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(i) Snowmobiles or snowcoaches that stop on designated routes must pull over to the far right next to the snow berm. Stopping the vehicle in a hazardous location, or where the view of the vehicle might be obscured, such as on a curve, is prohibited. Pullouts must be utilized when available and accessible.

(ii) Snowmobiles and snowcoaches must be properly registered and display a valid state registration sticker.

(iii) Snowmobile operators must possess a valid state motor vehicle operator's license or learner's permit. The license or permit must be carried on the operator's person at all times.

(iv) Persons operating a snowmobile while possessing a learner's permit must be accompanied and supervised within line of sight, but no further than 100 yards, by a responsible person 21 years of age or older possessing a valid state motor vehicle operator's license.

(v) Allowing or permitting an unlicensed driver to operate a snowmobile is prohibited.

(vi) Snowcoaches, and during the winter use season of 2002-2003 snowmobiles, may not be operated in the park between the hours of 9 p.m. and 8 a.m. except by authorization.

(10) *May I operate a snowplane in the Parkway?* The operation of snowplanes in the Parkway is prohibited.

(11) *What is a snowplane?* A snowplane is a self-propelled vehicle intended for over-the-snow travel and driven by a pusher-propeller.

(12) *Are there any other forms of over-snow transportation allowed in the Parkway?* No other forms of motorized over-snow transportation are permitted for use in the Parkway unless specifically approved by the Superintendent and are consistent with the requirements of the applicable Executive Orders and the park's management plans.

(b) [Reserved]

[48 FR 19169, Apr. 28, 1983, as amended at 48 FR 30294, June 30, 1983; 66 FR 7266, Jan. 22, 2001]

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(a) *Aircraft—Designated airstrip.* (1) Jackson Airport, located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 10, SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 11, S $\frac{1}{2}$ and NW $\frac{1}{4}$ sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$

NE $\frac{1}{4}$ sec. 15, T. 42 N., R. 116 W., 6th Principal Meridian.

(2) [Reserved]

(b) *Fishing.* (1) The following waters are closed to fishing: The Snake River for a distance of 150 feet below the downstream face of Jackson Lake Dam; Swan Lake; Sawmill Ponds; Hedrick's Pond; Christian Ponds; and Cottonwood Creek from the outlet of Jenny Lake downstream to the Saddle Horse Concession Bridge.

(2) Fishing from any bridge or boat dock is prohibited.

(3) *Bait:* The use or possession of fish eggs or fish for bait is prohibited, except it shall be permissible to possess or use the following dead, nongame fish for bait on or along the shores of Jackson Lake: Redside shiner, speckled dace, longnose dace, piute sculpin, mottled sculpin, Utah chub, Utah sucker, bluehead sucker, and mountain sucker. Authorized marine bait dealers at Jackson Lake may retain live bait fish in containers: *Provided*, That such fish have been taken from Jackson Lake or waters draining into Jackson Lake; *And provided further*, That such bait fish are dead when sold.

(c) *Stock grazing.* (1) Privileges for the grazing of domestic livestock based on authorized use of certain areas at the time of approval of the Act of September 14, 1950 (64 Stat. 849, Pub. L. 787), shall continue in effect or shall be renewed from time to time, except for failure to comply with such terms and conditions as may be prescribed by the Superintendent in these regulations and after reasonable notice of default and subject to the following provisions of tenure:

(i) Grazing privileges appurtenant to privately owned lands located within the park shall not be withdrawn until title to the lands to which such privileges are appurtenant shall have vested in the United States except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(ii) Grazing privileges appurtenant to privately owned lands located outside the park shall not be withdrawn for a period of twenty-five years after September 14, 1950, and thereafter shall continue during the lifetime of the original permittee and his heirs if they

were members of his immediate family as described herein, except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(iii) Members of the immediate family are those persons who are related to and directly dependent upon a person or persons, living on or conducting grazing operations from lands, as of September 14, 1950, which the National Park Service recognized as base lands appurtenant to grazing privileges in the park. Such interpretation excludes mature children who, as of that date, were established in their own households and were not directly dependent upon the base lands and appurtenant grazing recognized by the National Park Service.

