

National Park Service Regulations Pertaining to Wilderness

The National Park Service (NPS), for the most part, does not have specific regulations for wilderness. There are general NPS regulations in Title 36 Code of Federal Regulations (CFR) Parks, Forests, and Public Property, Chapter 1 National Park Service, Department of the Interior, which relate to the prohibited uses as identified in §4(c) of the Wilderness Act.

The regulations contained in 36 CFR Chapter 1 apply to all persons entering, using, visiting, or otherwise within the boundaries of federally owned lands and waters administered by the NPS, with the exception of the following special access regulations applicable to NPS units in Alaska: Special access. NPS units in Alaska are subject to special access regulations that expand the authorization for public use of airplanes, motorboats, and non-motorized surface transportation for any purpose. 43 CFR §36.11 (b), (c), (d), (e), (f)(1).

Commercial Enterprise: National Park wilderness is closed to commercial enterprises. Commercial services may be performed to the extent necessary for realizing the recreational or other wilderness purposes of the area, and as authorized by either law or policy.

36 CFR §5.3 Business operations.

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

Permanent Road: National Park wilderness is closed to the construction of permanent roads, which are defined as a route constructed, maintained or used by motor vehicles or mechanical transport for an indefinite period of time.¹ Neither of the following two regulations explicitly prohibits the construction of roads, but road construction is effectively eliminated.

36 CFR §2.1 Preservation of natural, cultural and archeological resources.

(a) Except as otherwise provided in this chapter, the following is prohibited:

- (1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:
 - (i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.
 - (ii) Plants or the parts or products thereof.
 - (iii) Nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof.
 - (iv) A mineral resource or cave formation or the parts thereof.

36 CFR §2.31 Trespassing, tampering and vandalism.

(a) The following are prohibited:

- (1) **Trespassing.** Trespassing, entering or remaining in or upon property or real property not open to the public, except with the express invitation or consent of the person having lawful control of the property or real property.
- (2) **Tampering.** Tampering or attempting to tamper with property or real property, or moving, manipulating or setting in motion any of the parts thereof, except when such property is under one's lawful control or possession.
- (3) **Vandalism.** Destroying, injuring, defacing, or damaging property or real

property.

Temporary Road: National Park wilderness is closed to the construction of temporary roads which are defined as a route constructed, maintained or used by motor vehicles or mechanical transport for a finite period of time.¹ Neither of the following two regulations explicitly prohibit the construction of roads but road construction is effectively eliminated.

36 CFR §2.1 Preservation of natural, cultural and archeological resources.

(a) Except as otherwise provided in this chapter, the following is prohibited:

(1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:

(i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.

(ii) Plants or the parts or products thereof.

(iii) Nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof.

(iv) A mineral resource or cave formation or the parts thereof.

36 CFR §2.31 Trespassing, tampering and vandalism.

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(1) **Trespassing.** Trespassing, entering or remaining in or upon property or real property not open to the public, except with the express invitation or consent of the person having lawful control of the property or real property.

(2) **Tampering.** Tampering or attempting to tamper with property or real property, or moving, manipulating or setting in motion any of the parts thereof, except when such property is under one's lawful control or possession.

(3) **Vandalism.** Destroying, injuring, defacing, or damaging property or real property.

Motor Vehicles: National Park wilderness is closed to the use of any vehicle that is self-propelled and every vehicle that is propelled by electric power but not operated on rails or upon water, except a snowmobile and a motorized wheelchair.² This includes, but is not limited to, cars, trucks, all-terrain vehicles (ATV) and motorcycles.

36 CFR §4.10 Travel on park roads and designated routes.

(a) Operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use.

Motorized Equipment: National Park wilderness is closed to the possession or use of any machine that applies force by transferring energy from a motor, engine, or other non-living power source.¹ This includes, but is not limited to, such machines as aircraft, UASs (drones), snowmobiles, motorboats, chainsaws, weed whackers, power drills, power saws, generators, compressors, windmills or turbines, and snow or leaf blowers.

36 CFR §2.12 Audio disturbances.

(a) The following are prohibited:

(1) Operating motorized equipment or machinery such as an electric generating plant, motor vehicle, motorized toy, or an audio device, such as a radio, television set, tape deck or musical instrument, in a manner: (i) That exceeds a noise level of

60 decibels measured on the A-weighted scale at 50 feet; or, if below that level, nevertheless; (ii) makes noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

(3) In nondeveloped areas, operating any type of portable motor or engine, or device powered by a portable motor or engine, except pursuant to the terms and conditions of a permit. This paragraph does not apply to vessels in areas where motor boating is allowed.

36 CFR §2.18 Snowmobiles.

(c) The use of snowmobiles is prohibited, except on designated routes and water surfaces that are used by motor vehicles or motorboats during other seasons. Routes and water surfaces designated for snowmobile use shall be promulgated as special regulations. Snowmobiles are prohibited except where designated and only when their use is consistent with the park's natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources.

