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Introduction

36 CFR is the rules and regulations promulgated to manage the National Park System. With the revision of these rules it was identified that staff in the National Park Service would need additional training to enable them to fully utilize this tool effectively. A cadre of instructors was trained and this manual prepared to aid them with this instruction.

It should be noted, however, that the basic documents are the Federal Register Notices themselves! The importance of the Federal Register cannot be emphasized enough. In years to come the rules will be published in the CFR and be the ready reference. But, the Preamble to these rules will remain only in the Federal Register.

This Preamble consists of two sections; (1) a section-by-section analysis of the regulations and (2) a section-by-section analysis of public comments that were received on the proposed regulations. This preamble explains the intent of the proposed regulations and the reasons for their establishment. It is essential that this information not be lost but be utilized to better understand the intent of the regulations.
Background

A project begun in July of 1980 reached a successful conclusion on June 30, 1983, with the publication of the final rule implementing revisions to 36 CFR Parts 1, 2 and 3. These regulations were published in proposed form on March 17, 1982. They will become effective on April 30, 1984.

The general regulations were last revised in 1966, although amendments and additions have been made from time to time since then, usually in response to new situations for which the existing regulations were not sufficient.

Since 1966, the evolution of the National Park System, new statutory authorities, and changing visitor use patterns led to a determination that a comprehensive review of the general regulations was needed. When combined with recent government wide efforts to simplify regulations and ease the burden of regulations on the public, this situation led to a Service decision in 1980 to review and revise the general regulations.

A task force of employees with a wide variety of backgrounds in law enforcement, park management, and regulations was established to work on this project. Their charge was to review the existing regulations, determine their applicability to the current park management framework, and identify unnecessary or duplicative rules.

The adoption of these revised regulations will have several effects. One is to establish rules that can be clearly understood and followed by the public and by National Park Service employees and managers. Consistency in the use of terms is stressed throughout the document. This objective is largely achieved through an expanded list of definitions. All of the regulations in Parts 1 - 3 have been renumbered. This was done to group like rules and to make finding and reference easier. The revised regulations will also result in more consistent application and enforcement Servicewide. Confusing and inconsistent standards, such as the current permit system, have been clarified and, where appropriate, consolidated or eliminated. Additional guidelines, such as the creation of a systematic procedure for public notification of park closures or restrictions, have been devised.

A major effect of this rulemaking is the elimination of the management categories from Parts 1 - 3 of the Code of Federal Regulations. In 1964 all units of the National Park System were broadly categorized as natural, historical or recreational. The National Park Service developed a series of Administrative Policies for each category that served as guidelines for park management and were incorporated into general regulations.
Since 1964 changes in the composition of the National Park System have been extensive. However, the strong direction of the 1916 Organic Act remains unchanged:

"To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (16 USC 1)

This mandate on the management and administration of the National Park System was reiterated by Congress in 1978.

"The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress." (16 USC 1a-1)

In light of this specific legislative direction, the management and administration of park areas must be in accordance with both the general laws relating to the National Park System and the more specific laws relating to the authorization and administration of a particular park unit.

The National Park Service has developed these regulations in accordance with Executive Order 12291 of Federal Regulations (46 FR 13193, February 19, 1981). This rulemaking will eliminate unnecessary, conflicting, and duplicative regulations. This is accomplished through such features as the adoption of Coast Guard regulations in Part 3. A further outcome of these revisions is the elimination of nearly 100 special regulations from 36 CFR Part 7.

This rulemaking document makes no substantive changes to long-standing regulations or policies. The Service believes these rules respond to concerns for managing the National Park System, providing maximum flexibility to park managers to deal with the wide variety of situations found throughout the System, and maintaining protection and sound management of the resources and values that have led to the establishment of units of the National Park System.
Legislative Summary

The following is a summary of the applicable legislation behind 36 CFR and the authority for these regulations.

§3. Rules and regulations of national parks, reservations, and monuments; timber; leases

"The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished by a fine of not more than $500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings.....He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations......" (16 USC 3)

The service thus established shall promote and regulate the use of the Federal area known as national parks, monuments, and reservations by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

-August 25, 1916 - 16 USC §1

Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system.

-August 18, 1970 - 16 USC §1a-1

NOTE:
-Extends all of the NPS mandates and authority of the 1916 Act, to all of the park areas. This is the basis for doing
away with the previous management categories.
-Each park manager needs to recognize this law and phase out all non-conforming activities.

The authorization of activities shall be construed and the protection, management and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the value and purposes for which these areas have been established, except as may have been or shall be directly and specifically provided by Congress.

-1978 - 16 USC §1a-1

NOTE:
-This further clarifies the 1970 legislation.
-This legislation can be cited as the park's authority for stopping an activity, as long as the park manager can justify the "derogation of the value and purposes" of the area.
-This legislation has often been erroneously referred to as "The Redwoods Act" because it was tacked onto the Act. However, it is an amendment to the 1916 Act and is a congressional review of the Organic Act. Congress reaffirms the responsibilities of the National Park Service to preserve and protect.

The Secretary may.....
Promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: PROVIDED, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States.

-16 USC 1a-2(h)
Private Lands Under the Legislative Jurisdiction of the United States

Ten sections of 36 CFR Part 2 are applicable on the privately owned lands and waters under the legislative jurisdiction of the United States. The term Legislative Jurisdiction is defined in 36 CFR 1.4 as "lands and waters under the exclusive or concurrent jurisdiction of the United States". It is important to note that in order for these ten sections to be applicable on privately owned lands within units of the National Park System, the National Park Service must exercise either exclusive or concurrent jurisdiction over those private lands and not just over the park's Federally owned lands.

The applicable State statute ceding jurisdiction to the United States must be reviewed in order to determine the status of National Park Service jurisdiction over the private lands within park boundaries. Often such statutes cede concurrent or exclusive jurisdiction over Federally owned lands or waters, but do not convey jurisdiction over privately owned lands. In addition, it is important to note that pursuant to 40 USC 255, the United States must formally accept the jurisdiction in order to consummate the cession. The authority for the United States to exercise legislative jurisdiction over privately owned lands over which the state has ceded jurisdiction was affirmed in United States vs. Peterson, DC Cal 1950, 91 F. Supp. 209, 191 F 2d. 154.

The following are examples of the cessions of jurisdiction in several parks showing the extent of their legislative jurisdiction:

3-1-130. Rocky Mountain National Park. (1) Exclusive jurisdiction shall be, and the same is hereby ceded to the United States of America over and within all of the territory which is now included in that tract of land in the state of Colorado set aside and dedicated for park purposes by the United States, known as the Rocky Mountain National Park, saving, to the state of Colorado to the right to serve civil or criminal process within the limits of the aforesaid park, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving further to the said state the right to tax persons and corporations.

Jurisdiction concurrent with that of the state of Missouri is hereby ceded to the United States within the area comprising the "Ozark National Scenic Riverways" for so long as this area is administered and maintained by the United States.

Jurisdiction concurrent with that of the State of Wyoming is hereby ceded to the United States over within all the territory which is now included in those tracts of land in the State of Wyoming set aside and dedicated for park purposes by the United States, known as Grand Teton
National Park and John D. Rockefeller, Jr. Memorial Parkway; provided however, that the jurisdiction of the State over said lands shall continue. Concurrent jurisdiction hereby vested shall continue only so long as the lands within said areas are dedicated to park purposes.

**NOTE:**
The above cessions give jurisdiction over all lands within the boundary thus extending legislative jurisdiction to privately owned lands within the boundary.

Concurrent jurisdiction hereby vested shall continue only so long as the United States continues to own or control the lands within said areas. In the case of any lands included within the boundaries of the areas set forth in Subsection D which are not owned or controlled by the United States, the jurisdiction shall not change by operation of this Section.

**NOTE:**
The above cessions give jurisdiction only over those lands owned by the National Park Service. Thus legislative jurisdiction does not extend to privately owned lands within the boundary.

**Special Considerations on Less Than Fee - Simple Lands**

The National Park Service has acquired interest in many parcels of land such as scenic easements, walking easements, etc. which represent less than fee - simple ownership. While the Federal government has acquired some interest in these lands, it does not own them and, in most instances, does not exercise jurisdiction over them.

36 CFR 1.2(a)(3) indicates that the regulations in Chapter 1 can be applied to easements to fulfill the purpose of the acquired federal interest in the land. In other words, the conditions of the easement can be enforced. This necessitates careful review of all easements to evaluate which regulations might apply in each case to protect the acquired Federal interest. §1.2(a)(3) is applicable irrespective of boundary and irrespective of jurisdiction. Enforcement is totally dependent on the extent of the acquired Federal interest and the terms and conditions of the easement.

General regulations pertaining to public use can be applied to easements which involve public access. However, NPS policy requires that special regulations be developed to protect the Federal interest acquired in a scenic easement. This requirement for a rulemaking reflects the Service's intent that the application of regulations to scenic easements be tailored specifically to the terms of individual easements.
Depending on the scope of a particular scenic easement and the desire of the affected landowner, applicable special regulations could be very narrow in scope or could broadly apply all or portions of existing general regulations.

It should be noted that, when visitors are involved, the provisions of easements would be enforced through the criminal process. However, enforcement of the easement terms would be a civil matter when dealing with the land owner.
Overview Summaries

Several regulations in 36 CFR, Parts 2 and 3 assimilate or otherwise refer to other State and Federal regulations. It is essential to recognize that some of these regulations describe offenses and are adopted as part of this code. Other reference laws or describe procedures which must be complied with.

36 CFR Regulations Which Reference or Assimilate Other Regulations

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New Regulations

§1.1 Purpose.
§1.6 Permits.
§1.7 Public notice.
§2.32 Interfering with agency functions.
§3.2 National Park Service distinctive identification.

Regulations Applicable on Privately Owned Lands

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Regulations Authorizing Permits

§1.5 (Public use limits) §2.50 (Special events)
§2.4 (To carry or possess firearms) §2.51 (Public assemblies)
§2.5 (Collection of specimens) §2.52 (Sale or distribution of printed matter)
§2.10 (Camping) §2.60 (Grazing)
§2.12 (Operating power saw in developed areas; operating power motor or engine in non-developed areas) §2.61 (Residence)
§2.17 (Air delivery) §2.62 (Scattering of ashes)
§2.38 (Explosives; fireworks) §3.3 (Boating)

Regulations with Their Own Permit Criteria

§2.5 (Collection permits) §2.50 (Special events)
§2.51 (Public assemblies) §2.52 (Sale or distribution of printed matter)

Other Regulations Authorizing/Requiring Permits

Commercial Permits:

§5.1 (Advertisements) §5.10 (Eating, drinking and lodging)
§5.2 (Alcoholic beverages) §5.14 (Prospecting, mining and mineral leasing)
§5.3 (Business operations) §5.7 (Construction)
§5.4 (Commercial passenger carrying motor vehicles) §5.14 (Prospecting, mining and mineral leasing)
§5.5 (Commercial photography) §5.14 (Prospecting, mining and mineral leasing)
§5.6 (Commercial vehicles) §5.14 (Prospecting, mining and mineral leasing)
§5.7 (Construction) §5.14 (Prospecting, mining and mineral leasing)

NPS Areas Where Hunting "May be" Permitted

Amistad NRA
Cape Cod Natl.Seashore
Coulee Dam NRA
Curecanti NRA
Cuyahoga Valley NRA
Golden Gate NRA
Indiana Dunes Natl.Lakeshore
Lake Meredith Recreation Area
New River Gorge Natl. River
Padre Island Natl. Seashore
Point Reyes Natl. Seashore

NPS Areas Where Hunting "Shall be" Permitted

Apostles Islands Natl. Lakeshore
Assateague Island Natl. Seashore
Big Cypress Natl. Preserve
Bighorn Canyon NRA
Big South Fork Natl.River & RA
Big Thicket Natl. Preserve
Glen Canyon NRA
Grand Teton National Park
Gulf Islands Natl. Seashore
Jean Lafitte Natl. Historical Park
Lake Chelan NRA
Cape Hatteras Natl. Seashore
Cape Lookout Natl. Seashore
Chickasaw NRA
Cumberland Island Natl. Seashore
Delaware Water Gap NRA
Fire Island Natl. Seashore
Gateway NRA

Ozark Natl. Scenic Riverways
Pictured Rocks Natl. Lakeshore
Ross Lake NRA
Sleeping Bear Dunes Natl. Seashore
St. Croix Natl. Scenic Riverway
Whiskeytown-Shasta-Trinity NRA
Hunting in 10 Alaskan Preserves
Subsistence hunting in 7 Alaskan parks and monuments

NPS Areas Where Trapping "May be" Permitted

Amistad NRA
Coulee Dam NRA
Curecanti NRA
Lake Meredith Recreation Area

NPS Areas Where Trapping "Shall be" Permitted

Apostle Islands Natl. Lakeshore
Big Cypress Natl. Preserve
Big South Fork Natl. River & RA
Big Thicket Natl. Preserve
Canaveral Natl. Seashore
Cumberland Island Natl. Seashore
Gateway NRA
Glen Canyon NRA

Jean Lafitte Natl. Historical Park
Lake Mead NRA
Trapping in 10 Alaskan Preserves
Subsistence trapping in 7 Alaskan parks and monuments

NPS Areas Now Permitting Unauthorized Trapping

Assateague Island Natl. Seashore
Bighorn Canyon NRA
Buffalo Natl. River
Cape Cod Natl. Seashore
Curecanti NRA
Deleware Water Gap NRA

Lake Meredith Recreation Area
New River Gorge Natl. River
Ozark Natl. Scenic Riverway
Pictures Rocks Natl. Lakeshore
Sleeping Bear Dunes Natl. Lakeshore
St. Croix Natl. Scenic Riverway

NPS Areas Where Commercial Fishing Is Authorized By Law

Biscayne Natl. Park
Cape Hatteras Natl. Seashore
Cape Krusenstern Natl. Monument
Glacier Bay Natl. Preserve

Jean Lafitte Natl. Historical Park
Virgin Islands Natl. Park
Wrangell-Saint Elias Natl. Preserve
NPS Areas Where Hunting "May" Be Permitted

SW 1. Amistad National Recreation Area (11-11-65)
Administered under cooperative agreement with United States International Boundary and Water Commission, United States and Mexico.

NA 2. Cape Cod National Seashore (8-7-61)
16 USC §459b-6(c) "The Secretary may permit hunting and fishing, including shellfishing..."

PNW 3. Coulee Dam National Recreation Area (12-18-46)
Administered under cooperative agreement with Bureau of Reclamation and Bureau of Indian Affairs.

RM 4. Curecanti National Recreation Area (2-11-65)
Administered under cooperative agreement with Bureau of Reclamation.

MW 5. Cuyahoga Valley National Recreation Area 12-27-74)
16 USC §460bb-3 "...the Secretary may utilize such statutory authority available...as appropriate..."

W 6. Golden Gate National Recreation Area 10-27-72)
16 USC §460bb-3 "...the Secretary may utilize such statutory authority...as he deems appropriate..."

MW 7. Indiana Dunes National Lakeshore (11-5-66)
16 USC §460u-b "...the Secretary may utilize such statutory authority...as he deems appropriate..."

SW 8. Lake Meredith Recreation Area (3-15-65)
Administered under cooperative agreement with Bureau of Reclamation.

MA 9. New River Gorge National River (11-10-78)
16 USC §460m-20 "The Secretary may permit hunting and fishing..." (§1106)

SW 10. Padre Island National Seashore (9-28-62)
16 USC §459d-4 "...the Secretary...shall administer...in accordance with other laws of general application relating to the areas administered and supervised by the Secretary through the National Park Service..."

W 11. Point Reyes National Seashore (9-13-62)
16 USC §459c-6(b) "The Secretary may permit hunting and fishing..."
NPS Areas Where Hunting "Shall Be" Permitted

MW 1. Apostle Islands National Lakeshore (9-26-70)
   16 USC §460w-4 "The Secretary shall permit hunting, fishing, and trapping..."

MA 2. Assateague Island National Seashore (9-21-65)
   16 USC §459f-4 "The Secretary shall permit hunting and fishing on lands and waters under his control... nothing in these §459f-f "shall limit or interfere with the authority of the States to permit or regulate shellfishing..."

SE 3. Big Cypress National Preserve (10-11-74)
   16 USC §698j "The Secretary shall permit hunting, fishing and trapping..."

   16 USC §460t-3 "The Secretary shall permit hunting and fishing...

SE 5. Big South Fork National River and Recreation Area (3-7-74)
   16 USC §460ee(d) "The Secretary (of the Army), and the Secretary of the Interior after jurisdiction over the National Area has been transferred to him...shall permit hunting, fishing and trapping..."

SW 6. Big Thicket National Preserve (10-11-74)
   16 USC §698c "The Secretary shall permit hunting, fishing and trapping..."

SW 7. Buffalo National River (3-11-72)
   16 USC §460m-10 "The Secretary shall permit hunting and fishing..."

SE 8. Canaveral National Seashore (1-3-75)
   16 USC §459j-3 "The Secretary shall permit hunting, fishing and trapping..."

SE 9. Cape Hatteras National Seashore (8-17-37)
   16 USC §459a-1 "That hunting shall be permitted, under such rules and regulations as may be prescribed by the Secretary of the Interior in conformity with the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as follows..."

SE 10. Cape Lookout National Seashore (3-10-66)
   16 USC §459g-3 "The Secretary shall permit hunting and fishing, including shellfishing..."

SW 11. Chickasaw National Recreation Area (3-17-76)
   16 USC §460h-2 "The Secretary shall permit hunting and fishing..."
MW 24. Ozark National Scenic Riverways (8-27-64)
16 USC §460m-4 "The Secretary shall permit hunting and fishing..."

16 USC §460s-4 "...the Secretary shall permit hunting and fishing..."

PNW 26. Ross Lake National Recreation Area (10-2-68)
16 USC §90c-1 "The Secretary shall permit hunting and fishing..."

MW 27. Sleeping Bear Dunes National Lakeshore (10-21-70)
16 USC §460x-4 "...the Secretary shall permit hunting and fishing..."

MW 28. St. Croix National Scenic Riverway (10-2-68 and 10-25-72)
16 USC §1284 - "Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument."

W 29. Whiskeytown-Shasta-Trinity National Recreation Area (11-8-65)
16 USC §460q-4 "The Secretary shall permit hunting and fishing..."

ALASKA (12-2-80)
16 USC §3202 - "The taking of fish and wildlife...shall be carried out in accordance with the provisions of this Act and other applicable State and Federal law. Those areas designated as national parks or national park system monuments in the State shall be closed to the taking of fish and wildlife...except subsistence uses..."

This authorizes hunting in the following preserves (10) in Alaska:
- Aniakchak National Preserve
- Bering Land Bridge National Preserve
- Denali National Preserve
- Gates of the Arctic National Preserve
- Glacier Bay National Preserve
- Katmai National Preserve
- Lake Clark National Preserve
- Noatak National Preserve
- Wrangell-St. Elias National Preserve
- Yukon-Charley National Preserve

Additionally, subsistence hunting is authorized in the following NPS monuments and parks in Alaska:
- Aniakchak National Monument
- Cape Krusenstern National Monument
- Denali National Park (ANILCA additions only)
- Kobuk Valley National Park
April 1984

SE 12. Cumberland Island National Seashore (10-23-72)
16 USC §459i-4 "The Secretary shall permit hunting, fishing and trapping..."

MA 13. Delaware Water Gap National Recreation Area (9-1-65)
16 USC §460o-5 "The Secretary shall permit hunting and fishing..."

NA 14. Fire Island National Seashore (9-11-64)
16 USC §459e-4 "The Secretary shall permit hunting, fishing and shellfishing on lands and waters..."

NA 15. Gateway National Recreation Area (10-27-72)
16 USC §460cc-2(f) "The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens..."

RM 16. Glen Canyon National Recreation Area (10-27-72)
16 USC §460dd-4 "The Secretary shall permit hunting, fishing, and trapping..."

RM 17. Grand Teton National Park (9-14-50)
16 USC §673(c) "The Wyoming Game and Fish Commission and the National Park Service shall device...a program to insure the permanent conservation of the elk within Grand Teton National Park...such program shall include the controlled reduction of elk...by hunters licensed by the State of Wyoming and deputized by rangers..."

SE 18. Gulf Islands National Seashore (1-8-81)
16 USC §459h-2 "The Secretary shall permit hunting and trapping..."

SW 19. Jean Lafitte National Historical Park (11-10-78)
16 USC §230d "Within the Barataria Marsh Unit, the Secretary shall permit hunting, fishing (including commercial fishing), and trapping in accordance with applicable Federal and State laws.

RM 20. John D. Rockefeller, Jr. Memorial Parkway (8-25-72)
86 Stat. 619 (3(b)) "The Secretary shall permit hunting and fishing..."

PNW 21. Lake Chelan National Recreation Area (10-2-68)
16 USC §90c-1 "The Secretary shall permit hunting and fishing..."

W 22. Lake Mead National Recreation Area (10-8-64)
16 USC §460n-4 "The Secretary shall permit hunting, fishing and trapping..."

SE 23. Obed Wild and Scenic River (10-2-68)
16 USC §1284 "Hunting and fishing shall be permitted on lands and waters..."
Lake Clark National Park
Wrangell-St. Elias National Park

NPS Areas Where Trapping "May be" Permitted

SW 1. Amistad National Recreation Area (11-11-65)
Administered under cooperative agreement with United States International Boundary and Water Commission, United States and Mexico.

PN 2. Coulee Dam National Recreation Area (12-18-46)
Administered under cooperative agreement with Bureau of Reclamation and Bureau of Indian Affairs.

RM 3. Curecanti National Recreation Area (2-11-65)
Administered under cooperative agreement with Bureau of Reclamation.

SW 4. Lake Meredith Recreation Area (3-15-65)
Administered under cooperative agreement with Bureau of Reclamation.

NPS Areas Where Trapping "Shall be" Permitted

MW 1. Apostle Islands National Lakeshore (9-26-70)
16 USC §460w-4 "The Secretary shall permit hunting, fishing and trapping on the lands and waters under his jurisdiction..."

SE 2. Big Cypress National Preserve (10-11-74)
16 USC §698j "The Secretary shall permit hunting, fishing and trapping on lands and waters under his jurisdiction..."

SE 3. Big South Fork National River and Recreation Area (3-7-74)
16 USC §460ee(d) "The Secretary (of the Army), and the Secretary of the Interior after jurisdiction over the National Area has been transferred to him...shall permit hunting, fishing, and trapping..."

SW 4. Big Thicket National Preserve (10-11-74)
16 USC §698c "The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction..."

SE 5. Canaveral National Seashore (1-3-75)
16 USC §459j-3 "The Secretary shall permit hunting, fishing and trapping..."

SE 6. Cumberland Island National Seashore (10-23-72)
16 USC §459i-4 "The Secretary shall permit hunting, fishing and trapping..."
NA 7. Gateway National Recreation Area (10-27-72)
16 USC §460cc-2(f) "The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction..."

RM 8. Glen Canyon National Recreation Area (10-27-72)
16 USC §460dd-4 "The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction..."

SW 9. Jean Lafitte National Historical Park (11-10-78)
16 USC §230d "Within the Barataria Marsh Unit, the Secretary shall permit hunting, fishing (including commercial fishing), and trapping in accordance with applicable Federal and State laws..."

W 10. Lake Mead National Recreation Area (10-8-64)
16 USC §460n-4 "The Secretary of the Interior shall permit hunting, fishing and trapping on lands and waters under this jurisdiction..."
ALASKA (12-2-80)

16 USC §3202 "The taking of fish and wildlife...shall be carried out in accordance with the provisions of this Act and other applicable State and Federal laws..."

This authorizes trapping in the following preserves (10) in Alaska:

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

Additionally, subsistence trapping is authorized in the following NPS monuments and parks in Alaska:

- Aniakchak National Monument
- Cape Krusenstern National Monument
- Denali National Park (ANILCA additions only)
- Gates of the Arctic National Park
- Kobuk Valley National Park
- Lake Clark National Park
- Wrangell-St. Elias National Park

Summary of Areas with Unauthorized Trapping

Mid-Atlantic Region

Assateague Island National Seashore
Number of Trappers: 9 in 1982
Permit: issued by NPS
Animals: fox, raccoon, opossum, otter, muskrat
Value of Pelts: approximately $590
Resource Impacts: significant, otter population is extremely low, any removal is detrimental.
ORV use to trapping sites causing dune destruction.
Further research needed to determine other impacts.
Length of time trapping has occurred: Predates establishment of park.

Delaware Water Gap NRA
Number of Trappers: Less than 200
Permit: States (NJ and PA)
Animals: muskrat, otter, raccoon
Value of Pelts: unknown - no one, however, earning a living from trapping.
Resource Impacts: Further research needed
Length of time trapping has occurred: Predates establishment of park.
April 1984

New River Gorge National River
Number of Trappers: unknown, probably less than 15
Permit: State license
Animals: beaver, muskrat, mink, raccoon, opossum
Value of Pelts: unknown - minimal economic impact
Resource Impacts: Further research needed
Length of time trapping has occurred: Predates establishment of park.

Midwest Region

Ozark National Scenic Riverway
Number of Trappers: 463
Permit: State license
Animals: raccoon, opossum, grey fox muskrat, beaver, skunk, mink, weasel, red fox, coyote, bobcat
Value of Pelts: estimated $293,198
Resource Impacts: Further research needed
Length of time trapping has occurred: Predates establishment of park

Pictured Rocks National Lakeshore
Number of Trappers: 25
Permit: State license
Animals: coyote, muskrat, beaver, otter, fox, skunk, raccoon
Value of Pelts: estimated at $12,500 annually
Resource Impacts: Further research needed
Length of time trapping has occurred: Predates establishment of park

Sleeping Bear Dunes National Lakeshore
Number of Trappers: 4 (2 are NPS employees)
Permit: State license
Animals: fox, beaver (no longer trapped)
Value of Pelts: $35 per fox pelt - total cost unknown
Resource Impacts: Diminishes quality of hunting - since fox are also game animals.
Domestic dogs often caught in trap
Length of time trapping has occurred: Predates establishment of park

St. Croix National Scenic Riverway
Number of Trappers: 100 - 200
Permit: State license (Wisconsin and Minnesota)
Animals: beaver, muskrat, fox mink, bobcat, otter, coyote, raccoon
Value of Pelts: Estimated $20,000 per year
Value of individual pelts - muskrat $3, fox $45, mink $10-30, bobcat $100, otter $30, coyote $45, raccoon $20
Resource Impacts: beaver dams interfere with trout spawning and open water boating
Length of time trapping has occurred: Predates establishment of park
North Atlantic Region

Cape Cod National Seashore
Number of Trappers: 3
Permit: State license
Animals: muskrat
Value of Pelts: unknown
Resource Impacts: Further research needed (expected to be minimal)
Length of time trapping has occurred: Predates establishment of park.

Bighorn NRA
Number of Trappers: 9
Permit: State permits (Wyoming/Montana)
Animals: beaver, coyote
Value of Pelts: estimated $15,000 annually
Resource Impacts: Further research needed
Length of time trapping has occurred: Predates establishment of park.

John D. Rockefeller, Jr. Memorial Pkwy.
Number of Trappers: 1
Permit: State permit
Animals: beaver, pine martin, weasel, coyote
Value of Pelts: $100 estimated
Resource Impacts: none
Length of time trapping has occurred: Predates establishment of park.

