



Meeteetse Conservation District

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March 25th, 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: Objection to the Shoshone National Forest Land Management Plan Draft Decision

Dear Forest Service Chief Tidwell,

Elected by the people of the District at general elections by popular vote, the Meeteetse Conservation District (MCD) is a local government and a governmental subdivision of the state as defined and established by the Wyoming Statutes. The MCD Supervisors are the only locally elected board charged specifically with the responsibility of representing local people of the District on natural resource issues. Wyoming Conservation Districts Law, W.S.11-16-122(b)(xvi), provides that conservation districts may “Develop and implement comprehensive resource use and management plans...”. The MCD Land Use Management and Resource Conservation Plan, 2011 (MCD LUP) incorporates the efforts of numerous MCD residents from all walks of life and economic sectors, through time. It embodies the local traditions, values and visions that each of those residents brought to the effort, and is the result of considerable research and thought by each of those participants and the neighbors they represent. It also draws on the successful planning efforts of other conservation districts and counties and attempts to recognize common issues being dealt with by those entities. For purposes of this objection document, we hereby incorporate by reference the MCD Land Use Management and Resource Conservation Plan, 2011.

The MCD appreciates the opportunity to participate in the 2014 Revision of the Shoshone National Forest Land Management Plan (SNFP) for which the Responsible Official is Mr. Daniel J. Jirón, Regional Forester, Region 2, Rocky Mountain Region. We have been involved and active in all phases of the SNF plan revision process and, as a cooperating agency that submitted substantive comments on the Draft Plan and EIS, the MCD meets the requirements for standing necessary to file an official objection and hereby incorporates by reference any and all of our previously submitted comments. We also incorporate by reference as our own, any and all comments previously submitted by the Shoshone Cooperating Agency Coalition (SCAC) of which we are a member, as well as the comments brought forward in the SCAC’s statement of objections.

According to 42 U.S.C. § 4332(2)(C), NEPA applies to

“every major Federal action significantly affecting the quality of the human environment.”

The SNF has recognized this fact with its EIS. Although the Forest Service clearly recognizes its duties with regard to cooperating agencies, the Meeteetse Conservation District submits these comments as part of NEPA's consistency review requirements. Pursuant to NEPA, if the federal agency, in the course of writing an environmental impact statement (EIS), receives a local land use or resource plan, NEPA commands the federal agency as follows in 40 C.F.R. §§ 1506.2, 1506.2(d) to,

“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 [environmental impact] statement should describe the extent to which the [federal] agency would reconcile its proposed action with the [local government] plan or law.”

Additionally, NEPA requires that copies of comments by State or local governments must accompany the EIS or environmental assessment (EA) throughout the review process. 42 U.S.C. § 4332(c). In compliance with this mandate, the Meeteetse Conservation District submits the following comments on livestock grazing capability and suitability, no surface occupancy (NSO) and de facto wilderness which are among our greatest concerns.

Issue # 1. Livestock Grazing:

The MCD believes that step 2 of the ‘*Process for Determination of Rangeland Suitability*’ must be revised in the FEIS. Below is step 2 of the ‘*Process for Determination of Rangeland Suitability*’.

2. Acres with slopes 40 to 60 percent slope were subtracted as not being suitable for cattle grazing.

Step 2 should be changed to “acres with slopes **greater** than 60% were subtracted as not being suitable for cattle grazing.” We believe it is justified by the ranchers within our district and the publications listed below. For these reasons the 40% figure “can be modified” and should to fit the situations in the Shoshone National Forest (step 8b (following)).

Step 8 out of *Rangeland Suitability for Livestock Grazing at the Forest Plan Level and Standards for NEPA Display – November, 2002* reads as follows: (emphasis added)

8. Subtract slopes meeting the following criteria:

a. Subtract slopes greater than 60% (not capable for either sheep or cattle). Keep track of capable acres for cattle and sheep separately (may also need to track separately for other kinds and classes of livestock such as bison, if the need presents). The 60% figure can be modified for each specific Forest or Geographic area to fit with local situations (with documented rationale).

*b. From the above (a) capability calculations, subtract slopes greater than 40% (slopes of 41-60% are capable for sheep but not normally for cattle). The 40% figure **can be modified** for each specific Forest or Geographic area to fit with local situations (with documented rationale).*

The Desk Guide clearly allows for flexibility in the capability calculations as noted in step 8b of the desk guide. Several publications George et al. (2007) and texts (Holechek et al. 1998); Range Management, Principles and Practices note that livestock will utilize slopes up to 60%. This 60% figure is far more realistic and accurate than the 40% figure used by the Forest Service. The Wyoming Stock Growers Association (Magagna pers. comm.) and local ranchers on the SNF confirm that cattle use slopes between 40%–60%. We believe this specific data and citations address step 8b in the capability determination to provide documented rationale (SCAC, 2012).

