Dec. 30, 1959, as amended at 37 FR 23334, Nov. 2, 1972]

### § 7.40 Hopewell Village National Historic Site.

(a) *Fishing.* (1) Fishing between sunset and sunrise is prohibited.

[24 FR 11049, Dec. 30, 1959, as amended at 33 FR 3227, Feb. 21, 1968]

### § 7.41 Big Bend National Park.

(a) *Fishing; closed waters.* Special ponds and springs reserved for species of rare fish are closed to fishing and bait collecting. The taking or release of any form of fish life in these ponds

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or springs is prohibited except by special authorization by the Superintendent. These ponds and springs will be posted as closed to fishing and bait collecting and molestation.

(b) *Fishing; method.* (1) Fishing with pole and line, rod and reel, and trot and throw line is permitted all year from the United States side of the Rio Grande.

(2) Use of seine. The use of seines and nets is prohibited except minnow seines no greater than 20 feet in length may be used for taking of minnows for bait.

(c) *Fishing; limit of catch.* The limit of catch per person per day or in possession shall be 25 fish, except that minnows caught for bait shall not be accountable for the purpose of this section.

[24 FR 11049, Dec. 30, 1959, as amended at 27 FR 8616, Aug. 29, 1962; 52 FR 10686, Apr. 2, 1987]

## § 7.42 Pipestone National Monument.

(a) An American Indian desiring to quarry and work "catlinite" pipestone shall first secure a permit from the Superintendent. The Superintendent shall issue a permit to any American Indian applicant, *Provided*, that: (1) In the judgment of the Superintendent, the number of permittees then quarrying or working the pipestone is not so large as to be inconsistent with preservation of the deposit and (2) a suitable area is available for conduct of the operation. The permit shall be issued without charge and shall be valid only during the calendar year in which it is issued.

(b) An American Indian desiring to sell handicraft products produced by him, members of his family, or by other Indians under his supervision or under contract to him, including pipestone articles, shall apply to the Superintendent. The Superintendent shall grant the permit provided that (1) in his judgment the number of permittees selling handicraft products is not so large as to be inconsistent with the enjoyment of visitors to the Pipestone National Monument and (2) a suitable area is available for conduct of the operation. The permit shall be issued without charge and shall be valid only

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during the calendar year in which it is issued.

[34 FR 5377, Mar. 19, 1969]

## § 7.43 Natchez Trace Parkway.

(a)-(b) [Reserved]

(c) *Vehicles*—(1) *Trucks.* Trucks over one ton rated capacity are not permitted on the parkway. Trucks, not exceeding one ton rated capacity, are permitted to travel on the Natchez Trace Parkway when used solely for transportation of persons, their baggage, camping equipment and related articles for recreational purposes only. Trucks used for the purpose of hauling non-recreational materials are not permitted.

(2) *Animal-drawn vehicles.* Animal-drawn vehicles or implements are prohibited on the main parkway road.

(3) *Farm vehicles.* Farm vehicles, including agricultural implements, with or without load carrying capacity, and whether or not self-propelled, are prohibited on the parkway, except when such travel is authorized by the Superintendent or when such travel is in connection with the construction, operation, or maintenance of the parkway.

(4) *Recreational vehicles.* Recreational vehicles, including but not limited to self-propelled mobile homes, campers, housetrailers, and vehicles up to 1½ ton rated capacity, when such recreational vehicles are used solely to carry persons for recreational purposes together with their baggage, camping equipment, and related articles for vacation or recreational purposes, are permitted on the parkway.

(5) *Trailers.* Trailers are permitted when used non-commercially to transport baggage, camping equipment, horses for recreational riding, small boats and other similar items used for vacation or recreational purposes, provided they meet the following criteria:

(i) Utility type trailers must be enclosed or covered and are not to exceed 5 feet by 8 feet.

(ii) Trailers must be equipped with red taillights, red stoplights and mechanical turn signals. Clearance lights are required on trailers over 6 feet high.

(iii) Only one trailer of any type may be towed by any one vehicle along the

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parkway. The towing vehicle and trailer must not exceed 55 feet in length.

(6) *Buses*. Commercial passenger carrying buses, when used for touring purposes, may travel the Natchez Trace Parkway by obtaining special written permission in advance from the Superintendent or his representative. School buses may travel on the parkway without such written permission when transporting people for special recreational or educational purposes.

(7) *Towed vehicles other than trailers*. Such vehicles must be towed with a rigid tow bar which does not require a driver for the towed vehicle. Tow bar must be equipped with safety chains that are so connected to the towed and towing vehicles and to the tow bar that, if the tow bar fails, it will not drop to the ground and the chains shall be of sufficient strength to prevent breakaway of the towed vehicle in the event of such tow bar failure. The towed vehicle must be equipped with brakelights, taillights, and signal lights in accordance with applicable State regulations. The towing vehicle and towed vehicle must not exceed 55 feet in length.

(d) *Beer and alcoholic beverages*. The possession of beer or any alcoholic beverage in an open or unsealed container is prohibited, except in designated picnic, lodging, residence, and camping areas.

[34 FR 9751, June 24, 1969, as amended at 39 FR 30833, Aug. 26, 1974; 48 FR 30295, June 30, 1983; 52 FR 10686, Apr. 2, 1987]

### § 7.44 Canyonlands National Park.

(a) *Motorized Vehicle Use*. Motorized vehicles are prohibited in Salt Creek Canyon above Peekaboo campsite.

(b) [Reserved]

[69 FR 32876, June 14, 2004]

### § 7.45 Everglades National Park.

(a) *Information collection*. The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq., and assigned clearance number 1024-0026. This information is being collected to solicit information necessary for the Superintendent to issue permits used to grant administrative benefits.

The obligation to respond is required in order to obtain a benefit.

(b) *Prohibited conveyances*. Only hand-propelled vessels may be operated upon those areas of emergent vegetation commonly called marshes, wetlands, or "the glades." Operation of a motorized vessel in such areas is prohibited.

(c) *Definitions*. The following definitions shall apply to this section:

(1) *Ballyhoo* means a member of the genus *Hemiramphus* (family: Exocoetidae).

(2) *Cast net* means a type of circular falling net, weighted on its periphery, which is thrown and retrieved by hand.

(3) *Commercial fishing* means the activity of taking or harvesting, or attempting to take or harvest any edible or non-edible form of fresh or salt water aquatic life for the purpose of sale or barter.

(4) *Dipnet* means a hand-held device for obtaining bait, the netting of which is fastened in a frame.

(5) *Guide fishing* means the activity, of a person, partnership, firm, corporation, or other commercial entity to provide fishing services, for hire, to visitors of the park.

(6) *Minnow* means a fish used for bait from the family Cyprinodontidae, Poeciliidae, or Atherinidae.

(7) *Mojarra* or "goats" means a member of the family Gerreidae.

(8) *Oyster* means a mollusk of the suborder Ostraeacea.

(9) *Personal watercraft* means a vessel powered by an outboard motor, water-jet or an enclosed propeller or impeller system, where persons ride standing, sitting or kneeling primarily on or behind the vessel, as opposed to standing or sitting inside; these craft are sometimes referred to by, but not limited to, such terms as "wave runner," "jet ski," "wet bike," or "Sea-doo."

(10) *Pilchard* means a member of the herring family (Clupeidae), generally used for bait.

(11) *Pinfish* means a member of the genus *Lagodon* (family: Spiridae).

(d) *Fishing*. (1) Fishing restrictions, based on management objectives described in the park's Resources Management Plan, are established annually by the Superintendent.

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(2) The Superintendent may impose closures and establish conditions or restrictions, in accordance with procedures found at §§ 1.5 and 1.7 of this chapter, on any activity pertaining to fishing, including, but not limited to species of fish that may be taken, seasons and hours during which fishing may take place, methods of taking, and size, creel and possession limits.

(3) The following waters are closed to fishing:

(i) All waters of T. 58 S., R. 37 E., sections 10 through 15, inclusive, measured from Tallahassee meridian and base, in the vicinity of Royal Palm Visitor Center, except Hole in the Donut or Hidden Lake, and Pine Island Lake.

(ii) All waters in T. 54 S., R. 36 E., sections 19, 30, and 31, and in T. 55 S., R. 36 E., sections 6, 7, 18, 19, and 30, measured from Tallahassee meridian and base, in the vicinity of Shark Valley Loop Road from Tamiami Trail south.

(4) A person engaged in guide fishing must possess a guide fishing permit issued by the Superintendent and administered under the terms of § 1.6 of this chapter. Guide fishing without a valid permit is prohibited.

(5) Except for taking finfish, shrimp, bait, crabs, and oysters, as provided in this section or as modified under 36 CFR 1.5, the taking, possession, or disturbance of any fresh or saltwater aquatic life is prohibited.

(6) Methods of taking. Except as provided in this section, only a closely attended hook and line may be used for fishing activities within the park.

(i) Crabbing for stone or blue crabs may be conducted using attended gear only and no more than five (5) traps per person. Persons using traps must remain within one hundred (100) feet of those traps. Unattended gear or use of more than five (5) traps per person is prohibited.

(ii) Shrimp, mullet, and bait fish (minnows, pilchards, pinfish, mojarras, ballyhoo or bait mullet (less than eight (8) inches in total length) may be taken with hook and line, dipnet (not exceeding 3 feet at its widest point) or cast net, for use as bait or personal consumption.

(iii) A dipnet or cast net may not be dragged, trawled, or held suspended in the water.

(7) Tagging, marking, fin clipping, mutilation or other disturbance to a caught fish, prior to release is prohibited without written authorization from the Superintendent.

(8) Fish may not be fileted while in the park, except that:

(i) Up to four (4) filets per person may be produced for immediate cooking and consumption at designated campsites or on board vessels equipped with cooking facilities.

(ii) Fish may be fileted while at the designated park fish cleaning facilities, before transportation to their final destination.

(9) Nets and gear that are legal to use in State waters, and fish and other edible or non-edible sea life that are legally acquired in State waters but are illegal to possess in the waters of Everglades National Park may be transported through the park only over Indian Key Pass, Sand Fly Pass, Rabbit Key Pass, Chokoloskee Pass and across Chokoloskee Bay, along the most direct route to or from Everglades City, Chokoloskee Island or Fakahatchee Bay.

(i) Boats traveling through these passages with such nets, gear, fish, or other edible products of the sea must remain in transit unless disabled or weather and sea conditions combine to make safe passage impossible, at which time the boats may be anchored to await assistance or better conditions.

(ii) [Reserved]

(e) *Boating.* (1) The Superintendent may close an area to all motorized vessels, or vessels with motors greater than a specified horsepower, or impose other restrictions as necessary, in accordance with §§ 1.5 and 1.7 of this chapter.

(2) For purposes of this section, a vessel in which the motor(s) is (are) removed from the gunnels or transom and stored to be inoperable, is considered to be not motorized.

