

Summary

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

Friday, December 8, 2006, 9 am – 2 pm

Cody Holiday Inn at Buffalo Bill Village, Cody, WY

1) Purpose for Meeting

The objectives and the desired outcomes of the meeting as described in the draft Agenda were accepted without further discussion.

Substantive Outcomes Desired

- 1) NPS answers cooperator questions to clarify information in the review draft.
- 2) NPS explains how the alternatives meet the purpose and need – toward the decision to be made on extent of public recreational access to parks during winter.
- 3) Cooperators ready to deliver governmental comment letters to NPS by 12-22-06 to improve the Draft EIS that NPS will publish for the 60-day public review and comment period later this winter.

Relational Outcomes Desired

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

Procedural Outcomes Desired

- 6) 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 situation in all three branches of government.
- 7) Meet/exceed project information sharing and participation goals.

2) Results of the Meeting and/or Next Steps

- A draft of a summary of this meeting will be distributed to CAs before noon Friday December 15.
- The date for submission by CAs to NPS of written comments on the preliminary version of the DEIS is **postponed until close of business on Friday, January 5 2007.**
- In the period from January to mid-March, NPS will adjust, edit, and print the DEIS document.
- Probably in late March the formal public review of the DEIS will start. This could last somewhat longer than 60 days. NPS will also issue a Proposed Rule for public comment.
- Final EIS expected to be published by mid/late Oct 2007, for the normal 30-day waiting period.

- The NPS will carry out any necessary additional analysis or re-analysis.
- In mid-November the Record of Decision (ROD) will be signed and the final regulation will be published. There will be a 30-day waiting period for implementation of the Final Regulations in time for the winter season.

3) Questions and Comments on Identified Topics of Interest

a) East Entrance

The proposal to cease grooming and avalanche control on Sylvan Pass was described.

Question: Closure of Sylvan Pass to OSV to increase safety and security will still allow dangerous activity by skiers who can use the pass. **Answer:** *The pass will be treated like most of the backcountry: open to non-motorized travel at your own risk.*

Q: Can't the pass be open to OSVs on the same "at your own risk" basis? **A:** *Various alternatives treat this differently so NPS can look at different ways of addressing Sylvan Pass.*

Q: Can the NPS include "open Sylvan Pass" in the preferred alternative? **A:** *NPS wants to explore what would enable them to operate Sylvan Pass safely.*

Q: If NPS doesn't groom the East Entrance during the winter, won't this increase the effort to plow it in the Spring, and delay opening for the summer season? This would impact Cody's summer business. **A:** *Grooming the East Entrance makes the road harder to plow in the spring, because the snow is compacted. So, not grooming will make the spring plowing easier and will not delay the opening.*

Q: If snow in the avalanche chutes is not managed in Sylvan Pass during winter, what do we have to do in the Spring? **A:** *The snow in the chutes will release naturally throughout the winter. Before plowing in the spring, the avalanche chutes will be emptied.*

Q: Will there be Administrative use of Sylvan Pass? **A:** *In Alternative 1 the Pass would be closed to all administrative use except search and rescue etc.*

Q: What can NPS do to keep the East Entrance open for OSVs? **A:** *NPS hopes the CAs will identify opportunities as they review the information in the preliminary DEIS document.*

Q: CAs may need additional time to discuss this issue with State Government to see how we can find funding and support to help us keep the East Entrance open to OSVs, taking account of avalanche safety. **A:** *NPS will take CA comments at any time and is looking for opportunities to discuss this.*

Q: What is the possibility of plowing the eight mile unplowed section of the Beartooth Highway? **A:** *That road is not the responsibility of NPS, it would be up to Wyoming and Montana and the U.S. Forest Service.*

b) CDST – Continental Divide Snowmobile Trail

The management and use of the CDST in Grand Teton and the Parkway were described. The CDST enters from the East on Route 287 and turns North up to Flagg Ranch. There are some safety concerns about proximity of CDST to the road because it runs along the road shoulder or encroaches on the road. It takes until mid-January to establish the trail on this route. Consideration of management of this trail is informed by the low usage of the route by snowmobiles. NPS must judge where to spending its budgets and consider the CDST in the context of the whole park. The former usage level of 30-35 snowmobiles per day is not considered a bench-mark for this purpose.