The definition of suitability found at 36 CFR 219.3 (1982 regulations) follows:

“Suitability: *The appropriateness of applying certain resource management practices to a particular area of lands, as determined by an analysis of the economic and environmental consequences and the alternative uses foregone. A unit of land may be suitable for a variety of individual or combined management practices. Rangeland suitability varies by alternative or grouping of alternatives.”*

The definition of rangeland capability was found in 36 CFR 219.3 and is also found in FSM 1905 as follows:

“Capability: *The potential of an area of land to produce resources, supply goods and services, and allow resource uses under an assumed set of management practices and at a given level of management intensity. Capability depends upon current resource conditions and site conditions such as climate, slope, landform, soils, and geology, as well as the application of management practices, such as silviculture or protection from fire, insects, and disease.*

Capability is the initial step in the determination of suitability. It is portrayed as a separate step both for reasons of clarity and because the actual product of “capability” often has utility in planning beyond its role in the determination of suitability.”

Subsequent to the comments pertaining to the DEIS, the FEIS states:

“Slopes greater than 60 percent were subtracted. These areas are identified as not suitable for cattle and sheep grazing. In the DEIS analysis, the 40 to 60 percent slope range, which is generally suitable for sheep grazing was identified as not being capable. Most of the Shoshone is not available for sheep grazing and the interdisciplinary team felt the information on capability for sheep was not needed by the decision maker. Sheep are only grazed on two allotments on the south end of the Forest and the terrain is generally less than 40 percent slopes in those areas. Comments received on the DEIS objected to this approach. They felt it did not follow standard protocols and provided in incorrect display of grazing capability. Based on the comments, we reconsidered our approach and adjusted it to include the 40 to 60 percent slope range as capable acres. Now they are not removed until the suitability screen where suitability for cattle grazing is determined.”

Again, the suitability screen for cattle grazing should only subtract slopes greater than 60%. Grazing is critical to the producers within the MCD and provides a vast amount of ecological benefits. Excluding slopes of 40-60% in the suitability screen will have dramatic consequences on the ranchers, surrounding ecosystems and the economy.

The MCD LUP recognizes that the livestock industry is vital to the local economy (pg. 57).

“Historically, the reduction of permitted grazing on public lands, unless for misuse or overgrazing, has had and will continue to have disastrous economic impacts on individual ranches, and collectively on both the MCD, Park County, and, for that matter, those impacts can be extended throughout the Big Horn Basin and the interrelated ranching community (Taylor et al, 2005: Taylor et al, 2004). Continued grazing use of federally managed land is necessary if the livestock industry is to survive. The expectation for continuation of the livestock industry in the MCD is essential to support economic stability and to preserve the custom and culture of the citizens.”

Also on pg. 27 of the MCD LUP,

“If grazing is restricted, financial pressure will be placed on the rancher, which may even result in him/her going out of business. When that happens, the tax base of the county suffers, and the business income is also reduced.”

Taylor et al (pg. 18) demonstrates that,

“Federal livestock grazing is an important part of livestock production in terms of the number of producers affected, the acres of land affected, and economic effects on the individual agricultural operations. Federal livestock grazing also has important implications for the overall Park County economy.”

The authors continue by saying (pg. 33),

“...because there is a fixed amount of land in Park County, residents, landowners, county planners and public lands managers hold the keys to how this resource will be managed. Whether the land is used for agriculture and remains as open space or is developed for rural residential living depends on some degree how these individuals and institutions react in their communities and the market place in regard to this resource. In essence, it is a balance between agriculture, development and conservation, dictated by the value society and the market place on this land resource.”

Policy, (emphasis added on key points), from the MCD LUP (pg. 60) is applicable to this issue and the MCD desires FEIS consistency with its policies to the greatest extent practicable,

“Public Lands Agricultural Use Policy - It shall be the policy of the MCD that:

