

# **Committee on Resources**

## **Subcommittee on National Parks & Public Lands**

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### **Witness Statement**

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Testimony given on behalf of Wyoming Governor Jim Geringer  
by Kim Raap, Manager of the Wyoming State Trails Program  
before the Subcommittee on National Parks and Public Lands  
of the U. S. House Committee on Resources  
Representative James V. Hansen, Chairman  
Given at the House Hearing held in Washington, D.C., May 25, 2000

Thank you Mr. Chairman, for your invitation to address the House Subcommittee on National Parks and Public Lands. Please accept Governor Geringer's apologies. He was unable to attend today due to prior commitments in the State of Wyoming. My name is Kim Raap. I am the Trails Program Manager for the Wyoming Department of State Parks. I have served as the State's liaison to the National Park Service over the past two and a half years in our efforts to be a cooperating agency in the winter use planning process for Yellowstone and Grand Teton National Parks.

Yellowstone and Grand Teton National Parks are, without doubt, two of America's greatest national park treasures. Yellowstone was established by Congress in 1872 "as a public park or pleasuring ground for the benefit and enjoyment of the people." Grand Teton National Park was established much later, in 1929, but again "for public benefit and enjoyment." The national park conservation ethic was born with the establishment of Yellowstone as the world's first national park in what was then Wyoming Territory. And since that time, the State of Wyoming has actively supported the stewardship of these important natural, historical and cultural assets because they are important to our residents and to our visitors. These areas were set aside as "public parks and pleasuring grounds." That means their intended purpose is to be a place to go for recreation, to seek pleasure and delight, and to be a special place to re-create and refresh the spirit within us.

These parks are places of unparalleled wonder throughout the year, but they are the most spectacular in the winter, when even the scars of the 1988 fires are cloaked in a shimmering, clean coat of white. The freshness and beauty experienced in the crisp winter setting is simply astounding. No where else on earth can visitors experience such a combination of wildlife, thermal features, and spectacular mountain terrain in one area. But the issue at hand is that access by the public, the people who own these parks, is proposed to be banned, or severely restricted, during the winter season by the Department of Interior and the National Park Service. They have set in motion an initiative which will deny people's access to the people's lands.

I will comment on several aspects of this initiative, including what has been a very one-sided process, commitments not honored by the Park Service, proposed actions based upon a clear lack of scientific data, and actions driven by a dictatorial monarchy.

### **Cooperating Agency Status in a Flawed Process With an Unrealistic Schedule**

The issue of winter use and access came to the forefront in May, 1997 when the Fund for Animals and other environmental groups sued the National Park Service in an attempt to shut down snowmobiling in Yellowstone National Park until a study could quantify the effects to wildlife, air quality and rivers. Unfortunately, rather than defend the decision to allow snowmobiling in Yellowstone, the Park Service quickly entered into a settlement agreement whereby they agreed to conduct two environmental studies, an Environmental Assessment (EA) on the closure of winter road segments and an Environmental Impact Statement (EIS) to develop a new winter use plan for Yellowstone and Grand Teton National Parks. Their settlement agreement dictated that the road closure EA be complete by January, 1998, and that a draft Winter Use Plan/EIS be released for public comment by August, 1999, with a final EIS decision issued by October, 2000. This was a very aggressive and unrealistic schedule which we believe has led to a flawed process. The time schedule which was dictated in the court settlement for the preparation of the EIS, in particular, did not allow proper time for the completion of important scientific studies and monitoring. This resulted in the draft EIS being released this past year with many information gaps due to incomplete monitoring and data. These information gaps still exist today, and certainly existed last month when the Department of Interior announced their unilateral ban on snowmobiling in national parks.

