

From: [Mike Murray](#)
To: [James Harris](#)
Subject: Re: What the enviros are encouraging NPS to do in Yellowstone & Teton
Date: 10/14/2008 08:27 AM

Hi Jim,

I think you may have misinterpreted the situation. The environmental groups support an interim rule at Yellowstone to establish a use limit that would be over 50 % **more** restrictive (260 snowmobiles per day) than what the overturned regulation allowed (540/day). In other words, they are encouraging NPS to **reduce** the level of allowable use in the interim. With regard to the legal requirements, Yellowstone has had a long series of snowmobile plans and special regulations in place over the years, so snowmobile use has been "legally authorized" under the Code of Federal Regulations, which gives that park a stronger legal basis from which to tweak or negotiate the use limit.

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10/09/2008 01:27 PM

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Subject: What the enviros are encouraging NPS to do in
Yellowstone & Teton

Mike, considering what Destry Jarvis & the others in the (stop snowmobile lawsuit) snowmobile ban lawsuit are saying NPS can do;

Such a scenario was raised last week when groups ranging from [The Wilderness Society](#) and the [National Parks Conservation Association](#) to the [Greater Yellowstone Coalition](#), [Sierra Club](#), [Winter Wildlands Alliance](#) and [Natural Resources Defense Council](#) wrote NPS Director Mary Bomar and Yellowstone Superintendent Suzanne Lewis with several possible solutions.

In their letter the groups said they believe the Park Service already "has the necessary authority to take steps immediately to provide certainty to the American people concerning their opportunity to access and enjoy Yellowstone National Park in the coming 2008-2009 winter season."

Specifically, the agency could promulgate a new, interim regulation to govern over-the-snow traffic for the coming winter, they said.

"Our organizations are not opposed to some transitional level of snowmobile use in Yellowstone this winter. We suggest that NPS use one of several legal options to promulgate a new, interim regulation before the beginning of the winter season that permits as many as 260 snowmobiles per day—the average use during the last five seasons," they said in a letter sent September 23. "Such a transitional measure would temporarily preserve the daily average for the past 5 years and allow the Park Service the time to act on a long-term approach."

Additionally, the groups believe the Park Service could result to the "'good cause' authority under 5 U.S.C. 553."

This is part of a National Parks Traveler article written by Kurt Repanshek

<http://www.nationalparkstraveler.com/2008/10/groups-claim-yellowstone-national-park-officials-abdicating-responsibility-over-snowmobile-a>

With the way the piece reads to me, I see the same opportunity here in CHNSRA. The Park Service "has the necessary authority to take steps immediately to provide certainty to the American people concerning their opportunity to access and enjoy Yellowstone National Park in the coming 2008-2009 winter season.", can also be said for our Seashore. If ORV use does not exceed 2007 numbers. we should be good to go. All NPS has to do is reinstate a new interim plan. To get a new "interim plan" change one word, or move a comma in the old interim plan and resubmit it, and fight this in court. Bring the science to bear in a fair Courtroom.

If the enviro's are telling NPS to stand up and fight there (Yellowstone) why not do the same here?

Jim Harris
longcaster