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Forest Service

Draft Record of Decision for the Land Management Plan Revision Shoshone National Forest

Located within Fremont, Hot Springs, Park, Sublette and Teton Counties, Wyoming

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DRAFT

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This document presents the draft decision regarding the selection of a Revised Land and Management Plan for the Shoshone National Forest. It summarizes the reasons for choosing the Selected Alternative as the basis for the revised Forest Plan, which will be followed for the next 10 to 15 years. The long-term environmental consequences contained in the Final Environmental Impact Statement are considered in this decision. This decision will be finalized by the Responsible Official Daniel J. Jirón after the objection period is complete.

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Introduction

This document presents the *draft* decision and summarizes the reasons for choosing the Selected Alternative as presented in the Shoshone National Forest (NF) Final Environmental Impact Statement (FEIS), as the basis for the Shoshone NF revised Land Management Plan (LMP). The long-term environmental consequences contained in the FEIS are considered in this decision. An LMP is required by the National Forest Management Act (NFMA) and associated regulations.

The Shoshone NF consists of 2.4 million acres in Fremont, Hot Springs, Park, Sublette and Teton counties. Approximately 56 percent of the Forest is designated wilderness and 28 percent, inventoried roadless under the 2001 Roadless Rule. It is part of the Greater Yellowstone Area, which is a large, nearly intact northern temperate zone ecosystem. The Greater Yellowstone Coordinating Committee was formed in 1964 to allow representatives from the U.S. Department of the Interior (USDI) National Park Service, U.S. Department of Agriculture (USDA) Forest Service, USDI Bureau of Land Management, and the USDI Fish and Wildlife Service to pursue opportunities of mutual cooperation and coordination in the management of core federal lands located within the Greater Yellowstone Area. This relationship helped to add depth to the LMP as elements were considered in context with what is happening on other public lands within the area.

This *draft* Record of Decision *only* affects the lands administered by the Shoshone NF. It does not affect lands administered by the other agencies within the Greater Yellowstone Area. This LMP establishes a framework for future decision-making by outlining a broad, interdisciplinary program for achieving the desired goals, objectives, and future conditions of the landscape for the next 10 to 15 years. The LMP does not make a commitment to the selection of any specific project and does not dictate day-to-day administrative activities needed to implement the agency's internal operations. However, by applying forest-wide management direction, the LMP is implemented through the design, execution and monitoring of site-specific projects and activities.

My Decision

This draft *Record of Decision* (dROD) presents my decision to select Alternative G as presented in the FEIS to serve as the basis for the revised LMP for the Shoshone NF. In making this decision, I reviewed the range of alternatives, read the public comments, and considered the evaluation of the alternatives in the FEIS. This LMP and FEIS further the "all-lands" approach by working closely with and involving other Federal landowners within the Greater Yellowstone Area, State and local governments and American Indian Tribes with an interest in the Shoshone NF. This coordination allowed for the revision to be consistent with the plans for the surrounding landscape.

By selecting Alternative G, I am approving a revised LMP for the Shoshone NF, providing a holistic approach toward management of this landscape into the future. In addition, Alternative G best responds to the identified need for change in six major plan revision topics:

1. Recreation uses and opportunities
2. Special areas and designations
3. Vegetation management
4. Wildlife habitat management
5. Oil and gas development
6. Commercial livestock grazing

Furthermore, Alternative G best addresses the issues raised within the revision topic. It is responsive to the comments received and is a logical outgrowth of the analysis and public involvement efforts. Alternative G strikes a balance among these resources not emphasizing any particular element over another.

This LMP includes goals and objectives, standards and guidelines, management area direction, monitoring and evaluation direction, and recommendations for special area allocations. It identifies lands that are suitable for various uses. However, the decision to recommend lands within the Shoshone NF that are administratively available for oil and gas leasing is being made in a separate decision.

This revised LMP and FEIS are programmatic and represent a broad management strategy for the Shoshone NF that provides direction for restoring and sustaining healthy forest and rangeland conditions. Standards and guidelines ensure that resources are managed in a sustainable manner. Needed course corrections or adjustments will be identified through monitoring and evaluation, and amendments to the LMP will be made as needed. This decision will remain in effect until the LMP is revised or amended.

My decision is being made pursuant to the 1982 Forest Service planning regulations, as allowed by the transition language of the current regulations, 36 Code of Federal Regulations (CFR) 219.17(b)(3). A copy of the 1982 Planning Regulations is available at the Shoshone NF office or at <http://www.fs.fed.us/emc/nfma/includes/nfmareg.html>.

Components of My Decision

There are six fundamental components of my LMP decision. The following sections discuss these components of the decision in detail.

1. Establishment of forest-wide multiple-use goals and objectives, including desired conditions (36 CFR 219.11(b) – 1982)

I am establishing goals, stated as desired conditions, and objectives as listed and described in the Shoshone NF Land Management Plan for each resource or resource area.

Desired conditions encompass the overarching goals of land and resource management. They are statements of the social, economic, and ecological attributes and values toward which management strives to achieve, and characterize or exemplify the desired outcomes of land management. They describe how the area is expected to look and function in the future. Some desired conditions are general, while others are specific.

Desired conditions are aspirations; they may only be achievable over the long term. Collectively, specific projects implemented subsequent to this Plan should contribute to maintaining and/or achieving desired conditions, but no single project should be expected to contribute to meeting all desired conditions. Identifying and establishing desired conditions is the central focus of this LMP.

Objectives are concise projections of measurable, time-specific intended outcomes. Objectives are a means of progressing toward maintaining and/or achieving desired conditions. As with desired conditions, they are aspirations, not commitments or final project decisions.

2. Establishment of forest-wide standards and guidelines (36 CFR 219.13 to 219.27 – 1982)

I am establishing standards and guidelines as listed and described in the Shoshone NF LMP for each resource or resource area.

Standards and guidelines are criteria used in project design and implementation that protect resources and provide technical guidance for project and activity decision-making to help achieve desired conditions and objectives. They are project-level operational controls that help ensure that projects are implemented in ways that reduce environmental impacts.

