AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



# 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.
7.4 Grand Canyon National Park.
7.5 Mount Rainier National Park.
7.6 Muir Woods National Monument.
7.7 Rocky Mountain National Park.
7.8 Sequoia and Kings Canyon National Parks.
7.9 St. Croix National Scenic Rivers.
7.10 Zion National Park.
7.11 Saguaro National Park.
7.12 Gulf Islands National Seashore.
7.13 Yellowstone National Park.
7.14 Great Smoky Mountains National Park.
7.15 Shenandoah National Park.
7.16 Yosemite National Park.
7.17 Cuyahoga Valley National Recreation Area.
7.18 Hot Springs National Park.
7.19 Canyon de Chelly National Monument.
7.20 Fire Island National Seashore.
7.21 John D. Rockefeller, Jr. Memorial Parkway.
7.22 Grand Teton National Park.
7.23 Badlands National Park.
7.24 Upper Delaware Scenic and Recreational River.
7.25 Hawaii Volcanoes National Park.
7.26 Death Valley National Monument.
7.27 Dry Tortugas National Park.
7.28 Olympic National Park.
7.29 Gateway National Recreation Area.
7.30 Devils Tower National Monument.
7.31 Perry's Victory and International Peace Memorial.
7.32 Pictured Rocks National Lakeshore.
7.33 Voyageurs National Park.
7.34 Blue Ridge Parkway.
7.35 Buffalo National River.
7.36 Mammoth Cave National Park.
7.37 Jean Lafitte National Historical Park.
7.38 Isle Royale National Park.
7.39 Mesa Verde National Park.
7.40 Hopewell Village National Historic Site.
7.41 Big Bend National Park.
7.42 Pipestone National Monument.
7.43 Natchez Trace Parkway.
7.44 Canyonlands National Park.
7.45 Everglades National Park.
7.46 Virgin Islands Coral Reef National Monument.
7.47 Carlsbad Caverns National Park.
7.48 Lake Mead National Recreation Area.
7.49 Cape Lookout National Seashore.
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.
7.55 Lake Roosevelt National Recreation Area.
7.56 Acadia National Park.
7.57 Lake Meredith National Recreation Area.
7.58 Cape Hatteras National Seashore.
7.59 Grand Portage National Monument.
7.60 Herbert Hoover National Historic Site.
7.61 Fort Caroline National Memorial.
7.62 Lake Chelan National Recreation Area.
7.63 Dinosaur National Monument.
7.64 Petersburg National Battlefield.
7.65 Assateague Island National Seashore.
7.66 North Cascades National Park.
7.67 Cape Cod National Seashore.
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.
7.75 Padre Island National Seashore.
7.76 Wright Brothers National Memorial.
7.77 Mount Rushmore National Memorial.
7.78 Harpers Ferry National Historical Park.
7.79 Amistad Recreation Area.
7.80 Sleeping Bear Dunes National Lakeshore.
7.81 Point Reyes National Seashore.
7.82 Apostle Islands National Lakeshore.
7.83 Ozark National Scenic Riverways.
7.84 Channel Islands National Park.
7.85 Big Thicket National Preserve.
7.86 Big Cypress National Preserve.
7.87 Kaloko-Honokohau National Historical Park.
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.
7.93 Guadalupe Mountains National Park.
7.94–7.95 [Reserved]
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, 460(q), 462(k); Sec. 7.96 also issued under 36 U.S.C. 501–511, D.C. Code 10–137 (2001) and D.C. Code 50–2201.07 (2001)

ALPHABETICAL LISTING

| Name | Section |
|---|---|
| Acadia National Park, Maine | 7.56 |
| Amistad Recreation Area, Tex | 7.79 |
| Apostle Islands National Lakeshore, Wis | 7.82 |
| Appalachian National Scenic Trail | 7.100 |

ALPHABETICAL LISTING—Continued

| Name | Section |
|---|---|
| Arkansas Post National Memorial, Ark | 7.72 |
| Assateague Island National Seashore, Md.–Va | 7.65 |
| Badlands National Park, SD | 7.23 |
| Big Bend National Park, Tex | 7.41 |
| Big Cypress National Preserve, Fla | 7.86 |
| Big Thicket National Preserve, Tex | 7.85 |
| Bighorn Canyon National Recreation Area, Mont.–Wyo | 7.92 |
| Black Canyon of the Gunnison National Monument, Colo | 7.53 |
| Blue Ridge Parkway, Va.-N.C | 7.34 |
| Buck Island Reef National Monument, Virgin Islands | 7.73 |
| Buffalo National River, Ark | 7.35 |
| Canyon de Chelly National Monument, Ariz | 7.19 |
| Canyonlands National Park, Utah | 7.44 |
| Cape Cod National Seashore, Mass | 7.67 |
| Cape Hatteras National Seashore, N.C | 7.58 |
| Cape Lookout National Seashore, NC | 7.49 |
| Carlsbad Caverns National Park, N. Mex | 7.47 |
| Cedar Breaks National Monument, Utah | 7.52 |
| Channel Islands National Park, Calif | 7.84 |
| Chickasaw Recreation Area, Okla | 7.50 |
| Colonial National Historical Park, Va | 7.1 |
| Lake Roosevelt National Recreation Area, Wash | 7.55 |
| Crater Lake National Park, Oreg | 7.2 |
| Curecanti Recreation Area, Colo | 7.51 |
| Cuyahoga Valley National Recreation Area, Ohio | 7.17 |
| Death Valley National Monument, Calif | 7.26 |
| Delaware Water Gap National Recreation Area, N.J.–Pa | 7.71 |
| Devil's Tower National Monument, Wyo | 7.30 |
| Dinosaur National Monument, Utah-Colo | 7.63 |
| Dry Tortugas National Park, Fla | 7.27 |
| Everglades National Park, Fla | 7.45 |
| Fire Island National Seashore, N.Y | 7.20 |
| Fort Caroline National Memorial, Fla | 7.61 |
| Gateway National Recreation Area, N.Y.–N.J | 7.29 |
| Glacier National Park, Mont | 7.3 |
| Glen Canyon National Recreation Area, Utah-Ariz | 7.70 |
| Golden Gate National Recreation Area, Calif | 7.97 |
| Grand Canyon National Park, Ariz | 7.4 |
| Grand Portage National Monument, Minn | 7.59 |
| Grand Teton National Park, Wyo | 7.22 |
| Great Smoky Mountains National Park, N.C.-Tenn | 7.14 |
| Guadalupe Mountains National Park, Tex | 7.93 |
| Gulf Islands National Seashore, Fla.–Miss | 7.12 |
| Harpers Ferry National Historical Park, Md.–W.V | 7.78 |
| Hawaii Volcanoes National Park, Hawaii | 7.25 |
| Herbert Hoover National Historic Site, Iowa | 7.60 |
| Hopewell Village National Historic Site, Pa | 7.40 |
| Hot Springs National Park, Ark | 7.18 |
| Indiana Dunes National Lakeshore, Ind | 7.88 |
| Isle Royale National Park, Mich | 7.38 |
| Jean Lafitte National Historical Park, La | 7.37 |
| Kaloko-Honokohau National Historical Park, Hawaii | 7.87 |
| Lake Chelan National Recreation Area, Wash | 7.62 |
| Lake Mead National Recreation Area, Ariz.-Nev | 7.48 |
| Lake Meredith National Recreation Area, Tex | 7.57 |
| Mammoth Cave National Park, Ky | 7.36 |
| Mesa Verde National Park, Colo | 7.39 |
| Mount Rainier National Park, Wash | 7.5 |
| Mount Rushmore National Memorial, S. Dak | 7.77 |
| Muir Woods National Monument, Calif | 7.6 |
| Natchez Trace Parkway, Miss.-Tenn.-Ala | 7.43 |
| National Capital Region, D.C. area | 7.96 |
| New River Gorge National River, WV | 7.89 |
| North Cascades National Park, Wash | 7.66 |
| Olympic National Park, Wash | 7.28 |
| Ozark National Scenic Riverways, Mo | 7.83 |
| Padre Island National Seashore, Tex | 7.75 |

ALPHABETICAL LISTING—Continued

| Name | Section |
|---|---|
| Perry's Victory and International Peace Memorial, Ohio | 7.31 |
| Petersburg National Battlefield, VA | 7.64 |
| Pipestone National Monument, Minn | 7.42 |
| Pictured Rocks National Lakeshore, Mich | 7.32 |
| Point Reyes National Seashore, Calif | 7.81 |
| Rockefeller, Jr., John D., Memorial Parkway, Wyo | 7.21 |
| Rocky Mountain National Park, Colo | 7.7 |
| Ross Lake National Recreation Area, Wash | 7.69 |
| Russell Cave National Monument, Ala | 7.68 |
| Saguaro National Park, AZ | 7.11 |
| Sequoia-Kings Canyon National Parks, Calif | 7.8 |
| Shenandoah National Park, Va | 7.15 |
| Sleeping Bear Dunes National Lakeshore, Mich | 7.80 |
| St. Croix National Scenic Rivers, Wis | 7.9 |
| Theodore Roosevelt National Park, N. Dak | 7.54 |
| Upper Delaware Scenic and Recreational River, Pa.–N.Y | 7.24 |
| Virgin Islands Coral Reef National Monument | 7.46 |
| Virgin Islands National Park, Virgin Islands | 7.74 |
| Voyageurs National Park, Minn | 7.33 |
| Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area, Calif | 7.91 |
| Wright Brothers National Memorial, N.C | 7.76 |
| Yellowstone National Park, Wyo.-Mont.-Idaho | 7.13 |
| Yosemite National Park, Calif | 7.16 |
| 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.

(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

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, convenants, 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.

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

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

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 include, 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,

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]

(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

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 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 devises 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.

(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 devises 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 convoyed 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

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

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 requirements 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.

(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 Caldron.

(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 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, 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.

(l)(1) *What is the scope of this regulation?* The regulations contained in paragraphs (l)(2) through (1)(17) of this section are intended to apply to the use of recreational and commercial snowmobiles. Except where indicated, paragraphs (l)(2) through (1)(17) do not apply to non-administrative snowmobile or snowcoach use by NPS, contractor or concessioner employees who live or work in the interior of Yellowstone, or other non-recreational users authorized by the Superintendent.

(2) *What terms do I need to know?* This paragraph also applies to non-administrative snowmobile use by the NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

*Commercial guide* means a guide who operates as a snowmobile guide for a fee or compensation and is authorized to operate in the park under a concession contract. In this regulation, ''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 or a snowplane 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.

*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 pursuant to this section. The Superintendent may establish additional operating conditions and shall 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 Yellowstone National Park?* (i) Commercial snowcoaches may be operated in Yellowstone National Park under a concessions contract. Non-commercial snowcoaches may be operated if authorized by the Superintendent. Snowcoach operation is subject to the conditions stated in the concessions contract and all other conditions identified in this section.

(ii) Beginning with the winter of 2005–2006, all non-historic snowcoaches must meet NPS air emissions requirements. These requirements are the applicable EPA emission standards for the vehicle at the time it was manufactured.

(iii) All critical emission-related exhaust components (as defined in 40 CFR 86.004–25(b)(3)(iii) through (v)) must be functioning properly. Malfunctioning critical emissions-related components must be replaced with the original

equipment manufacturer (OEM) component, where possible. Where OEM parts are not available, aftermarket parts may be used.

(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 (l)(4)(ii) through (l)(4)(iv) of this section.

(vi) Historic snowcoaches are not required to meet air emissions restrictions.

(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 year 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 year 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 (l)(6)(i) of this section.

(B) Snowmobiles manufactured prior to the 2004 model year may be operated only if they have been shown to have emissions no greater than the limits specified in paragraph (l)(6)(i) of this section.

(C) The snowmobile test procedures specified by EPA (40 CFR parts 1051 and 1065) shall 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 73dB(A) 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.

(iii) The Superintendent may prohibit entry into the park any snowmobile that has been modified in a manner that may adversely affect air or sound emissions.

(7) *Where must I operate my snowmobile in Yellowstone National Park?* (i) You must 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:

(A) The Grand Loop Road from its junction with Terrace Springs 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.

(H) The East Entrance Road from the East Entrance to its junction with the Grand Loop Road.

(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, Lake, Fishing Bridge, Canyon, Indian Creek, and Norris.

(M) Firehole Canyon Drive between noon and 9 p.m. each day.

(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. Notice of such opening or closing shall be provided by one or more of the methods listed in § 1.7(a) of this chapter.

(iii) This paragraph also applies to non-administrative snowmobile 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 only be operated on the routes designated for snowmobile use in paragraphs (l)(7)(i)(A) through (l)(7)(i)(M) of this section and the following additional oversnow routes:

(A) Firehole Canyon Drive.

(B) Fountain Flat Road.

(C) Virginia Cascades Drive.

(D) North Canyon Rim Drive.

(E) Riverside Drive.

(F) That portion of the Grand Loop Road from Canyon Junction to Washburn Hot Springs overlook.

(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 also applies to non-administrative snowcoach use by NPS, contractor or concessioner employees, or 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.

(10) *Are there limits established for the numbers of snowmobiles permitted to operate in the park each day?* The numbers of snowmobiles 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:

TABLE 1 TO § 7.13—DAILY SNOWMOBILE LIMITS

| Park entrance/location | Total number of commercially guided snowmobile allocations |
|---|---|
| (i) YNP—North Entrance * | 30 |
| (ii) YNP—West Entrance | 400 |
| (iii) YNP—South Entrance | 220 |
| (iv) YNP—East Entrance | 40 |
| (v) YNP—Old Faithful * | 30 |

* These limits may be reallocated between these two areas as necessary, so long as the total daily number of snowmobiles for the two areas does not exceed 60.

(11) *When may I operate my snowmobile or snowcoach?* The Superintendent will determine operating hours and dates. Expect for emergency situations, changes to operating hours may be made annually 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 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 utilized where available and accessible. Oversnow vehicles may not be stopped in a hazardous location or where the view

might be obscured, or operating 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 public will be notified of any changes through one or more methods listed in §1.7(a) of this chapter.

(iv) This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employee, or other non-recreational users as authorized by the Superintendent.

(13) *What conditions apply to alcohol use while operating an oversnow vehicle?* In addition to the regulations contained in 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 also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users as 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 not subject to §§2.18 (b), (d), (e), and 2.19(b) of this chapter.

(ii) This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users as 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 pursuant to this section or other provisions of 36 CFR Part 1.

(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.

(16) *May I operate a snowplane in Yellowstone?* The operation of a snowplane in Yellowstone is prohibited.

