

**National Parks Conservation Association • Coalition of National Park Service Retirees •
Sierra Club • Natural Resources Defense Council**

July 15, 2011

Mr. Daniel N. Wenk
Superintendent
Yellowstone National Park
Yellowstone National Park, WY 82190

Re: **Sylvan Pass Comments on Yellowstone National Park's May 2011
Draft Winter Use Plan Environmental Impact Statement**

Dear Superintendent Wenk:

The National Parks Conservation Association, the Coalition of National Park Service Retirees, the Sierra Club and the Natural Resources Defense Council appreciate the opportunity to submit these comments on the May 2011 Draft Winter Use Plan Environmental Impact Statement (the "DEIS") for Yellowstone National Park (the "Park").

This comment letter explains why the Park should not continue to open Sylvan Pass as part of its Winter Use Plan. These organizations are submitting separate comments on other aspects of the DEIS.

Sylvan Pass is the only location in the entire National Park System where the NPS undertakes highly expensive and highly risky winter avalanche mitigation operations solely to permit recreational use. Those operations are undertaken to permit a handful of recreational snowmobiles travel through the pass each season, averaging little more than one snowmobile per day. The NPS must re-evaluate the benefits of continuing to open Sylvan Pass against the significant risks and costs of doing so.

In 2007 and 2008, the Park concluded that these operations presented an "intolerable" risk. ROD Amendment (July 2008), filed as Exhibit 1 with this letter, at 8.¹ The Park nevertheless continued to keep the Pass open in winter in deference to economic concerns of Wyoming communities and as a result of political pressure. Those communities agreed to seek alternative funding for the operations, but none has been forthcoming. It is now clear that any positive economic impact on those communities of keeping the Pass open in the avalanche season is a small fraction of the cost to the Park of doing so. The substantial cost to the Park — almost 10% of the cost of its entire winter use program — must come from the Park's operating budget at a time when Congress has been sharply reducing that budget. Meanwhile, there have

¹ We are submitting a separate exhibit volume containing those items to which we cite, other than the 2011 DEIS.

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been no improvements to the risk mitigation techniques being used that fundamentally change the unacceptable risks of these operations to the Park staff and to visitors.

For all these reasons and those described in more detail below, the Park should end its dangerous, costly and unjustifiable practice of maintaining an open winter passage for the handful of recreational snowmobiles wishing to travel through Sylvan Pass. An evaluation of the benefits of keeping the Pass open demonstrates that there is no reasonable argument supporting the Park's doing so.

A. Only a Handful of Snowmobiles Have Used Sylvan Pass in Recent Winter Seasons

The first step in analyzing the benefits of keeping Sylvan Pass open for winter use is to consider the number of snowmobiles actually using the Pass then. (No snowcoaches are used to travel into the Park through the Pass.) Since the NPS proposed in 2007 not to open Sylvan Pass for such use because of safety issues, the number of snowmobiles traveling through the Pass each winter season has declined significantly from prior seasons. Here are the actual seasonal totals of recreational snowmobiles entering through the East Entrance, based on the data published by the NPS's Public Use Statistics Office:

<u>Season</u>	<u>Season Total</u>
2006-2007	209
2007-2008	105
2008-2009	73
2009-2010	81
2010-2011	115

Because the season beginning in 2008-2009 was limited to 72 days, and even assuming that the Pass was not closed due to conditions on any day during that season, the daily average number of snowmobiles traveling through Sylvan Pass each winter season is as follows:

<u>Season</u>	<u>Daily Average</u>
2008-2009	1.01
2009-2010	1.125
2010-2011	1.60

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There have also been between two hundred and three hundred non-motorized visitors entering the East Entrance each of the last several seasons: 201 in 2008-2009, 387 in 2009-2010 and 301 in 2010-2011. If they are traveling through Sylvan Pass, and assuming the full 72 open days for the Pass each season, that number averages only about 4 non-motorized visitors per day traveling through the Pass.

