



UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

BIGHORN CANYON NATIONAL RECREATION AREA

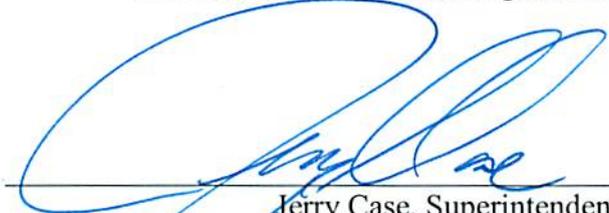
COMPENDIUM: 36 CFR 1.7(b)

DESIGNATIONS, CLOSURES, PERMIT REQUIREMENTS AND OTHER RESTRICTIONS
IMPOSED UNDER THE DISCRETIONARY AUTHORITY OF THE SUPERINTENDENT—
TITLE 36, CODE OF FEDERAL REGULATIONS, CHAPTER I.

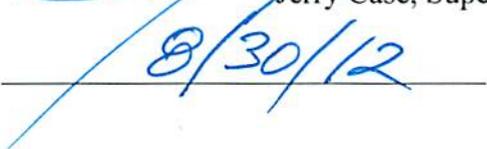
In accordance with the delegated authority contained within the regulations in Title 36, Code of Federal Regulations, Chapter I, Parts 1 through 7, as authorized by Title 16, United States Code, Sections 1 and 3, the following regulatory provisions are established for Bighorn Canyon National Recreation Area.

These regulatory provisions are enforceable and are an addition to the regulations contained in Title 36, Code of Federal Regulations, Chapter I.

Approved by: _____


Jerry Case, Superintendent

Date: _____


8/30/12

Visitors may obtain additional information or permit applications by contacting the Office of the Superintendent, Bighorn Canyon National Recreation Area, P.O. Box 7458, Fort Smith, MT 59035. You may also check out our website at <http://www.nps.gov/bica>.

A copy of this compendium is available for public review at the following locations:

North District Ranger Office – Bighorn Canyon National Recreation Area
5 Avenue B, Fort Smith MT 59035

South District Ranger Office – Bighorn Canyon National Recreation Area
20 Highway 14A East, Lovell WY 82431

INTRODUCTION:

The Bighorn Canyon National Recreation Area Superintendent's Compendium is the summary of park specific rules implemented under the discretionary authority of the Park Superintendent. It serves as public notice with an opportunity for public comment, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on those public use and resource protection regulations that pertain to the specific administration of the park. Regulations found in 36 Code of Federal Regulations (CFR) and other United States Codes (U.S.C.) and CFR Titles which are enforced without further elaboration at the park level.

A copy of 36 CFR can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents

P.O. Box 371954

Pittsburgh, PA 15250-7954

Or by calling: (202) 512-1800

The Code of Federal Regulations is also available on the internet at:

<http://www.gpoaccess.gov/cfr/index.htm>

The regulations contained in this Compendium apply to all persons entering, using, visiting or otherwise within the boundaries of federally owned lands and waters administered by the NPS as part of the Bighorn Canyon National Recreation Area. This includes all water subject to the jurisdiction of the United States, including all navigable waters and areas within their ordinary reach (up to the ordinary high water mark) without regard to the ownership of the submerged lands or lowlands.

Only NPS Law Enforcement Park Rangers can enforce the requirements of the United States Code, CFR Titles, and this Superintendent's Compendium. However, many Federal laws and regulations have similar statutes found in State and local law.

Many of the requirements of this Compendium complement existing State and local law and regulations which are also in effect within the park, and are enforced by State, and local law enforcement officers. However, if a state or local law is currently enacted, this Compendium does not replace or repeal that law.

A person who violates any provision of the regulations found in 36 CFR Parts 1-7, along with this compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings.

The Compendium is reviewed annually each year and the park welcomes comments about its programs and activities at any time. Comments specific to the Superintendent's Compendium will be accepted any time. Any changes to this Compendium recommended by the public or others, and accepted by the Superintendent, will be incorporated into this compendium without further public comment and review and will be included in the next years Compendium. Comments can be directed to either the park Superintendent or the Chief Rangers Office at;

Bighorn Canyon National Recreation Area
5 Avenue B
P.O. Box 7548
Fort Smith, Montana 59035

Some of the terms used in this Compendium may be unclear to you. If you are unsure about a specific term please consult 36 CFR sec. 1.4 Definitions. You may access them at:

<http://www.gpo.gov/fdsys/pkg/CFR-2011-title36-vol1-1pdf/CFR-2011-title36-vol1-part1.pdf>.

Terms that may be unique to this Compendium are defined in this document.

Copies of the Compendium are available online at:

<http://www.nps.gov/bica/parkmgmtllawsandpolicies.htm>. Hard copies are also maintained at the Lovell Visitor Center and Park Headquarters in Fort Smith.

DEFINITIONS:

Administrative Roads and Areas: Areas closed to the public, but necessary for government vehicles, equipment and personnel to access in order to maintain park facilities and infrastructure.

Backcountry Camping: Camping outside of a designated camping area and at least one half mile distant from a developed area. Backcountry camping is allowed with permission of the Superintendent.

Camping: Erecting of a tent shelter of natural or synthetic material; preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer or mooring of a vessel for the apparent purpose of overnight occupancy.

Developed Area: means an area with roads, marinas, docks, parking areas, picnic areas, campgrounds, or other structures, facilities or lands located within development and historic zones depicted on the park area land management and use map.

Dock: Any floating platform, fixed platform, or vessel, which is anchored or otherwise installed for the primary purpose of providing a location for vessel moorage. This applies to all such platforms or vessels, regardless of whether they are equipped with motors/propulsion devices, Hull Identification Numbers, US Coast Guard capacity plates, or whether they are registered as a vessel by a federal or state government agency.

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.

Firearm means a loaded or unloaded pistol, rifle, shotgun or other weapon which is designed to, or may be readily converted to; expel a projectile by the ignition of a propellant.

Hunting: means taking or attempting to take wildlife, except trapping.

Picnic Areas: Those areas designated as day-use public areas that include picnic tables, NPS established metal campfire grates or above ground barbecue grates.

Swim beach and Swim Area: Those areas of Bighorn Canyon NRA designated by signs, buoys, log booms or other physical barriers as being closed to rigid devices including surfboards, the possession of glass containers, pets, and the lighting or maintaining of a fire.

Section 1.5 Closures and Public Use Limits

(a)(1) The following roads and/or parking areas are closed to non-official vehicles:

- All administrative, Western Area Power Authority or roads and parking areas not identified by designated signs, maps, newspaper publication, or other appropriate methods such as electronic media, park brochures, and handouts in accordance with 36 CFR §1.7.
- Areas around all potable water system tanks and developed springs.
- All fenced sewage lagoons.
- Areas between fences and cliff faces at Ok-A-Beh, Devil's Canyon Overlook and Barry's Landing.
- Electrical switchyards and their entranceways.
- Concession docks are closed excepting lessees, their guests and customers.

Determination: Concession docks and slips are rented to park visitors on an annual basis. Allowing other boats to moor for extended periods of time takes potential business from the contracted Concessioner and creates conflicts with those who have rented the docking spaces.

- Docking limit is thirty (30) minutes at the public boat docks and fifteen (15) minutes at the floating comfort stations (official and concession vessels excepted). Overnight docking or mooring at Box Canyon, Black Canyon, and Dayboard Nine public boat docks is permitted on a first come/first serve basis.
- Bighorn Lake from the base of the Yellowtail Dam up stream to the orange log boom is closed to the general public.
- Om-Ne-A Trail is closed to the general public.
- Yellowtail Dam is closed to the general public.
- Afterbay Lake is closed between dam intake works and buoyed cable line 100 feet west.
- Afterbay Lake is closed between orange log boom and Yellowtail Dam, 3,500 feet up stream.

Determination: These areas are close for security of the Yellowtail Dam and Visitor Safety. The purpose of this closure is to prevent unauthorized access and protection of Bureau of Reclamation property, critical infrastructure, and facilities.

Section 1.6 Permits

- (f)(1) A compilation of those activities requiring a permit shall be maintained by the Superintendent and available to the public upon request. Special Use Permits and Commercial Use Authorizations are requested through the Chief Rangers Office; Fort Smith, Montana. Research Permits may be requested through the Chief of Resource Management, Lovell Visitor Center, Lovell, WY

The following activities require permits:

- 36 CFR 2.5 Research Permits (includes specimen collection)

Special Use Permits:

- 36 CFR 2.38 (b) Use or Possession of fireworks
- 36 CFR 2.50 (a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- 36 CFR 2.51 (b) Public Assemblies: Demonstrations of 25 persons or less do not require a permit.
- 36 CFR 2.52 (a) Sale and Distribution of Printed Material
- 36 CFR 2.60 Livestock Trailing Operations
- 36 CFR 2.62 (b) Scattering of Human Ashes from Cremation

Commercial Use Authorization:

- 36 CFR 2.60 Commercial Livestock Trailing Operations
- 36 CFR 5.1 Displaying, posting, or distributing commercial notices or advertisements
- 36 CFR 5.3 Engaging in or soliciting any business
- 36 CFR 5.5(a) Commercial filming of motion pictures or television with professional casts, settings, or crews except bona fide newsreel or news television
- 36 CFR 5.5(b) Still photography of vehicles or other articles of commerce or models for the purpose of commercial advertising
- 36 CFR 5.6(c) Use of commercial vehicles on park area roads to access adjacent private lands
- 36 CFR 5.7 Constructing or attempting to construct any building, structure, dock, road, trail, path, or public or private utility upon, across, over, through, or under any park area

Section 2.1 Preservation of Natural, Cultural and Archaeological Resources

- (a)(4) Driftwood within and around Bighorn Lake, and driftwood piles at Ok-A-Beh, Horseshoe Bend, and Barry's Landing may be gathered, used and/or removed from the park for personal use only. Dead and downed wood at campground areas and within the Yellowtail Wildlife Habitat Area may be collected for immediate on-site use only. Off road travel is not permitted for this purpose. Commercial use is prohibited.

- (c)(1) Edible fruits, nuts, vegetable food stuffs, and berries may be gathered and removed from the park for personal consumption. Off road travel is not permitted for this purpose. Commercial use is prohibited.

Determination: The gathering and removal of driftwood removes fuels that could contribute to later wildfires. During periods of high lake levels, driftwood creates hazards to navigation at marina locations, and is too dangerous to burn without controlled prescription fire methods.

Section 2.2 Wildlife Protection

- (b)(1) In accordance with the enabling legislation establishing Bighorn Canyon National Recreation Area, hunting is allowed as specified in Title 16 of the United States Code section 460t-3, i.e., 16 USC § 460t-3.

- (b)(1) Hunting within one half mile of any developed area; including but not limited to, the Government Camp, Afterbay Contact Station, and Crooked Creek Contact Station of the park is prohibited.

Determination: Visitors enter and exit Bighorn Canyon National Recreation Area near these developed areas. Visitors routinely enter and leave the contact stations, hunting in close proximity to these areas can result in damage to government property. Residences and business offices are located around the Government Camp area. The ½ mile closure around these areas is necessary to achieve public safety and minimize public use conflicts. Unless specified; Bighorn Canyon NRA remains open to hunting and adopts all non-conflicting Montana and Wyoming State hunting regulations as approved.

Exemption: Upland bird hunting is allowed at the 3-Mile Access area, one half mile away from the access parking lot, during the specific times and seasons found in the Montana Upland Game Bird Regulations.

Exemption: The use of hounds in pursuit of mountain lions is regulated by State and Federal laws, and hunters are encouraged to contact the appropriate State agency prior to going afield.

- (e) Bighorn Canyon NRA is closed to spotlighting or any use of an artificial light for the purposes of wildlife viewing.

Section 2.3 Fishing

- (a) Fishing from Afterbay Dam, to include the fenced areas on the west side of the dam, is prohibited.
- (a) Bow Fishing on the Afterbay Lake is prohibited.
- (d)(8) Fishing from public or concession boat docks or designated swimming beaches in the park is prohibited.

Determination: Montana state law allows bow fishing for non-game fish on waters that are open to angling for Non-Game Fish; however, Afterbay Lake is within a ½ mile of developed areas. The ½ mile closure around these areas is necessary to achieve public safety and minimize public use conflicts

Section 2.4 Weapons, Traps and Nets

(a)(2)(ii) Target practice is only allowed at the Fort Smith Firing Range.

Weapons may be discharged only when the activity engaged in is hunting or when shooting at the Ft. Smith Firing Range. Weapons may not be discharged (No Shoot Zones) in the following areas:

- In the Fort Smith Government Camp and Yellowtail Dam area including the area north and east of M-K Hill
- On the Afterbay, on the north-side of the Afterbay, and at the Fort Smith Airstrip.
- At any historic area (M-L, Lockhart, Hillsboro, Ewing Snell Historic Ranch/Science Center).
- At Common Corrals near Layout Creek.

Determination: These areas are historic, within established security areas, with aircraft landing and taking off routinely. Residences and business offices are located around the Government Camp area. The closure to weapons in these areas are necessary to protect visitors, employees and residents.

Section 2.10 Camping and Food Storage

(a)(1) Designated Camping Areas:

- Dayboard Nine, Black Canyon and Medicine Creek Campgrounds – tents only
- Afterbay Campground North & South, Horseshoe Bend Campground – tents or RVs
- Trail Creek Campground – tents or hard-sided camping trailers with self contained black and gray water only
- The following Parking Areas are restricted to one available parking space: Afterbay Boat Ramp, Barry's Landing (gravel area only), North Kane Access, Horseshoe Bend, and Ok-A-Beh upper parking lot- hard-sided camping trailers with self contained black and gray water only.
- Camping/Parking on the Ok-A-Beh Helipad is prohibited.

Determination: There are limited locations and opportunities for camping within the Bighorn Canyon. Trailer parking in marina locations are limited and cause conflicts with camping and parking requirements. Space limits are intended to prevent conflicts between trailer parking and camping.

(a)(2) Common Corrals and the area just east are designated camping areas for persons with livestock. Other campers may be allowed, if not in use by visitors with livestock, but must give way if visitors with livestock arrive later.

- (a)(3) Backcountry Camping is allowed below the high water mark of 3640 feet elevation or along underdeveloped areas of Bighorn Lake.
- (b)(9) Camping is limited to a maximum of 30 days per calendar year per person. No more than 14 consecutive days may be spent at any one campground between May 15 and October 15 each year. Campers or tents may not be left unattended for more than 24 hours.
- (d)(1) All food and coolers must be kept in a vehicle, vessel, hard-sided camping unit or, where available, park-provided bear-proof storage boxes, when not in use (Horseshoe Bend excepted).

Determination: Animals are attracted to food that is not secured. Securing food minimizes human versus wildlife conflicts and protects wildlife. Food Storage boxes are provided at campgrounds for visitor use.

Section 2.13 Fires

- (a)(1) Fires in developed areas must be contained within park-established fire rings, portable stoves, or grills.
 - Campfires are permitted in conjunction with backcountry camping and within the Yellowtail Wildlife Habitat Management Unit.
 - Fires are permitted along the Bighorn Lake shoreline below the high-water mark.
- (a)(2) Fires are not permitted in the Ok-A-Beh, Afterbay, Horseshoe Bend, North Kane, and Barry's Landing parking lots.
- (c) During periods of high fire danger, the superintendent may close all or a portion of a park area to the lighting or maintaining of a fire.

Determination: During extreme fire danger or by order of the Superintendent, fires of any type may not be allowed. Visitors may contact the Recreation Area Headquarters Office at (406) 666-3300, Lovell Visitor Center at 307-254-0344, or the park website at www.nps.gov/bica to check on current conditions. Two states, two counties, and the exterior boundary of Crow Tribe Reservation adjoin Bighorn Canyon NRA, and there may be different fire restrictions in each area. To reduce confusion, Bighorn Canyon NRA will either be completely open to certain types of fires, or completely closed them.

Past events have demonstrated that Bighorn Canyon NRA has experienced periods of high fire danger, which require aggressive fire management. The purposes of these restrictions are to reduce the possibility of an uncontrolled wildfire, and are in effect to protect the natural and cultural resources of the park, and ensure the safety of park visitors and park facilities.

Section 2.15 Pets

- (a) Dogs are allowed in all areas of the park to include developed and back country areas with the exception of (a) (1) and the restrictions of (a) (2) below.
- (a)(1) Pets are not allowed at the Horseshoe Bend Swim Beach Area which includes the grassy picnic area directly up from the beach. The Lake within the Red Hills day use area is open to dogs recreating in the water while under verbal control of their owner.
- (a)(2) Pets must be crated, caged, or restrained on a leash which shall not exceed six feet in length in developed and back-country areas of the recreation area except as noted in (e) below.
- (a)(5) In developed areas, pet excrement must be immediately collected and disposed of in a trash receptacle.
- (b) Dogs may be off leash when being used in support of hunting activities or permitted stock trailing operations; contained on a vessel or within a vehicle; or in open water as designated and in accordance with applicable Federal and State law.
- (e) Pets may be under verbal control (e.g., call once and the pet comes) within areas jointly used by the National Park Service and the Bureau of Reclamation including Fort Smith Government Camp, Headquarters area, Grapevine road and the gravel pit area.

