July 25, 2016

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Re: Shoshone National Forest Travel Management Proposed Action

Submitted electronically to: travel_management_comments@fs.fed.us rmetzger@fs.fed.us; jgalexander@fs.fed.us; rrobertson@fs.fed.us; sschadt@fs.fed.us; sstresser@fs.fed.us; otroxel@fs.fed.us

Dear Shoshone Travel Planning Team,

Thank you for this opportunity to provide scoping comments regarding the Travel Management Proposed Action. Please accept the following comments on behalf of the Wyoming Wilderness Association.

Table of Contents

BACKGROUND

The Wyoming Wilderness Association (WWA) is a not-for-profit outreach, education and advocacy organization working to protect Wyoming's public wild lands. Our organization represents nearly 1,000 members across Wyoming and the United States. Our constituency is made up of conservation and outdoor enthusiasts including hunters, anglers, hikers, horsemen, and motorized and non-motorized recreationists who value Wyoming's public wild lands. WWA is involved in statewide advocacy efforts to protect our last remnants of wilderness-quality lands and voice the importance and value of wild places and wildlife to our state. WWA was active in the Shoshone's Forest Plan revision process with the mission of protecting the wilderness character of our first and oldest National Forest.

The Shoshone National Forest (SNF) signed its Land Management Plan (LMP, also referred to as Forest Plan) in 2015 and announced its intentions to begin Travel Management Planning. WWA shifted its focus to travel planning, a critical step in implementing the Shoshone's revised Forest Plan. Travel planning is an opportunity to address one of the most pervasive public concerns identified during forest planning- unregulated motorized use. WWA has attended all travel plan field trips and public meetings on the Wind River to date and submitted pre-scoping comments in October 2015.

WWA began a volunteer-driven Travel Monitoring Project (TMP) in 2014, in response to concerns highlighted during the Forest Plan revision and at the suggestion of Shoshone officials. To help inform a responsible Travel Management Plan, the Wyoming Wilderness Association documented where and why illegal off-road use occurs, unauthorized routes that require effective closures, and on-the-ground observations regarding new proposed route additions. Nearly 50 citizens contributed observations resulting in over 300 photo-tagged waypoints documenting motorized use concerns in one summer season, illustrating significant community investment in responsible motorized recreation management on the Shoshone. The final report and all associated data can be found on our website at wildwyo.org

The Travel Monitoring Report (TMR) illustrates the most common types of motorized use observations, offers constructive recommendations, and explains how to interpret the associated Google Earth and Excel databases demonstrating existing motorized use concerns. The SNF has been presented with the project findings and has access to all geo-tagged data. Rather than reiterate our findings here, we strongly encourage the Shoshone to review the TMR and utilize the site-specific information and key findings in the development of its alternatives.

The results of our monitoring project are directly related to travel planning needs on the Shoshone National Forest (see TMR, Appendix A, at 19). The TMR concludes that unauthorized, well-established roads not effectively closed to motorized use (Closed Roads Not Closed CRNC) are the greatest source of unauthorized motorized use on the Wind River Ranger District (WRRD). The TMR suggests that a significant increase in resources and commitment is needed to effectively close or decommission dozens of well-established non-system roads and enforce the existing designated system. (See Exhibit A for examples of

needed infrastructure). The Google Earth .kmz data and report examples provide site-specific information for several proposals. Some waypoints may be referenced in these comments. Our concern regarding the Shoshone's ability to enforce its existing system and effectively close non-system roads underlies all of our Travel Management comments.

WWA is currently serving on the Shoshone's Compliance Working Group (CWG). The SNF assembled the Compliance Working Group in March 2016 to improve the accountability of its existing motorized road and trail systems. The CWG is charged with identifying ways to encourage and improve compliance on the Shoshone's designated motorized route system through a variety of methods and techniques. While the CWG is a step in the right direction, the Shoshone has not demonstrated it has adequate resources or commitment to implement the group's recommendations, many of which should be occurring already. In response to public concerns and WG inquiries the Shoshone has pointed to limited infrastructure and a shortage of Law Enforcement Officers (LEO) as the primary limitation - resources which are not projected to improve. The existence of the Compliance Working Group does not ensure solutions nor does it excuse the Forest Service from considering existing infrastructure or enforcement needs; it acknowledges an existing problem that is expected to worsen with an increase in motorized users and continued limitation of Shoshone resources.

PURPOSE AND NEED

The SNF identifies the Purpose and Need for travel planning as follows: (Proposed Action at 6; Numerals added for reference.)

1. There is a need to provide some level of motorized routes to a growing user group on the Shoshone National Forest. The forest plan directs us to look for opportunities to provide "loop" opportunities for motorized use.
2. An additional need of equal importance is to ensure or improve compliance and accountability on the existing road and trail system.
3. Another need is to consider if there are current routes with resource concerns or enforcement issues which could be removed or changed in the system.
4. Finally, there is a need to designate roads, trails and areas for winter motorized travel and produce an over-snow vehicle use map. This direction stems from a recent court decision and a subsequent revision of the 2005 Travel Management Rule.

CLARIFICATION OF THE PURPOSE AND NEED

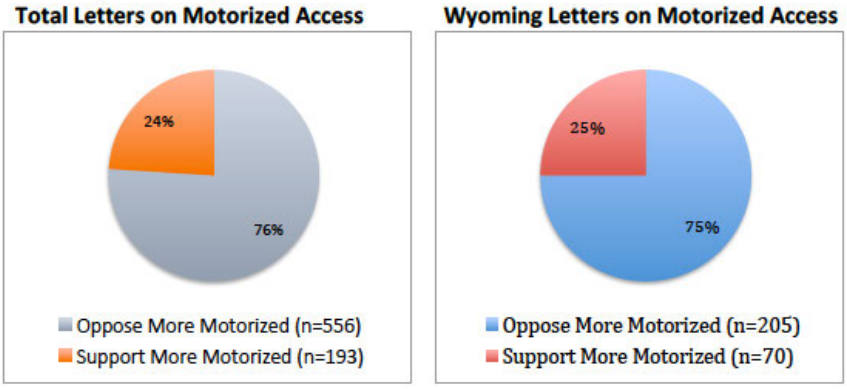
Purpose and Need Identified in the Forest Plan

WWA appreciates that the SNF has presented the Need for "improving compliance with the existing designated route system" as equally important to "considering additional motorized opportunities". Regarding Purpose and Need #1, we agree that the "Consideration of additional motorized opportunities" is an essential component to designing and implementing a successful Travel Plan and is rightly included in the Purpose and Need of this project. However, we strongly contest the implication that "additional motorized loop opportunities" was the need identified for travel planning through the Forest Plan revision.

The PA (at 6) explains that during the Final Forest Plan, the forest received many comments requesting additional loop opportunities. It states, in response to public comments, the 2015 Forest Plan provides direction to develop at least three new loop opportunities (RDTR-Obj-05, Forest Plan, p. 105).

It is disingenuous to suggest that the outcome of the decade-long public process of the Forest Plan Revision concluded the need for more motorized loop opportunities. To start, comment analysis on the Plan Revision Draft Environmental Impact Statement (DEIS) demonstrates just the opposite. The SNF Plan revision was a nearly decade-long process in which discussions around motorized use were a forefront topic central to public participation. Analysis of the 1,000-plus unique comments submitted to the SNF showed that the majority of comments submitted on the Forest Plan **(70%) specifically addressed the topic of motorized use.** Of those comments, three-quarters opposed any more motorized access on the Shoshone. The following table, pulled directly from WWA's 2012 comment analysis (Attachment A) highlights the overall opposition to additional motorized use expressed by the public. [1]

3. Motorized Access. 749 letters, or 70% of the total comment letters specifically addressed motorized access on the Shoshone. Only one-quarter of the total and Wyoming letters favored maintaining or increasing motorized access on the Shoshone.



Similarly, the 2008 Colorado State University Preference Report- a study initiated by the State of Wyoming specifically to inform the Plan revision process- found: *"In reporting favorable public uses of the SNF, the vast majority of respondents strongly supported wildlife habitat (96%) and non-motorized opportunities (89%) compared to ATV recreation (39%)"*. LMP at 498.

The 2009 Wyoming Statewide Comprehensive Outdoor Recreation Plan identified the most common concern expressed by Wyoming residents as excessive motorized use (FEIS at 497). The Forest Plan further identifies the Shoshone as filling a unique niche as a

[1] The SNF also received over 22,000 form comments on its draft plan; 99% of those forms opposed any more motorized development.

backcountry forest. The SNF should also consider its Recreation Niche Statement that was developed with public involvement during the plan revision in May 2006.[2]

The Forest Plan itself repeatedly highlights the existing issue of unauthorized or illegal motorized use on the Shoshone. The SNF states:

> *"From 1982 to 2000, the number of people driving motor vehicles off road in the United States increased over 109 percent (Cordell et al. 2004). On the Shoshone, off-highway vehicle use is following this national trend. Increases in off-highway vehicle recreation in unauthorized areas are leading to increased wildlife disturbance, soil erosion, and sedimentation in streams."* FEIS at 439.

And:

> *"The availability and popularity of four-wheel drive and off-highway vehicles have resulted in an increased demand for motorized opportunities on the Shoshone. They make it easier to traverse the land. The demand for this type of motorized recreation results in the continued presence, and sometimes creation, of unauthorized routes on the ground."* LMP at 99.