B. The Cost of Keeping Sylvan Pass Open Is Exorbitant for the Number of Snowmobiles Using the Pass

The 2011 DEIS estimates the cost of Sylvan Pass avalanche management at approximately \$325,000 per season. DEIS, at 344. The entire cost of the Park's Winter Use Plan is estimated to be approximately \$3,950,000, so the cost of Sylvan Pass avalanche management is more than 8 percent of the entire cost of the Park's Winter Use Plan. The average total number of snowmobiles using the East Entrance in the last three seasons is 89.67 per season. The Park is therefore incurring an average cost per snowmobile of \$3,624 to keep Sylvan Pass open.

The NPS simply cannot afford to spend such a large amount of money out of its operating budget to accommodate the recreational interests of so few visitors. As the NPS well knows, its operating budget has suffered from chronic underfunding, failing to keep up with inflation and fixed cost increases such as rent, fuel and cost-of-living salary adjustments. This chronic underfunding has led to unfilled ranger and other important positions and diminished services and experiences for millions of park visitors. In fiscal year 2008, a much needed program was adopted by Congress and the Administration gradually to increase the NPS's operating budgets over a 10-year period. But the goal of making the NPS's operating budget whole has still not been reached. The NPS's operations' shortfall is still over \$600 million. Moreover, the last Continuing Resolution cut the operating budget by more than \$130 million from the enacted fiscal year 2010 budget. Fiscal year 2012 is likely to produce more budget challenges.

It goes without saying that funds that are not expended for avalanche mitigation at Sylvan Pass could be used by the Park for other needed operations purposes. It is simply unjustifiable for the Park to expend more than \$3,600 per recreational snowmobile to keep Sylvan Pass open, particularly under these circumstances.

C. There Is No Reason to Believe That Closing Sylvan Pass in the Winter Will Have Any Meaningful Impact on the Businesses, Economy or Tax Revenues of Park County, the City of Cody or the State of Wyoming

The 2008 ROD Amendment stated that a principal argument advanced in support of keeping the Pass open for the winter was that local businesses and the tourism economy near the East Entrance would otherwise suffer. *See* Exhibit 1, at 7. The actual data from the last several years, however, demonstrates that, fortunately, that is not the case. Notwithstanding the small number of snowmobile users entering the Park through the East Entrance, the tourist economy of nearby Wyoming areas has flourished.

The executive director of the Park County Travel Council stated in 2009: “Winter was once considered the quiet season in Cody, but in the past few years we have seen a dramatic increase in the number of visitors who travel here to participate in their winter activity of choice.” Exhibit 2 (emphasis added). At a May 13, 2009 meeting of the Wyoming State Trails Advisory Council, its member representatives for snowmobiling interests reported that the past snowmobile season had been “a great snowmobile season,” and “a really good year for the snowmobilers.” Exhibit 3, at 9-10. But there were only 73 snowmobiles entering the Park in the 2008-2009 winter season to which they were referring. *See* Section A., above. Despite the fact that only a handful of recreational snowmobilers were entering Yellowstone through the East Entrance, the 2008-2009 winter season had been “a really good year for the snowmobilers.”

These facts are attributable at least in part to the fact that snowmobilers no longer entering Yellowstone have found other places to use their machines. According to the Wyoming Trails Program Manager, Bradley Hill, of the Department of State Parks and Cultural Resources, “[t]he National Park Service’s 2009 Winter Use Plans have displaced snowmobiles from Yellowstone National Park, Grand Teton National Park, and the John D. Rockefeller, Jr. Memorial Parkway (collectively referred to as the “National Parks”) onto adjacent National Forests lands in Wyoming.” Affidavit of Bradley Hill, Exhibit 4, at 2 (emphasis added). Similar statements were made by Michael D. Stone, Chief of Fisheries for the Wyoming Game and Fish Department, Exhibit 5, at 4 (“When the National Park Service reduces snowmobile access to the National Parks, snowmobile use is displaced into the adjoining National Forests.”); Jill Shockley Siggins, Chairman of the Board of County Commissioners for Park County, Exhibit 6, at 5 (“A public use is reduced in Yellowstone, pressure is placed on the other lands in Park County.”); and Bert Miller, President of the Cody County Snowmobile Association and Vice President of the Wyoming State Snowmobile Association, Exhibit 7, at 2 (“As restrictions on public winter use have increased in Yellowstone members of our organizations are more limited in snowmobiling opportunities. Much use now occurs in Park County in the area of the Beartooth Mountains on the Clark’s Forde of the Yellowstone River.”). Based on these affidavits and other data, the United States District Court for the District of Wyoming concluded