Determination: These restrictions are necessary to provide for the protection of Recreation Area resources, wildlife and public safety. While visiting the Recreation Area with pets can be a positive pet owner experience, pets have been shown to have negative impacts on park resources, wildlife, and visitors. These impacts include, but are not limited to, noise, pursuit, harassment, defecation, and scent marking of wildlife habitat. In those cases where a pet facilitates access (e.g. service animals or in support of legal hunting activities) the use of such pets is allowed.

Section 2.16 Horses and Pack Animals

- (g)(1) Pack animals are prohibited in designated camping areas and historic ranches, except in the Common Corrals.
- (g)(2) The feeding or dropping of forage in park areas, except for palletized feed or certified weed and seed-free hay, straw, whole grains or cubed products is prohibited.
- (g)(3) All livestock entering or leaving the recreation area must meet state requirements regarding health certificates and brand inspections.

Determination: the Superintendent of Bighorn Canyon NRA has determined these are the minimum necessary restrictions to provide for the protection of the park resources. Resource Management at Bighorn Canyon includes an aggressive invasive weed program that is consistent with existing state and federal programs to minimize the spread of exotic invasive species.

Section 2.22 – PROPERTY

(a)(2) Vehicles and/or boat trailers may be parked unattended at boat launch parking facilities for the duration of overnight camping trips for visitors that are camping at boat-in campgrounds, and camping in adjacent fee campgrounds within the established camping limits.

- Visitors leaving trailers unattended for more than seven consecutive days, will have their boats impounded.
- Visitors not camping must remove their vehicle and/or trailer after daily trips.

Determination: Unattended property is inconsistent with the orderly management of park areas and may limit equitable use of park facilities. Property left unattended in excess of 24 hours may be impounded

Section 2.51 Public Assemblies, Meetings

The following are designated public meeting or assembly areas. Public meetings or assemblies cannot interfere with foot traffic or block any public entrances. Detailed maps of specific areas will be furnished upon request. See Appendix A

- MK Hill Picnic Area, Fort Smith Montana.
- Afterbay Contact Station 100 feet north of the building.
- Cal Taggart Visitor Center 100 feet North East of the building.
- Horseshoe Bend Marina west of the Fish Cleaning Station.

Section 2.52 Sale or Distribution of Printed Matter

The following areas are designated as acceptable for the sale or distribution of printed matter. Sale or distribution areas may not interfere with foot traffic or block any public entrance. Detailed maps of specific areas will be furnished upon request. See Appendix B.

- MK Hill Picnic Area, Fort Smith Montana.
- Afterbay Contact Station 100 feet north of the building.
- Cal Taggart Visitor Center 100 feet North East of the building.
- Horseshoe Bend Marina west of the Fish Cleaning Station.

Section 3.2 Boating and Water Use Activities

All operators and riders must follow applicable state boating regulations regarding personal watercraft.

Montana requires:

- All operators and riders to wear U.S. Coast Guard approved personal flotation devices (PFD).
- If the personal watercraft is equipped with a lanyard-type cord that shuts off the engine when the operator falls off the craft, the lanyard must be attached to the operator's wrist or personal flotation device.
- A "flat wake" or "no wake" speed must be maintained when within 200 feet of a dock, swimmer, swimming raft, non-motorized boat or anchored vessel.
- Children 12 years old or younger may not operate a motorboat or a personal watercraft powered by a motor rated at more than 10 horsepower unless accompanied by someone 18 years of age or older. Youths 13 and 14 years of age may not operate those vessels without completing an approved water safety course, or unless accompanied by someone 18 years of age or older.
- A person must be 18 years or older to rent a motorboat or personal watercraft powered by a motor rated at more than 10 horsepower.

Wyoming requires:

- No person operating a personal watercraft shall cross or jump the wake of another watercraft when within 100 feet of the watercraft creating the wake.
- No person shall operate a personal watercraft unless the watercraft is equipped by the manufacturer with a "kill switch." The kill switch shall be attached via a lanyard to the operator of the personal watercraft when it is underway in such a manner that in the event the operator is ejected from the personal watercraft the engine shall stop.
- All persons aboard personal watercraft shall wear a U.S. Coast Guard approved personal flotation device of a suitable size while engaged in such activity.

Determination: The Bighorn Canyon NRA lies between two states, Wyoming and Montana. The Recreation Area 36 CFR 3.2 allows for the adoption of Federal and state laws and regulations.

Section 3.4 Vessel Inspections

All vessels are required to stop at open Bighorn Canyon NRA; Aquatic Invasive Species (AIS) Check stations prior to launching for inspections. Vessels that have been used within 30 days in states with known occurrence of zebra or Quagga mussels will not be allowed on park waters until completing the prescribed abatement process. Operators of vehicles towing boat trailers will stop at all designated AIS boat inspection stations within the park before launching boats. Boat operators will perform AIS self inspection of their boat before launching in park waters if the inspection station is not open.

Determination: Currently the Bighorn Lake is free of zebra mussels. However, if zebra mussels were to infest the Lake, they will likely foul dock and ramp facilities, encrust boats, clog engines, and damage the quality of lake fishing by disrupting the food chain. In response to the continued and growing threat of the introduction of Quagga and zebra mussels at Bighorn Canyon NRA AIS inspection requirements for Bighorn Lake boaters have been implemented. These increased measures are intended to prevent the unintentional introduction of Quagga and zebra mussels into the waters of Bighorn Lake.

Section 3.8 Vessel Operations

(a)(2) Afterbay Dam to cable 200 feet downstream is closed to boating.

(b)(2) Private vessels may not tie up to any park buoy not specifically designated as a mooring buoy at any time. Mooring buoys will be designated with a blue stripe.

- Private individuals are not allowed to place or install their own buoys in the park for mooring purposes.
- Private individuals are allowed to anchor in areas where they are not a hazard to navigation. Overnight anchoring of vessels is limited to a maximum of 30 days per calendar year.
- All vessels at anchor between sunset and sunrise must display anchor lights. If a vessel is less than 164 feet in length, then its anchor light will be an all-round light visible where it can best be seen from all directions.
- Private vessels aren't required to display an all round white light if they are renting dock space from a concession operator in the park.

Determination: Buoys are designed to mark locations of dock anchoring systems and as aids to navigation. Long term mooring can affect the integrity of the system and making them unusable for park visitors.

(b)(7) Teak Boarding on Bighorn Lake and Afterbay Lake are prohibited.

Determination: Teak boarding is inherently unsafe as it places the rider close to boat exhaust fumes. Riders have been injured or killed from Carbon Monoxide poisoning as a result of Teak Boarding.

Section 3.12 Vessel towing a person

(a) Crooked Creek Bay is closed to towing of people.

Section 3.16 Swimming and Wading

Afterbay Dam to cable 200 feet downstream is closed to wading.

Section 3.17 Swimming and Bathing

- (a)(2) Swimmers must obey restrictions as posted at designated swim beaches.
- (c) Glass containers of all types are prohibited next to water areas in the park; to include designated swim beaches.
- (c) Children three years of age and younger must be accompanied by an adult while in the water. Water flotation devices at designated swimming areas are restricted to children three years of age and younger to discourage reliance on flotation devices.

Determination: Restriction on glass containers is based on safety and environmental concerns to limit injuries associated with discarded or broken glass containers and protect park resources.

Section 4.22 Vehicle Safety

- (b)(1) Operating a motorized vehicle(s) on frozen bodies of water in the park (to include Bighorn Lake) is prohibited with the exception of south of the “South Narrows” of Bighorn Lake (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

UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

COMPENDIUM

APPENDIX A

DESIGNATED AREAS FOR PUBLIC ASSEMBLY

Bighorn Canyon National Recreation Area

2012



Fish Cleaning Station

Public Use Area

Figure 1 Horseshoe Bend Public Assembly Area



Figure 2 Lovell Visitor Center Public Assembly Area

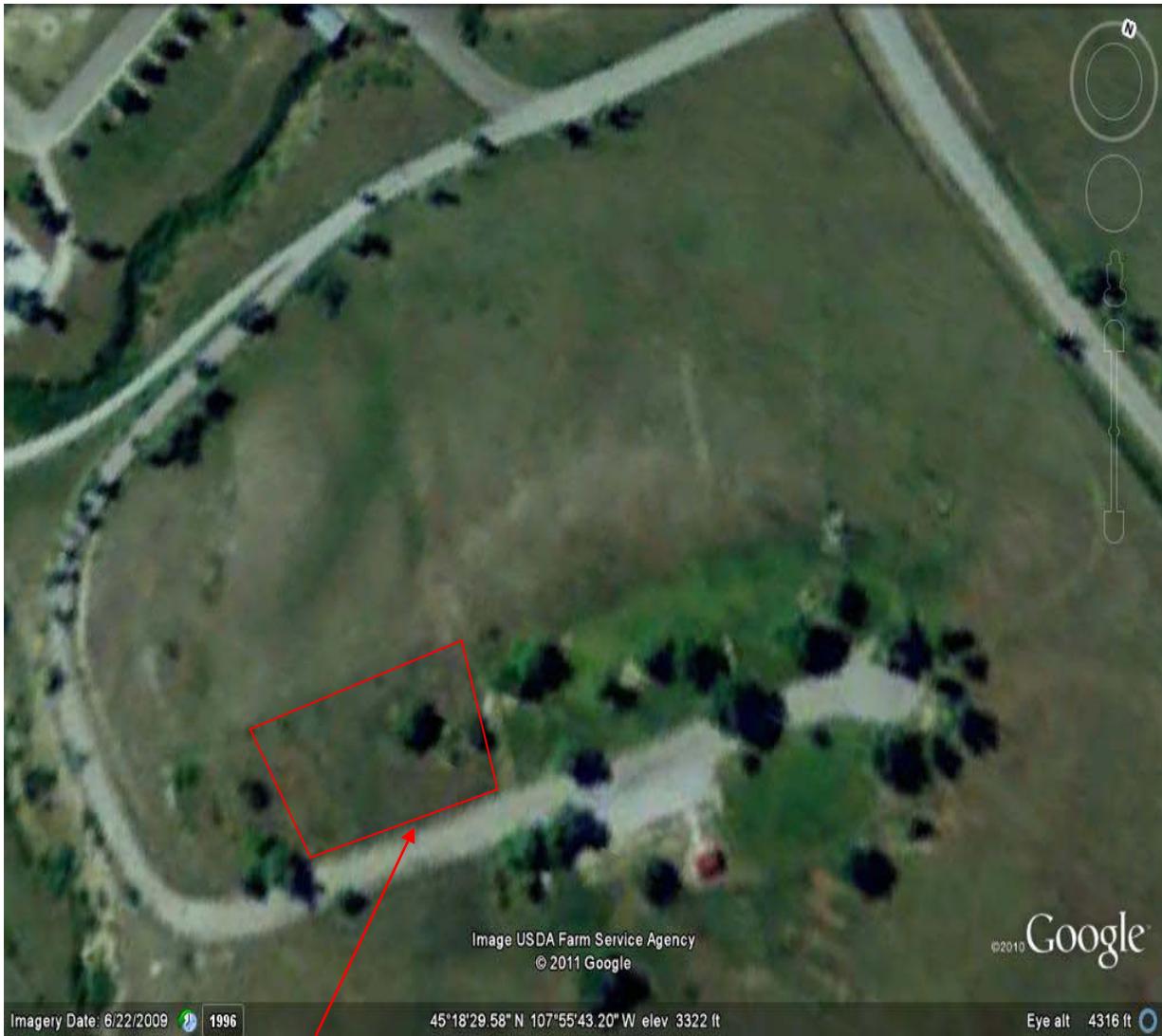


Figure 3 M K Hill Public Use Area

Public Use Area



Public Use
Area

Figure 4 Afterbay Public Assembly Area

UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

COMPENDIUM

APPENDIX B

**DESIGNATED AREAS FOR SALE OR DISTRIBUTION
OF PRINTED MATERIAL**

Bighorn Canyon National Recreation Area

2012



Fish Cleaning Station

Public Use Area

Figure 5 Horseshoe Bend Sale and Printed Material Distribution Area



Figure 6 Lovell Visitor Center Sale and Printed Material Distribution Area

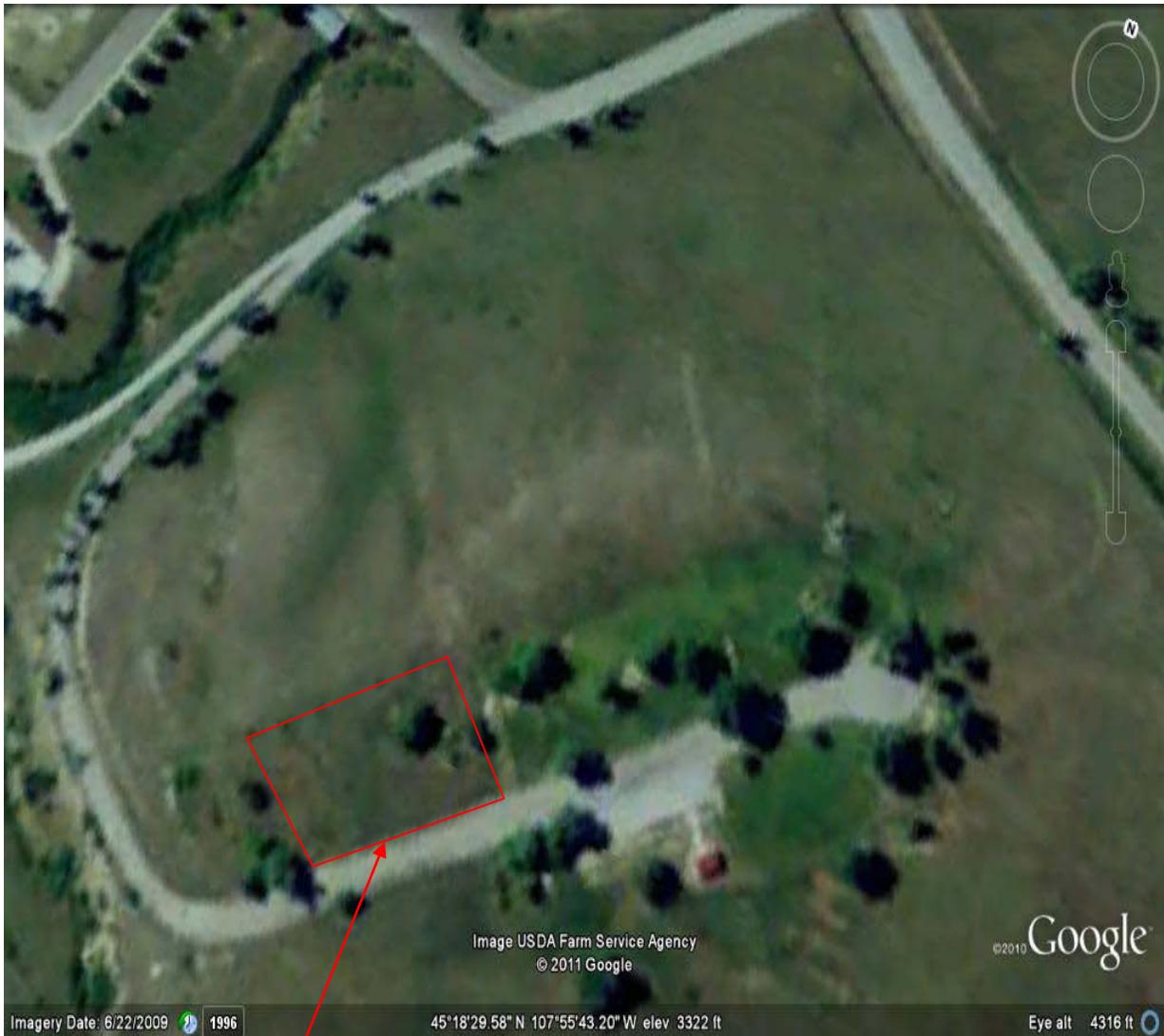


Figure 7 M K Hill Sale and Printed Material Distribution Area

Public Use
Area



Figure 8 Afterbay Sale and Printed Material Distribution Area

Public Use
Area

UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

COMPENDIUM

APPENDIX C

**36 CODE OF FEDERAL REGULATIONS
(ANNOTATED)**

Bighorn Canyon National Recreation Area

2012

Title 36—Parks, Forests, and Public Property

(This book contains parts 1 to 199)

	<i>Part</i>
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CHAPTER I—NATIONAL PARK SERVICE,

DEPARTMENT OF THE INTERIOR

EDITORIAL NOTE: Nomenclature changes to chapter I appear at 60 FR 55790, Nov. 3, 1995; 61 FR 28505, June 5, 1996; and at 62 FR 30234, June 3, 1997.

