

the case shall be pro rated in computing the expense. Payment of claims due the United States shall be made by certified check or postal money order payable to the Bureau of Sport Fisheries and Wildlife.

§ 27.5 Control of dogs and cats.

Dogs or cats running at large on a wildlife refuge area or found in the act of pursuing or molesting wildlife may be impounded pursuant to the provisions of § 27.4 or if necessary may be killed to protect wildlife.

§ 27.6 Traffic violations; penalties.

Persons on a wildlife refuge area violating Federal or State traffic laws or regulations may be required to remove themselves from the area. Such offenders may further be subject to the penalty provisions of § 27.10.

§ 27.7 Boating violations; penalties.

Persons on a wildlife refuge area violating Federal or State boating laws or regulations may be required to remove themselves from the area. Such offenders may further be subject to the penalty provisions of § 27.10.

§ 27.8 Fires.

Any person violating sections 1855-1856 of the Criminal Code (18 U.S.C. 1855-1856) as they pertain to fires on wildlife refuge area lands of the United States shall be subject to civil action and to the penalty provisions of the law.

§ 27.9 Timber trespass.

Any person violating sections 1852-1853 of the Criminal Code (18 U.S.C. 1852-1853) as they pertain to timber on wildlife refuge area lands of the United States shall be subject to civil action and to the penalty provisions of the law.

§ 27.10 Penalties.

Failure of any person, utilizing the resources of any wildlife refuge area or enjoying any privilege of use thereon for any purpose whatsoever, to comply with any of the provisions, conditions, restrictions, or requirements of this subchapter or to comply with any applicable provisions of Federal or State law may render such person liable to:

(a) The penalties as prescribed by law. (Sec. 4, 76 Stat. 654, 16 U.S.C. 460k-3; Sec. 7, 60 Stat. 1080, 16 U.S.C. 666a; Sec. 9, 45 Stat. 450, 16 U.S.C. 690g; Sec. 6, 40 Stat. 756, as amended, 16 U.S.C. 707; Sec. 14, 45 Stat. 1225, 16 U.S.C.

715m; Sec. 7, 48 Stat. 452, 16 U.S.C. 718g; Sec. 11, 43 Stat. 652, 16 U.S.C. 730; Sec. 2, 33 Stat. 614, as amended, 18 U.S.C. 41)

(b) Invalidation of permission to enter or be upon the area.

(c) Denial of future privileges on wildlife refuge areas.

PART 28—PUBLIC ACCESS, USE, AND RECREATION

- Sec.
- 28.1 Access to areas.
- 28.2 Access to headquarters.
- 28.3 Access when escorted.
- 28.4 Access for economic use privileges.
- 28.5 Emergency shelter.
- 28.6 Use of roads and trails.
- 28.7 Operation of vehicles.
- 28.8 Firearms.
- 28.9 Fires.
- 28.10 Scientific study.
- 28.11 Scientific specimens.
- 28.12 Archeological and paleontological studies; search and removal of valued objects.
- 28.13 Public safety.
- 28.14 Public sanitation.
- 28.15 Reporting of accidents.
- 28.16 Lost and found articles.
- 28.17 Public recreation.
- 28.18 Sightseeing, nature observations, and photography.
- 28.19 Hunting and fishing.
- 28.20 Limitation on certain recreational uses.
- 28.21 Operation of boats.
- 28.22 Water skiing.
- 28.23 Facilitating services.
- 28.24 Fees, charges, and permits.
- 28.25 Special regulations.
- 28.26 Penalties; visitor control and protection.
- 28.27 Public notice and posting.
- 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.
- 28.29 General provisions for cabin sites.

**AUTHORITY:** The provisions of this Part 28 issued under sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 1270, sec. 401, 49 Stat. 383, as amended, sec. 4, 76 Stat. 653; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 7151, 664, 43 U.S.C. 315a, 16 U.S.C. 715a, 460k; 80 Stat. 926.

**SOURCE:** The provisions of this Part 28 appear at 31 F.R. 16024, Dec. 15, 1966, unless otherwise noted.

§ 28.1 Access to areas.

(a) Any person entering or using any wildlife refuge area will comply with the regulations in this subchapter, the provisions of any special regulations, and all official notices posted in the area.

