

March 25, 2014

Mr. Tom Tidwell, Chief (Objection Reviewing Officer)
USDA Forest Service
Attn: EMC – Administrative Reviews
1400 Independence Ave, SW, Mailstop 1104
Washington, DC 20250-1104
Delivery Method: Submitted electronically to objections-chief@fs.fed.us

RE: Statement of Objections for the Shoshone National Forest Land Management Plan Revision, Final Environmental Impact Statement, and Draft Record of Decision with recommendations for improvements pursuant to regulation 36 CFR 219.54(c).

Dear Forest Service Chief Tidwell:

The Shoshone Cooperating Agency Coalition (SCAC) of Wyoming submits this objection to the 2014 Shoshone National Forest (SNF) Land Management Plan Revision, Final Environmental Impact Statement (FEIS), and Draft Record of Decision (ROD). The Draft ROD for the SNF Land Management Revision, dated January 2014, was released on January 17, 2014 and published in the Legal Notice section of the Denver Post on January 24, 2014. Mr. Daniel J. Jirón, Regional Forester, Region 2, Rocky Mountain Region, is the Responsible Official.

The SCAC is comprised of and represents three County Commissions (representing Fremont, Hot Springs, and Park Counties) and five Conservation Districts (Cody, Dubois-Crowheart, Hot Springs, Lower Wind River, and Meeteetse Conservation Districts) adjacent to the SNF. As consistently engaged cooperating agencies, the SCAC has been active in the public process for the Forest Plan revision and diligent in providing comment and supplemental analysis. For purposes of this objection, the Park County Commission will be the lead objector.

The SCAC has been involved with the SNF planning effort from the start. We have provided comments as requested in the Notice of Intent (NOI)¹, participated in planning meetings as cooperating agencies (40 CFR 1501.6 and 40 CFR 1508.5), and prepared formal comments on the Draft Forest Plan and Draft Environmental Impact Statement. Prior to this planning effort under the National Forest Management Act (NFMA) 1982 Planning Rule, the SCAC was involved in the Forest planning under the 2005 and 2008 NFMA Planning Rule. We believe that the SNF is compelled to review and address the comments previously provided as they relate to the objection issues contained in this document.² We incorporate

¹ *Federal Register Vol. 75, No. 185 (Friday, September 24, 2010).*

² Federal direction stipulates that lead agencies “[u]se the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency.” (Council on Environmental Quality, Sec 1501.6)

these previous comments by reference. We thank the SNF for the opportunity to participate in the process and look forward to working with the SNF on this important Plan.

Our overarching statement on the Forest Plan is that the SCAC would like to see the SNF maintain a strong measure of flexibility in this especially challenging environment for public lands management. Budgets are likely to decrease, while the cost of wildfire suppression will surely increase in the coming years. We understand that in order to provide for forest restoration and wildlife habitat, as well as to decrease the chances of catastrophic wildfires and to address mountain pine beetle infestations—to keep the SNF as the treasure that it is—the option of treatments on forest lands must remain available as a management strategy. The citizens we represent support increasing the flexibility of the Forest Plan, to respond better to future needs and conditions.

It is also crucially important to the SCAC that economic opportunities on the SNF are expanded or at least maintained at present levels. As we have suggested in scoping comments, meeting comments, and the review of previous draft planning documents, the counties and conservation districts believe that we owe it to our constituents to look for ways to expand economic opportunities.

Pursuant to regulation 36 CFR 219.54(c), we hereby file the following objection to the 2014 SNF Land Management Plan Revision, FEIS, and Draft ROD. The Draft ROD adopts Alternative G for the revised Forest Plan.

Sincerely,

Loren Grosskopf, Park County Commissioner
Park County Courthouse
1002 Sheridan Ave
Cody, Wyoming 82414
(307) 527-8510

LGrosskopf@ParkCounty.us

*Primary contact

Additional SCAC contacts:

Douglas L. Thompson
Chairman, Fremont County Wyoming
Fremont County Courthouse
450 North 2nd Street
307-332-2405; 307-857-3682
dthompsonone@hotmail.com

Brad W. Basse
Chairman, Hot Springs County Wyoming
Hot Springs County
415 Arapahoe
Thermopolis, WY 82443
307-864-3515
brad.basse@hscounty.com

Bucky Hall
Chairman, Park County Wyoming
Park County Courthouse
1002 Sheridan Avenue
Cody, WY 82414
307-527-8500
bhall@parkcounty.us

Mack Frost
Chairman, Cody Conservation District
Wyoming
Cody Conservation District
1145 Sheridan Ave, Suite 6
Cody, WY 82414
307-899-0037
mfrost2@bresnan.net; mackf@bbhc.org

Reg S. Phillips
Chairman, Dubois-Crowheart Conservation
District
PO Box 27
Dubois, WY 82513
307-455-3688
regs.phillips@dteworld.com

Terry Wilson
Supervisor, Hot Springs Conservation District
Wyoming
Hot Springs Conservation District
601 Broadway, Suite A
Thermopolis, WY 82443
307-864-3488

Lower Wind River Conservation District
508 N. Broadway
Riverton, WY 82501
307-856-7524
cathy.meyer@wy.nacdnet.net

Tracy Renner,
Chairman, Meeteetse Conservation District
Wyoming
Meeteetse Conservation District
PO Box 237
Meeteetse, WY 82433
307-868-2484
forrenners@tctwest.net

Objection Summary

Following the release of the Draft SNF Plan and EIS, the SCAC prepared comprehensive comments that were consistent with federal and state laws and policies, including county and conservation district land use plans. The comments submitted in November of 2012 focused on the likely effects of the selected alternative on county resources. Additionally, a main concern expressed throughout the commentary was that best available science be used and interpreted correctly when predicting and analyzing effects in the FEIS.

Responses to the comments submitted by the SCAC were addressed and included in Appendix A of the FEIS. However, changes to the FEIS are minor and typically consist of the modification of language, not a change in the analysis and consequently did not correct the issues of concern.

The SCAC has reviewed the Final Plan and EIS and has identified fundamental errors in the environmental document. The SCAC has concluded that for several analysis topics the FEIS failed to accurately disclose direct, indirect, and cumulative impacts as required by the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations, and FSH 1909.15. Although the intent may not have been to violate law, regulation, and policy, the SNF achieved this by ignoring current research, misinterpreting or taking research out of context, and failing to quantify readily-available data at the appropriate effects analysis boundary scale. One product of this inaccurate analysis is the overstatement of impacts.