Q: What about the approach coming in from Idaho where snowmobiles need to have BAT for a short stretch? **A:** *The current rule is that snowmobiles coming from the East are not subject to BAT until reaching Moran junction. But the 25 miles up to the Grassy Lake Road junction at Flagg Ranch do have a BAT requirement. The NPS is considering a shuttle service to allow people to make the whole trip. The Shuttle would run from Moran to Flagg Ranch .*

Comment: Such a shuttle wouldn't accomplish much because users wouldn't be able to go west on the CDST. In a situation where Grassy Lake Road was open to 2-strokes but CDST wasn't, it might make sense for a shuttle service. Teton County urges NPS to find a way for this not to become cumbersome because it may become a greater deterrent to snowmobile use on the CDST.

Q: What's the reason for allowing non-BAT on the short stretch after entering the Park from the East on Route 287? **A:** *NPS treats this like other areas where there is adjacent private land, and allows non-BAT snowmobiles.*

c) Jackson Lake

Q: The Teton County Commission unanimously supports snow planes on the lake and considers it a great cultural aspect of the valley. Is there a mechanism to revisit this decision to prevent snow planes from using the lake, or is this question closed? **A:** *NPS is not reconsidering the use of Snow Planes in this planning process. In 2000 NPS found that the sound of Snow Planes is unacceptable, and violates the Organic Act. The Court has not yet given a decision on this issue. At present NPS permits the use of snowmobiles to provide access to the Lake.*

d) Guiding

Q What are the definitions of the categories of "Guiding"? **A:** *Commercial Guiding means that a company is contracted with NPS to provide guided snowmobiling. Unguided refers to private/personal operators of snowmobiles who are all members of the same party, and who attend a short orientation session and then enter the park. This is similar to the arrangements for back-*

country access in summer. Non-commercially guided means that one member of the group is the non-commercial guide, who has attended a more extensive training program lasting 2-3 hours, and is then responsible for the group.

Comment: Preparation for non-guided access could be done on-line without having to come in and spend part of the day in an orientation.

Comment: What about a state safety course? Unguided groups could also present a certification from a snowmobile association or a state agency. Some state safety licenses last for lifetime, not just a winter.

Q: Please explain the reason for the timing of snowmobile entry before 10 a.m. in the “Unguided” Alternative 5? **A:** *NPS looked at this concept to provide a longer period of natural quiet during the day.*

Q: The size of guided groups in Alternatives 4&5 is 11 per guide. Other Alternatives have smaller and larger groups. What determined these group sizes? **A:** *Scoping comments suggested the value of smaller groups, because one guide may not be able to manage a larger group. We included different Alternatives (e.g. 7 per guide or 15 per two guides) to be able to compare and contrast different alternatives.*

Q: Is there no access on snowmobiles when temperatures are –25 Fahrenheit. **A:** *That is NPS administrative practice. This is close to a prohibition. It is a NPS personnel guideline enforced administratively so that Park employees don’t go out below –25 F. NPS has requested guides and outfitters to consider this as a recommendation for them. Most of them have their own guidelines, so NPS has asked for feed-back about this.*

Q: Winter use management has done much to discourage people from riding in the park. One factor of this discouragement is the cost of renting a machine and then paying additional fees for a guide. This affects local riders especially, although tourists from far away may be able to pay that much. Non-commercially guided entry allows locals to get into the park. We want an outcome that allows non-commercially guided access for snowmobiles. This winter use plan makes winter use an elitist experience, except that Snowcoaches provides a less expensive alternative to visitors. **A:** *Yellowstone has never been an inexpensive place to visit. NPS has included some alternatives using plowing to provide less expensive access (wheeled vehicles are cheaper than OSVs). See, for example, Alternative 6.*

e) Best Available Technology (BAT)

Q: What is the rationale for analyzing Improved BAT at this point? **A:** *NPS expects technology to improve over time. Even some of the current BAT-compliant models are significantly better than others. So NPS explored the impact of requiring Improved BAT on snowcoaches. NPS did not do the same thing for snowmobiles because it knows that the technology of snowcoaches will improve significantly so it makes sense to examine the effect of this on*

snowcoaches. NPS welcomes suggestions and definitive language to facilitate this.

