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(5)(i) The taking of live bait in the area described in paragraph (a)(4) of this section is prohibited, except that minnows or "pilchers" may be taken by sports fishermen by a cast net not to exceed 12 feet in diameter, or by hook and line, and that possession is limited to one day's supply.

(ii) No bait shall be taken for the purpose of sale.

(6) *Closed waters:* Marine life shall not be disturbed or taken from the moat or from waters within 500 feet of the moat wall at Garden Key, or from the cove bounded by Garden, Bush, and Long Keys north of the 5-foot channel, except that sport fishing in deep water channels and from any pier within that area is permitted.

(7) The use or possession of spears, gigs, or grains, within the boundaries of the National Monument, is prohibited at all times.

(b) *Designated anchorage.* All vessels entering Tortugas Harbor in the vicinity of Garden Key shall anchor only in the designated anchorage area of Bird Key Harbor southwest of Garden Key, which is designated Anchorage Area 202.190 on U.S. Coast and Geodetic Survey Chart No. 585, except that passenger-carrying vessels and yachts carrying visitors to historic Fort Jefferson may discharge passengers at the main docking area of Garden Key and may moor to the piers and anchor in the channel, harbor, or lagoons in the vicinity of Garden Key for not more than an eight hour period between sunrise and sunset by permission from the Superintendent or his representative.

(c) *Aircraft; designated landing areas.* Aircraft may be landed in the waters within a radius of 1 nautical mile of the Fort situated at Garden Key, but approaches, landings, and takeoffs shall not be made within 300 yards of Bush Key. Seaplanes may be moored or brought up on land only on the beach north of the main pier at Garden Key. Helicopters may land at the helipads on the coaling docks.

[25 FR 7102, July 27, 1960, as amended at 29 FR 6155, May 9, 1964; 33 FR 3227, Feb. 21, 1968]

§7.28 Olympic National Park.

(a) *Fishing—(1) General Provisions.* All waters within Olympic National Park are open to fishing in conformance

with those seasons and limits published annually by the Washington State Department of Game and the Washington State Department of Fisheries applicable in the same watershed in adjoining counties, except as provided for below.

(i) *Possession limit.* This shall be the same as the daily limit for all species; *Provided however,* it is lawful to possess four steelhead over 20 inches regardless of weight. In the Queets River and tributaries the summer season possession limit is two steelhead over 20 inches.

(ii) *General summer season.* Daily steelhead catch limit shall not exceed two fish, *Provided however:*

(A) The Queets River and tributaries shall have a summer season daily limit of one steelhead over 20 inches in length.

(B) The Quinault River is closed to the taking of steelhead all year above the confluence of the North and East Forks, but is open in its entirety during the general summer season to the taking of two rainbow trout with a minimum size of 10 inches and maximum size of 20 inches.

(2) *Salmon Fishing.* Salmon fishing is permitted on the following park waters, exclusive of tributaries, when adjacent State waters are open:

- Dickey River.
- Hoh River below confluence of South Fork.
- Kalaloch Creek.
- Ozette River.
- Queets River below Tshletshy Creek.
- Quillayute River.
- Quinault River below the bridge connecting North Fork and Graves Creek Roads.
- Salmon River.

Seasons and bag limits shall be established annually after consultation with the State and any affected Indian tribe.

(3) *Conservation waters.* After consultation with the State and, where appropriate, the concerned Indian tribe, the superintendent may, by local publication and conspicuous posting of signs, alter the season and change daily limits for spawning, conservation or research purposes.

(4) *Closed waters.* That portion of the Morse Creek watershed within the park (except Lake Angeles and P.J. Lake) and that section of Kalaloch Creek which is used as domestic water supply (as posted) are closed to fishing. Fishing from boats is prohibited on the Hoh

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River upstream from the South Fork Hoh boat launch.

(5) *Fishing gear.* Fishing with a line, gear or tackle having more than two spinners, spoons, blades, flashers, or like attractions, or with more than one rudder, or more than two hooks (single, double, or treble barbed) attached to such line, gear, or tackle, is prohibited.

(6) *Bait.* The use of nonpreserved fish eggs is permitted.

(7) *License.* A license to fish in park waters is not required; however, an individual fishing for steelhead or salmon in park waters, except treaty Indians fishing in the exercise of rights secured by treaties of the United States, shall have in his/her possession a State of Washington punch card for the species being sought. Steelhead and salmon shall be accounted for on these cards as required by State regulations.

(8) *Indian treaty fishing.* (i) Subject to the limitations set forth below, all waters within the Olympic National Park which have been adjudicated to be usual and accustomed fishing places of an Indian tribe, having treaty-secured off-reservation fishing rights, are open to fishing by members of that tribe in conformance with applicable tribal or State regulations conforming to the orders of the United States District Court.

