

failed to give legally mandated consideration to all of the alternatives, made political decisions outside the public process, and, contradictory to evidence and data, failed to give the public appropriate notice and participation, failed to adequately consider and use the proposals and expertise of the cooperating agencies, failed to properly interpret and implement the parks' purpose, discriminated against disabled visitors, and improperly adopted implementing regulations. A procedural settlement was reached on June 29, 2001, under which, NPS prepared a Supplemental Environmental Impact Statement (SEIS). In accordance with the settlement, the SEIS incorporated "any significant new or additional information or data submitted with respect to a winter use plan." Additionally, the NPS provided the opportunity for additional public participation in furtherance of the purposes of NEPA. A Notice of Intent to prepare a Supplemental Environmental Impact Statement was published in the **Federal Register** on July 27, 2001 (66 FR 39197).

A draft SEIS was published on March 29, 2002, and distributed to interested and affected parties. NPS accepted public comments on the draft for 60 days, and 357,405 pieces of correspondence were received. The draft SEIS examined four additional alternatives: Two alternatives to allow some form of snowmobile access to continue; a no-action alternative, which would implement the November 2000 ROD; and another alternative which would implement the no-action alternative one year later to allow additional time for phasing in snowcoach-only travel. The SEIS focused its analysis only on the issues relevant to allowing recreational snowmobile and snowcoach use in the parks. These impact topics included: Air quality and air quality related values, employee health and safety, natural soundscapes, public health and safety, socioeconomics, wildlife—bison and elk, and visitor experience. The SEIS did not include re-evaluating the decision to ban snowplane use on Jackson Lake because this had not been an issue in the lawsuit, and was not an aspect of the resulting settlement.

On November 18, 2002, the NPS published a final rule (67 FR 69473) based on the FEIS, which generally postponed for one year implementation of the phase-out of snowmobiles in the parks under the January 2001 regulation. This rule allowed for additional time to plan and implement the NPS-managed mass-transit, snowcoach-only system outlined in the

FEIS as well as time for completion of the SEIS. The rule delayed the implementation of the daily entry limits on snowmobiles until the winter of 2003–2004 and the complete prohibition on snowmobiles until 2004–2005. The transitional requirement under the 2001 regulation that snowmobile parties use an NPS-permitted guide was also delayed until the 2003–2004 winter use season.

Other provisions under the January 2001 regulation concerning licensing requirements, limits on hours of operation, and the ban on snowplane use remained effective for the winter use season of 2002–2003.

The Notice of Availability for the final SEIS was published on February 24, 2003 (68 FR 8618). The final SEIS included a new alternative, alternative 4, consisting of elements which fell within the scope of the analyses contained in the Draft SEIS and which was identified as the preferred alternative. In addition, the final SEIS included changes to the alternatives, changes in modeling assumptions and analysis, and it incorporated additional new information. Intermountain Regional Director Karen Wade signed a Record of Decision for the SEIS, which became effective on March 25, 2003. The ROD selected Final SEIS alternative 4 for implementation, and it enumerated additional modifications to that alternative. The final SEIS and ROD found that implementation of final SEIS alternatives 1a, 1b, 3, or 4 would not be likely to impair park resources or values resulting from motorized oversnow recreation. Promulgation of the regulations proposed in this rule is necessary to implement the March 25, 2003, ROD. Absent the promulgation of such new regulations, the existing regulations reducing the numbers of snowmobiles that may be used in the parks during the winter of 2003–2004, but without air and sound requirements, will continue to apply.

#### **Park Resource Issues**

As disclosed in the FEIS and SEIS, the NPS is concerned about impacts to park resources and values resulting from the use of motorized oversnow vehicles, including both snowcoaches and snowmobiles. These impacts are summarized below. Additional information is available in the SEIS and FEIS, available online at: <http://www.nps.gov/grte/winteruse/intro.htm> and <http://www.nps.gov/yell/technical/planning/winteruse/plan/index.htm> respectively.

#### *Air Quality and Air Quality Related Values*

Over the past 10 years, increases in the number of visitors using snowmobiles in YNP and GTNP have intensified concerns regarding localized air pollution and its effects on the health of park employees, visitors, and operators and riders of snowmobiles. Although NPS has not documented violations of federal or state ambient air quality standards, these standards have been approached, especially on days when atmospheric conditions produce little air movement. In both cases the NPS is relying on EPA approved methodologies and equipment for carbon monoxide testing at a station operated by the State of Montana and located near the West Entrance to Yellowstone. Two-stroke snowmobile engines typically produce relatively high amounts of carbon monoxide, particulate matter, and volatile organic compounds. New commercially available snowmobile engine technology, especially certain four-stroke snowmobiles, reduce carbon monoxide emissions by as much as 85% and hydrocarbons by 95–98%, relative to the EPA's baseline assumptions about current average two-stroke snowmobile emissions.

#### *Employee and Visitor Health and Safety*

Both parks employees and visitors are at times exposed to the hazards of loud sounds, exhaust emissions, and naturally occurring avalanches. Significant levels of carbon monoxide, particulate matter, and other toxic air pollutants have been found near the West Entrance to YNP. Complaints of nausea, dizziness, headaches, sore throats, eye irritation, light-headedness, and lethargy are frequent among employees who work at the West Entrance and others who work within heavily used travel corridors. We have involved OSHA in a partnership with the NPS to help us proactively mitigate concerns about employee health and safety. Through this partnership, OSHA measured exposures in several workplace environments in February 2000, finding high levels of noise, carbon monoxide, benzene, formaldehyde, and severe vibration to employees riding snowmobiles during the performance of their work duties. In addition, OSHA found that an employee working primarily outside the fee kiosk at the West Entrance was over-exposed to noise due to snowmobiles, and that a ranger conducting a normal snowmobile patrol operations was over-exposed to noise at a level of 93 decibels. To address these issues in part,