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that “the economic injuries alleged by both the State and Park County ... are conjectural and hypothetical injuries.” *Board of County Commissioners v. U.S. Department of the Interior*, Case No. 09-CV-00262, Slip Op. dated September 17, 2010, Exhibit 8, at 41-42.

The flourishing tourist economy in western Wyoming is further supported by the Wyoming lodging tax collections of Park County. The Economic Analysis Division of the Wyoming Department of Administration and Information believes that the amount of the lodging tax collected by the State is a “valuable economic indicator [that] is particularly useful in identifying and monitoring tourism activity and economic trends in [cities, towns, and counties].” Exhibit 9, at 4. The Wyoming lodging tax is a special tax that must be collected by all establishments providing sleeping accommodations to guests staying less than 30 days. *See* Exhibit 10, at 1-1, 1-3.

Park County’s lodging tax collections for the last five winter seasons increased from \$80,364 in 2006-2007 to \$103,459 in 2010-2011. *See* Exhibit 11.² During that same period, the actual number of snowmobiles entering Yellowstone through the East Entrance has declined from 209 to 115 per season. *See* Section A., above.

It is true that, if Sylvan Pass were not kept open for the winter, outfitters in Cody, Wyoming which offer snowmobile tours in Yellowstone would lose some business. However, there is only one outfitter near the East Entrance that offers such tours in Yellowstone. The amount of business that outfitter might lose pales in comparison to the cost to the Park of keeping Sylvan Pass open to snowmobiles. On average, there have been 89.67 snowmobiles entering the Park through Sylvan Pass each of the last three seasons. It is likely that the outfitter could rent those machines for use in other locations, as discussed above. But even assuming that that outfitter would lose that business, the lost gross revenue would be an average of \$31,385 per year. That total sales figure is based on the \$350 that the Cody outfitter licensed by the Park to provide snowmobile tours through Sylvan Pass charges per day, at last check, for such a tour. But the season cost to the Park is \$325,000.

In addition, the tax revenues to the State and County from this commercial activity are miniscule. The State’s sales tax is 4%, and Park County adds a 1% excise tax. The lost tax revenue to the State and County from the loss of the rental income on 89.67 snowmobiles per season is therefore \$1,569. Again, the cost to the Park of keeping the Pass open is in a different order of magnitude from these lost tax revenues to the State and County.

² Stevens Declaration, at 12, and updating reports from State of Wyoming.

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The Federal Register notice of the NPS's proposed regulation implementing the preferred alternative acknowledges the importance, solely for economic reasons, of evaluating the costs and benefits of the proposed winter use plan, *See* 76 FED. REG. 39048, at 39054-57 (July 5, 2011). There, the NPS stated that “[a] market failure occurs when park resources and uses are not allocated in an economically efficient manner.” *Id.* at 39055. Spending \$325,000 to keep Sylvan Pass open to save a single outfitter about \$30,000 in gross revenues is certainly a “market failure” of the first order.

D. The Risk to Park Staff and Visitors of Its Avalanche Mitigation Program Cannot Be Justified by Whatever Benefits Are Realized

In its 2007 Winter Use Plan Environmental Impact Statement (the “2007 FEIS”), the Park set forth its evaluation of the avalanche hazard mitigation at Sylvan Pass. There, the Park explained that Sylvan Pass receives a great deal of snow and wind and travels through an area prone to avalanches. 2007 FEIS, Exhibit 12, at 105-06. “There are approximately 20 avalanche paths that cross the road at Sylvan Pass. They average over 600 feet of vertical drop, and the East Entrance Road crosses the middle of several of the paths, putting travelers at risk of being hit by an avalanche and swept down the slope, almost certainly to their deaths.” *Id.* at 106. While avalanche hazard mitigation work had been conducted there since 1973, “the health and safety risks of operating an avalanche control program at YNP at Sylvan Pass are considerable.” *Id.* While mitigation efforts had been adopted,