A **standard** is an approach or condition that is determined to be necessary to meet desired future conditions and objectives, and/or to ensure the long-term viability of resources. A standard (worded as “must” or “shall”) describes a course of action that must be followed, or a level of attainment that must be reached. Deviations from standards would require analysis and documentation through a subsequent land management plan amendment.

A **guideline** (worded as “should”) is presumptively a requirement to meet desired future conditions and objectives, and/or to ensure the long-term viability of resources. Guidelines are put forward in this plan in recognition that there may be circumstances that could generate or require alternative, more appropriate means for meeting desired future conditions and objectives, and/or to ensure the long-term viability of resources. It is also recognized that there may be limited individual circumstances where the need for a guideline no longer exists or the applicability of a guideline is otherwise altered (e.g., changes in surrounding land use that may render a guideline ineffective). In these situations a guideline has been determined to be more appropriate than a standard by allowing some flexibility in approach as conditions change and new information is obtained. The use of guidelines in this plan is an acknowledgement that a single ideal approach for meeting our desired future conditions and objectives, and/or ensuring the long-term viability of resources may yet to be identified, and that there may be nuances in any given management situation that warrant a modified approach. If the Responsible Official for a project decision finds that deviation from a guideline is necessary, the Responsible Official must record the reasons for deviation as part of the project decision and explain how the intent of the guideline--as established by the desired future conditions and objectives, and/or need to ensure long-term viability of resources--is being met through alternative means. If the intent of the guideline is met through alternative means, a land management plan amendment would not be required.

3. Establishment of management direction (36 CFR 219.11(c) – 1982)

I am establishing six management prescriptions, called management areas, which will guide the design and implementation of future actions. These are identified using a numbering scheme commonly in use in the Rocky Mountain Region of the Forest Service. This numbering scheme uses a scale from Management Area 1 comprising wilderness prescriptions to Management Area 8 describing developed sites. (Management Areas 6 and 7 are not used in this Plan). Management Areas describe the level of management, investment and appearance of landscapes, and the suitable uses and activities that may occur within that area.

4. Determination of lands suitable for various uses and an allowable timber sale quantity

My decision specifically includes the determination of lands suitable for timber harvest (36 CFR 219.14 – 1982) and an associated allowable sale quantity for the next 10 years on those acres (36 CFR 219.16 – 1982); the determination of lands suitable for grazing and browsing (36 CFR 219.20 – 1982); and provision for a broad spectrum of outdoor recreation opportunities (36 CFR 219.21 – 1982).

Suitable uses are described in the LMP for each management area and for some specific areas.

My decision identifies 127,009 acres as suitable for timber production. I am establishing an allowable sale quantity for the next 10 years on the suitable acres as 22,800 thousand cubic feet.

My decision also identifies 375,368 acres as suitable for grazing and browsing.

My decision identifies which areas are generally suitable for oil and gas surface development. However, there may be restrictions and stipulations as part of the oil and gas leasing availability decision which is separate from this Forest Plan decision.

5. Establishment of requirements for monitoring and evaluating the implementation of the Revised Plan. (36 CFR 219.11(d) – 1982)

I am establishing monitoring and evaluation requirements as described in Chapter 3 of the LMP. The monitoring plan provides a framework for adaptive management by establishing priorities and timelines for the evaluation of ecological, social, and economic conditions and trends that contribute to sustainability and reflect progress toward the land management goals of the Shoshone NF. As part of the monitoring plan, we state that cooperating agencies can assist Forest personnel with monitoring forest LMP and project implementation. Maintaining the knowledge base and relationship with state agencies and local elected officials will provide continuity in the adaptive management cycle, from development of the revised LMP to plan implementation.

6. Recommendations for additions to the Wilderness Preservation System, the Wild and Scenic River Systems, and establishment of new Research Natural Areas or other administrative designated areas. (36 CFR 219.17(a), 219.18, 219.21, 219.25 – 1982)

Recommendations for Wilderness

I am not recommending additional areas for inclusion in the National Wilderness Preservation System. The FEIS includes an evaluation of the potential wilderness areas (Appendix C - *Evaluation of Areas for Potential Wilderness*). This evaluation was based on Forest Service Handbook 1909.12, Chapter 70, which describes three tests—capability, availability and need—to evaluate the wilderness potential of an area. The Shoshone has a number of back country areas that could be additions to the wilderness system. There is also a large amount of high-quality wilderness designated on the Shoshone and on surrounding national forests. I have decided to continue protecting the characteristics of these back country areas with plan direction that does not include wilderness recommendations. This decision maintains these areas in the conditions for which they are valued while still allowing recreation uses and restoration opportunities that would not be available within a designated wilderness.

Recommendations for the Wild and Scenic River System

In accordance with section 5(d)(1) of the Wild and Scenic Rivers Act (WSRA), I have identified 16 river segments as *eligible* for potential inclusion into the National Wild and Scenic River System.

This is the first step in a two-step process to recommend these areas. The second step is to determine the suitability of these segments which will be done after further site-specific analysis. The Shoshone NF is required to provide for the protection of river segments identified as eligible until a decision is made through a suitability study on the future use of the river and adjacent lands. Projects that affect the free-flowing characteristic of an eligible river would have to make a wild and scenic river eligibility determination before the project could proceed.

These rivers may eventually be designated as part of the National Wild and Scenic River System by the Secretary of the Interior, or as the result of an act of Congress (Secretarial designation requires that the state's governor make application to the Secretary of the Interior). The identification of rivers as eligible or subsequently suitable through this land management planning process does not trigger any water

rights or other protections under the WSRA. In order to manage the rivers for their potential inclusion into the National Wild and Scenic River System, existing authorities will be used to protect the identified river's free-flowing character, water quality, outstanding, remarkable values, and recommended classification. The Shoshone NF has one designated Wild and Scenic River, the Clarks Fork of the Yellowstone Wild River.

Establishment of Research Natural Areas

I am identifying eight new research natural areas in addition to the existing Line Creek Plateau Research Natural Area. Formal designation will take place after the completion of an establishment report. The new research natural areas include Beartooth Butte, Lake Creek, Pat O'Hara, Bald Ridge, Grizzly Creek, Sheep Mesa, Arrow Mountain, and Roaring Fork.

