

**National Park Service**  
U.S. Department of the Interior

Pictured Rocks National Lakeshore  
Michigan



# **PUBLIC SCOPING COMMENT SUMMARY REPORT**

## **Personal Watercraft Use Environmental Assessment**



**January 2013**

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# INTRODUCTION AND GUIDE

## *Introduction*

The National Park Service (NPS) completed an environmental assessment (EA) for a special regulation to allow personal watercraft (PWC) use at Pictured Rocks National Lakeshore in September 2005. In October 2005, Pictured Rocks implemented the special regulation that allowed for the limited use of PWC on the surface of Lake Superior within the park, between the park's western boundary near Sand Point, to the east end of Miners Beach. The regulation also required that PWCs operate in full compliance with State of Michigan regulations pertaining to PWC use. As a result of a lawsuit filed in 2008, the U.S. District Court concluded that the analysis in the 2005 EA was inadequate. The court allowed PWC use to continue at the park under the existing regulation, but required the NPS to initiate a new planning process to address the court's concerns with the analysis in the previous EA. This planning process will produce a new analysis of the environmental consequences of PWC use in the park.

## *Public Scoping Process Summary*

On October 9, 2012, the NPS released the Public Scoping Newsletter for the Personal Watercraft Use EA to the public for review and comment. The newsletter included a description of the project background, purpose and need, project objectives, project issues, and a list of preliminary alternative concepts. The newsletter was available for public review until November 9, 2012.

During the scoping period, three public meetings were held in Michigan from October 23 – 25, 2012. Meetings were held in Munising (October 23rd); Marquette (October 24th); and Grand Marais (October 25th). Each scoping meeting began at 6:30 PM with opening remarks and a presentation by NPS staff. Following the presentation, meeting attendees had the opportunity to discuss their interests and concerns with NPS staff in an open house format.

A total of 33 individuals attended the public scoping meetings. The number of attendees at each meeting was as follows:

- Munising – 22 attendees
- Marquette – 7 attendees
- Grand Marais – 4 attendees

The public were able to submit their comments on the project using any of the following methods:

- Electronically through the NPS Planning, Environment, and Public Comment (PEPC) website
- In person at the public meetings
- By mailing or faxing comments to the NPS

## *Nature of Comments Received*

A total of 193 pieces of correspondence from 20 states and 2 countries (United States and Canada) were received during the public scoping period. Approximately 145 pieces of correspondence submitted were from individuals living within Michigan. The topics that received the majority of the comments were related to the impact of PWC use on the visitor experience at Pictured Rocks and comments supporting or prohibiting the use of PWCs at the park. Several commenters provided suggestions regarding methods of

managing PWC in the park, including changes to the no-wake zone boundary, PWC permits, increased boater education, and technology requirements.

### ***The Comment Analysis Process***

Comment analysis is a process used to compile and combine similar public comments into a format that can be used by decision makers and the Personal Watercraft Use EA Team. Comment analysis assists the team in organizing, clarifying, and addressing technical information pursuant to National Environmental Policy Act (NEPA) regulations. It also aids in identifying the topics and issues to be evaluated and considered throughout the planning process.

The process includes five main components:

- Developing a coding structure
- Employing a comment database for comment management
- Reading and coding of public comments
- Interpreting and analyzing the comments to identify issues and themes
- Preparing a comment summary

A coding structure was developed to help sort comments into logical groups by topics and issues. The coding structure was derived from an analysis of the range of topics discussed during internal NPS scoping, past planning documents, and the comments themselves. The coding structure was designed to capture all comment content rather than to restrict or exclude any ideas.

The NPS PEPC database was used for management of the comments. The database stores the full text of all correspondence and allows each comment to be coded by topic and issue. Some outputs from the database include tallies of the total number of correspondence and comments received, sorting and reporting of comments by a particular topic or issue, and demographic information regarding the sources of the comments.

Analysis of the public comments involved the assignment of the codes to statements made by the public in their letters and comments stated at the public meetings. All comments were read and analyzed, including those of a technical nature; those expressing opinions, feelings, and preferences of one element or one potential alternative over another; and comments of a personal or philosophical nature

Although the analysis process attempts to capture the full range of public concerns, this content analysis report should be used with caution. Comments from people who chose to respond do not necessarily represent the sentiments of the entire public. Furthermore, this was not a vote-counting process, and the emphasis was on content of the comment rather than the number of times a comment was received. This report is intended to be a summary of the comments received, rather than a statistical analysis.

### ***Definition of Terms***

Primary terms used in this document are defined below.

**Correspondence:** A correspondence is the entire document received from a commenter. It can be in the form of a letter or fax, written comment form, or a comment submitted online using the NPS PEPC website. Each piece of correspondence is assigned a unique identification number in the PEPC system.

**Comment:** A comment is a portion of the text within a correspondence that addresses a single subject. It

should include information such as an expression of support or opposition to the use of a potential management tool, additional data regarding an existing condition, or an opinion debating the adequacy of the analysis.

**Code:** A grouping centered on a common subject. The codes were developed during the scoping process and are used to track major subjects throughout the EA process.

**Concern:** Concerns are a written summary of all comments received under a particular code. Some codes were further separated into several concern statements to provide a better focus on the content of the comments.

### ***Methodology***

During the comment period for the scoping newsletter, 193 pieces of correspondence were received into PEPC directly or were entered into PEPC for analysis. Each correspondence was read and specific comments within each correspondence were identified. A total of 496 comments were derived from the correspondences received.

Each comment was given a code to identify the general content of a comment and to group similar comments together. Thirty-four codes were used to categorize all the comments received on the draft plan/EIS. An example of a code developed for this project is *AL4000 Alternatives: New Alternatives Or Elements*. In some cases, the same comment may be categorized under more than one code, reflecting the fact that the comment may contain more than one issue or idea.

During coding, comments were also classified as substantive or non-substantive. A substantive comment is defined in the NPS Director's Order 12 Handbook: *Conservation Planning, Environmental Impact Analysis, and Decision Making*, as one that does one or more of the following:

- Question, with a reasonable basis, the accuracy of information presented in the scoping brochure;
- Question, with reasonable basis, the adequacy of the environmental analysis;
- Present reasonable alternatives other than those presented in the scoping brochure; and/or
- Cause changes or revisions in the proposal.

As further stated in Director's Order 12, substantive comments "raise, debate, or question a point of fact or policy. Comments in favor of or against the proposed action or alternatives, or comments that only agree or disagree with NPS policy, are not considered substantive." All comments were read and considered and will be used to help create the alternatives and ultimately the PWC Use EA; however, only those determined to be substantive are typically analyzed for creation of concern statements, as described below.

Under each code, all substantive comments were grouped by similar themes, and those groups were summarized with a concern statement. For example, under the code *IM2500 - Comments on Health and Safety of Visitors*, one concern statement identified was, "[Commenters stated that there are safety implications associated with allowing PWC use beyond Miners Beach, including the lack of available 'take out' locations.](#)" This one concern statement captured several comments. Following each concern statement are one or more "representative quotes," which are comments taken from the correspondence to illustrate the issue, concern, or idea expressed by the comments grouped under that concern statement.

## ***Guide to this Document***

This report is organized as follows:

**Content Analysis Report:** This is the basic report produced from PEPC that provides information on the numbers and types of comments received, organized by code. The first section of the report provides a summary of the number of comments that were coded under each topic. The second section provides general demographic information, such as the states where commenters live, the number of letters received from different categories of organizations, etc.

**Public Scoping Comment Summary:** This report summarizes the substantive comments received during the scoping process. These comments are organized by codes and further organized into concern statements. Below each concern statement are representative quotes, which have been taken directly from the text of the public's comments and have not been edited; therefore some spelling and grammar errors were not corrected. Representative quotes further clarify the concern statements.

**Official Correspondence from Groups and Agencies:** This report contains copies of the correspondence received from the official representatives of groups or agencies. The correspondence were either received directly in PEPC or a hardcopy letter which was transcribed directly into PEPC.

## CONTENT ANALYSIS REPORT

Code	Description	Correspondences
VU4500	Visitor Use and Experience: Impact Of Proposal And Alternatives	103
AL2400	Support Prohibiting PWC Use	91
IM1500	Impacts/Use of Other Watercraft	36
WQ4000	Water Resources: Impact Of Proposal And Alternatives	31
PW1300	Comments on Operation of PWCs	31
IM2500	Comments on Health and Safety of Visitors	29
WH4000	Wildlife And Wildlife Habitat: Impact Of Proposal And Alternatives	27
AQ4000	Air Quality: Impact Of Proposal And Alternatives	25
AL4000	Alternatives: New Alternatives Or Elements	26
AL3500	Support Expanding PWC Use	20
AL2600	Oppose Restricting PWC Use	20
AL1500	Support Current PWC Regulation	15
PO4000	Park Operations: Impact Of Proposal And Alternatives	12
PW1200	Comments on Other PWC Use Areas	13
SE4000	Socioeconomics: Impact Of Proposal And Alternatives	13
PW1000	Comments on Watercraft Technology	13
AL2500	Support Restricting PWC Use	10
AL4500	Alternatives: PWC Permits	8
AL3600	Oppose Expanding PWC Use	6
MT3500	Comment Out of Scope	7
TE4000	Threatened And Endangered Species: Impact Of Proposal And Alternatives	6
PN3000	Purpose And Need: Scope Of The Analysis	4
MT2500	Duplicate Correspondence	5
MT1500	Non-Substantive Comment	4
PN4000	Purpose And Need: Park Legislation/Authority	3
VR4500	Vegetation And Shoreline Areas: Impact Of Proposal And Alternatives	4
PN1000	Purpose And Need: Planning Process And Policy	3
CR4000	Cultural Resources: Impact Of Proposal And Alternatives	2
WD4500	Wilderness: Impact Of Proposal and Alternatives	2
PW1500	Comments on Current PWC Regulations	3

**(Note: Each correspondence may have multiple codes. As a result, the total number of Correspondence may be different than the actual comment totals)**



### Correspondence by Organization Type

Organization Type	Number of Correspondences
Business	7
Conservation/Preservation	7
Federal Government	2
Non-Governmental	4
Recreational Groups	9
Town or City Government	3
Unaffiliated Individual	159
University/Professional Society	2
<b>Total</b>	<b>193</b>

### Correspondence Signature Count by Correspondence Type

Type	Number of Correspondences
Web Form	152
Letter	27
Fax	7
Park Form	6
Other	1
<b>Total</b>	<b>193</b>

### Correspondence Distribution by State

State	Percentage	Number of Correspondence
Michigan	75.1 %	145
Wisconsin	5.2 %	10
Unknown	4.1 %	8
Illinois	4.1 %	8
Ohio	1.6 %	3
California	1.0 %	2
Florida	1.0 %	2
Washington	1.0 %	2
Maryland	1.0 %	2
Indiana	0.5 %	1
Missouri	0.5 %	1
District of Columbia	0.5 %	1
Montana	0.5 %	1
Georgia	0.5 %	1
Nebraska	0.5 %	1
New Mexico	0.5 %	1
Massachusetts	0.5 %	1
Minnesota	0.5 %	1
Pennsylvania	0.5 %	1
South Dakota	0.5 %	1
<b>Total</b>		<b>193</b>

### Correspondence Distribution by Country

Country	Percentage	Number of Correspondence
USA	99.5 %	192 _
CAN	0.5 %	1 _
<b>Total</b>		<b>193 _</b>

## PUBLIC SCOPING COMMENT SUMMARY

The representative quotes identified includes non-official correspondence from members of organizations who may not be an official representative of the organization or agency; therefore, comments may not represent the views or opinion of the identified organization or agency. Those comments received from an official representative of an organization or group are identified with an asterisk (\*).

### ***AL4000 - ALTERNATIVES: NEW ALTERNATIVES OR ELEMENTS***

- Concern ID:** 41159  
**CONCERN STATEMENT:** Commenters suggested additional areas where NPS should allow PWC use. Suggestions included the east end of the park from the northeastern border of the Beaver Basin wilderness area to Grand Marias.
- Representative Quote(s):** **Corr. ID:** 192 **Organization:** *Not Specified*  
**Comment ID:** 303959 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** Expand the PWC access areas to include both the existing PWC use areas as well as the shore line from Grand Marais southwestward to the northeastern boundary of the Beaver Basin wilderness area.
- Concern ID:** 41160  
**CONCERN STATEMENT:** Commenters suggested issuing time of use restrictions that would prohibit PWC use during peak tourist time periods at the park.
- Representative Quote(s):** **Corr. ID:** 29 **Organization:** *Not Specified*  
**Comment ID:** 303223 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** I can understand such complaints as personal watercraft being too noisy for hikers. A possible solution to that issue--if it is indeed a known and significant concern--would be to restrict personal watercraft use along the Pictured Rocks National Lakeshore only during a week or two of the season's most intense tourist traffic, for example around Independence Day. This solution would provide personal watercraft users with fair liberty and pose no threat to the local tourist industry.
- Corr. ID:** 80 **Organization:** *Not Specified*  
**Comment ID:** 304122 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** I also think there should be a requirement of 4 stroke engines to try to minimize chemical pollution and, perhaps, noise. I would also suggest consideration of a "season" where PWC would only be allowed from Memorial Day through Labor Day to try to limit their users' exposure to harsh lake conditions.
- Concern ID:** 41161  
**CONCERN STATEMENT:** Commenters suggested limiting PWC speeds and wake size close to the park shoreline and around sandbars or off-shore islands.
- Representative Quote(s):** **Corr. ID:** 34 **Organization:** *Not Specified*  
**Comment ID:** 303254 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** I propose that regulations address PWC speeds while near the lake shore: requiring PWC to be at "idle" or a range of 1-3 miles per hour within 25 feet of the lake shore.....or something similar, in addition, prohibit wave making close to shore. I would also,be willing to pay a use-fee to have access to all the areas that motor boats have access to.
- Corr. ID:** 121 **Organization:** *Not Specified*

**Comment ID:** 303750      **Organization Type:** Unaffiliated Individual

**Representative Quote:** It should be noted that sand bars are used heavily by gulls and regularly used by migrating sandpipers, likely as a mean of escaping human activity. Therefore I would encourage that buffer zones and speed restrictions concerning the shoreline be extended to include any sand bars that develop within park boundaries. This would be beneficial because almost half of all North American shorebird species and subspecies are experiencing population declines (see Skagen 2006 for a review), and two of the shorebird species I have observed within the park - Buff-breasted Sandpiper and Greater Yellowlegs, are listed as "highly imperiled", and six I have observed within the park - American Golden-Plover, Black-bellied Plover, Killdeer, Solitary Sandpiper, Semipalmated Sandpiper, and Least Sandpiper are listed as being of "moderate concern" in the U.S. Shorebird Conservation Plan (Szalay et al. 2000). Sand bars would most likely function best for wildlife if they were deemed a "no go zone" for humans.

**Concern ID:**

41162

**CONCERN  
STATEMENT:**

Commenters suggested requiring park PWC users to use only 4-stroke engines or new best available technology.

**Representative Quote(s):**

**Corr. ID:** 74

**Organization:** Not Specified

**Comment ID:** 303567

**Organization Type:** Unaffiliated Individual

**Representative Quote:** I do support restricting use to only those with 4-stroke engines. Having owned both a 2-stroke and a 4-stroke watercraft, the 4-stroke is much quieter and more environmentally friendly. I think that is the real issue...to protect the wildlife, environment, and tranquility of this serene area.

