

## Office of the Governor

July 18, 2011

Daniel Wenk, Superintendent  
Yellowstone National Park  
National Park Service  
Box 168  
Yellowstone National Park, WY 82190

Re: Comments on Yellowstone National Park Draft Winter Use Plan and Environmental Impact Statement

Dear Superintendent Wenk:

Thank you for the opportunity to comment on the Yellowstone National Park (Yellowstone or the Park) Draft Winter Use Plan (WUP) and Environmental Impact Statement (EIS). Yellowstone is a magical place, particularly in the winter. As I mentioned when we met, my greatest memories of Yellowstone, save one summer excursion, involve trips as a boy with my family into the Park during the winter via snowmobile. I hope that all citizens can have the same opportunity.

I have been vocal and direct about my position – I want to see as much reasonable use of Yellowstone as possible. Access to the Park is important to Wyoming's economy and especially to the communities that support and surround it. I also view higher visitation as necessary for Yellowstone and the National Park Service (NPS). People must have the chance to experience the Park – summer and winter – for the NPS to fulfill its mission of providing opportunities for enjoyment and to create an affinity for this special place, which benefits all National Parks into the future. As I consider the Draft WUP and EIS, I cannot help but wonder what they signal for the future of summer management in Yellowstone. "Open" and "welcome" signs should be out at the Park all year long, but the Draft WUP and EIS portend otherwise. The Park is a treasure to be shared, not hoarded, and I oppose restrictive use.

From the beginning Yellowstone was "dedicated and set apart" by the Yellowstone National Park Act (Yellowstone Act) "as a public park or pleasuring ground for the benefit and enjoyment of the people." At its creation by Congress the NPS was established to manage National Parks for the "common benefit of all people of the United States" in such a way that "will leave them unimpaired for the enjoyment of future generations." When making management decisions, the NPS must ensure that balance is achieved under these directives. As proposed, the NPS preferred alternative, Alternative 7, does not achieve the appropriate balance and should be reconsidered. Alternative 7 would make it more difficult for the public to enjoy Yellowstone and

more difficult for operators to operate. I believe that blending the best elements of the various alternatives, I believe, will reveal an alternative that is protective of all Park resources, while maximizing winter use opportunities.

Protection of Yellowstone's air quality, soundscapes, and wildlife does not have to come at the expense of snowmobile access or vice versa. We can balance protection of Park resources and snowmobile access, and I am committed to working with you and others to that end. In the rest of this letter, I will provide additional specific comments related to the Yellowstone Draft WUP and EIS.

### **1. The Yellowstone Act and the Organic Act**

To expand on paragraph 3 above, both the Yellowstone Act and the Organic Act require the NPS to allow public access to the Park as long as such public access does not cause unacceptable impacts to Park resources. In the Yellowstone Act, Congress decreed that the Park be "dedicated and set apart as a public park or pleasuring ground *for the enjoyment and benefit of the people[.]*" 16 U.S.C. § 21 (emphasis added). Congress also directed the Secretary of the Interior to "make regulations providing for the *preservation, from injury or spoliation*, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition." 16 U.S.C. § 22 (emphasis added). Read together, 16 U.S.C. §§ 21 and 22 require the NPS to maximize visitor access to Yellowstone as long as park resources are not being permanently injured or damaged.

The Organic Act created the NPS "*to conserve* the scenery and the natural and historic objects and the wildlife [in, *inter alia*, national parks] and *to provide for the enjoyment of the same* in such manner and by such means as will leave them *unimpaired* for the enjoyment of future generations." 16 U.S.C. § 1 (emphasis added). The unambiguous language in 16 U.S.C. § 1 requires the NPS to maximize visitor access to Yellowstone as long as park resources are not being impaired.

In the 2006 National Park Service Management Policies ("2006 NPS Mgt. Policies"), the NPS interprets the Section 1 "no impairment" mandate. The NPS defines the term "impairment" as "an impact that, in the professional judgment of the responsible [NPS] manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. To prevent impairment of park resources, the NPS prohibits uses that will cause "unacceptable impacts" to park resources. (2006 NPS Mgt. Policies, § 1.4.7.1). "Unacceptable impacts" mean "impacts that fall short of impairment but are still not acceptable within a particular park's environment." 72 Fed. Reg. 70781, 70782 (Dec. 13, 2007); *see also* 2006 NPS Mgt. Policies § 1.4.7.1. On p. 25 of Chapter 1 of the current Draft WUP and EIS, the NPS explains that it complies with the conservation mandate in the Organic Act by applying the "unacceptable impacts" standard.