We argue that, overwhelmingly, the Forest Planning process identified the need for responsibly managed motorized recreation, not additional motorized loops. Although the Forest included an objective for three new motorized loops in its final Forest Plan, many groups opposed its inclusion (Wyoming Wilderness Association, November 23, 2012). Many organizations, including Wyoming Game and Fish, repeatedly identified the need to address unauthorized routes and the negative impacts of unregulated motorized use at every iteration of the Forest Plan revision process.[3]

Purpose and Need Limited by Public Input

The SNF's ability to accurately identify the Purpose and Need has been limited by precluding meaningful public comment ahead of the PA. Throughout the Final Forest Plan the Shoshone punted to travel management as the time to discuss the motorized route system. Upon initiation of travel planning the Shoshone emphasized the objective of three new loop opportunities rather than soliciting public input on the motorized route system as planned. Throughout an entire year of pre-scoping meetings, the only opportunity tfor public comment was restricted to proposed additions or deletions to the existing Motor Vehicle Use Map (MVUM). The Shoshone did not provide any information describing the existing system to inform public comment (other than the 2015 MVUM), discouraged comments related to unauthorized routes or enforcement concerns, and missed an

[2] "The Shoshone, America's first National Forest, is rugged, remote and wild. Serving as a gateway to Yellowstone and Grand Teton National Parks, the Forest plays a key role in providing both locals and travelers an opportunity to connect with nature and experience wildlife. The rich western heritage has provided a trail-based infrastructure into and through the backcountry and continues to instill a sense of adventure and freedom. The Shoshone National Forest provides minimally developed facilities for overnight use and backcountry activities with the exception of facilities along travel corridors and/or near destination water sites, ranging from dispersed to highly developed sites.

[3] Wyoming Game and Fish Department 11/26/2012 plan revision comments at page 2, 5.

opportunity to identify system-wide needs like dispersed camping, unauthorized routes, illegal use or maintenance concerns.

Differing Travel Needs for Different Forest Zones

Solicitation of public input would have confirmed and defined apparent differences between the Shoshone's districts or "zones" relative to travel management needs. WWA has noted significant differences between travel management for each district of the Forest at several stages of this process and has suggested that the PA reflect those needs accordingly.

The North Zone of the Shoshone includes the Clarks Fork, Greybull and Wapiti Ranger District (Cody, Park County). These three districts combined manage 351 miles of system road, have zero designated ATV trails, and currently lack any significant motorized loop opportunities. The South Zone of the Forest refers to the Wind River Ranger District (Dubois, Fremont County) and the Washakie District (Lander, Fremont County). The Washakie District manages 245 miles of system road and the WRRD manages 331 miles of system roads (nearly as much as the entire North Zone). One Law Enforcement Officer patrols the entire South Zone of the Forest. Differences in the existing road system, local users, landscape, historical land use patterns and fixed resources present differing travel management needs for the two zones of the Forest.

Most notably, we know that the push for additional motorized loop opportunities generated from Park County residents and was identified as a need specific to the North Zone.[4] A glance at the Motor Vehicle Use Map shows that the North Zone of the Forest has zero motorized loop opportunities and zero designated ATV trails. In contrast, the Wind River Ranger District (WRRD) alone boasts approximately a dozen motorized loops, 162 miles of existing motorized loop opportunity, six ATV-designated trails and three ATV-specific motorized loop opportunities. By all accounts the primary need identified during WRRD public meetings and field trips has been the need to maintain and enforce the existing system. While terrain on the North Zone generally discourages off-road travel to some degree, the wide-open, rolling landscapes of the South Zone make enforcement a perennial struggle for both districts. Importantly, the logging history on the WRRD has resulted in a multitude of old road beds and "temporary" non-system roads that require considerable infrastructure and enforcement resources to effectively close. The proposal to add 90 more miles of motorized loop opportunity on the South Zone—the two districts most plagued with existing enforcement concerns and the most existing motorized opportunity—is contrary to the need identified by the public and on the ground data.

COMPLIANCE WITH THE TRAVEL MANAGEMENT RULE SUBPARTS A AND B: IDENTIFYING A MINIMUM ROAD SYSTEM AND MINIMIZING IMPACTS

Directives outlined in the 2005 Travel Management Rule define the need for travel planning on the Shoshone. Purpose and Need #3 misrepresents the Shoshone's substantial duty to take a hard look at its existing designated road system and use a science-based analysis to determine a minimum road system and minimize impacts.

4 http //www.codyenterprise.com/news/local/article_8e08b952-1ba0-11e6-ad55-2b571ed68cd4.html (See Attachment B).

To comply with the Travel Management Rule and associated Executive Orders, the Shoshone must meet criteria pertaining to both the minimum road system (36 CFR Part 212, Subpart A) and route and area designation (36 CFR Part 212, Subpart B and C).[5] Presidents Nixon and Carter issued Executive Orders 11644 and 11989 in 1972 and 1977, respectively, requiring federal land management agencies to plan for ORV use based on protecting resources and other uses.[6] Specifically, the executive orders require that, when designating areas or trails available for ORV use, the agencies locate them to (1) minimize damage to soil, watersheds, vegetation, and other resources of the public lands; (2) minimize harassment of wildlife or significant disruption of wildlife habitats; and (3) minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands. The Forest Service codified the minimization criteria in its 2005 Travel Rule (36 CFR Part 212, Subpart B). Subpart A directs the agency to identify unneeded roads to prioritize for decommissioning and to identify the Minimum Road System (MRS) needed for safe and efficient travel and for the protection, management, and use of National Forest system lands.[7]

Purpose and Need #4 pertains to Subpart C of the Travel Management Rule. Subpart C requires each National Forest unit with adequate snowfall to designate and display on an Over Snow Vehicle use map a system of areas and routes where OSVs are permitted to travel; OSV use outside the designated system is prohibited.[8] The requirements of this revision, and applicable minimization criteria, are outlined at length in comments and peer-reviewed best management practices submitted by Winter Wildlands Alliance.[9]

Concerns regarding compliance with the Travel Rule to date

A string of court cases invalidating recent travel decisions has highlighted the difficulty agencies have encountered in successfully meeting the regulations and directives outlined in the Travel Management Rule. Even this early in the process we'd like to bring to your attention a few early warning signs that should be addressed to ensure a successful Travel Plan for the Shoshone.

Minimum Road System and Travel Analysis

The Forest Service promulgated the Roadless Rule in 2001 to address its unsustainable and deteriorating road system (referred to as "subpart A").[10] Subpart A of the Travel Management Rule directs the agency to identify unneeded roads to prioritize for

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5 66 Fed. Reg. 3206 (Jan. 12, 2001); 36 C.F.R. part 212.

6 Exec. Order No. 11644, 37 Fed. Reg. 2877 (Feb. 8, 1972), *as amended by* Exec. Order No. 11989, 42 Fed. Reg. 26,959 (May 24, 1977).

7 4 36 C.F.R. § 212.5(b)(2). *Id.* § 212.5(b)(1). In promulgating its rules, the Forest Service indicated that "[t]he requirement to identify roads for decommissioning is '[e]qually important' as the overall identification of the minimum road system." *Center for Sierra Nevada v. U.S. Forest Service*, 832 F. Supp. 2d 1138 (E.D. Cal. 2011) (quoting 66 Fed. Reg. at 3207).

8 36 C.F.R. §§ 212.81, 261.14.

9 See Winter Wildlands Alliance June 24 2016; Switalski, A. 2016. Snowmobile Best Management Practices for Forest Service Travel Planning: A Comprehensive Literature Review and Recommendations for Management. Journal of Conservation Planning. 12: 1-28

10 66 Fed. Reg. 3206 (Jan. 12, 2001); 36 C.F.R. part 212, subpart A.

decommissioning and to identify the Minimum Road System (MRS) needed for safe and efficient travel and for the protection, management, and use of National Forest system lands.[11] Both the Forest Service Manual and Forest Service Handbook provide lengthy directives in identifying the minimum road system, most of which emphasize the importance of financial sustainability.[12]

A 2012 memorandum from Deputy Chief Weldon (Attachment C.) clarified that the goal of Subpart A is "to maintain an appropriately sized and environmentally sustainable road system that is responsive to ecological, economic, and social concerns".[13] Identification of the MRS requires that the Shoshone take a hard look at its entire road system to identify unneeded roads and prioritize roads for decommissioning. In promulgating its rules, the Forest Service indicated that "[t]he requirement to identify roads for decommissioning is '[e]qually important' as the overall identification of the minimum road system."[14] Importantly, this rule requires the Shoshone to use a science-based analysis while identifying the minimum road system. The Shoshone's PA should not be based on road closures only proposed by citizens, but based on an extensive review of the existing road system. This is critically important since the existing road system was identified in the early 1980s and incorporated into the existing MVUM, possibly without public participation or site-specific analysis. Travel planning is *exactly* the time for the Shoshone to conduct a large-scale, science-based review of its existing road system and incorporate public comment to identify a sustainable road system that meets the Shoshone's Forest Plan and Recreation Niche objectives.

To identify the MRS needed the Forest must conduct Travel Analysis.[15] As we noted in our pre-scoping comments, Travel Analysis must precede Travel Planning and must be used to inform the PA.[16] The Shoshone has already disregarded the "minimum system" regulations at 36 CFR 212.5(b) by presenting a PA without completing and utilizing Travel Analysis. Several sections of the Forest Service Manual (FSM) and Handbook (FSH) make it abundantly clear that this work is to precede travel planning.

Not only is the Forest Service required to conduct Travel Analysis to inform the PA, but the Travel Analysis Report requirements (see FSH 7709.55, Chapter 20) provide many of the baseline information pieces we have previously requested as necessary foundations for informed Travel Plan decisions and a successful Travel Plan process that would have

[11] 4 36 C.F.R. § 212.5(b)(2). *Id.* § 212 5(b)(1).
[12] FSM 7712—Travel Analysis. Draft FSM 7703.2 – "The forest transportation system should provide access to NFS lands for both motorized and non-motorized uses in a manner that is socially, environmentally, and economically sustainable over the long term, enhances public enjoyment of NFS lands, and maintains other important values and uses.".
[13] Memorandum from Leslie Weldon to Regional Foresters et al. on Travel Management, Implementation of 36 CFR, Part 212, Subpart A (Mar. 29, 2012) (2012 Weldon Memo).
[14] *Center for Sierra Nevada v. U.S. Forest Service*, 832 F. Supp. 2d 1138 (E.D. Cal. 2011) (quoting 66 Fed. Reg. at 3207).
[15] The FSM expressly states that any unit that released a PA after January 8, 2009 must use travel analysis to inform route designations under 36 C.F.R. § 212.51.
[16] See Wyoming Wilderness Association comments October 30, 2015.

resulted in an informed PA: description of the existing system; exploration of opportunities and concerns; proper identification of the Purpose and Need.[17]

After repeated requests, a TAR was finally provided to WWA on July 6, 2016, 45 days after the PA was presented for public comment. We are encouraged that the Shoshone has completed this critical step, but must note that since it was not completed before July, the TAR could not have been used to inform the PA as required.[18] Likewise, the critical information needed to understand the baseline information and PA were not available to inform the 30-day comment period.