- i. **The MCD shall support continued agricultural use of the public lands in accordance with its custom and culture in order to sustain its continued economic and social stability.***
- ii. In recognition that the productivity of the public lands affecting the MCD is directly related to the MCD’s social and economic well-being, the MCD will directly participate in land use planning activities related to agricultural use of the public lands.*
- iii. **The MCD shall provide comment(s), seek Coordination Status, or seek to become a Cooperating Agency, as is appropriate for the MCD’s purposes, for federal land use planning affecting the agricultural use of public lands by the people of the MCD in order to effectively represent and protect the MCD’s custom, culture, economy and general welfare.***
- iv. **The MCD shall require that land and natural resource use, management, and conservation planning, the plans developed for public lands, as well as the implementation of those plans, protect the agricultural use of public lands used by the people of the MCD to the fullest extent provided by law in order to protect the custom, culture, economic viability, social stability, and general welfare of the MCD.***
- v. The MCD may, at its discretion, join with other governmental and nongovernmental entities to combine efforts to provide that agricultural use of public land is protected to the fullest extent provided by law in order to preserve the MCD’s custom, culture, economy, social stability, and general welfare of its people.*
- vi. **Each federal and state agency with oversight, management or jurisdiction over lands, water, and natural resources in the District or affecting the District continue the grazing use that has been established in the District, and that the agencies work with the District in assisting landowners and grazers in achieving sound management. (MCD policy, 2/9/2011)***
- vii. **Regulatory action pertaining to agricultural use of public lands will cite the impacts to the local economy, local custom and culture, the human environment and provide how such proposed action is consistent with new, revised or supplements to this Plan.***

- viii. *The MCD insists that any changes and/or restrictions on agricultural use of public lands proposed by federal or State agencies must be based on objective and sound scientific data and in cooperation with the County.*
- ix. ***The MCD may, at its discretion, seek to enforce mandates on State and federal authorities to consider the social, cultural, and economic needs of the local human environment in any regulatory action impacting agricultural use of public lands.** The MCD has determined that agriculture makes a substantive contribution to environmental and recreational uses of public land; for that reason, **public purposes such as protection of endangered species, wildlife habitat, open space, and augmentation of water resources are all enhanced by continued agricultural use of public lands.***
- x. *The MCD will strive to bring affected agricultural stakeholders into the processes affecting their agricultural use of public lands and facilitate their participation in addressing issues affecting agricultural use of public land in order to protect the custom and culture and economic stability of the MCD.”*

Proposed Resolution

The MCD believes that step 2 of the ‘Process for Determination of Rangeland Suitability’ must be revised in the FEIS. Step 2 should be changed to “acres with slopes **greater** than 60% were subtracted as not being suitable for cattle grazing.” Under the provisions of step 8b that allow for modification of the slope parameter for capability calculations, redefine capability for grazing to include slopes up to 60%.

Issue # 2. No Surface Occupancy

In the past, the SNF has expressed concern that the Meeteetse CD made comments conflicting with comments on the Draft Plan by the SCAC, and thus in conflict with itself as a member of the SCAC. The MCD has reviewed that concern and has found that its comments have not conflicted with those of the SCAC. In order to avoid that misunderstanding regarding the Objection documents of the two entities, the MCD recognizes that the SCAC objection concerns NSO and wildlife management. The MCD objection to NSO, as follows, is in regard to petroleum industry opportunity and de-facto wilderness.

On page 621 of SNFP FEIS Vol. I, the SNF recognizes that their plan is not consistent with the MCD LUP and that there are inconsistencies that have yet to be resolved, (emphasis added)

*“Policy within the Meeteetse Conservation District (MCD) Land Use Plan opposes the restriction of access (including access for mineral production) and any management that might “negatively impact the livelihoods” of their constituents. The MCD views the further restriction of surface occupancy for oil and gas leasing proposed in the preferred alternative of the Shoshone revised plan **as being in conflict with their policy.** In designating lands available for surface occupancy the forest focused on those lands with a high potential for oil and gas occurrence. No surface occupancy designations were drafted to be consistent with the direction for back country non-motorized management areas, big game crucial winter range and the desire of the public (that commented on the DEIS) to limit oil and gas leasing on the Forest. Economic impacts to the communities within the MCD from restrictions on surface occupancy are not anticipated low potential for oil and gas development during the life of the Forest Plan (10 to 15 years).”*

First off, the preceding text is true in that the MCD does oppose management that would have a negative impact on the economic stability as well as the custom and culture of those residing within the MCD.

Also, MCD asserts that requiring NSO across large tracts of land is in conflict with the MCD plan. However, the MCD LUP provides that,

“The MCD will join with local landowners, government agencies, and organizations in maintaining, improving, and enhancing wildlife populations and habitat, complementary to and in conjunction with the other resources of the District.”

This is to say that MCD does support limited use of NSO where there is no other apparent means to address Wyoming Game and Fish Department (WGFD) concerns regarding wildlife, namely elk on Crucial Winter Range.

