

National Park Service, Interior

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(b) Failure to report an incident to the superintendent as soon as possible is prohibited.

§ 3.5 Inspections.

(a) Authorized persons may at any time stop or board a vessel to examine documents, licenses or permits relating to operation of the vessel, and to inspect such vessel to determine compliance with regulations pertaining to safety equipment and operation.

(b) An authorized person who observes a vessel being operated without sufficient lifesaving or firefighting devices, or in an overloaded or unsafe condition, as defined in United States Coast Guard or National Park Service regulations, may direct the operator to take immediate and reasonable steps necessary for the safety of those aboard the vessel, including but not limited to directing the operator to:

(1) Correct the hazardous condition immediately;

(2) Proceed to a mooring, dock, or anchorage; or

(3) Suspend further use of the boat until the hazardous condition is corrected.

(c) Violation of directions issued in accordance with paragraph (b) of this section is prohibited.

§ 3.6 Prohibited operations.

The following are prohibited:

(a) Operating a vessel, or knowingly allowing another person to operate a vessel, in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger a person or property.

(b) Operating a vessel when under the influence of alcohol or controlled substance to a degree that may endanger oneself or another person or damage property or park resources.

(c) Failing to observe restrictions established by a regulatory marker.

(d) Operating a vessel in excess of 5 mph or creating a wake:

(1) In areas so designated; or

(2) Within 100 feet of a diver's marker, downed water skier or swimmer.

(e) Operating a vessel not propelled by hand within 500 feet of a location designated as a swimming beach. This prohibition does not apply in locations such as rivers, channels, or narrow

coves where passage is restricted to less than 500 feet. In such restrictive locations, the operation of a vessel in excess of 5 mph or creating a wake is prohibited.

(f) Allowing a person to ride on the gunwales, transom, or on the decking over the bow of a vessel propelled by machinery, operating in excess of 5 mph; *Provided, however,* That this provision shall not apply under the following circumstances:

(1) When that portion of the vessel was designed and constructed for the purpose of carrying passengers safely at all speeds,

(2) When the vessel is being maneuvered for anchoring, mooring or casting off moorings.

(g) Attaching a vessel to or interfering with a marker, navigation buoy or other navigational aid.

(h) Using trailers to launch or recover vessels, except at designated launching sites.

(i) Launching a vessel propelled by machinery at other than designated launch sites.

(j) Operating a vessel propelled by machinery on waters not directly accessible by road.

(k) Launching or operating airboats.

(l) Operating a vessel in excess of designated size, length or width restrictions.

§ 3.7 Noise abatement.

Operating a vessel in or upon inland waters so as to exceed a noise level of 82 decibels measured at a distance of 82 feet (25 meters) from the vessel is prohibited. Testing procedures employed to determine such noise levels shall be in accordance with or equal to the Exterior Sound Level Measurement Procedure for Vessels recommended by the Society of Automotive Engineers SAE-J34a (Revised April, 1977).

§ 3.20 Water skiing.

(a) The towing of persons by vessels is prohibited, except in designated waters.

(b) Where towing is authorized, the following are prohibited:

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

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(2) Towing without one person (other than the operator) observing the progress of the person being towed.

(3) Towing a person who is not wearing a personal flotation device. If the person being towed is wearing a flotation device not approved by the United States Coast Guard, there must be an approved personal flotation device readily available in the towing vessel.

(4) Towing or being towed in channels or within 500 feet of areas designated as harbors, swimming beaches, or mooring areas, or within 100 feet of a person fishing or swimming, or a diver's marker.

§ 3.21 Swimming and bathing.

(a) The following are prohibited:

(1) Swimming or bathing in locations designated as closed.

(2) Swimming or bathing in violation of designated restrictions.

(3) Swimming from vessels which are underway, except in circumstances where a capable operator is on board and all propulsion machinery is off and/or sails are furled.

(b) The superintendent may prohibit the use of flotation devices, glass containers, kites, or incompatible sporting activities within locations designated as swimming beaches.

§ 3.22 Surfing.

The use of surfboards and similar rigid devices within locations des-

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ignated as swimming beaches is prohibited.

§ 3.23 SCUBA and snorkeling.

The following are prohibited:

(a) SCUBA diving and snorkeling within locations designated as swimming, docking, or mooring areas, except in accordance with conditions which may be established by the superintendent.

(b) Diving in waters open to the use of vessels, other than those propelled by hand, without displaying a standard diver flag.

§ 3.24 Regulation of personal watercraft (PWC).

(a) *Is personal watercraft (PWC) use prohibited in units of the National Park System?* Yes, the use of personal watercraft in units of the National Park System is prohibited, except in designated areas.

(b) *How will the National Park Service designate areas for PWC use?* We will designate areas for personal watercraft through the FEDERAL REGISTER, using special regulations, except for the park areas identified in the following Table 1, where personal watercraft use may be designated using the criteria and procedures of §§ 1.5 and 1.7 of this chapter:

TABLE 1—PARK DESIGNATED PWC USE

Name	Water type	State
Amistad National Recreation Area	Impounded Lake	TX
Bighorn Canyon National Recreation Area	Impounded Lake	MT
Chickasaw National Recreation Area	Impounded Lake	OK
Curecanti National Recreation Area	Impounded Lake	CO
Gateway National Recreation Area	Open Ocean/Bay	NY
Glen Canyon National Recreation Area	Impounded Lake	AZ/UT
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
Whiskeytown-Shasta-Trinity National Recreation Area	Impounded Lake	CA

(c) *How does the grace period apply?* For the park areas identified in Tables 1 and 2 of this section, this section provides a two-year grace period (April 20, 2000 to April 22, 2002) from the require-

ments of this section. During the grace period no authorizing administrative action is needed to allow PWCs to continue to operate in the park areas identified in this section. Table 2 follows: