



**4310-EJ**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**36 CFR Part 2**

**[NPS-WASO-24836; PPWOVPADU0/PPMPRLE1Y.Y00000]**

**RIN 1024-AE44**

**Transporting Bows and Crossbows Across National Park System Units**

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service proposes to allow individuals to carry or possess a bow or crossbow within the National Park System when accessing otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible.

**DATES:** Comments on the proposed rule and the notice of determination must be received by 11:59 PM EST on [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments, identified by Regulation Identifier Number (RIN) 1024-AE44, by either of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail or hand deliver to:* NPS Regulations Program Office; 1849 C Street NW, MS-2472, Washington, DC 20240
- *Instructions:* Comments will not be accepted by fax, email, or in any way other than

those specified above. All submissions received must include the words “National Park Service” or “NPS” and must include the docket number or RIN (1024-AE44) for this rulemaking. Comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jay Calhoun, NPS Regulations Program, 1849 C Street NW, Washington, DC 20240. Phone: (202) 513-7112. Email: [waso\\_regulations@nps.gov](mailto:waso_regulations@nps.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background.**

National Park Service (NPS) regulations at 36 CFR 2.4(b)(3) allow bows and crossbows that are not ready for immediate use to be possessed by individuals in NPS-administered areas within a mechanical mode of conveyance. This provides regulatory relief for transient individuals passing through park areas in vehicles and other forms of mechanical transport. This proposed rule would extend this relief to individuals transporting bows and crossbows on foot or horseback when accessing otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible. Possessing bows and crossbows in this manner would be subject to applicable state laws and would not be allowed if the individual is otherwise prohibited by law from possessing a bow or crossbow.

This rule would recognize and address the difficulties faced by some individuals attempting to access private property or other lands and waters adjacent to NPS-administered areas. In some cases, the use of mechanical transport to access these adjacent lands and waters is

impracticable. As a result, individuals must traverse NPS areas on foot or horseback to reach these lands and waters but under existing regulations cannot do so with bows and crossbows without first obtaining a permit from the park Superintendent. This rule would remove the permit requirement in order to carry or possess bows or crossbows for this purpose. This rule would not change the regulations in 36 CFR part 2 governing the use of a bow or crossbow in park areas.

**Compliance with Other Laws, Executive Orders and Department Policy.**

**Regulatory Planning and Review (Executive Orders 12866 and 13563).**

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The NPS has developed this rule in a manner consistent with these requirements.

**Reducing Regulation and Controlling Regulatory Costs (Executive Order 13771).**

This rule is an E.O. 13771 deregulatory action because, once finalized, it would impose less than zero costs by removing a regulatory permit requirement that imposes unnecessary costs upon individuals seeking to safely access remote lands and waters. The costs associated with the

requirement to obtain a permit before transporting a bow or crossbow across NPS lands or waters outside of a mechanical conveyance would be eliminated.

**Regulatory Flexibility Act.**

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the economic analyses found in the report entitled “Benefit-Cost and Regulatory Flexibility Analyses: Cost-Benefit and Regulatory Flexibility Analyses: Transporting Bows and Crossbows Across National Park System Units” that is available to the public upon request.

**Small Business Regulatory Enforcement Fairness Act.**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- (a) Does not have an annual effect on the economy of \$100 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

**Unfunded Mandates Reform Act.**

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement

containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

**Takings (Executive Order 12630).**

This rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

**Federalism (Executive Order 13132).**

Under the criteria in section 1 of Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of federally-administered lands and waters. It has no outside effects on other areas. A Federalism summary impact statement is not required.

**Civil Justice Reform (Executive Order 12988).**

This rule complies with the requirements of Executive Order 12988. This rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

**Consultation with Indian tribes (Executive Order 13175 and Department Policy).**

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. The NPS has evaluated this rule under the criteria in Executive Order 13175 and under the Department's tribal consultation policy and has determined that tribal consultation is not required because the rule will have no substantial direct effect on federally recognized Indian tribes.

**Paperwork Reduction Act.**

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. The NPS may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

**National Environmental Policy Act.**

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the NPS intends to categorically exclude this rule under 516 DM 12.5(A)(10). This rule will modify existing NPS regulations in a manner that does not increase public use to the extent of compromising the nature and character of the National Park System or causing physical damage to it. The rule will not conflict with adjacent ownerships or lands uses, or cause a nuisance to adjacent owners or occupants. We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

**Effects on the Energy Supply (Executive Order 13211).**

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

**Clarity of this rule.**

The NPS is required by Executive Orders 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule the NPS publishes must:

- (a) Be logically organized;

- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that the NPS has not met these requirements, send the NPS comments by one of the methods listed in the **ADDRESSES** section. To better help the NPS revise the rule, your comments should be as specific as possible. For example, you should identify the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

### **Public Participation.**

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule by one of the methods listed in the **ADDRESSES** section of this document.

### **Public availability of comments.**

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask the NPS in your comment to withhold your personal identifying information from public review, the NPS cannot guarantee that it will be able to do so.

### **List of Subjects in 36 CFR Part 7**

National parks, Reporting and Recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR

part 2 as set forth below:

**PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

1. The authority citation for part 2 continues to read as follows:

**Authority:** 54 U.S.C. 100101, 100751, 320102.

2. Amend § 2.4 as follows:

a. Redesignate paragraph (b)(3) as paragraph (b)(3)(i).

b. Add paragraph (b)(3)(ii).

c. Revise paragraph (e) introductory text.

The addition and revision to read as follows:

**§ 2.4 Weapons, traps and nets.**

\* \* \*

(b) \* \* \*

(3) \* \* \*

(ii) An individual may carry or possess an unloaded bow or crossbow when accessing otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible if:

(A) The individual is not otherwise prohibited by law from possessing the bow or crossbow; and

(B) The possession of the bow or crossbow is in compliance with the law of the State in which the park area is located.

\* \* \*

(e) The superintendent may issue a permit to carry or possess a weapon that is not otherwise authorized, a trap, or a net under the following circumstances:

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Jason Larrabee  
Principal Deputy Assistant Secretary  
for Fish and Wildlife and Parks  
Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks  
[FR Doc. 2018-04247 Filed: 3/1/2018 8:45 am; Publication Date: 3/2/2018]