(3) The following areas are closed to all vessels:

(i) T. 54 S., R. 36 E., sections 19, 30, 31; T. 55 S., R. 36 E., sections 6, 7, 18, 19, and 30, bordering the Shark Valley Loop Road from the Tamiami Trail south.

(ii) Eco Pond, Mrazek Pond, Royal Palm Ponds except for Hidden Lake,



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Parachute Key ponds north of the Main Park Road, and Lake Chekika.

(4) The following inland fresh water areas are closed to the use of motorized vessels: Coot Bay Pond, Nine Mile Pond, Pautotis Pond, Sweetbay Pond, Big Ficus Pond, Sisal Pond, Pine Glade Lake, Long Pine Key Lake, Tower Lake, Hidden Lake, Pine Island, and L-67 canal.

(5) The following coastal waters, designated by statute as wilderness (Pub. L. 95-625), are closed to the use of motorized vessels: Mud, Bear, East Fox, Middle Fox, Little Fox, and Gator Lakes; Homestead Canal; all associated small lakes on Cape Sable inland from Lake Ingraham; Cuthbert, Henry, Little Henry, Seven Palm, Middle, Monroe, Long, and the Lungs Lakes; Alligator Creek from the shoreline of Garfield Bight to West Lake; all inland creeks and lakes north of Long Sound, Joe Bay, and Little Madeira Bay except those ponds and lakes associated with Taylor River.

(6) Except to effect a rescue, or unless otherwise officially authorized, no person shall land on keys of Florida Bay except those marked by signs denoting the area open, or on the mainland shorelines from Terrapin Point eastward to U.S. Highway 1, including the shores of all inland bays and waters and those shorelines contiguous with Long Sound, Little Blackwater Sound, and Blackwater Sound.

(7) West Lake Pond and West Lake shall be closed to all vessels when they are being used by feeding birds. At all other times, these areas shall be open only to hand-propelled vessels or Class A motorboats powered by motors not to exceed 6 horsepower.

(8) Vessels used as living quarters shall not remain in or be operated in the waters of the Park for more than 14 days without a permit issued by the Superintendent. Said permit will prescribe anchorage location, length of stay, sanitary requirements and such other conditions as considered necessary.

(f) Violation of any of the provisions of § 7.45 is prohibited.

[59 FR 58785, Nov. 15, 1994; 60 FR 6022, Feb. 1, 1995, as amended at 72 FR 13706, Mar. 23, 2007]

## § 7.46 Virgin Islands Coral Reef National Monument.

(a) *Extractive uses.* (1) All extractive uses are prohibited within the boundaries of the Monument, including, but not limited to, harvest or collection of fish, coastal migratory pelagic fish, baitfish, lobsters, conch, whelk, corals, sponges and all associated reef invertebrates, and sand, water, plants, seeds, fruit, marine mammals, marine birds, gas, minerals, and rocks.

(2) All submerged cultural resources are protected under the Archeological Resource Protection Act and the Abandoned Shipwrecks Act.

(b) *Exceptions.* (1) Exceptions to prohibited extractive uses are limited to bait fishing at Hurricane Hole and blue runner (hardnose) line fishing in the area south of St. John. The Superintendent shall issue permits for such uses.

(2) Bait fishing shall be permitted with cast net at a distance greater than ten feet from the seaward edge of the mangrove prop root system.

(3) A maximum of three gallons of baitfish is allowed per fisherman per day.

(4) Blue runner shall be caught using hand lines and chum (a mixture of ground up baitfish and sand to attract the fish).

(5) Any fish caught other than blue runner shall be released.

(6) Vessels involved in the catch of blue runner may use moorings designated for that purpose.

(c) *Marine Operations.* No dredging, excavating, or filling operations of any kind are permitted, and no equipment, structures, by-product or excavated materials associated with such operations may be deposited in or on the waters or ashore within the boundaries of the monument.

(d) *Wrecks.* No person shall destroy or molest, remove, deface, displace or tamper with wrecked or abandoned waterborne craft of any type or condition, submerged cultural resources, or any cargo pertaining thereto, unless permitted in writing by an authorized official of the National Park Service.

(e) *Boats.* (1) No watercraft shall operate in such a manner, nor shall anchors or any other mooring device be cast or dragged or placed, so as to

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strike or otherwise cause damage to any underwater feature.

(2) All watercraft, carrying passengers, for hire, shall comply with applicable regulations and laws of the U.S. Coast Guard and Territory of the Virgin Islands.

(3) Anchoring will only be permitted in emergency situations to protect life and property.

(4) Anchoring shall only be permitted from 48 hours prior to landfall of the hurricane to 48 hours following passage of the hurricane.

(5) No lines or ropes shall be attached to mangroves or other shoreline vegetation.

[68 FR 16435, Apr. 4, 2003]

### § 7.47 Carlsbad Caverns National Park.

(a) *Cave entry.* (1) With the exception of the regular trips into Carlsbad Caverns under the guidance or supervision of employees of the National Park Service, no person shall enter any cave or undeveloped part or passage of any cave without a permit.

(2) *Permits.* The Superintendent may issue written permits for cave entry without escort only to persons engaged in scientific or educational investigations. The Superintendent shall approve issuance of a permit provided:

(i) That the investigation planned will have demonstrable value to the National Park Service in its management or understanding of park resources, and

(ii) That the permit applicant is adequately equipped and experienced so as to ensure the protection and preservation of park resources.

(3) *Solo exploration.* Solo exploration or investigation is not permitted in any cave or undeveloped part or passageway of any cave within the park.

[34 FR 8356, May 30, 1969, as amended at 41 FR 24123, June 15, 1976; 48 FR 30295, June 30, 1983]

### § 7.48 Lake Mead National Recreation Area.

(a) *Aircraft, designated airstrips.* (1)(i) The entire water surface of Lakes Mead and Mohave are designated landing areas, except as restricted in § 2.17 of this chapter.

(ii) Aircraft may not be operated under power on those water surface

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areas designated as special anchorages, including fairways, as defined in 33 CFR 110.127.

(2) Temple Bar landing strip, located at approximate latitude 36°01' N., approximate longitude 114°20' W.

(3) Pearce Ferry landing strip, located at approximate latitude 30°04'37" N., approximate longitude 114°02'44" W.

(4) Cottonwood landing strip located at approximate latitude 35°29' N., approximate longitude 114°40' W.

(5) [Reserved]

(6) Echo Bay landing strip located at approximate latitude 36°19' N., approximate longitude 114°27' W.

(b) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed except in harbors, swim beaches, developed areas, and in other locations designated as closed to this activity.

(c) *Parking.* Vehicles or boat trailers, or vehicle/boat trailer combinations, may be left unattended for periods up to 7 days, when parked in parking areas adjacent to designated boat launching sites, without written permission obtained in advance from the superintendent. Any vehicle or boat trailer or vehicle/boat trailer combination which is left in parking areas adjacent to designated boat launching sites in excess of 7 days without written permission obtained in advance from the superintendent may be impounded by the superintendent.

(d) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(e) The Superintendent may exempt motor vessels participating in a regatta that has been authorized by permit issued by the Superintendent from the noise level limitations imposed by § 3.7 of this chapter.

(f) *Personal Watercraft.* (1) A person may launch and operate a personal watercraft in park waters or beach a personal watercraft on park lands, except in the following areas:

(i) In the designated Primitive area known as the Gypsum Beds, which is described as Arizona T31N; R20W Portions of sections 2, 3, 10 and 11; and

(ii) In the designated Primitive area known as the Virgin River, which is described as Nevada T36N; R68E Portions of Sections 25, 26, 34, 35, 36; and

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(iii) In the designated Primitive/Semiprimitive area in Black Canyon, from the Willow Beach Harbor to Hoover Dam, prohibited from the first Tuesday following Labor Day weekend through Friday of Memorial Day weekend; and prohibited only on Sundays and Mondays from the Sunday of Memorial Day weekend through the Monday of Labor Day weekend, which is described as Nevada T22S; R65E Portions of Sections 32; T23S; R65E Portions of Sections 5, 8, 17, 20, 21, 28, 29, 34; T23½S; R65E Portions of Sections 34; T23S; R65E Portions of Sections 1, 2, and 12. Arizona T30N; R23W Portions of Sections 3, 10, 15, 22, 27, 34; T29N; R23W Portions of Sections 2, 12, 13; T29N; R22W Portions of Sections 18, 19, 20, 29; and

(iv) In the designated Semiprimitive area known as the Muddy River Confluence with Lake Mead (Overton Wildlife Management Area), which is described as Nevada T16S; R68E Portions of Sections 28, 29, 32, 33 and 34 and T17; R68E; and

(v) In the designated Semiprimitive area known as Grand Wash Bay, which is described as Arizona T33N; R16W Portions of Sections 16, 17, 21, 22, 27, 28, 29, 33 and 34, and T32½ N; R16W Portions of Sections 32 and 33; and

(vi) In the designated Semiprimitive area known as Bonelli Bay, which is described as Arizona T31N; R20W Portions of Sections 4, 5, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29 and 30.

(2) A person may not operate a personal watercraft at a speed in excess of flat wake speed within 200 feet of any beach occupied by bathers, boats at the shoreline, or persons in the water or at the shoreline.

(3) After December 31, 2012, no one may operate a personal watercraft that does not meet the 2006 emission standards set by EPA for the manufacturing of two-stroke engines. A person operating a personal watercraft that meets the EPA 2006 emission standards through the use of direct-injection two-stroke or four-stroke engines, or the equivalent thereof, is not subject to this prohibition and will be allowed to operate as described in this section.

(4) The Superintendent may limit, restrict, or terminate access to the areas designated for PWC use after taking

into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

[32 FR 15751, Nov. 16, 1967, as amended at 34 FR 1950, Feb. 11, 1969; 34 FR 18857, Nov. 26, 1969; 36 FR 21881, Nov. 17, 1971; 38 FR 5245, Feb. 27, 1973; 49 FR 18450, Apr. 30, 1984; 53 FR 29681, Aug. 8, 1988; 68 FR 17306, Apr. 9, 2003; 72 FR 13706, Mar. 23, 2007]

**§ 7.49 Cape Lookout National Seashore.**

(a) Personal watercraft (PWC) may be operated within Cape Lookout National Seashore only under the following conditions:

(1) PWC must be operated at flat-wake speed;

(2) PWC must travel perpendicular to shore;

(3) PWC may only be operated within the seashore to access the following sound side special use areas:

(i) North Core Banks:

Access	Location
(A) Ocracoke Inlet.	Wallace Channel dock to the demarcation line in Ocracoke Inlet near Milepost 1.
(B) Milepost 11B	Existing sound-side dock at mile post 11B approximately 4 miles north of Long Point.
(C) Long Point ..	Ferry landing at the Long Point Cabin area.
(D) Old Drum Inlet.	Sound-side beach near Milepost 19 (as designated by signs), approximately ½ mile north of Old Drum inlet (adjacent to the cross-over route) encompassing approximately 50 feet.

