

2630 Cowgill Road  
Cody, Wyoming 82414  
March 24, 2014

TO: Thomas Tidwell, Chief  
USDA Forest Service  
Attn: EMC-Administrative Reviews  
1400 Independence Ave. S.W., Mailstop 1104  
Washington, D.C. 20250-1104

FROM: John Osgood

RE: Shoshone NF LM Plan - 2014 Revision  
Final EIS, Draft Record Of Decision  
Objections and Comments (my own)

I enclose a copy of my memo of 11-24-12 to validate my standing as an objector.

First of all, may I say that you have done a huge amount of work in preparing and producing this document. It is obviously a coordinated effort with major and sometimes loving input from members of your staff. I was particularly struck by the almost reverential description of your Sawtooth Peatbeds SIA. Someone has given very devoted attention to this place, and it shows. May your tone of respect for the Sawtooth Peatbeds be transferred to other areas of your Forest.

That said, let me get to my objections. My number one objection is the major disconnect between previous statements to me and multiple others by forest supervisor Joe Alexander and previously released documents (namely your draft EIS) regarding the fact that there would be no increase in motorized (OHV and oversnow) access to Shoshone Forest lands and what your Final EIS is saying. Essentially you have said one thing and done way another. The English language is rich with terms which describe this kind of behavior: bait and switch, bad faith, duplicity, turpitude, perfidy. Your Final EIS is proposing much more motorized access to the Forest than anything previously communicated. After the initial shock, I was left with the question, why the change? Your Shoshone Forest is an integral part of the greater Yellowstone ecosystem, the largest and most intact and unadulterated ecosystem in the 48 contiguous states. It is a place of great pride for millions, if not tens of millions of Americans and others worldwide. They revere it because it is still very intact and essentially un sullied by most of the activities of modern humans. I have seen it happen on numerous occasions where people from different parts of the U.S. and the world have the chance to gaze out on a component of the greater Yellowstone ecosystem, and are rendered virtually speechless. They are gazing at something from a distant part of their past and are returned to a corporal atavism which until this moment they didn't know they had the ability to reconnect with. For people whose lives are

normally occupied with the very human and very insistent needs of the moment, this can come with a great sense of relief and inspiration. It can only occur in a place where the normal, frenetic, high-energy and high-movement behavior of humans pauses or stops. You have such a place in your hands right now on your Shoshone Forest, and it needs to stay that way. Areas that are currently off-limits to motor vehicles need to remain so. Innumerable other areas in the region of the Shoshone NF are available and accessible to motor vehicles, including major portions of the very nearby Pryor and Bighorn Mountains, plus a significant percentage of the Shoshone NF currently allows motorized access. All things don't need to be available to all people at all times. Return to the vehicle limits of your draft EIS with regard to the increase in motorized access. Untrammelled ground needs to be left that way.

I was especially dismayed by the amount of ground you propose opening to motorized travel in the area of Franc's Peak, the Wood River Middle and South Forks and the upper portions of Gooseberry, Grass, Cottonwood and Owl Creeks on your Forest's central-eastern flank. As far as I can tell, the areas proposed for opening to motorized travel have zero roads in them right now. This means that new roads are going to have to be built. Why do you want to build roads in areas that do not have any? What's wrong with letting wild be wild? What happened to your stated goal in your "Focus of the revised Land Management Plan" brochure of "enhancing and maintaining the backcountry non-motorized character of the Shoshone"? Is your memory that short, or are your stated goals meaningless? Two of your proposed 3.3B (backcountry winter motorized) areas would 'sandwich' on two sides a portion of the already established Washakie Wilderness, eliminating any sonic buffer to it. As you are (hopefully) well aware, many national forests have buffer areas adjacent to designated wilderness lands to enhance the wilderness character. The situation extant reflects this, but instituting this part of your final EIS would eliminate it, and I don't think is a good idea at all. Opening this area to motorized use could have negative impacts on wildlife. Winter is a critical time for wildlife and do we even know what kind of wildlife corridors or habitats exist here? Is it used by lynx or wolverine? Your TES-GOAL-06 specifically addresses the need for maintaining or improving contiguous habitat connectivity for the wolverine. Opening the 3.3B areas on either side of the established wilderness is not consistent with creating connectivity. Wolverines don't hibernate. Do we know what kind of migrations go through here? It is a ready (and currently unpeopled) path from the southern Absarokas to the Owl Creek Mountains to the northern part of the Wind River Indian Reservation which is quite wild country. The last living black-footed ferrets in all of North America were found less than 100,000 feet from the areas you propose to open to winter motorized recreation. Is your proposal thus even remotely smart?

