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Judge revives ban on Yellowstone snowmobiles

Snowmobiles banned again in Yellowstone

Brent Israelsen The Salt Lake Tribune

Snowmobiles are about to become endangered in Yellowstone National Park. A federal judge Tuesday ordered the National Park Service to reinstate a Clinton-era rule that banned the machines in America's first national park and in neighboring Grand Teton.

U.S. District Judge Emmet Sullivan in Washington said the Park Service under the Bush administration should not have set aside the Clinton rule.

Sullivan's ruling comes as a major victory for conservation groups, which have become increasingly frustrated by Bush's environmental and public lands policies.

It also earned praise from former Park Service officials, many of whom have banded together to criticize Bush.

"Our duty is to take care of our national parks," said Denis P. Galvin, former Park Service deputy director under three administrations. "Had we let that principle slip in Yellowstone to benefit the snowmobile industry, it would have set a terrible precedent in all our national parks."

Off-highway-vehicle groups late Tuesday expressed disappointment in the Sullivan ruling, saying it would lead to more closures elsewhere.

"It's one more step in removing families, the elderly and those who prefer vehicles from America's public lands," said Brian Hawthorne, director of the **Utah Shared Access Alliance**, which opposed the Clinton ban on snowmobiles.

To settle a lawsuit filed by the International Snowmobile Manufacturers Association, the Bush administration reversed the Clinton plan, deciding instead to limit the number of snowmobiles and require that they have four-stroke engines, which are quieter and less-polluting than the more common two-stroke motors.

The Park Service was set to start operating under the Bush rules todaydec17.

Sullivan's ruling does not immediately close the two parks to snowmobiling. The Clinton rule called for a two-year phasing out of the machines. Under that phaseout, a limited number of snowmobiles will be allowed to enter this winter -- about 490 per day in Yellowstone and 50 per day in Grand Teton.

Eventually, under the Clinton plan, visitors will be able to access the parks only on skis, snowshoes or on snow coaches, which carry up to 10 people.

The Bush administration plan would have allowed 950 snowmobilers per day in Yellowstone and 400 in Grand Teton, although most would have to ride the less environmentally harmful machines.

Several studies by Park Service scientists found that banning snowmobiles was the best way to protect the park's natural resources, such as air quality, natural quiet and wildlife. An overwhelming majority of public comments favored the ban.

Still, the Park Service argued that the new plan allowing continued but limited snowmobile use strikes a balance between the service's dual mission of protecting the park while allowing visitors to enjoy it.

Sullivan rejected that argument.

"Quite simply, [the National Park Service's] conservation mandate can rarely be trumped by other considerations," Sullivan wrote in his ruling.

The ruling comes as a summary judgment in a lawsuit filed by several environmental groups led by the Greater Yellowstone Coalition that alleged the Park Service violated its own congressional mandate, its own internal policies, the National Environmental Policy Act and executive orders issued by Presidents Nixon and Carter.

The groups argued that unacceptable pollution and health risks to workers would have continued even with the new emission and entry limits on snowmobiles.

The Park Service countered that the new plan is based on a generation of cleaner snowmobile engines that weren't considered when the earlier ban was drafted.

Sullivan rejected that argument, too.

"The prospect of new technology is not 'new,' " the judge wrote, noting that less-polluting machines were considered and rejected when the Clinton administration was deciding how to reduce the harmful effects of snowmobiling.

In separate claims, the Fund for Animals and other environmental groups challenged the practice of grooming snow-covered roads for snowmobile and snow coach use.

Those groups claimed the Park Service dismissed studies indicating groomed roads harm bison by creating unnatural corridors for them to move within and outside of Yellowstone.

Bison that leave Yellowstone in winter can be rounded up or killed under certain circumstances because many carry a disease ranchers fear could be spread to their cattle.

The Fund for Animals wanted Sullivan to order the Park Service to stop grooming most of the roads in Yellowstone -- a ban that would effectively stop snowmobiling in those areas.

Sullivan did not do so. Instead, he ordered the Park Service to give an answer to a 1999 petition filed by one of the groups, the Bluewater Network, that sought rules prohibiting trail grooming in all national parks.

The judge said the Park Service must respond to the petition by Feb. 17.

The Associated Press contributed to this story.

Caption: Under a Clinton-era rule, snowmobiles will be phased out of Yellowstone during the next two years.

Tribune file photo

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