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## **PRESS RELEASE**

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### **Federal Court Rules Clean Air, Wildlife, Quiet Must Come First in America's Oldest National Park**

*Court ruling will ensure safe, enjoyable experiences for all visitors to Yellowstone*

WASHINGTON, D.C. – September 15, 2008 – A federal court ruled today that the Bush Administration's decision authorizing snowmobile use in Yellowstone National Park violates the fundamental legal responsibility of the National Park Service to protect the clean air, wildlife, and natural quiet of national parks, including Yellowstone, for the benefit of all visitors. The court found that the Administration authorized snowmobile use despite scientific conclusions by the National Park Service that its decision would result in significant increases in noise and unhealthy exhaust, which disrupt the experiences of visitors, and traffic that harms Yellowstone's wildlife, including bison.

The U.S. District Court for the District of Columbia today invalidated the Bush decision and directed that the National Park Service's substitute plan ensures all visitors can safely experience the park, and uphold laws that require stronger protection of Yellowstone's air quality, wildlife, and natural sounds.

In a 63-page ruling, Judge Emmett Sullivan stated:

"The Organic Act clearly states...that the fundamental purpose of the national park system is to conserve park resources and values." Page 18

"NPS fails to explain how increasing snowmobile usage over current conditions, where adaptive management thresholds are already being exceeded, complies with the conservation mandate of the Organic Act." Page 61-62

"...the Court finds that NPS has failed to articulate *why* a plan that will admittedly worsen air quality complies with the conservation mandate." Page 60

"...the Plan clearly elevates use over conservation of park resources and values and fails to articulate why the Plan's 'major adverse impacts' are 'necessary and appropriate to fulfill the purposes of the park.'" Page 61

"According to NPS's own data, the WUP [Winter Use Plan] will increase air pollution, exceed the use levels recommended by NPS biologists to protect wildlife, and cause major adverse impacts to the natural soundscapes in Yellowstone." Page 62

The ruling is available at [www.winterwildlands.org](http://www.winterwildlands.org).

“Protecting the natural sights and sounds of Yellowstone’s magical winter season has been a keystone issue for Winter Wildlands Alliance and our members since our inception nine years ago,” said WWA Executive Director Mark Menlove. “It’s extremely gratifying to see the Federal Court validate our ongoing work to protect this winter treasure and to set a standard for safe, quiet and tranquil winter recreation in all of our national parks.”

Added Tom Murphy of Livingston, Montana, a Yellowstone guide and photographer since 1979 and author of three books about the Park. “I’m thrilled that this ruling will restore Yellowstone’s profound winter quiet. Yellowstone’s values have been diminished by snowmobiles. There’s no excuse for it when visitors are increasingly choosing modern snowcoaches that are less expensive and much less disruptive of the park and other visitors’ enjoyment.”

“This is an important victory for Yellowstone and all of America’s national parks,” said Sean Helle, attorney with Earthjustice. “Yellowstone is an embodiment of one of America’s great ideas – that our cherished lands must be conserved and protected. The Court’s opinion reaffirms this principle.”

“Beyond Yellowstone, the court’s ruling reaffirms that a cornerstone purpose of our national parks is to provide opportunities to enjoy nature and these opportunities must not be compromised, particularly when protective alternatives are readily available,” said Bob Rosenbaum, attorney with Arnold & Porter.

Because it has already studied a range of options for providing broad public access to Yellowstone during winter, the National Park Service is in a position to develop a plan promptly that enables visitors to continue enjoying the park this winter in compliance with the court’s order. To ensure visitor experiences remain safe and enjoyable, and the local economy strong, the Park Service should ensure that the number of snowmobiles accessing the park remains this year at the daily average of the past five seasons—approximately 260 snowmobiles per day. Following that, the Park Service should work with local gateway communities and businesses to begin phasing down the number of snowmobiles in the winter of 2009-2010 while promoting expanded visitor access on modern snowcoaches.

The public is increasingly demanding the opportunity to enjoy Yellowstone via snowcoach. Snowcoach use has grown 89 percent since 2002 due to increasing visitor demand for comfortable and educational park tours. Businesses have responded with significant investments in modern coaches that feature guides knowledgeable about Yellowstone's geology, wildlife and history.

The court’s ruling is consistent with research conducted by the National Park Service that indicated the need for greater protection for the park’s wildlife, natural quiet, and clean air:

- Even with an average of 263 snowmobiles per day during the past five winters, snowmobile impacts have exceeded Yellowstone’s noise thresholds;

- Biologists studying traffic-related impacts to wildlife during these years recommended capping or further reducing vehicle numbers in order to protect bison, elk and other animals often weakened by Yellowstone's harsh winters;
- The number of snowmobiles authorized by the Administration—540 per day—would represent a doubling of current snowmobile use that has already been problematic and result in:

A tripling of the area in Yellowstone where visitors would hear motorized noise for half or more of the visiting day (63 square miles instead of 21 square miles currently);

Degradation of Yellowstone's air quality with increases in snowmobile exhaust (carbon monoxide, hydrocarbons, particulates, benzene and formaldehyde) of between 18 and 100 percent; and

More animals being pushed from preferred habitat, impacting their health and increasing mortality.

“This ruling reaffirms the idea at the heart of our National Park System—that the duty of Yellowstone's managers is to preserve the Park for the sake of all visitors, and to place the highest value on protection of Yellowstone's unique natural treasures,” said Tim Stevens, senior Yellowstone Program Manager for the National Parks Conservation Association.

“This ruling will ensure that visitors are not disappointed by air and noise pollution when they make the one winter trip to Yellowstone of their lives,” said Amy McNamara, National Parks Program Director for the Greater Yellowstone Coalition. “We take our hats off to the tour businesses that didn't wait for this ruling. Their increasing investments in modern snowcoaches are already making it possible for winter visitors to access and enjoy Yellowstone while protecting it.”

During the past ten years, over half a million Americans sent comments to the National Park Service concerning Yellowstone's winter management, making it the most publicly-commented-on issue in the history of the national parks. A consistent 4-to-1 majority has favored accessing the park by snowcoach instead of snowmobile.

Winter Wildlands Alliance, The Greater Yellowstone Coalition, National Parks Conservation Association, Natural Resources Defense Council, Sierra Club and The Wilderness Society collectively represent over two million members and challenged the Bush Administration's failure to protect Yellowstone's resources and values. The organizations were represented by Earthjustice, a public interest environmental law firm in Bozeman, Montana, and the firm of Arnold & Porter in Washington D.C.

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