TESTIMONY

TESTIMONY OF HOPE SIECK REPRESENTING THE

GREATER YELLOWSTONE COALITION
BEFORE THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS REGARDING WINTER USE MANAGEMENT IN YELLOWSTONE AND GRAND TETON NATIONAL PARKS

MARCH 13, 2002

Good morning Chairman Lieberman and members of the committee. My name is Hope Sieck. I am the Associate Program Director for the Greater Yellowstone Coalition, based in Bozeman, Montana. On behalf of our members, staff and board, thank you for inviting me here today. And Mr. Chairman, thank you for adding your name to a letter to the President last year asking for protection of Yellowstone National Park from snowmobiles. The Greater Yellowstone Coalition is a regional organization founded in 1983 to protect Yellowstone National Park and the lands that surround it. The Greater Yellowstone Coalition (GYC) has been significantly and actively involved in Yellowstone, Grand Teton and Rockefeller Parkway winter use issues since the organization's inception in 1983. GYC has more than 10,000 members nationwide. We also have over 80 local, regional and national member groups and 210 business members.

I am pleased to be here, two weeks after the 130th birthday of Yellowstone National Park, to share GYC's thoughts and concerns about winter use management in Yellowstone and Grand Teton National Parks. The future of these magnificent parks is at a crossroads: the choice before the Administration is whether to uphold protections of Yellowstone and Grand Teton from snowmobile use or to allow degradation of these parks to benefit of the snowmobile industry. The administration's ultimate choice will have a profound and far-reaching impact on these and all national parks.

Winter in Yellowstone is a magical time. The park's vast expanse is blanketed in snow and ice. Geysers and hot springs send plumes of steam into the air and shroud trees and wildlife alike in a coat of frost. Bison and elk move slowly along river valleys in search of food; bears hibernate; coyotes and wolves hunt; trumpeter swans and bald eagles depend upon geothermally influenced rivers—the Madison, Firehole and Yellowstone, that stay free of ice. Temperatures on Yellowstone's high plateau are often subzero and nature always takes a toll. Winter is a critical time for wildlife—survival is not guaranteed and existence is at its most difficult. Winter in Yellowstone presents a unique opportunity in our urbanizing world to be transported back to a time of quiet, filled with wildlife and the splendor of nature.

Congress has always recognized national parks as a unique national resource requiring special protection. The laws designed to protect national parks provide the greatest opportunity this country has to preserve lands, wildlife, and the qualities of peace, quiet, openness and wildness which are becoming all too rare in this country. Yellowstone is indeed a rare place.

The last wild bison found refuge in the park at the turn of the century. Today, Yellowstone is the only place in the lower 48 states where all of the native animals present before the establishment of this country still survive. Wolves, bison, bears, elk, bald eagles and other important species thrive alongside remarkable geothermal wonders, majestic mountains, pristine lakes and pure rivers.

It is these irreplaceable and rare attributes that Congress sought to protect when it created Yellowstone National Park in 1872. As the world's first national park, Yellowstone gave birth to the national park idea, a wholly American invention which has now spread throughout the world. Yellowstone's spirit inspired more than 100 countries to create 1200 national parks and conservation preserves. Today, the very foundation upon which Yellowstone and all other parks are built is in question.

130 years ago, as the Senate was debating the formation of Yellowstone National Park as the world's first national park, Senator George Vest of Missouri spoke out, asking his colleagues to imagine a day when the United States would have a hundred million or 150 million people. When that day arrived, Senator Vest told his colleagues, Yellowstone would serve as "a great breathing place for the national lungs." (Freeman Tilden, *The National Parks: what they mean to you and me*. Alfred A. Knopf, New York, 1951.)

Sadly, today instead of serving as a great breathing place for the national lungs, Yellowstone's own lungs are clogged. For half a decade now, fresh air has been pumped into ranger booths at the West Entrance to prevent headaches, nausea, burning eyes and other health problems caused by snowmobile exhaust. However, this effort did not prove enough to protect rangers from carbon monoxide, formaldehyde, benzene and other harmful air pollutants emitted by snowmobiles. This winter, for the first time in National Park history, rangers wore respirators to allow them to endure a work day in Yellowstone without ill effects.

Yellowstone in winter is a far different place than Congress envisioned when it set aside Yellowstone 130 years ago. Instead of embarking on a path to recovery, delays by the Administration have put off protection of Yellowstone and placed employees and visitors at risk from polluted air, opened wildlife up to harassment by snowmobiles, and marred the serenity and beauty of Yellowstone. New efforts aimed at reducing the impacts of snowmobile use in Yellowstone are costing taxpayers more than a quarter of a million dollars.

Yet even with the changes, hundreds of snowmobilers have been cited and warned this season for ignoring speed limits and other park rules established to protect public safety and Yellowstone's wildlife. Snowmobiles pushed park wildlife from its natural habitat and visitors found it difficult to hear the hiss and splash of Old Faithful geyser and other natural sounds within the park because of a nearly constant whine and roar from snowmobile engines.

Instead of a peaceful, quiet winter wonderland, visitors today are welcomed by extreme noise, choking pollution, noxious odors and rangers in respirators. This is far from the Yellowstone that Congress envisioned 130 years ago and far from the Yellowstone that the American public expects and deserves.

Now, despite a protective decision by the Park Service to phase out snowmobiles from Yellowstone and Grand Teton National Parks because of the impairment to park resources and values the machines cause, a new Park Service planning process is underway. The process is costing taxpayers $2.4 million and has delayed protection of Yellowstone by sixteen months already. However, recent release of the draft Supplemental EIS reveals no information provided in the new process would in any way alter the Park Service's decision. All of the "new" information was analyzed by the Park Service previously and found to support the original decision to protect the parks from snowmobile damage. The Bush administration's proposed reversal of the important and long overdue November 2000 Park Service decision to remove snowmobiles from Yellowstone and Grand Teton National Parks signals an attempt to contravene the very meaning and mission of what national parks mean under law and to the American public.