(17) *Is violating any of the provisions of this section prohibited?* Violating any of the terms, conditions or requirements of paragraphs (l)(1) through (l)(16) of this section is prohibited. Each occurrence of non-compliance with these regulations is a separate violation.

(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, as amended at 37 FR 24034, Nov. 11, 1972; 39 FR 9964, Mar. 15, 1974; 43 FR 21460, May 18, 1978; 45 FR 56343, Aug. 25, 1980; 48 FR 30293, June 30, 1983; 52 FR 10686, Apr. 2, 1987; 52 FR 19346, May 22, 1987; 59 FR 43736, Aug. 25, 1994; 66 FR 7265, Jan. 22, 2001; 67 FR 69477, Nov. 18, 2002; 68 FR 69282, Dec. 11, 2003; 69 FR 65360, Nov. 10, 2004; 72 FR 70797, Dec. 13, 2007; 73 FR 74606, Dec. 9, 2008]

## § 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 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 denied 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 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:

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)

[1] 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 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 public, 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 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 _____

[1] 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 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 calender 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, 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, according 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 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 authorized 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.

(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 regulation?* The regulations contained in paragraphs (a)(2) through (a)(17) of this section are intended to apply to the use of recreational and commercial snowmobiles. Except where indicated, paragraphs (a)(2) through (a)(17) do not apply to non-administrative snowmobile or snowcoach use by NPS, contractor or concessioner employees who live or work in the interior of Yellowstone, or other non-recreational users authorized by the Superintendent.

(2) *What terms do I need to know?* All the terms in § 7.13(l)(2) of this part apply to this section. This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

(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 pursuant to this section. The Superintendent may establish additional operating conditions and shall 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?* (i) Commercial snowcoaches may be operated in the Parkway under a concessions contract. Non-commercial snowcoaches may be operated if authorized by the Superintendent. Snowcoach operation is subject to the

conditions stated in the concessions contract and all other conditions identified in this section.

(ii) Beginning with the winter of 2005–2006, all non-historic snowcoaches must meet NPS air emissions requirements. These requirements are the applicable EPA emission standards for the vehicle at the time it was manufactured.

(iii) All critical emission-related exhaust components (as defined in 40 CFR 86.004–25(b)(3)(iii) through (v)) must be functioning properly. Malfunctioning critical emission-related components must be replaced with the original equipment manufacturer (OEM) component, where possible. Where OEM parts are not available, after-market parts may be used.

(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 (a)(4)(ii) through (a)(4)(iv) of this section.

(vi) Historic snowcoaches are not required to meet air emissions restrictions.

(5) *Must I operate a certain model of snowmobile?* Only commercially available snowmobiles that meet NPS air and sound requirements as set forth in this section may be operated in the Parkway. The Superintendent will approve snowmobile makes, models and year of manufacture that meet those restrictions. Any snowmobile model not approved by the superintendent may not be operated in the Parkway.

(6) *How will the Superintendent approve snowmobile makes, models, and year of manufacture for use in the Parkway?* (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 (a)(6)(i) of this section.

(B) Snowmobiles manufactured prior to the 2004 model year may be operated only if they have shown to have air emissions no greater than the restrictions identified in paragraph (a)(6)(i) of this section.

(C) The snowmobile test procedures specified by EPA (40 CFR parts 1051 and 1065) shall 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 73dB(A) 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.

(iii) These air and sound emissions restrictions shall not apply to snowmobiles originating in the Targhee National Forest and traveling on the Grassy Lake Road to Flagg Ranch. However these snowmobiles may not travel further into the Parkway than Flagg Ranch unless they meet the air and sound emissions and all other requirements of this section.

(iv) The Superintendent may prohibit entry into the Parkway of any snowmobile that has been modified in a manner that may adversely affect air or sound emissions.

(7) *Where must I operate my snowmobile in the Parkway?* (i) You must operate your snowmobile only upon designated 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) The Continental Divide Snowmobile Trail (CDST) along U.S. Highway 89/287 from the southern boundary of the Parkway north to the Snake River Bridge.

(B) Along U.S. Highway 89/287 from the Snake River Bridge to the northern boundary of the Parkway.

(C) Grassy Lake Road from Flagg Ranch to the western boundary of the Parkway.

(D) 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. Notice of such opening or closing shall be provided by one or more of the methods listed in § 1.7(a) of this chapter.

(iii) This paragraph also applies to non-administrative snowmobile 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 only be operated on the route designated for snowmobile use in paragraph (a)(7)(i)(B) of this section. No other routes are open to snowcoach use.

(ii) The Superintendent may open or close this oversnow route, 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 or more of the methods listed in § 1.7(a) of this chapter.

(iii) This paragraph also applies to non-administrative snowcoach use by NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

(9) *Must I travel with a commercial guide while snowmobiling in the Parkway, and what other guiding requirements apply?* All recreational snowmobile operators using the oversnow route along U.S. Highway 89/287 from Flagg Ranch to the northern boundary of the parkway must be accompanied by a commercial guide. A guide is not required in other portions of the Parkway.

(i) Guided snowmobile parties must travel in a group of no more than 11 snowmobiles, including that of the guide.

(ii) Guided snowmobile parties must travel together within a maximum of one-third mile of the first snowmobile in the group.

(10) *Are there limits established for the numbers of snowmobiles permitted to operate in the Parkway each day?* (i) The numbers of snowmobiles allowed to operate in the Parkway each day is limited to a certain number per road segment. The limits are listed in the following table:

TABLE 1 TO § 7.21—DAILY SNOWMOBILE ENTRY LIMITS

| Park entrance/road segment | Total number of snowmobile entrance passes |
|---|---|
| (ii) GTNP and the Parkway—Total Use on CDST * | 50 |
| (iii) Grassy Lake Road (Flagg-Ashton Road) | 50 |
| (iv) Flagg Ranch to Yellowstone South Entrance | 220 |

* The Continental Divide Snowmobile Trail lies within both GTNP and the Parkway. The 50 daily snowmobile use limit applies to total use on this trail in both parks.

(11) *When may I operate my snowmobile or snowcoach?* The Superintendent will determine operating hours and dates. Except for emergency situations, changes to operating hours may be made annually 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 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) 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 utilized where available and accessible. Oversnow vehicles may not be stopped in a hazardous location or where the view might be obscured, or operating so slowly as to interfere with the normal flow of traffic.

(B) Oversnow vehicle drivers must possess a valid motor vehicle operator's license. The license must be carried by the driver at all times. A learner's permit does not satisfy this requirement.

(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 parkway 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 also applies to non-administrative snowmobile 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 the regulations in 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 also applies to non-administrative snowmobile 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 is not subject to §§2.18(d), (e), and 2.19(b) of this chapter.

(ii) This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users as authorized by the Superintendent.

(15) *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 pursuant to this section or other provisions of 36 CFR Part 1.

(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.

(iii) Dog sledding and ski-joring are prohibited.

(16) *May I operate a snowplane in the Parkway?* The operation of a snowplane in the Parkway is prohibited.

(17) *Is violating any of the provisions of this section prohibited?* Violating any of the terms, conditions or requirements of paragraphs (a)(1) through (a)(16) of this section is prohibited. Each occurrence of non-compliance with these regulations is a separate violation.

(b) [Reserved]

[72 FR 70797, Dec. 13, 2007, as amended at 73 FR 74608, Dec. 9, 2008]

### § 7.22 Grand Teton National Park.

(a) *Aircraft—Designated airstrip.* (1) Jackson Airport, located in SE¼SE¼ sec. 10, SE¼ and S½SW¼ sec. 11, S½ and NW¼ sec. 14, NW¼NE¼ and E½ NE¼ 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 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 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 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 regulation?* The regulations contained in paragraphs (g)(2) through (g)(20) of this section are intended to apply to the use of recreational and commercial snowmobiles. Except where indicated, paragraphs (g)(2) through (g)(20) do not apply to non-administrative snowmobile or snowcoach use by NPS, contractor or concessioner employees who live or work in the interior of Yellowstone, or other non-recreational users authorized by the Superintendent.

(2) *What terms do I need to know?* All the terms in §7.13(l)(1) of this part apply to this section. This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

(3) *May I operate a snowmobile in the Grand Teton National Park?* (i) You may operate a snowmobile in Grand Teton National Park in compliance with use limits, operating hours and dates, equipment, and operating conditions established pursuant to 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 year 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 year of manufacture for use in Grand Teton?* (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 prior to 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) shall 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 73dB(A) 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.

(iii) These air and sound emissions requirements shall not apply to snowmobiles while in use to access lands authorized by paragraphs (g)(16) and (g)(18) of this section.

(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.

(7) *Where must I operate my snowmobile in the park?* (i) You must 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:

(A) The frozen water surface of Jackson Lake for the purposes of ice fishing only. Those persons accessing Jackson Lake for ice fishing must possess a valid Wyoming fishing license and the proper fishing gear. Snowmobiles may only be used to travel to and from fishing locations on the lake.

(B) The Continental Divide Snowmobile Trail along U.S. 26/287 from Moran Junction to the eastern park boundary and along U.S. 89/287 from Moran Junction to the north park boundary.

(ii) The Superintendent may open or close these routes, or portions thereof, for snowmobile travel, and may establish separate zones for motorized and non-motorized use on Jackson Lake, 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 or more of the methods listed in § 1.7(a) of this chapter.

(iii) This paragraph also applies to non-administrative snowmobile 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) *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 numbers of snowmobiles permitted to operate in the park each day?* The numbers of snowmobiles allowed to operate in the park each day are limited to a certain number per road segment or location. The snowmobile limits are listed in the following table:

TABLE 1 TO § 7.22—DAILY SNOWMOBILE LIMITS

| Road segment/location | Total number of snowmobiles |
|---|---|
| (i) GTNP and the Parkway—Total Use on CDST* | 50 |
| (ii) Jackson Lake | 40 |

*The Continental Divide Snowmobile Trail lies within both GTNP and the Parkway. The 50 daily snowmobile use limit applies to total use on this route in both parks; however, the limit does not apply to the portion described in paragraph (16)(ii) of this section.

(10) *When may I operate my snowmobile?* The Superintendent will determine operating hours and dates. Except for emergency situations, changes to operating hours or dates may be made annually 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 utilized where available and accessible. Oversnow vehicles may not be stopped in a hazardous location or where the view might be obscured, or operating so slowly as to interfere with the normal flow of traffic.

(B) Oversnow vehicle drivers must possess a valid motor vehicle operator's license. The license must be carried by the driver at all times. A learner's permit does not satisfy this requirement.

(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 public will be notified of any changes through one or more methods listed in § 1.7(a) of this chapter.

(iv) This paragraph also applies to non-administrative snowmobile 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 the regulations in 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 snow coach 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 also applies to non-administrative snowmobile 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 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 pursuant to this section or other provisions of 36 CFR Part 1.

(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 designated routes through the park. Requirements established in this section related to air and sound emissions, snowmobile operator age, guiding, and licensing do not apply on these oversnow routes. The following routes only 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, from the east park boundary to Moran Junction.

(17) *For what purpose may I use the routes designated in paragraph (g)(16) of this section?* You may use those routes designated in paragraph (g)(16) of this section only 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?* Until such time as the United States takes full possession of an inholding in the park, the Superintendent may establish reasonable and direct access routes via snowmobile, to such 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 properties within or adjacent to the park:

(i) The unplowed portion of Antelope Flats Road off U.S. 26/89 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 ''Clark 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 land commonly referred to as the ''Wittimer Property''.

(v) From the Moose-Wilson Road to those two pieces of land commonly referred to as the ''Halpin Properties''.

(vi) From the south end of the plowed sections of the Moose-Wilson Road to that piece of land commonly referred to as the ''JY Ranch''.

(vii) From Highway 26/89/187 to those lands commonly referred to as the ''Meadows'', the ''Circle EW Ranch'', the ''Moulton Property'', the ''Levinson Property'' and the ''West Property''.

(viii) From Cunningham Cabin pullout on U.S. 26/89 near Triangle X to the piece of land commonly referred to as the ''Lost Creek Ranch''.

(ix) 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?* Those 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?* Violating any of the terms, conditions or requirements of paragraphs (g)(1) through (g)(19) of

this section is prohibited. Each occurrence of non-compliance with these regulations is a separate violation.

[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]

### § 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
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 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 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 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 *Exocioetidae* 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 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) Shovelnosed 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 anenomes, 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, Platyhilmenthes, 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).

(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 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.

(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 Quinault 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 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:

(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 function 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.

(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 Memorial. 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 Country 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.

(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, 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.

(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 paragrah (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 takeoffs 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 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 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

(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 NE¼ of sec. 4, T. 66 N., R. 33 W.; the SE¼ of sec. 33, T. 67N., R. 33 W., and the SW¼ of sec. 34, T. 67 N., R. 33 W.

(2) The portion of Rock Harbor located in the SE¼ of sec. 13, the N½ of sec. 24, T. 66 N., R. 34 W., and the W½ of sec. 18, T. 66 N., R. 33 W.

(3) The portion of Washington Harbor located in the N½ of sec. 32, all of sec. 29, SE¼ of sec. 30, and the E½ 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 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 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 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 Cyprinodointidae, Poeciliidae, or Atherinidae.

(7) *Mojarra* or ''goats'' means a member of the family Gerreidae.

(8) *Oyster* means a mollusk of the suborder Ostraeaccea.

(9) *Personal watercraft* means a vessel powered by an outboard motor, waterjet 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: Spiradae).

(d) *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 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, 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, Paurotis 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 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 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

(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:*

| 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.

(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.

(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 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 waters 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 follows: Paradise Hill Road (Visitor Center to Junction Park Loop Road); Stanley Brook Road; Ledgelawn 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.

(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 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.

(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 commencing 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 ¼, SE ¼, 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 ¼, NW ¼, 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, 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 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 result 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 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 smowmobile 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.

(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 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.

(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.

| 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 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;

(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 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 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 ¼ of sec. 19, and the NE ¼ 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 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.

(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 southwesterly 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.

(iv) Any vehicle operated by a nonprofit 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 noncommercial 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 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 handheld 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 Yarborough Pass and returns to the beach approximately 15 miles south of Yarborough Pass.

(iii) The route beginning on the beach adjacent to the Gulf of Mexico approximately 11 miles south of Yarborough 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 ¾ 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 aircushion 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.

(3)*Exercise of non-Federal Oil and Gas Rights*. Before entering the National Seashore for the purpose of conducting any operations pursuant to a mineral interest authorized under the Act providing for establishment of the Seashore, the operator shall comply with the requirements of part 9, subpart B of this chapter.

(4) All activities relating to the exercise of mineral interests which take place within the boundaries of the park shall be in accordance with an approved Plan of Operations.

