

108TH CONGRESS
1ST SESSION

H. R. 1130

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 HOUSE OF REPRESENTATIVES

MARCH 6, 2003

Mr. HOLT (for himself, Mr. SHAYS, Ms. HOOLEY of Oregon, Mr. DEFazio, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. BERKLEY, Mr. TOWNS, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. LEVIN, Mr. STARK, Mr. SHERMAN, Mr. PALLONE, Mr. HONDA, Mr. MARKEY, Mr. OLVER, Mr. BAIRD, Mrs. DAVIS of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. NORTON, Mr. SMITH of Washington, Mr. ANDREWS, Mr. PASCRELL, Mr. MCDERMOTT, Mr. WU, Mr. FORD, Mrs. JONES of Ohio, Ms. SLAUGHTER, Mr. WEXLER, Mr. FARR, Mr. MEEHAN, Ms. LEE, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. GUTIERREZ, Mr. CLAY, Mr. BOUCHER, Ms. WOOLSEY, Mr. RANGEL, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. WEINER, Ms. CORRINE BROWN of Florida, Ms. DELAURO, Mr. INSLEE, Mrs. CAPPS, Mr. MCNULTY, Mr. HOFFEL, Mr. BISHOP of New York, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mr. FILNER, Mr. GILCHREST, Mr. BECERRA, Mr. DEUTSCH, Mr. NADLER, Mr. ROTHMAN, Mr. OWENS, Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, Mr. KIRK, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. LEACH, Mr. GRIJALVA, Mr. FROST, Mr. UDALL of Colorado, Mr. LANTOS, Mr. ABERCROMBIE, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mr. FATTAH, Ms. SOLIS, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. EVANS, Mr. ACKERMAN, Mr. RODRIGUEZ, Mr. CROWLEY, Mr. BRADY of Pennsylvania, Mr. COOPER, Mr. MCGOVERN, Mr. LYNCH, Mrs. TAUSCHER, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. CARSON of Oklahoma, Mr. CASE, Mr. SIMMONS, Mr. RAHALL, Mr. MOORE, Mr. SERRANO, Mr. KUCINICH, Mr. MENENDEZ, Mr. ENGEL, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. BERMAN, Mr. UDALL of New Mexico, Mr. DOGGETT, Ms. HARMAN, Mr. DINGELL, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Mr. GONZALEZ, Mr. LANGEVIN, Mr. WAXMAN, Ms. WATSON, Ms. LINDA T. SANCHEZ of California, Mr. RUSH, Mr. MILLER of North Carolina, Ms. LORETTA SANCHEZ of California, Mr. KENNEDY of Rhode Island, Mr. HASTINGS

of Florida, Ms. KILPATRICK, Ms. ROYBAL-ALLARD, Ms. DEGETTE, Mr. CONYERS, Mr. CARDIN, Ms. ESHOO, Mr. BACA, Mr. EMANUEL, Mr. BELL, Mr. DOOLEY of California, Ms. WATERS, Mr. CUMMINGS, Mr. VAN HOLLEN, and Mr. HINOJOSA) introduced the following bill; which was referred to the Committee on 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:

8 (1) The January 22, 2001, rule phasing out
9 snowmobile use in Yellowstone National Park,
10 Grand Teton National Park, and the John D.
11 Rockefeller, Jr. Memorial Parkway was made by
12 professionals in the National Park Service who
13 based their decision on law, 10 years of scientific
14 study, and extensive public process.

1 (2) An environmental impact statement that
2 formed the basis for the rule concluded that snow-
3 mobile use is impairing or adversely impacting air
4 quality, natural soundscapes, wildlife, public and em-
5 ployee health and safety, and visitor enjoyment. Ac-
6 cording to the Environmental Protection Agency, the
7 environmental impact statement had “among the
8 most thorough and substantial science base that we
9 have seen supporting a NEPA document”.

10 (3) The National Park Service concluded that
11 snowmobile use is violating the mission given to the
12 agency by Congress—to manage the parks “in such
13 manner and by such means as will leave them
14 unimpaired for the enjoyment of future genera-
15 tions”. The National Park Service also found that
16 snowmobile use is “inconsistent with the require-
17 ments of the Clean Air Act, Executive Orders 11644
18 and 11989 [by Presidents Nixon and Carter, relat-
19 ing to off-road vehicle use on public lands], the
20 NPS’s general snowmobile regulations and NPS
21 management objectives for the parks”.

22 (4) In order to maintain winter visitor access,
23 the Park Service outlined a plan to use the already
24 existing mode of winter transportation known as
25 snowcoaches, which are mass transit, oversnow vehi-

1 cles similar to vans. The final rule states that a
2 snowcoach transit system “would reduce adverse im-
3 pacts on park resources and values, better provide
4 for public safety, and provide for public enjoyment
5 of the park in winter”.

6 (5) The National Park Service Air Resources
7 Division determined that despite being outnumbered
8 by automobiles 16 to 1 during the course of a year,
9 snowmobiles produce up to 68 percent of Yellow-
10 stone’s carbon monoxide pollution and up to 90 per-
11 cent of the park’s annual hydrocarbon emissions.

12 (6) Noise from snowmobiles routinely disrupts
13 natural sounds and natural quiet at popular Yellow-
14 stone attractions. A February 2000 “percent time
15 audible” study found snowmobile noise present more
16 than 90 percent of the time at 8 of 13 sites.

17 (7) In Yellowstone’s severe winter climate,
18 snowmobile traffic regularly disturbs and harasses
19 wildlife. In October 2001, 18 eminent scientists
20 warned the Secretary of the Interior that “ignoring
21 this information would not be consistent with the
22 original vision intended to keep our national parks
23 unimpaired for future generations. National Park
24 Service regulations allow snowmobile use only when

1 that use will not disturb wildlife . . .” (36 CFR
2 2.18(c)).

3 (8) At Yellowstone’s west entrance, park rang-
4 ers and fee collectors suffer from symptoms of car-
5 bon monoxide poisoning due to snowmobile exhaust.
6 According to National Park Service records, in De-
7 cember 2000, a dozen park employees filed medical
8 complaints citing sore throats, headaches, lethargy,
9 eye irritation, and tightness in the lungs. Their su-
10 pervisor requested more staff at the west entrance,
11 not because of a need for additional personnel to
12 cover the work there, but so the supervisor could
13 begin rotating employees more frequently out of the
14 “fume cloud” for the sake of their health. In 2002,
15 for the first time in national park history, rangers
16 were issued respirators to wear while performing
17 their duties.

18 (9) The public opportunity to engage in the en-
19 vironmental impact study process was extensive and
20 comprehensive. During the 3-year environmental im-
21 pact study process and rulemaking, there were 4 op-
22 portunities for public consideration and comment.
23 The Park Service held 22 public hearings in regional
24 communities such as West Yellowstone, Cody, Jack-
25 son, and Idaho Falls, and across the Nation. The

1 agency received over 70,000 individual comments. At
2 each stage of the input process, support for phasing
3 out snowmobiles grew, culminating in a 4-to-1 ma-
4 jority in favor of the rule in early 2001. More re-
5 cently, 82 percent of those commenting wrote in
6 favor of the National Park Service decision to phase
7 out snowmobile use in the parks.

8 **SEC. 3. FINAL RULE CODIFIED.**

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

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