

Summary

Yellowstone and Grand Tetons National Parks Winter Use Plan NPS Meeting with Governmental Cooperating Agencies

Friday, May 4, 9 am – 1 pm
Idaho Falls, Idaho – Shiloh Inn

Note to the reader: main points and questions raised today are shown in blue, italicized text below.

Purpose and Shared Expectations for Meeting

The group re-affirmed the following desired outcomes of the meeting as described in the draft agenda:

Substantive Outcomes Desired

- 1) NPS answers cooperator questions to clarify information in Draft EIS.
- 2) NPS explains how they've used/not used cooperator comments.
- 3) Cooperators ready themselves to give NPS written comments by close of comment period June 5, 2007.

Procedural Outcomes Desired

- 4) Continued clarity and honesty about who has what kind of influence in the winter use decision and implementation steps and schedule -- shared understanding of long history, and current context in all three branches of government.
- 5) Meet/exceed project information sharing and participation goals/promise.

Relational Outcomes Desired

- 6) Dialog between and among the governmental agencies.
- 7) Investment in increasingly collaborative working relationships for the long haul.

Results of the Meeting and Next Steps

- The comment periods on the DEIS and Rule are overlapping. Comment period on DEIS ends June 5, 2007 and rule comment period will extend into July. Best ways to comment – on the DEIS on-line via the NPS Planning, Environment and Public Comment (PEPC) website at <http://parkplanning@nps.gov/> and on the regulation at <http://regulation.gov/>
- A brief summary of this meeting will be distributed to cooperators by Friday May 11 and posted to the NPS website (www.nps.gov/yell/planyourvisit.gov).
- Four public open houses to invite and gather formal public comments will be held in May (see dates, locations, times below).
- Send any nominations to the winter use team for peer reviewers by May 21, 2007 for a forthcoming study design that will be done by Dr. Robert Garrott of Montana State University and staff from Yellowstone National Park Center for Resources. The study design will consider and provide study designs to reduce uncertainties relative to road grooming and bison movement. NPS will

select 4-10 reviewers from the list of nominees. Peer reviewers will not be compensated for their efforts.

- Final EIS expected to be published by mid/late Oct 2007, for a required 30-day waiting period – this is not a comment period.
- The NPS intent is to have a Record of Decision (ROD) and Rule by mid-November. There will also be a required 30-day waiting period before implementation of the Final Rule.

Handouts Provided by NPS

- (1) May 2007 Update on Winter Use Planning (incorporated below)
- (2) Cooperating Agency Comments and NPS Response – a 15-page detailed matrix organized by: purpose and need, alternatives, affected environment, consequences, NEPA process issues, operational/editorial issues

May 2007 Update on Winter Use Planning -- Current Status and Next Steps:

➤ **Draft EIS on public review March 27, 2007 through June 5, 2007**

➤ **Proposed Rule on public review May 2007 through July 2007**

Comment analysis and preparing Final EIS

Final EIS released October 2007

Record of Decision signed mid-November 2007

Final Rule published mid-November 2007

Open for Winter Season December 19, 2007

Meeting Schedule (beyond today's Cooperating Agency Meeting):

Guide and Outfitters Meeting in Jackson, Wyoming on May 7

Public Open House in Cody, Wyoming on May 16, 6-9 p.m., Cody Auditorium, 1240 Beck Avenue

Public Open House in West Yellowstone, Montana on May 17, 6-9 p.m., West Yellowstone School, 411 North Geyser

Guide and Outfitters Meeting in West Yellowstone, Montana on May 18

Public Open House in St. Paul, Minnesota on May 29, 6-9 p.m., Bullard Auditorium at the Como Park Zoo & Conservatory, 1225 Estabrook Drive

Public Open House in Lakewood, Colorado on May 30, 6-9 p.m., City Lights Ballroom at Sheraton Denver West, 360 Union Boulevard

East Entrance Comments Cooperators Made on Preliminary Draft EIS released November 2006

- East Entrance needs to remain open for snowmobile and snowcoach travel. The economic health of Cody in the winter depends on East Entrance being open and winter access to Yellowstone. (Park County, Wyoming and State of Wyoming)
- Allow 60 snowmobiles per day (with a portion unguided) through the East Entrance (Park County, Wyoming)