**Concern ID:**

41245

**CONCERN  
STATEMENT:**

Commenters stated that PWC use should be limited to offshore outside of the park 0.25 mile boundary or at least 500 feet from shore

**Representative Quote(s):**

**Corr. ID:** 75

**Organization:** Not Specified

**Comment ID:** 305485

**Organization Type:** Unaffiliated Individual

**Representative Quote:** We would prefer the park ban use of all motorized watercraft within 500' of the shoreline.

**Corr. ID:** 95

**Organization:** Friends of Pictured Rocks

**Comment ID:** 303660

**Organization Type:** Non-Governmental

**Representative Quote:** All watercraft that is non-emergency should be kept at least a mile from shore to preserve the wilderness aspect of this beautiful National Shoreline.

**Corr. ID:** 116

**Organization:** Not Specified

**Comment ID:** 303691

**Organization Type:** Unaffiliated Individual

**Representative Quote:** Personally ; I would prefer to have pwc's restricted to offshore. I believe that those craft are detrimental to the intended use of the lakeshore.

**Concern ID:**

41247

**CONCERN  
STATEMENT:**

Commenters suggested restricting PWC use to areas outside the wilderness areas and other sensitive areas of the park.

**Representative Quote(s):**

**Corr. ID:** 54

**Organization:** Not Specified

**Comment ID:** 303479

**Organization Type:** Unaffiliated Individual

**Representative Quote:** I support any effort to free the Lakeshore, and the waters in and around it, of motorized activity, in this case personal watercraft. If not all of the Lakeshore, perhaps just the Beaver Basin Wilderness at this time.

**Corr. ID:** 118

**Organization:** US Environmental Protection Agency\*

**Comment ID:** 303728      **Organization Type:** Federal Government  
**Representative Quote:** EPA strongly encourages alternatives be considered that restrict PWC use adjacent to designated wilderness areas and other sensitive areas within the Park.

**Concern ID:** 41248  
**CONCERN**  
**STATEMENT:** Commenters suggested implementing a uniform regulation for all motorized vehicles including PWCs on the lake.

**Representative Quote(s):** **Corr. ID:** 179      **Organization:** Personal Watercraft Industry Association\*

**Comment ID:** 303934      **Organization Type:** Recreational Groups  
**Representative Quote:** Operation of PWC should be regulated consistently with other motorized vessels operating throughout the Park.

**Corr. ID:** 188      **Organization:** Not Specified

**Comment ID:** 303921      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** PWC are designated as boats by the US Government, ie, Coast Guard. They are just as quiet and more energy efficient than other types of boats. To suggest otherwise borders on ignorance if not down right stupidity. As boats, they should be treated as any other boat.

**Concern ID:** 41249  
**CONCERN**  
**STATEMENT:** Commenters stated that PWC use should be limited to emergency uses only.

**Representative Quote(s):** **Corr. ID:** 161      **Organization:** Mentor for Prescott College graduate students

**Comment ID:** 303869      **Organization Type:** University/Professional Society  
**Representative Quote:** Personal watercraft should not be allowed, except for use by emergency personnel.

**Concern ID:** 41250  
**CONCERN**  
**STATEMENT:** Commenters stated that PWCs should not be allowed to beach their vessel on land or they should only be allowed to beach on land where no other visitors occur.

**Representative Quote(s):** **Corr. ID:** 48      **Organization:** Not Specified

**Comment ID:** 303360      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** They could be restricted to a specified distance from the Pictured Rocks.

They could be allowed to come ashore on sandy beaches where there is no people, at no wake speed.

**Corr. ID:** 185      **Organization:** Not Specified

**Comment ID:** 303913      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** My personal opinion is to not allow any boats to beach anywhere and to follow the same rules for PWC as Sleeping Bear Sand Dunes and the Apostle Island so all parks are on the same page.

**Concern ID:** 41251  
**CONCERN**  
**STATEMENT:** Commenters suggested implementing an education program on boater safety.

**Representative Quote(s):** **Corr. ID:** 192      **Organization:** Not Specified

**Comment ID:** 303964      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** Increase educational efforts to inform all boaters about responsible boating in PRNL. It would seem logical when states put much effort into educational activities aimed at preserving live and property, NPS would also

put forth robust boater educational efforts to aimed at preserving natural and cultural resources and mitigating visitor conflicts rather than simply to deny access to a particular design of vessel.

**Concern ID:** 42086  
**CONCERN STATEMENT:** Commenters suggested limiting noise from PWCs to less than 50 db at 10 meters  
**Representative Quote(s):** **Corr. ID:** 86 **Organization:** *Not Specified*  
**Comment ID:** 303613 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** I have no objection to motor powered craft in surface waters of Lake Superior within the park as long as they are quiet (< 50 db at 10 meters) and are powered by a 4 stroke engine(s) that meets appropriate federal emission standards.

### ***AL4500 - ALTERNATIVES: PWC PERMITS***

**Concern ID:** 41163  
**CONCERN STATEMENT:** Commenters suggested implementing a PWC permit system that would defray park costs associated with PWC use. The permit system would also track the number of boaters on the water to ensure safe conditions.  
**Representative Quote(s):** **Corr. ID:** 123 **Organization:** *Not Specified*  
**Comment ID:** 303761 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** In order to better manage PWC use, there should be a permit system issued only to keep track of the number of boats actually being used on the lakes in these areas for future records. If numbers spike to an extremely unsafe level for the environment, then other measures should be taken like restricting PWC use to only those with 4-stroke engines or best available technology.  
**Corr. ID:** 193 **Organization:** *Not Specified*  
**Comment ID:** 303967 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** If this change would need enforcement, then I believe that all watercraft should be required to purchase permits to help defray the cost of enforcement. Again one type of watercraft should not be singled out for a permit.

**Concern ID:** 41253  
**CONCERN STATEMENT:** Commenters suggested allowing special use permits for PWC use only to visitors with personal limitations that prevent them from using non-motorized watercraft.  
**Representative Quote(s):** **Corr. ID:** 95 **Organization:** Friends of Pictured Rocks  
**Comment ID:** 303662 **Organization Type:** Non-Governmental  
**Representative Quote:** Canoes, row boats and kayaks (self propelled watercraft) should only be allowed. With special-use permission, people with limitations can apply for special permitted motor boat activity if they cannot use self-propelled watercraft.

**Concern ID:** 41254  
**CONCERN STATEMENT:** Commenters suggested requiring PWCs to be tested to ensure the watercraft meets EPA regulations.  
**Representative Quote(s):** **Corr. ID:** 111 **Organization:** *Not Specified*  
**Comment ID:** 303635 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** Within the project issues for the ban of PWC, water and air

quality is under question for how they are negatively impacted. Other areas around the nation such as Lake Tahoe, PWCs are only permitted if they meet EPA regulations. The park service could generate revenue by having the PWCs tested. The substantial majority of newer PWCs sold throughout the US already meet the lower emission standards.

## ***AQ4000 - AIR QUALITY: IMPACT OF PROPOSAL AND ALTERNATIVES***

- Concern ID:** 41164  
**CONCERN STATEMENT:** Commenters are concerned that the use of PWCs will contribute to air pollution and climate change by emitting hydrocarbons, nitrogen oxide, and carbon monoxide. Commenters also find the exhaust fumes associated with PWCs offensive.
- Representative Quote(s):** **Corr. ID:** 161 **Organization:** Mentor for Prescott College graduate students  
**Comment ID:** 303872 **Organization Type:** University/Professional Society  
**Representative Quote:** After considering noise pollution, please consider the petroleum pollutants: dirty exhaust gases, dirty exhaust water, potential for leaky engine oils and fuels from the machines themselves, or from campers refilling their watercraft via jerrycans. Air pollution and water pollution are both concerns here.  
**Corr. ID:** 167 **Organization:** Not Specified  
**Comment ID:** 303884 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** I have experienced the noxious smell of PWC as they zip along Pictured Rocks. Depending on the weather conditions, PWC fumes can hang in the air for a long time. If windy, the fumes are blown away. On a still day, one can paddle in fumes for extended periods of time. I have not quantified this, but would estimate 5-15 minutes in the right conditions. Not pleasant when participating in muscle powered activity! PWC fumes have a direct effect on localized air quality
- Concern ID:** 41165  
**CONCERN STATEMENT:** Commenters stated that the new technology available for PWCs (4 stroke engines) has reduced impacts to air pollution.
- Representative Quote(s):** **Corr. ID:** 7 **Organization:** Not Specified  
**Comment ID:** 301839 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** PWC are extremely quiet now that they are four stroke, they have lower emissions than most boats in use on the water today.  
**Corr. ID:** 179 **Organization:** Personal Watercraft Industry Association\*  
**Comment ID:** 303940 **Organization Type:** Recreational Groups  
**Representative Quote:** Since 1998, PWC have achieved a 75% reduction in hydrocarbon and nitrogen oxide emissions. Today, PWC emit 16 gr/KW-hr of hydrocarbon and nitrogen oxides, compared to 300gr/KW-hr prior to 1998.

## ***CR4000 - CULTURAL RESOURCES: IMPACT OF PROPOSAL AND ALTERNATIVES***

- Concern ID:** 41166  
**CONCERN STATEMENT:** Commenters stated that PWC use would not impact any submerged cultural resources, including shipwrecks, located in water greater than 6 feet in depth.
- Representative Quote(s):** **Corr. ID:** 124 **Organization:** AWA

**Comment ID:** 303763

**Organization Type:** Recreational Groups

**Representative Quote:** As a scuba diver, I can assure you that waves generated by PWCs do not impact anything underwater greater than 6 feet, hardly a danger to underwater wrecks

**Concern ID:**

41167

**CONCERN**

**STATEMENT:**

Commenters are concerned that PWC use would impact submerged cultural resources located in shallow water.

**Representative Quote(s):**

**Corr. ID:** 65

**Organization:** Not Specified

**Comment ID:** 303505

**Organization Type:** Unaffiliated Individual

**Representative Quote:** PWCs have much greater maneuverability and a shallower draft compared with boats. This means that users can operate close to shore in as little as one foot of water. This use offers the potential to disturb wildlife, including vulnerable aquatic life, cultural resources, and other Lakeshore users.

## ***IM1500 - IMPACTS/USE OF OTHER WATERCRAFT***

**Concern ID:**

41168

**CONCERN**

**STATEMENT:**

Commenters believe that impacts to the environment from PWC use is the same as, if not less, than impacts associated with other motorized watercraft. All types of watercraft, including non-motorized boats, have some type of impact on the environment.

**Representative Quote(s):**

**Corr. ID:** 34

**Organization:** Not Specified

**Comment ID:** 303252

**Organization Type:** Unaffiliated Individual

**Representative Quote:** The current PWC regulations are also unjustly discriminating. Motor boats create fuel emissions, Pictured Rocks Cruise boats create fuel emissions, both create huge waves that crash the shore line and potentially endanger wildlife, motor boats are capable of high speeds, both types of boats use the Pictured Rocks Lake Shore all day long during the boating season, and they both make loud noises.

Let's not forget that non-motor boats can also get closer to the shore and potentially disturb waterfowl too with noise and contact. With reasonable near shore regulations, PWC can be nearly as quiet and calm as non-motor boats. PWC also make smaller waves than motor boats and much smaller than the Pictured Rocks Boat Cruises that send huge waves crashing into the shore line all day long for 5 months.

All water craft have an effect on the natural environment and our experience at the park, let's not unjustly single out one craft and over regulate or completely ban it, while others have an equal or greater negative impact.

**Corr. ID:** 39

**Organization:** Not Specified

**Comment ID:** 303296

**Organization Type:** Unaffiliated Individual

**Representative Quote:** I've thought of many possibilities being it pollution, wake, noise, and every one of those complaints can be said the same for the fleet of cruise boats that travel out there many times a day that are more of a nuisance than any PWC could possibly be. I understand that the cruise boats are an important part of our local economy, and I'm not against them, but I can't tell you how many times we've had to stop whatever we were doing to make sure our boat is pointed in the right direction when the wake from the cruise boat comes in to avoid damage to my boat and the cloud of black diesel exhaust that follows them around.



**Concern ID:** 41258  
**CONCERN STATEMENT:** Commenters stated that non-motorized activities throughout the park, including hiking, biking, kayaking, and fishing contribute more impacts to park resources when compared to the use of PWCs.

**Representative Quote(s):** **Corr. ID:** 13 **Organization:** *Not Specified*  
**Comment ID:** 301850 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** there is more damage done by the thousands of hikers and boaters visting the park every year than could ever be done by the pwc's  
**Corr. ID:** 14 **Organization:** *Not Specified*  
**Comment ID:** 301952 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** We have been impacted by Zebra Mussels and Eurasian Watermilfoil and have found that it IS NOT the PWC's that contribute to the spread but rather the fishermen who roam from lake to lake never bothering to wash their boats or remove seaweed from their trailers.  
**Corr. ID:** 96 **Organization:** *Not Specified*  
**Comment ID:** 303675 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** How is a personal watercraft going to impact underwater ship wrecks any more than any other type of boat? I can't say with certainty, but I would guess that a kayaker's paddle could be extended deeper in the water than the normal draft of a PWC hull. Boat engines can discharge oil and gas emissions into the water just as well as PWC engines. Boat engines, car engines and motorcycle engines can emit hydrocarbons, nitrogen oxide, and carbon monoxide which are known to impact air quality just as well as PWC engines.

## ***IM2500 - COMMENTS ON HEALTH AND SAFETY OF VISITORS***

**Concern ID:** 41169  
**CONCERN STATEMENT:** Commenters stated that there are safety implications associated with allowing PWC use beyond Miners Beach, including the lack of available "take out" locations.

**Representative Quote(s):** **Corr. ID:** 80 **Organization:** *Not Specified*  
**Comment ID:** 304123 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** Further, I think that allowing PWC to move beyond Miners would be a risk to their operators' safety. Having spent time on the water, I am aware that there are relatively few put in locations between Miners and the beginning of the beach east of Mosquito on a lake that is highly changeable. This is a concern for all watercraft, but is particularly difficult for PWC because they are to large to easily pull up on rocks (like a kayak).

**Concern ID:** 41170  
**CONCERN STATEMENT:** Commenters stated that PWC use poses a safety threat for other park users such as swimmers and kayakers because of how PWCs are operated. Specific safety concerns include the quick acceleration and maneuvering, associated wakes, threat of collision, and difficulty landing on the shoreline.

**Representative Quote(s):** **Corr. ID:** 120 **Organization:** Upper Peninsula Environmental Coalition\*  
**Comment ID:** 303737 **Organization Type:** Conservation/Preservation  
**Representative Quote:** PWCs create conflicts with other recreationists using Pictured Rocks, such as kayakers and hikers. Wakes from PWCs can be dangerous to kayakers.

In addition to the danger to kayak users caused by the PWC wake, the PWCs pose a

threat of collision with other watercraft including kayaks, as PWCs have a higher rate of accidents than other watercraft.

**Corr. ID:** 129      **Organization:** *Not Specified*

**Comment ID:** 303783      **Organization Type:** Unaffiliated Individual

**Representative Quote:** Safety is also a concern as PWC sit low in the water, maneuver quickly and I, personally have had experience with near collisions.

**Corr. ID:** 172      **Organization:** Northern Waters Adventures

**Comment ID:** 303895      **Organization Type:** Business

**Representative Quote:** Because of bad past experiences, we watch the PWC user's carefully. Many PWC's user's accelerate so quickly close to us, we have to watch out for our own safety.

