

**FEDERAL, STATE, AND LOCAL GOVERNMENT
AGENCY LETTERS RECEIVED ON THE DRAFT EIS**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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JUL 15 2011

Ref: 8EPR-N

Dan Wenk, Superintendent
Yellowstone National Park
c/o Winter Use DEIS
P.O. Box 168, Yellowstone National Park
Wyoming 82190

Re: May 2011 Winter Use Plan DEIS
NEPA Comments

Dear Superintendent Wenk:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the May 2011 Winter Use Plan (Plan) Draft Environmental Impact Statement (EIS) for Yellowstone National Park (Park). Our review was conducted in accordance with EPA's responsibilities under section 102 of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332(2)(c), and Section 309 of the Clean Air Act, 42 U.S.C. § 7609, and is consistent with the Memorandum of Understanding between the National Park Service (NPS) and EPA that guides our participation as a Cooperating Agency. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. EPA's comments include a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

EPA commends the NPS for its efforts to effect significant improvements in the Park's winter environment through management of winter use and access in the interior of Yellowstone National Park. The Park has lessened both environmental and health risks through setting limits on motorized use, implementing best available technology (BAT) to reduce air emission pollutants and noise impacts, and requiring full commercial guiding requirements for oversnow vehicles (OSVs). In the 2011 Draft EIS, the Park is proposing additional requirements in its Preferred Alternative to further minimize resource impacts.

In general, the Draft EIS is well organized, with a clearly presented comparative analysis of the proposed action and alternatives. The NPS explored and evaluated seven alternatives, including the no-action alternative. The six action alternatives include variations of snowmobile/snowcoach/wheeled vehicle use limits, as well as BAT and full commercial guiding requirements that have proven critical to producing and sustaining resource protections. Alternative 7, identified as the Preferred Alternative, proposes fluctuating use levels for OSVs while establishing maximum limits for specific days varying throughout the winter season. Snowmobile use would range from 110 to 330 per day, and snowcoach use would range from 30 to 80 per day, with a potential to increase daily limits if newer, cleaner technologies are introduced into operators' fleets. The current use levels are a maximum of 318 snowmobiles and 78 snowcoaches per day. All current hours of operation restrictions and existing BAT requirements for snowmobiles would still be in effect. In addition, noise BAT requirements would be

developed and implemented by the 2014/2015 winter season for snowcoaches so that they would not exceed 73 dBA when operating at or near full speed, as well as air emissions BAT requirements involving EPA's Tier 2 requirements. The NPS would also establish BAT to address NO_x emission limits for snowmobiles by the 2014/2015 winter season. Finally, all OSV traffic would be required to enter the park by 10:30 a.m.

Through each analysis of winter use plans, EPA has supported the public's ability to access Park resources using OSVs while also encouraging sustainable and strong protection of the Park's unique environment and resources. In reviewing the 2011 Draft EIS, EPA notes that the level of air emissions, noise emissions and wildlife impacts correlate strongly with the number of over-snow vehicles (OSVs) allowed daily. For example, the Draft EIS analysis of the no-action alternative that does not allow public OSV access to the park interior was selected by NPS as the "Environmentally Preferred Alternative" because it would have the least adverse impacts on the biological and physical environment, including air quality, soundscapes, wildlife and wilderness. (See page 73.) The Draft EIS also documents that Alternative 3 has both the highest projected adverse impact to these resources along with the highest number of OSVs among the alternatives analyzed. Action Alternative 5 in the Draft EIS provides the best protection of air resources, soundscapes and wildlife, while also allowing public OSV access. This action alternative allows for the lowest number of OSVs. While EPA has taken no position on which modes of transportation should be offered in Yellowstone, EPA encourages NPS to sustain the strongest available resource protections while still meeting the NPS's purpose and need for action and providing an exceptional park experience.

In general, EPA supports the Park in its proposals to develop and implement new BAT requirements to further protect Park resources, particularly with the proposed improvements to snowcoaches that may significantly improve air quality and soundscape impacts. We have, however, included some questions and concerns regarding these BAT requirements in the Detailed Comments section of this letter, as well as comments on the BAT emission factors used for modeling.

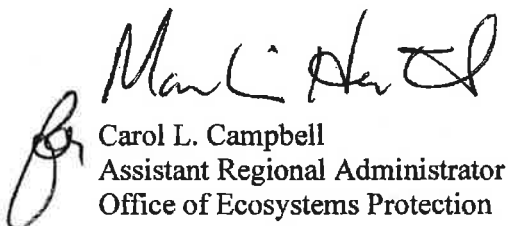
Additionally, EPA has historically been a strong supporter of incorporating adaptive management practices into winter use management. Having an adaptive management plan in place has been a cornerstone of the management process to ensure long term protection of resources. As outlined in Table 12 Impact Summary beginning on page 87 of the Draft EIS, under the Preferred Alternative there may be short- and long-term minor to moderate adverse impacts on bison and elk, long-term moderate adverse impacts to soundscapes and health and safety, and minor long-term adverse impacts on wolves, wolverines, lynx, trumpeter swans, eagles, and air quality. Adaptive management would allow the NPS to alter management actions to address unforeseen adverse impacts as new information is collected through monitoring and research and new technology is developed. EPA is pleased that the Park has committed to establishing an adaptive management framework as described in the Draft EIS, and encourages NPS to further define the adaptive management framework to include the elements and specificity included in previous winter use analyses. EPA suggests and is available to discuss clarification regarding the details of the adaptive management plan, in particular those details concerning threshold triggers, as further discussed in the Detailed Comments section.

EPA recognizes the amount of effort that the NPS has invested in preparing the Draft EIS, and appreciates NPS's spirit of cooperation in discussing EPA concerns. EPA's role is to evaluate the potential effects of proposed actions and the adequacy of the information in the Draft EIS. We rate this DEIS as "LO" (Lack of Objections). The LO rating indicates that the EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. Our rating is based on NPS' commitment to impose BAT to reduce air emission pollutants and noise impacts, use of full

commercial guiding for OSVs, and setting specific limits on the number of OSVs in the Preferred Alternative. These requirements will better protect against environmental and health risks. A complete description of EPA's EIS rating system is enclosed, as well as the detailed comments used to determine the project's rating.

We appreciate the opportunity to participate in the review of this project. If we may provide further explanation of our comments during this stage of your planning process, please contact Suzanne Bohan, Deputy Director of the Region 8 NEPA Program at 303-312-6925 or Melanie Wasco, Lead NEPA Reviewer, at 303-312-6540.

Sincerely,



Carol L. Campbell
Assistant Regional Administrator
Office of Ecosystems Protection
and Remediation

Enclosure:

Ratings Criteria

Detailed Comments
2011 Winter Use Plan Draft EIS
National Park Service

AIR QUALITY TECHNICAL COMMENTS

EPA is providing comments in two main areas: the proposed best available technology (BAT) controls for snowcoach emissions, and the draft air quality modeling report on snowmobile and snowcoach emissions. Additionally, we've further clarified some minor points within the air quality sections.

Best Available Technology for Snowcoaches

EPA recommends NPS provide a clearer description of the BAT requirement for snowcoaches in the Final EIS. As the information is currently presented in the Draft EIS (see page 64) and the February 17, 2011 Draft Air Quality Modeling Report Snowmobile and Snowcoach Emissions (see Appendix B, page 12), it is unclear if the requirement applies to measured Tier 2 tailpipe emissions standards or to engine/emission's systems equipment technology. For example, on page 64 in Chapter 2: Alternatives, the Draft EIS states:

“BAT would be implemented for the 2014/15 winter season, similar to other action alternatives. Snowcoach BAT requirements would include snowcoaches meeting Model Year 2010 gasoline or diesel EPA emission standards ...”

EPA cautions NPS that an original-equipment-manufactured (OEM) on-road-use 2010 vehicle would likely not be able to achieve the same level of required certified emissions after modification to run with tracks, instead of wheels, in an oversnow operations configuration. There is the potential for improvement in emissions from snowcoaches with Tier 2 equipped engines and emissions technology, but it is unlikely these BAT snowcoaches will be able to meet the Tier 2 40 C.F.R. 86 Subpart S on-road vehicle emissions standards. These requirements can be found at the following EPA Office of Transportation and Air Quality (OTAQ) webpage: <http://www.epa.gov/otaq/standards/light-duty/tier2stds.htm>.