As a cooperating agency that submitted substantive comments on the Draft Plan and EIS, the SCAC meets the requirements for an objection opportunity. The SCAC is concerned that the acceptance of effects determinations that are not supported by data will affect future multiple use actions. Therefore, this objection calls in to question specific issues that were incorrectly analyzed and the resulting erroneous disclosure of effects.

The SCAC members each have county and conservation district land use plans that address goals, objectives, and policies for lands within the counties. CEQ mandates that the SNF identify and discuss areas in which the proposed action is inconsistent with local land use plans. Furthermore, where inconsistencies do exist, the SNF shall discuss the extent to which these differences will be reconciled. CEQ Section 1506.2 – Elimination of Duplication with State and Local Procedures Part D states:

- (d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.

The SCAC wants to remind the SNF of the 1982 Planning Rule requirement to coordinate with local governments [219.7 (d) & (e)]. In conjunction with the CEQ regulations for working with cooperating agencies, we request that the SNF, review, and where applicable, recognize and be consistent with our individual county and conservation district plans for the following objection issues. The 1982 planning

rule (219.12 (b)) requires that “The interdisciplinary team shall identify and evaluate public issues, management concerns, and resource use and development opportunities, including those identified throughout the planning process during public participation activities and coordination with other Federal agencies, State and local governments, and Indian tribes.” Additional information regarding this topic can be found in the SCAC November 2012 comments submitted on the Draft Plan and EIS, which are incorporated by reference.

Objection Issues

The SCAC objects to the following issues that were raised during the planning process and addressed in our comments submitted on the Draft Plan and EIS. We provide a concise statement explaining the objection issue and include suggestions for improving the Plan per direction in 36 CFR 219.54(c). A full list of documents previously submitted by the SCAC is provided as Attachment A.

As cooperators with special expertise, we request that our objection issues be resolved at the local level when possible and offer to help correct the issues identified.

Objection Issue 1 – Inadequate Analysis of the Management Situation, Inadequate Alternative Development, and Inadequate Effects Analysis for Social and Economic Resources

Inadequacies identified in the Analysis of the Management Situation (AMS), Forest Plan, and FEIS are centered on the lack of reliable analysis and consistency of data within the social and economic analysis. The SNF resisted preparing the AMS, only finally preparing one after the alternatives had been developed. The AMS as published did not meet the intent of an AMS. CFR 219.12(e) notes that “the primary purpose of this analysis is to provide a basis from formulating a broad range of reasonable alternatives.” The SNF AMS was developed after the Alternatives were developed, thus eliminating their ability to help inform alternatives. The AMS failed to produce useful desirable conditions or financial benchmarks against which to measure the alternatives, making it difficult to measure missed opportunity costs for specific resources uses. The Maximum Present Net Value Benchmark [219.12e(1)[iii]] should, “develop a maximum PNV for those resources that have a market or non-market value and are relevant to the plan revision issues.”

An additional section was included in the FEIS Appendix B that was inadvertently omitted from the Draft EIS. This added section does still not contain the financial benchmarks. The reasoning for not providing the maximum present net value (PNV) is flawed. FEIS Appendix B (pages 1136-1137) state:

No monetary benchmarks were completed for the AMS. The requirement to analyze these benchmarks assumes that an allocation/scheduling model can be built which adequately represents all resources having “an established market value or an assigned value.” This is not the case. Our knowledge of the joint production functions within national forest ecosystems is not sufficient to adequately quantify all inputs and outputs as required in the deterministic models currently being used for forest planning analysis...The decision maker has chosen not to produce a PNV benchmark.

However, the maximum PNV benchmark does not require a joint production function. A joint production models multiple outputs and according to the policy it should assume no budget constraint. The purpose is to examine the maximum value of a particular resource, such as timber, and determine the maximum PNV as if that was the only resource. By knowing the total values of individual resources, one is able to evaluate the trade-offs of the joint production function of the alternatives. For example, a wilderness area closed to logging represents a trade-off of a certain value of timber logs. Likewise, the trade-off for an increase in the amount of winter range managed for wildlife means less snowmobile use or potential energy development.

The Forest Plan contains many references to social and economic sustainability, but little substantial thought. In addition, some of the goals specific to economics are not carried through into the FEIS analysis. For example, on page 147 of the FEIS timber product manufacturing infrastructure and its relation to forest health is discussed in terms of how the decline in the availability of timber product manufacturing infrastructure may impact the ability of the Forest Service to maintain forest health. Yet, in the Peoples and Communities–Goods and Services section the desirable conditions are vague and do not include any mention of determining the level of timber required to maintain the industry infrastructure.

The socio-economic sections provide the opportunity to weigh the costs and benefits of the alternatives to competing publics. In addition, the People and Communities – Goods and Services section should focus on the impacts of the alternatives on local communities, whom are the portion of the public that bear the largest portion of those impacts. The SCAC believes that the analysis focuses on the impacts to the Forest, other resources, and the three county region as a whole, rather than the impacts to the particular communities and people. In small communities, the loss of a single job may be important, yet negligible across the analysis area on the Shoshone National Forest.” The SCAC believes that the Forest Service has produced just an analysis of the “negligible” impacts across the planning area, without providing the detail required for determining where and to whom the “considerable” impacts may occur.

Suggestions for Improvement

Include a desired condition within the communities section to maintain supply sufficient to sustain the timber product manufacturing infrastructure in the local area. There are currently no large sawmills; however, according to the cumulative impacts section there are seven local sawmills (FEIS page 618).

Explore where the seven local sawmills are located, along with the other timber related companies included in this same study and include the information in the affected environment and environmental consequences sections of the FEIS. It is understandable that the quantitative data may not be available on a scale smaller than the county, but qualitative data will aid the decision maker and public reader in understanding the level of supply required to maintain the infrastructure.

The SCAC submitted comments on the Draft EIS stating that we are unable to replicate the amounts listed in the NPV for economic efficiency for each alternative. The information provided says that a spreadsheet was used with a 4% discount rate over a 50-year period and “Built into the spreadsheet were

predicted increases and decreases to output levels over time.” We would request that the PNV table be expanded to detail the PNV of the different components that compose the total amount.

