

## § 2.62

result in the suspension or revocation of the permit.

### § 2.62 Memorialization.

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

(b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit, or in designated areas according to conditions which may be established by the superintendent.

(c) Failure to abide by area designations and established conditions is prohibited.

(d) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

## PART 3—BOATING AND WATER USE ACTIVITIES

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AUTHORITY: 16 U.S.C. 1, 1a-2(h), 3.

SOURCE: 48 FR 30290, June 30, 1983, unless otherwise noted.

### § 3.1 Applicable regulations.

(a) In addition to the regulations contained in this part, title 14 United States Code, title 33 Code of Federal Regulations, title 46 Code of Federal Regulations, title 49 Code of Federal Regulations, and the laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located shall govern water use, vessels, and their operation and are adopted as a part of these regulations.

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(b) As adopted herein, Federal regulations authorizing an action by the "captain of the port" or another officer or employee of the United States Coast Guard, authorize a like action by the superintendent.

### § 3.2 National Park Service distinctive identification.

(a) The distinctive identification insignia of National Park Service vessels shall consist of the following:

(1) Three adjacent diagonal stripes running from the waterline to the gunwale on both port and starboard topsides approximately one-quarter of the length from the bow. The stripes are set at an angle of 30° from the vertical, approximately parallel to the bow. The insignia consists of a broad forest green stripe followed by one narrow white and one narrow forest green stripe. Width of the broad green stripe shall be ½ the vertical distance between gunwale and waterline. The narrow white and green stripes are 8% and 11% the width of the main green stripe respectively.

(2) The National Park Service arrowhead symbol, described in 36 CFR part 11, centered within the broad green diagonal stripe.

(3) The words "National Park Service" in contrasting color to vessel hull and utilized in place of State identification/registration numbers on the bow.

(b) Displaying identifying markings identical to or resembling those prescribed for National Park Service vessels is prohibited.

### § 3.3 Permits.

The superintendent may require a permit for use of a vessel within a park area in accordance with the criteria and procedures of § 1.6 of this chapter.

[51 FR 29470, Aug. 18, 1986]

### § 3.4 Accidents.

(a) All incidents involving an accident, collision, fire injury or other casualty shall be reported to the superintendent within 24 hours. Filing this report does not satisfy applicable United States Coast Guard, State and county accident report requirements.

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(b) Failure to report an incident to the superintendent as soon as possible is prohibited.

### § 3.5 Inspections.

(a) Authorized persons may at any time stop or board a vessel to examine documents, licenses or permits relating to operation of the vessel, and to inspect such vessel to determine compliance with regulations pertaining to safety equipment and operation.

(b) An authorized person who observes a vessel being operated without sufficient lifesaving or firefighting devices, or in an overloaded or unsafe condition, as defined in United States Coast Guard or National Park Service regulations, may direct the operator to take immediate and reasonable steps necessary for the safety of those aboard the vessel, including but not limited to directing the operator to:

(1) Correct the hazardous condition immediately;

(2) Proceed to a mooring, dock, or anchorage; or

(3) Suspend further use of the boat until the hazardous condition is corrected.

(c) Violation of directions issued in accordance with paragraph (b) of this section is prohibited.

### § 3.6 Prohibited operations.

The following are prohibited:

(a) Operating a vessel, or knowingly allowing another person to operate a vessel, in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger a person or property.

(b) Operating a vessel when under the influence of alcohol or controlled substance to a degree that may endanger oneself or another person or damage property or park resources.

(c) Failing to observe restrictions established by a regulatory marker.

(d) Operating a vessel in excess of 5 mph or creating a wake:

(1) In areas so designated; or

(2) Within 100 feet of a diver's marker, downed water skier or swimmer.

(e) Operating a vessel not propelled by hand within 500 feet of a location designated as a swimming beach. This prohibition does not apply in locations such as rivers, channels, or narrow

coves where passage is restricted to less than 500 feet. In such restrictive locations, the operation of a vessel in excess of 5 mph or creating a wake is prohibited.

(f) Allowing a person to ride on the gunwales, transom, or on the decking over the bow of a vessel propelled by machinery, operating in excess of 5 mph; *Provided, however,* That this provision shall not apply under the following circumstances:

(1) When that portion of the vessel was designed and constructed for the purpose of carrying passengers safely at all speeds,

(2) When the vessel is being maneuvered for anchoring, mooring or casting off moorings.

(g) Attaching a vessel to or interfering with a marker, navigation buoy or other navigational aid.

(h) Using trailers to launch or recover vessels, except at designated launching sites.

(i) Launching a vessel propelled by machinery at other than designated launch sites.

(j) Operating a vessel propelled by machinery on waters not directly accessible by road.

(k) Launching or operating airboats.

(l) Operating a vessel in excess of designated size, length or width restrictions.

### § 3.7 Noise abatement.

Operating a vessel in or upon inland waters so as to exceed a noise level of 82 decibels measured at a distance of 82 feet (25 meters) from the vessel is prohibited. Testing procedures employed to determine such noise levels shall be in accordance with or equal to the Exterior Sound Level Measurement Procedure for Vessels recommended by the Society of Automotive Engineers SAE-J34a (Revised April, 1977).

### § 3.20 Water skiing.

(a) The towing of persons by vessels is prohibited, except in designated waters.

(b) Where towing is authorized, the following are prohibited:

(1) Towing between the hours of sunset and sunrise.