In early November of 1997, the State of Wyoming requested to be granted Cooperating Agency status in both the Road Closure EA and the Winter Use Plan/EIS process associated with the settlement agreement for the Fund for Animals vs. Secretary of Interior Bruce Babbitt lawsuit. Under the National Environmental Policy Act (NEPA), a "Cooperating Agency" is any federal, state or local agency with jurisdiction by law or special expertise who can assist the lead agency, in this case the Park Service, with evaluating federal proposals which may significantly affect the quality of the human environment. While the regional office of the Park Service was named the agency of record, Superintendent Finley of Yellowstone National Park took it upon himself to quickly deny Wyoming's request for cooperator status. Superintendent Finley stated that cooperator status could be only granted to agencies that either have direct jurisdiction by law or who have special expertise relating to the issue. If Wyoming lacks expertise in either wildlife management or local socioeconomic impacts, who then could be considered the expert? And if Wyoming does not have jurisdiction by law over air and water quality issues, again, who does? In both cases, it is certainly not the Park Service. And the pertinent issue was not a question of greater expertise. Mr. Finley's assertion was that Wyoming lacked expertise. Period. His position was absolutely absurd, but typical of his attitude toward our state.

On December 5, 1997, the states of Wyoming, Montana and Idaho, along with the five counties which surround Yellowstone and Grand Teton National Parks, were granted cooperating agency status by the National Park Service for the EIS process. However, we were denied cooperating agency status for the Road Closure EA. Cooperating agency status for the Yellowstone EIS marked the first time in our nation's history that state and county governments were named under these circumstances as cooperators under the National Environmental Policy Act (NEPA). We had high hopes that this would be a process to build bridges between local, state and federal governments, but to a great extent, the process has been a major disappointment and an exercise in federal bureaucratic frustration.

It took until October, 1998, for the Park Service to issue our formal, written Cooperating Agency Agreement. We were denied membership on the interdisciplinary team (ID Team), which is the work group that does the substantive work on an EIS. In the Agreement, we were granted "special expertise" in the areas of socioeconomics, biological and wildlife resources, winter use activities in the vicinity of the national parks, and impacts to air and water quality. The Agreement laid out a work schedule and stated, "all agencies agree to strict compliance with that schedule," which we quickly learned applied to everyone but

the Park Service. Over the past twenty months, our input and data has been largely ignored and our efforts to contribute in a meaningful manner have been routinely deflected. The information we have submitted should have been used in a meaningful manner, like in the Impacts Analysis of the Draft Environmental Impact Statement (DEIS). Instead, the Park Service took all information submitted by the cooperating agencies and simply printed it in an appendix of Volume 2 of the DEIS, so they could say "they used it". This is a slap in the face to the states and counties who do have *real* expertise on the issues and makes a mockery of the cooperating agency process under NEPA. States and communities have much to offer in defining the issues and developing the solutions. The National Park Service and individual sites like Yellowstone cannot function as an island, nor like a sovereign nation, but instead must recognize that they are an integral part of a local community and a state and are not just a "national" resource.

### **Alternative "G", the "Secretary's Alternative"**

In October, 1998, we participated in an Alternatives Workshop to help the Park Service draft a range of alternatives for the Draft EIS. We were told at that time that we would be furnished a set of their final alternatives in December of 1998. Instead, we got a letter from the Park Service in December saying we would have the alternatives around January 25, 1999, and then have until March 1, 1999 to respond with our perspectives on these alternatives. Like most other deadlines, the Park Service failed to meet this schedule. The alternatives were finally delivered to us on April 22, 1999, with a note saying that the cooperating agencies were to "analyze" the alternatives by May 24, 1999. Between December, 1998 and April, 1999, there was absolutely zero feedback from the Park Service to the cooperating agencies. If there was any dialogue during this time, it was only because the states and counties would call them asking questions. We learned later that six draft alternatives, "A" through "F" had been developed by the ID Team and were sent to the Washington office in December for review. In Washington, Assistant Secretary of Interior, Don Barry, inserted himself as the decision maker in the process and insisted that another alternative be added to the EIS. So, at that time and not until that time, Alternative "G" - mass transit/snowcoach-only and ban all snowmobiles - the "Secretary's Alternative," was developed. Keep in mind that the ID Team which developed the set of six original alternatives which did not include "G" is a team experts which was assembled from Yellowstone, Grand Teton and Denver Regional office staff to work on this project. And, their six original alternatives were developed to address the range of issues which were identified at 16 public scoping meeting held across the country and from extensive written public comment. The team of Park Service experts did not see the need to propose a snowmobile ban, but the Assistant Secretary did, so a seventh alternative, the "Secretary's Alternative," was born.