**Concern ID:** 41171

**CONCERN STATEMENT:** Commenters suggested that PWCs could be used for rescues of kayaks, swimmers, or other watercraft if dangerous situations arise.

**Representative Quote(s):** **Corr. ID:** 31      **Organization:** superior jet ski rental

**Comment ID:** 303234      **Organization Type:** Business

**Representative Quote:** Opening up the entire portion of the PRNL Park to PWC Use, could possibly save a life someday of a boater in distress, a kayaker in big seas, injured hikers, and many other possible life saving ordeals that require a fast/safe jet ski to get there, help out, and get back in a fast and safe manner. There are such cases that a PWC launched from sandpoint could have saved a life.

**Concern ID:** 41259

**CONCERN STATEMENT:** Commenters stated that PWC use increases the potential for conflicts between park user groups.

**Representative Quote(s):** **Corr. ID:** 165      **Organization:** National Parks Conservation Association\*

**Comment ID:** 303929      **Organization Type:** Conservation/Preservation

**Representative Quote:** PWC use under the existing special regulation also potentially endangers park visitors and certainly increases the potential for conflicts between visitors. PWCs are known to be responsible for a vastly disproportionate percentage of boating accidents. Additionally, PWC use in PIRO is likely to conflict with park users in kayaks, those seeking a quiet hike along shoreline trails, those who are birding, and others.

**Concern ID:** 41261

**CONCERN STATEMENT:** Commenters stated there are additional safety hazards associated with PWC use including cold water temperatures.

**Representative Quote(s):** **Corr. ID:** 164      **Organization:** East Coast Paddler's Club

**Comment ID:** 303878      **Organization Type:** Recreational Groups

**Representative Quote:** Expanding the use of powered personal water craft is a terrible idea. It's likely to result in additional emergencies and injuries because of the typically cold water temperatures.

**Concern ID:** 41262

**CONCERN STATEMENT:** Commenters stated that PWC accidents have decreased due to the additional safety features on the boats and mandatory age and education programs.

**Representative Quote(s):** **Corr. ID:** 179      **Organization:** Personal Watercraft Industry Association\*

**Comment ID:** 303936      **Organization Type:** Recreational Groups

**Representative Quote:** For example, with regard to visitor safety, PWC accidents are on the decline. See, e.g., U.S. Coast Guard Recreational Boating Statistics 2011, at 48 (available at <http://www.uscgboating.org/assets/l/workflow>)

staging/Publications/557.PDF). PWC safety is advanced by additional equipment safeguards and mandatory age and education programs.

**Concern ID:** 41263

**CONCERN STATEMENT:** Commenters stated that PWCs do not contribute to overcrowding within the lakeshore.

**Representative Quote(s):** **Corr. ID:** 123 **Organization:** *Not Specified*

**Comment ID:** 303758 **Organization Type:** Unaffiliated Individual

**Representative Quote:** As for Visitor Conflicts and Safety, I have never heard of any incidences in which overcrowding has been an issue. Pictured Rocks is a peaceful place and if that becomes a proven recurrent issue then PWC use should be restricted but it should not be a reason to restrict the PWC use preemptively.

**Concern ID:** 42124

**CONCERN STATEMENT:** Commenter expressed concern regarding the safety implications of not allowing PWCs to land at certain locations in the park.

**Representative Quote(s):** **Corr. ID:** 31 **Organization:** superior jet ski rental

**Comment ID:** 303250 **Organization Type:** Business

**Representative Quote:** What if a pwc operator was in paril 1/4 mile offshore in 6ft seas. Without being able to come a-shore. He dies, because of this ban. What are the judicial ramifications/lawsuits regarding a pwc death because they are not allowed to come to shore ? (a huge lawsuit is entitled to pwc rider from PRNL)

## ***PN1000 - PURPOSE AND NEED: PLANNING PROCESS AND POLICY***

**Concern ID:** 42126

**CONCERN STATEMENT:** Commenter suggested that the NPS gather a sufficient amount of park-specific PWC data and consider delaying the planning process until adequate data has been acquired.

**Representative Quote(s):** **Corr. ID:** 150 **Organization:** American Watercraft Association

**Comment ID:** 305517 **Organization Type:** Recreational Groups

**Representative Quote:** This summary shows clearly that there is a substantial lack of data regarding not only the existing use of PWC an PRNL, but also a lack of data before the implementation of the current regulations. This makes the situation seemingly impossible to analyze in any objective manner. Therefore NPS should delay their new management decisions until adequate data specific relating to issues to be managed within PRNL is acquired.

**Corr. ID:** 179 **Organization:** Personal Watercraft Industry Association\*

**Comment ID:** 305527 **Organization Type:** Recreational Groups

**Representative Quote:** NPS should collect and consider data from the several recent years of PWC use at the Park, including any actually observed air, water, sound, and biological impacts directly attributable to PWC; currently observed or measured discharges from PWC and other boats; actual visitor experiences of PWC and non-PWC Park users; numbers and models of PWC; origins and usage trends for PWC at the Park; and other relevant topics. If NPS has not already gathered such information since passage of the Pictured Rocks PWC rule, NPS should take the time now to collect such data and test its prior findings.

**Concern ID:** 42128

**CONCERN** Commenter suggested that the NPS use a conservative approach when addressing

**STATEMENT:** the issue of 2-stroke vs. 4-stroke PWCs.  
**Representative Quote(s):** **Corr. ID:** 165 **Organization:** National Parks Conservation Association\*  
**Comment ID:** 305518 **Organization Type:** Conservation/Preservation  
**Representative Quote:** As in the previous EA, the current EA should employ a conservative approach by basing the analysis on the use of 2-stroke PWCs. Without specific data indicating the percentage of 2-stroke versus 4-stroke PWCs in use at the park, the agency cannot credibly factor into the analysis any alleged benefits of 4-stroke PWCs.

## ***PN3000 - PURPOSE AND NEED: SCOPE OF THE ANALYSIS***

**Concern ID:** 41172  
**CONCERN STATEMENT:** Commenters stated that the Environmental Assessment should include a definition of the different types of PWC use under consideration, the factors that precipitated the 2005 special regulation for PWC use, alternatives considered but dismissed, existing mitigation measures for PWC use, and a comprehensive assessment of potential effects and current effects of PWC use.  
**Representative Quote(s):** **Corr. ID:** 118 **Organization:** U.S. Environmental Protection Agency\*  
**Comment ID:** 303720 **Organization Type:** Federal Government  
**Representative Quote:** The Draft EIS should include a definition of PWC, including which types of vehicles are included in the analysis and whether there are differences in requirements among the types of vehicles. For example, the Draft EIS should detail whether higher-impact vehicles (e.g., motorized boats) are allowed in the same locations or have different restrictions than lower-impact vehicles (e.g., canoes).  
**Corr. ID:** 120 **Organization:** Upper Peninsula Environmental Coalition\*  
**Comment ID:** 303741 **Organization Type:** Conservation/Preservation  
**Representative Quote:** If other alternatives are considered (that allow some degree of PWC use), we will look for NPS to conduct a comprehensive assessment of all the potential effects of PWC use within the National Lakeshore, including a thorough analysis of all issues we have mentioned above.

**Concern ID:** 41265  
**CONCERN STATEMENT:** Commenters stated that the list of project issues identified in the scoping brochure needs to be better defined, show context, and include references.  
**Representative Quote(s):** **Corr. ID:** 150 **Organization:** American Watercraft Association  
**Comment ID:** 303840 **Organization Type:** Recreational Groups  
**Representative Quote:** In this brochure, NPS had a list of "Project Issues." The wording of the "issues" on the list is not comprehensive, has no statements of context, has no citations as to the sources of the issue information, and in no instance offers any data to support the statement of issues.

This very likely raises questions that may confront individuals who received the brochure and might like to know facts about the issues before passing judgement on allowing their fellow citizens access to PRNL. These questions may include (following the order of issues from the NPS brochure):

- Water Quality
  - o How many PWC are involved - annually or seasonally?
  - o How do PWC engines compare with traditional boat engines for emissions into air or water?

- o How many traditional boats are involved?
- o What are the levels of water quality impact - is there any recent data?
- Air Quality
- o Same questions as for water quality
- Soundscapes
- o PWC are currently not allowed in 70% of PRNL. How does that mitigate the impact?
- o Has there been any empirical data or other types of observation of soundscape, or is this a hypothetical issue statement?
- o How is PWC exhaust sound differentiated from other sounds?
- Wildlife
- o Are there any data or objective observations made on site at PRNL?
- Special Status Species
- o Same question as for Wildlife.
- Visitor Conflicts and Safety
- o There has been seven years of PWC use under the existing regulations. What - if any - conflict issues have been noted?
- o Has the existing or pre-PWC use (if any records exist) resulted in overcrowding as mentioned in the brochure?
- o Has any use data regarding PWC been collected before 2005 or since?

**Concern ID:**

41266

**CONCERN  
STATEMENT:**

Commenters stated that since the park cannot determine frequency of use by engine type (2 stroke and 4 stroke), the analysis of impacts should be based on 2 stroke engines to be conservative. In addition commenters stated that NPS should take an in depth look at the air pollutants emitted from PWCs.

**Representative Quote(s):**

**Corr. ID:** 165

**Organization:** National Parks Conservation Association\*

**Comment ID:** 303926

**Organization Type:** Conservation/Preservation

**Representative Quote:** Air Quality:

PWC emissions also cause negative impacts to air quality. As with its water quality analysis, the reasoning used in the original EA to support NPS's finding that these impacts did not cause impairment was deficient.

Going forward, NPS must take a closer look at the specific air pollutants emitted by PWCs. It must also establish credible benchmarks for each air pollutant, recognizing the unique hazards associated with each pollutant, as well as the unique setting of Pictured Rocks National Lakeshore.

**Corr. ID:** 165

**Organization:** National Parks Conservation Association\*

**Comment ID:** 303925

**Organization Type:** Conservation/Preservation

**Representative Quote:** Water Quality:

With respect to water quality, the NPS staff at PIRO has not evaluated the impacts resulting from PWCs with 2-stroke engines. And staff has no way to quantify how many PWCs currently in use within park boundaries are 2-stroke, 4-stroke, or 2-stroke modified engines. As in the previous EA, the current EA should employ a conservative approach by basing the analysis on the use of 2-stroke PWCs. Without specific data indicating the percentage of 2-stroke versus 4-stroke PWCs in use at the park, the agency cannot credibly factor into the analysis any alleged benefits of 4-stroke PWCs.

***PN4000 - PURPOSE AND NEED: PARK LEGISLATION/AUTHORITY***

**Concern ID:** 41173  
**CONCERN STATEMENT:** Commenters stated that the use of PWC at the park is inconsistent with the Organic Act due to potential negative impacts to park resources.  
**Representative Quote(s):** **Corr. ID:** 165 **Organization:** National Parks Conservation Association\*  
**Comment ID:** 303924 **Organization Type:** Conservation/Preservation  
**Representative Quote:** Any level of PWC use would be inconsistent with the Organic Act because of the many negative impacts to the resources and values of Pictured Rocks. An outright prohibition on PWC use at the park is the only way to meet the NPS's various project objectives, such as protecting air and water quality, ensuring visitor safety and enjoyment, and minimizing operational needs and costs.

**Concern ID:** 41174  
**CONCERN STATEMENT:** Commenters stated the full public use of Pictured Rocks National Lakeshore is part of the administrative history of national seashores and lakeshores. Restricting PWC use would be against the intent of the park.  
**Representative Quote(s):** **Corr. ID:** 38 **Organization:** Not Specified  
**Comment ID:** 303275 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** From reading the administrative histories of the national seashores and lakeshores, full public use was always an important component which included of course boating, fishing and bathing. Jet skis are merely another form of boating. Refusing full use to jet skiers is clearly against the intent of the seashores and lakeshores.

## ***PO4000 - PARK OPERATIONS: IMPACT OF PROPOSAL AND ALTERNATIVES***

**Concern ID:** 41175  
**CONCERN STATEMENT:** Commenters stated regulating PWCs at the park would be difficult and costly. Costs would include the staff time associated with PWC enforcement, rescues/emergencies, and education. The time needed for enforcement will take away from other tasks at the park including resource protection.  
**Representative Quote(s):** **Corr. ID:** 36 **Organization:** North Country Trail Association  
**Comment ID:** 303266 **Organization Type:** Non-Governmental  
**Representative Quote:** PWCs cost more to regulate, take additional staff resources or take staff from already employed at some other Lakeshore tasks, facilitate more intense use of the shore by landing PWCs along with damages to resources.  
**Corr. ID:** 65 **Organization:** Not Specified  
**Comment ID:** 303508 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** We know that successful enforcement of the rules governing PWC use is nearly impossible. Any attempt at enforcement would require a constant Park Service presence along the shoreline, as well as significant visitor education and outreach programs. Even with these major and costly efforts, successful enforcement is still extremely difficult.  
**Corr. ID:** 165 **Organization:** National Parks Conservation Association\*  
**Comment ID:** 303933 **Organization Type:** Conservation/Preservation  
**Representative Quote:** Moreover, the administrative burden on NPS staff from implementing such a regulation would outweigh the benefits afforded to a limited number of PWC users. While restricting PWC use to those with 4-stroke engines and implementing a permit system would be improvements to the existing



regulation, such initiatives would carry costly administrative burdens. These practices would require more staff time on the water to enforce the 4-stroke engine limitation, and in issuing permits. I

## ***PW1000 - COMMENTS ON WATERCRAFT TECHNOLOGY***

**Concern ID:** 41176

**CONCERN  
STATEMENT:**

Commenters stated that the majority of PWCs sold today are powered by 4 stroke engines that have lower oil, gas, and sound emissions when compared to the 2 stroke PWCs and other motorized watercraft at the park.

**Representative Quote(s):** **Corr. ID:** 124 **Organization:** AWA

**Comment ID:** 303766 **Organization Type:** Recreational Groups

**Representative Quote:** Granted, earlier generations of PWC can have an annoying sound, those PWCs that have two cycle engines. Since 2002, PWC manufacturers have been concentrating on much quieter and cleaner burning machines and have turned to 4 stroke engines, resulting in more significant noise reduction. In fact all manufacturers have converted to only 4 stroke engines except for specialized stand up watercraft. So as time goes by, the older machines will be retired and the newer quieter machines will become more prevalent.

**Corr. ID:** 192 **Organization:** Not Specified

**Comment ID:** 303961 **Organization Type:** Unaffiliated Individual

**Representative Quote:** Over 99% of the PWC sold in the United States for the past several years have been powered by 4-stroke engines. These machines have fuel economy increased by 30% or more, giving them increased range in many cases.

**Corr. ID:** 193 **Organization:** Not Specified

**Comment ID:** 303965 **Organization Type:** Unaffiliated Individual

**Representative Quote:** The use of the 4 stroke technology will reduce the oil and gas that could enter the environment. 4 stroke PWCs are quiet and have a lower impact on water, air, and soundscapes than older machines.

**Concern ID:** 42131

**CONCERN  
STATEMENT:**

Commenters indicated that certain 2-stroke engines are comparable to 4-stroke engines with respect to emissions and noise.

**Representative Quote(s):** **Corr. ID:** 179 **Organization:** Personal Watercraft Industry Association\*

**Comment ID:** 305528 **Organization Type:** Recreational Groups

**Representative Quote:** a categorical distinction between two-stroke and four-stroke engines as suggested in NPS' scoping notice would not be optimal because certain two-stroke engines (direct injection, as opposed to carbureted) offer noise levels and improved emission standards comparable to four-stroke engines.