Instead of requesting a new Proposed Action from the Shoshone, we request that the Shoshone provide the following in a separate correspondence prior to the DEIS, to the degree that they are not answered in the SNF TAR:

- How did you define the minimum transportation system?
- What methods were used to determine the "minimum" system consistent with requirements established by 36 CFR 212.5 (b) (1) and the draft directives for implementing the Travel Management Rule?
- What are your decommissioning priorities, and what methodology did you use to arrive at them?
- Records of previous travel management decisions pertaining to the existing travel system.
- How was public input solicited and used to identify key issues, non-motorized opportunities and motorized opportunities?
- The Forest Service should describe what methodology and scientific information it used to determine how to minimize impacts to resources and other users, and to design the minimum road system necessary.

After producing a TAR, the Shoshone can and should take the next step under Subpart A: Identify the Minimum Road System using public input through this project, subject to NEPA.[19]

Minimization Criteria

Executive Orders 11644 and 11989, codified in Subpart B of the 2005 Travel Rule, require federal land management agencies to plan for ORV use to protect other resources and recreational uses. Specifically, the executive orders require that, when designating areas or trails available for ORV use, the agencies locate them to: (1) minimize damage to soil, watersheds, vegetation, and other resources of the public lands; (2) minimize harassment of wildlife or significant disruption of wildlife habitats; and (3) minimize conflicts between off-

[17] The Forest Service Manual (Chapter 7712.4) directs that a Travel Analysis Report be completed in accordance with FSH 7709.55, section 21.6

[18] The TAR provided is signed and dated September 2016, but an email from Rick Metzger to WWA Shoshone Coordinator dated July 1st 2016 states "I wanted to let you know that I'm working on your request for the TAP and will strive to get you something early next week."

[19] See 2012 Weldon Memo ("The next step in identification of the MRS is to use the travel analysis report to develop PAs to identify the MRS . . . at the scale of a 6th code subwatershed or larger. PAs and alternatives are subject to environmental analysis under NEPA. Travel analysis should be used to inform the environmental analysis.").

road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands.[20]

Agencies have struggled with properly applying the minimization criteria resulting in multiple federal court cases invalidating recent travel planning decisions. A review of these court findings has confirmed the agency's substantive duty to minimize impacts, not just identify or consider them when designating trails or areas, and show how they did so in the administrative record. [21, 22]

To satisfy its *substantive* duty to minimize impacts, the Shoshone National Forest must apply a transparent and common-sense methodology for meaningful application of *each* minimization criterion to *each* area or trail being considered for designation. A review of recent legal decisions compiled by the Wilderness Society advises that the Shoshone's methodology must:

- gather site- and resource-specific information, groundtruth analyses, and demonstrate how it used that data when applying minimization criteria.[23]
- allow for meaningful public participation early in the process.(see footnote 16)
- be informed by the best available scientific information and associated strategies and methodologies for minimizing impacts to particular resources.[24]
- address both site-specific and large-scale impacts. Examples of large-scale impacts include habitat fragmentation; cumulative noise, air and water quality impacts; and degradation of wilderness-quality lands and associated opportunities for primitive forms of recreation.[25]

The travel planning process to date has precluded meaningful public input and missed opportunities to utilize site-specific information when locating trails and areas to minimize conflict. The SNF began accepting proposals for changes to the MVUM in October of 2015 and accepted public responses to those same proposals during the same 30-day comment period. The SNF released its PA in May 2016 meaning that there was no opportunity for the public or Forest personnel to ground-truth proposed trail additions. Over the winter season, while snow obscured any summer trail additions, the Shoshone screened 150 MVUM proposed changes and selected three new trail additions on the Wind River District.

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[20] Exec. Order No. 11644, § 3(a), 37 Fed. Reg. 2877 (Feb. 8, 1972), *as amended by* Exec. Order No. 11,989, 42 Fed. Reg. 26,959 (May 24, 1977).

[21] The Wilderness Society 2016. Achieving Compliance with the Executive Order "Minimization Criteria" for Off-Road Vehicle Use on Federal Public Lands: Background, Case Studies, and Recommendations

[22] *WildEarth Guardians*, 790 F.3d at 932

[23] 26 See, e.g., Idaho Conservation League, 766 F. Supp. 2d at 1071-74 (agency may not rely on "Route Designation Matrices" that fail to show if or how the agency selected routes with the objective of minimizing their impacts); S. Utah Wilderness Alliance, 981 F. Supp. 2d at 1105 ("cryptic spreadsheet for each route segment provides inadequate information . . . for someone other than the BLM to know why or how the routes were chosen").

[24] *See Friends of the Clearwater*, 2015 U S. Dist. LEXIS 30671, at *24-30, 40-52 (agency failed to consider best available science on impacts of motorized routes on elk habitat effectiveness or to select routes with the objective of minimizing impacts to that habitat and other forest resources).

[25] *See, e.g.*, *Idaho Conservation League*, 766 F. Supp. 2d at 1066-68, 1074-77 (invaliding travel plan that failed to consider aggregate impacts of short motorized routes on wilderness values or site-specific erosion and other impacts of particular routes).

It would be hard for the Shoshone to argue it has utilized public and site-specific information to inform those proposed locations.

The Shoshone National Forest does have access to extensive site-specific information submitted by WWA, yet none of that available information seems to be incorporated in the PA. For example, WWA documented many existing dispersed campsite concerns and opportunities to legitimize 300+ft routes that led to dispersed camping, but none of that site-specific information was reflected in the proposed additions. Litigation over the Salmon-Challis National Forest Travel Plan demonstrated that agencies disregard publicly submitted site-specific information at their peril. The Salmon-Challis initially failed to utilize monitoring and other site-specific data submitted by conservation groups, but on remand used existing and gathered additional information to assess the impacts of each route, which resulted in closures of routes causing resource damage.[26]

The SNF must utilize Best Management Practices while preparing the EIS.[27] Several of the Shoshone's proposed trail designations are contrary to best management practices and best scientific information and suggest that the Forest has located trails without utilizing best available science or maintaining the objective of minimizing conflict. (See Proposed Action section of these comments). The Shoshone's PA, prepared without adequate public input, best management practices or site-specific information, indicates that the Shoshone may not fully understand its responsibility to locate trails to minimize impacts, not just mitigate impacts upon designation.

THE NEED TO ENFORCE THE EXISTING SYSTEM AND CLOSE UNAUTHORIZED ROUTES

Finally, there is an existing need for the Shoshone National Forest to adequately sign, maintain and enforce its existing designated route system. This obligation has been highlighted in WWA's Travel Monitoring Project and was confirmed in the creation of the Compliance Working Group in March 2016. The Shoshone's obligation to enforce the existing system and effectively close non-system routes is defined in the Travel Management Rule, Final Forest Plan, and previous NEPA decisions, and therefore need not be included in the Purpose and Need of this public comment process. However, the Shoshone's struggle to effectively enforce the designated system and close unauthorized routes is a reality that underlies all of the current Travel Planning efforts, has on-the-ground direct and cumulative impacts and must be analyzed in the environmental analysis.

Central to all of our Travel Planning concerns is the prevalence of "closed" non-system roads that have not been signed, barricaded or decommissioned and still allow motorized use. WWA's TMR concluded that dozens of these "closed roads not closed (CRNC)" are the greatest source of unauthorized motorized use on the Shoshone, yet the SNF has effectively ignored by deleting them from the Motor Vehicle Use Map (MVUM) and refusing to disclose their prevalence in its planning to date. The majority of closed roads not closed (CRNC)

[26] Idaho Conservation League v. Guzman, 766 F. Supp. 2d 1056, 1071-74 (D. Idaho 2011)
[27] Switalski, Jones. Off-road vehicle best management practices for forestlands:
A review of scientific literature and guidance for managers. Journal of Conservation Planning Vol 8 (2012) 12-24.

documented by WWA are not illegal user-created two-tracks; they are well-established non-system temporary or logging roads where the Shoshone has likely failed to meet its closure or decommissioning commitments (See Exhibit A). Our monitoring project suggests that the great majority of illegal and unauthorized motorized use on the Shoshone National Forest stems from these non-system roads not effectively closed. The impacts of these multiple CRNC on enforcement resources, infrastructure resources, and the environment are far greater than any proposed additions or deletions described in the PA and should be considered accordingly in the Environmental Analysis.

The prevalence of unauthorized routes on any district has a direct effect on the infrastructure resources and enforcement needed to effectively manage the existing system. For example, WRRD staff have explained the persistence of seemingly open, well-travelled, "closed" roads by stating they are unable to keep up with replacing carsonite closure signs. In contrast, the North Zone has less trouble effectively closing unauthorized routes, with the ATV ranger stating OHV users "get the picture" after he persistently signs closed roads closed. Most likely, the North Zone is responsible for signing or barricading far fewer old non-system logging roads and temporary road closures. This is an important factor to consider when deciding whether the South Zone of the Forest can afford to enforce and maintain additional motorized routes. The Shoshone must disclose these current deficiencies and acknowledge that motorized use is expected to increase, while budgets and staff resources are not.