Alternative 7 does not comply with the clear legal mandate of the NPS to maximize visitor access. The Draft WUP and EIS and the reports upon which it relies demonstrate conclusively that more daily access could be permitted without causing unacceptable impacts to Park resources. While the NPS is given considerable discretion in the management of the parks by

Congress, that discretion has limits. The limit, according to the NPS's own management policies, is established by the unacceptable impacts standard which provides a sufficient measure of additional protection to ensure that park resources are not impaired without in turn impairing the use and enjoyment mandates of the Acts. The NPS's restriction of access to the Park beyond the unacceptable impacts standard as set forth in Alternative 7 violates the Yellowstone Act and the National Park Service Organic Act, and I urge you to adopt an alternative that permits a level in the range of 540 snowmobiles per day.

## **2. Variable Management**

Analysis by the NPS of Alternative 6 argues against variable management citing reasons, yet under Alternative 7 NPS proposes variable management without citing any of those reasons. It seems to me that if variable management is unacceptable under one alternative it certainly should not be included in the NPS preferred alternative under any form.

The variable management scheme, as proposed in Alternative 7, is too restrictive and results in a loss of 5,728 snowmobile allocations when compared to 2010/2011 levels. Further, variable management under Alternative 7 will institute four "vertical caps" and sixteen "horizontal caps." The variable management scheme under Alternative 6 has the potential for more complexity with nine different "vertical caps" presented in the example schedule, identified in the Draft WUP and EIS, pp. 57-58. More about these caps is set forth in Attachment A, which is incorporated by reference. A coalition of snowmobile and snowcoach operators will also provide additional information and financial impact data related to these caps that the NPS should analyze before developing the final WUP and EIS.

Local communities, businesses, and the general public are seeking – and they need – predictability as it relates to Yellowstone winter use. It is in everyone's best interests to bring predictability back to the table. Variable management, as proposed, does not provide for any predictability and only serves to confuse. Setting a variable management scheme for the following season each year will do little to bring any certainty to local communities, businesses, or the general public.

## **3. Daily Snowmobile Allowance**

From an air quality standpoint there is no justification for limiting the total maximum number of snowmobiles allowed daily to 330 (Alternative 7 – high variable) versus 540 (Alternative 6 – high variable) or some other number higher than the Alternative 7 high variable of 330 snowmobiles per day. As identified in the Draft WUP and EIS, p. 122, "most potential ecosystem effects from OSV use are negligible" and further "it appears that current emission levels from OSVs likely do not compromise ecosystem health in a measurable way". The best available science provided in the Scientific Assessment also supports the conclusion that OSVs, including snowmobiles, do not impact air quality at any of the levels analyzed in the alternatives.

Regarding the soundscape, the NPS analyzes and provides the data for each of the variable levels of Alternative 7 yet only analyzes and provides data for the low and high variable levels of Alternative 6. This is a major oversight. The missing data and analysis needs to be provided in

the final WUP and EIS. The Draft WUP and EIS, Table 57, p. 267, reveals that the difference between impacts on soundscape in travel corridors is minimal – 8.9% under Alternative 7 (high variable level/330 snowmobiles) and 11% under Alternative 6 (high variable level/540 snowmobiles). If the NPS had provided the data for each of the variable levels under Alternative 6, which it must do, the data would likely demonstrate that an entrance allowance of 350, 400, 450, or 500 snowmobiles per day would show the same modest impacts to soundscape as all entrance levels of Alternative 7.

In reviewing the Scientific Assessment of Yellowstone Winter Use, prepared in support of the Draft WUP and EIS, it is apparent that a number of conclusions are made related to the impacts associated with over snow vehicle (OSV) use on wildlife. See Attachment A, which is incorporated by this reference. None of the conclusions are negative.

The inescapable conclusion from the best information available, regarding air quality, soundscape, and wildlife, is that a level in the range of 540 snowmobiles per day is reasonable. An entrance level higher than the one proposed in Alternative 7 is clearly necessary to ensure that commercial operations are not further impacted and that non-commercial access is also available.