(iv) If title to base lands lying outside the park is conveyed, or such base lands are leased to someone other than a member of the immediate family of the permittee as of September 14, 1950, the grazing preference shall be recognized only for a period of twenty-five years from September 14, 1950.

(v) If title to a portion or part of the base land either outside or inside the park is conveyed or such base lands are leased, the new owner or lessee will take with the land so acquired or leased, such proportion of the entire grazing privileges as the grazing capacity in animal unit months of the tract conveyed or leased bears to the original area to which a grazing privilege was appurtenant and recognized. Conveyance or lease of all such base lands will automatically convey all grazing privileges appurtenant thereto.

(vi) Grazing privileges which are appurtenant to base lands located either inside or outside the park shall not be conveyed separately therefrom.

(2) Where no reasonable ingress or egress is available to permittees or nonpermittees who must cross Park lands to reach grazing allotments on non-Federal lands within the exterior boundary of the Park or adjacent thereto, the Superintendent will grant, upon request a temporary nonfee annual permit to herd stock on a designated driveway which shall specify the time to be consumed in each single drive. The breach of any of the terms or conditions of the permit shall be

grounds for termination, suspension, or reduction of these privileges.

(3) Grazing preferences are based on actual use during the period March 15, 1938 through September 14, 1950 and no increase in the number of animals or animal unit months will be allowed on Federal lands in the park.

(4)(i) A permittee whose grazing privilege is appurtenant to privately owned lands within the park will be granted total nonuse or reduced benefits for one or more years without nullifying his privilege in subsequent years.

(ii) A permittee whose privilege is appurtenant to base lands outside the park may be granted total nonuse on a year to year basis not to exceed three consecutive years. Total nonuse beyond this time may be granted if necessitated for reasons clearly outside the control of the permittee. Total unauthorized nonuse beyond three consecutive years will result in the termination and loss of all grazing privileges.

(iii) Whenever partial or total nonuse is desired, an application must be made in writing to the Superintendent.

(5) Grazing fees shall be the same as those approved for the Teton National Forest and will be adjusted accordingly.

(6) Permittees or nonpermittees who have stock on Federal lands within the park at any time or place, when or where herding or grazing is unauthorized may be assessed fifty cents per day per animal as damages.

(7) The Superintendent may accept a written relinquishment or waiver of any privileges; however, no such relinquishment or waiver will be effective without the written consent of the owner or owners of the base lands.

(8) Permits. Terms and conditions. The issuance and continued effectiveness of all permits will be subject, in addition to mandatory provisions required by Executive Order or law, to the following terms and conditions:

(i) The permittee and his employees shall use all possible care in preventing forest and range fires, and shall assist in the extinguishing of forest and range fires on, or within, the vicinity of the land described in the permit, as well as

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in the preservation of good order within the boundaries of the park.

(ii) The Superintendent may require the permittee before driving livestock to or from the grazing allotment to gather his livestock at a designated time and place for the purpose of counting the same.

(iii) Stock will be allowed to graze only on the allotment designated in the permit.

(iv) The permittee shall file with the Superintendent a copy of his stock brand or other mark.

(v) The permittee shall, upon notice from the Superintendent that the allotment designated in the permit is not ready to be grazed at the beginning of the designated grazing season, place no livestock on the allotment for such a period as may be determined by the Superintendent as necessary to avoid damage to the range. All, or a portion of the livestock shall be removed from the area before the expiration of the designated grazing season if the Superintendent determines further grazing would be detrimental to the range. The number of stock and the grazing period may be adjusted by the Superintendent at any time when such action is deemed necessary for the protection of the range.

(vi) No permit shall be issued or renewed until payment of all fees and other amounts due the National Park Service has been made. Fees for permits are due the National Park Service and must be paid at least 15 days in advance of the grazing period. No permit shall be effective to authorize grazing use thereunder until all fees and other amounts due the National Park Service have been paid. A pro rata adjustment of fees will be made in the event of reduction of grazing privileges granted in the permit, except that not more than 50 percent of the total annual grazing fee will be refunded in the event reduced grazing benefits are taken at the election of the permittee after his stock are on the range.