[e]ven with these mitigations, the risks remain extreme and unavoidable. In a typical winter, about ten missions (not including missions for spring plowing) are required to control twenty avalanche paths at the Pass A single avalanche control mission requires a 10-hour workday for five to seven specially trained employees (Ross *et al.* 2005). They must pass through four active, uncontrolled avalanche zones to reach the howitzer. The howitzer location itself is still vulnerable to both avalanches and rock fall, since the howitzer platform sits below a cornets vertical face of unstable rock (Swanke 2004a).... Employees have come within mere feet, several times, of being hit by large avalanches while working at the howitzer platform or traveling to or from it (Ross, *et al.* 2004; Swanke 2004a). Finally, natural avalanches can occur even after howitzer or helicopter discharge (Ross, *et al.* 2004; Keator 2006b).

Id. at 107 (emphasis added). The description continued:

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Additional hazards, not limited to howitzer operations, include risks to equipment operators as well as reliability problems associated with road conditions and possible closures. During the 2003-2004 season, an NPS groomer was struck by two small avalanches (Swanke 2004a). Drifting, poor visibility and severe winter road conditions frequently occur at the pass. Ranger Robert E. Mahn died in a white-out en route to check Sylvan Pass road conditions from the East Entrance on January 19, 1994. Snowcoaches are less able to travel over snow drifts that snowmobiles can and do safely negotiate.

Id. at 108. *See also* Yellowstone National Park News Release, May 12, 2011 (“An unoccupied government vehicle sustained damage when it was partially buried in a major slide as a ranger was conducting an assessment of the area on foot May 11.”) (Exhibit 13).

As if those were not sufficient hazards, the Park continued in the 2007 FEIS by explaining that unexploded ordinance from the howitzers “presents many more concerns, both for public safety and regarding homeland security. Over the years, unexploded ordinances have accumulated,... The total number of unlocated [unexploded ordinance] is estimated at 300.... Visitors may contact the duds; for example, in 1997 a visitor picked up a round and transported the live shell into the Fishing Bridge Visitor Center to give to a ranger. Duds have also falling onto the roadway.... On a larger scale, before the July 2004 mud and rock slide on Sylvan Pass could be removed from the road, the 10,000 cubic yards of material had to be laboriously searched for [unexploded ordinance].” 2007 FEIS, at 108. In addition, “[o]vershooting the target zone has also occurred, which places shells onto national forest lands outside the Park.” *Id.* at 110.

The 2007 Sylvan Pass Operational Risk Management Assessment identified safer ways of conducting avalanche mitigation, but stated that “[a] significant one-time investment would be needed, along with additional operating monies, in order to implement any of these options. It could take four to six years before a new system could be fully in place and functional, assuming additional funding is available for such work.” 2008 ROD Amendment, Exhibit 1, at 8. In December 2010, a “Secondary Review” was finalized for a Sylvan Pass Operational Risk Management Assessment (“ORMA”). *See* Exhibit 14. The audience for the report was stated to be the Park’s management team and “the community of Cody, Wyoming, Park County, Wyoming, and the State of Wyoming due to their interest in maintaining access to the park for motorized oversnow traffic (snowmobiles and snowcoaches) across Sylvan Pass in the winter season.” Exhibit 14, at 2. While some changes had been made in existing operations, many significant risks and problems were said still to exist. For example, access to the howitzer platform was still an issue, and both possible routes involve traveling below uncontrolled

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avalanche shoots. *Id.* at 15. Another challenge was that, because Sylvan Pass “is the only year round avalanche hazard mitigation program in the Park Service,” it is difficult “to keep program going in terms of personnel training to meet operational profile. Recruitment and retention of employees are always an issue.” *Id.* at 16. “Climbing up on the mountainside to conduct avalanche forecasting duties was identified as a risk.” *Id.* And unexploded ordinance continued to be a danger. *Id.*

Moreover, in the event of an incident, it was “difficult to get immediate response for a rescue.” *Id.* at 20. At Sylvan Pass, contingency resources are 45 minutes away and “care is even longer away.” *Id.* Moreover, addressing any incident would be very complex, involving “long travel time, two crews from two areas, must pass avalanche areas but have tight mitigation measures.” *Id.* at 21.

