

National Park Service
U.S. Department of the Interior

Grand Teton National Park, Wyoming
John D. Rockefeller, Jr. Memorial Parkway, Wyoming



WINTER USE PLAN FINDING OF NO SIGNIFICANT IMPACT

Background

The purpose of the *2009 Winter Use Plan* is to ensure that visitors to Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway have a range of appropriate winter recreational opportunities. The purpose of this plan is also to ensure that these recreational activities are in an appropriate setting and that they do not impair or cause unacceptable impacts to park resources or values. These purposes are consistent with the NPS Organic Act, the fundamental law guiding national park management, which requires that the NPS conserve park resources and values, prevent their impairment, and promote their enjoyment.

Over the last several years there has been substantial confusion and uncertainty regarding the management of winter use activities in Grand Teton and the Parkway. Planning efforts for these activities have for many years been carried out jointly with winter use planning for Yellowstone National Park. There has been substantial controversy and litigation over the winter use planning efforts, primarily in regard to Yellowstone. While there were initially good reasons for the three park units to conduct their winter use planning efforts together, the issue has evolved such that the activities in the Grand Teton and the Parkway are quite different and distinct from those in Yellowstone. Therefore, this FONSI addresses winter use activities only in Grand Teton and the Parkway.

As stated in the *2008 Environmental Assessment*, the U.S. District Court for the District of Columbia vacated the 2007 ROD and Final Rule on September 15, 2008. On November 7, 2008, the U.S. District Court for the District of Wyoming ordered the NPS to reinstate the 2004 rule permitting snowmobile and snowcoach use in Yellowstone, Grand Teton, and the John D. Rockefeller, Jr. Memorial Parkway until such time as the NPS could issue an acceptable rule. That reinstated rule was in effect during the winter season of 2008-2009.

This FONSI is intended to serve as the basis for a new rule that will replace the reinstated 2004 rule, and regulate winter use activities in Grand Teton and the Parkway beginning with the winter season of 2009-2010.

This document records 1) a Finding of No Significant Impact as required by the National Environmental Policy Act of 1969 and 2) a determination of no impairment as required by the NPS Organic Act of 1916.

Definitions

In this FONSI, the following definitions apply:

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Commercial guide: A guide who operates for a fee or compensation and is authorized to operate in the park(s) under a concession contract or commercial use authorization, or is affiliated with a commercial guiding service or commercial tour.

Historic snowcoach: A Bombardier snowcoach manufactured in 1983 or earlier. Any other snowcoach is considered a non-historic snowcoach.

Oversnow vehicles (OSVs): Self-propelled vehicles intended for travel on snow, driven by a track or tracks in contact with the snow, and that may be steered by skis or tracks in contact with the snow. This term includes both snowmobiles and snowcoaches.

Oversnow route: That groomed portion of the unplowed roadway located between the road shoulders and designated by snow poles or other poles, ropes, fencing, or signs erected to regulate over-snow activity. Oversnow routes include pullouts or parking areas that are groomed or marked similarly to roadways and are adjacent to designated oversnow routes.

Snowcoaches: Self-propelled, mass transit vehicles intended for travel on snow, with a curb weight of over 1,000 pounds (450 kg), driven by a track or tracks, steered by skis or tracks, and that have a capacity of at least eight passengers. A snowcoach has a maximum size of 102 inches wide, plus tracks (not to exceed 110 inches wide with tracks); a maximum length of 35 feet; and a Gross Vehicle Weight Rating (GVWR) not to exceed 25,000 pounds.

Snowmobiles: Self-propelled vehicles intended for travel on snow, with a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow, and that may be steered by a ski or skis in contact with the snow.

Selected Alternative

Description of the Selected Alternative

The Selected Alternative (Alternative 2 in the EA) will allow 25 snowmobiles per day on Jackson Lake in Grand Teton National Park for the purpose of access to ice fishing opportunities. These snowmobiles will be subject to the requirement that they meet Best Available Technology (BAT) requirements for air and sound emissions, and their operators must possess a valid Wyoming fishing license. The number of snowmobiles allowed may be adjusted up or down by the Superintendent, not to exceed a limit of 40 per day, depending on the results of monitoring and adaptive management.

Within the John D. Rockefeller, Jr. Memorial Parkway, 25 snowmobiles will be allowed to access the Grassy Lake Road at Flagg Ranch each day. The route is the easternmost segment of a snowmobile route that traverses the Targhee National Forest from the vicinity of Ashton, Idaho. Snowmobiles using this route through the Parkway will not be subject to BAT requirements. Designation of this route for snowmobile use will ensure that visitors have access to the snowmobiling opportunities in the nearby Targhee National Forest, and that forest visitors have access to the facilities at Flagg Ranch.

In addition to the two areas described above, the use of snowmobiles on certain designated routes in order to access inholdings within Grand Teton or adjacent public or private lands will continue to be allowed. These snowmobiles will not be required to meet BAT requirements.

The route between Flagg Ranch and the South Entrance of Yellowstone is designated for use by both snowmobiles and snowcoaches, only for the purpose of making it available for oversnow vehicle use through Yellowstone's South Entrance, based on that park's decisions.

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The Selected Alternative includes a monitoring and adaptive management program, outlined in Appendix B of the EA. The NPS will continue monitoring of park resources and values, including air quality, natural soundscapes, wildlife, employee health and safety, and visitor experience. This will provide the NPS with the ongoing information necessary to assess the impacts resulting from implementation of this alternative on park resources and values, and visitor access, and to make adjustments, as appropriate, in winter use management. The thresholds within the adaptive management framework are a tool for managers to help them determine if the goals and objectives of the winter use plans are being achieved. Managers will use monitoring results, along with changes in technology and other new information, to help inform future actions. Managers have at their disposal a wide variety of tools. Some of the management techniques available include adjustments in snowmobile use levels (up or down), adjustment in BAT requirements, and visitor education. Through adaptive management, if monitoring of use levels of snowmobiles allowed under the Selected Alternative indicates acceptable conditions, the NPS could increase use levels to the extent acceptable conditions can be maintained. Conversely, if monitoring of use levels of snowmobiles and snowcoaches allowed under this alternative indicates unacceptable conditions, the NPS could reduce use to the levels at which acceptable conditions can be maintained.

The Park and Parkway will coordinate with and to some degree rely on the monitoring data obtained for Yellowstone for air quality, health and safety, and several other resource topics. Because the amount of oversnow vehicle use allowed in Grand Teton and the Parkway is far less than that which occurs in Yellowstone, this monitoring data will provide information that is relevant for Grand Teton and the Parkway. Given the higher levels of use in Yellowstone, the monitoring would provide data that would generally represent higher levels of impact than what will occur in Grand Teton and the Parkway. For example, because of the higher numbers of oversnow vehicles that are allowed in Yellowstone, air quality monitoring would provide data that could reasonably be expected to represent a greater impact than would be present on Jackson Lake or the Grassy Lake Road. In the event that this approach does not provide information that is applicable to Grand Teton and the Parkway, the Parks will obtain their own site-specific monitoring data.