The Park Service released the Draft EIS in August, 1999, and took public comment through December 15, 1999. Alternative "B", which favored plowing the road from West Yellowstone to Old Faithful and allowing cleaner, quieter snowmobiles in the rest of the park, was their "preferred alternative" through this public comment period. In November, 1999, before the public comment period was even over, we started hearing that Assistant Secretary Barry was "leaning toward Alternative G." Not a complete surprise since "G" *is* the "Secretary's Alternative." Then, at a meeting in Jackson, Wyoming, on March 13, 2000, the Park Service formally announced to the cooperating agencies that "The National Park Service feels that Alternative G as presented in the DEIS is the best fit currently for a revised preferred alternative. The Assistant Secretary for Fish and Wildlife and Parks feels inclined at this time to recommend to the Secretary of the Interior that the NPS adopt alternative G as a revised preferred alternative to be presented in the Final EIS." The analysis of public comments was not even complete and they were publicly switching to the Secretary's horse. Of course, according to the Assistant Secretary and the Park Service, there was nothing pre-decisional in nature about this newly announced position, as such a position would be contrary to the provisions of NEPA.

On April 20, 2000, we received a copy of "Revised Alternative G" from the Park Service. While it requires mass transit winter access via snowcoach for the American public, it would not eliminate the administrative use of snowmobiles within Yellowstone by the park service or their concessionaires. And employees and their families living within the interior of the park would continue to be allowed personal use of snowmobiles. The public will not. Furthermore, there would be no requirement, only "encouragement", that these snowmobiles meet cleaner, quieter standards. This is a double standard which gives privileged access to a select few. Another highly questionable change in Revised Alternative G is that strict emission standards for snowcoaches have been eliminated. Original G proposed strict requirements, but they have been replaced with language which simply states, "require all vehicles to operate within current EPA emission standards for that vehicle type and year." Translated, this means that if there were no emission standards in place when the snowcoach was manufactured, there will be *no* emission standard applied for use in Yellowstone. This is significant since over half of the existing snowcoaches pre-date any EPA emission standards.

This action was followed by the Park Service announcement on April 27, 2000, that they intend to ban snowmobiles from all national parks, except in the State of Alaska and Voyageurs National Park, where enabling legislation expressly allows snowmobile access. And, by the way, the immediate ban doesn't apply to Yellowstone and Grand Teton, yet, since we have to wait for the Record of Decision to be signed in November for the existing EIS efforts which are dictated by their court settlement. What I have just described is nothing short of a dictatorial monarchy. The Administration's political hacks are working from the top down to take away the people's access to the people's land. The pre-decisional nature of these actions is clearly contrary to the provisions of NEPA and a violation of law.

### **Pew Charitable Trusts - The Yellowstone Connections**

The House Subcommittee on Forests and Forest Health heard testimony in February, 2000, regarding a "Question of Undue Influence" - how wealthy non-profit foundations like the Pew Charitable Trusts, who aren't supposed to lobby with their tax exempt funds, are linked to the Administration's "Roadless Initiative" on Forest Service lands and to environmental groups who are pushing that agenda. Well, the "iron triangle" - the connection between wealthy foundations, grant-driven environmental groups, and zealous bureaucrats - also exists in regards to winter use in Yellowstone National Park.

Pew Charitable Trusts has given \$1.26 million to three Yellowstone related groups in the last 4 ½ years. A grant for \$160,000 went directly to Yellowstone National Park through its Yellowstone Park Foundation. This money was given by Pew "for scientific research on causes, consequences and possible ways to reduce air pollution caused by snowmobiles in Yellowstone National Park." The Park used it to fund a portion of four "research" projects including: Social Carrying Capacity of Yellowstone National Park for Winter Use, Characterization of Snowmobile Particulate Emissions, Measurement of Airborne Toxics and Regulated Pollutants Emitted from Snowmobiles at Yellowstone National Park, and Snowpack and Snowmelt Run-Off Chemical Analysis at Yellowstone National Park. It certainly raises a question about potentially tainted research based on biased research specifications and study design criteria.