EPA recommends NPS specify if the intent for snowcoach BAT is to require these OSVs to be based on a chassis that employs 2010 or newer Tier 2 engine and emissions equipment technology, but not be required to meet actual EPA Tier 2 emission standards.

Best Available Technology for Snowmobiles

Regarding the BAT requirements for snowmobiles, page 63 of the Draft EIS indicates that:

“Under Alternative 7, snowmobiles entering the park would follow current BAT requirements. Additional BAT standards for NO_x would be implemented for the 2014/2015 winter season. The NO_x BAT requirement would be that the sum of HC and NO_x would not exceed 15 grams per kilowatt-hour.”

Currently, NPS BAT snowmobile emissions information for carbon monoxide (CO) and hydrocarbon (HC) are reported to EPA as required in 40 C.F.R. parts 1051 and 1065 and are available to NPS. EPA does not have an oxides of nitrogen (NO_x) or NO_x+ HC emission standard for snowmobiles (see 73 Fed.

Reg. 35946, June 25, 2008). NPS is advised that since EPA does not have a NO_x standard for snowmobiles, OEMs are not required to report emissions data as per 40 C.F.R. parts 1051 and 1065 to us for that particular pollutant even if they collect it during testing.

Draft Air Quality Modeling Report

We note that the BAT snowcoach emission factors in Table 4-3 on page 13 of the Draft Air Quality Modeling Report do not reflect EPA's Tier 2 emission standards, but instead were emission factors prepared for the air quality modeling and are from data from emission factors from port-injected gas snowcoaches of the current fleet, tested by the University of Denver. These BAT snowcoach emission factors in the DEIS were derived by averaging the emissions from eight port-injected gasoline snowcoaches that are now 10 to 17 years old (manufactured and converted for OSV operations between 1994 and 2004), and represent in-field emissions measurements that were made in the winter of 2005-2006. Therefore, we cannot speculate that these emission factors in Table 4-3 represent those that may be achieved with Tier 2 technologies and associated emission control equipment on a NPS BAT snowcoach. However, these in-use data derived estimated snowcoach BAT emission factors are considered a reasonable approach for purposes of the air quality modeling component of the Draft EIS.

We anticipate that a NPS BAT snowcoach equipped with Tier 2 technologies and associated emission control equipment should likely show a significant improvement in emissions reductions. We therefore suggest that a qualifier statement be added reflecting that actual emissions from 2014-2015 NPS BAT equipped snowcoaches are: (1) expected to be less than what was modeled as a BAT snowcoach in the Draft EIS; and (2) that modeled air quality pollutant predicted concentrations may be less than the results provided in the Draft EIS.

Miscellaneous

Please note that the entire counties surrounding the Park listed in the first full paragraph on page 120 of the Draft EIS are not designated as nonattainment by EPA; instead, portions of these counties within specific nonattainment area boundaries are designated as nonattainment. For these specific nonattainment areas, please see 40 C.F.R. § 81.313 for Idaho, 40 C.F.R. § 81.327 for Montana, and 40 C.F.R. § 81.351 for Wyoming.

We also note several minor errors in Table 17 on page 126 of the Draft EIS entitled "Results of PM_{2.5} and PM₁₀ Monitoring at Yellowstone National Park." For Site ID 300310013 (west entrance) the annual mean PM_{2.5} values are in reverse order (i.e., 2003 should be 2.47, 2004 should be 4.68, 2005 should be 3.67, 2006 should be 4.26, 2007 should be 5.00 and 2008 should be 3.80). Footnote 2 is incorrect for the annual values. The Old Faithful Site ID should be 560391012.

ADAPTIVE MANAGEMENT

Adaptive management has played a significant role creating sustainable resource protection for the long-term management of winter use at the Park. In particular, the air quality and soundscape thresholds and ongoing monitoring in key areas have informed the Park's decisions on creating BAT requirements and OSV limits to manage pollutant concentrations. EPA appreciates that so much consideration has historically gone into the adaptive management process, recognizing that a certain level of uncertainty exists when predicting the outcomes from proposed management actions and that management techniques sometimes need to be adjusted as new information is available.

As part of the adaptive management process, metrics are established to create impact intensity definitions for each affected resource, and those metrics and plan objectives are intended to assist in evaluating the results of a monitoring program. It would be useful if the adaptive management plan included more concrete threshold triggers indicating a change in action is needed based on the results from resource monitoring, particularly when results are vastly different or in a negative trend from what was predicted.

Although Appendix A outlines the Adaptive Management Framework and also identifies potential future studies that are subject to available funding, details regarding specific threshold values that would trigger a management response action are absent. Thresholds are discussed in general terms (negligible, minor, moderate, and major) within the document, and fleshed out in the form of intensity definitions for each resource evaluated, however specific triggers that would adjust management actions to better meet objectives of the proposed plan (or reconsider objectives) do not appear to be identified.

According to the Preferred Alternative, there will be several changes to the requirements currently in place under the 2009 interim rule that may result in unforeseen impacts, such as variable use levels and the establishment of a 10:30 a.m. OSV entry cut-off time. For example, it is uncertain what the establishment of a 10:30 a.m. entry time in combination with high use days will have on wildlife. The Draft EIS states “Under alternative 7, the provision that all OSV traffic must enter the park by 10:30 a.m. would further concentrate this pulse of OSV use in the park, specifically along high use corridors such as the Madison to Old Faithful road segment, where bison and elk are frequently encountered (McClure et al. 2009).” (See page 210.) The Draft EIS continues on page 211 by stating:

“A predictable daily pattern of OSV use would be more likely to decrease overall behavioral responses by bison and elk throughout the winter. This is because animals are more likely to become habituated to a disturbance if it is predictable in time and space, not directly harmful, and limited in duration (Thompson and Henderson 1998; White et al. 2008).”

With flexible daily use limits, there will be blocks of high use that will be combined with the 10:30 a.m. entrance cut-off time, which could cause OSV use to be compacted into a short time period along certain routes where OSV encounters with bison or elk are common. The Draft EIS concludes: “Even with group size limits, frequent encounters with OSVs may increase the likelihood of a heightened behavioral response, because closely spaced OSV groups may have similar effects to those of larger OSV group size and longer interaction time between OSVs and wildlife.” (See page 211.) This is an example of where a minimum desired condition identified in the form of a threshold trigger could be useful when paired with a firm commitment to monitor those specific impacts for a fixed period of time.

The Preferred Alternative does allow for the development and implementation of an adaptive management program to meet the winter use plan objectives that include monitoring the condition of resources. “All action alternatives incorporate adaptive management initiatives that are designed to assist the park in meeting the objectives of this draft plan/EIS.” (Draft EIS at ix.) The Draft EIS continues by stating that, “[a]daptive management planning would be standard procedure, but elements and emphases of its use could differ from one alternative to another.” (Draft EIS at xviii.) The Draft EIS indicates that development of an adaptive management program may currently be underway depending on the action alternative ultimately selected. Because adaptive management is key to assuring that resource impacts will not exceed those predicted in the EIS, EPA strongly recommends the NPS include as many details as possible in the Final EIS on how the Park will determine the effectiveness of the selected action in meeting the objectives of the proposed plan.

In instances where the responsible agency can lay out threshold triggers and decision trees to guide future decisions, EPA supports the use of adaptive management. Without such threshold triggers and management options, adaptive management is not substantially different from traditional management. True adaptive management can reduce the need for future NEPA actions, or at least reduce the scope of future NEPA decisions. We offer several specific suggestions with respect to adaptive management that should be considered in the Final EIS.

Recommendations:

1) The Final EIS should include threshold triggers that would be protective not only of air quality, but also the other resources examined, including but not limited to wildlife and wildlife habitat, soundscapes, and health and safety. As outlined in Table 12 Impact Summary beginning on page 87 of the Draft EIS, under Alternative 7 there may be short- and long-term minor to moderate adverse impacts on bison and elk, long-term moderate adverse impacts to soundscapes and health and safety, and minor long-term adverse impacts on wolves, wolverines, lynx, trumpeter swans, eagles, and air quality. Established thresholds would represent the minimum desired conditions in the analysis area, and would be the trigger points that would determine when additional management decisions (potentially including NEPA review) are necessary. We believe that these threshold triggers can be established in this EIS based on existing information and the expertise of NPS science and management staff, rather than deferring the disclosure of threshold triggers to some later date.

