



Wyoming Outdoor Council

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Mr. Bryan Armel
Forest Plan Revision
Shoshone National Forest
808 Meadow Lane Ave.
Cody, WY 82414

Dear Mr. Armel,

On behalf of the Wyoming Outdoor Council and the Greater Yellowstone Coalition, please accept these comments on the Shoshone National Forest's most recent iteration of its draft forest plan. Most of our comments pertain to specific aspects found in or omitted from the draft plan itself, but initially we wish to express a general concern with the process.

Since summer 2005 when the plan revision process began, the substantive goal of our organizations has been to ensure a revised forest plan that protects the self-identified niche of the Shoshone as a wild, backcountry forest. Just as important, we advocated that in the absence of a NEPA process, the revision process should be democratic and not unduly influenced by any one interest group, even if that interest group is a coalition of locally elected officials. Having seen the latest draft and after meeting with you on May 27, we are disappointed on both counts. We do not believe the plan is nearly as protective as it could be of the forest's unique backcountry qualities, and we are concerned that the new forest planning regulations have allowed some stakeholders (namely some of the government cooperators) an opportunity to influence the draft plan during a time when the Forest Service was not soliciting public comment or holding public meetings and all other stakeholders reasonably believed there were no crucial decisions being made.

For part of the past two years the revision process was on hold while a court injunction prevented the Forest Service from working on rule-specific aspects of the plan. When the 2008 rule was finalized, forest plan revision work continued, but without public input. The last time the Forest Service solicited comments was more than two years ago—in March 2007. At this time, there were three options the Forest Service was considering. Option 1 was the most protective. It recommended more than 100,000 acres of new wilderness and safeguarded most of the inventoried roadless areas as "backcountry non-motorized." Option 3 opened up many inventoried roadless areas to logging and road building under a "general forest" heading and recommended no new wilderness. Option 2 was a compromise of sorts and recommended the Dunoir—an important and deserving area, but one that is already designated a special management unit—as new wilderness. When the public was invited to participate again in April

2009, major changes had occurred. There was only one option, which as you explained was “shaded more towards Option 3,” after you received substantial input from some of the cooperators.

From the beginning of the process the Forest Service has made it clear that it is always willing to meet with interested stakeholders upon request. We appreciate this effort; however, in this situation it seems one interest group has taken advantage of this open-door policy and has successfully influenced the revised draft to reflect its priorities. Unlike a NEPA process, which has the ability to level the playing field by establishing firm comment deadlines and requirements for making comments a matter of public record, the 2008 rule allows an individual forest unit discretion in the number of public meetings and comment periods it offers. For many months, the Shoshone was actively working on plan revision, but only meeting with a subset of government cooperators. Given this reality, the Shoshone National Forest should have held another round of public meetings and solicited input from other stakeholders prior to making changes; given the amount of time it spent with one interest group over the past year.

While we appreciated meeting with you in late May 2009, we would have liked the opportunity to give input prior to the Forest Service’s decision to make changes to the settings and maps. We realize this is a pre-draft plan and that the Forest Service still has the ability to make substantial changes. To that end, we would like to request another meeting with you and Becky Aus and any other appropriate forest planning staff to meet with a consortium of diverse stakeholders interested in protecting the backcountry qualities of the forest. In addition to our organizations, we are confident representatives of other conservation and sportsmen’s groups, backcountry horsemen and the National Outdoor Leadership School (NOLS) would be interested in attending.

We submit the following comments on the most recent version of the revised forest plan.

Wilderness Recommendations

We encourage the Forest Service to reconsider recommending more areas as wilderness under this revised plan. In addition to the Dunoir, which we support, there are several others areas worthy of such a recommendation. Franc’s Peak, Wood River, South Fork and Trout Creek all have high quality wilderness capability as evidenced by the Forest Service’s own August 2008 evaluation. Included below are comments that we submitted in 2006 regarding these four inventoried roadless areas.

Franc’s Peak (02051):

Timber harvest should not be allowed in the 2B and 3A portions of the IRA. Only two percent of the IRA is managed for big game winter range, yet vast portions of the IRA are both bighorn sheep and elk winter range. The Franc’s Peak IRA makes up a substantial portion of bighorn sheep hunt area #5 – one of the most important and most sought after bighorn sheep hunt areas in Wyoming. The IRA should be managed for winter range where winter range exists. No new roads or motorized routes should be developed in the IRA. Because of its wild character and the fact that the roadless area is adjacent to designated wilderness, the majority of this roadless area should be recommended for wilderness designation.