Key Actions

Routes Open to Snowmobile Use

The superintendent may open or close these routes, or portions thereof, for snowmobile travel after taking into consideration the location of wintering wildlife, adequate snowpack, public safety, and other factors. Notice of such opening or closing will be provided by one or more of the methods listed in 36 CFR 1.7(a).

The following routes are designated for snowmobile use:

- The frozen surface of Jackson Lake (for the purpose of ice fishing only)
- The Grassy Lake Road from Flagg Ranch to the western boundary of the Parkway
- Roads and parking areas within the Flagg Ranch developed area
- Along U.S. Highway 89/191/287 from Flagg Ranch to the northern boundary of the Parkway

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Routes Open to Snowcoach Use

The superintendent may open or close the following oversnow routes, or portions thereof, or designate new routes for snowcoach travel after taking into consideration the location of wintering wildlife, adequate snowpack, public safety, and other factors. Notice of such opening or closing will be provided by one or more of the methods listed in 36 CFR 1.7(a).

The following routes are open to snowcoaches:

- Along U.S. Highway 89/191/287 from Flagg Ranch to the northern boundary of the Parkway
- Roads and parking areas within the Flagg Ranch developed area

Guiding Requirements

Guides are generally not required for snowmobilers in Grand Teton and the Parkway, except that on the route between Flagg Ranch and the South Entrance of Yellowstone guides may be required in accordance with a separate decision regarding winter use management in Yellowstone.

Snowmobile Limits

A limit of 25 snowmobiles per day will apply to the use of snowmobiles on the frozen surface of Jackson Lake. The Superintendent may adjust this limit up or down, not to exceed a total of 40 snowmobiles per day, based on the results of monitoring and adaptive management. Snowmobiles may only be operated for the purpose of accessing ice fishing opportunities on the lake, and operators must possess a valid Wyoming fishing license. Snowmobiles operating on Jackson Lake must meet BAT requirements.

A limit of 25 snowmobiles per day will apply to the Grassy Lake Road for trips originating at Flagg Ranch. Snowmobiles on the Grassy Lake Road are not subject to BAT requirements.

Plowed Roads

The following roads in Grand Teton and the Parkway will continue to be plowed:

- U.S. Highway 26/89/191, from the south boundary of GTNP to Moran
- U.S. Highway 89/191/287, from Moran to Flagg Ranch
- U.S. Highway 26/287, from Moran to the east boundary of GTNP
- Teton Park Road, from Moose Junction to the Taggart Lake Trailhead
- Teton Park Road, from Jackson Lake Junction to Signal Mountain Lodge
- Pacific Creek Road, from U.S. Highway 89/191/287 to the GTNP boundary
- Gros Ventre Road, from Gros Ventre Junction to the east boundary, via Kelly and Kelly Warm Springs
- The road from Kelly to the Shadow Mountain turnaround (end of pavement), approximately two miles north of Mailbox Corner

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- Teton Science School Road to the east boundary
- The Moose – Wilson Road, from the Granite Canyon Entrance to the Granite Canyon Trailhead
- Such other roads, road segments, or parking areas as have been customarily plowed and/or are necessary for the proper administration of the Park

Winter Season

The winter season would generally extend from December 15 to March 15 each year. Actual opening and closing dates for oversnow travel would be determined by adequate snowpack, snow water equivalency, or the condition of the frozen surface of Jackson Lake, as applicable.

Grassy Lake Road

The approximately 7 mile portion of the Grassy Lake Road (Flagg – Ashton) within the Parkway is currently, and historically has been, groomed by the Fremont County, Idaho Department of Parks and Recreation. The grooming of this route is performed in conjunction with grooming of the snowmobile route through the Targhee National Forest. In the event that Fremont County ever chooses not to, or is unable to continue grooming the road, the NPS does not intend to undertake that responsibility. Therefore, unless another entity were available to provide that service, that portion of the Grassy Lake (Flagg – Ashton) Road within the Parkway would no longer be designated as being open to oversnow vehicle use.

Other

Sand, or an equally environmentally neutral substance, may be used for traction on all plowed winter roads. No salts will be used, and sand will be generally spread only in the shaded, icy, or hilly areas of plowed roads. Before spring opening, sand removal operations will be conducted on all plowed park roads.

Motorized access to inholdings and adjacent public and private lands would continue to be available through a combination of plowed roads for wheeled vehicles and staging areas for snowmobiles traveling to inholdings or adjacent public or private lands.

Current winter closures would remain in effect on the Snake River floodplain, the Buffalo Fork River floodplain, and the Uhl Hill area, Willow Flats, Kelly Hill, Static peak, Prospectors Mountain, and Mount Hunt.

Snowmobiles that meet BAT requirements would continue to be phased in and used for administrative use, subject to the availability of funds. The NPS and other parties authorized by the NPS may continue to use non-BAT snowmobiles where necessary for specialized purposes such as search and rescue, law enforcement, facility repair and maintenance, and other emergency operations where the use of BAT snowmobiles is impractical or unsafe.

Non-Motorized Access

Non-motorized winter use, such as opportunities for cross-country skiing and snowshoeing would continue to be managed consistent with prior decisions and rules.

Snow road edges may continue to have track set for skiing where feasible.

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About 15 miles of the Teton Park Road are currently groomed for cross-country skiing. This road may continue to be machine-groomed for skiing.

Emergency Action

None of the actions in the Selected Alternative preclude closures for safety, resource protection, or other reasons as identified in 36 CFR 1.5 or 2.18. The superintendents will continue to have the authority under 36 CFR 1.5 to take emergency actions to protect park resources or values.

Administrative Use

Non-recreational, administrative use of snowmobiles will be allowed by park personnel or parties duly permitted under the provisions of 36 CFR 1.5 and 1.6. Such use will not count against daily recreational entry limits.

In general, the NPS will use snowmobiles that meet BAT requirements when engaged in administrative activities. Non-BAT snowmobiles may be used for administrative purposes such as law enforcement, search and rescue, maintenance, and other activities when the use of such snowmobiles is necessary in order to safely and efficiently perform such duties. Permitted parties must meet any applicable BAT requirements unless specifically authorized otherwise by the park superintendent.

Contractors, researchers, personnel from other agencies, and other partners working in the Parks will be required to use BAT snowmobiles unless non-BAT machines are necessary for a particular activity and are approved in advance of use by the NPS.

Hours of Operation

Motorized oversnow travel from 9 p.m. to 7 a.m. will be prohibited except for emergency purposes or when approved by the superintendent for administrative use or by special permit for necessary travel.

Personal Protective Equipment

Personal protective equipment is recommended for snowmobilers, including helmet, snowmobile suit and gloves, proper footwear, and hearing protection. Persons traveling by snowcoach should also wear or have access to appropriate personal protective equipment including winter clothing, footwear, and hearing protection. Non-motorized users are also recommended to wear and carry personal protective equipment as appropriate for their winter travel. For all user groups, personal protective equipment should include avalanche rescue gear (shovel, probe, and transceiver) as appropriate.