The amount of infrastructure required to close unauthorized routes on the South Zone to adequately implement the existing MVUM are significant and not accounted for in an MVUM-focused travel plan. Unauthorized routes have a direct impact on enforcement capability: our TMR documented that most unauthorized and illegal motorized use stems from "closed" roads not effectively closed. Closing primitive dirt roads, by reducing the amount of system road needed to be patrolled and reducing access to poachers and off-trail motorized use, affords relief to overly burdened law enforcement.[28]

Unauthorized routes have an undeniable effect on the ecosystem health, existing motorized and non-motorized users, hunting opportunities and the backcountry character of the Shoshone. Closed roads not effectively closed are the greatest source of unauthorized use on the WRRD. By removing legitimate well-established roads from the MVUM, the Shoshone allows motorized use to continue unmonitored, unmanaged and unmapped. Resource damage continues unmitigated. Non-motorized hunter opportunity is jeopardized. Even unauthorized routes that have been effectively closed continue to have negative impacts including increased hunter opportunity, edge effects, weed establishment, ease of travel, etc. Disclosing the prevalence of unauthorized routes is necessary to accurately describe the baseline situation, assess cumulative impacts, and comply with related TMR and NEPA requirements. The persistence of negative impacts caused by closed or unauthorized user-created routes not yet obliterated and restored or disguised are significant, inextricably

[28] (Foreman 2004, Buckley and Pannell 1990).

intertwined components of route designation decisions and their cumulative impacts and must be addressed as part of the current Travel Planning process.[29]

The need to effectively close unauthorized routes and enforce the existing MVUM-designated routes is immediate and should not be postponed pending a final travel decision. We have heard that some district Rangers were waiting "until after travel management" to enforce some closures. Not only does this strategy violate the Final Plan system road designation, and the MVUM designations, but it seriously undermines the effectiveness of the Travel Planning process. Throughout the pre-scoping period it was noted that it was difficult for the public to engage in a process focused on adding or deleting to an MVUM that is not an on-the-ground reflection of where motorized use is allowed on the Shoshone. Incidentally, WWA did not propose any route closures because we saw the need to effectively close the multitude of existing unauthorized routes as a far greater priority. It is difficult to see the benefit of proposed road closures when "closed roads" as they stand now are simply deleted from the map, no longer patrolled or maintained, and continue to contribute to unregulated unmanaged motorized activity.

Importantly, failing to enforce the existing MVUM designation inhibits some motorized users from taking advantage of the opportunity to propose adding unauthorized routes to the system through the Travel Planning process. Some non-system ATV trails/old roads were not proposed as additions because users were not aware that the roads were not designated open. Enforcing closures only after the Travel Planning process is completed will cause public perception that the Shoshone is closing open roads rather than enforcing pre-existing decisions. Effectively closing unauthorized roads now will significantly improve the Travel Planning process, highlight the importance of the MVUM and facilitate implementation of the new Travel Plan down the road.

Need for a Comprehensive Travel Management Plan

Given the Shoshone's difficulty in enforcing the existing system to date, there is a need for a comprehensive Travel Plan that includes a detailed Action/Implementation Plan and an adaptive management strategy. This is especially important since the existing transportation system was grandfathered in through the white-arrow program of the mid-80s. Now is the time for the Forest Service to take a close look at the direct and cumulative effects of its road system since Travel Planning must evaluate and address the environmental, social, and cultural impacts associated with user-created routes, non-system roads and currently designated roads, trails, and areas, as identified through Travel Analysis.

The myopic focus on adding or deleting to an MVUM that currently has no meaning on the ground has jeopardized any meaningful public input and will continue to limit productive outcomes of travel planning. The travel planning process should result in the completion of a Travel Management Plan that ensures effective travel management in harmony with the broader landscape, resource management objectives, limited agency resources, other recreational uses, and enforcement strategies. By definition and in light of current on-the-

[29] 40 C.F.R. §§ *1502.14, 1502.16, 1508.7, 1508.8*

ground dynamics, effective travel management requires closing and reclaiming decommissioned and unauthorized routes to ensure resource protection, public health and safety, and the proper use of the forest's authorized travel system.

As we outline in our TMR and in our Working Group recommendations, a detailed Action or Implementation Plan is needed to demonstrate the Shoshone's commitment, and ability, to enforce its designated route system. For your reference, we have provided the White River National Forest's Action and Implementation as a strong model of an Implementation Plan (Attachment D.). The Implementation Plan should clearly identify closure and decommissioning priorities, strategies and deadlines for all non-system routes. Outlining timelines, concrete goals, secured funding and responsible staff provides a strong evaluation tool and public accountability. Furthermore, an Action Plan is sorely needed today to enforce and maintain the current designated system, and will be especially important for implementing the Travel Plan that results from this public process.

Given the Shoshone's current struggle to close non-system roads and enforce the designated route system, an adaptive management strategy is critical to ensure resource protection throughout the life of the Travel Plan.[30] The Shoshone must first identify resource protection standards and guidelines that establish clear, measurable, legal and science-based management thresholds (e.g., Route Density Standards (RDS)). The Travel Plan should clearly articulate adaptive management actions (conditional decisions[31]) required or triggered if those thresholds are exceeded. Additionally, the Implementation Plan should outline robust monitoring protocols implemented at specific, defined intervals to determine whether on-the-ground conditions have breached those thresholds.

SUGGESTED PURPOSE AND NEED

We suggest the following Purpose and Need to reflect more accurately the intent of the Travel Management Rule and the purpose of Travel Planning on the Shoshone National Forest. Travel Planning will address the need to:

- designate a sustainable system of designated roads, trails, and areas consistent with the Travel Management Rule;
- review the forest-wide transportation system and identify a minimum road system in light of cumulative impacts of a growing user group, projected resources and existing enforcement concerns;
- identify roads "no longer needed" and prioritize roads for decommissioning using a science-based analysis;
- provide motorized opportunities with the objective of minimizing damage to soil, watershed, vegetation, or other resources; minimizing harassment of wildlife; and minimizing conflict with other existing recreational uses;

[30] *See, e.g.*, FSM 1909.12, Ch. 20 (providing guidance for FS "adaptive planning process")

[31] FN4 Forest Service guidance contemplates "conditional decisions" that "specify an action that will take place when a certain anticipated or potential condition is met." Motor Vehicle Route and Area Designation Guide at 37 (ForestService, 2005 b) (November 17, 2005).

- produce a comprehensive Travel Management Plan, Implementation Plan, and adaptive management strategy to improve the accountability of the designated route system and ensure resource protection throughout the life of the Travel Plan.
- On the north zone there is a need to consider potential ATV-specific or loop motorized opportunities
- On the south zone, there is a need to encourage compliance on the designated route system and promote existing motorized loop opportunities by improving infrastructure and education and effectively closing non-system roads.

NO ACTION ALTERNATIVE/BASELINE INFORMATION

ENVIRONMENTAL BASELINE REQUIRED

The EIS must accurately describe the environmental baseline in its no action alternative. This means the Forest Service must provide an accurate accounting of the existing, open, NEPA-authorized system so that decision-makers and the public understand what is contained in the baseline and are able to compare the action alternatives to the existing, designated system. This requirement was confirmed in a 9th Circuit Court decision stating: "The environmental baseline is an integral part of an EIS, because it is against this information that environmental impacts are measured and evaluated; therefore, it is critical that the baseline be accurate and complete." [32]

The Manual and Handbook direct forests to identify and document discrepancies between on-the-ground conditions, the INFRA database, and current management direction in order to accurately identify the baseline transportation system. In the context of Travel Planning, agencies should clearly disclose and distinguish between official system routes that have been previously subjected to NEPA, the status of non-system routes (temporary or ML1) roads, and illegal user-created routes.[33]

The existing MVUM was generated under the white-arrow program in the mid-1980s. It is unclear what NEPA processes or guidelines were used to designate the existing system 30 years ago. For those system routes identified in the 2016 MVUM, the SNF must justify the current designation by providing previous NEPA analyses or decision documents, Road Management Objectives, and site-specific surveys that determined the roads were constructed and designated for long-term motorized use. Similarly, the Shoshone must demonstrate how minimization criteria were applied when locating its existing ATV trails (e.g. Mt10-15 on the WRRD).

Similarly, the status of dozens of non-system (unauthorized) routes, currently enabling unauthorized public motorized travel, is also unknown.[34] The Shoshone should disclose the

[32] *Or. Natural Desert Ass'n v. Shuford*, No. 06-242-AA, 2007 WL 1695162, at *4 (D. Or. June 8, 2007) (citing *American Rivers v. Fed. Energy Regulatory Comm'n,* 201 F.3d 1186 1195 & n. 15 (9th Cir.2000)).
[33] *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, 2009 U.S. Dist. LEXIS 90016, at 43. 9-29-09.
[34] 16 USC 1608(b). "Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber contract or other permit or lease shall be designed with the goal of reestablishing vegetative cover on the roadway and areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the

status of well-established, documented, non-system roads so that the public may distinguish between user-created routes and non-system roads that the Shoshone National Forest is legally responsible for effectively closing. In order to 'improve the accountability of the existing system' the Shoshone must be held accountable for effectively closing unauthorized routes that should already be closed or rehabilitated according to previous decisions. The FS should present its road analysis report and disclose the status of non-system roads (see WWA's CRNC [closed roads not closed] data).

NEPA requires that agencies "present complete and accurate information to decision makers and to the public to allow an informed comparison of the alternatives considered in the EIS."[35] The PA again fails to meet the simple request of disclosing system road densities for the Forest or for each District.[36] As we noted in our pre-scoping comments, Density Standards provide clear, scientifically credible metrics that are easily comparable and regularly provided in Forest Plan and Travel Plan objectives and baseline information. [37] The PA does not provide existing system or non-system route densities as requested. Route Density Standards (RDS) should be at clearly defined, science-based, ecological scales. We suggest the Shoshone calculate road densities at the 6th level watershed to align with the 2012 Weldon Memo suggestions and watershed condition framework.[38] , [39]

Accordingly, designated wilderness and designated non-motorized areas should be excluded from RDS calculations. Protective designations should not be used as a pretext for condoning high-density route networks outside of protected areas; route densities throughout the entire forest must ensure resource protection and acceptable road standard densities.

In addition to providing accurate **system** route densities, we again request that the Shoshone provide a route density calculation that accurately depicts the prevalence of unauthorized routes. These route density calculations should include all motorized routes – whether classified as a road or trail, and whether authorized, unauthorized temporary or permanent. This makes sense given that the bureaucratic classification of a route is irrelevant. What is relevant is the impact of that route – and that route's use – to the forest. We reject calculations focused solely on "roads" that exclude unauthorized routes as this

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contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System."

[35] *Natural Res. Def. Council v. U.S. Forest Serv.*, 421 F.3d 797, 813 (9th Cir. 2005).