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PART 1—GENERAL PROVISIONS

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- 1.3 Penalties.
- 1.4 What terms do I need to know?
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- 1.6 Permits.
- 1.7 Public notice.
- 1.8 Information collection.
- 1.10 Symbolic signs.

AUTHORITY: 16 U.S.C. 1, 3, 9a, 460 1–6a(e), 462(k); D.C. Code 8–137, 40–721 (1981).

SOURCE: 48 FR 30275, June 30, 1983, unless otherwise noted.

§ 1.1 Purpose.

- (a) The regulations in this chapter provide for the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the National Park Service.
- (b) These regulations will be utilized to fulfill the statutory purposes of units of the National Park System: to conserve scenery, natural and historic objects, and wildlife, and to provide for the enjoyment of those resources in a manner that will leave them unimpaired for the enjoyment of future generations.

§ 1.2 Applicability and scope.

- (a) The regulations contained in this chapter apply to all persons entering, using, visiting, or otherwise within:
 - (1) The boundaries of federally owned lands and waters administered by the National Park Service;
 - (2) The boundaries of lands and waters administered by the National Park Service for public-use purposes pursuant to the terms of a written instrument;
 - (3) Waters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters and areas within their ordinary reach (up to the mean high water line in places subject to the ebb and flow of the tide and up to the ordinary high water mark in other places) and without regard to the ownership of submerged lands, tidelands, or lowlands;
 - (4) Lands and waters 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);
 - (5) Other lands and waters over which the United States holds a less-than-fee interest, to the extent necessary to fulfill the purpose of the National Park Service administered interest and compatible with the nonfederal interest.
- (b) The regulations contained in parts 1 through 5, part 7, and part 13 of this chapter do not apply on non-federally owned lands and waters or on Indian tribal trust lands

located within National Park System boundaries, except as provided in paragraph (a) or in regulations specifically written to be applicable on such lands and waters.

- (c) The regulations contained in part 7 and part 13 of this chapter are special regulations prescribed for specific park areas. Those regulations may amend, modify, relax or make more stringent the regulations contained in parts 1 through 5 and part 12 of this chapter.
- (d) The regulations contained in parts 2 through 5, part 7, and part 13 of this section shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resource management plans, or in emergency operations involving threats to life, property, or park resources.
- (e) The regulations in this chapter are intended to treat a mobility-impaired person using a manual or motorized wheelchair as a pedestrian, and are not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same regulations.

[51 FR 37010, Oct. 17, 1986, as amended at 52 FR 10683, Apr. 2, 1987; 52 FR 35239, Sept. 18, 1987; 61 FR 35136, July 5, 1996]

§ 1.3 Penalties.

- (a) A person convicted of violating a provision of the regulations contained in parts 1 through 7, 12 and 13 of this chapter, within a park area not covered in paragraphs (b) or (c) of this section, shall be punished by a fine as provided by law, or by imprisonment not exceeding 6 months, or both, and shall be adjudged to pay all costs of the proceedings.
- (b) A person who knowingly and willfully violates any provision of the regulations contained in parts 1 through 5, 7 and 12 of this chapter, within any national military park, battlefield site, national monument, or miscellaneous memorial transferred to the jurisdiction of the Secretary of the Interior from that of the Secretary of War by Executive Order No. 6166, June 10, 1933, and enumerated in Executive Order No. 6228, July 28, 1933, shall be punished by a fine as provided by law, or by imprisonment for not more than 3 months, or by both.

NOTE: These park areas are enumerated in a note under 5 U.S.C. 901.

- (c) A person convicted of violating any provision of the regulations contained in parts 1 through 7 of this chapter, within a park area established pursuant to the Act of August 21, 1935, 49 Stat. 666, shall be punished by a fine as provided by law and shall be adjudged to pay all costs of the proceedings. 16 U.S.C. 462.
- (d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, a person convicted of violating § 2.23 of this chapter shall be punished by a fine as provided by law. 16 U.S.C. 460.

§ 1.4 What terms do I need to know?

- (a) The following definitions shall apply to this chapter, unless modified by the definitions for a specific part or regulation:
Abandonment means the voluntary relinquishment of property with no intent to retain possession.

Administrative activities means those activities conducted under the authority of the National Park Service for the purpose of safeguarding persons or property, implementing management plans and policies developed in accordance and consistent with the regulations in this chapter, or repairing or maintaining government facilities.

Airboat means a vessel that is supported by the buoyancy of its hull and powered by a propeller or fan above the waterline. This definition should not be construed to mean a "hovercraft," that is supported by a fan-generated air cushion.

Aircraft means a device that is used or intended to be used for human flight in the air, including powerless flight.

Archeological resource means material remains of past human life or activities that are of archeological interest and are at least 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, or any portion or piece of the foregoing items, and the physical site, location or context in which they are found, or human skeletal materials or graves.

Authorized emergency vehicle means a vehicle in official use for emergency purposes by a Federal agency or an emergency vehicle as defined by State law.

Authorized person means an employee or agent of the National Park Service with delegated authority to enforce the provisions of this chapter.

Bicycle means every device propelled solely by human power upon which a person or persons may ride on land, having one, two, or more wheels, except a manual wheelchair.

Boundary means the limits of lands or waters administered by the National Park Service as specified by Congress, or denoted by presidential proclamation, or recorded in the records of a state or political subdivision in accordance with applicable law, or published pursuant to law, or otherwise published or posted by the National Park Service.

Camping means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy.

Carry means to wear, bear, or have on or about the person.

Controlled substance means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of part B of the Controlled Substance Act (21

U.S.C. 812) or a drug or substance added to these schedules pursuant to the terms of the Act.

Cultural resource means material remains of past human life or activities that are of significant cultural interest and are less than 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, or any portion or piece of the foregoing items, and the physical site, location, or context in which they are found, or human skeletal materials or graves.

Developed area means roads, parking areas, picnic areas, campgrounds, or other structures, facilities or lands located within development and historic zones depicted on the park area land management and use map.

Director means the Director of the National Park Service.

Dive flag means a flag not less than 12 inches square, red in color, with a white stripe running diagonally from the top of the staff to the opposite lower corner. The white stripe shall be one-fifth the width of the flag.

Downed aircraft means an aircraft that cannot become airborne as a result of mechanical failure, fire, or accident.

Firearm means a loaded or unloaded pistol, rifle, shotgun or other weapon which is designed to, or may be readily converted to, expel a projectile by the ignition of a propellant.

Fish means any member of the subclasses *Agnatha*, *Chondrichthyes*, or *Osteichthyes*, or any mollusk or crustacean found in salt water.

Fishing means taking or attempting to take fish.

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.

Harbor means a natural or artificially improved body of water providing protection for vessels, which may include anchorage, mooring or docking facilities.

Hunting means taking or attempting to take wildlife, except trapping.

Legislative jurisdiction means lands and waters under the exclusive or concurrent jurisdiction of the United States.

Manned submersible means any vessel that carries or is capable of carrying passenger(s) within the confines of the vessel below the surface of the water.

Manual wheelchair means a device that is propelled by human power, designed for and used by a mobility-impaired person.

Motorcycle means every motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motorized wheelchair means a self-propelled wheeled device, designed solely for and used by a mobility-impaired person for locomotion that is both capable of and suitable for use in indoor pedestrian areas.

Motor vehicle means every vehicle that is self-propelled and every vehicle that is propelled by electric power, but not operated on rails or upon water, except a snowmobile and a motorized wheelchair.

National Park System (Park area) means any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

Net means a seine, weir, net wire, fish trap, or other implement designed to entrap fish, except a hand-held landing net used to retrieve fish taken by hook and line.

Nondeveloped area means all lands and waters within park areas other than developed areas.

Operator means a person who operates, drives, controls, otherwise has charge of or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

Other Federal reservations in the environs of the District of Columbia means Federal areas, which are not under the administrative jurisdiction of the National Park Service, located 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, exclusive of military reservations, unless the policing of military reservations by the U.S. Park Police is specifically requested by the Secretary of Defense or a designee thereof.

Pack animal means horses, burros, mules or other hoofed mammals when designated as pack animals by the superintendent.

Park area. See the definition for *National Park System* in this section.

Park road means the main-traveled surface of a roadway open to motor vehicles, owned, controlled or otherwise administered by the National Park Service.

Permit means a written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.

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

Personal watercraft refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

Pet means a dog, cat or any animal that has been domesticated.

Possession means exercising direct physical control or dominion, with or without ownership, over property, or archeological, cultural or natural resources.

Power-driven vessel means any vessel propelled by machinery.

Practitioner means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by the United States or the jurisdiction in which such person practices to distribute or possess a controlled substance in the course of professional practice.

Public use limit means the number of persons; number and type of animals; amount, size and type of equipment, vessels, mechanical modes of conveyance, or food/beverage containers allowed to enter, be brought into, remain in, or be used within a designated geographic area or facility; or the length of time a designated geographic area or facility may be occupied.

Refuse means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded materials.

Regional Director means the official in charge of a geographic area of the National Park Service.

Sailing vessel means any vessel under sail provided, if propelling machinery is fitted, it is not being used.

Secretary means the Secretary of the Interior.

Services means, but is not limited to, meals and lodging, labor, professional services, transportation, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.

Sewage means human body waste or the waste from a toilet or other receptacle intended to receive or retain body waste.

Smoking means the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.

Snowmobile means a self-propelled vehicle intended for travel primarily on snow, having a curb weight of not more than 1000 pounds (450 kg), driven by a track or tracks in contact with the snow, and steered by ski or skis in contact with the snow.

State means a State, territory, or possession of the United States.

State law means the applicable and nonconflicting laws, statutes, regulations, ordinances, infractions and codes of the State(s) and political subdivision(s) within whose exterior boundaries a park area or a portion thereof is located.

Superintendent means the official in charge of a park area or an authorized representative thereof.

Take or *taking* means to pursue, hunt, harass, harm, shoot, trap, net, capture, collect, kill, wound, or attempt to do any of the above.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

Traffic control device means a sign, signal, marking or other device placed or erected by, or with the concurrence of, the Superintendent for the purpose of regulating, warning, guiding or otherwise controlling traffic or regulating the parking of vehicles.

Trap means a snare, trap, mesh, wire or other implement, object or mechanical device designed to entrap or kill animals other than fish.

Trapping means taking or attempting to take wildlife with a trap.

Underwater diving means the use of any apparatus, whether self contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water, can obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water. Underwater diving would include, but is not be limited to use of SCUBA, surface supplied air, mixed gas, or re-breathers.

Underway means when a vessel is not at anchor, moored, made fast to the shore or docking facility, or aground.

Unloaded, as applied to weapons and firearms, means that:

- (1) There is no unexpended shell, cartridge, or projectile in any chamber or cylinder of a firearm or in a clip or magazine inserted in or attached to a firearm;
- (2) A muzzle-loading weapon does not contain gun powder in the pan, or the percussion cap is not in place; and
- (3) Bows, crossbows, spear guns or any implement capable of discharging a missile or similar device by means of a loading or discharging mechanism, when that loading or discharging mechanism is not charged or drawn.

Un-manned submersible means any device operated by remote control, used or capable of being used, to search or collect below the surface of the water. This definition does not apply to a device being used lawfully for fishing.

Vehicle means every device in, upon, or by which a person or property is or may be transported or drawn on land, except snowmobiles and devices moved by human power or used exclusively upon stationary rails or track.

Vessel means every description of watercraft, or other artificial contrivance used, or capable of being used, as a means of transportation on the water. This definition does not apply to a seaplane on the water.

Weapon means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a weapon the possession of which is prohibited under the laws of the State in which the park area or portion thereof is located.

Wildlife means any member of the animal kingdom and includes a part, product, egg or offspring thereof, or the dead body or part thereof, except fish.

- (b) In addition to the definitions in paragraph (a), for the purpose of the regulations contained in parts 3 and 7 of this chapter, the definitions pertaining to navigation, navigable waters and shipping enumerated in title 14 United States Code, title 33 Code of Federal Regulations, title 46 Code of Federal Regulations, title 49 Code of Federal Regulations, the Federal Boating Safety Act of 1971, and the Inland Navigational Rules Act of 1980, shall apply for boating and water activities.

[48 FR 30275, June 30, 1983, as amended at 49 FR 18449, Apr. 30, 1984; 51 FR 37011, Oct. 17, 1986; 52 FR 10683, Apr. 2, 1987; 60 FR

§ 1.5 Closures and public use limits.

- (a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:
 - (1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.
 - (2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.
 - (3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (a)(1) or (2) of this section.
- (b) Except in emergency situations, a closure, designation, use or activity restriction or condition, or the termination or relaxation of such, which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park's natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit, or is of a highly controversial nature, shall be published as rulemaking in the FEDERAL REGISTER.
- (c) Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action. That determination shall set forth the reason(s) the restriction, condition, public use limit or closure authorized by paragraph (a) has been established, and an explanation of why less restrictive measures will not suffice, or in the case of a termination of a restriction, condition, public use limit or closure previously established under paragraph (a), a determination as to why the restriction is no longer necessary and a finding that the termination will not adversely impact park resources. This determination shall be available to the public upon request.
- (d) To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with the criteria and procedures of § 1.6 of this chapter.
- (e) Except in emergency situations, the public will be informed of closures, designations, and use or activity restrictions or conditions, visiting hours, public use limits, public use limit procedures, and the termination or relaxation of such, in accordance with § 1.7 of this chapter.
- (f) Violating a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited.

§ 1.6 Permits.

- (a) When authorized by regulations set forth in this chapter, the superintendent may issue a permit to authorize an otherwise prohibited or restricted activity or impose a public use limit. The activity authorized by a permit shall be consistent with applicable legislation, Federal regulations and administrative policies, and based upon a determination that public health and safety, environmental or scenic values, natural or cultural resources, scientific research, implementation of management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities will not be adversely impacted.
- (b) Except as otherwise provided, application for a permit shall be submitted to the superintendent during normal business hours.
- (c) The public will be informed of the existence of a permit requirement in accordance with § 1.7 of this chapter.
- (d) Unless otherwise provided for by the regulations in this chapter, the superintendent shall deny a permit that has been properly applied for only upon a determination that the designated capacity for an area or facility would be exceeded; or that one or more of the factors set forth in paragraph (a) of this section would be adversely impacted. The basis for denial shall be provided to the applicant upon request.
- (e) The superintendent shall include in a permit the terms and conditions that the superintendent deems necessary to protect park resources or public safety and may also include terms or conditions established pursuant to the authority of any other section of this chapter.
- (f) A compilation of those activities requiring a permit shall be maintained by the superintendent and available to the public upon request.
- (g) The following are prohibited:
 - (1) Engaging in an activity subject to a permit requirement imposed pursuant to this section without obtaining a permit; or
 - (2) Violating a term or condition of a permit issued pursuant to this section.
- (h) Violating a term or condition of a permit issued pursuant to this section may also result in the suspension or revocation of the permit by the superintendent.

§ 1.7 Public notice.

- (a) Whenever the authority of § 1.5(a) is invoked to restrict or control a public use or activity, to relax or revoke an existing restriction or control, to designate all or a portion of a park area as open or closed, or to require a permit to implement a public use limit, the public shall be notified by one or more of the following methods:

- (1) Signs posted at conspicuous locations, such as normal points of entry and reasonable intervals along the boundary of the affected park locale.
- (2) Maps available in the office of the superintendent and other places convenient to the public.
- (3) Publication in a newspaper of general circulation in the affected area.
- (4) Other appropriate methods, such as the removal of closure signs, use of electronic media, park brochures, maps and handouts.

(b) In addition to the above-described notification procedures, the superintendent shall compile in writing all the designations, closures, permit requirements and other restrictions imposed under discretionary authority. This compilation shall be updated annually and made available to the public upon request.

§ 1.8 Information collection.

The information collection requirements contained in §§ 1.5, 2.4, 2.5, 2.10 2.12, 2.17, 2.33, 2.38, 2.50, 2.51, 2.52, 2.60, 2.61, 2.62, 3.3, 3.4, 4.4 and 4.11 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 provide superintendents data necessary to issue permits for special uses of park areas and to obtain notification of accidents that occur within park areas. This information will be used to grant administrative benefits and to facilitate prompt emergency response to accidents. In §§ 2.33, 3.4 and 4.4, the obligation to respond is mandatory; in all other sections the obligation to respond is required in order to obtain a benefit.

[52 FR 10683, Apr. 2, 1987]

§ 1.10 Symbolic signs.

- (a) The signs pictured below provide general information and regulatory guidance in park areas. Certain of the signs designate activities that are either allowed or prohibited. Activities symbolized by a sign bearing a slash mark are prohibited.
- (b) The use of other types of signs not herein depicted is not precluded.

GENERAL



ACCOMMODATIONS OR SERVICE





WINTER RECREATION



WATER RECREATION



LAND RECREATION



*THE ABOVE SYMBOLS INDICATED BY ASTERISKS WHEN DISPLAYED WITH A RED SLASH SUPERIMPOSED OVER THE

SYMBOL INDICATES THE ACTIVITY IS PROHIBITED. THE DESIGN AND FORM OF SUCH A SLASH IS HERE PICTURED.