Assign values to maximum NPV benchmark for resources where possible and appropriate, such as timber and grazing. The calculation of this number does not require a joint production function.

Explain in more detail the limits of the analysis completed and provide additional qualitative analysis of the smaller communities in the region and the role they play in maintaining forest health and the role the forest plays in their working and personal lives.

Include a desired condition of minimizing the differences between summer and winter recreation in order to help sustain lodging and other recreation sector infrastructures.

Objection Issue 2 – Incorrect Grazing Capability and Suitability

The SCAC is concerned that the capability and suitability analysis described in the AMS and FEIS is incorrect. The FEIS states on page 417 that only 16% of the SNF (378,529 acres) is “capable of supporting commercial livestock grazing on the Forest.” This statement is factually incorrect and misleading. This figure contradicts FEIS Table 99 (page 421), in which the capability and suitability acreages are different for alternatives. The Forest Plan failed to properly calculate and model suitable and capable range lands as described by the Region Desk Guide and as required in 36 CFR 219.20. Our objection to this issue is based on the following:

1. The SNF did not properly document and/or present the capability or suitability calculations and model. No economic analyses appears to have been conducted or shown as required in CFR 219.12, and 219.20 and again in the internal USFS *Economic Analysis to meet 1982 Rule Procedural Requirements*.
2. The SNF permittees have been properly grazing many of these lands identified as not capable and unsuitable lands for decades without harm to the resource. The FEIS documents that 99% of allotments are meeting or trending towards objectives. The accompanying map (Figure 1) shows existing allotments with use on greater than 60% slopes.
3. The SCAC believes the Forest and the landscape benefits from keeping working ranches operational. The grazing allotments are an important component to keeping these larger landscapes protected from fragmentation due to subdivision. The loss of grazing allotments and the subsequent subdivision of ranches will have great impacts to wildlife and aesthetics as previously large land units are broken up into homesites and ranchettes.

The range science literature is clear regarding the use of vegetation on slopes; domestic livestock will use vegetation on steep slopes of up to 60% (Holechek et al. 1998; Roath and Krueger 1982). Several researchers report that slope use will change by breed of cow, as well as management practices including herding, salting, fencing and developing of water (Bailey 2004; Roath and Krueger 1982). On the SNF permittees with steep slope allotments have reported cattle use on over 60% slopes. The standard range

text describes cattle utilization on up to 60% slopes (Holechek et al. 1998). Holchek (1988) in his article *An Approach for Setting the Stocking Rate*, states that slopes over 60% are not grazable by cattle. Other researchers Roath and Kruger (1982) in their study *Cattle Grazing and Behavior on a Forested Range* note that “Slopes in excess of 60% were not used by cattle regardless of vegetation type or aspect”.

