

## Appendix 3: Regulations and Forest Orders that Apply to Developed Recreation Sites

Most of the Forest Service regulations affecting developed recreation sites are found in 36 CFR Part 261, Prohibitions. Subpart A includes general prohibitions in effect on all National Forest System Lands. Some of the most relevant Subpart A General Prohibitions are included in this Appendix. A complete set of the 36 CFR 261 regulations is available upon request.

36 CFR 261 Subpart B provides authority for Forest Orders. Some of the most relevant Subpart B Forest Orders applicable to the Los Padres National Forest developed recreation sites are included here, following the Subpart A regulations. Forest Orders may be added at any time, it is advisable to periodically check for additions to Forest Orders.

### **Subpart A—General Prohibitions**

#### **§ 261.1 Scope.**

(a) The prohibitions in this part apply, except as otherwise provided, when:

- (1) An act or omission occurs in the National Forest System or on a National Forest System road or trail.
- (2) An act or omission affects, threatens, or endangers property of the United States administered by the Forest Service.
- (3) An act or omission affects, threatens, or endangers a person using, or engaged in the protection, improvement or administration of the National Forest System or a National Forest System road or trail.
- (4) An act or omission occurs within the designated boundaries of a component of the National Wild and Scenic Rivers System.

(b) Nothing in this part shall preclude activities as authorized by the Wilderness Act of 1964 or the U.S. Mining Laws Act of 1872 as amended.

[42 FR 35958, July 13, 1977, as amended at 43 FR 32136, July 25, 1978; 46 FR 33519, June 30, 1981; 66 FR 3218, Jan. 12, 2001]

#### **§ 261.1a Special use authorizations, contracts and operating plans.**

The Chief, each Regional Forester, each Forest Supervisor, and each District Ranger or equivalent officer may issue special-use authorizations, award contracts, or approve operating plans authorizing the occupancy or use of a road, trail, area, river, lake, or other part of the National Forest System in accordance with authority which is delegated elsewhere in this chapter or in the Forest Service Manual. These Forest Officers may permit in the authorizing document or approved plan an act or omission that would otherwise be a violation of a subpart A or subpart C regulation or a subpart B order. In authorizing such uses, the Forest Officer may place such conditions on the authorization as that officer considers necessary for the protection or administration of the National Forest System, or for the promotion of public health, safety, or welfare.

[49 FR 25450, June 21, 1984]

#### **§ 261.1b Penalty.**

Any violation of the prohibitions of this part (261) shall be punished by a fine of not more than \$500 or imprisonment for not more than six months or both pursuant to title 16 U.S.C., section 551, unless otherwise provided.

[46 FR 33519, June 30, 1981]

**§ 261.2 Definitions.**

The following definitions apply to this part:

*Administrative unit.* A National Forest, a National Grassland, a purchase unit, a land utilization project, Columbia River Gorge National Scenic Area, Land Between the Lakes, Lake Tahoe Basin Management Unit, Midewin National Tallgrass Prairie, or other comparable unit of the National Forest System.

*Archaeological resource* means any material remains of prehistoric or historic human life or activities which are of archaeological interest and are at least 50 years of age, and the physical site, location, or context in which they are found.

*Area.* A discrete, specifically delineated space that is smaller, and in most cases much smaller, than a Ranger District.

*Campfire* means a fire, not within any building, mobile home or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or esthetic purposes. *Fire* includes campfire.

*Camping* means the temporary use of National Forest System lands for the purpose of overnight occupancy without a permanently-fixed structure.

*Camping equipment* means the personal property used in or suitable for camping, and includes any vehicle used for transportation and all equipment in possession of a person camping. Food and beverage are not considered camping equipment.

*Cave* means any naturally occurring void, cavity, recess, or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit a person to enter, whether the entrance is excavated or naturally formed. Such term shall include any natural pit, sinkhole, or other opening which is an extensive of a cave entrance or which is an integral part of the cave.

*Cave resources* mean any materials or substances occurring in caves including, but not limited to, biotic, cultural, mineralogic, paleontologic, geologic, and hydrologic resources.