Buffalo National River
Number of Trappers: 50
Permit: State permit
Animals: beaver, mink, coyote, bobcat, skunk, otter, raccoon, opossum
Value of Pelts: estimated annually at $1,000 per trapper, per year
Pelts range in value from $5-90.
Resource Impacts: Further research needed.
Length of time trapping has occurred: Predates establishment of park.

NPS Areas Where Commercial Fishing Is Authorized by Statutory Law

SE 1. Biscayne National Park (6-28-80)
16 USC §410gg-2 "The waters within the park shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary...designates...in the interest of sound conservation...Provided, That with respect to lands donated by the State after the effective date of this Act, fishing shall be in conformance with State laws.

SE 2. Cape Hatteras National Seashore (8-17-37)
16 USC 459a-1 "that the legal residents of villages (within the seashore) shall have the right to earn a livelihood by fishing within the boundaries (of the seashore), subject to such rules and regulations as the Secretary may deem necessary..."
AK 3. Cape Krusenstern National Monument (12-2-80)
16 USC §410hh-4 "...the Secretary may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law..."

AK 4. Glacier Bay National Preserve (Dry Bay Area) (12-2-80)
16 USC §410hh-4 "...the Secretary may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law..."

SW 5. Jean Lafitte National Historical Park (Barataria March Unit)
16 USC §230d "Within the Barataria March Unit, the Secretary shall permit hunting, fishing (including commercial fishing)..."

SE 6. Virgin Islands National Park (10-5-62)
16 USC §398-e "Nothing...shall be construed as authorizing any limitation on customary uses of or access for bathing and fishing (including setting out of fish pots and landing boats), subject to such regulations as the Secretary...may find reasonable and necessary..."

AK 7. Wrangell-Saint Elias National Preserve (Malaspina Glacier Forelands Area) (12-2-80)
16 USC 410hh-4 "...the Secretary may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law..."
LESSON PLAN

COURSE TITLE: 36 CFR Workshop

COURSE DESCRIPTION:
This course introduces the new 36 Code of Federal Regulations to the participant. It covers the background, purpose and intent behind the new CFR and presents to the student the mechanics of applying and using these new regulations.

COURSE PARTICIPANTS:
This course is designed to provide park managers and rangers with an understanding of the new regulations and how to use them.

COURSE OBJECTIVES:
At the conclusion of this training the participant will be able to:
1. Define the purpose and intent of 36 CFR.
2. Cite advantages of the new regulations over the old ones.
3. Identify the statutory basis and authority for 36 CFR.
4. List the key elements of each regulation.
5. Identify the key points that affect the enforcement of each regulation.
6. Identify situations where each regulation can be applied.
7. Recognize the regulation involved or violated in specific situations.
8. Define basic terms used in the regulations.
9. Recognize when more than one regulation is applicable and make decisions on the regulation of preference or when regulations should be used in concert.
10. Explain the designation process, what a compendium is and what the requirements are for public notice.
11. Discuss the history of the 36 CFR and background of the regulations.
12. Discuss the interrelationship between individual park enabling legislation and the application of 36 CFR.
13. Recognize management constraints, planning requirements and policies which effect the management of resources and determine the application of 36 CFR to maintain the flexibility to manage for protection and prevent derogation of park values.
14. Recognize where special regulations are required instead of designations.

METHOD OF PRESENTATION:
This course will be presented in a combination lecture, discussion and problematic exercises. Course length will vary depending on the group
of participants being taught. Average course length will be 4 - 8 hours.

METHOD OF EVALUATION:

Satisfactory participation in problematic exercises.

REQUIRED READING:
  FEDERAL REGISTER NOTICES

INSTRUCTIONAL OUTLINES:

Instructional outlines have been prepared on each section to serve as guides for the instructor. These outlines serve to provide key elements to be covered under each section and to be used as reference material.

Each outline is as follows:
  I. Title
  II. Purpose/Intent
  III. Definitions
  IV. Key Elements of Regulation
  V. Key Points
  VI. Relationship to other Regulations
  VII. Sample Questions/Discussion Points

Optional:
  VIII. Training Aids/Handouts
Instructional Outline

Title: CFR Overview

Purpose/Intent:
The instructor should use this section to introduce the background of the CFR revision and set the stage for the teaching of the individual sections.

Key Points:
I. Introduction
   A. What is CFR
   B. Authority for Rules and Regulations
   C. Historical background for revision of CFR
   D. Federal Register Notices-their role and how regulations are revised

II. General Emphasis
   A. Legislative jurisdiction on privately owned lands
   B. Special considerations on less than fee-simple lands such as scenic easements.
Instructional Outline

I. Title
Section 1.1 Purpose.

II. Purpose/Intent
This regulation establishes a framework for interpretation of all regulations in Chapter I 36 CFR.

III. Definitions

Other definitions to be considered:

IV. Key elements of Regulation
A. States purpose of regulations in Chapter I and echoes statutory language of Organic Act.

V. Key Points
A. Not a regulation which is used by itself but is an interpretive provision.
VI. Relationship to other Regulations

Applies to all other regulations in Chapter I.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 1.2 Applicability and scope.

II. Purpose/Intent
This regulation states the extent to which these regulations apply in terms of either the status of particular lands (or waters) or the facts of a situation.

III. Definition
Found in §1.4: Boundary

Administrative Activities

Legislative Jurisdiction

Other definitions to be considered:

IV. Key elements of Regulation
A. Regulation applies to three general classes of land and water:
   1. Federally owned
   2. Controlled, leased or otherwise administered by the National Park Service
   3. Less-than-fee interests, as compatible with Federal and non-Federal interests
B. Excludes private lands, except as specifically provided by regulations, and excludes Washington, D. C. area parks.

C. Establishes Parts 7 and 13 as special regulations for specific parks which can modify the general regulations.

D. Exempts National Park Service administrative activities in accordance with approved plans or in emergency operations, from Parts 2 - 7.

E. Clearly identifies that both lands and waters are covered by regulations.

V. Key Points

A. Each easement or other less-than-fee interest must be looked at individually in the light of each regulation to determine the extent, if any, to which that regulation applies to that tract.

B. Only ten general regulations have provisions which make them applicable on privately owned lands. They are as follows:

   2.2 Wildlife protection.
   2.3 Fishing.
   2.4 Weapons, traps and nets.
   2.13 Fires.
   2.22 Property.
   2.30 Misappropriation of property and services.
   2.31 Trespassing, tampering and vandalism.
   2.32 Interfering with agency functions.
   2.34 Disorderly conduct.
   2.36 Gambling.
C. Part I is not included in the exemption provided for National Park Service administrative activities. The procedural requirements of §1.5, §1.6 and §1.7 must be followed.

VI. Relationship to other Regulations
A. Applies to all other regulations in Chapter I.

VII. Sample Questions/Discussion Points
1. As a superintendent, you feel it is necessary to exempt yourself, for good cause, from the public notice requirements of §1.7 in the process of implementing management plans. Please discuss.

2. The Service has acquired a scenic easement. Which National Park Service regulations will apply to that easement?

3. The park resource management division has been engaged in the trapping of birds and mammals and taking blood samples. Local humane society groups object to the trapping and the injury to wildlife. These groups contend that §2.2 animal protection prohibits the National Park Service from trapping and from harming wildlife. Under what regulatory section can the superintendent justify the research project?
I. Title
Section 1.3 Penalties.

II. Purpose/Intent
This regulation sets out the maximum statutory penalties for violation of regulations.

III. Definitions

Other definitions to be considered:

IV. Key Elements of Regulation
A. Establishes three different penalties based upon the statutory origin of the park and a single penalty for the recreation fee regulation (§2.23).
B. Despite desirability of a uniform penalty Servicewide, statutory requirements prohibit this. Legislative efforts to establish uniform penalties have been unsuccessful in the past.
V. **Key Points**

A. In parks covered by (b), there is a requirement that a person "knowingly and willfully" violated a regulation for the penalty to apply. Not required in other parks.

B. **Summary of penalties:**
   1. $500, six (6) months, or both (applies to most parks).
   2. $100, three (3) months, or both.
   3. $500 and all costs of proceedings. No imprisonment.
   4. $100 No imprisonment (all parks).

C. Park staff and Magistrate must be aware of which statutory group a park falls into.

VII. **Relationship to other Regulations**

A. Only (d) deals with a specific regulation (§2.23 Recreation Fees).

B. Other penalties apply to violations of any other regulation; depending upon category of park where violation occurred.

VII. **Sample Questions/Discussion Points**
Instructional Outline

I. Title
Section 1.4 Definitions.

II. Purpose/Intent
This regulation provides clear and uniform definitions for terms which are used in the regulations and which may not have generally understood definitions specific enough to yield the desired result in the regulations.

III. Definitions

Other definitions to be considered:

IV. Key Elements of Regulation
A. In addition to the specific definitions spelled out in paragraph (a), paragraph (b) adopts all necessary definitions from statutes and regulations dealing with boating.
V. **Key Points**

A. All regulations must be read with the §1.4 definitions in mind. When in doubt, be sure to check for definitions.

VI. **Relationship to other Regulations**

A. Definitions have a crucial effect on the impact of other regulations in Chapter I.

B. In writing new special regulations, we must always be taken to use any terms defined in §1.4 in a manner consistent with these definitions.

VII. **Sample Questions/Discussion Points**
Instructional Outline

I. Title
Section 1.5 Closures and public use limits.

II. Purpose/Intent
This regulation establishes a procedural framework to be used alone or in conjunction with other regulations to shape use restrictions for a particular park to the situations and needs of that park.

III. Definitions

Found in §1.4: Public Use Limit
Permit

Other definitions to be considered:

IV. Key Elements of Regulation

A. Paragraph (a) sets out criteria which must be followed in making decisions or restrictions, conditions, or designations.

B. Paragraph (b) sets the limits of the authority contained in (a) and requires that actions which pass this threshold be published as rulemaking.

C. A written determination justifying the action to be taken is required by (c).
D. Authority is given for use of permit, registration, or reservation systems to implement a public use limit. Public information or restrictions, etc. will be provided as required by §1.7.

E. Violation of restrictions is prohibited. When permits are required, violation of permit conditions is prohibited and suspension or revocation of permit may result.

V. Key Points
A. Any regulations which use the term "designated" or another form of this word is, in effect, adopting the procedures and criteria of this section.

B. The designation process provided for here, when used independently of any other regulation, can be used only to further restrict activities; it may not be used to relax a general restriction.

C. Relaxation of restrictions through designation can take place only when specifically authorized by a regulation. (See §2.10(b)(3) for a relaxation example)

D. The preparation of a written determination justifying a designation action should also be used as a basis for determining if the action is of a nature, magnitude or duration requiring rulemaking. Process is similar to an environmental assessment.

E. Designations which would be contrary to law cannot be made.

VI. Relationship to other Regulations
A. Permits issued according to §1.6.
B. Public notice in accordance with §1.7.

C. Any regulation calling for designation involves use of this section.

D. New regulation is greatly expanded in size from old closures and public use limits regulation.

VII. Sample Questions/Discussion Points

1. As a district ranger, you report on the need to close three out of the four campgrounds in operation in the park due to severe erosion problems. How should this be handled?

2. Local sportfishing groups have conducted research activities in park waters in cooperation with the National Park Service. The research reveals that the pressure on the fishery must be reduced. Your resource management specialist suggests that part of the waters be reserved for fly fishing only, part be reserved for catch and release only and part be designated as artificial lures only. Under what authority could these concepts be implemented? What other sections must be considered or utilized to implement this program?
April 1984

Instructional Outline

I. Title
Section 1.6 Permits.

II. Purpose/Intent
This regulation sets up a uniform system of criteria and procedures for the issuance of any permits required by other regulations.

III. Definitions
Found in §1.4: Permit - a written authorization

Public Use Limit

Other definitions to be considered:

IV. Key Elements of Regulation
A. Criteria in (a) echo the criteria in §1.5(a), requiring a thorough consideration of the impact of the activities which would be authorized by a permit.
B. Paragraph (d) sets out reasons for denial of a permit and requires applicant notification upon request.
C. Permit conditions can be established by superintendent.
D. These procedures and criteria are applicable to all permits and eliminate the need, in all but a few cases, for including separate guidance in the body of regulations authorizing permits.
E. Paragraph (g) authorizes suspension or revocation of permit for violation of terms and conditions. In (h) violation of terms and conditions becomes a violation of the regulation.

F. Compilation listing activities in a park for which a permit is required must be available. Would be part of the compendium required by §1.7.

V. **Key Points**

A. This regulation is not a blanket authorization to require permits for **any** activity. Another regulation must contain the authority to require a permit.

B. By definition, a permit is a **written** authorization to engage in activities otherwise prohibited, restricted, or regulated.

C. This regulation does not contain language making it a violation to fail to obtain a permit where one is required. Such language is specific in all other regulations authorizing permits except for §1.5 and §3.3.

VI. **Relationship to other Regulations**

A. Regulations authorizing permits are:

<table>
<thead>
<tr>
<th>§1.5</th>
<th>§2.17</th>
<th>§2.60</th>
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</thead>
<tbody>
<tr>
<td>§2.4</td>
<td>§2.38</td>
<td>§2.61</td>
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<tr>
<td>§2.5</td>
<td>§2.50</td>
<td>§2.62</td>
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<tr>
<td>§2.10</td>
<td>§2.51</td>
<td>§3.3</td>
</tr>
<tr>
<td>§2.12</td>
<td>§2.52</td>
<td></td>
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</tbody>
</table>
B. Of these, only §2.5, §2.50, §2.51, and §2.52 contain procedures and criteria for permit issuance. Others rely entirely on §1.6. In the case of these four regulations, the guidance they contain is supplementary to the general standards in §1.6.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 1.7 Public notice.

II. Purpose/Intent
This regulation establishes a uniform procedure for notifying the public of restrictions imposed under a superintendent's discretionary authority.

III. Definitions
Found in §1.4: Public Use Limit
Permit
Compendium is not defined in §1.4 or used in the regulation but has become commonly used in the National Park Service as a shorthand term to refer to the compilation of restrictions required by (b) of this section.
Other definitions to be considered:

IV. Key Elements of Regulation
A. Regulation sets out several non-exclusive alternatives for providing public notification.
B. Allows for adopting reasonable and appropriate notification means based upon individual situation.

-30-
C. Annual updating of compendiums included to require periodic review of restrictions to ensure they are still appropriate.

D. Does not require that written determinations all be rewritten each year, except to the extent that changed conditions may require changes in a restriction justification.

V. Key Points

A. Even though (a) is written to establish requirements for public notice for restrictions made under the authority of §1.5(a), these procedures should also be used for guidance in notifying the public of restrictions under other general or special regulations.

B. Compendium does not need to restate restrictions which are in effect in a park on the basis of general or special regulations and are not discretionary, i.e., public buildings are closed to pets (§2.15(a)(1) in all parks.

VI. Relationship to other Regulations

A. Paragraph (a) always works in conjunction with §1.5(a) and these two sections will frequently be specifically mentioned in other general or special regulations.

B. Any regulation using the term "designated" intends to require that public notice of restrictions be made according to the requirements of §1.7.
VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 1.8 Information collection.

II. Purpose/Intent
This regulation fulfills OMB procedural requirements for public notification of regulatory requirements which involve gathering of information form the public.

III. Definitions

Other definitions to be considered:

IV. Key Elements of Regulation

V. Key Points
A. This notification is valid only for the specific general regulations listed.
B. Any new special regulations with information collection requirements must receive specific OMB clearance and contain notification information in the regulations.
VI. Relationship to other Regulations

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 1.10 Symbolic signs.

II. Purpose/Intent
This regulation provides public notice of signs which may be used to control activities within the park.

III. Definitions

Other definitions to be considered:

IV. Key Elements of Regulation
A. Symbols may be used to delineate either permitted or prohibited activities.
B. Theoretically, a citation could be issued for engaging in an activity posted as closed to that activity by use of a sign with a slash mark. Usually, the better course would be to cite for a specific regulation.
C. These signs are not intended to give broad restrictive authority to close areas to activities. The signs are intended to implement and inform the public of restrictions imposed under the authority of specific regulations, including discretionary actions taken under §1.5(a).

V. Key Points

VI. Relationship to other Regulations

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.1 Preservation of natural, cultural and archeological resources.

II. Purpose/Intent
This section establishes regulations to implement and supplement existing statutory law relating to the protection of the natural, cultural and archeological resources of the National Park System.

The intent is to establish the fact that resource use shall be generally non-consumptive in nature.

III. Definitions
Found in §1.4: Possession
Wildlife
Archeological Resource
Cultural Resource
Park Area

Other definitions to be considered:
Ecosystem
IV. Key Elements of Regulation

A. Basic Prohibitions (seven)

1. Possessing, injuring, destroying, or disturbing wildlife, plants, paleontological and archeological resources.
2. Introduction of wildlife or plants into a park ecosystem.
3. Tossing, rolling or throwing rocks into a cave, down a hillside or into thermal features.
4. Using or gathering wood.
5. Walking or climbing on an archeological or cultural resource, monument or statue.
6. Injuring, defacing or disturbing an archeological or cultural resource.
7. Possessing a metal detector.

B. Superintendent may restrict hiking.

C. Superintendent may designate consumptive use of natural products.

D. This regulation does not authorize taking for ceremonial or religious purposes.

V. Key Point

A. Not applicable on privately owned lands.

B. Generally non-renewable resources are protected (other than items specified). Special regulations needed for anything other than fruit, not, berry or unoccupied seashells.

C. More restrictive on wood use, in keeping with policy:

1. Superintendent may designate areas for gathering dead wood upon a determination (per §1.5).
D. Hiking restrictions must be designated pursuant to §1.5 and §1.7.

E. Consumptive use of natural products requires:
   1. Designation
   2. Written determination of no adverse affects.

F. Sale or commercial use prohibited.

G. Aquatic wildlife not included under the definition of fish in §1.4 are protected under this section.

H. This regulation must be applied consistent with the park's resource management plan.

IV. Relationship to other Regulations

A. This regulation does not apply to taking of fish, wildlife or plants for ceremonial or religious purposes where authorized by Federal statutory law, treaty rights (44 USC 1996).

B. Additional regulations concerning archeological resources are found in 43 CFR Part 3.

C. 36 CFR §2.2 and §2.3 are exceptions to this regulation.

D. 36 CFR 1215, rules developed as a result of the Archeological Resources Protection Act of 1976 compliment this regulation.

VII. Sample Questions/Discussion Points

1. A windstorm in your park has blown down trees across many roads. Park crews have removed the down timber and have taken it to a storage area. Is there a way this wood can be made available for park visitors? How should this be done?
2. A State Division of Fish and Game is subject to pressure from local sportsmen's groups to introduce a new hybrid trout to streams in the area of your park, some of which flow through the park. As superintendent, you are consulted by F & G officials concerning the proposal. What is the National Park Service position on this proposal?

3. The collection of both wild blueberries and beach-worn pebbles is a practice of long standing in your park. Discuss the factors to be considered and processes to be followed if park management wishes to consider allowing these practices to continue.

4. You are the superintendent of Grand Canyon NRA. You find that certain park visitors are taking fresh water crustaceans from the park. What action should you take?
Instructional Outline

I. Title
Section 2.2 Wildlife protection.

II. Purpose/Intent
Recognizes that the authorizing legislation for certain park areas state that the taking of wildlife through hunting or trapping is an acceptable activity.

It insures that the taking of wildlife in park areas is conducted in accordance with State and Federal statutory law.

III. Definitions
Found in §1.4: Wildlife

| Taking  | Weapon |
| Trapping | Park Area |
| Hunting  | Boundary |
| Possessing | Authorized Person |

Trap

Other definitions to be considered:

IV. Key Elements of Regulation
A. Prohibitions

1. Taking of wildlife except by authorized hunting and trapping.
2. Feeding, touching, teasing, frightening or intentionally disturbing wildlife.
3. Possession of illegally taken wildlife or the parts thereof.

B. Authorizations
1. Hunting shall be allowed when mandated by Federal law.
2. Hunting may be allowed where it is a discretionary activity in Federal enabling legislation.
3. Trapping shall be allowed where authorized by Federal law.

V. Key Points
A. Applicable on privately owned lands.
B. Nonconflicting State laws are adopted.
C. Definition of taking includes the attempt to take.
D. Where hunting is discretionary special regulations are required.
E. Except in emergency, all hunting and trapping restrictions shall be coordinated with State authorities (43 CFR 24).
F. Section (f) is an inspection authority only and not intended to extend search and seizure authority.
G. Where Federal law exists (such as Lacey Act, Endangered Species Act, Bald Eagle Act) it should be used instead of 36 CFR.

VI. Relationship to other Regulations
A. §1.2 (e) allows exceptions for management activities conducted under an approved Resource Management Plan.
B. Designations need to be completed in accordance with §1.5.
VII. Sample Questions/Discussion Points

1. The legislation for your park requires that hunting be permitted in accordance with State law. The State has an elk season, but the park's elk herd is a particular attraction for park visitors during the fall hunting season. As superintendent, what actions can you take to comply with legislation and achieve the park's management objectives?

2. You work in a park where hunting is permitted and where the National Park Service exercises concurrent jurisdiction over federally-owned lands and waters. You observe a violation of State hunting regulations on private land within park boundaries. What factors influence your ability to take enforcement action?
Instructional Outline

I. Title
Section 2.3 Fishing.

II. Purpose/Intent
Regulates fishing and protects park resources from the effects of fishing.

III. Definitions
Found in §1.4: Fishing

- Fish
- Take
- Net
- Weapon
- Authorized Person

Other definitions to be considered:

- Commercial Fishing

IV. Key Elements of Regulation
A. Fishing shall be in conformance with State law.
B. Parks where licenses are not required are identified.
C. Prohibitions:
   1. Fishing in fresh water other than by hook and line.
   2. Certain baits in fresh water.
   3. Chumming in fresh water.
5. Use of drugs, poisons, explosives.
6. Digging for bait.
7. Failure to return restricted species.
8. Fishing from bridges or other designated areas.

D. Use of net, spear or weapons in salt water shall be in accordance with State Law.

E. Authorized persons may check licenses, catch and equipment.

V. Key Points
A. Applicable on privately owned lands and waters.
B. Nonconflicting State law is adopted.
C. Certain parks don't require licenses.
D. Except in emergency, all hunting and trapping restrictions shall be coordinated with State authorities (43 CFR 24).
E. Section (f) is an inspection authority only and not intended to extend search and seizure authority.
F. Bait restrictions can be relaxed under a §1.5 designation upon meeting three requirements:
   1. Non-native species established.
   2. No adverse impact on native species.
   3. No plans for elimination of non-native species.

G. Special note should be made on the definition of "fish". This definition does not include aquatic wildlife, regardless of State definition.
H. Commercial fishing is currently not defined and the Service is addressing this problem.

VI. Relationship to other Regulations
A. Designations need to be completed in accordance with §1.5.
B. Aquatic wildlife (non-fish) is protected under §2.1.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.4 Weapons, traps and nets.

II. Purpose/Intent
The regulation has been designed to ensure public safety and provide maximum resource protection by limiting the opportunity for unauthorized use of weapons, traps or nets. Some relief is provided for persons living in or traveling through parks.

III. Definitions
Found in §1.4: Weapon Firearms
            Trap Hunting
            Net Fishing
            Possession Trapping
            Carry Unloaded
            Park Areas Motor Vehicle
            Wildlife Vessel
            Fish State

Other definitions to be considered:

Residential Dwelling
IV. Key Elements of Regulation

A. The possession, carrying, using or discharging of a weapon, trap or net generally prohibited, subject to the following exceptions:

1. Traps may be possessed, carried or used for taking wildlife in accordance with §2.2.
2. Nets may be possessed, carried or used for taking fish in accordance with §2.3.
3. Weapons may be possessed, carried, used or discharged for taking wildlife or fish in accordance with §2.2 and §2.3 or when used for target practice in designated locations or target facilities in park areas where hunting is authorized in accordance with §2.2.
4. Weapons, (loaded or unloaded) traps and nets may be possessed within a residential dwelling (defined in the regulations).
5. Traps, nets and unloaded weapons may be possessed in a temporary lodging or mechanical mode of transportation if rendered temporarily inoperable or 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 when a vessel is not being propelled by machinery and is being 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 is authorized to issue a permit to carry or possess a weapon, trap or net under four sets of circumstances. Violations of the terms and conditions of such a permit is prohibited.

E. Law enforcement officers are authorized to carry firearms in the performance of their duties.

F. Carrying or possessing a weapon, trap or net in violation of Federal and State laws is prohibited.

G. This section is applicable on privately owned lands and waters.

V. Key Points
A. The regulation bases the allowed use or possession of weapons, traps or nets on three criteria:
   1. In accordance with State and Federal law and at times and locations when their use is in conjunction with hunting, fishing or trapping activities authorized under §2.2 or 2.3.
   2. Within residences, and if weapons are unloaded, within temporary lodging facilities or mechanical modes of conveyance, when properly stored.
   3. Under the terms of a permit issued by the superintendent.

B. Authorized Federal, State and local law enforcement officers may carry firearms in the performance of official duties.

C. The possession of weapons which are illegal to possess under State law is prohibited by paragraph F.

D. The regulations in this section are applicable on privately owned lands and waters under the legislative jurisdiction of the United States.
E. The definition of "unloaded" in §1.4 is a key term to consider in enforcing the provisions of this section.

VI. Relationship to other Regulations
This section is closely related to provisions of §2.2 and §2.3 and to special regulations pertaining to hunting for parks which allow that use. State laws pertaining to prohibited weapons and those governing the transportation of weapons in motor vehicles should be reviewed.

VII. Sample Questions/Discussion Points
1. A popular hunting area, consisting of national forest and State land, adjoins a designated wilderness area of Bare Peaks National Park. The only trails and roads providing access to this hunting area pass through the park. What actions should the park take with regard to hunters wanting to transport firearms and game through the park?
Instructional Outline

I. Title
Section 2.5 Research specimens.

II. Purpose/Intent
This regulation sets forth the procedure for individuals to collect plants, fish, wildlife, rocks or minerals. Establishes criteria for the issuance of the required permit.

III. Definitions
Found in §1.4: Cultural Resources
- Fish
- Park Area
- Permit
- Take
- Wildlife

Other definitions to be considered:
- Collection
- Endangered Species
- Specimen
- Threatened Species
IV. Key Elements of Regulation

A. Establishes three categories of protection that are dependent on the legislation that established the area and prescribed the amount of protection to be provided to the resources.

B. Sets forth the criteria for issuance of a permit. Consider:
   1. Status of permittee—Officials of educational institutes and State and Federal employees.
   2. Purpose of the collection—Must be for research, baseline inventory, monitoring, impact analysis, group study or museum display.

C. Establishes procedures for marking and handling specimens.

V. Key Points

A. Permit required to take fish, wildlife, plants, rocks or minerals except as provided by other regulations.

B. Some area legislation prohibits killing or collecting. No allowance for permits.

C. Permit requirements:
   1. Items displayed will bear National Park Service museum labels, cataloged as National Park Service specimens.
   2. Specimens made available to public.
   3. Reports and publications relating to research to be filed with superintendent.
D. Permit not issued if:
   1. Removal of item would result in damage to resource.
   2. Have adverse impact on environmental or scenic values.
   3. Specimens available outside of park.

E. Endangered Species identified by State or Federal-Permit not issued unless:
   1. Species not available outside of area.
   2. Primary purpose to enhance protection.