(ii) South Core Banks:

Access	Location
(A) New Drum Inlet.	Sound-side beach near Milepost 23 (as designated by signs), approximately ¼ mile long, beginning approximately ½ mile south of New Drum Inlet.
(B) Great Island Access.	Carly Dock at Great Island Camp, near Milepost 30 (noted as Island South Core Banks-Great Island on map).

(iii) Cape Lookout:

Access	Location
(A) Lighthouse Area North.	A zone 300 feet north of the NPS dock at the lighthouse ferry dock near Milepost 41.
(B) Lighthouse Area South.	Sound-side beach 100 feet south of the "summer kitchen" to 200 feet north of the Cape Lookout Environmental Education Center Dock.
(C) Power Squadron Spit.	Sound-side beach at Power Squadron Spit across from rock jetty to end of the spit.

(iv) *Shackleford Banks:*

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Access	Location
(A) West End Access.	Sound-side beach from Whale Creek west to Beaufort Inlet, except the area between the Wade Shores toilet facility and the passenger ferry dock.

(b) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

[71 FR 53031, Sept. 8, 2006]

**§ 7.50 Chickasaw Recreation Area.**

(a) *Fishing*. Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed on Arbuckle Reservoir and Veterans Lake.

(b) *Personal watercraft (PWC)*. (1) PWC may operate on Lake of the Arbuckles except in the following closed areas:

- (i) The Goddard Youth Camp Cove.
- (ii) A 150 foot wide zone around the picnic area at the end of Highway 110 known as “The Point”, beginning at the buoy line on the north side of the picnic area and extending south and east into the cove to the east of the picnic area.
- (iii) The cove located directly north of the north branch of F Loop Road.
- (iv) A 150 foot wide zone around the Buckhorn Campground D Loop shoreline.

(2) PWC may not be operated at greater than flat wake speed in the following locations:

- (i) The Guy Sandy arm north of the east/west buoy line located near Masters Pond.
- (ii) The Guy Sandy Cove west of the buoy marking the entrance to the cove.
- (iii) Rock Creek north of the east/west buoy line at approximately 034°27'50" North Latitude.
- (iv) The Buckhorn Ramp bay, east of the north south line drawn from the Buckhorn Boat Ramp Breakwater Dam.
- (v) A 150 foot wide zone along the north shore of the Buckhorn Creek arm starting at the north end of the Buckhorn Boat Ramp Breakwater Dam and continuing southeast to the Buckhorn Campground D Loop beach.

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(vi) The cove south and east of Buckhorn Campground C and D Loops.

(vii) The cove located east of Buckhorn Campground B Loop and adjacent to Buckhorn Campground A Loop.

(viii) The second cove east of Buckhorn Campground B Loop, fed by a creek identified as Dry Branch.

(ix) Buckhorn Creek east of the east/west buoy line located at approximately 096°59'3.50" Longitude, known as the G Road Cliffs area.

(x) Within 150 feet of all persons, docks, boat launch ramps, vessels at anchor, vessels from which people are fishing, and shoreline areas near campgrounds.

(3) PWC may only be launched from the following boat ramps:

- (i) Buckhorn boat ramp.
- (ii) The Point boat ramp.
- (iii) Guy Sandy boat ramp.
- (iv) Upper Guy Sandy boat ramp.

(4) The fueling of PWC is prohibited on the water surface. Fueling is allowed only while the PWC is away from the water surface and on a trailer.

(5) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

[49 FR 18451, Apr. 30, 1984, as amended at 69 FR 53640, Sept. 2, 2004]

**§ 7.51 Curecanti Recreation Area.**

(a) *Hunting*. Hunting is allowed at times and locations designated as open for hunting.

(b) *Trapping*. Trapping is allowed at times and locations designated as open for trapping.

(c) *Snowmobiles*. Snowmobiles are permitted to operate within the boundaries of Curecanti National Recreation Area provided:

- (1) That the operators and machines conform to the laws and regulations governing the use of snowmobiles as stated in this chapter and those applicable to snowmobile use promulgated by the State of Colorado where they prove to be more stringent or restrictive than those of the Department of the Interior.

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(2) That their use is confined to the frozen surface of Blue Mesa Lake, and designated access roads. A map of areas and routes open to snowmobile use will be available in the office of the superintendent.

(3) That for the purposes of this section, snowmobile gross weight will be limited to a maximum of 1200 lbs. (machine and cargo) unless prior permission is granted by the superintendent.

(d) *Personal Watercraft (PWC)*. PWC may operate within Curecanti National Recreation Area in the following designated areas and under the following conditions:

(1) PWC may operate and land on Blue Mesa Reservoir between Beaver Creek and Blue Mesa dam, except that PWC may not operate in the buoyed barricaded section in the vicinity of the dam.

(2) PWC must operate at "flat wake" speeds within Blue Mesa Reservoir in the following areas upstream of designated buoys:

(i) Soap Creek arm at approximate longitude 107°8'9" N latitude 38°30'16" W.

(ii) West Elk arm at approximate longitude 107°16'45" N latitude 38°29'43" W.

(iii) Cebolla arm at approximate longitude 107°12'16" N latitude 38°27'37" W.

(iv) Lake Fork arm at approximate longitude 107°18'19" N latitude 38°27'2" W.

(3) PWC must operate at "flat wake" speeds in the following areas:

(i) Within 100' of shoreline inside Dry Creek cove.

(ii) Within 500' of shoreline along old highway 50 and Bay of Chickens.

(iii) Within the buoyed area around Elk Creek and Lake Fork marinas.

(iv) Within the buoyed area at Iola, Stevens Creek, and Ponderosa boat launch.

(v) From Lake city bridge east to Beaver Creek.

(vi) Within 100' of shoreline adjacent to Stevens Creek campground.

(4) PWC may only be launched from designated boat launch sites.

(5) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and

cultural resource protection, and other management activities and objectives.

[49 FR 18451, Apr. 30, 1984, as amended at 49 FR 34480, Aug. 31, 1984; 71 FR 55119, Sept. 21, 2006]

### § 7.52 Cedar Breaks National Monument.

(a) *Snowmobiles*. (1) During periods when snow depth prevents regular vehicular travel in the Monument, snowmobiling will be permitted on the main Monument road and parking areas from the south boundary to the north boundary and on the Panguitch Lake road from its junction with the main Monument road east to the east park boundary. In addition, the paved walkway from the Visitor Center parking lot to the Point Supreme overlook is also open for snowmobile travel.

(2) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobile. Such roadway is available for snowmobile use only when the designated road or parking area is closed by snow depth to all other motor vehicle use by the public. These routes will be marked by signs, snow poles, or other appropriate means.

The park Superintendent shall determine the opening and closing dates for use of designated snowmobile routes each year. Routes will be open to snowmobile travel when they are considered to be safe for travel but not necessarily free of safety hazards.

(3) Snowmobile use outside designated routes is prohibited. This prohibition shall not apply to emergency administrative travel by employees of the National Park Service or its contractors or concessioners or law enforcement agencies.

(b) [Reserved]

[49 FR 29375, July 20, 1984]

### § 7.53 Black Canyon of the Gunnison National Monument.

(a) *Snowmobiles*. (1) During periods when snow depth prevents regular vehicular travel to the North Rim of the Monument, as determined by the superintendent, snowmobiling will be permitted on the graded, graveled North Rim Drive and parking areas

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from the north monument boundary to North Rim Campground and also to the Turnaround.

(2) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when there is sufficient snow cover and when these roads and parking areas are closed to all other motor vehicle use by the public. These routes will be marked by signs, snow poles, or other appropriate means. Snowmobile use outside designated routes is prohibited.

(b) [Reserved]

[49 FR 34478, Aug. 31, 1984]

### § 7.54 Theodore Roosevelt National Park.

(a) *Snowmobiles*. (1) Designated routes open to snowmobile use are the portions of the Little Missouri River which contain the main river channel as it passes through both units of Theodore Roosevelt National Park. Ingress and egress to and from the designated route must be made from outside the boundaries of the park. There are no designated access points to the route within the park.

(2) The superintendent shall determine the opening and closing dates for the use of designated snowmobile routes each year, taking into consideration snow, weather and river conditions. He shall notify the public by posting of appropriate signs at the main entrance to both units of the park. The superintendent may, by the posting of appropriate signs, require persons to register or obtain a permit before operating any snowmobiles within the park. The operation of snowmobiles shall be in accordance with State laws in addition to the National Park Service regulations.

(b) [Reserved]

[49 FR 34479, Aug. 31, 1984]

### § 7.55 Lake Roosevelt National Recreation Area.

(a) *Hunting*. Hunting is allowed at times and locations designated as open for hunting.

(b) *Aircraft*. Float planes may be operated on Lake Roosevelt on those wa-

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ters not administered by Indians as part of the Indian Zone, *i.e.*, mid-channel to the shore of the non-Indian side of the Lake. A map showing the waters where aircraft may be operated will be available in the office of the superintendent.

(c) *Personal Watercraft (PWC)*. (1) PWCs are allowed on the waters within Lake Roosevelt National Recreation Area except in the following areas:

(i) Crescent Bay Lake.

(ii) Kettle River above the Hedlund Bridge.

(2) Launch and retrieval of PWC are permitted only at designated launch ramps. Launching and retrieval of PWC at Napoleon Bridge launch ramp is prohibited.

(3) PWC may land anywhere along the shoreline except in designated swimming areas.

(4) PWC may not be operated at greater than flat-wake speeds in the following locations:

(i) Upper Hawk Creek from the waterfall near the campground through the area known as the "narrows" to the confluence of the lake, marked by "flat wake" buoy(s).

(ii) Within 200 feet of launch ramps, marina facilities, campground areas, water skiers, beaches occupied by swimmers, or other persons in the water.

(iii) The stretch of the Spokane Arm from 200 feet west of the Two Rivers Marina on the downstream end, to 200 feet east of the Fort Spokane launch ramp on the upstream end, above the vehicle bridge.

(5) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

[49 FR 18451, Apr. 30, 1984, as amended at 69 FR 35526, June 25, 2004]

### § 7.56 Acadia National Park.

(a) *Designated Snowmobile Routes*. The designated routes for snowmobile shall be:

(1) Park Loop Road (except section from Stanley Brook intersection north to the gate at Penobscot Mountain Parking Area) and connecting roads as

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follows: Paradise Hill Road (Visitor Center to Junction Park Loop Road); Stanley Brook Road; Ledgeawn Extension Road; Sieur de Monts (gate to Loop Road); West Street; Cadillac Mountain Summit Road; entrance roads to Wildwood Stable.

(2) Portions of Carriage Paths as follows: A section of Carriage Path 1.8 miles in length from the parking area at the north end of Eagle Lake down the east side of the lake to connection with Park Loop Road at Bubble Pond Rest Area. A section of Carriage Path 0.6 miles in length from Wildwood Stable to connection with Park Loop Road south of the entrance road to Penobscot Mountain Parking Area.