(b) A permit may be required for any person to enter a wildlife refuge area, unless otherwise provided in this subchapter. The permittee will abide by all the terms and conditions set forth in the permit.

#### § 28.2 Access to headquarters.

The headquarters office of any wildlife refuge area will be open to public access and admission during regularly established business hours.

#### § 28.3 Access when escorted.

A permit is not required for access to any part of a wildlife refuge area by a person when accompanied by the officer in charge.

#### § 28.4 Access for economic use privileges.

Access to and travel upon wildlife refuge areas by a person granted economic use privileges on a wildlife refuge area are to be in strict accordance with the provisions of his agreement, lease, or permit.

#### § 28.5 Emergency shelter.

A permit is not required for access to any wildlife refuge area for temporary shelter or temporary protection in the event of emergency conditions.

#### § 28.6 Use of roads and trails.

Entrance to, travel on, and exit from any wildlife refuge area are permitted only on such roads, trails, footpaths, walkways, or other routes which may be designated for public use under the provisions of this subchapter. (See also §§ 26.3 and 26.14 of this subchapter.)

#### § 28.7 Operation of vehicles.

When the operation of vehicles is permitted within a wildlife refuge area, under § 26.14 of this subchapter, the vehicles will be subject to the following operating requirements:

(a) The vehicles are to be mechanically safe and are to be operated in a safe and proper manner so as not to endanger life and property.

(b) The operation of vehicles will conform to the laws of the State in which the area is located governing the operation of such vehicles, except where further restricted under the provisions of this subchapter.

(c) No person is to operate any vehicle while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

(d) Drivers of all vehicles are to comply with the directions of all official traffic signs posted on the area and with the directions of authorized Federal or State personnel.

(e) The speed of any vehicle must be reasonable and proper for the existing road conditions and at all times be within the established speed limits. Vehicle speed limits are 35 miles an hour except where otherwise posted.

(f) Load and weight limitations, as may be necessary, are those prescribed and posted from time to time. Such limitations are to be complied with by the operators of all vehicles. Schedules showing load and weight limitations are available at the wildlife refuge area headquarters.

(g) The parking or leaving unattended of any vehicle on any wildlife refuge area, or upon public roads where title to the land is vested in the United States, is permitted only in those places which are designated for that purpose under the provisions of this subchapter.

(h) Such other requirements which are established under the provisions of this subchapter. (See also § 27.6 of this subchapter.)

(i) Such other requirements which are established under the provisions of this subchapter. (See also § 27.6 of this subchapter.)

NOTE: For references to special regulations issued under § 28.7; see List of CFR Sections Affected.

#### § 28.8 Firearms.

Only the following persons may possess, use, or transport firearms on wildlife refuge areas, in accordance with applicable Federal and State law:

(a) Persons authorized to take specimens of wildlife for scientific purposes when the use of firearms is necessary for such purposes.

(b) Persons authorized by special permit to possess or use firearms for the protection of property, for field trials, and for other special purposes.

(c) Persons carrying unloaded firearms that are dismantled or cased over regularly established routes of travel.

(d) Persons commercially transporting weapons and explosives in accordance with applicable State or Federal laws and regulations.

(e) Persons using firearms for public hunting under the provisions of Part 32 of this subchapter.

(f) Such other persons as may be permitted under this subchapter. (See also § 26.12 of this subchapter.)

**§ 28.9 Fires.**

When the use of fires on wildlife refuge areas is permitted, under § 26.17 of this subchapter, such use must be in accordance with State or local law, and approved recreational and management rules established under the provisions of this subchapter. (See also § 27.8 of this subchapter.)

**§ 28.10 Scientific study.**

The use of wildlife refuge areas for scientific study is encouraged. Permits are required and may be obtained without charge for entry on such areas for scientific study and for similar purposes.

**§ 28.11 Scientific specimens.**

The collection of specimens of plant and animal life by recognized scientific institutions and Government agencies may be authorized under special permit. (See also § 26.8 of this subchapter.)

**§ 28.12 Archeological and paleontological studies; search and removal of valued objects.**

(a) Permits are required for archeological studies on wildlife refuge areas in accordance with the provisions of 43 CFR, Part 3.