2) Ideally, this management plan would not only include a defined monitoring plan and identify the threshold triggers, but would also discuss and identify management alternatives and mitigation that would be implemented should a threshold be exceeded. Inclusion of threshold triggers and management alternatives in this EIS could reduce or eliminate the need for additional NEPA involvement regarding this issue in the near future.

3) The Final EIS should provide assurance that funding has been secured for the adaptive process, including for additional NEPA analysis if needed. If this funding is lost, or the required monitoring does not happen for any reason, the Final EIS and Record of Decision (ROD) should include a specific, environmentally conservative course of action that will ensure full protection of Park resources.

4) The Final EIS should include more detail on the proposed adaptive management process including the mechanisms for public disclosure of the analysis and the decisions. The roles of the NPS, other agencies, independent science, and the public should be clearly stated. The Final EIS should discuss any future decision points if known in this adaptive process that would require NEPA analysis.

OTHER CONSIDERATIONS

NPS' evaluation criteria for assessing impacts on visitor accessibility for the very young, the elderly, and individuals with disabilities are provided on pages 289-290 of the Draft EIS. The evaluation criteria listed do not include transportation mode preferences. Although page 289 of the Draft EIS indicates that "snowmobile use would be possible for some portion of those visitors with disabilities," this appears to be a visitor preference rather than an accessibility impact. Please consider whether individuals seeking snowmobile experiences would be more appropriately evaluated under impacts for visitor use and experience rather than visitor accessibility.

For example, the Draft EIS explains that “Alternative 5 offers the greatest potential for the very young, the elderly, and the mobility impaired to experience an informative “over the snow” adventure in the winter landscape of the park via snowcoach” which would “...result in parkwide, long-term beneficial impacts to accessibility...” (See page 294.) However, the Draft EIS also points to the minor to moderate adverse effects to accessibility for those seeking snowmobile experiences in the park under Alternative 5 based on the elimination of snowmobiles and the potential increased cost of snowcoach touring. These elements do not seem to fit into the primary concerns outlined for visitor accessibility, which include mobility issues, exposure to and protection from winter weather, and opportunities to view wildlife and scenery in a safe environment. Please consider whether or not the evaluation criterion are consistent with the alternative impact ratings in this section, or if perhaps certain impacts are better evaluated under a different resource topic.



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P.O. Box 200701
Helena, MT 59620
July 18, 2011

Dan Wenk, Superintendent
Yellowstone National Park
P.O. Box 168
Yellowstone National Park, WY 82190-0168

RE: Winter Use DEIS

Dear Superintendent Wenk:

The State of Montana appreciates opportunity to comment on the Draft Winter Use Plan and Environmental Impact Statement for Yellowstone National Park (DEIS). As the National Park Service is aware, Montana's primary interest is to resolve the winter use decision conclusively for the benefit of all users, local businesses and other tourism interests, as well as other stakeholders. The fact that there have been six NEPA processes since 2000 is a disappointment. It is hoped this effort will bring us to long term resolution.

Consideration of the broad spectrum of stakeholder needs through the concepts identified in preferred alternative 7 is valuable. While that has been considered, there continue to be specific comments and concerns as outlined below:

- 1) Allowance of both snowcoaches and snowmobiles in the preferred alternative is appreciated and supported. Motorized and non-motorized uses of the park are legitimate and the DEIS works to forge balance.
- 2) Temporal and spatial zoning is a concept that is supported generally, but a 10:30 entrance requirement is too rigid and may serve to hinder businesses and public use. Arguably, it may inadvertently pressure visitors to risk travelling in hazardous winter conditions to meet the proposed entrance deadline. This is a reasonably associated concern and should be considered in the final EIS. Establishing a later deadline or a window, if any at all are necessary, is important.
- 3) Non-commercial guiding is needed in the final decision and EIS. The lack of consideration in the preferred alternative raises the cost of experiencing winter use of the park for the general public. By identifying this concept only in Alternative 6, the DEIS lacked adequate analysis of a plausible public service enhancement.
- 4) Clarification is needed for the following statement, which is found in the last paragraph/bullet of the section, *Cost of Meeting New Standards for Snowcoaches*, on page 323: "...Bombardiers would continue to operate...their engine and emissions control systems would be upgraded to 2010 model year requirements...cost...approximately \$10,000 each..." Montana is unsure of the source of this estimated cost,



A Division of Montana Fish, Wildlife & Parks
fwp.mt.gov/parks

and it appears low for the complexity of 2010-era emissions engine retrofits and emission control technologies for spark-ignition engines, as presently used on the B12s. The B12s were initially delivered with diesel engines. As noted in the state of Montana's earlier review of retrofitting B12 Bombardiers with 2002 technology (previous comments to Winter Use Plan and DEIS 2003), various mechanical parts of the vehicle will also need to be upgraded as 2010-emission control technologies use outputs from those parts as part of the control feedback systems. For example, the 2001/3 emissions retrofit also needed to replace the transmission to enable the proper functioning of emissions and (fuel and air composition to the) engine control modules.

In addition to looking at compliance with air quality standards, Montana Department of Environmental Quality (DEQ) also examined the alternatives in the Yellowstone National Park Draft Winter Use Plan DEIS for compliance with Montana water quality standards. Relative to the volume of water in the watershed during winter, DEQ has determined that the volume of gasoline/lubricants from snowmobiles and snowcoaches would be insignificant and would not violate Montana water quality standards.

- 5) The State of Montana and the gateway communities serving Yellowstone National Park's visitors have been consistent in requesting a stable allocation for winter visitor access.

In reviewing the winter visitor access allocations that would result from the various alternatives in the DEIS, alternatives 6 and 7 come closest to achieving those objectives. In its scoping comments, Montana supported flexibility to meet seasonal demand such as that time between Christmas and New Years. Conversely, with the use at limits identified in Alternative 7 of the DEIS, the State has concern. We encourage the National Park Service to increase the access allocation in its preferred alternative to those closer to the historical recreational and non-recreation visitor levels of the last decade.

- 6) The preferred alternative (7) may complicate the ease of comprehension and communication through establishing four different levels with caps that would make filling the cap difficult for commercial interests. Please consider complexity, ability to communicate to the public and ability to meet the capacities on the part of commercial interests as part of providing a stable, consistent solution in the final EIS and decision notice.
- 7) Please reconsider any reduction OSV use opportunity through the closing of side routes. These add diversity to the user experience while also dispersing use overall. Additionally, it is reasonable to consider soundscape at key park destinations as part of a balanced solution.

Dan Wenk, Superintendent
July 18, 2011
Page 3 of 3

- 8) The state of Montana would also like to affirm the use of cleaner transportation fuels in all winter use vehicles as had been listed in Chapter 2 of the previous DEIS, on page 28, Section 2.5.2. *Items Common to All Alternatives*, bullet 14, "...biodiesel and ethanol blends for use in all over-snow vehicles..." Such a statement should also be added to this document on:
- Page vi, in the *Elements Common to All Alternatives, Administrative Use* section just after the sentence regarding the use of "BAT" vehicles (sentence 3); or
 - Page viii, in the *Action Alternatives, Best Available Technology* section following the last sentence.

EPA and other data sources confirm that E10 ethanol blend reduces fine particulate matter (PM 2.5) from spark ignition (gasoline) engines by as much as 25-percent, and biodiesel blends also reduce particulate and carbon monoxide emissions from compression ignition (diesel) engines.

Montana would recommend the spelling replacement of "bio-diesel" with the single, unhyphenated word "biodiesel" that has been in Webster's dictionary since January 2009 and was used in the previous interim plan. The hyphenated term is found in this document on: Page 179, paragraph 6, sentence 3; Page 342, *Impacts of Alternative 6: Implement Variable Management* section, first paragraph last sentence; Page 343, *Impacts of Alternative 7: Provide a variety of Use Levels and Experience for Visitors* section, paragraph 1, last sentence.

Thank You for the opportunity to comment. Montana, as a cooperating agency to this process, looks forward to continued involvement in finding a solution that achieves balance to serve our citizens and our communities while protecting our resources.

Sincerely,



Chas Van Genderen
Administrator,
Parks Division of Montana Fish Wildlife & Parks

c: Mike Volesky
Joe Maurier
Richard Opper
Dori Schwinden
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July 18, 2011

Dan Wenk, Superintendent
Yellowstone National Park
P.O Box 168
Yellowstone National Park, WY 82190-0168

RE: Winter Use DEIS

Dear Superintendent Wenk:

General Comments

The State of Idaho reviewed the Yellowstone National Park (YNP) Winter Use Draft Environment Impact Statement (DEIS). YNP is preparing this plan to regulate winter use.