[48 FR 30275, June 30, 1983, as amended at 61 FR 46556, Sept. 4, 1996]

PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

Sec.

- 2.1 Preservation of natural, cultural and archeological resources.
- 2.2 Wildlife protection.
- 2.3 Fishing.
- 2.4 Weapons, traps and nets.
- 2.5 Research specimens.
- 2.10 Camping and food storage.
- 2.11 Picnicking.
- 2.12 Audio disturbances.
- 2.13 Fires.
- 2.14 Sanitation and refuse.
- 2.15 Pets.
- 2.16 Horses and pack animals.
- 2.17 Aircraft and air delivery.
- 2.18 Snowmobiles.
- 2.19 Winter activities.
- 2.20 Skating, skateboards and similar devices.
- 2.21 Smoking.
- 2.22 Property.
- 2.23 Recreation fees.
- 2.30 Misappropriation of property and services.
- 2.31 Trespassing, tampering and vandalism.
- 2.32 Interfering with agency functions.
- 2.33 Report of injury or damage.

- 2.34 Disorderly conduct.
- 2.35 Alcoholic beverages and controlled substances.
- 2.36 Gambling.
- 2.37 Noncommercial soliciting.
- 2.38 Explosives.
- 2.50 Special events.
- 2.51 Demonstrations.
- 2.52 Sale or distribution of printed matter.
- 2.60 Livestock use and agriculture.
- 2.61 Residing on Federal lands.
- 2.62 Memorialization.

AUTHORITY: 16 U.S.C. 1, 3, 9a, 462(k).

SOURCE: 48 FR 30282, June 30, 1983, unless otherwise noted.

§ 2.1 Preservation of natural, cultural and archeological resources.

- (a) Except as otherwise provided in this chapter, the following is prohibited:
 - (1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:
 - (i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.
 - (ii) Plants or the parts or products thereof.
 - (iii) Nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof.
 - (iv) A mineral resource or cave formation or the parts thereof.
 - (2) Introducing wildlife, fish or plants, including their reproductive bodies, into a park area ecosystem.
 - (3) Tossing, throwing or rolling rocks or other items inside caves or caverns, into valleys, canyons, or caverns, down hillsides or mountainsides, or into thermal features.
 - (4) Using or possessing wood gathered from within the park area: *Provided, however,* that the superintendent may designate areas where dead wood on the ground may be collected for use as fuel for campfires within the park area.
 - (5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue, except in designated areas and under conditions established by the superintendent.
 - (6) Possessing, destroying, injuring, defacing, removing, digging, or disturbing a structure or its furnishing or fixtures, or other cultural or archeological resources.
 - (7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or subbottom profiler. This paragraph does not apply to:
 - (i) A device broken down and stored or packed to prevent its use while in park areas.
 - (ii) Electronic equipment used primarily for the navigation and safe operation of boats and aircraft.

- (iii) Mineral or metal detectors, magnetometers, or subbottom profilers used for authorized scientific, mining, or administrative activities.

- (b) The superintendent may restrict hiking or pedestrian use to a designated trail or walkway system pursuant to §§ 1.5 and 1.7. Leaving a trail or walkway to shortcut between portions of the same trail or walkway, or to shortcut to an adjacent trail or walkway in violation of designated restrictions is prohibited.

(c)

- (1) The superintendent may designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption upon a written determination that the gathering or consumption will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.
- (2) The superintendent may:
 - (i) Limit the size and quantity of the natural products that may be gathered or possessed for this purpose; or
 - (ii) Limit the location where natural products may be gathered; or
 - (iii) Restrict the possession and consumption of natural products to the park area.
- (3) The following are prohibited:
 - (i) Gathering or possessing undesignated natural products.
 - (ii) Gathering or possessing natural products in violation of the size or quantity limits designated by the superintendent.
 - (iii) Unauthorized removal of natural products from the park area.
 - (iv) Gathering natural products outside of designated areas.
 - (v) Sale or commercial use of natural products.

- (d) This section shall not be construed as authorizing the taking, use or possession of fish, wildlife or plants for ceremonial or religious purposes, except where specifically authorized by Federal statutory law, treaty rights, or in accordance with § 2.2 or § 2.3.

NOTE: Regulations concerning archeological resources are found in 43 CFR part 3.

§ 2.2 Wildlife protection.

- (a) The following are prohibited:
 - (1) The taking of wildlife, except by authorized hunting and trapping activities conducted in accordance with paragraph (b) of this section.
 - (2) The feeding, touching, teasing, frightening or intentional disturbing of wildlife nesting, breeding or other activities.
 - (3) Possessing unlawfully taken wildlife or portions thereof.

- (b) *Hunting and trapping.*

- (1) Hunting shall be allowed in park areas where such activity is specifically mandated by Federal statutory law.
 - (2) Hunting may be allowed in park areas where such activity is specifically authorized as a discretionary activity under Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment, and sound resource management principles. Such hunting shall be allowed pursuant to special regulations.
 - (3) Trapping shall be allowed in park areas where such activity is specifically mandated by Federal statutory law.
 - (4) Where hunting or trapping or both are authorized, such activities shall be conducted in accordance with Federal law and the laws of the State within whose exterior boundaries a park area or a portion thereof is located. Nonconflicting State laws are adopted as a part of these regulations.
- (c) Except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of § 1.5 for the purpose of restricting hunting and trapping or closing park areas to the taking of wildlife where such activities are mandated or authorized by Federal statutory law.
 - (d) The superintendent may establish conditions and procedures for transporting lawfully taken wildlife through the park area. Violation of these conditions and procedures is prohibited.
 - (e) The Superintendent may designate all or portions of a park area as closed to the viewing of wildlife with an artificial light. Use of an artificial light for purposes of viewing wildlife in closed areas is prohibited.
 - (f) Authorized persons may check hunting and trapping licenses and permits; inspect weapons, traps and hunting and trapping gear for compliance with equipment restrictions; and inspect wildlife that has been taken for compliance with species, size and other taking restrictions.
 - (g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.
- (c) Except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of § 1.5 for the purpose of restricting or closing park areas to the taking of fish.
 - (d) The following are prohibited:
 - (1) Fishing in fresh waters in any manner other than by hook and line, with the rod or line being closely attended.
 - (2) Possessing or using as bait for fishing in fresh waters, live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe, except in designated waters. Waters which may be so designated shall be limited to those where non-native species are already established, scientific data indicate that the introduction of additional numbers or types of non-native species would not impact populations of native species adversely, and park management plans do not call for elimination of non-native species.
 - (3) Chumming or placing preserved or fresh fish eggs, fish roe, food, fish parts, chemicals, or other foreign substances in fresh waters for the purpose of feeding or attracting fish in order that they may be taken.
 - (4) Commercial fishing, except where specifically authorized by Federal statutory law.
 - (5) Fishing by the use of drugs, poisons, explosives, or electricity.
 - (6) Digging for bait, except in privately owned lands.
 - (7) Failing to return carefully and immediately to the water from which it was taken a fish that does not meet size or species restrictions or that the person chooses not to keep. Fish so released shall not be included in the catch or possession limit: *Provided*, That at the time of catching the person did not possess the legal limit of fish.
 - (8) Fishing from motor road bridges, from or within 200 feet of a public raft or float designated for water sports, or within the limits of locations designated as swimming beaches, surfing areas, or public boat docks, except in designated areas.
 - (e) Except as otherwise designated, fishing with a net, spear, or weapon in the salt waters of park areas shall be in accordance with State law.
 - (f) Authorized persons may check fishing licenses and permits; inspect creels, tackle and fishing gear for compliance with equipment restrictions; and inspect fish that have been taken for compliance with species, size and other taking restrictions.
 - (g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 49 FR 18450, Apr. 30, 1984; 51 FR 33264, Sept. 19, 1986; 52 FR 35240, Sept. 18, 1987]

§ 2.3 Fishing.

- (a) Except in designated areas or as provided in this section, fishing shall be in accordance with the laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located. Nonconflicting State laws are adopted as a part of these regulations.
- (b) State fishing licenses are not required in Big Bend, Crater Lake, Denali, Glacier, Isle Royale (inland waters only), Mammoth Cave, Mount Rainer, Olympic and Yellowstone National Parks.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

§ 2.4 Weapons, traps and nets.

- (a)

- (1) Except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited:
 - (i) Possessing a weapon, trap or net
 - (ii) Carrying a weapon, trap or net
 - (iii) Using a weapon, trap or net
- (2) Weapons, traps or nets may be carried, possessed or used:
 - (i) At designated times and locations in park areas where:
 - (A) The taking of wildlife is authorized by law in accordance with § 2.2 of this chapter;
 - (B) The taking of fish is authorized by law in accordance with § 2.3 of this part.
 - (ii) When used for target practice at designated times and at facilities or locations designed and constructed specifically for this purpose and designated pursuant to special regulations.
 - (iii) Within a residential dwelling. For purposes of this subparagraph only, the term “residential dwelling” means a fixed housing structure which is either the principal residence of its occupants, or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home.
- (3) Traps, nets and unloaded weapons may be possessed within a temporary lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use.

- (b) Carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation is prohibited, except that carrying or possessing a loaded weapon in a vessel is allowed when such vessel is not being propelled by machinery and is used as a shooting platform in accordance with Federal and State law.
- (c) The use of a weapon, trap or net in a manner that endangers persons or property is prohibited.
- (d) The superintendent may issue a permit to carry or possess a weapon, trap or net under the following circumstances:
 - (1) When necessary to support research activities conducted in accordance with § 2.5.
 - (2) To carry firearms for persons in charge of pack trains or saddle horses for emergency use.
 - (3) For employees, agents or cooperating officials in the performance of their official duties.
 - (4) To provide access to otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible. Violation of the terms and conditions of a permit issued pursuant to this paragraph is prohibited and may result in the suspension or revocation of the permit.

- (e) Authorized Federal, State and local law enforcement officers may carry firearms in the performance of their official duties.
- (f) The carrying or possessing of a weapon, trap or net in violation of applicable Federal and State laws is prohibited.
- (g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.
- (h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

[48 FR 30282, June 30, 1983, as amended at 49 FR 18450, Apr. 30, 1984; 52 FR 35240, Sept. 18, 1987; 73 FR 74971, Dec. 10, 2008]

§ 2.5 Research specimens.

- (a) Taking plants, fish, wildlife, rocks or minerals except in accordance with other regulations of this chapter or pursuant to the terms and conditions of a specimen collection permit, is prohibited.
- (b) A specimen collection permit may be issued only to an official representative of a reputable scientific or educational institution or a State or Federal agency for the purpose of research, baseline inventories, monitoring, impact analysis, group study, or museum display when the superintendent determines that the collection is necessary to the stated scientific or resource management goals of the institution or agency and that all applicable Federal and State permits have been acquired, and that the intended use of the specimens and their final disposal is in accordance with applicable law and Federal administrative policies. A permit shall not be issued if removal of the specimen would result in damage to other natural or cultural resources, affect adversely environmental or scenic values, or if the specimen is readily available outside of the park area.
- (c) A permit to take an endangered or threatened species listed pursuant to the Endangered Species Act, or similarly identified by the States, shall not be issued unless the species cannot be obtained outside of the park area and the primary purpose of the collection is to enhance the protection or management of the species.
- (d) In park areas where the enabling legislation authorizes the killing of wildlife, a permit which authorizes the killing of plants, fish or wildlife may be issued only when the superintendent approves a written research proposal and determines that the collection will benefit science or has the potential for improving the management and protection of park resources.
- (e) In park areas where enabling legislation does not expressly prohibit the killing of wildlife, a permit authorizing the killing of plants, fish or wildlife may be issued only when the superintendent approves a written research proposal and determines that the collection will not result in the derogation of the values or purposes for

which the park area was established and has the potential for conserving and perpetuating the species subject to collection.

- (f) In park areas where the enabling legislation prohibits the killing of wildlife, issuance of a collecting permit for wildlife or fish or plants, is prohibited.
- (g) Specimen collection permits shall contain the following conditions:
 - (1) Specimens placed in displays or collections will bear official National Park Service museum labels and their catalog numbers will be registered in the National Park Service National Catalog.
 - (2) Specimens and data derived from consumed specimens will be made available to the public and reports and publications resulting from a research specimen collection permit shall be filed with the superintendent.
- (h) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

NOTE: The Secretary's regulations on the preservation, use, and management of fish and wildlife are found in 43 CFR part 24. Regulations concerning archeological resources are found in 43 CFR part 3.

§ 2.10 Camping and food storage.

- (a) The superintendent may require permits, designate sites or areas, and establish conditions for camping.
- (b) The following are prohibited:
 - (1) Digging or leveling the ground at a campsite.
 - (2) Leaving camping equipment, site alterations, or refuse after departing from the campsite.
 - (3) Camping within 25 feet of a water hydrant or main road, or within 100 feet of a flowing stream, river or body of water, except as designated.
 - (4) Creating or sustaining unreasonable noise between the hours of 10:00 p.m. and 6:00 a.m., considering the nature and purpose of the actor's conduct, impact on park users, location, and other factors which would govern the conduct of a reasonably prudent person under the circumstances.
 - (5) The installation of permanent camping facilities.
 - (6) Displaying wildlife carcasses or other remains or parts thereof, except when taken pursuant to § 2.2.
 - (7) Connecting to a utility system, except as designated.
 - (8) Failing to obtain a permit, where required.
 - (9) Violating conditions which may be established by the superintendent.
 - (10) Camping outside of designated sites or areas.
- (c) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.
- (d) *Food storage.* The superintendent may designate all or a portion of a park area where food, lawfully taken fish or wildlife, garbage, and equipment used to cook or store food must be kept sealed in a vehicle, or in a camping

unit that is constructed of solid, non-pliable material, or suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, or other object, or shall be stored as otherwise designated. Violation of this restriction is prohibited. This restriction does not apply to food that is being transported, consumed, or prepared for consumption.

§ 2.11 Picnicking.

Picnicking is allowed, except in designated areas closed in accordance with § 1.5. The superintendent may establish conditions for picnicking in areas where picnicking is allowed. Picnicking in violation of established conditions is prohibited.

§ 2.12 Audio disturbances.

(a) The following are prohibited:

- (1) Operating motorized equipment or machinery such as an electric generating plant, motor vehicle, motorized toy, or an audio device, such as a radio, television set, tape deck or musical instrument, in a manner: (i) That exceeds a noise level of 60 decibels measured on the A-weighted scale at 50 feet; or, if below that level, nevertheless; (ii) makes noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.
- (2) In developed areas, operating a power saw, except pursuant to the terms and conditions of a permit.
- (3) In nondeveloped areas, operating any type of portable motor or engine, or device powered by a portable motor or engine, except pursuant to the terms and conditions of a permit. This paragraph does not apply to vessels in areas where motor boating is allowed.
- (4) Operating a public address system, except in connection with a public gathering or special event for which a permit has been issued pursuant to § 2.50 or § 2.51.

(b) Violation of the terms and conditions of a permit issued in accordance with section is prohibited and may result in the suspension or revocation of the permit.

§ 2.13 Fires.

(a) The following are prohibited:

- (1) Lighting or maintaining a fire, except in designated areas or receptacles and under conditions that may be established by the superintendent.
- (2) Using stoves or lanterns in violation of established restrictions.
- (3) Lighting, tending, or using a fire, stove or lantern in a manner that threatens, causes damage to, or results in the burning of property, real property or park resources, or creates a public safety hazard.

- (4) Leaving a fire unattended.
 - (5) Throwing or discarding lighted or smoldering material in a manner that threatens, causes damage to, or results in the burning of property or park resources, or creates a public safety hazard.
- (b) Fires shall be extinguished upon termination of use and in accordance with such conditions as may be established by the superintendent. Violation of these conditions is prohibited.
 - (c) During periods of high fire danger, the superintendent may close all or a portion of a park area to the lighting or maintaining of a fire.
 - (d) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

§ 2.14 Sanitation and refuse.

- (a) The following are prohibited:
 - (1) Disposing of refuse in other than refuse receptacles.
 - (2) Using government refuse receptacles or other refuse facilities for dumping household, commercial, or industrial refuse, brought as such from private or municipal property, except in accordance with conditions established by the superintendent.
 - (3) Depositing refuse in the plumbing fixtures or vaults of a toilet facility.
 - (4) Draining refuse from a trailer or other vehicle, except in facilities provided for such purpose.
 - (5) Bathing, or washing food, clothing, dishes, or other property at public water outlets, fixtures or pools, except at those designated for such purpose.
 - (6) Polluting or contaminating park area waters or water courses.
 - (7) Disposing of fish remains on land, or in waters within 200 feet of boat docks or designated swimming beaches, or within developed areas, except as otherwise designated.
 - (8) In developed areas, the disposal of human body waste, except at designated locations or in fixtures provided for that purpose.
 - (9) In nondeveloped areas, the disposal of human body waste within 100 feet of a water source, high water mark of a body of water, or a campsite, or within sight of a trail, except as otherwise designated.
- (b) The superintendent may establish conditions concerning the disposal, containerization, or carryout of human body waste. Violation of these conditions is prohibited.

