

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. In the ROD she stated: “[that there is] broad discretion afforded under the applicable laws and policies to the Service in the operation of these units” \* \* \* [T]here is no single decision mandated by these laws and policies. This is reflected in my ROD from November 2000 \* \* \* and the decision I made herein today \* \* \*.” The Regional Director selected Final SEIS alternative 4 for implementation, and enumerated specific modifications to that alternative. The Final SEIS and ROD each concluded 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 this rule is necessary to implement the March 25, 2003, ROD. Absent the promulgation of these new regulations, the existing regulations which reduce the numbers of snowmobiles that may be used in the parks during the winter of 2003–2004, but without air and sound emissions requirements, will continue to apply. A detailed description of the background of this regulation is contained in the proposed regulation.

#### Summary of and Responses to Comments

The NPS published a proposed rule on August 27, 2003 (68 FR 51526) and took comment for 49 days. The NPS received 104,802 documents commenting on the proposed rule, including 90,624 in electronic form, 12,584 in hard copy, and 1,594 in other formats. The comments were categorized into one of four possible positions on the proposed regulations: (1) *Pro Rule*—the commentator generally supports the proposed rule; (2) *Anti Rule, Too Strong*—commentator generally objects to the proposed rule because it places too much of a burden on snowmobilers; (3) *Anti Rule, Weak*—commentator generally objects to the proposed rule because it does not adequately protect park resources due to the presence of snowmobiles; (4) *Unclear*—general position concerning the proposed rule is unclear.

Approximately 91% of all commentators believed the proposed regulation does not adequately protect park resources due to the presence of snowmobiles. These commentators

generally believe that the National Park Service should not implement this proposed rule and instead allow the current regulations to take effect, which would eliminate snowmobiles in favor of mass transit snowcoaches. About 8% of all commentators generally supported the proposed regulation, arguing that the NPS has correctly balanced visitor use with preserving park resources. Nearly 2% of commentators offered comments within the scope of the rulemaking, but they were generally unclear as to their position. Less than 1% of commentators generally believed the rule imposed too great of a burden on snowmobilers due to the restrictions associated with the regulation.

The following is a summary of substantive comments on the proposed rule and our responses to them.

#### Snowmobile BAT

*Issue:* Many commentators raised concerns that 2004 snowmobile models are more polluting than 2002 model-year machines, despite the NPS’ expectations that snowmobile technology will continue to improve. They asserted that the snowmobile industry cannot be relied upon to provide innovative clean and quiet machines in a market that seeks faster and more powerful snowmobiles.

*NPS Response:* NPS analysis indicates that some snowmobiles’ emissions in the 2004 model year have increased slightly since the 2002 model year. 2004 snowmobile models that have been certified as Best Available Technology (BAT) have slightly increased carbon monoxide emissions, relative to the tests on the 2002 models. This is likely due to an increase in horsepower. For hydrocarbon emissions, one manufacturer has slightly decreased emissions since 2002, but another manufacturer has slightly increased emissions. This increase is likely the result of the 2002 snowmobile being a prototype machine, which was significantly altered. In any event, these snowmobiles are still better than the BAT requirement of 90% reduction of hydrocarbons and 70% reduction of carbon monoxide. Sound emissions have been relatively level between 2002–2004 model years. The BAT requirements of this rule may encourage a niche market for a handful of snowmobile models. This may also provide incentives for some manufacturers to design snowmobiles that are cleaner and quieter than our BAT requirements, as future adaptive management decisions will be based in part on noise and air emissions.

*Issue:* The rule does not recognize permeation emissions from snowmobile

fuel systems. Permeation losses from snowmobiles stand to be a source of significant air pollution under the current rule, yet there is no proposed means for testing or regulating this form of pollution.

*NPS Response:* We agree that permeation emissions could be a source of pollution in the parks. However, the EPA has promulgated regulations that will govern permeation emissions from snowmobile tanks. This is primarily a summer issue when temperatures are higher (as the report cited by the commentator indicates). We feel it is more appropriate to rely on these regulations for controlling permeation emissions. We will monitor air quality in the parks, and continue to evaluate this issue. Should we detect that permeation emissions lead to unacceptable air quality impacts, we will take action under the adaptive management provisions of this regulation.

*Issue:* Several individuals believe the rule should require that snowmobiles produce the same emissions per passenger as snowcoaches. They recommended that snowmobiles would have to emit, at most, one-sixth the amount of pollution and noise as the cleanest and quietest snowcoaches.

*NPS Response:* We are trying to provide a range of appropriate activities in the parks, while protecting park resources and values. Use of snowcoaches has definite emissions benefits, relative to snowmobiles, because of their overall lower emissions and their ability to carry as many as seven times the number of passengers. However, we believe it is more appropriate to require that all snowmobiles in the park utilize BAT, which is demonstrably cleaner and quieter than conventional snowmobiles and allows for a range of activities in a manner that ensures protection of park resources and values.

*Issue:* One commentator recommended including a new section requiring BAT-certified snowmobiles to be visually marked with a sticker or stamp demonstrating BAT compliance. Another commentator questioned how NPS will ensure that each snowmobile has not been modified by the owner in such a way that would increase emissions.

*NPS Response:* Entrance station personnel will be given information to identify BAT compliant snowmobiles. The requirements that 80 percent of all snowmobilers be accompanied by commercial guides operating under a concessions contract will also provide further assurances that BAT snowmobiles are used. Further, snowmobile engines will already be