A total of \$1.1 million was also given by Pew to two Yellowstone related environmental groups, the Greater Yellowstone Coalition (GYC) and Yellowstone Ecosystem Studies, "for program development and for campaigns to protect forested wildlands and watersheds". GYC was the big recipient, receiving \$1 million from Pew. Not coincidental, they were the primary authors of the *Citizen's Solution*, a proposed alternative which would eliminate all snowmobiles from Yellowstone and replace them with snowcoach-only mass transit travel, nearly identical to the Secretary's Alternative G. One of the zealous bureaucrats in the triangle

is Mr. Barry. Pew gave the World Wildlife Fund, who was Mr. Barry's employer before coming to Interior, over \$3.4 million over the past five years.

### **Alternative "G" Eliminates Wyoming Access**

The State of Wyoming believes that personal access is an important part of achieving the personal re-creation which is so often sought by visitors to our state and national parks. Wintertime access to the interior of Yellowstone National Park has been oversnow since 1955 by snowcoach and since 1963 by snowmobile. Even though oversnow, mass transit has been an available choice in Yellowstone for 45 years, the oversnow transportation of choice is an individual snowmobile by a factor of about 9 to 1. In a market driven economy like we have in this country, that is a very telling statement. Park visitors choose to experience their national parks in an up-front and personal way, whether by snowmobile in the winter or by personal auto in the summer. They want to be in control of their trip and have the ability to stop along the road, at-will, to view wildlife, take photos, experience the crispness of the winter air, at their own pace as individuals. That is the aspect of their visitor experience that is important for them to obtain their personal re-creation and to have a quality experience. Opportunities for personal re-creation are the heart and soul of the reasons why people seek recreational activities.

Of great concern to us is the fact that the Park Service has not completed a transportation plan which shows how a snowcoach-only, mass transit system will adequately provide access to the interior of Yellowstone National Park. Snowcoach operators tell us that visitor enjoyment falls sharply after a 90-mile day-trip because the ground speed is so slow and the vibration is so great within the small, confined space of a snowcoach. In fact, many visitors have referred to this experience as "canned spam".

Revised Alternative G, the "Secretary's Alternative," will virtually eliminate all day-use access to Old Faithful from within the state of Wyoming. This is because the 90-mile "comfort limit" is far exceeded to reach Old Faithful from either the east or south entrances. From the east entrance near Cody, it is a distance of 65 miles one-way and 130 miles round trip to Old Faithful. This means that it is not logistically feasible for anyone to visit Old Faithful from the east entrance. It can be done if the visitor can do an overnight stay at Old Faithful, but because there are only a total of 136 rooms available at Old Faithful, the feasibility of this is questionable. Day-trip access from the south entrance near Jackson would also be virtually eliminated. It is a distance of 41 miles from Old Faithful to Flagg Ranch, the current south entrance access to Yellowstone. However, Alternative G would eliminate vehicle access to Flagg Ranch and create a new staging area at Colter Bay, an additional 16 miles south. Because of this newly created "south entrance", the one-way distance to Old Faithful would become 57 miles and the round trip distance would grow to 114 miles. The result is that the "spam" threshold of 90 miles is exceeded and the Secretary's Alternative eliminates the major Wyoming access to Old Faithful for day-trips.

One of the issues identified by the public scoping efforts during the Winter Use EIS process is that there is a perception of overcrowding, both at Old Faithful and along the road corridor from West Yellowstone to Old Faithful, even though the numbers pale in comparison to summer visitation. In the winter, a total of 76% of all visitors travel to Old Faithful, primarily because it is the only location within the park's interior which offers visitor services for overnight lodging and meals. And over sixty percent of all visitors enter through the west entrance at West Yellowstone. Ironically, Alternative G would do nothing but further aggravate this situation. It is only a 60-mile round trip from West Yellowstone to Old Faithful, while it is a 102-mile round trip from the north entrance at Mammoth to Old Faithful and 130 and 114 miles mentioned previously from the east and south entrances. If the effects of snowcoach-only transportation in the Secretary's Alternative were to ever be properly analyzed, it would show that reasonable access to the park's interior for

day-trip visitors will be eliminated for all except those entering from West Yellowstone.

