

Forest Service Review of Decisions Pertaining to Palisades Wilderness Study Area

The following request was included in report language in the FY18 Omnibus Legislation: *Congress intended for existing and historic motorized recreational uses to continue in wilderness study areas as designated in the 1984 Wyoming Wilderness Act. The Committee is aware that recent decisions by the Service have misconstrued this intent, which has had the effect of limiting previously established winter motorized uses. The Committee directs the Service to review its decisions and provide a report within 30 days of enactment of this Act to the Committee on its plan to remedy the concerns.*

The Forest Service has been working with stakeholders to address the concerns about winter motorized uses in the Palisades Wilderness Study Area (WSA). For example, the Forest Service is actively supporting work by the county-led committees established through the Wyoming Public Lands Initiative to develop recommendations for the future of the Palisades WSA.

In accordance with the 1984 Wyoming Wilderness Act (the 1984 Act), the Forest Service has allowed snowmobiling to continue in the Palisades WSA, and no decisions have been made to limit previously established motorized winter recreation opportunities. Guided heli-skiing opportunities within the Palisades WSA have been limited as a result of the court-ordered settlement.

The Forest Service intends to make a finding regarding whether or not the area should be recommended for designation in the National Wilderness Preservation System as part of Forest Plan revision process scheduled to begin in 2018.

Background: The 1984 Wyoming Wilderness Act (PL 98-550) created the Palisades Wilderness Study Area. The 1984 Act requires that the Palisades WSA be administered so as to “maintain presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.” Special provisions allow for snowmobile use. “Snowmobiling shall continue to be allowed in the same manner and degree as was occurring prior to the date of enactment of this Act.” The 1984 Act does not define ‘same manner and degree’, and legislative history does not offer clarification. The 1984 Act requires the Forest Service to review WSAs upon revision of Forest Plans to determine suitability for preservation as wilderness.

Location of the Palisades WSA straddles Wyoming and Idaho state boundaries. National Forest System lands are jointly administered by the Bridger-Teton National Forest (Wyoming) and Caribou-Targhee National Forest (Idaho). Current winter motorized uses include snowmobiling and guided helicopter skiing. Both of these activities pre-date designation of the Palisades WSA. Three decision documents are applicable to winter recreation within the Palisades WSA, and these documents are described below.

1. **Bridger-Teton National Forest 1990 Teton Division Winter Travel Plan decision notice and 1993 supplemental decision notice:** The primary focus was to balance winter recreation opportunities with winter wildlife habitat needs. The entire Palisades WSA is displayed as “open” to snowmobiling with the exception of state-managed Dog Creek Area which is closed to all human presence to protect wintering elk. A small area south of Teton Pass highway that was a historic ski area remains closed to over-snow vehicles.

2. **Targhee National Forest 1997 Revised Forest Plan (and Travel Plan):** The entire Palisades WSA is displayed as “open” to snowmobiling with a very small area near Alpine, Wyoming closed to over-snow vehicles to protect wintering wildlife.
3. **Bridger-Teton and Caribou-Targhee National Forest June 2005 Record of Decision High Mountain Heli-Skiing:** High Mountain Heli-Skiing has operated since 1976 within portions of the Bridger-Teton NF and Targhee NF. After passage of the 1984 Act (which in addition to creating the Palisades WSA also designated 13 new wilderness areas), demand increased for additional heli-skiing use in the Palisades WSA. Since heli-skiing areas were no longer available under High Mountain’s original permitted operating areas (due to newly designated wilderness areas), this decision increased the number of service days available for guided heli-skiing across the permit area to include a portion of the Palisades WSA. The decision included a limitation on the number of helicopters per day within the Palisades WSA to protect “presently existing wilderness character.” The decision was subsequently challenged and the Ninth Circuit Court ruled the agency violated the 1984 Act. A negotiated settlement was approved by the court which resulted in decreasing the number of days available for heli-skiing within the Palisades WSA down to 65 days in a phased manner.

In October 2016, the Bridger-Teton National Forest published an Over-Snow Vehicle Use Map (OSVUM).

In September 2017, WildEarth Guardians, Winter Wildlands Alliance et al., filed suit in District of Idaho challenging the Bridger-Teton National Forest OSVUM.

In December 2017, Bridger-Teton National Forest withdrew their OSVUM and reverted to using prior administrative decisions to enforce over-snow vehicle use.

In accordance with the 1984 Act, the Forest Service has allowed snowmobiling to continue in the Palisades WSA, and no actions have been taken to expand nor limit winter motorized access. The Forest Service intends to make a finding regarding whether or not the area should be recommended for designation in the National Wilderness Preservation System as part of Forest Plan revision process scheduled to begin in 2018. The Forest is actively supporting work by the county-led committees established through the Wyoming Public Lands Initiative to develop recommendations for the future of the Palisades WSA.