

(4) Aircraft operation in the vicinity of marinas, boats, boat docks, floats, piers, ramps, bird nesting areas, or bathing beaches must be performed with due caution and regard for persons and property and in accordance with any posted signs or uniform waterway markers.

(5) Aircraft are prohibited from landing or taking off from any land surfaces, any estuary, lagoon, marsh, pond, tidal flat, paved surface, or any waters temporarily covering a beach; except with prior authorization of the Superintendent. Permission shall be based on the need for emergency service, resource protection, resource management or law enforcement.

(6) Aircraft operations shall comply with all Federal, State and county ordinances and rules for operations as may be indicated in available navigation charts or other aids to aviation which are available for the Fire Island area.

(c) *Information collection.* The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024-0026. This information is being collected in order for the superintendent to issue permits and grant administrative benefits. The obligation to respond is required in order to obtain a benefit.

[42 FR 62483, Dec. 13, 1977, as amended at 44 FR 44493, July 30, 1979; 47 FR 11011, Mar. 15, 1982; 50 FR 24511, June 11, 1985; 52 FR 7376, 7377, Mar. 10, 1987; 52 FR 10686, Apr. 2, 1987]

§7.21 John D. Rockefeller, Jr. Memorial Parkway.

(a)(1) *What is the scope of this regulation?* The regulations contained in paragraphs (a)(2) through (a)(18) of this section are intended to apply to the use of recreational and commercial snowmobiles. Except where indicated, paragraphs (a)(2) through (a)(18) do not apply to non-administrative snowmobile or snowcoach use by NPS, contractor or concessioner employees who live or work in the interior of Yellowstone, or other non-recreational users authorized by the Superintendent.

(2) *What terms do I need to know?* All the terms in §7.13(l)(2) of this part apply to this section. This paragraph

applies to non-administrative snowmobile use by NPS or concessioner employees.

(3) *May I operate a snowmobile in the Parkway?* You may operate a snowmobile in the Parkway in compliance with use limits and entry passes, guiding requirements, operating hours and dates, equipment, and operating conditions established pursuant to this section. The Superintendent may establish additional operating conditions and shall provide notice of those conditions in accordance with §1.7(a) of this chapter or in the FEDERAL REGISTER.

(4) *May I operate a snowcoach in the Parkway?* Commercial snowcoaches may be operated in the Parkway under a concessions contract. Non-commercial snowcoaches may be operated if authorized by the Superintendent. Snowcoach operation is subject to the conditions stated in the concessions contract and all other conditions identified in this section.

(i) Historic snowcoaches (Bombardier snowcoaches manufactured in 1983 or earlier) are not initially required to meet air or sound requirements.

(ii) Beginning with the winter of 2005-2006, all non-historic snowcoaches must meet NPS air emissions requirements. These requirements are the EPA's emission standards for the vehicle at the time it was manufactured.

(iii) Beginning with the winter of 2008-2009, all non-historic snowcoaches must meet NPS sound requirements. Snowcoaches must operate at or below 75 dB(A) as measured at 25 mph on the A-weighted scale at 50 feet using test procedures similar to Society of Automotive Engineers J1161 (revised 1983).

(iv) All critical emission-related exhaust components (as defined in 40 CFR 86.004-25(b)(3)(iii)-(v)) must be functioning properly. Malfunctioning critical emissions-related components must be replaced with the original equipment manufacturer (OEM) component, where possible. Where OEM parts are not available, after-market parts may be used. In general, catalysts that have exceeded their useful life must be replaced unless the operator can demonstrate the catalyst is functioning properly.

(v) Tampering with or disabling a snowcoach's original pollution control

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equipment is prohibited except for maintenance purposes.

(vi) Individual snowcoaches may be subject to periodic inspections to determine compliance with the requirements of paragraphs (a)(4)(ii) through (a)(4)(v) of this section.

(5) *Must I operate a certain model of snowmobile?* Only commercially available snowmobiles that meet NPS air and sound emissions requirements may be operated in the Parkway. The Superintendent will approve snowmobile makes, models, and year of manufacture that meet those requirements. The public will be made aware of any new air or sound emissions requirements through publication in the FEDERAL REGISTER and using one or more of the methods listed in § 1.7(a) of this chapter. Any snowmobile model not approved by the Superintendent may not be operated in the Parkway.

(6) *How will the Superintendent approve snowmobile makes, models, and year of manufacture for use in the Parkway?* (i) Beginning with the 2005 model year, all snowmobiles must be certified under 40 CFR part 1051, to a Family Emission Limit no greater than 15 g/kW-hr for hydrocarbons and to a Family Emission Limit no greater than 120 g/kW-hr for carbon monoxide.

(A) 2004 model year snowmobiles may use measured air emissions levels (official emission results with no deterioration factors applied) to comply with the air emission limits specified in paragraph (a)(6)(i) of this section.