(3) Hio Truck Road from Seawall Campground north to State Route 102.

(4) The paved camper access roads within Seawall Campground.

(5) Marshall Brook Truck Road from Seal Cove Road to Marshall Brook.

(6) Seal Cove Road from Park Boundary in Southwest Harbor to State Route 102 in Seal Cove.

(7) Western Mountain Road from Park Boundary west of Worcester Landfill to Seal Cove Pond.

(8) The two crossroads connecting Western Mountain Road and Seal Cove Road.

(9) Long Pond Truck Road including Spur Road to Pine Hill.

(10) Lurvey Spring Road from Junction with Long Pond Road in Southwest Harbor to intersection with Echo Lake Beach Road.

(11) The Echo Lake Entrance Road from State Route 102 to Echo Lake Beach Parking Area.

[48 FR 1195, Jan. 11, 1983]

### § 7.57 Lake Meredith National Recreation Area.

(a) The operation of motor vehicles within the Lake Meredith Recreation Area is prohibited outside of established public roads, parking areas, except within the cutbanks of Blue Creek, comprising about 275 acres, and except below the 3,000 ft. contour on the following described lands, being known as the Rosita Area on the Canadian River flood plain:

Beginning at property corner 191 at coordinates 536,112.90N and 1,894,857.49E thence in a straight line S05°14'47" E,

3349.09 ft. to property corner 192, thence in a straight line N85°03'12" E, 6999.38 ft., to property corner 193, thence in a straight line N58°29'53" E, 3737.77 ft., to property corner 194, thence in a straight line N51°20'25" E, 1457.45 ft., to property corner 195, thence in a straight line S74°40'44" E, 4064.61 ft., to property corner 196, thence in a straight line N79°59'22" E, 3118.40 ft. to property corner 197A, thence in a northeasterly direction to property corner 200, thence in a straight line N56°24'11" E, 1073.57 ft., to property corner 201, thence in a straight line S80°04'22" E, 2684.69 ft., to property corner 202, thence in a straight line N69°21'31" E, 2974.09 ft. to property corner 203, thence in a straight line S37°59'16" E, 1538.83 ft., to property corner 204, thence in a straight line N28°36'59" E, 744.10 ft., to property corner 205, thence in a straight line N00°19'04" E, 1136.41 ft., to property corner 206, thence in a westerly direction to property corner 181, thence in a straight line S89°51'52" W, 1434.80 ft. to property corner 182, thence in a straight line N75°53'25" W, 4267.11 ft., to property corner 183, thence in a straight line S76°16'20" W, 3835.45 ft., to property corner 184, thence in a westerly direction to property corner 189, thence in a straight line S71°35'59" W, 2901.46 ft., to property corner 190, thence in a straight line S78°24'18" W, 6506.70 ft. to the point of beginning as shown on Bureau of Reclamation drawing number 662-525-1431 dated July 9, 1965, such Rosita Area comprising about 1,500 acres.

(b) *Safety Helmets.* The operator and each passenger of a motorcycle shall wear a safety helmet while riding on a motorcycle in an off-road area designated in paragraph (a) of this section.

(c) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed except in locations designated as closed to this activity. The superintendent may designate times and locations where such activity is allowed only under the terms and conditions of a permit.

(d) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

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(e) *Hunting*. Hunting is allowed at times and locations designated as open for hunting.

(f) *Trapping*. Trapping is allowed at times and locations designated as open for trapping.

(g) *Personal watercraft (PWC)*. (1) PWC may operate on Lake Meredith except in the following closed areas: stilling basin below Sanford Dam, within 750 feet of the Sanford Dam intake tower, and on the waters of the Canadian River.

(2) PWC may operate on Lake Meredith under the following conditions:

(i) Fueling of PWC is prohibited on the lake, except at the marina fuel dock with an attendant providing the fuel service, or onshore and out of the water.

(ii) Carrying of fuel in an external or portable container onboard a PWC is prohibited.

(iii) PWC may only be launched at designated launch sites established by the Superintendent in accordance with 36 CFR 1.5 and 1.7.

(iv) PWC may not operate at greater than flat wake speed in the following designated areas: North Turkey Creek, Bugbee Canyon, North Canyon, North Cove, South Canyon, Sexy Canyon, Amphitheater Canyon, the coves between day markers 9 and 11, Fritch Canyon, Short Creek, Evans Canyon and Canal Canyon. Flat wake areas are designated by buoys marked with “flat wake” or other similar markings. The location of those buoys may be adjusted by the Superintendent based on reservoir water levels.

(3) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

[36 FR 14694, Aug. 10, 1971, as amended at 40 FR 762, Jan. 3, 1975; 48 FR 30295, June 30, 1983; 49 FR 18451, Apr. 30, 1984; 52 FR 10686, Apr. 2, 1987; 69 FR 30223, May 27, 2004; 72 FR 13706, Mar. 23, 2007]

### §7.58 Cape Hatteras National Seashore.

(a) *Hunting*. (1) Lands within the Seashore on which hunting is legally permitted are designated as follows:

(i) Ocracoke Island, except Ocracoke village.

(ii) Hatteras Island, 500 acres, in three disconnected strips 250 feet wide measuring eastward from mean high water mark on Pamlico Sound between villages of Salvo and Avon and Buxton, and between Frisco and Hatteras.

(iii) Bodie Island, 1,500 acres, between high water mark of Roanoke Sound and a line 2,000 feet west of and parallel to U.S. Highway 158, and from the north dike of the Goosewing Club property on the north to the north boundary of the Dare County tract on the south.

(2) Seashore lands on which hunting is not permitted will be posted accordingly.

(3) This hunting plan will be administered and enforced by the National Park Service, through the Service’s authorized local representative, the Superintendent of the Seashore, hereinafter referred to as the Superintendent.

(4) The State of North Carolina will assist in the enforcement of applicable State and Federal hunting laws and otherwise in carrying out this plan.

(5) Hunting will be restricted to waterfowl. Season length, opening and closing dates, bag limits and species of waterfowl which may be taken will be in accordance with the rules and regulations issued by the North Carolina Wildlife Resources Commission and the U.S. Fish and Wildlife Service.

(6) Hunting privileges will be free for all hunters possessing a North Carolina State hunting license and Federal migratory bird hunting stamp.

(7) Permanent blinds will be constructed exclusively by the Seashore and these will be built only on Bodie Island. Setting up and use of temporary or portable blinds by hunters will be permitted on Hatteras and Ocracoke Islands.

(8) Minimum distance between blinds on Seashore land and ponds within the designated hunting areas will be 300 yards unless other conditions, such as natural screening, justify a shorter distance.

(9) Hunting on Ocracoke Island will be permitted and managed in the same manner as Hatteras Island.

(10) “Jump shooting” of waterfowl will be permitted only on Hatteras and



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Ocracoke Islands and is prohibited within 300 yards of any blind.

(11) Properly licensed and authorized guides may provide hunting guide service within the designated hunting areas in the Seashore. They will not be permitted to solicit business within the boundaries of the Seashore and all arrangements with hunters must be made outside of those boundaries. Guides will be required to possess a North Carolina State guide license and to fulfill all requirements and conditions imposed by that license. Fees charged by guides must be approved in advance by the Superintendent. Each guide must also possess a permit issued by the Superintendent which authorizes him to guide hunters within the Seashore and the amount of the fees which he may charge.

(12) Guides shall have no permanent or seasonal blind rights within the Seashore and no special privileges other than those specified in this section.

(13) At 5:00 a.m. each morning the day of hunting a drawing for blind assignments will be conducted at the check-out station. Advance reservations for permission to draw will be accepted through the United States mail only. Reservations postmarked prior to 12:01 a.m. of September 25 will not be accepted. The postmark date and hour will establish and govern the priority of drawing. Maximum reservation by any person shall be three (3) consecutive days in any week, Monday through Saturday, and limited to a total of six (6) days during the season. Reservations shall have priority over nonreservations at drawing time. In the event a reservation is to be canceled, the Superintendent shall be informed by the party prior to drawing time for the date or dates of the reservation.

(14) The first departure from a blind by a person terminates his hunting privilege within Bodie Island for that day and the blinds may be reassigned by the Superintendent, Cape Hatteras National Seashore Recreational Area, or his duly authorized representative, for use by others later the same day. Vacating parties must check out and furnish information regarding their take at the checking station on Bodie Island located near the north boundary of the hunting area.

(15) Hunters and guides shall provide their own decoys and are required to leave the blind which they used in a clean, sanitary and undamaged condition.

(16) All hunters taking banded fowl shall turn in the bands at the check-out station.

(17) Details of this plan, interpretations and further information regarding it will be published in local newspapers and issued in circular form free to all interested persons.

(18) Access to blinds will be by designated foot trails. Vehicles will not be permitted to drive to the blind sites.

(19) Trained dogs will be permitted for retrieving providing they are kept under restraint by the hunter.

(20) Blinds will be limited to two persons without a guide and three including the guide. Only two guns will be permitted in each blind.

(21) All other regulations will be in accordance with the North Carolina State and Federal migratory bird hunting laws.

(b) *Fishing*—(1) *Definitions*. As used in this part:

(i) *Seashore*. Cape Hatteras National Seashore.

(ii) *Permittee*. A person authorized to engage in commercial fishing from seashore beaches.

(iii) *Legal resident of an established village*. An individual (excluding a corporation, partnership, or other artificial person) having domicile in one of the following Outer Banks villages referred to in section 1 of the Act of August 17, 1937 (50 Stat. 669):

Corolla, Duck, Kitty Hawk, Kill Devil Hills, Collington, Nags Head, Manteo, Wanchese, Rodanthe, Waves, Salvo, Avon, Buxton, Frisco, Hatteras, Ocracoke.

(iv) *Commercial fishing*. All operations preparatory to, during, and subsequent to the taking of fish by any means if a primary purpose of the taking is to sell fish.

(v) *Commercial fishing permit*. Written revocable authorization, issued by the Superintendent to an eligible individual, to engage in commercial fishing from the Seashore beaches. The permit will be issued on an annual basis commencing on October 1st of each year.

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(2) *Commercial fishing permit required.* A commercial fishing permit is required before engaging in commercial fishing from the seashore beaches.

(3) *Permits.* Commercial fishing permits may be issued by the Superintendent or his authorized representative limited to individuals meeting the following criteria of eligibility:

(i) A legal resident of an established village.

(ii) Possession of a valid North Carolina commercial fishing license or engagement in a joint commercial fishing venture with a North Carolina commercial fishing licensee.

The permit shall be carried at all times while engaged in commercial fishing and shall be displayed upon request by the Superintendent or his representative. When two or more individuals engage in a joint commercial fishing venture involving a splitting of profits or any other assumption of proprietary interests, each individual must qualify for and have a commercial fishing permit. An employee hired by a permittee for a specific wage with no financial interest in the activity need not have a permit.