§ 2.15 Pets.

- (a) The following are prohibited:
 - (1) Possessing a pet in a public building, public transportation vehicle, or location designated as a swimming beach, or any structure or area closed to the possession of pets by the superintendent. This subparagraph shall not apply to guide dogs

- accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons.
- (2) Failing to crate, cage, restrain on a leash which shall not exceed six feet in length, or otherwise physically confine a pet at all times.
- (3) Leaving a pet unattended and tied to an object, except in designated areas or under conditions which may be established by the superintendent.
- (4) Allowing a pet to make noise that is unreasonable considering location, time of day or night, impact on park users, and other relevant factors, or that frightens wildlife by barking, howling, or making other noise.
- (5) Failing to comply with pet excrement disposal conditions which may be established by the superintendent.

- (b) In park areas where hunting is allowed, dogs may be used in support of these activities in accordance with applicable Federal and State laws and in accordance with conditions which may be established by the superintendent.
- (c) Pets or feral animals that are running-at-large and observed by an authorized person in the act of killing, injuring or molesting humans, livestock, or wildlife may be destroyed if necessary for public safety or protection of wildlife, livestock, or other park resources.
- (d) Pets running-at-large may be impounded, and the owner may be charged reasonable fees for kennel or boarding costs, feed, veterinarian fees, transportation costs, and disposal. An impounded pet may be put up for adoption or otherwise disposed of after being held for 72 hours from the time the owner was notified of capture or 72 hours from the time of capture if the owner is unknown.
- (e) Pets may be kept by residents of park areas consistent with the provisions of this section and in accordance with conditions which may be established by the superintendent. Violation of these conditions is prohibited.
- (f) This section does not apply to dogs used by authorized Federal, State and local law enforcement officers in the performance of their official duties.

§ 2.16 Horses and pack animals.

The following are prohibited:

- (a) The use of animals other than those designated as “pack animals” for purposes of transporting equipment.
- (b) The use of horses or pack animals outside of trails, routes or areas designated for their use.
- (c) The use of horses or pack animals on a park road, except:
 - (1) Where such travel is necessary to cross to or from designated trails, or areas, or privately owned property, and no alternative trails or routes have been designated; or
 - (2) when the road has been closed to motor vehicles.
- (d) Free-trailing or loose-herding of horses or pack animals on trails, except as designated.

- (e) Allowing horses or pack animals to proceed in excess of a slow walk when passing in the immediate vicinity of persons on foot or bicycle.
- (f) Obstructing a trail, or making an unreasonable noise or gesture, considering the nature and purpose of the actor's conduct, and other factors that would govern the conduct of a reasonably prudent person, while horses or pack animals are passing.
- (g) Violation of conditions which may be established by the superintendent concerning the use of horses or pack animals.

§ 2.17 Aircraft and air delivery.

- (a) The following are prohibited:
 - (1) Operating or using aircraft on lands or waters other than at locations designated pursuant to special regulations.
 - (2) Where a water surface is designated pursuant to paragraph (a)(1) of this section, operating or using aircraft under power on the water within 500 feet of locations designated as swimming beaches, boat docks, piers, or ramps, except as otherwise designated.
 - (3) Delivering or retrieving a person or object by parachute, helicopter, or other airborne means, except in emergencies involving public safety or serious property loss, or pursuant to the terms and conditions of a permit.
- (b) The provisions of this section, other than paragraph (c) of this section, shall not be applicable to official business of the Federal government, or emergency rescues in accordance with the directions of the superintendent, or to landings due to circumstances beyond the control of the operator.
- (c)
 - (1) Except as provided in paragraph (c)(3) of this section, the owners of a downed aircraft shall remove the aircraft and all component parts thereof in accordance with procedures established by the superintendent. In establishing removal procedures, the superintendent is authorized to:
 - (i) Establish a reasonable date by which aircraft removal operations must be complete;
 - (ii) determine times and means of access to and from the downed aircraft; and
 - (iii) specify the manner or method of removal.
 - (2) Failure to comply with procedures and conditions established under paragraph (c)(1) of this section is prohibited.
 - (3) The superintendent may waive the requirements of paragraph (c)(1) of this section or prohibit the removal of downed aircraft, upon a determination that: (i) The removal of downed aircraft would constitute an unacceptable risk to human life; (ii) the removal of a downed aircraft would result in

extensive resource damage; or (iii) the removal of a downed aircraft is impracticable or impossible.

- (d) The use of aircraft shall be in accordance with regulations of the Federal Aviation Administration. Such regulations are adopted as a part of these regulations.
- (e) The operation or use of hovercraft is prohibited.
- (f) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

§ 2.18 Snowmobiles.

- (a) Notwithstanding the definition of vehicle set forth in § 1.4 of this chapter, the provisions of §§ 4.4, 4.12, 4.13, 4.14, 4.20, 4.21, 4.22 and 4.23 of this chapter apply to the operation of a snowmobile.
- (b) Except as otherwise provided in this section, the laws of the State in which the exterior boundaries of a park area or a portion thereof is located shall govern equipment standards and the operation of snowmobiles. Nonconflicting State laws are adopted as a part of these regulations.
- (c) The use of snowmobiles is prohibited, except on designated routes and water surfaces that are used by motor vehicles or motorboats during other seasons. Routes and water surfaces designated for snowmobile use shall be promulgated as special regulations. Snowmobiles are prohibited except where designated and only when their use is consistent with the park's natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources.
- (d) The following are prohibited:
 - (1) Operating a snowmobile that makes excessive noise. Excessive noise for snowmobiles manufactured after July 1, 1975 is a level of total snowmobile noise that exceeds 78 decibels measured on the A-weighted scale measured at 50 feet. Snowmobiles manufactured between July 1, 1973 and July 1, 1975 shall not register more than 82 decibels on the A-weighted scale at 50 feet. Snowmobiles manufactured prior to July 1, 1973 shall not register more than 86 decibels on the A-weighted scale at 50 feet. All decibel measurements shall be based on snowmobile operation at or near full throttle.
 - (2) Operating a snowmobile without a lighted white headlamp and red taillight from one half-hour after sunset to one half-hour before sunrise, or when persons and vehicles are not clearly visible for a distance of 500 feet.
 - (3) Operating a snowmobile that does not have brakes in good working order.
 - (4) Racing, or operating a snowmobile in excess of 45 mph, unless restricted in accordance with § 4.22 of this chapter or otherwise designated.
- (e) Except where State law prescribes a different minimum age or qualification for the person providing direct supervision and accompaniment, the following are prohibited:

- (1) The operation of a snowmobile by a person under 16 years of age unless accompanied and supervised within line of sight by a responsible person 21 years of age or older;
- (2) The operation of a snowmobile by a person under 12 years of age, unless accompanied on the same machine by a responsible person 21 years of age or older; or
- (3) The supervision by one person of the operation of snowmobiles by more than one person under 16 years of age.

[48 FR 30282, June 30, 1983, as amended at 52 FR 10683, Apr. 2, 1987]

§ 2.19 Winter activities.

- (a) Skiing, snowshoeing, ice skating, sledding, innertubing, tobogganing and similar winter sports are prohibited on park roads and in parking areas open to motor vehicle traffic, except as otherwise designated.
- (b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes. This paragraph shall not apply to sleds designed to be towed behind snowmobiles and joined to the snowmobile with a rigid hitching mechanism.
- (c) Failure to abide by area designations or activity restrictions established under this section is prohibited.

§ 2.20 Skating, skateboards, and similar devices.

Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in designated areas.

§ 2.21 Smoking.

- (a) The superintendent may designate a portion of a park area, or all or a portion of a building, structure or facility as closed to smoking when necessary to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities. Smoking in an area or location so designated is prohibited.
- (b) Smoking is prohibited within all caves and caverns.

§ 2.22 Property.

- (a) The following are prohibited:
 - (1) Abandoning property.
 - (2) Leaving property unattended for longer than 24 hours, except in locations where longer time periods have been designated or in accordance with conditions established by the superintendent.
 - (3) Failing to turn in found property to the superintendent as soon as practicable.
- (b) *Impoundment of property.*
 - (1) Property determined to be left unattended in excess of an allowed period of time may be impounded by the superintendent.
 - (2) Unattended property that interferes with visitor safety, orderly management of the park area, or presents a threat to park resources may be impounded by the superintendent at any time.

- (3) Found or impounded property shall be inventoried to determine ownership and safeguard personal property.
- (4) The owner of record is responsible and liable for charges to the person who has removed, stored, or otherwise disposed of property impounded pursuant to this section; or the superintendent may assess the owner reasonable fees for the impoundment and storage of property impounded pursuant to this section.

(c) *Disposition of property.*

- (1) Unattended property impounded pursuant to this section shall be deemed to be abandoned unless claimed by the owner or an authorized representative thereof within 60 days. The 60-day period shall begin when the rightful owner of the property has been notified, if the owner can be identified, or from the time the property was placed in the superintendent's custody, if the owner cannot be identified.
- (2) Unclaimed, found property shall be stored for a minimum period of 60 days and, unless claimed by the owner or an authorized representative thereof, may be claimed by the finder, provided that the finder is not an employee of the National Park Service. Found property not claimed by the owner or an authorized representative or the finder shall be deemed abandoned.
- (3) Abandoned property shall be disposed of in accordance with title 41 Code of Federal Regulations.
- (4) Property, including real property, located within a park area and owned by a deceased person, shall be disposed of in accordance with the laws of the State within whose exterior boundaries the property is located.

- (d) The regulations contained in paragraphs (a) (2), (b) and (c) of this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

§ 2.23 Recreation fees.

- (a) Recreation fees shall be established as provided for in part 71 of this chapter.
- (b) Entering designated entrance fee areas or using specialized sites, facilities, equipment or services, or participating in group activities, recreation events, or other specialized recreation uses for which recreation fees have been established without paying the required fees and possessing the applicable permits is prohibited. Violation of the terms and conditions of a permit issued in accordance with part 71 is prohibited and may result in the suspension or revocation of the permit.
- (c) The superintendent may, when in the public interest, prescribe periods during which the collection of recreation fees shall be suspended.

§ 2.30 Misappropriation of property and services.

(a) The following are prohibited:

- (1) Obtaining or exercising unlawful possession over the property of another with the purpose to deprive the owner of the property.
- (2) Obtaining property or services offered for sale or compensation without making payment or offering to pay.
- (3) Obtaining property or services offered for sale or compensation by means of deception or a statement of past, present or future fact that is instrumental in causing the wrongful transfer of property or services, or using stolen, forged, expired revoked or fraudulently obtained credit cards or paying with negotiable paper on which payment is refused.
- (4) Concealing unpurchased merchandise on or about the person without the knowledge or consent of the seller or paying less than purchase price by deception.
- (5) Acquiring or possessing the property of another, with knowledge or reason to believe that the property is stolen.

- (b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

§ 2.31 Trespassing, tampering and vandalism.

(a) The following are prohibited:

- (1) *Trespassing*. Trespassing, entering or remaining in or upon property or real property not open to the public, except with the express invitation or consent of the person having lawful control of the property or real property.
- (2) *Tampering*. Tampering or attempting to tamper with property or real property, or moving, manipulating or setting in motion any of the parts thereof, except when such property is under one's lawful control or possession.
- (3) *Vandalism*. Destroying, injuring, defacing, or damaging property or real property.
- (4) *Harassment*. Intentional or reckless harassment of park visitors with physical contact.
- (5) *Obstruction*. Intentional or reckless obstruction of any sidewalk, trail, highway, building entranceway, railroad track, or public utility right-of-way, or other public passage, whether alone or with others. The mere gathering of persons to hear a speaker communicate, or simply being a member of such a gathering, does not constitute obstruction. An official may make a reasonable request or order that one or more persons move in order to prevent obstruction of a public passage, and refusal of such an order constitutes obstruction.

- (b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987; 75 FR 64153, Oct. 19, 2010]

§ 2.32 Interfering with agency functions.

(a) The following are prohibited:

- (1) *Interference*. Threatening, resisting, intimidating, or intentionally interfering with a government employee or agent engaged in an official duty, or on account of the performance of an official duty.
- (2) *Lawful order*. Violating the lawful order of a government employee or agent authorized to maintain order and control public access and movement during fire fighting operations, search and rescue operations, wildlife management operations involving animals that pose a threat to public safety, law enforcement actions, and emergency operations that involve a threat to public safety or park resources, or other activities where the control of public movement and activities is necessary to maintain order and public safety.
- (3) *False information*. Knowingly giving a false or fictitious report or other false information: (i) To an authorized person investigating an accident or violation of law or regulation or; (ii) on an application for a permit.
- (4) *False Report*. Knowingly giving a false report for the purpose of misleading a government employee or agent in the conduct of official duties, or making a false report that causes a response by the United States to a fictitious event.

- (b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

§ 2.33 Report of injury or damage.

- (a) A person involved in an incident resulting in personal injury or property damage exceeding \$300, other than an accident reportable under §§ 3.4 or 4.4 of this chapter, shall report the incident to the superintendent as soon as possible. This notification does not satisfy reporting requirements imposed by applicable State law.
- (b) Failure to report an incident in accordance with paragraph (a) of this section is prohibited.

[48 FR 30282, June 30, 1983, as amended at 52 FR 10683, Apr. 2, 1987]

§ 2.34 Disorderly conduct.

- (a) A person commits disorderly conduct when, with intent to cause public alarm, nuisance, jeopardy or violence, or knowingly or recklessly creating a risk thereof, such person commits any of the following prohibited acts:
 - (1) Engages in fighting or threatening, or in violent behavior.
 - (2) Uses language, an utterance, or gesture, or engages in a display or act that is obscene, physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace.
 - (3) Makes noise that is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.
 - (4) Creates or maintains a hazardous or physically offensive condition.
- (b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

§ 2.35 Alcoholic beverages and controlled substances.

- (a) *Alcoholic beverages.*
 - (1) The use and possession of alcoholic beverages within park areas is allowed in accordance with the provisions of this section.
 - (2) The following are prohibited:
 - (i) The sale or gift of an alcoholic beverage to a person under 21 years of age, except where allowed by State law. In a State where a lower minimum age is established, that age limit will apply for purposes of this subparagraph.
 - (ii) The possession of an alcoholic beverage by a person under 21 years of age, except where allowed by State law. In a State where a lower minimum age is established, that age will apply for purposes of this subparagraph.
 - (3)
 - (i) The superintendent may close all or a portion of a public use area or public facility within a park area to the consumption of alcoholic beverages and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal is broken or the contents of which have been partially removed. *Provided however*, that such a closure may only be implemented following a determination made by the superintendent that:
 - (A) The consumption of an alcoholic beverage or the possession of an open container of an alcoholic beverage would be inappropriate considering other uses of the location and the purpose for which it is maintained or established;

or

- (B) Incidents of aberrant behavior related to the consumption of alcoholic beverages are of such magnitude that the diligent application of the authorities in this section and §§ 1.5 and 2.34 of this chapter, over a reasonable time period, does not alleviate the problem.
 - (ii) A closure imposed by the superintendent does not apply to an open container of an alcoholic beverage that is stored in compliance with the provisions of § 4.14 of this chapter.
 - (iii) Violating a closure imposed pursuant to this section is prohibited.

- (b) *Controlled substances.* The following are prohibited:
 - (1) The delivery of a controlled substance, except when distribution is made by a practitioner in accordance with applicable law. For the purposes of this paragraph, delivery means the actual, attempted or constructive transfer of a controlled substance whether or not there exists an agency relationship.
 - (2) The possession of a controlled substance, unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of professional practice or otherwise allowed by Federal or State law.
 - (c) Presence in a park area when under the influence of alcohol or a controlled substance to a degree that may endanger oneself or another person, or damage property or park resources, is prohibited.

[48 FR 30282, June 30, 1983, as amended at 52 FR 10683, Apr. 2, 1987]

§ 2.36 Gambling.

- (a) Gambling in any form, or the operation of gambling devices, is prohibited.
- (b) This regulation applies, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

§ 2.37 Noncommercial soliciting.

- Soliciting or demanding gifts, money, goods or services is prohibited, except pursuant to the terms and conditions of a permit that has been issued under § 2.50, § 2.51 or § 2.52.

§ 2.38 Explosives.

- (a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit. When permitted, the use, possession, storage and transportation shall be in accordance with applicable Federal and State laws.

- (b) Using or possessing fireworks and firecrackers is prohibited, except pursuant to the terms and conditions of a permit or in designated areas under such conditions as the superintendent may establish, and in accordance with applicable State law.
- (c) Violation of the conditions established by the superintendent or of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

§ 2.50 Special events.