The SNF insists that lands on the forest with a high occurrence potential were considered when designating lands available for surface occupancy and that negative economic impacts to the community were not anticipated due to NSO regulations because both potential for occurrence and potential for development were low according to the 2010 BLM Reasonable Foreseeable Development (RFD) document. Therein lies a substantial problem in the eyes of the MCD. Through much research it is our understanding that the authors of the RFD arbitrarily classified the area beneath the Absaroka volcanics (which also happens to, for the most part, coincide with the area under SNF ownership) as having a low occurrence potential due to a demonstrated absence of one or more of certain criteria necessary in order to not be classified as such. The foundational data used in producing the results of the RFD was collected during the 2008 USGS National Oil and Gas Assessment (NOGA). Page 66 of the RFD reads, (emphasis added)

*“The Sub-Absaroka play (see Glossary), which was projected beneath Eocene-age volcanic rocks trapped in Laramide structures was considered under the earlier assessment of the Bighorn Basin Province in the western part of the Planning Area (Beeman et al., 1996: Charpentier et al., 1996: Gautier et al., 1996), **but was not included in the most recent assessment.**”*

To simplify, the subsurface petroleum resources were not even analyzed in the 2008 NOGA but given a low occurrence potential designation by the RFD authors. We believe that the 1995 NOGA happens to entail the best science available as it is the most recent analysis of the Sub-Absaroka play and that the oil and gas occurrence potential is in fact “good” to high as follows on page 8. (emphasis added)

*“**Exploration status:** This play **has not been extensively explored** because of the difficulty of exploring beneath the volcanic rocks. Six small fields (less than 1 MMBOE) have produced oil from small structures beneath the volcanics. They include Aspen Creek, Baird Peak, Dickie, Prospect Creek, Prospect Creek South, and Skelton Dome fields.*

***Resource potential:** The potential for significant large new field discoveries (greater than 1 MMBOE) is **good**. Several of the basin-margin anticlinal fields on trend with this play area have large reserves. For example, Fourbear field has 31.2 MMBO ultimate recoverable and Pitchfork has 68 MMBO ultimate recoverable. “*

Included in the 1995 NOGA is a play results summary chart for each play analyzed in the Big Horn Basin, Wyoming. Below is the chart for the Sub-Absaroka play which again illustrates its high probability of occurrence for oil (*note highlighting). How can the SNF deny these results and go forward ignoring or refuting the results of the 1995 NOGA which demonstrates that there is in fact a higher probability of occurrence than what it claims in the draft?

Play: 3405 Sub-Absaroka
Province: 34 Big Horn Basin
Geologist: Fox, J.E., and Dolton, G.L. **Status:** confirmed

Play Attributes:	Probability of Occurrence
Charge	1.00
Reservoir rock	1.00
Traps	1.00
Play Probability	1.00

Size of Undiscovered Accumulations (>1 MMBOE) (Conditional):

	Oil Accumulations	Gas Accumulations
Median	10 MMBO	BCFG
F5 of Largest Accumulation	150 MMBO	BCFG
TSP Shape Factor	5	
Mean (calculated)	20.0 MMBO	BCFG

Number of Undiscovered Accumulations (>1 MMBOE) (Conditional):

	Oil Accumulations	Gas Accumulations
Minimum	2	0
Median	10	0
Maximum	25	0
Mean (calculated)	11.5	0.0

Play: 3405 Sub-Absaroka
Province: 34 Big Horn Basin
Geologist: Fox, J.E., and Dolton, G.L. **Status:** confirmed

Ratio of Associated-Dissolved Gas to Oil: 20 CFG/bbl

Ratio of NGL to Non-Associated Gas: bbl/MMCF

Ratio of NGL to Associated-Dissolved Gas: 26 bbl/MMCF

API Gravity (degrees):

	<u>minimum</u>	<u>mean</u>	<u>maximum</u>
	15.0	20.0	25.0

Depth of Oil Accumulations (ft):

	<u>minimum</u>	<u>median</u>	<u>maximum</u>
	1,000	3,000	10,000

Depth of N-A Gas Accumulations (ft):

