

## SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

### PART 25—ADMINISTRATIVE PROVISIONS

#### Subpart A—Introduction

- Sec.  
25.11 Purpose of regulations.  
25.12 What do these terms mean?  
25.13 Other applicable laws.

#### Subpart B—Administrative Provisions

- 25.21 Closing national wildlife refuges.  
25.22 Lost and found articles.  
25.23 General regulations and information collection requirements.

#### Subpart C—Public Notice

- 25.31 General provisions.

#### Subpart D—Permits

- 25.41 General provisions.  
25.42 Permits required to be exhibited on request.  
25.43 Revocation of permits.  
25.44 Easement area permits.  
25.45 Appeals procedure.

#### Subpart E—Fees and Charges

- 25.51 General provisions.  
25.52 Designation.  
25.53 Establishment of single visit entrance fees.  
25.54 Posting and public notification.  
25.55 Refuge admission permits.  
25.56 Enforcement.  
25.57 Exceptions and exemptions.

#### Subpart F—Concessions

- 25.61 General provisions.

#### Subpart G—Safety Regulations

- 25.71 Public safety.  
25.72 Reporting of accidents.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i, 3901 *et seq.*; and Pub. L. 102-402, 106 Stat. 1961.

SOURCE: 41 FR 9166, Mar. 3, 1976, unless otherwise noted.

#### Subpart A—Introduction

##### § 25.11 Purpose of regulations.

(a) The regulations in this subchapter govern general administration of units of the National Wildlife Refuge

System, public notice of changes in U.S. Fish and Wildlife Service policy regarding Refuge System units, issuance of permits required on Refuge System units and other administrative aspects involving the management of various units of the National Wildlife Refuge System. The regulations in this subchapter apply to areas of land and water held by the United States in fee title and to property interests in such land and water in less than fee, including but not limited to easements. For areas held in less than fee, the regulations in this subchapter apply only to the extent that the property interest held by the United States may be affected. The regulations in this subchapter also apply to and govern those areas of the Rocky Mountain Arsenal over which management responsibility has been transferred to the U.S. Fish and Wildlife Service under the Rocky Mountain Arsenal Act of 1992 (Pub. L. 102-402, 106 Stat. 1961), before their establishment as a refuge and inclusion in the National Wildlife Refuge System.

(b) All national wildlife refuges are maintained for the primary purpose of developing a national program of wildlife and ecological conservation and rehabilitation. These refuges are established for the restoration, preservation, development and management of wildlife and wildlands habitat; for the protection and preservation of endangered or threatened species and their habitat; and for the management of wildlife and wildlands to obtain the maximum benefits from these resources.

[41 FR 9166, Mar. 3, 1976, as amended at 51 FR 7574, Mar. 5, 1986; 62 FR 47375, Sept. 9, 1997]

##### § 25.12 What do these terms mean?

(a) As used in the rules and regulations in this subchapter:

*Authorized official* means any Federal, State or local official empowered to enforce provisions of this subchapter C.

*Big game* means large game animals, including moose, elk, caribou, reindeer, musk ox, deer, bighorn sheep, mountain goat, pronghorn, bear, and peccary, or such species as the separate

## § 25.13

States may so classify within their boundaries.

*Coordination area* means a wildlife management area that has been withdrawn from the public domain or acquired by the Federal Government and subsequently made available to a State by cooperative agreement between the U.S. Fish and Wildlife Service and the State fish and wildlife agency pursuant to the Act of March 10, 1934 (16 U.S.C. 661-666c; 48 Stat. 401), as amended; or by long-term leases or agreements pursuant to the Bankhead-Jones Farm Tenant Act (50 Stat. 525), as amended. Coordination areas are managed by the States but are a part of the National Wildlife Refuge System.

*Easement* means a less than fee interest in land or water acquired and administered by the U.S. Fish and Wildlife Service for the purpose of maintaining fish and wildlife habitat.

*Migratory bird* means and refers to those species of birds listed under § 10.13 of this chapter.

*National wildlife refuge* means any area of the National Wildlife Refuge System, except coordination areas.

*National Wildlife Refuge System* means all lands, waters, and interests therein administered by the U. S. Fish and Wildlife Service as wildlife refuges, wildlife ranges, wildlife management areas, waterfowl production areas, and other areas for the protection and conservation of fish and wildlife including those that are threatened with extinction.

*Nontoxic shot* means steel shot or other shot approved pursuant to 50 CFR 20.134.

*Service or we* means U.S. Fish and Wildlife Service, Department of the Interior.