I. Snowmobiles: Impairing National Park Resources

A. Park Service Recognizes Problem of Snowmobile Use

Beginning more than a decade ago, the Park Service began to study the impacts of snowmobile use on park wildlife, air quality, natural quiet, human health, and visitor experience. The agency's Environmental Impact Statement's purpose and need outlined the problems caused by snowmobile use, including impacts to air quality, natural quiet, visitor experience, water quality, safety, health and wildlife.

Through comprehensive analysis during a three year NEPA process, the Park Service determined that snowmobile use in Yellowstone, Grand Teton, and John D. Rockefeller Jr. Memorial Parkway is damaging:

"…wildlife, air quality, and natural soundscapes and natural odors. Further, it adversely impacts the enjoyment of those values and resources by other visitors. The impact on people who may visit the three parks once or twice in a lifetime, and who seek the resources and values for which the parks were created, may be adversely and irretrievably affected." (NPS Record of Decision, November 2000).

The Park Service found a solution to the problems caused by snowmobile use in the parks in an already existing mode of winter transportation: snowcoaches, mass transit vehicles, much like vans. The decision to phase out snowmobiles outlined a plan to increase the number of snowcoaches so that the same number of winter visitors could continue to enjoy Yellowstone, with far less impact.

A snowcoach transit system "would reduce adverse impacts on park resources and values, better provide for public safety, and provide for public enjoyment of the parks in winter."(Final Rule, January 2001). The Park Service moved to make the snowcoach system a reality by outlining an implementation plan and a three year phase in period in the Record of Decision and final rule.

B. Park Service Study Reveals Numerous Impacts to Park Resources and Values By Snowmobiles

The Park Service studies revealed a suite of impacts on park resources and values caused by snowmobile use. Impacts to wildlife, air quality, natural quiet and visitor experience occurred, even when technological improvements to snowmobiles were analyzed. The Environmental Protection Agency reviewed the Park Service's analysis and findings and wrote:

"We would like to point out that this DEIS includes among the most thorough and substantial science base that we have seen supporting a NEPA document."

EPA concluded that the Park Service demonstrated that snowmobile use in the parks causes "significant environmental and human health impacts."

1. Impacts to Wildlife

Images of bison and elk running up steep slopes and struggling through deep snow to escape snowmobiles demonstrates the problem which led to a Park Service finding of impairment caused by snowmobiles on park wildlife. "Even with technical advances in snowmobiles, the impacts of snowmobile use on wildlife, especially ungulates using groomed routes, constitutes disturbance and harassment at a time when individual animals are particularly challenged for survival." (Record of Decision). National parks were designed to serve as refuges for wildlife, but hundreds of such incidents occur each winter, many recorded on videotape.

Eighteen Ph.D. scientists, including many of North America's foremost experts in wildlife biology and ecology, recently concluded that the Park Service relied upon sound science in its decision to phase out snowmobile use from Yellowstone and Grand Teton national parks. In October, 2001, the scientists sent a letter to Interior Gale Secretary Norton cautioning her that: "ignoring this information would not be consistent with the original vision intended to keep our national parks unimpaired for future generations."

Based on the scientific evidence, it is our professional opinion that snowmobiling results in significant direct, indirect, and cumulative impacts on wildlife, their behavior and environment. As documented in the scientific literature and the Park Service's EIS

and ROD, impacts to wildlife include harassment, displacement from important or critical habitats, disruption of feeding activities, alteration in habitat use and distribution patterns, and depletion of critical energy supplies in individual animals potentially resulting in increased mortality or reduced productivity. Such impacts are magnified in the severe winter climate of the Greater Yellowstone Ecosystem where energy is a critical factor in determining survival.

Given the nature preservation mandate of the NPS, the harassment, degradation, and disruption of park wildlife attributable to snowmobiling clearly violate the NPS impairment standard. Ignoring this information would not be consistent with the original vision intended to keep our national parks unimpaired for future generations. (Letter to Secretary Gale Norton, October, 2001)

2. Impacts to Air Quality

Although each year in Yellowstone, one million automobiles outnumber the 75,000 snowmobiles sixteen to one, snowmobiles contribute up to 68 percent of the carbon monoxide pollution and as much as 90 percent of the hydrocarbon pollution in the park. For six years, the Park Service has pumped fresh air into entrance booths to alleviate employee health problems caused by snowmobile exhaust. Visitors, too, must breathe the same polluted air, and many complain of the same symptoms as employees. Headaches, nausea, burning eyes, and more: the symptoms of carbon monoxide poisoning are found in park employees subjected to high levels of exhaust. This year, Park Service employees were outfitted with respirators to protect them from high levels of carbon monoxide, benzene and formaldehyde. An Occupation Safety and Health Administration inspection in February 2000 found higher than recommended levels of these pollutants. The Environmental Protection Agency noted that human health issues relating to air quality was a concern that needed to be addressed by the Park Service in its decision.

3. Impacts to Natural Quiet

Snowmobile use in Yellowstone National Park undermines visitors' opportunities to hear natural sounds and quiet as part of their park experience. Snowmobiles emit significant amounts of noise at higher frequencies than automobiles. This combination of volume and pitch makes snowmobile noise quantitatively and qualitatively different from other vehicle use in Yellowstone National Park.

The Greater Yellowstone Coalition conducted a percent-time audible study of snowmobile noise in Yellowstone National Park this winter. Percent-time audible data was collected at 13 sites in the Lower, Midway and Upper Geyser Basins of Yellowstone National Park between Madison Junction and Old Faithful. Eleven of the sites had snowmobile noise present more than 70% of the time, and eight of those were impacted by snowmobile noise 90% or more of the time.

Results of Greater Yellowstone Coalition Percent-Time Audible Study. Yellowstone National Park, February 19-20, 2000.