Measures to Minimize Environmental Harm

Best Available Technology (BAT)

All recreational snowmobiles operating in Grand Teton and the Parkway must meet NPS Best Available Technology (BAT) requirements for air and sound emissions, except for those being operated on the Grassy Lake Road.

The superintendent will maintain a list of approved snowmobile makes, models, and years of manufacture that meet the BAT requirements and a procedure to certify a snowmobile as BAT. The list will be posted on the park website, and notice will be provided by one or more of the methods listed in 36 CFR 1.7(a).

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Once approved, a snowmobile will be certified as BAT for a period of six years. In the absence of new emissions and sound information, after six years a snowmobile make and model will no longer be BAT-certified and its use will not be allowed in the Parks; *provided*, that snowmobiles being operated on Jackson Lake may be used for up to 10 years from the date certified as BAT as long as the mileage of the snowmobile does not exceed 6,000 miles.

Snowmobiles that have been modified in a manner that may affect air or sound emissions may be prohibited by the superintendent.

In addition, all critical snowmobile emission, sound and odometer-related components that were originally installed by the manufacturer must be in place and functioning properly. Such components may only be replaced with the original equipment manufacturer (OEM) component or its equivalent. If OEM parts are not available, aftermarket parts may be used if they do not worsen sound or emission characteristics.

Snowmobile Air Emissions Requirements

All snowmobiles must achieve a 90% reduction in hydrocarbons and a 70% reduction in carbon monoxide emissions, relative to EPA's baseline emissions assumptions for conventional two-stroke snowmobiles. Specifically, beginning with the 2005 model year, all snowmobiles must be certified under 40 CFR 1051 and 1065 to a Family Emission Limit no greater than 15 g/kW-hr for hydrocarbons and 120 g/kW-hr for carbon monoxide. If the existing procedures or requirements of 40 CFR 1051 and 1065 and the Family Emission Limit are superseded, all snowmobiles must be certified by their manufacturer to meet the above emission requirements (unless the EPA issues stricter requirements, in which case those requirements must be followed).

For 2004 model year snowmobiles, measured emissions levels (official emission results with no deterioration factors applied) must comply with the emission limits specified above.

Pre-2004 model year snowmobiles may be operated only if they have been shown to have emissions that do not exceed the limits specified above.

Snowmobiles must be tested on a five-mode engine dynamometer, consistent with the existing test procedures specified by EPA (40 CFR 1051 and 1065).

Snowmobile Sound Requirements

Snowmobiles must operate at or below 73dBA as measured at full throttle according to Society of Automotive Engineers (SAE) J192 test procedures (revised 1985).

Snowmobiles may be tested at any barometric pressure equal to or above 23.4 inches Hg uncorrected (as measured at or near the test site).

The NPS recognizes that the SAE procedures changed in 2003 and are continuing to change; thus the 2003 procedures may be supplanted. The NPS intends to continue to work with industry to update the BAT sound measurement procedures. NPS will consider such new protocols or procedures as they are modified by SAE.

Other BAT Provisions

The NPS anticipates that snowmobile manufacturers will conduct research to continually improve sound and emissions in available machines. Information on the full spectrum of pollutant criteria is critical to prevent an inadvertent increase in some pollutants.

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If the EPA adopts standards for any class of oversnow vehicle that are more stringent than the requirements resulting from this NEPA process and decision, the EPA standards will replace the NPS standard.

The NPS recommends the use of environmentally preferred fuels and lubricants for all motorized winter vehicle use for all alternatives. For example, this could include lubricants meeting the EPA “highly biodegradable” classification, and fuels like biodiesel and ethanol blends. Additionally, the NPS encourages the use of fuel-efficient winter vehicles in the Parks.

Revisions to testing procedures may be described and implemented per NPS procedures used to certify a snowmobile or snowcoach as BAT.

Individual snowcoaches or snowmobiles may be subject to periodic inspections to determine compliance with the emission and sound requirements.

Monitoring of Winter Visitor Use and Park Resources

Scientific studies and monitoring of winter visitor use and park resources (including air quality, natural soundscapes, wildlife, employee health and safety, water quality, and visitor experience) will continue. Selected areas of the Parks, including sections of roads, may be closed to visitor use if studies indicate that human presence or activities have unacceptable effects on wildlife or other park resources that could not otherwise be mitigated. The appropriate level of environmental analysis under NEPA will be completed for all actions as required by the Council on Environmental Quality regulations (40 CFR 1500–1508). A one-year notice will be provided before any such closure will be implemented unless immediate closure is deemed necessary to avoid impairment of park resources.

A Monitoring and Adaptive Management Program is a key element of this Alternative (see Appendix B of the EA). Generally non-emergency changes in park management implemented under the adaptive management program will be implemented only after at least one or two years of monitoring, followed by a 6- to 12-month notification and waiting period. The superintendent will continue to have the authority under 36 CFR 1.5 to take emergency actions to protect park resources or values.

The Park and Parkway will coordinate with and to some degree rely on the monitoring data obtained for Yellowstone for air quality, health and safety, and several other resource topics. Because the amount of oversnow vehicle use allowed in Grand Teton and the Parkway is far less than that which occurs in Yellowstone, this monitoring data will provide information that is relevant for Grand Teton and the Parkway. Given the higher levels of use in Yellowstone, the monitoring would provide data that would generally represent higher levels of impact than what will occur in Grand Teton and the Parkway. For example, because of the higher numbers of oversnow vehicles that are allowed in Yellowstone, air quality monitoring would provide data that could reasonably be expected to represent a greater impact than would be present on Jackson Lake or the Grassy Lake Road. In the event that this approach does not provide information that is applicable to Grand Teton and the Parkway, the Parks will obtain their own site-specific monitoring data.

Other types of impacts may be more site-specific and will continue to be monitored independently. For example, Grand Teton will continue to obtain sound monitoring data from locations near Jackson Lake in order to measure the impacts of snowmobile use in that area.

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Likewise, monitoring of soundscapes will also occur along the Grassy Lake Road and at Flag Ranch. Grand Teton will also continue to conduct monitoring and research on wildlife.

This approach will provide the monitoring information to compare against the adaptive management thresholds and to ensure that impacts remain within acceptable limits, and will do so in a way that is efficient and cost-effective.

At periodic intervals when snow depth warrants, routine plowing operations will include laying back roadside snow banks that could be a barrier to wildlife exiting the road corridor.

NPS personnel will patrol sensitive resource areas to ensure compliance with area closures.

The Parks will continue to support the objectives of the Greater Yellowstone Bald Eagle Management Plan, and the eagle population will continue to be monitored to identify and protect nests.

Monitoring of wolves will continue.

Monitoring of grizzly bear populations will continue in accordance with the Interagency Grizzly Bear Management Guidelines and the Parks' bear management plans.

Monitoring and protection of trumpeter swan habitats and nests will continue, including the closure of nest sites to public access when warranted.