### **The Proper Perspective of Snowmobile Use in National Parks**

The National Park Service have characterized snowmobiles as "off-road vehicles", while the reality is that they are restricted by policies and mandates to only "designated routes that are used during other seasons by motor vehicles." Simply put, a snowmobile is used in a national park only as a winter mode of transportation to replace the personal automobiles which are used in the summer. To put things in perspective for Yellowstone, there are a total of 254 miles of paved roads in the park and snowmobiles are allowed on 184 miles of these roads. Period. They are not allowed off-road. They are only allowed on less than three-fourths of the same paved roads which are used by autos in the summer. To put things further in perspective, this 184 miles of roads equates to 0.02%, that's two one-hundredths of one percent, of the 2.2 million acres in Yellowstone National Park. It's analogous to a museum putting their best artifacts in the back room, out of sight, and not allowing people to see them, because they just might hurt them by having access to them.

Assistant Secretary Barry, in his recent announcement banning snowmobiles from all national parks, was quoted as saying, "Recreational snowmobiling has worn out its Park Service welcome and is not getting its invitation renewed." Well Mr. Barry, first of all the Park Service welcome mat has never been that large. Second, and more importantly, what we are talking about here is reasonable access by the people to their national park. The magnitude of Yellowstone is so great that an antiquated snowcoach fleet cannot provide that reasonable access. Snowmobiles have been the backbone of reasonable, individual access into the interior of Yellowstone National Park for over 35 years. It is our position that a cleaner, quieter snowmobile should continue to be the backbone of that access for the future.

### **Air Quality Issues**

In respect to Yellowstone National Park, the Environmental Protection Agency (EPA) and the National Park Service have collaborated to produce erroneous and misleading reports related to air quality degradation by snowmobiles. Some of the early air quality "data" they released was derived from a lawnmower emissions test in California, yet they attributed it to snowmobiles in Yellowstone. Another "study" mistakenly reported grams as pounds which in turn lead to some wildly exaggerated calculations for emissions. This erroneous information has in turn been used by the Park Service to justify their unilateral action to ban snowmobiles from all national parks.

Wyoming, Montana and Idaho are all primacy states under the Clean Air Act, so enforcement of the Clean Air standards are clearly a state responsibility. In the case of Yellowstone Park, the Wyoming Department of Environmental Quality has primary jurisdiction, and it is their position that there have been no documented violations of the Clean Air Act within Yellowstone National Park. Period. Yet, in the case of the Yellowstone Winter Use DEIS, the EPA irresponsibly overstepped their authority and expressed an opinion that eliminating snowmobiles is the only acceptable alternative to protecting air quality in the park. This action is highly reprehensible and not supported by data or law. The State of Wyoming continues to take strong exception to their flawed reasoning that Alternative G is the "environmentally preferred" alternative.

What is ironic is that EPA has only recently emerged in the debate over the impacts of snowmobile emissions on air quality. In 1990, the Clean Air Act mandated that EPA regulate emissions from all engines, including snowmobiles. But they chose not to act upon that responsibility for the engine types they call the

"non-road class", which includes things like farm tractors, backhoes, chainsaws and ATV's, along with snowmobiles. It has always been their contention that these engine types are "non-significant contributors" and that they had larger issues to deal with than regulating non-road engines. With the debate over snowmobile emissions heating up, the snowmobile manufacturers approached EPA in May, 1997, and actually *requested* that EPA regulate them. They were told, "Go away, we have bigger issues to deal with." Within just the past few months, EPA has finally initiated the regulation process for snowmobiles and all other non-road engines, but only after they were sued over the issue for a second time by the Sierra Club.

After a decade of EPA inaction, we find it unconscionable that EPA would all of a sudden come out with a position that advocates refusing to even consider the potential for modifying snowmobiles so their emission levels would be acceptable for their continued use as transportation access to national parks. To put things in perspective, there has been no movement in this country to produce any engine which is cleaner, whether it be for a car, truck, bus or snowmobile, until it was required by EPA. We do not have cars running down the road today with catalytic converters because Detroit did it voluntarily. It was done because EPA mandated it starting in 1972. And while the new automobile standards were being developed, cars were not banned from national parks or from our highway system, but rather a reasonable phase-in schedule was adopted. Snowmobiles certainly deserve similar treatment.

