

TO: Chief Forester Thomas Tidwell

Forest Service, U. S. Department of Agriculture, Washington, DC
via e-mail to: Objections-Chief@fs.fed.us

As Reviewing Officer for:

**Adoption of Land Management Plan Revision, pub. Jan 2014,
Shoshone National Forest, Forest Service, USDA**

Objection to Decision, submitted 25Feb2014 via electronic e-mail transmission;

This objection is timely according to Notice at 79 F.R. 14, January 22, 2014, pp.3565-66.

RE: Mapping and Management of the DuNoir Special Management Unit
and Wyoming High Lakes Wilderness Study Area, Shoshone NF

Dear Chief Tidwell:

Thank you for this opportunity to object to the adoption of the revised Land Management Plan for the Shoshone NF as published in January, 2014. I applaud the Forest Service for completing this revision to the Management Plan for the Shoshone NF. I wish other Units of the System were revising their Management Plans on the schedule anticipated by the National Forest Management Act; I hope the Service will be funded adequately so this vital management need can be filled for the entire System.

I have been involved with Shoshone National Forest planning since the 1970's. I submitted comments in 1985 for the Sierra Club Wyoming Chapter on the then-proposed iteration of the Shoshone NF Management Plan, and pursued the Administrative Appeal of that Plan adoption in 1986 with other conservationists and groups. I worked closely with the Forest Service and the Wyoming Congressional delegation and other members of Congress including the Hon. John Seiberling to negotiate the Wyoming Wilderness Act of 1984. I had a key role in getting the 1987 "Federal Onshore Oil and Gas Reform Act" passed by Congress to give the USFS statutory approval authority, instead of merely advising the BLM, over oil/gas leasing decisions on National Forests. I was Sierra Club Wyoming Chapter Chair 1978-80, Sierra Club National Board Member 1980-86, and Sierra Club Treasurer and CFO 1983-86. I founded and ran Mineral Policy Center with Stewart Udall as Chair of my Board of Directors from 1987-1998. I do not hold office in or speak for the Sierra Club or Mineral Policy Center today.

On 26 November 2012 I submitted formal comments on the current proposed Shoshone Land Management Plan revision. The USFS acknowledged timely receipt of those comments by e-mail. A PDF of those comments including the USFS acknowledgment response is attached to this Objection.

Failure to obey Congressional direction on special areas:

My November 2012 comments pointed out the failure of the United States Forest Service to follow Congressional instructions to prepare formal legal descriptions and maps for two Congressionally-protected special areas on the Shoshone National Forest. I asked that the USFS

comply with the law. In the proposed Revisions, Forest Planner Carrie Christman agrees that these requirements of law have not been met.

Congress instructed the USFS to develop a detailed legal description and formally-filed maps--
1- For the DuNoir Special Management Unit, "As soon as practicable after this Act takes effect" - which was **October 9, 1972** [Public Law 92-476, October 9, 1972, Sec. 5(c)], and
2- For the High Lakes Wilderness Study Area, "As soon as practicable after the enactment of this Act" - which was **October 30, 1984** [Wyoming Wilderness Act of 1984, Public Law 98-550, October 30, 1984, Sec. 202]

According to Shoshone NF Planning Staffer Carrie Christman (e-mail 3-Feb-2014), the response to these violations of law will be:

"We have addressed the mapping of High Lakes WSA and Dunoir SMU with the following objectives in our revised Land Management Plan:

By 2019 complete the Forest's portion of the process for establishing a legal description for the High Lakes Wilderness Study Area. (MA1.6A-OBJ-01)

By 2019 complete the Forest's portion of the process for establishing a legal description for the Dunoir Special Management Unit. (MA1.6B-OBJ-01) "

[italics added by me]

Thus the revised Plan sets objectives to "complete the Forest's portion of the process" -- still not to fully comply with the law -- in **2019, forty-seven years late** for the DuNoir SMU and **thirty-five years late** for the High Lakes WSA. It reflects badly on the United States Forest Service's professionalism and obedience of law, that after this long-standing failure has been pointed out the Shoshone National Forest still plans to stall this duty for another five years.