## ***PW1500 - COMMENTS ON CURRENT PWC REGULATIONS***

**Concern ID:** 41177

**CONCERN  
STATEMENT:**

Commenters stated that there are compliance issues with the current PWC regulation at the park. Noncompliance issues include use within restricted areas, landing and taking off from beaches, and traveling at fast speeds within 200 feet of the shoreline.

**Representative Quote(s):** **Corr. ID:** 84      **Organization:** *Not Specified*  
**Comment ID:** 303625      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** My knowledge that the PWC rules are not being followed is first hand.

I typically paddle from 25 to 50 yards from shore or cliffs. If I have experienced concerns at this distance from shore then the jetskiers are definitely within the 200 yard boundary established in the Pictured Rocks Rule on PWC. I have also observed jetskis landing and taking off from beach areas from Miners Beach and Chapel Beach with swimmers and kayakers within several yards. And let me tell you, they create wakes!

**Concern ID:**  
**CONCERN**  
**STATEMENT:**

41178

Commenters find that the regulations for PWC use at the park are confusing since users must consider regulations for Grand Island, Pictured Rocks National Lakeshore, and the U.S. Coast Guard.

**Representative Quote(s):** **Corr. ID:** 34      **Organization:** *Not Specified*  
**Comment ID:** 303251      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** The current rules and regulations for Personal Watercraft (PWC) at the Pictured Rocks National Lakeshore are very restrictive and discriminating, so much so that it is very difficult to follow and to have any real enjoyment. Furthermore, there are 3 different regulation areas (all with different rules) that we have to know and follow the rules for: Grand Island, Pictured Rocks Lakeshore, and the Coast-Guard. It is our priority to follow these rules, but we have found it very difficult to do so with so many entities, rules changing frequently, plus motor boat rules and non-motor boat rules to consider as well. We are left with feelings of frustration, isolation, discrimination, and extremely unwelcomed. When discussing these rules with family, friends, and tourists, it usually is with negativism. We love this area and want to speak positively about it.

## ***SE4000 - SOCIOECONOMICS: IMPACT OF PROPOSAL AND ALTERNATIVES***

**Concern ID:**  
**CONCERN**  
**STATEMENT:**

41179

PWC use brings in revenue to the local economy through PWC rentals, costs associated with operating PWCs (gas), and costs associated with general tourism including food, lodging, and gift shops.

**Representative Quote(s):** **Corr. ID:** 10      **Organization:** American Watercraft Association  
**Comment ID:** 301844      **Organization Type:** Recreational Groups

**Representative Quote:** Well, take one minute to think how much money PWCs bring to the economy. We use to travel up north JUST to go jet skiing. We purchased gas, food, hotel, and the occasional gift from gift shops.

**Corr. ID:** 111      **Organization:** *Not Specified*

**Comment ID:** 303639      **Organization Type:** Unaffiliated Individual

**Representative Quote:** PWC is a fun way to generate its own income by tourists. Many may not be able to drive a boat, but almost anyone can operate a PWC. This income can be turned right back to the park for any funding that is necessary. If the entire 42 miles of lakeshore were to be opened this would be an entirely new way to promote the city of Munising along side the park service to the tourists (customers).

**Concern ID:**

41180



**CONCERN  
STATEMENT:**

Commenters stated that PWC use can have a negative impact on a tourist's park experience, potentially influencing their future decision to return to the park. There is potential for a decrease in visitors from PWC use which would detract from the local economy.

**Representative Quote(s):**

**Corr. ID:** 121

**Organization:** *Not Specified*

**Comment ID:** 303745

**Organization Type:** Unaffiliated Individual

**Representative Quote:** Second, the income generated by Pictured Rocks locally is critical. Repeated visits to the park by tourists would be less likely if their initial visit to the park is an irritating experience of annoyance due to the noise generated by PWC, and the proximity of PWC to their primary reason for coming to the park - an escape from urban life to enjoy nature through activities such as hiking, sightseeing, tour boat gazing, kayaking, swimming, photography, a walk with the kids, or bird watching. Having tourists complain about having a part of their trip disrupted by noise when inevitably asked by friends "how was your trip?" would also do little to help promote tourism.

**Concern ID:**

41269

**CONCERN  
STATEMENT:**

Commenters stated that prohibiting PWC use at the park would negatively impact the local economy.

**Representative Quote(s):**

**Corr. ID:** 24

**Organization:** Private citizen/taxpayer

**Comment ID:** 303194

**Organization Type:** Unaffiliated Individual

**Representative Quote:** To eliminate an entire an entire class of recreational activities is contrary to the gateway community of Munising efforts to bring business to our community.

**Corr. ID:** 78

**Organization:** City of Munising\*

**Comment ID:** 303588

**Organization Type:** Town or City Government

**Representative Quote:** Every time the Park Service restricts an activity in the park it has a negative impact on the local tourism industry. Even if it does not directly impact any one segment of visitors, it creates negative publicity for the park and its gateway communities.

**TE4000 - THREATENED AND ENDANGERED SPECIES: IMPACT OF PROPOSAL  
AND ALTERNATIVES**

**Concern ID:**

41181

**CONCERN  
STATEMENT:**

Commenters stated that the noise, wake, and pollutants emitted from PWCs have the potential to impact special status species, including the federally endangered piping plover. PWC users have access to areas that may contain sensitive resources, including off shore sandbars, since the PWC can be easily beached.

**Representative Quote(s):**

**Corr. ID:** 47

**Organization:** *Not Specified*

**Comment ID:** 303358

**Organization Type:** Unaffiliated Individual

**Representative Quote:** I monitor the endangered piping plovers in Grand Marais. Some of their habitat belongs to Pictured Rocks National Lakeshore. We need to protect this environment that has been so overdeveloped so plovers can continue to nest here.

**Corr. ID:** 120

**Organization:** Upper Peninsula Environmental Coalition\*

**Comment ID:** 303736

**Organization Type:** Conservation/Preservation

**Representative Quote:** PWCs have the potential to disturb wildlife (both aquatic and terrestrial), including sensitive/rare species. The noise, wake, and pollutants emitted by PWCs could easily disturb or displace many species of native wildlife

that inhabit Pictured Rocks. Further, because PWCs are more easily beached than other types of watercraft, PWC users could easily and quickly gain access to portions of the lakeshore not typically visited by people on a frequent basis, thus potentially leading to further disturbance of sensitive wildlife species.

## ***VR4500 - VEGETATION AND SHORELINE AREAS: IMPACT OF PROPOSAL AND ALTERNATIVES***

**Concern ID:** 41182  
**CONCERN STATEMENT:** Commenters stated that PWC use would adversely affect the shoreline by increasing erosion along the fragile rock faces.  
**Representative Quote(s):** **Corr. ID:** 166 **Organization:** *Not Specified*  
**Comment ID:** 303881 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** Allowing personal watercraft would not only mar the landscapes but would inevitable cause damage to the already eroding and extremely fragile rock faces. Although the majority of visitors on personal watercraft would likely have good intentions, there are always the careless few who will intentionally damage the landscape, litter and disrupt the nature scenery and wildlife.

**Concern ID:** 41183  
**CONCERN STATEMENT:** Commenters stated that PWC use does not contribute to erosion when compared to other larger boats, such as tour boats, which generate much larger wakes. In addition, commenters noted the large waves that naturally occur during the fall and winter also contribute to erosion.  
**Representative Quote(s):** **Corr. ID:** 119 **Organization:** *Not Specified*  
**Comment ID:** 303698 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** These watercrafts (PWC) have no adverse affects to the rocks, especially when you consider them against the wakes and size of the Cruise boats that run along the coast. I believe that sandpoint and miners beach is acceptable areas to visit since the true numbers of these types of watercrafts are minimal.  
**Corr. ID:** 128 **Organization:** *Not Specified*  
**Comment ID:** 303780 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** I have a hard time believing that ANY man made watercrafts have much of an impact on erosion. I have seen what those October, November, and December waves do.

## ***VU4500 - VISITOR USE AND EXPERIENCE: IMPACT OF PROPOSAL AND ALTERNATIVES***

**Concern ID:** 41184  
**CONCERN STATEMENT:** Many visitors to the park value the solitude and the ambient sounds of nature. Commenters stated that PWC use can distract from these experiences while hiking, biking, kayaking, camping, canoeing, backpacking, or wildlife viewing. In addition the smell of exhaust fumes also distract from the visitor experience.  
**Representative Quote(s):** **Corr. ID:** 1 **Organization:** *Not Specified*  
**Comment ID:** 301828 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** There are many of us who really, really value going to a

National Park or Lakeshore for sounds that only come from nature. To be hiking, or canoeing or kayaking and have this solitude disturbed by someone on a powered vehicle is horrible.

**Corr. ID:** 15

**Organization:** *Not Specified*

**Comment ID:** 301956

**Organization Type:** Unaffiliated Individual

**Representative Quote:** They frequently ride in a circle - going nowhere fast, and in the mean time cause collateral disruption of the "natural" park experience for all other non participants of their activity. Their noisy and smelly "riding around" is really sociopathic and shows a complete lack of respect for others desire for a different kind of experience.

**Corr. ID:** 17

**Organization:** *Not Specified*

**Comment ID:** 305516

**Organization Type:** Unaffiliated Individual

**Representative Quote:** Another issue is camping along the lakeshore. Currently the only way to get to most of the campsite are to hike in or paddle in. Opening the area up to PWCs will ruin the camping experience and will significantly reduce the availability of campsites.

**Corr. ID:** 141

**Organization:** *Not Specified*

**Comment ID:** 303803

**Organization Type:** Unaffiliated Individual

**Representative Quote:** The experience of back country hiking and camping would be severely negatively impacted by the noise PWC's would bring.

**Corr. ID:** 157

**Organization:** *Not Specified*

**Comment ID:** 303850

**Organization Type:** Unaffiliated Individual

**Representative Quote:** In addition,there is no doubt that the noise created by PWC use is excessively loud and irritating resulting in a serious potential for creating negative impacts to the soundscapes affecting wildlife and those visitors who are seeking a more natural and calming environmental experience.

**Concern ID:**

41185

**CONCERN  
STATEMENT:**

Commenters stated that 4 stroke PWCs still generate noise impacts because some users modify their watercraft to increase horsepower and thrust and operate at greater noise levels. In addition, greater noise is generated because most PWC users operate boats in groups.

**Representative Quote(s):**

**Corr. ID:** 165

**Organization:** National Parks Conservation Association\*

**Comment ID:** 303932

**Organization Type:** Conservation/Preservation

**Representative Quote:** PWC labeled as "4-stroke" may or may not actually possess the alleged benefits of a true 4-stroke PWC. NPS has acknowledged that "aftermarket modifications" are common. Specifically, operators are known to modify their PWCs to increase horsepower and thrust, which would impact noise levels as well as air and water pollution. Third, any actual noise reduction benefits from a true 4-stroke PWC may be cancelled-out by the fact that at PIRO, PWC users often travel in pairs as a safety measure. Thus, even if only 4-stroke PWCs were allowed in the park, there would likely still be impairment as with the existing regulation.

In short, a plan to modify the existing regulation by restricting PWC use at the park to those with 4-stroke engines is flawed because of evidence that such engines produce increased NOx emissions, and are commonly modified by users in ways that negate any alleged environmental or noise benefits.

**Concern ID:**

41186

**CONCERN  
STATEMENT:**

Commenters stated that if PWCs were banned from the park, many visitors would be unable to experience the views of the lakeshore from the water.

**Representative Quote(s):** **Corr. ID:** 20      **Organization:** *Not Specified*  
**Comment ID:** 301973      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** In addition, riders have expanded to include families and people of all ages looking for a nice way to cruise and enjoy the lake and scenery - not just thrill seekers trying to jump waves or scare each other.

I've enjoyed riding on Lk Superior on a calm day and being able to slowly come up to cliffs and rocks to stop and pause briefly to admire the incredible rock formations up close near Marquette.

**Corr. ID:** 131      **Organization:** *Not Specified*  
**Comment ID:** 303788      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** Now 22 years later this past August we again visited Munising with our four children and two New Wave Runners that seat 3 people per boat. Again we spent 5 days and nights enjoying the Munising area hotels, fine dining, lake trout fishing and of course awesome scenery of Pictured Rocks & Grand Island on our PWC's. The feedback from the kids and my wife is that this was one if not the best vacations we spent as a family in years. In fact everyone voted to make it an annual trip as its only 5 short hours from our Kewaskum Wisconsin home and some of the best PWC riding in the Mid West. In fact, we have talked to other friends who are avid PWC riders from our Wisconsin based marina who are planning on making the trip with us next summer.

**Corr. ID:** 175      **Organization:** *Not Specified*  
**Comment ID:** 303902      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** To ban the use of PWC from traveling the lakeshore would keep many people from being able to enjoy in the park. The restrictions that stand already keep the PWC's at a distance. I fear the possibility of banning PWC could only expand and take more ways of enjoying the lakeshore.

**Concern ID:** 41275  
**CONCERN STATEMENT:** Commenters stated that the use of PWCs at the park would influence whether or not they would continue to visit the park.

**Representative Quote(s):** **Corr. ID:** 151      **Organization:** *Not Specified*  
**Comment ID:** 303834      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** It would definitely impact my choices of where to go on weekends off work if I knew personal watercraft were going to be allowed up in that very special park.

**Concern ID:** 41277  
**CONCERN STATEMENT:** Commenters stated with the new PWC technology available, PWCs can be one of the cleanest, quietest ways to experience the park.

**Representative Quote(s):** **Corr. ID:** 39      **Organization:** *Not Specified*  
**Comment ID:** 303295      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** They are not loud, and I doubt the pollution is even measurable given the new technology in motors nowadays(4-stroke, e-tech motors).  
**Corr. ID:** 96      **Organization:** *Not Specified*  
**Comment ID:** 303676      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** Today's personal watercraft are among the quietest, most efficient and cleanest watercraft available today.

As someone that has explored waterways, lakes and oceans by PWC in many states I believe that personal watercraft can be one of the best not to mention cleanest, quietest and least disruptive ways to experience our natural resources

**Corr. ID:** 119      **Organization:** *Not Specified*  
**Comment ID:** 303700      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** One last comment. I was sitting on my pontoon this summer and actually did not hear a PWC come by me until it was right there. Technology has come along way with the noise.

#### ***WD4500 - WILDERNESS: IMPACT OF PROPOSAL AND ALTERNATIVES***

**Concern ID:** 41187  
**CONCERN STATEMENT:** Commenters stated that PWC use should not be allowed in the Beaver Basin Wilderness Area due to the noise, air, and water pollution associated with PWCs.  
**Representative Quote(s):** **Corr. ID:** 165      **Organization:** National Parks Conservation Association\*  
**Comment ID:** 303930      **Organization Type:** Conservation/Preservation  
**Representative Quote:** The NPS has recently placed the Beaver Basin Wilderness area in a pristine / primitive zone in advance of a Congressional wilderness designation. Given the water and air quality impacts, noise, and other impacts from PWCs, allowing their use adjacent to this and other pristine / primitive zones would certainly undermine the purpose of those designations.

