

36 CFR § 1.4 (a) Definitions

The following definitions shall apply to this chapter, unless modified by the definitions for a specific part or regulation:

Abandonment means the voluntary relinquishment of property with no intent to retain [possession](#).

Administrative activities means those activities conducted under the authority of the National Park Service for the purpose of safeguarding [persons](#) or property, implementing management plans and policies developed in accordance and consistent with the regulations in this chapter, or repairing or maintaining government facilities.

Airboat means a [vessel](#) that is supported by the buoyancy of its hull and powered by a propeller or fan above the waterline. This definition should not be construed to mean a “hovercraft,” that is supported by a fan-generated air cushion.

Aircraft means a device that is used or intended to be used for human flight in the air, including powerless flight.

Archeological resource means material remains of past human life or activities that are of archeological interest and are at least 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, [weapons](#), [weapon](#) projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, or any portion or piece of the foregoing items, and the physical site, location or context in which they are found, or human skeletal materials or graves.

Authorized emergency vehicle means a [vehicle](#) in official use for emergency purposes by a Federal agency or an emergency [vehicle](#) as defined by [State law](#).

Authorized person means an employee or agent of the National Park Service with delegated authority to enforce the provisions of this chapter.

Bicycle means every device propelled solely by human power upon which a [person](#) or [persons](#) may ride on land, having one, two, or more wheels, except a [manual wheelchair](#).

Boundary means the limits of lands or waters administered by the National Park Service as specified by Congress, or denoted by presidential proclamation, or recorded in the records of a [state](#) or political subdivision in accordance with applicable law, or published pursuant to law, or otherwise published or posted by the National Park Service.

Camping means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a [motor vehicle](#), motor home or trailer, or mooring of a [vessel](#) for the apparent purpose of overnight occupancy.

Carry means to wear, bear, or have on or about the [person](#).

Controlled substance means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of part B of the [Controlled Substance Act \(21 U.S.C. 812\)](#) or a drug or substance added to these schedules pursuant to the terms of the Act.

Cultural resource means material remains of past human life or activities that are of significant cultural interest and are less than 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, [weapons](#), [weapon](#) projectiles, tools, structures or portions of structures, or any portion or piece of the foregoing items, and the physical site, location, or context in which they are found, or human skeletal materials or graves.

Developed area means roads, parking areas, picnic areas, campgrounds, or other structures, facilities or lands located within development and historic zones depicted on the [park area](#) land management and use map.

Director means the [Director](#) of the National Park Service.

Dive flag means a flag not less than 12 inches square, red in color, with a white stripe running diagonally from the top of the staff to the opposite lower corner. The white stripe shall be one-fifth the width of the flag.

Downed aircraft means an [aircraft](#) that cannot become airborne as a result of mechanical failure, fire, or accident.

Electric bicycle means a two- or three-wheeled cycle with fully operable pedals and an electric motor of not more than 750 watts that meets the requirements of one of the following three classes:

(1) “Class 1 electric bicycle” shall mean an [electric bicycle](#) equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the [bicycle](#) reaches the speed of 20 miles per hour.

(2) “Class 2 electric bicycle” shall mean an [electric bicycle](#) equipped with a motor that may be used exclusively to propel the [bicycle](#), and that is not capable of providing assistance when the [bicycle](#) reaches the speed of 20 miles per hour.

(3) “Class 3 electric bicycle” shall mean an [electric bicycle](#) equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the [bicycle](#) reaches the speed of 28 miles per hour.

Firearm means a loaded or unloaded pistol, rifle, shotgun or other [weapon](#) which is designed to, or may be readily converted to, expel a projectile by the ignition of a propellant.

Fish means any member of the subclasses *Agnatha*, *Chondrichthyes*, or *Osteichthyes*, or any mollusk or crustacean found in salt water.

Fishing means taking or attempting to take fish.

Flat wake speed means the minimum required speed to leave a flat wave disturbance close astern a moving [vessel](#) yet maintain steerageway, but in no case in excess of 5 statute miles per hour.

Harbor means a natural or artificially improved body of water providing protection for vessels, which may include anchorage, mooring or docking facilities.

Hunting means taking or attempting to take [wildlife](#), except [trapping](#).

Legislative jurisdiction means lands and waters under the exclusive or concurrent jurisdiction of the United States.

Manned submersible means any [vessel](#) that carries or is capable of [carrying](#) passenger(s) within the confines of the [vessel](#) below the surface of the water.

Manual wheelchair means a device that is propelled by human power, designed for and used by a mobility-impaired [person](#).

Motorcycle means every [motor vehicle](#) having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motorized wheelchair means a self-propelled wheeled device, designed solely for and used by a mobility-impaired [person](#) for locomotion, that is both capable of and suitable for use in indoor pedestrian areas.

Motor vehicle means every [vehicle](#) that is self-propelled and every [vehicle](#) that is propelled by electric power, but not operated on rails or water, except an [electric bicycle](#), a [snowmobile](#), and a [motorized wheelchair](#).

National Park System (Park area) means any area of land and water now or hereafter administered by the [Secretary](#) of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

Net means a seine, weir, [net](#) wire, fish [trap](#), or other implement designed to entrap fish, except a hand-held landing [net](#) used to retrieve fish taken by hook and line.

Nondeveloped area means all lands and waters within [park areas](#) other than developed areas.

Operator means a [person](#) who operates, drives, controls, otherwise has charge of or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

Other Federal reservations in the environs of the District of Columbia means Federal areas, which are not under the administrative jurisdiction of the National Park Service, located in Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the City of Alexandria in Virginia and Prince Georges, Charles, Anne Arundel, and Montgomery Counties in Maryland, exclusive of military reservations, unless the policing of military reservations by the U.S. Park Police is specifically requested by the Secretary of Defense or a designee thereof.

