§ 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 improve old trails is prohibited, except under written permit where necessary in the exploration for, extraction or removal of oil and gas. (ii) Vehicle Limitations and Equipment. (A) [Reserved] (B) The Superintendent, 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, may require during dry periods, that a motorized vehicle or a particular class of motorized vehicle, operated off established roads and parking areas, shall be equipped with a spark arrester that meets Standard 5100-1a of the Forest Service, U.S. Department of Agriculture, or the 80 percent efficiency level when determined by the appropriate Society of Automotive Engineers (SAE) Standard. (C) A motorized vehicle, except an airboat, when operated off of established roads and parking areas during the period from one-half hour after sunset to one-half hour before sunrise, shall display at least one forward-facing white headlight and one red lighted taillight each of which shall be visible for a distance of 500 feet in their respective directions under clear atmospheric conditions. (D) Airboats and amphibious vehicles shall fly a safety flag at least 10 inches wide by 12 inches long at a minimum height of 10 feet above the bottom of the vehicle or boat, and shall display one white light aft visible for 360° at a distance of 500 feet when running during the period from one-half hour before sunset to one-half hour after sunrise.

(b) Camp structures. (1) Buildings or other structures on lands not owned by claimants to these structures existing prior to the effective date of these regulations, may be occupied and used by said claimants pursuant to a nonrenewable, nontransferrable permit. This use shall be for a maximum term of five (5) years from the date of Federal acquisition for preserve purposes of the land upon which the structures are situated or five years from the effective date of these regulations, whichever occurs first: Provided, however, That the claimant to the structures by application: (i) Reasonably demonstrates by affidavit, bill of sale or other document proof of possessory interest or right of occupancy in the cabin or structure; (ii) Submits a sketch and photograph of the cabin or structure and a map showing its geographic location; (iii) Agrees to vacate or remove the structure from the preserve upon the expiration of the permit, and (iv) Acknowledges in the permit that he/she has no interest in the real property. (2) Structures built after the effective date of these regulations will be removed upon acquisition by the Federal Government of the lands upon which the structures are situated. (3) Structures that are razed or destroyed by fire or storm, or deteriorate structurally to the point of being unsafe or uninhabitable shall not be rebuilt and the permit shall be cancelled. This shall not be deemed to prohibit routine maintenance or upkeep on an existing structure. (4) The National Park Service reserves the right to full and unrestricted use of the lands under permit including, but not limited to, such purposes as managed hunting programs executed in accordance with applicable State Game and Fish laws and regulations, use of existing roads and trails, and unrestricted public access.

(c) Aircraft: Designated landing sites. (1) Except as provided below, aircraft may be landed in the preserve only at improved landing strips for which a permit has been issued and which were in existence and in usable condition at the time the lands were acquired for preserve purposes, or the effective date of these regulations, whichever occurs
§ 7.87 Kaloko-Honokohau National Historical Park.

(a) Is public nudity prohibited at Kaloko-Honokohau National Historical Park? Yes. Public nudity, including nude bathing, by any person on Federal land or water within the boundaries of Kaloko-Honokohau National Historical Park is prohibited. This section does not apply to private property located on Federal land or water within the boundaries of the park.

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