

Reviewing Officer for  
Thomas Tidwell, Chief of the U. S. Forest Service  
Attn: EMC Administrative Reviews  
1400 Independence Avenue SW, Mailstop 1104  
Washington, DC 20250-1104

Dear U. S. Forest Service Chief Thomas Tidwell

#### FOREST SERVICE COMMENTS

Thank you for this opportunity to comment on the proposed Shoshone National Forest Plan and addendum Environmental Impact Statement (EIS).

As a native of Wyoming and long-time rancher and back country outfitter the Shoshone has been of great personal importance to me and my family. My mother and father, an early physician in the Cody country since 1940, acquired the 7D Ranch in Sunlight Basin in the 1950s. And I personally own a working cattle ranch located on the Greybull River upstream of its junction with the Wood River.

My comments center on 5 areas:

1. Motorized use in Francs Peak and Wood River.
2. Illegal mountain bike trail in the Dunoir Special Management Unit
3. The need for recommendations in the plan for additional wilderness designations
4. Wild & Scenic Rivers
5. Enforcement

#### **1. Proposed motorized use in the Wood River and Francs Peak area.**

This critical high country habitat gives protection for the Grizzly, Mountain Sheep, bird life including blue grouse, ptarmigan, lynx and even the possibility of expanded range for elusive wolverine. Francs Peak itself is the highest of all mountains in the Absaroka Range.

The trails proposed by the local ORV organization for year-round motorized vehicles would impact 37,000 acres in the Wood River and 5,900 acres in Francs Peak for winterized use. The new motorized management areas that the Forest Service proposes would significantly impact the vast majority of the Wood River roadless area and roughly a third of the Francs Peak roadless area. These two adjacent backcountry areas rank highest in the agency's own potential wilderness area evaluation. They also harbor a nationally renowned bighorn sheep and elk population, as well as unique army cutworm moth sites for a high density of grizzly bears.

**Solution:** This proposal should be overturned and the Francs Peak and Wood River roadless areas should be recommended for future wilderness designation.

## **2. The illegal use as a mountain bike trail in the Dunoir Special Management Unit (SMU)**

This area created in conjunction with the Washakie Wilderness in 1972 contained congressional language that it be managed for no-vehicle use. Former Senator Alan Simpson, a proponent of the newly planned Dunoir SMU mountain bike trail was in the U.S. Senate in 1984 during the passage of the 1984 Wyoming Wilderness Act, which upheld the “non-vehicular” use of the Dunoir SMU. Simpson and other Senate members of his time were familiar with the Wilderness Act of 1964, which contains specific language prohibiting motorized and mechanized (bicycle) use. If Simpson believed mountain biking should have been permitted in the Dunoir SMU in 1984, the the Senate should have included “opportunities for mechanized use within the Dunoir” during the writing of the Wyoming Wilderness Act of 1984. The Senate, however, did not change the enabling language of the Dunoir SMU and therefore this wildlands resource needs to remain “no-vehicular” by law. A mountain bike is a mechanized vehicle and does not belong as a recreational use in the Dunoir.

**Solution:** The Dunoir Special Management Unit should be recommended for wilderness designation and managed for non-motorized and non-mechanized recreation in accord with the enabling legislation.

### **3. Designation of wilderness under the Wilderness Act of 1964**

The Plan as proposed specifically omitted any additional recommendation of any further wilderness protection. The only rationale offered referred to the approximately 56% of forest lands present in wilderness. This justification completely disregards the high potential wilderness characteristics of many of the Shoshone's inventoried roadless areas.

The Shoshone Forest originally created during the presidency of Theodore Roosevelt was the first of its kind and remains today the finest example of conservation in the nation. *In God's wildness lies the hope of the world*, said John Muir.

The opportunity to designate additional qualifying land as wilderness may not present itself for years to come. Today with a progressive party led by the presidency is the time to expand the wilderness legacy. And the chief of the Forest Service, Thomas Tidwell, is in a position to do just that.

**Solution:** The four areas that rank especially high in this evaluation and that should be recommended for wilderness are: 1) Francs Peak, 2) Wood River, 3) the Dunoir Special Management Unit and 4) Trout Creek.

### **4. The Wild and Scenic Rivers legislation passed in October 1968, offered the states to opportunity to protect river corridors of exceptional beauty.**

The Clark Fork has been the single river protected so far in our state. Additional rivers qualify for designation and should be a part of the present plan.

**Solution:** Rivers such as the North and South Fork of the Shoshone, the Greybull and Sunlight should be recommended to Congress for Wild and Scenic River designation.

**5. Finally, I propose that the Shoshone Forest under the present leadership of Supervisor, Joe Alexander, has an opportunity to address a critical need: namely “Enforcement”.**

ATV usage in areas such as Sunlight Basin is known to extend beyond legally designated ORV trails. And only enforcement on the ground can curb these abuses. Note that the National Park Service, and most notably Yellowstone, has long used seasonal employees for back country care and enforcement. Unfortunately cut-backs in personnel continue to impact the Forest Service. I suggest that similar use of seasonal rangers be made a part of the Forest's appropriation process.

**Solution:** Minimize additional off-highway vehicle use and beef up law enforcement staff to monitor illegal motorized use.

On a personal note, I am familiar with federal decision-making having served as Commissioner of the Federal Water Pollution Control Administration in the Department of Interior during the Nixon Administration. At that time I was responsible for the drafting of the Clean Water Act among other enforcement duties. My agency moved into the newly created Environmental Protection Administration where I was nominated and served as Assistant Administrator under the leadership of Bill Ruckelshaus . EPA's first years saw great advances in policies and programs; that included my personal relationship with Secretary of Agricultural, Earl Butz, at the time of pesticide regulation and the banning of DDT.

And I thank you for this opportunity to comment.

Respectfully submitted.

David DeWitt Dominick