Monitoring potential or known winter use conflicts will result in area closures if necessary to protect wildlife and their habitat.

If monitoring indicates that undesirable impacts are occurring, further measures including avoiding, minimizing, rectifying, reducing, or compensating for those impacts will be identified and taken.

Cultural Resources

If human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered, applicable provisions of the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001) will be followed.

Water Resources

Best management practices will be used during the construction, reconstruction, or winter plowing of trails and roads to prevent unnecessary vegetation removal, erosion, and sedimentation.

Water resource monitoring, which has not indicated a problem in recent years, will continue on an as-needed basis. If necessary, best management practices will be implemented.

OTHER ALTERNATIVES CONSIDERED

The other alternative considered in the EA was the No Action Alternative. At the time the EA was issued, the 2007 winter use regulations had been vacated, and the authorizations for OSV access in the 2004 winter use regulation had expired pursuant to their sunset date provisions. Thus, without regulatory action by NPS, no OSV access would have been permitted. Wheeled vehicle travel would have continued on roads that had been traditionally plowed, and the Parks would have been open to skiing and snowshoeing.

As discussed above, in November 2008 the Wyoming Court ordered the reinstatement of the 2004 regulation without the sunset date provisions, until such time as the NPS promulgates an acceptable rule to take its place. Thus, the result of "no action" by NPS now would be the

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continued authorization of snowmobile use as set out under the 2004 regulation. The current implementation of the 2004 regulation is the result of the Wyoming Court's order. There has been no current NEPA analysis or other determination that use at the levels authorized under that regulation is consistent with the NPS's statutory and other mandates.

Accordingly, the No Action Alternative analyzed in the EA represents a more logical and useful benchmark against which impacts can be compared, and therefore continues to better satisfy the purposes of the no action alternative under NEPA.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The Selected Alternative (Alternative 2) in the EA is also the environmentally preferred alternative. The environmentally preferred alternative is the alternative that promotes the national environmental policy as expressed by §101 of the National Environmental Policy Act. That section states that it is the responsibility of the federal government to improve and coordinate federal plans, functions, programs, and resources “to the end that the Nation may:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.”

The Selected Alternative would initially allow the operation of up to 50 snowmobiles per day, with a potential of up to 65, in Grand Teton and the Parkway, compared with no snowmobile use under the No Action Alternative. The authorized snowmobile use will provide access to ice fishing opportunities on Jackson Lake, and access between snowmobile touring areas in the adjacent Targhee National Forest and Flagg Ranch. The limits on snowmobile use are protective of park resources, and will result in negligible to minor impacts.

The Selected Alternative will fulfill the responsibilities of our generation as trustee of the environment because all park resources will be preserved and the impacts will occur only during a portion of each year. For example, impacts on the natural soundscapes of the park are transient and will not persist in the environment after their occurrence. The Selected Alternative will also ensure a safe, healthful, productive, and aesthetically and culturally pleasing surroundings.

The Selected Alternative better meets the purposes of the third, fourth, and fifth criteria by providing an appropriate range and level of winter activities for visitors to enjoy the Parks, including appropriate oversnow vehicle access to accommodate existing and foreseeable

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interest in the activities this use supports, while ensuring that the environmental impacts will not endanger park resources or opportunities for their enjoyment.

The Selected Alternative will better provide access to the ice fishing opportunities on Jackson Lake, thereby allowing for an appropriate level of fish harvest consistent with goals for management of the fishery, a renewable resource.

In sum, the Selected Alternative balances the preservation of the natural environment with human visitation better than does the No Action alternative, and is therefore the environmentally preferred alternative according to the criteria stated above.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the agency believes that on balance the effect will be beneficial.

As disclosed in the EA, the impacts that will result from the limited number of snowmobiles allowed under the Selected Alternative fall well below the level that would be considered significant.

Areas of the Park and Parkway where snowmobile use will be allowed are little used by wildlife during the winter and therefore the impacts to wildlife will be negligible. The frozen surface of Jackson Lake is used only infrequently by wildlife since it lacks the ecologically important values of food and cover. Animals do occasionally venture onto the frozen lake to reach islands or other areas along the shoreline, but overall this use is minimal, and therefore any effects will be negligible. The area traversed by the Grassy Lake Road is characterized by harsh winter conditions and deep snow, and is not considered winter range for elk, bison, mule deer, or pronghorn. Large mammals are seldom present in this area during the winter. Small mammals and other wildlife including coyotes, foxes, and occasionally moose may be present, but are widely dispersed and will be little affected by the limited amount of snowmobile use.

Effects on soundscapes in both Grand Teton and the Parkway would be minor due to the very limited numbers of snowmobiles that will be allowed and the short duration of the time that they would be used. On Jackson Lake, snowmobiles would be used only to travel to and from fishing sites and would be shut down for most of the day. The Grassy Lake Road within the Parkway is only approximately seven miles long, and therefore would be traversed by snowmobiles in a brief amount of time. Use levels in recent years on both Jackson Lake and the Grassy Lake Road have been very low, and therefore the limited amount of sound monitoring data included in the EA was collected at times when use levels were lower than those that will be allowed. The monitoring at these low levels indicated negligible impacts, however the extensive sound monitoring data collected for areas in Yellowstone is strongly suggestive that even if use increases to the authorized levels, soundscape impacts will continue to be only negligible to minor. The natural soundscapes and winter quiet will continue to predominate in the Park and Parkway, even in those areas where snowmobiles are allowed to operate. The NPS will continue to collect sound monitoring data to ensure that impacts remain acceptable.

Air Quality: Under the Selected Alternative, air quality is expected to remain very good to excellent in Grand Teton and the Parkway. Only 25 snowmobiles per day will be allowed to use the Grassy Lake Road, and the small number of snowmobiles will create a very small amount of air pollution along the seven miles of road in the Parkway. On Jackson Lake, initially 25 (and

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potentially up to 40) BAT snowmobiles will be allowed per day. Since these snowmobiles are used only to access fishing locations on the lake, they are turned off once the fisherman has reached his destination. They are therefore in use for relatively brief duration and are not used for touring (at 25 mph, most fishing locations would be accessible within 15-20 minutes; actual time may vary somewhat depending on snow conditions, actual travel speed, and distance). Since the amount of pollutants emitted is thus limited by the brief duration of use, air quality impacts will also be limited, and will have very little effect on the very good to excellent air quality found in the Park. The impacts of this small amount of use were deemed to be negligible in the EA analysis. Implementation of this alternative is not expected to significantly affect air quality in the Park and Parkway.

Socioeconomics: The direct and indirect impacts of implementing the Selected Alternative will generally range from negligible beneficial impacts to minor adverse impacts and will be regional. As described earlier, the adverse impacts will be most directly felt by communities and businesses near the Parks, especially in areas that have a higher proportion of business tied directly to park visitation. As individual businesses are adversely affected, they will reduce purchases of other goods and services from suppliers.

