

Bureau of Land Management, Interior

§ 8372.0-5

§ 8365.2-4 Vehicles.

Unless otherwise authorized, no motor vehicle shall be driven within developed recreation sites or areas except on roads or places provided for this purpose.

§ 8365.2-5 Public health, safety and comfort.

On developed recreation sites and areas, unless otherwise authorized, no person shall:

- (a) Discharge or use firearms, other weapons, or fireworks; or
- (b) Bring an animal, except a Seeing Eye or Hearing Ear dog, to a swimming area.

PART 8370—USE AUTHORIZATIONS

NOTE: The information collection requirements of 43 CFR part 8370 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1004-0119. The information will be used to determine whether applicants for Special Recreation Permits on public lands should be granted such permits. The obligation to respond is required to obtain a benefit.

[49 FR 34337, Aug. 29, 1984]

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AUTHORITY: 16 U.S.C. 4601-6a, 16 U.S.C. 670(g-n), 16 U.S.C. 1271-1287, 6 U.S.C. 1241-1249, 43 U.S.C. 1181(a), 43 U.S.C. 1201, 43 U.S.C. 1701 *et seq.*

SOURCE: 43 FR 40738, Sept. 12, 1978, unless otherwise noted.

EFFECTIVE DATE NOTE: At 67 FR 61745, Oct. 1, 2002, part 8370 was removed, effective Oct. 31, 2002.

Subpart 8371—Recreation Use Permits, Developed Sites [Reserved]

Subpart 8372—Special Recreation Permits Other Than on Developed Recreation Sites

§ 8372.0-1 Purpose.

This subpart sets forth the procedures for authorizing certain recreational uses of lands and waters administered by the Bureau.

§ 8372.0-2 Objective.

To establish a permit and fee system for certain recreation uses of lands and waters administered by Bureau.

§ 8372.0-3 Authority.

The rules in this subpart are issued pursuant to: 43 U.S.C. 1201; 43 U.S.C. 1701 *et seq.*; 43 U.S.C. 1181a; 16 U.S.C. 4601-6a; 16 U.S.C. 670g-n; 16 U.S.C. 1271-1287; 16 U.S.C. 1241 through 1249.

[43 FR 40738, Sept. 12, 1978, as amended at 49 FR 34337, Aug. 29, 1984]

§ 8372.0-5 Definitions.

For the purposes of this subpart:

(a) *Commercial use* is recreational use of the public lands for business or financial gain. When any permittee, employee or agent of a permittee, operator, or participant makes or attempts to make a profit, salary, increase his business or financial standing, or supports, in any part, other programs or activities from amounts received from or for services rendered to customers or participants in the permitted activity, as a result of having the special recreation permit, the use will be considered commercial. Subsistence activities of Alaskan Natives (as defined in the Alaska Native Claims Settlement Act) in Alaska are not considered recreational use. The collection by a permittee or his agent of any fee, charge, or other compensation which is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity or use shall make the activity or use commercial. Use by

educational and therapeutic institutions is considered commercial when the above criteria are met. Profit making organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profit making. Nonprofit status of any group or organization under the Internal Revenue or Postal Laws or regulations does not in itself determine whether an event or activity arranged by such a group or organization is noncommercial. Any person, group, or organization seeking to qualify as noncommercial shall have the burden of establishing to the satisfaction of the authorized officer that no financial or business gain will be derived from the proposed use.

(b) *Actual expenses* are expenses necessarily incurred for the permitted activity or use. These include, but are not limited to, the actual costs of such items as expendable equipment and supplies. Actual expenses do not include any salaries, profit, increase of capital worth, allowances, or subsidies of any other activities of the permittee or sponsor, the purchase or amortization of nonexpendable supplies or equipment, any allowance for under-subscribed events or any monetary compensation for sponsors or participants.

(c) *Competitive use* is any formally organized or structured use, event, or activity on public land in which there are the elements of competition between two or more contestants, registration of participants, and/or a predetermined course or area is designated. The term also applies to one or more individuals contesting an established record such as speed or endurance.

(d) An *event* is a single, structured, organized, consolidated, or scheduled meeting or occurrence for the purpose of recreational use of the public lands. An event may be composed of several related activities.

(e) *Educational use* is an academic activity sponsored by an accredited institution of learning.

(f) An *operator* is a group, association, individual, corporation, or organization which provides recreational services.

(g) A *special area* is an area established as a component of the National

Trails System, the National Wild and Scenic Rivers System, the National Wilderness System, an area covered by joint agreement between the Bureau of Land Management and a State government as provided for in title II of the Sikes Act, or any other area where the authorized officer determines that the resources require special management and control measures for their protection.

(h) A *User day* is any calendar day, or portion thereof, for each individual accompanied or serviced by an operator or permittee on the public lands. Passenger day is synonymous with user day.

(i) An *off-road vehicle* is any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain excluding: (1) Any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is specifically authorized by the authorized officer or otherwise officially approved; (4) official use; or (5) any combat or combat support vehicle when used in times of national defense emergencies.

[43 FR 40738, Sept. 12, 1978, as amended at 49 FR 34337, Aug. 29, 1984]

§ 8372.0-7 Enforcement.

(a) *Prohibited acts.* On all public lands and related waters, it is prohibited to: (1) Fail to obtain a permit and pay any fee required by this subpart; (2) violate stipulations or conditions of a permit issued under authority of this subpart; (3) participate knowingly in an event or use subject to the permit requirements of this subpart where no such permit has been issued; (4) fail to post a copy of any commercial or competitive permit where all participants have the opportunity to read it; and (5) fail to show a copy of the special recreation permit to a Bureau of Land Management employee or a participant upon request.

(b) *Penalties.* (1) Any person convicted of committing any prohibited act in this subpart, and violators of regulations or permit terms or stipulations, may be subject to a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months. (2) Authorized as well