Q: What proportion of the snowcoach fleet is BAT compliant? *A: About one third or one fourth of the fleet.*

Q: What snowcoach standard was use in Modeling? *A: NPS followed the quality of the best fourth or third of the fleet.*

Q: Better environmental standards are being required of snowmobile engines. What happens when BAT is no longer good technology for normal snowmobile use? If BAT is superseded by other technology, or if manufacturers stopped building BAT machines, what would we be able to use in the Parks?. *A: BAT has been very important in improving air quality and soundscapes. NPS has met with manufacturers to discuss this. All four major snowmobile manufacturers produce machines that meet NPS's BAT requirements. NPS believes that they'll continue to produce machines that meet NPS requirements. They're also interested in meeting the EPA requirements, and expect to do that. NPS will maintain this dialog with the manufacturer.*

f) Adaptive Management

Q: There is a table describing the Draft Adaptive Management Plan in the preliminary DEIS. Will this be included in the Draft document? *A: The intention of NPS is to include discussion of the adaptive mgmt plan in the winter use plan.*

Q: If the preferred Alternative is adopted and the East Entrance is closed to OSVs, does the adaptive management process provide opportunities to re-open the East Entrance? *A: The adaptive management program would not address issues like the East Entrance, but NPS's intent is for this to be a long-term plan. However, NPS is always ready to re-look at things. If new information appeared or something different occurred, of course NPS would look at this issue again. Willingness to revisit such issues is balanced by NPS's awareness that uncertainty about future winter management has severe impacts on the gateway communities. Fortitude to stand behind the Winter Use Plan will affect the level of this certainty.*

Q. Page A42 of Appendix E shows a big change of direction in park management. In the third paragraph it says "excedence of these thresholds would be unacceptable etc." In the 2003 ROD, the adaptive management thresholds were defined as impacts being unacceptable. This appears to be changed. *A: Adaptive Management Thresholds don't represent a definition of acceptability or unacceptability. They were and are intended to provide management with guidance as to the significance of what is going on out there for the purpose of determining what is acceptable or unacceptable. An adaptive management threshold would indicate to a manager that it might be time to make a change, or perhaps not. These thresholds are draft thresholds, and NPS will take a close*

look at them recognizing that adjustments may be necessary. NPS needs to be consistent in its language and welcomes suggestions.

Q: Can the NPS expand concept of Adaptive Management: to allow flexibility in the granting of access? **A:** *NPS does have contracts with concessioners that allow flexibility to NPS. However, NPS recognizes the need to provide predictability to concessioners and, for example, time-lags for implementation of changes. Most of the abrupt changes made by NPS regarding winter use have been court-ordered.*

Q: Although the Organic Act does not protect the interests of snowmobile outfitters, this is an important part of the enjoyment of the park. So what way is there to make outfitters whole so that they can engage in their work effectively? **A:** *Following the development of a Winter Use Plan under NEPA, NPS will follow a process to put the business opportunities out to bid. NPS tries to ensure that winter use management decisions have the best chance of being implemented from a business perspective.*

Q: The Adaptive management in Alternative 5 talks of 6-12 months of consultation. Can this consultation be built into the adaptive management process? **A:** *No, this would be built into the contracts, and contractors would decide how to allow visitors to visit.*

g) Xanterra

Q: What will these Alternatives do to businesses like Xanterra's Snow Lodge? **A:** *In winter Xanterra only operates two facilities for a very limited time: Mammoth, and Snow Lodge from December to March. This business is a loss leader for them. NPS requires them to stay open, and they are able to sustain this loss because they make enough profit in the summer. Alternatives will affect Xanterra and they will make adjustments to their operations. In some alternatives Xanterra would probably not have an Old Faithful operation.*

h) Alternatives

Q: What's the rationale for changing the environmentally preferred alternative from last time? **A:** *The Environmentally Preferred Alternative 3b is different from the prior one. NPS looked at the results from modeling and analysis and concluded that 3b had the least environmental impacts. Alternative 3b isn't a "No Access" alternative. There is wheeled access in parts, and access to the back country would stay open but without OSV access. NPS welcomes your thoughts on this issue.*

Q: Explain the division of Alternative 1 into different sub-alternatives. **A:** *In the modeling process NPS asked its technicians to look at different variations and to reflect the modeling analysis in the alternatives.*