- (a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed: *Provided, however,* There is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefor has been issued by the superintendent. A permit shall be denied if such activities would:
 - (1) Cause injury or damage to park resources; or
 - (2) Be contrary to the purposes for which the natural, historic, development and special use zones were established; or unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic, or commemorative zones.
 - (3) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service; or
 - (4) Substantially impair the operation of public use facilities or services of National Park Service concessioners or contractors; or
 - (5) Present a clear and present danger to the public health and safety; or
 - (6) Result in significant conflict with other existing uses.
- (b) An application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, a statement of equipment and facilities to be used, and any other information required by the superintendent. The application shall be submitted so as to reach the superintendent at least 72 hours in advance of the proposed event.
- (c) As a condition of permit issuance, the superintendent may require:
 - (1) The filing of a bond payable to the Director, in an amount adequate to cover costs such as restoration, rehabilitation, and cleanup of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.
 - (2) In addition to the requirements of paragraph (c)(1) of this section, the acquisition of liability insurance in which the United States is named as co-insured in an amount sufficient to protect the United States.
- (d) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is established. It may

also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

- (e) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

[48 FR 30282, June 30, 1983; 48 FR 31847, July 11, 1983]

§ 2.51 Demonstrations.

- (a) *Demonstrations.* The term “demonstrations” includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services, and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to attract a crowd or onlookers. This term does not include casual park use by visitors or tourists that is not reasonably likely to attract a crowd or onlookers.
- (b) *Permits and the small group permit exception.* Demonstrations are allowed within park areas designated as available under paragraph (c)(2) of this section, when the superintendent has issued a permit for the activity, except that:
 - (1) Demonstrations involving 25 persons or fewer may be held without a permit within designated park areas, provided that:
 - (i) None of the reasons for denying a permit that are set out in paragraph (f) of this section are present;
 - (ii) The group is not merely an extension of another group already availing itself of the small group permit exception under this provision;
 - (iii) They will not unreasonably interfere with other permitted demonstrations and special events, or park program activities; and
 - (iv) Hand-carried signs may be used, but stages, platforms, or structures may not be used.
 - (2) While it is not mandatory, the organizer is requested to provide reasonable notice of the proposed event to the park superintendent, including whether there is any reason to believe that there may be an attempt to disrupt, protest, or prevent the activity.
 - (3) The 25-person maximum for the small group permit exception may be reduced for a designated available area, but only if:
 - (i) A written determination that a 25-person group cannot be reasonably physically accommodated within that area is approved by the regional director; and
 - (ii) The written determination is made available at the office of the superintendent and by public notice under § 1.7 of this chapter.
 - (4) In the event that two or more groups taking advantage of the small group permit exception seek to use the same designated available area at the same time, and the area cannot reasonably accommodate multiple occupancy, the

superintendent will, whenever possible, direct the later-arriving group to relocate to another nearby designated available area.

(c) *Designated available park areas.*

(1) Locations may be designated as available for demonstrations under this section, and for the sale or distribution of printed matter under § 2.52, only if these activities would not:

- (i) Cause injury or damage to park resources;
- (ii) Unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic, or commemorative zones;
- (iii) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service;
- (iv) Substantially impair the operation of public use facilities or services of National Park Service concessioners, holders of commercial use authorizations, or contractors;
- (v) Present a clear and present danger to the public health and safety; or
- (vi) Be incompatible with the nature and traditional use of the particular park area involved.

(2) The superintendent must designate on a map, which must be available in the office of the superintendent and by public notice under § 1.7 of this chapter, the locations designated as available for demonstrations and the sale or distribution of printed matter.

(d) *Application for permit.* A permit application must provide:

- (1) The name of the applicant or the name of the organization (if any);
- (2) The date, time, duration, nature, and place of the proposed event;
- (3) An estimate of the number of persons expected to attend;
- (4) A statement of equipment and facilities to be used;
- (5) Whether there is any reason to believe that there will be an attempt to disrupt, protest, or prevent the event;

and

(6) Any other information required by the permit application form.

(e) The superintendent must not accept an application more than one year before the proposed event (including time required for set-up); applications received more than a year in advance will be returned to the applicant.

(f) *Processing the application.* The superintendent must issue a permit within ten days of receiving a complete and fully executed application unless:

(1) The superintendent has granted or will grant a prior application for a permit for the same time and place, and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area;

- (2) It reasonably appears that the event will present a clear and present danger to public health or safety;
- (3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering such things as damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities;
- (4) The location applied for has not been designated as available under paragraph (c)(2) of this section;
- (5) The application was submitted more than one year before the proposed event (including set-up); or
- (6) The activity would constitute a violation of an applicable law or regulation.

(g) *Written denial of permit.* If a permit is denied, the superintendent will inform the applicant in writing of the denial and the reasons for it.

(h) *Permit conditions.* The permit may contain conditions reasonably consistent with the requirements of public health and safety, protection of park resources, and the use of the park area for the purposes for which it was established. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

(i) *Permit duration.*

- (1) Permits may be issued for a maximum of 14 consecutive days.
- (2) A permit may be extended for up to 14 days, but a new application must National Park Service, Interior § 2.52 be submitted for each extension requested.
- (3) The extension may be denied if another applicant has requested use of the same location and the location cannot reasonably accommodate multiple occupancy.

(j) *Violation prohibited.* Violation of these regulations or the terms of the permit is prohibited.

(k) *Permit revocation, termination of small group exception.*

- (1) The superintendent may revoke a permit for any violation of its terms and conditions.
- (2) The superintendent may revoke a permit, or order a small group permit exception activity to cease, when any of the conditions listed in paragraph (f) of this section exist.
- (3) The superintendent will make the revocation or order to cease in writing, with the reasons clearly set forth. In emergency circumstances the superintendent will make an immediate verbal revocation or order to cease, followed by written confirmation within 72 hours.

[75 FR 64153, Oct. 19, 2010]

§ 2.52 Sale or distribution of printed matter.

- (a) *Printed Matter.* The term “printed matter” means message-bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising.

- (b) *Permits and the small group permit exception.* The sale or distribution of printed matter is allowed within park areas designated as available under § 2.51(c)(2) when the superintendent has issued a permit for the activity, except that:
- (1) Sale or distribution activity by 25 persons or fewer may be conducted without a permit within designated park areas, provided that:
 - (i) None of the reasons for denying a permit that are set out in paragraph (e) of this section are present; and
 - (ii) The group is not merely an extension of another group already availing itself of the small group permit exception under this provision;
 - (iii) The sale or distribution will not unreasonably interfere with other permitted demonstrations and special events, or program activities; and
 - (iv) Hand-carried signs may be used, but stages, platforms, or structures may not be used.
 - (2) While it is not mandatory, the organizer is requested to provide reasonable notice of the proposed event to the park superintendent, including whether there is any reason to believe that there may be an attempt to disrupt, protest, or prevent the activity.
 - (3) The 25-person maximum for the small group permit exception may be reduced for a designated available area, but only if:
 - (i) A written determination that a 25-person group cannot be reasonably physically accommodated within that area is approved by the regional director;
 and
 - (ii) The written determination is made available at the office of the superintendent and by public notice under § 1.7 of this chapter.
 - (4) In the event that two or more groups taking advantage of the small group permit exception seek the same designated available area at the same time, and the area cannot reasonably accommodate multiple occupancy, the superintendent will, whenever possible, direct the later-arriving group to relocate to another nearby designated available area.
- (c) *Application for permit.* An application must provide:
- (1) The name of the applicant or the name of the organization (if any);
 - (2) The date, time, duration, nature, and place of the proposed event;
 - (3) An estimate of the number of persons expected to attend;
 - (4) A statement of equipment and facilities to be used;
 - (5) Whether there is any reason to believe that there will be an attempt to disrupt, protest, or prevent the event; and
 - (6) Any other information required by the permit application form.
- (d) The superintendent must not accept an application more than one year before the proposed event (including time required for set-up); applications received more than a year in advance will be returned to the applicant.
- (e) *Processing the application.* The superintendent must issue a permit within ten days of receiving a complete and fully executed application unless:
- (1) The superintendent has granted or will grant a prior application for a permit for the same time and place, and the activities authorized by that permit do not reasonably allow multiple occupancy of the particular area;
 - (2) It reasonably appears that the sale or distribution will present a clear and present danger to the public health and safety;
 - (3) The number of persons engaged in the sale or distribution exceeds the number that can reasonably be accommodated in the particular location applied for, considering such things as damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities;
 - (4) The location applied for has not been designated as available under § 2.51(c)(2);
 - (5) The application was submitted more than one year before the proposed event (including set-up); or
 - (6) The activity would constitute a violation of an applicable law or regulation.
- (f) *Written denial of permit.* If a permit is denied, the superintendent will inform the applicant in writing of the denial and the reasons for it.
- (g) *Permit conditions.* The permit may contain conditions reasonably consistent with the requirements of public health and safety, protection of park resources, and the use of the park area for the purposes for which it was established.
- (h) *Permit duration.*
- (1) Permits may be issued for a maximum of 14 consecutive days.
 - (2) A permit may be extended for up to 14 days, but a new application must be submitted for each extension requested.
 - (3) The extension may be denied if another applicant has requested use of the same location and the location cannot reasonably accommodate multiple occupancy.
- (i) *Misrepresentation.* It is prohibited for persons engaged in the sale or distribution of printed matter under this section to misrepresent the purposes or affiliations of those engaged in the sale or distribution, or to misrepresent whether the printed matter is available without cost or donation.
- (j) *Violation prohibited.* Violation of these regulations or the terms of the permit is prohibited.
- (k) *Permit revocation, termination of small group exception.*
- (1) The superintendent may revoke a permit for any violation of its terms and conditions.
 - (2) The superintendent may revoke a permit, or order a small group permit exception activity to cease, when

any of the conditions listed in paragraph (e) of this section exist.

- (3) The superintendent will make the revocation or order to cease in writing, with the reasons clearly set forth. In emergency circumstances the superintendent will make an immediate verbal revocation or order to cease, followed by written confirmation within 72 hours.

[75 FR 64154, Oct. 19, 2010]

§ 2.60 Livestock use and agriculture.

- (a) The running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock of any kind in a park area or the use of a park area for agricultural purposes is prohibited, except:
 - (1) As specifically authorized by Federal statutory law; or
 - (2) As required under a reservation of use rights arising from acquisition of a tract of land; or
 - (3) As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene.
- (b) Activities authorized pursuant to any of the exceptions provided for in paragraph (a) of this section shall be allowed only pursuant to the terms and conditions of a license, permit or lease. Violation of the terms and conditions of a license, permit or lease issued in accordance with this paragraph is prohibited and may result in the suspension or revocation of the license, permit, or lease.
- (c) *Impounding of livestock.*
 - (1) Livestock trespassing in a park area may be impounded by the superintendent and, if not claimed by the owner within the periods specified in this paragraph, shall be disposed of in accordance with applicable Federal and State law.
 - (2) In the absence of applicable Federal or State law, the livestock shall be disposed of in the following manner:
 - (i) If the owner is known, prompt written notice of impoundment will be served, and in the event of the owner's failure to remove the impounded livestock within five (5) days from delivery of such notice, it will be disposed of in accordance with this paragraph.
 - (ii) If the owner is unknown, disposal of the livestock shall not be made until at least fifteen (15) days have elapsed from the date that a notice of impoundment is originally published in a newspaper of general circulation in the county in which the trespass occurs or, if no such newspaper exists, notification is provided by other appropriate means.
 - (iii) The owner may redeem the livestock by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, impounding, and the amount of damage to public property injured or destroyed as a result of the trespass.

- (iv) In determining the claim of the government in a livestock trespass, the value of forage consumed shall be computed at the commercial rates prevailing in the locality for the class of livestock found in trespass. The claim shall include the pro rata salary of employees for the time spent and the expenses incurred as a result of the investigation, reporting, and settlement or prosecution of the claim.
- (v) If livestock impounded under this paragraph is offered at public sale and no bid is received, or if the highest bid received is less than the amount of the claim of the United States or of the officer's appraised value of the livestock, whichever is the lesser amount, such livestock, may be sold at private sale for the highest amount obtainable, condemned and destroyed, or converted to the use of the United States.

§ 2.61 Residing on Federal lands.

- (a) Residing in park areas, other than on privately owned lands, except pursuant to the terms and conditions of a permit, lease or contract, is prohibited.
- (b) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

§ 2.62 Memorialization.

- (a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.
- (b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit, or in designated areas according to conditions which may be established by the superintendent.
- (c) Failure to abide by area designations and established conditions is prohibited.
- (d) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

PART 3—BOATING AND WATER USE ACTIVITIES

Sec.

- 3.1 What is the applicability and scope of this part?
- 3.2 Do other boating laws and regulations apply to me when I operate my boat on park waters?
- 3.3 Am I required to obtain a permit to operate a vessel in a park area?
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- 3.5 Do I have to report an accident involving a vessel to the National Park Service?
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- 3.7 What are the NPS Personal Flotation Device (PFD) requirements?
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- 3.10 What are the regulations regarding operating a vessel while under the influence of alcohol and/or drugs?
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- 3.13 What conditions apply to the use of Marine Sanitation Devices (MSD)?
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- 3.16 May I swim or wade in park waters?
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- 3.19 May I operate a submersible within park waters?

AUTHORITY: 16 U.S.C. 1, 1a-2(h), 3.

SOURCE: 72 FR 13702, Mar. 23, 2007, unless otherwise noted.

§ 3.1 What is the applicability and scope of this part?
The applicability of the regulations in this part is described in § 1.2 of this chapter.

- § 3.2 Do other boating laws and regulations apply to me when I operate my boat on park waters?
- (a) In addition to the regulations contained in this part, the NPS adopts applicable laws and regulations of the United States Coast Guard. The USCG laws and regulations are found in Title 14 United States Code, Title 33 United States Code, Title 46 United States Code, and 33 CFR chapter I, 46 CFR chapter I and III and 49 CFR chapter IV. NPS applies the adopted laws and regulations to vessels and their operation on all waters (navigable and nonnavigable) subject to NPS jurisdiction. Therefore, Federal regulations authorizing an action by the ‘‘captain of the port’’ or another officer or employee of the United States Coast Guard, authorize a like action by the superintendent.
 - (b) Except to the extent that directives of the United States Coast Guard have expressly or implicitly preempted inconsistent state laws and regulations or as otherwise provided by subsection (a), vessels and their operation on all waters subject to NPS jurisdiction are governed by non-conflicting boating safety laws and regulations of the State within whose interior boundaries a park area or portion thereof is located.

§ 3.3 Am I required to obtain a permit to operate a vessel in a park area?
Generally, you are not required to obtain a permit to operate a vessel in a park area. However, in certain circumstances, taking into consideration public safety, protection of park resources, and weather and park management objectives, the superintendent may require a permit for use of a vessel within a park area, under §§ 1.5 and 1.7, and will issue permits consistent with § 1.6 of this chapter.

§ 3.4 For what purposes may my vessel be inspected?
(a) An authorized person may at any time stop and/or board a vessel to examine documents, licenses or permits relating to operation of the vessel, and to inspect the vessel to determine compliance with regulations

- pertaining to safety equipment, vessel capacity, marine sanitation devices, and other pollution and noise abatement requirements.
- (b) An authorized person who identifies a vessel being operated without sufficient life saving or firefighting devices, in an overloaded or other unsafe condition, as defined in United States Coast Guard regulations, or in violation of a noise level specified in § 3.15(a) of this part, may direct the operator to suspend further use of the vessel until the condition is corrected.

§ 3.5 Do I have to report an accident involving a vessel to the National Park Service?

- (a) The operator of a vessel involved in an accident must report the accident to the superintendent as soon as practical, but in any event within 24 hours of the accident, if the accident involves:
 - (1) Total property damage of \$2000 or more; or
 - (2) Injury, or death or disappearance of a person
- (b) If the operator is physically incapable of making the report, the owner or an occupant of the vessel must report the accident to the superintendent.
- (c) Filing a report with the superintendent may satisfy applicable United States Coast Guard, State, and local accident reporting requirements. Superintendents will forward the accident report to the appropriate reporting authority in a timely manner that complies with the requirements of 33 CFR 173.55.

§ 3.6 What are the requirements to operate a power driven vessel?

- (a) To operate a power-driven vessel on park waters, a person must be either:
 - (1) At least 16 years old; or
 - (2) Between 12 and 15 years old and accompanied on the vessel by a person at least 18 years old.
- (b) If a park area is located within a State having different age requirements, then the applicable State law is adopted in lieu of paragraph (a) of this section.
- (c) If a park area is located within a State having a mandatory boater education requirement, then that State requirement is adopted.

§ 3.7 What are the NPS Personal Floatation Device (PFD) requirements?

- (a) All requirements in Title 33 CFR part 175 related to PFDs are adopted.
- (b) The Superintendent may require that a PFD be worn or carried on designated waters, at designated times and/or during designated water based activities in accordance with §§ 1.5 and 1.7 of this chapter.

§ 3.8 What vessel operations are prohibited?

- (a) The following operations are prohibited:
 - (1) Launching or operating an airboat.
 - (2) Launching or recovering a vessel, except at a launch site designated by the superintendent.
 - (3) Operating a power-driven vessel on waters not accessible by road.