VI. Relationship to other Regulations
A. §2.2 and §2.3
B. Endangered Species Act
C. Appropriate State laws dealing with endangered species.
D. Individual park enabling legislation

VII. Sample Questions/Discussion Points
1. You are superintendent of Yellowstone National Park. A university scientist applies for a collection permit that will require her to take plants from the park. Should the permit be issued?
Instructional Outline

I. Title
Section 2.10 camping and food storage.

II. Purpose/Intent
This regulation authorizes the superintendent to require permits, designate sites or areas, and establish conditions for camping.

III. Definitions
Found in §1.4: Camping
   Permit
   Refuse
   Superintendent
   Take
   Wildlife

Other definitions to be considered:

IV. Key Elements of Regulation
A. The superintendent is authorized to require permits, designate sites or areas, and establish conditions for camping.

B. The following actions are prohibited:
   1. Digging or leveling the ground.
   2. Leaving equipment, refuse or site alterations after departing.
3. Camping within 25 feet of hydrant or road, or within 100 feet of a water source.
5. Installing permanent camping facilities.
6. Displaying wildlife carcasses not taken in compliance with §2.2.
7. Connecting to a utility system.
8. Failure to obtain a permit.
9. Violating conditions established by superintendent.
10. Camping outside designated areas.

C. Violation of the terms and conditions of a permit is prohibited.
D. The superintendent is authorized to designate areas where food storage requirements can be imposed. Violation of these restrictions is prohibited.

V. **Key Points**
A. This section differs very little from the provisions of the former §2.5, except for the food storage paragraph.
B. Broad authority is given to all superintendents to require permits, designate areas and establish conditions for camping.
C. Violation of the terms and conditions of a permit may result in revocation of the permit as well as in criminal penalties.
D. The authority given to superintendents to designate areas where food storage requirements can be imposed eliminates the need for special regulations pertaining to this issue.
E. Designations must be made in accordance to § 1.5 and §1.7.
F. Permits must be issued in accordance with §1.6.

VI. Relationship to other Regulations
A. Wildlife carcasses displayed must have been taken pursuant to §2.2.

VII. Sample Questions/Discussion Points
1. Can a park vary the "quiet hours" specified in §2.10(a)(4)?
2. How does the degree of disturbance described in §2.10(a)(4) differ from the elements required to support a change of disorderly conduct under §2.34(a)(3)?
3. It has been established that backcountry permits are required for overnight use of the backcountry of your park. You contact a camper in a backcountry campsite who, when asked for his permit indicates he doesn't have one. What Section of the CFR applies?
Instructional Outline

I. Title
Section 2.11 Picnicking.

II. Purpose/Intent
This regulation establishes a single standard for picnicking in all National Park Service areas.

III. Definitions
Found in §1.4: Superintendent
Other Definitions to be considered:

   Picnicking

IV. Key Elements of Regulation
A. Picnicking is allowed in all areas which are not closed pursuant to §1.5.
B. The superintendent may establish conditions for picnicking in areas where picnicking is allowed.
C. Violation of established conditions is prohibited.
V. Key Points
A. This section reverses the tone of the old regulation ($2.18$) which generally prohibited the activity in other than designated areas.
B. The superintendent still has the authority to close all or portions of a park to picnicking where that activity would be inappropriate.
C. Closures, time limits and other conditions established by the superintendent must be accomplished in accordance with §1.5 and §1.7.

VI. Relationship to other Regulations
A. Designations must be accomplished in accordance with §1.5 and §1.7.

VII. Sample Questions/Discussion Points
Instructional Outline

I. **Title**
Section 2.12 Audio disturbances.

II. **Purpose/Intent**
This regulation imposes restrictions on the use of audio devices, distinguishing between those utilized in the exercise of First Amendment rights and those that are merely noise producing.

III. **Definitions**
Found in §1.4: Developed Area
- Motor Vehicle
- Non-developed Area
- Operator
- Permit
- Vessel

Other definitions to be considered:
- Disturbance
IV. **Key Elements of Regulation**

A. The following are prohibited:

1. Operating motorized equipment and audio devices in a manner that exceeds specified decibel levels or otherwise is unreasonable.
2. Operating a power saw in developed areas without a permit.
3. In non-developed areas, operating a portable engine without a permit.
4. Operating a PA system, except in connection with a public assembly or special event and pursuant to a permit issued under §2.50 or §2.51.

B. Violation of the terms of a permit issued under this section is prohibited and can result in revocation of the permit as well as in criminal penalties.

V. **Key Points**

A. This regulation does not cover the exercise of First Amendment rights.

B. The "reasonableness" standard will vary according to location, time of day, and impact on other park users.

C. Any permits issued pursuant to this section must comply with the provisions of §1.6.

D. Paragraph (a)(3) does not authorize the operation of motors in wilderness areas.

E. This section combines the provisions of the former §2.3 and §2.19.
VI. Relationship to other Regulations

A. Activities regulated by §2.50 and §2.51 are exempted from coverage under this section.

B. Permits issued pursuant to this section must comply with provisions of §1.6.

VII. Sample Questions/Discussion Points
I. Title
Section 2.13 Fires.

II. Purpose/Intent
This regulation establishes specific conditions for the lighting and maintaining of fires. The intent is to diminish the threat to park resources through indiscriminate or careless use of fire or fire causing materials.

III. Definitions
Found in §1.4: Legislative Jurisdiction.

Park Area

Other definitions to be considered:

Lanterns
Stoves

IV. Key Elements of Regulation
A. Fire prohibited acts:
   1. Lighting or maintaining a fire except in designated areas and under conditions prescribed by the superintendent (§1.5 and §1.7).
2. Using stoves or lanterns in violation of established restrictions (§1.5 and §1.7).

3. The lighting, tending or using of a fire, stove or lantern in such a manner that it threatens or causes damage to property, park resources or creates a public safety hazard.

4. Leaving a fire unattended.

5. The discarding or throwing of lighted or smoldering materials in a manner that threatens or causes damage to property, park resources or creates a public safety hazard.

B. Provides for the superintendent to prescribe manner and means for extinguishing fires.

C. Provides the superintendent with authority to close portions of a park to lighting or maintaining fires during periods of high fire danger.

D. This regulation applicable to privately owned lands under legislative jurisdiction of the United States.

V. **Key Points**

A. §1.5 and §1.7 utilized to describe sites and types of fires.

B. Terms stoves and lanterns not defined in §1.4. Some specificity required to identify what types and classes of stoves and lanterns are to be prohibited. Could be classified by fuel type.

C. Creating a public safety hazard could include careless or reckless use of fire accelerants or the use of open fires, i.e., charcoal in a closed area threatening asphyxiation.

D. New regulation on discarding or throwing lighted or smoldering
materials. Somewhat less restrictive than previous §2.12. Present regulation has elements of damage or threatened damage. Old regulation prohibited dropping or throwing of lighted or burning materials.

E. Provides the superintendent the authority to close all or portions of a park to the lighting or maintaining of a fire. Accomplished through §1.5 and §1.7. This differs from old §2.12(f) which included smoking in this prohibition. Smoking now covered by separate regulation §2.21.

VI. Relationship to other Regulations

A. This regulation is written in converse fashion to the previous regulation (§2.12). It lists those actions that are prohibited whereas the previous regulation outlined those actions permitted.

B. Designations must be accomplished in accordance with §1.5 and §1.7. Use to describe locations and types of fires.

C. §2.21 deals with smoking.

VII. Sample Questions/Discussion Points

1. You are on patrol in your park's campground when you observe a lighted gas lantern hanging from a tree branch. The compendium for your park indicates lighted lanterns may not be hung on or from trees, shrubs and other such vegetation. What Section of the CFR would apply?
2. The park area in which you are employed has experienced extreme heat and severe draught. State forestry officials are extremely concerned about forest fires and have prohibited open fires and burning on all lands except park lands which are under the exclusive jurisdiction of the United States. The park superintendent wishes to implement the same type of restrictions on both Federal and private lands. What authority can the superintendent utilize?
Instructional Outline

I. Title
Section 2.14 Sanitation and refuse.

II. Purpose/Intent
This regulation establishes requirements for the disposal of refuse.

III. Definitions
Found in §1.4: Developed Areas
   Non-developed Areas
   Park Area
   Refuse
   Superintendent
   Vehicle
Other definitions to be considered:
   Sanitation

IV. Key Elements of Regulation
A. The following are prohibited:
   1. Disposing of refuse in other than receptacles.
   2. Using Government receptacles for dumping household or commercial refuse brought from outside the park.
   3. Placing refuse in plumbing fixtures or toilet vaults.
4. Draining refuse from a trailer or vehicle.
5. Bathing or washing at public water outlets.
6. Polluting park waters.
7. Disposing of fish remains improperly.
8. Improper disposal of human waste in developed areas.
9. Improper disposal of human waste in non-developed areas.

B. The superintendent is authorized to establish conditions pertaining to the disposal, containerization or carry-out of human waste. Violation of these conditions is prohibited.

V. Key Points

A. The main provisions of this section pertain to the disposal of refuse and the protection of water sources from contamination.
B. The paragraphs dealing with disposal of human body waste distinguish between procedures to be followed in developed and non-developed areas.
C. The superintendent is provided authority to establish procedures pertaining to the disposal, containerization or carry-out of human waste.

VI. Relationship to other Regulations

A. Designations authorized under this section must be carried out in accordance with §1.5 and §1.7.
VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.15 Pets.

II. Purpose/Intent
This regulation establishes procedures for the control of dogs, cats and other pets in park areas.

III. Definitions
Found in §1.4: Authorized Person, Hunting Superintendent, Park Areas, Vehicle, Pet, Wildlife
Other definitions to be considered:

IV. Key Elements of Regulation
A. The following are prohibited:
   1. Possessing pets in public buildings, public vehicles, swimming beaches, and other designated areas.
   2. Failure to restrain pets.
   3. Leaving pet unattended.
   4. Allowing a pet to make unreasonable noise.
   5. Failure to comply with pet excrement disposal conditions.
B. Dogs may be used in support of hunting activities in park areas where hunting is allowed in accordance with Federal and State law.

C. Pets or feral animals running-at-large that injure, kill, or molest humans, livestock or wildlife, may be destroyed.

D. Pets running-at-large may be impounded and the owner charged costs.

E. Pets may be kept by residents in accordance with conditions established by the superintendent. Violations of these conditions is prohibited.

F. This section does not apply to dogs used by law enforcement officers.

V. Key Points

A. Guide dogs are exempt from restrictions.

B. The superintendent has broad authority to designate areas closed to the possession of pets and to establish conditions under which they may be kept.

C. A maximum leash length of six feet is established.

D. Hunting dogs are exempt from leash provisions when actually engaged in a hunting activity and under the control of a licensed hunter.

E. Only those pets running at large and observed by an authorized person (as defined in §1.4) in the act of killing injuring or molesting wildlife, livestock or humans may be destroyed.

F. The only authority provided to impound pets involves those running-at-large (paragraph (d). Others have to be handled as abandoned property.

G. Local organizations may be used to hold impounded pets.
H. The standard for what constitutes "unreasonable noise" is the same as that used in §2.10, §2.12 and §2.16.

VI. Relationship to other Regulations
A. Unattended pets (not running-at-large) have to be handled under §2.22 Property.
B. Designations must comply with procedures required by §1.5 and §1.7.

VII. Sample Questions/Discussion Points
1. A local hiking club has petitioned you as superintendent to designate under §1.7 dogs as pack animals for backcountry use. What is your authority to support this action?
2. What is the rationale for the six foot leash length in §2.15(a)(2)?
3. Visitors come to you to complain of a dog tied in a campsite for several hours and continuously barking. You pick up the dog, after being unable to locate the owners, and place it in a holding pen at the ranger station. You discover the next morning that the campsite has been vacated. What do you do?
4. Your supervisor maintains that violations of the park's pet policy by residents are strictly administrative and supervisory issues, and not CFR violations. Is this an accurate position to maintain?
5. While on backcountry patrol, you encounter a party with a large dog being used as a pack animal. Which CFR sections must be considered in order to determine whether a violation exists?
Instructional Outline

I. Title
Section 2.16 Horses and pack animals.

II. Purpose/Intent
This regulation establishes procedures for the use of horses and pack animals in park areas, including requirements on where these animals can be used and how they are to be handled in the proximity of visitors.

III. Definitions
Found in §1.4: Motor Vehicles
Pack Animals
Park Road
Other definitions to be considered:

IV. Key Elements of Regulation
A. There are seven prohibited acts:
   1. The use of animals other than designated pack animals for transporting equipment.
   2. The use of horses or pack animals outside of designated trails, routes or area designated by §1.5 and §1.7.
3. The use of horses or pack animals on park roads except as necessary. Horses and pack animals may be allowed on park roads that are closed to motor vehicles.

4. Free trailing or loose herding of horses or pack animals except as designated.

5. Allowing horses or pack animals to proceed at a pace in excess of a slow walk when passing persons on foot or bicycle.

6. Obstructing a trail or making an unreasonable sound or gesture when horse or pack animals are passing.

7. Violation of any conditions established by the superintendent concerning the use of horses and pack animals.

V. Key Points

A. Definition of pack animals. Superintendent may designate other "hoofed" animals.

B. Majority of regulation is aimed at users of horses and pack animals. Part (f) is directed at persons other than those in control of horses or pack animals.

C. The terms "reasonably prudent person" and "considering the nature and purpose of the actor's conduct", are elements of this section.

VI. Relationship to other Regulations

A. Designations must comply with procedures required by §1.5 and §1.7.
VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.17 Aircraft and air delivery.

II. Purpose/Intent
This regulation limits the operation and use of aircraft to designated areas and in general prohibits the air delivery of persons and property.

III. Definitions
Found in §1.4: Aircraft Operator

Other definitions to be considered:

IV. Key Elements of Regulation
A. Prohibitions:
   1. Operating or using an aircraft on lands or waters other than those designated pursuant to special regulations.
   2. Operating or using an aircraft under power on a water surface except at those sites designated by special regulations.
   3. The delivery or retrieval of persons or objects by helicopter, parachute or other airborne means except in emergency situations involving public safety or serious property damage or pursuant to a permit.
4. Assimilates the FAA regulations.
5. The use of hovercraft is prohibited.

B. Provisions:
1. Exempts the official business of the United States Government from this regulation.
2. Provides the procedures for the salvage and removal of downed aircraft.

V. **Key Points**
A. Note that the definition of aircraft includes powerless flight including hang gliders.
B. Designation of locations for aircraft landing or operating is pursuant to special regulations.
C. Allows the superintendent to prescribe manner and means for removal.
D. Coordinate removal with National Transportation Safety Board (NTSB).
E. Assimilates the FAA regulations.

VI. **Relationship to other Regulations**
A. New regulation combines §2.2 and §2.6 (powerless flight) of old regulations.
B. FAA regulations are adopted.
VII. Sample Questions/Discussion Points

1. Is a hovercraft a vessel or an aircraft? Explain.
Instructional Outline

I. Title

Section 2.18 Snowmobiles.

II. Purpose/Intent

This regulation establishes procedures and criteria for the use of snowmobiles within a National Park Service area.

III. Definitions

Found in §1.4: Operator

Persons

Snowmobile

State

Vehicle

Wildlife

Other definitions to be considered:

IV. Key Elements of Regulation

A. The applicable provisions of Part 4 apply to snowmobiles.

B. State law shall govern snowmobile operation and equipment standards.

   Non-conflicting State laws are adopted.

C. The use of snowmobiles is prohibited except on designated routes and water surfaces used by motor vehicles or motor boats.
1. Routes and water surfaces designated shall be promulgated as special regulations.

2. Snowmobiles are prohibited except where designated and only when their use is consistent with park values and management objectives.

D. The following are prohibited:
   1. Operating a snowmobile that makes excessive noise (as defined).
   2. Operating a snowmobile without lights.
   3. Improper brakes.
   4. Racing

E. Age requirements are established for persons operating and/or supervising the operation of a snowmobile.

V. Key Points

A. The definition of the term snowmobile in §1.4 conforms to the standard definition used by the International Snowmobile Industry Association. The National Park Service does not intend that this definition be broadly interpreted to include other off-road vehicles.

B. Paragraph (a) adopts all sections of Part 4 and State laws that are applicable to snowmobiles.

C. Paragraph (c) establishes a regulatory process for determining where snowmobiles may be used.
   1. Conforms to existing National Park Service policy.
2. Authorizes the designation of routes and water surfaces only and only those otherwise used by motor vehicles and motor boats.

3. Designations may be made only as special regulations.

D. Noise level restrictions are based on industry standards.

VI. Relationship to other Regulations

A. Part 4 and applicable State laws are adopted.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.19 Winter activities.

II. Purpose/Intent
This regulation contains procedures governing certain winter sports activities in park areas.

III. Definitions
Found in §1.4: Motor Vehicle
Park Road
Snowmobile
Traffic
Other definitions to be considered:

IV. Key Elements of Regulation
A. Winter sports are prohibited on park roads and in parking areas open to motor vehicle traffic except as designated.
B. The towing of persons on skis, sleds, etc. by motor vehicle or snowmobile is prohibited except as designated.
C. Failure to abide by area and activity designations is prohibited.
V. Key Points
A. Winter sports are generally authorized except where restricted by this section.
B. Designations authorized by this section can be used only to relax the restrictions contained in this section. Further restrictions can be accomplished only through the provisions of §1.5.

VI. Relationship to other Regulations
A. Designations must be accomplished in accordance with §1.5 and §1.7.
B. Snowmobile regulations are contained in §2.18 and in special regulations.

VII. Sample Questions/Discussion Points
1. A certain hillside is used each winter by the public for tobogganing and innertubing. Each year, there are numerous serious injuries which result from visitors colliding with trees. You wish to convince the Superintendent to close this area to such winter activities, in the interest of public safety. Which CFR section(s) provides the authority for such a closure?
Instructional Outline

I. Title
Section 2.20 Skating, skateboards and similar devices.

II. Purpose/Intent
This regulation prohibits skating, skateboards and similar devices with the intention to provide public safety for park visitors particularly in urban park areas where these devices are frequently in use.

III. Definitions

Other definitions to be considered:

Designated Area

IV. Key Elements of Regulation
A. Prohibits all use of roller skates, skateboards, roller skis, coasting vehicles or similar devices.
B. Allows for superintendent to designate certain areas for use of these devices.
V. Key Points

A. Not applicable on privately owned lands.

B. Allows superintendent flexibility to designate certain areas for use of these devices.

C. Superintendent may designate residential areas as open to these activities.

VI. Relationship to other Regulations

A. Designations must be in compliance with §1.5 and §1.7.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.21 Smoking.

II. Purpose/Intent
Provides the superintendent with authority to close to smoking a portion of a park area or all or a portion of a building. This authority is intended to reduce the risk of fire, protect park resources and reduce the potential for conflicts in visitor use activities.

III. Definitions
Found in §1.4: Park Area
Other definitions to be considered:

IV. Key Elements of Regulation
A. Superintendent has authority to designate (pursuant to §1.5 and §1.7) areas closed to smoking.
B. Smoking is prohibited within all caves or caverns.

V. Key Points
A. This regulation to be used during periods of high fire danger in conjunction with §2.13.
B. Closing of administrative areas to employee smoking should be handled through administrative means.

VI. Relationship to other Regulations
A. §2.13 Fires

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.22 Property.

II. Purpose/Intent
This regulation establishes a framework for the control, impoundment and disposition of property within the National Park System.

III. Definitions
Found in §1.4: Abandonment

Legislative Jurisdiction
Park Area
Superintendent

Other definitions to be considered:
Impoundment
Property
Unattended
Unclaimed
IV. **Key Elements of Regulation**

A. **Prohibitions:**
   1. Abandoning property
   2. Leaving property unattended for longer than 24 hours, except as designated.
   3. Failure to turn in found property.

B. **Property Impoundment:**
   1. Unattended property left an excessive period can be impounded.
   2. Unattended property that interferes with visitor safety, threatens park resources or interferes with park management can be impounded.
   3. Found/impounded property shall be inventoried.
   4. Owner can be charged for costs of impound and disposal.

C. **Disposition of Property:**
   1. Hold unattended property impounded for sixty days.
   2. Hold found property for sixty days, if not claimed return to finder or declare abandoned.
   3. Abandoned property is disposed of in accordance with 41 CFR.
   4. Property of deceased persons shall be disposed of in accordance with State law.

V. **Key Points**

A. §(a)(2), (b) and (c) are applicable on privately owned lands and waters.

B. This regulation combines the old §2.1 and §2.17 in one regulation and further delineates procedures.
C. Note definitions of unattended and abandoned. Unattended and found become abandoned after sixty days.

D. This regulation establishes procedures for impoundment and the handling of found property which are not covered in 41 CFR.

E. Note that 41 CFR requires holding any abandoned property for thirty days upon being deemed abandoned. This is separate from the sixty day 36 CFR requirement.

F. Clearly states that National Park Service employees cannot claim unclaimed property, but family members can.

G. This regulation, §(b)(2) is intended to allow for impoundment of vehicles that are interfering with visitor safety, emergency operations, etc.

H. §(b)(4) gives us a better tool to ensure costs of impoundment are paid.

I. §(b)(3) requires inventory of found or impounded property. This requirement establishes a procedure which would then permit the use of any evidence of a crime, discovered during the inventory, in later court proceedings.

VI. Relationship to other Regulations

A. 41 CFR on Federal Property Management identifies procedures for disposal of abandoned property.

B. State law is used to dispose of the property of deceased persons.

C. Designated areas where property can be left for longer periods of time should be designated in compliance with §1.5 and §1.7.

D. When pets are impounded use §2.15 which has different requirements.
VII. Sample Questions/Discussion Points

1. A visitor finds an expensive watch in a visitor center restroom and turns it in at the desk. Discuss the possible actions which may take place involving this watch.
Instructional Outline

I. Title
Section 2.23 Recreation fees.

II. Purpose/Intent
This regulation establishes procedures for establishing and collecting recreation fees.

III. Definitions
Found in §1.4: Permit
   Possession
   Superintendent

Other definitions to be considered:
   Entrance Fees
   Recreation Fees

IV. Key Elements of Regulation
A. References 36 CFR 71 that governs the establishment of recreation fees in National Park Service areas.
B. Prohibits entering or using fee areas without paying the required fee or possessing the required permit.
C. Gives the superintendent authority to suspend fee collection when in the public interest.
V. **Key Points**

A. Not applicable on privately owned lands and waters.

B. This is the one regulation that has a different penalty. Penalties are established in 16 USC 460 (see §1.3(d)).

C. Penalties for misuse of the Golden Eagle are found in Part 71.

D. This regulation combines the §6.1 and §6.5 old regulations and moves them to Park 2, Public Use.

VI. **Relationship to other Regulations**

A. 36 CFR 71 governs establishment of fees in National Park Service areas and spells out the penalties for misuse of the Golden Eagle.

B. 16 USC 640 sets penalties for violations of recreation fee regulations.

VII. **Sample Questions/Discussion Points**

1. While on duty at an entrance station, you greet a male visitor who presents a Golden Eagle Passport signed by Edna White. In discussing this with him, you learn that he has rented a cabin from Mrs. White and that the use of her Golden Eagle Passport is included in his cabin rental. What National Park Service actions are possible?
I. Title
Section 2.30 Misappropriation of property and services.

II. Purpose/Intent
This regulation is designed to enhance the National Park Service's ability to protect personal property and to protect commercial enterprises from fraud, absconding or deception.

III. Definitions
Found in §1.4: Possession, Services
Other definitions to be considered:
Take
Misappropriation
Property
Real Property
Larceny

IV. Key Elements of Regulation
A. Prohibitions:
   1. Larceny
   2. Non-payment for property or services
3. Deception or fraud in order to receive goods or services
4. Shoplifting
5. Possessing or receiving stolen property

V. Key Points
A. Applicable on privately owned lands.
B. Definition of take is redefined from §1.4 to make it consistent with the law of larceny.
C. Don't use where you obviously have a felony.
D. Allows flexibility to use other than 18 USC for less serious incidents and with juveniles.

VI. Relationship to other Regulations
A. Alternative to using this for felony cases is 18 USC.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.31 Trespassing, tampering and vandalism.

II. Purpose/Intent
To provide remedies for those incidents involving manipulation or use of property where the elements of burglary, larceny or malicious mischief (18 USC 1361) are not satisfied.

Also provides additional protection to private interests within park areas, such as concessions, extended tenants, private in-holdings and leasees.

III. Definitions

Other definitions to be considered:
- Trespass
- Express
- Tamper
- Vandalism
IV. **Key Elements of Regulation**

A. Consists of three prohibitions:
   1. Trespassing
   2. Tampering
   3. Vandalism

B. Trespass elements:
   1. Notice must be provided of closed areas, i.e., signs, fences, barriers, etc.
   2. Knowledge or lack of authorization to enter.
   3. Lawful control of property.

V. **Key Points**

A. Applicable on privately owned lands and waters.

B. Trespass section similar to State statutes and most appropriately would require a complaint from the offended party.

C. Trespass section should be used with caution with regard to Government interests - is designed more to protect private and commercial interests.

D. Tampering section effective to protect both Government and private interests. It is essentially the same as §2.29 of the old regulations.

E. Vandalism section protects Government and private property.

F. Enforcement of this regulation to protect private interests should be accompanied by complaint or statement from offended party and be coordinated with the Magistrate.
VI. Relationship to other Regulations

A. §1.5 more applicable to protect Government interests from trespass.

B. §2.1 should always be used first by preference, instead of vandalism on resource protection matters.

C. This is only an alternative to using 18 USC when all the elements of a felony are not met.

VII. Sample Questions/Discussion Points
I. Title
Section 2.32 Interfering with agency functions.

II. Purpose/Intent
The intent of this regulation is to give the Service the authority it needs to ensure that government operations proceed without interference.

III. Definitions
Found in §1.4: Authorized Person
Other definitions to be considered:
  Agent
  Interference
  Lawful Order
  False Report

IV. Key Elements of Regulation
A. Prohibitions:
   1. Interference-threatening, resisting, intimidating or interfering with a Government employee or agent engaged in an official duty or on account of the performance of an official duty.
2. Violating the lawful order of a Government employee or agent performing agency functions to maintain order and public safety.

3. Providing false information to an authorized person or on applying for a permit.

4. Giving a false report that:
   a. misleads a Government employee or agent in performing his duties.
   b. causes a response by the Government to a fictitious event.

V. Key Points

A. Applicable on privately owned lands and waters.

B. Is a new section. Before, only had false reports and employee related interference was a felony. Now have a CFR regulation in addition to 18 USC for less serious offenses.

C. Agent includes all individuals, i.e., volunteers, contractors, etc. performing agency functions.

D. §(a)(2) gives a degree of authority to persons in charge of public safety during emergencies, i.e., lifeguards and firefighters, to ensure public safety.

E. A complaint is the proper avenue when the interference involves someone not authorized to enforce this regulation.

VI. Relationship to other Regulations

A. For felony violations still use 18 USC 111.
VII. Sample Questions/Discussion Points

1. A misdemeanor must be committed in the presence of an officer. Is a lifeguard or other agent acting in the performance of duties during an emergency an extension of the officer's duties?
   a. Technically, no - they are not authorized persons to enforce regulations. The best way to enforce this is by a complaint.

2. Two local residents happen upon a park ranger in a bar after hours. They call him "greenie" and say they will drain his green blood. Please discuss.