(5) *Applicability of State laws*. All operators, as defined in subparagraph (2) of this paragraph shall abide by all rules and regulations as may be prescribed by the Texas Railroad Commission or other authority of the State of Texas.

[31 FR 3458, Mar. 5, 1966, as amended at 39 FR 40156, Nov. 14, 1974; 43 FR 6229, Feb. 14, 1978; 48 FR 30296, June 30, 1983; 51 FR 35647, Oct. 7, 1986; 52 FR 10686, Apr. 2, 1987]

### § 7.76 Wright Brothers National Memorial.

(a) *Designated airstrip*. Wright Brothers National Memorial Airstrip, located at Kill Devil Hills, N.C.

(b) *Use of airstrip*. Except in emergencies, no aircraft may be parked, stopped, or left unattended at the designated airstrip for more than 24 consecutive hours, or for more than a total of 48 hours during any 30-day period.

[32 FR 2564, Feb. 7, 1967]

### § 7.77 Mount Rushmore National Memorial.

(a) Climbing Mount Rushmore is prohibited.

[32 FR 13071, Sept. 14, 1967]

### § 7.78 Harpers Ferry National Historical Park.

(a) All persons shall register at park headquarters before climbing any portion of the cliff face of Maryland Heights. A registrant shall check out, upon completion of climbing, in the manner specified by the registering official.

[34 FR 8356, May 30, 1969]

### § 7.79 Amistad Recreation Area.

(a) *Hunting.* (1) Hunting is allowed at times and locations designated as open for hunting.

(2) The hunting season and species allowed to be taken will be designated on an annual basis by the superintendent.

(3) Deer, javelina, and turkey may be taken only by long bow and arrow. Water fowl and game birds may be taken only by shotguns and bird shot. The use of all other weapons for hunting is prohibited.

(b) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(c) *Personal Watercraft (PWC).* (1) PWCs are allowed within Amistad National Recreation Area with the following exceptions:

(i) The following areas are closed to PWC use:

(A) Hidden Cave Cove (where marked by buoys), located on the Rio Grande.

(B) Painted Canyon (where marked by buoys), located on the Rio Grande.

(C) Seminole Canyon, starting 0.5 miles from the mouth of the Rio Grande.

(D) Government coves at Diablo East and Rough Canyon to include the water and shoreline to the top of the ridge/property line.

(E) All terrestrial cave and karst features.

(F) The Lower Rio Grande area below Amistad Dam.

(G) The water area extending 1000 feet out from the concrete portion of Amistad Dam.

(ii) PWC are prohibited from landing on any island posted as closed.

(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.

[34 FR 6524, Apr. 16, 1969, as amended at 34 FR 15415, Oct. 3, 1969; 49 FR 18451, Apr. 30, 1984; 69 FR 30216, May 27, 2004; 72 FR 13706, Mar. 23, 2007]

### § 7.80 Sleeping Bear Dunes National Lakeshore.

(a) *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.

(b) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

[49 FR 18451, Apr. 30, 1984]

### § 7.81 Point Reyes National Seashore.

(a) *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.

[49 FR 18451, Apr. 30, 1984]

### § 7.82 Apostle Islands National Lakeshore.

(a) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(b) *Snowmobiles.* (1) Snowmobiles may be operated for authorized purposes in the following designated areas within the Lakeshore:

(i) The frozen surface of Lake Superior that surrounds every island from the shoreline out to the authorized boundary;

(ii) The frozen surface of Lake Superior from Sand Point to the mainland unit's eastern boundary;

(iii) The ¼ mile section of the Big Sand Bay Road that passes through the park mainland unit to non-NPS property.

(2) Snowmobile use is authorized solely for the purpose of providing access for legal forms of:

(i) Ice fishing;

(ii) Hunting and trapping;

(iii) Winter camping;

(iv) Other non-motorized recreational activities; and

(v) Access to non-NPS property by owners, and to NPS properties by ''use and occupancy'' lessees and their guests.

(3) Snowmobiles may be used for administrative, law enforcement, and emergency services as determined by the Superintendent.

(4) Snowmobile use in areas and for purposes other than those stated in paragraphs (b)(1) and (b)(2) of this section is prohibited.

(5) Maps showing designated use areas are available at park headquarters.

(c) *Off-road vehicles.* (1) Off-road motor vehicles may be operated for authorized purposes in the following designated areas within the Lakeshore:

(i) The frozen surface of Lake Superior that surrounds every island from the shoreline out to the authorized boundary; and

(ii) The frozen surface of Lake Superior from Sand Point to the mainland unit's eastern boundary.

(2) Off-road motor vehicle use is authorized solely for the purpose of providing access for legal forms of:

(i) Ice fishing;

(ii) Hunting and trapping;

(iii) Winter camping;

(iv) Other non-motorized recreational activities; and

(v) Access to non-NPS property by owners, and to NPS properties by ''use and occupancy'' lessees and their guests.

(3) Off-road motor vehicles may be used for administrative, law enforcement, and emergency services as determined by the Superintendent.

(4) Off-road motor vehicle use in areas and for purposes other than those stated in paragraphs (c)(1) and (c)(2) is prohibited.

(5) Maps showing designated use areas are available at park headquarters.

(d) *Ice augers and power engines.* (1) *Ice auger* means a portable gasoline or electric powered engine connected to a rotating helical shaft for boring through the frozen surface of a lake.

(2) *Power engine* means a mobile gasoline or electric powered engine or device that is connected to a rotating saw blade or teeth linked in an endless chain for cutting through the frozen ice surface of a lake.

(3) Notwithstanding the requirements of 36 CFR 2.12(a)(3), operation of an ice auger or power engine is authorized on designated portions of Lake Superior for the specific purpose of cutting through the ice surface to provide access for legal ice fishing activity.

(4) Areas designated for use of an ice auger or power engine include:

(i) The frozen surface of Lake Superior that surrounds every island from the shoreline out to the authorized boundary; and

(ii) The frozen surface of Lake Superior from Sand Point to the mainland unit's eastern boundary.

(5) Maps showing designated use areas are available at park headquarters.

(6) Use of an ice auger or power engine on any land surface or frozen water surface outside of designated use areas is prohibited without a permit.

[49 FR 18451, Apr. 30, 1984, as amended at 70 FR 16716, Apr. 1, 2005]

### § 7.83 Ozark National Scenic Riverways.

(a) *Restrictions for motorized vessels.* (1) On waters situated within the boundaries of Ozark National Scenic Riverways, the use of a motorized vessel is limited to a vessel equipped with an outboard motor only.

(2) For the purposes of this section, horsepower ratings on a particular motor will be based upon the prevailing industry standard of power output at the propeller shaft as established by the manufacturer.

(3) The use of a motorized vessel is allowed as follows:

(i) Above the Big Spring landing on the Current River and below Alley Spring on the Jacks Fork River with an outboard motor not to exceed 40 horsepower.

(ii) Above Round Spring on the Current River and above Alley Spring on the Jacks Fork River with an outboard motor not to exceed 25 horsepower.

(iii) Above Akers Ferry on the Current River from May 1 to September 15 with an outboard motor not to exceed 10 horsepower.

(iv) Above Bay Creek on the Jacks Fork River from March 1 to the Saturday before Memorial Day with an outboard motor not to exceed 10 horsepower.

(4) Operating a motorized vessel other than as allowed in § 7.83(a) is prohibited.

(b) *Scuba Diving.* (1) Scuba diving is prohibited within all springs and spring branches on federally owned land within the boundaries of Ozark National Scenic Riverways without a written permit from the superintendent.

(2) *Permits*. The superintendent may issue written permits for scuba diving in springs within the boundaries of the Ozark National Scenic Riverways; *Provided*,

(i) That the permit applicant will be engaged in scientific or educational investigations which will have demonstrable value to the National Park Service in its management or understanding of riverways resources.

(ii) [Reserved]

(c) *Commercial Activities*. The activities listed herein constitute commercial activities which are prohibited within the boundaries of Ozark National Scenic Riverways, except in accordance with the provisions of a permit, contract, or other written agreement with the United States. The National Park Service reserves the right to limit the number of such permits, contracts or other written agreements, when, in the judgment of the Service, such limitation is necessary in the interest of visitor enjoyment, public safety, or preservation or protection of the resources or values of the Riverways.

(1) The sale or rental of any goods or equipment to a member or members of the public which is undertaken in the course of an ongoing or regular commercial enterprise.

(2) The performance of any service or activity for a member or members of the public in exchange for monetary or other valuable consideration.

(3) The delivery or retrieval within the boundaries of Ozark National Scenic Riverways of watercraft or associated boating equipment which has been rented to a member or members of the public at a location not within the Riverways, when such delivery or retrieval is performed by a principal, employee or agent of the commercial enterprise offering the equipment for rental and when these services are performed as an integral part, necessary complement, or routine adjunct of or to the rental transaction, whether or not any charge, either separately or in combination with any other charge, is made for these services.

(4) The performance, by a principal, employee, or agent of a commercial enterprise, within the boundaries of Ozark National Scenic Riverways of any other service or activity for which a fee, charge or other compensation is not collected, but which is an integral part, necessary complement, or routine adjunct of or to any commercial transaction undertaken by that enterprise for which monetary or other valuable consideration is charged or collected, even though such transaction is initiated, performed, or concluded outside the boundaries of the Riverways.

(5) The solicitation of any business, employment, occupation, profession, trade, work or undertaking, which is engaged in with some continuity, regularity or permanency for any livelihood, gain, benefit, advantage, or profit.

(d) *Fishing*. (1) Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(2) The superintendent may designate times and locations and establish conditions under which the digging of bait for personal use is allowed.

(e) *Frogs, turtles and crayfish*. (1) The superintendent may designate times and locations and establish conditions governing the taking of frogs, turtles and/or crayfish upon a written determination that the taking of frogs, turtles and/or crayfish:

(i) Is consistent with the purposes for which the area was established; and

(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.

(2) Violation of established conditions or designations is prohibited.

[38 FR 5851, Mar. 5, 1973, as amended at 41 FR 23959, June 14, 1976; 49 FR 18451, Apr. 30, 1984; 50 FR 43388, Oct. 25, 1985; 56 FR 30696, July 5, 1991; 56 FR 37158, Aug. 5, 1991]

## § 7.84 Channel Islands National Park.

(a) [Reserved]

(b) *Wrecks*. No person shall destroy, molest, remove, deface, displace, or tamper with wrecked and abandoned water or airborne craft or any cargo pertaining thereto.

(c) *Fishing*. The taking of any fish, crustaceans, mollusk, or other marine life shall be in compliance with State regulations except that:

(1) No invertebrates may be taken in water less than five (5) feet in depth.

(2) The taking of abalone and lobsters for commercial purposes is prohibited in the following areas:

(i) *Anacapa Island.* Northside to exterior boundary of the monument between east end of Arch Rock 119°21′–34°01′ and west end of island, 119°27′–34°01′.

(ii) *Santa Barbara Island.* Eastside to exterior boundary of monument 119°02′–33°28′ and 119°02′–33°29′30″.

(3)(i) The use of all nets is prohibited within the outer edge of the kelp line surrounding Anacapa and Santa Barbara Islands.

(ii) The use of trammel or gill nets is prohibited in less than 20 fathoms of water in all areas surrounding Anacapa and Santa Barbara Islands.

(4) The Superintendent shall require all persons fishing commercially within Channel Islands National Monument, on waters open for this purpose, to obtain an annual permit from him. Such permits shall be issued on request except that:

(i) Lobster permits for Anacapa and Santa Barbara Islands will be issued only to applicants who filed with the California State Department of Fish and Game fish receipts for lobsters caught at Anacapa and Santa Barbara Islands during the period July 1, 1968, to July 1, 1971.

(ii) Abalone permits for Anacapa and Santa Barbara Islands will be issued only to applicants who filed with the California State Department of Fish and Game fish receipts for abalone caught at Anacapa and Santa Barbara Islands during the period July 1, 1968, to July 1, 1971.

[38 FR 5622, Mar. 17, 1973, as amended at 48 FR 30296, June 30, 1983]

### § 7.85 Big Thicket National Preserve.

(a) *Hunting.* Except as otherwise provided in this section, hunting is permitted in accordance with § 2.2 of this chapter.

(1) Hunting is permitted only during designated seasons, as defined for game animals or birds by the State of Texas. During other periods of the year, no hunting is permitted.

(2) During applicable open seasons, only the following may be hunted:

(i) Game animals, rabbits, and feral or wild hogs.

(ii) Game birds and migratory game birds.

(3) The use of dogs or calling devices for hunting game animals or fur-bearing animals is prohibited.

(4) The use or construction of stands, blinds or other structures for use in hunting or for other purposes is prohibited.

(b) *Trapping.* Trapping, for fur-bearing animals only, is permitted in accordance with § 2.2 of this chapter.

(c) *Hunting and Trapping Permits.* In addition to applicable State licenses or permits, a permit from the Superintendent is required for hunting or trapping on Preserve lands. Permits will be available, free of charge, at Preserve headquarters and can be obtained in person or by mail.

(d) *Firearms, Traps, and Other Weapons.* Except as otherwise provided in this paragraph, § 2.4 of this chapter shall be applicable to Preserve lands.

(1) During open hunting or trapping seasons, the possession and use of firearms or other devices capable of destroying animal life is permitted in accordance with § 2.4 of this chapter.

(2) The possession of firearms or other weapons at night, from one hour after sunset to one hour before sunrise is prohibited.

[45 FR 46072, July 9, 1980, as amended at 48 FR 30296, June 30, 1983]

### § 7.86 Big Cypress National Preserve.

(a) *Motorized vehicles*—(1) *Definitions.* (i) The term ''motorized vehicle'' means automobiles, trucks, glades or swamp buggies, airboats, amphibious or air cushion vehicles or any other device propelled by a motor and designed, modified for or capable of cross country travel on or immediately over land, water, marsh, swampland or other terrain, except boats which are driven by a propeller in the water.

(ii) The term ''operator'' means any person who operates, drives, controls or has charge of a motorized vehicle.

(iii) The term ''Preserve lands'' means all federally owned or controlled lands and waters administered by the National Park Service within the boundaries of the Preserve.

(2) *Travel in Preserve areas.* (i) Unless closed or restricted by action of the Superintendent under paragraph

(a)(2)(iii), the following areas, which are shown on a map numbered BC–91–001, dated November 1975, and available for public inspection at the office of the Superintendent, are open to motorized vehicles:

(A) The area south and west of Loop Road (State Road #B94).

(B) The area north of Tamiami Trail.