Q: Will NPS be able to do blending and amending of the existing alternatives before preparing the DEIS? **A:** *Yes NPS can do that during this process.*

Q: What are the Desired Conditions? NPS describes desired future conditions of the park. But the wording has been changed in this cooperators draft of the DEIS. Desired Conditions need to crosswalk with new NPS management policies. At the moment they fall short of the management policies. **A:** *We believe the desired conditions are consistent between documents, but please provide us your comments and thoughts.*

i) Bison Study

Q: If the bison study requires closing some routes, what is proposed? **A:** *The proposed experimental closures would affect access from Mammoth to Old Faithful, and from West Yellowstone to Norris. NPS is developing some scientific parameters to conduct some studies to show any relationship between changes on the ground and impact on Bison. NPS is not ready now to do this – it does not have the monitoring in place nor the questions in place to do this study. The basic question is “If the Bison can’t go through the Gibbon River Canyon on the road, will they not go through the canyon at all?” This topic is in front of the DC district court now.*

Q: What about the impact of plowing on bison? **A:** *NPS acknowledges that plowed roads may be a sort of trap for wildlife, so it would need to provide wildlife escape routes from plowed roads.*

j) Schedule of the Planning Process

Q: Can CAs have an extension to January 22 to prepare written comments on the preliminary version of the DEIS? **A:** *In order to have the ROD signed in December 2007, NPS has designed its schedule by backtracking from that date to the present. That is how NPS determined its December 22, 2006 deadline. Postponing until January 22 would lose a whole month, and jeopardize timeliness of the ROD. The period up to December 22 is not the only opportunity to suggest comments. There is still the public comment period starting in March, and there are also the oral comments presented today. NPS does encourage you to include any oral comments made today in your written comment letters. NPS has arranged for a contractor to visit on January 8 to incorporate written comments into the DEIS. So the NPS schedule will not be set back by postponing the deadline for your written comments to Friday, January 5 and NPS agrees to postpone the deadline for written comments to that date.*

Q: We want extra time to prepare input for the NPS especially regarding the East Entrance. Our concern is that if our comments are delivered after the deadline they will be ignored. **A:** *NPS will take your comments at any time.*

Q: Will NPS personnel be accessible over the holidays? **A:** *Denice Swanke will be in her office over the holiday period and John Sacklin will be in town.*

k) Other

Q: Does the Rule Making process provide the same opportunities for public comments and amendments to the draft as the EIS process. *A: The Rule Making process is different, but NPS does need public input to the Rule Making process and the Rule Making needs to track well with NEPA.*

Q: If there is litigation following the ROD, what will happen? *A: It would depend on the court. If NPS doesn't reach a decision, and the legislation sunsets, there will be no winter use.*

Q: Why are natural soundscapes given more importance in winter use than summer use? *A NPS gives attention to soundscape in summer too. This is a Winter Plan so the focus of these discussions is now on winter.*

l) Written Comments

The following written comments were read and accepted by NPS for consideration after the meeting:

Comment: Recent Trends – Bridger – Teton National Forest, second to last paragraph, page 75: First, there is reference to “Table 29” which more likely should be a reference to Table 27? Second, the last sentence in this paragraph states the “use is up,” which appears to be inaccurate when looking at the data in the accompanying tables. Use should more appropriately be characterized as “flat” versus “up.” Table 27 which pertains to the CDST-Togwotee and Gros Ventre areas, presents a total for 1998-99 of 351 and the total for 2003-2004 (the last year) of 348 – with every other year in between at or below these beginning and ending totals. Use is flat, not up. Table 28 for the Grey’s River area presents a similar scenario. If you discount the anomaly of 1993-94 used in this table, numbers for 1994-95 (9,200) through 2004-2005 (9,230) are consistently flat and average 9,142 over the period. This conclusion should be corrected.

Comment: Table 27, Page 76 – Bridger-Teton NF Trailheads: It is unclear what the numbers in this table are supposed to represent. Are they numbers of autos, number of snowmobiles, number of snowmobilers, or something else? Please add either narrative or explanation in the heading to clarify.