3. You have conducted a vehicle stop, intending to cite the operator for a moving violation. The vehicle contains two other occupants whom you direct to remain in the vehicle while you issue the citation to the operator, whom you have directed to exit the vehicle. As you are issuing the citation, the passengers exit the vehicle and approach you, becoming verbally abusive and refusing to comply with your repeated requests to return to the vehicle. What enforcement action(s) might you consider?
Instructional Outline

I. Title
Section 2.33 Report of injury of damage.

II. Purpose/Intent
The purpose of this regulation is to require the reporting of all incidents resulting in injury or damage in excess of $100.

III. Definitions
Found in §1.4: Person
State
Superintendent
Other definitions to be considered:

IV. Key Elements of Regulation
A. Requires reporting of all incidents resulting in injury or damage to property in excess of $100.
B. Notes that other reporting requirements are not met by this report.
C. Failure to report an incident is a violation.

V. Key Points
A. Not applicable on privately owned lands and waters.
B. Same as old regulation, except adds dollar value. Requires all incidents with damage in excess of $100 but does not preclude reporting incidents of less than $100.

C. All injuries caused by pets are to be reported.

VI. Relationship to other Regulations
A. Boating accidents are still covered under §3.4.
B. Motor vehicle accidents are still covered under §4.15.
C. State requirements must still be met.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.34 Disorderly conduct.

II. Purpose/Intent
This regulation defines disorderly conduct and provides a guide to agency enforcement action.

III. Definitions
Found in §1.4: Legislative Jurisdiction

Person

Other definitions to be considered:

Disorderly Conduct Nuisance
Intent Public Alarm
Jeopardy Recklessly
Knowingly Violence
IV. Key Elements of Regulation

A. A person commits disorderly conduct when:

1. with intent to cause:
   a. public alarm
   b. nuisance
   c. jeopardy
   d. violence

2. knowingly or recklessly creating a risk thereof commits any of the following prohibited acts.

B. Prohibited acts:

1. Fighting, threatening or violent behavior.

2. Language, utterances, gestures, displays or acts that are obscene, threatening or menacing or likely to inflict injury or incite immediate breach of peace.

3. Noise that is unreasonable considering the nature and purpose of the actor's conduct, time of day or night, location and other factors.

4. Creates or maintains a hazardous or physically offensive condition.

V. Key Points

A. Applicable on privately owned lands and waters.

B. This section defines disorderly conduct and establishes elements of the offense.

C. The preamble defines public alarm, nuisance, jeopardy and violence.

D. Disorderly conduct has two main elements:
1. Mental elements—one of which must be proved.
   a. Intent—almost premeditation
      Two tests to show intent:
      1. Individual has a desire to achieve a particular result.
      2. Prove subject is aware that his actions will have a certainty of accomplishing his objective or have that result.

2. Physical elements that must be proved:
   a. Physical acts that are prohibited.
   b. Obscenity—protects speech while forbidding words that result in a clear and present danger.
   c. Unreasonable noise—prudent per standard.
   d. Harmful or physically offensive condition.

E. The more elements that can be met the better.

F. Does not apply when acted towards a National Park Service officer.
   Is an offense against the public.

VI. Relationship to other Regulations
A. Similar language is contained in §2.10 (Camping and food storage), §2.12 (Audio disturbances), §2.15 (Pets), and §2.16 (Horses and pack animals).
VII. Sample Questions/Discussion Points

1. You are a district ranger who is patrolling a fairly isolated beach area. Sunbathers approach you to complain about being disturbed by two nude sunbathers. What action do you take?
Instructional Outline

I. Title
Section 2.35 Alcoholic beverages and controlled substances.

II. Purpose/Intent
This regulation is to enhance public safety, protect property and park resources and protect visitor's "park experience" through the regulated use and possession of alcoholic beverages and controlled substances.

III. Definitions
Found in §1.4: Carry Possession
- Controlled Substance Practitioner
- Motor Vehicle State
- Park Area Superintendent
- Park Road Vessel
- Person

Other definitions to be considered:
- Delivery (from §2.35(b)(1))
- Alcoholic Beverage
IV. Key Elements of Regulation

A. Alcoholic Beverages

1. Use and possession allowed except under the following prohibitions:
   a. Sale or gift to minor (21 or lower per State law)
   b. Possession by minor (21 or lower per State law)
   c. Carrying open container in motor vehicle
   d. Storing and transporting an open container in a motor vehicle.

2. Limited closure authority based on:
   a. Inappropriate activity considering purpose of location or
   b. inability to resolve problems through use of §1.5 and §2.34.

B. Controlled Substances

1. Prohibited
   a. Delivery of controlled substance by person other than practitioner in accordance with law.
   b. Possession of controlled substance unless obtained pursuant to prescription or from 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.
V. **Key Points**

A. Not applicable on privately owned lands and waters.

B. Alcoholic beverage is not defined. Some direction provided in §5.2. Know your State law.

C. Intention of open container sections is to apply to roads and parking lots not to camping and picnic areas. In addition, intention is to limit open containers in passenger compartments during transport, not to forbid containers in storage compartments, etc.

D. §(a)(3) sets the limits of the superintendent's authority to close an area. §1.5 cannot be used to expand closure, must use a special regulation.

E. Delivery and practitioner are defined in this section.

F. The influence of alcohol and drugs are combined as often they are used in tandem and are hard to differentiate. The degree of incapacitation is the standard.

VI. **Relationship to other Regulations**

A. State law applies to the age limit if lower than 21.

B. Disorderly conduct (§2.34) can always be used whether or not induced by the use of alcohol or drugs.
VII. Sample Questions/Discussion Points

1. In many areas, State law may be more restrictive than this regulation. What problems may arise in areas of proprietary and concurrent jurisdiction?

2. How difficult is it going to be to indicate the degree specified in §2.35(c)?

3. While on patrol, you observe a large motor home roll through a stop sign. When you stop the vehicle to question the driver about the violation, you notice that the person in the front passenger seat is drinking a can of beer. You subsequently find that three adult passengers in the rear of the vehicle are also drinking beer. Discuss the available courses of action.

4. You have been dispatched to the men's public restroom at the visitor center to investigate a report of an unconscious individual. You find a 45-year old man lying on the floor, being assisted by his 18-year old son. The son indicates that his father has been drinking all day and just passed out. You find the man's wife sitting in the visitor center lobby. Both wife and son are sober. Has the man committed a CFR violation? If so, what action would you take?

5. May an open container of wine be legally transported on a park road in the bed of a pickup truck if there are also passengers in the bed? Which CFR section applies?

6. The consumption of alcohol has been a major problem on a beach within your Seashore. How should this be dealt with?
Instructional Outline

I. Title
Section 2.36 Gambling.

II. Purpose/Intent
This regulation prohibits gambling in any form or the operation of gambling devices within park areas.

III. Definitions
Found in §1.4: Legislative Jurisdiction
    Park Area
Other definitions to be considered:
    Gambling
    Gambling Device

IV. Key Elements of Regulation
A. Prohibitions:
   1. All forms of gambling.
   2. Operation of gambling devices.

V. Key Points
A. Applicable on privately owned lands and waters.
B. The proposed rule considered if some forms of gambling, i.e., lottery, would be allowable. It was decided all forms of gambling are incompatible and should be prohibited.

VI. Relationship to other Regulations

VII. Sample Questions/Discussion Points
I. Title
Section 2.37 Noncommercial soliciting.

II. Purpose/Intent
This regulation prohibits soliciting or demanding gifts, money, goods or services except in accordance with a permit.

III. Definitions
Found in §1.4: Permit
   Services
Other definitions to be considered:
   Goods
   Soliciting

IV. Key Elements of Regulation
A. Soliciting or demanding of gifts, money, goods or services is prohibited.
B. Exception to soliciting prohibition is pursuant to permit under:
   1. §2.50
   2. §2.51
   3. §2.52
V. Key Points

A. Not applicable on privately owned lands and waters.

B. Soliciting includes:
   1. Asking
   2. Begging
   3. Non-verbal gestures

C. Doesn't prohibit collection of money, etc. when done under the terms of a permit.

VI. Relationship to other Regulations

A. Prohibition relaxed when activity takes place as part of an activity authorized by permit under §2.50, §2.51, and §2.52.

VII. Sample Questions/Discussion
Instructional Outline

I. Title
Section 2.38 Explosives.

II. Purpose/Intent
This regulation prohibits the use or possession of explosives, fireworks and firecrackers, except by permit. It is intended to provide the superintendent with flexibility to allow limited use when appropriate.

III. Definitions
Found in §1.4: Permit
Possessing State
Other definitions to be considered:
Blasting Agent Fireworks
Explosive Storing
Explosive Materials Transporting
Firecrackers
IV. Key Elements of Regulation

A. Prohibitions:
   1. Using, possessing, storing or transporting explosives, blasting agents or explosive materials.
   2. Using or possessing fireworks or firecrackers.

B. Permits:
   1. Use, possession, storage and transport is permitted under the terms and conditions of a permit.
   2. Firecrackers and fireworks are permitted under permit or in designated areas.
   3. All use must be in accordance with Federal and State law.

C. Violation of the terms and conditions of a permit is prohibited.

V. Key Points

A. Not applicable on privately owned lands and waters.

B. Prohibited except pursuant to a permit, and then in accordance with State and Federal law.

C. Permits must be issued in accordance with §1.6.

D. Permit authority gives superintendent flexibility to allow limited use in prescribed locations upon finding:
   1. Public safety, resource protection or aesthetics are not adversely affected or,
   2. The activity is appropriate considering the event and the purpose for which the area was established or is maintained.
VI. Relationship to other Regulations
   A. Permits must meet §1.6 requirements.

VII. Sample Questions/Discussion Points
I. Title
Section 2.50 Special events.

II. Purpose/Intent
This regulations sets out procedures and criteria for issuing permits for large public gatherings which are outside the scope of normal public use of a park.

III. Definitions
Found in §1.4: Administrative Activities
Permit
Terms wilderness, natural, historic, development, commemorative, and special use zones are used in the criteria but not defined in the regulations. Planning documents for a park will normally delineate these zones and should be relied on to make decisions when interpreting and using this regulation.
Other definitions to be considered:

IV. Key Elements of Regulation
A. Special events are allowed if (all three required):
   1. there is a meaningful association between the event and the park,
2. the event contributes to visitor understanding of park significance, and
3. a permit has been issued.

B. Standards are set for denial of permits in (a)(1)-(6).

C. Application for permit requires specific information about event plans.

D. The superintendent is authorized to require, as a condition of the permit, either/or:
   1. Filing of a bond or deposit of cash for cleanup
   2. Liability insurance to protect Government

E. Permit conditions consistent with protection and use of the park are authorized, including time and area limits.

F. Violation of permit terms and conditions is prohibited and may be basis for revoking or suspending the permit.

V. **Key Points**

A. A "meaningful association" between the event and the park is required. Often could be a problem in parks where statutes deal only with historical values or with natural history with no specific mention of recreation.

B. Bond and insurance requirements are discretionary, not mandatory, but should be consistently applied when dealing with the same general types of events.

C. Permit conditions can deal with time, place and manner, but must be content neutral.
D. The permit issuance standards in (a) are supplementary to the general permit standards in §1.6.

E. Parks having frequent requests for special events should develop a standard application and/or permit to promote consistency.

F. Careful consideration may sometimes be necessary to be sure that a proposed event is properly handled as either a special event or a public assembly for public expression of views.

Note: The version of this section published in the June 30, 1983 Federal Register includes a very significant omission, beginning on the fifth line after the work "There".

VI. Relationship to other Regulations

A. The structure of this regulation is similar to §2.51 and §2.52 but deals with activities not considered to involve rights protected by the First Amendment.

B. Procedural requirements of §1.6 and §1.7 apply to handling of special event permits.

VII. Sample Questions/Discussion Points

1. You are the superintendent of a national historical park who has received a request to allow a bicycle race to pass through the area. Should that request be honored?
2. A portion of your park includes an abandoned Navy airstrip. A local sport parachuting club has planned a series of exhibition jumps using this airstrip as both the takeoff point and the landing zone. The National Park Service learns of these plans through a newspaper article. What action can/should the park take? What is the basis for these actions?
Instructional Outline

I. Title
Section 2.51 Public assemblies, meetings.

II. Purpose/Intent
This regulation establishes a minimum level of control over First Amendment activities to the extent necessary to protect resources and visitors.

III. Definitions
Found in §1.4: Administrative Activities
 Permit
Terms wilderness, natural, historic, development, commemorative, and special use zones are used in the criteria but not defined in the regulations. Planning documents for a park will normal delineate these zones and should be relied on to make decisions when interpreting and using this regulation.
Other definitions to be considered:
IV. Key Elements of Regulation

A. Public assemblies, etc. are allowed if a permit has been issued. A permit must be issued unless:

1. A prior application has been issued and multiple occupancy is not reasonable.
2. There is a clear and present danger to public health and safety.
3. The nature or duration of the event is such that it cannot reasonably be accommodated.

B. Locations available for public assemblies are to be designated on a map. Locations may be designated as not available only according to the criteria set out in (e)(1)-(5).

C. Permit conditions consistent with protection and use of the park are authorized, including time and area limits. Maximum length of permit is seven days, with renewals allowed.

D. Obstruction of pedestrians or vehicles and harassment of visitors through physical contact are prohibited.

E. Permit may be revoked for violation of terms and conditions or for grounds listed for denial of permit application.

V. Key Points

A. Permit issuance is mandatory unless its denial can be justified on basis of conditions stated in (c).
B. Advance designation of available locations is required. Criteria for designation of available locations are written in "reverse" form, describing the only conditions which will justify an area not being designated as open.

C. Permit conditions can deal with time, place and manner, but must be content neutral.

D. Paragraph (j) is an inadvertent repetition of the revocation authority in (i).

E. Violation of terms and conditions of a permit is not a violation in itself and may be used only as grounds for permit revocation or suspension. This is a difference from all other permit regulations other than the two which deal with First Amendment rights.

VI. Relationship to other Regulations

A. The structure is nearly identical to §2.52. This represents a significant expansion from the old public assembly regulation.

B. Permit standards in this section are supplementary to those in §1.5 and §1.6, except that the criteria for permit denial and designation of locations in this section supercede the standards of §1.5(a) and §1.6(a).
VII. Sample Questions/Discussion Points

1. How much disruption of normal park visitor activities should be allowed before a public assembly permit can be denied?

2. You represent a political action group and have applied for a public assemblies permit. The superintendent requests that you specify the issues that will be discussed as part of your permit application. Is the superintendent acting properly?
Instructional Outline

I. Title
Section 2.52 Sale or distribution of printed matter.

II. Purpose/Intent
This regulation provides minimal controls on activities associated with distribution of printed matter in the parks and sets out procedures for issuance of permits.

III. Definitions
Found in §1.4: Administrative Activities

- Permit

Terms wilderness, natural, historic, development, commemorative, and special use zones are used in the criteria but not defined in the regulations. Planning documents for a park will normally delineate these zones and should be relied on to make decisions when interpreting and using this regulation.

Other definitions to be considered:

IV. Key elements of Regulation
A. Sale or distribution of printed matter is allowed if a permit has been issued and if the material is not solely commercial advertising.
A permit must be issued unless:

1. A prior application has been issued and multiple occupancy is not reasonable.
2. There is a clear and present danger to public health and safety.
3. The number of people involved exceeds the number that can reasonably be accommodated in that location.
4. The location has not been designated as available.
5. The activity would be in violation of a law or regulation.

B. Locations available for printed matter distribution are to be designated on a map. Locations may be designated as not available only according to the criteria set out in (e)(1)-(5).

C. Permit conditions consistent with protection and use of the park are authorized. Maximum length of permit is fourteen days, with renewals allowed.

D. Obstruction of pedestrians or vehicles, harassment of visitors by physical contact or persistent demands, misrepresenting affiliation of distributors, and misrepresenting whether the material is available without cost are prohibited.

E. Permit may be revoked for violation of terms and conditions or for grounds listed for denial of permit applications.

V. Key Points

A. Application information listed in (b) does not include description of printed matter to be distributed and such information should not be requested due to appearance of possible censorship.
B. Advance designation of available locations is required. Criteria for designation of available locations are written in "reverse" form, describing the only conditions which will justify an area not being designated as open.

C. Permit conditions can deal with time, place and manner, but must be content neutral.

D. Paragraph (j) is an inadvertent repetition of the revocation authority in (i).

E. Violation of terms and conditions of a permit is not a violation in itself and may be used only as grounds for permit revocation or suspension. This is a difference from all other permit regulations other than the two which deal with First Amendment rights.

F. Time limit of fourteen days for permits set, rather than seven days as for public assemblies, because printed matter distribution activities are less likely to create a major disruption in normal park activities.

VI. Relationship to other Regulations

A. The structure is nearly identical to §2.51.

B. Commercial advertising is covered by §5.1.

C. Sale of printed matter or acceptance of donations for it are exceptions to §2.37 and §5.3 restrictions on soliciting funds and conducting business.
D. Permit standards in this section are supplementary to those in §1.5 and §1.6, except that the criteria for permit denial and designation of locations in this section supercede the standards of §1.5(a) and §1.6(a).

VII. Sample Questions/Discussion Points

1. If a public assembly for which a §2.51 permit has been issued is expected to include distribution of flyers or other printed matter, should a §2.52 permit also be required?

2. As chief ranger of a large park, you are approached by a representative of a local church requesting permission to hold Sunday services in a park campground during the summer months. In order to inform campers of the services, church members want to distribute announcements in the campground each Saturday evening. What do you tell the church representative?
Instructional Outline

I. Title
Section 2.60 Livestock use and agriculture.

II. Purpose/Intent
This regulation is designed to control livestock use and agricultural activities.

III. Definitions
Found in §1.4: Park Area
  Permit
  State
  Superintendent
Other definitions to be considered:
  Grazing
  Herding
  Impounding
  Pasturing
  Trespass
IV.  Key Elements of Regulation

A. Prohibits:
   1. Running-at-large, herding driving across, allowing on, pasturing or grazing of any kind of livestock in a park area.
   2. The use of a park area for agricultural purposes.

B. Exceptions to prohibition:
   1. As specifically authorized by Federal law.
   2. As required under a reservation of use arising from land acquisition or,
   3. as designated, when conducted as a necessary and integral part of a recreational activity or required to maintain a historic scene.
   4. All exceptions authorized shall be allowed only pursuant to the terms and conditions of a license, permit or lease. Violation of these terms is prohibited.

C. Impoundment of livestock:
   1. Livestock trespassing in a park area may be impounded, and if not claimed, disposed of in accordance with Federal and State law.
   2. In the absence of Federal and State law disposal shall be:
      a. If owner is known, prompt written notice of impoundment will be served. After five days, if the impounded livestock has not been removed, disposal can occur.
      b. If owner is unknown, fifteen days must elapse after appropriate notice and before disposal.
c. Owners may redeem livestock by:
   1. Submitting proof of ownership
   2. Paying impound and trespass expenses

d. The claim of the Government for expenses shall include
   value of resource damage and employee expenses.

e. If unclaimed, livestock can be sold, condemned and
   destroyed or converted to the use of the United States.

V. Key Points
A. Not applicable on privately owned lands and waters.
B. The definition of livestock was removed from §1.4 and left
   undefined.
C. Gives the superintendent impound authority within a park area.
D. Stress importance of knowing State law on impound and disposal.
   Must follow State law if exists. Some State law is extremely
   explicit.
E. This section combines §5.11 and §5.16 from the old regulations and
   moves them to Part 2, Public Use.

VI. Relationship to other Regulations
A. Knowledge of State law on impoundment and disposal of livestock is
   essential.
VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 2.61 Residing on Federal lands.

II. Purpose/Intent
This regulation is designed to control residence on park lands.

III. Definitions
Found in §1.4: Permit

Park Areas

Other definitions to be considered:

Residence

IV. Key Elements of Regulation
A. Residing in park areas is prohibited except:
   1. Pursuant to the conditions of a permit, lease or contract.
   2. On privately owned lands.

B. Violation of the terms of a permit is prohibited.

V. Key Points
A. Not applicable on privately owned lands and waters.
B. Residence was not defined as its definition varies from park to park.

C. Residence is only allowed:
   1. on privately owned land,
   2. by permit,
   3. by lease, or
   4. by contract.

D. Assignment of quarters by the superintendent or concessions, and Reservations of Use and Occupancy are in reality a form of permit or lease and do not require additional documentation.

E. This section was §5.15 under the old regulations and has been moved to Part 2, Public Use.

VI. Relationship to other Regulations
A. Permits must be in compliance with §1.5 and §1.7.

VII. Sample Questions/Discussion Points
1. What is your park's definition of residence?
Instructional Outline

I. Title
Section 2.62 Memorialization.

II. Purpose/Intent
This regulation is designed to control the installation of memorials and the scattering of human ashes to prevent conflicts with other park uses.

III. Definitions
Found in §1.4: Director
- Park Area
- Permit

Other definitions to be considered:
- Memorial
- Monument

IV. Key Elements of Regulation
A. Memorial-The installation of any memorial is prohibited without permission of the Director.
B. Scattering of human ashes is prohibited except by permit or in designated areas.
C. Violation of area designations, conditions or terms of a permit is prohibited.
V. **Key Points**

A. Not applicable on privately owned lands.

B. Authority to authorize memorials is not delegated. Approval can only come from Director.

C. This was §5.12 of the old regulations and has been moved to Part 2, Public Use.

VI. **Relationship to other Regulations**

A. Permits must be established in accordance with §1.6.

B. Designations must be in compliance with §1.5 and §1.7.

VII. **Sample Questions/Discussion Points**

1. A local service club, in response to a park's gift catalog, has offered to build a picnic pavilion in the park. The pavilion will be built according to National Park Service specifications but the club has specified that the structure include a plaque listing the club's name, its current president, and the date of installation. Can this be done and, if so, what is the approval procedure?
I. Title
Section 3.1 Applicable regulations (Boating)

II. Purpose/Intent
The regulations in Part 3 deal with documentation, registry, licensing and numbering of vessels; compliance with rules to prevent collisions, and equipment requirements. Their purpose is to maintain and improve safety standards, protect boat owners, passengers, and property. The purpose of §3.1 is to adopt U. S. Coast Guard regulations and to promote uniformity of boating regulations between State and Federal government.

III. Definitions
Found in §1.4: Boundary
Operator
Park Area
State
Superintendent
Vessel

Other definitions to be considered:
IV. Key Elements of Regulation

A. The laws and regulations pertaining to the U.S. Coast Guard in 14 USC, 33 CFR, and 49 CFR and applicable State laws and regulations are adopted as part of these regulations.

B. As adopted, Federal regulations authorizing actions by the captain of the port or other U.S. Coast Guard employee, authorize the superintendent to take the same action.

V. Key Points

A. This section recognizes the U.S. Coast Guard law and regulations as the guiding Federal standard for boating, but provides ability to enforce State or National Park Service regulations where needed.

VI. Relationship to other Regulations

VII. Sample Questions/Discussion Points

1. How can a regulation adopt Federal statutory law (14 USC)?
Instructional Outline

I. Title
Section 3.2 National Park Service distinctive identification.

II. Purpose/Intent
This regulation establishes a marking system which will enable the boating public to easily recognize National Park Service water craft.

III. Definitions
Found in §1.4: Vessel
Other definitions to be considered:

IV. Key Element of Regulation
A. Paragraph (a) and its sub-paragraph establish and describe the distinctive insignia of National Park Service vessels.
B. Paragraph (b) prohibits the display of markings identical to or resembling those prescribed for National Park Service vessels.

V. Key Points
A. This provision is not intended to apply to those vessels whose design makes compliance impracticable. (canoes, johnboats, rafts, etc.)
B. Markings are similar in design to those of U.S. Coast Guard, but with different colors and agency insignia.

VI. Relationship to other Regulations

VII. Sample Questions/Discussion Points
1. Instructor should have an overhead or handout to show a vessel with National Park Service markings.
Instructional Outline

I. Title
Section 3.3 Permits.

II. Purpose/Intent
This regulation authorizes the superintendent to issue a permit for the use of vessels in accordance with the provisions of §1.6.

III. Definitions
Found in §1.4: Park Area
   Permit
   Superintendent
   Vessels
Other definitions to be considered:

IV. Key Elements of Regulation
A. The superintendent is authorized to require a permit for the use of vessels.
B. Violation of the terms and conditions of a permit is prohibited.
V. **Key Points**
A. Permits must be issued in accordance with the provisions of §1.6.
B. Violation of the terms of a permit may result in revocation of the permit as well as in criminal penalties.
C. There is no provision in this regulation which covers failure to obtain a required permit.

VI. **Relationship to other Regulations**
A. Must be applied in conjunction with §1.6.

VII. **Sample Questions/Discussion Points**
1. Your park compendium indicates that a permit is required to raft, canoe or kayak on a certain river in your park. The requirement is also posted at all access sites along the river. While on a river patrol, you have just contacted three kayakers who have failed to obtain a permit. What CFR section(s) would you use to guide your enforcement actions?
Instructional Outline

I. Title
Section 3.4 Accidents.

II. Purpose/Intent
This regulation requires persons involved in boating accidents to file a report with the area superintendent within twenty-four hours. The intent of this regulation is to assist the National Park Service in meeting its statutory requirements for boating safety (16 USC 1a-2(h)).

III. Definitions
Found in §1.4: Superintendent
Other definitions to be considered:

IV. Key Elements of Regulation
A. Reporting required on all incidents involving: accidents, collisions, fire, injury or other casualty within twenty-four hours.
B. Filing with Superintendent does not satisfy requirements of other agencies, i.e., U.S. Coast Guard, State or local government.
C. There is no monetary level established for reporting requirements.
V. **Key Points**

A. All incidents involving accidents, collisions, fire or injury must be reported.

B. The National Park Service has no Servicewide reporting format (see NPS-9 for guideline).

VI. **Relationship to other Regulations**

A. §2.33 Reporting of injury or damage.

VII. **Sample Questions/Discussion Points**
I. Title
Section 3.5 Inspections.

II. Purpose/Intent
This regulation permits authorized persons to stop or board a vessel to examine documents and to inspect the vessel to determine compliance with equipment and safety regulations.

III. Definitions
Found in §1.4: Authorized Persons
Operator
Permit
Vessel

Other definitions to be considered:

IV. Key Elements of Regulation
A. Authorized persons may stop and board a vessel at any time to examine documents and to inspect it for compliance with equipment and safety regulations.
B. An authorized person who observes a vessel being operated without adequate safety equipment or in an unsafe condition may direct the operator to:

1. Correct the hazardous condition
2. Proceed to a dock
3. Suspend further use of the vessel
4. Take any other reasonable steps necessary for the safety of those aboard the vessel.

C. Violation of directions issued in accordance with paragraph (b) is prohibited.

V. Key Points
A. Paragraph (b) incorporates authority which currently exists under U.S. Coast Guard regulations and is necessary to insure compliance with safe boating practices.

VI. Relationship to other Regulations
A. This section authorizes checking for permits issued pursuant to §3.3.
B. The prohibition in paragraph (c) (violation of directions) is very similar to the prohibition contained in §2.32(a)(2) (violating lawful order).
VII. Sample Questions/Discussion Points

1. You are on duty at a park launching ramp when you observe a boat about to depart for a trip across a large lake. The 16' boat contains six people and a large amount of gear, resulting in very little freeboard. Two people are wearing faded and tattered life jackets. A thunderstorm appears to be building up on the other side of the lake. What actions are available to you?