In the case of snowmobiles, there has actually been federal disincentive since 1990 for the snowmobile manufacturers to voluntarily reduce emissions. While they have known that regulation of their engines has been imminent, they have in effect been hamstrung by EPA's inaction from pursuing voluntary action. They have all been through the engine regulation process already with EPA, on personal watercraft, and from this experience they know that EPA will establish a baseline for snowmobile emissions and then mandate that those emissions be reduced by "x" percent over "y" number of years. To do anything on their own, outside the EPA umbrella, would have been counterproductive. And now, in obvious collusion with the Park Service, EPA has jumped to a predisposed position regarding snowmobiles prior to conducting their regulatory process. This is highly unethical.

The predisposed position of these two federal agencies is particularly disturbing when there is evidence, near-at-hand, which suggests that emerging technology can address the existing concerns about snowmobile emissions in a timely manner. First, there is substantial evidence from the four major snowmobile manufacturers themselves. Arctic Cat introduced a proto-type snowmobile last winter, the Yellowstone Special, which utilizes cleaner, quieter technology. It focuses on a much cleaner 4-stroke snowmobile engine, versus the typical 2-stroke snowmobile engine, and is also substantially quieter than typical snowmobiles. Additionally, two other manufacturers have announced that they, too, will have cleaner, quieter concept vehicles on the snow next winter.

Secondly, the "Clean Snowmobile Challenge 2000" was sponsored this past March in Jackson, Wyoming by the Society of Automotive Engineers (SAE). This Clean Snowmobile Challenge featured student competition between seven universities from the United States and Canada and focused on new engineering design aimed at reducing both noise and air pollution from snowmobiles. The University at Buffalo, State University of New York, won the competition and their snowmobile produced 46% less carbon monoxide than the original snowmobile they modified. Their snowmobile's hydrocarbon emissions were below the limit of detectability of the emission testing equipment, a greater than 99.5% reduction! Additionally, their snowmobile had a sound level measurement of just 66 decibels 50 feet from the road. This compares to a sound level of 78 decibels for most other snowmobiles currently manufactured today and equates to an 80 to 90 percent reduction in the distance that current touring snowmobiles can be heard. Given this was the first year of this SAE student competition, the results were impressive and signify that there are real solutions to

the snowmobile emission and sound issues readily at hand. The Park Service has written the snowmobile off as "antiquated, polluting vehicles". We disagree because there is proof at-hand that snowmobiles have embarked on a new generation.

### **Socioeconomic Impacts**

The states, counties and communities which surround Yellowstone and Grand Teton National Parks have been accused by environmental groups and folks within the Park Service of being concerned only about local economies and not about the protection and preservation of the park's natural resources. This argument ignores the fact that socioeconomic impacts are real. They effect the lives of real people within our state's communities. When federal actions have the potential to wipe out over a thousand jobs at a time, you're talking about the viability of entire communities in states like Wyoming, Montana and Idaho. But what is most important is that the National Environmental Policy Act (NEPA) mandates that an EIS must be completed for any major federal action significantly affecting the quality of the human environment. NEPA goes on to define the "human environment" as including social and economic impacts. So paying attention to socioeconomic impacts is not optional, it is mandatory. At the same time I would say to these accusers that the State of Wyoming has a long history of demonstrating proper stewardship of our precious natural resources. We're not in it "just for the money", but because we care about responsible, long-term management of our natural resources, which happens to include some pretty precious national parks. If we want to question responsible management and real socioeconomic impacts, maybe we should visit with the people in Los Alamos, New Mexico. I'm sure they will have something to say about responsible Park Service management of natural resources and associated socioeconomic impacts.