(b) Permits are required for paleontological studies on wildlife refuge areas in accordance with the provisions of this subchapter.

(c) Persons may not search for or remove semiprecious rocks or mineral specimens, except as provided in § 26.28 of this subchapter.

**§ 28.13 Public safety.**

Persons using wildlife refuge areas are to comply with the safety requirements which are established under the provisions of this subchapter for each individual area, and with any safety provisions which may be included in leases, agreements, or use permits.

**§ 28.14 Public sanitation.**

Persons using a wildlife refuge area are to comply with the sanitary requirements which are established under the provisions of this subchapter for each individual area, and with the sanitation provisions which may be included in leases, agreements, or use permits. (See also § 26.19 of this subchapter.)

**§ 28.15 Reporting of accidents.**

(a) Accidents of whatever nature occurring within the boundaries of any wildlife refuge area are to be reported as

soon as possible by the persons involved, to the officer in charge or other Federal personnel on duty at the wildlife refuge area headquarters.

(b) A motor vehicle involved in an accident is not to be moved until an investigating officer arrives at the scene of the accident, unless such vehicle constitutes a traffic or safety hazard.

**§ 28.16 Lost and found articles.**

Lost articles or money found on a wildlife refuge area are to be immediately turned in to the nearest refuge office.

**§ 28.17 Public recreation.**

(a) Wildlife refuge areas offer unusual opportunities for outdoor recreation that constitute a beneficial and proper use of national significance. Wildlife refuge areas vary greatly in their physical adaptability and accessibility for public recreational use.

(b) Public recreation of the types set forth in §§ 28.18 and 28.20 (a) and (b), will be permitted on wildlife refuge areas as an appropriate incidental or secondary use, only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other previously authorized Federal operations.

(c) After consideration of all authorized uses, purposes, and other pertinent factors relating to individual areas, all public recreation use or certain types of public recreational uses within individual areas or in portions thereof may be curtailed whenever it is considered that such action is necessary. The public will be notified of such curtailment under the provisions of this subchapter.

**§ 28.18 Sightseeing, nature observations, and photography.**

Priority is given to the development of facilities and services which will enhance those recreational uses directly associated with wildlife in its habitat, and which give the public enjoyment from observation, appropriate utilization, interpretation, and a better understanding of wildlife populations, habitat, and conservation values. These recreational uses include sightseeing, nature observation and photography, interpretive centers and exhibits, fishing and hunting, and other similar activities. Tour routes may be closed when these activities may disturb wildlife during the

breeding, concentration, or hunting seasons and when roads are damaged or susceptible to damage, or fire hazards are high. When these recreational uses and activities are permitted, the public will be notified under the provisions of this subchapter. The recreational uses and activities will be limited to designated portions of the wildlife refuge area, to specific times, and to those periods of the year which will result in the least disturbance to wildlife and its habitat.

#### § 28.19 Hunting and fishing.

Hunting and fishing are permitted only in accordance with Parts 32 and 33, respectively, of this subchapter. (See also §§ 26.5, 26.6, 26.7, and 26.8 of this subchapter.)

#### § 28.20 Limitation on certain recreational uses.

(a) When recreational uses, which are not directly related to the primary function of wildlife refuge areas, such as bathing, boating, camping, ice skating, picnicking, swimming, water skiing, and other similar activities are permitted, the public will be notified under the provisions of this subchapter. These recreational uses will be limited to designated portions of the wildlife refuge area, to specific times, and to those periods of the year which will result in the least disturbance to wildlife and its habitat.

(b) If golf, baseball, target shooting, and other similar activities which are foreign to the concept of conservation areas are permitted, the public will be notified under the provisions of this subchapter.

#### § 28.21 Operation of boats.

When the use of boats is permitted on any wildlife refuge area, the public will be notified under the provisions of this subchapter, and the following operational requirements and limitations will apply:

(a) A permit may be required before any boat is placed in or allowed to operate upon the waters of any wildlife refuge area. (See also § 26.15 of this subchapter.)

(b) All boats operated on wildlife refuge area waters are to conform with the provisions of applicable Federal, State, and local laws, and regulations, and the provisions of this subchapter. (See also § 27.7 of this subchapter.)