*Waterfowl production area* means any wetland or pothole area acquired pursuant to section 4(c) of the amended Migratory Bird Hunting Stamp Act (72 Stat. 487; 16 U.S.C. 718d(c)), owned or controlled by the United States and administered by the U.S. Fish and Wildlife Service as a part of the National Wildlife Refuge System.

*Wildlife management area* means a general term used in describing a variety of areas that are managed for wildlife purposes which may be included in the National Wildlife Refuge System.

## 50 CFR Ch. I (10-1-99 Edition)

(b) Unless otherwise stated the definitions found in 50 CFR 10.12 also apply to all of subchapter C of this title 50.

[41 FR 9166, Mar. 3, 1976, as amended at 51 FR 7574, Mar. 5, 1986; 60 FR 62040, Dec. 4, 1995; 64 FR 14150, Mar. 24, 1999]

### § 25.13 Other applicable laws.

Nothing in this subchapter shall be construed to relieve a person from any other applicable requirements imposed by a local ordinance or by a statute or regulation of any State or of the United States.

## Subpart B—Administrative Provisions

### § 25.21 Closing national wildlife refuges.

Once opened, all or any part of a national wildlife refuge may be closed to public access and use in accordance with the provisions in § 25.31, without advance notice, in the event of an emergency endangering life or property or to protect the resources of the area.

### § 25.22 Lost and found articles.

Lost articles or money found on a national wildlife refuge are to be immediately turned in to the nearest refuge office.

### § 25.23 General regulations and information collection requirements.

The information collection requirements contained in subchapter C, parts 25, 32 and 33 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0014. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit. The public reporting burden for the application form is estimated to average six minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other

aspect of this form to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, DC 20530.

[56 FR 66795, Dec. 26, 1991]

### Subpart C—Public Notice

#### § 25.31 General provisions.

Whenever a particular public access, use or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a national wildlife refuge or where public access, use, or recreational or other activities previously permitted are curtailed, the public may be notified by any of the following methods, all of which supplement this subchapter C:

(a) Official signs posted conspicuously at appropriate intervals and locations;

(b) Special regulations issued under the provisions of § 26.33 of this subchapter C.

(c) Maps available in the office of the refuge manager, regional director, or area director, or

(d) Other appropriate methods which will give the public actual or constructive notice of the permitted or curtailed public access, use, or recreational activity.

### Subpart D—Permits

#### § 25.41 General provisions.

Permits required by this subchapter C can be obtained from the administrative office responsible for the refuge where the activity is to take place. If the applicant is required to obtain the applicable permit from the Director or Secretary, the refuge manager will so inform the applicant, giving the applicant all the necessary information as to how and where to apply.

#### § 25.42 Permits required to be exhibited on request.

Any person on a national wildlife refuge shall upon request by any authorized official exhibit the required Federal or State permit or license author-

izing their presence and activity on the area and shall furnish such other information for identification purposes as may be requested.

#### § 25.43 Revocation of permits.

A permit may be terminated or revoked at any time for noncompliance with the terms thereof or of the regulations in this subchapter C, for nonuse, for violation of any law, regulation or order applicable to the refuge, or to protect public health or safety or the resources of a national wildlife refuge.

#### § 25.44 Easement area permits.

(a) The provisions of this subsection shall govern the regulation of activities that affect easement interests acquired by the United States. All other provisions of subchapter C shall apply to activities within such easement areas, but only to the extent that those provisions are directly or indirectly related to the protection of those easement interests expressly acquired by the United States which are specified in the easement agreement itself, and are not inconsistent with the provisions of this subsection.

(b) Permits for use of easement areas administered by the Service are required where proposed activities may affect the property interest acquired by the United States. Applications for permits will be submitted in writing to the regional director or a designee. Special use permits may be granted to owners of servient estates, or to third parties with the owner's agreement, by the regional director or a designee, upon written determination that such permitted use is compatible with the purposes for which the easement was acquired. If it is ultimately determined that the requested use will not affect the United States' interest, the regional director will issue a letter of non-objection.

(c) In instances where the third applicant is a governmental entity which has acquired a partial interest in the servient estate by subsequent condemnation, a special use permit may be granted to the governmental entity without the servient estate owner's agreement if the regional director or his or her designee determines:

## § 25.45

(1) The permitted use is compatible with the purpose for which the Service's easement was acquired; and

(2) The permitted use is consistent with the partial property interests obtained through condemnation.