2. A recent series of accidents involving unsafe boats in your park has created concern. The Safety Officer has recommended action be taken to check the condition of boats operated in the park. What regulation provides authority to deal with this problem? How can it be applied?
Instructional Outline

I. Title
Section 3.6 Prohibited operations.

II. Purpose/Intent
This regulation specifies operations which are prohibited when operating vessels in park areas.

III. Definitions
Found in §1.4: Airboat
               Controlled Substance
               Operator
               Person
               Vessel

Other definitions to be considered:

IV. Key Elements of Regulation
A. The following are prohibited:
   1. Operating a vessel, or knowingly allowing another person to operate a vessel, in a reckless manner or so as to endanger a person or property.
   2. Operating a vessel when under the influence of alcohol or controlled substance.
3. Failing to observe restrictions established by regulatory markers.
4. Operating a vessel in excess of 5 MPH or creating a wake in designated areas.
5. Operating a vessel not propelled by hand within 500 feet of a designated swimming beach.
6. Allowing a person to ride on certain specified portions of a vessel propelled by machinery.
7. Attaching a vessel to a navigational aid.
8. Using trailers to launch or recover vessels at other than designated sites.
9. Launching a vessel propelled by machinery at other than designated sites.
10. Operating a vessel propelled by machinery on waters not directly accessible by road.
11. Launching or operating airboats.
12. Operating a vessel in excess of designated size, length or width restrictions.

V. Key Points
A. This regulation prohibits a number of actions in the interest of public safety and a few in the interest of resource protection.
B. Designations must be made according to the provisions of §1.5 and §1.7.
VI. Relationship to other Regulations

VII. Sample Questions/Discussion Points

1. Use of motorboats within the Hoocheekoochee Wilderness was well established before wilderness designation, including some lakes where canoes and small motors were portaged in from larger lakes. What actions are appropriate for park management in order to authorize continuation of this use?
Instructional Outline

I. Title
Section 3.7 Noise abatement.

II. Purpose/Intent
This regulation establishes precise noise limits for the operation of motor vessels on inland waters. It establishes procedures to be employed to determine such noise level.

III. Definitions
Found in §1.4: Operator
Vessel

Other definitions to be considered:

IV. Key Elements of Regulation
A. Applies to inland waters only.
B. Precise noise level established pursuant to SAE-J34a.

V. Key Points
A. This regulation applies to inland waters only.
VI. Relationship to other Regulations

A. §2.12 Audio disturbances.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 3.20 Water skiing.

II. Purpose/Intent
This regulation prohibits towing of persons except in designated areas.

III. Definitions
Found in §1.4: Operator
Person
Vessel
Other definitions to be considered:
Harbor
Mooring Area
Swimming Beach
Towing

IV. Key Elements of Regulation
A. Prohibits towing of persons by vessels except in designated waters.
B. Where towing is authorized, the following are prohibited:
   1. Towing between sunset and sunrise
   2. Towing without an observer
   3. Towing without a personal flotation device
4. Towing in channels or within 500 feet of designated harbors, swim beaches, mooring areas or within 100 feet of a person fishing, swimming or a divers marker.

V. Key Points
A. Not applicable on privately owned lands and waters.
B. Superintendent must designate areas where towing is allowed.
C. Definition of towing is intended to apply to all forms of towing including with or without skis, on surfboards, with sails, etc.

VI. Relationship to other Regulations
A. All designations must be in compliance with §1.5 and §1.7.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 3.21 Swimming and bathing.

II. Purpose/Intent
This regulation controls swimming and bathing activities.

III. Definitions
Found in §1.4: Operator
   Superintendent
   Underway
   Vessel

Other definitions to be considered:
   Bathing
   Swimming
   Swimming Beach

IV. Key Elements of Regulation
A. Prohibitions:
   1. Swimming or bathing in closed areas.
   2. Swimming or bathing in violation of restrictions.
   3. Swimming from vessels which are underway, except for drifting.
B. Superintendent may prohibit:

1. Flotation devices
2. Glass containers
3. Kites
4. Incompatible sporting activities within designated swim beaches.

V. **Key Points**

A. Not applicable on privately owned lands and water.

B. Superintendent is authorized to designate areas closed to swimming and to establish restrictions.

C. The Superintendent may designate areas as swimming beaches which provides those areas with certain protection under §3.6, §3.20, §3.22 and §3.23.

D. Note the definition of underway. This was not intended to prohibit swimming from a drifting vessel on a calm river.

E. Gives superintendent authority to restrict certain items or activities from designated swim beaches.

VI. **Relationship to other Regulations**

A. Designations must be in compliance with §1.5 and §1.7.
VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 3.22 Surfing.

II. Purpose/Intent
This regulation is intended to control surfing within designated swimming beaches.

III. Definitions

Other definitions to be considered:

Surfboard
Swimming Beach

IV. Key Elements of Regulation
A. Prohibits the use of surfboards and similar rigid devices within designated swim beaches.
V. Key Points
A. Not applicable on privately owned lands and waters.
B. Swimming beaches must be designated in order for this regulation to apply. These designations may be seasonal or time specific.

VI. Relationship to other Regulations
A. Designations must be completed in compliance with §1.5 and §1.7.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 3.23 SCUBA and snorkeling.

II. Purpose/Intent
This regulation controls SCUBA diving and snorkeling in National Park Service areas.

III. Definitions
Found in §1.4: Superintendent
Vessel

Other definitions to be considered:
Diving
Docking Area
Mooring Area
SCUBA
Snorkeling
Swimming Area

IV. Key Elements of Regulation
A. Prohibitions:
   1. Scuba diving and snorkeling, except as designated, within:
      a. swim areas
b. dock areas

c. mooring areas

2. In waters open to powered vessels without displaying a standard diver flag.

V. Key Points

A. Not applicable on privately owned lands and waters.

B. Swimming, docking or mooring areas should be designated by the superintendent (see §1.5 and §1.7).

C. Conditions allowing for scuba diving and snorkeling within designated areas must be established by the superintendent (see §1.5 and §1.7).

D. Requiring a divers flag is intended to protect divers, but also recognizes that the flag is not necessary in areas where there is no boating activity.

E. There are currently two standard diver flags. The more commonly accepted one is a red rectangular flag with a white diagonal stripe. However, the U.S. Coast Guard recognizes the international letter symbol. This issue is somewhat controversial and it would be wise to know what your State accepts.

(NO:TE: Drawing of the flags could be inserted here)
VI. Relationship to other Regulations

A. Designations and conditions set for these activities must be in compliance with §1.5 and §1.7.

B. Recommend knowing which diver flag is accepted by your State.

VII. Sample Questions/Discussion Points
Instructional Outline

I. Title
Section 4.19 Travel on roads and designated routes.
    (Paragraphs (a) and (b) only)

II. Purpose/Intent
This regulation revises previous regulations to delete references to management categories when determining routes for off-road travel.

III. Definitions
Found in §1.4: Motor Vehicle
    Park Road

Defined by statutes authorizing individual parks:
    National Recreation Area
    National Seashore
    National Preserve
    National Lakeshore

IV. Key Elements of Regulation
A. Off-road travel by motor vehicles is prohibited except on routes designated.
B. Routes may be designated in only four types of park areas.
    (National Recreation Areas, Seashores, Preserves and Lakeshores)
C. Routes are to be designated according to §1.5 criteria, supplemented by E.O. 11644, and must be promulgated as special regulations.

V. **Key Points**
A. Detailed procedural criteria for route designation in old §4.19 have been deleted in favor of references to §1.5 and E.O. 11644.

VI. **Relationship to other Regulations**
A. Does not cover operation of snowmobiles which is covered by §2.18.

VII. **Sample Questions/Discussion Points**
1. As superintendent of No Dome Park you wish to promulgate a special regulation to allow ATV's to use snow-covered roads and road-shoulders during the winter months. Please discuss.
Instructional Outline

I. Title
Section 4.22 Hitchhiking.

II. Purpose/Intent
This regulation prohibits hitchhiking in parks.

III. Definitions
Other definitions to be considered:

IV. Key Elements of Regulation
A. Regulation prohibits all hitchhiking with no provision made for exceptions.

V. Key Points
A. Only a special regulation to relax this prohibition can authorize hitchhiking.
VI. Relationship to other Regulations

A. Regulation was moved from old §2.4 (Begging) and placed in Park 4 since it deals with a traffic related activity.

VII. Sample Questions/Discussion Points.
Problems

1. During the course of a late evening road patrol in your park (where the taking of wildlife is expressly prohibited by the park's enabling legislation) you round a curve in the highway and witness a jeep parked several hundred feet off the highway in a roadside meadow. The jeep's headlights are illuminating a group of elk in the meadow. Beside the jeep is an individual pointing a rifle toward the elk. A moment later the individual fires the rifle and an elk falls. What sections of the CFR potentially apply? Discuss.

Discussion Notes:

Should discuss applicability of 16 USC if the park concerned has specific sections of law incorporated within the Code dealing with hunting, killing, possession, etc., and also forfeiture of instrumentalities and/or means of transportation. Could also enter into a brief discussion of the Lacey Act at this point if helpful. The 36 CFR 4.19 violation was included to be sure trainees realize that a number of present CFR regulations will remain in effect in addition to the new/revised regulations which will also be in effect.

2. While on an evening road patrol in your park you observe a motor vehicle turning off the highway into a picnic area. The vehicle has one headlight out. Upon stopping the vehicle to contact the operator, you notice that an open wine bottle is resting in full view on the front seat beside the driver. You ask to check the bottle and find that it is partially full of a liquid that looks and smells like wine. The driver volunteers that he has only "had a couple of drinks of wine". A short time after successfully performing roadside sobriety maneuvers at your request, the driver becomes verbally abusive and in the presence of a number of picnickers uses obscene language and gestures to both you and persons passing by. The 18-year old driver departs a short time later after you have finished your investigation. What sections of the CFR potentially apply? Discuss.

Discussion Notes:

36 CFR 4.1 (State law applicable - headlights)
36 CFR 2.35(a)(ii)(iii)
36 CFR 2.34(a)(2)

Should discuss the fact that the subject was in violation of the open container provision even though he was in a picnic area since he had been seen by the ranger on the highway turning into the picnic area. Also, the superintendent can exclude alcoholic beverages in picnic areas, etc., if he/she wishes to do so by going through the closure process defined in 2.35(a)(3)(i), 1.5(a)(2)(e) and 1.7(a) and listing the closure in the park's Compendium.
3. Local sportfishing groups have conducted research activities in park waters in cooperation with the NPS. The research reveals that the pressure on the fishery must be reduced. Your resource management specialist suggests that part of the waters be reserved for fly fishing only, part be reserved for catch and release only and part be designated as artificial lures only. Under what authority could these concepts be implemented? What other sections must be considered or utilized to implement this program?

Discussion Reference:
§1.5(a)(2), §1.5(b), §1.7, and §2.3(c)

4. Prospecting and mining are prohibited by what regulation in 36 CFR?

Discussion Reference:
§2.1(a)(1)(iv) and §5.14

5. An adjacent land owner is cutting a trail and building foot bridges across NPS land to obtain access to the local post office. What is the most appropriate regulation to use to stop this activity?

Discussion Reference:
§2.1 and §5.7

6. You administer a park area with a water boundary. Water skiing has traditionally occurred in an area known as Bart's Cove. You have determined that the skiing has an adverse impact on waterfowl and intend to close the area to skiing. The U. S. Coast Guard has jurisdiction to the NPS. Do you have the authority and jurisdiction for this action? If so, cite the section.

Discussion Reference:
§1.2(a)(2), §1.5, §3.20 and 16 USC 1a-2(h)

7. A group of sport fishermen approach the superintendent of a park area and request permission to use canoes with outboard motors on a backcountry lake. What section(s) give guidance to this request?

Discussion Reference:
§2.12(a)(3), §3.6(i) and §3.6(j)
8. While on road patrol, you notice a vehicle parked in the visitor center parking lot, which has a sign advertising scenic helicopter flights over the park. The flight service is based outside the park and does not have a permit from the superintendent. Under which CFR section(s) would you take action?

Discussion Reference:

9. You represent a rock group and have applied for a special events permit. Part of the information supplied by the permittee is erroneous. What action, if any, may the superintendent take?

Discussion Reference:
§2.32 and §2.50

10. A group of college students on vacation has set up camp in a park campground, near several sites occupied by retired couples. You are the patrol ranger and, while passing through the campground, are approached by three of the retirees who complain of loud radio noises, boisterous talking and laughing, and frequent coming and going of cars. These activities all involve the students' site and have been occurring at various times over the last two days. What actions should you take and what is the basis for your actions?

Discussion Reference:
§2.12 and §2.34

11. Prospecting and mining are prohibited by what regulation(s) in 36 CFR?

Discussion Reference:
Part 9 A and §2.1
Compendiums/Determinations

§1.7 on Public Notice requires the compilation in writing of all designations, closures, permit requirements and other restrictions under discretionary authority.

This compilation is commonly referred to as a Compendium or Superintendent's Orders.

In addition, a determination is required on these designations.

The following are representative samples of various compendiums and determinations from various types of areas to be used as reference.
In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 7, authorized by Title 16, United States Code, Section 3, the following regulatory provisions are established for the proper management, protection, government and public use of the portions of Assateague Island National Seashore under the jurisdiction of the National Park Service.

Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1.
Section 1.5 Closures and Public Use Limits

1. The former owners of the following areas have retained rights of use and access. The property is closed to public access during the waterfowl season. The dwellings, structures and immediate grounds are closed to public entry year around. The approximate location of these areas may be found on a map available for viewing at park headquarters:

(a) High Winds Gun Club property and access road
(b) Bunting property and access road
(c) Jackson property and access road
(d) Valentine property and access road
(e) Peoples and Lynch property and access road
(f) Purnell property and access road
(g) Clements property and access road
(h) Musser property
(i) Bobodell Gun Club property
(j) Black Duck Gun Club property
(k) Patton property

These restrictions do not apply to the retained rights holders, their guests, and to official use.

2. Great Egging Island and associated docking facilities is closed to public use.

3. The buildings and docks of the former Coast Guard Station at Tom’s Cove are closed to the public. The grounds are closed to vehicular traffic.
4. Due to U. S. Fish and Wildlife Service regulations, Tom's Cove District is closed to all public access from 10 PM to 4 AM from April 1 to November 30 and from 1/2 hour before sunrise for the remainder of the year.

5. To prevent the spread of insect-borne equine diseases, the NPS-owned portion of Assateague Island (in Maryland) is closed to horses and other saddle or pack animals from May 15 to October 9 of each calendar year.

6. The designated canoe-in campsites on the bayside of the island are closed to motorized watercraft.

7. The designated off-road travel routes are closed to the use of travel-type trailers, unless previously registered under the self-contained vehicle phaseout plan.

Section 1.6 Permits

In compliance with 36 CFR 1.7, the following is a compilation of activities requiring special permits:

Camping
Fires
Off-road vehicle use (outside of established roadways)
Collecting (research specimens)
Special events and public assemblies
Sale or distribution of printed matter
Display of commercial notices or advertisements

Business operations

Commercial photography

Section 2.1 Preservation of natural, cultural and archeological resources

(a) (4) Dead wood on the ground may be collected for use as fuel for campfires in the park area.

(b) Within the developed areas, pedestrian traffic over the dunes is restricted to boardwalks or other crossovers designated by the Superintendent.

(c) (1) The following natural items may be gathered in small amounts for personal use or consumption:

Uninhabited seashells

Blueberries and blackberries

Fish and shellfish (size and taking restrictions in accordance with state law)

Section 2.10 Camping and food storage

(a) Camping or overnight use is permitted at the following designated locations:

Bayside Campground

North Beach Campground

Pope Island Canoe-in Campground

Tall Pine Canoe-in Campground

Jim's Gut Canoe-in Campground

Tingle's Island Canoe-in Campground
Hike-in sites #1, 2 and 3

Self-contained ORV Parking Area (Bull Pen)

Camping time limitations are as follows:

No person, party or organization shall be permitted to camp in Bayside or North Beach Campgrounds for more than a total of 14 days in a calendar year. A 7-day limit is in effect for the period from June 15 to Labor Day. Hike-in site camping is limited to 1 night per site from June 15 to Labor Day, and 2 nights for the remainder of the year. Canoe-in site camping is limited to 3 nights in the system per trip. Use of the ORV overnight parking areas is limited to 14 days per calendar year.

(d) Food storage

In Bayside and North Beach campgrounds, food, garbage and equipment used to cook or store food must be stored in a vehicle, or in a camping unit that is constructed of solid, non-pliable material, or in a plastic or metal latchable ice chest.

Section 2.13 Fires

(a) Fires are prohibited in the Virginia portion of the Seashore except at the designated beach party sites pursuant to a permit.

Within the Maryland portion of the Seashore, fires are allowed only:

1) On the ocean beach face between the toe of the dune and the surf line except in the developed area as designated on maps available for public inspection.

2) In designated fire rings or grills at the following areas:
   A. North Beach Picnic Area
   B. North Beach Campground
   C. Bayside Campground
D. Tingle's Island Canoe-in Campground
E. Pine Tree Canoe-in Campground
F. Jim's Gut Canoe-in Campground
G. Pope Island Canoe-in Campground
H. Hike-in sites #1, 2 and 3

(b) Fires shall be extinguished upon termination of use only by smothering with a non-flammable liquid. Extinguishing fires with dry sand is prohibited.

Section 2.15 Pets

(a) (1) Pets are prohibited on land in the Tom's Cove (Virginia) district of the park, and on lands within the Maryland portion of the Seashore north of the state park.

(b) During authorized hunting seasons, dogs may be used in accordance with state laws on NPS land open to hunting. Training or working of dogs other than during authorized hunting seasons is prohibited.

(e) Park employees residing in the park may keep pets in accordance with the Assateague Island Pet Policy.

Section 2.20 Skating, skateboards and similar devices

The use of skates, skateboards or similar devices on the NPS-owned portion of Assateague is prohibited.

Section 2.22 Property

(a) (2) Visitors using hike-in or canoe-in sites are permitted to leave vehicles unattended for the period authorized for their camping
permit. Personal property may be left unattended at campground campsites for more than 24 hours only by permission, and only if fees have been paid in advance for the period during which the site will be unattended.

Section 2.38 Explosives

Using or possessing fireworks, firecrackers, or other explosives is prohibited.

Section 3.20 Water skiing

Water skiing is authorized within the boundaries of the national seashore in accordance with state law and 36 CFR 3.20(b).

Section 4.3 Bicycles

(d) Bicycles on the Assateague channel bridge and adjoining roadway are restricted to the designated bicycle path.

Section 4.17 Speed limits

(b) The maximum speed limits on all public roads on the island are as posted.

Section 7.65(a) Hunting

Areas open to public hunting are designated on a map available at park headquarters. These areas are also designated by signs in the field, and on a map attached to the annual hunting plan.

The term "blind" shall be defined as those structures or sites
constructed or designated by the Service for the purpose of waterfowl hunting.
Under the provisions of 16 U.S.C. Section 3, and Title 36, Code of Federal Regulations, Chapter 1, Parts 1 - 7, the following Superintendent's Orders are established for Glacier National Park. Unless otherwise noted, the orders apply in addition to the provisions contained in Parts 1 - 7 of Title 36 CFR:

§1.5 Closures and public use limits.

(a) The following areas are closed to all fishing during the periods indicated by authority of 36 CFR 7.3:

<table>
<thead>
<tr>
<th>Area</th>
<th>Closures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kintla Creek between Kintla Lake and Upper Kintla Lake</td>
<td>Closed year Round</td>
</tr>
<tr>
<td>Bowman Creek above Bowman Lake</td>
<td>Closed Year Round</td>
</tr>
<tr>
<td>Logging Creek between Logging Lake and Grace Lake</td>
<td>Closed Year Round</td>
</tr>
<tr>
<td>Upper McDonald Creek from Lake McDonald to McDonald Falls</td>
<td>Closed Year Round</td>
</tr>
<tr>
<td>Ole Creek, entire length</td>
<td>Closed Year Round</td>
</tr>
<tr>
<td>Park Creek, entire length</td>
<td>Closed Year Round</td>
</tr>
<tr>
<td>Muir Creek, entire length</td>
<td>Closed Year Round</td>
</tr>
<tr>
<td>Coal Creek, entire length</td>
<td>Closed Year Round</td>
</tr>
<tr>
<td>Nyack Creek, entire length</td>
<td>Closed Year Round</td>
</tr>
<tr>
<td>Fish Creek, entire length</td>
<td>Closed Year Round</td>
</tr>
</tbody>
</table>

All Park waters are closed from December 1 until the 3rd Saturday in May, with the following exceptions:

(a) North Fork and Middle Fork of the Flathead River season is the same as for the State of Montana.
(b) Waterton Lake season is the same as set by Canada.
(c) Lower Two Medicine Lake season is set by the Blackfeet Tribe.
(d) Lake McDonald is open for Lake Trout (mackinaw) fishing from April 1 through December 31.

The following fishing restrictions are invoked by authority of 36 CFR 7.3:

(a) Lower McDonald Creek from the Quarter Circle Bridge and upstream extending into Lake McDonald for a radius of 300 feet is designated for "catch and release" fishing only.
(b) Only artificial flies with a single hook may be used in the following waters:
    Rogers Lake, Trout Lake, Arrow Lake, Camas Lake, Lake Evangeline, and those sections of Camas Creek connecting these Lakes.
(c) Only artificial flies and lures with a single hook may be used as lures in the catch and release area of Lower McDonald Creek.
(d) The snagging of fish is prohibited.
Motorboats are permitted on the following waters:

<table>
<thead>
<tr>
<th>Lake Name</th>
<th>CFR 1.5 Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake McDonald</td>
<td>36</td>
</tr>
<tr>
<td>Waterton Lake</td>
<td>36</td>
</tr>
<tr>
<td>Sherburne Lake</td>
<td>36</td>
</tr>
<tr>
<td>St. Mary Lake</td>
<td>36</td>
</tr>
<tr>
<td>Kintla Lake</td>
<td>36</td>
</tr>
<tr>
<td>Bowman Lake</td>
<td>36</td>
</tr>
<tr>
<td>Two Medicine Lake</td>
<td>36</td>
</tr>
<tr>
<td>St. Mary Lake</td>
<td>36</td>
</tr>
</tbody>
</table>

Motors of more than 10 horsepower are prohibited on the following waters:

<table>
<thead>
<tr>
<th>Lake Name</th>
<th>CFR 7.3 Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kintla Lake</td>
<td>36</td>
</tr>
<tr>
<td>Bowman Lake</td>
<td>36</td>
</tr>
<tr>
<td>Two Medicine Lake</td>
<td>36</td>
</tr>
</tbody>
</table>

This restriction does not apply to sightseeing vessels operated by an authorized concessioner on Two Medicine Lake.

The following trails are closed to horse and pack animal use by authority of 36 CFR 1.5:

- Logan Pass to Granite Park Chalet
- Trail of the Cedars
- Avalanche Lake Trail
- Dawson Pass to Pitamakin Pass
- Hidden Lake Nature Trail
- Appekunny Falls Trail
- Swiftcurrent Lake Nature Trail
- Huckleberry Mountain Nature Trail
- Baring Falls Trail
- Sperry Chalet to Sperry Glacier
- Running Eagle Nature Trail

Camping in all Class A and B Campgrounds is limited to a maximum of 8 persons per campsite. All vehicles must be parked on the parking pad. The group campsites are limited to 15 people per site.

From June 15 through Labor Day, the following sections of the Going-to-the-Sun Road are closed to bicycle use between 11:00 a.m. and 4:00 p.m.:

- From the Apgar Campground Turnoff at the south end of Lake McDonald to Sprague Creek Campground.
- From Logan Creek to Logan Pass.

§1.6 Permits

The following permits are required:

(a) Backcountry Use Permit §2.10
(b) Permit for operation of Eating or Drinking and Lodging Establishment, 7.3(d)(1)
(c) Filming Permits
(d) Collecting Permits
(e) Special Use Permit
(f) Permit to Solicit
§2.1 Preservation of natural, cultural and archeological resources.

(a) Down and dead wood is designated for collection for fuel in camp­
grounds and those backcountry campsites allowing open fires. Wood
may be collected adjacent to camping areas and along Park roads.

(b) Leaving a trail or walkway to shortcut between portions of the same
trail is prohibited.

(c)(1) Reasonable quantities of the following may be gathered for personal
use or consumption:

- Huckleberries
- Thimbleberries
- Raspberries
- Chokecherries
- Serviceberries
- Mushrooms

§2.2 Wildlife Protection

(d) Lawfully taken and tagged wildlife may be transported through the Park on
U. S. No. 2 Highway. All other Park roads are closed to transportation of
lawfully taken wildlife, unless specifically approved in writing by a Park
Ranger.

§2.3 Fishing

(d)(8) Fishing from bridges and docks is allowed, unless signs are erected pro­
hibiting such activity.

§2.10 Camping and Food Storage

(a) A Backcountry Use Permit is required for overnight camping in the back­
country.

Camping time limitations are as follows:

No person may occupy space in the auto campgrounds for more than a total
of seven days during July and August. Maximum length of stay per year
in auto campgrounds is 14 days.

Backcountry Use Permits will be issued for a maximum of six days per
trip, unless extended by a Ranger in writing.

Backcountry campsite limitation as to the number of parties and stock
are as follows:

Designated Campgrounds - Limitation 3 nights only per campground.

Where "0" is shown for stock limitation, up to 5 head may be taken into
the area, but they must not be kept there overnight.

*Fragile areas with scenic trees or where available fuel is exhausted.
Wood fires are not permitted. Use only self-contained stoves.