Designations of Special Interest Areas

I am identifying three new special interest areas in addition to the existing Swamp Lake Botanical Area Special Interest Area. The new Special Interest Areas include Sawtooth Peatbed Geological Area, Little Popo Agie Moraine Geological Area, and Kirwin Historical Area.

Other Special Areas

I am establishing management direction for the following national trails:

- Continental Divide National Scenic Trail Corridor
- Nez Perce National Historic Trail Corridor

Rationale for My Decision

My decision to select **Alternative G** is based on a careful and reasoned comparison of the environmental consequences of and responses to issues and concerns identified for each alternative. I selected Alternative G because it best supports our commitment to retain and restore the ecological resilience of the Shoshone NF in order to achieve sustainable ecosystems that provide a broad range of services to society. The Shoshone NF conducted extensive public outreach from the initiation of this process in 2005 to the present, involving numerous individuals, organizations, agencies, Tribes, and local governments. Alternative G provides for the best mix and balance of management strategies that are responsive to the issues, concerns, and opportunities expressed by our stakeholders.

Alternative G establishes ambitious but achievable objectives for ecosystem maintenance/restoration and recreation opportunities and management. Specific components target restoration of watersheds and native plant communities while emphasizing the wide range of recreational opportunities and nationally renowned landscapes. It provides opportunities for responsible resource use and commodity production that are valued by the surrounding communities. Alternative G reflects the public comments received on the DEIS and provides the best multiple use approach for this unique landscape, while preserving a variety of choices for the American people into the future.

Other alternatives considered in detail

Seven alternatives were considered in detail, including Alternative G. These alternatives provide a range of responses to the plan revision topics and provide a basis of comparison of effects for considering environmental impacts. Alternative G was crafted in response to public comments on the six alternatives presented in the DEIS. The description of each of the alternatives not selected is provided below.

Alternative A represents the continuation of current management direction under the existing Shoshone National Forest Land and Resource Management Plan (1986), as amended. Alternative A meets the NEPA and NFMA requirement (36 CFR 219.12(f)(7)) that a No-Action Alternative be considered. “No Action” means that the alternative reflects the implementation of existing management goals, objectives, and management practices based on the existing land use plans. Alternative A also serves as the baseline for comparing and contrasting the impacts of the other alternatives. Alternative A is based on reasonably foreseeable actions, existing planning decisions and policies, and existing land use allocations and programs.

Alternative B describes the draft LMP that responds to the identified purpose and need for change from the current Forest Plan. This alternative was developed in response to public scoping that the vegetation resources need active management to achieve biological and habitat diversity, while still providing a sustainable output of other forest uses and a diversity of recreation opportunities. This alternative provides balance among the utilization of forest resources, recreation opportunities, the conservation of habitat, and designation of special areas.

Alternative C emphasizes wilderness and protection of back country areas while moving toward desired conditions for forest resources. Alternative C has an increased emphasis on natural disturbance processes. It identifies more opportunities for back country non-motorized recreation and more acres of Management Area 1 (wilderness) than any other alternative. This alternative was developed in response to public scoping that the Shoshone NF should emphasize non-motorized, back country recreation and should propose additional areas for wilderness designation.

Alternative D was developed in response to public scoping regarding the recommendation of a few, specific potential wilderness areas and the desire to emphasize non-motorized, back country recreation, natural process and undeveloped recreational settings. It also includes a continuation of commodity production and motorized recreation outside of back country areas.

Alternative E provides an emphasis on commodity production and motorized use while addressing issues shared by the public, local industry, and motorized user groups. Alternative E was developed in response to public scoping regarding the economic sustainability of local communities with an emphasis on expanding the commercial utilization of forest resources into some back country areas.

Alternative F demonstrates the highest level of commodity production and motorized use possible within parameters, such as designated wilderness. Alternative F was developed in response to public scoping regarding the support of commodity production and motorized use of the Forest.

Alternatives considered but eliminated from detailed study

Several alternatives were considered during the planning process, but were eliminated from further detailed study. These alternatives are discussed in Chapter 2 of the FEIS. The interdisciplinary team used prior management experience, existing laws and regulations guiding National Forest System management, and public input when designing the alternatives considered in detail. Many of the suggestions proposed by interested parties and the public were used to develop and shape the analyzed alternatives even if they were presented in an alternative that was not carried forward in its entirety.

Rationale for selection of Alternative G

Alternatives A, E, and F are consistent with current law, but inconsistent with the 2001 Roadless Conservation Rule. Alternatives E and F were generated early in the revision process prior to the court rulings that resolved the status of the Roadless Rule. They were included in the DEIS in response to public comment that wanted the impacts of the Roadless Rule to be analyzed and for past public input to be

considered. I decided it was more responsive to the public process to include these alternatives in the detailed analysis, although they could have been eliminated from detailed study.

Alternatives B, C, and D described above are consistent with current law and regulation and could be implemented by the Shoshone NF; however, Alternative G better aligns with the purpose and need for this plan revision. I find that Alternative G provides the best balance of public benefits based on its responsiveness to the issues raised regarding the six revision topics. Comments received during the formal review periods, as well as the feedback and input we continue to receive through informal channels, have confirmed that these six issues persist as the major concerns of those with a stake in the management of the Shoshone NF.

Alternative G provides a balanced response to the public concerns expressed regarding the DEIS and throughout the revision process.

For those people who advocate for back country characteristics, wildlife habitat, and non-motorized experiences, Alternative G provides less area suitable for oil and gas development, implements the grizzly bear conservation strategy, protects big game crucial winter range, and increases protection to back country areas, particularly the four back country areas most advocated for (Trout Creek, Francs Peak, Wood River, and Dunoir Special Management Unit).

For those people who advocate for commodity production and motorized recreation, Alternative G maintains winter motorized recreation, maintains timber harvest and livestock grazing at or above current levels, identifies areas suitable for possible summer motorized recreation expansion that fall outside of key back country areas, and maintains oil and gas development opportunities in the areas with current leasing interest.

For people who like the forest the way it is, Alternative G maintains the current range of recreation opportunities, maintains the current back country nature of the forest, and enhances opportunities that are underrepresented without impacting other user groups.

Below I explain how my decision responds to the issues around the six revisions:

Issue 1: Recreation uses and opportunities – continuing emphasis on high-quality dispersed recreation opportunities.