The State of Idaho is a cooperating agency with this plan. We have been involved in this planning process since 1996. Winter use in the YNP has greatly changed since that time. Idaho citizens and business are affected by this plan.

The draft plan and EIS needs to include the following provisions to provide an enjoyable park visit that protects park resources.

- Cave Falls Road. The plan allows for up to 50 snowmobiles per day on the snowmobile route to Cave Falls. These snowmobiles would not be required to meet BAT requirements or guided use. This provision is included across the range of alternatives. This provision is essential in providing winter visitor access to Cave Falls because no commercial snow coach operations run out of this area. The distance from trailhead to the falls is also too far for the majority of non-motorized visitors to use.
- Non-commercial snowmobile visitor access needs to be provided in the final decision. Each non-commercial snowmobile visitor should be required to pass a snowmobile safety training and park visitation class before entering the park. The surrounding states and snowmobile administrators have developed an online course that could be adapted for park use. This on-line course can be found at <http://www.snowmobilecourse.com/usa/>.
- Park Visitors and commercial operators must be able to select peak and non-peak use days according to demand, not National Park Service regulations. Under the preferred alternative, daily preset limits would result in a loss of 5,728 visitor days compared with the existing daily limits.

- Commercial operators have expressed concerns that they incur substantial losses from being unable to fill the maximum group size. Giving operators the flexibility to vary group sizes within the margins of an annual limit would improve access without compromising the environmental impact. The current system requires operators to turn away customers.
- The quiet (entry) time proposal would adversely impact visitor use by requiring visitors to enter by 10:30 a.m. This time restriction would cause bunching and the appearance of overcrowding. The entry time needs to be moved to later in the day to allow for shorter trips and more visitor flexibility.

The State of Idaho appreciates the opportunity to be involved in this planning process as a cooperating agency. Attached is a copy of our specific comments. We encourage NPS to modify the preferred alternative that will help ensure the long-term viability of gateway communities and enhance park visitor access.

Sincerely,



Nancy C. Merrill, Director
Idaho Department of Parks and Recreation

Enclosure

cc. Idaho Congressional Delegation
Fremont County Commissioners
State of Montana
State of Wyoming

State of Idaho Specific Comments

The YNP Winter Use Plan DEIS presents seven different alternatives, including the no-action. The no-action in this case would prevent winter use in YNP. The NPS needs to make a reasoned decision on this plan.

All of the alternatives are fairly detailed, except for Alternative 6. This alternative would allow for the most visits and allow for non-commercial snowmobile use. It appears to our staff, that NPS just added the non-commercial use to Alternative 7's use levels. The FEIS should note that the use levels in Alternative 6 are similar to use levels in 2003. This use level is far below existing use levels.

Alternative 6 also doubles the group size from 11 to 22 snowmobiles. The combination of non-commercial use, increased visitation, and increased group sizes make this alternative very unlikely to be adopted in the final decision. We would like to see non-commercial use be folded in to the preferred alternative for the final decision.

The preferred alternative (Alternative 7) develops an additional BAT standard for NO_x to be implemented by the 2014-2015 winter season. The proposal is to set a standard that sums the NO_x and HC not to exceed 15gW/hr. No snowmobiles currently meet this standard. The NPS should work with the snowmobile manufactures to improve BAT and within current technological standards.

On Page 42, The DEIS addressed OSV Routes. We are pleased to see that the plan addresses use at Cave Falls. The Cave Falls snowmobile trail is an essential snowmobile route for the Fremont County snowmobile trail system. We encourage NPS to keep this route in the final decision.

The DEIS gives the details on non-commercial visitation on page 59. The current proposal only requires the group leader to complete a snowmobile safety course. Snowmobile safety training can easily be completed on-line now at <http://www.snowmobilecourse.com/usa/>. All non-commercial snowmobile visitors should be required to take this course because a drivers license does not address safe operation of a snowmobile. This online course could also educate visitors on NPS regulation in YNP.

Table 8 on Page 63 shows Yellowstone Daily Snowmobile Entry Limits under Alternative 7. Why wasn't a table also completed for Alternative 6? This alternative also allows for snowmobile use. This table should be expanded to show the Daily Snowmobile Limits under each alternative in the FEIS.

Alternative 1, the no action alternative, was identified as the environmentally preferred alternative. This alternative does not provide for any winter visitation. While this may protect the physical environment, it will have a severe impact on the social environment. This alternative directly conflicts with both Yellowstone's and NPS's organic legislation.

Yellowstone was established "dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people." NPS organic legislation requires NPS "to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The NPS needs to provide some level for winter use to meet the intent of these laws. Alternative 1 does not meet the purpose and need of this plan. This should be reflected in the FEIS.

In Table 10, in the Daily Snowmobile Limits (with allocations by entrance) Alternative 6 does not show the allocations by entrance. Is NPS going to give out allocations under Alternative 6? These allocations should be presented in the FEIS or it should be noted why the allocations were not presented in this alternative.

Table 10 also does not show the Daily Snow Coach Limits (with allocations by entrance) in Alternative 6. These allocations should be presented in the FEIS or it should be noted why the allocations were not presented in this alternative.

Alternative 7 would require visitors to enter the park by 10:30 A.M. This time restriction will cause bunching and the appearance of overcrowding. The entry time needs to be moved to later in the day to allow for shorter trips and more visitor flexibility.

Table 10 also shows the estimated number of daily vehicle passengers. Alternative 6 shows an overall number while the other alternatives break down passengers by entrance. Alternative 6 should show the breakdown by entrance in the FEIS.

Table 10 also makes the statement "Visitors could also continue to experience the park virtually through the park's website" for the range of alternatives under the object "Provide the opportunity for visitors to experience and be inspired by Yellowstone's unique winter resources and values while ensuring resource protection" on page 83. A web experience lacks the presence of the natural environment. A web experience can't replace an on-the-ground experience to YNP.

The NPS proposes to implement a standard for NOx emissions on snowmobiles. The DEIS states on Page 124 that "Preliminary monitoring results for the 2009/2010 season indicate that NO2 concentrations at the west entrance are slightly below 50% of the recently established 1-hour NO2 standard." With the park in compliance with the NAAQS standard, it is not necessary to develop a NOx standard for snowmobiles at least until further research is completed. Developing a NOx standard without sufficient background data is putting the horse before the cart.

Table 20 shows Decibel Levels of Common Sound Sources. In our experience, testing hundreds of off-highway motorcycles, four-stroke motorcycles can be louder than two-stroke motorcycles. Whether a snowmobile is two-stroke or four-stroke the sound it emits is highly dependent on the muffler system. A properly designed and maintained muffler system can meet NPS BAT requirements.

On Page 138, the DEIS addresses Visitor Access and Circulation. The DEIS states "Yellowstone has five entrances-one each on the north, east, west, and south boundaries, and one on northeast. The Cave Falls Road also provides access into YNP. While this road is not a formal entrance, it should be recognized in the FEIS as providing visitor access to YNP.

Table 32 shows Fremont County Idaho, Winter Lodging Tax Collections compared with YNP Visitation. The DEIS makes the statement "Fremont County winter tax collections in 2005-2006 were over double the level seen in the four years prior to 2002." Lodging sales records from Fremont County indicate that the county has not kept pace with the state growth in tourism lodging tax receipts. While winter receipts have risen from \$888,851 to \$1,236,339 from winter of Nov 2003/April 2004 to Nov 2008/April 2009, Fremont County was down 9% compared to the rest of the state. This is a disturbing trend for one of the best winter recreation counties in Idaho and can only be attributed to confusion as to whether Yellowstone is open for snowmobiling and the insecurity to book a snowmobile vacation to the park.

Table 37 shows OSV Use Levels Referred to in the Analysis on Page 182. Alternative 6 is very generic. How would use levels vary between 0 and 540 in Alternative 6? This alternative should be at least as detailed as Alternative 7 in this table.

Starting on Page 175, the DEIS shows the Summary of Impacts to the Visitor Experience. We agree that Alternative 1 (no-action) would have a long-term adverse impact on visitor use and experience. Essentially, this alternative closes the park to visitors. We also agree that Alternative 4 (wheeled vehicle access) would not meet the demand for OHV use. The rest of the Alternatives provide varying levels of visitor access. Only Alternative 6 provides the opportunity for non-commercial winter use visitation. This is one item that should be included in the decision combined with visitor safety education.

