

which the expected effects of the final rule would be monetized. The quantitative benefit-cost analysis will draw on data gathered from a survey of winter visitors to Yellowstone and Grand Teton National Parks conducted during the 2002–2003 winter season. A draft report on the survey will be released in conjunction with the draft benefit-cost analysis issued in support of the proposed rulemaking. Selected preliminary results from the survey were used to inform the draft benefit-cost analysis. The final report on the winter visitor survey will be released in conjunction with the quantitative benefit-cost analysis of the final rule. For the purposes of this benefit-cost analysis, Alternative 1b, as implemented by the 2002 “delay rule”, represents the baseline against which other alternatives are compared. Under this baseline, most snowmobile use would be prohibited in the parks as of the winter of 2004–2005, with restrictions on snowmobile use phased in during the winter of 2003–2004. Alternatives 2, 3, and 4, as discussed in the FSEIS, allow for continued recreational snowmobile use subject to daily limits on the number of snowmobiles that can enter the parks. This rulemaking proposes to promulgate alternative 4, with a few modifications.

The primary beneficiaries of Alternatives 2, 3, and 4 are the park visitors who ride snowmobiles in the park and the businesses that serve them. Benefits accruing to individual visitors are called consumer surplus gains and those accruing to businesses are called producer surplus gains. Consumer surplus measures the net economic benefit obtained by individuals from participating in their chosen activities, while producer surplus measures the net economic benefit obtained by businesses from providing services to individuals. Overall, Alternative 2 should provide greater consumer surplus benefits to snowmobile riders than Alternatives 3 and 4, since it is less restrictive with respect to entry limits, snowmobile emission standards, and guiding requirements. As with the benefits described above, the costs of any alternative are measured relative to the baseline conditions. The primary group that would incur costs under Alternatives 2, 3, and 4 would be the park visitors who do not ride snowmobiles and the businesses that provide services to these visitors, as well as members of the general public who place a value on protecting park resources from the negative externalities associated with snowmobile use. Out of the set of alternatives that allow for

continued snowmobile access to the parks, Alternative 3 is expected to impose the lowest costs on non-snowmobile users who are adversely affected by snowmobile use because of the lower daily limits, stricter emission limits and guided tour requirement relative to Alternatives 2 and 4. Alternative 4 is expected to impose only slightly higher costs on non-snowmobile users than Alternative 3, with the biggest difference between Alternatives 3 and 4 coming from the higher daily use limits under Alternative 4.

Balancing the benefits and the costs presented in this section, Alternative 4, as proposed in this rulemaking, provides for increased consumer surplus for snowmobile riders while containing provisions that should help mitigate the costs imposed on those visitors who are affected by the negative externalities imposed by snowmobiles.

Compliance With Other Laws

Regulatory Planning and Review (Executive Order 12866)

This document is a significant rule and has been reviewed by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. These conclusions are based on the analysis contained in the Final SEIS and a report we commissioned on the economic impact of this regulation, “Proposed Regulations on Snowmobile Riding in the Greater Yellowstone Area,” MACTEC Engineering and Consulting, August 2003.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. Implementing actions under this rule will not interfere with plans by other agencies or local government plans, policies, or controls since this is an agency specific change.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. It only affects the use of over-snow machines within specific national parks. No grants or other forms of monetary supplement are involved.

(4) This rule may raise novel legal or policy issues. The issue has generated local as well as national interest on the subject in the Greater Yellowstone Area. The NPS received nearly 360,000 public comment letters on the draft SEIS.

Additionally, this is only the second NPS regulation to use an adaptive management strategy for managing visitor use levels. That concept, coupled with new provisions for Best Available Technology engine requirements, make this proposed rule unique to the NPS.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the reports entitled “Winter 2002–2003 Visitor Survey: Yellowstone and Grand Teton National Parks” (MACTEC Engineering and Consulting, Inc. August 2003) and “Proposed Regulations on Snowmobile Riding in the Greater Yellowstone Area” (MACTEC Engineering and Consulting, Inc. August 2003). These reports are available in their draft form on the Yellowstone website. Final versions of these reports will be available upon publication of the final rule.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of \$100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rulemaking has no effect on methods of manufacturing or production and specifically affects the Wyoming region, not national or U.S. based enterprises.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments.

Takings (Executive Order 12630)

In accordance with Executive Order 12630, the rule does not have significant