

has ever received a DUI from being a guide is discriminatory. It would be impossible for concessionaires to know if one of their guides had ever received a DUI and could create undue liability for these concessionaires. In addition, people should not be penalized for mistakes made far in their past. This would also be difficult to enforce and manage.

*NPS Response:* We have eliminated this stipulation from these regulations.

*Issue:* One commentor said the term snowcoach "operator" is unclear in the regulation as it pertains to alcohol restrictions for individuals driving a snowcoach, as concessionaires are sometimes referred to as "operators." Concessionaires should not lose their licenses to operate in the parks because of an infraction by an employee, which this language implies. They suggested that NPS change the language to snowcoach "driver."

*NPS Response:* We have made this change in the regulatory text.

*Issue:* The Blood Alcohol Content (BAC) requirements for guides should parallel the requirements for commercial drivers. Federal and State rules pertaining to BAC threshold for someone with a Commercial Drivers License (CDL) is .04. If .04 is appropriate for someone with a CDL (semi trucks over 26,000 pounds, buses, etc.), then .02 seems to be an unreasonable standard for a snowmobile guide or coach operator when compared to vehicles being operated by bus or truck drivers.

*NPS Response:* The NPS agrees and we have changed the BAC maximum for guides to be .04 grams of alcohol per 100 ml of blood or .04 grams of alcohol per 210 liters of breath.

#### **Cross Country Skiing, Etc.**

*Issue:* One commentor questioned the validity of the assertion that 20% of the winter visitors use cross country skis.

*NPS Response:* As discussed on page 135 of the final SEIS, visitor surveys indicate that 20% of visitors participate in cross country skiing while visiting Yellowstone, although they may enter the park by other means, including snowmobile, snowcoach, or automobile.

*Issue:* One commentor stated that the NPS should promote human-powered activities in winter, such as skiing and snowshoeing, in order to satisfy the June 20, 2002, Executive Order signed by President Bush to promote personal fitness, and not allow snowmobiling.

*NPS Response:* The management of the parks in winter provides ample opportunity for people to pursue physical fitness goals by skiing or snowshoeing. The parks groom ski

trails, lead snowshoe walks, and there are hundreds of miles of ungroomed trails available for visitors. Grand Teton National Park's Inner Park Road was also closed in 2002–2003 to snowmobiles and is now groomed for cross country skiing.

#### **Natural Soundscapes Issues**

*Issue:* To protect natural soundscapes, one commentor suggested concentrating the departure times from motorized tour groups, so there are significant periods during each day when visitors are likely to be free of noise impacts.

*NPS Response:* This could be considered under adaptive management if necessary and if evidence indicated it would be effective in improving the natural soundscape. This action would do little to protect the natural soundscape for visitors riding snowmobiles if they were part of a group that was departing at a concentrated time with many other snowmobile groups. However, as the commentor notes, it could result in more periods of quiet for visitors seeking a non-motorized experience.

*Issue:* Getting away from crowds, peace and tranquility, and quiet are perhaps expectations that cannot be totally met with a destination as popular as Yellowstone. NPS is not obligated to ensure the existence of natural soundscapes along and proximate to road systems.

*NPS Response:* The NPS is required by law to protect the values of Yellowstone National Park, which include these attributes. These are among the fundamental purposes for the existence of the parks. The natural soundscapes are one of the intrinsic elements of the environment that are associated both with the purpose of the parks and with their natural ecological functioning. The soundscape is an inherent component of the "scenery and the natural and historic objects and the wildlife" protected by the NPS Organic Act. The NPS policy is to facilitate, to the fullest extent practicable, the protection, maintenance, or restoration of the natural soundscape in a condition unimpaired by inappropriate noise sources. Visitors seeking wilderness-dependent experiences have expectations for natural quiet. Visitors viewing wildlife or scenery along park roads also have an expectation for natural quiet that must be accommodated, although perhaps to a lesser degree than visitors in the backcountry. The adaptive management thresholds identified in Table 12 of the SEIS and Appendix A of the ROD recognize these distinctions by instituting different thresholds for

different zones. We will be monitoring the soundscape conditions along park roads and in the backcountry to ensure the desired conditions and thresholds identified in the SEIS are being achieved.

#### **Snowcoaches**

*Issue:* Several commentors stated that snowcoaches must offset any declines in total snowmobile use.

*NPS Response:* NPS agrees that snowcoaches are a critical part of the winter experience and may increase opportunities for access to the parks in winter. We are working to develop a new generation snowcoach, which will substantially improve touring in the parks.

#### **Laws, Policies, Executive Orders**

*Issue:* Many commentors believe the rule is inconsistent with the NPS Organic Act, the General Authorities Act as amended by the Redwood Act, the Clean Air Act, the NPS general snowmobiling regulations (36 CFR 2.18), executive orders, NPS Management Policies, and OSHA regulations to protect employee and visitor health.

*NPS Response:* The NPS disagrees. This rule will protect park resources and values in an unimpaired condition through adaptive management, daily entry limits, guiding, and BAT requirements. This regulation reflects the NPS' commitment to: provide protection of park resources and values; allowing appropriate levels of visitor use, while recognizing that winter in the parks is a unique experience; and work closely and cooperatively with gateway communities. The NPS believes there is no single decision mandated by the laws and policies governing the national parks, and that these laws and policies provide broad discretion to the NPS in the operation of the parks. Requirements for BAT and snowmobile daily entry limits will substantially improve air quality conditions relative to the current situation of unregulated snowmobile use. This rule will protect public health by establishing air and sound emissions requirements, daily entry limits, and requirements for guides. Finally, the provisions for adaptive management will allow park managers to make adjustments in winter operations to protect park resources and values.

#### **Consistency With Other Regulations**

*Issue:* Some letters stated that the NPS has exempted snowmobiling in the parks from 36 CFR 2.18 through the proposed regulation. They stated that this provision, among other things, prohibits snowmobiling in national