Comment: Recent Trends Conclusion, bottom of page 77: The conclusion statement in the last two sentences at the bottom of this page stops short of portraying the full summary picture. To fully summarize this section it seems that language should be added to clarify that, even though snowcoach visitation numbers have increased by about 68%, the accompanying 68% decrease in snowmobile visitation equates to an overall winter visitation decrease in Yellowstone of nearly 54%. This overall decrease in winter visitation also equates to a nearly \$900,000 per season net loss to the Park Service from Park entrance revenue. This information doesn’t appear to be quantified in this

document. Similarly, language on page 128 regarding Winter Visitation Data should be clarified to more fully reflect this change.

4) Parting Comments:

- We expect to be able to meet again before the ROD although we recognize this will be very difficult to arrange.
- This is the best meeting I’ve had in fifteen years of doing this.
- This has been great. A good exchange and not so much anger over what are important issues.
- We recognize that this is all about our shared concern for Yellowstone National Park.

5) Present: (those who signed the sign-in sheet. A few others came and went during the meeting. Our apologies where we couldn’t be sure of spelling.)

NAME		INTEREST/ORGANIZATION/LOCATION	Cooperating Agency signator of MOU?
Baker	Lane	NPS Yellowstone	
Buline	Pam	U.S. Senator Craig Thomas	
Burson	Shan	NPS Grand Teton	
Catton	Jon	Independent conservationist, Bozeman, MT	
Chandler	Nedra	Cadence facilitation team	
Cook	Jeff	Idaho Parks and Recreation	
Davis	Troy	NPS Yellowstone	
Davison	Burnie	U.S. Forest Service, Shoshone National Forest	Yes, here for Becki Heath of the Gallatin
Dewar	Nicholas	Cadence facilitation team	
Flanderka	Mary	Governor’s Planning Office, WY	
French	Tim	Park County Commission, Cody, WY	yes
Goeddeke	Heather	NPS Environmental Quality Division	
Hill	Greg	Wyoming State Snowmobile Assn	
Hill	Brad	Wyoming State Trails	
Holstein	Jim	Yellowstone Tour Guide	
Howell	Bill	citizen	
Jorgenson	Larry	Teton County Commission, Jackson Hole, WY	yes
Jourdain	Christine	American Council of Snowmobiles Associations	
Keck	John	National Park Service, Cheyenne, WY	
King	Jackie	U.S. Representative Barbara Cubin	

NAME		INTEREST/ORGANIZATION/LOCATION	Cooperating Agency signator of MOU?
Lewis	Suzanne	National Park Service, Yellowstone National Park	
Manning	Teri	Wyoming State Trails Council	
McCray	David	Two Top Snowmobile Rental Inc.	
McCreary	Karen	U.S. Senator Mike Enzi	
McNamara	Amy	Greater Yellowstone Coalition, Bozeman, MT	
Mitchell	Sandra	Idaho State Snowmobile Assn	
Murdock	Bill	Gallatin County Commission, Bozeman, MT	yes
Peacock	Bruce	NPS Environmental Quality Division	
Pollock	Gary	National Park Service, Grand Teton National Park	yes
Raap	Kim	Trails Work Consulting	
Ray	John	NPS Air Resources Division	
Rumpke	Thomas	Attorney General's Office, Wyoming	
Sacklin	John	National Park Service, Yellowstone National Park	yes
Scott	Mary	National Park Service, Grand Teton National Park	
Solberg	Terry	Individual user of public lands	
Stevens	Tim	National Parks Conservation Association	
Stevenson	Temple	Office of the Governor, Wyoming	yes
Strobel	Phil	EPA Region VIII, Denver, CO	yes
Swanke	Denice	National Park Service, Yellowstone	
Tripe	Amy	Casper Star Tribune	
Turke	Paul	Moore, Smith Buxion Turke/Blue Ribbon	
VandePolder	Debbie	NPS Yellowstone	
Vaughan	Doyle	Wyoming State Committee person, Teton County	
Vecellio	Gary	Idaho Fish and Game	
Wade	Bill	Coalition of National Park Service Retirees	
Walker	Bob	Montana Fish Wildlife and Parks	Yes, here for Pat Flowers
Welch	Jack	Blue Ribbon Coalition	
Wilgus	Carl	Idaho Department of Commerce and Labor	yes

END