[36] The Forest Service did not provide any travel-specific documentation, other than the MVUM, to the public when accepting proposed changes to the route system (pre-scoping).

[37] See Laramie Ranger District Pole Mtn. pre-scoping outreach: "Pole Mountain currently has approximately 200 miles of designated roads (open or gated) and more than 100 miles of unauthorized routes on 55,000 acres (86 square miles). This amounts to 2 3 miles of designated roads and 1.2 miles of unauthorized routes—or a total of 3.5 miles of roads—per square mile. In comparison, the East Snowy Range unit has 1.9 miles of designated roads and motorized trails per square mile and the West Snowy Range unit has 2.0 miles of designated roads and 0.4 miles of unauthorized routes per square mile."

[38] USDA Forest Service. 2011c. Watershed condition framework, FS-977
http://www.fs.fed.us/publications/watershed/Watershed_Condition_Framework.pdf

[39] See the Six Rivers NF for density analysis at the watershed scale:
http://www.fs.fed.us/eng/road_mgt/appendix2/app2-g.pdf

ignores ecological realities and the Forest Service's failed obligation to effectively close its temporary roads or curtail proliferation of user-created routes. The Shoshone can supply unauthorized route densities without having to identify their location. Including information regarding unauthorized routes is consistent with the Forest Service's duty to address impacts, in particular cumulative impacts, in the proper "context" to determine those impacts' significance.[40]

In general, even for an organization intimately familiar with the Shoshone's designated route system, we found the proposed additions, closures and other changes to the system incredibly difficult to understand from the Proposed Action Table 7 and associated maps. We ask that, for the EIS, the Shoshone take seriously its obligation to make quality data available and interpretable to the general public. [41]

Baseline information has not only been notably lacking in the public planning process, but a significant amount of baseline information presented by the SNF has been factually incorrect or grossly misleading. For example, the number of miles of system road identified in the Forest Plan (1,146 miles, LMP, p. 99) is different than the number provided in the PA (926 miles, p. 2). The proposal maps themselves include factual errors that significantly misrepresent the existing road system. Rather than including the designated MVUM layer on its proposal maps, the Shoshone opted to use a topographic layer that shows a variety of old roads, some system and non-system, with varying maintenance levels that are not accounted for in the map key. The Wind River proposal map presents red "gates" on roads that were documented on-the-ground to have no barrier, or even closure notice, and still allow regular motorized use. For having a myopic focus on the MVUM throughout the planning process, we would expect the SNF to accurately identify the MVUM-designated system routes on its proposal maps. Including (some) old or unauthorized roads and failing to clearly display the designated road system counteracts the SNF's focus on the MVUM and is misleading regarding both unauthorized and system routes.

[40] 40 C.F.R. § 1508 27

[41] The Data Quality Act (2000), P.L. 106-554, section 515, directed agencies to establish guidelines to ensure **"quality, objectivity, utility and integrity" of information disseminated by the agencies**. This law requires that the Forest Service identify sources of the information it is using to evaluate the present status of its open road system and strive to ensure information provided is "substantively accurate, reliable, and unbiased and presented in an accurate, clear, complete, and unbiased manner."

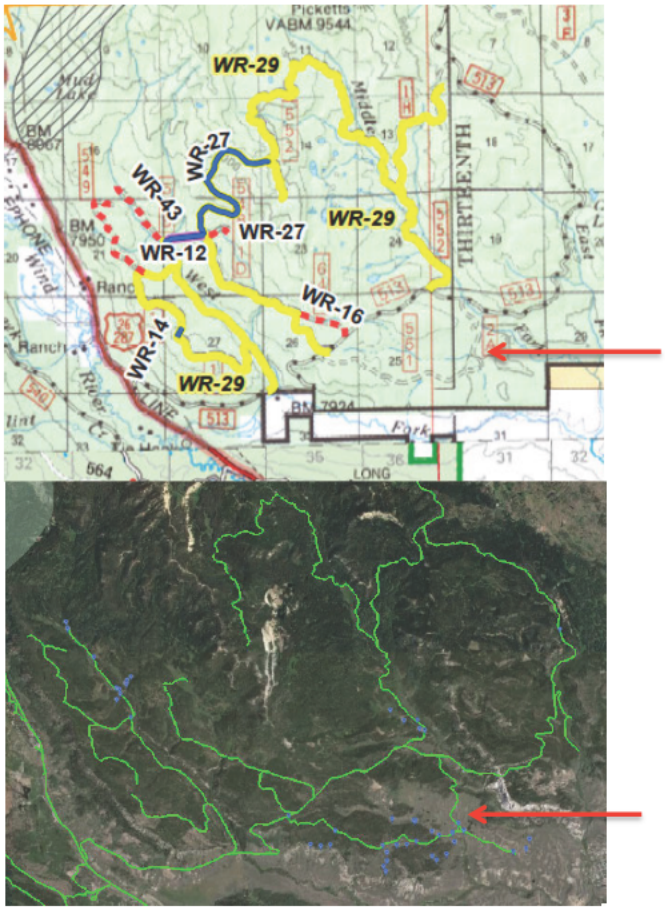

Figure 1. The Shoshone's Proposal Map (top) compared to the SNF .kmz layer of the existing designated route system (bottom, in green). Note that the bottom right hand loop is barely visible on the Shoshone's proposal map. For a process focused on the MVUM designated route, the Shoshone should clearly and accurately identify the baseline designated route system.

Figure 2. SNF proposal map depicting the proposal to add WR63 to the existing system (left), compared to the on-the- ground situation (right). The proposal map indicates a red gate, where in fact the road is open and widely acknowledged as open for public travel. The proposal to "add" a route that is currently open for public travel highlights the futility of a process focused on an MVUM that has no relevance to on-the-ground motorized use.

Finally, accurate baseline info will be necessary to implement an adaptive management strategy. The Forest Service must first identify the actual resources and values implicated by the Travel Planning process and collect relevant baseline data for these resources and values. Such baseline data includes not just point-in-time data, but, also, trend data. In other words, the Forest Service must identify and assess current conditions – law enforcement actions and limitations, infrastructure needs, maintenance needs – and assess whether those conditions are static, improving, or degrading, providing as much quantifiable analysis as possible.[42]

REASONABLE RANGE OF ALTERNATIVES

The alternatives analysis is the heart of a NEPA document, and the CEQ regulations direct agencies to "[r]igorously explore and objectively evaluate all reasonable alternatives."[43] The range of alternatives is essential to "sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public."[44] NEPA envisions a comparison of the action alternatives against a solid baseline and not a comparison of the action alternatives to the PA. The agency must assess each alternative in relation to the TAR as well as the factors for a Minimum Road System. The decision to close, decommission, convert to another use such as trails, or maintain certain system roads should reflect the results from the risks and benefits analysis in the TAR.

EFFECTS TO CONSIDER IN ENVIRONMENTAL ANALYSIS

CUMULATIVE EFFECTS

The EIS must consider cumulative impacts in its analysis.[45] *Cumulative impacts are* the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.[46] Consideration of cumulative impacts requires "some quantified or detailed information; ... [g]eneral statements about `possible' effects and `some risk' do not constitute a `hard look' absent a justification regarding why more definitive information could not be provided."[47] The Shoshone must consider the foreseeable effect of the increase in motorized users and motorized use generating from subdivisions.[48] [49] The Shoshone must consider the impacts

[42] See 40 C.F.R. § 1502.22 (providing mandatory guidance on managing uncertainty and information gaps in the NEPA process).
[43] 40 C.F.R. § 1502.14(a); *see also City of Tenakee Springs v. Clough*, 915 F 2d 1308, 1310 (9th Cir. 1990).
[44] 40 C.F.R. § 1502.14.
[45] 40 C.F.R. § 1508 27(b)(7).
[46] See Table 20 of the Shoshone LMP for cumulative effects considered during forest planning
[47] *Neighbors of Cuddy Mountain,* 137 F 3d at 1379-80.
[48] Recreational use trends on the Shoshone have been affected by the increasing population in adjacent communities and changes in technology related to recreational activities. According to an interagency report conducted by the Greater Yellowstone Coordinating Committee on the state of spring, summer, and fall recreation in this area, national forests that are part of this larger area "are more likely to see significant increases in recreation use, particularly in

of climate change, the potential for more and continued insect outbreaks, increased fire frequency and the cumulative impacts of these foreseeable effects on the Shoshone's travel implementation budget. [50]

The EIS must consider the existing forest road and trail system, including unauthorized routes, in its Cumulative Effects Analysis. The existing transportation system was grandfathered in through the white-arrow program of the mid-80s, and now is the time for the Forest Service to take a close look at the direct and cumulative effects of its road system. Existing motorized routes, both system and unauthorized, have negative impacts to natural resources and will continue to cause resource damage that, when taken with other SNF actions, are cumulatively significant.

ENFORCEMENT

The SNF must consider **any effects on its ability to enforce the proposed system**. NEPA requires the agency to take a hard look at the impacts of illegal motorized use on forest resources and the likelihood of illegal use continuing under each alternative.[51] Lack of enforcement is a pervasive concern shared by both motorized and non-motorized users. The SNF has stated that they will be unable to increase law enforcement (LEO) staff or presence, and that Forest Protection Officers (FPO) will still only be able to address motorized violations opportunistically. Off-roading violations account for the lion's share of law enforcement problems on federal lands despite the fact that less than 5% of visitors to national forests and grasslands use off-road vehicles.[52] Has the Shoshone consulted with the South Zone LEO on the proposed action? Has the South Zone LEO, currently charged with single-handedly patrolling over one million acres, confirmed that he can adequately enforce additional routes? The Forest Supervisor should work closely with the LEO to determine an alternative that will best meet law enforcement capability.