(4) *Revocation of permit.* The Superintendent may revoke the commercial fishing permit of any permittee who ceases to meet the criteria of eligibility set forth in paragraph (c)(3) of this section or who violates any General, Special, or other related regulation governing activities at the Seashore.

(5) *Beach sanitation and conservation of aquatic life.* Notwithstanding any General Regulation of the National Park Service to the contrary, all fishermen, commercial and sport, landing fish on the Seashore by any method and not using such fish because of size, edible quality, or other reason, shall immediately release and return such fish alive in the waters from which taken. No dead fish or part thereof may be left on any shore, beach, dock, pier, fish cleaning table or thrown back into the waters, but must be disposed of only at points or places designated for the disposal thereof or removed from the seashore area.

(6) *Sport-fishing Zone.* A zone is established for the protection and enhancement of recreational sport-fishing com-

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mencing at Beach Access Ramp No. 22 and continuing south and west along the ocean shore, including Cape Point (Cape Hatteras), to Beach Access Ramp No. 30. Within this zone commercial fishing, as specified in the Act of August 17, 1937 (50 Stat. 669), is permitted, except between the hours of 12:01 a.m. on Saturday to 11:59 p.m. on Sunday from October 1 through April 30, commercial fishermen are not permitted to haul seines or nets onto the beach within the Zone.

[24 FR 11052, Dec. 30, 1959, as amended at 38 FR 33081, Nov. 30, 1973; 40 FR 4135, Jan. 28, 1975; 40 FR 56888, Dec. 5, 1975; 48 FR 30295, June 30, 1983; 52 FR 10686, Apr. 2, 1987]

### §7.59 Grand Portage National Monument.

(a) *Snowmobiles.* After consideration of existing special situations, i.e. depth of snow, and depending on local weather conditions, the superintendent may permit the use of snowmobiles on the following designated routes within the National Monument:

(1) The trail from County Road 73 (near the Grand Portage Trading Post) which moves across the Grand Portage to County Road 17 near the Catholic Church.

(2) The powerline right-of-way road from Country Road 73 which moves across the Grand Portage Trail.

(3) The logging road which moves across the Grand Portage Trail in NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 32, T64N, R6E.

(4) Abandoned Highway 61 which moves across the Grand Portage Trail.

(5) The logging road which moves across the Grand Portage Trail in SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 25, T64N, R5E.

(b) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

[47 FR 45005, Oct. 13, 1982, as amended at 49 FR 18451, Apr. 30, 1984]

### §7.60 Herbert Hoover National Historic Site.

(a) *Snowmobiles.* After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, the Superintendent may permit the use of snowmobiles on the shoulder of the paved motor road known as Parkside Drive between Main Street of West Branch,

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Iowa and Interstate Highway 80, which is used by motor vehicle traffic during other seasons in conformance with State law.

[47 FR 54933, Dec. 7, 1982]

### § 7.61 Fort Caroline National Memorial.

(a) *Fishing.* Fishing is prohibited within the Memorial.

[26 FR 3363, Apr. 20, 1961, as amended at 32 FR 16213, Nov. 28, 1967]

### § 7.62 Lake Chelan National Recreation Area.

(a) *Snowmobiles.* After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, the superintendent may designate as open to the use of snowmobiles the following locations within the Lake Chelan National Recreation Area:

(1) All open areas, designated trails and roadways on public land below the 1320-foot contour line within the Stehekin Valley, except cross-country ski trails and within the perimeter of the Buckner Orchard. Snowmobile use on open public lands or designated trails will be limited to permanent, year-round residents of the Stehekin Valley.

(2) That portion of the Stehekin Valley Road normally open to use by motor vehicles from the 1320-foot contour line to the park boundary.

(b) *Aircraft.* The following are designated as locations where the operation of aircraft is allowed:

(1) The entire water surface of Lake Chelan.

(2) The Stehekin landing field, located at approximate latitude 48°21' N, approximate longitude 120°43' W.

(c) *Weapons.* The following location is designated for target practice between the hours of sunrise and sunset, subject to all applicable Federal, State, and local laws: in the SE ¼ of sec. 8, T. 33 N., R. 17 E., WM, approximately 100 yards east of mile point 7 on the Stehekin Valley Road, a converted borrow pit.

[49 FR 18451, Apr. 30, 1984, as amended at 49 FR 19652, May 9, 1984; 54 FR 48869, Nov. 28, 1989]

### § 7.63 Dinosaur National Monument.

(a) *Commercial hauling.* Ranchers and stockmen owning, leasing or renting private lands, or holding grazing permits issued by the Bureau of Land Management on designated grazing allotments adjacent to the Artesia Entrance Road, Blue Mountain Road, and Deerlodge Park Road, are authorized to use these roads for trucking or hauling ranching and agricultural supplies and materials, including livestock, for use in normal ranching and stock growing operations.

(b) *Stock grazing.* (1) Privileges for the grazing of domestic livestock based on authorized use of certain areas at the time of approval of the act of September 8, 1960 (74 Stat. 857, Pub. L. 86-729), shall continue in effect or shall be renewed from time to time, except for failure to comply with such terms and conditions as may be prescribed by the Superintendent in these regulations and after reasonable notice of default and subject to the following provisions of tenure:

(i) Grazing privileges appurtenant to privately owned lands located within the Monument shall not be withdrawn until title to the lands to which such privileges are appurtenant shall have vested in the United States except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(ii) Grazing privileges appurtenant to privately owned lands located outside the Monument shall not be withdrawn for a period of twenty-five years after September 8, 1960, and thereafter shall continue during the lifetime of the original permittee and his heirs if they were members of his immediate family as described herein except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(iii) Members of the immediate family are those persons who are related to and directly dependent upon a person or persons, living on or conducting grazing operations from lands, as of September 8, 1960, which the National Park Service recognized as base lands appurtenant to grazing privileges in the monument. Such interpretation excludes mature children who, as of that date, were established in their own

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households and were not directly dependent upon the base lands and appurtenant grazing recognized by the National Park Service.

(iv) If title to base lands lying outside the monument is conveyed, or such base lands are leased to someone other than a member of the immediate family of the permittee as of September 8, 1960, the grazing preference shall be recognized only for a period of twenty-five years from September 8, 1960.

(v) If title to a portion or part of the base land either outside or inside the monument is conveyed or such base lands are leased, the new owner or lessee will take with the land so acquired or leased after September 8, 1960, such proportion of the entire grazing privileges as the grazing capacity in animal unit months of the tract conveyed or leased bears to the original area to which a grazing privilege was appurtenant and recognized. Conveyance or lease of all such base lands will automatically convey all grazing privileges appurtenant thereto.

(vi) Grazing privileges which are appurtenant to base lands located either inside or outside the monument as of September 8, 1960, shall not be conveyed separately therefrom.

(2) Where no reasonable ingress or egress is available to permittees or nonpermittees who must cross monument lands to reach grazing allotments or non-Federal lands within the exterior boundary of the monument or adjacent thereto, the Superintendent will grant, upon request, a temporary nonfee annual permit to herd stock on a designated driveway which shall specify the time to be consumed in each single drive.

(3) After September 8, 1960, no increase in the number of animal unit months will be allowed on Federal lands in the monument.

(4)(i) A permittee whose privileges are appurtenant to base lands either inside or outside the monument may be granted total nonuse on a year to year basis not to exceed three consecutive years. Total nonuse beyond this time may be granted if necessitated for reasons clearly outside the control of the permittee. Total unauthorized nonuse beyond three consecutive years will re-

sult in the termination and loss of all grazing privileges.

(ii) Whenever partial or total non-use is desired an application must be made in writing to the Superintendent.

(5) Grazing fees shall be the same as those approved for the Bureau of Land Management and will be adjusted accordingly.

(6) Permittees or nonpermittees who have stock on Federal lands within the monument at any time or place, when or where herding or grazing is unauthorized may be assessed fifty cents per day per cow or horse and ten cents per day per sheep as damages.

(7) The Superintendent may accept a written relinquishment or waiver of any privileges; however, no such relinquishment or waiver will be effective without the written consent of the owner or owners of the base lands.

(8) Permits. Terms and conditions. The issuance and continued effectiveness of all permits will be subject, in addition to mandatory provisions required by Executive Order or law, to the following terms and conditions:

(i) The permittee and his employees shall use all possible care in preventing forest and range fires, and shall assist in the extinguishing of forest and range fires on, or within, the vicinity of the land described in the permit, as well as in the preservation of good order within the boundaries of the Monument.

(ii) The Superintendent may require the permittee before driving livestock to or from the grazing allotment to gather his livestock at a designated time and place for the purpose of counting the same.

(iii) Stock will be allowed to graze only on the allotment designated in the permit.

(iv) The permittee shall file with the Superintendent a copy of his stock brand or other mark.

(v) The permittee shall, upon notice from the Superintendent that the allotment designated in the permit is not ready to be grazed at the beginning of the designated grazing season, place no livestock on the allotment for such a period as may be determined by the Superintendent as necessary to avoid damage to the range. All, or a portion of the livestock shall be removed from the area before the expiration of the

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designated grazing season if the Superintendent determines further grazing would be detrimental to the range. The number of stock and the grazing period may be adjusted by the Superintendent at any time when such action is deemed necessary for the protection of the range.

(vi) No permit shall be issued or renewed until payment of all fees and other amounts due the National Park Service has been made. Fees for permits are due the National Park Service and must be paid at least 15 days in advance of the grazing period. No permit shall be effective to authorize grazing use thereunder until all fees and other amounts due the National Park Service have been paid. A pro rata adjustment of fees will be made in the event of reduction of grazing privileges granted in the permit, except that not more than 50 percent of the total annual grazing fee will be refunded in the event reduced grazing benefits are taken at the election of the permittee after his stock are on the range.

(vii) No building or other structure shall be erected nor shall physical improvements of any kind be established under the permit except upon plans and specifications approved by the National Park Service. Any such facilities, structures, or buildings may be removed or disposed of to a successor permittee within three months following the termination of the permit; otherwise they shall become the property of the United States without compensation therefor.

(viii) The permittee shall utilize the lands covered by the permit in a manner approved and directed by the Superintendent which will prevent soil erosion thereon and on lands adjoining same.

(ix) The right is reserved to adjust the fees specified in the permit at any time to conform with the fees approved for the Bureau of Land Management, and the permittee shall be furnished a notice of any change of fees.

(x) All livestock are considered as mature animals at 6 months of age and are so counted in determining animal unit months and numbers of animals.

(xi) The Superintendent may prescribe additional terms and conditions to meet individual cases.

(9) The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of grazing privileges.

(10) Appeals from the decision of the Superintendent to the Regional Director, and from the Regional Director to the Director shall be made in accordance with National Park Service Order No. 14, as amended (19 FR 8824) and Regional Director, Order No. 3, as amended (21 FR 1494).