#### ***WH4000 - WILDLIFE AND WILDLIFE HABITAT: IMPACT OF PROPOSAL AND ALTERNATIVES***

**Concern ID:** 41188  
**CONCERN STATEMENT:** Commenters stated that noise associated with PWC use would adversely impact wildlife along the shoreline, especially birds. The use of PWCs can also adversely impact aquatic organism from gas and oil emissions.  
**Representative Quote(s):** **Corr. ID:** 17      **Organization:** *Not Specified*  
**Comment ID:** 301966      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** I have personally paddled the lakeshore and know full well the wildlife that lives along the shoreline. The wildlife (especially the birds) will be severely impacted by the noise and ability of PWCs to come very close to nesting areas.  
**Corr. ID:** 47      **Organization:** *Not Specified*  
**Comment ID:** 303357      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** The noise and presence of the PWCs infringe on native animals that are foraging and breeding in their habitats.

**Concern ID:** 41281  
**CONCERN STATEMENT:** Commenters stated that wildlife has been observed along the shorelines while PWCs were in use and the wildlife seems unaffected by their presence.  
**Representative Quote(s):** **Corr. ID:** 41      **Organization:** *Not Specified*  
**Comment ID:** 303319      **Organization Type:** Unaffiliated Individual  
**Representative Quote:** I do know that there have been a nesting pair of bald eagles on Grand Island who don't seem to be all that bothered by the boat traffic/PWC - they keep nesting there.

**Concern ID:** 41282  
**CONCERN STATEMENT:** Commenters stated that other watercraft including other boats and kayaks should also be considered a threat to wildlife and should also be limited in wildlife areas.  
**Representative Quote(s):** **Corr. ID:** 79 **Organization:** *Not Specified*  
**Comment ID:** 303592 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** We also feel that is is unfair to single out PWC as a threat to wildlife species when the use of other boats (even large cruise boats) is allowed in the same area of concern. Kayak users are traveling the shoreline getting even closer to the said inhabitants and yet they are not considered a threat.  
**Corr. ID:** 193 **Organization:** *Not Specified*  
**Comment ID:** 303970 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** If there are sensitive area or times for breeding, then all motorized watercraft should be limited not just PWCs.

## ***WQ4000 - WATER RESOURCES: IMPACT OF PROPOSAL AND ALTERNATIVES***

**Concern ID:** 41189  
**CONCERN STATEMENT:** Commenters stated that PWCs contaminate Lake Superior by emitting gasoline and oil and increase turbidity by disturbing the lake bottom.  
**Representative Quote(s):** **Corr. ID:** 65 **Organization:** *Not Specified*  
**Comment ID:** 303507 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** PWCs have a significant potential to impact the water quality of the Lakeshore through oil and gas emissions, disturbance of lake sediments, and through the potential to spread invasive species.  
**Corr. ID:** 120 **Organization:** Upper Peninsula Environmental Coalition\*  
**Comment ID:** 303733 **Organization Type:** Conservation/Preservation  
**Representative Quote:** PWCs adversely affect water quality. PWCs with 2-cycle engines are estimated to create exhaust in which an excess of 25% of their fuel and oil is unburned in addition to the products of incomplete and complete combustion. PWCs with 4-cycle engines, though cleaner, still emit a significant amount of pollutants into the air and water.

**Concern ID:** 41284  
**CONCERN STATEMENT:** Commenters stated that other motorized watercraft operate with the same gas and oil as PWC.  
**Representative Quote(s):** **Corr. ID:** 79 **Organization:** *Not Specified*  
**Comment ID:** 303591 **Organization Type:** Unaffiliated Individual  
**Representative Quote:** It is unfair to say that they emit gas an oil that affects the water when other watercraft operate with the same fuel.

## **APPENDIX A. OFFICIAL CORRESPONDENCE FROM GROUPS AND AGENCIES**



# CITY OF MUNISING, MICHIGAN

100 WEST MUNISING AVENUE • MUNISING, MICHIGAN 49862

CITY MANAGER  
PHONE (906) 387-2095

CITY CLERK  
PHONE (906) 387-2246  
FAX (906) 387-4512

## RESOLUTION

### PERSONAL WATERCRAFT PICTURED ROCKS NATIONAL LAKESHORE

The City of Munising hereby resolves that it strongly opposes any restrictions on the use of Personal Watercraft, or any other types of vessels, on the water of Lake Superior adjacent to the Pictured Rocks National Lakeshore.

Date: 10/15/12

Signed:   
Rod DesJardins, Mayor



# PEPC Project ID: 39835, DocumentID: 50079

## Correspondence: 78

### Author Information

Keep Private: No  
Name: Rod DesJardins  
Organization: City of Munising  
Organization Type: T - Town or City Government  
Address: Munising, MI 49862  
USA  
E-mail:

### Correspondence Information

Status: Reviewed Park Correspondence Log:  
Date Sent: 11/04/2012 Date Received: 11/04/2012  
Number of Signatures: 1 Form Letter: No  
Contains Request(s): No Type: Web Form  
Notes:

### Correspondence Text

November 3, 2012

Dear Superintendent Northup,

I write on behalf of the City of Munising to reiterate this community's opposition to any restriction on personal watercraft, or any other type of power vessel, to and through the navigable waters of Lake Superior adjacent to the Pictured Rocks National Lakeshore.

My reasons are several.

First of all, it is unnecessary. The Pictured Rocks are best seen from the water, but however popular, there is still no vessel congestion in these waters. We live in a boating community and I spend a great deal of time on the water from May to October. PWCs gained some popularity in and around Munising 10-15 years ago, but that popularity has waned. They are almost rare now and they prefer the flat waters of the bay. Displacing them in quantity are pontoon boats and kayaks. This is obvious from even casual observations.

Every time the Park Service restricts an activity in the park it has a negative impact on the local tourism industry. Even if it does not directly impact any one segment of visitors, it creates negative publicity for the park and its gateway communities.

Finally, trying to study the impact of PWCs on the park using the ten criteria to be measured is not possible without also studying the impact of other vessels using those same criteria. How can you make any objective and logical determination on the impact of PWCs on air quality, or water quality, without measuring the impact from other types of vessels? It's like trying to determine the impact of automobile traffic on a neighborhood by looking at the impact of only Ford model cars, or of only motorcycles. I cannot be done objectively or fairly and any conclusion reached on any of the ten criteria to be measured, regardless of the outcome, will be immediately challengeable.

Respectfully submitted,

Rod DesJardins  
Mayor of Munising



Superintendent James Northup  
ATTN: PWC Environmental Assessment  
P.O. Box 40  
Munising, MI 49862

November 9, 2012

Dear Superintendent Northup,

On behalf of the National Parks Conservation Association and Freshwater Future, we respectfully submit the following comments on the public scoping process associated with an Environmental Assessment (EA) for Personal Watercraft (PWC) use at Pictured Rocks National Lakeshore (PIRO). Our organizations represent nearly 750,000 people who care deeply about protecting our national parks and ensuring that visitors have a safe, healthy and profound experience while enjoying the resources our national parks were established to preserve. Our members are dedicated to restoring and protecting our Great Lakes for the millions of people, who live, work and visit the shores. We appreciate the opportunity to comment on the EA.

We have reviewed the EA scoping/preliminary draft alternatives brochure and believe that the Preferred Alternative should be to prohibit personal watercraft use at Pictured Rocks. As we will discuss in these comments, it is the option that best comports with the National Park Service (NPS) Organic Act, the park's enabling legislation, and it's 2004 General Management Plan (GMP). Any level of PWC use would be inconsistent with the Organic Act because of the many negative impacts to the resources and values of Pictured Rocks. An outright prohibition on PWC use at the park is the only way to meet the NPS's various project objectives, such as protecting air and water quality, ensuring visitor safety and enjoyment, and minimizing operational needs and costs.

*"(W)hy has NPS issued rules allowing jet ski use in two beautiful and pristine national parks, acknowledging that such use will impact, to varying degrees, water quality, air quality, wildlife, animal habitats, soundscapes, visitor use and safety, etc., when the users of jet skis are perfectly free to enjoy their vehicles in other, equally accessible areas, without threatening the serenity, the tranquility--indeed, the majesty--of these two national treasures?"*

- U.S. District Judge Gladys Kessler,

## **BACKGROUND**

Pictured Rocks has the distinction of being America's first National Lakeshore.<sup>1</sup> It is also the only national lakeshore that currently allows the use of personal watercrafts within its boundary. The enabling

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<sup>1</sup> See NPS, *Enabling Legislation*, <http://www.nps.gov/piro/parkmgmt/legislation.htm> (last visited 10/25/12). The park was established pursuant to Public Law 89-668 (October 15, 1966), codified at 16 USC § 460s.

legislation authorized the Secretary of Interior to establish PIRO in order to “*preserve for the benefit, inspiration, education, recreational use, and enjoyment of the public a significant portion of the diminishing shoreline of the United States . . .*”<sup>2</sup> Notably, the lakeshore was established as an “*inland buffer zone in order to protect the existing character and uses of the lands, waters, and other properties within such zone for the purpose of protecting the watersheds and streams, and providing for the fullest economic utilization of the renewable resources through sustained yield timber management and other resource management compatible with the purposes of this Act.*”<sup>3</sup>

Recreational use was clearly envisioned at the park. However, it is notable that the statute directs the Secretary to protect the *existing* uses of the lands and waters of the park. When the park was established in 1966, there was no personal watercraft use in Lake Superior near Pictured Rocks.

PWCs were first permitted in Pictured Rocks around 1990.<sup>4</sup> PWC use increased throughout many National Parks during that time and as a result, NPS proposed a rule finalized in 2000, which prohibited PWC use in all parks, except for 21 parks with a history of PWC use.<sup>5</sup> These 21 parks, which included Pictured Rocks, were given a two-year grace period (ending on April 22, 2002) during which they could develop park-specific regulations allowing PWC use.<sup>6</sup>

Bluewater Network, an environmental organization, was concerned that the rule was not protective enough of the 21 parks, and sued NPS.<sup>7</sup> As a result of the lawsuit, a settlement (“Settlement Agreement”) was reached which required any of the parks wishing to allow PWC use after the expiration of the grace period to develop park-specific regulations to that end. Under the terms of the settlement, such parks would also have to comply with the National Environmental Policy Act (NEPA) in developing a regulation to allow PWC use.<sup>8</sup>

Shortly before expiration of the two-year grace period, in February 2002, then-Superintendent Karen Gustin issued a “Superintendent’s Compendium” closing the park to all PWC use.<sup>9</sup> Thus, upon expiration of the grace period, PWCs were prohibited at Pictured Rocks.<sup>10</sup> However, during that same year, NPS began an Environmental Assessment (“EA”) to evaluate the impacts of PWC at the park.<sup>11</sup> Ultimately:

*[i]n October 2005, NPS issued its Final Rule – the “Pictured Rocks Rule” – which re-authorized PWC use, as described in Alternative B; however, the use was restricted to an eight-mile segment of the park’s 42-mile shoreline. The Pictured Rocks Rule also required that PWCs be launched from only one designated site, and prohibited PWC use within 200 feet of the shoreline unless traveling at a slow enough speed so that no wake was created.*<sup>12</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at § 9(a) (emphasis added).

<sup>4</sup> *Bluewater Network*, 721 F. Supp. 2d at 12.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 12.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 13 (internal citation omitted).

On May 15, 2008, Bluewater Network brought a new lawsuit, this time challenging the EAs for Pictured Rocks and the Gulf Islands National Seashore (“Gulf Islands” or “GUIS”). Bluewater Network argued that the EAs violated the Administrative Procedures Act, the National Park Service Organic Act, NEPA, and the parties’ settlement agreement from the earlier litigation. The court remanded the GUIS and PIRO final PWC rules back to the agency because it found that NPS’s conclusion that PWC use would not result in impairment under the Organic Act was not based on reasoned explanations.<sup>13</sup>

### **NPS’s Decision Making Standard**

NPS’s actions are guided by its Organic Act, as amended, its own management policies, NEPA<sup>14</sup>, and in this case, the Settlement Agreement. The Organic Act directs NPS to:

*promote and regulate the use of the . . . national parks, monuments, and reservations hereinafter specified . . . by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein 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.*<sup>15</sup>

In 1978, Congress passed the Redwoods Act, which reaffirmed Congress’ mandate that:

*the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.*<sup>16</sup>

NPS’s Management Policies, which interpret the provisions of these statutes, state that the fundamental purpose of the park system “*begins with a mandate to preserve park resources and values.*”<sup>17</sup> The Management Policies go on to state that “*the fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States.*”<sup>18</sup> While these two purposes may sometimes be at odds, the *Bluewater Network* court recognized that the conservation mandate predominates.<sup>19</sup> According to the court:

*“There can be no doubt, as NPS and the courts have concluded, that the overriding aim of the Organic Act, as well as the purpose of NPS’ oversight and management of the park system, is to conserve the natural wonders of our nation’s parks for future generations.”*<sup>20</sup>

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<sup>13</sup> See *id.* at 38.

<sup>14</sup> The *Bluewater Network* court determined that the NPS’ “impairment analysis” under its Organic Act served as the agency’s NEPA analysis. *Id.* at 39.

<sup>15</sup> 16 U.S.C. § 1 (emphasis added).

<sup>16</sup> *Id.* at § 1a-1.

<sup>17</sup> NPS, *Management Policies 2006*, at 1.4.2, available at [www.nps.gov/policy/mp2006.pdf](http://www.nps.gov/policy/mp2006.pdf).

<sup>18</sup> *Id.* at 1.4.3.

<sup>19</sup> *Bluewater Network*, 721 F. Supp. 2d at 21.

<sup>20</sup> *Id.* (citing *Greater Yellowstone Coalition v. Kempthorne*, 577 F. Supp. 2d 183, 191-93 (D.D.C. 2008); *Nat’l Rifle Ass’n of Am. v. Potter*, 628 F. Supp. 903, 909 (D.D.C. 1986)).

NPS is afforded broad discretion in implementing its conservation mandate.<sup>21</sup> However, that discretion is limited by the terms of the Organic Act, which require the agency to manage the parks in a way that will leave them unimpaired for use by future generations.<sup>22</sup> NPS's Management Policies indicate that "an action rises to the level of an impairment when the impacts of that action 'harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.'"<sup>23</sup> NPS determines if an impairment would occur by evaluating "'particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.'"<sup>24</sup>

Thus, in order for NPS to justify continuing to allow PWC use in Pictured Rocks, it was required to find "no impairment" from the proposed regulation. The court in *Bluewater Network* rejected the reasoning behind NPS's "no impairment" finding for every impact topic considered. As a result of the *Bluewater Network* court's decision to remand, NPS has reinitiated a PWC use Environmental Assessment for Pictured Rocks. The agency is presently at the scoping stage of the analysis.

#### **PRELIMINARY ALTERNATIVE CONCEPTS:**

NPS has proposed three preliminary alternative concepts for public consideration. In addition, NPS seeks input on the following measures, which could be added to the current regulations: 1) Restrict PWC use to only those with 4-stroke engines or best available technology; 2) Implement a permit system for use of PWCs on Lake Superior within the park; and, 3) Restrict PWC use adjacent to sensitive areas (Beaver Basin Wilderness, Grand Sable Dunes, and Chapel Beach).

- 1. Manage PWC use under the existing special regulation for the park. PWC use would be allowed to operate on the waters of Lake Superior within the boundaries of Pictured Rocks from the western boundary of the lakeshore up to the east end of Miners Beach.**

It is clear from the court's ruling in *Bluewater Network* that NPS did not – and likely cannot - credibly demonstrate that the existing special regulation will not cause an impairment that would violate the Organic Act. The existing special regulation raises concerns with respect to negative impacts on water quality, air quality, wildlife, noise, and visitor safety.

