

§7.23

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) *Snowmobiles.* (1) For the purposes of this section, except as otherwise distinguished in paragraph (i)(6) of this section, the term "snowmobile" includes "snowplanes," which are self-propelled vehicles intended for over-the-snow travel, having a curb weight of not more than 1000 pounds (450 kilograms), mounted on skis in contact with the snow, and driven by a pusher-propeller.

(2) 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 a 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 area 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

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Mountain Launch Ramp Road, and the Lizard Creek Campground Road.

(3) Designated area open to snowmobile use: The Potholes-Baseline Flats area east of the Teton Park Road north of 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) Designated water surface: The frozen surface of Jackson Lake.

(5) The operation of a snowmobile which makes excessive noise is prohibited. Excessive noise for tracked snowmobiles is defined as noise that exceeds 78 decibels and for snowplanes noise that exceeds 86 decibels. Snowplanes operated and registered in the park for the 1970-1971 season are excepted. Measurements are made on the "A" weighted scale in intensity of a sound level meter measured at a distance of not less than 50 feet when the snowmobile or snowplane is being operated at or near full throttle.

[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]

§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.

(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

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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 not relieved in any manner from complying with all applicable regulations in 49 CFR Subtitle B, or with any other State or Federal laws and regulations applicable to the transportation of any hazardous substance, hazardous material, hazardous waste, or marine pollutant.

(6) The transportation or use of over-size or overweight commercial vehicles on the park road between the Northeast and Interior entrances is prohibited; provided, however that the Superintendent may issue permits for transportation or use of such vehicles and

may condition such permits on the use of special routes within the park in order to minimize impacts to park facilities and resources and also may issue permits when the transportation or use of such vehicles 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.

(7) Operating without, or violating a term or condition of, a permit issued in accordance with this section is prohibited. In addition, violating a term or condition of a permit may result in the suspension or revocation of the permit.

(b) [Reserved]

[62 FR 2580, Jan. 17, 1997]

§ 7.24 Upper Delaware Scenic and Recreational River.

Fishing. Fishing in any manner authorized under applicable State law is allowed.

[53 FR 3748, Feb. 9, 1988]

§ 7.25 Hawaii Volcanoes National Park.

(a) *Fishing*—(1) *Commercial fishing.* Commercial fishing from parklands (above the high waterline) other than as provided for below is prohibited.

(2) *Nets.* The use of nets in fishing from parklands (above the high waterline) except for throw nets, is prohibited.

(3) *Kalapana extension area; special fishing privileges.* (i) Pursuant to the act of June 20, 1938 (52 Stat. 781; 16 U.S.C. 391b and 396a) Native Hawaiian residents of the villages adjacent to the Kalapana extension area added to the park by the above act and visitors under their guidance are granted the exclusive privileges of fishing or gathering seafood from parklands (above the high waterline) along the coastline of such extension area. These persons may engage in commercial fishing under proper State permit.

(ii) For the purposes of this section, the term "native Hawaiian" means any descendent of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 (Act of June 20, 1938; 52 Stat. 784; 16 U.S.C. 396a).

(b) *Backcountry registration.* No person shall explore or climb about the