

County Planning Commission authorizing any use or development of lands within the boundaries of the Whiskeytown Unit of the recreation area.

PART 34—EL PORTAL ADMINISTRATIVE SITE REGULATIONS

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AUTHORITY: 16 U.S.C. 1, 3, 47-1, 4601-6a(e).

SOURCE: 51 FR 29103, Aug. 14, 1986, unless otherwise noted.

§ 34.1 Purpose.

These regulations provide for the protection of persons, property and natural and cultural resources within the El Portal Administrative Site.

§ 34.2 Applicability and scope.

(a) The regulations in this part apply to all persons entering, using, visiting, residing on or otherwise within the boundaries of the El Portal Administrative Site. All regulations apply throughout the site, with certain specific exceptions provided for leased lands.

(b) The regulations in this part may be enforced only by persons authorized to enforce the other provisions of this chapter.

§ 34.3 Penalties.

(a) A person convicted of violating a provision of the regulations contained in this part shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding 6 months, or both, and shall be adjudged to pay all costs of the proceedings.

(b) Notwithstanding the provision of paragraph (a) of this section, a person convicted of violating § 34.5(b)(15) of this chapter shall be punished by a fine of not more than \$100.

§ 34.4 Definitions.

When used in regulations in this part:

Administrative site means all of the federally owned or controlled lands and waters administered by the National Park Service pursuant to 16 U.S.C. 47-1 (72 Stat. 1772), in the vicinity of El Portal, California.

Leased lands means all lands within the administrative site in which there is a lawful possessory interest in addition to that of the National Park Service, which have been leased, permitted or otherwise assigned by the Superintendent. All other lands within the administrative site are nonleased lands.

§ 34.5 Applicable regulations.

The following sections and paragraphs of this chapter, as amended from time to time, apply to the administrative site and are hereby incorporated and made a part of this part except as modified by the regulations in this part:

(a) *General provisions.* (1) 1.2(d) Applicability and scope; exception for administrative activities.

(2) 1.4 Definitions.

(3) 1.5 Closures and public use limits.

(4) 1.6 Permits.

(5) 1.7 Public notice.

(b) *Resource Protection, Public Use and Recreation.* (1) 2.1 Preservation of natural, cultural and archeological resources.

(2) 2.2 Wildlife protection.

(3) 2.3 (a), (c) and (f) Fishing.

(4) 2.4 Weapons, traps and nets.

(5) 2.5 Research specimens.

(6) 2.10 Camping and food storage.

(7) 2.11 Picnicking.

(8) 2.12 Audio disturbances.

(9) 2.13 Fires.

(10) 2.14 Sanitation.

(11) 2.15 (a) (1), (3), (4) and (5); (c); (d); (e) and (f) Pets.

(12) 2.17 Aircraft and air delivery.

(13) 2.21 Smoking.

(14) 2.22 Property.

(15) 2.23 Recreation fees.

(16) 2.30 Misappropriation of property and services.

(17) 2.31 Trespassing, tampering and vandalism.

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- (18) 2.32 Interfering with agency function.
- (19) 2.33 Report of injury or damage.
- (20) 2.34 Disorderly conduct.
- (21) 2.35 Alcoholic beverages and controlled substances.
- (22) 2.36 (a) Gambling.
- (23) 2.37 Noncommercial soliciting.
- (24) 2.38 Explosives.
- (25) 2.50 Special events.
- (26) 2.51 Public assemblies, meetings.
- (27) 2.52 Sale or distribution of printed matter.
- (28) 2.61 Residing on Federal lands.
- (29) 2.62 Memorialization.
- (c) *Boating and Water Use Activities.*
- (1) 3.1 Applicable regulations.
- (2) 3.3 Permits.
- (3) 3.4 Accidents.
- (4) 3.5 Inspections.
- (5) 3.6 (a) and (b) Prohibited operations.
- (6) 3.21 (a) (1), (2) and (b) Swimming and bathing.
- (d) *Vehicles and traffic safety.* (1) 4.2 State law applicable.
- (2) 4.4 Report of motor vehicle accident.
- (3) 4.10(a), (c)(1) and (c)(2) Travel on park roads and designated routes.
- (4) 4.11 Load, weight and size limits.
- (5) 4.12 Traffic control devices.
- (6) 4.14 Open container of alcoholic beverage.
- (7) 4.21 Speed limits.
- (8) 4.22 Unsafe operation.
- (9) 4.23 Operating under the influence of alcohol or drugs.
- (e) *Commercial and Private Operations.*
- (1) 5.1 Advertisements.
- (2) 5.2 Alcoholic beverages; sale of intoxicants.
- (3) 5.3 Business operations.
- (4) 5.5 Commercial photography.
- (5) 5.7 Construction of buildings or other facilities.
- (6) 5.8 Discrimination in employment practices.
- (7) 5.9 Discrimination in furnishing public accommodations and transportation services.
- (8) 5.13 Nuisances.
- (9) 5.14 Prospecting, mining, and mineral leasing.

[51 FR 29103, Aug. 14, 1986, as amended at 52 FR 10686, Apr. 2, 1987]

§ 34.6 Fires.

(a) All wildland, vehicular or structural fires shall be reported to the Superintendent immediately.

(b) Nonconflicting provisions of the California State Forest and Fire Laws and Regulations are adopted as a part of this part. Violation of any of these regulations is prohibited.

(c) The kindling of any open fire, including the burning of debris, is prohibited without a permit from the Superintendent.

(d) On undeveloped, untended or otherwise open land, operating any equipment powered by an internal combustion engine without a spark arrestor maintained in effective working order is prohibited. Such spark arrestor shall also meet either the USDA Forest Service Standard 5100-1a or the Society of Automotive Engineers Recommended Practice J335 or J350.

(e) The Superintendent may, during periods of high fire danger or diminished water supply, temporarily limit use and consumption of domestic water. These limitations shall be published. Violation of a limitation established by the Superintendent is prohibited.

(f) An owner or operator of a commercial establishment located within the administrative site shall comply with applicable standards prescribed by the National Fire Codes, Federal OSHA, CAL OSHA and other applicable laws, regulations and standards.

§ 34.7 Cultivation of controlled substances.

In addition to the provisions of § 2.35 of this chapter, the planting, cultivating, harvesting, drying or processing of a controlled substance, or any part thereof, is prohibited.

§ 34.8 Preservation of natural, cultural and archeological resources.

In addition to the provisions of § 2.1 of this chapter, the following are in effect:

(a) Upon nonleased lands, the cutting or removal of any tree, plant, or shrub or part thereof is prohibited without a permit from the Superintendent.

(b) Upon leased lands, the cutting or removal of any tree, plant, shrub or part thereof that is six inches or less in