In alternative G, large expanses of the Shoshone NF are managed as non-motorized back country with tremendous recreation opportunities for the back country hiker, hunter, fisherman, horseman, camper and winter recreationist. The Forest has 1,141 miles of roads, 32 miles of summer motorized trails, 276 miles of snowmobile trails, and 1,652 miles of non-motorized trails. Alternative G management allocations allow all existing motorized and non-motorized trails to be maintained. It continues to support a large diversity of recreation special use permits.

Based on public comment to the DEIS, Alternative G identifies areas that would be suitable for expanding summer motorized recreation in future travel management decisions. It focuses expansion in areas outside of secure habitat within the grizzly bear primary conservation areas. It maintains the non-motorized designations for key front country areas from the current plan that were identified during public comment on the DEIS.

Alternative G identifies large areas that are suitable for winter motorized use, while protecting big game crucial winter range and lynx habitat. It continues to allow existing winter motorized recreation in corridors through crucial winter range, where Wyoming Game and Fish assessments indicate that use is not adversely impacting wintering big game.

Issue 2: Special areas and designations

The designation of eight new research natural areas in Alternative G will further the study of the biological diversity on the Shoshone NF. Areas of geologic and historical importance will similarly be recognized by the addition of three new special interest areas. In response to public comment to the DEIS, research natural area and special interest area boundaries in Alternative G were adjusted to include additional features and to exclude areas with uses that would be incompatible with area designation. Sixteen river segments are identified as eligible for recommendation as Wild and Scenic Rivers and their eligibility will be maintained until they are analyzed for suitability.

Management for two national trails, the Continental Divide National Scenic Trail and the Nez Perce National Historic Trail, is incorporated into the revised LMP with direction consistent with the respective comprehensive trail plans.

Alternative G does not recommend any additions to the National Wilderness Preservation System. Public comment on the DEIS indicated broad public support for maintaining the back country character of the Shoshone. Some public wanted this character maintained but generally did not support additional wilderness designation because it limits the types of recreational uses and resource management options that can occur in the areas. Another segment of the public supports addition to wilderness designation as a means to ensure long-term protection of the areas.

I agree that the back country character of the Shoshone should continue to be protected. I also believe that the character of these areas can continue to be protected while allowing for some uses that would not be permitted in a designated wilderness area. This includes recreation uses such as mountain biking and unguided big game hunting for non-resident hunters.¹ Also the implementation of restoration activities would be more compatible if the areas are not designated as wilderness. Activities such as planting and prescribed fire for whitebark pine restoration and activities to restore native populations of Yellowstone cutthroat trout are easier to conduct outside of wilderness where the foregoing activities are precluded.

Thirty percent of the Shoshone (746,000 acres) was evaluated as additional potential wilderness in the FEIS. Alternative G increases the protection of these areas to maintain their back country character by reducing the area that allows active vegetation management, summer motorized use, and winter motorized use.

Four areas (Franc's Peak, Wood River, Trout Creek, and Dunoir SMU) received the most support for wilderness recommendation, by people advocating for more wilderness. My decision in Alternative G is to increase the protection of those areas by assigning back country management prescriptions. As compared to Alternative A, Alternative G changes the management of these four areas by decreasing the acres suitable for active vegetation management from 12 percent to 5 percent, decreasing the acres suitable for winter motorized recreation from 96 percent to 38 percent, and decreasing the acres suitable for summer motorized recreation from 12 percent to 11 percent. Therefore, Alternative G increases the back country protection for the Shoshone, while maintaining the opportunity for a variety of activities.

Issue 3: Vegetation Management

Vegetation on the Shoshone provides diverse habitat for a variety of native plant and animal species, attractive settings for outdoor recreation, and resources for grazing and timber production. Impacts from insects and wildfire have dramatically changed vegetation conditions since 2000.

Restoration of ecosystems is a high priority for the Forest Service. Alternative G facilitates restoration of areas impacted by bark beetle epidemics through a mix of active management including, timber harvest,

¹ State law requires that non-resident hunters have a guide to hunt in designated wilderness areas.

mechanical treatment and prescribed fire along with the provision for the role of natural processes in restoring ecosystem functions. Alternative G emphasizes the management of vegetation and treatment of fuels to protect infrastructure and other values in the wildland-urban interface. Emphasis is included on restoration activities for whitebark pine and aspen communities. It includes direction to continue the ongoing treatment and monitoring of invasive plant species. Alternative G designates 127,009 acres of suitable timber land for timber production.

Issue 4: Wildlife Habitat Management

As part of the greater Yellowstone ecosystem, the Shoshone's wildlife habitat is very important for wildlife requiring a large land base for survival. Under Alternative G, habitat for endangered, proposed, and candidate species is managed consistently with established and approved recovery plans and appropriate conservation strategies. Management direction in the Alternative G strives to maintain biodiversity over time across the Forest.

The Final Conservation Strategy for Grizzly Bear in the Greater Yellowstone Area contains the best available science for the management of grizzly bear habitat. This Conservation Strategy has been incorporated into Alternative G.

Alternative G incorporates the direction from the Northern Rockies Lynx Management Direction Record of Decision. Alternative G also contains provisions for 2,130 acres of pre-commercial thinning in lynx habitat for the next 10 to 15 years.

Domestic goats will not be allowed in core native bighorn sheep range in response to concerns over disease transmission to bighorn sheep.

Alternative G incorporates monitoring of populations and/or habitat for federally protected species, Forest Service sensitive species, species of local concern and management indicator species.

Issue 5: Oil and Gas Development

Alternative G does not change the total acres available for leasing. However, to protect crucial winter range and other resources it does change the acreages suitable for surface development of oil and gas. The Shoshone NF worked with the Bureau of Land Management and the State of Wyoming to have consistent suitability designations along administrative boundaries. Lands adjacent to the Wind River Indian Reservation are designated as not suitable for surface development. Grizzly bear primary conservation areas and most crucial winter range are also designated as not suitable for surface development. Alternative G focuses suitability for surface development on lands with high potential for oil and gas development including areas with existing leases.