FINANCIAL SUSTAINABILITY

The EIS must examine the maintenance costs of each alternative. The EIS must include a fiscal analysis of the estimated cost for implementing any alternative. Both Subparts A and B of the Travel Management Regulations address the affordability of the Forest transportation system. Subpart A requires the Forest to determine the minimum system needed to "reflect long-term funding expectations."[53] Subpart B requires the Forest to "consider effects on…the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that

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the fastest growing counties of the Greater Yellowstone Area. In these places, 10 to 15 percent annual increases in recreation use are possible (Greater Yellowstone Coordinating Committee 2006). FEIS at 489

[49] From 1982 to 2000, the number of people driving motor vehicles off road in the United States increased over 109 percent (Cordell et al. 2004). On the Shoshone, off-highway vehicle use is following this national trend. Increases in off-highway vehicle recreation in unauthorized areas are leading to increased wildlife disturbance, soil erosion, and sedimentation in streams. SNF LMP

[50] Rice et al., 2012 quoted from SNF LMP.

[51] 27 *See Sierra Club v. U.S. Forest Serv.*, 857 F. Supp. 2d 1167, 1176-78 (D. Utah 2012)

[52] http://www.fs.fed.us/publications/policy-analysis/unmanaged-recreation-position-paper.pdf; PEER 2007

[53] 36 CFR 212.5 (b)

maintenance and administration."[54] The Forest Service Manual further states that "[a]dministrative units and ranger districts should avoid adding routes to the forest transportation system unless there is adequate provision for their maintenance."[55] The Forest Service must perform such an analysis and make this analysis available to the public.

Please evaluate each alternative in the EIS in terms of how it achieves the goal of a Minimum Road System that is both ecologically and *fiscally* sustainable. The SNF should provide a budget analysis for the implementation of the proposed plan alternatives over the length of the plan. The SNF should use spending and backlog financial data from recent years in providing this estimate. The cost analysis should include routine route maintenance costs, as well as projected monitoring, signing, barricading, decommissioning and enforcement costs. WWA's Travel Monitoring Project demonstrates a huge amount of needed infrastructure to effectively close non-system roads that must be incorporated into the projected cost analysis.

OTHER EFFECTS TO CONSIDER:

The EIS must consider effects on roadless character; effects on wildlife including threatened, endangered and sensitive species and management indicator species; effects to soil, watershed, vegetation, and other forest resources[56], including the aquatic environment and threatened, endangered and sensitive plant species[57]; effects on the human environment including socioeconomic impacts[58] and cultural resources[59]; effects on non-motorized recreation including hiking, hunting, wildlife viewing, soundscape and landscape integrity.[60]

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[54] 36 CFR 212.55 (a)

[55] FSM 7715 03; *see also* FSM 7715.6 (6).

[56] Weeds: Executive Order 13112 directs 'all federal agencies whose actions may affect the status of invasive species are charged with the responsibility to prevent the introduction of invasive species'.

[57] SNF FEIS offers directly relevant direction on aquatic resources at: Future road management should consider relocation or obliteration of existing roads out of riparian areas to reduce associated impacts. Impacts can be greatly reduced by proper road location and design. Where possible, travelways should be located away from stream channels, riparian areas, steep slopes, high-erosion-hazard areas and areas of high mass movement. Good design provides stable cut and fill slopes and adequate drainage that allows water to filter through vegetated buffers or sediment traps before entering the stream channel. Realignment of roads and other travelways so that they traverse riparian areas and streams at perpendicular rather than parallel angles would improve the quality of riparian and aquatic habitats by reducing chronic sediment sources. If relocation is not possible, seasonal restrictions could limit road damage and subsequent sedimentation. The Forest Service Regional and National BMP Directives, contain detailed guidance on roads and trails management from an aquatic resources perspective." FEIS at 326. Also, Tables 80 and 81 of the LMP identify species of concern and cumulative impacts to consider.

[58] Socioeconomics: Motorized recreation disproportionately affects Lander and Dubois communities. Acres slated for motorized use are disproportionately concentrated in the two southernmost districts of the Shoshone, the Wind River and Washakie Districts, and disproportionately affects residents of Fremont County.[58] Of the lands that are available for administrative management decisions on the South Zone of the Forest, 300,966 acres 82% are available to summer motorized use and 324,160 acres (88%) are available for winter motorized use under the final forest plan. Importantly, local communities rely on tourism opportunities that highlight wilderness, wildlife and "old west" character of the Shoshone. (Sierra Club November 21, 2012 at 6).

[59] Cultural Resources: On the ground inventories of cultural resources are required to satisfy the Shoshone's duty under the National Historic Preservation Act. *Southern Utah Wilderness Alliance v. Burke, 981 F. Supp. 2d 1099, 1104-05 (D. Utah 2013).*

[60] Noise: Forest Service must locate ORV areas and trails so as to "ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors" Executive Order 11644 - (Sec. 3(a)(3))

Chapter 3 of the recent FEIS provides an overview of the affected environment and legal framework. The impact of ORVs, roads and motor vehicles on the natural environment is extensive and well-documented. The effects of roads are so well-documented that it has resulted in its own discipline of "road ecology".[61] Rather than reiterate all known effects here, we will touch on a few that warrant further discussion relevant to the Shoshone's backcountry character.

Roadless Character

The EIS must consider effects on roadless character including inventoried roadless areas, Wilderness, Wilderness Study Areas, Wild and Scenic Rivers, and National Parks. The EIS must "disclose that significant roadless areas will be affected [under the Motorized Travel Plan] and take the requisite 'hard look' at the environmental consequences of that fact," including analyses of the plan's effects on "water resources, soils, wildlife habitat, and recreation opportunities."[62] The SNF must also disclose the effect of designating motorized trails or areas in roadless areas on potential wilderness designation.[63]

In order to protect the backcountry character of the Shoshone, as identified in the forest plan, special priority should be given to prioritize preserving the intact, wild nature of the Shoshone's Inventoried Roadless Areas (IRAs). The WRRD has received proposed route additions in the Telephone Draw, Castle Rock, Warm Springs Creek, Benchmark and Union Pass IRAs. Congressional directives dictate management decisions in the High Lakes WSA and Dunoir Special Management Unit on the Shoshone. Not only are these roadless areas essential to the nature of the Shoshone, they are significant at the national level. Inventoried Roadless Areas comprise only 2% of our nation's land base, but provide invaluable social and ecological benefits: critical connected wildlife habitat, necessary sources of clean water and air, easily accessible quality outdoor experiences and sustainable economic benefits. A recent scientific report demonstrated that 77% of inventoried Forest Service roadless areas have the potential to conserve threatened, endangered, or imperiled species and are "one of the most important biotic areas in the nation."[64] By definition, roadless areas afford a type of quiet and primitive recreation that cannot be found near roads. Many of the Shoshone's frontcountry roadless areas provide unique and easily accessible wilderness-quality experiences for a wide variety of user groups.

The Shoshone must also consider direct, indirect and cumulative effects on designated wilderness areas. The Wilderness Act advises that designated wilderness areas be "unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character."[65]

See National Park Service annotated bibliography on noise effects http://www.nature.nps.gov/sound/resources.cfm

[61] Foreman et al. 2003.

[62] *Smith v. U.S. Forest Serv.*, 33 F.3d 1072, 1078 (9th Cir. 1994); *Or. Natural Desert Ass'n v. Bureau of Land Mgmt.*, 531 F.3d 1114, 1137-38 (9th Cir. 2008).

[63] *Lands Council*, 529 F.3d .at 1230.

[64] Loucks, C., N. Brown, A. Loucks, and K. Cesareo. 2003. USDA Forest Service Roadless Areas: Potential Biodiversity Conservation Reserves. Conservation Ecology 7(2):5.

[65] 16 U.S.C. 1131(a)

Species of local concern

The negative effects of motorized routes on wildlife is well documented. In a recent review of over 80 studies quantifying the effects of roads and traffic on wildlife, *the ratio of negative to positive effects of roads on the abundance of wildlife was 5:1*[66]*.* The Final Forest Plan confirmed the importance of big game populations (elk, deer, moose and bighorn sheep) to the Shoshone National Forest and its local communities, and we would like to touch on those Species of Concern here. See Defenders of Wildlife for other wildlife considerations relative to travel planning and the final Forest Plan.

The final Forest Plan outlines the importance of elk, deer, and moose as species of local concern. Effects of roads on elk and deer has been documented extensively and should be carefully considered to protect the importance of big game on the SNF. [67] Direct impacts from roads can include overexploitation or poaching, increased hunting pressure and increased roadkill, indirect effects range from habitat fragmentation to invasive species introduction to physiological population effects. *See id*

The SNF must analyze the effects that each alternative poses on secure habitat for elk, deer and moose is needed for comparison. Contemporary research indicates that a spatially explicit roads variable, based on distance to open roads within identified watersheds, is needed to determine summer habitat effectiveness for elk and deer.[68] The SNF DEIS should provide a comparison of alternatives impact on elk and deer habitat effectiveness model similar to that of the Bridger-Teton Travel Plan. (BT 2009 FEIS pg 83-87).

We also encourage the SNF to work closely with the Wyoming Migration Initiative (WMI) to better understand identified elk and deer migration routes and the importance of stopover habitats. The WMI currently has elk and deer collared in the Wind River Ranger District demonstrating previously unknown routes. Their research highlights the importance of protecting migration routes, summer habitat as well as crucial winter range, and further illustrates that management activities on the SNF affect wildlife populations across the entire Greater Yellowstone Ecosystem. [69]

[66] Fahrig and Rytwinski (2009) recently, Forman et al. (2003)
[67] See McCorquodale, S. M. (2013). A brief review of the scientific literature on elk, roads, & traffic. *Washington Department of Fish and Wildlife, Olympia, USA*.
[68] See Gaines, William L.; Singleton, Peter H.; Ross, Roger C. 2002. Assessing the cumulative effects of linear recreation routes on wildlife habitats on the Okanagan and Wenatchee National Forests. Gen. Tech. Rep. PNW-GTR-XXX. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. XX p.
[69] Visit: http://migrationinitiative.org/

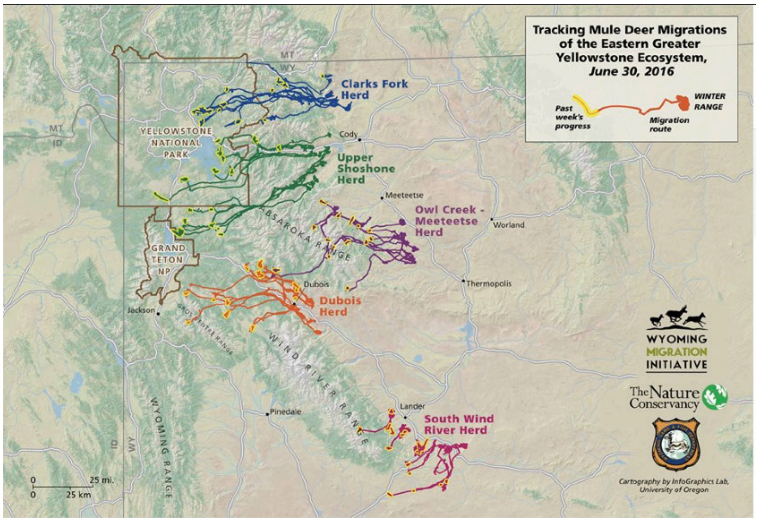


Figure 3. Mule deer migration progress June 30, 2016 publicly provided by Wyoming Migration Initiative. The research highlights that management actions on the SNF affect species of concern across the entire Greater Yellowstone Ecosystem and the state of Wyoming.