One of the most frustrating things for us has been that, although our Cooperating Agency Agreement specifically recognizes that we have special expertise in the area of socioeconomics, we have been denied meaningful participation in this area as a cooperating agency. Early in the process of developing the Winter Use EIS, we had volunteered to take the lead in collecting survey information regarding economic spending patterns of winter park visitors. We started work on this project, only to be told by the Park Service that we would not be allowed to collect information from park visitors. As a result, we were denied permission to proceed with the survey and, therefore, have never been allowed to collect information directly from park visitors. This has put us in a position of having to rely on socioeconomic data for park visitors which has first been filtered through the Park Service and their various contractors. We don't believe the Park Service has lived up to the spirit of the law or met the intent of cooperating agency status under NEPA. And worst of all, it has resulted in an air of mistrust between the cooperating agencies and the Park Service.

In their draft EIS for the Yellowstone/Grand Teton Winter Use Plan, the Park Service stated that implementing Alternative "G" "would reduce the total economic output in the 17-county Greater Yellowstone Area (GYA) by an estimated \$16.5 million." and that "an estimated 399 jobs within the GYA would be lost." We believe the Park Service figures are intentionally understated. Our estimates are that the real economic loss would be over \$48 million per year and that 1,160 jobs would be lost in the region. That's real impacts to real people. Additionally, the Park Service report stated that "G" would result in a "reduction in visitation which would translate into a \$8.69 million reduction in aggregate nonmarket value of winter trips to the parks." Again, we believe this number has also been deliberately understated. Our estimates are that the real loss for the nonmarket value of winter trips to the Yellowstone area would be \$24.65 million. While we believe they made many errors in making their estimations, there are two glaring factors which we feel were totally disregarded in their projections and contribute to much of the difference between their estimates and ours. First, it has been documented that snowmobilers spend twice as much as cross-country skiers on a daily trip, so even if 100% of the banned snowmobile visitors are replaced by



skiers and snowcoach riders, it is not a one-to-one trade in terms of economic impacts. Secondly, it has also been documented that the nonmarket value of snowmobiling to participants is almost three times that for cross-country skiing, sightseeing and general recreation participants. Again, it is not an even trade, and the results are real impacts to real people.

### **Disregard For NEPA in The Unilateral Snowmobile Ban**

The recent action by the National Park Service to unilaterally prohibit snowmobiling in all national parks is of great concern to the State of Wyoming and to other members of the Western Governor's Association. It appears the legal basis for this action is ostensibly to enforce existing federal regulations and executive orders, and to "conserve the park unimpaired for future generations." It is our understanding that the Park Service did not consider or analyze the impacts of this action on the environment pursuant to the requirements of NEPA, nor do they intend to.

Notwithstanding that the authorities cited by the Park Service provide guidance and procedures for regulating snowmobiles, including the obligation in Executive Order 11644 for an agency head to "ensure adequate opportunity for public participation" rather than simply prohibiting snowmobile use, there is great concern among members of the Western Governor's Association about the broader precedent for public lands decisions potentially established by this present action. A determination that any particular type of use on public lands can be summarily discontinued without NEPA consultation is a dangerous precedent. Under this scenario, a federal agency could conceivably ban a specific activity on particular public lands without ever considering the environmental, social or economic impacts of such a closure. Such an outcome is contrary to NEPA and to the efforts of all of us to enhance the relationship between government and the public we serve.

By the Park Service's own admission, the data regarding the impact snowmobiles have on our national parks is incomplete. No effort was made on their part to explore or encourage clean, quiet machine technology. And most alarming is the premise that the Park Service failed to properly manage snowmobiles and neglected to assess impacts to natural resources and therefore they must be foreclosed. This premise can also be applied to all other activities that take place in our parks and on public lands, whether it be using a car, bike or horse or participating in traditional activities like camping, picnicking or hiking. If this precedent is allowed to stand, each activity that offends even the smallest special interest group will be the subject of protracted litigation and subsequent closures. This action does nothing but add credence to the point of view that we have an Administration full of bullies making every effort to reduce access to the public lands across this country.

In summary, we believe snowmobiles are an appropriate mode of transportation to provide reasonable, individual access to our national parks. They must become cleaner and quieter. And appropriate carrying capacities should be established and managed for all winter use. But to unilaterally ban them from all national parks is both unjustified and fundamentally wrong.

Mr. Chairman, members of the Committee, Thank you. We appreciate the opportunity to share our thoughts. That concludes my testimony, Mr. Chairman. I would be pleased to answer any questions you may have.

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