As a result, using a risk rating system in which each participant assigned a risk rating of 1 to 10 for each of eight factors, the team rated existing conditions as 34.67 on a scale of 1 to 80. That rating is indistinguishable from a “cautionary” risk assessment. *Id.* at 19. Moreover, three of the eight factors received ratings above 5, said to be considered as “needing mitigation.” Those factors were “contingency resources,” the environment in which operations would be needed and “incident complexity.” *Id.*

The 2010 ORMA team evaluated a number of other alternatives, and in their closing comments, a number of the team members pointed to an approach known as “Gasex.” *Id.* at 62-63. The Gasex system was addressed in the 2007 FEIS. That system “consists of large, downfacing pipes that direct hot gases (usually propane) to the avalanche start zones. The pipes lead to a chamber where gases are ignited, causing unstable snow to slide”. 2007 FEIS, Exhibit 12, at F-8. That system would replace the current helicopter and howitzer control system, although avalanche forecasting and implementation would be similar. *Id.* at F-9. However, the system would involve the installation of 18 20-foot towers, each tied to a concrete piling, for a total one-time cost of \$3,025,000. In addition, annual operating costs were estimated at about \$150,000, and additional forecasting and road management costs would continue of about \$200,000. *Id.*

Significantly, the ORMA team stated that “[a]ssessing risk vs. gain is an important part of risk management and one of the primary principles of the ORM process.” Exhibit 14, at 54. However, the team believed it did not have the expertise to evaluate gains based upon “organizational values such as the impact on fiscal resources and cost.” *Id.* Instead, they primarily considered the safety of personnel. *Id.* While the ORMA team did not have the necessary expertise to balance the risks and gains, the Park and the NPS as a whole do have that expertise. There is simply no reasonable argument in support of continuing to put the Park’s

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staff and visitors at risk of death or injury to permit a handful of recreational snowmobilers to access the Park through the East Entrance.

E. The Background of the Recent Seasons' Decisions to Keep the Pass Open

Under all the circumstances discussed above, it is pertinent to ask why the Park has not ceased its avalanche mitigation operations at Sylvan Pass previously. The answer lies in the events of 2007 and 2008.

In September 2007, the Park issued its FEIS. While substantial snowmobile use was proposed to be authorized elsewhere in the Park, the “preferred alternative” provided that Sylvan Pass would be closed to motorized vehicular traffic beginning with the winter 2008-2009. 2007 FEIS, Exhibit 12, at 60. 2007 FEIS explained the extreme avalanche hazards in Sylvan Pass, which are discussed above. Michael J. Yochim, a member at that time of the Park’s staff, discussed the Park’s proposal to close Sylvan Pass to winter motorized traffic in his book, Yellowstone and the Snowmobile: Locking Horns Over National Park Use (Univ. Press of Kansas 2009). See Exhibit 15. He explained that park managers believed continuing to open Sylvan Pass in the winter season was unjustified because of the extreme avalanche risk, the low traffic volume through the Pass and the high per capita cost of keeping the Pass open. Yochim, at 204. He also explained that Park managers believed that opening Cooke Pass to automobile travel would be a possible alternative route for Wyoming visitors in the winter. However, “[t]he proposed closure [of Sylvan Pass] quickly touched off a blizzard of activity. Not only Cody residents but many snowmobile stakeholders in Wyoming and the region rose to defend Sylvan Pass access.... All argued that the Pass was key to Cody’s economic well-being.... Park staff attempted to explain their reasoning and even “staffed a hearing at which over 500 upset persons were present.” *Id.* at 205.