Wood River (02052):

Fifteen percent of the eastern portion of the IRA is managed for wood-fiber production (7E). The vast majority of the portion that is managed for wood-fiber production is elk winter range and also contains several elk migration routes. Because of the importance of elk winter range and migration routes, the eastern portion of the roadless area should not be designated for wood-fiber production. Timber harvest should not be allowed in the 2B and 3A portions of the IRA. Logging should only be allowed right along the interface between the forest and private land to protect private lands from wildfire. Only one percent of this roadless area is managed for big game winter range, yet the roadless area contains a substantial amount of winter range. The roadless area should be managed for winter range where winter range exists. No new roads or motorized routes should be developed in the IRA. Because of its wild character and the fact that the IRA is adjacent to designated wilderness, the majority of this roadless area should be recommended for wilderness designation.

South Fork (02049):

Significant portions of this IRA provide bighorn sheep and elk winter range, yet only four percent is currently managed for winter range. The roadless area should be managed for winter range where winter range exists. A significant portion of this roadless area is within the grizzly bear Primary Conservation Area. The roadless area also contains numerous elk migration routes and some bighorn sheep migration routes. No timber harvest should be allowed in the roadless area unless it is right along the interface between the forest and private land to protect private lands from wildfire. Due to impacts to big game and grizzly bears, no new roads or motorized routes should be developed in the roadless area. The roadless area is also adjacent to designated wilderness. Because of its wild character and the fact that the IRA is adjacent to designated wilderness, the majority of this roadless area should be recommended for wilderness designation.

Trout Creek (02044):

The majority of this IRA provides bighorn sheep and elk winter range, yet only one percent is currently managed for winter range. The roadless area should be managed for winter range where winter range actually exists. The roadless area also contains elk and bighorn sheep migration routes. Because of the importance of winter range and migration routes, no timber harvest should be allowed in the roadless area. The western portion of this roadless area is within the grizzly bear Primary Conservation Area and adjacent to designated wilderness. Due to impacts to big game and grizzly bears, no new roads or motorized routes should be developed in the roadless area. Because of its wild character and the fact that the roadless area is adjacent to designated wilderness, the majority of this roadless area should be recommended for wilderness designation.

Inventoried Roadless Areas/Wilderness Evaluation Areas

In 2006, the Forest Service prepared an updated roadless area inventory and calculated 751,336 acres that qualified as "roadless." This was 66,431 acres more than the 684,905 inventoried roadless area acres that comprised the RARE II survey. It found that parts of some inventoried roadless areas no longer qualified as "roadless." In these circumstances, the acreage in the 2006 inventory decreased. Examples of this appear below in the table below marked with an asterisk. In most cases, however, the Forest Service found the RARE II survey figures to be inaccurate and/or it changed the buffer areas from existing roads so that additional acres qualify as

“roadless” today. In these cases, the acreage increased. In 2009, the Forest Service decided to refer to the lands within its 2006 roadless inventory as “wilderness evaluation areas.” With the exception of a few cases in which roadless areas were reconfigured or new names were given to these areas, the 2009 wilderness evaluation areas mirror the 2006 roadless inventory.

Evaluation of Areas With Roadless Characteristics

IRA #	IRA Name	2006 figures/2009 WEAs	IRAs/RARE II
02039	Windy Mountain	35,784	31,136
02040	Pat O’Hara	11,786	10,900
02041	Sulphur Creek	27,742	30,103*
02042	Clarks Fork	41,791	4,392
02043	Sunlight	15,794	1,299
02044	Trout Creek	39,273	43,954*
02045	Wapiti Valley N	20,658	18,333
02046	Rattlesnake	4,702	449
02047	Sleeping Giant		5,173
02048	Wapiti Valley S	50,417	43,484
02049	South Fork	66,857	64,697
02050	Carter Mountain	9,930	3,305
02051	Franc’s Peak	67,855	68,517*
02052	Wood River	57,017	50,624
02053	Castle Peak	8,214	4,746
02054	Telephone Draw	22,183	21,081
02055	Carson Lake	4,738	4,261
02056	East Dunoir	5,940	3,267
02057	South Dunoir	2,925	2,967*
02058	Dunoir	29,630	28,878
02059	West Dunoir	7,047	2,024
02060	Sheridan Pass	11,745	8,389
02061	Benchmark	8,932	5,936
02062	Salt Creek	7,171	0
02064	Little Popo Agie	10,730	8,335
02065	Canyon Creek	8,692	7,529
02066	Pass Creek	4,185	6,172*
02901	Middle Fork	59,743	51,779
02902	Warm Springs	6,110	6,215*
02903	Togwotee Pass	6,536	8,232*
02911	Deep Lake	69,501	104,942*
02913	North Boundary	181	182*
02914	Reef	16,917	16,807
NF915	High Lakes	15,213	16,826*

We support the Forest Service’s efforts to update its maps and databases via GIS and other modern mapping techniques in order to accurately reflect the conditions found on the forest today. We realize this 2006 recalculation is only a survey and not a determination of management or a designation of future use. We also understand that then and now (assuming the

roadless rule might once again be applicable) the 2001 roadless rule only applies to RARE II acres.