(c) All boats are to conform with the terms and conditions of boat and motor specifications which are posted or other-

wise established under the provisions of this subchapter.

(d) No person will operate any boat in a manner which unreasonably interferes with other boats or with the free and proper navigation of the waterways of the areas.

(e) Government-owned docks, piers, and floats are not to be used for loading and unloading of boats, except in emergencies or unless specifically authorized by the provisions of this subchapter.

(f) Boats will be operated in a safe and reasonable manner, at speeds which are reasonable and proper for existing conditions.

(g) No boats, except sailboats, are to be operated with any person riding or sitting on the gunwales or on the decking over the bow.

(h) No person is to operate any boat while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

(i) Such other requirements or limitations which are established under the provisions of this subchapter.

#### § 28.22 Water skiing.

When water skiing is permitted upon wildlife refuge area waters, the public will be notified under the provisions of this subchapter and the following requirements and limitations will apply:

(a) Water skiing is permitted only in large deep water areas during periods of low waterfowl use, in daylight hours and on those waters of the area which are posted or otherwise designated under the provisions of this subchapter.

(b) There must be two persons in the boat at all times when a skier is in "tow", with one person acting as an observer of the skier in tow.

(c) The direction of a tow boat when circling will be counter clockwise.

(d) Skiers must wear ski belts, or U.S. Coast Guard approved life jackets or buoyant vests.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, and within 100 feet of any person swimming outside a designated swimming area.

(f) Such other requirements and limitations which are established under the provisions of this subchapter.

#### § 28.23 Facilitating services.

(a) Recreational facilities may be operated by concessionaires under appropriate contract on wildlife refuge areas where there is a demonstrated

justified need for large scale recreational activities such as boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related services.

(b) Facilities and services directly supporting interpretation, fishing, or hunting activity will be provided and managed either by the Bureau, by State conservation agencies, or by nonprofit organizations under appropriate arrangements.

#### § 28.24 Fees, charges, and permits.

(a) Reasonable charges and fees may be established and permits issued for public recreational use of national wildlife refuges.

(b) The Bureau encourages private capital or local sponsoring groups to provide and maintain recreational services or facilities whenever it is feasible. This is normally done through contracting authority of the Department of the Interior, and when so done, may allow for the charging of fees and charges commensurate with the cost of furnishing the services, providing a fair profit to the concessionaire and an equitable return to the Government.

#### § 28.25 Special regulations.

(a) Special regulations may be issued for public use, access, and recreation within certain individual wildlife refuge areas where special control problems exist or where the posting of official signs would be inadequate to afford the public notice. The issued special regulations will supplement the provisions in this Part 28.

(b) Special recreational use regulations may contain the following items:

- (1) Recreational uses authorized.
- (2) Seasons, periods, or specific time of use.
- (3) Description of areas open to recreation.
- (4) Specific conditions or requirements.
- (5) Other provisions.

(c) Special regulations for public use, access, and recreation are published in the daily issue of the FEDERAL REGISTER but are not codified in the Code of Federal Regulations. They are limited to one season, issued annually, and are effective upon publication in the FEDERAL REGISTER or in as many days thereafter as it is practical to allow under the circumstances. Such special regulations

will be available at the headquarters of the wildlife refuge to which they relate.

#### § 28.26 Penalties; visitor control and protection.

(a) Any person who violates any of the provisions, rules, regulations, posted signs, or special regulations of this subchapter, or any items, conditions or restrictions in a permit, license, grant, privilege, or any other limitation established under this subchapter shall be subject to the penalty provisions of § 27.10 of this subchapter.

(b) Refuge managers are authorized pursuant to authority delegated from the Secretary and which has been published in the FEDERAL REGISTER (Administrative Manual 4 AM 4.9), to protect fish and wildlife and their habitat and prevent their disturbance, to protect Bureau property and facilities, and to insure the safety of the using public to the fullest degree possible. The control of recreational use will be enforced to meet these purposes pursuant to Federal, State and local laws and regulations; the provisions of this subchapter and any special regulation issued pursuant thereto; and the prohibitions and restrictions as posted.