(11) Nothing in these regulations shall be construed as to prevent the enforcement of the provisions of the General Rules and Regulations and the Special Rules and Regulations of the National Park Service or of any other provisions of said rules and regulations applicable to stock grazing.

(c) *Snowmobiles.* (1) Designated routes which will be open to snowmobile use are approximately 20 miles of the Harpers Corner Road in Colorado and approximately 2 miles of the Cub Creek Road in Utah. The Harpers Corner Road section extends from the Plug Hat Overlook to the Echo Park Road Turnoff. The Cub Creek Road section extends from the Chew Ranch Road, 1 mile north of the Green River Bridge, to the point where the Cub Creek Road leaves the southern boundary of the monument.

(2) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when there is sufficient snow cover and when these roads are closed to all other motor vehicle use by the public.

(3) Snowmobile use outside designated routes is prohibited. The superintendent shall determine the opening and closing dates for use of the designated snowmobile routes each year.

[27 FR 2150, Mar. 16, 1962, as amended at 27 FR 3659, Apr. 18, 1962; 34 FR 7330, May 6, 1969; 49 FR 34481, Aug. 31, 1984; 60 FR 55791, Nov. 3, 1995]

### § 7.64 Petersburg National Battlefield.

(a) *Alcoholic beverages.* The possession or drinking of alcoholic beverages in any public place or in any motor vehicle is prohibited, except with the written permission of the Superintendent.

(b) *Maintenance of vehicles.* Washing, cleaning, waxing, or lubricating motor vehicles or repairing or performing any mechanical work upon motor vehicles, except in emergencies, in any public place is prohibited.

(c) *Definition.* As used in paragraphs (a) and (b) of this section, the term “public place” shall mean any place, building, road, picnic area, parking space, or other portion of Petersburg National Battlefield to which the public has access.

[41 FR 40107, Sept. 17, 1976]

**§ 7.65 Assateague Island National Seashore.**

(a) *Hunting.* (1) Hunting, except with a shotgun, bow and arrow, or by falconry is prohibited. Hunting with a shotgun, bow and arrow, or by means of falconry is permitted in accordance with State law and Federal regulations in designated hunting areas.

(2) Hunting, or taking of a raptor for any purpose is prohibited except as provided for by permit in § 2.5 of this chapter.

(3) A hunter shall not enter upon Service-owned lands where a previous owner has retained use for hunting purposes, without written permission of such previous owner.

(4) Waterfowl shall be hunted only from numbered Service-owned blinds except in areas with retained hunting rights; and no firearm shall be discharged at waterfowl from outside of a blind unless the hunter is attempting to retrieve downed or crippled fowl.

(5) Waterfowl hunting blinds in public hunting areas shall be operated within two plans:

- (i) First-come, first-served.
- (ii) Advance written reservation.

The superintendent shall determine the number and location of first-come, first-served and/or advance reservation blinds.

(6) In order to retain occupancy rights, the hunter must remain in or near the blind except for the purpose of retrieving waterfowl. The leaving of decoys or equipment for the purpose of holding occupancy is prohibited.

(7) Hunters shall not enter the public waterfowl hunting area more than 1 hour before legal shooting time and shall be out of the hunting area within

45 minutes after close of legal shooting time. The blind shall be left in a clean and sanitary condition.

(8) Hunters using Service-owned shore blinds shall enter and leave the public hunting area via designated routes from the island.

(9) Prior to entering and after leaving a public hunting blind, all hunters shall check in at the registration box located on the trail to the blind he is or has been using.

(10) Parties in blinds are limited to two hunters and two guns unless otherwise posted at the registration box for the blinds.

(11) The hunting of upland game shall not be conducted within 300 yards of any waterfowl hunting blind during waterfowl season.

(12) Hunting on seashore lands and waters, except as designated pursuant to § 1.5 and § 1.7, is prohibited.

(b) *Operation of oversand vehicles—(1) Definitions.* In addition to the definitions found in § 1.4 of this chapter, the following terms or phrases, when used in this section, have the meanings hereinafter respectively ascribed to them.

(i) *Oversand vehicle.* Any motorized vehicle which is capable of traveling over sand including—but not limited to—over-the-road vehicles such as beachbuggies, four-wheel-drive vehicles, pickup trucks, and standard automobiles.

(ii) *Self-Contained vehicle.* Any towed or self-propelled camping vehicle that is equipped with a toilet and a permanently installed, waste, storage tank capable of holding a minimum of 2 days volume of material.

(iii) *Primary dune.* Barriers or mounds of sand which are either naturally created or artificially established bayward of the beach berm which absorb or dissipate the wave energy of high tides and coastal storms.

(iv) *Dunes crossing.* A maintained vehicle accessway over a primary dune designated and marked as a dunes crossing.

(2) *Oversand permits.* No oversand vehicle, other than an authorized emergency vehicle, shall be operated on a beach or designated oversand route in the park area except under an oversand permit issued by the Superintendent.

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(i) The Superintendent is authorized to establish a system of special recreation permits for oversand vehicles and to establish special recreation permit fees for these permits, consistent with the conditions and criteria of 36 CFR part 71.

(ii) No permit will be issued for a vehicle:

(A) Which is not equipped to travel over sand and which does not contain the following equipment to be carried at all times when traveling on a beach or designated oversand route in the park: shovel, jack, tow rope or chain, board or similar support for the jack, and low pressure tire gauge;

(B) Which does not conform to applicable State laws having to do with licensing, registering, inspecting, and insuring of such vehicles;

(C) Which fails to comply with provisions of § 4.10; and

(D) Which does not meet the following standards: On four-wheel-drive vehicles and trailers towed by any vehicle:

	Per unit
Maximum vehicle length .....	26 ft.
Maximum vehicle width .....	8 ft.
Minimum vehicle ground clearance .....	7 in.
Gross vehicle weight rating may not exceed .....	10,000 lb.
Maximum number of axles .....	2
Maximum number of wheels (per axle) .....	.....

On two-wheel-drive vehicles, in addition to the six items listed immediately above: Minimum width of tire tread contact on sand, 8 in. each wheel. Tires with regular mud/snow grip tread, not acceptable. *Provided*, That the Superintendent may issue a single trip permit for a vehicle of greater weight or length when such use is not inconsistent with the purposes of the regulations.

(iii) Before issuing a permit, the Superintendent may check the vehicle to determine whether it complies with the requirements of paragraphs (b)(2)(ii) (A) through (D) of this section.

(iv) Oversand permits are not transferable and shall be carried by the operator of the vehicle for which it has been issued while traveling in the park. It shall be displayed as directed by the Superintendent at the time of issuance.

(3) *Authorized and prohibited travel.* (i) Except as otherwise provided in this

section and in applicable sections of parts 2 and 4 of this chapter, travel by oversand vehicles is permitted south of Assateague State Park, daily throughout the year at any time, on a designated oversand route bayward of the primary dune and on designated portions of a beach seaward of the primary dune.

(ii) Travel by motorcycles is permitted only on public highways and parking areas within the park area.

(iii)(A) Travel by self-contained vehicles is permitted under paragraph (b)(3)(i) of this section provided that no overnight parking is allowed on a beach seaward of the primary dunes at any time.

(B) South of Assateague State Park such vehicles may use designated self-contained areas bayward of the primary dunes for overnight parking. *Except*, That towed travel trailers may travel no farther south than the northern limits of the Big Fox Levels.

(iv) Travel by oversand vehicles, other than authorized emergency vehicles, is prohibited on the following portions of the park area subject, however, to existing rights of ingress and egress.

(A) Between the Assateague State Park and the Ocean City Inlet.

(B) On the beach seaward of the primary dune within designated portions of the North Beach public use complex.

(C) *Provided, however*, That the Superintendent may establish times when oversand vehicles may use a portion of the beach in a public use complex by posting appropriate signs or marking on a map available at the office of the Superintendent—or both.

(4) *Rules of the road.* (i) Oversand vehicles shall be operated only in established tracks on designated portions of the park area. No such vehicles shall be operated on any portion of a dune except at posted crossings nor shall such vehicles be driven so as to cut circles or otherwise needlessly deface the sand.

(ii) Oversand vehicles shall not be parked so as to interfere with the flow of traffic on designated oversand routes. Such vehicles may not park overnight on a beach seaward of the primary dune unless one member of the party is actively engaged in fishing at all times. Towed travel trailers used as

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self-contained vehicles in the off-road portion of the park area may not be parked on a beach seaward of the primary dunes.

(iii) Upon approaching or passing within 100 feet of a person on foot, the operator of an oversand vehicle shall reduce speed to 15 miles per hour. Speed at other times on any designated oversand route shall not exceed 25 miles per hour.

(iv) When two vehicles approach from opposite directions in the same track, both operators shall reduce speed; and the operator with the ocean on his right shall pull out of the track to allow the other vehicle to pass.

(v) Passengers shall not ride on the fenders, hood, roof, or tailgate, or in any other position outside of a moving oversand vehicle; and such vehicles shall not be used to tow a person on any recreational device over the sand or in the air or water of the park area.

(vi) During an emergency, the Superintendent may close the park; or he may suspend for such period as he shall deem advisable any or all of the foregoing regulations in the interest of public safety; and he may announce such closure or suspension by whatever means are available.

(c) *Personal Watercraft.* (1) Personal Watercraft (PWC) are allowed in Assateague Island National Seashore within the following locations and under the following conditions:

(i) *Ocean City Inlet:* PWC may operate, transit, launch in water or beach on land between the north shore of Assateague Island and the south margin of the established Ocean City Inlet channel, between Lighted Buoy #10 at approximate latitude 38.19.30N, longitude 75.05.30W and Lighted Buoy #11 at approximate latitude 38.19.16N, longitude 75.09.0W

(ii) *Chincoteague Bay:* PWC may operate, transit or launch in waters between the established Park boundary and the western shore of Assateague Island, from Assateague Point north to that portion of Horse Marsh located due east of the Memorial Park boat ramp on Chincoteague Island.

(iii) *Oceanside:* PWC are allowed to beach along the ocean side of the island only in the case of personal injury or mechanical failure.

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(2) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

[35 FR 45, Jan. 3, 1970, as amended at 39 FR 31633, Aug. 30, 1974; 41 FR 15008, Apr. 9, 1976; 48 FR 30295, June 30, 1983; 52 FR 10686, Apr. 2, 1986; 68 FR 32375, May 30, 2003]

### § 7.66 North Cascades National Park.

(a) *Bait for fishing.* The use of nonpreserved fish eggs is permitted.

(b) *Snowmobiles.* After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, the superintendent may designate as open to the use of snowmobiles the following locations within the National Park:

(1) The Cascade River Road between the park boundary and the Cascade Pass Trailhead parking area.

(2) The Stehekin Valley Road between the park boundary and Cottonwood Camp.

[34 FR 11545, July 12, 1969, as amended at 49 FR 19652, May 9, 1984]

### § 7.67 Cape Cod National Seashore.

(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. 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.