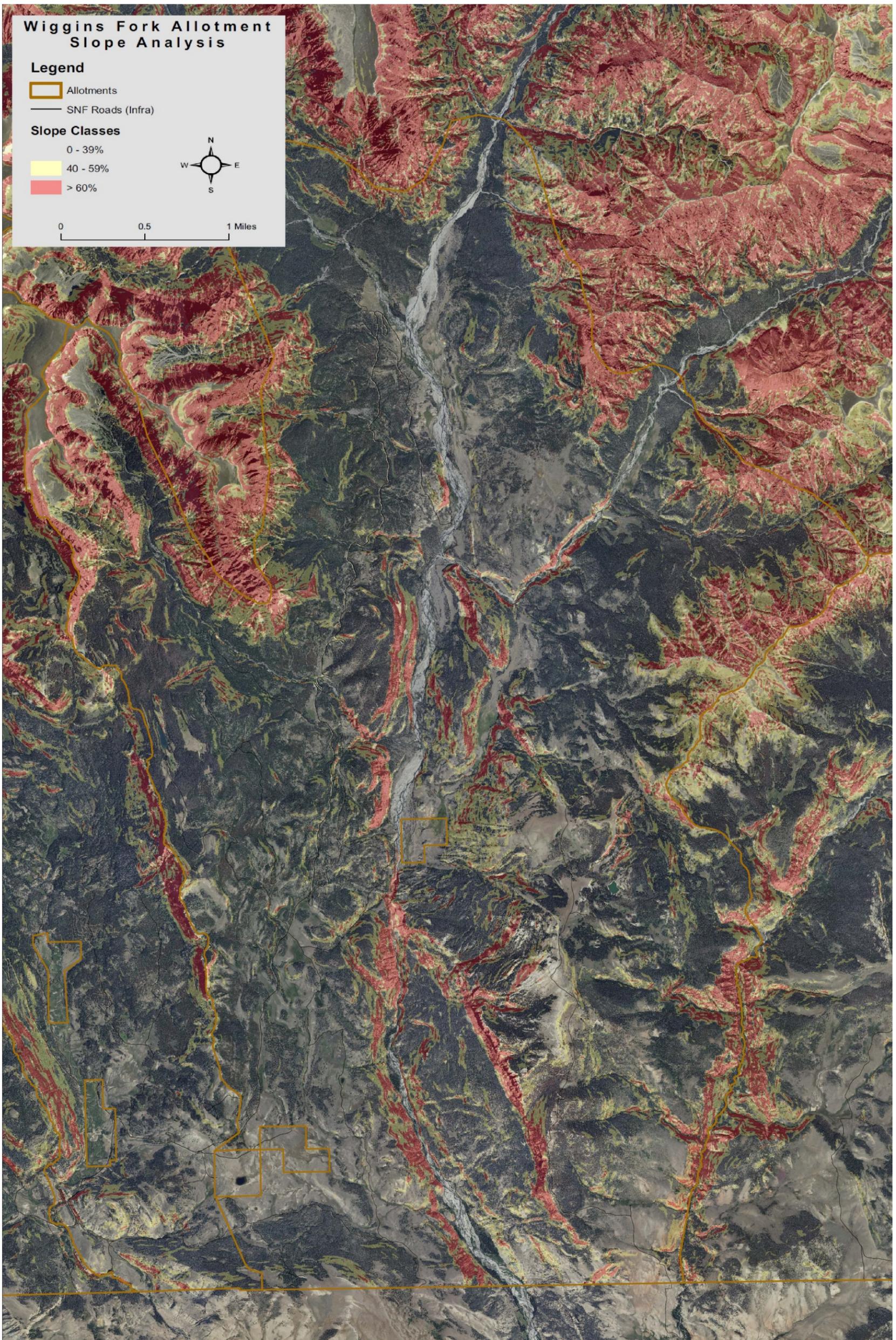


Figure 1: Existing Allotments with Use on Greater than 60% slopes

The SNF Plan and FEIS are inconsistent with direction in the National Forest Management Act (NFMA), did not follow language in the Act, did not follow internal USFS desk guide policy in suitability and capability calculations, nor used specifically provided information as required in NFMA 219.12 and the CEQ regulations for using cooperating agency provided information. NFMA 219.20 provides direction for grazing related forest planning. This section notes that the suitability and potential capability for forage for grazing animals shall be determined and that “Lands so identified shall be managed in accordance with forest plans.” The planning requirements go on to elaborate “The present and potential supply of forage for livestock ... shall be estimated.”

As we noted throughout the planning process, we are extremely concerned that this will attract challenges to limit livestock grazing to only those acres that are “capable”. While the FEIS states that changes to rangeland capability and suitability may occur at the project scale, using site-specific data, the SCAC is concerned that project level analysis will still be required to be tiered to the overarching analysis in the Forest Plan—thus limiting our ability to change capability acreages. The Regional Desk Guide, *Revision Analysis Requirements for Planning Documents* (p.G.8) states that "Changes to Suitability Determinations would involve making changes at the Forest Plan level as suitability is a Forest Planning level determination."

The anti-grazing community is currently appealing USFS grazing NEPA documents based on the calculations of capability and suitability. The Bridger-Teton National Forest received an appeal by the Western Watersheds Project (2013) appealing problems with the capable suitable calculations. In order to avoid endless appeals, we believe that using the Regional Desk Guide allowances for local changes (must be documented); this will help both the permittees and USFS from dealing with continuing appeals.

Suggestions for Improvement

The SCAC would like the SNF to correct the suitability and capability problems identified in this objection according to local documented knowledge (as allowed in the Regional Desk Guide), working with SNF range conservationists and permittees to document existing allotment proper grazing use to support capability and suitability. This exercise can be done quickly and shown on SNF maps and clarified in the Plan and EIS. Providing these clarifications will correct errors in the plan and FEIS and help remove a criticism of anti-grazing groups.

Objection Issue 3 – The Forest Plan and EIS Do Not Adequately Address the Forest Health Revision Topic

Forest health is briefly mentioned a few times throughout the Forest Plan and FEIS but it is not sufficiently addressed within the alternative analysis. The SNF verbally and in e-mail communications appeared to agree to supplement the older 2006 revision topics. The SCAC suggested the topics be updated to reflect massive forest changes between 2006 and 2010 resulting from insect damage. The discussion of revision topics extended to alternative development where the SCAC strongly supported a “Forest Health” alternative.

Given that vegetation management and forest health have been listed as a revision topic, the forest health issue receives little comparative analysis in the FEIS. It appears that much of the forest data in the FEIS (including age-class distribution) and resulting effects analysis is based on out-of-date information. Given the timing of data collection and the large amount of recent disturbance activity, the management area designation and desired conditions are in need of improvement. At the very least, the SNF should acknowledge that there are considerable data gaps. The CEQ Regulations speaks directly to the inclusion or exclusion of “incomplete or unavailable information” in Section 1502.22:

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

Fire and fuels treatments are central to the SCAC’s concerns about forest health and socioeconomics. The SNF has failed to adequately estimate costs associated with wildfires. While the amount of anticipated wildfire has been modeled for each alternative, associated suppression and indirect costs have not been analyzed. These are substantial costs that would be realized by taxpayers and especially by local people relying on forest resources. It is important that the SNF consider not only direct suppression costs but also indirect costs. While we understand that fire budgeting is handled under separate accounts and controlled by larger overarching policies, it is still the responsibility of the SNF to calculate anticipated costs as the lead office and agency for the planning process. It falls on the responsibility of the SNF, as required by NFMA, to provide a substantive comparison and justification for choosing an alternative that does not maximize present net value (CFR 219.12 (j)).

“(j) Plan approval. The Regional Forester shall review the proposed plan and final environmental impact statement and either approve or disapprove the plan in accordance with Sec. 219.10(c). The record of decision for approval of a plan shall include, in addition to the requirements of NEPA procedures (40 CFR 1505.2), a summarized comparison of the selected alternative with:

- (1) Any other alternative considered which is environmentally preferable to the selected alternative; and
- (2) Any other alternative considered which comes nearer to maximizing present net value.”
(219.12)

The SCAC is concerned that with recent insect activity and the near-term forest wildfire risk, some of the management areas will not be able to function under their designation as is assigned in the Forest Plan. Timber Management Areas are designated to provide managed lands for the production and harvesting of wood products. With recent insect activity and the large risk of stand replacing forest fire, the SCAC questions if the limited number of acres that have been designated as *Management Area 5.1 – Managed Forests and Rangelands* will be enough to provide forest products. Similarly, with habitat potentially changing so rapidly under lands designated as *Management Area 5.4 – Managed Big Game Crucial Winter Range*, will the intended purpose for the lands be fulfilled?

Suggestions for Improvement

Add language to the Plan that states the Forest will maintain cooperating agency involvement for project-level NEPA and will focus on forest restoration adaptive management, including twice annual review.

Assign values to maximum NPV benchmark for resources where possible and appropriate, such as timber. The calculation of this number does not require a joint production function.

Explain in more detail the limits of the analysis completed and provide additional qualitative analysis of the smaller communities in the region and the role they play in maintaining forest health and the role the Forest plays in their working and personal lives.

Objection Issue 4 – Informational Deficiencies in the EIS Lead to a Flawed NEPA Effects Analysis for Wolverine and Winter Motorized Recreation

The FEIS provides the following conservation measure for wolverine on page 186, “If important denning habitat is identified outside of wilderness (i.e., Beartooth Plateau) snowmobiling in these areas may need to be restricted.” SCAC comments on the Draft EIS concerning this conservation measure, which was worded exactly the same in the Draft, included:

The leading experts on wolverine research do not have convincing scientific evidence that snowmobiling impacts wolverine denning activities. That science does not presently exist. While we understand the importance of effective wolverine management, research and conservation, restrictions suggested for the SNF in regard to wolverine management should be driven by best available science. Also, the SNF identified winter recreation as the primary risk factor for wolverine management. They did not address other winter recreation activities such as extreme cross-country skiing.