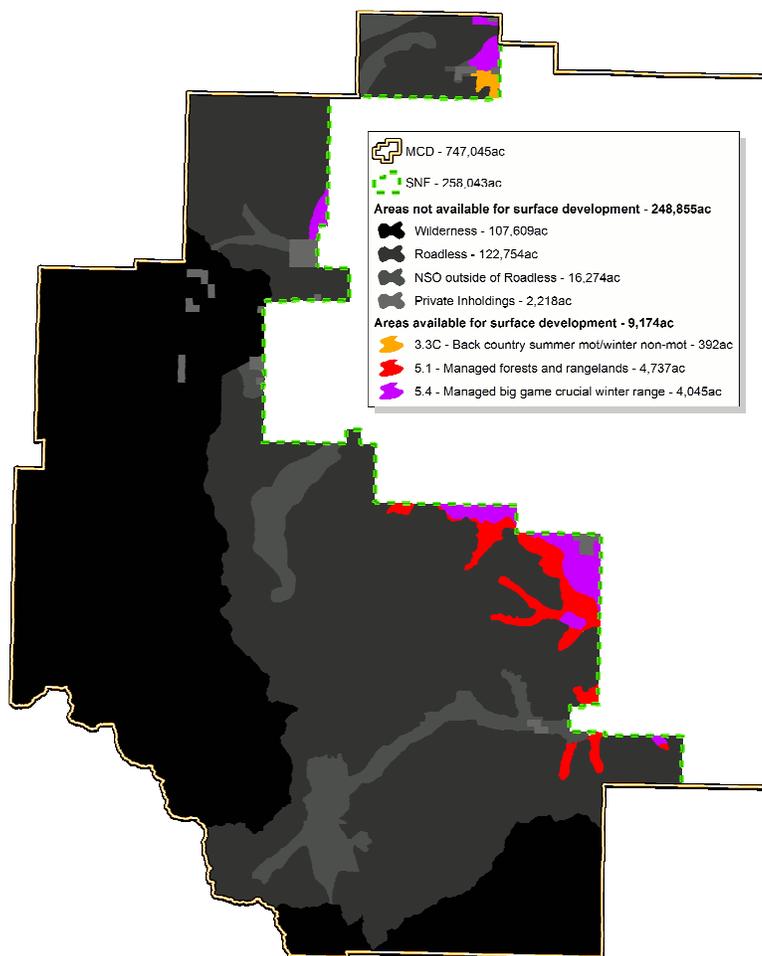
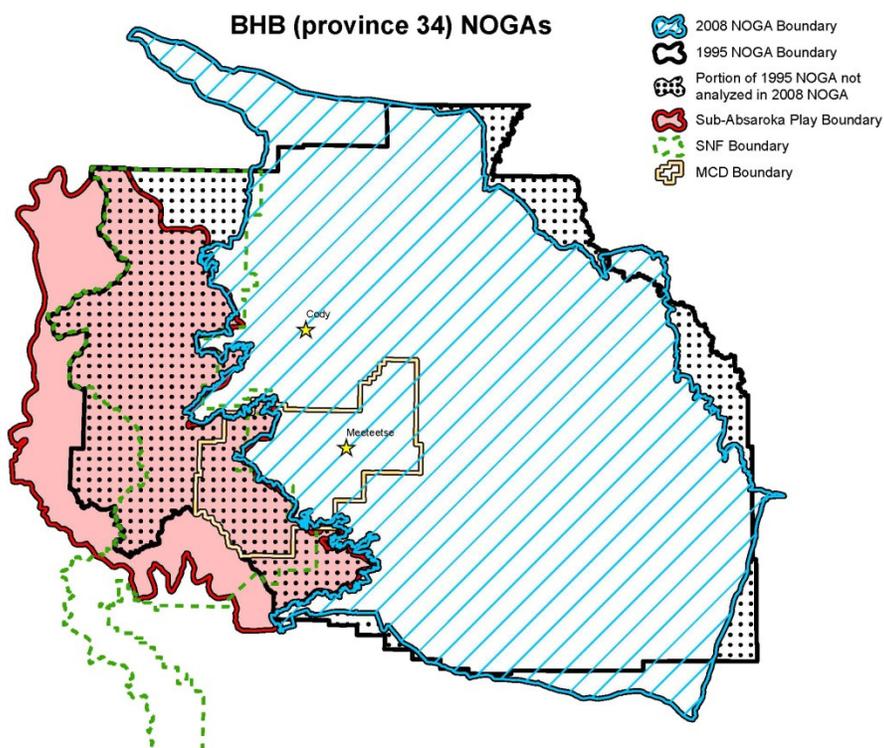
	<u>minimum</u>	<u>median</u>	<u>maximum</u>

Play: 3405 Sub-Absaroka
Province: 34 Big Horn Basin
Geologist: Fox, J.E., and Dolton, G.L. **Status:** confirmed

Estimated Resources:

Oil (MMBO)									
<u>F99</u>	<u>F95</u>	<u>F75</u>	<u>F50</u>	<u>F25</u>	<u>F5</u>	<u>F1</u>	<u>mean</u>	<u>s.d.</u>	
4.80	19.30	88.40	179.10	304.40	503.20	651.90	229.10	155.90	
NGL (MMBNGL)									
<u>F99</u>	<u>F95</u>	<u>F75</u>	<u>F50</u>	<u>F25</u>	<u>F5</u>	<u>F1</u>	<u>mean</u>	<u>s.d.</u>	
0.00	0.01	0.05	0.09	0.16	0.26	0.34	0.10	0.08	
Associated-Dissolved Gas (BCFG)									
<u>F99</u>	<u>F95</u>	<u>F75</u>	<u>F50</u>	<u>F25</u>	<u>F5</u>	<u>F1</u>	<u>mean</u>	<u>s.d.</u>	
0.10	0.39	1.77	3.58	6.09	10.06	13.04	4.60	3.12	
Non-Associated Gas (BCFG)									
<u>F99</u>	<u>F95</u>	<u>F75</u>	<u>F50</u>	<u>F25</u>	<u>F5</u>	<u>F1</u>	<u>mean</u>	<u>s.d.</u>	
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