#### ***Water Quality:***

With respect to water quality, the NPS staff at PIRO has not evaluated the impacts resulting from PWCs with 2-stroke engines. And staff has no way to quantify how many PWCs currently in use within park boundaries are 2-stroke, 4-stroke, or 2-stroke modified engines. As in the previous EA, the current EA should employ a conservative approach by basing the analysis on the use of 2-stroke PWCs. Without specific data indicating the percentage of 2-stroke versus 4-stroke PWCs in use at the park, the agency cannot credibly factor into the analysis any alleged benefits of 4-stroke PWCs.

NPS acknowledged, in the preamble to the 2000 Final National PWC Rule, a U.S. EPA "*study that indicate[d] two stroke engines lose roughly 25% of the fuel they consume unburned into the water, resulting in high levels of hydrocarbon emissions from these engines.*"<sup>25</sup> In the original EA for PIRO's

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<sup>21</sup> *Id.*

<sup>22</sup> 16 U.S.C. § 1.

<sup>23</sup> *Bluewater Network*, 721 F. Supp. 2d at 21 (citing NPS, *Management Policies 2001*, at 1.4.5.).

<sup>24</sup> *Id.*

<sup>25</sup> 65 Fed. Reg. 15077, 15085 (Mar. 21, 2000).

existing special regulation, NPS found there would be “negligible to minor adverse impact” to water quality in the area where PWC use is permitted.<sup>26</sup> Yet, the court in *Bluewater Network* faulted NPS for failing to:

1. indicate why a national, instead of site-specific, water quality standard was used;
2. adequately explain how the acknowledged impacts comport with the State of Michigan’s designation of the portion of Lake Superior adjacent to the park as an “outstanding state resource water” (“OSRW”); and,
3. justify its finding of no impairment given the acknowledged impacts and State’s OSRW designation, which bars any lowering of water quality.<sup>27</sup>

According to a poll of registered voters, more than 75 percent of Democrats, Republicans, and Independents support continued federal funding to improve the water quality in the Great Lakes.<sup>28</sup> In fact, the Great Lakes Restoration Initiative, a federal funding source to restore the Great Lakes, provides funding to federal agencies, including the National Park Service, to restore wetlands, habitat, and the waters of Lake Superior and the other Great Lakes. It seems contradictory at best for the park service to allow PWCs, proven to degrade water quality, at the very time there is strong public consensus, unified political will, and significant federal investment in cleaning and restoring the Great Lakes.

#### ***Air Quality:***

PWC emissions also cause negative impacts to air quality. As with its water quality analysis, the reasoning used in the original EA to support NPS’s finding that these impacts did not cause impairment was deficient.<sup>29</sup> The court faulted the agency for using a one-size-fits-all approach to analyzing air quality impacts. Specifically, the agency defined a “negligible adverse impact” as one where emissions were less than 50 tons/year for each pollutant.<sup>30</sup> NPS also used current compliance with the Clean Air Act’s “National Ambient Air Quality Standards” (“NAAQS”) as a benchmark for different pollutants.<sup>31</sup> However, the agency never explained why it was appropriate to use the 50 tons/year level as indicative of negligible impact when the NAAQS, dispersion patterns, and atmospheric chemistry for different pollutants vary widely. Going forward, NPS must take a closer look at the specific air pollutants emitted by PWCs. It must also establish credible benchmarks for each air pollutant, recognizing the unique hazards associated with each pollutant, as well as the unique setting of Pictured Rocks National Lakeshore.

Likewise, NPS must establish justifiable benchmarks for each pollutant associated with impacts to air quality related values such as visibility and ozone impacts to plant life. The original EA used the same arbitrary standard of 50 tons/year, combined with no evidence of current impacts, to define “negligible adverse impact” with regard to air quality related values. Moving forward, the thresholds used by NPS for each pollutant must be clearly related to both the ozone-related and visibility impacts of that pollutant. In addition, any discussion of air quality related values must consider the existing, documented ozone damage and visibility impairment at Seney National Wildlife Refuge (approximately 20 miles southeast of Pictured Rocks). Moreover it must consider the current inability of Michigan to meet the Congressionally-mandated goal of natural visibility at Class I areas – including Seney – by 2064;

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<sup>26</sup> *Bluewater Network*, 721 F. Supp. 2d at 40.

<sup>27</sup> *Id.*

<sup>28</sup> *Protecting our Drinking Water, Showing Results*, Beldon Russonello & Stewart, March 2011

<sup>29</sup> *Id.* at 40-41

<sup>30</sup> *Id.* at 31 (although the portion of the court’s opinion cited here relates to the Gulf Islands EA, the court later notes that NPS’s analysis for PIRO “repeats nearly verbatim” that used for Gulf Islands).

<sup>31</sup> *Id.*

at current rates the goal will be met at Seney in 2209. Any additional burden of visibility-impairing pollutants, especially within such proximity, must be carefully considered and justified.

**Wildlife:**

The NPS has acknowledged the negative impacts to wildlife associated with PWC use in its 2000 Final National PWC Rule. In fact, NPS noted that it “*used existing and potential impacts to wildlife as a primary justification for banning and/or restricting PWC use.*”<sup>32</sup> NPS also acknowledged: “*There is increasing scientific evidence and anecdotal information that impacts to wildlife from PWC use may be more significant than those caused by conventional boats. . . . PWC can penetrate areas not accessible to conventional motorized watercraft. This access has the potential to, and has, adversely impacted wildlife. Studies by both James A. Rodgers, Jr. in Florida and Skip Snow in Everglades National Park support this contention. The fact that manufacturers recommend operation of PWC in a minimum of two feet of water to protect resources is admirable; however, it is evident that not all PWC operators feel compelled to comply with such recommendations. Further, no specific water depth has been established as a “safe” depth for resource protection.*”<sup>33</sup>

As explained by the court in *Bluewater Network*, NPS has not yet credibly explained why the acknowledged impact to wildlife does not represent “impairment.”<sup>34</sup>

**Soundscape:**

NPS has also acknowledged the concern that PWCs create excessive noise. Commenters to the 2000 Final National PWC Rule raised “*specific concerns includ[ing] the constant and repeated fluctuation in engine tone and pitch as PWCs enter and exit the water while jumping wakes, changing speed and performing other quick maneuvers along with the persistent noise associated with remaining in one general location rather than traveling from point-to-point.*”<sup>35</sup> This excessive noise disturbs park visitors who come to the park to experience the stunning natural landscape for which the park was established. It therefore conflicts with NPS’s objective to “*reduce the potential for conflicts between users.*”

Additionally, the *Bluewater Network* court faulted NPS for its analysis of soundscapes.<sup>36</sup> The agency acknowledged that, for safety reasons, PWC users at PIRO often travel in pairs.<sup>37</sup> For this reason, NPS found that PWCs often create 85 decibels of noise at PIRO, which exceeds the agency’s own regulatory standard of 82 decibels.<sup>38</sup> NPS failed to adequately explain why they found “negligible adverse impacts” on soundscapes, despite the fact that noise from PWC use exceeds the agency’s own regulation.<sup>39</sup> Further, despite acknowledging potential impacts to wildlife from PWC noise, NPS failed to assess such impacts.<sup>40</sup>

**Visitor experience and safety:**

PWC use under the existing special regulation also potentially endangers park visitors and certainly increases the potential for conflicts between visitors. NPS has conceded that “*PWC use negatively*

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<sup>32</sup> 65 Fed. Reg. at 15084.

<sup>33</sup> *Id.* at 15084-85.

<sup>34</sup> *Bluewater Network*, 721 F.Supp. 2d at 41-42.

<sup>35</sup> 65 Fed. Reg. at 15086.

<sup>36</sup> *Bluewater Network*, 721 F.Supp. 2d at 41.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 42.



*impacts across a broad spectrum of park users.”*<sup>41</sup> PWCs are known to be responsible for a vastly disproportionate percentage of boating accidents.<sup>42</sup> Additionally, PWC use in PIRO is likely to conflict with park users in kayaks, those seeking a quiet hike along shoreline trails, those who are birding, and others.

## **2. Prohibit PWC use at Pictured Rocks**

This should be the preferred alternative, as it is the option that best comports with the NPS Organic Act, the park’s enabling legislation, and it’s 2004 General Management Plan. As discussed extensively above, any level of PWC use would be inconsistent with the NPS Organic Act because of the many negative impacts to the resources and values of Pictured Rocks National Lakeshore. An outright prohibition of PWC use at the park is the only way to meet the NPS’s plan objectives as well as fulfill the mission of the agency. These objectives include protecting air and water quality, protecting native wildlife, and ensuring visitor safety and enjoyment.

In addition to best meeting NPS’s stated project objectives, a prohibition on PWC use would best comport with the park’s enabling legislation. The PIRO enabling legislation directs NPS to protect the existing uses of the lands and waters of the park.<sup>43</sup> The concept of personal watercraft was introduced in the 1960s, and Bombadier Recreational Products introduced a PWC in the late 1960s.<sup>44</sup> It is impossible that PWCs were used in the waters of Lake Superior at Pictured Rocks in the 1960s when the park was established. Therefore, any allowance for PWC use is inconsistent with the enabling legislation.

The 2004 General Management Plan (“Plan”) indicates, at that time, that regulations were in the federal rulemaking process regarding PWC use in the park.<sup>45</sup> The Plan designated the park’s .25 mile strip of Lake Superior as a “casual recreational” area. The Plan discusses that the proposed (now existing) regulations envisioned PWC use in a portion of the casual recreational area at the Park’s west end from a designated launch site to Miner’s Beach. Although it is mentioned in the plan, PWC use in the park is directly at odds with the overall goal of the Plan to manage the park “*for the perpetuation and protection of the natural environment and the preservation of cultural features while making them available for appropriate public use.*”<sup>46</sup>

## **3. Allow PWC use on Lake Superior along the full length of the park (approximately 42 miles), within the park’s .25-mile jurisdictional boundary. PWC users could land anywhere on shoreline.**

This alternative cannot be squared with the NPS Organic Act, the PIRO enabling legislation, or the 2004 GMP. As discussed, even PWC use resulting from the existing regulation causes severe negative impacts to park resources and values. These impacts violate the Organic Act. Expanding PWC use across the entire shoreline of the park would only further exacerbate the negative impacts already being caused and cannot be justified.

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<sup>41</sup> *Id.* at 15085.

<sup>42</sup> *Id.* at 15086 (noting that “[industry] claims were contradicted by statistical data that reflect an inordinate percentage of PWC accidents and injuries in relation to the number of overall registered vessels throughout the country.”).

<sup>43</sup> Pub. Law 89-668 § 9(a).

<sup>44</sup> *The History, Evolution, and Profile of Personal Watercraft*, a report by the Personal Watercraft Industry Association, January 2006

<sup>45</sup> NPS, *Final General Management Plan, Pictured Rocks National Lakeshore*, at 63 (2004) (on file with author).

<sup>46</sup> *Id.* at 57.

*Additional Measures: Restrict PWC use adjacent to sensitive areas (Beaver Basin Wilderness, Grand Sable Dunes, and Chapel Beach)*

The 2004 General Management Plan mentions the proposed (now existing) regulations in its discussion of the “casual recreational” area. However, any expansion of PWC use would conflict with the Plan’s description of the proposed use as being limited to an area between Sandy Point and Miner’s Beach. The NPS has recently placed the Beaver Basin Wilderness area in a pristine / primitive zone in advance of a Congressional wilderness designation. Given the water and air quality impacts, noise, and other impacts from PWCs, allowing their use adjacent to this and other pristine / primitive zones would certainly undermine the purpose of those designations.

Presumably NPS envisions that this variation, which would restrict PWC use adjacent to sensitive areas, could be coupled with the third alternative to allow PWC use along the full Lake Superior shoreline. However, even with such a measure, the third alternative cannot be saved, because it would represent an enormous expansion of PWC use at the park. Such an expansion would only worsen the negative impacts already being caused by PWCs and would be inconsistent with the 2004 General Management Plan.

*Additional Measures: Restrict PWC use to only those with 4-stroke engines or best available technology AND Implement a permit system for use of PWCs on Lake Superior within the park.*

The existing special regulation alternative, Alternative 1, should only be given consideration in conjunction with a plan to implement a permit system and to limit PWC use to those with 4-stroke engines. However, even with a plan to implement a permit system and restrict access to 4-stroke PWCs, this alternative fails to meet the Project Objectives and the requirements of the Organic Act. First, there is some doubt as to the benefits of these newer engines. In *Bluewater Network*, the court noted a study cited in the Gulf Islands Rule, which indicated that newer engines produce increased NOx emissions.<sup>47</sup>

Second, a PWC labeled as “4-stroke” may or may not actually possess the alleged benefits of a true 4-stroke PWC. NPS has acknowledged that “aftermarket modifications” are common.<sup>48</sup> Specifically, operators are known to modify their PWCs to increase horsepower and thrust,<sup>49</sup> which would impact noise levels as well as air and water pollution. Third, any actual noise reduction benefits from a true 4-stroke PWC may be cancelled-out by the fact that at PIRO, PWC users often travel in pairs as a safety measure.<sup>50</sup> Thus, even if only 4-stroke PWCs were allowed in the park, there would likely still be impairment as with the existing regulation.

Moreover, the administrative burden on NPS staff from implementing such a regulation would outweigh the benefits afforded to a limited number of PWC users. While restricting PWC use to those with 4-stroke engines and implementing a permit system would be improvements to the existing regulation, such initiatives would carry costly administrative burdens. These practices would require more staff time on the water to enforce the 4-stroke engine limitation, and in issuing permits. It is difficult to square such burdens with NPS’ objective to “minimize operational needs and costs associated with the management of PWC use . . . .”<sup>51</sup> And at a time when the National Park Service operational

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<sup>47</sup> *Id.* at 26 n. 18 (citing 71 Fed. Reg. 26,237).

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 41.

<sup>51</sup> NPS, *Scoping/Preliminary Draft Alternatives Brochure* (October 2012), available at <http://parkplanning.nps.gov/documentsList.cfm?projectID=39835>.

budget has been cut significantly and in turn staff positions have been eliminated, it is logical to assume that NPS would have to shift staff resources from managing park resources and enforcing regulations to issuing permits and checking engine capacity.

In short, a plan to modify the existing regulation by restricting PWC use at the park to those with 4-stroke engines is flawed because of evidence that such engines produce increased NOx emissions, and are commonly modified by users in ways that negate any alleged environmental or noise benefits. Further, efforts to prohibit 2-stroke PWCs and/or initiate a PWC permit program, while improvements to the existing regulation, would conflict with NPS's goal to minimize operational needs and costs associated with management of PWC use. Thus, NPS would do well to heed Judge Gladys Kessler's words and recognize the ample opportunities to use PWCs in areas other than Pictured Rocks' pristine coastline, and prohibit PWC use in the park.

***Conclusion:***

In closing, in response to concerns about PWC use in the preamble to its 2000 Final National PWC Rule, NPS stated that PWC use would be prohibited across the National Park System, *"unless the NPS determines that PWC use is appropriate for a specific area based on that area's enabling legislation, resources and values, other visitor uses and overall management objectives."*<sup>52</sup> Clearly use of personal watercraft at Pictured Rocks National Lakeshore is not appropriate for the reasons stated above.

Sincerely,

Lynn McClure  
Midwest Regional Director  
National Parks Conservation Association  
8 South Michigan Ave.  
Chicago, IL 60603

Jill Ryan  
Executive Director  
Freshwater Future  
P.O. Box 2479  
Petoskey, MI 49770

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<sup>52</sup> 65 Fed. Reg. at 15086.

