

2. Amend § 1.4 as follows:

a. Add the following definitions in alphabetical order.

b. Revise the existing definition of vessel.

**§ 1.4 What terms do I need to know?**

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*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.

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*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.

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

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*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.

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*Power-driven vessel* means any vessel propelled by machinery.

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*Sailing vessel* means any vessel under sail provided, if propelling machinery is fitted, it is not being used.

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

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*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, enabling that person to 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 to be limited to use of SCUBA; surface supplied air, mixed gas, or re-breathers.

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*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.

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*Vessel* means every type or description of craft capable of free flotation, other than a seaplane on the

water, used or capable of being used as a means of transportation on or through the water. Non-traditional vessels such as a tube, raft or other inflatable device; surf board, sailboard, and other rigid device are vessels when being used as a means of transportation on or through the water.

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**PART 3—BOATING AND WATER USE ACTIVITIES**

3.—4. Part 3 is revised to read as follows:

Sec.

3.1 What is the applicability and scope of this part?

3.2 Do other boating laws and regulations apply to me when I operate my boat on park waters?

3.3 Am I required to obtain a permit to operate a vessel in a park area?

3.4 For what purposes may my vessel be inspected?

3.5 Do I have to report an accident involving a vessel to the National Park Service?

3.6 What age must I be to operate a power driven vessel?

3.7 Who must wear a Personal Flotation Device (PFD)?

3.8 What vessel operations are prohibited?

3.9 May I operate my personal watercraft (PWC) in park waters?

3.10 What are the regulations regarding operating a vessel while under the influence of alcohol and/or drugs?

3.11 May I use a vessel to tow a person for water skiing or other similar activities?

3.12 What conditions apply to the use of Marine Sanitation Devices (MSD)?

3.13 Am I required to remove a sunken, grounded, or disabled vessel?

3.14 What is the maximum noise level for the operation of a vessel?

3.15 May I swim or wade in park waters?

3.16 What regulations apply to swimming areas and beaches?

3.17 May I snorkel or underwater dive in park waters?

3.18 May I operate a submersible within park waters?

**Authority:** 16 U.S.C. 1, 1a–2(h), 3.

**§ 3.1 What is the applicability and scope of this part?**

The applicability of the regulations in this part is described in § 1.2 of this chapter.

**§ 3.2 Do other boating laws and regulations apply to me when I operate my boat on park waters?**

(a) In addition to the regulations contained in this part, applicable laws and regulations of the United States Coast Guard apply to govern vessels and their operation on all waters (navigable and non-navigable) subject to NPS jurisdiction. Title 14 United States Code, Title 33 United States Code, Title 46 United States Code, and the United

States Coast Guard regulations in 33 CFR Chapter I, 46 CFR Chapter I and III, and 49 CFR Chapter IV apply to such operation. Therefore, Federal regulations authorizing an action by the “captain of the port” or another officer or employee of the United States Coast Guard, authorize a like action by the superintendent.

(b) Unless specifically addressed by the regulation in paragraph (a) of this section, vessels and their operation on all waters subject to NPS jurisdiction are governed by non-conflicting boating safety laws and regulations of the state within whose interior boundaries a park area or portion thereof is located.

**§ 3.3 Am I required to obtain a permit to operate a vessel in a park area?**

Generally, you are not required to obtain a permit to operate a vessel in a park area. However, in certain circumstances, taking into consideration public safety, protection of park resources, weather and park management objectives or other factors, the superintendent may require a permit for use of a vessel within a park area, pursuant to §§ 1.5 and 1.7 and consistent with § 1.6 of this chapter.

**§ 3.4 For what purposes may my vessel be inspected?**

(a) An authorized person may at any time stop and/or board a vessel to examine documents, licenses or permits relating to operation of the vessel, and to inspect the vessel to determine compliance with regulations pertaining to safety equipment, vessel capacity, marine sanitation devices, and other pollution and noise abatement requirements.

(b) An authorized person who identifies a vessel being operated without sufficient life saving or firefighting devices, in an overloaded or other unsafe condition, as defined in United States Coast Guard regulations, or in violation of a noise level specified in § 3.15(a) of this part, may direct the operator to suspend further use of the vessel until the condition is corrected.

**§ 3.5 Do I have to report an accident involving a vessel to the National Park Service?**

(a) The operator of a vessel involved in an accident involving total property damage exceeding \$2000, injury, or death or disappearance of a person must report the accident to the superintendent as soon as practical, but in any event within 24 hours of the accident.

(b) If the operator is physically incapable of making the report, the owner or an occupant of the vessel must