The following map illustrates the boundaries of each of the two different NOGA units as well as the boundaries of the SNF, MCD and Sub-Absaroka play. Take particular notice to the area of pink stippling (dots) – this is the portion of the Sub-Absaroka play that was analyzed in the 1995 NOGA but not in the 2008 NOGA. The eastern boundary of this area also mostly coincides with the SNF boundary, at least within the MCD.



Another problem with applying blanket NSO restrictions across large sections of land is that this action essentially eliminates any future opportunity for surface development to occur in these areas. It is well known that with each iteration of federal land management plans, restrictions rarely become less stringent than what is currently in place and that they more often than not grow stricter and more intense. The SNF occupies roughly 1/3 (258,043 ac) of the land that falls within the MCD jurisdiction (747,045 ac). This includes 107,609 ac of the Washakie Wilderness and another 122,754 ac of inventoried roadless area. Once acres are removed for Alt G NSO and private inholdings, we are left with 9,174 acres and nearly half of that is managed big game crucial winter range or precluded from any site development due to slope and other physical limitations. The take-home here is that the application of NSO to lands (that we believe actually have high occurrence potential) as proposed in Alt G will leave only a small fraction of the available petroleum resources to be extracted.

The SNF has maintained that industry has shown little to no interest in development on the forest based on findings in the RFD which we know to not be the latest or best science and information available. By reviewing a few excerpts from comments by the Petroleum Association of Wyoming (PAW) and Public Lands Advocacy (PLA) it is clear that industry has been and still is in fact interested in production development on the SNF, especially as advancements are made in modern drilling techniques. This is notably contrary to repeated comments by the SNF that industry has shown almost no interest in these areas. The following statement is from page 2 of the PAW/PLA comments on the Draft EIS. (emphasis added)

*“While we recognize that certain physical elements may be contributing factors for the assumption that the Forest has low development potential, **it is readily apparent that management is the primary basis for the lack of development potential.**”*

There is a direct tie between multiple use and the custom and culture of the MCD. Multiple use concepts are integral to its custom and culture. The MCD asserts in its LUP that the exclusive use of a disproportionate share of the public landscape for purposes of limited diversity is generally detrimental to social and economic stability. The people of the MCD are directly and indirectly dependent upon public land and the land’s intrinsic resources for their livelihoods and their quality of life. It follows that the viability and sustainability of the local economy is dependent upon management for multiple use. Multiple use management is the paradigm of both the USDA Forest Service and the USDI Bureau of Land Management. PL 86-517 (16 U.S.C. 528-531), the Multiple-Use and Sustained Yield Act, 1960 authorizes and directs that the national forests to be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes. The following paragraph from the MCD LUP (pg. 26) addresses the importance of multiple use management on federal lands to the culture and economy of the MCD.

“The economic stability of the MCD rests upon continued multiple use management of the federally or State managed lands. Tax revenue is available to the County mainly through the ad valorem tax, or property tax. The MCD relies on a one mil tax levy. While Park County and the town of Meeteetse receive a share of sales tax receipts, the MCD does not. The limited amount of private property, which was approximately 23% of the County in 2008, greatly restricts the tax revenue of the County and limits that of the MCD. That limited tax base must be protected, and the continued vitality of that tax base is dependent upon continued multiple use of federally or State managed lands. If multiple use is restricted, business income will suffer and sales and property taxes will be affected. ...”

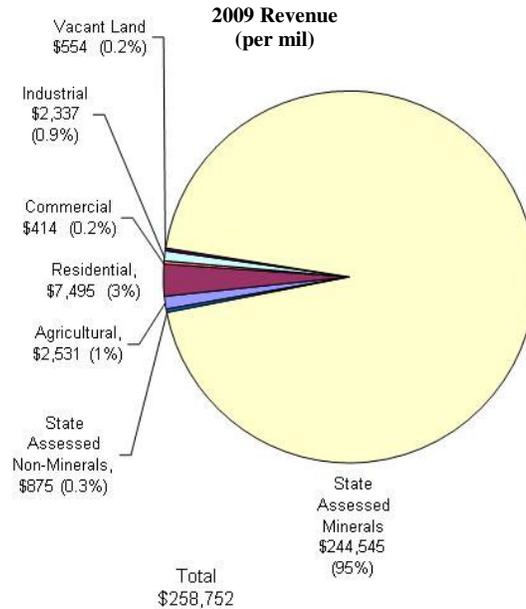
The MCD asserts that the 2014 SNF Plan is invalid and materially deficient due to the lack of a proper and thorough evaluation of how the proposed application of NSO would affect the economy of the MCD community as required by NEPA. It is critical to the future economic stability and well-being of the MCD to preserve the opportunity for industry to site, especially as advancing technology becomes less invasive and more environmentally friendly. Pg. 28 of the MCD LUP as follows,

