

exclusive privileges of fishing or gathering seafood from parklands (above the high waterline) along the coastline of such extension area. These persons may engage in commercial fishing under proper State permit.

(ii) For the purposes of this section, the term "native Hawaiian" means any descendent of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 (Act of June 20, 1938; 52 Stat. 784; 16 U.S.C. 396a).

(b) *Backcountry registration.* No person shall explore or climb about the lava tubes or pit craters in the park without first registering with the superintendent and indicating the approximate length of time involved in the exploration and the number of people in the party. This section does not apply to the maintained trail through Thruston Lava Tube, nor the maintained trail down and across Kilauea Iki pit crater.

[34 FR 9338, June 13, 1969, as amended at 48 FR 30295, June 30, 1983]

#### §7.26 Death Valley National Monument.

(a) *Mining.* Mining in Death Valley National Monument is subject to the following regulations, which are prescribed to govern the surface use of claims therein:

(1) The claim shall be occupied and used exclusively for mineral exploration and development and for no other purpose except that upon written permission of an authorized officer or employee of the National Park Service the surface of the claim may be used for other specified purposes, the use to be on such conditions and for such period as may be prescribed when permission is granted.

(2) The owner of the claim and all persons holding under him shall conform to all rules and regulations governing occupancy of the lands within the National Monument.

(3) The use and occupancy of the surface of mining claims as prescribed in paragraphs (a) (1) and (2) of this section shall apply to all such claims located after the date of the act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447), within the limits of the National Monument as fixed by Proclamation No. 2028 of Feb-

ruary 11, 1933, and enlarged by Proclamation No. 2228 of March 26, 1937, and to all mining claims on lands hereafter included in the National Monument, located after such inclusion, so long as such claims are within the boundaries of said Monument.

(4) Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining written permission from an authorized officer or employee of the National Park Service. Applications for permits shall be accompanied by a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee's maintaining the road or trail in a passable condition as long as it is used by the permittee or his successors.

(5) From and after the date of publication of this section, no construction, development, or dumping upon any location or entry, lying wholly or partly within the areas set forth in paragraphs (a)(5) (i) to (iii) of this section, shall be undertaken until the plans for such construction, development, and dumping, insofar as the surface is affected thereby, shall have been first submitted to and approved in writing by an authorized officer or employee of the National Park Service:

(i) All land within 200 feet of the center-line of any public road.

(ii) All land within the smallest legal subdivision of the public land surveys containing a spring or water hole, or within one quarter of a mile thereof on unsurveyed public land.

(iii) All land within any site developed or approved for development by the National Park Service as a residential, administrative, or public campground site. Such sites shall include all land within the exterior boundaries thereof as conspicuously posted by the placing of an appropriate sign disclosing that the boundaries of the developed site are designated on a map of the site which will be available for inspection in the office of the Superintendent. If not so posted, such sites shall include all land within 1,000 feet of any Federally owned buildings, water and sewer systems, road loops,

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and camp tables and fireplaces set at designated camp sites.

(b) *Use of water.* No works or water system of any kind for the diversion, impoundment, appropriation, transmission, or other use of water shall be constructed on or across Monument lands, including mining claims, without a permit approved by an authorized officer or employee of the National Park Service. Application for such permit shall be accompanied by plans of the proposed construction. The permit shall contain the following conditions: (1) No diversion and use of the water shall conflict with the paramount general public need for such water; (2) such water systems shall include taps or spigots at points to be prescribed by the Superintendent, for the convenience of the public; and (3) all appropriations of water, in compliance with the State water laws, shall be made for public use in the name of the United States and in accordance with instructions to be supplied by an authorized officer or employee of the National Park Service.

(c) *Permits.* Application for any permit required by this section shall be made through the Superintendent of the Monument.

(d) *Filing of copies of mining locations.* From and after the publication of this paragraph, in order to facilitate the administration of the regulations in this part, copies of all mining locations filed in the Office of the County Recorder shall be furnished to the office of the Superintendent, Death Valley National Monument, by the person filing the mining location in his own behalf or on behalf of any other person.

(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.

[24 FR 11044, Dec. 30, 1959, as amended at 49 FR 18450, Apr. 30, 1984]

### § 7.27 Fort Jefferson National Monument.

(a) *Fishing.* No species of coral, shells, shellfish, seafan, sponges, sea anemones or other forms of marine life found in the waters of the Monument,

shall be taken or disturbed in any manner, except that fish, crawfish, and the common species of conch, may be taken in accordance with paragraphs (a) (2) to (7) of this section.

(1) *Protection of turtles.* Sea turtles and terrapins, turtle or terrapin nests and their eggs shall not be taken, disturbed or molested at any time.

(2) *Crawfish (Panulirus argus), Florida Lobster, Langouste.*

(i) The limit of catch of crawfish shall be two per person per day, except that the total for any one vessel having more than 12 persons aboard shall not exceed 25 crawfish.

(ii) The taking or catching of crawfish for commercial purposes is prohibited at all times.

(3) *Conch (Strombus gigas).* (i) The taking of Conchs shall be limited to the species (*Strombus gigas*), which is also known as Queen Conch or Pink Conch, and the limit per person, per day, is two Conch, except that the total for any vessel having more than 12 persons aboard shall not exceed twenty-five.

(ii) The taking or catching of Conchs for commercial purposes is prohibited at all times.

(4) Commercial fishing or shrimping or the taking of fish for the purpose of sale is prohibited in the area of the National Monument described as follows:

Beginning at Pulaski Shoal Light at latitude 24°41'36" N., longitude 82°46'23" W., thence on a straight line to a point at latitude 24°38'00" N., longitude 82°48'00" W.; thence on a straight line to buoy "N2" at latitude 24°37'23" N., longitude 82°49'48" W.; thence in a straight line to a buoy "C1" at latitude 24°35'35" N., longitude 82°52'19" W.; thence in a straight line to buoy "N8" at latitude 24°35'07" N., longitude 82°54'07" W.; thence in a straight line to a buoy "N2" at latitude 24°35'06" N., longitude 82°55'53" W.; thence in a straight line to a buoy "N10" at latitude 24°36'39" N., longitude 82°52'27" W.; thence in a straight line to a point at latitude 24°40'57" N., longitude 82°54'16" W.; thence in a straight line to a point at latitude 24°41'50" N., longitude 82°53'10" W.; thence in a straight line to a point at latitude 24°42'22" N., longitude 82°51'50" W.; thence in a straight line to a point at latitude 24°42'53" N., longitude 82°49'34" W.; thence in a straight line to a point at latitude 24°42'44" N., longitude 82°48'20" W.; and thence in a straight line to the point of beginning at Pulaski Shoal Light.