(ii) The following areas which are shown on a map numbered BC–91–001, dated November 1975, and available for public inspection at the office of the Superintendent, are closed to motorized vehicles:

(A) The areas between the Loop Road (State Hwy. #B94) and the Tamiami Trail (U.S. Hwy. #B41), except that the Superintendent may issue a permit to provide for reasonable access by legal residents or to provide access by authorized oil and gas companies.

(B) Big Cypress Florida Trail, Section 1, One marked main hiking trail, from Tamiami Trail to Alligator Alley; and the two marked loop trails are closed to the use of all motorized vehicles, except that vehicles may cross the trails.

(iii) The Superintendent may temporarily or permanently close or restrict the use of any areas and routes otherwise designated for use of motor vehicles, or close or restrict such areas or routes to the use of particular types of motor vehicles by the posting of appropriate signs, or by marking on a map which shall be available for public inspection at the office of the Superintendent, or both. In determining whether to close or restrict the uses of the areas or routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) as amended, and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, vegetation, resource protection, and other management considerations. Prior to making a temporary or permanent closure the Superintendent shall consult with the executive director of the Florida Game and Fresh Water Fish Commission. Prior to instituting a permanent closure of an area or route, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment.

(3) *Operations, limitations and equipment*—(i) *Vehicle operation.* (A) Motorized vehicle permits shall be required after December 21, 1980.

(B) Motorized vehicles shall not be operated in a manner causing, or likely to cause, significant damage to or disturbance of the soil, wildlife habitat, improvements, cultural, or vegetative resources. Cutting, grading, filling or ditching to establish new trails or to improve old trails is prohibited, except under written permit where necessary in the exploration for, extraction or removal of oil and gas.

(ii) Vehicle Limitations and Equipment.

(A) [Reserved]

(B) The Superintendent, by the posting of appropriate signs or by marking on a map, which shall be available for public inspection at the office of the Superintendent, may require during dry periods, that a motorized vehicle or a particular class of motorized vehicle, operated off established roads and parking areas, shall be equipped with a spark arrestor that meets Standard 5100–1a of the Forest Service, U.S. Department of Agriculture, or the 80 percent efficiency level when determined by the appropriate Society of Automotive Engineers (SAE) Standard.

(C) A motorized vehicle, except an airboat, when operated off of established roads and parking areas during the period from one-half hour after sunset to one-half hour before sunrise, shall display at least one forward-facing white headlight and one red lighted taillight each of which shall be visible for a distance of 500 feet in their respective directions under clear atmospheric conditions.

(D) Airboats and amphibious vehicles shall fly a safety flag at least 10 inches wide by 12 inches long at a minimum height of 10 feet above the bottom of the vehicle or boat, and shall display one white light aft visible for 360° at a distance of 500 feet when running during the period from one-half hour before sunset to one-half hour after sunrise.

(b) *Camp structures.* (1) Buildings or other structures on lands not owned by claimants to these structures existing

prior to the effective date of these regulations, may be occupied and used by said claimants pursuant to a nonrenewable, nontransferrable permit. This use shall be for a maximum term of five (5) years from the date of Federal acquisition for preserve purposes of the land upon which the structures are situated or five years from the effective date of these regulations, whichever occurs first: *Provided, however,* That the claimant to the structures by application:

(i) Reasonably demonstrates by affidavit, bill of sale or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(ii) Submits a sketch and photograph of the cabin or structure and a map showing its geographic location;

(iii) Agrees to vacate or remove the structure from the preserve upon the expiration of the permit, and

(iv) Acknowledges in the permit that he/she has no interest in the real property.

(2) Structures built after the effective date of these regulations will be removed upon acquisition by the Federal Government of the lands upon which the structures are situated.

(3) Structures that are razed or destroyed by fire or storm, or deteriorate structurally to the point of being unsafe or uninhabitable shall not be rebuilt and the permit shall be cancelled. This shall not be deemed to prohibit routine maintenance or upkeep on an existing structure.

(4) The National Park Service reserves the right to full and unrestricted use of the lands under permit including, but not limited to, such purposes as managed hunting programs executed in accordance with applicable State Game and Fish laws and regulations, use of existing roads and trails, and unrestricted public access.

(c) *Aircraft: Designated landing sites.* (1) Except as provided below, aircraft may be landed in the preserve only at improved landing strips for which a permit has been issued and which were in existence and in usable condition at the time the lands were acquired for preserve purposes, or the effective date of these regulations, whichever occurs first. A permit may be issued to the former land owner or airstrip user upon application to the Superintendent. The application shall include a sketch showing location; a copy of the airstrip license, if any; a description of the size of strip, type of landing surface, height of obstructions, special markings; and a list of the camps served.

(2) A map showing the locations, size, and limitations of each airstrip designated under a permit shall be available for public inspection at the office of the Superintendent.

(3) Rotorcraft used for purposes of oil and gas exploration or extraction, as provided for in part 9, subpart B of this chapter, may be operated only in accordance with an approved operating plan or a permit issued by the Superintendent.

(d) [Reserved]

(e) *Hunting, Fishing, Trapping and Gathering.* (1) Hunting, fishing and trapping are permitted in accordance with the general regulations found in parts 1 and 2 of this chapter and applicable Florida law governing Cooperative Wildlife Management Areas.

(2) The Superintendent may permit the gathering or collecting by hand and for personal use only of the following:

(i) Tree snails (Liguus Fasciatus);

*Provided, however,* That under conditions where it is found that significant adverse impact on park resources, wildlife populations or visitor enjoyment of resources will result, the Superintendent shall prohibit the gathering, or otherwise restrict the collecting of these items. Portions of a park area in which restrictions apply shall be designated on a map which shall be available for public inspection at the office of the Superintendent, or by the posting of appropriate signs, or both.

(f) *Grazing.* (1) Grazing privileges shall be available under permit to owners or lessees who were actually using land within the Preserve for grazing purposes on October 11, 1974, or who elected to request a permit at the time the land was acquired for preserve purposes (See 36 CFR 2.60).

(2) Such permit may be renewed during the lifetime of the permittee or his spouse.

(3) The breach of any of the terms or conditions of the permit or the regulations applicable thereto shall be

grounds for termination, suspension or denial of grazing privileges.

(4) Except as provided below, failure to use land under permit for grazing or to renew the permit shall automatically terminate the permit and grazing privileges. The Superintendent may issue a nonuse permit on an annual basis not to exceed three consecutive years, except that nonuse beyond this time may be permitted if necessitated by reasons clearly outside the control of the permittee.

(5) Annual fees based on Departmental regulations (43 CFR 4125.1–1 (m)) will be charged for all livestock grazing upon preserve lands.

(6) Each permittee shall comply with the range management plan approved by the Superintendent for the area under permit.

(7) State laws and regulations relating to fencing, sanitation and branding are applicable to graziers using preserve lands.

(8) The National Park Service reserves the right to full and unrestricted use of the lands under permit including, but not limited to, such purposes as managed hunting programs executed in accordance with applicable State Game and Fish laws and regulations, use of existing roads and trails, unrestricted public access, and the right to revoke the permit if the activity is causing or will cause considerable adverse effect on the soil, vegetation, watershed or wildlife habitat.

(9) Corporations formed by owners or lessees who were actually using lands within the preserve for grazing purposes on October 11, 1974, may be issued annual permits for a period not to exceed twenty-five (25) years from the date of acquisition for preserve purposes.

[44 FR 45128, Aug. 1, 1979, as amended at 48 FR 30296, June 30, 1983]

### § 7.87 Kaloko-Honokohau National Historical Park.

(a) *Is public nudity prohibited at Kaloko-Honokohau National Historical Park?* Yes. Public nudity, including nude bathing, by any person on Federal land or water within the boundaries of Kaloko-Honokohau National Historical Park is prohibited. This section does not apply to a person under 10 years of age.

(b) *What is public nudity?* Public nudity is a person's failure, when in a public place, to cover with a fully opaque covering that person's genitals, pubic areas, rectal area or female breast below a point immediately above the top of the areola.

(c) *What is a public place?* A public place is any area of Federal land or water subject to Federal jurisdiction within the boundaries of Kaloko-Honokohau National Historical Park, except the enclosed portions of restrooms or other structures designed for privacy or similar purposes.

[64 FR 19483, Apr. 21, 1999]

### § 7.88 Indiana Dunes National Lakeshore.

(a) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(b) *Powerless flight.* The use of devices 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.

[49 FR 18451, Apr. 30, 1984]

### § 7.89 New River Gorge National River.

(a) *Hunting*—(1) *May I hunt within New River Gorge National River?* Yes, you may hunt if you:

(i) Possess a valid West Virginia State hunting license or permit, or are exempt under provisions of West Virginia law.

(ii) Comply with the hunting seasons, harvest limits, and any other conditions established by the State of West Virginia.

(iii) Do not violate any closures or limitations established by the Superintendent for reasons of public safety, resource protection, or other management considerations.

(2) *Do West Virginia state hunting laws apply within New River Gorge National River?* Yes, non-conflicting State hunting laws are adopted as part of the regulations in this section and apply within New River Gorge National River.

(b) [Reserved]

[68 FR 55317, Sept. 25, 2003]

**§ 7.90 [Reserved]**

**§ 7.91 Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area.**

(a) *Water sanitation.* (1) Vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facilities sealed to prevent discharge.

(2) Chemical or other type marine toilets with approved holding tanks or storage containers will be permitted, but will be discharged or emptied only at designated sanitary pumping stations.

(b) Overnight occupancy of a vessel on the Whiskeytown Lake 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) *Gold Panning.* (1) As used in this section, the term ''gold panning'' means the attempted or actual removal of gold from a stream by using either a metal or plastic gold pan and a trowel, spoon or other digging implement having a blade surface not exceeding 4 inches wide and 8 inches long.

(2)(i) Unless otherwise designated by the superintendent, gold panning is allowed on all streams. Streams, or portions thereof, that are designated closed to gold panning are marked on a map available for public inspection at the office of the superintendent, or by the posting of signs, or both.

(ii) Prior to engaging in gold panning, a person shall register with, and pay a special recreation permit fee to, the superintendent. The superintendent shall establish the special recreation permit fee in accordance with regulations in part 71 of this chapter.

(iii) A person may remove gold from the Unit only in accordance with these regulations.

(3) The following are prohibited:

(i) Removing gold by any method other than gold panning, including, but not limited to, the use of suction, a crevice cleaner, screen separator, view box, sluice box, rocker, dredge or any other mechanical or hydraulic device, or skin diving equipment such as a snorkel, mask or wetsuit.

(ii) Using any toxic substance or chemical, including mercury, in gold panning activities.

(iii) Conducting gold panning outside the confines of existing stream water levels, or digging into a stream bank, or digging that results in the disturbance of the ground surface or the undermining of any vegetation, historic feature or bridge abutment.

[36 FR 14267, Aug. 3, 1971, as amended at 38 FR 5245, Feb. 27, 1973; 49 FR 18452, Apr. 30, 1984; 54 FR 23649, June 2, 1989]

**§ 7.92 Bighorn Canyon National Recreation Area.**

(a) *Aircraft-designated airstrip.* (1) Fort Smith landing strip, located at approximate latitude 45°19′ N., approximate longitude 107°55′41″ W. in the S½S½SE¼ sec. 8, and the S½SW¼SW¼ sec. 9, T. 6 S., R. 31 E., Montana Principal Meridian.

(2) [Reserved]

(b) *Snowmobiles.* (1) Designated routes to be open to snowmobile use: On the west side of Bighorn Lake, beginning immediately east of the Wyoming Game and Fish Department Residence on the Pond 5 road northeast to the Kane Cemetery. North along the main traveled road past Mormon Point, Jim Creek, along the Big Fork Canal, crossing said canal and terminating on the south shore of Horseshoe Bend, and the marked lakeshore access roads leading off this main route to Mormon Point, north and south mouth of Jim Creek, South Narrows, and the lakeshore road between Mormon Point and the south mouth of Jim Creek. On the east side of Bighorn Lake beginning at the junction of U.S. Highway 14A and the John Blue road, northerly on the John Blue road to the first road to the left, on said road in a westerly direction to its terminus at the shoreline of Bighorn Lake. All frozen lake surfaces are closed to snowmobiling.

(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 the designated road or parking area is closed by snow depth to all other

motor vehicles used by the public. These routes will be marked by signs, snow poles or other appropriate means. The 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. Snowmobiles may travel in these areas with the permission of the superintendent, but at their own risk.

(3) Snowmobile use outside designated routes is prohibited.

(c) *Fishing*. Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

(d) *Personal Watercraft (PWC)*. (1) PWC use is allowed in Bighorn Canyon National Recreation Area, except in the following areas:

(i) In the gated area south of Yellowtail Dam's west side to spillway entrance works and Bighorn River from Yellowtail Dam to cable 3,500 feet north.

(ii) At Afterbay Dam from fenced areas on west side of dam up to the dam.

(iii) In Afterbay Lake, the area between dam intake works and buoy/cable line 100 feet west.

(iv) At Government docks as posted.

(v) At the Ok-A-Beh gas dock, except for customers.

(vi) From Yellowtail Dam upstream to the log boom.

(vii) In Bighorn Lake and shoreline south of the area known as the South Narrows (legal description R94W, T57N at the SE corner of Section 6, the SW corner of Section 5, the NE corner of Section 7, and the NW corner of Section 8). Personal watercraft users are required to stay north of the boundary delineated by park installed buoys.

(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.

[36 FR 21666, Nov. 12, 1971, as amended at 48 FR 29845, June 30, 1983; 52 FR 34777, Sept. 15, 1987; 70 FR 31353, June 1, 2005]

## § 7.93 Guadalupe Mountains National Park.

(a) *Cave entry*. No person shall enter any cave or passageway of any cave without a permit.

[48 FR 30296, June 30, 1983]

## §§ 7.94–7.95 [Reserved]

## § 7.96 National Capital Region.

(a) *Applicability of regulations*. This section applies to all park areas administered by National Capital Region in the District of Columbia and 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 and to other federal reservations 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).

(b) *Athletics*—(1) *Permits for organized games*. Playing baseball, football, croquet, tennis, and other organized games or sports except pursuant to a permit and upon the grounds provided for such purposes, is prohibited.

(2) *Wet grounds*. Persons holding a permit to engage in athletics at certain times and at places authorized for this use are prohibited from exercising the privilege of play accorded by the permit if the grounds are wet or otherwise unsuitable for play without damage to the turf.

(3) *Golf and tennis; fees*. No person may use golf or tennis facilities without paying the required fee, and in compliance with conditions approved by the Regional Director. Trespassing, intimidating, harassing or otherwise interfering with authorized golf players, or interfering with the play of tennis players is prohibited.

(4) *Ice skating*. Ice skating is prohibited except in areas and at times designated by the Superintendent. Skating in such a manner as to endanger the safety of other persons is prohibited.