“The MCD recognizes the importance of the mineral industry, especially oil and gas, to its tax base and economy. The assessed valuation for oil and gas in the county now is over 75% of the total county valuation and thus provides over half of the MCD’s total revenues. The mineral industry provides many opportunities for employment and benefits our community in several ways. Good paying jobs open the door for greater needs of services and consumables. The mineral industry in the surrounding area provides a broad economic foundation. The mineral industry is a friend to the MCD and an integral part of the good things, i.e. custom and culture, economic stability, and quality of life we enjoy as a community.”

Again, the importance of the oil industry to MCD on pg. 30 of the MCD LUP,

“The MCD is funded principally from a 1 mil levy administered by Park County on property within its political boundaries. The MCD has had enough of a tax base to operate sufficiently, primarily due to the oil industry. However, most of the taxes are on oil reserves in old fields.”

In 2009, taxation of oil and gas revenues provided 95% of the property tax base for the following entities within the MCD jurisdiction; Park County School District 16, Meeteetse Conservation District, Meeteetse Museum District, Meeteetse Recreation District and Meeteetse Fire District.



To gain further perspective as to how paramount oil and gas is to the MCD community (as well as the State of WY), observe the following chart which illustrates precisely what an active well on the SNF could mean in terms of revenue, based on data from five different fields that serve as appropriate analogues based on their close proximity to the SNF.

2010 Annual Value of Production for one well at \$49.47 per BBL				
100 BBL/day	200 BBL/Day	300 BBL/day		
\$1,805,655	\$3,611,310	\$5,416,965		
Annual Royalty and Severance:				
200 BBL per Day at 12.5% Federal Royalty				
Federal	State	1 mil		
\$234,735	\$406,272	\$3,160		
Cumulative BBL	Federal Royalty	State Royalty	1 mil	Representative Field
100,000	\$321,555	\$556,538	\$4,329	Rose Creek (100M)
1,000,000	\$3,215,550	\$5,565,375	\$43,286	Willow Draw (2.4 MM)
10,000,000	\$32,155,500	\$55,653,750	\$432,863	Sunshine North (4.3 MM)
40,000,000	\$128,622,000	\$222,615,000	\$1,731,450	Fourbear (40.5 MM)
269,309,750	\$865,978,967	\$1,498,809,750	\$11,657,409	Grass Creek (269 MM)
Park County Municipalities 2010		\$1,461,889	7,454,739 BBL Production	\$0.196 per BBL
\$0.004 per Dollar of Federal Minerals Royalty and Severance				

Based on the information previously presented in this section, it is evident that the SNF is incorrect in its assertion that 1 – occurrence potential of oil and gas is low, 2 – industry has no (low) interest in development on the SNF and 3 – economic impacts to the MCD community are low.

Proposed Resolution

MCD recommends using NSO with respect to wildlife management as presented in the SCAC objection comments, but otherwise retain existing management (alternative A) that is currently in place from the 1986 plan as it has been more than adequate in protecting the resources within the MCD.

Issue # 3. De Facto Wilderness

De facto wilderness can be considered management as wilderness without wilderness legally being established. Only Congress can designate wilderness.

The Draft Record of Decision for the Land Management Plan Division explains that, (emphasis added) *“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.**”*

These increased protections (restrictions) as well as the drastic decreases in suitable acres for such activities will ultimately have dramatic negative impacts on the local economy. This is a severe move towards de facto wilderness.

De facto wilderness negatively impacts grazing, wildlife, ecosystem productivity, oil and gas production and economics throughout the communities. Stated under the *Multiple Use Policy* section in the MCD LUP (pg. 55),

- v. *Multiple use lands should not be changed into de facto wilderness, should not be changed into non or one-use category, should not be changed from multiple use without the specific and definite act of Congress. The district operates with a policy that does not favor change of multiple use lands at all, but strongly opposes any such change without the express authorization of Congress.*

The Meeteetse Conservation District strongly opposes any decisions that eliminate multiple use opportunities on the Shoshone National Forest as follows on pg. 52 of the MCD LUP.

“Wilderness and other one use management systems do not result in sound management of grazing, water conservation, prevention of soil erosion and prevention of waste water. When a federal agency declares federal land as de facto wilderness, or attempts to manage multiple use lands within wilderness study areas or other types of one-use restrictions, the result is damaging to the sound performance of the District’s duties, and is damaging to the watershed within the District”.