Pack animal means horses, burros, mules or other hoofed mammals when designated as [pack animals](#) by the [superintendent](#).

Park area. See the definition for *National Park System* in this section.

Park road means the main-traveled surface of a roadway open to motor vehicles, owned, controlled or otherwise administered by the National Park Service.

Permit means a written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.

Person means an individual, firm, corporation, society, association, partnership, or private or public body.

Personal watercraft refers to a [vessel](#), usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The [vessel](#) is intended to be operated by a [person](#) or [persons](#) sitting, standing or kneeling on the [vessel](#), rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the [vessel](#) to the aftermost part of the [vessel](#), measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is [stated](#) in feet and inches.

Pet means a dog, cat or any animal that has been domesticated.

Possession means exercising direct physical control or dominion, with or without ownership, over property, or archeological, cultural or natural resources.

Power-driven vessel means any [vessel](#) propelled by machinery.

Practitioner means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital or other [person](#) licensed, registered or otherwise [permitted](#) by the United [States](#) or the jurisdiction in which such [person](#) practices to distribute or possess a [controlled substance](#) in the course of professional practice.

Public use limit means the number of persons; number and type of animals; amount, size and type of equipment, vessels, mechanical modes of conveyance, or food/beverage containers allowed to enter, be brought into, remain in, or be used within a designated geographic area or facility; or the length of time a designated geographic area or facility may be occupied.

Refuse means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded materials.

Regional Director means the official in charge of a geographic area of the National Park Service.

Sailing vessel means any [vessel](#) under sail provided, if propelling machinery is fitted, it is not being used.

Secretary means the [Secretary](#) of the Interior.

Services means, but is not limited to, meals and lodging, labor, professional [services](#), transportation, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.

Sewage means human body waste or the waste from a toilet or other receptacle intended to receive or retain body waste.

Smoking means the [carrying](#) of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.

Snowmobile means a self-propelled [vehicle](#) intended for travel primarily on snow, having a curb weight of not more than 1000 pounds (450 kg), driven by a track or tracks in contact with the snow, and steered by ski or skis in contact with the snow.

State means a [State](#), territory, or [possession](#) of the United States.

State law means the applicable and nonconflicting laws, statutes, regulations, ordinances, infractions and codes of the State(s) and political subdivision(s) within whose exterior boundaries a [park area](#) or a portion thereof is located.

Superintendent means the official in charge of a [park area](#) or an authorized representative thereof.

Take or *taking* means to pursue, hunt, harass, harm, shoot, [trap](#), [net](#), capture, collect, kill, wound, or attempt to do any of the above.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

Traffic control device means a sign, signal, marking or other device placed or erected by, or with the concurrence of, the [Superintendent](#) for the purpose of regulating, warning, guiding or otherwise controlling [traffic](#) or regulating the parking of vehicles.

Trap means a snare, [trap](#), mesh, wire or other implement, object or mechanical device designed to entrap or kill animals other than fish.

Trapping means taking or attempting to take [wildlife](#) with a [trap](#).

Underwater diving means the use of any apparatus, whether self contained or connected to a distant source of air or other gas, whereby a [person](#) wholly or partially submerged in water, can obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water. [Underwater diving](#) would include, but is not be limited to use of SCUBA, surface supplied air, mixed gas, or re-breathers.

Underway means when a [vessel](#) is not at anchor, moored, made fast to the shore or docking facility, or aground.

Unloaded, as applied to [weapons](#) and [firearms](#), means that: (1) There is no unexpended shell, cartridge, or projectile in any chamber or cylinder of a [firearm](#) or in a clip or magazine inserted in or attached to a [firearm](#);

(2) A muzzle-loading [weapon](#) does not contain gun powder in the pan, or the percussion cap is not in place; and

(3) Bows, crossbows, spear guns or any implement capable of discharging a missile or similar device by means of a loading or discharging mechanism, when that loading or discharging mechanism is not charged or drawn.

Un-manned submersible means any device operated by remote control, used or capable of being used, to search or collect below the surface of the water. This definition does not apply to a device being used lawfully for [fishing](#).

Vehicle means every device in, upon, or by which a [person](#) or property is or may be transported or drawn on land, except [snowmobiles](#) and devices moved by human power or used exclusively upon stationary rails or track.

Vessel means every description of watercraft, or other artificial contrivance used, or capable of being used, as a means of transportation on the water. This definition does not apply to a seaplane on the water.

Weapon means a [firearm](#), compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a [weapon](#) the [possession](#) of which is prohibited under the laws of the [State](#) in which the [park area](#) or portion thereof is located.

Wildlife means any member of the animal kingdom and includes a part, product, egg or offspring thereof, or the dead body or part thereof, except fish.

(b) In addition to the definitions in paragraph (a), for the purpose of the regulations contained in parts 3 and 7 of this chapter, the definitions pertaining to navigation, navigable waters and shipping enumerated in title 14 United [States](#) Code, title 33 Code of Federal Regulations, title 46 Code of Federal Regulations, title 49 Code of Federal Regulations, the Federal Boating [Safety Act](#) of 1971, and the [Inland Navigational Rules Act of 1980](#), shall apply for boating and water activities.

[[48 FR 30275](#), June 30, 1983, as amended at [49 FR 18449](#), Apr. 30, 1984; [51 FR 37011](#), Oct. 17, 1986; [52 FR 10683](#), Apr. 2, 1987; [60 FR 55790](#), Nov. 3, 1995; [61 FR 35136](#), July 5, 1996; [62 FR 30234](#), June 3, 1997; [65 FR 15089](#), Mar. 21, 2000; [72 FR 13702](#), Mar. 23, 2007; [85 FR 69188](#), Nov. 2, 2020]