36 CFR §4.30 Bicycles.

(i) Electric bicycles.

(4) Possessing an electric bicycle² in a wilderness area established by Federal statute is prohibited.

Motorboats: Except as allowed by §4(d)(1) of the Wilderness Act, National Park wilderness is closed to the use of motorboats which are defined as any type or description of craft, other than a seaplane on water, used or capable of being used as a means of transportation on water that is powered by a motor or engine, or other non-living power source.¹ This includes, but is not limited to, airboats and personal watercraft.

36 CFR §3.8 What vessel operations are prohibited?

(a) The following operations are prohibited:

(1) Launching or operating an airboat.

(2) Launching or recovering a vessel, except at a launch site designated by the superintendent.

(3) Operating a power-driven vessel on waters not accessible by road.

Landing of Aircraft: Except as allowed by §4(d)(1) of the Wilderness Act or unless specifically authorized pursuant to special regulations or the terms and conditions of a permit,

National Park wilderness is closed to the landing of and aerial delivery by, any device that is used for human flight in the air, including powerless flight. This includes bringing to the surface of the earth (land, water, snow, or ice) an aircraft or anything attached to or carried by an aircraft during or after a flight.¹ It also includes any aerial delivery by aircraft to a location within wilderness.

36 CFR §2.17 Aircraft and air delivery.

(a) The following are prohibited:

(1) Operating or using aircraft on lands or waters other than at locations

designated pursuant to special regulations.

(3) Delivering or retrieving a person or object by parachute, helicopter, or other airborne means, except in emergencies involving public safety or serious property loss, or pursuant to the terms and conditions of a permit.

Mechanical transport: National Park wilderness is closed to the possession of bicycles and may be closed to the possession or use of any vehicle, device, or contrivance for moving people or material in or over land, water, snow or air that has moving parts as essential components of the transport and which apply a mechanical advantage, regardless of power source¹ by the park Superintendent. This includes, but is not limited to, wheeled vehicles, devices or contrivances, such as bicycles, Segways™ and other Electric Personal Assistance Mobility Devices (EPAMD), game carriers, carts, wheelbarrows, and wagons. “Mechanical transport” does not include skis, snowshoes, sleds, travois, non-motorized river craft including drift boats, rafts or canoes, or similar primitive devices. Wheelchairs or other mobility devices that meet the definition of a “wheelchair” as defined in the Americans with Disabilities Act Section 508(c) may be used in wilderness by persons with disabilities.

36 CFR §4.30 Bicycles.

(h) Prohibited acts.

(2) Possessing a bicycle in a wilderness area established by Federal statute is prohibited.

(i) Electric bicycles.

(4) Possessing an electric bicycle² in a wilderness area established by Federal statute is prohibited.

36 CFR §1.5 Closures and Public Use Limits.

(a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:

(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.

(2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

Structure: National Park wilderness is closed to the construction, assembly, insertion, and leaving in place of any structure which is defined as anything made by humans that is intended for human occupation, or their possessions, and is left behind when the builder leaves the wilderness.¹

36 CFR §2.1 Preservation of natural, cultural and archeological resources.

(a) Except as otherwise provided in this chapter, the following is prohibited:

(1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:

(i) Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.

(ii) Plants or the parts or products thereof.

(iii) Nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof.

(iv) A mineral resource or cave formation or the parts thereof.

36 CFR §2.22 Property.

(a) The following are prohibited:

(1) Abandoning property.

(2) Leaving property unattended for longer than 24 hours, except in locations where longer time periods have been designated or in accordance with conditions established by the superintendent.

36 CFR §2.61 Residing on Federal lands.

(a) Residing in park areas, other than on privately owned lands, except pursuant to the terms and conditions of a permit, lease or contract, is prohibited.

Installation: National Park wilderness is closed to the construction, assembly, insertion, and establishment of any installation which is defined as anything made by humans that is not intended for human occupation and is left unattended or left behind when the installer leaves the wilderness.¹

36 CFR §2.22 Property.

(a) The following are prohibited:

(1) Abandoning property.

(2) Leaving property unattended for longer than 24 hours, except in locations where longer time periods have been designated or in accordance with conditions established by the superintendent.

Park-Specific Regulations:

Some park-specific regulations are established in 36 CFR, Chapter 1, Part 7 – Special Regulations, Areas of the National Park System (7.1-7.100), and in 36 CFR, Chapter 1, Part 13 – National Park System Units in Alaska (§13.1-13.1914)

In addition, Park superintendents may also establish park-specific regulatory provisions in a Superintendent’s Compendium that apply in addition to the requirements contained in 36 CFR Chapter 1, pursuant to regulations and the delegated authority provided in 36 CFR, Chapter 1, Parts 1 through 7, authorized by Title 16 United States Code, Section 3. The Superintendent’s Compendium is typically available through the park’s official website.

Footnotes:

¹This definition is from NPS Reference Manual #41: Wilderness Definitions

²This definition is from 36 CFR 1.4 What terms do I need to know?