The DEIS does a very detailed analysis for most of the range of alternatives. It appears that Alternative 6 will need more detail with respect to how the use levels will be allocated at the various visitor entrances.

We appreciate the opportunity to comment on this proposed rule and the efforts that NPS has made in cooperating with us over the years. The number of concessions and the BAT snowmobile requirements have had a greater effect on reducing visitation than the daily limit. The NPS should adopt rules that keep the existing use limitation of 540 snowmobiles. The existing limitation allows a broader variety of visitor transportation opportunities in the winter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Cook". The signature is stylized with a large, looped "J" and a cursive "Cook".

Jeff Cook, Outdoor Recreation Analyst
Recreation Bureau

MATTHEW H. MEAD
GOVERNOR

THE STATE OF WYOMING



STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

July 18, 2011

Daniel Wenk, Superintendent
Yellowstone National Park
National Park Service
Box 168
Yellowstone National Park, WY 82190

Re: Comments on Yellowstone National Park Draft Winter Use Plan and Environmental Impact Statement

Dear Superintendent Wenk:

Thank you for the opportunity to comment on the Yellowstone National Park (Yellowstone or the Park) Draft Winter Use Plan (WUP) and Environmental Impact Statement (EIS). Yellowstone is a magical place, particularly in the winter. As I mentioned when we met, my greatest memories of Yellowstone, save one summer excursion, involve trips as a boy with my family into the Park during the winter via snowmobile. I hope that all citizens can have the same opportunity.

I have been vocal and direct about my position – I want to see as much reasonable use of Yellowstone as possible. Access to the Park is important to Wyoming's economy and especially to the communities that support and surround it. I also view higher visitation as necessary for Yellowstone and the National Park Service (NPS). People must have the chance to experience the Park – summer and winter – for the NPS to fulfill its mission of providing opportunities for enjoyment and to create an affinity for this special place, which benefits all National Parks into the future. As I consider the Draft WUP and EIS, I cannot help but wonder what they signal for the future of summer management in Yellowstone. "Open" and "welcome" signs should be out at the Park all year long, but the Draft WUP and EIS portend otherwise. The Park is a treasure to be shared, not hoarded, and I oppose restrictive use.

From the beginning Yellowstone was "dedicated and set apart" by the Yellowstone National Park Act (Yellowstone Act) "as a public park or pleasuring ground for the benefit and enjoyment of the people." At its creation by Congress the NPS was established to manage National Parks for the "common benefit of all people of the United States" in such a way that "will leave them unimpaired for the enjoyment of future generations." When making management decisions, the NPS must ensure that balance is achieved under these directives. As proposed, the NPS preferred alternative, Alternative 7, does not achieve the appropriate balance and should be reconsidered. Alternative 7 would make it more difficult for the public to enjoy Yellowstone and

more difficult for operators to operate. I believe that blending the best elements of the various alternatives, I believe, will reveal an alternative that is protective of all Park resources, while maximizing winter use opportunities.

Protection of Yellowstone's air quality, soundscapes, and wildlife does not have to come at the expense of snowmobile access or vice versa. We can balance protection of Park resources and snowmobile access, and I am committed to working with you and others to that end. In the rest of this letter, I will provide additional specific comments related to the Yellowstone Draft WUP and EIS.

1. The Yellowstone Act and the Organic Act

To expand on paragraph 3 above, both the Yellowstone Act and the Organic Act require the NPS to allow public access to the Park as long as such public access does not cause unacceptable impacts to Park resources. In the Yellowstone Act, Congress decreed that the Park be "dedicated and set apart as a public park or pleasuring ground for the enjoyment and benefit of the people[.]" 16 U.S.C. § 21 (emphasis added). Congress also directed the Secretary of the Interior to "make regulations providing for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition." 16 U.S.C. § 22 (emphasis added). Read together, 16 U.S.C. §§ 21 and 22 require the NPS to maximize visitor access to Yellowstone as long as park resources are not being permanently injured or damaged.

The Organic Act created the NPS "to conserve the scenery and the natural and historic objects and the wildlife [in, *inter alia*, national parks] and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. § 1 (emphasis added). The unambiguous language in 16 U.S.C. § 1 requires the NPS to maximize visitor access to Yellowstone as long as park resources are not being impaired.

In the 2006 National Park Service Management Policies ("2006 NPS Mgt. Policies"), the NPS interprets the Section 1 "no impairment" mandate. The NPS defines the term "impairment" as "an impact that, in the professional judgment of the responsible [NPS] manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. To prevent impairment of park resources, the NPS prohibits uses that will cause "unacceptable impacts" to park resources. (2006 NPS Mgt. Policies, § 1.4.7.1). "Unacceptable impacts" mean "impacts that fall short of impairment but are still not acceptable within a particular park's environment." 72 Fed. Reg. 70781, 70782 (Dec. 13, 2007); *see also* 2006 NPS Mgt. Policies § 1.4.7.1. On p. 25 of Chapter 1 of the current Draft WUP and EIS, the NPS explains that it complies with the conservation mandate in the Organic Act by applying the "unacceptable impacts" standard.

Alternative 7 does not comply with the clear legal mandate of the NPS to maximize visitor access. The Draft WUP and EIS and the reports upon which it relies demonstrate conclusively that more daily access could be permitted without causing unacceptable impacts to Park resources. While the NPS is given considerable discretion in the management of the parks by

Congress, that discretion has limits. The limit, according to the NPS's own management policies, is established by the unacceptable impacts standard which provides a sufficient measure of additional protection to ensure that park resources are not impaired without in turn impairing the use and enjoyment mandates of the Acts. The NPS's restriction of access to the Park beyond the unacceptable impacts standard as set forth in Alternative 7 violates the Yellowstone Act and the National Park Service Organic Act, and I urge you to adopt an alternative that permits a level in the range of 540 snowmobiles per day.

2. Variable Management

Analysis by the NPS of Alternative 6 argues against variable management citing reasons, yet under Alternative 7 NPS proposes variable management without citing any of those reasons. It seems to me that if variable management is unacceptable under one alternative it certainly should not be included in the NPS preferred alternative under any form.

The variable management scheme, as proposed in Alternative 7, is too restrictive and results in a loss of 5,728 snowmobile allocations when compared to 2010/2011 levels. Further, variable management under Alternative 7 will institute four "vertical caps" and sixteen "horizontal caps." The variable management scheme under Alternative 6 has the potential for more complexity with nine different "vertical caps" presented in the example schedule, identified in the Draft WUP and EIS, pp. 57-58. More about these caps is set forth in Attachment A, which is incorporated by reference. A coalition of snowmobile and snowcoach operators will also provide additional information and financial impact data related to these caps that the NPS should analyze before developing the final WUP and EIS.

Local communities, businesses, and the general public are seeking – and they need – predictability as it relates to Yellowstone winter use. It is in everyone's best interests to bring predictability back to the table. Variable management, as proposed, does not provide for any predictability and only serves to confuse. Setting a variable management scheme for the following season each year will do little to bring any certainty to local communities, businesses, or the general public.

3. Daily Snowmobile Allowance

From an air quality standpoint there is no justification for limiting the total maximum number of snowmobiles allowed daily to 330 (Alternative 7 – high variable) versus 540 (Alternative 6 – high variable) or some other number higher than the Alternative 7 high variable of 330 snowmobiles per day. As identified in the Draft WUP and EIS, p. 122, "most potential ecosystem effects from OSV use are negligible" and further "it appears that current emission levels from OSVs likely do not compromise ecosystem health in a measurable way". The best available science provided in the Scientific Assessment also supports the conclusion that OSVs, including snowmobiles, do not impact air quality at any of the levels analyzed in the alternatives.

Regarding the soundscape, the NPS analyzes and provides the data for each of the variable levels of Alternative 7 yet only analyzes and provides data for the low and high variable levels of Alternative 6. This is a major oversight. The missing data and analysis needs to be provided in

the final WUP and EIS. The Draft WUP and EIS, Table 57, p. 267, reveals that the difference between impacts on soundscape in travel corridors is minimal – 8.9% under Alternative 7 (high variable level/330 snowmobiles) and 11% under Alternative 6 (high variable level/540 snowmobiles). If the NPS had provided the data for each of the variable levels under Alternative 6, which it must do, the data would likely demonstrate that an entrance allowance of 350, 400, 450, or 500 snowmobiles per day would show the same modest impacts to soundscape as all entrance levels of Alternative 7.