Although we are pleased to see the 2006 figures being used as the foundation for the agency's consideration of future management, we are concerned that the Forest Service has designated whole sections of areas having roadless characteristics, i.e. wilderness evaluation areas, "general forest," essentially leaving them open to future logging and road building. Despite the fact that the roadless rule is not currently applicable to national forests in Wyoming and the Forest Service has no mandate to do so, the Forest Service can and should honor the spirit of the rule—which is to manage these areas for their unroaded backcountry characteristics, not for commodity production—when designating settings in the revised forest plan. It is likely the new administration will pursue a policy that is protective of roadless areas, given the interim policy it established on May 28, 2009, which requires the oversight and approval of the Secretary of Agriculture for any logging or road building projects in inventoried roadless area. We urge the Shoshone to re-examine the "genfor*" settings and convert them to backcountry settings.

It is especially troubling that some areas the Forest Service concluded had the highest qualities for potential wilderness recommendation (i.e. Trout Creek, South Fork, Franc's Peak and Wood River) are not only not recommended wilderness, but sections of these areas have been carved out and are not even slated for backcountry non-motorized settings. Of these areas, 1,213 acres of Trout Creek IRA, 2,941 acres of South Fork IRA, 10,798 acres of Franc's Peak IRA and 10,217 acres of Wood River IRA are now designated "general forest." We ask the Forest Service to reconsider changing all of the acreage in wilderness evaluation areas to some sort of backcountry setting—but particularly the areas in these four IRAs.

A general forest setting fails to adequately protect the outstanding backcountry resource niche the Shoshone National Forest fills in the national forest system and detracts from the important goal of protecting large tracts of secure habitat. The Wyoming Game and Fish Department's comments, submitted June 4, 2009, mention this and it is worth repeating here. Secure habitat is essential for grizzly bears to recover and big game populations to thrive on the Shoshone.

A backcountry setting (whether non-motorized or allowing some motorized use by season) is appropriate for a number of reasons. In the absence of a national roadless rule, such a setting would not limit the Forest Service's ability to administer vegetation treatment projects, but it would ensure that these projects are planned with the goal of protecting backcountry qualities and in such a way so as to avoid the construction of new roads. A great deal of habitat improvement and aspen regeneration can be done by people accessing areas on foot and utilizing fire to improve forest health.

Road construction—as the Forest Service itself has documented—causes habitat fragmentation, loss of secure habitat, erosion/water quality degradation and the introduction of invasive weeds. Even the construction of temporary roads can cause these problems. Construction of new road templates (whether permanent or temporary) open areas to the threat of increased motorized traffic, resulting in a higher level of disturbance for wildlife. In addition, maintenance of roads is costly. Because the agency does not have the budget to fund the upkeep of even its existing road system, it should not allow the construction of new ones, particularly in some of the highest

quality backcountry areas on the Shoshone. Many of the roadless areas on the Shoshone are simply unsuitable for road construction for any reason.

Roadless areas/Oil and Gas Leasing Suitability

We are concerned that the Forest Service has chosen not to address oil and gas suitability across the forest and in particular with respect to roadless or wilderness evaluation areas in its forest plan revision. The forest planning process is the appropriate time to address suitability for oil and gas leasing. Suitability determinations relative to other topics are being addressed in the plan (i.e. timber harvest and production and recreational settings). It does not follow that oil and gas suitability should not also be considered. The Forest Service could address oil and gas suitability just as it is determining which areas are appropriate for motorized recreation. No final decisions are being made with respect to travel planning; we understand an EIS process will be initiated after the plan is finalized. So, too, could oil and gas suitability be addressed. A determination could be made whether leasing is appropriate (especially in roadless areas) and final decisions could be made in an updated availability study/EIS after forest plan revision is complete.

In various meetings, the Shoshone National Forest cites the MOU it and the Bridger-Teton National Forest entered with the State of Wyoming that states that there will be no new oil and gas leasing in roadless areas until updated oil and gas availability studies/EISs are prepared as assurance that these areas are protected. This MOU is a good faith understanding, but it is not a binding contract, nor does it have the force and effect of law. Moreover, any party can withdraw from the MOU with just 60 days notice to the other parties. It is unlikely an availability study will be finalized (and perhaps not even begun) in the next 18 months. Thus, Governor Freudenthal's replacement may have a different agenda regarding leasing in roadless forest areas and could easily withdraw from the agreement. We ask that the Forest Service reconsider its decision not to address this topic. We request that at a minimum the decision made within the MOU is documented and incorporated into the plan. We further request that suitability for oil and gas leasing is fully addressed in the forest plan for all Shoshone National Forest lands.