Site	Percent of Time with Audible Snowmobile Noise
Old Faithful	100%
Mystic Falls Trail	98
Grand Prismatic Spring	98
Solitary Geyser	97
Morning Glory Pool	97
Nez Perce Creek	92
Fairy Falls	90
Great Fountain Geyser	90
Boulder Hot Springs	88

Beehive Geyser	76	
Fern Cascades		72
Goose Lake		41
Lone Star Geyser	0	

NPS Management Policies of 2001 direct that "The Service will restore degraded soundscapes to the natural condition wherever possible, and will protect natural soundscapes from degradation due to noise (undesirable human-caused sound). "The Service will take action to prevent or minimize all noise that, through frequency, magnitude or duration, adversely affects the natural soundscape or other park resources or values, or that exceeds levels that heave been identifies as being acceptable to, or appropriate for, visitor use at the sites being monitored." (NPS Management Policies at 4.9)

4. Impacts to Visitor Experience

For the visitor able to come to Yellowstone in winter only once in a lifetime, the ability to breathe pure air, hear natural sounds and view wildlife in its natural state is of the utmost importance. "Winter visitor surveys indicate that the most important factors for visitor enjoyment in the parks are opportunities to view scenery and wildlife, the safe behavior of others, and opportunities to experience clean air and solitude." (Final Rule). The Park Service found that snowmobile adversely impacts all of these components of visitor experience, detracting from the intent of Park Service mission and policies.

II. An Accessible Solution: Snowcoaches

A. Snowcoaches Reduce Impacts to Park Resources and Values

The final rule laid out a three-year phase out of snowmobiles from Yellowstone and Grand Teton National Parks (and the John D. Rockefeller Jr. Memorial Parkway). The plan, "overall, will shift oversnow motorized use of the parks from snowmobile use to snowcoach use, to allow continued winter use of the parks while eliminating the impacts on park resources and values from snowmobile use." (Final Rule).

A system of snowcoaches will provide access to the same, if not greater, number of winter visitors. In no way is public access being eroded, rather a recreational pursuit is being eliminated due to its high impacts. A less damaging mode of transportation will be substituted to allow visitor access to the parks.

Snowcoaches have lower impacts on park resources and values than snowmobiles…snowcoaches, operated by professional, trained drivers operating under NPS concession contracts or permits, are much less likely to be operated in a way that disturbs wildlife than snowmobiles. As a result, expanding the use of snowcoaches…will make it possible to accommodate large numbers of winter visitors to the parks, while still preserving an enjoyable experience for most visitors and avoiding substantial adverse impacts on park resources. (Final Rule).

Snowcoach transportation--which minimizes noise, air pollution, and trip frequency while maximizing educational opportunities--makes the most sense for Yellowstone in winter. These vehicles hold 10-15 people and provide opportunities for on-board education by drivers, as well as sharing among families, friends and fellow visitors. Snowcoach routes and timing can be synchronized like municipal transit systems to allow individual trip planning and quiet periods for exploring between stops.

Establishment of a snowcoach system in Yellowstone and Grand Teton will reduce overall vehicles in the parks up to 90%, result in fewer vehicle miles traveled and consequently minimize impacts on wildlife. Snowcoach access also will provide better opportunities for certain segments of society that currently visit the park in winter in very low numbers, such a women, children and senior citizens.

B. Park Service Provides Good Models for Snowcoach System In Other Parks and In Yellowstone Record of Decision and Rule

Seventy-four national parks have successfully implemented some form of mass-transit program. According to NPS staff in Denali, Zion and Acadia National Parks, one impact of these programs is that visitors spend more time shopping and dining in gateway communities than they did in the past as they wait for scheduled bus service. The NPS should be a leader in promoting clean, quiet and affordable modes of group transportation which are protective of the natural qualities of the parks. Yellowstone in winter is a natural place to look next for expansion of the alternative transportation program already taking place in the Park Service.

The Park Service outlined the components of a successful snowcoach system in the Record of Decision and Final Rule. In the original, November 2000 decision, the Park Service outlined an implementation plan to ensure that the parks would be best protected and that economic interests and local communities would be successful partners with NPS under new winter management. The SEIS did not place on hold the Record of Decision or Rule which outlined a transition from snowmobiles to a snowcoach transportation system. Therefore, the Park Service should be moving forward with implementation of steps necessary to protect the parks and the local communities. Some transition measures outlined in the Record of Decision (November, 2000) include:
Unless otherwise noted, the parks will implement all actions the winter following the Record of Decision (ROD) for the winter use plans and EIS. (p.2)
NPS will develop a detailed snowcoach implementation plan in coordination with gateway communities, concessioners and winter permittees.
NPS will coordinate with gateway communities, concessioners and winter permittees and state tourism program resources on a new marketing strategy designed to facilitate winter visitation by snowcoach."
In the winter of 2000-2003, existing commercial snowcoach operators will be encouraged to increase their fleet size, and snowmobile and other new operators will be encouraged to purchase or lease coaches and reduce snowmobile numbers.

III. A Good Decision Based in Law, Science and Public Process
A. The Yellowstone Rule Reflects Park Service Legal Obligations to Prevent Impairment
1. The Highest Standard: The Organic Act of 1916
The National Parks are intended to preserve the nation's treasures in perpetuity. This can only be accomplished by preserving and maintaining each parks special features and the ability of citizens to enjoy those features. When it created the National Park Service in 1916, Congress gave the agency a clear mission:
"…to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (NPS Organic Act)
Congress reaffirmed and further clarified the Park Service mission in the 1978 Redwood Act, stating:
"…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…."
The fundamental purpose of the National Park Service is to "conserve park resources and values. The fundamental purpose of parks also includes "enjoyment" of park resources. This enjoyment is meant broadly to include people who visit parks as well as those who derive benefit from simply knowing that our national parks exist. The courts have time and again interpreted the Organic Act as holding conservation of park resources preeminent over enjoyment of them
2. Park Management Must Put Protection First
Congress provided the National Park Service with the discretion to manage national parks, but limited that discretion by the requirements of the Organic Act that park resources and values be left "unimpaired" for future generations.
This duty to avoid impairment establishes the primary responsibility of the National

Park Service. "The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation for by the proclamation establishing the park." (NPS Management Policies at 1.4.4). The Park Service has an affirmative duty to prevent degradation of park resources and values. "NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values." (NPS Management Policies at 1.4.3)

Impairment is an impact which affects a resource or value that is "necessary to fulfill specific purposes" identified in formation of the park or "key to the natural and cultural integrity of the park or to opportunities for enjoyment of the park". (NPS Management Policies at 1.4.5). The "park resources and values" that fall under the impairment standard include scenery, wildlife, natural soundscapes and smell, and all natural process and features. Also included is "the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system." (NPS Management Policies at 1.4.6).

