

National Park Service, Interior

§ 7.16

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

§7.16

36 CFR Ch. I (7-1-14 Edition)

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)

¹Sign 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.

National Park Service, Interior

§7.16

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 ordi-

nances 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

§7.16

36 CFR Ch. I (7-1-14 Edition)

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 sewerage 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)

National Park Service, Interior

§7.17

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 _____

¹Sign 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 reg-

istration 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 at www.fdsys.gov.

§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.