

§ 35.12

§ 35.12 Water rights.

Nothing in the regulations in this part constitutes an expressed or implied claim or denial on the part of the Department of the Interior as to exemption from State water laws.

§ 35.13 Access to State and private lands.

Rights of States or persons and their successors in interest, whose land is surrounded by a wilderness unit, will be recognized to assure adequate access to that land. Adequate access is defined as the combination of modes and routes of travel which will best preserve the wilderness character of the landscape. Mode of travel designated shall be reasonable and consistent with accepted, conventional, contemporary modes of travel in said vicinity. Use will be consistent with reasonable purposes for which such land is held. The Director will issue such permits as are necessary for access, designating the means and route of travel for ingress and egress so as to preserve the wilderness character of the area.

[36 FR 25426, Dec. 31, 1971; 37 FR 1049, Jan. 22, 1972]

§ 35.14 Special regulations.

(a) Special regulations will be issued by the Director for individual wilderness units within the National Wildlife Refuge System as established by Public Law. These special regulations will supplement the provisions of this part.

(b) Special regulations may contain administrative and public uses as recognized in the:

(1) Legislative Record of the establishing Act.

(2) Committee Reports of the Congress.

(3) Departmental and Executive Reports to the Congress.

(4) Other provisions.

(c) Such special regulations shall be published in subpart B of this part after a wilderness has been established by Public Law and shall become effective upon publication in the FEDERAL REGISTER (12-31-71).

Subpart B—Special Regulations for Specific National Wildlife Refuge Wilderness [Reserved]

50 CFR Ch. I (10-1-04 Edition)

PART 36—ALASKA NATIONAL WILDLIFE REFUGES

Subpart A—Introduction and General Provisions

Sec.

36.1 How do the regulations in this part apply to me and what do they cover?

36.2 What do these terms mean?

36.3 Information collection.

Subpart B—Subsistence Uses

36.11 Purpose and policy.

36.12 Use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

36.13 Subsistence fishing.

36.14 Subsistence hunting and trapping.

36.15 Subsistence uses of timber and plant material.

36.16 Closure to subsistence uses of fish and wildlife.

Subpart C [Reserved]

Subpart D—Other Refuge Uses

36.31 Recreational activities.

36.32 Taking of fish and wildlife.

36.33 What do I need to know about using cabins and related structures on Alaska National Wildlife Refuges?

36.34 Firearms.

36.35 Unattended property.

36.36 Sled dogs and household pets.

36.37 Revenue producing visitor services.

Subpart E—Refuge Specific Regulations

36.39 Public use.

Subpart F—Permits and Public Participation and Closure Procedures

36.41 Permits.

36.42 Public participation and closure procedures.

TABLE I TO PART 36—SUMMARY LISTING THE NATIONAL WILDLIFE REFUGES IN ALASKA AS ESTABLISHED BY THE ALASKA LANDS ACT, PUB. L. 96-487, DECEMBER 2, 1980

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460(k) *et seq.*, 668dd-668ee, as amended, 742(a) *et seq.*, 3101 *et seq.*; and 44 U.S.C. 3501 *et seq.*

SOURCE: 46 FR 31827, June 17, 1981, unless otherwise noted.

Subpart A—Introduction and General Provisions

§ 36.1 How do the regulations in this part apply to me and what do they cover?

(a) The regulations contained in this part are prescribed for the proper use and management of all Alaska National Wildlife Refuges and supplement the general National Wildlife Refuge System regulations found in title 50 CFR chapter I, subchapter C. The general National Wildlife Refuge System regulations are automatically applicable in their entirety to the Alaska National Wildlife Refuges except as supplemented or modified by these regulations or amended by ANILCA.

(b) Except as provided in paragraph (c) of this section, the regulations contained in this part are applicable only on federally-owned lands within the boundaries of any Alaska National Wildlife Refuge. For purposes of this part, “federally-owned lands” means land interests held or retained by the United States, but does not include those land interests:

- (1) Tentatively approved, legislatively conveyed, or patented to the State of Alaska; or
- (2) Interim conveyed or patented to a Native Corporation or person.

(c) The regulations found in 50 CFR, parts 25, 26, 27, and 28, and §§ 32.2(d) and 32.5(c), except as supplemented or modified by this part or amended by ANILCA, along with the regulations found in 50 CFR 36.35(d), also are applicable to administrative and visitor facility sites of the Fish and Wildlife Service in Alaska which we may hold in fee or less than fee title and are either inside or outside the approved boundaries of any Alaska National Wildlife Refuge. Less than fee title lands do not include easements under Section 17(b) of the Alaska Native Claims Settlement Act (85 Stat. 688), but although not limited to, they include sites administered by a national wildlife refuge under the terms of a memorandum of understanding or lease agreement.

[46 FR 31827, June 17, 1981, as amended at 64 FR 14151, Mar. 24, 1999]

§ 36.2 What do these terms mean?

The following definitions shall apply to the regulations contained in this part.

Adequate and feasible access means a reasonable method and route of pedestrian or vehicular transportation which is economically practicable for achieving the use or development desired by the applicant on his/her non-federal land or occupancy interest, but does not necessarily mean the least costly alternative.

Adequate snow cover means snow of sufficient depth to protect the underlying vegetation and soil.

Administrative and visitor facility sites means any facility or site administered by the U.S. Fish and Wildlife Service for public entry or other administrative purposes including, but not limited to, refuge staff offices, visitor centers, public access and parking sites, and campgrounds.

Aircraft means a machine or device that is used or intended to be used to carry persons or objects in flight through the air, including but not limited to, airplanes, helicopters and gliders.

Alaska National Wildlife Refuges means all lands, waters and interests therein administered by the U.S. Fish and Wildlife Service within the following National Wildlife Refuges in Alaska: Alaska Maritime, Arctic, Alaska Peninsula, Becharof, Innoko, Kanuti, Kenai, Kodiak, Koyukuk, Nowitna, Selawik, Tetlin, Izembek, Togiak, Yukon Delta and Yukon Flats.

ANILCA means the Alaska National Interest Lands Conservation Act, 94 Stat 237, Pub. L. 96-487 (December 2, 1980).

Downed aircraft means an aircraft that as a result of mechanical failure or accident cannot take off.

Fish and wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, non-migratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or dead body or part thereof.