

partially off-site (*i.e.*, through the mail or Internet). Details of the implementation of this program are outside the scope of this regulation. NPS agrees that elements of this regulation, including the non-commercial guiding program, will likely require at least two seasons of monitoring to determine their effectiveness before changes are made.

*Issue:* If some of the daily commercially guided entries are not fully utilized on a given day, they should be re-allocated for non-commercially guided use. The reverse should also be true.

*NPS Response:* Guiding requirements are in place primarily to protect wildlife and visitor health and safety. Professional, commercial guides typically have greater snowmobiling expertise than non-commercial guides. Therefore, this final rule caps the number of non-commercial guides at 20 percent of the daily entries in Yellowstone, and we will not allow unused commercially guided entries to be re-allocated to non-commercial entries. In addition, it would be impractical at this time to fairly reallocate unused non-commercial entries to commercial guides given the number of concessionaires that we may potentially have operating in the parks. Further, this potentially would prevent visitors from obtaining same-day non-commercially guided reservations. Through adaptive management, however, these details could be changed to enhance visitor experience or protect park resources.

*Issue:* One commentor asserted that stretching a group of 10 snowmobiles over  $\frac{1}{3}$  mile (about 160 feet between snowmobiles) is very difficult to monitor. They suggested requiring each snowmobiler to keep a distance of 75–100 feet between machines.

*NPS Response:* This comment is consistent with the regulation. Outfitters may suggest or require clients to keep a distance of 75–100 feet between machines as appropriate, as long as all the group members stay within a maximum distance of  $\frac{1}{3}$  mile of the first snowmobile in the group. We want to insure that snowmobilers maintain a safe following distance and that guides have suitable control over (and actually accompany) their parties. The  $\frac{1}{3}$  mile requirement provides both.

*Issue:* A commentor said NPS should allow commercial guides to operate on the CDST and Jackson Lake and should offer a prospectus for commercial guiding purposes.

*NPS Response:* The issue of whether or not the NPS should offer a prospectus for commercial guiding operations on the CDST is outside the scope of this

rule. However, the rule does not prohibit commercial guiding on the CDST or Jackson Lake, and the Superintendent of Grand Teton National Park could issue a prospectus for such commercial activities.

#### Licensing, Registration

*Issue:* Several commentors did not agree with the requirement that only people with valid driver's licenses be allowed to operate a snowmobile in the parks. There is no evidence that children with a learner's permit cause problems driving snowmobiles.

*NPS Response:* In ordinary circumstances with automobiles, individuals possessing learner's permits are required to be accompanied by a fully licensed driver. Learner's permits are intended to allow student drivers the opportunity to safely learn positive driving habits while in the presence of an adult. However, operation of snowmobiles in Yellowstone is a totally different environment. Even if an adult was a passenger on the same sled as the learner it is very difficult if not impossible to communicate with the driver over the noise of the snowmobile. Most riders wear helmets and many wear ear plugs. In fact, past experience is that children with learner's permits often will ride on a sled by themselves, with adults on other snowmobiles that would be out of earshot and potentially out of sight. The park and visitors will be safer by requiring that all snowmobile operators have driver's licenses.

*Issue:* The proposed rule requires that snowmobilers display a State registration sticker from any State in the U.S. This is a change from existing language. What registration is acceptable for Canadian visitors?

*NPS Response:* We have updated the final regulations to allow visitors to operate snowmobiles registered in Canada in the parks. Otherwise these regulations clarify prior regulations concerning registration.

#### Entry Passes

*Issue:* Many commentors said that only allowing one snowmobile to enter the park with an annual pass discriminates against families.

*NPS Response:* No provision in this final regulation affects this issue, as it is contained in 36 CFR Part 71. NPS is attempting to clarify, not change, existing regulation with regard to entrance passes. The intent in the passes is to admit for free or at a reduced rate, only those persons occupying the same motor vehicle as the pass holder. In the case of snowmobiles, we are allowing the rider of the snowmobile with the

pass holder, and the pass holder's immediate family, to enter at the fee rate of the pass holder. Thus, several snowmobiles could qualify for entry under the pass holder's fee rate, so long as it was immediate family only (spouse, parents, and children under the age of 21).

#### Side Roads

*Issue:* Many commentors required that NPS re-open the Firehole Canyon Drive, North Canyon Rim Drive, and Riverside Drive to snowmobile use.

*NPS Response:* NPS believes it to be important to allow for some spatial separation of use and user groups. The side roads will be open to snowcoach riders, skiers, and snowshoers to offer areas of increased quiet and solitude. These road segments amount to approximately 14 miles, while there are still over 180 miles of park roads open to both snowmobile and snowcoach use. In addition, there are thousands of miles of snowmobile trails outside the parks, none of which are open to snowcoaches.

#### Reservations

*Issue:* Several commentors said the reservation fee is too expensive.

*NPS Response:* This issue is beyond the scope of this regulation. However, NPS is working to keep fees reasonable and recover only the costs of administering the reservation system.

*Issue:* Several commentors stated that people obtaining an entrance reservation under the 20 percent of non-commercially guided daily snowmobile entries should not be allowed to re-sell their entrance reservations for profit, *i.e.*, "scalping" should not be allowed.

*NPS Response:* NPS agrees with these comments. The passes are not transferable without NPS authorization, and the Superintendent will determine procedures for transfer and publicize them appropriately. Passes that have been transferred without prior authorization are invalid.

*Issue:* It should be illegal for individuals or groups to purchase snowmobile entrance reservations without the intent to use them.

*NPS Response:* It would be difficult if not impossible to know if individuals intended to actually use their snowmobile entrance reservations. Further, we have no evidence to date to indicate that this is a problem. Therefore, we are not attempting to regulate this issue through this final rule, but we will address it in the future if needed.

#### Alcohol Restrictions

*Issue:* Several commentors noted that the policy of preventing anyone who