I field-checked a portion of this area on March 23, 2014. What I found out confirmed my suspicions that this area, wild and difficult of access, is rich with game that you really should know about. There is a large number of grizzly in the area as well as an active wolf population. There are many elk, too, though they will move in response to food and other conditions. It is not a marginal or "occasional" area for wildlife at all. It is part of a corridor that wildlife use all the time. In speaking with several people who live in the area I learned that it is such a "lousy" habitat for wildlife that the Wyoming Game & Fish Department chooses recurringly to release captured grizzly bears here. And without telling anyone about it either. Erwin Evert anyone? I also learned that there was a relict wolf population living here in relative harmony long before the recent wolf reintroduction of 1995. You (Shoshone NF) people have been basically clueless about any of this, which is unconscionable. If you desk jockeys would ever get out of your goddamned offices and spend some time in the field, real time in the field, you would know these things.

With regard to the DuNoir SMU and your proposal to create a bicycle route on an existing trail, I think you had better back off from that one. You are directly violating Public Law 92-476 which governs your management of the SMU. In the paragraph on Administration the law specifically says that you "shall" . . . "provide for nonvehicular access recreation" in accordance with your rules and regulations. Your own 36 CFR 261.2 identifies a "vehicle" as "any device in, upon or by which any person or property is or may be transported". A bicycle is ipso facto a vehicle by your definition, and must be excluded from the DuNoir SMU until the law is changed. Your proposal for the trail here is just plain illegal, and you need to withdraw it.

This brings me to my next objection/comment, and that concerns the roadless areas on either side of Bear Canyon northeast of Dubois. The inventoried roadless areas here should stay that way. That there has been a lot of illegal OHV activity in these areas is well established. To therefore propose to allow off-road vehicle use to now become legal (because it's happening anyway) is going to set a very bad precedent. The message it sends is that if you, the off-road vehicle user, want to get the Forest Service to open up a piece of land to ORV use where it is currently prohibited, all you have to do is drive all over it with impunity and the agency will capitulate and give you what you want. If you open this to legal ORV use, you are being derelict in duty. If you have an area that

you are supposed to be protecting, you need to do just that and not be so poltroonerous. I am quite aware that staffing levels for law enforcement personnel in the USFS are low, and that your LE personnel are spread thin. A budget miracle is probably not going to happen, so what to do? Enlist the aid of citizens. Your LE staff cannot be in all places, but citizens regularly are. Most citizens are law-abiding and support the national forest concept. Create a hot-line, a 1-800 number for citizens to call when they see something that needs law enforcement attention. Your LE person may be some distance away, but deputies from the local county are frequently closer and can make contact with the violator(s) by virtue of mutual aid agreements.

My final objection/comment concerns public trust.

"Public trust is public trust. We the public count on you to do things consistently and in accordance with your mandate, not engage in radical departure in the hope that we won't notice in order to placate narrow-interest groups."