*Commercial use or activity*— any use or activity on National Forest System lands (a) where an entry or participation fee is charged, or (b) where the primary purpose is the sale of a good or service, and in either case, regardless of whether the use or activity is intended to produce a profit.

*Damaging* means to injure, mutilate, deface, destroy, cut, chop, girdle, dig, excavate, kill or in any way harm or disturb.

*Developed recreation site* means an area which has been improved or developed for recreation.

*Distribution of printed material*— disseminating, posting, affixing, or erecting printed material as defined in this section.

*Forest officer* means an employee of the Forest Service.

*Forest road or trail.* A road or trail wholly or partly within or adjacent to and serving the National Forest System that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

*Historical resource* means any structural, architectural, archaeological, artifactual or other material remains of past human life or activities which are of historical interest and are at least 50 years of age, and the physical site, location, or context in which they are found.

*Motorized equipment* means any machine activated by a nonliving power source except small battery-powered handcarried devices such as flashlights, shavers, Geiger counters, and cameras.

*Motor vehicle* means any vehicle which is self-propelled, other than:

- (1) A vehicle operated on rails; and

(2) Any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion and that is suitable for use in an indoor pedestrian area.

*National Forest System* includes all national forest lands and waters reserved or withdrawn from the public domain of the United States, national forest lands and waters acquired through purchase, exchange, donation, or other means, national grasslands and land utilization projects and waters administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010–1012), and other lands, waters, or interests therein acquired under the Wild and Scenic River Act (16 U.S.C. 1271–1287) or National Trails System Act (16 U.S.C. 1241–1249).

*National Forest System road.* A forest road other than a road which has been authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

*National Forest System trail.* A forest trail other than a trail which has been authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

*Operating plan* means a plan of operations as provided for in 36 CFR part 228, subpart A, and a surface use plan of operations as provided for in 36 CFR part 228, subpart E.

*Paleontological resource* means any evidence of fossilized remains of multicellular invertebrate and vertebrate animals and multicellular plants, including imprints thereof. Organic remains primarily collected for use as fuel such as coal and oil are Paleontological Resources, but are excluded from the prohibitions under the rule.

*Person* means natural person, corporation, company, partnership, trust, firm, or association of persons.

*Permission* means oral authorization by a forest officer.

*Permit* means authorization in writing by a forest officer.

*Prehistoric resource* means any structural, architectural, archaeological, artifactual or other material remains of past human life or activity generally prior to the advent of written records and of anthropological interest, and the physical site, location, or context in which they are found.

*Primitive areas* are those areas within the National Forest System classified as *Primitive* on the effective date of the Wilderness Act, September 3, 1964.

*Printed material*—any written and/or graphic material including but not limited to pamphlets, brochures, photographs, graphics, signs, and posters.

*Publicly nude* means nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area or genitals. A female person is also nude if she has failed to cover both breasts below a point immediately above the top of the areola. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude.

*Recreation fee* means a standard amenity recreation fee, an expanded amenity recreation fee, or a special recreation permit fee as defined in section 802(8) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801(8)).

*Special-use authorization* means a permit, term permit, lease or easement which allows occupancy, or use rights or privileges of National Forest System land.

*State* means any State, the Commonwealth of Puerto Rico, and the District of Columbia.

*State law* means the law of any State in whose exterior boundaries an act or omission occurs regardless of whether State law is otherwise applicable.

*Stove fire* means a campfire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including a space-heating device.

*Vehicle* means any device in, upon, or by which any person or property is or may be transported, including any frame, chassis, or body of any motor vehicle, except devices used exclusively upon stationary rails or tracks.

*Volunteer or hosted enrollee* means any person, not a Forest Service employee, officially participating in a Forest Service human resource program as authorized by an act of Congress and identified to accomplish one or more of the following objectives: provide skills training;

education; useful work; develop understanding of ecological systems and conservation of natural resources; build cultural and communication bridges between various socioeconomic groups; and further the administration, development, and management of National Forest resources, forest research, and State and Private Forest activities.

