108TH CONGRESS 1ST SESSION

## S. 965

To require the Secretary of the Interior to implement the final rule to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowplane use in Grand Teton National Park.

## IN THE SENATE OF THE UNITED STATES

May 1, 2003

Mr. Reid (for himself, Mr. Chafee, Mr. Corzine, Mr. Sarbanes, and Mr. Lieberman introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

## A BILL

To require the Secretary of the Interior to implement the final rule to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowplane use in Grand Teton National Park.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the "Yellowstone Protection
- 5 Act".
- 6 SEC. 2. FINDINGS.
- 7 Congress finds the following:

- 1 (1) The January 22, 2001, rule phasing out
  2 snowmobile use in Yellowstone National Park,
  3 Grand Teton National Park, and the John D.
  4 Rockefeller Jr. Memorial Parkway was made by pro5 fessionals in the National Park Service who based
  6 their decision on law, 10 years of scientific study,
  7 and extensive public process.
  - (2) An environmental impact statement that formed the basis for the rule concluded that snow-mobile use is impairing or adversely impacting air quality, natural soundscapes, wildlife, public and employee health and safety, and visitor enjoyment. According to the Environmental Protection Agency, the environmental impact statement had "among the most thorough and substantial science base that we have seen supporting a NEPA document".
  - (3) The National Park Service concluded that snowmobile use is violating the mission given to the agency by Congress—to manage the parks "in such manner and by such means as will leave them unimpaired for the enjoyment of future generations". The National Park Service also found that snowmobile use is "inconsistent with the requirements of the Clean Air Act, Executive Orders 11644 and 11989 [by Presidents Nixon and Carter, relat-

- ing to off-road vehicle use on public lands], the
  NPS's general snowmobile regulations and NPS
  management objectives for the parks".
  - (4) In order to maintain winter visitor access, the Park Service outlined a plan to use the already existing mode of winter transportation known as snowcoaches, which are mass transit, oversnow vehicles similar to vans. The final rule states that a snowcoach transit system "would reduce adverse impacts on park resources and values, better provide for public safety, and provide for public enjoyment of the park in winter".
    - (5) The National Park Service Air Resources Division determined that despite being outnumbered by automobiles 16 to 1 during the course of a year, snowmobiles produce up to 68 percent of Yellowstone's carbon monoxide pollution and up to 90 percent of the park's annual hydrocarbon emissions.
    - (6) Noise from snowmobiles routinely disrupts natural sounds and natural quiet at popular Yellowstone attractions. A February 2000 "percent time audible" study found snowmobile noise present more than 90 percent of the time at 8 of 13 sites.
  - (7) In Yellowstone's severe winter climate, snowmobile traffic regularly disturbs and harasses

wildlife. In October 2001, 18 eminent scientists
warned the Secretary of the Interior that "ignoring
this information would not be consistent with the
original vision intended to keep our national parks
unimpaired for future generations". National Park
Service regulations allow snowmobile use only when
that use "will not disturb wildlife..." (36 CFR
2.18(c)).

- (8) At Yellowstone's west entrance, park rangers and fee collectors suffer from symptoms of carbon monoxide poisoning due to snowmobile exhaust. According to National Park Service records, in December 2000, a dozen park employees filed medical complaints citing sore throats, headaches, lethargy, eye irritation, and tightness in the lungs. Their supervisor requested more staff at the west entrance, not because of a need for additional personnel to cover the work there, but so the supervisor could begin rotating employees more frequently out of the "fume cloud" for the sake of their health. In 2002, for the first time in National Park history, rangers were issued respirators to wear while performing their duties.
- (9) The public opportunity to engage in the environmental impact study process was extensive and

1 comprehensive. During the 3-year environmental im-2 pact study process and rulemaking, there were 4 op-3 portunities for public consideration and comment. The Park Service held 22 public hearings in regional 5 communities such as West Yellowstone, Cody, Jack-6 son, and Idaho Falls, and across the Nation. The 7 agency received over 70,000 individual comments. At 8 each stage of the input process, support for phasing 9 out snowmobiles grew, culminating in a 4-to-1 ma-10 jority in favor of the rule in early 2001. More re-11 cently, 82 percent of those commenting wrote in 12 favor of the National Park Service decision to phase 13 out snowmobile use in the parks.

## 14 SEC. 3. FINAL RULE CODIFIED.

15 Beginning on the date of the enactment of this Act, the Secretary of the Interior shall implement the final rule 16 to phase out snowmobile use in Yellowstone National 17 Park, the John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowplane use in Grand 19 20 Teton National Park, as published in the Federal Register 21 on January 22, 2001 (66 Fed. Reg. 7260–7268). The Sec-22 retary shall not have the authority to modify or supersede any provision of that final rule.