(c) *Model planes*. Flying a model powered plane from any park area is prohibited without a permit.

(d) *Fishing*. Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(e) *Swimming*. Bathing, swimming or wading in any fountain or pool except where officially authorized is prohibited. Bathing, swimming or wading in the Tidal Basin, the Chesapeake and Ohio Canal, or Rock Creek, or entering from other areas covered by this section the Potomac River, Anacostia River, Washington Channel or Georgetown Channel, except for the purpose of saving a drowning person, is prohibited.

(f) *Commercial vehicles and common carriers*—(1) *Operation in park areas prohibited*; *exceptions*. Commercial vehicles and common carriers, loaded or unloaded, are prohibited on park roads and bridges except on the section of Constitution Avenue east of 19th Street or on other roads and bridges designated by the Superintendent, or when authorized by a permit or when operated in compliance with paragraph (f)(2) of this section.

(2) *George Washington Memorial Parkway; passenger-carrying vehicles; permits; fees*. (i) Taxicabs licensed in the District of Columbia, Maryland, or Virginia, are allowed on any portion of the George Washington Memorial Parkway without a permit or payment of fees.

(ii) Passenger-carrying vehicles for hire or compensation, other than taxicabs, having a seating capacity of not more than fourteen (14) passengers, excluding the operator, when engaged in services authorized by concession agreement to be operated from the Washington National Airport and/or Dulles International Airport, are allowed on any portion of the George Washington Memorial Parkway in Virginia without a permit or payment of fees. However, when operating on a sightseeing basis an operator of such a vehicle shall comply with paragraph (f)(2)(iv) of this section.

(iii) Passenger-carrying vehicles for hire or compensation, other than those to which paragraphs (f)(2) (i) and (ii) of this section apply, are allowed on the George Washington Memorial Parkway upon issuance of a permit by the Regional Director, under the following conditions:

(A) When operating on a regular schedule: to provide passenger service on any portion between Mount Vernon and the Arlington Memorial Bridge, or to provide limited direct nonstop passenger service from Key Bridge to a terminus at the Central Intelligence Agency Building at Langley, Virginia, and direct return, or to provide limited direct nonstop passenger service from the interchange at Route 123 to a terminus at the Central Intelligence Agency Building at Langley, Virginia, and direct return. Permittees shall file a schedule of operation and all schedule changes with the Regional Director showing the number of such vehicles and total miles to be operated on the parkway.

(B) When operating nonscheduled direct, nonstop service primarily for the accommodation of air travelers arriving at or leaving from Dulles International Airport or Washington National Airport: between Dulles International Airport and a terminal in Washington, DC, over the George Washington Memorial Parkway between Virginia Route 123 and Key Bridge; or between Washington National Airport and a terminal in Washington, D.C., over the George Washington Memorial Parkway between Washington National Airport and 14th Street Bridge; or between Dulles International Airport and Washington National Airport over the George Washington Memorial Parkway between Virginia Route 123 and Washington National Airport. Permittees shall file a report of all operations and total miles operated on the George Washington Memorial Parkway with the Regional Director.

(C) Permits are issued to operators of vehicles described in paragraphs (f)(2)(iii) (A) and (B) normally for a period of one year, effective from July 1 until the following June 30, at the rate of one cent (1) per mile for each mile each such vehicle operates upon the parkway. Payment shall be made quarterly within twenty (20) days after the end of the quarter based upon a certification by the operator of the total mileage operated upon the parkway.

(iv) Sightseeing passenger-carrying vehicles for hire or compensation other than taxicabs may be permitted on the

George Washington Memorial Parkway upon issuance of a permit by the Regional Director, to provide sightseeing service on any portion of the parkway. Permits may be issued either on an annual basis for a fee of three dollars ($3.00) for each passenger-carrying seat in such vehicle; on a quarterly basis for a fee of seventy-five cents (75) per seat; or on a daily basis at the rate of one dollar ($1.00) per vehicle per day.

(3) *Taxicabs*—(i) *Operations around Memorials*. Parking, except in designated taxicab stands, or cruising on the access roads to the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, and the circular roads around the same, of any taxicab or hack without passengers is prohibited. However, this section does not prohibit the operation of empty cabs responding to definite calls for hack service by passengers waiting at such Memorials, or of empty cabs which have just discharged passengers at the entrances of the Memorials, when such operation is incidental to the empty cabs' leaving the area by the shortest route.

(ii) *Stands*. The Superintendent may designate taxicab stands in suitable and convenient locations to serve the public.

(4) The provisions of this section prohibiting commercial trucks and common carriers do not apply within other Federal reservations in the environs of the District of Columbia and do not apply on that portion of Suitland Parkway between the intersection with Maryland Route 337 and the end of the Parkway at Maryland Route 4, a length of 0.6 mile.

(5) *Parking*. Violation of a traffic control device regulating parking is punishable by fine. In any violation of a traffic control device regulating parking, proof that the described vehicle was parked in violation, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

(g) *Demonstrations and special events*—(1) *Definitions*. (i) The term ''demonstrations'' includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.

(ii) The term ''special events'' includes sports events, pageants, celebrations, historical reenactments, regattas, entertainments, exhibitions, parades, fairs, festivals and similar events (including such events presented by the National Park Service), which are not demonstrations under paragraph (g)(1)(i) of this section, and which are engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term also does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.

(iii) The term ''national celebration events'' means the annually recurring special events regularly scheduled by the National Capital Region, which are listed in paragraph (g)(4)(i) of this section.

(iv) The term ''White House area'' means all park areas, including sidewalks adjacent thereto, within these bounds; on the south, Constitution Avenue NW.; on the north, H Street NW.; on the east, 15th Street, NW.; and on the west, 17th Street NW.

(v) The term ''White House sidewalk'' means the south sidewalk of Pennsylvania Avenue NW., between East and West Executive Avenues NW.

(vi) The term ''Lafayette Park'' means the park areas, including sidewalks adjacent thereto, within these bounds: on the south, Pennsylvania Avenue NW.; on the north, H Street NW.; on the east, Madison Place NW.; and on the west, Jackson Place NW.

(vii) The term ''Ellipse'' means the park areas, including sidewalks adjacent thereto, within these bounds: on the south, Constitution Avenue NW.; on the north, E Street, NW.; on the west, 17th Street NW.; and on the east, 15th Street NW.

(viii) The term ''Regional Director'' means the official in charge of the National Capital Region, National Park Service, U.S. Department of the Interior, or an authorized representative thereof.

(ix) The term ''other park areas'' includes all areas, including sidewalks adjacent thereto, other than the White House area, administered by the National Capital Region.

(x) The term ''Vietnam Veterans Memorial'' means the structures and adjacent areas extending to and bounded by the south curb of Constitution Avenue on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue two hundred (200) feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting Pool walkway).

(2) *Permit requirements.* Demonstrations and special events may be held only pursuant to a permit issued in accordance with the provisions of this section except:

(i) Demonstrations involving 25 persons or fewer may be held without a permit *provided* that the other conditions required for the issuance of a permit are met and *provided further* that the group is not merely an extension of another group already availing itself of the 25-person maximum under this provision or will not unreasonably interfere with other demonstrations or special events.

(ii) Demonstrations may be held in the following park areas without a permit *provided* that the conduct of such demonstrations is reasonably consistent with the protection and use of the indicated park area and the other requirements of this section. The numerical limitations listed below are applicable only for demonstrations conducted without a permit in such areas. Larger demonstrations may take place in these areas pursuant to a permit.

(A) *Franklin Park.* Thirteenth Street, between I and K Streets NW., for no more than 500 persons.

(B) *McPherson Square.* Fifteenth Street, between I and K Streets NW., for no more than 500 persons.

(C) *U.S. Reservation No. 31.* West of 18th Street and south of H Street NW., for no more than 100 persons.

(D) *Rock Creek and Potomac Parkway.* West of 23rd Street, south of P Street NW., for no more than 1,000 persons.

(E) *U.S. Reservation No. 46.* North side of Pennsylvania Avenue, west of Eighth Street and south of D Street, SE., for no more than 25 persons and south of D Street SE., for no more than 25 persons.

(3) *Permit applications.* Permit applications may be obtained at the Office of Public Affairs, National Capital Region, 1100 Ohio Drive SW., Washington, DC 20242. Applicants shall submit permit applications in writing on a form provided by the National Park Service so as to be received by the Regional Director at least 48 hours in advance of any proposed demonstration or special event. This 48-hour period will be waived by the Regional Director if the size and nature of the activity will not reasonably require the commitment of park resources or personnel in excess of that which are normally available or which can reasonably be made available within the necessary time period. The Regional Director shall accept permit applications only during the hours of 8 a.m.–4 p.m., Monday through Friday, holidays excepted. All demonstration applications, except those seeking waiver of the numerical limitations applicable to Lafayette Park (paragraph (g)(5)(ii) of this section), are deemed granted, subject to all limitations and restrictions applicable to said park area, unless denied within 24 hours of receipt. However, where a permit has been granted, or is deemed to have been granted pursuant to this subsection, the Regional Director may revoke that permit pursuant to paragraph (g)(6) of this section.

(i) *White House area.* No permit may be issued authorizing demonstrations in the White House area, except for the White House sidewalk, Lafayette Park and the Ellipse. No permit may be issued authorizing special events, except for the Ellipse, and except for annual commemorative wreath-laying

ceremonies relating to the statutes in Lafayette Park.

(ii) *Other park areas.* No permits may be issued authorizing demonstrations or special events in the following other park areas:

(A) The Washington Monument, which means the area enclosed within the inner circle that surrounds the Monument's base, except for the official annual commemorative Washington birthday ceremony.

(B) The Lincoln Memorial, which means that portion of the park area which is on the same level or above the base of the large marble columns surrounding the structure, and the single series of marble stairs immediately adjacent to and below that level, except for the official annual commemorative Lincoln birthday ceremony.

(C) The Jefferson Memorial, which means the circular portion of the Jefferson Memorial enclosed by the outermost series of columns, and all portions on the same levels or above the base of these columns, except for the official annual commemorative Jefferson birthday ceremony.

(D) The Vietnam Veterans Memorial, except for official annual Memorial Day and Veterans Day commemorative ceremonies. Note: The darkened portions of the diagrams at the conclusion of paragraph (g) of this section show the areas where demonstrations or special events are prohibited.

(4) *Permit processing.* (i) NPS processes permit applications for demonstrations and special events in order of receipt. NPS will not accept applications more than one year in advance of a proposed continuous event (including set-up time, if any). Use of a particular area is allocated in order of receipt of fully executed applications, subject to the limitations in this section.

(ii) Specific national celebration events have priority use of particular park areas as shown in the following table:

| The following event . . . | Has priority use of the following area . . . | At the following time . . . |
|---|---|---|
| (A) Lighting of the National Christmas Tree and Christmas Pathway of Peace. | Northern half of the oval portion of the Ellipse. | The last four weeks in December as well as necessary set-up and take-down between October 1 through February 1. |
| (B) Cherry Blossom Festival | Park areas adjacent to the Tidal Basin and the sidewalk areas adjacent to Constitution Avenue, between 15th & 17th Streets NW. | Two weeks usually in late March or early April as well as the an additional two weeks for the necessary set-up and take-down. |
| (C) Fourth of July Celebration | Washington Monument Grounds and the Lincoln Memorial Reflecting Pool area. | Time required for necessary staging and fireworks set-up and take-down, totaling three weeks in late June and early July. |
| (D) Smithsonian Folklife Festival | The area bounded on the south by Jefferson Drive NW; on the north by Madison Drive, NW; on the east by 7th Street, NW; on the west by 14th Street, NW. | For a two-week period in approximately late June and early July and an additional eight weeks for the necessary set-up and take-down. |
| (E) Columbus Day Commemorative Wreath-Laying. | At the Columbus statue on the Union Plaza. | On Columbus Day. |
| (F) Presidential Inaugural Ceremonies | See paragraph (g)(4)(iii) of this section | See paragraph (g)(4)(iii) of this section. |

(iii) In connection with Presidential Inaugural Ceremonies the following areas are reserved for priority use as set forth in this paragraph.

(A) The White House sidewalk and Lafayette Park, exclusive of the northeast quadrant for the exclusive use of the Presidential Inaugural Committee on Inaugural Day.

(B) Portions of Pennsylvania Avenue, National Historic Park and Sherman Park, as designated in the maps included in paragraph (g)(4)(iii)(E) of this section, for the exclusive use of the Presidential Inaugural Committee on Inaugural Day for:

(*1*) Ticketed bleachers viewing and access areas, except that members of the public may use a ticketed bleacher seat that has not been claimed by the ticket holder 10 minutes before the Inaugural Parade is scheduled to pass the bleacher's block;

(*2*) Portable toilets, except that they will be available to the public;

(*3*) Television and radio media and Armed Forces Inaugural Committee parade support structures;

(*4*) The area in front of the John A. Wilson Building for the District of Columbia reviewing stand;

(*5*) Viewing areas designated for individuals with disabilities, except that they will be available to any disabled persons.