I had to pen these words seven years ago when the Casper, Wyoming BLM office floated a proposal to sell to a private buyer 230,000 acres, or one-sixth, of the district's lands which it was managing supposedly for the public. The proposal was withdrawn after massive negative public comment. You the Shoshone National Forest have put yourself into a similar situation here. You have been managing your Forest in a prudent, consistent, conservative fashion for decades, and have gained the public's general trust and faith in an admirable manner. Now you have pulled this stunt where you have for multiple months told us, the public, that there were going to be no significant changes to the way the Forest was going to be managed under the new management plan. You gave us verbal assurances, your draft plans conveyed this same conservative consistency and we believed you. This past January 24th you dropped this sockdolager, and all bets are now off. You gulled us into believing one thing, and then tried to snucker us with numbers, charts and obfuscation to try and make us think that we lovers and trusters of our national forest management and staff were not really being given the shaft. You have made enemies out of former friends. And you have given birth to a major distrust which will not be healable for years. It's too bad that now everything you do will be given constant, close scrutiny, because you've shown yourselves to be completely untrustworthy. You've pulled a quisling.

You need to know that the National Park Service at Big Cypress National Preserve in Florida tried to conduct a similar ruse with regard to increased off-road vehicle use on its lands, and is now involved in litigation in federal court because of it.

I also need to point out to you that you have utterly failed in your Shoshone NF Final EIS to address the requirements of the Migratory Bird Treaty Act as specified in Executive Order 13186 signed by then-President Clinton in January, 2001. You are going to have to do some backtracking on this one.

"There is no day nor week nor hour when tyranny may not enter itself upon this country, should the people lose their supreme confidence in themselves, and their roughness and spirit of defiance."

--- Thos. Jefferson

Cogently and very consciously submitted,

John Osgood  
John Osgood  
3-24-14  
Cody, Wyoming

2630 Cowgill Road  
Cody, Wyoming 82414  
November 24, 2012

TO: Forest Supervisor  
Shoshone National Forest

FROM: John Osgood

RE: Shoshone NF Forest Plan Comments

I would like to see:

- the Bald Ridge area given special consideration for leaving it as it is, and to have you dovetail with the BLM to make your two management actions congruent.
- the Wood River and Franc's Peak areas left as wilderness study areas and to have them designated permanent wilderness by Congress.
- the DuNoir SMU put on the road to wilderness designation. I would also like to see current vehicular encroachments there stopped. This means more law enforcement and eyes & ears on the ground in that area.
- the Wiggins Fork area off-road vehicle incursions stopped. Designated vehicle routes are fine, but the vehicle free-lancing which is taking place there needs to be addressed and halted.
- oil & gas development on the Shoshone NF minimized; there are plenty of drilling opportunities available elsewhere off the forest, and the Shoshone NF has such grand undeveloped characteristics that it should continue setting this precedent. It would also better protect your water resource.
- no more routes created for OHVs. I have several reasons for this:
  - 1) Noise encroachments into an otherwise quiet land- and soundscape; we just don't need any more. And you might consider a forest-wide decibel limit to all OHVs.
  - 2) There is no point in opening up more ways to OHV use until you are able to adequately manage the routes you currently have. There is illegal off-trail/off-route OHV use going on now, and I think you should use your existing resources to better monitor and enforce your regulations on those routes before creating any more.
  - 3) It has come to my attention that the Buffalo Bill reservoir, terminus of two of your major drainages, has one of the highest siltation rates in the U.S. Keeping silt out of the reservoir and extending the reservoir's lifespan as long as possible should be a major priority for you and all Park and Bighorn County residents. Any road or trail or route building in the headwaters of this reservoir would accelerate this siltation, and should be studiously avoided.

Shoshone NF

John Osgood comments continued

Nov. 24, 2012

Lastly, I would urge you to be proud of your heritage as our nation's first national forest, created in 1896 and predating even your agency. Don't feel like you need to do or follow what other national forests are doing. Feel empowered to lead and even set precedent for others. Don't be reluctant to assess your forest's manifold characteristics and create a forward-looking management plan in which those characteristics may flourish and be a credit to the nation as a whole.

Thank you,

John Osgood