Park managers responded initially by sticking to their guns (figuratively, not literally) and quietly prodding the town’s residents to see the benefits of travel through Sunlight Basin [*i.e.*, Cooke Pass].... Pursuing their cause, Cody representatives eventually succeeded in elevating the issue well above the heads of the NPS staff. Although the historical record is not entirely conclusive yet, it appears as though they got the attention of high-level politicians in Washington, including even the president and/or vice president or their staffs (recall that Dick Cheney is from Wyoming), who then evidently prevailed upon park managers to keep the pass open. This much is known: Park managers altered their decision between the Final EIS and the

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Record of Decision to allow the pass to remain open under “full forecasting” (as explained above, relying only upon avalanche forecasting to open the pass, not avalanche control). There would indeed be frequent closures, but the pass would be technically open for motorized visitor travel. They also agreed to further meetings with Cody area representatives to determine if a way could be found to keep the pas open more regularly. Park managers communicated with several Washington staff persons about these changes, including policy advisers for both President George W. Bush and Vice President Dick Cheney. They also met several times with Colin Simpson, who later said that the Cody community applied “whatever political pressure we could bring to bear.... There was knowledge at high levels of the issue.” When asked whether Vice President Cheney was involved, Simpson said, “I’m sure he was aware of it.” Wyoming and Cody pulled out their big guns and intimidated the NPS into a compromise — the latest in a long line on this issue.

Id. at 206-08. *See also* November 20, 2007 Record of Decision, Exhibit 16, at 9 (the NPS would work with the State of Wyoming, Park County and the Town of Cody “to determine how to provide continued snowmobile and snowcoach motorized oversnow access” through Sylvan Pass in the winter use seasons beyond 2007-2008).

Those lobbying efforts resulted in mediated discussions between the Park managers and representatives of Park County, the City of Cody and the State of Wyoming, leading to what is referred to as the “Sylvan Pass Study Group Agreement” of June 3, 2008. That “agreement” merely stated that the participants “recommend[] to the Intermountain Regional Director of the National Park Service that the November 2007 Record of Decision on Winter Use in Yellowstone National Park be amended to keep Sylvan Pass open in future winter use seasons to motorized and non-motorized oversnow travel between December 22 and March 1. The group recommends continued use of a combination of avalanche mitigation techniques, including forecasting and helicopter and howitzer dispense explosives.” Exhibit 17.

In the “Sylvan Pass Study Group Agreement,” the State of Wyoming, Park County and the City of Cody agreed “to work cooperatively to explore funding of safety and access improvements.” Exhibit 17.

On July 10, 2008, the then Intermountain Regional Director, Michael D. Snyder, approved an amendment to the Winter Use Plan’s Record of Decision relating to Sylvan Pass. *See* Exhibit 1. As recommended by the Study Group, that amendment (the “ROD Amendment”)

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provided that Sylvan Pass “would be open for oversnow travel (both motorized and non-motorized for a limited core season, from December 22 through March 1 each winter.” But the ROD Amendment expressly provided that that decision was “subject to weather-related constraints and NPS fiscal, staff, infrastructural, equipment, and other safety-related capacities.” ROD Amendment, Exhibit 1, at 5. In addition to being subject to those limitations, the amendment also stated that the results of previous safety evaluations would be reviewed and updated and that the NPS would evaluate additional avalanche mitigation techniques and risk assessment tools in order to further improve safety and visitor access. *Id.* The ROD Amendment explained that this approach would address the concerns of the City, County and State as to “the importance of this route to the community and the historical relationship between Cody and Yellowstone East Entrance.” *Id.* at 7. As discussed above, concerns had been expressed for the businesses near the East Entrance and for the value placed “on the certainty of the road being opened in the winter and the importance of that certainty to their businesses and guests.” *Id.*

Nevertheless, the ROD Amendment stated that it was “evident” that “the historical way of doing avalanche control could not continue indefinitely.” *Id.* (emphasis added). “It is intolerable to knowingly continue a dangerous practice when report after report and analysis after analysis says that an operation poses unacceptable levels of risk.” *Id.* at 8 (emphasis added). The ROD Amendment referred to the Sylvan Pass ORMA conducted in 2007 during the FEIS process, with the input of several avalanche experts, and stated that that process had “reinforced that the past ways of doing avalanche control (through howitzer or helicopter) pose an unacceptable high risk to NPS employees.” *Id.* (emphasis added).