In reviewing the Scientific Assessment of Yellowstone Winter Use, prepared in support of the Draft WUP and EIS, it is apparent that a number of conclusions are made related to the impacts associated with over snow vehicle (OSV) use on wildlife. See Attachment A, which is incorporated by this reference. None of the conclusions are negative.

The inescapable conclusion from the best information available, regarding air quality, soundscape, and wildlife, is that a level in the range of 540 snowmobiles per day is reasonable. An entrance level higher than the one proposed in Alternative 7 is clearly necessary to ensure that commercial operations are not further impacted and that non-commercial access is also available.

4. Visitor Experience

It is encouraging to me that the NPS considers multiple modes of access – motorized and non-motorized – as providing the best “opportunity for visitors to experience and be inspired by Yellowstone’s unique winter resources and values and [for] increasing visitor understanding and appreciation of winter resources by allowing access into the park’s interior by motorized means.” Draft WUP and EIS, p. 74. Visitor surveys show “[t]he closing of roads to all OSVs or to snowmobiles only was opposed or strongly opposed by the majority of respondents.” *Id.*, p. 146.

In 2005, Davenport and Borrie found that Yellowstone visitors viewed snowmobiles as a mode of transportation to view the defining qualities of the Park – the scenery, geothermal features and wildlife. Snowmobile transportation afforded them a sense of freedom not found with other means of transportation – a sense of freedom that would be lost if snowmobiles were limited or eliminated from Yellowstone.

Visitors should continue to be afforded new and expanding opportunities to experience Yellowstone during the winter – motorized and non-motorized. Please consider this need for expanding, not contracting, opportunities in the final WUP and EIS.

5. Snowmobiles and Snowcoaches

Regarding air quality, studies have continually concluded that BAT snowmobiles and BAT snowcoaches have similar emissions on a per passenger basis. Soundscape monitoring from 2004 – 2009 indicates that snowcoaches, not snowmobiles, were responsible for 94% of the loud noise events in Yellowstone along travel corridors (Burson 2004-2010). Administration and staff snowmobiles, not all of which meet BAT standards, contributed for a portion of the remaining loud noise events. Specific to wildlife, the Scientific Analysis states that the

"[p]robabilities of movement were greater for animals exposed to snowcoaches than for those exposed to snowmobiles." (p. 118).

I do not make any snowcoach or snowmobile comparison to diminish either activity in Yellowstone, but rather to counter specious claims made that snowcoaches are the only reasonable means of transportation and provide the best protection of Yellowstone's air quality, soundscapes, and wildlife. It is time once and for all for the NPS to ensure that a variety of experiences are readily available to visitors of Yellowstone.

6. Non-Commercial Guided

It is discouraging that the NPS does not adequately analyze non-commercial access to Yellowstone under Alternative 6. The Draft WUP and EIS, p. 59, contemplates non-commercial snowmobile use under two scenarios: unguided and non-commercially guided use. The rest of the document, however, does not go on to consider these two scenarios as different, each with distinct impacts. Instead, they are lumped as one option – unguided/non-commercially guided – and generally characterized as having impacts that result in a higher level of disturbance to Park resources. Nowhere does the NPS address the impacts of each scenario separately to support its conclusion. I am certain that an adequate analysis will demonstrate that non-commercial guided use, under the right structure, provides protection of resources equal to commercial guided use.

If the NPS is unwilling to consider a non-commercial guided element in its final decision I request that you provide the specific data, currently missing, for your conclusion that non-commercial guided use would cause higher levels of disturbance to Park resources.

Echoing the comments of the Wyoming State Snowmobile Association, I must say that requiring 100% of snowmobile entries into Yellowstone to be commercially guided is extreme and unreasonable. With the cost of a commercially guided snowmobile trip exceeding \$250 per day, if that is the only option, then winter access is beyond the means of many families, including local residents who find themselves effectively shut out of this nearby Park. Non-commercial guided use provides a less expensive alternative for those who need it. See Attachment A.

Non-commercial access to Yellowstone is important to the State of Wyoming, its local communities, citizens, and visitors. I suggest, as a model, the regulations of Grand Canyon National Park for management of non-commercial river trip access and request your serious consideration of a similar non-commercial access system for Yellowstone.

In implementing a non-commercial option, it is critical that NPS make the public aware of the procedure and its specific requirements. An educational component is important and should include Yellowstone-specific elements. I encourage your consideration of the SafeRider! Program developed by the International Association of Snowmobile Administrators of which the State of Wyoming is a member. Such course should be readily accessible on the NPS website and in-person at gateway communities. Other provisions the NPS should consider, and which would further serve to ensure that Park resources are protected, are included in Attachment A.

I respectfully ask you to include a non-commercial guided element in your final decision, such as the one I have outlined, and specifically one that does not cause further harm to current commercial operations. I expect that you will receive similar, non-commercial proposals from other groups. Each should be duly considered, as we share an interest in seeing that non-commercial access to Yellowstone is included in the final WUP and EIS.

7. Socioeconomics

The NPS conclusion about the socioeconomic impacts under Alternative 7 is perplexing. The Draft WUP and EIS, p. 332, states that "alternative 7 could provide beneficial, long-term impacts for the three-state area, the five-county area, and the three communities." The NPS proposes to reduce daily entrance allocations by 5,728 for snowmobiles alone. It is hard to see benefit to the communities, businesses and individuals dependent on snowmobile activities for their livelihood during winter months from such drastic reduction.

Under Alternative 6, p. 325, the conclusion is that "[t]he larger beneficial impacts would be more likely under this alternative compared to others because of the provision for unguided snowmobile trips, which were historically more popular." To be clear, I do not support unguided access; however, I do support non-commercial guided access and such access would provide significant economic benefits to local communities. Non-commercial guided access should be included as a component of the final WUP and EIS.

In a recent interview with the Yellowstone Park Foundation you were asked: "How is Yellowstone different from other parks where you have worked?" In part, you were quoted as saying: "It is important to be sensitive to the fact that Yellowstone is an economic engine for three states – Montana, Wyoming and Idaho – and is the heart of the largest intact ecosystem in the lower 48 states. One always needs to consider the unintended consequences along with the intended ones. You just can't make short-term decisions in Yellowstone National Park."

It should be noted that winter use is not simply about access to Yellowstone, it is also about the economics of local communities – businesses involved with recreation, hotels, restaurants, etc. Decisions in Yellowstone have tremendous impacts on the local communities that support the Park. I am against Alternative 7 as proposed, because to implement it will deliver one more major blow to the surrounding areas.

In recent years, The State of Wyoming and Park County have invested over \$1.3 million to reopen the Sleeping Giant Ski Area, which is in the immediate vicinity of the East Entrance. After many years of closure the Area was reopened for the 2009/2010 winter season. As noted on p. 33 of the Draft WUP and EIS, "The reopening and continued operation of this ski area contributes to the winter recreational opportunities in the area during the winter season." Such revitalization efforts will not be limited to ski area traffic and will provide a catalyst for more economic investment and other winter use opportunities in the vicinity of the East Entrance. But a sustainable WUP is imperative for revitalization in the area to continue.

In short, Wyoming, Montana, and Idaho depend on good management of Yellowstone. I hope you will make a decision that both supports the current business model and provides the potential for growth and resurgence of economic opportunity within local communities during the winter.

8. Sylvan Pass

I applaud the intent to manage Sylvan Pass in accordance with the Sylvan Pass Working Group agreement as proposed in Alternative 7 and to continue with road grooming. However, in addition to seeing that access through the East Entrance continues, I would appreciate better commitment from the NPS to groom and keep open Sylvan Pass.

When speaking of Sylvan Pass, some will argue that the cost of keeping this route open is not justified by the number of users utilizing the East Entrance. The argument neglects to consider that NPS restrictions are affecting visitation numbers. I am convinced that with time, additional commercial access, and the inclusion of non-commercial snowmobile access, visitation through the East Entrance will grow and justify the expense. There are four points of the compass – four directions into the Park – and restricting East Entrance access in the winter is simply not defensible.