3. Snowmobiles Cause Impairment, Require Corrective Action

The Park Service found that snowmobile use in Yellowstone and Grand Teton National Parks impaired park resources and values. This finding led the Park Service to act to remove the impairment caused by snowmobile use and put the parks on a path to restoration. In November 2000, the Park Service made the final decision to phase out snowmobiles from Yellowstone and Grand Teton National Parks.

The use of snowmobiles and snowplanes at present levels harms the integrity of the resources and values of these three parks, and so constitutes an impairment of the resources, which is not permissible under the NPS Organic Act. In YNP, the impairment is the result of the impacts from snowmobile use on air quality, wildlife, the natural soundscape, and opportunities for enjoyment of the park by visitors. In GTNP, the impairment is the result of the impacts from snowmobile and snowplane use on the natural soundscape and opportunities for enjoyment of the park by visitors. (Record of Decision, November 2000)

In Yellowstone and Grand Teton National Parks, the highest standard of protection, Organic Act prohibition on impairment, is violated by snowmobile use. To correct the impairment, NPS decided to remove the cause of impairment and ensure that park values and resources received the highest protection.

That finding of impairment, combined with the finding that snowmobile use in Yellowstone and Grand Teton National Parks also conflicted with the directions given by Executive Orders 11644 and 11989, the Clean Air Act and NPS Management Policies, led the Park Service to its final decision.

B. Additional Layers of Protection: Executive Orders, NPS Policies on Wildlife, Air Quality, Natural Quiet and Visitor Experience, and the Clean Air Act

1. Executive Orders 11644 and 11989

The requirements of the Organic Act, Executive Orders, and the Park Service Management Policies all support the decision to phase-out snowmobiles. In the 1970s, with off-road vehicles causing increasing damage to public lands across the nation, Presidents Nixon and Carter signed Executive Orders 11644 and 11989 (respectively). The first required that the Park Service:

ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of these lands…

The second order directed that when the Park Service determines,

*that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands[*it shall] *immediately close such areas or trails to the type of off-road vehicle causing such effects…*(emphasis added)

Snowmobile use in Yellowstone and Grand Teton National Parks violates the Executive Orders by clearly causing "adverse effects". In order to comply with the Executive Orders, NPS must uphold the decision to phase out snowmobiles

2. NPS Regulations

A. Wildlife
According to NPS regulations, snowmobiles are prohibited except where designated and "only when their use is consistent with the park's natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and *will not disturb wildlife* or damage park resources" (36 CFR 2.18(c)) (emphasis added).

B. Natural Quiet
The opportunity to experience natural sounds and silence is rare in our modernized world; one of the last refuges to experience natural sounds is in our national parks. Current use of snowmobiles in the parks undermines the opportunity to have natural quiet as a part of the national park experience. Snowmobiles emit extreme levels of noise at higher frequencies than automobiles. This combination makes snowmobile noise quantitatively and qualitatively different from other vehicle use in the parks. The Park Service must do everything it can to reduce noise levels in parks to prevent the intrusion of urban noises into park lands.

"The National Park Service will preserve, to the greatest extent possible, the natural soundscapes of parks. Natural soundscapes exist in the absence of human-cause sound." Natural soundscapes are comprised of animal sounds and sounds of the physical environment. In Yellowstone, the hiss and splash of a geyser, the bubbling of a mudpot and the grunt of a bison are an irreplaceable part of the park experience. Sadly, today the natural sounds of Yellowstone are too often drowned out by the roar and whine of snowmobiles.

C. Visitor Experience
NPS Management Polices clarify the affirmative duty of the Park Service to protect resources and ensure the highest quality experience for park visitors. (NPS Management Policies at 8.2) The policies state that the Park Service will provide appropriate, high quality opportunities for visitors to enjoy parks. The policies also make clear that many forms of recreation enjoyed by the public do not requires a national park setting and, in fact, can be accomplished more appropriately elsewhere.

As a result, the policies require the Park Service:
To provide for enjoyment of the parks, the National Park Service will encourage visitor activities that:
Are appropriate to the purposes for which the park was established; Are inspirational, educational, or healthful and otherwise appropriate to the park environment;
Will foster an understanding of, and appreciation for, park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and
Can be sustained without causing unacceptable impacts to park resources or values.
(NPS Management Policies at 8.2).

Additionally, the Park Service is directed to "[p]rovide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the parks." If some types of recreation are not suited for a national park setting, parks can "[d]efer to local, state, and other federal agencies; private industry; and non-governmental organizations to meet the broader spectrum of recreational needs and demands." (NPS Management Policies at 8.2).

3. NPS Air Quality Policies and the Clean Air Act
Requirements under the Clean Air Act led to the Park Service's decision to phase-out snowmobiles from Yellowstone. Yellowstone and Grand Teton's exceptional air quality is essential to the Parks' mission and mandates, and is threatened by snowmobile use.

Through the Clean Air Act, Congress required special protections for lands where air is clear and pure, designated as Class I airsheds. Yellowstone and Grand Teton are both Class 1 airsheds. The Clean Air Act states that the National Park Service, as a federal

land manager, has "an affirmative responsibility to protect air quality related values, including visibility, from the adverse effects of air pollution in areas that are designated as "Class I".