Also, if wolverine denning habitat is identified, or if actual wolverine denning occurs in areas open to winter recreation on the SNF, forest officials may wish to bring forward the appropriate science or evidence that indicates a conflict exists. If wolverine denning activity is occurring, SNF officials may want to determine if this denning activity has been occurring in past years. If wolverine denning activity occurred in the past, it is important to realize the level of winter recreation activity that occurred during that time as well.

In response to the comment provided by the SCAC on the Draft EIS, Appendix A of the FEIS states:

There is no direction in the revised Forest Plan that snowmobiling would be restricted for wolverine dens. The EIS points out that this was something that may be considered. Any such consideration would be subject to a site-specific decision made at the project level with the latest information and science. For the FEIS, wolverine is now being analyzed as a proposed species. The latest information indicates that snowmobiling is not a risk factor for wolverine. Therefore, the revised Forest Plan will not have any specific direction to restrict snowmobiling in wolverine denning habitat. As before, project plans may consider the impact of snowmobiling on wolverine dens in a site-specific analysis.

Suggestions for Improvement

The SCAC is concerned that the inclusion of this conservation measure in the FEIS is misleading and that in the future the measure will not be cross-referenced with the clarification provided in Appendix A of the FEIS. In order to eliminate confusion we request that the conservation measure be deleted or replaced with the language provided in FEIS Appendix A (page 837).

Objection Issue 5 – Impacts to Big Game Winter Range from Low Potential Energy Development Are Overstated and Conclusions in the Draft ROD Are Not Supported by the Effects Analysis in the FEIS

We believe impacts to big game owing to low to very low energy development potential are overstated, are not predicted by effects analysis, nor supported by a review of the literature. Significance has been reduced to arbitrarily reflect a conservative interpretation of what might happen. This violates CEQ Section 1502.22 by not providing complete and available information, CEQ Section 1505.24 for failing to address appropriate methodology and scientific accuracy, and CEQ Section 1508.27 for failing to demonstrate that effects are significant.

The ROD states with regard to oil and gas development (page 9), “Alternative G does not change the total acres available for leasing. However, to protect crucial winter range and other resources it does the change the acreages suitable for surface development of oil and gas...”. That rationale is not supported in the FEIS which concludes for impacts to elk that (page 303), “effects are mitigated through land reclamation and restriction on timing, location, and types of disturbance...The projected development potential for mineral and oil and gas development on the Forest is low to very low under all alternatives. Because of this low potential none of the alternatives are expected to have an adverse effect on wildlife”. In other words, the FEIS concludes that surface occupancy constitutes no higher risk to wintering ungulates, when appropriate mitigation is applied, than no surface occupancy—contrary to the conclusion included in the ROD.

Background

The SCAC worked closely with representatives from the Wyoming Game and Fish Department (WGFD) and the Wyoming Governor’s Office on this issue. All parties involved, including the SCAC, agree that wintering ungulates on the Absaroka Front face numerous challenges including: 1) non-migratory elk are increasingly wintering on adjacent private lands; 2) brucellosis transmission risk to cattle is increasing as a result and; 3) non-migratory elk herd populations on private lands are increasing, and because hunter public access is limited, keeping those herds at or below population objective is becoming increasingly difficult for the WGFD.

Recognizing those variables, the WGFD and the Governor’s Office recommended no surface occupancy (NSO) on all big game winter range presuming that any surface activity associated with oil and gas development would force wintering animals onto private land, thus exacerbating existing problems.

During these discussions the SCAC agreed that areas considered as the highest quality habitat should be protected, while lesser quality areas should offer flexibility for multiple use. We also considered the sizeable acreage designated as winter range on the Forest during our evaluation.

The SCAC believes that the potential magnitude of development in terms of road density, amount of drilling and development-related human activity, and degree to which mitigation measures would offset adverse effects, is extremely minor and should have been quantitatively assessed. We have not been provided with documentation that shows the SNF performed any such analysis. Furthermore, the SNF has ignored the fact that drilling intensity on and adjacent to private land is currently higher than anything likely to occur on the Forest.

Appropriately, SNF staff did consider the potential magnitude of drilling activity (FEIS page 303 “...development potential is low to very low... none of the alternatives are expected to have an adverse effect on wildlife) and the degree to which mitigation could offset potential adverse effects (“effects are mitigated through land reclamation and restriction on timing and location”) and concluded that contrary to the ROD, that surface occupancy constituted no higher risk than NSO.

The SCAC understands the Forest’s desire to be sensitive to the issues raised by other government agencies as mandated by the 1982 planning rule 219.7(d). NEPA, however, requires that effects be assessed as to whether or not they are significant (CEQ 1508.27). Furthermore, the ROD ignores the fact that mitigations are routinely applied to avoid ungulate winter disturbance and site degradation, and impacts to other resources (steep slope, sensitive soil, riparian areas).

Lastly, the Draft ROD states (page 9), “The Shoshone NF worked with the Bureau of Land Management [BLM] and the State of Wyoming to have consistent suitability designations along administrative boundaries.” SCAC comments on the Draft Plan/EIS also state that there should be consistent suitability designations along administrative boundaries and requests that the SNF maintain flexibility for energy development where it exists along these boundaries. It is important that the SNF cross-check the preferred alternative for the BLM Bighorn Basin Resource Management Plan Revision, and correct areas that are more restrictive on the SNF compared to the BLM boundary before issuing the Final ROD.

Suggestions for Improvement

We are requesting that not all areas considered as big game winter range be designated as NSO based on assumptions alone and that effects be analyzed in more detail during project-level analysis. This is the methodology that was used in the design of the selected alternative. Figure 2 shows the existing management and the selected Alternative G.

During this process we identified areas that we believe could be managed with surface occupancy without causing adverse impacts to wildlife. Consequently, we request that surface occupancy be allowed on the areas depicted on Figure 3. This request is based on extensive evaluation that shows that limited development can occur without causing adverse impacts to big game. This is in line with the results of the effects analysis provided in the FEIS.