(vii) No building or other structure shall be erected nor shall physical improvements of any kind be established under the permit except upon plans and specifications approved by the National Park Service. Any such facilities, structures, or buildings may be re-

moved or disposed of to a successor permittee within three months following the termination of the permit; otherwise they shall become the property of the United States without compensation therefor.

(viii) The permittee shall utilize the lands covered by the permit in a manner approved and directed by the Superintendent which will prevent soil erosion thereon and on lands adjoining same.

(ix) The right is reserved to adjust the fees specified in the permit at any time to conform with the fees approved for Teton National Forest, and the permittee shall be furnished a notice of any change of fees.

(x) All livestock are considered as mature animals at six months of age and are so counted in determining animal unit months and numbers of animals.

(xi) The Superintendent may prescribe additional terms and conditions to meet individual cases.

(9) The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of grazing privileges.

(10) Appeals from the decision of the Superintendent to the Regional Director and from the Regional Director to the Director shall be made in accordance with the National Park Service Order No. 14, as amended (19 FR 8824) and Regional Director, Order No. 3, as amended (21 FR 1494).

(11) Nothing in these regulations shall be construed as to prevent the enforcement of the provisions of the general rules and regulations and the special rules and regulations of the National Park Service or of any other provisions of said rules and regulations applicable to stock grazing.

(d) *Camping.* (1) No person, party, or organization shall be permitted to camp more than 30 days in a calendar year in designated sites within the Park.

(2) Except in group campsites and backcountry sites, camping is limited to six persons to a site.

(3) Registration is required for camping at the Jenny Lake Campground; camping in this campground shall not exceed 10 days in any calendar year.

(e) *Vessels.* (1) Motorboats are prohibited except on Jackson, Jenny, and Phelps Lakes. On Jenny Lake, motorboats are restricted to motors not in excess of 7½ horsepower. Additionally, on Jenny Lake, an authorized boating concessioner may operate motorboats under conditions specified by the Superintendent.

(2) Hand-propelled vessels may be used on Jackson, Jenny, Phelps, Emma Matilda, Two Ocean, Taggart, Bradley, Bearpaw, Leigh, and String Lakes and on the Snake River, except within 1,000 feet of the downstream face of Jackson Lake Dam. All other waters are closed to boating.

(3) Sailboats may be used only on Jackson Lake.

(4) No person except an authorized concessioner shall moor or beach a vessel on the shore of a designated harbor area, except in an emergency.

(f) *Management of elk.* The laws and regulations of the State of Wyoming shall govern elk management as associated with formal reduction programs. Such Wyoming laws and regulations which are now or will hereafter be in effect are hereby incorporated by reference as a part of the regulations in this part.

(g)(1) *May I operate a snowmobile in Grand Teton National Park?* Until the end of the winter use season of 2001-2002, you may operate a snowmobile on the routes and areas designated in paragraphs (g)(2) through (g)(4) of this section in compliance with operating standards established by the Superintendent. During the winter use season of 2002-2003, you may operate a snowmobile on the route designated in paragraph (g)(6) of this section in compliance with the public use limits and operating standards established by the Superintendent. Effective the winter use season of 2003-2004, snowmobile use will be restricted to the routes and purposes in paragraphs (g)(10), (11), (12), and (13) of this section. All other snowmobile use is prohibited, except for essential administrative use and in emergency situations as determined by the Superintendent.

(2) Effective until the end of the winter use season 2001-2002, the following are the designated routes to be open to snowmobile use: The Spread Creek

Road; the unplowed portion of the Pacific Creek Road; the unplowed portion of the Ditch Creek Road; the Lost Creek Ranch Road, those portions of the unplowed roads connecting with the Shadow (Antelope) Mountain Forest Service Road at Cunningham Cabin, Lost Creek Road and Antelope Flats Road; the unplowed portions of the Moose-Wilson Road; and the unplowed portion of the Teton Park Road north of Cottonwood Creek to a line of markers south of Timbered Island, around the east side of Timbered Island north to the line of markers at South Jenny Lake Junction, and then north to Signal Mountain Lodge, except during the period previous to opening of Potholes-Baseline Flats areas when the Teton Park Road will be open through to Signal Mountain, the Jenny Lake Loop Road, the Spalding Bay Road, the String Lake Picnic Area Road, the Signal Mountain Summit Road, the Signal Mountain Launch Ramp Road, and the Lizard Creek Campground Road.