(C) The area of the National Mall between 14th and 1st Streets, for the exclusive use of the Armed Forces Inaugural Committee on Inaugural Day for the assembly, staging, security and weather protection of the pre-Inaugural parade components and floats on Inaugural Day, except for:

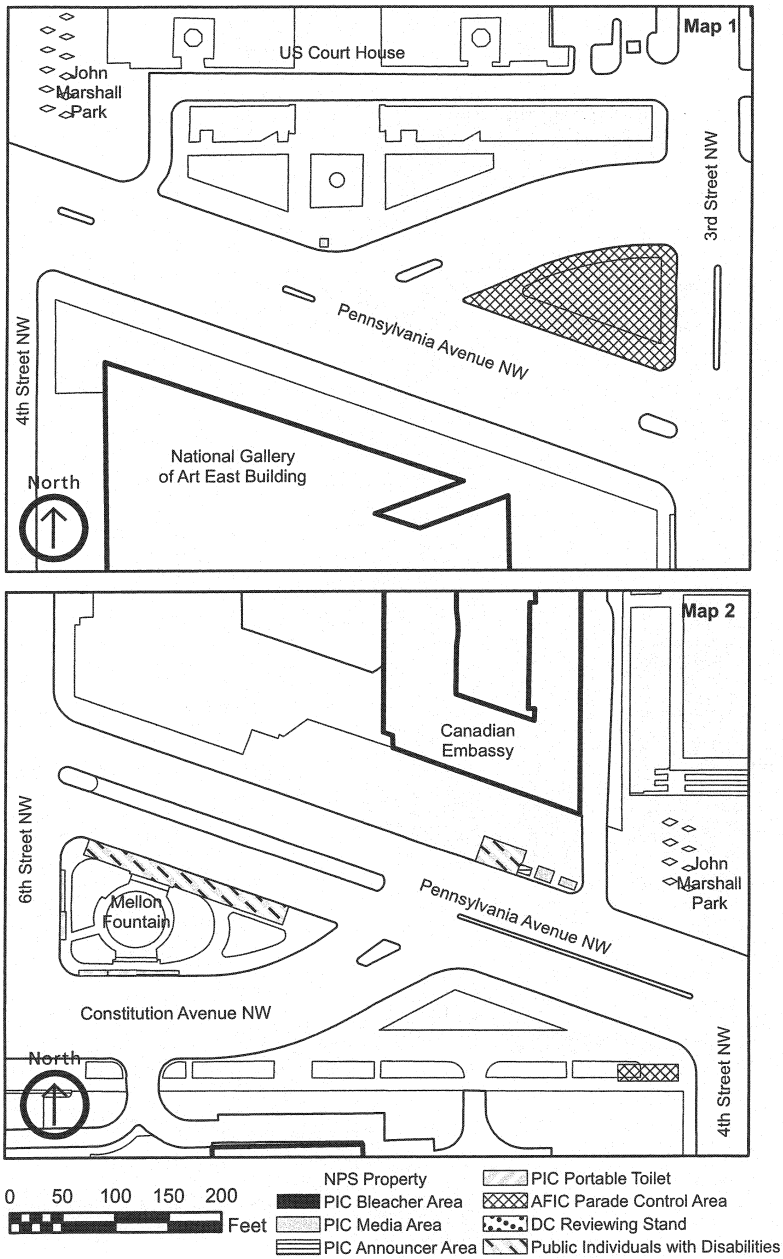
(*1*) The placement of jumbotrons and sound towers by the Architect of the Capitol or the Joint Congressional Committee on Inaugural Ceremonies so that the Inaugural ceremony may be observed by the Joint Congressional Committee's ticketed standing room ticket holders between 4th and 1st Streets and the general public between 7th and 4th Streets; and

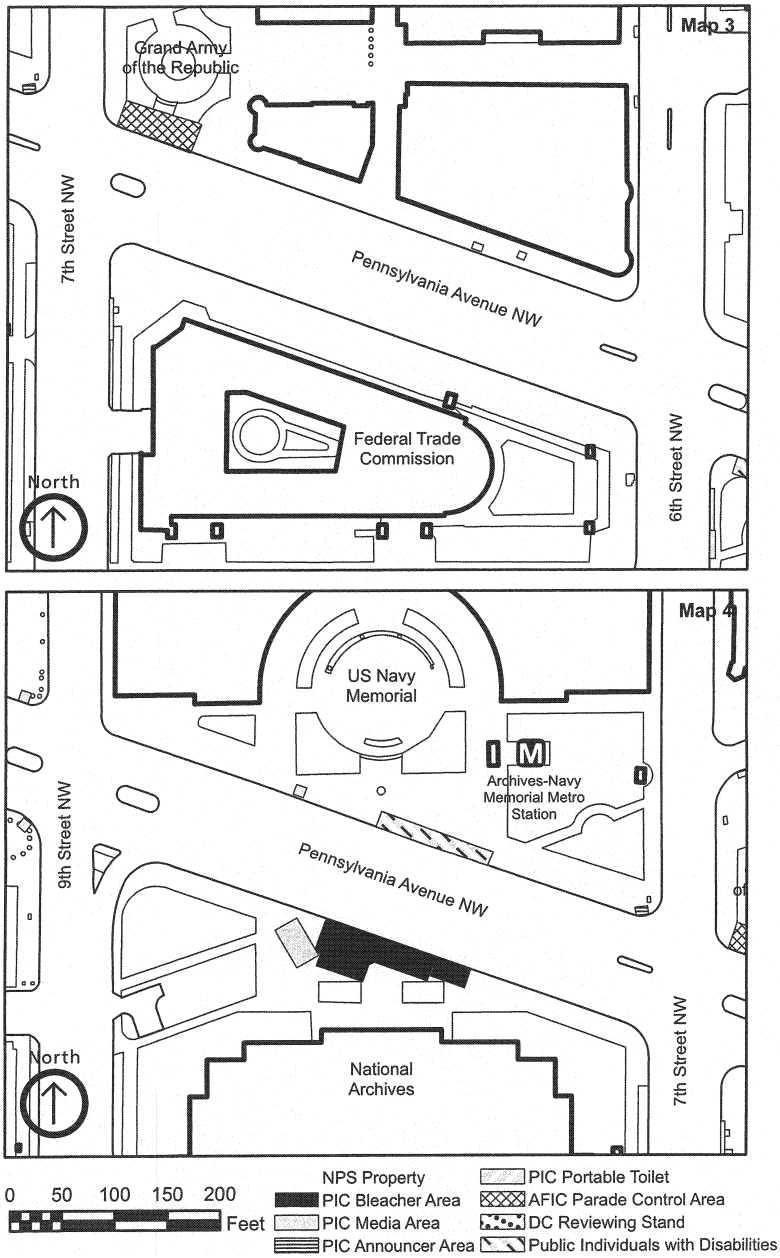
(*2*) A 150-foot-by-200-foot area on the National Mall just east of 7th Street, for the exclusive use of the Presidential Inaugural Committee for television and radio media broadcasts on Inaugural Day.

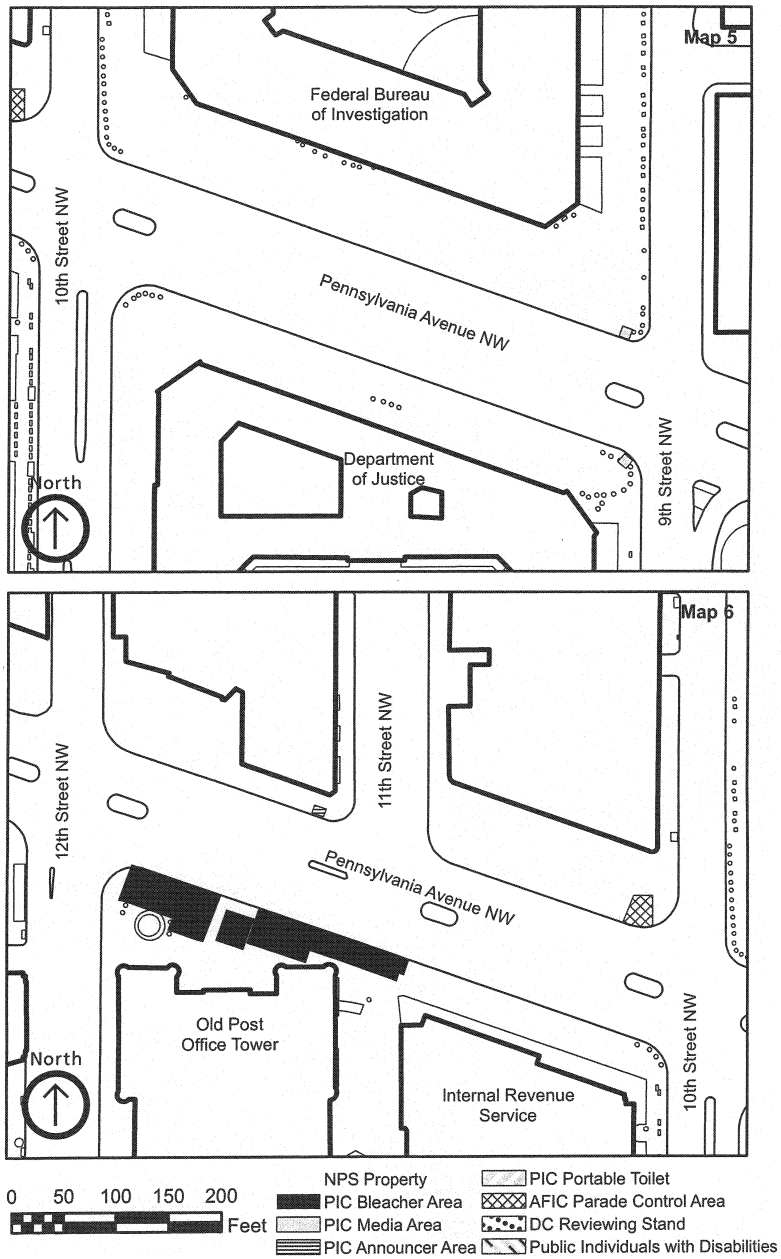
(D) The Presidential Inaugural Committee may also use portions of its designated areas reasonably necessary for setting up and taking down stands, bleachers, media and parade support structures as shown in the following table:

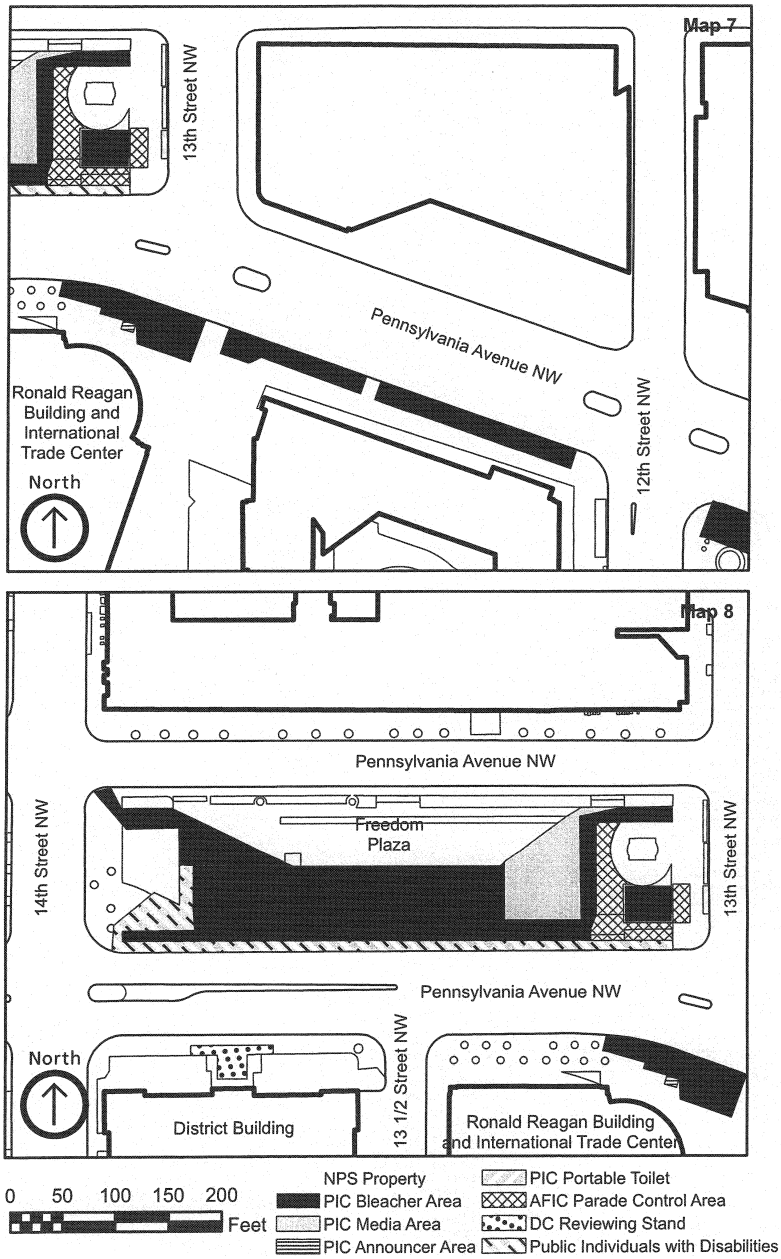
| The Presidential Inaugural Committee may use the following area . . . | During the following period . . . |
|---|---|
| (1) The White House sidewalk and Lafayette Park. | November 1 through March 1. |
| (2) Pennsylvania Avenue, National Historic Park and Sherman Park. | December 7 through February 10. |
| (3) The National Mall between 14th and 1st Streets. | January 6 through January 30. |

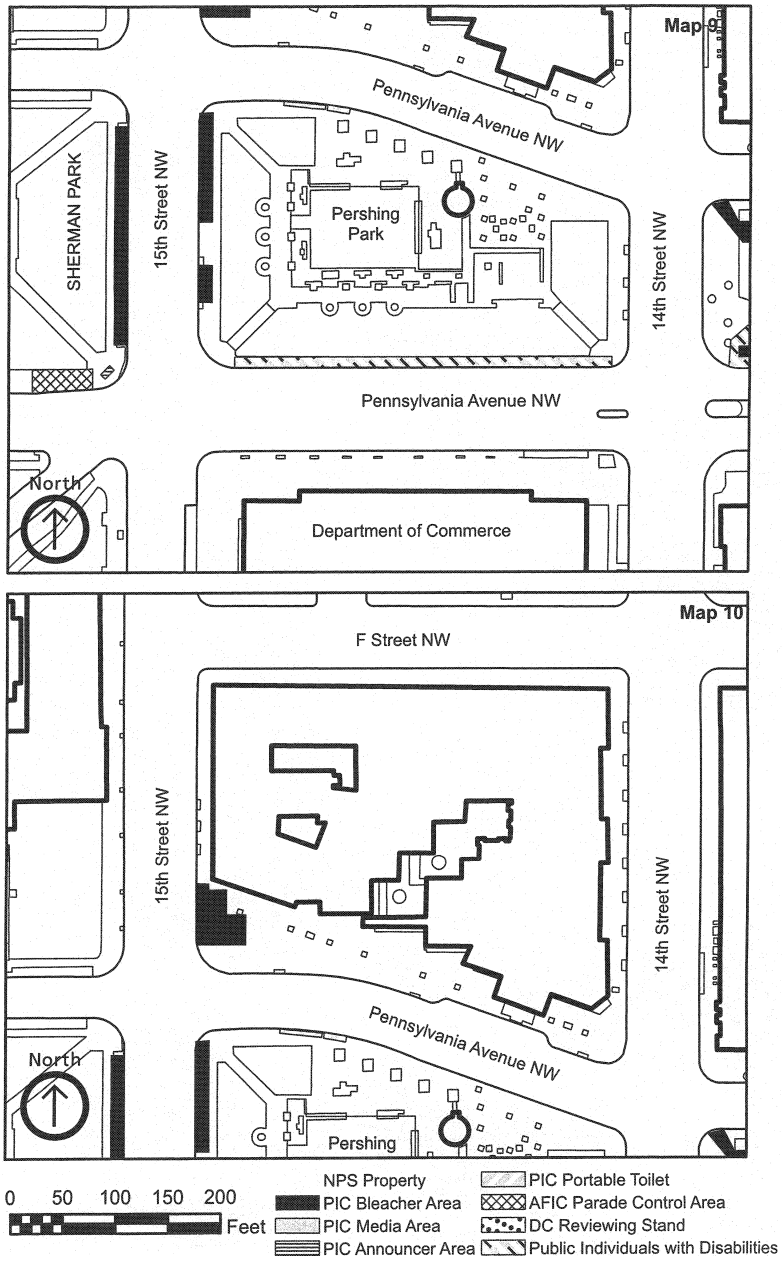
(E) Maps of designated portions of Pennsylvania Avenue, National Historic Park and Sherman Park referred to in paragraph (g)(4)(iii)(B) of this section are as follows:


Map 1
US Court House
John Marshall Park
3rd Street NW
Pennsylvania Avenue NW
4th Street NW
National Gallery of Art East Building
North
Map 2
Canadian Embassy
6th Street NW
Mellon Fountain
Pennsylvania Avenue NW
John Marshall Park
Constitution Avenue NW
North
4th Street NW
0 50 100 150 200
Feet
NPS Property
PIC Bleacher Area
PIC Media Area
PIC Announcer Area
PIC Portable Toilet
AFIC Parade Control Area
DC Reviewing Stand
Public Individuals with Disabilities


Map 3
Grand Army of the Republic
7th Street NW
Pennsylvania Avenue NW
Federal Trade Commission
6th Street NW
North
Map 4
US Navy Memorial
Archives-Navy Memorial Metro Station
9th Street NW
Pennsylvania Avenue NW
7th Street NW
North
National Archives
0 50 100 150 200
Feet
NPS Property
PIC Bleacher Area
PIC Media Area
PIC Announcer Area
PIC Portable Toilet
AFIC Parade Control Area
DC Reviewing Stand
Public Individuals with Disabilities


Map 5
Federal Bureau of Investigation
10th Street NW
Pennsylvania Avenue NW
Department of Justice
9th Street NW
North
Map 6
12th Street NW
11th Street NW
Pennsylvania Avenue NW
Old Post Office Tower
Internal Revenue Service
10th Street NW
North
0 50 100 150 200
Feet
NPS Property
PIC Bleacher Area
PIC Media Area
PIC Announcer Area
PIC Portable Toilet
AFIC Parade Control Area
DC Reviewing Stand
Public Individuals with Disabilities


Map 7
13th Street NW
Pennsylvania Avenue NW
12th Street NW
Ronald Reagan Building and International Trade Center
North
Map 8
Pennsylvania Avenue NW
14th Street NW
Freedom Plaza
13th Street NW
Pennsylvania Avenue NW
North
13 1/2 Street NW
District Building
Ronald Reagan Building and International Trade Center
0 50 100 150 200
Feet
NPS Property
PIC Bleacher Area
PIC Media Area
PIC Announcer Area
PIC Portable Toilet
AFIC Parade Control Area
DC Reviewing Stand
Public Individuals with Disabilities




(iv) Other demonstrations or special events are permitted in park areas under permit for the National Celebration Events listed in paragraph (g)(4)(ii) of this section to the extent that they do not significantly interfere with the National Celebration Events.

Except for Inaugural ceremony activities, no activity containing structures is permitted closer than 50 feet to another activity containing structures without the mutual consent of the sponsors of those activities.

(v) NPS will issue a permit for a demonstration on the White House sidewalk and in Lafayette Park at the same time only if the requirements of this paragraph are met. The organization, group, or other sponsor of the demonstration must undertake in good faith all reasonable action, including the provision of sufficient marshals, to ensure that the sponsor:

(A) Maintains good order and self-discipline in conducting the demonstration and any necessary movement of persons; and

(B) Observes the numerical limitations and waiver provisions described in paragraphs (g)(5)(i) and (ii) of this section.

(vi) NPS will issue permits authorizing demonstrations or special events for the periods shown in the following table. NPS may extend these periods for demonstrations only, unless another application requests use of the particular area and that application precludes double occupancy.

| Park area | Permit validity period | Permit validity period for inaugural activities |
|---|---|---|
| (A) White House area, except the Ellipse. | 7 days | Between October 24 through April 1 for reasonable and necessary set-up and take-down activities for the White House Sidewalk and Lafayette Park. |
| (B) The Ellipse and all other park areas. | 4 months | Between December 7 through February 10 for reasonable and necessary set-up and take-down activities for Pennsylvania Avenue, National Historic Park and Sherman Park. |

(5) *Permit limitations.* Issuance of a permit is subject to the following limitations:

(i) No more than 750 persons are permitted to conduct a demonstration on the White House sidewalk at any one time.

(ii) No more than 3,000 persons are permitted to conduct a demonstration in Lafayette Park at any one time.

(A) The Regional Director may waive the 3,000 person limitation for Lafayette Park and/or the 750 person limitation for the White House Sidewalk upon a showing by the applicant that good faith efforts will be made to plan and marshal the demonstration in such a fashion so as to render unlikely any substantial risk of unreasonable disruption or violence.

(B) In making a waiver determination, the Regional Director shall consider and the applicant shall furnish at least ten days in advance of the proposed demonstration, the functions the marshals will perform, the means by which they will be identified, and their method of communication with each other and the crowd. This requirement will be satisfied by completion and submission of the same form referred to in paragraph (g)(3) of this section.

(iii) No permit will be issued for a demonstration on the White House Sidewalk and in Lafayette Park at the same time except when the organization, group, or other sponsor of such demonstration undertakes in good faith all reasonable action, including the provision of sufficient marshals, to insure good order and self-discipline in conducting such demonstration and any necessary movement of persons, so that the numerical limitations and waiver provisions described in paragraphs (g)(5) (i) and (ii) of this section are observed.

(iv) No permit will be issued authorizing demonstrations or special events in excess of the time periods set out below: *Provided, however,* that the stated periods will be extended for demonstrations only, unless another application requests use of the particular area and said application precludes double occupancy:

(A) White House area, except the Ellipse: Seven days.

(B) The Ellipse and all other park areas: Three weeks.

(v) The Regional Director may restrict demonstrations and special events weekdays (except holidays) between the hours of 7:00 to 9:30 a.m. and 4:00 to 6:30 p.m. if it reasonably appears necessary to avoid unreasonable interference with rush-hour traffic.

(vi) Special events are not permitted unless approved by the Regional Director. In determining whether to approve a proposed special event, the Regional Director shall consider and base the determination upon the following criteria:

(A) Whether the objectives and purposes of the proposed special event relate to and are within the basic mission and responsibilities of the National Capital Region, National Park Service.

(B) Whether the park area requested is reasonably suited in terms of accessibility, size, and nature of the proposed special event.

(C) Whether the proposed special event can be permitted within a reasonable budgetary allocation of National Park Service funds considering the event's public appeal, and the anticipated participation of the general public therein.

(D) Whether the proposed event is duplicative of events previously offered in National Capital Region or elsewhere in or about Washington, DC.

(E) Whether the activities contemplated for the proposed special event are in conformity with all applicable laws and regulations.

(vii) In connection with permitted demonstrations or special events, temporary structures may be erected for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays. Temporary structures may not be used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. Temporary structures are permitted to the extent described above, provided prior notice has been given to the Regional Director, except that:

(A) Structures are not permitted on the White House sidewalk.

(B) All such temporary structures shall be erected in such a manner so as not to harm park resources unreasonably and shall be removed as soon as practicable after the conclusion of the permitted demonstration or special event.

(C) The Regional Director may impose reasonable restrictions upon the use of temporary structures in the interest of protecting the park areas involved, traffic and public safety considerations, and other legitimate park value concerns.

(D) Any structures utilized in a demonstration extending in duration beyond the time limitations specified in paragraphs (g)(5)(iv) (A) and (B) of this section shall be capable of being removed upon 24 hours notice and the site restored, or, the structure shall be secured in such a fashion so as not to interfere unreasonably with use of the park area by other permittees authorized under this section.

(E) Individuals or groups of 25 persons or fewer demonstrating under the small group permit exemption of paragraph (g)(2)(i) of this section are not allowed to erect temporary structures other than small lecterns or speakers' platforms. This provision does not restrict the use of portable signs or banners.

(viii) No signs or placards shall be permitted on the White House sidewalk except those made of cardboard, posterboard or cloth having dimensions no greater than three feet in width, twenty feet in length, and one-quarter inch in thickness. No supports shall be permitted for signs or placards except those made of wood having cross-sectional dimensions no greater than three-quarter of an inch by three-quarter of an inch. Stationary signs or placards shall be no closer than three feet from the White House sidewalk fence. All signs and placards shall be attended at all times that they remain on the White House sidewalk. Signs or placards shall be considered to be attended only when they are in physical contact

with a person. No signs or placards shall be tied, fastened, or otherwise attached to or leaned against the White House fence, lamp posts or other structures on the White House sidewalk. No signs or placards shall be held, placed or set down on the center portion of the White House sidewalk, comprising ten yards on either side of the center point on the sidewalk; *Provided, however,* that individuals may demonstrate while carrying signs on that portion of the sidewalk if they continue to move along the sidewalk.

(ix) No parcel, container, package, bundle or other property shall be placed or stored on the White House sidewalk or on the west sidewalk of East Executive Avenue NW., between Pennsylvania Avenue NW., and E Street NW., or on the north sidewalk of E Street NW., between East and West Executive Avenues NW.; *Provided, however,* that such property, except structures, may be momentarily placed or set down in the immediate presence of the owner on those sidewalks.

(x) The following are prohibited in Lafayette Park:

(A) The erection, placement or use of structures of any kind except for the following:

(*1*) Structures that are being hand-carried are allowed.

(*2*) When one hundred (100) or more persons are participating in a demonstration in the Park, a temporary speaker's platform as is reasonably required to serve the demonstration participants is allowed as long as such platform is being erected, dismantled or used, *provided that* only one speaker's platform is allowed per demonstrating group, and *provided further that* such speaker's platform is authorized by a permit issued pursuant to paragraph (g) of this section.

(*3*) When less than one hundred (100) persons are participating in a demonstration in the Park, a temporary ''soapbox'' speaker's platform is allowed as long as such platform is being erected, dismantled or used, *providing that* only one speaker's platform is allowed per demonstrating group, and *provided further that* the speaker's platform is no larger than three (3) feet in length, three (3) feet in width, and three (3) feet in height, and *provided further that* such speaker's platform is authorized by a permit issued pursuant to paragraph (g) of this section.

(*4*) For the purpose of this section, the term ''structure'' includes props and displays, such as coffins, crates, crosses, theaters, cages, and statues; furniture and furnishings, such as desks, chairs, tables, bookcases, cabinets, platforms, podiums and lecterns; shelters, such as tents, boxes and other enclosures; wagons and carts; and all other similar types of property which might tend to harm park resources including aesthetic interests. *Provided however* that the term ''structure'' does not include signs; bicycles, baby carriages and baby strollers lawfully in the Park that are temporarily placed in, or are being moved across, the Park, and that are attended at all times while in the Park (the term ''attended' is defined as an individual being within three (3) feet of his or her bicycle, baby carriage or baby stroller); and wheelchairs and other devices for the handicapped in use by handicapped persons.

(B) The use of signs except for the following:

(*1*) Hand-carried signs are allowed regardless of size.

(*2*) Signs that are not being hand-carried and that are no larger than four (4) feet in length, four (4) feet in width and one-quarter (¼) inch in thickness (exclusive of braces that are reasonably required to meet support and safety requirements and that are not used so as to form an enclosure of two (2) or more sides) may be used in Lafayette Park, *provided that* no individual may have more than two (2) such signs in the Park at any one time, and *provided further that* such signs must be attended at all times (the term ''attended' is defined as an individual being within three (3) feet of his or her sign(s)), and *provided further that* such signs may not be elevated in a manner so as to exceed a height of six (6) feet above the ground at their highest point, may not be arranged or combined in a manner so as to exceed the size limitations set forth in this paragraph, and may not be arranged in such a fashion as to form an enclosure of two (2) or more sides. For example, under this provision, two four-feet by four-feet signs may not be

combined so as to create a sign eight feet long and four feet wide, and three such signs may not be arranged to create a sign four feet long and twelve feet wide, and two or more signs of any size may not be leaned or otherwise placed together so as to form an enclosure of two or more sides, etc.

(xi) Stages and sound amplification may not be placed closer than one hundred (100) feet from the boundaries of the Vietnam Veterans Memorial and sound systems shall be directed away from the memorial at all times.

(xii) Sound amplification equipment is allowed in connection with permitted demonstrations or special events, provided prior notice has been given to the Regional Director, except that:

(A) Sound amplification equipment may not be used on the White House sidewalk, other than hand-portable sound amplification equipment which the Regional Director determines is necessary for crowd-control purposes.

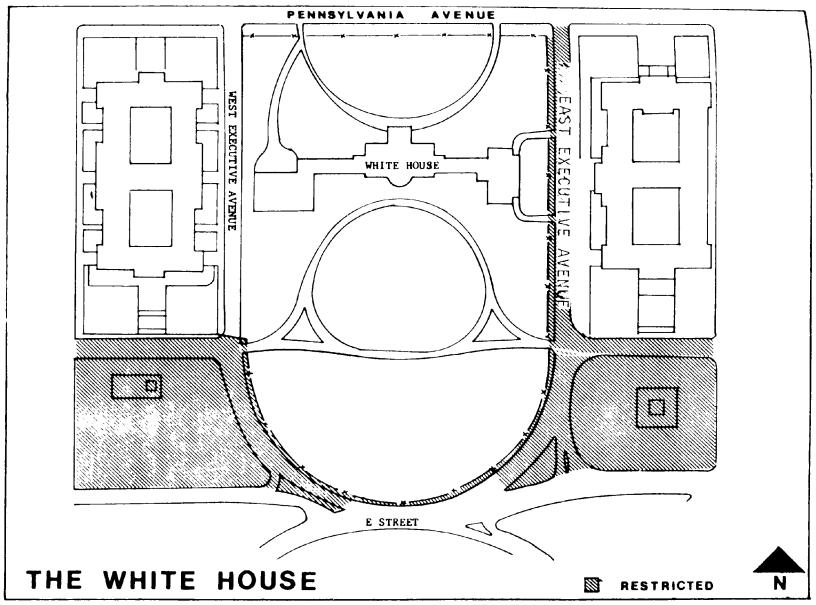
(B) The Regional Director reserves the right to limit the sound amplification equipment so that it will not unreasonably disturb nonparticipating persons in, or in the vicinity of, the area.