In addition, Johnson et al. (2000) showed that different levels of traffic can have different degrees of influence on deer and elk habitat use.[70] Not only should the Shoshone illustrate the direct effects of proposed route additions (eg WR11) on effective big game habitat, it must also evaluate increased traffic along associated routes (eg MT14) as a result of new motorized loop opportunities. [71]

Increased use of unauthorized routes and the continued use of "closed roads not closed" must also be considered in the analysis. In a landmark review of the effects of roads on elk, Rowland et al. (2005) conclude: "Road closures alone may not be effective in eliminating effects of roads and traffic on elk because of inadequate enforcement…Careful assessment of how roads are being used, rather than their official status, is important to credibly evaluate effects of roads on elk and other wildlife."[72]

The SNF's own analysis highlights this reality on the Shoshone:

> *While elk security areas can theoretically be maintained by closing roads following uneven-aged harvest prescriptions, the risk of losing the integrity of the security area increases as more acres are harvested and more roads are built. People will continue to use roads and skid trails for access, whether by foot or horseback, depending upon the closure effectiveness. Studies on other forests have indicated a significant problem*

[70] Johnson, B. K., J. W. Kern, M. J. Wisdom, S. L. Findholt, and J. G. Kie. 2000. Resource selection and spatial separation of mule deer and elk during spring. Journal of Wildlife Management 64:685-697.

[71] A visit to ATV trail MT14 on July 15 showed no recent motorized use on this designated ATV trail along the Fitzpatrick Wilderness. Providing a loop opportunity to MT14 will significantly increase ATV traffic on MT14 and potentially increase illegal motorized use off of both routes.

[72] Rowland, M. M., Wisdom, M. J., Johnson, B. K., & Penninger, M. A. (2004). Effects of roads on elk: implications for management in forested ecosystems.

in achieving effective closures (Griffin 2004), and the Shoshone faces similar challenges. FEIS at 301.

In reviewing cumulative effects *for Elk, Moose **and** Deer*, the SNF acknowledges that *"the past and present activities of vegetation management and roads are the most significant, and the reasonably foreseeable future activities of subdivisions and increased recreation use (off-road vehicles, demographics) are most significant"*. FEIS at 303, 307 and 309, respectively.

Further direction from the Forest Plan highlights the need for foresight and consideration of the increase in authorized and unauthorized motorized use projected for the foreseeable future.

> *"Recreational use is likely to increase due to population factors surrounding the Shoshone, regardless of alternative. Use would continue to increase on the Forest and challenge us in managing the creation of additional roads and trails, and in the additional disturbance to wildlife. The Shoshone provides the majority of yearlong habitat in the cumulative effects area."* FEIS at 303.

The Shoshone is fortunate to contain a significant portion of designated wilderness areas that protect big game and source populations, but that does not negate the importance of protecting big game habitat outside of those areas. The SNF's own environmental analysis concludes:

> *"Maintaining diverse and productive seasonal habitats would be the most important forest management emphasis for elk. In addition, limiting human access to elk calving and wintering areas would be important to reduce potential disturbance during these critical time periods. Providing sufficient **security habitat outside of wilderness** and the grizzly bear primary conservation area would be important."* FEIS at 295.

RECOMMENDED MAPPING RESOURCES

Individuals and conservation organizations alike had a very difficult time finding appropriate, up-to-date maps to understand the impact of the PA. Although the Shoshone website provides a plethora of maps from the Forest Planning process, it is unclear which maps represent the final Forest Plan prescriptions after changes made in the revision process. We ask that the DEIS present the following maps, and that the Shoshone website contain a Travel Plan map page with .kmz overlays readily available for the following:

RECOMMENDED DEIS MAPS AND PUBLICLY AVAILABLE MAP LAYERS:

- Management prescriptions (identified in the Forest Plan, objectives for each)
- Recreation Opportunity Spectums
- Inventoried Roadless Areas, Wilderness Areas and Wilderness Study Areas
- Current MVUM designated routes, including numbered segments for each trail
- Location of permanent OHV barriers (eg locked gates) and information kiosks
- Crucial winter range and winter range exemptions (as identified in the Forest Plan)
- Elk, moose, mule deer parturition areas
- Big game migration routes
- Occupied grizzly areas

- Grizzly Conservation Area
- Suitable Lynx Habitat
- Bighorn sheep habitat
- Native cutthroat habitat
- Stream crossings: hardened/not hardened
- Wet meadows
- 5th or 6th level watersheds and associated Road Density Standards

PROPOSED ACTION (PA)

SEASONAL CLOSURES

We would like to thank the Shoshone for proposed seasonal road closures that protect resources, wildlife and safety. We suggest that these seasonal closures be as consistent as possible across the Forest to minimize confusion and facilitate public education efforts. We encourage the Shoshone to work closely with Wyoming Game and Fish on identifying seasonal closures that provide the greatest benefit to species of local concern and their habitat.

PROPOSED SUMMER ADDITIONS

In total, we believe that the PA fails to meet the Purpose and Need for Travel Planning on the Shoshone. Lack of public input has hindered the Shoshone's ability to accurately identify the Purpose and Need and the pre-scoping process failed to incorporate site-specific and public information to locate trails with the objective of minimizing impacts.

The PA adds 35 miles of motorized trail, creating an additional 106 miles of motorized loop miles on the Shoshone National Forest. While recognizing this as the Shoshone's first cut, we are confused by the SNF proposal to increase its existing loop miles by 40% at the same time it has assembled a Compliance Working Group dedicated to improving compliance on the existing 242 loop miles. All of the effective motorized loop opportunities proposed by the Shoshone are on the South Zone of the Forest, effectively failing to address the relative Purpose and Need for either District. The persistent myopic focus on loop opportunities disregards public input, best available science and on-the-ground information, and is in direct contrast with improving accountability of the existing system. [73]

PROPOSED SUMMER CLOSURES

To meet the Purpose and Need of the project the Shoshone should have presented a no-net-gain of roads in its PA. Instead, the SNF PA adds 35 miles of trail and closes 12 miles of system road.

Although the SNF accepted public proposals for suggested road closures, the SNF is responsible for identifying unneeded roads and prioritizing roads for decommissioning using a science-based analysis. Proposed road closures need not and should not be generated solely by public comment. The proposed closures in the PA appear arbitrary,

[73] WWA's travel monitoring showed that unauthorized use, routes, and illegal use were concentrated in areas with loop opportunities and high road density.

disregard site-specific information and do not appear to incorporate risks and benefits that should have been identified in the TAR.

For example, WR 20 proposes to close spur road 2632b on Union Pass Road. Table 7 explains "dead end road with no dispersed camping." We support this closure because unauthorized use is extending far beyond the end of the spur road and causing resource damage in the Warm Springs Creek Roadless Area. However, the only reason this use continues past the end is because the road is signed open at its beginning, with no indication of the road's end on-the-ground. This was a field trip stop and discussion place on a Wind River Ranger District field trip in August 2015. This road does in fact have dispersed camping options that would be affected by the proposed closure. What was the rationale for proposing a closure of this road and not proposing closures on 2632a? Our travel monitoring data showed that 2632a, past its junction with MT13, leads to at least two significant unauthorized routes, a couple miles of well-established road that are not being patrolled or maintained, and to Bridger-Teton lands. Currently, there are not enough resources or law enforcement to enforce closure of these unauthorized routes, so closing 2632a at its junction with MT13 would eliminate a spur road, associated creep and two unauthorized routes. Is this road identified as needed in the TAR?

For another example, WR55 proposes closing SR600 at its boundary with the Inventoried Roadless Area. Our TMP data submitted to the Shoshone show that SR600, which currently is authorized halfway into the IRA, leads to multiple unauthorized routes and extends past its designated end (which is not marked, signed or barricaded at any point). Our TMP showed that dead-end spur roads invariably have unauthorized motorized use extending beyond their designated end, most often due to lack of adequate infrastructure or maintenance of posted closures.[74] Proposing to terminate this road at the IRA boundary makes little sense. What is the rationale for proposing to designate 1 mile of road that will directly lead to IRA incursions? Why not close this road completely? How have you used site-specific information and best management practices to come to this proposal? Has this road been determined as "needed" in the TAR?

WR12 is an example of the importance of disclosing unauthorized route concerns to inform the travel plan. On the surface, this ¼ mile of well-established road is indeed redundant and the Shoshone would benefit from its closure. However, there are no obvious resource concerns, and significant infrastructure and enforcement resources will be needed to implement the closure. Currently the WRRD it has been unable or unwilling to effectively close with its existing resources. These unauthorized routes are documented as causing illegal motorized use, illegal activities, resource damage and hunter conflict. How does the Shoshone propose to effectively close this one? Why would the Shoshone prioritize this proposed ¼ mile system road closure over effectively closing its other closed roads? **The Shoshone is right to propose system road closures, but it should use site-specific information, and consider travel management needs outside of the designated MVUM, to identify those road closures.**

[74] See WWA SRNT data. For example of WRRD roads that continue past end: system roads 2632b, 2632a, 732, U659.1, 551, 5541e

Currently, many "closed roads" on the Wind River District are still open for public motorized travel and are the greatest source of unauthorized use on the Shoshone. "Closed roads" as they stand now are simply deleted from the map, no longer patrolled or maintained, and continue to contribute to unregulated and unmanaged motorized activity. Without a demonstrated commitment and ability to effectively close unauthorized routes, "closing" system roads should not be considered a balanced mitigation to opening new system roads.