Issue 6: Commercial Livestock Grazing

Alternative G designates 375,368 acres as generally suitable for grazing. Rangelands on the Shoshone are in good condition and Alternative G allows commercial grazing to continue at current levels. Alternative G direction allows vacant allotments to be utilized as forage reserves.

Other issues addressed in the plan:

Inventoried Roadless Areas and the 2001 Roadless Rule

Alternative G is consistent with the 2001 Roadless Rule. Vegetation within Roadless Areas may be actively managed to the extent allowed by the 2001 Roadless Rule and management area direction.

Climate Change

The Shoshone NF participated in a west-wide climate initiative case study with Rocky Mountain Research Station. Management strategies for adapting to a changing climate are incorporated throughout Alternative G. Information from the Rocky Mountain Research Station's 2012 publication: *Climate Change on the Shoshone National Forest, Wyoming: A Synthesis of Past Climate, Climate Projections, and Ecosystem Implications* and three vulnerability assessments on water quantity, Yellowstone cutthroat trout, and aspen communities are incorporated into the Forest Plan.

Economic and Social Assessment

The Shoshone NF plays an important role in the economies and amenities of adjacent communities. Local and state elected officials, along with the public, stressed the importance of the economic, recreational and scenic benefits provided to their communities by the Forest. The Shoshone NF is in large part a non-motorized, back country forest with somewhat limited opportunities for the commercial development and extraction of natural resources. Recreation visitors, outfitters and guides, hunters, fishermen and others are important contributors to the economic health of local communities.

The Forest worked closely with economists at the University of Wyoming to analyze the economic benefits of the alternatives considered in the FEIS. The FEIS incorporated information from the University of Wyoming 2012 publication: *An Economic Profile of the Shoshone National Forest Service*. Alternative G provides positive impacts to employment and income for local economies; however, the differences among alternatives for economic impacts are slight. A 2007 Colorado State University study was also used for information regarding forest visitation and recreational activity preferences.

Changes from Draft to Final

Alternative G was crafted to respond to public comments received on the DEIS and is similar to Alternative B. The main differences between the two alternatives include additional acres of winter motorized recreation outside of crucial winter range, changes to summer motorized recreation, changes to suitability for oil and gas development, and modification to special area boundaries.

In response to public comments, acres available for **winter motorized recreation** increased from 481,196 acres in Alternative B to 592,430 acres in Alternative G. Additional areas that are receiving current winter motorized use were identified and added to acres available. Other areas were considered for availability but were not included because of potential impacts to big game crucial winter range.

Acres for **summer motorized recreation** decreased from 570,246 acres in Alternative B to 529,019 acres in Alternative G, based on response to public comment about the need to protect secure habitat within the grizzly bear primary conservation area (PCA). Areas outside the PCA were given additional consideration for availability. Alternative G maintained non-motorized designations for key front country areas that public comment wanted maintained from the current plan.

Areas suitable for **surface development for oil and gas leasing** decreased from 402,849 acres in Alternative B to 129,059 acres in Alternative G. Comments received from the public, the Wyoming Governor's Office and the Wind River Tribes included concerns about the allocation of surface occupancy in Alternative B. The Tribal Government did not want surface occupancy to be allowed on lands adjacent to the Wind River Reservation. Substantial public comment included comment from the Governor's Office and other local government cooperators recommended that our designations be consistent with adjacent BLM lands. Public comments in the most part were unfavorable toward oil and gas development.

We received a request to consider increasing the size of the **Kirwin Special Interest Area** to include all mining features and to also apply the designation to the nearby historic **Double D Ranch**. Alternative G provides for the addition of 4,121 acres for the Kirwin and Double D Special Interest Areas. This change would not impact the range of management activities available in these areas.

It is my intent to align Alternative G management direction with the enabling legislation for the **Dunoir Special Management Unit (SMU)**. The enabling legislation for the Dunoir SMU (Public Law 92-476) enacted on October 9, 1972, directed the Secretary of Agriculture to “administer the unit in accordance with the laws, rules, and regulations relating to national forests “especially to provide for non-vehicular access recreation.” There is much debate as to the intent of this legislation. There is general agreement that it excludes motorized uses and Alternative G excludes snowmobiling in this area. There is disagreement over whether mountain bike use should be allowed. The 1986 Shoshone Forest Plan does not specifically address mountain bike use within the Dunoir SMU. Current mountain bike use is limited mostly to a 6.8-mile section of the Pinnacle Butte Trail on the western portion of the Dunoir SMU.

In the DEIS it was proposed that management of the Dunoir SMU would exclude mountain bike use. The proposal generated significant public comment both for and against allowing mountain bikes. Those against mountain bike use argue that it better protects wilderness values and better maintains the area for future wilderness designation. Those advocating for continued mountain bike access state that the law never intended to exclude mountain bikes. Support for this position included reference to a 2008 letter from USDA Forest Service Deputy Chief Joel Holtrop to the Regional Foresters stating, “...mountain biking is a non-motorized use of National Forest System trails, along with hiking and horseback riding.” In addition, retired Wyoming Senator Alan Simpson who co-sponsored the 1984 Wyoming Wilderness Bill submitted a comment on the Draft LMP stating that the intent of the enabling legislation for Dunoir was to restrict motorized use in the SMU, but not to restrict bicycles. After careful review of the enabling legislation and accompanying Senate Report, No. 92-80 (1972), I believe it is a reasonable interpretation that the focus of the law was on motorized vehicle use, given language referring to “motor vehicles” and “roads.” This interpretation is supported by the record of Senate testimony that stated:

“The DuNoir is an unusually scenic region, but the committee decided it did not qualify for wilderness and spelled out special management provision which preclude timber harvest, additional road building and motor vehicle use of the area, except as necessary for the administration of the unit by the Secretary of Agriculture.” (Designation of the Washakie Wilderness, S. 166, 92nd Congress (1971) Statement of Senator McGee)

In considering the public comment for mountain bike use in the area I have decided to permit continued use of mountain bikes on 6.8 miles of the Pinnacle Trail within the Dunoir SMU. Mountain bike use is prohibited on the remaining 21.6 miles of trail in the Dunoir SMU and is prohibited off the designated trail in the Dunoir SMU. This decision allows a recreation use to continue in the area that was supported by public comment, while continuing to manage the Dunoir SMU consistent with the act. To those that argue this decision would prohibit the designation of the areas as wilderness in the future, I respond that the situation will be no different in the future than it is today and my decision will limit any further expansion of the current use.