Visitor Access and Circulation: The effects of the Selected Alternative on visitor access and circulation would be minor and beneficial. Visitors will continue to have the opportunity to travel through the Parks on roads that have been plowed, to ski on trails groomed for cross-country skiing, and to snowshoe or ski in the backcountry. The Selected Alternative will also allow visitors to enjoy ice fishing opportunities on Jackson Lake, and to travel the Grassy Lake Road for snowmobile touring opportunities available in the Targhee National Forest. While the number of visitors for which these latter two opportunities will be available is a very small percentage of the park's overall visitation, it is an important opportunity for those visitors.

Visitor Experience: Under the Selected Alternative, visitors will continue to be able to view and experience the Parks in a natural setting, enjoying good access to park attractions. There would generally be no change in terms of the roads that have traditionally been plowed for wheeled vehicles, nor to the facilities that have traditionally been available to park visitors. Opportunities for a wide variety of winter activities would remain, and most visitors would be little affected, if at all, by the presence of snowmobiles on Jackson Lake or the Grassy Lake Road. The area encompassed by the Parks is very large, and most visitors would be unlikely to be in areas of the park where the presence of snowmobiles would be detectable. Opportunities for ice fishing on Jackson Lake would be enhanced since snowmobiles would make the entire lake available, rather than only those areas within walking distance of the shore. Visitors would continue to enjoy outstanding opportunities for cross-country skiing, snowshoeing, mountaineering, wildlife viewing, and enjoyment of the scenery throughout the Parks. Since most of this use occurs in areas of the Parks far from Jackson Lake Road or the Grassy Lake Road, the presence of snowmobiles would be unnoticeable to many visitors. Others, however, might be adversely affected by the sounds and intrusion of snowmobiles, but the effects of this would be minor. Overall, the effects on visitor use and experience would be minor and beneficial.

Degree of effect on public health or safety

The amount of snowmobile use allowed in Grand Teton and the Parkway would be strictly limited, and as noted elsewhere would not result in any significant effects on air quality. The low levels of use would not expose visitors or employees to any prolonged periods of high noise levels or other adverse conditions such as air toxics like benzene and formaldehyde. Any adverse effects of the Selected Alternative on public health and safety would be minor.

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Unique characteristics of the geographic area such as historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Grand Teton and the Parkway are units of the National Park System. The Selected Alternative will result in impacts within these areas, but as disclosed in the EA and elsewhere in this FONSI those impacts are negligible to minor and therefore not significant impacts under NEPA and its implementing regulations. Several segments of the Snake River and its tributaries are located within the Park and Parkway, and have been designated as units of the National Wild and Scenic River System. Portions of the segment of the river between the south boundary of Yellowstone and Jackson Lake are near the routes designated for snowmobile use in the Selected Alternative. Snowmobiles would be audible at times from portions of the river segments, but as disclosed in the EA and elsewhere in this FONSI those impacts would be negligible to minor. There would be no direct impacts on the river or its unique qualities.. Grand Teton includes two National Historic Landmarks – the Murie Ranch National Historic District and the Jackson Lake Lodge. No snowmobile use would occur within or in close to proximity to either of these features, nor would the Selected Alternative have effects on any other cultural resources located within the Parks. There are no prime farmlands located within the Park or Parkway.

Degree to which effects on the quality of the human environment are likely to be highly controversial

The winter issue has been highly controversial for more than a decade and is a classic contest of values. Those who believe snowmobiles are inappropriate in the setting of a national park have advocated for other means of winter access. Others believe that snowmobiles can be an appropriate use and managed in accordance with the NPS' statutory responsibilities under the Organic Act. In that much of the debate is over values, it is unlikely that all points of view can be fully satisfied.

Although most of the controversy of recent years has concerned the use of snowmobiles in Yellowstone, since winter use planning efforts thus far have been conducted jointly, some of that debate, but to a much lesser extent, has also concerned Grand Teton and the Parkway. The NPS found that historic unregulated use of snowmobiles and snowplanes in Grand Teton and the Parkway resulted in impairment, however the actions contemplated herein allow for the limited and carefully regulated use of snowmobiles such that the impacts are also limited. Although the NPS recognizes that a decision regarding winter use management in Grand Teton and the Parkway may not satisfy all interested parties, it is unlikely that the decision will generate the significant controversy that has been associated with the Yellowstone issue.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

Snowmobile use has been occurring in Grand Teton and the Parkway for many years, and the effects of this use at the low levels seen in recent years are well understood and negligible. The use occurs in areas of the park that are little used by wildlife, and occurs only for short periods due to the distances involved and the nature of the activity. While the impacts cannot be said to be zero, they are not highly uncertain nor do they involve unique or unknown risks. Even with an increase in use levels to the daily limits identified in the Selected Alternative, the impacts are expected to be minor. The risks of implementing the decision are very small since the NPS

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retains the ability to adjust the use levels in order to ensure that impacts do not become unacceptable.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

The actions that will be taken under the Selected Alternative simply allow for the use of a limited number of snowmobiles in well-defined areas of Grand Teton and the Parkway. The actions do not commit the NPS to future actions, nor do they represent a departure from laws, regulations, or policies applicable to the use of snowmobiles in areas of the National Park System. The action does not represent a decision in principle about future consideration of motorized oversnow vehicle use in the Parks. The decision does designate the route between Flagg Ranch and the South Entrance of Yellowstone for snowmobile and snowcoach use, but only for the purpose of making it available for oversnow vehicle use through Yellowstone's South Entrance, based on that park's decisions.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

The proposed action has adverse impacts that range in intensity from negligible to minor. These effects, in conjunction with the adverse effects of any other past, present, or reasonably foreseeable future actions, will not have significant impacts on any park resources or values. Further, the cumulative effects analysis indicates there will be no significant adverse impacts to park resources or values.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The proposed action will not affect historic resources.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

The EA did not identify any significant effect to endangered, threatened, or species of special concern. The NPS formally consulted with the U.S. Fish and Wildlife Service on the EA, and the Fish and Wildlife Service concluded that “the Service concurs with your ‘may effect, but will not likely adversely affect’ determinations for the federally threatened gray wolf and Canada Lynx.”

Whether the action threatens a violation of Federal, state, or local environmental protection law

This action violates no federal, state, or local environmental protection laws.

APPROPRIATE USE, UNACCEPTABLE IMPACTS, AND IMPAIRMENT

Sections 1.5 and 8.12 of NPS *Management Policies* underscore the fact that not all uses are allowable or appropriate in units of the National Park System. The proposed use was screened to determine consistency with applicable laws, executive orders, regulations, and policies; consistency with existing plans for public use and resource management; actual and potential effects to park resources; total costs to the Park Service; and whether the public interest will be served. The 1976 Master Plan for Grand Teton, which still serves as the basic foundational planning document, notes that within the Valley Zone, which includes Jackson Lake, as many alternatives as feasible for enjoying the park without injury to the resource should be offered to visitors. The Master Plan acknowledges that appropriate oversnow vehicle travel has

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traditionally been one of those activities. Therefore, the NPS finds that the very limited snowmobile use for the purposes of ice fishing on Jackson Lake and allowing access to and from the Targhee National Forest on the Grassy Lake Road are appropriate uses.