There are 48 Class I areas that are part of the National Park System; their management is proscribed by Prevention of Significant Deterioration program (PSD). Congress intended that these areas be afforded the greatest degree of air quality protection and specified that only very small amounts of air quality deterioration from new or modified major stationary sources be permitted.

One purpose of this Prevention of Significant Deterioration (PSD) program is "to preserve, protect, and enhance [emphasis added] the air quality in national parks." (42 U.S.C. §7401 *et seq*.) "These policies require managers to assume an aggressive role in promoting and pursuing measures to safeguard air quality and related values from the adverse impacts of air pollution" (Flores and Maniero, 1999).

Violations of Clean Air Act standards place a stronger onus on park managers to restore air quality. National Park Service areas that do not meet the National Ambient Air Quality Standards (NAAQS) or whose resources are already being adversely affected by current ambient levels require a greater degree of consideration and scrutiny by NPS managers. Areas that do not meet the NAAQS for any pollutant (of the six criteria pollutants) are designated as non-attainment areas. Section 176 of the Clean Air Act states:
No department, agency, or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to an [state] implementation plan… [T]he assurance of conformity to such a plan shall be an affirmative responsibility of the head of such department, agency or instrumentality. (42 U.S.C. 7401 §176)

The NPS is mandated through both its own 1916 Organic Act (16 U.S.C. §1), the Clean Air Act (42 U.S.C. §7401 et seq) and Executive Order 12088, as amended, to protect air quality in National Parks. "Accordingly, the Service will seek to perpetuate the best possible air quality in parks" because of its critical importance to "preserve natural resources and systems" and "sustain visitor enjoyment, human health, and scenic vistas". "The Service will assume an aggressive role in promoting and pursing measure to protect values from the adverse impact of air pollution. In cases of doubt as to the impacts of existing or potential air pollution on park resources, the Service will err on the side of protecting air quality and related values for future generations." (NPS Management Policies of 2001 at 4.7.1)

The Park Service's 2001 decision to phase-out snowmobiles was required to comply with the Clean Air Act. That decision ensured that air quality in Yellowstone and Grand Teton National Parks would meet and go beyond existing legal standards. A phase out of snowmobiles is the only way for the parks to meet the affirmative requirements of Class 1 airshed standards.

C. Yellowstone Rule Based on Comprehensive and Inclusive Public Process
The press release from the Secretary of Interior's Office announcing the SEIS refers to the decision to phase out snowmobiles as "rushed rulemaking". In reality, the Park Service process which led to a November 2000 decision to phase out snowmobiles included more than 10 years of scientific study, 3 years of NEPA analysis and public comment, 22 public meetings and hearings (17 of which were in local, gateway communities in the Greater Yellowstone Area
The public opportunity to engage in the winter use planning for YNP and GTNP was both extensive and comprehensive. In July, 1999 – after ten years of study and research – the National Park Service released its draft EIS for public consideration and comment. Since then there have been four separate opportunities for the public to comment, including 22 hearings in the region and across the nation. Locally, public hearings were held in towns such as West Yellowstone, Livingston, Cody, Jackson, and

Idaho Falls. The public clearly welcomed the opportunity to comment on the Park Service's various proposals to protect America's oldest national park. The agency received over 70,000 individual comments.

At each stage of the input process, support for phasing out snowmobile use in the parks became more emphatic. Reacting to the DEIS, the greatest number of citizens who commented favored an end to in-park snowmobiling. This perspective grew to a two-to-one majority in the fall of 2000 when the public commented on the FEIS – and then to a four-to-one majority favoring a snowmobile phase out in early 2001 as the final rule went into the Federal Register. More recently, under the new Administration (in October 2001) the public sent the same clear message: 82 percent commented in favor of the Park Service decision to phase out snowmobile use in the parks over a three-year period.

D. Phase Out of Snowmobiles Favored by Significant Portion of Local Economies, Protection of Park Encouraged as Best Business Plan

Contrary to what the snowmobile industry has claimed, the residents of West Yellowstone, Montana, the most invested snowmobile economy in the region, are not uniformly in favor of continued snowmobiling in the parks. Over 150 business owners, elected officials, and residents – nearly a third of the town's voting population – signed a petition asking the Park Service and Congress to protect Yellowstone National Park.

Over the past eighteen months two town councilmen have asked Congress for the opportunity to convey that many of their constituents believe vigorous protection of Yellowstone is essential to their town's future economic health.

The economic relationship is not as strong as the snowmobile industry claims. Visitor spending in West Yellowstone during the winter season have increased each year since 1993 while the numbers of visitors to Yellowstone National Park through the west entrance have declined slightly during the same period. Graph A (attached) illustrates this point. According to the Final EIS, the average West Yellowstone visitor eager to snowmobile spends just one day in the park and far more time on the hundreds of miles of snowmobile trails outside Yellowstone. (FEIS p. 402)

Past changes within Yellowstone National Park have affected the economy of West Yellowstone to different degrees and present good models for success with the current situation.
Fires of 1988: Many predicted disastrous economic consequences for gateway communities following the wildfires of 1988 and park visitation declined approximately 15 percent that year. By 1989, thanks to a creative, collaborative and well-funded advertising campaign, visitation had recovered to pre-fire levels and expenditures increased 6.3 percent. By 1990, expenditures had increased 13.1 percent over previous years (city of West Yellowstone, resort tax payments). A local paper reported, *"Nearly all agree…that the summer of 1990 was about the busiest ever for Wyoming's tourism industry…especially in the northwest (Yellowstone and Grand Teton National Parks) numbers were way up for almost every segment of the tourism sector."* (Billings Gazette, 10/21/90)
Snowmachine World Expo: Each year West Yellowstone hosts the Snowmachine World Expo late in the winter season. Three years ago Park managers announced the need for an early end to the winter season, meaning that Expo visitors could no longer access the Park. A number of local businesses expressed concern that the early closure would reduce attendance at the Expo, and hurt the local economy. In fact, attendance at the Expo has increased each year since. Closing the Park's winter season appeared to have no impact on the number of visitors or on local businesses.

