

§ 13.3

36 CFR Ch. I (7–1–04 Edition)

§ 13.3 [Reserved]

§ 13.4 Information collection.

The information collection requirements contained in §§ 13.13, 13.14, 13.15, 13.16, 13.17, 13.31, 13.44, 13.45, 13.49, and 13.51 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024–0015. The information is being collected to solicit information necessary for the Superintendent to issue permits and other benefits. This information will be used to grant statutory or administrative benefits. In all sections except 13.13, the obligation to respond is required to obtain a benefit. In § 13.13, the obligation to respond is mandatory.

§§ 13.10–13.16 [Reserved]

§ 13.17 Cabins and other structures.

(a) *Purpose and policy.* The policy of the National Park Service is to manage the use, occupancy and disposition of cabins and other structures in park areas in accordance with the language and intent of ANILCA, the National Park Service Organic Act (16 U.S.C. 1 *et seq.*) and other applicable law. Except as Congress has directly and specifically provided to the contrary, the use, occupancy and disposition of cabins and other structures in park areas shall be managed in a manner that is compatible with the values and purposes for which the National Park System and these park areas have been established. In accordance with this policy, this section governs the following authorized uses of cabins and other structures in park areas:

- (1) Use and/or occupancy pursuant to a valid existing lease or permit;
- (2) Use and occupancy of a cabin not under valid existing lease or permit;
- (3) Use for authorized commercial fishing activities;
- (4) Use of cabins for subsistence purposes;
- (5) General public use cabins;
- (6) Cabins in wilderness areas;
- (7) Use of temporary facilities related to the taking of fish and wildlife; and
- (8) New cabins and other structures otherwise authorized by law.

(b) *Applicability.* Unless otherwise specified, this section applies to all

park areas in Alaska except Klondike Gold Rush National Historical Park and Sitka National Historical Park.

(c) *Definitions.* The following definitions apply to this section:

“Cabin” means a small, usually one-story dwelling of simple construction, completely enclosed, with a roof and walls which may have windows and door(s).

“Claimant” means a person who has occupied and used a cabin or other structure as a primary, permanent residence for a substantial portion of the time, and who, when absent, has the intention of returning to it as his/her primary, permanent residence. Factors demonstrating a person’s primary, permanent residence include, but are not limited to documentary evidence, e.g. the permanent address indicated on licenses issued by the State of Alaska and tax returns and the location where the person is registered to vote.

“Immediate family member” means a claimant’s spouse, or a grandparent, parent, brother, sister, child or adopted child of a claimant or of the claimant’s spouse.

“Possessory interest” means the partial or total ownership of a cabin or structure.

“Right of occupancy” means a valid claim to use or reside in a cabin or other structure.

“Shelter” means a structure designed to provide temporary relief from the elements and is characterized as a lean-to having one side open.

“Substantial portion of the time” means at least 50 percent of the time since beginning occupancy and at least 4 (four) consecutive months of continuous occupancy in every calendar year after 1986.

“Temporary campsite” means a natural, undeveloped area suitable for the purpose of overnight occupancy without modification.

“Temporary facility” means a structure or other manmade improvement that can be readily and completely dismantled and/or removed from the site when the authorized use terminates. The term does not include a cabin.

“Tent platform” means a structure, usually made of manufactured timber products, constructed to provide a solid, level floor for a tent, with or