Objection:

I object to making it a "Plan" to continue to ignore the mapping obligations set by laws passed by Congress. As Chief Forester, I ask you to direct the Shoshone NF to modify its Management Plan revision to call for immediate completion of the legal descriptions and formal maps for the DuNoir and High Lakes areas. The mapping process should include full disclosure of the legal basis for proposed precise boundaries, and full opportunities for public examination and comment on boundary proposals before final lines are adopted and recorded according to law. When the Forest Service waits for decades to comply with mapping directions, the process must be an open public discourse rather than a confidential internal clerical process.

My November 2012 Comments raised other concerns regarding the Plan. Those comments are attached and I request that all concerns therein be treated as Objections. However, this letter is focused on the special areas mapping problem.

Obligation to Accept Objections from other groups:

Other Wyoming and National conservation groups tell me they share the concern over the mapping failure. If those groups did not list the failure to do this mapping specifically in their formal EIS comments, that is largely because the Forest Service did not properly disclose the problem. Since the USFS does not accurately describe "the affected environment" and honestly expose the proposed action (to disobey statute for five more years on top of forty-two and thirty

years' tardiness), I believe the Forest Service should in good faith accept that this issue is significant and should accept objections if other groups choose to express objection at this time. As the Federal Register Notice acknowledges, if an "objection concerns an issue that arose after the opportunities for formal comment," the Forest Service is obliged to consider the fresh objection. [F.R. Notice, "How to File an Objection," listed item (7)]

Duties of the Chief Forester -- "Missing Maps" across the FS System:

Chief Tidwell, detailed maps and legal descriptions have been required by scores of Acts of Congress for National Forest areas -- including designated Wilderness Areas, Wilderness Study Areas, and some "Special Management Units" like the DuNoir in Wyoming. USFS staff inform me that many of these maps and legal descriptions have never been completed. Many of the statutes require that "Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture." [example, Wyoming Wilderness Act of 1984, Public Law 98-550, October 30, 1984, Sec. 202]

With the gracious cooperation of your staff, I have personally visited "the Office of the Chief of the Forest Service...." Despite the clear text of the laws, many of the required maps and legal descriptions are simply not there.

I am told that efforts are underway to clean up this backlog, but they are far from complete. No new Forest Land Management Plan should be accepted that proposes to delay completion for five more years. Furthermore, while "GIS" and "digital" processes can be extremely useful and efficient, the intent of Congress as expressed in statute is that the boundaries of these areas be "available for public inspection" in a form that does not require computers or special software, "in the Office of the Chief." This places a special honor on your Office, and a special responsibility. I hope you will ensure that this honor and responsibility are fulfilled very soon. Adding a digital alternative is useful, but the physical maps and descriptions must remain available as directed by law.

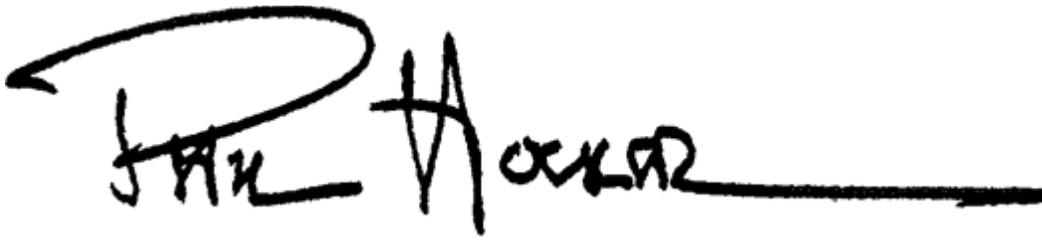
This information is needed for proper management by the Service. Examples are multiplying across the System of District-level management decisions taken where the boundaries of Congressionally-protected areas have never been precisely delineated. Errors are being made, however inadvertently. The cure is to get these long-overdue mapping projects complete now.

Conclusion:

Many of these points have been raised with FS staff on Forests, at R-2 and R-4, and at WO since March 2012. This January 2014 proposed Shoshone NF Land Management Plan suggests that the Service still does not regard these plain violations of the law as important. I hope you will instruct the Service to follow the instructions of Congress and complete these legal-description and mapping instructions very promptly, both through the Shoshone decision and System-wide.

Thank you for your consideration and attention. If I can assist your staff with completing this chore, please call on me. Please keep me informed of your response to this Objection, and of all further steps on the Shoshone NF Land Management Plan Revision decision.

Respectfully submitted,

A handwritten signature in black ink that reads "Phil Hocker". The signature is stylized, with a large, looped "P" and a long horizontal line extending from the end of the name.

Phil Hocker
[electronic signature attached to this e-mail]

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