(B) Snowmobiles manufactured prior to the 2004 model year may be operated only if they have shown to have air emissions no greater than the requirements identified in paragraph (a)(6)(i) of this section.

(C) The snowmobile test procedures specified by EPA (40 CFR parts 1051 and 1065) shall be used to measure air emissions from model year 2004 and later snowmobiles. Equivalent procedures may be used for earlier model years.

(ii) For sound emissions snowmobiles must operate at or below 73dB(A) as measured at full throttle according to Society of Automotive Engineers J192 test procedures (revised 1985). Snowmobiles may be tested at any barometric pressure equal to or above 23.4 inches Hg uncorrected.

(iii) These air and sound emissions requirements shall not apply to snowmobiles originating in the Targhee National Forest and traveling on the Grassy Lake Road to Flagg Ranch, however these snowmobiles may not travel further into the Parkway unless they meet the air and sound emissions and all other requirements of this section.

(iv) Snowmobiles not operating under a concessions contract are exempt from air and sound emissions requirements for the winter 2003-2004 only.

(v) The Superintendent may prohibit entry into the Parkway of any snowmobile that has been modified in a manner that may affect air or sound emissions.

(7) *Where must I operate my snowmobile in the Parkway?* You must operate your snowmobile only upon designated oversnow routes established within the Parkway in accordance with 36 CFR 2.18(c). The following oversnow routes are so designated for snowmobile use:

(i) The Continental Divide Snowmobile Trail (CDST) along U.S. Highway 89/287 from the southern boundary of the Parkway north to the Snake River Bridge.

(ii) Along U.S. Highway 89/287 from the Snake River Bridge to the northern boundary of the Parkway.

(iii) Grassy Lake Road from Flagg Ranch to the western boundary of the Parkway.

(iv) The Superintendent may open or close these routes, or portions thereof, for snowmobile travel after taking into consideration the location of wintering wildlife, appropriate snow cover, public safety or other factors. Notice of such opening or closing shall be provided by one or more of the methods listed in § 1.7(a) of this chapter.

(v) This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

(vi) Maps detailing the designated oversnow routes will be available from Park Headquarters.

(8) *What routes are designated for snowcoach use?* (i) Authorized snowcoaches may only be operated on the route designated for snowmobile

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use in paragraph (a)(7)(ii) of this section. No other routes are open to snowcoach use.

(ii) The Superintendent may open or close this oversnow route, or portions thereof, or designate new routes for snowcoach travel after taking into consideration the location of wintering wildlife, appropriate snow cover, public safety, and other factors. Notice of such opening or closing shall be provided by one or more of the methods listed in §1.7(a) of this chapter.

(iii) This paragraph also applies to non-administrative snowcoach use by NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

(9) *Will I be required to use a guide while snowmobiling in the Parkway?* Beginning in the winter of 2004-2005, all snowmobile operators using the oversnow route along U.S. Highway 89/287 from Flagg Ranch to the northern boundary of the parkway must be accompanied by a guide that has successfully completed an NPS-approved training program. A guide is not required in other portions of the Parkway. During the winter of 2003-2004 only, the twenty percent (20%) of the authorized daily snowmobile entries that are allocated to the general public do not require a guide.

(10) *What other requirements apply to the use of snowmobile guides?* Eighty percent (80%) of the authorized daily snowmobile use on U.S. Highway 89/287 from Flagg Ranch to the northern boundary of the Parkway is allocated under concessions contracts for commercial guiding services while the remaining twenty percent (20%) of the

authorized daily snowmobile entries are allocated to the general public for non-commercially guided parties.

(i) Non-commercial guides are required to successfully complete a training program approved by the Superintendent to include training on Parkway rules, safety considerations, and appropriate actions to minimize impacts to wildlife and other Parkway resources.

(ii) Snowmobile parties must travel in a group, including the guide. Maximum or minimum group size may be designated by the Superintendent. Notice of group size requirements shall be provided by one or more of the methods listed in §1.7(a) of this chapter.

(iii) It is prohibited for non-commercial guides, or anyone else, to receive fees or other forms of compensation for non-commercial guiding services.

(iv) Guided parties must travel together within a maximum of one-third mile of the first snowmobile in the group.

(v) The Superintendent may change requirements related to guiding, including the commercial to non-commercial guide ratio. Except for emergency situations, changes to guiding requirements may be made on an annual basis and the public will be notified of those changes through publication in the FEDERAL REGISTER and by one or more of the procedures listed in §1.7(a) of this chapter.