**For planning camping space, a party should be considered four persons
or less per site.
<table>
<thead>
<tr>
<th>North Fork Area</th>
<th>Limitation</th>
<th>MacDonald Area</th>
<th>Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parties/Stock</strong></td>
<td><strong>Parties/Stock</strong></td>
<td><strong>Parties/Stock</strong></td>
<td></td>
</tr>
<tr>
<td>Boulder Pass, west side</td>
<td>3</td>
<td>0</td>
<td>Camas Lake</td>
</tr>
<tr>
<td>Upper Kintla Lake, head</td>
<td>5</td>
<td>10</td>
<td>Granite Park</td>
</tr>
<tr>
<td>Kintla Lake, head</td>
<td>5</td>
<td>10</td>
<td>Snyder Lake</td>
</tr>
<tr>
<td>*Akokala Lake</td>
<td>3</td>
<td>0</td>
<td>*Sperry Chalet Campground</td>
</tr>
<tr>
<td>*Brown Pass</td>
<td>3</td>
<td>5</td>
<td>*Lake Ellen Wilson</td>
</tr>
<tr>
<td>Bowman Lake, head</td>
<td>6</td>
<td>10</td>
<td>*Lincoln Lake, foot</td>
</tr>
<tr>
<td>Quartz Lake, foot</td>
<td>3</td>
<td>0</td>
<td>*Flattop</td>
</tr>
<tr>
<td>Lower Quartz Lake, foot</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Grace Lake</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Logging Lake, head</td>
<td>2</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Adair</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Logging Lake, foot</td>
<td>2</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>* Akokala Lake</td>
<td>3</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>* Brown Pass</td>
<td>3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Bowman Lake, head</td>
<td>6</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Quartz Lake, foot</td>
<td>3</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Lower Quartz Lake, foot</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Grace Lake</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Logging Lake, head</td>
<td>2</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Adair</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Logging Lake, foot</td>
<td>2</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>St. Mary Area</th>
<th><strong>Parties/Stock</strong></th>
<th>Walton Area</th>
<th><strong>Parties/Stock</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Red Eagle Lake, head</td>
<td>6</td>
<td>10</td>
<td>Harrison Lake</td>
</tr>
<tr>
<td>Red Eagle Lake, foot</td>
<td>4</td>
<td>0</td>
<td>Lake Isabel</td>
</tr>
<tr>
<td>*Otokomi Lake</td>
<td>3</td>
<td>0</td>
<td>Park Creek at Fielding/</td>
</tr>
<tr>
<td>*Gunsight Lake, foot</td>
<td>8</td>
<td>10</td>
<td>Coal Creek Junction</td>
</tr>
<tr>
<td>Belly River Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Helen Lake, foot</td>
<td>3</td>
<td>0</td>
<td>Park Creek, Upper cabin area</td>
</tr>
<tr>
<td>Elizabeth Lake, head</td>
<td>3</td>
<td>5</td>
<td>Ole Creek at Fielding Trail</td>
</tr>
<tr>
<td>*Elizabeth Lake, foot</td>
<td>6</td>
<td>8</td>
<td>Ole Lake</td>
</tr>
<tr>
<td>* Mokowanis Lake</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Mokowanis Junction</td>
<td>5</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Glenn's Lake, head</td>
<td>3</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Glenn's Lake, foot</td>
<td>4</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>* Cosley Lake, north shore</td>
<td>4</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Belly River (near Rgr. Sta.)</td>
<td>3</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Three Mile (between Chief Mtn. Customs and Belly River Ranger Station)</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Two Medicine Area</th>
<th><strong>Parties/Stock</strong></th>
<th>Many Glacier Area</th>
<th><strong>Parties/Stock</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>* Upper Two Medicine Lake</td>
<td>4</td>
<td>0</td>
<td>* Cracker Lake (southeast slope near mine)</td>
</tr>
<tr>
<td>* No Name Lake</td>
<td>3</td>
<td>0</td>
<td>Slide Lake</td>
</tr>
<tr>
<td>* Cobalt Lake, outlet</td>
<td>2</td>
<td>0</td>
<td>Poia Lake, foot of Lake</td>
</tr>
<tr>
<td>* Oldman Lake</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>* Morning Star Lake</td>
<td>3</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>* Atlantic Falls</td>
<td>4</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Waterton Area</th>
<th><strong>Parties/Stock</strong></th>
<th>*Hawksbill</th>
<th>2</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Stoney Indian Lake</td>
<td>2</td>
<td>0</td>
<td>Waterton River (across from *Goat Haunt Ranger Station)</td>
<td>5</td>
</tr>
<tr>
<td>* Kootenai Lakes</td>
<td>4</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Hole in the Wall</td>
<td>5</td>
<td>0</td>
<td>*Lake Janet</td>
<td>3</td>
</tr>
</tbody>
</table>

**NYACK/COAL CREEK WILDERNESS CAMPING ZONE**

(Total Capacity 22 parties)

**Hikers:** May camp anywhere in the zone as long as they:

1. Use only a self-contained, pressurized stove. No wood fires!
   - At least 10 meters (35 feet) from streams or lakes.
   - At least 1 kilometer from a patrol cabin.
   - Out of sight of any other party.
   - Away from meadows.
   - Maximum of three nights at any one site; a total of 6 nights in the zone.
3. Practice the wilderness ethic in disposing of human waste away from water sources.
4. Practice pack-in, pack-out policy to remove all other waste from the backcountry.
5. Maximum group size is 12 members. Larger groups are required to divide into
HORSEMEN: May camp at any of the following designated sites with a maximum of 10 head of stock. (limitation of 3 nights per site; a total of 6 nights in the zone).

HIKERS: Who wish to use an open fire may also use these sites as fires are permitted:

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Parties/Stock</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Nyack</td>
<td>2 parties/10 stock</td>
</tr>
<tr>
<td>Upper Nyack</td>
<td>&quot; &quot; &quot; &quot; &quot;</td>
</tr>
<tr>
<td>Beaver Woman Lake</td>
<td>&quot; &quot; &quot; &quot; &quot;</td>
</tr>
<tr>
<td>Coal Creek at Fielding Trail (Elk Creek)</td>
<td>&quot; &quot; &quot; &quot; &quot;</td>
</tr>
</tbody>
</table>

TRAIL SHELTER - (Limitation - one night use only)

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Party/Stock</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goat Haunt Trail Shelter (7 units)</td>
<td>1 party/no stock, not to exceed 4 people in each unit</td>
</tr>
</tbody>
</table>

Any exceptions to these conditions must be negotiated with a Park Ranger.

Hard-sided camping vehicles only are allowed in Avalanche and Many Glacier Campgrounds. Backpacking permits for Many Glacier will be issued only for the bear exclosure.

Towed units are prohibited in Sprague Creek Campground.

Food storage procedures outlined by regulation will be adhered to Park-wide.

§2.13 Fires

(a)(1) Fires are permitted in Government-provided grills or designated sites in all campgrounds, picnic areas, and backcountry campsites, where open fires are allowed.

Open fires are prohibited at the following backcountry campsites:

- Boulder Pass, west side
- Akokola Lake
- Brown Pass
- Camas Lake
- Granite Park
- Snyder Lake
- Sperry Chalet Campground
- Lake Ellen Wilson
- Lincoln Lake, foot
- Flattop
- Otokomi Lake
- Gunsight Lake, foot
- Helen Lake, foot
- Elizabeth Lake, foot
- Lake Janet
- Mokovans Lake
- Cosley Lake, north shore
- Fifty Mountain
- Stoney Indian Lake
- Kootenai Lakes
- Hole in the Wall
- Upper Two Medicine Lake
- No Name Lake
- Cobalt Lake, outlet
- Oldman Lake
- Morning Star Lake
- Cracker Lake (southeast slope near mine)
- Hawksbill

Wood fires are prohibited in the Nyack/Coal Creek Wilderness Camping zone.
6.

(c) During periods of extreme fire danger, open fires and smoking are prohibited in the backcountry.

§2.15 Pets

(a)(1) Pets are prohibited on all trails within the Park.

(e) Park Residents may keep pets in accordance with Glacier's "Management Directive 103.2", as approved July 29, 1977.

§2.16 Horses and Pack Animals

(a) In addition to horses, mules and burros, llamas are designated as pack animals for use in backcountry of Glacier National Park.

§2.18 Snowmobiles

(c) The use of snowmobiles is prohibited, except for emergency search and rescue, and emergency maintenance activities requiring the towing of heavy material oversnow.

Inholders with established access roads to their property may utilize snowmobiles over unplowed roads to reach their property from the nearest plowed road. Snowmobile use by concession caretakers and special use permittees will be limited to the minimum amount of use necessary to accomplish essential activities.

§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.

(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicles or snowmobiles is prohibited.

§2.20 Skating, skateboards, and similar devices.

The use of roller skates, skateboards, roller skis, coasting vehicles or similar devices is prohibited.

§2.22 Property

(a)(2) Vehicles may be parked in parking lots at or adjacent to trailheads for the duration of an approved backcountry permit.

§2.38 Explosives

(b) Using or possessing fireworks and firecrackers is prohibited.

§3.20 Water Skiing

(a) Water skiing is prohibited, except on Lake McDonald.
Under the provisions of 16 U.S.C., section 3, and Title 36, Code of Federal Regulations, Chapter 1, Parts 1-7, the following Superintendent's Orders (compendium) are established for Everglades National Park. Unless otherwise noted, these orders apply in addition to the provisions contained in Parts 1-7 of Title 36 CFR:

§1.5 Closures and public use limits.
(a) (1) The following areas are closed to landing and all public entry during the periods indicated for the protection of wildlife:

<table>
<thead>
<tr>
<th>Area</th>
<th>Periods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pavilion Key</td>
<td>Closed year round</td>
</tr>
<tr>
<td>Rogers Bay Rookery</td>
<td>Closed year round</td>
</tr>
<tr>
<td>East River Rookery</td>
<td>Closed 1 November - 1 June</td>
</tr>
<tr>
<td>Lane River Rookery</td>
<td>Closed 1 November - 1 June</td>
</tr>
<tr>
<td>Cuthbert Lake Rookery</td>
<td>Closed to powerboats year round</td>
</tr>
<tr>
<td>Northeast Florida Bay (crocodile sanctuary)</td>
<td>Closed year round by 36 CFR 7.45 (g)(4)</td>
</tr>
<tr>
<td>Keys in Florida Bay except</td>
<td>Closed year round by 36 CFR 7.45 (g)(2)</td>
</tr>
<tr>
<td>Little Rabbit Key, North Nest Key and Carl Ross Key campsites</td>
<td></td>
</tr>
</tbody>
</table>

The following areas are closed to all boating during the periods indicated:

<table>
<thead>
<tr>
<th>Area</th>
<th>Periods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parachute Key Ponds</td>
<td>Closed year round</td>
</tr>
<tr>
<td>Royal Palm Pond</td>
<td>Closed year round</td>
</tr>
<tr>
<td>Eco Pond</td>
<td>Closed year round</td>
</tr>
<tr>
<td>Mrazek Pond</td>
<td>Closed year round</td>
</tr>
<tr>
<td>Shark Valley loop road canal</td>
<td>Closed year round by 36 CFR 7.45 (g)(6)</td>
</tr>
</tbody>
</table>

The following areas are closed to all fishing during the periods indicated:

<table>
<thead>
<tr>
<th>Area</th>
<th>Periods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flamingo Marina</td>
<td>Closed during daylight hours</td>
</tr>
<tr>
<td>Parachute Key Pond</td>
<td>Closed year round</td>
</tr>
<tr>
<td>Royal Palm Pond</td>
<td>36 CFR 7.45 (f) (11)</td>
</tr>
<tr>
<td>Shark Valley loop road canal</td>
<td>36 CFR 7.45 (f) (11) (ii)</td>
</tr>
<tr>
<td>West Lake Boardwalk</td>
<td>36 CFR 7.45 (f) (13)</td>
</tr>
<tr>
<td>Coot Bay Pond</td>
<td>36 CFR 7.45 (f) (13)</td>
</tr>
<tr>
<td>Mrazek Pond</td>
<td>36 CFR 7.45 (f) (13)</td>
</tr>
<tr>
<td>Eco Pond</td>
<td>36 CFR 7.45 (f) (13)</td>
</tr>
</tbody>
</table>
Outboard motors of more than 5% horsepower are prohibited in the following areas:

- Hell's Bay Trail 36 CFR 1.5
- Little Sable Creek 36 CFR 7.45 (g)(1)
- West Lake and West Lake Pond 36 CFR 7.45 (g)(1)

The following areas are closed to the use of motorized vessels by authority of 36 CFR 7.45 (g)(3):

- Long Pine Key Lake
- Sisal Pond
- Sweet Bay Pond
- Nine Mile Pond
- Pine Island Pond
- Coot Bay Pond
- Noble Hammock Trail
- Pine Glade Lake
- Big Ficus Pond
- Paurotis Pond
- Royal Palm Pond
- Parachute Key Pond
- Mrazek Pond
- L-67

Bear Lake Trail is closed to motorized vessels under the authority of 36 CFR 1.5.

At Long Pine Key and Flamingo campgrounds, camping is limited to eight persons, one primary and one secondary camping unit per campsite. The group campsites are limited to fifteen persons per campsite. All vehicles must be parked on the parking pad, not on the grass nor extending into the roadway.

At the Flamingo walk-in campsites, camping is restricted to tent camping only with no more than two tents per site. These tents must be placed within 30 feet of the campsite grill.

§1.6 Permits.
   (c) The following permits are required:
   
   --Backcountry Use Permit §2.10
   --Camping or mooring of boats in excess of 14 days §2.10
   --Vessels used as living quarters §3.3 and 7.45 (g)

§2.1 Preservation of natural, cultural and archeological resources.
   (a) Down and dead wood, including driftwood, is designated for collection for fuel in campgrounds and backcountry campsites.
   
   (c) Reasonable quantities of the following may be gathered for personal use or consumption:

   sea grapes
   cocoplum fruit
   prickly pear fruit
   dead and down coconuts
   unoccupied seashells taken from above the water line
§2.10 Camping and food storage.

(a) Backcountry camping is prohibited at the following locations:

All keys in Florida Bay except those officially designated as campsites.

Within one half mile of any developed area or paved road, and/or within sight of same.

Within one half mile of the park boundary running north from State route #27 to U.S. route #41.

A Backcountry Use Permit is required for overnight camping in the backcountry with the exception of camping aboard boats.

Camping time limitations are as follows: No person, party or organization shall be permitted to camp in Everglades National Park for more than a total of 30 days in a calendar year.

During the period from 1 December through 30 April, all camping is limited to 14 days. At Flamingo and Long Pine Key campgrounds, camping may be extended up to but may not exceed 30 days if the campgrounds are not at full capacity. With this extension, campers will be relocated to less desirable campsites.

Camping is allowed aboard boats at the Flamingo Marina when slip fees have been paid. For camping or mooring of boats in the Flamingo Marina in excess of 14 days, a special permit must be obtained from the Superintendent.

Each individual backcountry campsite has length of stay limitations imposed during the period 1 December through 30 April as indicated below:

<table>
<thead>
<tr>
<th>Campsite</th>
<th>People</th>
<th>Days Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alligator Creek</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Broad River</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Camp Lonesome</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>Canepatch</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>Carl Boss Key</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Clubhouse Beach</td>
<td>50</td>
<td>14</td>
</tr>
<tr>
<td>East Cape Sable</td>
<td>150</td>
<td>14</td>
</tr>
<tr>
<td>Graveyard Creek</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>Harney River Chickie</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Hell's Bay Chickie</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Indian Key</td>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td>Joe River Chickie</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Lane Bay Chickie</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Lard Can</td>
<td>10</td>
<td>2</td>
</tr>
</tbody>
</table>
##§2.11 Picnicking.

Picnicking is prohibited in the area immediately surrounding the Flamingo amphitheater during the period 1 December through 30 April.

##§2.12 Audio disturbances.

(a) Park residents may install aerials or antennae on their residences, but installation will be as unobtrusive as possible. The use of trees or other natural features to support any antennae is prohibited.

##§2.13 Fires.

(a) (1) Fires are permitted in government provided grills or designated sites in all campgrounds, picnic areas and backcountry campsites without a written permit. Ground fires are permitted below the high surf line on the beaches at Cape Sable between East Cape Canal and Little Sable Creek.

##§2.15 Pets.

(a) Pets are prohibited at the following areas:

- Anhinga Trail
- Pinelands Trail
- Mahogany Hammock Boardwalk
- Pa-hay-okee Boardwalk
- Gumbo Limbo Trail
- Bobcat Boardwalk
- West Lake Boardwalk
- Shark Valley tram road

(e) Park residents may keep pets in accordance with EVER Pet Policy (5281-10) as approved 8 February 1980. That policy is hereby adopted and made part of these orders.
§2.16 Horses and pack animals.
Horseback riding is prohibited on the paved portion of the roadway and horses may not be kept or tied in any campground.

Trail riding is permitted only at the following locations:

Old Ingraham Highway
Long Pine Key fire roads
Coastal Prairie trail

§2.20 Skating, skateboards, and other similar devices.
The use of skates or skateboards is prohibited.

§2.22 Property.
(a) (2) Visitors on authorized backcountry trips are permitted to leave vehicles unattended for the period specified on their camping permit.

Personal property may be left unattended at Long Pine Key or Flamingo campgrounds for more than 24 hours only by permission of a representative of the Superintendent and only if fees have been paid in advance for the period during which time the site will be unattended.

§3.20 Water skiing.
Water skiing is prohibited.

§4.17 Speed limits.
(b) The speed limit on the main park road (State route §27) from the park boundary to Flamingo is 55 mph. During the period 1 December through 30 March, the speed limit will be 35 mph in the Mrazek Pond area during daylight hours.
Determination of Closure
Dunes Parking Area

In accordance with 36 CFR 1.5(a) the following determination is made:

The Dunes Parking Area is located immediately adjacent to the north side of U. S. Route 6 immediately west of the Truro-Wellfleet town line. It is surrounded by an area of spectacular migrating parabolic sand dunes moving at up to 18 feet a year. For years the expanse of open sand has attracted visitors. In 1967 the United States acquired the area from the Whitehead Brothers sand mining company. Soon thereafter a 50 car visitor parking lot was established for visitor access to the dunes area. The sand mining continued along with visitor use until December 13, 1975. Early proposals for enlarging the parking lot and developing a comfort station were never fulfilled.

Use of this area has always been popular with 236,797 visitors recorded in 1981. Since mining operation ceased, migrating sand has tended to fill the bowl area creating a more gentle slope. Pedestrian traffic concentrated in this fragile area has destroyed portions of the remaining delicate vegetative mat and hastened erosion. Overfilling of the parking lot is frequent in the summer months and the area has been used by some as an access to the beach, approximately one mile across the dunes to the north.

The National Park Service has attempted to control use by imposing parking limits, fencing and signing of fragile areas and assigning Park Interpreters to explain the fragile nature of the area. In 1981 a sand fence was erected to contain all public use emanating from the parking area. These restrictions have only been partially successful and resource damage continues.

In 1983 An Analysis of Management Alternatives for Dune Revegetation/
Stabilization was prepared. Following public involvement period, the Record of Decision was finalized and the closure of the Sand Bowl as a recreational area with intensive visitor use was included in the selected alternative. Revegetation of the Sand Bowl area is essential to still the sands currently migrating into the Dunes Lot, Pilgrim Lake and across Route 6.

Conclusion: Even with numerous controls, visitor use in the Sand Bowl area continues to damage resources. The interpretation of the geological and ecological history can be accomplished at the Provincelands Visitor Center. The extensive dune revegetation and stabilization planned for this area is not compatible with continued visitor use. Therefore, the Dunes Parking area will be closed to all public use on December 1, 1983. It will be used administratively as a project staging area. At some later date following stabilization, reopening the area under tightly controlled conditions will be considered.
Determination for the Relaxation of 36 CFR 2.2(a)(4)

This section prohibits the discharging of a weapon, except for the purpose of taking wildlife where hunting is allowed (this in effect prohibits target practicing).

On page 30255 of the Federal Register of June 30, 1983, there is a discussion of this section. The discussion says that target practicing is prohibited except where the National Park Service has approved the use of existing facilities.

There are two existing target practicing ranges at Delaware Water Gap National Recreation Area, both in the Pennsylvania District. One is adjacent to the U.S. 209 - U.S. 206 junction, and the other is adjacent to the former Briscoe Mountain Woodcrafter on Briscoe Mountain Road.

Target practicing at the range at the US 209 - 206 junction has been allowed since the National Park Service acquired the land, and also prior to National Park Service ownership.

Target practicing at the Briscoe Mountain site has been permitted since 1974.

Discontinuation of previously approved forms of recreation at these ranges will create unnecessary public relation problems and will result in criminal proceedings against park visitors.

Present use of these authorized target practice ranges serve four purposes:

1) They confine that activity to specific sites which make enforcement efforts much easier.

2) Public safety is provided for with proper backstops and limited use area.

3) Allows a legitimate recreational activity to take place within a National Recreation Area.

4) Compliments Pennsylvania State Game Laws § 815 which allows target practice under controlled circumstances. Section 815 makes allowance for the "discharge of a firearm for the purpose of signalling for aid or assistance while in distress or at a variety of authorized ranges."

In view of the above discussion, and the fact that target practicing has been occurring at these ranges with few problems, it has been determined that these uses will continue; and that therefore 36 CFR 2.2 (a)(4) is relaxed to permit the continuance of target practicing at these two locations.
The following is a list of regulations for which there is a possible violation. This could be useful in completing Collateral Schedules and other activities.

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Part 2

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NEW REGULATIONS, EFFECTIVE APRIL 30, 
GOVERN USE, MANAGEMENT OF PARK AREAS

The National Park Service today announced the adoption of final regulations effective April 30, 1984, to provide guidance and controls for public use and management of the National Park System.

The new regulations constitute a major revision of the rules found in Title 36, Parts 1-3, of the Code of Federal Regulations. They also incorporate amendments and specific special use regulations proposed on December 27, 1983, as modified in response to public comment on the proposals.

The general revision, proposed March 17, 1982, and adopted June 30, 1983, said Russell E. Dickenson, Director of the National Park Service, "is designed to eliminate a variety of unnecessary, conflicting, and duplicative regulations that had developed since adoption of the last general revision in 1966."

Dickenson noted that NPS recognized, however, "that certain traditional activities would be automatically curtailed or prohibited unless authorized by limited special regulations when the new regulations went into effect." The new general regulations were delayed until April 30, 1984, to permit adequate opportunity for public consideration of these special regulations, he said.

The regulations impose a prohibition on trapping in 11 areas of the National Park System where it has been a traditional activity, although not one specifically authorized in the laws establishing these areas. The prohibition will become effective January 15, 1985. "This delay," Dickenson said, "is intended to give Congress time to address legislation now under consideration dealing with trapping in those areas."

Special regulations adopted at this time include:

- Provisions governing hunting and trapping in certain recreation areas managed by the National Park Service under cooperative agreements with other federal agencies. Amistad (Texas), Coulee Dam (Wash.), Curecanti (Colo.), and Lake Meredith (Texas) were created administratively, not under specific legislation. Hunting is a traditional activity in all four, trapping in the last two. The regulations recognize and permit these activities.

- Revision of aircraft regulations to encompass powerless flight vehicles such as hang gliders and balloons, and special rules governing such uses in seven park areas. Powerless flight will be permitted by regulation at Lake Meredith (Texas) Recreation Area, Lake Mead (Ariz.-Nev.), National Recreation Area, and Indiana Dunes (Ind.) National Lakeshore. All types of aircraft will be permitted to use designated airstrips within Lake Mead and Lake Chelan (Wash.) National Recreation Areas.
New Regulations—two

Death Valley (Calif.-Nev.) National Monument, and Cape Lookout (N.C.) National Seashore. Float planes will be authorized for use in specified sites of Coulee Dam, Lake Chelan, and Ross Lake (Wash.) National Recreation Areas.

- Regulation of hunting in Cape Cod National Seashore, Mass. This is one of two areas (the other is Padre Island National Seashore, Texas) where authorizing legislation gives NPS discretionary authority to permit hunting, but does not require it. Existing regulations governing hunting at Padre Island will be retained, and new regulations were required to continue this traditional activity at Cape Cod. These regulations parallel those adopted for the cooperative management recreation areas discussed previously.

- Snowmobile use in Sequoia and Kings Canyon National Parks, Calif. These special regulations are adopted to assure private property owners within the park area winter access to their property. General public use of snowmobiles will not be permitted in Sequoia and Kings Canyon National Parks.

- Relaxation of fresh water recreational fishing regulations to be consistent with applicable state laws in several park areas. This will allow fishing by methods that differ from the general NPS regulations. Superintendents of these areas will continue to have authority to impose additional restrictions where needed to protect natural resources.

"The changes will assure broader consistency of regulations in National Park System areas across America," said Dickenson. "We have added special regulations where needed, but the overall effect is to reduce the wide variety of special regulations that some park visitors found confusing."

"These regulations, in effect, are the basic mechanism for ensuring visitor access, use and safety, while protecting the natural and cultural resources of the parks," Dickenson said. "We believe that periodic review and revision of the basic regulations ensure that the Service upholds its obligations under law with the least possible inconvenience to the public."

Also, the December 1983 proposals included a provision to redefine the term "unloaded firearm." Public response overwhelmingly opposed this proposal. Therefore, the earlier definition in the general regulations, revised only to clarify its requirements as applied to a variety of types of firearms, is retained. Accordingly, to be considered unloaded, any firearm other than muzzle-loading weapons must be free of any type of ammunition within its internal mechanisms or within component parts that have been inserted in or attached to the firearm.

Dickenson also emphasized that these regulations have no effect on the range of activities permitted in Alaska park units governed by provisions of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 and regulations developed to carry out ANILCA provisions.
Honorable David A. Stockman
Director, Office of Management and Budget
Attention: Assistant Director
   for Legislative Reference
Washington, D.C. 20503

Dear Mr. Stockman:

Enclosed are six copies of a proposed bill, "To make uniform the penalties for violation of regulations applicable to the National Park System, and for other purposes."

Please advise us of the relationship of this proposed legislation to the program of the President. The attorney in this office who is coordinating clearance with the OMB staff is Mary Bradford.

Sincerely,

Linda C. Moore
Acting Legislative Counsel

Enclosures
Honorable Thomas P. O'Neill, Jr.
Speaker of the House
of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed is a draft bill, "To make uniform the penalties for violation of regulations applicable to the National Park System, and for other purposes."

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

This legislation is intended to improve the day-to-day administration of the 334 units of the National Park System. Currently, there are three penalties applicable to violations of regulations in the system, each established by a specific law applicable to a particular type of area. The enclosed bill would amend two of the laws to bring their penalty provisions in accord with the third, so that all violations of similar regulations would be subject to the same penalty.

That there are different statutory penalties applicable to different kinds of areas is the result, in part, of the history of the formation of the National Park System. The first national park, Yellowstone, was established by Act of Congress in 1872. The 1872 Act prohibited certain acts, such as hunting, killing, wounding, or capturing of wild animals, but no penalties for violation were set forth. The Act of May 7, 1894, however, prescribed a penalty of a fine of not more than $1,000 or imprisonment not exceeding 2 years, or both, plus payment of all costs of the proceedings. In June of 1916, this penalty was amended to a fine of not more than $500 or up to 6 months imprisonment, or both, plus costs. In August of 1916, the National Park Service was established under the Secretary of the Interior, and the Secretary was given authority to issue regulations, violation of which was punishable by a fine of up to $500 or up to 1 year imprisonment, or both. The Act of June 2, 1920, amended the 1916 Act to provide for penalties of not more than $500 or imprisonment not exceeding 6 months, or both, plus costs. That is the current penalty applicable to national parks and most national monuments created from the public domain.

In the years following the Civil War, Congress enacted various laws establishing national military parks, battlefield parks, national cemeteries and similar sites under the administration of the Secretary of War. The Act of March 2, 1933, authorized the Secretary of War to publish regulations for protection of such areas, and prescribed penalties of a fine of not more than $100 or imprisonment for not more than 3 months, or both, for knowing and willful violations. By Executive Orders issued on June 10, 1933, and July 28, 1933, the parks, battlefields, and cemeteries under the War Department were transferred to the administration of the Department of the Interior. However, the penalty for violation remained unchanged for the 48 areas so transferred, and, as Congress from time to time
authorized additions to these areas after 1933, two penalties were made applicable for the same offense within the same area. This result occurred because additions to the areas transferred from the War Department were, by law, made subject to the provisions of the 1916 Act creating the National Park Service.

A third penalty provision applies to areas subject to the Historic Sites Act of 1935, under which the National Park Service administers certain historic sites under cooperative agreements with non-Federal owners. Under this 1935 Act, regulations are authorized, and any violation is punished by a fine of not more than $500 plus costs of the proceedings.