(d) The regional director or designee may require mitigation measures, as determined appropriate, within the easement area, in order to make the proposed use compatible with the purposes for which the easement was acquired. Such mitigation measures are solely for the purpose of complying with the requirement of the National Wildlife Refuge Administration Act that the use be compatible with the purpose for which the area was established. If the proposed use cannot be made compatible through permit stipulations and/or mitigation, the permit will be denied.

(e) Regulations pertaining to rights-of-way in easement areas are contained in 50 CFR part 29.21.

[51 FR 7575, Mar. 5, 1986]

### § 25.45 Appeals procedure.

(a) *Who may appeal.* Any person who is adversely affected by a refuge manager's decision or order relating to the person's permit granted by the Service, or application for permit, within the National Wildlife Refuge System. This section does not apply to permits or applications for rights-of-way. See § 29.22 for the hearing and appeals procedure on rights-of-way.

(b) *Preliminary procedure.* Prior to making any adverse decision or order on a permit or application for permit, the refuge manager shall notify the permittee or applicant orally or in writing of the proposed action and its effective date. The permittee or applicant shall have twenty (20) days after notification in which to present to the refuge manager, orally or in writing, a statement in opposition to the proposed action or date. The permittee or applicant shall be notified in writing within twenty (20) days after receipt of the statement in opposition, of the refuge manager's final decision or order.

(c) *Appeals, how taken.* If the refuge manager still intends to proceed with the proposed action, the permittee or applicant shall have thirty (30) days from the postmarked date of the refuge

## 50 CFR Ch. I (10-1-99 Edition)

manager's final decision or order in which to file a written appeal to the appropriate area manager. The appellant (permittee or applicant) shall be notified in writing within thirty (30) days from the postmarked date of the appeal of the area manager's decision. The appellant shall have (30) days from the postmarked date of the area manager's decision to further appeal in writing to the appropriate regional director.

(d) *Decision of regional director.* The regional director's decision shall be final and issued in writing to the appellant within thirty (30) days from the postmarked date of the appeal.

(e) *Oral presentation.* The appellant shall be provided an opportunity for oral presentation before the area manager or the regional director within the respective thirty (30) day appeal periods.

(f) *Addresses.* The addresses of the appropriate officials to whom appeals may be taken shall be furnished in each decision or order.

(g) *Suspension pending appeal.* Compliance with any decision or order of a refuge manager shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the area manager or regional director (depending upon the official before whom the appeal is pending), and then only upon a determination by these officials that such suspension will not be detrimental to the interests of the United States or upon submission and acceptance of a bond deemed adequate to indemnify the United States from loss or damage.

[42 FR 64120, Dec. 22, 1977. Redesignated at 51 FR 7575, Mar. 5, 1986]

## Subpart E—Fees and Charges

SOURCE: 52 FR 29860, Aug. 12, 1987, unless otherwise noted.

### § 25.51 General provisions.

Reasonable charges and fees may be established for public recreational use of and, except in Alaska, entrance onto national wildlife refuges. Regulations regarding recreational use fees are contained in 36 CFR part 71. Regulations

regarding entrance fees are contained in this subpart E.

**§ 25.52 Designation.**

To be designated as an "Entrance Fee Area", a unit of the National Wildlife Refuge System must be found to demonstrate that:

- (a) The level of visitation for recreational purposes is high enough to justify the collection of fees for admission permits for economic reasons;
- (b) There is a practical mechanism in existence for implementing and operating a system of collecting fees for admission permits; and
- (c) Imposition of a fee for admission permits is not likely to result in undue economic hardship for a significant number of visitors to the unit.

**§ 25.53 Establishment of single visit entrance fees.**

Entrance fees established for single visit permits at a designated Entrance Fee Area shall consider the following criteria with regard to the local area within which the refuge is located:

- (a) The direct and indirect cost to the Government.
- (b) The benefits to the permit holder.
- (c) The public policy or interest served.
- (d) The comparable fees charged by non-Federal public agencies.
- (e) The economic and administrative feasibility of fee collection.

**§ 25.54 Posting and public notification.**

The public shall be notified that an entrance fee is charged through refuge publications and posted designation signs in accordance with § 25.31 of this part.

**§ 25.55 Refuge admission permits.**

- (a) Unless otherwise provided, persons entering an Entrance Fee Area shall obtain and be in possession of a valid admission permit.
- (b) The following five types of permits allowing entrance onto an Entrance Fee Area will be available for issue or purchase at such area and, except for refuge-specific permits, at Fish and Wildlife Service Regional and Washington, DC Offices, and at other locations as may be designated.