(4) Operating a vessel in excess of a length, width, or horsepower restriction established by the superintendent in accordance with §§ 1.5 and 1.7 of this chapter. For the purposes of this paragraph, vessel length is measured according to criteria established in 46 CFR chapter I or 33 CFR chapter I.

(b) The following operations are inherently unsafe and therefore prohibited:

- (1) Operating a power-driven or sailing vessel within 100 feet of a diver's flag except a vessel in support of dive operations, which may not be operated in excess of flat wake speed.
- (2) Failing to observe restriction(s) established by a regulatory marker.
- (3) Operating a vessel in excess of flat wake speed in designated areas. (4) Operating a vessel in excess of flat wake speed within 100 feet of:
 - (i) A downed water skier;
 - (ii) A person swimming, wading, fishing from shore or floating with the aid of a flotation device;
 - (iii) A designated launch site; or
 - (iv) A manually propelled, anchored or drifting vessel. If the park is located within a State specifying different conditions, then that State law is adopted in lieu of this paragraph.
- (5) Unless a designated area is marked otherwise, operating a power driven or sailing vessel within 500 feet of a shoreline designated as a swimming beach. This prohibition does not apply in locations such as a river, channel, or narrow cove where passage is restricted to less than 500 feet. In such restrictive locations where swim beaches are designated, the operation of a vessel in excess of a flat wake speed is prohibited.
- (6) Operating a power-driven vessel while a person is riding on the decking over the bow, gunwales, top edge of the transom, motor cover, or in any other unsafe position when the vessel is being operated. This provision does not apply when that portion of the vessel is designed and constructed for the purpose of carrying passengers safely at all speeds or when the vessel is maneuvering for anchoring, docking or mooring.
- (7) Operating a power driven vessel engine/s or generator with a person sitting, riding or hanging on to a swim platform or swim ladder.
- (8) Operating a vessel, or knowingly allowing another person to operate a vessel in a negligent manner, by failing to exercise that degree of care which a reasonable person, under like circumstances, would demonstrate in order to prevent the endangering of the life, limb, or property of a person(s) through the operator's lack of knowledge, inattention, or general carelessness.
- (9) Operating a vessel or knowingly allowing another person to operate a vessel in a grossly negligent manner by willfully and wantonly

creating an unreasonable risk of harm to person(s) or property, regardless of whether the operator intended to cause harm.

§ 3.9 May I operate my personal watercraft (PWC) in park waters?

(a) A person may operate a PWC only in park areas where authorized by special regulation. Special regulations may only be promulgated in the 21 parks listed in the following table:

Name	Water type	State
Amistad National Recreation Area.	Impounded Lake	TX
Assateague Island National Seashore.	Open Ocean/Bay	MD/VA
Bighorn Canyon National Recreation Area.	Impounded Lake	MT
Big Thicket National Preserve	River	TX
Cape Cod National Seashore	Open Ocean/Bay	MA
Cape Lookout National Seashore.	Open Ocean/Bay	NC
Chickasaw National Recreation Area.	Impounded Lake	OK
Cumberland Island National Seashore.	Open Ocean/Bay	GA
Curecanti National Recreation Area.	Impounded Lake	CO
Delaware Water Gap	River	PA/NJ
Fire Island National Seashore	Open Ocean/Bay	NY
Gateway National Recreation Area.	Open Ocean/Bay	NY
Glen Canyon National Recreation Area.	Impounded Lake	AZ/UT
Gulf Islands National Seashore	Open Ocean/Bay	FL/MS
Indiana Dunes National Lakeshore.	Natural Lake	IN
Lake Mead National Recreation Area.	Impounded Lake	AZ/NV
Lake Meredith National Recreation Area.	Impounded Lake	TX
Lake Roosevelt National Recreation Area.	Impounded Lake	WA
Padre Island National Seashore	Open Ocean/Bay	TX
Pictured Rocks National Lakeshore.	Natural Lake	MI
Whiskeytown-Shasta-Trinity National Recreation Area.	Impounded Lake	CA

(b) Where authorized, operation of a PWC on park waters is subject to the following conditions:

- (1) No person may operate a PWC unless each person aboard is wearing a Type I, II, III, or V PFD approved by the United States Coast Guard.
- (2) A person operating a PWC equipped by the manufacturer with a lanyard-type engine cut-off switch must attach such lanyard to his person, clothing, or PFD, as appropriate for the specific vessel.
- (3) No person may operate a PWC anytime between sunset and sunrise.
- (4) No person may operate a PWC by jumping the wake, becoming partially airborne or completely leaving the water while crossing the wake of another vessel within 100 feet of the vessel creating the wake.
- (5) If a park area is located within a State that has more restrictive regulations for the operation of PWC, then applicable State law applies in lieu of paragraphs (b)(1) through (b)(4) of this section.

§ 3.10 What are the regulations regarding operating a vessel while under the influence of alcohol and/or drugs?

- (a) Operating or being in actual physical control of a vessel is prohibited while:
 - (1) Under the influence of alcohol, a drug or drugs, or any combination thereof, to a degree that renders the operator incapable of safe operation; or
 - (2) The alcohol concentration in the operator's blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or more of alcohol per 210 liters of breath.
- (b) If State law that applies to operating a vessel while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits apply rather than the limits specified in paragraph (a) of this section.
- (c) The provisions of this section also apply to an operator who is or has been legally entitled to use alcohol or drugs.

§ 3.11 When is testing for alcohol or drugs required?

- (a) At the request or direction of an authorized person who has probable cause to believe that an operator of a vessel has violated provisions of § 3.10, the operator must submit to one or more testing procedures of the blood, breath, saliva or urine for the purpose of determining blood alcohol and/or drug content.
 - (1) Refusal by an operator to submit to a test is prohibited and proof of refusal may be admissible in any related judicial proceeding.
 - (2) Any test or tests for the presence of alcohol and drugs must be determined by and administered at the direction of an authorized person.
 - (3) Any test must be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.
- (b) The results of chemical or other quantitative tests are intended to supplement the elements of probable cause used as the basis for the arrest of an operator charged with a violation of § 13.10. If the alcohol concentration in the operator's blood or breath at the time of testing is less than alcohol concentrations specified in § 13.10(a)(2), this fact does not give rise to any presumption that the operator is or is not under the influence of alcohol.
- (c) The provisions of paragraph (b) of this section are not intended to limit the introduction of any other competent evidence bearing upon the question of whether the operator, at the time of the alleged violation, was under the influence of alcohol, or a drug, or drugs, or any combination thereof.

§ 3.12 May I use a vessel to tow a person for water skiing or other similar activities?

- (a) The towing of a person by a vessel is allowed only in designated waters, and in accordance with conditions established by the superintendent under §§ 1.5 and 1.7 of this chapter.

- (b) Towing a person using a parasail, hang-glider or other airborne device may be allowed only in accordance with a permit issued by the superintendent under § 1.6 of this chapter.
- (c) Where towing is designated, the following conditions apply:
 - (1) Towing is allowed only between the hours of sunrise and sunset.
 - (2) In addition to the boat operator, a person at least 12 years of age must be present to observe the action of the person being towed.
 - (3) A person being towed must wear a United States Coast Guard approved Type I, II, III, or V PFD.
 - (4) A person being towed may not commit any act in a manner that endangers, or is likely to endanger, any person or damage property.
 - (5) Operating a vessel that does not have the capacity to carry the person(s) being towed in addition to the operator and observer is prohibited.
 - (6) No person shall operate a power driven vessel using a tow rope 20 feet or less in length when towing a person.

§ 3.13 What conditions apply to the use of Marine Sanitation Devices (MSD)?

- (a) Discharging sewage from any vessel, whether treated or not, in any body of fresh water is prohibited.
- (b) The owner or operator of any vessel on park fresh water that is equipped with toilet facilities and/or a MSD that is capable of discharge, must lock or otherwise secure the valves or mechanism of the device. Acceptable methods of securing the device include:
 - (1) Closing the seacock and removing the handle;
 - (2) Padlocking the seacock in the closed position;
 - (3) Using a non-releasable wire-tie to hold the seacock in the closed position; or
 - (4) Locking the door to the space enclosing the toilets with a padlock or door handle key lock.
- (c) The superintendent may modify the requirements of this section through a special regulation.

§ 3.14 Am I required to remove a sunken, grounded, or disabled vessel?

- (a) Except as provided in paragraph (b) of this section, the owners or authorized salvager of a sunken, grounded, or disabled vessel must remove the vessel, all component parts and equipment, and all associated cargo thereof in accordance with procedures established by the superintendent. In establishing removal procedures, the superintendent is authorized to:
 - (1) Establish a reasonable date by which vessel removal operations must be complete;
 - (2) Determine times and means of access to and from the vessel; and
 - (3) Specify the manner or method of removal.
- (b) The superintendent may waive the requirements of paragraph (a) of this section or prohibit removal of the vessel, equipment, or cargo upon a written determination that:

- (1) The removal would constitute an unacceptable risk to human life;
- (2) The removal would result in extensive resource damage; or
- (3) The removal is impracticable or impossible.

The use of manned or unmanned submersibles may only occur in accordance with a permit issued by the superintendent under § 1.6 of this chapter.

- § 3.15 What is the maximum noise level for the operation of a vessel?
- (a) A person may not operate a vessel at a noise level exceeding:
 - (1) 75dB(A) measured utilizing test procedures applicable to vessels underway (Society of Automotive Engineers SAE—J1970); or
 - (2) 88dB(A) measured utilizing test procedures applicable to stationary vessels (Society of Automotive Engineers SAE—J2005).
 - (b) An authorized person who has reason to believe that a vessel is being operated in excess of the noise levels established in paragraph (a) of this section may direct the operator of the vessel to submit the vessel to an on-site test to measure the noise level.

- § 3.16 May I swim or wade in park waters?
Swimming or wading is allowed in waters, subject to closures or restrictions designated by the superintendent in accordance with §§ 1.5 and 1.7 of this chapter.

- § 3.17 What regulations apply to swimming areas and beaches?
- (a) The superintendent may designate areas as swimming areas or swimming beaches in accordance with §§ 1.5 and 1.7 of this chapter.
 - (b) Within designated swimming areas, the use of a surfboard or similar rigid device is prohibited.
 - (c) The superintendent may prohibit the use or possession of flotation devices, glass containers, kites, or incompatible activities in swimming areas or swimming beaches in accordance with §§ 1.5 and 1.7 of this chapter.

- § 3.18 May I snorkel or underwater dive in park waters?
- (a) Snorkeling and underwater diving is allowed in park waters, subject to closures or restrictions designated by the superintendent in accordance with §§ 1.5 and 1.7 of this chapter.
 - (b) In waters open to the use of vessels, a diver must prominently display a dive flag during dive operations. A dive flag must not be displayed unless dive operations are ongoing.
 - (c) The dive flag must be illuminated when dive operations take place between sunset and sunrise. The dive flag illumination may not consist of lights that may be confused with navigation lights or aids to navigation lights.
 - (d) While on the surface, submerging or surfacing the diver must remain within a 100 feet horizontal radius of the diver flag.
 - (e) If State laws or regulations exist concerning snorkeling activities, those provisions of State law or regulation are adopted.

- § 3.19 May I operate a submersible within park waters?

PART 4—VEHICLES AND TRAFFIC SAFETY

Sec.

- 4.1 Applicability and scope.
- 4.2 State law applicable.
- 4.3 Authorized emergency vehicles.
- 4.4 Report of motor vehicle accident.
- 4.10 Travel on park roads and designated routes.
- 4.11 Load, weight and size limits.
- 4.12 Traffic control devices.
- 4.13 Obstructing traffic.
- 4.14 Open container of alcoholic beverage.
- 4.15 Safety belts.
- 4.20 Right of way.
- 4.21 Speed limits.
- 4.22 Unsafe operation.
- 4.23 Operating under the influence of alcohol or drugs.
- 4.30 Bicycles.
- 4.31 Hitchhiking.

AUTHORITY: 16 U.S.C. 1, 3, 9a, 462(k).

SOURCE: 52 FR 10683, Apr. 2, 1987, unless otherwise noted.

- § 4.1 Applicability and scope.
The applicability of the regulations in this part is described in § 1.2 of this chapter. The regulations in this part also apply, regardless of land ownership, on all roadways and parking areas within a park area that are open to public traffic and that are under the legislative jurisdiction of the United States.

- § 4.2 State law applicable.
- (a) Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is adopted and made a part of the regulations in this part.
 - (b) Violating a provision of State law is prohibited.

- § 4.3 Authorized emergency vehicles.
- (a) The operator of an authorized emergency vehicle, when responding to an emergency or when pursuing or apprehending an actual or suspected violator of the law, may:
 - (1) Disregard traffic control devices;
 - (2) Exceed the speed limit; and
 - (3) Obstruct traffic.
 - (b) The provisions of paragraph (a) of this section do not relieve the operator from the duty to operate with due regard for the safety of persons and property.

- § 4.4 Report of motor vehicle accident.
- (a) The operator of a motor vehicle involved in an accident resulting in property damage, personal injury or death shall report the accident to the superintendent as soon as practicable, but within 24 hours of the accident. If the operator is physically incapable of reporting the

accident, an occupant of the vehicle shall report the accident to the superintendent.

- (b) A person shall not tow or move a vehicle that has been involved in an accident without first notifying the superintendent unless the position of the vehicle constitutes a hazard or prior notification is not practicable, in which case notification shall be made before the vehicle is removed from the park area.
- (c) Failure to comply with a reporting requirement specified in paragraph (a) or (b) of this section is prohibited.
- (d) The notification requirements imposed by this section do not relieve the operator and occupants of a motor vehicle involved in an accident of the responsibility to satisfy reporting requirements imposed by State law.

§ 4.10 Travel on park roads and designated routes.

- (a) Operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use.
- (b) Routes and areas designated for off-road motor vehicle use shall be promulgated as special regulations. The designation of routes and areas shall comply with § 1.5 of this chapter and E.O. 11644 (37 FR 2887). Routes and areas may be designated only in national recreation areas, national seashores, national lakeshores and national preserves.
- (c) The following are prohibited:
 - (1) Operating a motor vehicle not equipped with pneumatic tires, except that a track-laying motor vehicle or a motor vehicle equipped with a similar traction device may be operated on a route designated for these vehicles by the superintendent.
 - (2) Operating a motor vehicle in a manner that causes unreasonable damage to the surface of a park road or route.
 - (3) Operating a motor vehicle on a route or area designated for off-road motor vehicle use, from 1/2 hour after sunset to 1/2 hour before sunrise, without activated headlights and taillights that meet the requirements of State law for operation on a State highway.

§ 4.11 Load, weight and size limits.

- (a) Vehicle load, weight and size limits established by State law apply to a vehicle operated on a park road. However, the superintendent may designate more restrictive limits when appropriate for traffic safety or protection of the road surface. The superintendent may require a permit and establish conditions for the operation of a vehicle exceeding designated limits.
- (b) The following are prohibited:
 - (1) Operating a vehicle that exceeds a load, weight or size limit designated by the superintendent.
 - (2) Failing to obtain a permit when required.
 - (3) Violating a term or condition of a permit.
 - (4) Operating a motor vehicle with an auxiliary detachable side mirror that extends more than 10 inches beyond the side fender line except when the motor vehicle is towing a second vehicle.

- (c) Violating a term or condition of a permit may also result in the suspension or revocation of the permit by the superintendent.

§ 4.12 Traffic control devices.

Failure to comply with the directions of a traffic control device is prohibited unless otherwise directed by the superintendent.

§ 4.13 Obstructing traffic.

The following are prohibited:

- (a) Stopping or parking a vehicle upon a park road, except as authorized by the superintendent, or in the event of an accident or other condition beyond the control of the operator.
- (b) Operating a vehicle so slowly as to interfere with the normal flow of traffic.

§ 4.14 Open container of alcoholic beverage.

- (a) Each person within a motor vehicle is responsible for complying with the provisions of this section that pertain to carrying an open container. The operator of a motor vehicle is the person responsible for complying with the provisions of this section that pertain to the storage of an open container.
- (b) Carrying or storing a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal is broken or the contents of which have been partially removed, within a motor vehicle in a park area is prohibited.
- (c) This section does not apply to:
 - (1) An open container stored in the trunk of a motor vehicle or, if a motor vehicle is not equipped with a trunk, to an open container stored in some other portion of the motor vehicle designed for the storage of luggage and not normally occupied by or readily accessible to the operator or passengers; or
 - (2) An open container stored in the living quarters of a motor home or camper; or
 - (3) Unless otherwise prohibited, an open container carried or stored in a motor vehicle parked at an authorized campsite where the motor vehicle's occupant(s) are camping.
- (d) For the purpose of paragraph (c)(1) of this section, a utility compartment or glove compartment is deemed to be readily accessible to the operator and passengers of a motor vehicle.

§ 4.15 Safety belts.