[42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 46 FR 33519, June 30, 1981; 47 FR 29230, July 6, 1982; 49 FR 25450, June 24, 1984; 51 FR 1250, Jan. 10, 1986; 55 FR 10452, Mar. 21, 1990; 59 FR 31152, June 17, 1994; 60 FR 45295, Aug. 30, 1995; 66 FR 3218, Jan. 12, 2001; 69 FR 41965, July 13, 2004; 70 FR 68290, Nov. 9, 2005; 70 FR 70498, Nov. 22, 2005]

**§ 261.3 Interfering with a Forest officer, volunteer, or human resource program enrollee or giving false report to a Forest officer.**

The following are prohibited:

- (a) Threatening, resisting, intimidating, or interfering with any forest officer engaged in or on account of the performance of his official duties in the protection, improvement, or administration of the National Forest System is prohibited.
- (b) Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry.
- (c) Threatening, intimidating, or intentionally interfering with any Forest officer, volunteer, or human resource program enrollee while engaged in, or on account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984]

**§ 261.4 Disorderly conduct.**

The following are prohibited:

- (a) Engaging in fighting.
- (b) Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed.
- (c) Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.
- (d) Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise.

[46 FR 33520, June 30, 1981]

**§ 261.5 Fire.**

The following are prohibited:

- (a) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.
- (b) Firing any tracer bullet or incendiary ammunition.
- (c) Causing timber, trees, slash, brush or grass to burn except as authorized by permit.
- (d) Leaving a fire without completely extinguishing it.
- (e) Allowing a fire to escape from control.
- (f) Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981]

**§ 261.6 Timber and other forest products.**

The following are prohibited:

- (a) Cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation.
- (b) Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting.
- (c) Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a forest officer.
- (d) Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by forest officers to mark or designate a tree or any other forest product for cutting or removal.
- (e) Loading, removing or hauling timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract.
- (f) Selling or exchanging any timber or other forest product obtained under free use pursuant to §§223.5 through 223.11.
- (g) Violating any timber export or substitution restriction in §§223.160 through 223.164.
- (h) Removing any timber, tree or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation.
- (i) Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620, *et seq.*), or its implementing regulations at 36 CFR 223.185–223.203.

[42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977, as amended at 49 FR 25450, June 21, 1984; 51 FR 1250, Jan. 10, 1986; 60 FR 46934, Sept. 8, 1995]

**§ 261.8 Fish and wildlife.**

The following are prohibited to the extent Federal or State law is violated:

- (a) Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird.
- (b) Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life.
- (c) Possessing equipment which could be used for hunting, fishing, or trapping.
- (d) Possessing a dog not on a leash or otherwise confined.
- (e) Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 59 FR 31152, June 17, 1994]

**§ 261.9 Property.**

The following are prohibited:

- (a) Damaging any natural feature or other property of the United States.
- (b) Removing any natural feature or other property of the United States.
- (c) Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.
- (d) Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.
- (e) Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is not open to the public.
- (f) Using any pesticide except for personal use as an insect repellent or as provided by special-use authorization for other minor uses.
- (g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property.

- (h) Removing any prehistoric, historic, or archaeological resource, structure, site, artifact, property.
- (i) Excavating, damaging, or removing any vertebrate fossil or removing any paleontological resource for commercial purposes without a special use authorization.
- (j) Excavating, damaging, or removing any cave resource from a cave without a special use authorization, or removing any cave resource for commercial purposes.