NPS Response/Document Changes

- NPS will be developing options for keeping pass open.
- Clarified under Alternative 1 that East Entrance is open for ski and snowshoe access (and skier/snowshoe drop off) to a point about six west of the entrance.
- Clarified that under implementation of the alternatives that call for closing Sylvan Pass to motorized travel that a closure would not occur until the 2008-2009 season (the pass would remain open in 2007-2008).
- Avalanche appendix added to outline control options for Sylvan Pass area.
- Health and Safety section expanded to address questions about avalanche risk management.
- Alternative 5 would allow 40 snowmobiles per day through East Entrance; Alternative 4 would allow 100.

Points or Questions Raised Today

Can you clarify what you mean when you say you're developing options for keeping Sylvan Pass open? How? Will it be the preferred alternative?

As NPS develops options, and if the east entrance remains open to motorized use, then the daily numbers assigned to east gate should be economically feasible.

The effects on employee health and safety related to avalanche control have been described in the planning document. These have been different in each of the four analyses since 2000 from "minor" to "adverse and minor" to "moderate and adverse" to "major and adverse" – why this inconsistency from analysis to analysis?

Guiding Comments Cooperators Made on Preliminary Draft EIS released November 2006

- Allow 20% commercially guided, 40% unguided, and 40% non commercially-guided in Yellowstone (Park County, Wyoming)
- Allow 20% unguided or non-commercially guided (State of Idaho, Gallatin County, Wyoming State Snowmobile Association)
- Data and analysis does not support commercial guiding; rather, it supports more unguided access (smaller groups have less impact on sound, air quality, and wildlife). (State of Wyoming)

NPS Response/Document changes

- Guiding discussion expanded and clarified throughout document.
- Alternatives 4 and 5 consider 25% or 20%, respectively, unguided or non-commercially guided visitors.
- Allowing more than 25% to be unguided was considered but rejected because guiding reduces wildlife conflicts when wildlife are on roads, has the potential to reduce such conflicts when wildlife are near roadsides, and provides for periods of reduced noise.

Points or Questions Raised Today

Forthcoming meetings with guides and outfitters aren't public meeting – these are normal spring meetings NPS has with guides and outfitters to discuss contracting and operational issues.

No suggestions asking for more than 20% guided were incorporated in the DEIS.

Within unguided, is the certified leader education component considered? If that gets implemented, would there be time allowed for development of a program?

Have you looked at legal ramifications? E.g., if it's a non-commercial guide, does the guide have responsibility or group members? Or, if serious injury, is it possible that guide could face civil charges?

Concern about emissions and the terms, “non-BAT” versus “EPA-compliant”: many snowmobiles in 2007 will be EPA-compliant– but this may not provide much assurance of clean or quiet. Discussion of family emissions limits (FEL).

Concern regarding changing the requirements peoples' machines have to meet – these are substantial family investments.

Do guide requirements apply to Grand Teton?

Note that the Grassy Lake Road stretch in the JDR is only about six miles of the whole road. It's a trail used by many recreational users and access should be allowed to Flag Ranch. Also discussion of trespass occurrence.

With any change, the public perception tends to be, “can we even go out there”?

Important to allow John and Jane Doe access into the park on snowmobiles without a commercial guide – do appropriate certified leader training and incorporate that.

NPS has added more policy statements, but the management policy about providing, to the extent practical, “personalized experience without structure” could be added too (8.2).

Continental Divide Snowmobile Trail / Grand Teton Comments Cooperators Made on Preliminary Draft EIS released November 2006

- The CDST should be considered as through route. (State of Wyoming, Department of State Parks; State of Wyoming; Park County, Wyoming)
- Allow 2007 EPA-compliant snowmobiles on the CDST and Jackson Lake. (State of Wyoming and Park County, Wyoming)
- Allow non-BAT both ways on the Grassy Lake Road (State of Wyoming)

NPS Response/Document changes

- Changed use of phrase “Non-BAT” to EPA-compliant for some CDST alternatives, and defined EPA-compliant.
- Alternative 4 would allow all non-BAT on Grassy Lake Road.