(3) Effective until the end of the winter use season 2001-2002, the following are the designated areas open to snowmobile use: The Potholes-Baseline Flats area east of the Teton Park Road north of the Cottonwood Creek, north of the Bar BC access road, east of Timbered Island, west of the River Road or as marked at the top of the Snake River Bench, northwest of Timbered Island as marked to the Teton Park Road and bounded on the north by the RKO Road.

(4) Effective until the end of the winter use season 2001-2002, the following water surface is designated for snowmobile and snowplane use: The frozen surface of Jackson Lake.

(5) *What is a winter use season?* A winter use season is that portion of the winter months that begins each year in approximately late November, through the following year ending in approximately the middle of March. Specific dates are dependent on weather conditions and the availability of park facilities and resources and may be adjusted at the discretion of the Superintendent. Appropriate notice will be given to the public of determined start and ending dates each season.

(6) *What routes and limits are designated for snowmobile use in the park*

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during the winter use season of 2002–2003? For the winter use season of 2002–2003, the Continental Divide Snowmobile Trail along U.S. 26/287 from Moran to the eastern park boundary and along U.S. 89/287 from Moran to the north park boundary is designated for snowmobile use. The Superintendent may open or close this route after taking into consideration the location of wintering wildlife, appropriate snow cover, and other factors that may relate to public safety. A maximum of 25 snowmobiles is allowed to use this route each day.

(7) *What other conditions are placed on snowmobile operations?* Snowmobiles may be operated in the park under the following conditions:

(i) Snowmobiles that stop on designated routes must pull over to the far right next to the snow berm. Stopping the vehicle in a hazardous location, or where the view of the vehicle might be obscured, such as on a curve, is prohibited. Pullouts must be utilized when available and accessible.

(ii) Snowmobiles must be properly registered and display a valid state registration sticker.

(iii) Snowmobile operators must possess a valid state motor vehicle operator's license or learner's permit. The license or permit must be carried on the operator's person at all times. Snowmobile operators are not required to possess a valid drivers license while operating on the public access routes designated in paragraph (g)(10) of this section and the private property access routes designated in paragraph (g)(12) of this section.

(iv) Persons operating a snowmobile while possessing a learner's permit must be accompanied and supervised within line of sight, but no farther than 100 yards, by a responsible person 21 years of age or older possessing a valid state motor vehicles operator's license.

(v) Allowing or permitting an unlicensed driver to operate a snowmobile is prohibited.

(vi) Snowcoaches, and during the winter use season of 2002–2003 snowmobiles, may not be operated in the park between the hours of 9 p.m. and 8 a.m.

(8) *May I operate a snowplane in the park?* If you had a permit to operate a

snowplane on Jackson Lake during the winter use season 2000–2001, you may obtain a permit to operate a snowplane on Jackson Lake during the winter use season of 2001–2002. Effective at the end of the winter use season 2001–2002, snowplane use in Grand Teton National Park is prohibited.

(9) *What is a snowplane?* A snowplane is a self-propelled vehicle intended for over-the-snow travel and driven by a pusher-propeller.

(10) *May I continue to access public lands via snowmobile through the park?* Reasonable and direct access via snowmobile to adjacent public lands will continue to be permitted on designated routes through the park. The following routes are designated for access via snowmobile to public lands:

(i) From the parking area at Shadow Mountain directly along the unplowed portion of the road to the east park boundary.

(ii) Along the unplowed portion of the Ditch Creek Road directly to the east park boundary.

(iii) From the Cunningham Cabin pullout on U.S. 26/89 near Triangle X to the east park boundary.

(11) *For what purpose may I use the routes designated in paragraph (g)(10) of this section?* You may use those routes designated in paragraph (g)(10) of this section to gain direct access to public lands adjacent to the park boundary.