(11) *Are there limits established for the numbers of snowmobiles permitted to enter the Parkway each day?* Snowmobiles allowed to enter the Parkway each day will be limited to a specific number per road segment. The initial limits are listed in the following table:

TABLE 1 TO §7.21.—INITIAL DAILY SNOWMOBILE ENTRY LIMITS

Park entrance/road segment	Number of commercially-guided snowmobiles	Number of non-commercially guided snowmobiles	Total number of snowmobiles
(i) GTNP and the Parkway—Total Use on CDST ²	N/A	N/A	³ 75
(ii) Parkway—Total Use Grassy Lake Road	N/A	N/A	³ 75
(iii) Flagg Ranch to Yellowstone South Entrance	200	50	250

²The Continental Divide Snowmobile Trail lies within both GTNP and the Parkway. The 75 daily snowmobile use limit applies to total use on this trail in both parks.

³These users do not have to be accompanied by a guide.

(iv) The limits established in Table 1 to this section apply until modified by the Superintendent. The Superintendent may establish different limits, after taking into consideration the effectiveness of air and sound emissions requirements, the state of technology, monitoring results, or other relevant information. The public will be made aware of new limits through publication in the FEDERAL REGISTER and using one or more of the methods listed in §1.7(a) of this chapter.

(12) *When may I operate my snowmobile or snowcoach?* The Superintendent will determine operating hours and dates. Except for emergency situations, changes to operating hours or dates may be made annually and the public will be notified of those changes through one or more of the methods listed in §1.7(a) of this chapter.

(13) *What other conditions apply to the operation of oversnow vehicles?* (i) The following are prohibited:

(A) Idling an oversnow vehicle more than 5 minutes at any one time.

(B) Operating an oversnow vehicle while the operator's state motor vehicle license or privilege is suspended or revoked by any state.

(C) Allowing or permitting an unlicensed driver to operate an oversnow vehicle.

(D) Operating an oversnow vehicle in willful or wanton disregard for the safety of persons, property, or Parkway resources or otherwise in a reckless manner.

(E) Operating an oversnow vehicle without a lighted white headlamp and red taillight.

(F) Operating an oversnow vehicle that does not have brakes in good working order.

(G) The towing of persons on skis, sleds or other sliding devices by oversnow vehicles, except in emergency situations.

(ii) The following are required:

(A) All oversnow vehicles that stop on designated routes must pull over to the far right and next to the snow berm. Pullouts must be utilized where available and accessible. Oversnow vehicles may not be stopped in a hazardous location or where the view might be obscured, or operating so

slowly as to interfere with the normal flow of traffic.

(B) Oversnow vehicle operators must possess a valid motor vehicle operator's license. The license must be carried by the operator at all times. A learner's permit does not satisfy this requirement.

(C) Equipment sleds towed by a snowmobile must be pulled behind the snowmobile and fastened to the snowmobile with a rigid hitching mechanism.

(D) Snowmobiles must be properly registered and display a valid registration from the United States or Canada.

(iii) The Superintendent may impose other terms and conditions as necessary to protect Parkway resources, visitors, or employees. The public will be notified of any changes through one or more methods listed in §1.7(a) of this chapter.

(iv) This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

(14) *What conditions apply to alcohol use while operating an oversnow vehicle?* In addition to the regulations in 36 CFR 4.23, the following conditions apply:

(i) Operating or being in actual physical control of an oversnow vehicle is prohibited when the driver is under 21 years of age and the alcohol concentration in the driver's blood or breath is 0.02 grams or more of alcohol per 100 milliliters or blood or 0.02 grams or more of alcohol per 210 liters of breath.

(ii) Operating or being in actual physical control of an oversnow vehicle is prohibited when the driver is a guide or a snowcoach driver and the alcohol concentration in the driver's blood or breath is 0.04 grams or more of alcohol per 100 milliliters of blood or 0.04 grams or more of alcohol per 210 liters of breath.

(iii) This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

(15) *Do other NPS regulations apply to the use of oversnow vehicles?* (i) The use of oversnow vehicles in the Parkway is

not subject to §§ 2.18(d) and (e) and 2.19(b) of this chapter.

(ii) This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

(16) *Are there any forms of non-motorized oversnow transportation allowed in the Parkway?* (i) Non-motorized travel consisting of skiing, skating, snowshoeing, or walking are permitted unless otherwise restricted pursuant to this section or other provisions of 36 CFR Part 1 provided you follow all applicable regulations.

(ii) The Superintendent may designate areas of the Parkway as closed, reopen such areas or establish terms and conditions for non-motorized travel within the Parkway in order to protect visitors, employees or park resources.

(iii) Dog sledding or ski-jorring is prohibited.

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

(18) *Is violating any of the provisions of this section prohibited?* Violating any of the terms, conditions or requirements of paragraphs (a)(2) through (a)(17) of this section is prohibited. Each occurrence of non-compliance with these regulations is a separate violation.

(b) [Reserved]

[48 FR 19169, Apr. 28, 1983, as amended at 48 FR 30294, June 30, 1983; 66 FR 7266, Jan. 22, 2001; 67 FR 69477, Nov. 18, 2002; 68 FR 69285, Dec. 11, 2003]

§ 7.22 Grand Teton National Park.

(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