Multiple use maintains continuity in the local economy as well as sustainability of existing agricultural, recreational and industrial interests. The FEIS disregards the importance of multiple use by implementing a blanket policy that removes the ability for the aforementioned interests to be pursued.

The MCD Land Use Management Plan, Public Lands Policy (pg. 51) states,

- xii. *The MCD supports retention of existing access and legal rights for access to public land, and will oppose management initiatives, which restrict or limit access or might negatively impact the livelihoods and/or quality of life of the people of the MCD. The MCD may rely on cooperative agreements, the Wyoming Wilderness Act, NEPA, FLPMA, and broad-based legal precedent, which all assure continued access of public land, and place the burden on public land management agencies and officials to prove by sound scientific means why access must be curtailed.*

The MCD LUP (pg. 49) also recognizes the Wyoming Wilderness Act's opposition to de facto wilderness: *"The MCD has also relied upon, and will continue to rely upon, the protections for existing roads and trails contained in the Wyoming Wilderness Act.*

Access, and the ability to utilize the full spectrum of resources originally provided by multiple use management, has been systematically limited by the incremental implementation of restrictions on a wide variety of individual uses. These restrictions have typically been imposed with intent to provide some form of protective measure. The MCD asserts that cumulative effects of incrementally imposed restrictions has led to the systematic reduction in the ability of the community as a whole to prosper through utilization of resources previously available from the public lands."

And on page 53 of the MCD LUP,

"With an increasing emphasis, federal land planning is creating new and specially designated areas with priority uses or protections that employ new restrictions which can negatively impact resource use. These include, but are not limited to wilderness, wilderness study areas, designation of areas with wilderness or "wilderness-like" characteristics, areas having specific environmental concerns, protection areas for specific classes or species of wildlife, wildlife seasonal use areas, and wildlife habitat. These areas can comprise thousands of acres on an individual basis and there is no area within the MCD without special land use restrictions on its public lands. There is increasing overlap of layer upon layer of "special areas." The management of these areas through time has resulted in incrementally imposed additional restrictions which is in direct conflict with multiple use principles. These "special areas" have been promulgated through repeated plan revisions through time, abetted by the loss of applicable agency, Cooperating Agency, and participating entity institutional knowledge in the intervening years between management plans, and the loss of key individuals who were active in a prior plan development. As stated elsewhere in this Plan, the MCD asserts that cumulative effects of incrementally imposed restrictions has led to the systematic reduction in the ability of the community as a whole to prosper through utilization of resources previously available from the public lands."

Proposed Resolution

MCD recommends that the SNF provide discussion in the FEIS stating how these restrictive management changes are not a step towards creation of de facto wilderness.

Conclusion

We are submitting to you our issues and concerns that have arisen from what we view as an apparent lack of consideration by the SNF to achieve consistency with the MCD LUP as required by regulations in the National Forest Management Act (NFMA). The MCD has done its best to try and assist the SNF

planning staff in finding resolution between the inconsistencies of its plan and the MCD LUP including a June 12, 2013 meeting with Forest Planner Carrie Christman. Many times during the planning process, when inconsistencies were brought to the SNF's attention and we offered adequate solutions, the SNF maintained an attitude and thought process of simply, "agreeing to disagree". MCD has numerous concerns with the Final Land Management Plan that still need to be resolved.

The MCD recognizes that federal law mandates multiple use of federally managed lands and has long supported multiple use. Sustained multiple use necessarily includes continued historic and traditional economic uses, which have occurred on federally managed lands within and affecting the MCD. The economy of the MCD benefits from multiple use policies that allow for grazing, mining, the harvest of marketable timber, the development of oil and gas reserves, water storage for irrigation and hydroelectric power, and recreational use of the federally managed land. Many of our industries have seen the impact of policies made at the federal level without adequate local coordination. Some of our historic industries have been forced out by ill-conceived policies. We must protect and enhance our historical industries to insure that our natural resource based economy can survive.

It is the responsibility of the Forest Service to strive for multiple use management. CEQ regulations of the National Environmental Policy Act 40 C.F.R. 1506.2 as follows,

- (d) *To better integrate an EIS into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any State or local plans 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.*

However, it is clear that this Forest Plan ignores that responsibility, violates the Multiple-Use and Sustained Yield Act and is essentially migrating towards de facto wilderness by managing for single-use purposes with layers of restrictions. Again, the MCD appreciates the opportunity to participate with the SNF throughout the development of the plan revision and hopes our concerns are acknowledged and resolved.

Sincerely,



Steffen Cornell
Resource Specialist
Meeteetse Conservation District

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