The Shoshone NF **wild and scenic river eligibility** evaluation was revisited in response to public comments and four additional eligible segments were added and one was dropped. Alternative G identifies 16 total river segments eligible for recommendation as wild and scenic.

Finally, boundary modifications were made to the boundaries of the **Sawtooth Peatbeds Special Interest Area**, the **Beartooth Butte Research Natural Area**, and the **Pat O’Hara Research Natural Area**. In all cases the modifications were made to accommodate existing or potential future motorized use.

The Planning Process and Public Involvement

I want to thank all of the individuals who participated throughout this revision process by sharing their ideas and concerns during our multiple public meetings and comment opportunities. The level of involvement we saw far exceeded requirements and typical expectations for public involvement processes. Because of this we were able to reach out across the spectrum of groups, governments, Tribes and the general public to make sure this FEIS and LMP were developed around the issues that matter most to our constituents. The focus on features, uses, and conditions of the land resulted in thoughtful conversations and comments pertinent to the task at hand—revising a plan to guide decision-making on the Shoshone NF for years to come.

Preliminary work on the revision of the 1986 Forest Plan began in 2005. Public meetings were conducted in 2005 through 2009, when the revision was following previous 2005 and 2008 versions of planning regulations. This work was halted in June 2009, when a California District Court struck down the 2008 version of the rule. We incorporated some information from these meetings that was not specific to a specific version of the planning rule.

The strategy for public participation during revision included frequent meetings with the public and an ongoing relationship with local government cooperators including constant involvement and feedback on the revision process and content. The Forest Supervisor used many tools to keep the public informed about the revision process including a forest plan website, quarterly newsletters, news releases and frequent face-to-face meetings. The Forest Supervisor consulted with 11 Native American Indian Tribes affiliated with the lands managed by the Shoshone NF. The Forest met with the Wind River Tribes and responded to their issues and concerns regarding the effects of proposed Forest management on the adjacent tribal lands.

On September 24, 2010, a Notice of Intent was published to revise the Shoshone NF LMP in the *Federal Register*. The notice recruited public comments on the revision topics and management of the Shoshone NF. In March 2011, four public meetings and a Cooperator meeting were held to discuss the re-initiation of the revision process and the revision topics. In April 2011, local government cooperators and interested members of the public attended a series of seven workshops regarding existing Forest conditions.

An *Analysis of the Management Situation* (AMS) was developed in 2011, and shared with the public and cooperators. This document was edited and finalized in 2012. The Need for Change as identified in the AMS along with the revision topics formed the basis for developing six alternatives for the draft environmental impact statement.

Between March 2011 and July 2013, a total of 12 public meetings and 10 cooperator meetings were held with the purpose of sharing issues, ideas and concerns regarding the drafting of a revised Shoshone NF LMP. During 2012, workshops on the topics of climate change and bark beetles were held with the intent of providing information on these topics to the public. Field trips were held for the public to view the changing conditions occurring on the forest from bark beetle infestations and to view and discuss issues surrounding ATV use on the Forest. The Draft LMP and Draft Environmental Impact Statement (DEIS) were published in July 2012, and shared with the public for a 90-day comment period that was extended by three weeks in response to public request.

The Forest Service received 23,475 comment letters and emails from the public during the comment period on the Draft LMP and DEIS. Comments were received from individuals, non-government organizations and government agencies. After considering and responding to public comments on the Draft LMP and DEIS, the interdisciplinary team made changes to the documents and crafted the final alternative, Alternative G.

Other Findings

Identification of the Environmentally Preferred Alternative

National Environmental Policy Act (NEPA) regulations require agencies to specify the alternative or alternatives which were considered to be environmentally preferable (40 CFR 1505.2(b)). Forest Service policy (FSH 1909.15, Section 05) defines environmentally preferable as:

“An alternative that best meets the goals of Section 101 of NEPA... Ordinarily this is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources.”

Although the act itself does not define the environmentally preferred alternative, it does suggest national environmental policy (42 U.S.C. Section 4331, Sec. 101 (b)). That policy calls for the continuing responsibility of federal government to use all practicable means to improve and coordinate plans, functions, programs, and resources so that the nation may:

1. Fulfill the responsibilities of each generation as trustees of the environment for succeeding generations

The needs and expectations of each generation evolve based on changing values and social and environmental circumstances. In keeping with input received from the public, Alternative G is largely based on a continuation of management from the past, while recognizing that uses and values have evolved and management of the forest must evolve with those changes. Alternative G ensures the health of the Forest by balancing active management with the utilization of natural ecological processes. Alternative G describes desired conditions that enhance and sustain the health of vegetation, soil, air, water and wildlife along with the guidance that will move the Forest toward these desired conditions.

2. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.

The Shoshone NF has and continues to be enjoyed by thousands of visitors every year because it provides a safe, healthful, productive, and aesthetically and culturally pleasing setting. Alternative G provides a wide range of opportunities for high-quality visitor experiences. Standards and guidelines are in place to ensure clean water, clean air, and visually pleasing surroundings.

3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.

This goal from NEPA is indicative of the act's recognition of the need for balance in managing the environment to produce environmentally preferred results which strongly aligns with the theme of Alternative G. Alternative G provides a wide range of beneficial uses, such as timber production, livestock use, outfitter and guide permits, dispersed and developed recreation and clean air and water. Standards and guidelines ensure that these uses do not result in undesirable or unintended consequences.

4. Preserve important historic, cultural, and natural aspects of our natural heritage and maintain, wherever possible, an environment which supports diversity and variety of individual choice.

This goal recognizes that humans are a natural aspect of our national heritage. The mix of management area allocations in Alternative G preserves the historic and natural aspects of the Shoshone NF and provides a variety of choices for the use and enjoyment of the Forest. Standards

and guidelines ensure compliance with the National Historic Preservation Act. Alternative G was developed in consultation with American Indian tribes and involvement of the public.

5. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities.

The public demands a variety of products and uses that can be provided by the Shoshone NF. Our challenge is in defining the balance sought in this NEPA goal, and I find that Alternative G achieves that balance between resource use and protection. Resource uses are sustainable and contribute to economic health and the provision of amenities.