Thus, there are three laws providing slightly different penalties for violations of National Park Service regulations: (1) the National Park Service Organic Act of 1916, as amended (violation punishable by fine of not more than $500 or imprisonment for not exceeding 6 months or both); (2) the Act of March 2, 1933, applicable to military parks, battlefields, and similar areas (knowing or willful violation punishable by fine of not more than $100 or imprisonment for not more than 3 months or both); and (3) the Historic Sites Act of August 21, 1935 (violation punishable by fine of not more than $500 plus costs). We believe that penalties for violations of regulations applicable to the National Park System should be uniform from the standpoint of park visitors, park rangers, and the judiciary. Accordingly, the enclosed draft bill adopts the penalties set forth in the 1916 National Park Service Organic Act as applicable to all units of the System. No increase in cost is anticipated as a result of the enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

SECRETARY

Enclosure
A BILL

To make uniform the penalties for violation of regulations applicable to the National Park System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to provide for the protection of national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials under the control of the War Department," approved March 2, 1933 (47 Stat. 1420), is repealed, and the first sentence of section 3 of the Act entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535), and regulations issued thereunder shall apply in areas of the National Park System to which such Act approved March 2, 1933, applied prior to this repealer.

(b) The second sentence of section 2(k) of the Act entitled "An Act To provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 (49 Stat. 666), is amended by striking out the words "by a fine of not more than $500 and be adjudged to pay all cost of the proceedings" and inserting in lieu thereof the words "in the manner set forth in section 3 of the Act of August 25, 1916 (39 Stat. 535)".
December 31, 1983

Dear Associate Director:

The Association of National Park Rangers is concerned about two proposed changes to regulations governing the use and possession of weapons, traps, and nets in areas of the National Park System. These changes, along with other revisions to park regulations, were published in the "Federal Register" on December 27, 1983.

Our first concern is with a highly questionable revision of the definition of the term "unloaded" in 36 CFR Section 1.4. Under the proposed change, a firearm would be considered unloaded whenever its chamber did not contain a live round. This would permit any firearm other than single-shot models to be carried or possessed with a full clip or magazine, a condition which must be considered to be loaded, using any common sense definition of this term. Firearms in this condition are capable of being activated by a simple movement of the bolt, slide or other action of the weapon. Such a weapon is only marginally safer than one with a round in the chamber. It is not likely to be accidentally discharged when dropped or jarred, but still constitutes a serious and readily available threat to surrounding people and wildlife through deliberate action and is still subject to accidental discharge.

As proposed, this new definition is illogical and confusing. Saying that a weapon in a condition normally thought of as loaded and ready for use is "unloaded" defies common sense and must be viewed as merely a subterfuge aimed at permitting widespread possession of readily usable weapons in the parks. Furthermore, the proposed definition of loaded, directly contradicts the definition of loaded that is in many state codes. For example, the Penal Code of California under Section 12031 (g) defines a loaded weapon as: "A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in or attached in any manner to the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm..." By leaving intact the language in Section 2.4 which restricts weapons possession to those which are unloaded, but almost reversing the definition of that term, this proposal is clearly an attempt at a backdoor relaxation of the regulation. In addition this definition provides no clue...
as to the conditions under which a revolver would be considered "unloaded". Under the existing definition, a revolver's cylinder would be presumed to be analogous to a magazine and therefore must be empty of live rounds to be unloaded. However, this proposed definition seems to indicate that the cylinder could be full, with the possible exception of the cartridge position aligned with the firing pin.

There exists no valid reason for this significant relaxation of the regulation. It appears that this reversal of the definition is intended to allow the possession of weapons which can be readily used. Except in situations where a visitor is engaged in hunting authorized by law, there is no reason for having a firearm available for use within a park. The incidence of crimes in parks in which a firearm might have been of value to the victim is extremely low and certainly does not justify this proposal, which will increase risks to both visitors and park wildlife. The final regulations published June 30, 1983 provides more than ample opportunity for people to transport weapons through the parks, subject to reasonable restrictions which will not unduly inconvenience visitors. There is no identifiable or supportable need to open up the parks to the possession of weapons which are, in fact, loaded. No justification for this relaxation is stated in the notice of proposed rulemaking, perhaps because no justification can be articulated.

We must also take issue with the proposed revision of Section 2.4(a)(2)(ii), which deals with possession of weapons, traps, and nets in mechanical modes of conveyance and temporary lodgings. This proposal would eliminate for park visitors the option of rendering a weapon inoperable as a means of complying with the regulation. This option was written into the regulations to allow for those situations where it might be more convenient for a visitor to use a trigger locking device, disassembly, or other means as an alternative to casing, packing, or storing the weapon. While the need for this alternative may not occur very often, we believe that it is an option which should not be eliminated.

In view of the fact that the proposed definition of "unloaded" is such a radical departure from the existing regulations and would have far-reaching effects on public safety and resource protection in the parks, we feel that the thirty days of public comment provided for in the Federal Register notice is inadequate. This relaxation constitutes a significant regulation which, under the requirements of E.O. 12044, must be made available for a minimum period of 60 days public comment. Only a period of at least 60 days would allow an adequate opportunity for the public to become informed about the issue and participate in the rulemaking process in a meaningful way.

Other revised or new regulations proposed in the same rulemaking notice are essentially authorizations for the continuation of existing practices or clarifications and therefore need no extension of the comment period. We urge that the revision to the weapons regulations be severed from the remainder of the proposed rulemaking published December 27, 1983 and that no less than 30 days additional public comment period be provided. This will allow the other regulations to be implemented in a timely fashion and avoid disruptions in ongoing activities.

We appreciate the opportunity to comment on these proposals and hope that the points we have raised will be given serious consideration. As a pro-
fessional organization representing those who are charged with the respon-
sibility of protecting both visitors and resources in the National Parks, the Association of National Park Rangers feels strongly that these changes are ill-advised and should be dropped.

Sincerely,

[Signature]

Richard H. Martin
President, Association of National Park Rangers
Memorandum

To: Chief, U.S. Park Police and Superintendents, Prince William Forest Park, Harpers Ferry National Historical Park, C&O Canal National Historical Park, Antietam National Battlefield Park and Catoctin Mountain Park

From: Regional Director, National Capital Region

Subject: Regulations - Delay in Effective Date

The enclosed memorandum from the Associate Director, Park Operations states that the effective date of the final regulations (36 CFR) will be delayed from December 19 to March 2, 1984. Also enclosed is a draft copy of the revised regulations which will soon appear in the Federal Register.

Please bring this matter to the attention of all law enforcement personnel. If there are any questions, please direct them to Captain Hinton at 472-7996.

Enclosures
Memorandum

To: Regional Directors

From: Associate Director, Park Operations

Subject: Regulations - Delay in Effective Date

This is to confirm the telephonic notification made earlier to each regional Chief of Ranger Activities.

A notice was published December 8, 1983, in the Federal Register (48 FR 54977) that further delays the effective date of the final regulations from December 19 until March 2, 1984.

The proposed special regulations, necessary to implement certain final general regulations have been approved by the Department. Following review by the Office of Management and Budget, we anticipate publication in the Federal Register on or about December 23. These proposed special regulations and certain amendments to the final regulations will have a 30 day public comment period. We will notify the Chief of Ranger Activities of each region about the exact publication date.

It is essential that comments by parks and regional offices be received in the Washington Office no later than January 20. To assist you, we will mail a copy of the proposed special regulations and amendments to each park and regional office. This will eliminate the handling and reproduction activity in the regional office necessary to notify your respective parks.
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
36 CFR Parts 1, 2 and 7
General and Special Regulations for Areas Administered by the National Park Service

AGENCY: National Park Service, Interior

ACTION: Proposed Rule

SUMMARY: This notice proposes amendments to general National Park Service regulations dealing with trapping, the use and possession of weapons, definitions and information collection. These amendments are required to correct and clarify certain points in the final regulations published on June 30, 1983 (48 FR 30252) and temporarily to relax, for certain park areas, the regulation governing trapping. This notice also includes special regulations for individual park areas that authorize special uses such as aircraft operations, snowmobiling, fishing, and hunting and trapping.

DATES: Written comments, suggestions, or objections will be accepted until (30 days after publication in the Federal Register.)

ADDRESS: Comments should be addressed to: Associate Director, Park Operations, National Park Service, Department of the Interior, 18th and C Streets, NW, Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 1983, the National Park Service published final regulations for areas administered as part of the National Park System (48 FR 30252). These rules provide guidance and controls for public use and recreation activities such as camping, fishing, boating, hunting, and winter sports. The original effective date of these regulations was October 3, 1983. This date has been postponed twice, to December 19, 1983 (48 FR 43174), and to the new effective date of March 2, 1984.

This notice proposes changes to sections of the general regulations dealing with trapping and weapons. Amendments are offered to make changes in the definition section and in the regulation on information collection. The nature of these changes is discussed in the Section-by-Section Analysis, below.

The new general regulations establish requirements that individual park areas promulgate special regulations if certain activities are to be permitted. Section 2.2(b)(2) authorizes superintendents to allow hunting in park areas where hunting is authorized as a discretionary activity under Federal law, as in the enabling legislation. The determination to allow hunting in these cases must be based upon public safety and enjoyment and sound resource management principles. Hunting is to be done pursuant to special regulations. Hunting is now taking place, based upon this discretionary authority, in two park areas: Padre Island National Seashore and Cape Cod National Seashore.
Of these, Padre Island National Seashore now has special regulations in effect. This rulemaking proposes regulations to authorize hunting at Cape Cod National Seashore, also.

Regulations also are being proposed to authorize hunting in the Amistad, Coulee Dam, Curecanti, and Lake Meredith Recreation Areas. These areas were not established by statute. They are administered by the National Park Service under cooperative agreements with other Federal agencies. In each of these areas, hunting predates the cooperative agreement and is an established recreational use of the area. The authorization of hunting by regulation is consistent with the cooperative agreements.

Trapping is an ongoing activity at the Curecanti Recreation Area and Lake Meredith Recreation Area. Although the new general regulations do not require, specifically, that special regulations authorize trapping under these circumstances, the Service believes that requirements relating to trapping and discretionary hunting should be consistent. Therefore, special regulations to authorize trapping are being proposed for Curecanti Recreation Area and Lake Meredith Recreation Area.

Section 2.17(a)(1) of the general regulations prohibits the use of aircraft at locations other than those designated pursuant to special regulations. Existing general National Park Service regulations have applied this requirement only to conventional, powered aircraft. The new regulations, however, define aircraft as including powerless flight vehicles, thereby applying the overall restriction to devices such as hang gliders and balloons. Ultralight aircraft, powered hang gliders, and similar craft also are covered by the regulation.
In recent years, a number of park areas have permitted powerless flight activities under the authority of a general regulation issued in 1976. This regulation established a framework for a system of permits and operating standards for each area, to the extent necessary to protect visitors and resources. The new general regulation on aircraft use does not deal with unconventional aircraft in the same detail. However, the authority to impose necessary restrictions is available in the new general regulations on closures and public use limits (§1.5) and permits (§1.6). Special regulations are being proposed for the following park areas to authorize the continuation of powerless flight activities at designated locations and under restrictive controls now in effect:

Blue Ridge Parkway
Delaware Water Gap National Recreation Area
Golden Gate National Recreation Area
Indiana Dunes National Lakeshore
Lake Mead National Recreation Area
Lake Meredith Recreation Area
Point Reyes National Seashore
Shenandoah National Park
Sleeping Bear Dunes National Lakeshore
Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area
Yosemite National Park

In addition to the regulations proposed in order to allow the continuation of powerless flight activities in the park areas listed, special regulations also are being proposed to authorize operation of aircraft at specified locations in Death Valley National Monument, Cape Lookout National Seashore, Channel Islands
National Park, Lake Mead National Recreation Area, Lake Chelan National Recreation Area, and Ross Lake National Recreation Area.

The fourth activity for which special regulations are required by the new general regulations is snowmobile use. Section 2.18(c) limits use of these vehicles to designated routes on land and water used by motorized craft during other seasons. These locations must be designated by special regulations for each park area. Currently, 18 park areas have existing snowmobile regulations. Proposed regulations have been published for nine additional park areas. These proposed regulations are expected to be published as final rules within the next 60 days. Special snowmobile regulations are being proposed in this rulemaking for Sequoia and Kings Canyon National Parks.

These proposed special regulations also authorize recreational fishing methods that are prohibited by the general regulations in certain park areas. In order to relax restrictions on fresh water recreational fishing, the proposed regulations apply fishing methods that are permitted under State laws, as appropriate.

Although not proposed for change, public inquiries have indicated to the National Park Service that the phrase "under the legislative jurisdiction of the United States" needs to be clarified. The general regulations use this phrase to describe park areas where States have given the Federal Government exclusive or concurrent law enforcement authority. In the context of these regulations, this phrase applies only to areas administered by the National Park Service. Areas administered by other Federal agencies are not covered.
Section-by-Section Analysis

PART 1

§1.4 Definitions. The definition of the term "operator" in the final rule was narrower than was intended, in that it would apply only to a person in charge of a vehicle, not any other type of equipment. This definition is being revised to correct this error, by including those persons in charge of all types of mechanical modes of transportation and other mechanical equipment, such as power saws, generators, etc.

The definition of "unloaded" also is proposed for change. In the final rule, an unloaded firearm is defined as one with "no unexpended shell, cartridge or projectile in the chamber or magazine...." The Department believes that the requirement that no unexpended shell, cartridge or projectile be in the magazine is more restrictive than necessary to accomplish public safety objectives. Accordingly, it is proposed to delete the reference to the "magazine" from the definition. It should be noted that this provision is subject to applicable State and local law, which may be more restrictive.

In addition, it is proposed to delete the definition of "livestock." As published in the final regulation, that term is limited to "domesticated animals that are personal property kept for commercial purposes." Because this definition could be interpreted to include animals that are not intended to be covered by § 2.60 (Livestock and Grazing), it is proposed to delete the term from § 1.4. The term "livestock" has a generally accepted meaning and need not be clarified in these regulations.
§1.8 Information Collection. The final rule omitted reference to a section of the general regulations that authorizes a permit requirement and for which the Office of Management and Budget has approved information collection requirements. The omitted section, number §1.5, authorizes the use of permit, registration, or reservation systems to implement a public use limit. The proposed change corrects this error by adding this section number to others listed in the final rule.

PART 2

Section 2.2 Wildlife Protection.

Upon review of the final regulations, the Service has determined that paragraph (a)(4) is unnecessary and confusing. This paragraph prohibited discharging a weapon, except for the purpose of taking wildlife where hunting is allowed. The intent of this restriction was to prevent random firearm discharges, which pose a threat both to people as well as to resources. As a control on firearms use, this restriction would more logically be placed in §2.4, which deals with weapons. However, since (a)(1) of §2.4 already limits the discharge of weapons to those situations involving authorized hunting activities, there is no need to retain paragraph (a)(4) of the wildlife section.

A provision has been added to subparagraph (b)(3) on trapping that will have the effect of delaying the effective date of this subparagraph for the following 11 park areas:
Although trapping is not specifically authorized by Federal law in these areas, it was being practiced in them well before they were set aside as national park areas. Application of the regulation without this proposed amendment would require the immediate cessation of trapping in these park areas, thereby creating a hardship for established commercial trappers. The possibility exists that legislative proposals will be introduced specifically to authorize trapping in some or all of these areas. In order to avoid unnecessary hardship on affected persons and to allow Congress to consider legislation addressing this issue, the National Park Service is proposing to delay application of this sub-paragraph to these 11 areas through January 15, 1985. At the end of that time, trapping will be prohibited in park areas where authorizing legislation has not been enacted.
Section 2.4 Weapons, traps and nets.

Changes are proposed to § 2.4(a) of the final rule in order to distinguish the circumstances in which weapons, traps and nets may be possessed, carried and used, modify the restriction on the possession of weapons in residential dwellings, and make technical adjustments.

Section 2.4(a) (1) of the final rule included weapons, traps and nets in a single category and prohibited possessing, carrying, using or discharging them, except at designated times and locations in park areas where hunting, fishing or trapping are authorized by law and when actually used in the taking of fish or wildlife under § 2.2 or § 2.3. In the proposed rule, the provisions that apply to weapons, traps and nets are separated to achieve the following purposes:

1) To delete the term "discharge" from the regulations applying to the use of traps and nets.

2) To clarify that traps may be possessed, carried or used only when actually utilized for the taking of wildlife in accordance with § 2.2 (Wildlife Protection). Under § 2.2, trapping is allowed only in park areas where such activity is authorized expressly by Federal statutory law. The definition of "trap" in § 1.4 of the final regulations limits the term to devices designed to entrap or kill animals other than fish. For this reason, the use of traps cannot be covered by § 2.3 (Fishing).
3) To clarify that nets may be possessed, carried or used only when actually utilized for the taking of fish in accordance with § 2.3. The definition of "net" in § 1.4 of the final regulations limits the term to implements designed to entrap fish. For this reason, the use of nets cannot be covered by § 2.2.

4) To clarify that weapons may be possessed, carried, used or discharged in the following circumstances:

   a) When actually utilized for taking wildlife under § 2.2. Under this provision, discharge for the purpose of emptying a muzzle loading weapon that has been used for hunting purposes is authorized.

   b) When actually utilized for taking fish under § 2.3. This provision is necessary to cover spearguns, which are included in the § 1.4 definition of weapons and are used for fishing.

   c) When used for target practice, at times and locations designated by the superintendent in park areas where hunting is authorized expressly by Federal statutory law. This provision is intended to authorize "plinking," sighting in weapons, and other discharges directed at objects that have been set up for use as targets. The random discharge of weapons is not authorized. Under this provision, the superintendent may designate target ranges or facilities as the only locations at which this activity may be conducted. However, if consistent with public safety and resource protection, the superintendent may designate an entire park area, or portions thereof, as open to this activity.
Time and location designations and other controls will be established in accordance with §1.5 of the final regulations. If time and location designations are not established, weapons may be possessed, carried, used or discharged only for purposes of taking wildlife or fish in accordance with §2.2 or §2.3.

Section 2.4(a)(2)(i) of the final rule authorizes the possession of unloaded weapons, traps and nets within residential dwellings. After reconsideration of this matter, the National Park Service has determined that it is reasonable to change this authorization so that weapons, whether loaded or unloaded, may be kept in residential dwellings. The authorization will apply to those who live on federally owned land and to those who live on privately owned land located in areas that are under the legislative jurisdiction of the United States.

It should be noted that paragraph (f) of this section prohibits possession of weapons in violation of Federal and State laws. Accordingly, this authorization must be subject to applicable laws.

It is neither the intention of this amendment to permit the possession of loaded weapons in temporary lodgings such as motel rooms, boats, or camping vehicles, nor to limit the authority of park contractors or concessioners administratively to restrict weapons possession in quarters which they assign to their employees. To clarify this authorization, the proposed amendment includes a definition of the term "residential dwelling." Comments are requested on the suitability of this definition and on any possible revisions that could make it more specific.
An additional change in this section is being proposed to correct an error in paragraph (b). The original proposed regulation authorized the possession of a loaded weapon in vessels not underway and used as a shooting platform in authorized hunting activities. However, the final rule authorizes possession of loaded weapons on vessels not underway or used as a shooting platform. This was not the intent of the regulation, which was included only to permit legitimate hunting practices which prevail in certain locations. There was no intent to permit the possession of loaded weapons in all vessels which are docked, anchored, or otherwise not underway. The proposed revision would authorize loaded weapons only for those situations in which an anchored, beached, or drifting boat can, under State and Federal law, be used as a platform from which a hunter can shoot.

Finally, a change is being proposed in order to delete the reference to traps and nets from Section 2.4(a)(2)(ii) of the final regulations. The original intent was to address the issue of firearms. The proposed revision would clarify this section further. In addition, it is proposed to delete the phrase "rendered inoperable." In the June 30, 1983 final regulation, unloaded weapons are permitted within a temporary lodging or mechanical mode of conveyance when "rendered inoperable or packed, cased or stored in a manner that will prevent their ready use." The purpose of this provision is to allow the possession of weapons that are unloaded and stored properly, even though the weapon will not be used during the visit to a park area. This objective can be achieved by requiring that weapons be unloaded and "packed, cased or stored in a manner that will prevent their ready use." The term "rendered inoperable" created confusion without adding needed flexibility to the provision.
PART 7

Special Regulations

In this portion of the Analysis, proposed regulations are grouped by the subjects with which they deal, rather than by park area. Since the proposed regulations on each subject are similar for each park area, the discussion can be simplified by this arrangement.

Hunting

As described in the background material above, the new final rule, in §2.2(b)(2), provides that in park areas where hunting may be allowed, special regulations will be required to implement hunting. This provision is intended to ensure that there is adequate opportunity for public review of proposed hunting in those situations where the Service has statutory discretion rather than a statutory requirement to permit this activity. The only park area with enabling legislation of this nature now having special regulations to govern hunting is Padre Island National Seashore (§7.75).

The authority to permit hunting at Cape Cod National Seashore is specifically set out in the legislation that established the Seashore [16 U.S.C. §459-6(c)]. The four other areas for which hunting regulations are being proposed - the Amistad, Coulee Dam, Curecanti and Lake Meredith Recreation Areas - have not been established specifically by legislation but are managed on the basis of cooperative agreements between the National Park Service and other Federal agencies. Hunting is consistent with these agreements. It is proposed that hunting be allowed, subject to applicable Federal and State laws and any special
restrictions that may be necessary to ensure public safety and protect resources. Under the proposed §2.4(a)(3), persons would be allowed to possess, carry, use or discharge weapons in these areas for target practice at designated times and locations.

The regulations being proposed are similar in that they authorize the superintendents to designate appropriate locations where hunting is allowed, in accordance with all applicable Federal and State laws and the general regulations on wildlife protection and weapons. Locations available for hunting will be designated according to the procedures and requirements established by §1.5 of the general regulations. Superintendents will have the authority to impose reasonable limits or restrictions necessary to address public safety, resource protection, and visitor use concerns. Permits may also be required if necessary to control hunting authorized by these special regulations.

Limitations on hunting that may be imposed through the designation process must be made known to the public through appropriate notice procedures set forth in §1.7. Section 2.2(c) of the general regulations requires that, except in emergencies, the superintendent will consult with appropriate State authorities prior to using the designation authority to restrict hunting or to impose a hunting closure.

In all five of the park areas where special hunting regulations are being proposed, hunting was practiced before the National Park Service assumed management responsibility. Planning documents for these areas have received extensive public review. The documents included hunting as an approved visitor activity. Hunting is managed jointly by the States and the National Park Service and has
no known adverse resource impacts. It is not anticipated that implementation of these regulations will result in any significant change in the manner in which hunting is conducted in these areas.

**Trapping**

The two areas for which trapping regulations are being proposed are managed on the basis of cooperative agreements between the National Park Service and other Federal agencies. Trapping is consistent with these agreements. In the Curecanti and Lake Meredith Recreation Areas, trapping predates National Park Service management. No trapping has occurred at Coulee Dam Recreation Area or Amistad Recreation Area. It is estimated that approximately 30 to 35 trappers are involved at Curecanti Recreation Area and 25 at Lake Meredith Recreation Area. It is proposed that trapping be allowed, subject to applicable Federal and State laws and any special restrictions that may be necessary to ensure public safety and protect resources.

For both areas, the regulations being proposed are identical. They authorize the superintendents to designate appropriate locations where trapping is allowed in accordance with all applicable Federal and State laws and the general regulations on wildlife protection and weapons. Locations available for trapping will be designated according to the procedures and requirements established by §1.5 of the general regulations. This requires consideration of a wide range of public safety, resource protection, and visitor use concerns. In addition to designation of locations, superintendents will have the authority to impose limits or restrictions necessary to address visitor use concerns. Limitations on trapping that may be imposed through the designation process must be made
known to the public through appropriate notice procedures set forth in §1.7. Section 2.2(c) of the general regulations requires that, except in emergencies, the superintendent will consult with appropriate State authorities prior to using the designation authority to restrict trapping or impose a trapping closure. Trapping in both of these areas is managed jointly by the States and the National Park Service. It is not anticipated that implementation of these regulations will result in a significant change in the manner in which trapping is conducted in these areas.

Aircraft Use

National Park Service regulations apply to the operation of aircraft while on the lands or waters of national park areas. The Federal Aviation Administration has authority over airborne craft. Provisions of the new general regulations relating to aircraft are based on the premise that such equipment may intrude on the park experience. Section 2.17(a) limits aircraft use to locations that have been designated pursuant to special regulations for a park area. The section prohibits air delivery of persons or objects, unless a permit has been issued. The definition of aircraft contained in §1.4 is very broad. It includes any device used or intended to be used for human flight in the air. In addition to conventional airplanes and helicopters, this term includes hot air or gas balloons, gliders, ultralight aircraft, and hang gliders.

In 1976, the National Park Service implemented a new general regulation to control the then-new sport of hang gliding and other forms of powerless flight.
The 1976 regulation set out detailed criteria to determine whether such activities were to be allowed in park areas and, if allowed, how they would be managed. In most circumstances, permits were required. Participant's qualifications were considered as permits were issued. Within the control framework established by this regulation, hang gliding has been taking place in a number of park areas. The activity has posed no serious problems. In most cases, levels of use are not high and conflicts with other visitor activities or adverse resource impacts are infrequent.

The Service has determined that the detailed requirements of the existing powerless flight regulation need not be retained in the new regulations. By treating these devices as aircraft and requiring special regulations to authorize their use, public review of a proposal is ensured, while other provisions of the general regulations, particularly §1.5 and §1.6, provide a framework for any necessary controls on the activity.

The regulations being proposed for 11 park areas authorize superintendents to allow powerless flight activities, subject to certain controls. In eight of these areas, identical special regulations authorize the superintendent to designate locations for powerless flight and require permits for such use. For another, Golden Gate National Recreation Area, although flights are restricted to designated locations, no permit requirement is included. Two reservoir recreation areas, Lake Mead National Recreation Area and Lake Meredith Recreation Area, are proposing regulations that permit powerless flight in any location except those specifically closed to this activity. For Lake Meredith, the superintendent also is given discretionary authority to impose a permit requirement.
Locations for use by hang gliders and other powerless flight vehicles will be designated in accordance with the criteria and requirements of §1.5. These locations will be places within a park area where participants either take off or land. Restrictions on numbers of flights, types of equipment, authorized flight times, and other controls can be established by the superintendent through the designation process and through permit requirements. As with other permit requirements in National Park Service regulations, permits for powerless flight will be established and issued according to the requirements of §1.6.

Regulations are being proposed to authorize operating sites for all types of aircraft in six park areas. At Channel Islands National Park, the sites involved are two existing airstrips on San Miguel Island. These airstrips are already used by aircraft of Federal agencies on official business. Their formal designation by regulation is intended to allow the superintendent to permit, on a limited scale, use of these sites by a park concessioner or by other parties requiring access to the island. The permit requirement in the regulation is to be administered in accordance with §1.6. The two airstrips to be authorized at Death Valley National Monument and the single strip at Cape Lookout National Seashore have been in use for a number of years.

Aircraft will be authorized to operate on the water surfaces of Ross Lake National Recreation Area and Lake Chelan National Recreation Area, subject to the restrictions of §2.17(a)(2). In addition, the Stehekin landing field operated by the Washington State Aeronautics Commission within Lake Chelan National Recreation Area is being designated for aircraft operation. Although aircraft use of these locations is a long-standing practice, it was not
authorized by special regulations previously. Float planes also have been landing on Lake Roosevelt in Coulee Dam Recreation Area. The landing site within Coulee Dam Recreation Area is limited specifically to the non-Indian zone side of the Lake.

The Pearce Ferry landing strip within Lake Mead National Recreation Area has been designated by special regulation in the past. The special regulation was deleted several years ago. It now has been determined appropriate to reauthorize this site as one of four designated landing strips at Lake Mead.