In the three years since the 2008 ROD Amendment, little has changed. While there have been some relatively minor changes to mitigation techniques, the fundamental risk, referred to as “intolerable” in 2008, remains. If anything, the cost of avalanche mitigation operations has increased. Despite their 2008 commitment to explore alternative funding, the State of Wyoming, Park County and the City of Cody have, to our knowledge, not come forward with any funding alternative.

CONCLUSION

In May 2011, the Park issued its Winter Use Plan DEIS. Notwithstanding the 2008 ROD Amendment’s qualifications and the intolerably high risk involved, all action alternatives except Alternative 4 provided that Sylvan Pass would be kept open for snowmobile access, using both forecasting and helicopter and howitzer dispensed explosives. The most recent safety evaluations would be reviewed, however, and additional mitigation techniques and tools would be evaluated. DEIS, at ix. Nevertheless, in assessing Alternative 4, the DEIS stated that the closing of Sylvan Pass would eliminate the need for park employees to be “exposed to the

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inherent risks of avalanche control operations,” resulting in “long-term beneficial impacts to staff health and safety.” *Id.* at 309.

The time has come for the Park to stop the unjustifiably dangerous and expensive practice of keeping Sylvan Pass open for snowmobile access in the winter season. There is simply no justification for the Park to risk death or injury to its staff or to visitors or to expend the substantial sums required in an effort to keep the Pass open during avalanche season for the handful of recreational snowmobilers wishing to use it.

Very truly yours,

Timothy Stevens
Director, North Rockies Region
National Parks Conservation Association

R.B. Smith
Acting Chair, Executive Council
Coalition of National Park Service Retirees

Charles M. Clusen
Director, National Parks Project
Natural Resources Defense Council

Bonnie Rice
Senior Representative, Greater Yellowstone Ecoregion
Sierra Club

Exhibit Volume Enclosed

cc (without Exhibit Volume):

Ken L. Salazar
Secretary, United States Department of the Interior

Jonathan B. Jarvis
Director, National Park Service

INDEX OF EXHIBITS
SYLVAN PASS COMMENTS ON MAY 2011 DRAFT WINTER USE PLAN
ENVIRONMENTAL IMPACT STATEMENT

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- 1 Winter Use Plans Record of Decision Amendment — Sylvan Pass Management (July 16, 2008)
- 2 “Awake this winter; Sleeping Giant Ski Area,” The Big Sky Weekly (Oct. 30, 2009)
- 3 Minutes — Wyoming State Trails Advisory Council (May 13, 2009)
- 4 Affidavit of Bradley Hill (Jan. 25, 2010)
- 5 Affidavit of Michael D. Stone (Jan. 15, 2010)
- 6 Affidavit of Jill Shockley Siggins (Jan. 22, 2010)
- 7 Affidavit of Bert Miller (Jan. 22, 2010)
- 8 *Board of County Commissioners v. U.S. Department of the Interior*, Case No. 09-CV-00262, Slip Op. (Sept. 17, 2010)
- 9 2010 Wyoming Sales Use and Lodging Tax Revue Report (excerpts)
- 10 Wyoming Lodging Tax Manual (Second Edition, Revised 2006) (excerpts)
- 11 Declaration of Timothy Stevens and pages from website of Wyoming Department of Revenue
- 12 2007 Winter Use Plans Final Environmental Impact Statement (excerpts)
- 13 Yellowstone National Park News Release (May 12, 2011)
- 14 Sylvan Pass Operational Risk Management Assessment (Dec. 2010)
- 15 Michael J. Yochim, Yellowstone and the Snowmobile: Locking Horns Over National Park Use (Univ. Press of Kansas 2009) (excerpts)
- 16 Winter Use Plans Record of Decision (Nov. 20, 2007)
- 17 Sylvan Pass Study Group Agreement (June 3, 2008)