

§ 13.1

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113 Stat. 72, May 21, 1999; Sec. 13.66(c) also issued under Sec. 1035, Pub. L. 104-333, 110 Stat. 4240, November 12, 1996.

SOURCE: 46 FR 31854, June 17, 1981, unless otherwise noted.

Subpart A—Public Use and Recreation

§ 13.1 Definitions.

The following definitions shall apply to all regulations contained in this part:

Adequate and feasible access means a reasonable method and route of pedestrian or vehicular transportation which is economically practicable for achieving the use or development desired by the applicant on his/her non-Federal land or occupancy interest, but does not necessarily mean the least costly alternative.

Aircraft means a machine or device that is used or intended to be used to carry persons or objects in flight through the air, including, but not limited to airplanes, helicopters and gliders.

Airstrip means visible, marked, or known aircraft landing areas in park areas. Airstrips may be marked with cones, lights, flagging, or windsocks, or be unmarked but recognizable because they have been cleared of vegetation or other obstructions.

ANILCA means the Alaska National Interest Lands Conservation Act (94 Stat. 2371; Pub. L. 96-487 (December 2, 1980)).

Carry means to wear, bear or carry on or about the person and additionally, in the case of firearms, within or upon a device or animal used for transportation.

Downed aircraft means an aircraft that as a result of mechanical failure or accident cannot take off.

Facility means buildings, structures, park roads as defined by §1.4, parking lots, campgrounds, picnic areas, paved trails, and maintenance support yards.

Firearm means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designated to or may readily be converted to expel a projectile by the action of expanded gases, except that it does not include a pistol or rifle powered by

compressed gas. The term “firearm” also includes irritant gas devices.

Fish and wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, produce, egg, or offspring thereof, or the dead body or part thereof.

Fossil means any remains, impression, or trace of any animal or plant of past geological ages that has been preserved, by natural processes, in the earth’s crust.

Gemstone means a silica or igneous mineral including, but not limited to (1) geodes, (2) petrified wood, and (3) jade, agate, opal, garnet, or other mineral that when cut and polished is customarily used as jewelry or other ornament.

Motorboat refers to a motorized vessel other than a personal watercraft.

National Preserve shall include the following areas of the National Park System:

Alagnak National Wild and Scenic River, Aniakchak National Preserve, Bering Land Bridge National Preserve, Denali National Preserve, Gates of the Arctic National Preserve, Glacier Bay National Preserve, Katmai National Preserve, Lake Clark National Preserve, Noatak National Preserve, Wrangell-St. Elias National Preserve, and Yukon-Charley National Preserve.

Net means a seine, weir, net wire, fish trap, or other implement designed to entrap fish, except a landing net.

Off-road vehicle means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, wetland or other natural terrain, except snowmachines or snowmobiles as defined in this chapter.

Park areas means lands and waters administered by the National Park Service within the State of Alaska.

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

Possession means exercising dominion or control, with or without ownership,

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over weapons, traps, nets or other property.

Public lands means lands situated in Alaska which are federally owned lands, except—

(1) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act (72 Stat. 339) and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act (85 Stat. 688) which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

Snowmachine or *snowmobile* means a self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow and steered by a ski or skis on contact with the snow.

Take or *taking* as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Temporary means a continuous period of time not to exceed 12 months, except as specifically provided otherwise.

Trap means a snare, trap, mesh, or other implement designed to entrap animals other than fish.

Unload means there is no unexpended shell or cartridge in the chamber or magazine of a firearm; bows, crossbows and spearguns are stored in such a manner as to prevent their ready use; muzzle-loading weapons do not contain a powder charge; and any other implement capable of discharging a missile into the air or under the water does not contain a missile or similar device within the loading or discharging mechanism.

Weapon means a firearm, compressed gas or spring powered pistol or rifle, bow and arrow, crossbow, blow gun, speargun, hand thrown spear, sling-shot, explosive device, or any other im-

plement designed to discharge missiles into the air or under the water.

[46 FR 31854, June 17, 1981, as amended at 62 FR 30234, June 3, 1997; 65 FR 15090, Mar. 21, 2000; 69 FR 70068, Dec. 2, 2004]

§ 13.2 Applicability and scope.

(a) The regulations contained in this part 13 are prescribed for the proper use and management of park areas in Alaska and supplement the general regulations of this chapter. The general regulations contained in this chapter are applicable except as modified by this part 13.

(b) Subpart A of this part 13 contains regulations applicable to park areas. Such regulations amend in part the general regulations contained in this chapter. The regulations in subpart A govern use and management, including subsistence activities, within the park areas, except as modified by subparts B or C.

(c) Subpart B of this part 13 contains regulations applicable to subsistence uses. Such regulations apply on federally owned lands and interests therein within park areas where subsistence is authorized. Subsistence uses are not allowed in Kenai Fjords National Park, Katmai National Park, Glacier Bay National Park, Klondike Gold Rush National Historical Park, Sitka National Historical Park, the former Mt. McKinley National Park. The regulations in subpart B amend in part the general regulations contained in this chapter and the regulations contained in subpart A of this part 13.

(d) Subpart C of this part 13 contains special regulations for specific park areas. Such regulations amend in part the general regulations contained in this chapter and the regulations contained in subparts A and B of this part 13.

(e) Subpart D of this part 13 contains regulations applicable to authorized visitor service providers operating within certain park areas. The regulations in subpart D of this part amend in part the general regulations contained in this chapter.

(f) For purposes of this chapter, “federally owned lands” does not include those land interests:

(1) Tentatively approved to the State of Alaska; or