(12) *May I continue to access private property within or adjacent to the park via snowmobile?* Reasonable and direct access via snowmobile to private property will continue to be permitted via designated routes in the park. The following routes are designated for access to private property within or adjacent to the park:

(i) The unplowed portion of Antelope Flats Road off U.S. 26/89 to private lands in the Craighead Subdivision.

(ii) The unplowed portion of the Teton Park Road to that piece of land commonly referred to as the "Clark Property".

(iii) From the Moose-Wilson Road to the land commonly referred to as the "Barker Property" until the Department of the Interior takes full possession of that land.

(iv) From the Moose-Wilson Road to the land commonly referred to as the

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“Wittimer Property” until the Department of the Interior takes full possession of that land.

(v) From the Moose-Wilson Road to those two pieces of land commonly referred to as the “Halpin Properties”.

(vi) From either end of the plowed sections of the Moose-Wilson Road to that piece of land commonly referred to as the “JY Ranch”.

(vii) From Highway 26/89/187 to those lands commonly referred to as the “Meadows”, the “Circle EW Ranch”, the “Moulton Property, the “Levinson Property” and the “West Property”.

(viii) From Cunningham Cabin pull-out on U.S. 26/89 near Triangle X the piece of land commonly referred to as the “Lost Creek Ranch”.

(ix) Maps detailing designated routes will be available from Park Headquarters.

(13) *For what purpose may I use the routes designated in paragraph (g)(12) of this section?* Those routes designated in paragraph (g)(12) of this section are to access private property within or directly adjacent to the park boundary. Use of these roads via snowmobile is authorized only for the landowners and their representatives or guests. Recreational use of these roads by anyone is prohibited.

(14) *Are there any other forms of over-snow transportation allowed in the park?* No other forms of motorized over-snow transportation are permitted for use in the park unless specifically approved by the Superintendent and are consistent with the requirements of the applicable Executive Orders and the park’s management plans.

[24 FR 11043, Dec. 30, 1959, as amended at 27 FR 9515, Sept. 26, 1962; 32 FR 7772, May 27, 1967; 36 FR 16065, Aug. 19, 1971; 48 FR 19171, Apr. 28, 1983; 48 FR 30294, June 30, 1983; 60 FR 13630, Mar. 14, 1995; 60 FR 55791, Nov. 3, 1995; 66 FR 7267, Jan. 22, 2001]

§ 7.23 Badlands National Park.

(a) *Commercial vehicles.* (1) Notwithstanding the prohibition of commercial vehicles set forth in § 5.6 of this chapter, local commercial vehicles may operate on the park road between the Northeast entrance and the Interior entrance in accordance with the provisions of this section.

36 CFR Ch. I (7–1–02 Edition)

(2) The term “Local Commercial Vehicles”, as used in this section, will include the definition of “commercial vehicle” in § 5.6(a), but specifically includes only those vehicles that originate from, or are destined to, the following U.S. Postal Service ZIP code areas:

Allen 57714
Belvedere 57521
Cottonwood 57775
Creighton 57729
Interior 57750
Kadoka 57543
Kyle 57752
Long Valley 57547
Owanka 57767
Philip 57567
Scenic 57780
Wall 57790
Wanblee 57577
Wasta 57791

(3) The Superintendent may require a permit and establish terms and conditions in accordance with § 1.6 of this chapter for the operation of local commercial vehicles on the park road between the park’s Northeast and Interior entrances. The Superintendent may charge a fee for any permits issued to commercial vehicles in accordance with a fee schedule established annually.

(4) The commercial transport on the park road between the Northeast and Interior entrances of any substance or combination of substances, including any hazardous substance, hazardous material, or hazardous waste that requires placarding, or any marine pollutant that requires marking, as defined in 49 CFR Subtitle B, is prohibited; except for local bulk deliveries of gasoline, fuel oil and LP gas; provided, however, that the Superintendent may issue permits for the transportation of such substance or combination of substances, including hazardous waste, in emergencies, and may issue permits when such transportation is necessary for access to lands within or adjacent to the park area to which access is otherwise not available as provided in 36 CFR 5.6.

(5) The operator of a motor vehicle transporting any hazardous substance, hazardous material, hazardous waste, or marine pollutant in accordance with a permit issued under this section, is