

## § 13.2

over weapons, traps, nets or other property.

*Public lands* means lands situated in Alaska which are federally owned lands, except—

(1) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act (72 Stat. 339) and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act (85 Stat. 688) which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

*Snowmachine* or *snowmobile* means a self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow and steered by a ski or skis on contact with the snow.

*Take* or *taking* as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

*Temporary* means a continuous period of time not to exceed 12 months, except as specifically provided otherwise.

*Trap* means a snare, trap, mesh, or other implement designed to entrap animals other than fish.

*Unload* means there is no unexpended shell or cartridge in the chamber or magazine of a firearm; bows, crossbows and spearguns are stored in such a manner as to prevent their ready use; muzzle-loading weapons do not contain a powder charge; and any other implement capable of discharging a missile into the air or under the water does not contain a missile or similar device within the loading or discharging mechanism.

*Weapon* means a firearm, compressed gas or spring powered pistol or rifle, bow and arrow, crossbow, blow gun, speargun, hand thrown spear, sling-shot, explosive device, or any other im-

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plement designed to discharge missiles into the air or under the water.

[46 FR 31854, June 17, 1981, as amended at 62 FR 30234, June 3, 1997; 65 FR 15090, Mar. 21, 2000; 69 FR 70068, Dec. 2, 2004]

### § 13.2 Applicability and scope.

(a) The regulations contained in this part 13 are prescribed for the proper use and management of park areas in Alaska and supplement the general regulations of this chapter. The general regulations contained in this chapter are applicable except as modified by this part 13.

(b) Subpart A of this part 13 contains regulations applicable to park areas. Such regulations amend in part the general regulations contained in this chapter. The regulations in subpart A govern use and management, including subsistence activities, within the park areas, except as modified by subparts B or C.

(c) Subpart B of this part 13 contains regulations applicable to subsistence uses. Such regulations apply on federally owned lands and interests therein within park areas where subsistence is authorized. Subsistence uses are not allowed in Kenai Fjords National Park, Katmai National Park, Glacier Bay National Park, Klondike Gold Rush National Historical Park, Sitka National Historical Park, the former Mt. McKinley National Park. The regulations in subpart B amend in part the general regulations contained in this chapter and the regulations contained in subpart A of this part 13.

(d) Subpart C of this part 13 contains special regulations for specific park areas. Such regulations amend in part the general regulations contained in this chapter and the regulations contained in subparts A and B of this part 13.

(e) Subpart D of this part 13 contains regulations applicable to authorized visitor service providers operating within certain park areas. The regulations in subpart D of this part amend in part the general regulations contained in this chapter.

(f) For purposes of this chapter, “federally owned lands” does not include those land interests:

(1) Tentatively approved to the State of Alaska; or

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(2) Conveyed by an interim conveyance to a Native corporation.

[46 FR 31854, June 17, 1981, as amended at 61 FR 35137, July 5, 1996; 61 FR 54339, Oct. 18, 1996; 65 FR 37878, June 19, 2000]

### § 13.3 [Reserved]

### § 13.4 Information collection.

The information collection requirements contained in §§ 13.17, 13.31, 13.44, 13.45, 13.49, 13.51, and 13.65 are necessary for park Superintendents to issue concession contracts and special use permits, and have been approved by the Office of Management and Budget under 44 U.S.C. 3507. Information collections associated with the award of concession contracts are covered under OMB control number 1024-0125; the information collections associated with the issuance of special use permits are covered under OMB control number 1024-0026.

[69 FR 70069, Dec. 2, 2004]

### § 13.10 Obstruction of airstrips.

(a) A person may not place an object on the surface of an airstrip that, because of its nature or location, might cause injury or damage to an aircraft or person riding in the aircraft.

(b) A person may not dig a hole or make any kind of excavation, or drive a sled, tractor, truck, or any kind of vehicle upon an airstrip that might make ruts, or tracks, or add to an accumulation of tracks so as to endanger aircraft using the airstrip or persons riding in the aircraft.

[69 FR 70069, Dec. 2, 2004]

### §§ 13.11-13.16 [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.