#### § 28.27 Public notice and posting.

(a) Whenever a particular public access, use, or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a wildlife refuge area, or where public access, use, or recreational activities previously permitted are curtailed, the public will be notified by one of the following methods, all of which supplement this subchapter:

- (1) Official signs posted conspicuously at appropriate intervals and locations;
- (2) Special regulations issued under the provisions of this subchapter;
- (3) Maps available in the office of the refuge manager; and
- (4) Other appropriate methods which will give the public actual or constructive notice of the permitted public access, use, or recreational activity.

(b) All public access, use, or recreational activity is prohibited in a wildlife refuge area unless the public is notified that such activity is permitted by the provisions of this subchapter. At no time will the public be notified when public access, use, or recreational activity is prohibited, unless such activity is being curtailed.

**§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge area--.**

NOTE: For FEDERAL REGISTER citations to regulations affecting temporary and special regulations of wildlife refuge areas, see List of CFR Sections Affected.

**§ 28.29 General provisions for cabin sites.**

(a) Occupancy of privately owned cabins on areas of the National Wildlife Refuge System is no longer in the public interest. All appropriate provisions of 43 CFR Part 21, particularly 43 CFR 21.4(b) apply to the phaseout of existing permits on areas of the National Wildlife Refuge System. There shall be no new private cabin site permits issued for areas of the National Wildlife Refuge System.

(b) Occupancy of Government-owned cabins for private recreational purposes on areas of the National Wildlife Refuge System is no longer in the public interest. Permits shall terminate finally on and shall not be renewed after December 31, 1969, in accordance with the provisions of 43 CFR 21.5. No new Government-owned cabin site permits for private recreational purposes shall be issued.

(c) The above determinations of the Director are based on:

(1) The existing and projected public need for use of such areas.

(2) The incompatibility between public uses and private cabin sites on such areas.

(3) Development potential and plans for such areas.

(4) Factors including, but not limited to, habitat preservation, species propagation, and species preservation.

[33 F.R. 7686, May 24, 1968]

**PART 29—LAND USE MANAGEMENT**

**Subpart A—General Rules**

Sec.	
29.1	Use of natural resources.
29.2	Cooperative land management
29.3	Nonprogram uses.
29.4	[Reserved]
29.5	Fees.

**Subpart B—Rights-of-Way General Regulations**

29.21	Definitions.
29.21-1	Purpose and scope.
29.21-2	Application procedures.
29.21-3	Nature of interest granted.
29.21-4	Terms and conditions.
29.21-5	Construction.
29.21-6	Disposal, transfer or termination of interest.

Sec.

29.21-7 Payment required.

29.21-8 Electric power transmission line rights-of-way.

29.22 Hearing and appeals procedure.

**Subpart C—Mineral Operations**

29.31 Mineral ownerships in the United States.

29.32 Mineral rights reserved and excepted.

AUTHORITY: The provisions of this Part 29 issued under sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 43 U.S.C. 315a, 16 U.S.C. 460k; 80 Stat. 926.

SOURCE: The provisions of this Part 29 appear at 31 F.R. 16026, Dec. 15, 1966, unless otherwise noted.

**Subpart A—General Rules**

**§ 29.1 Use of natural resources.**

Public or private economic use of the nature resources of any wildlife refuge area may be authorized in accordance with section 401 of the Act of June 15, 1935 (49 Stat. 383, 16 U.S.C., sec. 715s), where the use may contribute to or is related to the administration of the area. Economic use shall be authorized by appropriate permit only when the authorized activity on a wildlife refuge area will not be incompatible with the purposes for which the refuge was established. Persons exercising economic privileges on refuge areas will be subject to the applicable provisions of this subchapter and of other applicable laws and regulations governing wildlife refuge areas. Permits for economic use will contain such terms and conditions as are determined to be necessary for the proper administration of the resources. Economic use in this section includes but is not limited to grazing livestock; harvesting hay and stock feed; removing timber, firewood or other natural products of the soil; removing shell, sand, or gravel; cultivating areas; or engaging in operations that facilitate approved programs on wildlife refuge areas.

**§ 29.2 Cooperative land management.**

Cooperative agreements with persons for crop cultivation, haying, grazing, or the harvest of vegetative products, including plantlife, growing with or without cultivation on wildlife refuge areas may be executed on a share-in-kind basis when such agreements are in aid of or benefit to the wildlife management of the area.