#### **4. Visitor Experience**

It is encouraging to me that the NPS considers multiple modes of access – motorized and non-motorized – as providing the best “opportunity for visitors to experience and be inspired by Yellowstone’s unique winter resources and values and [for] increasing visitor understanding and appreciation of winter resources by allowing access into the park’s interior by motorized means.” Draft WUP and EIS, p. 74. Visitor surveys show “[t]he closing of roads to all OSVs or to snowmobiles only was opposed or strongly opposed by the majority of respondents.” *Id.*, p. 146.

In 2005, Davenport and Borrie found that Yellowstone visitors viewed snowmobiles as a mode of transportation to view the defining qualities of the Park – the scenery, geothermal features and wildlife. Snowmobile transportation afforded them a sense of freedom not found with other means of transportation – a sense of freedom that would be lost if snowmobiles were limited or eliminated from Yellowstone.

Visitors should continue to be afforded new and expanding opportunities to experience Yellowstone during the winter – motorized and non-motorized. Please consider this need for expanding, not contracting, opportunities in the final WUP and EIS.

#### **5. Snowmobiles and Snowcoaches**

Regarding air quality, studies have continually concluded that BAT snowmobiles and BAT snowcoaches have similar emissions on a per passenger basis. Soundscape monitoring from 2004 – 2009 indicates that snowcoaches, not snowmobiles, were responsible for 94% of the loud noise events in Yellowstone along travel corridors (Burson 2004-2010). Administration and staff snowmobiles, not all of which meet BAT standards, contributed for a portion of the remaining loud noise events. Specific to wildlife, the Scientific Analysis states that the

“[p]robabilities of movement were greater for animals exposed to snowcoaches than for those exposed to snowmobiles.” (p. 118).

I do not make any snowcoach or snowmobile comparison to diminish either activity in Yellowstone, but rather to counter specious claims made that snowcoaches are the only reasonable means of transportation and provide the best protection of Yellowstone’s air quality, soundscapes, and wildlife. It is time once and for all for the NPS to ensure that a variety of experiences are readily available to visitors of Yellowstone.

## **6. Non-Commercial Guided**

It is discouraging that the NPS does not adequately analyze non-commercial access to Yellowstone under Alternative 6. The Draft WUP and EIS, p. 59, contemplates non-commercial snowmobile use under two scenarios: unguided and non-commercially guided use. The rest of the document, however, does not go on to consider these two scenarios as different, each with distinct impacts. Instead, they are lumped as one option – unguided/non-commercially guided – and generally characterized as having impacts that result in a higher level of disturbance to Park resources. Nowhere does the NPS address the impacts of each scenario separately to support its conclusion. I am certain that an adequate analysis will demonstrate that non-commercial guided use, under the right structure, provides protection of resources equal to commercial guided use.

If the NPS is unwilling to consider a non-commercial guided element in its final decision I request that you provide the specific data, currently missing, for your conclusion that non-commercial guided use would cause higher levels of disturbance to Park resources.

Echoing the comments of the Wyoming State Snowmobile Association, I must say that requiring 100% of snowmobile entries into Yellowstone to be commercially guided is extreme and unreasonable. With the cost of a commercially guided snowmobile trip exceeding \$250 per day, if that is the only option, then winter access is beyond the means of many families, including local residents who find themselves effectively shut out of this nearby Park. Non-commercial guided use provides a less expensive alternative for those who need it. See Attachment A.

Non-commercial access to Yellowstone is important to the State of Wyoming, its local communities, citizens, and visitors. I suggest, as a model, the regulations of Grand Canyon National Park for management of non-commercial river trip access and request your serious consideration of a similar non-commercial access system for Yellowstone.

In implementing a non-commercial option, it is critical that NPS make the public aware of the procedure and its specific requirements. An educational component is important and should include Yellowstone-specific elements. I encourage your consideration of the SafeRider! Program developed by the International Association of Snowmobile Administrators of which the State of Wyoming is a member. Such course should be readily accessible on the NPS website and in-person at gateway communities.

Other provisions the NPS should consider, and which would further serve to ensure that Park resources are protected, are included in Attachment A.