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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 area 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 the 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

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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;

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(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.

(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.

[35 FR 8446, May 29, 1970, as amended at 40 FR 12789, Mar. 21, 1975; 40 FR 19197, May 2, 1975; 49 FR 18451, Apr. 30, 1984; 50 FR 31181, Aug. 1, 1985; 63 FR 9147, Feb. 24, 1998]

## § 7.68 Russell Cave National Monument.

(a) *Caves*—(1) *Closed Areas.* Entering, exploring, or remaining within any cave area other than the public archeological exhibit without prior written permission of the Superintendent is prohibited.

(2) *Permits.* Permits for entry into other than public exhibit areas of the cave will be issued within limitations

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of safety provided the applicant satisfies the Superintendent that he has proper equipment for cave exploration, such as lighting equipment, protective headwear, and appropriate shoes or boots. Other reasonable administrative requirements may be imposed by the Superintendent provided reasonable notice of these requirements is given to the applicant.

(3) *Solo Exploration.* Solo exploration is not permitted in the caves other than in the public archeological exhibit areas.

[35 FR 7557, May 15, 1970]

### §7.69 Ross Lake National Recreation Area.

(a) *Snowmobiles.* After consideration of existing special situations, i.e., depth of snow, and depending on local weather conditions, and subject to any and all restrictions or prohibitions further imposed by the State of Washington on Highway 20, the superintendent may designate as open to the use of snowmobiles the following locations within the Ross Lake National Recreation Area:

(1) State Highway 20, that portion normally closed to motor vehicles during the winter season.

(2) The Hozomeen entrance road from the U.S./Canadian border to the end of the road at East Landing.

(3) Access and circulatory roads in the Hozomeen developed area normally open to public motor vehicle use.

(4) The Thornton Lake Road from State Highway 20 to Thornton Lake Trailhead parking area.

(5) The Damnation Creek Road from its junction with the Thornton Lake Road to the North Cascades National Park boundary.

(6) The Newhalem Creek Road from State Highway 20 to its junction with the down-river road on the south side of the Skagit River.

(7) The down-river road on the south side of the Skagit River from its junction with the Newhalem Creek Road to the end of the road across the Skagit River from the mouth of Sky Creek.

(b) *Aircraft.* The operation of aircraft is allowed on the entire water surface of Diablo Lake and Ross Lake, except that operating an aircraft under power on water surface areas within 1,000 feet

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of Diablo Dam or Ross Dam or on those posted as closed for fish spawning is prohibited.

(c) *Weapons.* The following location is designated for target practice between the hours of sunrise and sunset, subject to all applicable Federal, State, and local laws: in the SE  $\frac{1}{4}$  of sec. 19, and the NE  $\frac{1}{4}$  of sec. 30, T. 37 N., R. 12 E., WM, approximately 200 yards northwest of State Route 20 near mile marker 119, the area known as the Newhalem rifle range.

[49 FR 19652, May 9, 1984 as amended at 50 FR 51856, Dec. 20, 1985; 54 FR 48869, Nov. 28, 1989]

### §7.70 Glen Canyon National Recreation Area.

(a) *Designated airstrips.* (1) Wahweap, latitude 36°59'45" N., longitude 111°30'45" W.

(2) Bullfrog, latitude 37°33'00" N., longitude 110°42'45" W.

(3) Halls Crossing, latitude 37°28'10" N., longitude 110°42'00" W.

(4) Hite, latitude 37°53'30" N., longitude 110°23'00" W.

(5) Gordon Flats, latitude 38°10'30" N., longitude 110°09'00" W.

(6) The entire surface of Lake Powell, subject to the restrictions contained in §2.17 of this chapter.

(b) *Unattended property.* Vehicles or boat trailers, or vehicle/boat trailer combinations, may be left unattended for periods of up to 14 days, when parked in parking areas adjacent to designated boat launching sites, without the prior permission of the Superintendent. Any vehicle or boat trailer or vehicle/boat trailer combination which is left in parking areas adjacent to designated boat launching sites for over 14 days may be impounded by the Superintendent.

(c) *Colorado River white-water boat trips.* The following regulations shall apply to all persons using the waters of, or Federally owned land administered by the National Park Service along the Colorado River within Glen Canyon National Recreation Area, from the Lees Ferry launch ramp downstream to the eastern boundary of Grand Canyon National Park:

(1) No person shall operate a vessel engaging in predominantly upstream travel or having a total horsepower in

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excess of 55 without a permit from the Superintendent.

(2) U.S. Coast Guard approved life preservers shall be worn by every person while traveling in boats or rafts on this section of the river, or while lining or portaging near rough water. One extra preserver must be carried on each vessel for each ten (10) passengers.

(3) No person shall conduct, lead or guide a river trip through Glen Canyon Recreation Area unless such person possesses a permit issued by the Superintendent of Grand Canyon National Park. The National Park Service reserves the right to limit the number of such permits issued, or the number of persons traveling on trips authorized by such permits when in the opinion of the National Park Service such limitations are necessary in the interest of public safety or protection of the ecological and environmental values of the area.

(i) The Superintendent of Grand Canyon National Park shall issue a permit upon a determination that the person leading, guiding, or conducting a river trip is experienced in running rivers in white-water navigation of similar difficulty, and possesses appropriate equipment, which is identified in the terms and conditions of the permit.

(ii) No person shall conduct, lead, guide, or outfit a commercial river trip without first securing the above permit and possessing an additional permit authorizing the conduct of a commercial or business activity in the recreation area.

(iii) An operation is commercial if any fee, charge, or other compensation is collected for conducting, leading, guiding, or outfitting a river trip. A river trip is not commercial if there is a bona fide sharing of actual expenses.

(4) All human waste will be taken out of the Canyon and deposited in established receptacles, or will be disposed of by such means as is determined by the Superintendent.

(5) No person shall take a dog, cat, or other pet on a river trip.

(6) The kindling of a fire is permitted only on beaches. All fires must be completely extinguished only with water before abandoning the area.

(7) Swimming and bathing are permitted except in locations immediately

above rapids, eddies, and riffles or near rough water.

(8) No camping is allowed along the Colorado River bank between the Lees Ferry launch ramp and the Navajo Bridge.

(9) All persons issued a river trip permit shall comply with all terms and conditions of the permit.

(d) *Assembly and launching of river rafts and boats.* The following regulations shall apply to all persons designated under paragraph (e) of this section (Colorado white-water trips):

(1) The assembly and launching of rafts or boats, and parking or storing of any related equipment or supplies is restricted to those areas designated by the Superintendent.

(2) Within such designated areas, the Superintendent may assign or limit space and designate time periods of operation for each individual river trip or operator.

(e) *PWC.* (1) A person may launch and operate a PWC in park waters or beach a PWC on park lands, except in the following areas:

(i) On the Colorado River between Glen Canyon Dam and the downstream river boundary of Glen Canyon National Recreation Area where it adjoins Grand Canyon National Park.

(ii) On the Colorado River upstream of Sheep Canyon.

(iii) On the San Juan River upstream of Clay Hills pullout.

(iv) On the Escalante River upstream of Coyote Creek.

(v) On the Dirty Devil River upstream of Utah Highway 95 bridge.

(2) A person may not operate a PWC at speed in excess of flat wake speed on the Escalante River from Cow Canyon to Coyote Creek.

(3) After December 31, 2012, no one may operate a PWC that does not meet the 2006 emission standards set by EPA for the manufacturing of two-stroke engines. A person operating a PWC that meets the EPA 2006 emission standards through the use of direct injection two-stroke or four-stroke engines, or the equivalent thereof, is not subject to this prohibition and will be allowed to operate as described in this section.

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(4) The Superintendent may temporarily limit, restrict or terminate access to the areas designated for PWC use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

[32 FR 5424, Mar. 31, 1967, as amended at 33 FR 11358, Aug. 9, 1968; 34 FR 2206, Feb. 14, 1969; 34 FR 11302, July 8, 1969; 36 FR 23294, Dec. 8, 1971; 40 FR 27030, June 26, 1975; 41 FR 27723, July 6, 1976; 42 FR 25857, May 20, 1977; 48 FR 30295, June 30, 1983; 68 FR 55465, Sept. 26, 2003; 72 FR 13706, Mar. 23, 2007]

§7.71 Delaware Water Gap National Recreation Area.

(a) [Reserved]

(b) Designated snowmobile routes. (1) A route in Middle Smithfield Township, Monroe County, Pennsylvania, bounded by the Delaware River on the east and Hidden Lake on the west. The route begins at the Smithfield Beach parking area and is in two loops. Loop One is a small trail approximately 3 miles long and follows the west bank of the Delaware River and closely parallels the east side of L. R. 45012 (commonly known as the River Road). Loop Two is approximately 6 miles long and begins at the northwest end of Loop One; it goes northeasterly between the Delaware River and River Road for about one mile until it crosses River Road; then southwest along the ridge which is south of Hidden Lake to a point opposite the west end of Hidden Lake, and then goes southeasterly until it returns to Loop One near River Road. Maps of the route are available at Smithfield Beach and at the office of the superintendent. Both loops are marked by appropriate signs.

(2) [Reserved]

(c) Technical rock climbing—(1) Definition. The term “technical rock climbing” is defined to mean climbing where such technical climbing aids as pitons, carabiners or snap links, ropes, expansion bolts, or other mechanical equipment are used to make the climb.

(2) Registration. Registration is required with the Superintendent prior to any technical rock climbing. The registrant is required to notify the Superintendent upon completion of the climb.

(d) Commercial Vehicles. (1) Notwithstanding the prohibition of commercial vehicles set forth at §5.6 of this chapter, the following commercial vehicles are authorized to use that portion of U.S. Highway 209 located within the Delaware Water Gap National Recreation Area:

(i) Those operated by businesses based within the recreation area;

(ii) Those operated by businesses which as of July 30, 1983, operated a commercial vehicular facility in Monroe, Pike, or Northampton Counties, PA, and the vehicle operation originates or terminates at such facility;

(iii) On a first come-first served basis, up to 125 northbound and up to 125 southbound commercial vehicles per day serving businesses or persons in Orange County, Rockland County, Ulster County or Sullivan County, New York; and

(iv) Those operated in order to provide services to businesses and persons located in or contiguous to the boundaries of the recreation area.

(2) Contiguous Areas. All land within the exterior boundaries of Lehman, Delaware, Milford, Dingman, Stroud, Westfall, Middle Smithfield, Smithfield and Upper Mount Bethel townships is deemed contiguous to the recreation area.

(e) Commercial vehicle fees—(1) Fee Schedule: Fees are charged for those commercial vehicular uses described in paragraphs (d)(1)(i), (ii) and (iii) of this section based on the number of axles and wheels on a vehicle, regardless of load or weight, as follows:

(i) Two-axle car, van or truck .....	\$3
(ii) Two-axle vehicle with trailer .....	\$5
(iii) Two-axle 6-wheeled vehicle .....	\$8
(iv) Three-axle vehicle .....	\$10
(v) Four-axle vehicle .....	\$13
(vi) Five or more-axle vehicle .....	\$18

The fees charged are for one trip, one way.