(1) Single visit permit with a charge not to exceed \$3 per person or \$7.50 per noncommercial vehicle (single visit can be defined as 1-15 days, dependent upon a determination of the period of time reasonably and ordinarily necessary for such a visit at a particular refuge unit).

- (2) Golden Eagle Passport.
- (3) Golden Age Passport.
- (4) Golden Access Passport.
- (5) Federal Migratory Bird Hunting and Conservation (Duck) Stamp. To be valid, the Duck Stamp must be current and bear the signature of the holder on the front.

**§ 25.56 Enforcement.**

Permits issued or used for entrance onto Entrance Fee Areas are non-transferable. Failure to pay the entrance fee, to display upon request of an authorized official a valid permit, or to comply with other entrance fee provisions, rules or regulations, will be subject to the penalties prescribed in 50 CFR 28.31.

**§ 25.57 Exceptions and exemptions.**

At Entrance Fee Areas:

- (a) Special admission permits for uses, such as group activities, may be issued.
- (b) No entrance fee shall be charged for persons under 16 years of age.
- (c) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway established as part of the National Federal Aid System (defined in 23 U.S.C. 101), which is commonly used by the public as a means of travel between two places which are outside the Entrance Fee Area.
- (d) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway to any land in which such person has a property interest if such land is within any Entrance Fee Area.
- (e) Persons accompanying the holder of a valid single visit permit, Federal Duck Stamp or Golden Eagle, Age, or Access Passport in a single, private, noncommercial vehicle shall be entitled to general entrance.
- (f) Where entry is by any means other than single, private, noncommercial vehicle, the spouse, children, or

## § 25.61

parents accompanying the holder of a valid single visit permit, Federal Duck Stamp or Golden Eagle, Age, or Access Passport shall be entitled to general entrance.

### Subpart F—Concessions

#### § 25.61 General provisions.

Public use facilities may be operated by concessionaires or cooperators under appropriate contact or legal agreement on national wildlife refuges where there is a demonstrated justified need for services or facilities including, but not limited to, boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related service.

### Subpart G—Safety Regulations

#### § 25.71 Public safety.

Persons using national wildlife refuges shall comply with the safety requirements which are established under the provisions of this subchapter C for each individual refuge and with any safety provisions which may be included in leases, agreements, or use permits.

#### § 25.72 Reporting of accidents.

Accidents involving damage to property, injury to the public or injury to wildlife that occur within the boundaries of any national wildlife refuge are to be reported as soon as possible, but in no event later than 24 hours after the accident, by the persons involved, to the refuge manager or other personnel on duty at the national wildlife refuge headquarters. This report does not relieve persons from the responsibility of making any other accident reports which may be required.

## PART 26—PUBLIC ENTRY AND USE

### Subpart A—Introduction

Sec.

26.11 Purpose of regulations.

### Subpart B—Public Entry

26.21 General trespass provision.

26.22 General exception for entry.

## 50 CFR Ch. I (10–1–99 Edition)

26.23 Exception for entry to the headquarters office.

26.24 Exception for entry when accompanied by refuge personnel.

26.25 Exception for entry to persons with an economic use privilege.

26.26 Exception for entry for use of emergency shelter.

26.27 Exception for entry on designated routes of travel.

### Subpart C—Public Use and Recreation

26.31 General provisions.

26.32 Recreational uses.

26.33 Special regulations.

26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

26.35 Cabin sites.

26.36 Public assemblies and meetings.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, 715i; Pub. L. 96-315 (94 Stat. 958) and Pub. L. 98-146 (97 Stat. 955).

SOURCE: 41 FR 9167, Mar. 3, 1976, unless otherwise noted.

### Subpart A—Introduction

#### § 26.11 Purpose of regulations.

The regulations in this part govern the circumstances under which the public can enter and use a national wildlife refuge.

### Subpart B—Public Entry

#### § 26.21 General trespass provision.

(a) No person shall trespass, including but not limited to entering, occupying, using, or being upon, any national wildlife refuge, except as specifically authorized in this subchapter C or in other applicable Federal regulations.

(b) No unconfined domestic animals, including but not limited to dogs, hogs, cats, horses, sheep and cattle, shall be permitted to enter upon any national wildlife refuge or to roam at large upon such an area, except as specifically authorized under the provisions of § 26.34, § 27.91 or § 29.2 of this subchapter C.

#### § 26.22 General exception for entry.

(a) Any person entering or using any national wildlife refuge will comply with the regulations in this subchapter C, the provisions of any special regulations and any other official notification as is appropriate under § 25.31.