We contend that the SNF has ignored the fact that development potential is low to very low and have repeatedly compared adverse effects of activity to areas (i.e. Pinedale Anticline) with vastly higher well head density. We encourage the SNF to consider ongoing drilling activity on private land and evaluate any effects regarding that activity as an analogue for the effects determinations. We expect the conclusions included in the ROD to be consistent with the effects disclosed in the FEIS. Therefore, the ROD should be corrected accordingly.

The SNF should cross-check the preferred alternative for the BLM Bighorn Basin Resource Management Plan Revision, and correct areas that are more restrictive on the SNF compared to the BLM boundary before issuing the Final ROD.

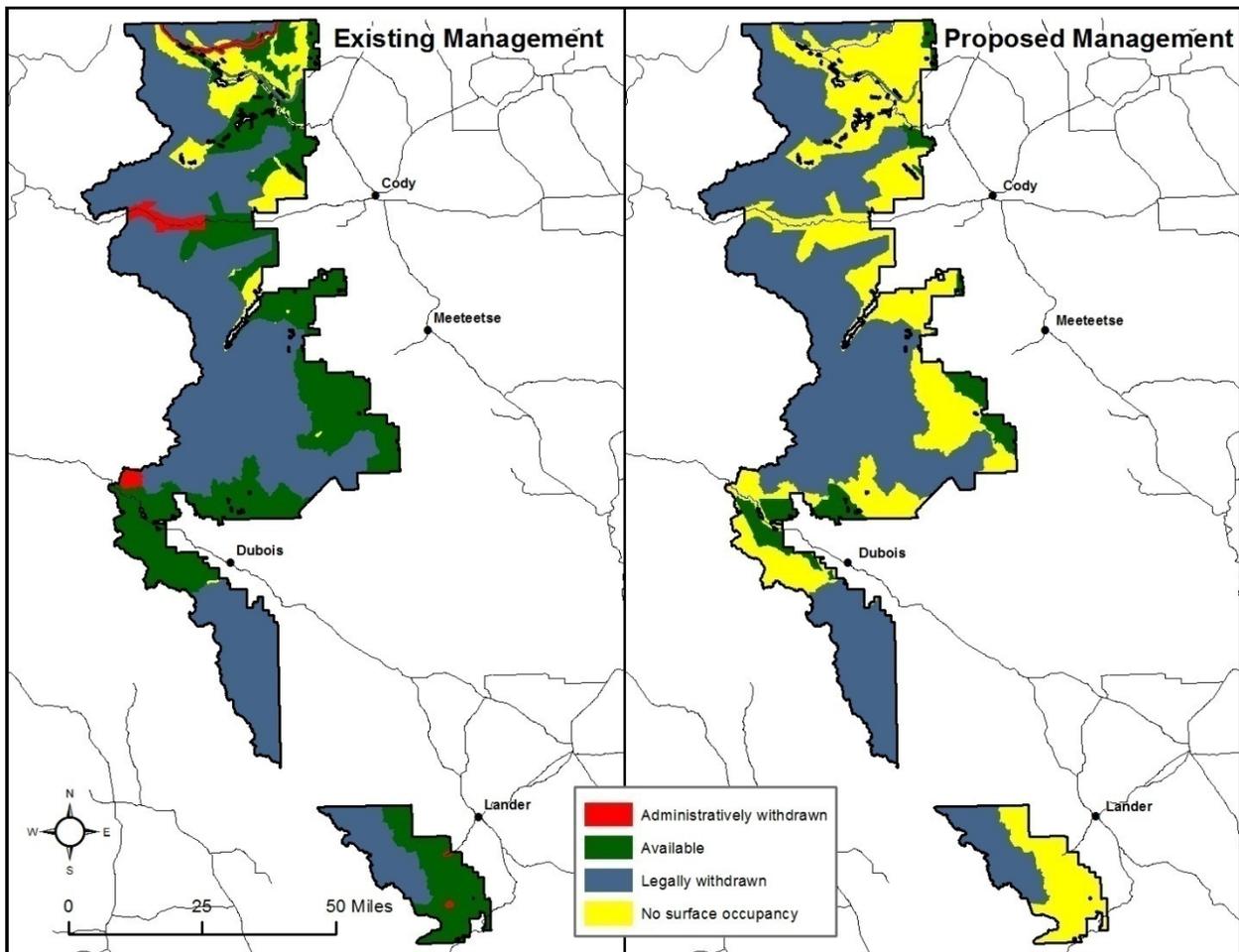


Figure 2: Existing Management and Proposed Management (Alternative G)