**Snowmobiles**
This proposal includes regulations to authorize use of snowmobiles within Sequoia and Kings Canyon National Parks. The authorization is being proposed only to provide a means of access to private property that is within the boundaries of these park areas. Permits will be required and will be issued only to owners of such property. Only routes which serve as a means of access to these properties are being proposed to be opened to snowmobile use. Within the Wilsonia area, the designation of routes applies only to Federally-owned lands. It is not the intent of this regulation to require private landowners to allow snowmobile use on their property. As with other permit requirements contained in the general and special regulations of the National Park Service, permits for snowmobile use authorized by this regulation will be administered under the requirements of §1.6 of the general regulations.

As discussed in the background statement above, 18 park areas currently have snowmobile regulations in effect. In addition, regulations already have been
proposed to designate routes and to provide other conditions for the operation of snowmobiles in the following park areas:

Black Canyon of the Gunnison National Monument (48 FR 32365)
Cedar Breaks National Monument (47 FR 38165)
Dinosaur National Monument (48 FR 19185)
Rocky Mountain National Park (48 FR 27553)
Theodore Roosevelt National Park (48 FR 32366)
Zion National Park (48 FR 32367)

The reference to the Federal Register listed for each of the park areas above indicates the notice of proposed rulemaking for snowmobile regulations. The National Park Service expects that final rules for each of these areas will be published within the next 60 days and that they will take effect at approximately the same time as will the new general regulations. With publication of these rules and the addition of the regulation for Sequoia and Kings Canyon National Parks proposed here, regulations will authorize the operation of snowmobiles in 25 park areas.

Fishing

The new general regulation governing fishing in park areas specifies the manner in which fishing can take place in fresh waters. Fishing must only be done through the use of a closely attended hook and line. The use of live bait is restricted; and chumming is prohibited. The purpose of these provisions is to ensure that fishing in park waters remains a sport and that resources are not adversely affected by the introduction of non-native species. Where such restrictions are found to be unnecessary in order to accomplish Service management objectives, relief can be granted through the use of special regulations.
It is the policy of the National Park Service to manage fishing in park areas in a manner consistent with State fishing laws, to the extent compatible with proper management of park resources. In many cases, States permit the use of fishing methods that vary from the standards established by the general regulations. For several park areas where this is the case, the National Park Service has determined that allowing recreational fishing in accordance with all methods permitted by the State would be advantageous both to visitor use as well as to management of park resources. These situations include cases where non-native species have become well established and it is impractical to consider eradication in favor of native species. In addition, species taken by methods such as gigs or trot lines often are those not sought after by those sport fishing with rods or which are species competing with more desirable fish. Commercial fishing methods allowed under State law are not included within the scope of this authorization.

The special regulations being proposed for Amistad Recreation Area, Apostle Islands National Lakeshore, Chickasaw Recreation Area, Grand Portage National Monument, Jean Lafitte National Historical Park, Indiana Dunes National Lakeshore, Lake Mead National Recreation Area, Lake Meredith Recreation Area, Pictured Rocks National Lakeshore, Sleeping Bear Dunes National Lakeshore, St. Croix National Scenic Riverway, Ozark National Scenic Riverways, and Voyageurs National Park will provide that recreational fishing can take place in any manner authorized under applicable State law. The regulations provide, however, that superintendents may, through the designation process, restrict these fishing methods. Such restrictions might be applied to specific locations within a park area or might deal with a fishing method which is found to be incompatible with management objectives for the park area.
As defined in the general regulations, fishing in park areas includes only the taking of animals normally thought of as fish and, in salt waters, the taking of mollusks and crustaceans. The taking of other wildlife is not authorized by the fishing regulation. It is not the intent of these proposed special regulations to authorize the taking of other types of aquatic wildlife, even though a State may choose to regulate taking of non-fish species under its fishing laws. Thus, reptiles, amphibians, and mammals may not be taken under the broadened fishing authority granted by these special regulations. In one of the regulations, however, specific authority is given to take freshwater crayfish within Jean Lafitte National Historical Park, subject to other National Park Service regulations and State law. This is a traditional activity in the affected area, and Service findings indicate that no adverse resource effects can be expected.

A special regulation is being proposed for Ozark National Scenic Riverways to authorize the superintendent to designate locations in which bait may be dug. This is not intended to authorize bait digging which is commercial in nature. Digging for bait for recreational fishing only would be authorized. Another special regulation being proposed for Ozark National Scenic Riverways would authorize the superintendent to designate locations in which frog gigging is allowed. This activity is consistent with state law. Further, it is a traditional use of area resources. The National Park Service anticipates no detrimental effects from continued frog gigging.

Public Participation

Active public participation in the development of these regulations is encouraged. Interested persons may submit written comments, suggestions or objections about the proposed regulations to the address noted at the beginning
of this rulemaking. To aid the National Park Service in the review and analysis of public comments, persons who comment should address each regulation separately, preferably in a separate paragraph. Draft or revised regulatory language is specifically requested in instances where the proposed regulation is judged to be inadequate.

Drafting Information

The primary author of these regulations is Carl Christensen, Gulf Islands National Seashore, while on detail to the Washington Office of the National Park Service.

Paperwork Reduction Act

This rulemaking adds no information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq. In 36 CFR §1.8, the list of information requirements for which approval has already been obtained is merely being corrected in this rule to include a section inadvertently deleted from the final rule (48 FR 30252).

Compliance With Other Laws

As required by the National Environmental Policy Act (42 U.S.C. 4332, et seq.), the Service has prepared environmental assessments on those portions of this rulemaking which are other than correcting or clarifying in nature. Copies of these assessments are available at the address noted at the beginning of the rule or at the individual parks affected.

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981). In accordance with the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601, et seq.), the Service has determined that the regulations proposed in this rulemaking will not have a significant economic effect on a substantial number of
small entities, nor does it require the preparation of a regulatory analysis. The Service makes this finding because the proposed regulations will impose no significant costs on any class or group of small entities. Small businesses will generally benefit from these regulations because they will allow the continuation of existing activities within a number of park areas.

List of Subjects

36 CFR Part 1
National parks, Penalties

36 CFR Part 2
National parks, Signs and symbols

36 CFR Part 7
National parks

Authority
The Service's authority for promulgating these regulations is 16 U.S.C. 1 and 3 and statutes relating to specific park areas.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

PART 1 - GENERAL PROVISIONS

1. Amend §1.4 as follows:

§1.4 Definitions.

(a) * * * * * * * * * * *

* * * * * * * * *

Remove the definition of "livestock."

* * * * * * * *

"Operator" means a person who operates, drives, controls, or otherwise has charge of a mechanical mode of transportation or any other mechanical equipment.
"Unloaded," as applied to weapons and firearms, means that: (1) There is no unexpended shell, cartridge, or projectile in the chamber of 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."

2. Revise §1.8 as follows:

§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 and §3.4 have been approved by the Office of Management and Budget under 44 U.S.C. §3501 et seq., and assigned clearance number 1024-0026. This information is being collected to solicit information necessary for the superintendent to issue permits and other benefits, and to gather information. This information will be used to grant administrative benefits. In all sections except §2.33 and §3.4, the obligation to respond is required to obtain a benefit. In §2.33 and §3.4, the obligation to respond is mandatory.
PART 2 - RESOURCE PROTECTION, PUBLIC USE AND RECREATION

§2.2 Wildlife protection

3. a. In §2.2 remove paragraph (a)(4).

b. Revise paragraph (b) as follows:

(b) Hunting and trapping.

(3) Trapping shall be allowed in park areas where such activity is specifically authorized by Federal statutory law; provided, however, that trapping shall continue until January 15, 1985 in the following park areas:

- Assateague Island National Seashore
- Bighorn Canyon National Recreation Area
- Buffalo National River
- Cape Cod National Seashore
- Delaware Water Gap National Recreation Area
- John D. Rockefeller, Jr. Memorial Parkway
- New River Gorge National River
- Ozark National Scenic Riverways
- Pictured Rocks National Lakeshore
- Saint Croix National Scenic Riverway
- Sleeping Bear Dunes National Lakeshore
4. a. In §2.4 revise paragraphs (a) and (b) as follows:

§2.4 Weapons, traps and nets.

(a) Possessing, carrying, using or discharging a weapon, trap or net is prohibited: Provided, however.

(1) Traps may be possessed, carried or used only for purposes of taking wildlife in accordance with § 2.2 of this chapter;

(2) Nets may be possessed, carried or used only for purposes of taking fish in accordance with § 2.3 of this chapter;

(3) Weapons may be possessed, carried, used or discharged only:

   (i) For purposes of taking wildlife or fish in accordance with § 2.2 or § 2.3 of this chapter; or

   (ii) When used for target practice at designated times and locations in park areas where hunting is authorized in accordance with § 2.2 of this chapter.

(4) Weapons, traps and nets may be possessed within a residential dwelling. For purposes of this subparagraph, 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.
(5) Traps, nets and unloaded weapons may be possessed within a temporary lodging or mechanical mode of conveyance when such implements 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.

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

5. In §7.8 add a new paragraph (e) as follows:

§7.8 Sequoia and Kings Canyon National Parks.

(e) Snowmobiles. (1) The use of snowmobiles is allowed on the unplowed roads of Wilsonia, the Wilsonia parking lot, and the Mineral King road.

(2) Snowmobile use will be limited to providing access to private property within the exterior boundaries of the park area, pursuant to the terms and conditions of a permit issued only to owners of such private property.

6. In §7.9 add a new paragraph (b) as follows:

§7.9 St. Croix National Scenic Rivers

(b) Fishing. Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.
7. In §7.15 add a new paragraph (c) as follows:

§7.15 Shenandoah National Park.

(c) Powerless flight. The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

8. In §7.16 add a new paragraph (c) as follows:

§7.16 Yosemite National Park.

(c) Powerless flight. The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

9. In §7.26 add a new paragraph (e) as follows:

§7.26 Death Valley National Monument.

(e) Aircraft. The following are designated as locations where the operation of aircraft is allowed:

(1) Death Valley Airport, latitude 36° 27' 50" N., longitude 116° 52' 50" W.

(2) Stovepipe Wells Airport, latitude 36° 36' 15" N., longitude 117° 09' 30" W.
10. In §7.32 add a new paragraph (b) as follows:

§7.32 Pictured Rocks National Lakeshore

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

11. Add a new §7.33 as follows:

§7.33 Voyageurs National Park

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

12. In §7.34 add a new paragraph (c) as follows:

§7.34 Blue Ridge Parkway.

(c) Powerless flight. The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

13. Add a new §7.37 as follows:

§7.37 Jean Lafitte National Historical Park.

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

(2) The taking of freshwater crayfish under applicable State law is allowed.
14. In §7.48 revise paragraph (a) and add new paragraphs (b) and (e) as follows:

§7.48 Lake Mead National Recreation Area.

(a) Aircraft, designated airstrips.

(3) Pearce Ferry landing strip, located at approximate latitude 30° 04’ 37" N., approximate longitude 114° 02’ 44" W.

(b) Powerless flight. The use of devices designed to carry persons or objects through the air in powerless flight is allowed except in harbors, swim beaches, developed areas, and other congested areas, or in other locations designated as closed to this activity.

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

15. Add a new §7.50 as follows:

§7.50 Chickasaw Recreation Area.

(a) Fishing. Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed on Arbuckle Reservoir and Veterans Lake.

16. Add a new §7.51 as follows:

§7.51 Curecanti Recreation Area.
(a) **Hunting.** Hunting is allowed in locations designated as open for hunting.

(b) **Trapping.** Trapping is allowed in locations designated as open for trapping.

17. Add a new §7.55 as follows:

§7.55  **Coulee Dam Recreation Area.**

   (a) **Hunting.** Hunting is allowed in locations designated as open for hunting.

   (b) **Aircraft.** Float planes may be operated on Lake Roosevelt on those waters not administered by Indians as part of the Indian Zone, i.e., mid-channel to the shore of the non-Indian side of the Lake. A map showing the waters where aircraft may be operated will be available in the office of the superintendent.

18. In §7.57 add new paragraphs (b), (d), (e), and (f) as follows:

§7.57  **Lake Meredith Recreation Area.**

   * * * * * * * *

   (b) **Powerless flight.** The use of devices designed to carry persons or objects through the air in powerless flight is allowed except in locations designated as closed to this activity. The superintendent may designate locations where such activity is allowed only under the terms and conditions of a permit.

   * * * * * * * *

   (d) **Fishing.** Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.
(e) **Hunting.** Hunting is allowed in locations designated as open for hunting.

(f) **Trapping.** Trapping is allowed in locations designated as open for trapping.

19. In §7.59 add a new paragraph (b) as follows:

§7.59 Grand Portage National Monument.

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

20. In §7.62 add a new paragraph (b) as follows:

§7.62 Lake Chelan National Recreation Area

(b) **Aircraft.** The following are designated as locations where the operation of aircraft is allowed:

(1) The entire water surface of Lake Chelan.

(2) The Stehekin landing field, located at approximate latitude 48° 21' N, approximately longitude 120° 43' W.

21. In §7.67 add a new paragraph (i) as follows:

§7.67 Cape Cod National Seashore.

(i) **Hunting.** (1) Hunting is allowed in locations designated as open for hunting.

(2) Only deer, upland game, and migratory waterfowl may be hunted.

(3) Hunting is prohibited from March 1 through August 31 of each year.
22. In §7.69 add a new paragraph (b) as follows:

§7.69 Ross Lake National Recreation Area.

(b) Aircraft. The operation of aircraft is allowed on the entire water surface of Ross Lake and Diablo Lake.

23. In §7.71 add a new paragraph (e) as follows:

§7.71 Delaware Water Gap National Recreation Area.

(f) Powerless flight. The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

24. In §7.79 add new paragraphs (a) and (b) as follows:

§7.79 Amistad Recreation Area.

(a) Hunting. (1) Hunting is allowed in locations designated as open for hunting.

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

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

(b) Fishing. Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.
25. Add a new §7.80 as follows:

§7.80 Sleeping Bear Dunes National Lakeshore.

(a) **Powerless flight.** The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

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

26. Add a new §7.81 as follows:

§7.81 Point Reyes National Seashore.

(a) **Powerless flight.** The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

27. Add a new §7.82 as follows:

§7.82 Apostle Islands National Lakeshore.

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

28. Add a new §7.83 as follows:

§7.83 Ozark National Scenic Riverways.

(a) **Fishing.** (1) Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.
(2) The superintendent may designate locations in which the digging of bait is allowed.

(3) The superintendent may designate locations in which the gigging of frogs is allowed.

29. In §7.84 add a new paragraph (a) as follows:

§7.84 Channel Islands National Park.

(a) Aircraft. (1) The following are designated as locations where the operation of aircraft is allowed:

(i) Lester Ranch Airstrip, San Miguel Island, approximate latitude 34° 02' N., approximate longitude 120° 21' W.

(ii) Dry Lake Bed Airstrip, San Miguel Island, approximate latitude 34° 02' N., approximate longitude 120° 25' W.

(2) Operation of aircraft at designated locations shall be pursuant to the terms and conditions of a permit.

30. Add a new §7.88 as follows:

§7.88 Indiana Dunes National Lakeshore.

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

(b) Powerless flight. The use of devices to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent pursuant to the terms and conditions of a permit.

31. In §7.91 add a new paragraph (c) as follows:

§7.91 Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area.
(c) **Powerless flight.** The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

32. In §7.97 add a new paragraph (c) as follows:

§7.97 Golden Gate National Recreation Area.

(c) **Powerless flight.** The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent.

33. Add a new §7.98 as follows:

§7.98 Cape Lookout National Seashore.

(a) **Aircraft.** The operation of aircraft is allowed at the Portsmouth Village Airstrip, latitude 35° 04' 06" N, longitude 76° 03' 30" W.
SEP 14 1983

Memorandum

To: Regional Directors

From: ACTING Director

Subject: Servicewide General Regulations.

The revised Servicewide General Regulations which were scheduled to become effective on October 3 will not go into effect until December 19, 1983. This delay has been deemed necessary to allow park areas the time to prepare special regulations for activities which need to be addressed.

Please ensure that all parks and park personnel are made aware of this new effective date as soon as possible.

Your questions should be directed to Tom Ritter, FTS 343-3227.
SEP 6 1933

Memorandum

To: All Regional Directors

From: Acting Director

Subject: Proposed legislation—"To make uniform the penalties for violation of regulations applicable to the National Park System, and for other purposes."

Attached for your information is a copy of a memorandum we have today sent forward to the Department recommending legislation to establish uniform penalties for violation of park regulations.

We intend to monitor the progress of the bill closely through the clearance process, and we will advise you when it is submitted to the Congress.

Attachment
Honorable Thomas P. O'Neill, Jr.
Speaker of the House
of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed is a draft of a bill, "To make uniform the penalties for violation of regulations applicable to the National Park System, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The enclosed bill is intended to improve the day-to-day administration of the 334 units of the National Park System.

Currently, there are three penalties applicable to violations of regulations in the System, each established by a specific law applicable to a particular type of area. The enclosed bill would amend two of the laws to bring their penalty provisions in accord with the third, in order that all violations of similar regulations will be subject to the same penalty.

That there are different statutory penalties applicable to different kinds of areas is the result, in part, of the history of the formation of the National Park System. The first national park, Yellowstone, was established by Act of Congress in 1872. While the 1872 Act prohibited certain acts, such as hunting, killing, wounding, or capturing of wild animals, no penalties for violation were set forth. The Act of May 7, 1894, however, prescribed a penalty of a fine of not more than $1,000 or imprisonment not exceeding 2 years, or both, plus payment of all costs of the proceedings. In June of 1916 this penalty
was amended to a fine of not more than $500 or up to 6 months imprisonment, or both, plus costs. In August of 1916, the National Park Service was established under the Secretary of the Interior, and the Secretary was given authority to issue regulations, violation of which was punishable by a fine of up to $500 or up to 1 year imprisonment, or both. The Act of June 2, 1920, amended the 1916 Act to provide for penalties of not more than $500 or imprisonment not exceeding 6 months, or both, plus costs. That is the current penalty applicable to national parks and most national monuments created from the public domain.

In the years following the Civil War, Congress enacted various laws establishing national military parks, battlefield parks, national cemeteries and similar sites under the administration of the Secretary of War. The Act of March 2, 1933, authorized the Secretary of War to publish regulations for protection of such areas, and prescribed penalties of a fine of not more than $100 or imprisonment for not more than 3 months, or both, for knowing and willfull violations.

By Executive Orders issued on June 10, 1933, and July 28, 1933, the parks, battlefields, and cemeteries under the War Department were transferred to the administration of the Department of the Interior. However, the penalty for violation remained unchanged for the 48 areas so transferred, and as Congress from time to time authorized additions to these areas after 1933 two penalties were made applicable for the same offense within the same area. This result occurred because additions to the areas transferred from the War Department were by law made subject to the provisions of the 1916 Act which created the National Park System.
A third penalty provision applies to areas subject to the Historic Sites Act of 1935, under which the National Park Service administers certain historic sites under cooperative agreements with non-Federal owners. Under this 1935 Act, regulations are authorized, violation of which is punished by a fine of not more than $500 plus costs of the proceedings.

Thus there are currently three laws providing slightly different penalties for violations of National Park Service regulations: (1) The National Park Service Organic Act of 1916, as amended (violation punishable by fine of not more than $500 or imprisonment for not exceeding 6 months or both); (2) the Act of March 2, 1933, applicable to military parks, battlefields, etc. (knowing or willful violation punishable by fine of not more than $100 or imprisonment for not more than 3 months or both); and (3) the Historic Sites Act of August 21, 1935 (violation punishable by fine of not more than $500 plus costs). We believe that penalties for violations of regulations applicable to the National Park System should be uniform, from the standpoint of visitors, park rangers, and the judiciary. Accordingly, the enclosed draft bill adopts the penalties set forth in the 1916 National Park Service Organic Act to be applicable to all units of the System. No increase in cost is anticipated as a result of the enactment of this draft bill.

The Office of Management and Budget has advised that there is no objection to the enactment of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

SECRETARY
A B I L L

To make uniform the penalties for violation of regulations applicable to the National Park System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled, "An Act To provide for the protection of national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials under the control of the War Department," approved March 2, 1933 (47 Stat. 1420), is repealed, and the first sentence of section 3 of the Act entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535), as amended, and regulations issued thereunder shall apply in areas of the National Park System to which said Act approved March 2, 1933, applied prior to this repealer.

(b) The second sentence of subsection 2(k) of the Act entitled, "An Act To provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 (49 Stat. 666), as amended, is amended by striking out the words "by a fine of not more than $500 and be adjudged to pay all cost of the proceedings" and inserting in lieu thereof the words "in the manner set forth in section 3 of the Act of August 25, 1916 (39 Stat. 535), as amended".
Memorandum

To: WASO Directorate, Regional Directors, and Park Superintendents
From: Director, National Park Service
Subject: Revisions to 36 CFR Parts 1, 2 and 3 — Final Rule
Effective Date: October 3, 1983

On June 30, 1983, the revisions to the Servicewide general regulations in 36 CFR Parts 1, 2 and 3 were published in the Federal Register as a final rule. They will become effective on October 3.

Copies of this rule should be distributed to all field rangers for everyday use. It is essential that the preamble to these regulations be retained as a historic document. The preamble will not be codified in the Code of Federal Regulations, but is extremely important to show the regulatory intent of this package. The 1983 edition of the CFR, published on July 1, will include both the old and new regulations carefully delineated and separated. The new rules, effective October 3, will appear first, followed by the old regulations which will be in effect through October 2. By the time the 1983 CFR reaches the field, in early 1984, the new rules will be effective.

I encourage each of you to read this document in its entirety. Some special provisions, however, are worthy of mention here:

1. The terms defined in §1.4 have been developed for Servicewide use. A major objective in the development of these definitions was the achievement of consistency in the use of regulatory terms. These new definitions should be used in all future regulations, whether general or special, unless a strong justification can be made for an exception.

2. The new §1.6 on permits contains standard permitting criteria which must be applied to all permits, whether in general or special regulations.

3. Sections 1.5 and 1.7 are to be read carefully and used in tandem.

The designation process specified in §1.5 gives the superintendent limited discretion in allowing activities within park areas provided they are not contrary to Federal statutory law or in derogation of park values.
Designations that allow a relaxation from Servicewide regulatory restrictions are specifically provided for in the individual regulations in 36 CFR Parts 2 and 3. Superintendents are not authorized to use §1.5(a) authority to relax Servicewide regulatory standards except where the authority is directly and specifically provided in a regulation, i.e., where the word designation is used. Designations need not be retroactive but can be implemented beginning October 3. All existing designations (closures, openings, restrictions, public use limits, permit requirements), however, should be reviewed and added to the park's compendium which is required under §1.7(b). A sample compendium will be sent to you within a few weeks.

Section 1.7 provides public notice methods for §1.5(a) controls. Superintendents shall choose whatever method, or combination of methods, which will appropriately advise park users of such controls. In selecting the method of public notice it is intended that the superintendent consider a variety of methods including, but not limited to, the nature of the use affected, points of access, the number of users likely to be involved, the compatibility of the means of notice with the park environment, legal requirements, and the effectiveness of alternative means. These methods should emphasize communication as a means to ensure voluntary compliance.

4. Beginning on October 3, special regulations will be required to authorize the use of "aircraft" and "snowmobiles." It should be noted that the definition of "aircraft" includes hang gliders and ultralights. The term "snowmobile," however, does not include off-road vehicles (ORV's), such as 3-wheelers, or other types of all-terrain vehicles. Special regulations will also be required to implement a hunting program where hunting is specifically authorized as a discretionary activity, i.e., those park areas in which the Secretary "may authorize" hunting.

The second final rule in this package deletes 65 park-specific regulations which have been determined to be unnecessary and duplicative because of revisions to the general regulations. The rule also makes minor, technical revisions to regulations codified in 36 CFR Parts 4, 6, 7, 9, and 13, such as changing section or paragraph references. Parks are once again encouraged to review their Part 7 regulations to see if additional rules can be deleted or need to be revised.

Additional training and implementation materials are being prepared. You are encouraged to address any questions on this package that you might have in writing to the Associate Director, Park Operations (WASO). Additional copies of the regulations are available in the regional offices and the Division of Visitor Services (WASO).

Russell E. Dickerson
To Whom It May Concern:

Please excuse the fact that this is not on NPS stationary, the park is running very low on its supply.

In reviewing the applicability paragraphs to both parts 1 and 50 I am left somewhat confused. Perhaps some revision is needed.

Part 1.1 is quite clear except in defining the "environs" of the District. Does this mean all of the National Capital Region or just certain areas in it?

If we now turn to Part 50.1 we find that Part 50 applies to all of National Capital Region and other Federal reservations in the environs of the District. Here "environs" is defined but as I read it it applies to "other Federal reservations" and is not a quantifying description of what NCR is.

Let's back up. Assuming that Part 50.1 is correctly written than Part 1.1 should read "all of National Capital Region, and other Federal reservations in the environs of the District". If they both read this way the confusion would be eliminated.

Now comes the clincher! If you examine NCR you will find that certain areas in the region enforce Parts 1 through 6 (Antietam is one of them) and yet the applicability paragraph to Part 50 specifically states "all park areas administered by NCR".

This has been explained to me by saying that the "environs of the District" as defined in Part 50.4 is a description of what the National Capital Region includes. If that is the case than parks in Frederick, Washington, and Allegheny counties (Maryland) are not covered by Part 50 and that it is appropriate for some areas to be enforcing Parts 1 through 6.

In my estimation the "environs of the District" applies only to the "other Federal reservations".

Now that I have totally confused you let me propose the following revision:

Part 1.1 leave as it now reads
Part 1.2 add a definition for the "environs of the District of Columbia". The definition in Part 50.4c is adequate.
Part 50.1 Aplicability of regulations

This part applies to all park areas administered by National Capital Region, National Park Service in the District of Columbia and its environs and to other Federal reservations in the environs of the District of Columbia ...

By making these changes it is clear which areas in NCR use Parts 1 through 6 namely; Antietam, Harpers Ferry, Catoctin, Monocacy, and the parts of the C&O Canal which rangers police.

Finally, I propose that Prince William County, Virginia be dropped from the definition of "environs of the District". This would allow Manassas and Prince William Forest Park to enforce Parts 1 through 6. This is an adjustment which makes more sense to me.

Thank you for bearing with me. I trust you will find these comments of value. If you have any questions please contact me.

Sincerely,

Gordon Olson
Park Technician
Antietam National Battlefield
1. What is the purpose of the proposed use?

2. Is there a demonstrated need for such a use?

3. How does this proposed special park use relate to the primary purposes for which the area was established, i.e., does it enhance the park experience or does it simply make use of the park as a public open place?

4. Can the use be provided outside of the park?

5. Does the use conflict with established appropriate uses, and how would this use affect the balance between established appropriate uses?

6. Is the proposed use compatible with the park experience?

7. Would the permitting of this proposed special use establish an unacceptable precedent and, if so, could specific guidelines be formulated whereby its permitting would not serve as a rule for future determinations in similar cases?

8. What would be the difficulties of terminating the special use if once begun?

9. What is the cost to the park of monitoring the proposed use?

10. What are the long range/short term benefits of permitting/denying the proposed special use?

11. Would this proposed special use require a commitment of public funds and public facilities for the exclusive use of a few people, and is such a commitment acceptable?

12. Could this proposed special use cause long term/short term reversible damage to public resources and public facilities?

13. Is it possible to mitigate or to repair possible damages to resources and facilities caused by the proposed special use?