The NEPA analysis provided in the EA and this FONSI discloses that the impacts of the proposed action range from negligible to minor, and are therefore not considered to be a significant impact under NEPA or its implementing regulations. Separate from the agency's requirement to analyze its proposed actions under NEPA is a requirement that the NPS manage the parks consistent with its statutory obligations under the NPS Organic Act. The Organic Act requires that the NPS to manage these resources in a manner that will leave them *unimpaired* for the enjoyment of future generations. The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values. An impact to any park resource or value may, but does not necessarily, constitute an impairment, but an impact would be more likely to constitute an impairment when there is a major or severe adverse effect upon a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- Key to the natural or cultural integrity of the park; or
- Identified as a goal in the park's general management plan or other relevant NPS planning documents.

In addition to mandating the prevention of impairment, the Organic Act requires that the NPS prioritize conservation over use whenever the two are found to be in conflict. The NPS complies with this mandate by ensuring that a proposed use of the parks will not result in unacceptable impacts to park resources and values.

As described in the EA, unacceptable impacts are those that fall short of impairment, but are still not acceptable within a particular park's environment. As defined in §8.2 of 2006 *Management Policies*, unacceptable impacts are those that would:

- Be inconsistent with a park's purposes or values, or
- Impede the attainment of a park's desired future conditions for natural and cultural resources as identified through the park's planning process, or
- Create an unsafe or unhealthful environment for visitors or employees, or
- Diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values, or
- Unreasonably interfere with
 - Park programs or activities, or
 - An appropriate use, or
 - The atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park.
 - NPS concessioner or contractor operations or services.

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An impact sufficient to be considered as constituting impairment under the NPS Organic Act would also be sufficient in its context, intensity, and duration to be considered a significant or major impact under NEPA and its implementing regulations. However, the converse of that statement is not necessarily true. Taking this into consideration, NPS guidance documents note that “Not all major or significant impacts under a NEPA analysis are impairments. However, all impairments to NPS resources and values would constitute a major or significant impact under NEPA. If an impact results in impairment, the action should be modified to lessen the impact level. If the impairment cannot be avoided by modifying the proposed action, that action cannot be selected for implementation.” *Interim Technical Guidance on Assessing Impacts and Impairment to Natural Resources*; National Park Service, Natural Resource Program Center, July 2003. The NPS finds that the negligible to minor impacts described in the EA and FONSI do not meet the criteria described above for either unacceptable impacts or impairment, and are therefore consistent with the NPS’ statutory requirements under the Organic Act. The supporting rationale for each impact topic is described below:

The EA identified impacts to natural soundscapes that will occur if this alternative is implemented. According to the monitoring data and the analysis in the EA, implementation of this alternative will result in negligible to minor adverse impacts in Grand Teton and the Parkway due to the very limited numbers of snowmobiles that will be allowed and the short duration of the time that they will be used. On Jackson Lake, snowmobiles will be used only to travel to and from fishing sites and will be shut down for most of the day. The Grassy Lake Road within the Parkway is approximately seven miles long, and therefore would be traversed by snowmobiles in a brief amount of time. Use levels in recent years on both Jackson Lake and the Grassy Lake Road have been very low, and therefore the limited amount of sound monitoring data included in the EA was collected at times when use levels were lower than those that will be allowed. The monitoring at these low levels indicated negligible impacts, however the extensive sound monitoring data collected for areas in Yellowstone is strongly suggestive that even if use increases to the authorized levels, soundscape impacts will continue to be only negligible to minor. The natural soundscapes and winter quiet will continue to predominate in the Park and Parkway, even in those areas where snowmobiles are allowed to operate. Maximum sound levels under this alternative are expected to remain below levels that are acceptable to most visitors. For all these reasons, the effects on soundscapes estimated under this alternative will not result in impairment or unacceptable impacts.

The effects on wildlife are expected to be acceptable because wildlife populations are expected to remain healthy and abundant. The snowmobile use that will be allowed under the Selected Alternative will occur in areas of the Park and Parkway where wildlife is not abundant during the winter, such as the frozen surface of Jackson Lake and along the Grassy Lake Road, and therefore wildlife would be little affected. Although some disturbance to individual animals may occur, as it can with most forms of visitor access, it is not expected to rise to the level of the “taking” that is prohibited by NPS regulations. No wildlife populations are declining due to winter use. Few, if any, animals are expected to be killed as a result of vehicle collisions, displacement and behavioral and physiological effects are expected to be minor and of little consequence to wildlife populations, and only negligible population effects are expected. Wildlife as a whole thus will not be disturbed, and will not be impaired or suffer unacceptable impacts. Visitors will continue to find wildlife to be both wild and easily viewed.

Under the Selected Alternative, air quality is expected to remain very good to excellent in the Park and Parkway. Only 25 snowmobiles per day will be allowed to use the Grassy Lake Road,

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and the small number of snowmobiles will create a very small amount of air pollution along the seven miles of road in the Parkway. On Jackson Lake, initially 25 (and potentially up to 40) BAT snowmobiles will be allowed per day. Since these snowmobiles are used only to access fishing locations on the lake, they are turned off once the fisherman has reached his destination. They are therefore in use for relatively brief duration and are not used for touring (at 25 mph, most fishing locations would be accessible within 15-20 minutes; actual time may vary somewhat depending on snow conditions, actual travel speed, and distance). Since the amount of pollutants emitted is thus limited by the brief duration of use, air quality impacts will also be limited, and will have very little effect on the very good to excellent air quality found in the Park. The impacts of this small amount of use were deemed to be negligible in the EA analysis. Therefore the air quality impacts will not result in impairment.

Guided by this analysis and the Superintendent's professional judgment, there will be no impairment of park resources and values from implementation of this alternative.

The Selected Alternative is consistent with purposes and values for which Grand Teton and the Parkway were established, which include the conservation of park resources and their enjoyment by current and future generations. Implementation of the Selected Alternative will ensure that those purposes are achieved. The decision will not impede the attainment of the Parks' desired future conditions, and visitors will continue to have opportunities to enjoy, learn about, or be inspired by park resources and values. Additionally, based on the analysis in the EA, the Park Service finds that the Selected Alternative is an appropriate use. Because the application of mitigating measures is expected to be successful in ensuring that no major adverse impacts will occur and that satisfactory visitor experiences will prevail, implementation of the Selected Alternative will not result in any unacceptable impacts.

PUBLIC INVOLVEMENT

The environmental assessment was made available for public review and comment during a 15-day period ending November 17, 2008. A total of 27,427 responses were received. In addition, 39,796 comment letters were received during a total of 60 days of public comment on a proposed rule, which called for implementing Alternative 2 in the EA. All comments received during the public comment periods on the EA and proposed rule were considered in making this decision. In addition, those public comments on winter planning in general received between November 2008 and this decision were considered in the decision making.