6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Alternative G is designed to enhance the health of the Forest's renewable resources. Timber harvest areas as per regulations will be promptly reforested and lands where minerals have been extracted will be reclaimed in a timely manner.

Given these criteria, Alternative G is identified as the environmentally preferred alternative. This draft ROD discussed the decision process and the comparisons of the alternatives through a deliberative process. That process included the evaluation of present net value for each alternative and a finding of compliance with other laws. It is my assessment that Alternative G best meets the goals and the substantive requirements of Section 101 of NEPA. Alternative G will ensure the future health of the land by providing appropriate opportunities for active management to work in concert with natural ecological processes. The maintenance of forest health and the physical resources is attained while securing the viability of plant and animal species into the future.

Opportunities for quality visitor experiences are plentiful. Alternative G provides for a wide range of beneficial uses, such as timber production, livestock grazing, dispersed and developed recreation, and oil and gas development. Standards and guidelines within the revised LMP guard against undesirable and/or unintended outcomes. Alternative G management area allocations preserve historic and natural aspects of the Forest and they provide for the expression of variety of individual preferences. I believe that Alternative G also achieves a balance between sustainable resource use and ecological sustainability that will best satisfy a variety of public needs and uses. This alternative provides for high quality, sustainable resource management. Enhancing forest health while providing sustainable resource production and recreation opportunities will continue to contribute to the vitality of local communities.

Alternative with Highest Present Net Value

The 1982 NFMA planning regulations at 36 CFR 219.12(j) require consideration of present net value for each alternative. Each alternative was analyzed for present net value, an analysis that includes all outputs, including timber, grazing, recreation and minerals, to which monetary values are assigned. The present net value is positive for all alternatives, indicating the alternatives are economically efficient. Alternative G has a relatively high present net value; however, the differences between alternatives for present net value are slight. Alternative D had the highest present net value followed closely by Alternatives G and B.

Findings Required by Other Laws

I have considered the statutes governing management of the Shoshone National Forest, and I find that this decision represents the appropriate approach to meeting the current statutory duties of the Forest Service. Some of the most important laws are discussed in this section.

Clean Air Act

As discussed in chapter 3 of the FEIS, Air Resources, all lands managed by the Shoshone NF are currently in attainment with the National Ambient Air Quality Standards. Compliance with air quality statutes is directed in the revised LMP: Air, Standard 1: “Meet State of Wyoming and Federal air quality standards and comply with local, State of Wyoming, and Federal air quality regulations and requirements.” The revised LMP Monitoring Strategy requires ongoing monitoring of indicators for the Clean Air Act and Wilderness Act.

Clean Water Act

The revised LMP contains direction to ensure all projects meet or exceed State best management practices prepared under guidance of the Clean Water Act. Direction for the protection of water resources is located in the standards and guidelines for water and soil in the revised LMP, chapter 1. Implementation of the revised Plan is expected to contribute to protecting or restoring the physical, chemical, and biological integrity of waters of the United States in accordance with the Clean Water Act.

National Historic Preservation Act

The revised LMP is a programmatic document and does not authorize any site-specific projects. The LMP does designate special interest areas which include an area that will be managed with an emphasis on historic and cultural preservation and protection. Projects undertaken in response to direction in the LMP will fully comply with Plan standards and guidelines as well as the laws and regulations that require consideration of cultural resources. The revised LMP contains direction for cultural resource management, including direction to integrate cultural resource management with other resource management activities. Because the revised LMP does not authorize specific ground-disturbing or other potentially impacting activities, project-level Section 106 (National Historic Preservation Act) consultation with the State Historic Preservation Officer (SHPO) is not presently required. The Wyoming SHPO was involved in the revision process as a cooperator who reviewed proposed plan direction and provided feedback. It is my determination that the revised LMP complies with the National Historic Preservation Act, the Archaeological Resources Protection Act, and other statutes that pertain to the protection of cultural resources.

Endangered Species Act

The revised LMP and FEIS address the potential effects of Forest-wide programmatic direction rather than site-specific projects. Projects developed under the direction of the revised LMP will require additional NEPA analysis to address effects to federally listed species. All projects will comply with the Endangered Species Act. A biological assessment was prepared to evaluate the potential effects of the revised LMP on federally listed species and their habitats. In their letter received November 20, 2013, the U.S. Fish and Wildlife Service concurred with the determinations of effects to species analyzed in the biological assessment. The biological assessment has determined that the preferred alternative “may affect, and is likely to adversely affect” the grizzly bear. It has also been determined that the preferred alternative “may affect, and is not likely to adversely affect” critical habitat for Canada lynx.

Healthy Forests Restoration Act

The revised LMP complies with and achieves the objectives of the Healthy Forests Restoration Act (HFRA), in accordance with Section 102, Authorized Hazardous Fuel Reduction Projects. LMP objectives prioritize vegetative fuel treatment areas by hazard and communities recognized in HFRA. The standards and guidelines were developed to achieve the HFRA objectives. In addition, the revised LMP focuses efforts, where possible, on improvement of forest health where ecosystem components are at risk from epidemic levels of insects or disease. It also references the priority areas identified in community wildfire protection plans.

Other Laws and Executive Orders

I find that the selected alternative, Alternative G, is in compliance with the following laws and Executive Orders, as documented in the FEIS:

- Executive Order for Environmental Justice
- National Forest Management Act of 1976, as amended
- Mineral Leasing Act as amended
- Federal onshore Oil and Gas Leasing Reform Act
- Mining and Minerals Policy Act
- Executive Order for Protection of Migratory Birds

Implementation and Effective Date

Implementation of the approved plan may occur 30 calendar days after the legal notice of the final Record of Decision is published in the *Federal Register*.

The following site-specific planning projects have been substantially developed using the direction from the 1986 Shoshone Forest Plan as amended. The decisions for these projects will be made under the 1986 Forest Plan:

Forest-wide

- National Outdoor Leadership School (NOLS) Permit Reissuance
- Transitional Special Uses Permit Project

Washakie Ranger District

- Little Popo Agie Crossing and Reroute

For all other projects and for projects with decisions made on or after the implementation date described above, revised LMP direction will apply. In developing the revised LMP, implementing pre-existing decisions and the associated effects of that implementation were considered part of the baseline against which the alternatives were evaluated. Because we considered these earlier decisions in our effect analysis, their implementation is not in conflict with the revised LMP.

