

snowmobile technology with respect to air and sound emissions, the NPS may consider adjusting these limits to reflect the best available technology. Based on technology improvements in the past few years, NPS expects that snowmobile technology will continue to improve, further reducing air and sound emissions. However, if technology worsens, the daily entry limits could be further restricted to protect park resources and values.

The NPS is interested in obtaining public comments on the issue of specifically how compliance with BAT should be determined, and what procedures NPS would use. For instance, we have preliminarily identified at least two methods that we could use to determine if snowmobiles are BAT-compliant. One method would be to average the manufacturer's Official Test Results (OTR). These tests are preformed by manufacturers in order to comply with EPA's snowmobile regulations (67 FR 68241), and reflect the actual emissions of snowmobiles. Another method would be to use the average Family Emissions Limit (FEL), which are the emissions limits that manufacturers certify to EPA for a specific engine class of snowmobiles. FELs will likely be set somewhat higher (*i.e.*, to allow for more emissions) than OTRs to account for variances in production and insure that individual snowmobiles do not exceed the FELs.

The restrictions on air and sound emissions proposed in this rule is not a restriction on what manufacturers may produce but an end-use restriction on which commercially produced snowmobiles and snowcoaches may be used in the parks. The NPS Organic Act (16 U.S.C. 1) authorizes the Secretary of the Interior to "promote and regulate" the use of national parks "by such means and measures as conform to the fundamental purpose of said parks

* * * which purpose is to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Further, the Secretary is expressly authorized by 16 U.S.C. § 3 to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks * * *." This exercise of the NPS Organic Act authority is not an effort by the NPS to regulate manufacturers and is consistent with Sec. 310 of the Clean Air Act.

Since 2001, Yellowstone and Grand Teton National Parks have been converting their own administrative

fleet of snowmobiles to four-stroke machines. These machines have proven successful in use throughout the parks. NPS intends to continue to purchase these snowmobiles for most administrative uses. However, we recognize that some administrative applications, such as off-trail boundary patrols outside the park in deep powder, towing heavy equipment or disabled sleds, or law enforcement uses may require additional power beyond that supplied by existing 4-stroke snowmobiles. In these limited cases, NPS may use snowmobiles that exceed BAT requirements proposed in this rule.

Use of Trained Guides

To mitigate impacts to wildlife and visitor and employee safety, all recreational snowmobiles operated in Yellowstone National Park must be accompanied by a trained guide. During the development of the SEIS and the ROD, the NPS was requested to develop an alternative to commercially guided snowmobiles. As a result we are proposing that eighty percent of the authorized daily snowmobile entries through each entrance be allocated to commercially guided tours under concessions contracts similar to those currently operating in the parks. The remaining twenty percent of daily authorized snowmobile entries will be available for non-commercially guided trips that require a trained member of the group to be authorized by NPS to lead a group of snowmobilers. The NPS has set the current 80:20 ratio to allow the public an opportunity to visit the park at their own pace through private groups. This initial ratio is based on an NPS expectation of success in mitigating wildlife impacts through a variety of guiding alternatives. The NPS will analyze how well the non-commercial guide program works to minimize impacts on wildlife and enhance visitor safety, and through the adaptive management process may revise this ratio in future years.

Beginning with the winter season of 2003–2004, eighty percent of daily snowmobile entries through each Yellowstone entrance must be accompanied by a commercial guide. In order to provide adequate time for the development and implementation of the non-commercial guiding program, for the winter 2003–2004 only, non-commercial guides will not be required; however, private snowmobile parties will be required to travel in groups. Beginning with the winter season of 2004–2005, all snowmobiles in YNP must be accompanied by a guide, either through a concession or by an authorized non-commercial guide.

In Grand Teton and the Parkway, all snowmobile parties traveling north from Flagg Ranch must be accompanied by a guide, with the same phase-in as described above for YNP. All other snowmobilers in Grand Teton and the Parkway do not have to be accompanied by a guide. Thus, in the winter of 2003–2004, eighty percent of the authorized entries via the South Gate at YNP are allocated to commercially guided parties, and twenty percent to individuals without guides. The use of guides in Grand Teton and the Parkway is not otherwise required due to the low volume of use, the conditions for access to Jackson Lake for winter fishing, the through road characteristics of the CDST, as well as the inter-agency jurisdiction on the Grassy Lake Road.

Under the adaptive management framework, requirements for use of guides, including the commercial to non-commercial guide ratio, could be adjusted annually to protect park resources and values, including air quality, natural soundscapes, wildlife, visitor experience, and employee health and visitor safety.

Non-commercial guides will be required to successfully complete a training program approved by NPS that would address park rules, safety considerations, and appropriate actions to minimize impacts to wildlife and other park resources. The NPS has not fully developed the training course but will be working with private groups to develop a curriculum and make the training widely available to the public through private businesses by the winter of 2004–2005. The NPS will require individuals seeking a non-commercial guide certification to successfully complete the training course. The training provider will need to define "successfully" in order to ensure that the attendee has met the NPS objectives of the course.

Members of non-commercial guide parties may not compensate anyone, either directly or indirectly, for non-commercial guiding services. The NPS intends that the provision for non-commercial guides is to accommodate requests that the public have alternatives to using commercial guiding services, and thus no business transaction of any kind may take place in association with non-commercial guiding services. For example, a non-commercial guide may not provide a guiding service to someone in exchange for his or her employer receiving compensation in order to classify the activity as a non-commercial guiding service.

Commercial guides are also educated in safety, interpretive skills, and