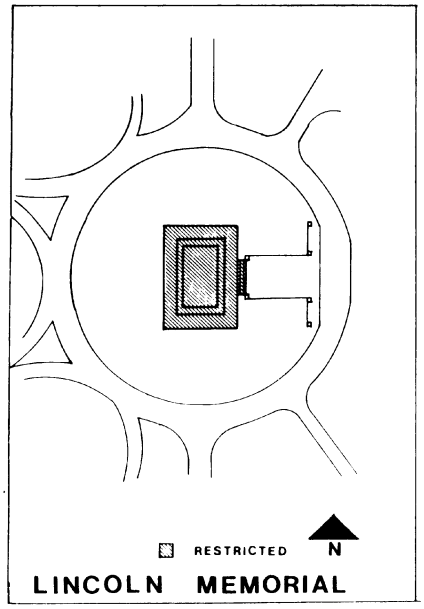
(xiii) A permit may contain additional reasonable conditions and additional time limitations, consistent with this section, in the interest of protecting park resources, the use of nearby areas by other persons, and other legitimate park value concerns.

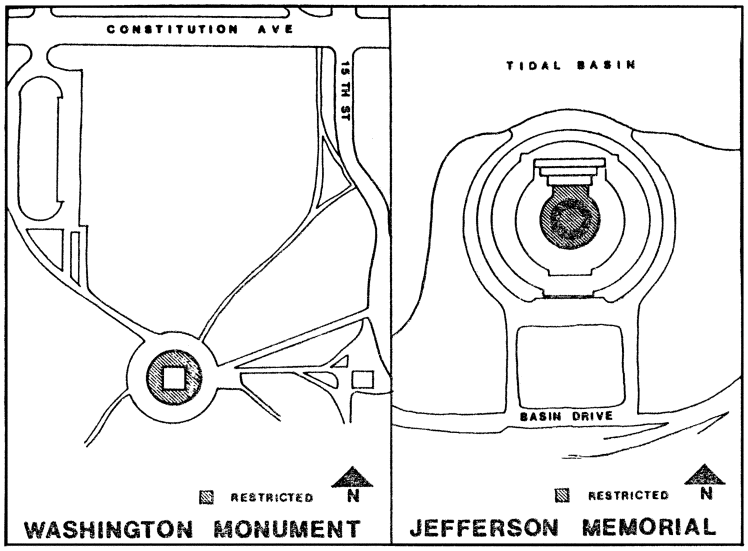
(xiv) A permit issued under this section does not authorize activities outside of areas under administration by the National Capital Region. Applicants may also be required to obtain a permit from the District of Columbia or other appropriate governmental entity for demonstrations or special events sought to be conducted either wholly or in part in other than park areas.

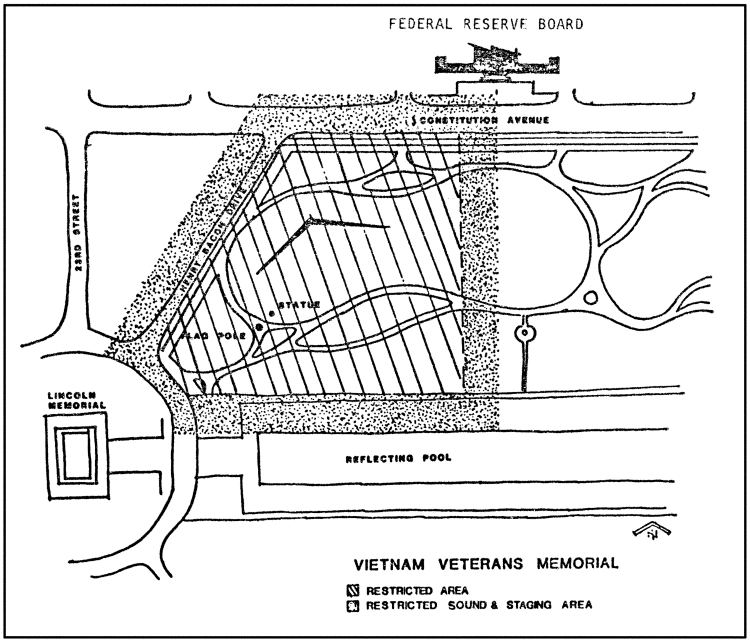
(6) *Permit revocation*. A permit issued for a demonstration is revocable only upon a ground for which an application therefor would be subject to denial under paragraphs (g) (4) or (5) of this section. Any such revocation, prior to the conduct of the demonstration, shall be in writing and shall be approved by the Regional Director. During the conduct of a demonstration, a permit may be revoked by the ranking U.S. Park Police supervisory official in charge if continuation of the event presents a clear and present danger to the public safety, good order or health or for any violation of applicable law or regulation. A permit issued for a special event is revocable, at any time, in the reasonable discretion of the Regional Director.

(7) Further information on administering these regulations can be found in policy statements published at 47 FR 24299, June 4, 1982, and at 47 FR 24302, June 4, 1982. Copies of the policy statements may be obtained from the Regional Director.


PENNSYLVANIA AVENUE
WEST EXECUTIVE AVENUE
EAST EXECUTIVE AVENUE
WHITE HOUSE
E STREET
THE WHITE HOUSE
RESTRICTED
N


RESTRICTED
N
LINCOLN MEMORIAL




(h) *Soliciting.* Soliciting or demanding gifts, money, goods or services is prohibited.

(i) *Camping.* (1) Camping is defined as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making

any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. Camping is permitted only in areas designated by the Superintendent, who may establish limitations of time allowed for camping in any public campground. Upon the posting of such limitations in the campground, no person shall camp for a period longer than that specified for the particular campground.

(2) Further information on administering these regulations can be found in policy statements published at 47 FR 24302 (June 4, 1982). Copies of the policy statements may be obtained from the Regional Director.

(j)(1) In Lafayette Park the storage of construction material, tools, lumber, paint, tarps, bedding, luggage, pillows, sleeping bags, food, clothing, literature, papers and all other similar property is prohibited.

(2) Notwithstanding (j)(1) of this section, a person in Lafayette Park may have literature, papers, food, clothing, blankets and a reasonable cover to protect such property, occupying up to three (3) cubic feet of space, so long as such property is attended at all times while in the Park (the term ''attended'' is defined as a person being within three (3) feet of his or her property).

(k) *Sales.* (1) No sales shall be made nor admission fee charged and no article may be exposed for sale without a permit except as noted in the following paragraphs.

(2) No merchandise may be sold during the conduct of special events or demonstrations except for books, newspapers, leaflets, pamphlets, buttons and bumper stickers. A permit is required for the sale or distribution of permitted merchandise when done with the aid of a stand or structure. Such stand or structure may consist of one table per site, which may be no larger than 2½ feet by 8 feet or 4 feet by 4 feet. The dimensions of a sales site may not exceed 6 feet wide by 15 feet long by 6 feet high. With or without a permit, such sale or distribution is prohibited in the following areas:

(i) Lincoln Memorial area which is on the same level or above the base of the large marble columns surrounding the structure, and the single series of marble stairs immediately adjacent to and below that level.

(ii) Jefferson Memorial area enclosed by the outermost series of columns, and all portions on the same levels or above the base of these columns.

(iii) Washington Monument area enclosed within the inner circle that surrounds the Monument's base.

(iv) The interior of all park buildings, including, but not limited to, those portions of Ford's Theatre administered by the National Park Service.

(v) The White House Park area bounded on the north by H Street, NW; on the south by Constitution Avenue, NW; on the west by 17th Street, NW; and on the east by 15th Street, NW; except for Lafayette Park, the White House sidewalk (the south Pennsylvania Avenue, NW sidewalk between East and West Executive Avenues) and the Ellipse; *Provided, however,* that the free distribution of literature conducted without the aid of stands or structures, is permitted on East Executive Avenue.

(vi) Vietnam Veterans Memorial area extending to and bounded by the south curb of Constitution Avenue on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue two hundred (200) feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting Pool walkway); *Provided, however,* that the free distribution of literature conducted without the aid of stands or structures, is permitted on the Constitution Avenue and Henry Bacon Drive sidewalks adjacent to the Vietnam Veterans Memorial.

(3) Persons engaged in the sale or distribution of printed matter under this section shall not obstruct or impede pedestrians or vehicles, harass park visitors with physical contact, 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.

(l) *Rock Creek Park.* (1) Notwithstanding the provisions of 36 CFR 5.1, the Superintendent of Rock Creek Park may permit the recognition of and the advertising by the primary sponsor or sponsors of not more than two professional tennis tournaments per year at the Rock Creek Tennis Center.

(2) All activities conducted under this paragraph shall be appropriate to park values and consistent with the protection of park resources and shall comply with criteria specified in a written permit.

(3) Any permit issued under this paragraph shall be valid only for those periods of time during which a professional tennis tournament is being held, and shall limit all advertising and recognition to the confines of the tennis stadium structure and the contiguous paved plaza, not to include any of the fields or paved parking lots except within the interior of permitted tents on Parking Lot A. These areas shall be marked on a map available in the Superintendent's office.

(4) No advertising or recognition activities may take place without a written permit as specified in this paragraph. Any person who violates a provision of this paragraph is subject to the penalty provisions of 36 CFR 1.3 and revocation of the permit if a permit exists.

(m) *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. 3507 and assigned clearance number 1024–0021. The information is being collected to provide notification to park managers, United States Park Police, Metropolitan Police, and the Secret Service of the plans of organizers of large-scale demonstrations and special events in order to assist in the provision of security and logistical support. This information will be used to further those purposes. The obligation is required to obtain a benefit.

[51 FR 37011, Oct. 17, 1986, as amended at 57 FR 4576, Feb. 6, 1992; 57 FR 29797, July 7, 1992; 60 FR 17649, Apr. 7, 1995; 60 FR 33351, June 28, 1995; 60 FR 55791, Nov. 3, 1995; 62 FR 30234, June 3, 1997; 62 FR 32203, June 13, 1997; 72 FR 54843, Sept. 27, 2007; 73 FR 67744, Nov. 17, 2008]

## § 7.97 Golden Gate National Recreation Area.

(a) *Boat landings—Alcatraz Island.* Except in emergencies, the docking of any privately-owned vessel, as defined in § 1.4 of this chapter, or the landing of any person at Alcatraz Island without a permit or contract is prohibited. The Superintendent may issue a permit upon a determination that the applicant's needs cannot be provided by authorized commercial boat transportation to Alcatraz Island and that the proposed activities of the applicant are compatible with the preservation and protection of Alcatraz Island.

(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) *Designated bicycle routes.* The use of a bicycle is permitted according to § 4.30 of this chapter and, in non-developed areas, as follows:

(1) Bicycle use is permitted on routes which have been designated by the Superintendent as bicycle routes by the posting of signs, and as designated on maps which are available in the office of the superintendent and other places convenient to the public.

(2) Bicycle speed limits are as follows:

(i) 15 miles per hour: Upon all designated routes in Golden Gate National Recreation Area.

(ii) 5 miles per hour: On blind curves and when passing other trail users.

(3) The following are prohibited:

(i) The possession of a bicycle on routes not designated as open to bicycle use.

(ii) Operating a bicycle on designated bicycle routes between sunset and sunrise without exhibiting on the bicycle or on the operator an activated white

light 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.

(d) *Dogs—Crissy Field and Ocean Beach Snowy Plover Areas.* (1) Dogs must be restrained on a leash not more than six feet in length starting July 1 and ending May 15, in the following areas:

(i) Crissy Field Wildlife Protection Area (WPA): Dog walking restricted to on-leash only in the area encompassing the shoreline and beach north of the Crissy Field Promenade (excluding the paved parking area, sidewalks and grass lawn of the former Coast Guard Station complex) that stretches east from the Torpedo Wharf to approximately 700 feet east of the former Coast Guard station, and all tidelands and submerged lands to 100 yards offshore.

(ii) Ocean Beach Snowy Plover Protection Area (SPPA): Dog walking restricted to on-leash only in the area which encompasses the shoreline and beach area west of the GGNRA boundary, between Stairwell 21 to Sloat Boulevard, including all tidelands and submerged lands to 1,000 feet offshore.

(2) Notice of these annual restrictions will be provided through the posting of signs at the sites, on maps identifying the restricted areas on the park's official website and through maps made available at other places convenient to the public.

[38 FR 32931, Nov. 29, 1973, as amended at 49 FR 18452, Apr. 30, 1984; 57 FR 58716, Dec. 11, 1992; 73 FR 54321, Sept. 19, 2008]

### § 7.100 Appalachian National Scenic Trail.

(a) *What activities are prohibited?* (1) The use of bicycles, motorcycles or other motor vehicles is prohibited. The operation of snowmobiles is addressed in paragraph (b).

(2) The use of horses or pack animals is prohibited, except in locations designated for their use.

(b) *Where can I operate my snowmobile?* (1) You may cross the Appalachian National Scenic Trail corridor by using established, State-approved snowmobile trails in Maine, New Hampshire, Vermont, Massachusetts and Connecticut that are allowed by deeded right-of-way reserved by the seller or by public road right-of-way. You may also cross National Park Service administered lands within the Appalachian National Scenic Trail corridor at the following locations:

(2) Nahmakanta Lake Spur—The spur snowmobile route that leads from Maine Bureau of Parks and Lands Debsconeag Pond Road to the southeastern shore of Nahmakanta Lake.

(3) Lake Hebron to Blanchard-Shirley Road Spur—The spur snowmobile route that leads from Lake Hebron near Monson, Maine to the Maine Interconnecting Trail System Route 85 near the Blanchard-Shirley Road.

(4) Massachusetts Turnpike to Lower Goose Pond Crossing—That part of the Massachusetts Interconnecting Trail System Route 95 from the Massachusetts Turnpike Appalachian Trail Bridge to the northeastern shore of Lower Goose Pond.

(5) Temporary crossings of National Park Service administered Appalachian Trail corridor lands may be designated by the Park Manager in the Superintendent's Compendium of Orders when designated snowmobile routes are temporarily dislocated by timber haul road closures.

(6) Maps that show the crossings of National Park Service administered lands within the Appalachian National Scenic Trail may be obtained from the Park Manager, Appalachian National Scenic Trail, Harpers Ferry Center, Harpers Ferry, West Virginia 25425.

(c) *Is powerless flight permitted?* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the Park Manager, pursuant to the terms and conditions of a permit.

[67 FR 8481, Feb. 25, 2002]

## PART 8—LABOR STANDARDS APPLICABLE TO EMPLOYEES OF NATIONAL PARK SERVICE CONCESSIONERS

Sec.
8.1 Definitions.
8.2 Basis and purpose.
8.3 Applicability.
8.4 Federal and State labor laws.
8.5 Access for investigators.