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CONCLUSION

As described above, the Selected Alternative does not constitute an action meeting the criteria that normally require preparation of an environmental impact statement (EIS). The preferred alternative will not have a significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that range from localized to widespread, short- to long-term, and negligible to minor. There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended:

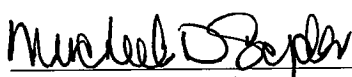


Superintendent



Date

Approved:



Regional Director, Intermountain Region



Date

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ERRATA SHEETS

WINTER USE PLANS ENVIRONMENTAL ASSESSMENT, NOVEMBER 2008

Substantive comments to the Winter Use Plans EA centered on the effects of snowmobiles on park resources, the NEPA process, and daily limits and other operating requirements established for snowmobile use. The topics, which are addressed below, resulted in minor changes to the text of the EA.

TEXT CHANGES

On page 1-10 of the EA, add the following: The 1976 Master Plan for Grand Teton which still serves as the basic foundational planning document, notes that within the Valley Zone, which includes Jackson Lake, as many alternatives as feasible for enjoying the park without injury to the resource should be offered to visitors. The Master Plan acknowledges that appropriate oversnow vehicle travel has traditionally been one of those activities. Therefore, the NPS finds that the very limited snowmobile use for the purposes of ice fishing on Jackson Lake and allowing access to and from the Targhee National Forest on the Grassy Lake Road are appropriate uses.

RESPONSE TO COMMENTS RECEIVED ON THE EA

The EA addressed winter use planning issues in Yellowstone National Park, as well as Grand Teton and the Parkway. The comments and responses below are those pertinent to the issues in Grand Teton and the Parkway. Comments and responses relevant to Yellowstone are addressed in a separate decision document for that park.

Comment: The NPS should not require the use of BAT snowmobiles on Jackson Lake.

Response: The BAT requirement on Jackson Lake is important in mitigating the impacts of snowmobile use on Jackson Lake. Due to the large and unobstructed expanse of the frozen surface of the lake, sound from snowmobiles is able to propagate over long distances, and therefore could have a disproportionate impact on the natural soundscapes even at relatively low levels of use. The BAT requirement helps to mitigate that impact due to the reduced sound emissions compared to non-BAT snowmobiles, as well as the tonal qualities of the sound.

Comment: The daily limits for snowmobile use on Jackson Lake and the Grassy Lake Road are too low.

Response: The NPS recognizes that the levels of use on Jackson Lake in recent years may have been affected by the uncertainty over the winter use issue, and winter anglers may have been reluctant to purchase BAT snowmobiles. Should this reluctance diminish as a result of greater certainty regarding winter use management on Jackson Lake, some increase in BAT snowmobile use could be expected. In light of the amount of use in recent years, and after considering the historic levels of use on Jackson Lake, the NPS believes that the daily limits established will accommodate current and reasonably foreseeable future demand for snowmobile access on Jackson Lake. Similarly, the limits established for the Grassy Lake Road are sufficient to accommodate current use levels and those that are reasonably foreseeable.

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Comment: Since the level of use analyzed in the Selected Alternative is considered less than a significant impact, the decision would unnecessarily restrict snowmobile use with no resulting benefit for park resources.

Response: The NPS believes that the snowmobile daily entry limits on Jackson Lake and the Grassy Lake Road are sufficient to accommodate current and reasonably foreseeable demand for use of those areas. At the same time, the NPS believes the Selected Alternative will be protective of park resources. The NPS is not obligated to increase the daily limits to a level that would be considered significant simply for the purpose of accommodating demand that may or may not be present. Should the need arise in the future, the NPS could revisit whether the daily entry limits should be adjusted.

Comment: The NPS should use the ongoing monitoring of the effects of snowmobile use to determine the appropriate number of snowmobiles that can access Jackson Lake.

Response: The Selected Alternative allows for an initial daily entry limit of 25 snowmobiles per day on Jackson Lake. This level of use is higher than the recent-years average of 3-5 snowmobiles per day, as well as the peak day of 17. The NPS believes that it is reasonable to expect that use will increase somewhat once the winter use management situation stabilizes, but does not have any information that suggests that the demand cannot be accommodated within the limits established in the Selected Alternative. Nevertheless, the decision allows for the entry limits to be adjusted up or down, not to exceed 40 per day based on monitoring and adaptive management.

Comment: The daily snowmobile limits on Jackson Lake and the Grassy Lake Road are too high in light of the low level of snowmobile use that has occurred in the Park and Parkway in recent years. The daily limits should be capped at current levels.

Response: The daily limits proposed in the Selected Alternative are low enough to ensure that no significant impacts will occur, but high enough to accommodate a reasonable amount of increased use. The NPS recognizes that the levels of use on Jackson Lake in recent years may have been affected by the uncertainty over the winter use issue, and winter anglers may have been reluctant to purchase BAT snowmobiles.

Comment: Snowmobile use should not be allowed on Jackson Lake because anglers can access the lake by non-motorized means.

Response: Due to the large size of Jackson Lake, most of it would be inaccessible without some form of motorized access.

Comment: Snowmobiles should not be allowed on Jackson Lake because they leave behind pollutants that enter the lake when the ice melts.

Response: The requirement that snowmobiles meet BAT requirements, combined with the daily entry limits, will result in negligible levels of pollutants entering the waters of Jackson Lake.

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Comment: The Continental Divide Snowmobile Trail (CDST) through Grand Teton and the Parkway should be kept open. It is an important link between popular snowmobile touring opportunities portions of the CDST outside the park and in the Island Park/West Yellowstone areas.

Response: In recent years, use of the CDST through the Parks was extremely low – in the neighborhood of 15 snowmobiles per season. Although use levels were higher than that prior to the initiation of guiding and BAT requirements in Yellowstone, the amount of use has always been modest. The amount of use on the CDST does not warrant the cost of continuing to construct and maintain the trail each year. Since BAT snowmobiles will no longer be required on the Grassy Lake Road, those wishing to complete a long-distance tour between other parts of the CDST and the Island Park/West Yellowstone areas will be able to trailer their snowmobiles through the Parks to Flagg Ranch and continue traveling the trail from there.

Comment: The Continental Divide Snowmobile Trail between Moran Junction and Flagg Ranch should be discontinued.

Response: The CDST will no longer be maintained under the Selected Alternative.

Comment: Implementation of a long-term plan for Grand Teton and the Parkway, while putting in place an interim plan for Yellowstone will cause further confusion and uncertainty for the public.

Response: Separate decisions regarding Yellowstone, Grand Teton, and the Parkway are not expected to create confusion and uncertainty. The oversnow vehicle use allowed under the Selected Alternative at Grand Teton and the Parkway is separate and distinct from that which occurs in Yellowstone. The use of snowmobiles on Jackson Lake for ice fishing has no connection with opportunities for touring Yellowstone, nor does use of the Grassy Lake Road. A long-term decision for Grand Teton and the Parkway will alleviate the existing confusion and uncertainty regarding winter use management in those two areas.

Comment: Snowmobiles should not be allowed on the Grassy Lake Road.

