

National Park Service, Interior

§ 7.85

engaged in with some continuity, regularity or permanency for any livelihood, gain, benefit, advantage, or profit.

(d) *Fishing*. (1) Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(2) The superintendent may designate times and locations and establish conditions under which the digging of bait for personal use is allowed.

(e) *Frogs, turtles and crayfish*. (1) The superintendent may designate times and locations and establish conditions governing the taking of frogs, turtles and/or crayfish upon a written determination that the taking of frogs, turtles and/or crayfish:

(i) Is consistent with the purposes for which the area was established; and

(ii) Will not be detrimental to other park wildlife or the reproductive potential of the species to be taken; and

(iii) Will not have an adverse effect on the ecosystem.

(2) Violation of established conditions or designations is prohibited.

[38 FR 5851, Mar. 5, 1973, as amended at 41 FR 23959, June 14, 1976; 49 FR 18451, Apr. 30, 1984; 50 FR 43388, Oct. 25, 1985; 56 FR 30696, July 5, 1991; 56 FR 37158, Aug. 5, 1991]

§ 7.84 Channel Islands National Park.

(a) [Reserved]

(b) *Wrecks*. No person shall destroy, molest, remove, deface, displace, or tamper with wrecked and abandoned water or airborne craft or any cargo pertaining thereto.

(c) *Fishing*. The taking of any fish, crustaceans, mollusk, or other marine life shall be in compliance with State regulations except that:

(1) No invertebrates may be taken in water less than five (5) feet in depth.

(2) The taking of abalone and lobsters for commercial purposes is prohibited in the following areas:

(i) *Anacapa Island*. Northside to exterior boundary of the monument between east end of Arch Rock 119°21'–34°01' and west end of island, 119°27'–34°01'.

(ii) *Santa Barbara Island*. Eastside to exterior boundary of monument 119°02'–33°28' and 119°02'–33°29'30".

(3)(i) The use of all nets is prohibited within the outer edge of the kelp line

surrounding Anacapa and Santa Barbara Islands.

(ii) The use of trammel or gill nets is prohibited in less than 20 fathoms of water in all areas surrounding Anacapa and Santa Barbara Islands.

(4) The Superintendent shall require all persons fishing commercially within Channel Islands National Monument, on waters open for this purpose, to obtain an annual permit from him. Such permits shall be issued on request except that:

(i) Lobster permits for Anacapa and Santa Barbara Islands will be issued only to applicants who filed with the California State Department of Fish and Game fish receipts for lobsters caught at Anacapa and Santa Barbara Islands during the period July 1, 1968, to July 1, 1971.

(ii) Abalone permits for Anacapa and Santa Barbara Islands will be issued only to applicants who filed with the California State Department of Fish and Game fish receipts for abalone caught at Anacapa and Santa Barbara Islands during the period July 1, 1968, to July 1, 1971.

[38 FR 5622, Mar. 17, 1973, as amended at 48 FR 30296, June 30, 1983]

§ 7.85 Big Thicket National Preserve.

(a) *Hunting*. Except as otherwise provided in this section, hunting is permitted in accordance with §2.2 of this chapter.

(1) Hunting is permitted only during designated seasons, as defined for game animals or birds by the State of Texas. During other periods of the year, no hunting is permitted.

(2) During applicable open seasons, only the following may be hunted:

(i) Game animals, rabbits, and feral or wild hogs.

(ii) Game birds and migratory game birds.

(3) The use of dogs or calling devices for hunting game animals or fur-bearing animals is prohibited.

(4) The use or construction of stands, blinds or other structures for use in hunting or for other purposes is prohibited.

(b) *Trapping*. Trapping, for fur-bearing animals only, is permitted in accordance with §2.2 of this chapter.

(c) *Hunting and Trapping Permits.* In addition to applicable State licenses or permits, a permit from the Superintendent is required for hunting or trapping on Preserve lands. Permits will be available, free of charge, at Preserve headquarters and can be obtained in person or by mail.

(d) *Firearms, Traps, and Other Weapons.* Except as otherwise provided in this paragraph, §2.4 of this chapter shall be applicable to Preserve lands.

(1) During open hunting or trapping seasons, the possession and use of firearms or other devices capable of destroying animal life is permitted in accordance with §2.4 of this chapter.

(2) The possession of firearms or other weapons at night, from one hour after sunset to one hour before sunrise is prohibited.

[45 FR 46072, July 9, 1980, as amended at 48 FR 30296, June 30, 1983]

§ 7.86 Big Cypress National Preserve.

(a) *Motorized vehicles—(1) Definitions.*

(i) The term “motorized vehicle” means automobiles, trucks, glades or swamp buggies, airboats, amphibious or air cushion vehicles or any other device propelled by a motor and designed, modified for or capable of cross country travel on or immediately over land, water, marsh, swampland or other terrain, except boats which are driven by a propeller in the water.

(ii) The term “operator” means any person who operates, drives, controls or has charge of a motorized vehicle.

(iii) The term “Preserve lands” means all federally owned or controlled lands and waters administered by the National Park Service within the boundaries of the Preserve.

(2) *Travel in Preserve areas.* (i) Unless closed or restricted by action of the Superintendent under paragraph (a)(2)(iii), the following areas, which are shown on a map numbered BC-91-001, dated November 1975, and available for public inspection at the office of the Superintendent, are open to motorized vehicles:

(A) The area south and west of Loop Road (State Road #B94).

(B) The area north of Tamiami Trail.

(ii) The following areas which are shown on a map numbered BC-91-001, dated November 1975, and available for

public inspection at the office of the Superintendent, are closed to motorized vehicles:

(A) The areas between the Loop Road (State Hwy. #B94) and the Tamiami Trail (U.S. Hwy. #B41), except that the Superintendent may issue a permit to provide for reasonable access by legal residents or to provide access by authorized oil and gas companies.

(B) Big Cypress Florida Trail, Section 1, One marked main hiking trail, from Tamiami Trail to Alligator Alley; and the two marked loop trails are closed to the use of all motorized vehicles, except that vehicles may cross the trails.

(iii) The Superintendent may temporarily or permanently close or restrict the use of any areas and routes otherwise designated for use of motor vehicles, or close or restrict such areas or routes to the use of particular types of motor vehicles by the posting of appropriate signs, or by marking on a map which shall be available for public inspection at the office of the Superintendent, or both. In determining whether to close or restrict the uses of the areas or routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) as amended, and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, vegetation, resource protection, and other management considerations. Prior to making a temporary or permanent closure the Superintendent shall consult with the executive director of the Florida Game and Fresh Water Fish Commission. Prior to instituting a permanent closure of an area or route, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment.

(3) *Operations, limitations and equipment—(i) Vehicle operation.* (A) Motorized vehicle permits shall be required after December 21, 1980.

(B) Motorized vehicles shall not be operated in a manner causing, or likely to cause, significant damage to or disturbance of the soil, wildlife habitat, improvements, cultural, or vegetative resources. Cutting, grading, filling or ditching to establish new trails or to