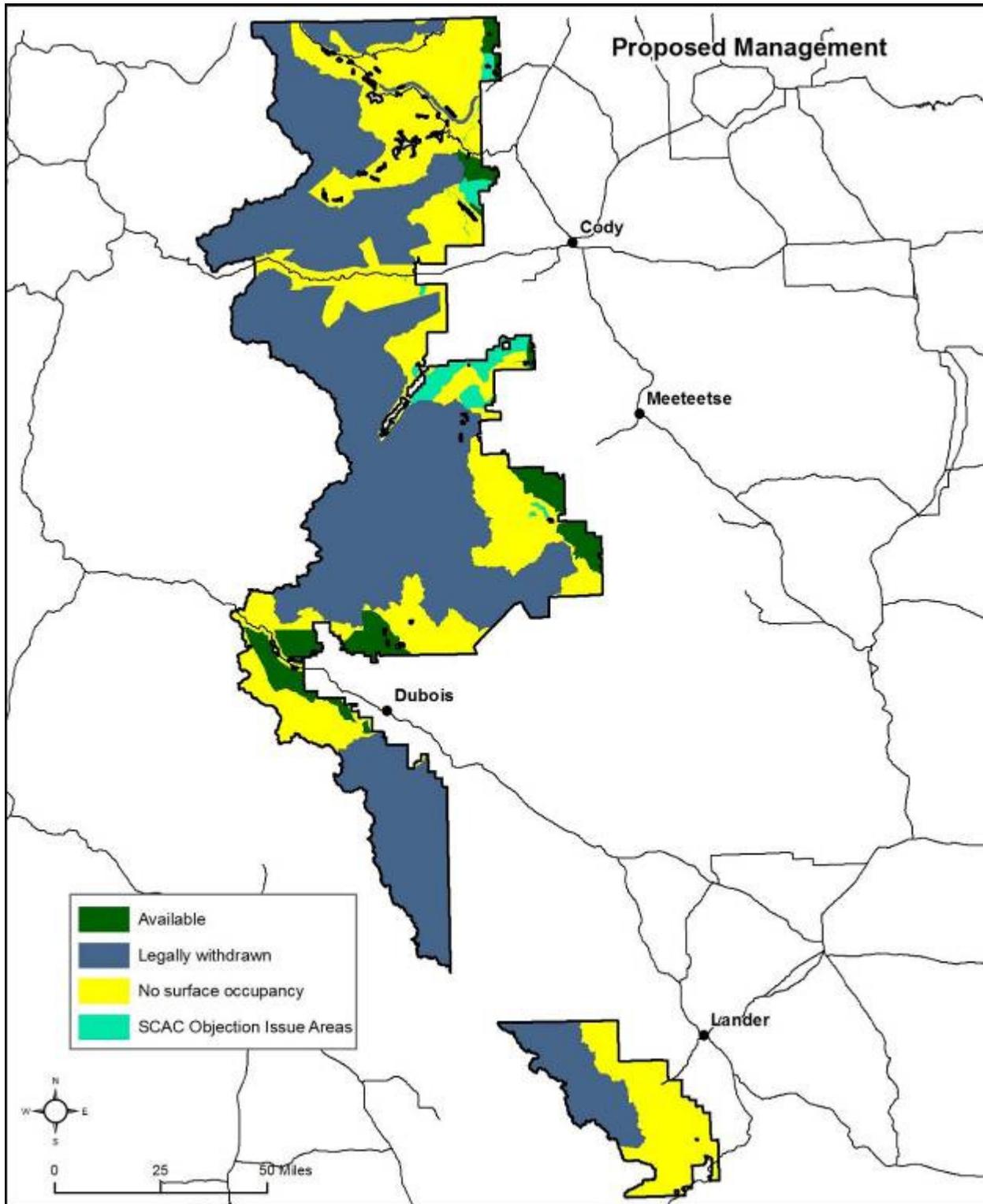


Figure 3: The SCAC's Objection Issue Areas on the Preferred Alternative's Oil and Gas Stipulations

Objection Issue 6 – Canada lynx Habitat Analysis and Effects from Roads

The FEIS Canada lynx analysis (FEIS page 157, Table 36) segregates non-lynx (matrix) habitat from lynx habitat based on vegetation data that is scientifically defensible. The FEIS (page 158) concludes that “(with)in matrix habitat, activities that change vegetation structure or condition would not be considered an adverse effect to lynx...”. The Forest Plan, however, has no cross-reference to this conclusion. The SCAC is concerned that managers of the future, who might not have been involved with the Plan revision, might miss this important conclusion and over-apply the Northern Rockies Lynx Management Direction (NRLMD) vegetation standards to matrix lands. We find that omission to be inconsistent with CEQ Sec. 1502.22.

FEIS Table 36 (page 157) segregates non-lynx matrix habitat from lynx habitat at a Lynx Analysis Unit (LAU) and Forest scale. Since lynx recovery may have a substantial impact on timber suitable lands, the SCAC concludes that full disclosure of effects should have involved segregating non-lynx matrix and lynx habitat further between timber suitable and unsuitable lands. Since timber suitability has been a major issue with the SCAC, we contend omitting this information is inconsistent with CEQ Sec. 1502.22.

Lastly, the FEIS cites the Federal Register (Vol. 74, 36. p.8645) to conclude that activities in matrix habitat (page 158), “that would increase traffic volume and speed on roads that divide lynx critical habitat”, would be adverse to lynx. This conclusion is a misinterpretation of the NRLMD. Guideline G1 refers to highways not forest roads. Guidelines G7 addresses forest roads but only in terms of avoiding ridges and saddles. Standard S1 identifies the need to maintain linkages across highways. Speed on forest roads is not identified in the NRLMD. Expert opinion on Canada lynx and roads minimize the significance of roads to adversely affect the species, except in the case of high-speed highways and interstates. This violates CEQ Section 1502.22 by not providing complete and available information, CEQ Section 1505.24 for failing to address appropriate methodology and scientific accuracy, and CEQ Section 1502.16 for failing to demonstrate that effects are significant.

Suggestions for Improvement

Add a statement to the Plan under Management Area 5.1 that concludes that lynx vegetation standards within matrix habitat are not required as identified in the NRLMD unless they affect habitat connectivity within the LAU scale.

Segregate Table 36 to separate non-lynx matrix habitat and lynx habitat by suitable and unsuitable lands.

Objection Issue 7 – Guideline for Wolves is Overly Restrictive

Forest Plan Sensitive Species Guideline-7 (Plan page 47) is biologically superfluous in terms of sustaining wolf populations. The Guideline is not based on established scientific research and it thus not compliant with CEQ 1502.24. Wolves are fully recovered in the three-state area (Wyoming, Montana, and Idaho). The SCAC acknowledges that wolves must be considered “sensitive” and assessed in the FEIS in terms of their dependence upon ungulate populations, and the risk they impose to livestock

depredation. Wolf management, however, has totally shifted from recovery to depredation and population control actions. There is not a single word in the FEIS suggesting that disturbance at the den site is limiting wolf populations, or that pup recruitment has suffered as a result. Standards and guidelines should be limited to situations where a “problem” has been identified that can best be resolved by the implementation of a standard or guideline. Superfluous guidelines like this one have no place in the Plan given that there is absolutely no problem that needs resolution regarding den protection.

Suggestions for Improvement

Delete Forest Plan Sensitive Species Guideline-7 (Plan page 47).