Early End to Park Snowmobiling in 2001: At the end of the 2000-01 winter season, an early thaw forced the Park Service to close the park to snowmobile use. Visitors were still able to ride into the park on busses and transfer to snowcoaches. Park managers

reported that the demand for bus seats exceeded the supply. Rather than canceling their vacation plans, Park visitors overwhelmed the available bus service in order to see Yellowstone. And the early closure of the Park to snowmobiles did not harm the local economy. In fact, visitor spending in West Yellowstone during March 2001 increased 63% over spending in March 2000. This point is shown in graph B (attached)

Over 150 West Yellowstone business people, elected officials and residents—nearly a third of the town's voting population signed the petition "A Call for a Healthy Economy and a Healthy Park) asking the Park Service and Congress to:
Protect Yellowstone and thereby ensure that visitors continue to visit West Yellowstone and support the local economy'
Support the community of West Yellowstone as it adjusts, diversifies and rises to meet the challenges created by changes in park management.

Gibson Bailey, newly elected member of the West Yellowstone Town Council, wrote: *"We have a great opportunity to create a new economic future for West Yellowstone that is balanced. Yellowstone National Park is the ultimate tourist draw. We will never suffer for lack of visitors. We will suffer, however, if we fail to move forward in creating a future with a balanced, diversified economy that makes protection of Yellowstone National Park a priority."*

Jackie Matthews, business owner in West Yellowstone and president of West Yellowstone Citizens for a Healthy Park, stated that: *"…phasing out snowmobiles from Yellowstone National Park will not only be good for the park's environment but will also be good business for West Yellowstone."*
For two years, she and others have asked the Small Business Committee to help the town transition to snowcoach access into the Park. Specifically, they requested the following help:
Funding for media and public education campaign to promote winter snowcoach tourism in Yellowstone, similar to the successful campaign following the fires of 1988;
Low-interest loans for snowcoach acquisition and other business infrastructure;
Cooperation among economic development agencies to promote transition to a sustainable future; and
Job training and business development programs.

The 2000 EIS and decision support that phasing out snowmobiles will not cause catastrophic local economic failure. Contrary to a small vocal industry-supported minority, the West Yellowstone economy will survive and flourish without snowmobiles. Protection of Yellowstone National Park, the chief economic asset of local communities, will do the most to ensure continued economic success for West Yellowstone and other gateway towns.

IV. Yellowstone's Future in the Balance: Protective Decision at Risk

A. Department of Interior Settles Industry Lawsuit, Re-opens Yellowstone Decision
Although the rule is still in effect, NPS in currently engaged in a new NEPA process which was the result of a settlement of an industry lawsuit. The International Snowmobile Manufacturers Association (ISMA) and the State of Wyoming challenged the Yellowstone decision on the grounds that the process was flawed and, most notably, that the decision did not take into account new information on snowmobile technology. While denying all of ISMA's claims, the Department of Interior acceded to the industry's request for a new process. In a private settlement, the Department agreed to consider allegedly new information, issue a new decision, and, if necessary, promulgate a new rule prior to the 2002-2003 winter season (when reductions in snowmobile numbers would take effect under the existing rule).

The Supplemental EIS (SEIS) considers four alternatives. Alternative 1a and 1b are the original decision, a snowcoach system, and differ only in timing of implementation.

Alternative 2 was designed by the State of Wyoming and envisions continued use of snowmobiles at numbers on par with current use. Technological improvements and early application of upcoming EPA emissions standards for snowmobiles are cornerstones of this alternative. Alternative 3, designed by the Park Service and borrowing from previously analyzed FEIS alternatives, controls "best available technology" snowmobiles through a guided-only management system. As discussed below, neither of the two snowmobile alternatives yield conclusions that would justify changing the original decision to phase out snowmobiles from Yellowstone and Grand Teton National Parks. This result is due to the lack of new information that changes any of the Park Service conclusions that were the basis of the decision to shift to a snowcoach system.

B. Lack of "New" Information in Supplemental EIS

The claimed existence of additional information concerning snowmobile air and noise emissions served as a chief reason for the new process. Four-stroke snowmobiles were first used in Yellowstone during the winter of 1999-2000 by the Park Service and first by the public via rental companies in West Yellowstone in 2000-2001. No scientific information regarding the machines' specific air and noise emissions has ever been released. The Park Service, in a February 5, 2001 letter to Arctic Cat CEO Christopher Twomey, asked for "results of last year's use and what improvements, if any, were made for this year's model. Specifically, if you have any scientific reports on noise and emissions from this year's four-stroke snowmobiles that you can share with use, we would appreciate copies of them. It you do not have these scientific reports, please refer us to the appropriate contact." (emphasis added)

The Park Service received no answer to this information request. Instead, the International Snowmobile Manufacturers Association (ISMA) pressed on with litigation, stating that in fact new information did exist. According to the settlement agreement, ISMA had to provide any new information to the Park Service by July 30. ISMA did not adhere to this court-ordered deadline, and instead submitted an information packet nine days later, on August 8. ISMA stated that "the enclosed information is what is currently available and releasable".

If that were the case, predicating a $3 million new public process on such "new" information is untenable. The information submitted did not include any scientific analysis or hard data. Instead, the submission was comprised of assertions of technological improvements that are not backed up by information concerning how those assertions were obtained, under what conditions or if they are replicable.

Rather, Arctic Cat reported "that exhaust emissions have been cut by more than one half for CO and three quarters for HC". These types of emissions levels, and stricter, were analyzed by the Park Service in the Winter Use EIS and found insufficient to address issues of park impairment. Polaris reported that their "preliminary emissions data" show that the four-stoke machine will achieve "the 30% exhaust emission reduction of both HC and CO proposed by the industry to EPA for fleet average implementation in 2006." The Park Service went far beyond the 30% HC and CO emission level reductions advocated for by the snowmobile industry in its previous analysis and found that such reductions failed to address issues of impairment.