I respectfully ask you to include a non-commercial guided element in your final decision, such as the one I have outlined, and specifically one that does not cause further harm to current commercial operations. I expect that you will receive similar, non-commercial proposals from other groups. Each should be duly considered, as we share an interest in seeing that non-commercial access to Yellowstone is included in the final WUP and EIS.

## **7. Socioeconomics**

The NPS conclusion about the socioeconomic impacts under Alternative 7 is perplexing. The Draft WUP and EIS, p. 332, states that “alternative 7 could provide beneficial, long-term impacts for the three-state area, the five-county area, and the three communities.” The NPS proposes to reduce daily entrance allocations by 5,728 for snowmobiles alone. It is hard to see benefit to the communities, businesses and individuals dependent on snowmobile activities for their livelihood during winter months from such drastic reduction.

Under Alternative 6, p. 325, the conclusion is that “[t]he larger beneficial impacts would be more likely under this alternative compared to others because of the provision for unguided snowmobile trips, which were historically more popular.” To be clear, I do not support unguided access; however, I do support non-commercial guided access and such access would provide significant economic benefits to local communities. Non-commercial guided access should be included as a component of the final WUP and EIS.

In a recent interview with the Yellowstone Park Foundation you were asked: “How is Yellowstone different from other parks where you have worked?” In part, you were quoted as saying: “It is important to be sensitive to the fact that Yellowstone is an economic engine for three states – Montana, Wyoming and Idaho – and is the heart of the largest intact ecosystem in the lower 48 states. One always needs to consider the unintended consequences along with the intended ones. You just can’t make short-term decisions in Yellowstone National Park.”

It should be noted that winter use is not simply about access to Yellowstone, it is also about the economics of local communities – businesses involved with recreation, hotels, restaurants, etc. Decisions in Yellowstone have tremendous impacts on the local communities that support the Park. I am against Alternative 7 as proposed, because to implement it will deliver one more major blow to the surrounding areas.

In recent years, The State of Wyoming and Park County have invested over \$1.3 million to reopen the Sleeping Giant Ski Area, which is in the immediate vicinity of the East Entrance. After many years of closure the Area was reopened for the 2009/2010 winter season. As noted on p. 33 of the Draft WUP and EIS, “The reopening and continued operation of this ski area contributes to the winter recreational opportunities in the area during the winter season.” Such revitalization efforts will not be limited to ski area traffic and will provide a catalyst for more economic investment and other winter use opportunities in the vicinity of the East Entrance. But a sustainable WUP is imperative for revitalization in the area to continue.

In short, Wyoming, Montana, and Idaho depend on good management of Yellowstone. I hope you will make a decision that both supports the current business model and provides the potential for growth and resurgence of economic opportunity within local communities during the winter.

## **8. Sylvan Pass**

I applaud the intent to manage Sylvan Pass in accordance with the Sylvan Pass Working Group agreement as proposed in Alternative 7 and to continue with road grooming. However, in addition to seeing that access through the East Entrance continues, I would appreciate better commitment from the NPS to groom and keep open Sylvan Pass.

When speaking of Sylvan Pass, some will argue that the cost of keeping this route open is not justified by the number of users utilizing the East Entrance. The argument neglects to consider that NPS restrictions are affecting visitation numbers. I am convinced that with time, additional commercial access, and the inclusion of non-commercial snowmobile access, visitation through the East Entrance will grow and justify the expense. There are four points of the compass – four directions into the Park – and restricting East Entrance access in the winter is simply not defensible.

## **9. Best Available Technology (BAT)**

The BAT standard identified in the Draft WUP and EIS, p. 41, does not include the requirement that a snowmobile be equipped with a 4-stroke engine; however, throughout the document the NPS interchanges 4-stroke snowmobiles as reference for BAT. The flaw should be corrected and the NPS should be prepared to permit 2-stroke snowmobiles that meet or exceed BAT standards as technology improves.

The Draft WUP and EIS, p. 63, states that: “The implementation of additional BAT requirements would be considered as technology improves, including hybrid and electric vehicles, among other improvements. An increased allocation of permits would be considered for companies using vehicles with such improvements.” My specific question is: would increased allocations come at the expense of other operators or would additional snowmobiles be allowed to enter the Park? The intended action should be spelled out clearly in the document.