(ii) *Identification cards and tags.* Members of the tribes having treaty-secured fishing rights shall carry identification cards conforming to the requirements prescribed by the United States District Court and issued either by the Bureau of Indian Affairs or the applicable tribe when fishing in accordance with the tribe's reserved treaty fishing right. Such persons shall produce said card for inspection upon request of a National Park Service enforcement officer. A tribally issued identification tag shall be attached to any unattended fishing gear in park waters.

(iii) *Conservation closures and catch limits.* The superintendent may close a stream or any portion thereof to Indian treaty fishing or limit the number of fish that may be taken when it is found either that it is:

(A) Reasonable and necessary for the conservation of a run as those terms are used by the United States District Court to determine the permissible

limitations on the exercise of Indian treaty rights; or

(B) Necessary to secure the proper allocation of harvest between Indian treaty fisheries and other fisheries as prescribed by the court.

(iv) *Catch reports.* Indian fishermen shall furnish catch reports in such form as the superintendent, after consultation with the applicable tribe, shall have prescribed.

(v) *Prohibition of fish cultural activities.* No fish cultural, planting, or propagation activity shall be undertaken in park waters without prior written permission of the superintendent.

(vi) *Applicability of other park regulations.* Indian treaty fishing shall be in conformity with National Park Service general regulations in parts 1-6 of this chapter.

(b) *Boating.* All vessels are prohibited on park waters except as provided below:

(1) Hand propelled vessels and sailboats are permitted on park waters except the following:

Dosewalips River.

(2) Motorboats are permitted on the following waters:

Lake Crescent.

Lake Cushman.

Lake Mills.

Dickey River in coastal strip.

Hoh River in coastal strip.

Quillayute River in coastal strip.

Quinault River below the bridge connecting North Fork and Graves Creek Roads.

(c) *Dogs and cats.* Dogs (except guide dogs) and cats are prohibited on any park land or trail, except on designated park roads and parking areas or within one-quarter mile of an established automobile campground or concessioner overnight facility.

(d) [Reserved]

(e) *Privately owned lands—(1) Water supply and sewage disposal systems.* The provisions of this paragraph apply to the privately owned lands within Olympic National Park. The provisions of this paragraph do not excuse compliance by eating, drinking, or lodging establishments with § 5.10 of this chapter.

(i) *Facilities.* (a) Subject to the provisions of paragraph (e)(1)(iii) of this section, no person shall occupy any building or structure, intended for human habitation or use, unless such building

is served by water supply and sewage disposal systems that comply with the standards prescribed by the State and county laws and regulations applicable in the county within whose exterior boundaries such building is located.

(b) No person shall construct, rebuild or alter any water supply or sewage disposal system without a written permit issued by the Superintendent. The Superintendent will issue such permit only after receipt of written notification from the appropriate Federal, State, or county officer that the plans for such system comply with the State or county standards. There shall be no charge for such permits. Any person aggrieved by an action of the Superintendent with respect to any such permit or permit application may appeal in writing to the Director, National Park Service, U.S. Department of the Interior, Washington, DC 20240.

(ii) *Inspections.* (a) The appropriate State or county officer, the Superintendent, or their authorized representatives or an officer of the U.S. Public Health Service, may inspect any water supply or sewage disposal system, from time to time, in order to determine whether such system complies with the State and county standards: *Provided, however,* That inspection shall be made only upon consent of the occupant of the premises or pursuant to a warrant.

(b) Any water supply or sewage disposal system may be inspected without the consent of the occupant of the premises or a warrant if there is probable cause to believe that such system presents an immediate and severe danger to the public health.

(iii) *Defective systems.* (a) If upon inspection, any water supply system or sewage disposal system is found by the inspecting officer not to be in conformance with applicable State and county standards, the Superintendent will send to the ostensible owner and/or the occupant of such property, by certified mail, a written notice specifying what steps must be taken to achieve compliance. If after 1 year has elapsed from the mailing of such written notice the deficiency has not been corrected, such deficiency shall constitute a violation of this regulation and shall be the basis

for court action for the vacation of the premises.

(b) If upon inspection, any water supply or sewage disposal system is found by the inspecting officer not to be in conformance with established State and county standards and it is found further that there is immediate and severe danger to the public health or the health of the occupants or users, the Superintendent shall post appropriate notices at conspicuous places on such premises, and thereafter, no person shall occupy or use the premises on which the system is located until the Superintendent is satisfied that remedial measures have been taken that will assure compliance of the system with established State and county standards.