Although ISMA was required by the settlement agreement to provide emissions and noise data on new technologies by July 2001. ISMA failed to provide any relevant date until later October 2001 (following repeated requests by NPS to fulfill their end of settlement agreement). The data that ISMA eventually did provide was found to be already analyzed within the parameters of the FEIS. Descriptions of the "new" information are found in the Draft SEIS and the internal review draft. Each description dismisses the "new" information as not providing additional data or rationale for new analyses. The language of the internal review draft is more critical of this lack of new information than language in the Draft SEIS. (Tables attached).

C. Park Service Previously Considered Technological Fixes and Found that Technology Does Not Protect Yellowstone From Snowmobile Damage

The Park Service did, in fact, examine within its EIS how changes in snowmobile technology could affect the future of Yellowstone and Grand Teton national parks. The agency concluded:

Cleaner, quieter snowmobiles would do little, if anything, to reduce the most serious impacts on wildlife, which are caused more by inappropriate use of snowmobiles than by the machines themselves. Quieter snowmobiles are still noisy, and are audible at greater distances than 4-track conversion snowcoaches. Since snowcoaches carry many passengers and snowmobiles only one or two, snowcoaches can accommodate the same level of overall winter visitation with far fewer noise impacts on the natural soundscape and other visitors than even quieter snowmobiles.

Although the snowmobile industry reports that it is on the threshold of mass-producing much cleaner and much quieter machines—it says something entirely different to the EPA. In letters submitted to the EPA, the industry has argued for a weak emission standard. Specifically, the manufacturers have said it will not be until 2010 (at the earliest) that they can reduce carbon monoxide emissions by 50 percent. The manufacturers are also resisting labeling of their machines, which would leave the Park Service unable to distinguish between more-polluting and less-polluting snowmobiles.

In relation to wildlife impacts, the Park Service concluded that "[e]ven with technical advances in snowmobiles, the impacts of snowmobile use on wildlife, especially ungulates using groomed routes, constitutes disturbance and harassment at a time when individual animals are particularly challenged for survival." (Record of Decision).

D. NPS Analyzed Alternatives Examining Improved Snowmobile Technologies in the Original EIS and Found Them Insufficient to Protect Park Resources

The range of alternatives presented in the DEIS and FEIS incorporated continued snowmobile use and redesigned snowmobile design. Six of the seven alternatives examined continued snowmobile use in the parks. Continued snowmobile use was analyzed in several contexts: with minimal mitigation measures in the No Action alternative A to thorough analysis of potential improvements to snowmobile technology and implementation of those improvements through adaptive management in other alternatives. The Park Service thoroughly analyzed redesigned snowmobile technology in the Draft and Final EIS based on scientific information and modeling.

“Cleaner and quieter” snowmobiles were examined in several of the alternatives in the Draft and Final EIS. For example, the Final EIS provides analysis of improved snowmobile technologies in Alternative D. “In alternative D only 10% ethanol-blend fuels and bio-based lubricants would be sold in the parks. By winter 2008-2009, only snowmachines that have been certified to meet stricter emissions standards would be allowed in the parks. Oversnow vehicle emission rates would 40% of the baseline CO emission rate, 75% of the baseline PM_{10} rate, and 70% of the baseline hydrocarbon emission rate.” (FEIS, Chapter IV, page 334).

These numbers were generated with the assistance of the Montana Department of Environmental Quality using best professional estimations of the then-current capacity for technological improvements. Today, with four-stoke technology it is likely that professional judgment would yield still stricter emissions control estimates. Despite the snowmobile industry’s assertions regarding redesigned machines and improved emissions, industry numbers and projections remain well below what the Park Service already analyzed and determined insufficient for protection of park resources.

The Park Service’s conclusion for Alternative D noted improvements in CO and PM_{10} emissions relative to no action. Yet NPS went on to stress that “these major and moderate beneficial impacts would not be realized until winter 2008-2009, except for minor benefits attributable to bio-based lubricants and ethanol fuel blends.” (FEIS,

Chapter IV, at 336). Such improvements over an extended period were deemed insufficient to meet national park law and policy prescriptions. As a result, Alternative G, the snowcoach only alternative, was selected as the alternative which best protected park resources and visitor experience.

For noise emissions and impact on natural quiet, the Park Service analyzed a 60dBA level at 50 feet as a "clean and quiet" level for all oversnow vehicles. The FEIS alternative for quieter snowmobiles yielded a substantial improvement over existing condition was noted, the noise levels of the "cleaner and quieter" technology remained "slightly greater than alternative G", the preferred and chosen snowcoach alternative. (FEIS, Chapter IV, at 350). This noise level is extremely low. In the SEIS snowmobile alternatives, noise emissions remain above 70dB (Alternative 2) or are undefined (Alternative 3).

EPA, a cooperating agency in the SEIS process, has stressed to the Park Service and the other cooperating agencies that it is unclear when snowmobiles will be regulated by EPA, and if they are, by how much. Any EPA promulgated regulation will take 6-10 years to be fully implemented on the ground—this time lag is yet another factor that the Park Service analyzed in the EIS and found insufficient to address impairment issues and other impacts. Despite this information from EPA, the State of Wyoming's alternative 2 relies heavily on early implementation of the anticipated EPA emissions standards.