Under Alternative 7, the NPS proposes to implement additional BAT standards for NO<sub>x</sub> for the 2014/2015 winter season. The NPS lacks the authority to set a NO<sub>x</sub> standard. The EPA has the exclusive authority to regulate source emissions under the Clean Air Act. In the Scientific Assessment, p. 18, you appear to acknowledge and at the same time ignore this fact, stating that “[t]he NPS does not set air quality standards, but does follow the federal and state standards.” I request that the proposed NO<sub>x</sub> standard be removed in the final WUP and EIS.

## **10. Soundscapes**

We should work to protect the natural sounds of Yellowstone while being realistic in setting standards, especially along travel corridors and areas of major development. Yellowstone visitors have voiced their understanding of the tradeoff between the sounds of the vehicles they

used to access the Park and the natural sounds they were seeking (Saxen 2008). It is often a good reminder that even those seeking a non-motorized experience during a visit to the interior of Yellowstone depend on motorized means to enter the Park and access trailheads. The NPS should consider options for solitude other than cutting snowmobile numbers.

The Draft WUP and EIS, Appendix C, p. C-9, adopts an unreasonable sound criterion. See Attachment A.

It is unreasonable to compare travel corridors within Yellowstone to bedrooms, conference rooms or empty classrooms. Further, the EPA has determined that a level of 55 dB should be applied to parks, nature exhibits and recreational activities. A level higher than 35 dB and closer to 55dB is more appropriate for assigning impact to soundscape along travel corridors and is warranted.

### **11. Access**

Under the preferred alternative, a number of side roads would be closed to motorized use. These side roads include Firehole Canyon Drive and North Canyon Rim Drive. These roads provide a unique experience for visitors. The current system of road access is working – please do not change it.

### **12. Entrance Requirements**

The requirement that all OSVs enter Yellowstone by 10:30 a.m. is unrealistic. It constrains access, and would bunch groups of visitors, causing additional air quality, soundscape, and wildlife impacts. The increased impacts would be experienced both at entrance gates and along travel corridors. The problems you propose to solve would only be exacerbated by implementing this requirement.

This deadline is too early, especially for those commercial operators traveling from Jackson to the South Entrance and guests traveling from Cody to the East Entrance. These operators have a significant number of logistics to cover each morning prior to departure. A day of business would be lost if weather or road conditions prevented operators from meeting the 10:30 a.m. deadline.

I would urge the NPS to consider a pre-registration system, perhaps online. An online system could facilitate entrance into the Park and reduce air quality and soundscape impacts at entrance gates.

### **13. Long-term Monitoring and Review**

All management actions, including close analysis of non-commercial access, should be continuously monitored and reviewed and subject to change under the NPS's adaptive management principles. I support adaptive management if it is applied in a manner that it is just that – adaptive. According to the Department of Interior, “[A]daptive Management does not represent an end in itself, but rather a means to more effective decisions and enhanced benefits.”

Adaptive management must provide for an objective decision making process. It should be implemented in such a way that has the flexibility to allow for increased access.

#### **14. Cooperating Agencies**

My administration joined the conversation as a cooperating agency shortly after I took office in January. I am concerned that cooperating agencies were not adequately engaged in a collaborative manner early in the development of the Draft WUP and EIS. The State of Wyoming does not desire to be a cooperator in title only – it has to be a meaningful engagement. I am sure other “cooperating agencies” feel the same way. I hope that all cooperating agencies will be fully engaged, as envisioned under NEPA, as this process moves forward.

In closing, I am drawn to the October 15, 2009 remarks of Suzanne Lewis, former Superintendent of Yellowstone, in response to comment letters on Yellowstone winter use in which she outlines recent use and monitoring impacts to air, health and safety, wildlife, soundscapes, visitor experience and other issues. Ms. Lewis concludes:

For each topic monitored, we now understand that both snowmobiles and snowcoaches are contributing similarly to the measured impacts of winter use. The perception that snowmobiles are contributing to the vast majority of observed effects, and that those effects would greatly diminish with snowcoaches only, is not supported by the research. When managed, as they have been for the past five winters, both modes of transportation provide opportunities for visitors to enjoy the park. Each can offer different experiences for visitors, just as cross-country skiing, snowshoeing, and walking offer different opportunities for visitors to enjoy the park.