Points or Questions Raised Today

Consider managing use of CDST by number of groups rather than individual number of daily entries. Why not lower the daily limit on entries to something achievable such as 500 or 600?

Inter-tie CDST and Grassy Lake Road.

Does the daily use limit include traffic on grassy lake road going back and forth between west end and Flagg Ranch? How does NPS keep track of that?

Socioeconomics Comments Cooperators Made on Preliminary Draft EIS released November 2006

- Use pre-2002 information as baseline for comparison of effects (Park County, Wyo.; State of Wyoming).
- Discuss effects of alternatives upon lodges on North Fork (Park County, Wyo.; State of Wyoming).

NPS Response/Document Changes

- 1999 versus 2003 total output and jobs added for comparative purposes.
- Updated economics discussion to more clearly recognize that macro-scale of modeling (even at community level) may hide losses that individual businesses and their employees and families may suffer as a result of implementing an alternative.

Points or Questions Raised Today

The IMPLAN modeling didn't look at the double digit growth and so came to conclusion winter use policy wasn't impacting communities surrounding the parks. But if, for example, the rest of state is growing at x percent and closer gateway communities are growing at smaller than x percentage, then there is an impact.

Idaho has experienced 38% growth in lodging revenues, with Fremont County closer to 16%. One way to see this is 19 % growth lost because of the winter use regulations. We

try to provide a larger context and the IMPLAN model doesn't do that well. Problem is the analysis looks at it in a fairly static way. It may not reflect broader trends.

When you look at the number of communities that have grown and some that have shrunk, it has been for a variety of reasons. Look in cumulative impacts section. In Cody, for example, the downsizing of Marathon Oil was a huge blow to the community in the 2003 timeframe.

Cody is now growing like crazy, how does Marathon Oil relate to winter use?

Where Cody is coming from: if that east gate stayed open in the winter, we'd have more people wanting to go through there on/in oversnow vehicles.

Through all these discussions, there's always the question in the winter, is the park closed? People hear "closure," people don't hear "east gate;" they just think the whole park is closed.

People need a level of acceptable certainty. State tourism directors do have considerable influence to work with headline writers. Those headlines have huge impacts and usually the headline and the actual article are two different things. Yet the public forms opinion right away from headlines.

Soundscapes Comments Cooperators Made on Preliminary Draft EIS released November 2006

- Natural sound baseline is contradictory to the Organic Act (WY)
- Monitoring data does not support the conclusion that grouping of snowmobiles results in greater NFI (WY)

NPS Response/Document Changes

- The regulatory and policy overview for Soundscapes was updated.
- Attended logging data and 1 second Leq monitoring data (average sound energy) from sites such as Madison Junction both clearly demonstrate that NFI increased with the implementation of guiding. NPS will review documentation of this in the DEIS before the FEIS.

Points or Questions Raised Today

Wyoming has requested data on soundscapes not realizing the data was only for Presidents Day weekend – assumed it was for the entire season, so will go back and reconsider.

Wyoming went back and got actual visitation numbers and will comment on that.

How were the standards for noise free intervals established, what was the methodology?

Suggestion that NPS include management policy statement in the DEIS, that discusses expectations for visitors, e.g., what they should expect to hear along the road (like hearing canons in a historical park).

NPS left out of some relevant places to “preserve to the greatest extent possible the natural soundscapes of the park” – these things should be noted up front in the document. The obligation to conserve park resources has relevance throughout.

Soundscapes is the area most difficult to get your hands around. This is partly because the format for analyses has changed since past analyses, impact thresholds and adaptive management have changed, and so on.

Suggestion to review “percent time audible” it looks like a disconnect -- whether percent time audible applies hourly or over operational hours of the day.

Authority, NEPA, Management Policies Cooperators Made on Preliminary Draft EIS released November 2006

- Question selection of 3B as the environmentally preferred alternative (EPA).

NPS Response/Document changes

- Section 2.7 reviewed and revised to clarify identification of 3B as such.
- Updated and expanded cumulative impacts sections.
- Reviewed and updated adaptive management and monitoring tables (especially for soundscapes).

Points or Questions Raised Today

Concern that the environmentally preferred alternative doesn't meet the purpose and need; it might make sense to identify an environmentally preferred alternative that better meets the purpose and need.