- (a) Each operator and passenger occupying any seating position of a motor vehicle in a park area will have the safety belt or child restraint system properly fastened at all times when the vehicle is in motion. The safety belt and child restraint system will conform to applicable United States Department of Transportation standards.
- (b) This section does not apply to an occupant in a seat that was not originally equipped by the manufacturer with a safety belt nor does it apply to a person who can demonstrate that a medical condition prevents restraint by a safety belt or other occupant restraining device.

§ 4.20 Right of way.

An operator of a motor vehicle shall yield the right of way to pedestrians, saddle and pack animals and vehicles drawn by animals. Failure to yield the right of way is prohibited.

§ 4.21 Speed limits.

- (a) Park area speed limits are as follows:
 - (1) 15 miles per hour: within all school zones, campgrounds, picnic areas, parking areas, utility areas, business or residential areas, other places of public assemblage and at emergency scenes.
 - (2) 25 miles per hour: upon sections of park road under repair or construction.
 - (3) 45 miles per hour: upon all other park roads.
- (b) The superintendent may designate a different speed limit upon any park road when a speed limit set forth in paragraph (a) of this section is determined to be unreasonable, unsafe or inconsistent with the purposes for which the park area was established. Speed limits shall be posted by using standard traffic control devices.
- (c) Operating a vehicle at a speed in excess of the speed limit is prohibited.
- (d) An authorized person may utilize radio microwaves or other electrical devices to determine the speed of a vehicle on a park road. Signs indicating that vehicle speed is determined by the use of radio microwaves or other electrical devices are not required.

§ 4.22 Unsafe operation.

- (a) The elements of this section constitute offenses that are less serious than reckless driving. The offense of reckless driving is defined by State law and violations are prosecuted pursuant to the provisions of section 4.2 of this chapter.
- (b) The following are prohibited:
 - (1) Operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent considering wildlife, traffic, weather, road and light conditions and road character.
 - (2) Operating a motor vehicle in a manner which unnecessarily causes its tires to squeal, skid or break free of the road surface.
 - (3) Failing to maintain that degree of control of a motor vehicle necessary to avoid danger to persons, property or wildlife.
 - (4) Operating a motor vehicle while allowing a person to ride:
 - (i) On or within any vehicle, trailer or other mode of conveyance towed behind the motor vehicle unless specifically designed for carrying passengers while being towed; or
 - (ii) On any exterior portion of the motor vehicle not designed or intended for the use of a passenger. This restriction does not apply to a person seated on the floor of a truck bed equipped with sides, unless prohibited by State law.

§ 4.23 Operating under the influence of alcohol or drugs.

- (a) Operating or being in actual physical control of a motor vehicle is prohibited while:
 - (1) Under the influence of alcohol, or a drug, or drugs, or any combination thereof, to a degree that renders the operator incapable of safe operation; or
 - (2) The alcohol concentration in the operator's blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or more of alcohol per 210 liters of breath. Provided however, that if State law that applies to operating a motor vehicle while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits supersede the limits specified in this paragraph.
- (b) The provisions of paragraph (a) of this section also apply to an operator who is or has been legally entitled to use alcohol or another drug.
- (c) *Tests.*
 - (1) At the request or direction of an authorized person who has probable cause to believe that an operator of a motor vehicle within a park area has violated a provision of paragraph (a) of this section, the operator shall submit to one or more tests of the blood, breath, saliva or urine for the purpose of determining blood alcohol and drug content.
 - (2) Refusal by an operator to submit to a test is prohibited and proof of refusal may be admissible in any related judicial proceeding.
 - (3) Any test or tests for the presence of alcohol and drugs shall be determined by and administered at the direction of an authorized person.
 - (4) Any test shall be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.
- (d) *Presumptive levels.*
 - (1) The results of chemical or other quantitative tests are intended to supplement the elements of probable cause used as the basis for the arrest of an operator charged with a violation of paragraph (a)(1) of this section. If the alcohol concentration in the operator's blood or breath at the time of testing is less than alcohol concentrations specified in paragraph (a)(2) of this section, this fact does not give rise to any presumption that the operator is or is not under the influence of alcohol.
 - (2) The provisions of paragraph (d)(1) of this section are not intended to limit the introduction of any other competent evidence bearing upon the question of whether the operator, at the time of the alleged violation, was under the influence of alcohol, or a drug, or drugs, or any combination thereof.

[52 FR 10683, Apr. 2, 1987, as amended at 68 FR 46479, Aug. 6, 2003]

§ 4.30 Bicycles.

- (a) The use of a bicycle is prohibited except on park roads, in parking areas and on routes designated for bicycle use; *provided, however*, the superintendent may close any park road or parking area to bicycle use pursuant to the criteria and procedures of §§ 1.5 and 1.7 of this chapter. Routes may only be designated for bicycle use based on a written determination that such use is consistent with the protection of a park area's natural, scenic and aesthetic values, safety considerations and management objectives and will not disturb wildlife or park resources.
- (b) Except for routes designated in developed areas and special use zones, routes designated for bicycle use shall be promulgated as special regulations.
- (c) A person operating a bicycle is subject to all sections of this part that apply to an operator of a motor vehicle, except §§ 4.4, 4.10, 4.11 and 4.14.
- (d) The following are prohibited:
 - (1) Possessing a bicycle in a wilderness area established by Federal statute.
 - (2) Operating a bicycle during periods of low visibility, or while traveling through a tunnel, or between sunset and sunrise, without exhibiting on the operator or bicycle a white light or reflector 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.
 - (3) Operating a bicycle abreast of another bicycle except where authorized by the superintendent.
 - (4) Operating a bicycle while consuming an alcoholic beverage or carrying in hand an open container of an alcoholic beverage.

§ 4.31 Hitchhiking.
Hitchhiking or soliciting transportation is prohibited except in designated areas and under conditions established by the superintendent.

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

- Sec.
- 5.1 Advertisements.
 - 5.2 Alcoholic beverages; sale of intoxicants.
 - 5.3 Business operations.
 - 5.4 Commercial passenger-carrying motor vehicles.
 - 5.5 Commercial photography.
 - 5.6 Commercial vehicles.
 - 5.7 Construction of buildings or other facilities.
 - 5.8 Discrimination in employment practices.
 - 5.9 Discrimination in furnishing public accommodations and transportation services.
 - 5.10 Eating, drinking, or lodging establishments.
 - 5.11–5.12 [Reserved]
 - 5.13 Nuisances.
 - 5.14 Prospecting, mining, and mineral leasing.

AUTHORITY: 16 U.S.C. 1, 3, 9a, 17j–2, 462.
SOURCE: 31 FR 16660, Dec. 29, 1966, unless otherwise noted.

§ 5.1 Advertisements.

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent. Such permission may be granted only if the notice or advertisement is of goods, services, or facilities available within the park area and such notices and advertisements are found by the Superintendent to be desirable and necessary for the convenience and guidance of the public.

§ 5.2 Alcoholic beverages; sale of intoxicants.

- (a) The sale of alcoholic, spirituous, vinous, or fermented liquor, containing more than 1 percent of alcohol by weight, shall conform with all applicable Federal, State, and local laws and regulations (See also § 2.35 of this chapter.)
- (b) No such liquor shall be sold on any privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic Mesa Verde, Denali, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, or Yosemite National Parks, unless a permit for the sale thereof has first been secured from the appropriate Regional Director.
 - (1) In granting or refusing applications for permits as herein provided, the Regional Directors shall take into consideration the character of the neighborhood, the availability of other liquor-dispensing facilities, the local laws governing the sale of liquor, and National Park Service, Interior § 5.4 any other local factors which have a relationship to the privilege requested.
 - (2) A fee will be charged for the issuance of such a permit, corresponding to that charged for the exercise of similar privileges outside the park area boundaries by the State government, or appropriate political subdivision thereof within whose exterior boundaries the place covered by the permit is situated.
 - (3) The applicant or permittee may appeal to the Director from any final action of the appropriate Regional Director refusing, conditioning or revoking the permit. Such an appeal shall be filed, in writing, within 20 days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Director may be appealed to the Secretary of the Interior within 15 days after receipt of notice by the applicant or permittee of the Director's decision.
 - (4) The permit for sale of intoxicating liquors shall contain such general and special conditions as the Regional Director may deem reasonably necessary to insure safe and orderly management of the park area.
 - (5) The permittee shall comply with all State and county laws and regulations, other than fee and license requirements, which would be applicable to the premises and to the sale and dispensing of intoxicating beverages if the privately owned lands were not subject to the jurisdiction of the United States.

§ 5.3 Business operations.

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

§ 5.4 Commercial passenger-carrying motor vehicles.

(a) The commercial transportation of passengers by motor vehicles except as authorized under a contract or permit from the Secretary or his authorized representative is prohibited in Crater Lake (prohibition is limited to sightseeing tours on the rim drive), Glacier (prohibition does not apply to nonscheduled tours on portions of the park road as defined in § 7.3 of this chapter), Grand Canyon (prohibition does not apply to the north rim or to nonscheduled tours as defined in § 7.4 of this chapter), Grand Teton (prohibition does not apply to those portions of Highways Nos. 26, 89, 187, and 287 commencing at the south boundary of the park and running in a general northerly direction to the east and north boundaries of the park), Mesa Verde (prohibition does not apply to transportation between points within the park and outside points), Denali National Park and Preserve (prohibition does not apply to that portion of the Denali Park road between the Highway 3 junction and the Denali Park Railroad Depot), Sequoia-Kings Canyon, Yellowstone (prohibition does not apply to nonscheduled tours as defined in § 7.13 of this chapter, nor to that portion of U.S. Highway 191 traversing the northwest corner of the park) and Yosemite National Parks. The following principles will govern the interpretation and enforcement of the section:

- (1) Transportation is commercial if it is operated primarily as a business activity or for profit of the operator, or if any person or organization may receive a profit, commission, fee, brokerage or other compensation for organizing, advertising, promoting, soliciting or selling the trip or tour of which such transportation is a part.
- (2) Transportation is commercial if payment therefor is made directly or indirectly to the operator: *Provided*, That bona fide sharing of actual expenses will not be deemed a payment.
- (3) Transportation by a motor vehicle licensed as a commercial vehicle, or of commercial type, will be presumed to be commercial unless otherwise established to the satisfaction of the Superintendent or his authorized representative.
- (4) Transportation will not be deemed commercial for the sole reason that the motor vehicle is chartered or rented in good faith to the operator, by the owner, for general use at a charge based upon time or mileage or both. Nothing in this section is intended to prohibit the operation of pleasure type automobiles rented without a driver on the normal terms from the owner.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3) [31 FR 16660, Dec. 29, 1966, as amended at 37 FR 12722, June 28, 1972; 38 FR 10639, Apr. 30, 1973; 60 FR 35841, July 12, 1995; 65 FR 37878, June 19, 2000]

§ 5.5 Commercial photography.

- (a) *Motion pictures, television.* Before any motion picture may be filmed or any television production or sound track may be made, which involves the use of professional casts, settings, or crews, by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent, in accordance with the provisions of the special regulations contained in part 5, subtitle A, title 43 of the Code of Federal Regulations.
- (b) *Still photography.* The taking of photographs of any vehicle, or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

§ 5.6 Commercial vehicles.

- (a) The term "Commercial vehicle" as used in this section shall include, but not be limited to trucks, station wagons, pickups, passenger cars or other vehicles when

- (5) Subject to the provision of paragraph (a)(1) of this section, transportation is not commercial if it is a part of a trip or tour initiated, organized, and directed by an established bona fide school or college, institution, society or other organization, as a nonprofit activity of such organization, and if all passengers are students, faculty, members, or employees of such organization, or otherwise connected therewith, provided that credentials are presented at the park entrance from the head of such institution or organization indicating the trip is in accordance with the provisions stipulated herein. Clubs or associations having as a principal purpose the arranging of tours, trips, or transportation for their members will not qualify for admission into the above-named parks under the provision of this paragraph.
- (6) As used in this section, "owner" means the person or organization having legal title, or all the incidents of ownership other than legal title, of a motor vehicle by which passengers may be transported, and includes a registered owner or a purchaser under a conditional sales contract. "Operator" means the person, organization, or group that arranges for the transportation, assumes responsibility for financial risk and management, and determines who shall be transported upon what terms, conditions, or charges. The operator may be the owner, but need not be.

- (b) Passenger-carrying motor vehicles, otherwise admissible, that are so large as to require special escort in order to proceed safely over park roads, or which in the judgment of the Superintendent are beyond the carrying capacity or safety factor of the roads, will not be permitted in the parks, except that, where they may satisfactorily enter and travel to park headquarters they may be parked there during the period of stay.

used in transporting movable property for a fee or profit, either as a direct charge to another person, or otherwise, or used as an incident to providing services to another person, or used in connection with any business.

- (b) The use of government roads within park areas by commercial vehicles, when such use is in no way connected with the operation of the park area, is prohibited, except that in emergencies the Superintendent may grant permission to use park roads.
- (c) The Superintendent shall issue permits for commercial vehicles used on park area roads when such use is necessary for access to private lands situated within or adjacent to the park area, to which access is otherwise not available.

§ 5.7 Construction of buildings or other facilities.
Constructing or attempting to construct a building, or other structure, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or any other private or public utility, upon across, over, through, or under any park areas, except in accordance with the provisions of a valid permit, contract, or other written National Park Service, Interior § 5.9 agreement with the United States, is prohibited.

§ 5.8 Discrimination in employment practices.

- (a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public within any park area is prohibited from discriminating against any employee or maintaining any employment practice which discriminates because of race, creed, color, ancestry, sex, age, disabling condition, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by derivative subcontract or sublease. As used in this section, the term “employment” includes, but is not limited to, employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.
- (b) Each such proprietor, owner or operator shall post either the following notice:

NOTICE
This is a facility operated in an area under the jurisdiction of the United States Department of the Interior. No discrimination in employment practices on the basis of race, creed, color, ancestry, sex, age, disabling condition, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints or violations of this prohibition should be addressed to the Director, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

or notices supplied in accordance with Executive Order 11246 at such locations as will ensure that the notice and its contents will be conspicuous to any person seeking employment.

- (c) The regulations contained in this section apply, regardless of land ownership, on all lands and waters

within a park area that are under the legislative jurisdiction of the United States.

[31 FR 16660, Dec. 29, 1966, as amended at 52 FR 35240, Sept. 18, 1987; 53 FR 740, Jan. 12, 1988]

- § 5.9 Discrimination in furnishing public accommodations and transportation services.
- (a) The proprietor, owner or operator and the employees of any hotel, inn, lodge, or other facility or accommodation offered to or enjoyed by the general public within a park area and, while using such a park area, any commercial passenger-carrying motor vehicle service and its employees, are prohibited from:
 - (1) Publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, sex, age, disabling condition, or national origin; or
 - (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, sex, age, disabling condition, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.
 - (b) Each such proprietor, owner, or operator shall post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services, or privileges:

NOTICE
This is a facility operated in an area under the jurisdiction of the U.S. Department of the Interior. No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry, sex, age, disabling condition or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

- (c) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[31 FR 16660, Dec. 29, 1966, as amended at 52 FR 35240, Sept. 18, 1987; 53 FR 740, Jan. 12, 1988]

- § 5.10 Eating, drinking, or lodging establishments.
- (a) No establishment offering food, drink, or lodging for sale on any privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Denali, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone,

and Yosemite National Parks may be operated without a permit obtained from the Superintendent. Such permit may include terms and conditions deemed necessary by the Superintendent to the health, safety and welfare of the public and it may be revoked upon failure to comply with the requirements of paragraphs (b) and (c) of this section or the conditions set forth in the permit.

- (b) Such establishment shall be maintained and operated in accordance with the rules and regulations recommended by the U.S. Public Health Service for such establishments, and the substantive requirements of State and local laws and regulations relating to such establishments, which would apply if such privately owned lands were not subject to the jurisdiction of the United States. In the event of conflict or inconsistency between such U.S. Public Health Service recommendations and State or local laws the former shall prevail.
- (c) The Superintendent shall have the right to inspect such establishments at reasonable times to determine whether the establishment is being operated in accordance with the applicable rules and regulations and in accordance with the provisions of the permit.

[31 FR 16660, Dec. 29, 1966, as amended at 65 FR 37878, June 19, 2000] §§ 5.11–5.12 [Reserved]

§ 5.13 Nuisances.

The creation or maintenance of a nuisance upon the federally owned lands of a park area or upon any private lands within a park area under the exclusive legislative jurisdiction of the United States is prohibited.

§ 5.14 Prospecting, mining, and mineral leasing.

Prospecting, mining, and the location of mining claims under the general mining laws and leasing under the mineral leasing laws are prohibited in park areas except as authorized by law.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

§ 7.92 Bighorn Canyon National Recreation Area.

- (a) *Aircraft-designated airstrip.* (1) Fort Smith landing strip, located at approximate latitude 45 deg. 19'N., approximate longitude 107 deg. 55'41"W in the S1/2S1/2SE1/4 sec. 8, and the 1/2SW1/4SW1/4 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

- (e) 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, 20