I also believe the best available science shows that an increase in use, particularly snowmobiles, will not degrade air quality, soundscapes, or wildlife. We have an opportunity to restore balance into the equation and meet the founding tenet of the Yellowstone National Park Act.

Thank you again for the opportunity to comment on the Yellowstone Draft WUP and EIS. I look forward to working with you in the days ahead to find an alternative that will not restrict access to one of Wyoming’s most valuable resources.

Best regards,



Matthew H. Mead  
Governor

Cc: Senator Mike Enzi  
Senator John Barrasso  
Representative Cynthia Lummis

## **Governor Mead's Comments on Yellowstone Draft WUP and EIS Attachment A**

### **2. Variable Management (Caps)**

“Vertical caps” present an issue whereby allocations are not filled, primarily due to two factors: 1) Park visitor travel arrangement alignment with operator allocations, and 2) availability of BAT approved snowmobiles. The NPS acknowledges this issue in the Yellowstone WUP Frequently Asked Questions document (p. 4).

“Horizontal caps” present an issue when a visitor desires to book a multiple-day package that overlaps a level change. An example is where a family proposes to enter the Park on a day when the level is set at 330 and elects to leave the Park several days later when the level has been reduced to 220. It is possible this family would be required to leave the Park early. More likely, the trip would not be booked.

### **3. Daily Snowmobile Allowance (Scientific Assessment of Yellowstone Winter Use, pp. 5 and 6, Conclusions relating to impacts associated with OSV use on wildlife):**

“[E]cological processes, and not OSV use, are dominant influences on wildlife vital rates and rates of increase.”

“Collectively, studies conducted to date suggest effects of OSV on individual animals have not had measurable detrimental effects....[S]tudies of ungulate physiology suggest habituation to predictable disturbances like those associated with OSV use in Yellowstone. Observations of bison, elk, trumpeter swans, and bald eagles, which evince awareness of passing OSVs but typically are not displaced, do not suggest substantial energetic costs. Elk and bison near roadways do not appear to exhibit elevated levels of stress hormones attributable to OSV traffic.”

“Current evidence does not support the notion that winter groomed roads contributed to population increases of bison, or are preferentially used by bison.”

“Humans on foot and skis...generally elicit stronger behavior responses from ungulates than do motor vehicles on roads.”

### **6. Non-Commercial Guided (Cost Differential)**

Information obtained from a Wyoming operator (trip from South Entrance to Old Faithful):

• *Commercial*: \$269 single, \$399 double (includes entrance fees and fuel)

*Non-commercial:* \$150 single, \$150 double (does not include entrance fee - \$15 per snowmobile or fuel – approximately \$30)

As this example illustrates, a family of five could save over \$480 for a one day adventure.

## **6. Non-Commercial Guided (Other Suggestions)**

- (1) Identify those participants that would be required to complete educational component requirements.
- (2) Require all non-commercial snowmobiles entering Yellowstone to meet BAT standards. Currently the majority of the general public do not own BAT-approved snowmobiles and would likely obtain one from a commercial operator. The NPS would not then have to ensure the snowmobile meets BAT standards, and this contact would afford another educational opportunity for individuals in a non-commercial group to receive a safety and general rule briefing. Over time it would be expected that more members of the general public would purchase BAT-approved snowmobiles.
- (3) Define a non-commercial guided snowmobile trip to preclude a non-commercial participant from operating as a commercial guide.
- (4) Limit the number of times an individual could enter the Park as a non-commercial trip participant and establishing maximum trip durations.
- (5) Specify trip size, i.e., number of persons and number of snowmobiles, to facilitate management of non-commercial groups.

## **10. Soundscapes (Sound Criterion)**

The Draft WUP and EIS, Appendix C, p. C-9, provides the following sound criterion:

“For this EIS, an  $L_{eq}$  of 35 dB has been selected as the criterion corresponding to major impact to travel corridor acoustical environments. A variety of authoritative and scientific sources point to 35  $dB_A$  as a pertinent sound level criterion for quiet environments. ANSI Standard 12.2 – Criteria for Evaluating Room Noise – specifies 35  $dB_A$  as the desired background condition for many indoor spaces where quiet and outstanding listening conditions are important (bedrooms, auditoria, theatres, conference rooms). ANSI 12.60 – Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools – specifies 35  $dB_A$  as the background criterion for empty classrooms[.]”