Related to management policy – the updated adaptive management thresholds for soundscapes deserves additional discussion.

NPS notes the adaptive management and monitoring table was updated and clarified since last fall and the soundscapes thresholds changed.

Several other concerns with management policies and park service mandates not listed here. For example, on “desired conditions” under wildlife the document talks about population effects. Back in 1999, even without going to population effects on wildlife, there was what was considered “impairment” then. Desired conditions are not being held to as high a standard as implied by the management policies.

Adaptive management thresholds were consistent with management policies for resource protection. EPA has commented several times these are not consistent with the policies. The agency wants more conversation on that.

Adaptive management thresholds were originally designed to provide the best available resource protection. The reason that happened was to avoid impacts to greatest extent possible. Now that tie back to the best available protection isn't clear.

While it's understood the superintendents need flexibility to manage, the phrasing about exceeding thresholds has become looser.

The concern is that those adaptive management thresholds won't prevent exceedances. Right now for example, elements of the preferred alternative will mean exceeding the thresholds for noise right out of the box. If the preferred alternative isn't going to meet the thresholds then adaptive management thresholds may lose effectiveness.

Have been very complimentary of adaptive management in past NEPA analyses, and this is what got EPA on board – because the thresholds provide the equivalent to the best available protection. Encourage NPS not to weaken the language to the point where it's not as meaningful.

For example, , if human health impacts show up from emissions generated in the park, exceedance of thresholds does not mean unacceptable impacts. For example, there's OSHA and NIOSH there to make sure of that.

How do you factor predation in, and elk numbers, moose numbers – don't those numbers change all the time?

Tying population effects on wildlife to any one factor is about impossible. That's another place where NPS management policies have been brilliant about “minimizing adverse effects” rather than trying to identify one cause. NPS wildlife science has been cutting edge. Like all wildlife science, it's not clear, but it's the right science.

Entrance Allocations and Daily Use Limits Comments Cooperators Made on Preliminary Draft EIS released November 2006

- Monitoring reports (wildlife, air quality, and soundscapes) support continuing snowmobile use at current levels (260 per day winter of 2005-06), not increasing to 720 per day (conservation groups).
- Suggest total daily limit for Yellowstone of 75 groups of snowmobiles and 82 snowcoaches, or 587 total snowmobiles per day. In Grand Teton, allow 86 snowmobiles per day with 6 group maximum on the CDST (Wyoming State Snowmobile Association).
- Limit by number of groups (not by individual snowmobiles) (Wyoming State Snowmobile Association).

NPS Response/Document changes

- Sections 3.6.3, 3.6.5, and 4.2.5 revised to state that field rangers report that mandatory guiding substantially reduces wildlife conflicts on roads and, with proper training and monitoring, wildlife conflicts on roadsides. As explained in section 4.2.3, modeling reports indicate that even at 720 or

more snowmobiles per day, air quality would be good. Section 4.2.6 clarified to explain that the snowcoach BAT requirement implemented under all alternatives (except 3B) would improve soundscape protection.

- Will consider WSSA suggestions between draft and final.

Other comments, ideas, and comment-based changes to the document –

A variety of technical questions and points -- on the Preliminary Draft released in November 2006 -- were raised in Wyoming and Park County, Wyoming consultant's reports. These were addressed by NPS and appropriate changes were made in the document. For more detail at this point, see the 15-page matrix prepared for this cooperator's meeting – used as a handout and posted on the NPS website.

Other Points or Questions Raised Today

Will the comments on the EIS be automatically folded into the rulemaking process?

Do you have a backup plan if you can't make the schedule? Discussion of apparent contradiction between the statement that winter use will not occur unless a ROD and final regulation are in place by mid-November and the concept that the temporary plan provisions will be in place for the winter of 2007-2008; the temporary plan provisions can only be in effect for next winter if a ROD and regulation are in place (or through Congressional action). If a ROD and regulation are not completed, the parks will not open for snowmobile or snowcoach use for the winter season of 2007-08.

What will happen next winter? Discussion of intent to retain the Temporary Plan provisions in place for the winter of 2007-2008 as a transition year regardless of the decision.