(2) *State forest practice laws.* Any person, firm, or corporation harvesting or cutting timber on privately owned lands within that portion of Olympic National Park over which jurisdiction has been ceded by the State of Washington to the United States of America shall comply with the standards concerning forest practices established from time to time by or pursuant to the laws of the State of Washington which would apply to such operations if they were not being conducted in Olympic National Park and personnel of the Park will consult and cooperate with State officials in the administration of this regulation. Although forest practices standards established from time to time by or pursuant to the laws of the State of Washington shall apply, no person, firm, or corporation harvesting timber, on such privately owned lands shall be required to obtain permits or licenses from, or pay fees to, the State of Washington or its political subdivisions in connection with the harvesting or cutting of timber on such lands. Prior to the initiation of harvesting or cutting of timber on privately owned lands over which jurisdiction has been ceded to the United States, such operations shall be registered with the Superintendent of Olympic National Park.

(3) *Conflict with Federal laws.* If the standards established from time to time by or pursuant to the laws of the State of Washington, specified in paragraphs (e) (1) and (2) of this section, are

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lower than or conflict with any established by Federal laws or regulations applicable to privately owned lands within Olympic National Park, the latter shall prevail.

(f) *Snowmobile use.* (1) The use of snowmobiles is prohibited except in areas and on routes designated by the superintendent by the posting of appropriate signs or by marking on a map available at the office of the superintendent, or both. The following routes have been designated for snowmobile use within Olympic National Park:

(i) Staircase Road from the park boundary to the Staircase Ranger Station.

(ii) Whiskey Bend Road from the function of the Elwha Road to the Whiskey Bend trailhead.

(iii) Boulder Creek Road from Glines Canyon Dam to the end of the road.

(iv) North Fork Quinault Road from the end of the plowed portion to the North Fork Ranger Station.

(v) South Shore Road from the end of the plowed portion to the Graves Creek Ranger Station.

(2) [Reserved]

[24 FR 11045, Dec. 30, 1959, as amended at 34 FR 5844, Mar. 28, 1969; 34 FR 6331, Apr. 10, 1969; 35 FR 10359, June 25, 1970; 35 FR 14133, Sept. 5, 1970; 46 FR 37896, July 23, 1981; 47 FR 54930, Dec. 7, 1982; 48 FR 1488, Jan. 13, 1983; 48 FR 30295, June 30, 1983]

§ 7.29 Gateway National Recreation Area.

(a) *Operation of motor vehicles.* The operation of motor vehicles, other than authorized emergency vehicles, is prohibited outside of established public roads and parking areas, except on beaches and oversand routes designated by the Superintendent by the posting of appropriate signs and identified on maps available at the office of the Superintendent. These beaches and routes will be designated after consideration of the criteria contained in sections 3 and 4 of E.O. 11644, (37 FR 2877) and § 4.10(b) of this chapter.

(b) *Off-road vehicle operation.* (1) Operation of motor vehicles, (including the various forms of vehicles used for travel oversand, such as but not limited to, "beach buggies") on beaches or on designated oversand routes without a per-

mit from the Superintendent is prohibited. Before a permit will be issued, each vehicle will be inspected to assure that it contains the following equipment which must be carried in the vehicle at all times while on the beaches or on the designated oversand routes:

- (i) Shovel;
- (ii) Jack;
- (iii) Tow rope or chain;
- (iv) Board or similar support;
- (v) Low pressure tire gauge.

Prior to the issuance of such permits, operators must show compliance with Federal and State regulations and applicable to licensing, registering, inspecting, and insuring of such vehicles. Such permits shall be affixed to the vehicles as instructed at the time of issuance.

(2) Driving off designated, marked oversand routes or beaches is prohibited.

(3) Vehicles shall not be parked in designated oversand routes or interfere with moving traffic.

(4) When the process of freeing a vehicle which has been stuck results in ruts or holes, the ruts or holes shall be filled by the operator of such vehicle before it is removed from that area.

(5) The operation of a motorcycle on an oversand vehicle route or beach is prohibited.

(6) The Superintendent may establish limits on the number of oversand vehicles permitted on designated oversand routes and beaches when such limitations are necessary in the interest of public safety, protection of the ecological and environmental values of the area, coordination with other visitor uses.

(c) *Public lewdness.* Section 245.00 of the New York Penal Code is hereby adopted and incorporated into the regulations of this part. Section 245.00 provides that:

A person is guilty of public lewdness when he intentionally exposes the private and intimate parts of his body in a lewd manner or commits any other lewd act (a) in a public place, or (b) in private premises under circumstances in which he may readily be observed from either a public place or from