E. The SEIS Reconfirms the NPS Decision to Phase Out Snowmobiles: A Snowcoach Transportation System Best Protects Yellowstone's Resources and Values

The SEIS makes clear that there is no new information or analyses that justify reversing the Yellowstone rule. As discussed above, none of the FEIS "cleaner and quieter" snowmobile alternatives were found to protect park resources and values as required by law. The Park Service concluded that "[t]he continued use of snowmobiles as provided in the alternatives studied...is found to be inconsistent with the health and integrity of resources existing in the three park units." (NPS Record of Decision, November 2000). Since the "analysis and the alternatives in the SEIS are not vastly different than those in the FEIS. What appears to have changed is the public's perception regarding new technology, or its willingness to consider its use, and industry's willingness and ability to produce it." (SEIS, p. 16)

1. Wildlife

The SEIS makes clear that the snowcoach decision would best protect park resources and values and a high quality visitor experience. A snowcoach system protects wildlife by "reducing traffic volumes, lowering average travel speed, and facilitating travel operations in a scheduled and controlled fashion." (SEIS at xi). The document plainly shows that moving to snowcoaches will reduce impacts on Yellowstone's wildlife. The snowmobile alternatives would put winter-stressed elk, bison and other animals at higher risk.

2. Natural Quiet

The SEIS demonstrates that a transition to snowcoach access will dramatically reduce the number of places in Yellowstone and Grand Teton where visitors will hear engine noise more than 50 percent of the time. It shows that if snowmobile use is not phased out, the amount of park land dominated by the roar and whine of machines will be ten to 20 times greater than visitors would experience with snowcoach access. (SEIS at 220)

3. Air Quality

Upholding the snowcoach decision would "improve air quality in the parks more than the other alternatives." (SEIS at x). In the study's summary, Table S-2 reveals that alternative 2, backed by the snowmobile industry would spew three times more carbon monoxide and seven times more hydrocarbons into the air of Yellowstone and Grand

Teton National Parks than snowcoach access would produce.

4. Human Health and Safety
The SEIS is clear that upholding the snowcoach alternative "would achieve the greatest improvement relative to the existing condition…With the fewest numbers and types of vehicles operating at speeds and schedules that minimize risk of incident", a snowcoach system is safer than continued snowmobile use. Upholding the snowcoach decision would also "produce the lowest emissions levels." (SEIS at xi). With rangers wearing respirators, and visitors breathing the same unhealthy air, the SEIS outlines a clear choice for the administration.

5. Visitor Experience
The SEIS shows that "impacts on the natural soundscape, the viewing of wildlife, clean air, and other experiential factors" are remedies to the greatest extent by a snowcoach decision. Upholding the original decision would also "represent an incentive to visit for other potential visitors who have been displaced in the past or who do not visit because of the existing condition." (SEIS at xii). The only drawback of the snowcoach system for visitors identified in the SEIS is to those visitors whose enjoyment of the park "is based fundamentally on access by snowmobile". The presence of absence of the other factors listed above that are valued highly by the majority of park visitors is of little consequence to those visitors.

In conclusion, the Park Service determined, through the original three- year process, that national parks cannot wait for improved technology and that, furthermore, improved technology does not address the range of issues NPS must in managing national parks. In Yellowstone and Grand Teton National Parks, this range of issues extends far beyond air quality and soundscapes to wildlife, visitor enjoyment, employee and visitor health and safety, road conditions and park values.

The SEIS, causing a 16 month delay in protecting Yellowstone and costing taxpayers $2.4 million, arrives at the same determination: a phase out of snowmobiles is needed to protect park resources and values and provide a high quality visitor experience. A failure by the administration to follow through on the SEIS determination and uphold the rule to protect Yellowstone from snowmobile damage would be based solely on a desire to satisfy the snowmobile industry. Such a decision to allow continued degradation of Yellowstone and Grand Teton National Parks would be at odds with national park law, regulation and policy, a large body of science, and an extensive public process.

In the meantime, an eminently feasible snowcoach plan sits on the books with an implementation plan thoughtfully laid out by the Park Service two years ago. The Park Service and the Department of Interior have the opportunity to move forward with plans to create a successful winter snowcoach transit system in Yellowstone by working with local communities to transition economies and purchase additional vehicles.

Sadly, little energy or resources have been expended to implement the existing decision, which is still legally in force. That decision will hold if continued snowmobile use is found again to adversely impact resources. The delay in moving forward with implementation measures will be translated in to a further delay for protection of the parks, if the phase out is put off for even longer.

Conclusions: The Pivotal Role of Congress in Protecting Yellowstone

This past September, 102 Members of the House of Representative sent a bipartisan letter to President George Bush urging him to implement the decision of Park Service professionals and phase out snowmobile use from Yellowstone and Grand Teton national parks.

The letter states in part that, *"In the EIS, the Park Service has already analyzed whether the development of new snowmobile technology would allow compliance with the laws and regulations governing snowmobile use in the parks, The Service concluded it would not. Even less polluting and less noisy snowmobiles would still cause unacceptable air and noise pollution in the parks….We urge you to stay the course that gives Yellowstone and Grand Teton the protection they deserve and need as two of America's most special places."*

Last May, Chairman Lieberman was joined by colleagues in asking the president to *"adopt a new vision for Yellowstone National Park."* The Senators expressed hope that 130 years after its creation, *"Yellowstone can again lead the world in developing a transportation system that protects park resources while providing access and enjoyment for visitors…This vision for the future of Yellowstone would eliminate the serious impacts from tens of thousands of individual snowmobiles entering the park, while simultaneously providing all visitors with the opportunity to enjoy the park in multiple ways."*

The Senators concluded by stating that *"We believe that protection of our national parks is a bipartisan issue on which all Americans can agree."*

We join with you in being hopeful that all Americans and our government will agree that protection of Yellowstone National Park must not be undermined to satisfy short-sighted industry interests. Our National Parks were not created in order to serve as national playgrounds, available for any and all uses. They were created to preserve "nature as it exists" (H. Rep. No. 700, 64th Cong., 1st Sess. 3 (1916)), affording Americans and people worldwide the unparalleled opportunity to see, hear and experience these national treasures in as natural a state as possible. There are more than enough areas, both on and off federal land, where snowmobiling can continue. But our unique and irreplaceable national parks should not be among those areas. Therefore, we urge this Committee to support the Park Service's endeavors to protect the unique resources and visitor experiences of Yellowstone and Grand Teton National Parks.

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