[46 FR 33520, June 30, 1981, as amended at 49 FR 25450, June 21, 1984; 51 FR 30356, Aug. 26, 1986; 59 FR 31152, June 17, 1994]

**§ 261.10 Occupancy and use.**

The following are prohibited:

- (a) Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communications equipment, or other improvement on National Forest System lands or facilities without a special use authorization, contract, or approved operating plan, unless such authorization, contract, or operating plan is waived pursuant to §251.50(e) of this chapter.
- (b) Taking possession of, occupying, or otherwise using National Forest System lands for residential purposes without a special-use authorization, or as otherwise authorized by Federal law or regulation.
- (c) Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special-use authorization.
- (d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows:
  - (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or
  - (2) Across or on a National Forest System road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge.
  - (3) Into or within any cave.
- (e) Abandoning any personal property.
- (f) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person.
- (g) Commercial distribution of printed material without a special use authorization.
- (h) When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands; misrepresenting the purposes or affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost.
- (i) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person.
- (j) Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite or developed recreation site or over an adjacent body of water without a special-use authorization.
- (k) Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required.
- (l) Violating any term or condition of a special-use authorization, contract or approved operating plan.
- (m) Failing to stop a vehicle when directed to do so by a Forest Officer.
- (n) Failing to pay any special use fee or other charges as required.
- (o) Discharging or igniting a firecracker, rocket or other firework, or explosive into or within any cave.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 53 FR 16550, May 10, 1988; 59 FR 31152, June 17, 1994; 60 FR 45295, Aug. 30, 1995; 66 FR 3218, Jan. 12, 2001; 69 FR 41965, July 13, 2004]

**§ 261.11 Sanitation.**

The following are prohibited:

- (a) Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture.
- (b) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.
- (c) Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water.
- (d) Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes.
- (e) Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981]

**§ 261.13 Motor vehicle use.**

After National Forest System roads, National Forest System trails, and areas on National Forest System lands have been designated pursuant to 36 CFR 212.51 on an administrative unit or a Ranger District of the National Forest System, and these designations have been identified on a motor vehicle use map, it is prohibited to possess or operate a motor vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations, provided that the following vehicles and uses are exempted from this prohibition:

- (a) Aircraft;
- (b) Watercraft;
- (c) Over-snow vehicles;
- (d) Limited administrative use by the Forest Service;
- (e) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- (f) Authorized use of any combat or combat support vehicle for national defense purposes;
- (g) Law enforcement response to violations of law, including pursuit;
- (h) Motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations; and
- (i) Use of a road or trail that is authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

[70 FR 68291, Nov. 9, 2005]

**§ 261.15 Use of vehicles off roads.**

It is prohibited to operate any vehicle off National Forest System, State or County roads:

- (a) Without a valid license as required by State law.
- (b) Without an operable braking system.
- (c) From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights.
- (d) In violation of any applicable noise emission standard established by any Federal or State agency.
- (e) While under the influence of alcohol or other drug;
- (f) Creating excessive or unusual smoke;
- (g) Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property.

- (h) In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources.
- (i) In violation of State law established for vehicles used off roads.

[42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 66 FR 3218, Jan. 12, 2001. Redesignated at 70 FR 68291, Nov. 9, 2005]

**§ 261.16 Developed recreation sites.**

The following are prohibited:

- (a) Occupying any portion of the site for other than recreation purposes.
- (b) Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace.
- (c) Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose.
- (d) Discharging or igniting a firecracker, rocket or other firework, or explosive.
- (e) Occupying between 10 p.m. and 6 a.m. a place designated for day use only.
- (f) Failing to remove all camping equipment or personal property when vacating the area or site.
- (g) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.
- (h) Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up.
- (i) Leaving camping equipment unattended for more than 24 hours without permission.
- (j) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control.
- (k) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.
- (l) Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions.
- (m) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.
- (n) Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use.
- (o) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.
- (p) Depositing any body waste except into receptacles provided for that purpose.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 60 FR 45295, Aug. 30, 1995. Redesignated at 70 FR 68291, Nov. 9, 2005]

**§ 261.17 Recreation fees.**

Failure to pay any recreation fee is prohibited. Notwithstanding 18 U.S.C. 3571(e), the fine imposed for the first offense of nonpayment shall not exceed \$100.

[70 FR 70498, Nov. 22, 2005]

**Subpart B—Prohibitions in Areas Designated by Order**

**§ 261.50 Orders.**

(a) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of described areas within the area over which he has jurisdiction. An order may close an area to entry or may restrict the use of an area by applying any or all of the prohibitions authorized in this subpart or any portion thereof.