Under the National Forest Management Act (NFMA), “permits, contracts, and other instruments for the use and occupancy” of National Forest System lands are required to be “consistent” with the current land and resource management plan. However, this requirement is not absolute. In the plan revision context, NFMA specifically qualifies the requirement in three ways: (1) these documents must be revised only “when necessary,” (2) these documents must be revised “as soon as practicable,” and (3) any revisions are “subject to valid existing rights.”

Use and occupancy agreements, which might require modification of pre-existing authorization, include those for timber harvesting and livestock grazing.

I have decided not to modify any existing timber sale contracts solely due to the revised LMP. These contracts will be executed according to their terms and these effects have been disclosed in the FEIS.

Existing timber contracts will, in most cases, be completed within three years. The decision is left to the Forest Supervisor to determine whether to modify decisions authorizing timber sales not currently under contract.

Other use and occupancy agreements are for a substantially longer term than timber contracts. For example, grazing permits are generally issued for a 10-year term. My discretionary decision is to require grazing permits to comply with the revised LMP's standards and guidelines. The case law is clear that grazing permits are "privileges" rather than "rights," and are subject to modification by their terms and under the grazing regulations.

Other classes of "use and occupancy" agreements will be reviewed to determine whether or when the Forest Supervisor should exercise his or her discretion to bring them into compliance with the revised LMP. I find that the statutory criteria of "as soon as practicable" and excepting "valid existing rights" useful in exercising that discretion.

The Forest will undertake many management activities to implement the revised LMP. Many of these activities are site-specific and require analysis and disclosure of effects under NEPA. These site-specific analyses will be done during implementation of the revised LMP.

Site-specific analysis of proposed activities will determine what can be accomplished. The outcomes specified in the revised LMP are estimates and projections based on available information, inventory data, and assumptions. More information on the difference between programmatic and site-specific projects can be found in the planning record that is incorporated into this dROD by reference.

I am making this plan decision in accordance with the transition provisions of the current planning regulations which permit use of the 1982 regulations for the purpose of revising the plan. However, in accordance with the current regulations at 36 CFR 219.17(c), no obligations remain for project planning from the 1982 regulations except those that are specifically included in the revised LMP.

Objection Opportunities

This LMP revision is subject to review and objection pursuant to 36 CFR 219, Subpart B regulations. A written objection must be submitted within 60 days following the publication of the legal notice of the objection period in *The Denver Post*, (Denver, CO). The objection must clearly state that it is an **Objection to the Shoshone Land Management Plan Draft Decision**. It is also the responsibility of the objector to ensure their objection is received in a timely manner. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an objection. Objectors should not rely on date or timeframe information provided by any other source.

Objections may be faxed to 703-235-0138 or mailed electronically in a common digital format (MS Word or Rich Text Format) to: objections-chief@fs.fed.us. In electronic objections, the subject line should contain **Objection to the Shoshone Land Management Plan Draft Decision**. An automated response will confirm that your electronic objection has been received. A written notice of objection would be sent, in duplicate, to the Chief of the Forest Service at:

Postal Mail:
USDA Forest Service
Attn: EMC – Administrative Reviews
1400 Independence Ave, SW
Mailstop: 1104
Washington, DC 20250-1104

Express Mail:
USDA Forest Service
Attn: EMC – Administrative Reviews
201 14th St., SW
Mailstop: 1104
Washington, DC 20250

Hand Delivery:
Sidney Yates Federal Building
201 14th Street, SW
(Corner of Independence Ave. and 14th St. SW)
Business Hours: 8 a.m. – 4 p.m.

Email: Objections-chief@fs.fed.us

Fax: (703) 235-0138

Regular mail, private carrier, or hand delivery may be delivered to the above address between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding Federal holidays.

It is the objector's responsibility to provide sufficient evidence and rationale for why an independent Forest Service review and resolution of issues should be conducted. The objection must meet the content requirements of 36 CFR 219.54, and include the following information:

- ◆ The objector's name and address, along with telephone number or email address, if available;
- ◆ A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
- ◆ When multiple names are listed on an objection, identification of the lead objector and verification of the lead objector upon request;

- ◆ The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the responsible official;
- ◆ A statement of the issues and/or the parts of the plan, plan amendment, or plan revision to which the objection applies;
- ◆ A concise statement explaining the objection and suggestion of how the proposed plan decision may be improved. If applicable, the objector should identify how the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy; and
- ◆ A statement that demonstrates the link between prior substantive formal comments submitted by the objector and the content of the objections, unless the objection concerns an issue that arose after the opportunity for formal comment.

I will publish a notice of all objections received in *The Denver Post* and post the notice online at <http://www.fs.fed.us/objections/index.php>. Unless the time is extended (36 CFR 219.56(g)) the reviewing officer will issue a written response to the objection within 90 days. Prior to the issuance of the reviewing officer's written response, either the reviewing officer or objector may request to meet to discuss issues raised in the objection and seek potential resolution. The reviewing officer must allow other interested persons to participate in such meetings. An interested person must file a request to participate in an objection within 10 days after publication of the notice of objection. All such meetings are also open to observation by the public. If you are interested in attending any resolution meetings, please contact the Responsible Official or monitor the following website for postings about current objections in the Forest Service: <http://www.fs.usda.gov/main/rl/landmanagement/projects> and look for the Appeal Resolution

Meeting Schedule quick link.

Timing of Decision and Implementation

If objections are filed, Daniel J. Jirón, the Rocky Mountain Regional Forester, will not issue a final decision document concerning the LMP revision until the reviewing officer has responded in writing to all objections. His decision approving the LMP revision will be consistent with the reviewing officer's response to objections. If no objections are filed within the 60-day time period, Mr. Jirón will approve the LMP revision on, but not before, the fifth business day following the end of the objection-filing period.

For additional information concerning this decision contact:

Forest Supervisor,
Shoshone National Forest
808 Meadlowlane Avenue
Cody, WY 82414
(307)527-6241