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First Name: **David** Middle Initial:

Last Name: **Dickerson**

Organization: **PWIA**

☐ Member ☒ **Official Representative**

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Personal Watercraft  
Industry Association

November 9, 2012

**VIA FAX AND CERTIFIED U.S. MAIL**

Superintendent  
ATTN: PWC Environmental Assessment  
P.O. Box 40  
Munising, MI 49862

Re: Comments on Scoping for National Park Service PWC Environmental  
Assessment, Pictured Rocks National Lakeshore, MI

Dear Superintendent Northup:

The Personal Watercraft Industry Association and its member companies Bombardier Recreational Products Inc. (BRP), Kawasaki Motor Motors Corp., and Yamaha (collectively, "PWIA") appreciate the opportunity to submit these comments in response to the National Park Service's ("NPS") October 2012 scoping notice for the Personal Watercraft Use Environmental Assessment ("EA") for Pictured Rocks National Lakeshore ("Pictured Rocks" or "the Park"). These comments supplement comments provided by Nicole Vasilaros on behalf of the PWIA at the recent public meetings on October 23 and 24, 2012. The PWIA's members are manufacturers and/or distributors of personal watercraft ("PWC"), and have unparalleled experience and institutional knowledge with respect to PWC.

The PWIA was founded in 1987 by the manufacturers of personal watercraft and is an advocate for safe and responsible PWC operation. The PWIA supports reasonable and fair regulations, strong enforcement of boating and navigation laws, and mandatory boating safety and education for all PWC operators. The PWIA is an affiliate organization of the National Marine Manufacturers Association ("NMMA"), the leading trade association representing the recreational boating industry in North America. There are 1.3 million registered PWC in the United States today, and only a tiny fraction of that number registered near and operated in the Pictured Rocks area in Michigan. The recent economic downturn in the U.S. economy has had a significant impact on the boating industry, with production and sales volume for PWC decreasing in the past several years. Recent economic trends have altered the nature and trajectory of the PWC market since the last EA. The overwhelming majority of PWC sold today are three-passenger models, making them affordable and family-friendly vessels to experience and enjoy the outdoors at Pictured Rocks and elsewhere.

The PWIA commends and supports NPS in its undertaking this process under the National Environmental Policy Act ("NEPA"). NPS' scoping notice states that action is needed "at this time to address the inadequacies in the previous Environmental Assessment for PWC use at the park, as identified in the 2010 U.S. District Court opinion." In fulfilling this task, it is important to note at the outset that the Court did not make affirmative findings contrary to the

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NPS' substantive conclusions in the prior EA or the final rule for Pictured Rocks, but rather questioned, under NEPA and its implementing regulations, the procedures and metrics utilized for presenting impacts in the prior EA. The PWIA looks forward to working with the agency and other stakeholders to rectify these perceived procedural shortcomings during this process, including offering the PWIA's access to current PWC studies and data to inform NPS' review. The PWIA believes that this renewed process will produce a well-supported environmental analysis and rule reflecting the compatibility of PWC and other uses at Pictured Rocks.

For present scoping purposes, the PWIA respectfully requests that NPS consider the following specific comments in developing the draft EA. The PWIA looks forward to contributing and commenting further as the EA process continues.

**A. The EA Should Utilize Current, High-Quality, and Accurate Information.**

The prior EA was published in 2002, and the Finding of No Significant Impact ("FONSI") and final rule for PWC use at Pictured Rocks were issued in 2005. Since that time, NPS has the benefit of over seven years of PWC use in the Park. During that time there have also been developments in the law and in industry technology. This passage of time offers the opportunity to incorporate new PWC data and examine their relative expected impacts at the Park.

To the greatest extent practicable, the EA should proceed on the basis of concrete data and experience rather than generalizations, hypotheticals, anecdotes, or public perception. Under Council on Environmental Quality ("CEQ") regulations, NPS must use best available scientific information. 40 C.F.R. §§ 1500.1(b), 1502.22. The prior EA from 2002 had to project the numbers and effects of PWC once reintroduced to the Park, typically for a 10-year period ending in 2012, and the Court took issue with how the agency arrived at some of those projections. With 2012 nearly over, NPS can now rely on more reliable actual data in lieu of projections, and the EA should present an analysis of any actually measureable incremental effects attributable to PWC since PWC were reintroduced to the Park. NPS may draw from its actual experience during the period when PWC were initially used (early 1990s to 2002), when PWC were banned (2002 to 2005), and when PWC were reintroduced (2005 to present), and compare those findings to its original estimates. If the actual data closely aligns to projections, that will bolster NPS' original findings and earn greater deference to the forthcoming EA. Grounds for a FONSI similarly would be strengthened if effects did not change significantly upon reintroduction of PWC in 2005. If the projected and actual findings are different, that also will allow NPS to adjust its analysis accordingly. Moreover, if the existing 2005 rule is preserved, direct and indirect impacts regarding increased PWC use should be muted in the EA considering that PWC have already been operating in the Park for several years under that rule.

Thus, for scoping purposes, NPS should collect and consider data from the several recent years of PWC use at the Park, including any actually observed air, water, sound, and biological

impacts directly attributable to PWC; currently observed or measured discharges from PWC and other boats; actual visitor experiences of PWC and non-PWC Park users; numbers and models of PWC; origins and usage trends for PWC at the Park; and other relevant topics. If NPS has not already gathered such information since passage of the Pictured Rocks PWC rule, NPS should take the time now to collect such data and test its prior findings.

In addition, NPS should obtain and give greater weight to the views of local citizens who regularly visit Pictured Rocks. There are many longtime area residents who can offer valuable perspectives on the effects of PWC use. These views based on actual experience are more credible than statements by national groups predisposed to a blanket ban on PWC use anywhere in the country (and which the Court found had not visited Pictured Rocks or met standing requirements for their claims beyond NEPA).

**B. NPS Should Consider the Significance of PWC Impacts Holistically and in Furtherance of Consistent Park Management.**

The EA should assess any impacts from PWC not in a vacuum, but through a holistic and practical approach incorporating existing conditions and uses throughout the Park. Motorized boating has a long history at the Park since its inception in 1966. Park uses have included PWC since the early 1990s. It is well-established that PWC make up a very small fraction of total boating in Pictured Rocks, and an even smaller percentage of total users. Based on information conveyed at the recent public meetings, only 75 total PWC were observed during the entire 2012 season (late May through mid-October). Park uses have diversified over time, particularly in frontcountry areas where PWC are present. These largely family-oriented activities include, but are not limited to, swimming, non-motorized boating, and PWC use. Other motorized boat uses include commercial cruises carrying several passengers.

While the PWIA understands that this EA is focused on PWC use at Pictured Rocks, the prevalence of motorized boating and other existing uses is highly relevant in providing the proper context to assess both the baseline conditions and the likely effects of PWC on the environment and visitors' expectations. The issue is not introduction of PWC into an area comprised entirely of "pristine" wilderness, as that term was used by the Court, but rather the aggregation of PWC with existing and diverse high recreational usage at the Park. As NPS has stated in Section 1.4.7 of its 2006 Park Management Policies, "[v]irtually every form of human activity that takes place within a park has some degree of effect on park resources or values, but that does not mean the impact is unacceptable or that a particular use must be disallowed." The "Purpose and Need" stated in the scoping notice also recognizes that the Park should be managed by "offering a variety of visitor experiences." The PWIA fully recognizes and supports the protected resources and values at Pictured Rocks. But this does not mean that continued PWC use will significantly affect the environment or foreclose other Park uses. Indeed, the Park is open to all people, and not every deviation from a natural state, every additional user, or every individually perceived annoyance is a significant impact.

Accordingly, the EA should explain in detail the full range of uses at the Park and where within the Park those uses take place, illustrating upfront that the entirety of the Park is not predominated by passive uses incompatible with PWC. Likewise, in formulating PWC alternatives and mitigation measures, the EA should consider the actual utility of certain PWC restrictions if motorized boats of greater size and in greater numbers may operate in those same areas. In the same vein, since NPS has indicated its desire to minimize operational costs, NPS should create a scheme utilizing consistent standards for similar activities. Relatedly, the analysis of cumulative impacts of PWC use should account for the PWC share of overall recreational use at the Park. When viewed in their proper context, NPS may again find that the effects of PWC at Pictured Rocks are insignificant under NEPA.

**C. The Areas Open to PWC Should Be Maintained or Expanded Consistent with Other Park Uses.**

The scoping notice lists three basic “preliminary alternative concepts”: continue the existing rule, prohibit all PWC use, or allow PWC use along the full length of the park. The PWIA favors the third alternative, and at the very least the first alternative. Operation of PWC should be regulated consistently with other motorized vessels operating throughout the Park. The several years of PWC use from the Park’s western boundary to Miners Beach demonstrate the absence of significant effects on the environment, and the PWIA perceives no legitimate documented reason to further restrict PWC use in that area. In fact, innovations in PWC technology and legal developments discussed below have lowered, and will continue to lower, the potential for adverse impacts. For example, with regard to visitor safety, PWC accidents are on the decline. *See, e.g., U.S. Coast Guard Recreational Boating Statistics 2011, at 48 (available at [http://www.uscgboating.org/assets/1/workflow\\_staging/Publications/557.PDF](http://www.uscgboating.org/assets/1/workflow_staging/Publications/557.PDF)).* PWC safety is advanced by additional equipment safeguards and mandatory age and education programs. Indeed, at the scoping public meetings, it was reported that PWC were used to *rescue* kayakers in the Park this past summer. With regard to any local complaints against PWC use, NPS should investigate and collect actual data to factor into its analysis.

The PWIA also supports expansion of the shoreline area for PWC use. The PWIA recognizes that certain segments are more controversial than others, such as adjacent to the Beaver Basin Wilderness. However, PWC use along other portions of the shoreline likely would not impact the areas identified as most sensitive. For instance, the far eastern stretch of shoreline from Grand Murais to Au Sable Light Station would not appear to impact areas of note, and should be considered for PWC use. The recently paved H-58 road running from Munising to Grand Murais, providing increased access to a boat ramp at the eastern end of the Park, constitutes another factor supporting increased PWC access. Due to improved fuel economy, technological advances, and safe operator behavior, PWC users express consistent interest in long and unique scenic tours along Pictured Rocks’ forty-two mile shoreline, akin to experiences presently offered by cruise boats and other services without significant effects on other Park values.



**D. NPS Should Recognize and Incorporate Existing Standards.**

Other laws and standards guide PWC use at Pictured Rocks beyond NPS' PWC use rule, some of which have been enacted or updated since the time of the prior EA study. These additional standards should substantially alleviate the Court's concerns and obviate additional restrictions in the PWC rule for Pictured Rocks.

Michigan state law imposes strict standards on PWC use and safety in Michigan waters, including in Lake Superior. These requirements include prohibitions on PWC operation between sunset and 8:00 a.m., in waters less than two feet deep, and in a manner that disturbs vegetation. PWC users must also comply with a 200-foot buffer zone from the shoreline, a 150-foot buffer zone for crossing behind other non-PWC vessels unless at "slow, no wake speed," restrictions on speed and wake-jumping, age limitations (age 16 to operate an owned PWC alone), life-jacket requirements, and other restrictions. Violators are subject to fines and temporary prohibitions on their PWC use in the Park. Mich. Comp. Laws § 324.80201-80222.

In 2007, NPS promulgated its final rule on "Boating and Water Use Activities." 72 Fed. Reg. 13694 (Mar. 23, 2007), codified at 36 C.F.R. § 3.1 *et seq.* These rules set out additional nationwide standards applicable to PWC and other boats, addressing, among other things, safety and noise concerns. They also incorporate non-conflicting state laws and regulations, thereby promoting a system of consistent rules to facilitate understanding and compliance. *See* 36 C.F.R. § 3.2(b). Regarding noise, NPS adopted prescribed sound decibel levels and testing standards from the National Association of State Boating Law Administrators ("NASBLA") Model Act for Motorboat Noise and the NMMA (which includes the PWIA) Model Act. The NPS rule limits PWC and other boats to "(1) 75dB(A) measured utilizing test procedures applicable to vessels underway (Society of Automotive Engineers SAE--J1970); or (2) 88dB(A) measured utilizing test procedures applicable to stationary vessels (Society of Automotive Engineers SAE--J2005)." Notably, these noise thresholds are below the decibel levels assessed in the Court's opinion. The Court further noted, but did not accord any importance to, the reduction in decibel levels when utilizing a 200-foot buffer zone.

The PWIA's member companies have not only met, but exceeded, these noise requirements by complying with another sound emission standard, ISO 14509. The ISO 14509 limitation is 75dB, measured 75 feet from shore, at a test speed of 40 miles per hour. ISO 14509 is effectually different from SAE-J1970, which sets a 75dB recommended practice during shoreline testing at wide open throttle with no distance measurement. All PWIA member manufacturers meet the ISO 14509 noise standard. Advances in PWC hull design technology include the following features to achieve reduced sound emissions: engine mount isolation, quieter four-stroke technology engines, advanced water jacketing, water lock boxes/mufflers, and exhaust exits at the air/water interface.

With respect to air emissions, the Environmental Protection Agency regulates emissions from PWC and other marine outboard engines under the same regulation. 40 C.F.R. Part 1045. EPA promulgated its most recent emissions standard in 2008, applicable to PWC model year 2010 and beyond. PWC are also subject to EPA evaporative emission standards at 40 C.F.R. Part 1060, most recently promulgated in 2009. Since 1998, PWC have achieved a 75% reduction in hydrocarbon and nitrogen oxide emissions. Today, PWC emit 16 gr/KW-hr of hydrocarbon and nitrogen oxides, compared to 300gr/KW-hr prior to 1998. All PWC manufacturers also meet the California Air Resource Board ("CARB") PWC emission requirements. With the implementation of the EPA final rule in 2010, both CARB and EPA emission standards are harmonized. At this time all new PWC engines are certified to meet both CARB Three Star and EPA 2010 standards, making them some of the cleanest engines on the water today.

Finally, NASBLA has promulgated additional model acts that may serve as useful references for standards in conducting the EA study.

**E. NPS Should Not Enact Additional Unnecessary Restrictions on PWC Use.**

Given the overlapping regime of applicable laws and standards to protect various resources and values at Pictured Rocks, and in the absence of evidence showing significant environmental harm to the Park due to PWC use, it is unnecessary to impose additional restrictions on PWC use beyond those in the current rule. For example, a categorical distinction between two-stroke and four-stroke engines as suggested in NPS' scoping notice would not be optimal because certain two-stroke engines (direct injection, as opposed to carbureted) offer noise levels and improved emission standards comparable to four-stroke engines. To the extent NPS elects to carry certain measures into more detailed alternatives or mitigation analysis in the EA, NPS should not select such measures unless the restrictions are fully explained and the purported benefits are supported by credible evidence. Indeed, the Court did not appear to comprehend the source or marginal utility between the selected alternative and the expanded use alternative in the prior EA, particularly since both options were described as having nearly indistinguishable impacts on several Park resources. In the forthcoming EA, NPS need not present a greater number of alternatives or adopt greater wholesale restrictions, but should better explain the sources and basis for the alternatives studied.