How many letters have come in so far on the DEIS? Discussion of approximately 23,000 comments so far; at least 90% form letters.

If you found more attendance and interest than expected at May meetings, would it raise possibilities of additional locations?

Where can I find the detail on where you addressed each of these points in the Draft EIS?

Was access to Cooke City via the Beartooth highway within the scope of this EIS?

NPS has done new modeling for this EIS and looked at this as a new EIS, not a supplement. This is a new, stand-alone document.

Update on Litigation Context

The Fund for Animals motion on bison use of groomed filed last September in Judge Sullivan's court is sitting there. It's still pending, there has been no action.

The Save our Snowplanes suit has had full briefings to the court, oral arguments were heard in front of Judge Downes in Casper in January of 2006. It's still pending, there has been no action.

The other federal court currently has no cases in front of it. Judge Brimmer rendered a decision relative to the NPS 2004 temporary plan and retained jurisdiction. Judge Brimmer assumed senior status in September 2006.

On the Congressional side of things, in Fiscal Year 2007 the Department of Interior appropriations included the provision that the temporary plan would continue. The appropriations language runs out September 30, 2007.

Regarding Exploration of Bison Experiment -- Common to All Alternatives

Regarding underlying questions about possible bison use of groomed roads, and the work done by Dr. Cormack Gates: NPS is continuing to explore his suggestion to look at the route between Madison and Norris and whether that particular road section might or might not have relationship to bison movement. NPS is in the process of contracting with Dr. Bob Garrott of Montana State University to do a study design for an experiment to try to answer that question. We will have peer review of that study design (see request for nominations for peer reviewers noted on page 1 of this summary under "next steps")

Points or Questions Raised Today

Is there a thought that the information in this analysis could change this EIS?

If it's a proposal to how to conduct the study, how does it fit in?

Does NPS contemplate what action to take or would that take a supplement?

Parting Comments

- Thanks for coming to this part of the ecosystem and this has been a good meeting.
- Feels like "the Twilight zone" (to a cooperator returning after some years absent), haven't we been right here discussing these very same things before?
- Thanks and appreciation all around.

Attendees

NAME	INTEREST/ORGANIZATION/LOCATION	Cooperating Agency signatory or rep for information sharing MOU?
Buline Pam	U.S. Senator Craig Thomas	
Cannon Bonnie	U.S. Representative Barbara Cubin	
Catton Jon	Independent conservationist, Bozeman, MT	
Chandler Nedra	Cadence facilitation team	
Cikaitoga Tamra	Fremont County, Idaho	yes
Cole CarolAnn	Northwind, Inc	
Cook Jeff	Idaho Parks and Recreation	
Flowers Pat	Montana Fish Wildlife and Parks	yes
French Tim	Park County Commission, Cody, WY	yes
Hill Brad	Wyoming State Trails	
Howell Bill	citizen	
Keller Adreienne	Forest Service – Caribou-Targhee	
King Jackie	U.S. Representative Barbara Cubin	
Klinger Lisa	USFS Caribou-Targhee National Forest	
Lewis Suzanne	National Park Service, Yellowstone National Park	yes
McCray David	Two Top Snowmobile	
McDonald Katie	Park County/State of Wyoming (ERG)	
Paddleford Bill	Teton County, Wyoming	yes
Pollock Gary	National Park Service, Grand Teton National Park	
Raap Kim	Trails Work Consulting	
Sacklin John	National Park Service, Yellowstone National Park	
Scott Mary	National Park Service, Grand Teton National Park	yes
Seeley Clyde	Three Bears Lodge, See Yellowstone Tours	
Shanaghy Lyn	U.S. Senator Mike Enzi	
Stevenson Temple	Office of the Governor, Wyoming (by phone)	yes
Strobel Phil	EPA Region VIII, Denver, CO	yes
Swanke Denice	National Park Service, Yellowstone	
Timchak Larry	U.S. Forest Service	yes
VanDePolder Debbie	National Park Service, Yellowstone	
Wade Bill	Coalition of National Park Service Retirees	
Wilgus Carl	Idaho Department of Commerce and Labor	yes
Yochim Mike	National Park Service, Yellowstone	

END