Climate Change

We recently learned that the Shoshone National Forest has been identified as one of three forests in the system to receive special attention with respect to climate change. Please supply more information about this and the ways in which the forest plan will address this topic.

Other page-specific comments

Pg. 20: Please explain what is meant by "economic values" in the desired condition for air quality.

Pg. 32: Please clarify the meaning of "associated desired conditions" in the sentence: "The removal of timber products (saw timber, small diameter roundwood, chips, pulp, firewood) and other forest products (mushrooms, Christmas trees, pine cones, etc.) contributes to ecological, social, and/or economic sustainability (including local communities) and associated desired conditions." Please specify which desired conditions are being referenced or delete this segment of the sentence.

Pg. 33: Please delete the phrase “to the extent possible” in the sentence: “Lands where past mineral development has occurred have returned to natural conditions to the extent possible and contribute to supporting other resource objectives.” This phrase was a recent change that weakens the desired condition.

Pg. 34: Please clarify the desired condition for no more than 1,400 miles of forest roads on the Shoshone. We discussed what seemed like a discrepancy (given the current 1,100 miles of road on the forest and the Forest Service’s desire to retain a “no net gain” policy for road construction) with you in our meeting on May 27; however, we are still somewhat confused and would appreciate a clarification in the plan itself.

Pg. 52: There were two aspects of Table 9 that raised questions. First, is it correct that motorized trail construction would be allowed in a backcountry winter only motorized area? Second, is it correct that mountain bike travel would be allowed in the High Lakes WSA?

Pg. 54: We do not understand the 1,780,042 figure in the second column/second row of Table 10. It would seem that this figure should be 1,790,822, which would be the sum of 2a and 2b (1,780,042 + 10,780). Is this correct?

Pg. 60: Objective 25 could be far more specific. The Forest Service has designated specific acreages for other types of vegetation treatment over the next 10-15 years. It is appropriate that numeric goals also be set for reduction of invasive plants.

Pg. 75: We disagree with the statement: “All standards were retained direction from the 1986 Forest Plan. The standards were developed through National Environmental Policy Act processes and are still relevant.” While many standards from the 1986 Forest Plan may still be relevant, we think that the decision not to add any new standards is a mistake, especially with respect to oil and gas development. We realize that such a step would require compliance with NEPA, and that takes additional time and effort; however, it is not appropriate to circumvent this important aspect of forest plan revision. The Forest Plan revision process is an opportunity to update all aspects of a plan—including standards.

At minimum the Forest Service should update and add standards for oil and gas development on the Shoshone. The list of oil and gas guidelines on page 83 is not only insufficient to safeguard forest resources from this type of industrial development, but labeling them “guidelines” instead of fully enforceable “standards” falls short of the necessary protections national forest lands require in response to the threat of oil and gas development. Much has changed in the 23 years since the 1986 standards for oil and gas development were adopted. It is imperative that in a state like Wyoming, where oil and gas development has boomed in the last decade and literally changed the landscape of the state, that the Shoshone National Forest opt to update its standards on this topic. We urge the Forest Service to do this.

Pg. 81: We question why the timber harvest guidelines are not standards, particularly when some of the language reflects actual requirements from the National Forest Management Act and its implementing regulations.

Pg. 82: We disagree that grazing allotments should automatically be made available if they become vacant as Guideline 67 states. While the re-issuance of grazing permits might be appropriate in some circumstances, there may be situations in which retiring an allotment is the best course of action. Circumstances requiring riparian area restoration or wildlife-livestock conflict mitigation would be appropriate reasons not to re-issue a permit. These decisions should be made on a case-by-case basis.

Conclusion

So that you are aware, our organizations participated in a conference call on June 17, 2009 with Temple Stevenson (Governor's Office), Greg Kennett of Ecosystem Research Group (ERG) and another ERG employee, Reg Phillips (Crowhart/Dubois Conservation District) and Steve Jones (Meeteetse Conservation District) to discuss our various priorities and areas where we might find common ground with respect to aspects of the revised forest plan. We agreed to meet again either in person or via webinar/phone conference in the coming weeks and to extend invitations to other interested stakeholders. We hope to reach consensus, if possible, on some of these issues.

We appreciate your consideration of our comments regarding the most recent draft plan and look forward to continuing discussions with you and meeting with you, at your convenience, with the interested stakeholders we mentioned above.

Sincerely,



Lisa McGee
National Forests & Parks Program Director
Wyoming Outdoor Council

And on behalf of:

Hilary Eisen
Public Lands Advocate
Greater Yellowstone Coalition