

parks except where designated and only when their use is consistent with the park's natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources. The routes designated by this rule are not subject to 36 CFR 2.18(c), and hence exempt from disturbing wildlife. However, new routes would be subject to the language in 36 CFR 2.18(c). This can only be interpreted as an admonition by NPS that snowmobiling cannot coexist in Yellowstone without causing disturbance to wildlife. The NPS should retain the prohibition of wildlife disturbance by snowmobiles in the final rule.

NPS Response: The intent of the proposed rule was to incorporate the appropriate language of 2.18 (including 2.18(c)), and have all the applicable snowmobile regulations in one location. We have clarified the rule to insure the language in question applies to both existing and proposed oversnow routes. Specifically, this regulation no longer supercedes 36 CFR 2.18(c).

Road Grooming

Issue: The proposed rule fails to address road packing and grooming. Habitat degradation may be occurring in conjunction with the changes in bison numbers and distribution. The proposed rule will do nothing to alleviate the ecosystem change generated by changes in bison distribution and numbers.

NPS Response: This rule allows for the Superintendent to take management action should unacceptable impacts to park resources and values, including wildlife, occur. Currently, the NPS believes the evidence of whether or not road grooming is affecting bison distribution and abundance is inconclusive. Thus taking dramatic actions, such as ceasing grooming, appears unwarranted based on the evidence currently available.

Economics

Issue: Several commentors stated that the economic impact of the proposed rule is going to be devastating. Another commentor believed the 2002–2003 visitor survey was flawed because it did not adequately represent a sample of visitors entering through the West Entrance.

NPS Response: An economic impact analysis has been prepared in support of this rulemaking. It found that there will be negligible impacts on the economies surrounding the parks. Further details are contained in this report, which is available at www.nps.gov/yell. The study used statistically valid sampling

to arrive at its conclusions. This means that only a certain number of visitors at each entrance were surveyed, based on the percent of total visitors that enter through each entrance.

Issue: Banning snowmobiles in Yellowstone will result in a more diverse, sustainable economy for West Yellowstone and attract new winter visitors, especially since snowmobiling is allowed on the adjacent national forest lands.

NPS Response: This rule allows the gateway communities opportunities to benefit economically, as would almost any alternative which maintains winter-time visitation. The purpose for implementing this rule is not related directly to diversifying local economies, however.

Issue: This rule places a tremendous administrative burden on the staffs of the parks, due to the reservation system, monitoring, guiding requirements, etc.

NPS Response: NPS recognizes that there are often substantial costs associated with properly operating and maintaining national parks and will strive to effectively manage these costs.

Consistency With the SEIS and EIS

Issue: Many commentors stated the proposed rule runs counter to the conclusions of the FSEIS.

NPS Response: This regulation is based on the Final SEIS and ROD and is necessary to implement these documents. The NPS believes this rule is consistent with the Final SEIS and ROD, as these documents concluded that park resources will be protected in an unimpaired condition through adaptive management and requirements related to the daily entry limits, guiding, and BAT. Specifically, conclusions regarding impairment are on pages 242–246 of the Final SEIS.

Issue: In the 2001 rule phasing-out snowmobile use, the NPS considered “strict limitations” to mean caps so stringent they would result in “drastically reducing” visitation. In contrast, the 2003 ROD does not anticipate reduced visitation.

NPS Response: This regulation substantially reduces peak-day use of snowmobiles and imposes several types of limitations, beyond daily entry limits to protect park resources and values in an unimpaired condition. These limitations represent a suite of management actions, including BAT and guiding requirements, in addition to the daily entry limits. Further, we could take action under adaptive management if desired resource conditions are not met.

Misc.

Issue: One commentor suggested that the term “recreational snowmobile” be replaced with “snowmobile transportation.”

NPS Response: NPS wishes to make a distinction between snowmobiling by visitors for recreational purposes versus snowmobiling by NPS, contractors, researchers, concessioners, or others for administrative or non-administrative snowmobile travel. The term snowmobile transportation does not adequately capture this distinction.

Issue: Several commentors said there are no statistics to back up the claim that towing people is a potential safety hazard and that prohibiting this discourages family participation in snowmobiling. They urged NPS to remove this provision.

NPS Response: NPS believes that towing people on sleds or sliding devices is unacceptable for several reasons, especially in the conditions associated with snowmobiling in the parks. First, this places riders in direct exposure to snowmobile exhaust, including carbon monoxide and air toxics. Although four-stroke snowmobiles are far cleaner than traditional two-strokes, they still produce air pollution. Generally, visitors spend several hours snowmobiling in the parks, which substantially increases exposure risks to those riding in the towing unit. In the case of children, such long-term and direct exposure to these chemicals is especially dangerous. In addition, towing people could present a special hazard if the snowmobile was involved in an accident, or if the towing device did not have lights and was not adequately visible to other drivers. Therefore, to adequately provide for the safety of our visitors we are prohibiting this activity.

Changes to Final Rule

After taking the public comments into consideration, and after additional internal review, several changes were made to the final rule. Those changes are as follows:

A paragraph was added to each park's section to define the scope of the regulations. These regulations address recreational and commercial snowmobile use and are not applicable to the provisions for air and sound emissions, guiding and daily entry limits for the use of snowmobiles by NPS or concessioner employees who live or work in the interior of the park. There are daily circumstances where a person who resides in the interior of the park must exit or transit the park to