Objection Issue 8 – Management for Winter Motorized Use is Unclear in the Plan and FEIS

The SNF offers limited, but excellent winter motorized use opportunities. Motorized use on the SNF is growing in use and popularity while many non motorized uses decline. The Forest Plan is ambiguous regarding important winter travel routes. Previous questions posed by the SCAC with regard to this issue have been met with a response that page 118 of the Plan indicates that “over-snow motorized vehicle use is permitted on roads and trails open to wheeled motorized vehicles consistent with law and regulations – see MVUM map)”. However, the Motor Vehicle Use Map (MVUM) specifically indicates that it is not meant for over-snow use. The public must then attempt to compare the MVUM with Forest Plan Map K – Winter Motorized Allocation and also cross-reference with Map C to ascertain winter use rules. Moreover, what is derived from the Forest MVUM is not clear on Plan Map K. Also, there is public concern that access to private residences, and public trailheads and facilities will be eliminated as some seasonal and special vehicle designations restrictions would appear to block use by special use permittees and other facilities not mentioned in the MVUM.

Figure 4 presents winter motorized designations from the preferred alternative in the South Fork of the Shoshone and Greybull River area, south of Cody. These area designations are overlaid with roads from the SNF's Plan Revision GIS database, which were derived from the SNF's MVUM. The preferred alternative in the Plan/FEIS has some winter motorized areas that contain winter non motorized routes (creating conflicting and contradictory situations), and closed areas that contain closed routes leading to open area in the winter. The SCAC would like to minimize these conflicts prior to the signing of the ROD.

Suggestions for Improvement

Make clear which roads are open for winter motorized use. This clarification will eliminate future confusion and conflicts. In addition, please add to the Plan that private landowners and other special use permit holders (i.e. cabins) would be allowed to use snowmobiles to reach their property.

As cooperators with special expertise, the SCAC offers to help correct the issues identified for winter motorized use.

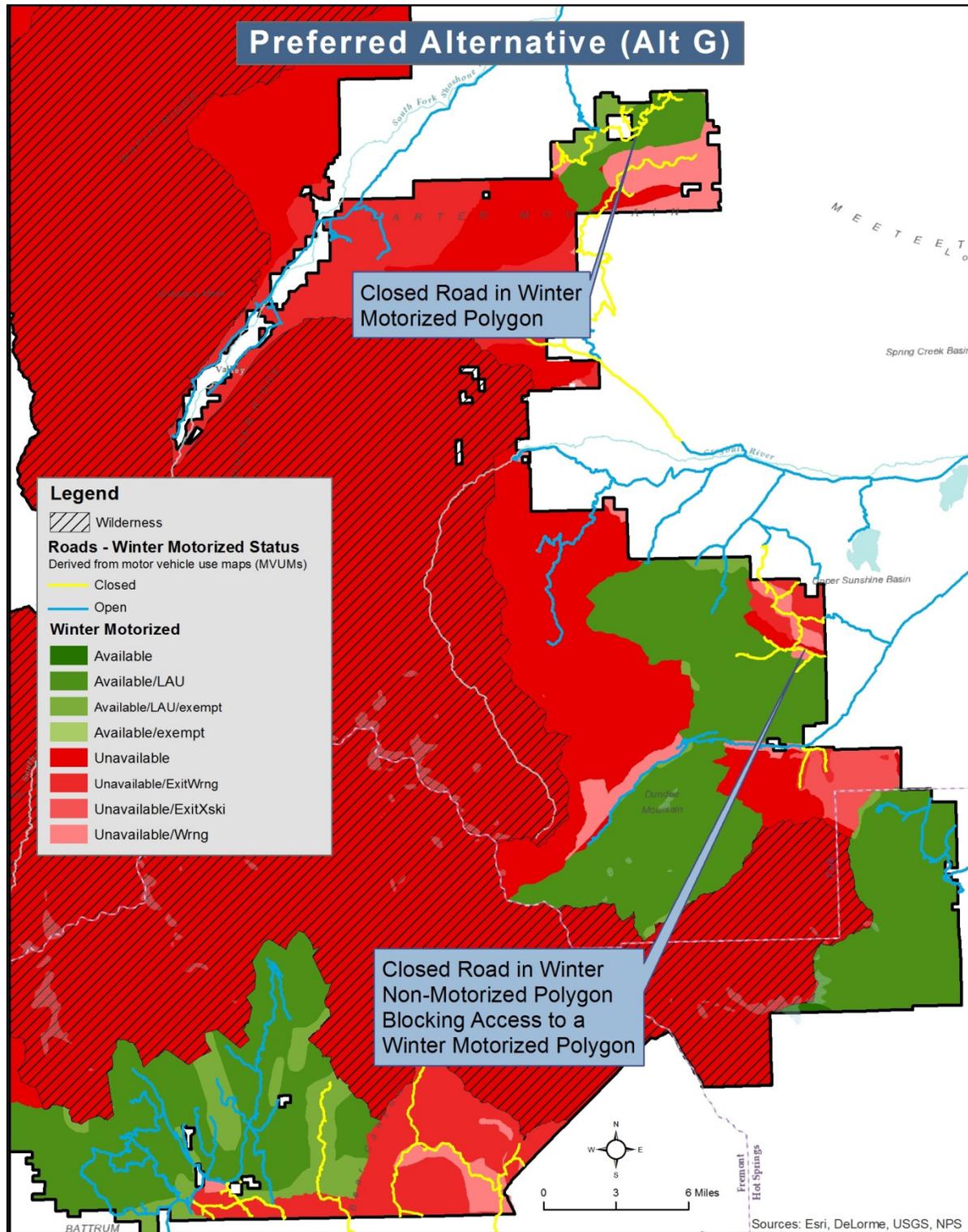


Figure 4: Example winter motorized areas that contain winter non motorized routes

The SCAC, as cooperating agencies, with recognized special expertise extends a continued offer to work with the SNF to resolve any of the issues brought up in the above objection. We look forward to continuing communications with the SNF and look forward to opportunities to be a productive participant in National Forest system land management.

ATTACHMENT A – LIST OF SCAC COMMENTS PREVIOUSLY SUBMITTED

March 21, 2007: Comments, Analysis, and Suggested Changes to Shoshone National Forest Draft Proposed Land Management Plan

November 19, 2010: Comments on the Notice of Intent to Revise the Shoshone National Forest Land and Resource Management Plan and Prepare an Environmental Impact Statement

July 8, 2011: Comments on the Draft Analysis of the Management Situation

January 13, 2012: Scoping Comments

November 26, 2012: Comments on the Shoshone National Forest Draft Land Management Plan and Draft Environmental Impact Statement

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