9. Best Available Technology (BAT)

The BAT standard identified in the Draft WUP and EIS, p. 41, does not include the requirement that a snowmobile be equipped with a 4-stroke engine; however, throughout the document the NPS interchanges 4-stroke snowmobiles as reference for BAT. The flaw should be corrected and the NPS should be prepared to permit 2-stroke snowmobiles that meet or exceed BAT standards as technology improves.

The Draft WUP and EIS, p. 63, states that: "The implementation of additional BAT requirements would be considered as technology improves, including hybrid and electric vehicles, among other improvements. An increased allocation of permits would be considered for companies using vehicles with such improvements." My specific question is: would increased allocations come at the expense of other operators or would additional snowmobiles be allowed to enter the Park? The intended action should be spelled out clearly in the document.

Under Alternative 7, the NPS proposes to implement additional BAT standards for NO_x for the 2014/2015 winter season. The NPS lacks the authority to set a NO_x standard. The EPA has the exclusive authority to regulate source emissions under the Clean Air Act. In the Scientific Assessment, p. 18, you appear to acknowledge and at the same time ignore this fact, stating that "[t]he NPS does not set air quality standards, but does follow the federal and state standards." I request that the proposed NO_x standard be removed in the final WUP and EIS.

10. Soundscapes

We should work to protect the natural sounds of Yellowstone while being realistic in setting standards, especially along travel corridors and areas of major development. Yellowstone visitors have voiced their understanding of the tradeoff between the sounds of the vehicles they

used to access the Park and the natural sounds they were seeking (Saxen 2008). It is often a good reminder that even those seeking a non-motorized experience during a visit to the interior of Yellowstone depend on motorized means to enter the Park and access trailheads. The NPS should consider options for solitude other than cutting snowmobile numbers.

The Draft WUP and EIS, Appendix C, p. C-9, adopts an unreasonable sound criterion. See Attachment A.

It is unreasonable to compare travel corridors within Yellowstone to bedrooms, conference rooms or empty classrooms. Further, the EPA has determined that a level of 55 dB should be applied to parks, nature exhibits and recreational activities. A level higher than 35 dB and closer to 55dB is more appropriate for assigning impact to soundscape along travel corridors and is warranted.

11. Access

Under the preferred alternative, a number of side roads would be closed to motorized use. These side roads include Firehole Canyon Drive and North Canyon Rim Drive. These roads provide a unique experience for visitors. The current system of road access is working – please do not change it.

12. Entrance Requirements

The requirement that all OSVs enter Yellowstone by 10:30 a.m. is unrealistic. It constrains access, and would bunch groups of visitors, causing additional air quality, soundscape, and wildlife impacts. The increased impacts would be experienced both at entrance gates and along travel corridors. The problems you propose to solve would only be exacerbated by implementing this requirement.

This deadline is too early, especially for those commercial operators traveling from Jackson to the South Entrance and guests traveling from Cody to the East Entrance. These operators have a significant number of logistics to cover each morning prior to departure. A day of business would be lost if weather or road conditions prevented operators from meeting the 10:30 a.m. deadline.

I would urge the NPS to consider a pre-registration system, perhaps online. An online system could facilitate entrance into the Park and reduce air quality and soundscape impacts at entrance gates.

13. Long-term Monitoring and Review

All management actions, including close analysis of non-commercial access, should be continuously monitored and reviewed and subject to change under the NPS's adaptive management principles. I support adaptive management if it is applied in a manner that it is just that – adaptive. According to the Department of Interior, "[A]daptive Management does not represent an end in itself, but rather a means to more effective decisions and enhanced benefits."

Adaptive management must provide for an objective decision making process. It should be implemented in such a way that has the flexibility to allow for increased access.

14. Cooperating Agencies

My administration joined the conversation as a cooperating agency shortly after I took office in January. I am concerned that cooperating agencies were not adequately engaged in a collaborative manner early in the development of the Draft WUP and EIS. The State of Wyoming does not desire to be a cooperator in title only -- it has to be a meaningful engagement. I am sure other "cooperating agencies" feel the same way. I hope that all cooperating agencies will be fully engaged, as envisioned under NEPA, as this process moves forward.


In closing, I am drawn to the October 15, 2009 remarks of Suzanne Lewis, former Superintendent of Yellowstone, in response to comment letters on Yellowstone winter use in which she outlines recent use and monitoring impacts to air, health and safety, wildlife, soundscapes, visitor experience and other issues. Ms. Lewis concludes:

For each topic monitored, we now understand that both snowmobiles and snowcoaches are contributing similarly to the measured impacts of winter use. The perception that snowmobiles are contributing to the vast majority of observed effects, and that those effects would greatly diminish with snowcoaches only, is not supported by the research. When managed, as they have been for the past five winters, both modes of transportation provide opportunities for visitors to enjoy the park. Each can offer different experiences for visitors, just as cross-country skiing, snowshoeing, and walking offer different opportunities for visitors to enjoy the park.

I also believe the best available science shows that an increase in use, particularly snowmobiles, will not degrade air quality, soundscapes, or wildlife. We have an opportunity to restore balance into the equation and meet the founding tenet of the Yellowstone National Park Act.

Thank you again for the opportunity to comment on the Yellowstone Draft WUP and EIS. I look forward to working with you in the days ahead to find an alternative that will not restrict access to one of Wyoming's most valuable resources.

Best regards,



Matthew H. Mead
Governor

Cc: Senator Mike Enzi
Senator John Barrasso
Representative Cynthia Lummis

**Governor Mead's Comments on Yellowstone Draft WUP and EIS
Attachment A**

2. Variable Management (Caps)

"Vertical caps" present an issue whereby allocations are not filled, primarily due to two factors: 1) Park visitor travel arrangement alignment with operator allocations, and 2) availability of BAT approved snowmobiles. The NPS acknowledges this issue in the Yellowstone WUP Frequently Asked Questions document (p. 4).

"Horizontal caps" present an issue when a visitor desires to book a multiple-day package that overlaps a level change. An example is where a family proposes to enter the Park on a day when the level is set at 330 and elects to leave the Park several days later when the level has been reduced to 220. It is possible this family would be required to leave the Park early. More likely, the trip would not be booked.

3. Daily Snowmobile Allowance (Scientific Assessment of Yellowstone Winter Use, pp. 5 and 6,

Conclusions relating to impacts associated with OSV use on wildlife):

"[E]cological processes, and not OSV use, are dominant influences on wildlife vital rates and rates of increase."

"Collectively, studies conducted to date suggest effects of OSV on individual animals have not had measurable detrimental effects....[S]tudies of ungulate physiology suggest habituation to predictable disturbances like those associated with OSV use in Yellowstone. Observations of bison, elk, trumpeter swans, and bald eagles, which evince awareness of passing OSVs but typically are not displaced, do not suggest substantial energetic costs. Elk and bison near roadways do not appear to exhibit elevated levels of stress hormones attributable to OSV traffic."

"Current evidence does not support the notion that winter groomed roads contributed to population increases of bison, or are preferentially used by bison."

"Humans on foot and skis...generally elicit stronger behavior responses from ungulates than do motor vehicles on roads."

6. Non-Commercial Guided (Cost Differential)

Information obtained from a Wyoming operator (trip from South Entrance to Old Faithful):

Commercial: \$269 single, \$399 double (includes entrance fees and fuel)

Non-commercial: \$150 single, \$150 double (does not include entrance fee - \$15 per snowmobile or fuel – approximately \$30)

As this example illustrates, a family of five could save over \$480 for a one day adventure.

6. Non-Commercial Guided (Other Suggestions)

- (1) Identify those participants that would be required to complete educational component requirements.
- (2) Require all non-commercial snowmobiles entering Yellowstone to meet BAT standards. Currently the majority of the general public do not own BAT-approved snowmobiles and would likely obtain one from a commercial operator. The NPS would not then have to ensure the snowmobile meets BAT standards, and this contact would afford another educational opportunity for individuals in a non-commercial group to receive a safety and general rule briefing. Over time it would be expected that more members of the general public would purchase BAT-approved snowmobiles.
- (3) Define a non-commercial guided snowmobile trip to preclude a non-commercial participant from operating as a commercial guide.
- (4) Limit the number of times an individual could enter the Park as a non-commercial trip participant and establishing maximum trip durations.
- (5) Specify trip size, i.e., number of persons and number of snowmobiles, to facilitate management of non-commercial groups.