Response: The Grassy Lake Road within the Parkway is the easternmost segment of an approximately 40-mile route that extends from near Ashton, Idaho to Flagg Ranch, mostly within the Targhee National Forest. Within the national forest, there are many opportunities for winter recreation, including snowmobile touring. Allowing snowmobile use on the portion of the Grassy Lake Road within the Parkway provides opportunities for visitors to the national forest to access the services available at Flagg Ranch, including emergency notification, and for visitors to access the adjacent national forest lands from Flagg Ranch.

Comment: The NPS should implement a winter shuttle service that would haul non-BAT snowmobiles through Grand Teton and Yellowstone so that tours to West Yellowstone would be possible without a long side trip through Island Park.

Response: The NPS would consider proposals from a potential service provider for such a service.

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Comment: The EA did not include a sufficient range of alternatives.

Response: Because of the time constraints that existed during Fall 2008, the NPS sought to prepare an environmental assessment rather than an environmental impact statement, the latter being a process that would not have been possible to complete in time for the 2008-2009 winter season. In so doing, it limited itself to the consideration of actions that would not result in significant impacts.

Comment: The decision to permanently allow snowmobile use in Grand Teton and the Parkway will impact future long-term decisions regarding winter access into Yellowstone.

Response: The snowmobile use authorized in Grand Teton and the Parkway is distinct and separate from oversnow vehicle access into Yellowstone. The plan for Grand Teton and the Parkway allows a limited amount of snowmobile access for ice fishing on Jackson Lake, and for use of the Grassy Lake Road between Flagg Ranch and the Targhee National Forest. Neither of these uses have any bearing on winter access into Yellowstone.

Comment: The comment period on the EA was too short.

Response: The EA and proposed rule were available for public comment for nearly concurrent 15-day periods ending on November 17, 2008, and November 20, 2008, respectively. The length of the comment periods were based on the time constraints that existed at the time, because NPS was attempting to complete a NEPA and rulemaking process in time for the 2008-2009 winter season. Subsequent events made it possible for NPS to reopen the proposed rule for an additional 45 days of public comment in July 2009. The issues are largely the same, and the NPS considered all of the comments made during both comment periods in the NEPA process.

Comment: By releasing a proposed rule contemporaneously with the 2008 EA, the NPS indicated that it had already made a decision regarding the outcome of the EA.

Response: Publication of the proposed rule did not prejudice or commit the NPS to a course of action since it was not a final rule. The rule could be altered any time prior to publication of a final rule in the *Federal Register*.

Comment: The NPS should disclose the amount of federal funds that have been spent on winter use planning for the Parks.

Response: Since 1997, the NPS has spent over \$11 million on planning for winter use management in Yellowstone, Grand Teton, and the Parkway.

Comment: The No-action alternative in the EA (Alt 1 – Eliminate Motorized Recreational Oversnow Travel) was incorrect because it should have represented the “current level of activity,” meaning the daily entry limits that had been in effect the previous four winters.

Response: At the time the EA was released, the U.S. District Court for the District of Columbia had vacated the 2007 NEPA and Final Rule, leaving in place the 2004 rules for winter use

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management in the Parks. The 2004 rules included sunset provisions that effectively terminated oversnow vehicle use in the Parks beyond the winter of 2006-2007. Therefore, absent some action by the NPS, the use of oversnow vehicles would not have been allowed.

Comment: The NPS has no basis for reducing the number of snowmobiles allowed on Jackson Lake from 40 per day to 25.

Response: The rule provides an initial limit of 25 per day, but allows up to 40. The initial limit is sufficient to accommodate the amount of use that has been occurring in recent years, and the potentially higher limit of 40 is sufficient to accommodate reasonably foreseeable increases in fishing/snowmobiling demand.

Comment: The impacts associated with the use of snowmobiles violate the NPS Organic Act prohibition on the impairment of park resources.

Response: As described in the EA and FONSI, the impacts associated with the limited and carefully regulated use of snowmobiles under the Selected Alternative do not constitute impairment of park resources or cause unacceptable impacts.

Comment: The NPS must take into account its obligation to seek to perpetuate the best possible air quality in the Parks.

Response: The limited amount of snowmobile use permitted in the Selected Alternative will have negligible impacts on the air quality of the Parks.

Comment: The NPS should continue operating the Parks under the 2004 rules.

Response: The 2004 rules were reinstated by the U.S. District Court for the District of Wyoming and were intended to provide guidance until such time as the NPS could promulgate new rules. Continued operation under the reinstated rule would lead to uncertainty, as a result of pending litigation in both the U.S. Court of Appeals for the Tenth Circuit and the U.S. District Court for the District of Columbia. In addition, there has been no current NEPA analysis or other determination that the use levels authorized under that regulation are consistent with the NPS's statutory and other mandates.

Comment: The NPS should delay implementation of any new rules for one season in order to minimize confusion.

Response: The NPS is currently managing winter use activities under a 2004 rule that was reinstated by the U.S. District Court for the District of Wyoming. Continued operation under that rule would lead to uncertainty, as a result of pending litigation in both the U.S. Court of Appeals for the Tenth Circuit and the U.S. District Court for the District of Columbia. In addition, there has been no current NEPA analysis or other determination that the use levels authorized under that regulation are consistent with the NPS's statutory and other mandates. In order to ensure that the Park and Parkway are open to oversnow vehicle use for the winter of 2009-2010, the NPS believes it is prudent to implement the Selected Alternative prior to the start of the season.

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Comment: The NPS general regulation on snowmobiles, 36 CFR 2.18, requires that snowmobiles may only be allowed where they will not disturb wildlife.

Response: "Disturbing" wildlife is prohibited by the NPS's general regulations on natural resource preservation and wildlife protection, 36 CFR 2.1, 2.2. Section 2.18, which addresses the use of snowmobiles in the National Park System, requires that routes for snowmobile use may only be designated where the use will not disturb wildlife, but in doing so does not establish a different standard than section 2.1. A small and occasional amount of disturbance to individual animals is an obvious and unavoidable consequence of allowing visitors in national parks, and the NPS regards it as necessary and acceptable. To interpret these provisions otherwise would essentially preclude any visitation to national parks, which is plainly not the purpose of the regulations. In authorizing the appropriate use of National Park System areas, the NPS must ensure that wildlife populations as a whole are not disturbed, and that unacceptable impacts or impairment are not allowed to occur.

Comment: The NPS has not provided a reasoned explanation for its adaptive management thresholds and their consistency with its mandates.

Response: The adaptive management thresholds are a management tool used to alert NPS managers that additional attention to a park resource or value is warranted. They do not represent thresholds for determining unacceptable impacts or impairment as described in the *2006 Management Policies*. Responding to impacts that approach or exceed the adaptive management thresholds can help NPS managers to ensure that no unacceptable impacts or impairment will occur.

Comment: The NPS should require winter users to maintain a 100 meter distance from animals when stopping.

Response: The NPS requires visitors to stay at least 100 yards (91 meters) away from bears and wolves, and at least 25 yards (21 meters) away from all other animals.