**F. Socioeconomic Impacts Must Be Fully Considered.**

As in its prior EA, NPS should properly consider the economic and social impacts interrelated with its environmental analysis. 40 C.F.R. § 1508.14. While the Court did not take issue with NPS' prior analysis of these types of effects, NPS should ensure that its draft EA considers not only the effects of PWC use on the local population and economy, but also the socioeconomic effects of further restricting PWC use.

November 9, 2012

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On one hand, NPS should consider any increased visitation to the Park and corresponding economic benefits to the Park and surrounding area if NPS preserves or expands PWC use. On the other hand, NPS should not enact new restrictions without considering their local impacts. The Court noted the concern of PWC users driving other users out of the Park, but did not acknowledge the fact that restricting or banning PWC would have the same effect on PWC users. At Pictured Rocks, most PWC are based and used locally, rather than rented or transported from distant locations. Thus, imposition of new technology-based or other limitations could have the effect of excluding local users.

#### **G. Conclusion**

Thank you for the opportunity to provide these NEPA scoping comments regarding continued use of PWC at Pictured Rocks. The PWIA and its members appreciate NPS' careful consideration of these views, and support this important project. The PWIA believes that an objective reevaluation of the relevant issues in the EA to address the Court's procedural questions will support maintaining PWC among the wide range of appropriate recreational opportunities that are consistent with environmental protection and visitor enjoyment at the Park.

If you have any questions or require further information, contact Nicole Vasilaros at 202-737-9763 or at [nvasilaros@nmma.org](mailto:nvasilaros@nmma.org), or Cindy Squires at 202-737-9766 or at [csquires@nmma.org](mailto:csquires@nmma.org).

Sincerely,

A handwritten signature in cursive script that reads "David Dickerson".

David Dickerson  
PWIA Executive Director

Upper Peninsula Environmental Coalition ✓  
P.O. Box 673  
Houghton, MI 49931  
www.upenvironment.org

November 7, 2012

Jim Northup, Superintendent  
Pictured Rocks National Lakeshore  
P.O. Box 40  
Munising, MI 49862

RE: PERSONAL WATERCRAFT (PWC) ENVIRONMENTAL ASSESSMENT

Dear Mr. Northup:

The following comments are submitted on behalf of the Upper Peninsula Environmental Coalition (UPEC). With regard to alternatives to be considered, UPEC clearly favors the alternative of prohibiting use of PWCs within the boundaries of Pictured Rocks National Lakeshore.

UPEC is a non-profit corporation organized in 1975 under the laws of the State of Michigan. UPEC is "Dedicated to the Protection and Maintenance of the Unique Environmental Quality of Michigan's Upper Peninsula". It is a regional conservation organization with more than 250 members who reside principally in the Upper Peninsula of Michigan.

UPEC believes that the following issues regarding use of PWCs within Pictured Rocks National Lakeshore must be considered, as a minimum, in any environmental analysis of this subject conducted by NPS:

- 1) PWCs adversely affect water quality. PWCs with 2-cycle engines are estimated to create exhaust in which an excess of 25% of their fuel and oil is unburned in addition to the products of incomplete and complete combustion. PWCs with 4-cycle engines, though cleaner, still emit a significant amount of pollutants into the air and water.
- 2) PWCs create a significant amount of noise, which is not compatible with the type of experience being sought by many visitors who visit Pictured Rocks. Our members, for example, visit Pictured Rocks to enjoy its natural splendor, complete with natural sounds. The noise from a PWC going by would almost certainly ruin that experience.

- 3) PWCs have the potential to disturb wildlife (both aquatic and terrestrial), including sensitive/rare species. The noise, wake, and pollutants emitted by PWCs could easily disturb or displace many species of native wildlife that inhabit Pictured Rocks. Further, because PWCs are more easily beached than other types of watercraft, PWC users could easily and quickly gain access to portions of the lakeshore not typically visited by people on a frequent basis, thus potentially leading to further disturbance of sensitive wildlife species.
- 4) PWCs create conflicts with other recreationists using Pictured Rocks, such as kayakers and hikers. Wakes from PWCs can be dangerous to kayakers. In addition, the sight of a speeding PWC going by would clearly negatively impact the recreational experience of a kayaker or hiker who has come to Pictured Rocks to enjoy the natural sights and sounds of the area.
- 5) In addition to the danger to kayak users caused by the PWC wake, the PWCs pose a threat of collision with other watercraft including kayaks, as PWCs have a higher rate of accidents than other watercraft.
- 6) Unlike most other watercraft, which are typically used mainly for transport, PWC users typically operate their crafts at higher speeds for the fun and sport involved. PWCs are often used in groups of two or more multiplying the amount of impact. The propeller-less propulsion system of PWCs allows them to operate in shallower water and at higher speeds in shallow water than other watercraft increasing their impacts on wildlife and other park visitors.
- 7) PWC use within the Lakeshore would certainly lead to law enforcement challenges for NPS, likely necessitating the hiring of additional law enforcement personnel to insure that PWCs are operating within the rules. It would be particularly difficult for rangers in motorized patrol boats to distinguish between different types of PWCs if differential regulations were applied depending on the PWC engine type. Where is this money for hiring additional staff going to come from, in this era of tight federal and state budgets?
- 8) Since PWCs are banned in other Lake Superior National Parks (Apostle Islands National Lakeshore and Isle Royal National Park) allowing them at Pictured Rocks National Lakeshore would be inconsistent with the regulations in these similar national parks.

For all the above reasons, we believe that PWCs are not compatible with the basic NPS mission to protect and preserve our nation's most unique and precious natural resources. PWCs can currently legally use a vast majority of all lakes and rivers within Michigan and the USA. There is simply no valid reason that they should be able to operate within the boundaries of a National Lakeshore also, when such use presents so many user conflicts and so many potential threats to natural resources of the Park.

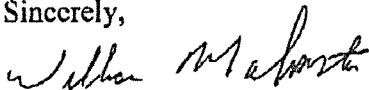
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With regard to alternatives to be considered, UPEC clearly favors the alternative of prohibiting use of PWCs within the boundaries of Pictured Rocks National Lakeshore. We expect that you will include this alternative within the analysis. If other alternatives are considered (that allow some degree of PWC use), we will look for NPS to conduct a comprehensive assessment of all the potential effects of PWC use within the National Lakeshore, including a thorough analysis of all issues we have mentioned above.

Thank you for the opportunity to comment. If you wish clarification of any aspect of these comments please contact me at the address or phone numbers listed below. If UPEC is not already on your mailing list for this project, please add us, using the name and address below:

William Malmsten, President  
Upper Peninsula Environmental Coalition  
22300 County Road CL  
Ishpeming, MI 49849 ✓  
906-485-5909  
E-mail: [wmalmsten@hughes.net](mailto:wmalmsten@hughes.net)

Sincerely,



William Malmsten, UPEC President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

NOV 07 2012

REPLY TO THE ATTENTION OF:

E-19J

Superintendent Jim Northup  
Pictured Rocks National Lakeshore  
ATTN: PWC Environmental Assessment  
P.O. Box 40  
Munising, Michigan 49862

**Re: Personal Watercraft Use Environmental Assessment, Pictured Rocks National Lakeshore, Munising, Michigan**

Dear Mr. Northup:

The United States Environmental Protection Agency has reviewed the scoping request for the above-mentioned project provided by the National Park Service (NPS). Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Pictured Rocks National Lakeshore (the Park) is located in northern Michigan. It was established as a nationally significant lakeshore in 1966 based on its proximity to Lake Superior, scenic shoreline, and mix of transitional wildlife and plant communities. NPS proposes to evaluate the use of personal watercraft (PWC) in the Park via an Environmental Assessment (EA).

In 2005, the Park implemented a special regulation to allow PWC use on the surface of Lake Superior within the park. PWC users were required to comply with State of Michigan regulations. In 2008, the U.S. District Court concluded that the previous EA was inadequate, but continued to allow PWC use in the Park while NPS undertook a new planning process. The forthcoming EA will evaluate whether continued use will be permitted or discontinued and how NPS will ensure protection of the Park's resources and values while offering a variety of visitor experiences consistent with the Park's General Management Plan.

Purpose and Need and Alternatives

The Draft EIS should include a definition of PWC, including which types of vehicles are included in the analysis and whether there are differences in requirements among the types of vehicles. For example, the Draft EIS should detail whether higher-impact vehicles (e.g.,

motorized boats) are allowed in the same locations or have different restrictions than lower-impact vehicles (e.g., canoes).

EPA recommends the EA discuss what factors precipitated the 2005 special regulation to allow PWC within the Park. This should include whether it came due to visitor requests and whether it is addressed in the General Management Plan. EPA also recommends projected PWC use numbers be included in the Draft EA.

The provided brochure indicates three proposed alternatives will be carried forward: 1) continued current management of PWC use, 2) expanded PWC use along the Pictured Rocks shoreline, and 3) ban PWC use within the park. The Draft EA should include alternatives removed from consideration and rationale for removal. For example, was continued PWC use with additional restrictions considered as an alternative? EPA recommends that proposed mitigation measures be explicitly outlined.

#### Impacts

##### *Water and Air Quality*

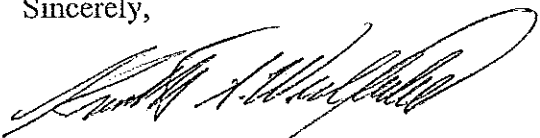
EPA notes that discharges of gas and oil and vehicle exhaust emissions are existing impacts imposed by PWC users. The Draft EA should include current permit conditions mitigating or addressing these impacts, as well as additional proposed restrictions that could further reduce impacts to human health and the environment.

##### *Wilderness and Sensitive Areas*

EPA strongly encourages alternatives be considered that restrict PWC use adjacent to designated wilderness areas and other sensitive areas within the Park.

Thank you in advance for your consideration of our comments. We look forward to reviewing the Draft EA. If you have any questions, please contact Elizabeth Poole of my staff at (312) 353-2087 or [poole.elizabeth@epa.gov](mailto:poole.elizabeth@epa.gov).

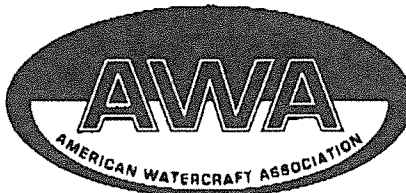
Sincerely,



Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

cc: Nick Chevance, National Park Service





November 9, 2012

Superintendent  
ATTN: PWC Environmental Assessment  
PO Box 40  
Munising, MI 49862

Dear Superintendent Northup,

I'm writing today to submit input on issues and concerns addressed as part of a new planning process involving personal watercraft (PWC) use at Pictured Rocks National Lakeshore (PRNL). The following points and discussion are submitted by the American Watercraft Association on behalf of its nationwide membership of PWC owners and dealers.

In October of 2012, the NPS produced and mailed to interested parties a brochure describing the "Scoping/Preliminary Draft Alternatives Brochure" for Pictured Rocks National Lakeshore. In this brochure, NPS listed a number of "Project Issues." We are concerned about the wording of some of these described "issues." Many of the points raised lacked comprehensible context, or citations as to the sources of the issue information, and in no instance offered any data to support the statement.

**The NPS should provide context of boating issues as a preliminary step before development of PWC specific regulations.**

We understand the frivolous nature of the lawsuit which resulted in the court order of 2010 which has led us to this point. Personal watercraft owners have long been singled out from all other recreational boating issues. We clearly understand that park staff has far more pressing issues to contend with than this lengthy and expensive process. Indeed, it will be a challenge for all parties considering the appropriateness of possible PWC regulations without an understanding the context of PWC use vis-a-vie all motorized recreational boating at PRNL. Selecting a total universe of PWC visits to PRNL of 75 voyages in the past season tells the public nothing about how much boating occurs at PRNL, what types of boats are used, the length of the boating season and other issues providing a rational basis for evaluating the impact of PWC. This is an important point when considering issues such as soundscapes in the backcountry, or wildlife disturbance – specific issues NPS suggests may be factors in future regulations.

Consider that if there are two or more motorized vessels underway in the same vicinity, one being a PWC, how is it possible to determine the impact on soundscape of the PWC alone? The same question would apply to backcountry and wilderness where the would-be park visitor does not even see the vessels involved and may rightly or wrongly believe the sound is generated by a PWC.

With respect to wildlife, as you know, any movement, noise, or approach can disturb wildlife. When there are other vessels – powered or not – in the vicinity, how can the impact of PWC be determined? Further, if PWC are not initially present but join a group of boats (and hikers?), how is it possible to single out PWC as a source of wildlife disturbance? PRNL rangers have said that some of their specific concerns with PWC are their operation in the presence of non-powered vessels. It seems quite logical that the context of only 75 PWC voyages a year compared to an unknown number of other powered and non powered vessels and the impact on wildlife should be more objectively reviewed.

**NPS should consider allowing PWC access to all areas of PRNL shoreline except the Beaver Basin wilderness area.**

In the NPS' scoping meetings announcement mailer there was a list of possible issues that could be part of the scope of regulatory analysis. Included were water quality and air quality. It is very likely that NPS has no data, or at least none that has been publically disclosed about air and water quality testing. Such data collected before the PWC regulations and again during the past five seasons when the existing regulations have been in place could provide objective information regarding PWC impacts on air and water. Without such information, and especially considering the significant advances in PWC engine technology over the past decade, NPS would only be speculating on the effectiveness of the current regulations or even the need for consideration of air and water quality as issues. Modern personal watercraft are one of the most environmentally neutral boats ever produced.

The original PWC regulations at PRNL and National Parks system wide were sparked in part by zealous advocacy groups who successfully used a national public relations campaign to drive PWC ban initiatives. As a result in over 80 NPS units where general recreational boating is permitted, PWC were banned. In no instances was any objective testing done, at any of those 80+ park units. Instead PWC were banned forever, regardless of any future technical improvements in sound levels, emission levels, etc.

Without having objective data and a context in which to evaluate the impacts of the PWC use, PWC restrictions are simply discriminatory based exclusively on the shape and style of the vessel.

**NPS should consider establishing a standard review policy for all aspects of visitor use and access including PWC access.**

It is acknowledged that NPS has responsibilities for management of national parks dictated by both legislation and as in the case of PRNL, even court rulings. The NPS should make regulations that specifically call for reviews of PWC in this instance so that whatever regulations are adopted, they can be more readily revised as changes in use patterns, increases or decreases of access, changes in equipment, and changes that

may occur within PRNL itself. Such a review process would change the regulations from being essentially a lifetime rule to one that reflects the current environment and visitor preferences. As a final note, there are recreational waterways elsewhere in the country that conduct such a routine revalidation of access and use regulations.

Finally, there is a moral issue not mentioned. The American Watercraft Association fails to grasp the mindset as to how NPS (plainly forced by a court order), or any other entity justifies, promotes, or adheres to blatant discrimination of one user over another. No reasonable person could conceive of NPS, or any other caretaker of public lands and waters discriminating, or imposing special rules against individuals of a certain race, ethnicity, impairment, or orientation. Ergo, if all other types of boating activity are permitted within the boundaries of PRNL, then why would low impact, environmentally friendly personal watercraft and their citizen owners be denied public access to these publically owned waters?

The American Watercraft Association supports the free and open access to all PRNL for personal watercraft in all areas where other motorized boating is permitted.

In closing, thank you for the opportunity to comment. We share the disappointment that your staff must expend valuable time and resources on adhering to the results of a frivolous lawsuit. Your expertise, and that of your staff could be better used on more critical issues I'm sure. If we can be of any further assistance, please do not hesitate to contact me directly.

Chris Manthos



Executive Director

American Watercraft Association