10. Soundscapes (Sound Criterion)

The Draft WUP and EIS, Appendix C, p. C-9, provides the following sound criterion:

“For this EIS, an L_{eq} of 35 dB has been selected as the criterion corresponding to major impact to travel corridor acoustical environments. A variety of authoritative and scientific sources point to 35 dB_A as a pertinent sound level criterion for quiet environments. ANSI Standard 12.2 – Criteria for Evaluating Room Noise – specifies 35 dB_A as the desired background condition for many indoor spaces where quiet and outstanding listening conditions are important (bedrooms, auditoria, theatres, conference rooms). ANSI 12.60 – Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools – specifies 35 dB_A as the background criterion for empty classrooms[.]”



WYOMING GAME AND FISH DEPARTMENT

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ED MIGNERY
CHARLES PRICE

July 7, 2011

WER 6136.01
National Park Service
Draft Environmental Impact Statement
for the Winter Use Plan
Yellowstone National Park

Yellowstone National Park
Winter Use Draft EIS
PO Box 168
Yellowstone National Park, WY 82190

Dear Sir/Madam:

The staff of the Wyoming Game and Fish Department has reviewed Draft Environmental Impact Statement for the Winter Use Plan within Yellowstone National Park. We have no terrestrial wildlife or aquatic concerns pertaining to this draft environmental impact statement.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Rick Huber, Staff Aquatic Biologist, at 307-777-4558.

Sincerely,



for John Emmerich
Deputy Director

JE/mf/gb

cc: USFWS
Tim Fuchs, Jackson Region
Doug Brimeyer, Jackson Region
Rob Gipson, Jackson Region
Tim Woolley, Cody Region
Doug McWhirter, Cody Region
Steve Yekel, Cody Region



CODY COUNTRY CHAMBER OF COMMERCE

July 18, 2011

Yellowstone National Park
Winter Use DEIS
P.O. Box 168
Yellowstone NP, WY 82190

Dear Yellowstone National Park Planners:

Thank you for the opportunity to provide input into the Winter Use DEIS that will define the new long-term plan to manage winter use in Yellowstone National Park. As the gateway community for Yellowstone's East Entrance, the Park's winter use management plan is very important to Cody and to our year-round economy.

After reviewing each of the seven alternative plans, the Cody Country Chamber of Commerce would like to offer the following alternative, created by combining parts of several of the previously proposed alternatives. We believe this alternative provides the best combination of economic opportunity for Cody and Park County, as well as other communities surrounding Yellowstone, and protection of the Park's natural winter environment.

Proposed Alternative

This alternative allows for up to 720 snowmobiles and 78 snow coaches per day (from Alternative 3). Up to 25 percent of snowmobile permits of this total should be available for unguided or non-commercial guided use (from Alternative 6). Snowmobiles should meet Best Available Technology requirements, but the BAT definition should be broadened to include newer two-stroke snowmobiles as well as any two-stroke or four-stroke snowmobiles that have proven efficiency and that operate with minimal engine exhaust and minimal engine noise. This definition should remain in place for a specific period of time long enough to allow concessionaires and other private snowmobile operators a predictable return on their investments. Snow coaches should transition to meet BAT requirements over a five-year period. Air quality and noise level data should be collected at several locations throughout the Park, including the East Entrance, in order to obtain a more complete scientific sample to ensure environmental quality. The East Entrance should be kept open during the winter season, and avalanche control operations would be in place in accordance with the plan agreed to by the Sylvan Pass Working Group. All entrances should operate without time restrictions on the entry and exit of over-snow vehicles.

All of this is in keeping with the stated objective of providing visitors access to winter opportunities appropriate to the Park that are universally accessible.

Economic Considerations

With the reopening of the Sleeping Giant downhill ski area, winter use on the North Fork between Cody and the East Entrance has increased significantly. Nordic skiers and snowshoers now have miles of trails that run from Pahaska Tepee into the surrounding forest, along the river to Sleeping Giant, and up the road to the East Entrance and into the Park. It is not only skiing that attracts visitors: the North Fork is an outstanding winter wildlife viewing location where visitors can see bighorn sheep, bison, elk, moose, and a variety of eagles and hawks.

The Cody Country Chamber of Commerce and the Park County Travel Council invest thousands of dollars to promote winter recreation. Over-snow access into the Park is a critical part of the combination of these opportunities, all of which are important to the winter economy of the Cody area. When we can combine downhill skiing, Nordic skiing, snowshoeing, and sledding with snowmobile and snow coach trips into Yellowstone, Cody can begin to promote itself as a true winter destination. Thus, access to Yellowstone for everyone who desires it during winter is an essential component to supporting our winter tourism market.

The people of Cody and Park County have worked in partnership with the National Park Service on the issue of winter use in Yellowstone since the beginning. We have a long history with and intimate knowledge of winter recreation in this unique environment. All of these recreation opportunities, and the experiences associated with a winter visit to Yellowstone, make Cody a more attractive destination that supports our local economy and allows people to experience the beauty and majesty of Yellowstone during its winter splendor. We believe the alternative proposed above is the best balance of access and protection that we can achieve.

Sincerely,



Scott Balyo
Executive Director, Cody Country Chamber of Commerce



Lee Haines
President, Cody Country Chamber of Commerce Board of Directors



July 13, 2011

Submitted electronically 7/18 10:AM
County Commission

GALLATIN COUNTY

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Yellowstone National Park
Winder Use DEIS
Box 168
Yellowstone National Park, WY 82190

Dear Superintendent Wenk,

Thank you for the opportunity to comment on the proposed Yellowstone Winter Use Plan and EIS. We, as Gallatin County Commissioners (Montana) are very concerned with the economic viability of the gateway communities and especially the gateway community of West Yellowstone. As you know, there is a symbiotic relationship between YNP and the gateway communities. Without the Park and the public access allowed, these communities would not exist and without the gateway communities, Yellowstone Park would not have goods and services provided outside of its boundaries and its employees would not have the housing and services that are needed. As we heard in public comment, many businesses are at the brink of closure and any negative changes that occur in this proposed plan could "break the back" of these businesses that provide services to the park and make many other service related businesses viable especially in the winter months.

Every Plan since 2000 has reduced access by OSVs and has produced negative long-term effects to commercial businesses and the economies of the gateway communities. Further reductions and limits to access will certainly strangle the economies and life of these winter communities. Although Alternative #7 has some very good and feasible ideas, we would ask you to reconsider some issues before accepting this plan as presented.

1) Please consider increasing and not reducing the number of OSVs allowed in the Park: The variable preset limits proposed in Alt. #7 are too restrictive, will result in the loss of many snowmobile days and will have a severe effect on the operators. The use caps are very complicated and unmanageable and will restrict public use, opportunity and Commercial operator's economic viability. We would ask that the Park would raise the present cap levels by 25-30% which would result in a more sustainable number, would provide an increase in user opportunity and would not have a negative effect on Park resources or biologic concerns.

2) Please consider eliminating the 10:30 AM entry restriction.

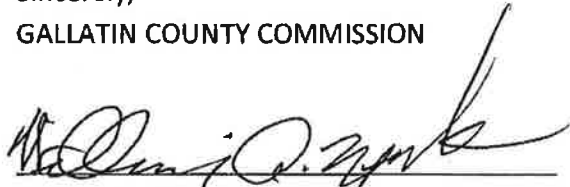
Many Park visitors that come from Big Sky or Bozeman to West Yellowstone arrive later in the day and many visitors only want a short day when travelling into the Park. Also, cold mornings and inclement weather determine arrival times of visitors and the departure time that an operator determines the safety and comfort of visitors entering the Park. This proposal will also result in more bunching and concentration of snowmobile and snow coach traffic. This restriction will reduce visitor opportunity and enjoyment of Yellowstone and will create a scheduling nightmare for Operators.

3) Please consider implementing a Non Commercial guide opportunity.

During public comment there has been much testimony from every gateway community about the need and desire from local residents for an additional number of snowmobiles to be allowed into the Park under a Non Commercial guide opportunity. A system could easily be established that would provide an opportunity for non commercial guides to become certified. Procedures could be put into place that would require BAT snowmobiles and avoid any misuse. This would provide an increase and additional use opportunity for locals and nonlocals and would provide a more economical opportunity for those that may wish to enjoy park resources on their own without the cost and assistance of a guide.

We respectfully submit these comments for your consideration and look forward to cooperating with Yellowstone National Park in the future.

Sincerely,
GALLATIN COUNTY COMMISSION



William A. Murdock, Chair



Joe P. Skinner, Member



R. Stephen White, Member