(2) Exceptions. The following commercial vehicles are exempt from the commercial fee requirements.

(i) Vehicles necessary to provide services to businesses or persons within, or contiguous to the recreation area.

(ii) Any vehicle owned by a Federal, State or municipal agency.

(iii) Any vehicle owned or operated by a publicly owned utility company.

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(iv) Any vehicle operated by a non-profit or educational organization.

(v) Any commercially licensed vehicle or vehicle otherwise identified as a commercial vehicle, when at that particular time it is being used for non-commercial purposes.

(f) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

(g) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

[34 FR 13595, Aug. 23, 1969, as amended at 47 FR 4256, Jan. 29, 1982; 48 FR 30295, June 30, 1983; 48 FR 46780, 46782, Oct. 14, 1983; 49 FR 9421, Mar. 13, 1984; 49 FR 18451, Apr. 30, 1984; 50 FR 34130, Aug. 23, 1985; 51 FR 40419, Nov. 7, 1986; 52 FR 34777, Sept. 15, 1987; 69 FR 57181, Sept. 24, 2004]

### § 7.72 Arkansas Post National Memorial.

(a) *Launching, beaching, or landing of vessels.* Except in emergencies, no vessel shall be launched, beached, or landed from or on lands within the Arkansas Post National Memorial.

[35 FR 13206, Aug. 19, 1970]

### § 7.73 Buck Island Reef National Monument.

(a) *Extractive uses.* All extractive uses are prohibited within the boundaries of the Monument, including but not limited to harvest or collection (on the land or in the water) of fish for any use, marine mammals, coastal migratory pelagic fish, baitfish, lobsters, conch, whelk, hermit crabs (soldier crabs), seashells, corals, dead coral, sea fans, sponges and all associated reef invertebrates, plants, fruits and seeds, firewood, driftwood, rocks, sand, gas, oil, and minerals.

(b) *Marine operations.* No dredging, excavating or filling operations of any kind are permitted, and no equipment, structures, byproducts or excavated materials associated with such operations may be deposited in or on the waters or ashore within the boundaries of the Monument.

(c) *Wrecks.* No person shall destroy molest, remove, deface, displace or

tamper with wrecked or abandoned waterborne craft of any type or condition, or any cargo pertaining thereto, unless permitted in writing by an authorized official of the National Park Service.

(d) *Boats.* (1) No watercraft shall operate in such a manner, nor shall anchors or any other mooring device be cast or dragged or placed, so as to strike or otherwise cause damage to any underwater features.

(2) Anchoring or maneuvering watercraft within the waters that contain underwater marked swimming trails and interpretive signs is prohibited.

(3) Anchoring is prohibited except by permit issued by the Superintendent for deep sand bottom areas or for administrative purposes.

(4) Anchoring will be allowed in emergency situations only to protect life and property.

(5) All watercraft, carrying passengers, for hire, shall comply with applicable regulations and laws of the U.S. Coast Guard and Territory of the Virgin Islands.

(e) *Fishing.* (1) All forms of fishing are prohibited including, but not limited to, spearfishing, rod and reel, handline, nets, gill or trammel, traps or pots, snares, hooks, poison, cast nets, trawl, seine, and long-line.

(2) The use or possession of any type of fishing equipment or any of the items listed in paragraph (a) of this section is prohibited within the boundaries of the Monument.

[29 FR 17091, Dec. 15, 1964, as amended at 48 FR 30295, June 30, 1983; 68 FR 16435, Apr. 4, 2003]

### § 7.74 Virgin Islands National Park.

(a) [Reserved]

(b) *Marine operations.* No dredging, excavating or filling operations of any kind are permitted, and no equipment, structures, byproducts or excavated materials associated with such operations may be deposited in or on the waters or ashore within the boundaries of the Park.

(c) *Wrecks.* No person shall destroy, molest, remove, deface, displace or tamper with wrecked or abandoned waterborne craft of any type or condition, or any cargo pertaining thereto unless

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permitted in writing by an authorized official of the National Park Service.

(d) *Boats.* (1) No watercraft shall be operated in such a manner, nor shall anchors or any other mooring device be cast or dragged or placed, so as to strike or otherwise cause damage to any underwater features.

(2) Anchoring or maneuvering watercraft within the waters that contain underwater marked swimming trails and interpretive signs is prohibited.

(3) Vessels desiring to enter Trunk Bay must enter and depart between the two outer buoys delineating the prescribed anchorage area, and shall anchor within described area, and no other, making sure the vessel will lie within this area regardless of wind or sea conditions: Except, that hand-propelled craft may be used to transport passengers and equipment between the anchorage area and the beach.

(4) All vessels carrying passengers for hire shall comply with applicable laws and regulations of the United States Coast Guard and Territory of the Virgin Islands.

(e) *Fishing.* (1) Taking of fishes or any other marine life in any way except with rod or line, the rod or line being held in the hand, is prohibited: *Provided*, That fish may be taken by pots or traps of conventional Virgin Islands design and not larger than five feet at the greatest dimension, and bait fish may be taken by nets of no greater overall length than 20 feet and of mesh not larger than 1 inch stretched: *Provided further*, That paragraphs (e) (3), (4), and (5) of this section shall apply.

(2) The use or possession of any type of spearfishing equipment within the boundaries of the park is prohibited.

(3) The species of crustaceans known as Florida Spiny Lobster (*Panulirus argus*) may be taken by hand or hand-held hook. No person shall take female lobsters with eggs; or take more than two lobsters per person per day; or have in possession more than two days' limit: *Provided*, That paragraph (e)(5) of this section shall apply.

(4) Species of mollusks commonly known as whelks and conchs may be taken by hand. No person shall take more than two conchs or one gallon of whelks, or both, per day, or have in

possession more than two days' limit: *Provided*, That paragraph (e)(5) of this section shall apply.

(5) All known means of taking fish, crustaceans, mollusks, turtles, or other marine life are prohibited in Trunk Bay and in other waters containing underwater signs and markers.

[29 FR 17091, Dec. 15, 1964, as amended at 48 FR 30296, June 30, 1983]

### § 7.75 Padre Island National Seashore.

(a) *Off-road motor vehicle and motorcycle operation.* (1) The following regulations pertain to the operation of motor vehicles and motorcycles off established roads and parking areas. The operation of such vehicles and motorcycles is subject also to the applicable provisions of part 4 of this chapter and paragraphs (e) and (g) of this section.

(i) No person may operate a motor vehicle or motorcycle without a valid operator's license or learner's permit in his possession; an operator who has a learner's permit must be accompanied by an adult who has a valid operator's license; a driver's license or learner's permit must be displayed upon the request of any authorized person.

(ii) In addition to the requirements of § 4.10 of this chapter, every motor vehicle and motorcycle must have an operable horn, windshield wiper or wipers (except motorcycles), brake light or lights, and rearview mirror.

(iii) Motor vehicles and motorcycles must have valid license plates.

(iv) Every motor vehicle and motorcycle must have a valid State vehicle inspection certificate when such certificate is required for highway use in the State in which the vehicle is licensed.

(v) When two motor vehicles or motorcycles meet on the beach, the operator of the vehicle in southbound traffic shall yield the right-of-way, where necessary, by turning out of the track to the right.

(2) *Off-road motor vehicle and motorcycle use areas and routes.* The following routes and areas are open to such vehicles: (i) Travel is permitted on all of the beach adjacent to the Gulf of Mexico, except for the approximately 4½ miles of beach between the North and South Beach Access Roads.



(ii) The route west of Big Shell Beach, locally known as the Back Road. This route begins on the beach adjacent to the Gulf of Mexico approximately three miles south of Yarbrough Pass and returns to the beach approximately 15 miles south of Yarbrough Pass.

(iii) The route beginning on the beach adjacent to the Gulf of Mexico approximately 11 miles south of Yarbrough Pass and ending with its intersection with the Back Road approximately one mile west of the beach. This route is locally known as the Dunn Ranch Road.

(iv) Travel is permitted in an area within 200 feet of the north bank of the Mansfield Channel, beginning on the beach adjacent to the Gulf of Mexico and ending approximately  $\frac{3}{4}$  mile west of the beach.

(b) *Hunting.* (1) Hunting is prohibited, except that during the open season prescribed by State and Federal agencies, the hunting of waterfowl is allowed upon the waters of Laguna Madre wherever a floating vessel of any type is capable of being operated, at whatever tide level may exist. Provided, however, that the waters surrounding North and South Bird Islands and other designated rookery islands are closed to all hunting as posted. Hunting, where authorized, is allowed in accordance with all applicable Federal, State and local laws for the protection of wildlife.

(2) The erecting of a structure for use as a hunting blind is prohibited except that a temporary blind may be used when removed at the end of each hunting day.

(c)–(d) [Reserved]

(e) *Prohibited vehicle operations.* The following operations are prohibited on and off established roads and parking areas.

(1) The use of ground effect or air-cushion vehicles is prohibited.

(2) The use of vehicles propelled by the wind, commonly known as sail cars, is prohibited.

(3) Towing of persons behind vehicles on a sled, box, skis, surfboard, parachute, or in any other way is prohibited.

(4) Riding on fenders, tailgate, roof, or any other position outside of the vehicle is prohibited.

(f) [Reserved]

(g) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles shall not exceed 25 miles per hour where driving is permitted on the beach.

(h) *Mineral exploration and extraction*—(1) *Scope.* The regulations in this paragraph are made, prescribed, and published pursuant to the Act of September 28, 1962, 76 Stat. 651, 16 U.S.C. 459d-3 (1964), to provide for the occupation and use of so much of the surface of the land or waters within the Padre Island National Seashore—for all purposes reasonably incident to the mining and removal of oil and gas minerals and of other minerals which can be removed by similar means—in a manner that will be consistent with development of recreational facilities by the Secretary of the Interior, with surface use of the lands and waters in the Seashore by the public for recreational purposes and with preservation of the area's natural features and values. The provisions of these regulations shall govern also any right of occupation or use of the surface within the boundaries of the Seashore, granted by the Secretary subsequent to April 11, 1961, for the exploration, development, production, storing, processing or transporting of oil and gas minerals that are removed from outside the boundaries of the Seashore. They shall not apply to such rights of occupation or use existing on April 11, 1961, which are reasonably necessary.

(2) *Operator.* As used in this paragraph, an operator shall mean anyone who in accordance with the provisions of the aforesaid Act of September 28, 1962, possesses the right (whether as owner of a mineral interest, lessee, holder of operating rights, or otherwise), to mine or remove minerals from lands within the Padre Island National Seashore or the right to occupy or use the surface of Seashore lands for the exploration, development, production, storing, processing or transporting of oil and gas minerals that are removed from outside the boundaries of the Seashore.