

## §9.32

(g) *Commercial Vehicle.* Any motorized equipment used in direct or indirect support of operations.

(h) *Unit.* Any National Park System area.

(i) *Owner.* The owner, or his legal representative, of the rights to oil and gas being exercised.

(j) *Designated Roads.* Those existing roads determined by the Superintendent in accordance with 36 CFR 1.5 and §4.19 to be open for the use of the general public or for the exclusive use of an operator.

(k) *Oil.* Any viscous combustible liquid hydrocarbon or solid hydrocarbon substance easily liquifiable on warming which occurs naturally in the earth, including drip gasoline or other natural condensates recovered from gas without resort to manufacturing process.

(l) *Gas.* Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at ordinary temperature and pressure conditions.

(m) *Site.* Those lands or waters on which operations are to be carried out.

(n) *Contaminating substances.* Those substances, including but not limited to, salt water or any other injurious or toxic chemical, waste oil or waste emulsified oil, basic sediment, mud with injurious or toxic additives, or injurious or toxic substances produced or used in the drilling, development, production, transportation, or on-site storage, refining, and processing of oil and gas.

(o) *Statement for Management.* A National Park Service planning document used to guide short- and long-term management of a unit; to determine the nature and extent of planning required to meet the unit's management objectives; and, in the absence of more specific planning documents, to provide a general framework for directing park operations and communicating park objectives to the public.

[43 FR 57825, Dec. 8, 1978; 44 FR 37914, June 29, 1979, as amended at 60 FR 55791, Nov. 3, 1995; 62 FR 30234, June 3, 1997]

### §9.32 Access.

(a) No access on, across or through lands or waters owned or controlled by

## 36 CFR Ch. I (7-1-01 Edition)

the United States to a site for operations will be granted except for operations covered by §9.33 and, except as provided by §9.38, until the operator has filed a plan of operations pursuant to §9.36 and has had the plan of operations approved in accordance with §9.37. An approved plan of operations serves as the operator's access permit.

(b) No operations shall be conducted on a site within a unit, access to which is on, across or through federally-owned or controlled lands or waters except in accordance with an approved plan of operations, the terms of §9.33 or approval under §9.38.

(c) Any operator intending to use aircraft of any kind for access to a federally-owned or controlled site must comply with these regulations. Failure of an operator to receive the proper approval under these regulations prior to using aircraft in this manner is a violation of both these regulations and 36 CFR 2.17.

(d) No access to a site outside a unit will be permitted across unit lands unless such access is by foot, pack animal, or designated road. Persons using designated roads for access to such a site must comply with the terms of §9.50 where applicable.

(e) Any operator on a site outside the boundaries of a unit must comply with these regulations if he is using directional drilling techniques which result in the drill hole crossing into the unit and passing under any land or water the surface of which is owned by the United States. Except, that the operator need not comply in those areas where, upon application of the operator or upon his own action, the Regional Director is able to determine from available data, that such operations pose no significant threat of damage to park resources, both surface and subsurface, resulting from surface subsidence, fracture of geological formations with resultant fresh water gas aquifer contamination, or natural gas escape, or the like.

### §9.33 Existing operations.

(a) Any person conducting operations on January 8, 1979 in accordance with a Federal or State issued permit may continue to do so as provided by this