At a minimum, the SNF PA should have identified 35 miles of proposed road closures to augment its proposed additions. Not only has the Shoshone demonstrated that it does not have the resources to effectively close these roads, the proposed closures are not informed by site- specific information, best available information or best management practices.

The Forest Service should utilize road closures and decommissioning in this project to enhance landscape connectivity and ecological integrity based on:

- effectiveness in reducing fragmentation;
- protecting big game corridors;
- connecting un-roaded and lightly-roaded areas;
- improving stream segments and watershed health; and
- reducing illegal motorized use and enforcement and maintenance concerns.

The SNF should follow its own guidelines for decommissioning unneeded routes, outlined on page 104 of the revised Forest Plan.

WWA Suggested Closures : MT14 , 2632B, SR600, 2632a, 5541e

DISPERSED CAMPING

Proposals WR66-77. The PA adds three miles of motorized routes to access established dispersed campsites that are more than 300 feet from a system road. WWA supports the proposal to add dispersed camping spur roads, greater than more than 300 feet long, to the designated route system. This measure will legitimize the importance of the designated route system and improve accountability. However, more information is needed on the locations of these proposed additions. How was on-the-ground, site-specific information or your Travel Analysis Report used to identify dispersed camping additions?

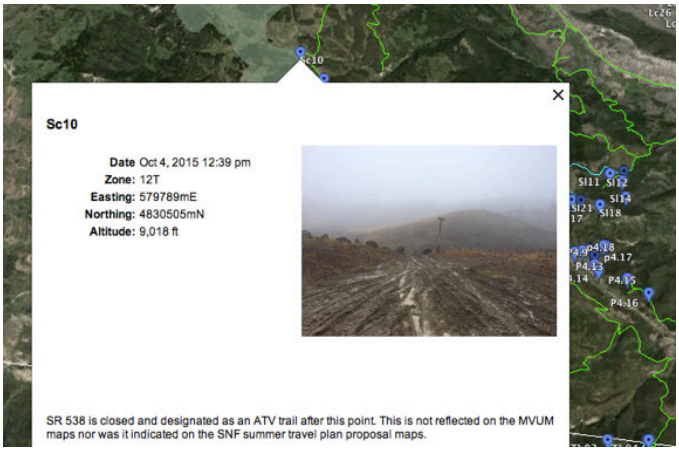
It is hard to decipher the exact location of the Wind River Ranger District dispersed camping additions, but the proposed additions do not address any of WWA's documented dispersed camping concerns. Our Travel Monitoring Project identified several unauthorized routes (>500 ft) that have likely established or persisted due to dispersed camping locations. For example, a network of non-system roads more than 300 feet long were identified at Fish Creek Lake and just west of the Crooked Creek FS portal. The Shoshone should solicit and utilize public input to identify dispersed camping areas to be added or addressed in the DEIS. Please outline how the SNF plans to prevent "creep" beyond these designations, considering spur roads not effectively terminated are a common source of unauthorized use on the SNF.

An Implementation Plan should identify what barriers and signs should be used for initial implementation, plus a commitment to seasonal and annual maintenance and monitoring efforts. Dispersed camping routes that are signed open with a route number should also disclose route mileage or indicate a dead end or campsite. Most spur roads on the Wind River Ranger District continue past their designated end because they are signed and numbered open at their beginning but have no signs or barriers to indicate their end.

INCREASING MOTORIZED TRAIL WIDTH

The PA proposes converting 16 miles of Wind River District existing 50-inch trail to 65-inch motorized trails to accommodate Utility Terrain Vehicles (UTV). Side-by-sides and UTVs provide a unique family experience, meet interests in driving for pleasure and scenic viewing, and appear to generate less off-trail illegal travel than single rider ATVs. Please clarify that 65+inch trails will be classified as trails (not roads) and meet all the same minimization requirements as 50-inch trails. How much construction will be needed to accommodate expanding trails to 65 inches? UTVs handle terrain differently than ATVs and safety considerations should be considered in trail design. Have these trails met best trail design and safety practices for 65-inch UTVs?

The Wind River summer proposal map shows the latter half of SR538 or 622 being converted to 65+ inch motorized trail. We are unable to tell which proposal number exactly that is. We have previously noted that this road is currently closed to the public and designated only for ATVs due to a bridge/or culvert concern. How does the proposed 65+inch trail meet minimization criteria and existing resource concerns? What construction resources will be required?



Picture 1. Site-specific information from WWA TMR not addressed or incorporated in the proposed action. Example of SNF baseline information significantly different from on-the-ground reality.

PA – WINTER PROPOSALS

Seasonal Bookends

Thank you for proposing seasonal bookend dates. Winter season dates and/or snow depth restrictions are common sense winter management tools employed on most western National Forests. We previously suggested that winter seasonal bookends should align with Bridger-Teton winter closure dates; this consistency is important since snowmobilers riding on Togwotee Pass cross between Shoshone and Bridger-Teton lands on a daily basis. While we understand the rationale behind low elevation and high elevation dates, please explain how each area was delineated, why, and the rationale for differing dates. Are there distinct enforceable boundaries between the two?

The Shoshone should also consider a minimum depth restriction to offer another easily understood and consistent Forest-wide guideline, assist enforcement efforts, promote responsible user ethics, and provide extra resource protection during increasingly unpredictable winter seasons. Best Management Practices suggest 18 inches (Cite WIWA)

Crucial Winter Wildlife

Over half of the WRRD's crucial winter range is currently "exempted" to allow unregulated snowmobile use under the Forest Plan. Please work closely with Wyoming Game and Fish to articulate the rationale behind these exemptions and demonstrate how these designated open areas meet the minimization criteria of Subpart C. The Shoshone should work closely with wildlife professionals and advocacy organizations to develop an alternative that emphasizes crucial winter range protection.

High Lakes WSA

The SNF Forest Plan states that the High Lakes Wilderness Study Area (WSA) will be managed to prevent long-term impairment of wilderness characteristics until released from wilderness study area status and that snowmobiling is authorized to the same manner and degree as was occurring prior to the Wyoming Wilderness Act of 1984 (LMP at 17 and 122). While snowmobiling may still be permitted in the High Lakes WSA, we support Winter Wildlands Alliance (WiWA) comments that this travel plan must include management actions to ensure that snowmobiling occurs in the same manner and degree as occurred prior to October 30, 1984. We encourage the SNF to work closely with partners like WiWA to implement monitoring to monitor current snowmobile use levels. Please include a discussion of the High Lakes WSA in the EIS that documents the manner and degree of use prior to October 30, 1984 and provide a range of management alternatives that the SNF may take to ensure compliance with the Forest Plan and Wyoming Wilderness Study Act.

Winter Proposed Closures

We are pleased to see that the Shoshone took the first step in considering the new OSV rules and attempted to balance winter recreation opportunities. The proposed snowmobile closures at Deception and Falls (WR02-03) will support local efforts to diversify Dubois' winter recreation opportunities without detracting from snowmobile opportunities.

Officially closing the Deception Creek area will support the non-profit efforts of Dubois Area Recreation and Trails (DART) to keep this area groomed for non-motorized uses, the only

non-motorized groomed winter recreation opportunity in the area. The 2.5-mile groomed trail is a unique and highly valued recreation experience for families, visitors and locals alike. This proposed winter closure indicates the Shoshone's desire to consider alternatives outside the status quo and comply with the revised 2015 Travel Rule Subpart C directives. Given the agency's struggle to fully comply with the new OSV minimization criteria, to date, we suggest the Shoshone carefully consider comments submitted by Winter Wildlands Alliance to ensure a successful Winter Travel Plan.

Picture 2. Dubois Area Recreation and Trails groomed cross-country ski trail at Deception Creek provides quality family recreation opportunities for Dubois locals and tourists. Proposal WR02 to close the >1400 acre area will preserve the current volunteer grooming efforts.

Winter Proposed Additions

Proposal WR06 adds an ungroomed snowmobile trail near Sublette Pass off of the Togwotee highway. The proposed addition, which would promote the snowmobile route on official maps, replaces a historic ski trail on Togwotee Pass. What is the rationale for this shift? How has the minimization criteria been applied to reduce conflict in designating this trail? We ask that the Forest Service consider instead a non-motorized parking lot to the North of the highway. This would allow non-motorized access to the popular Brooks Lake Road ski area to the Lodge and Sublette Pass. Currently skiers must park at the heavily used snowmobile parking lot at the top of the divide, then cross the highway and ski back to Wind River Lake in order to reach the Brooks Lake Road or Sublette Pass Trail. A non-motorized parking lot on the North side of the highway would protect and encourage historic non-motorized recreation on Togwotee Pass without necessitating closures.

WIND RIVER DISTRICT PROPOSED ACTION

WWA would like to address some of the specific proposals on the Wind River Ranger District (WRRD) since we are most familiar with this area and these proposals. WWA supports Greater Yellowstone Coalition's comments on North Zone proposals and the Sierra Club Wyoming Chapter's comments on the Washakie Ranger District proposals. In our brief review of the North Zone and Washakie proposals, we would discourage the Shoshone from constructing new trails that may bolster numbers, while ineffectively meeting the needs of the motorized community.

The WRRD proposes 10 new miles of motorized trail construction, creating three new motorized loops. The proposal adds 51 miles of motorized loop opportunities to the existing 162 miles of motorized loop miles – more than a 30% increase. The WRRD currently has 331 miles of system motorized roads, dozens of unauthorized routes that aren't signed or barricaded properly, and enforcement has been the greatest topic of concern during Travel Planning thus far. The 162 miles of loop opportunity provided on the WRRD is double that of any other District on the Forest and enforcement concerns are greater here than any where else. The WRRD has at least 12 motorized loop opportunities, and three outstanding loops with ATV-only trail segments.

Hannah Sheely 7/22/2016 10:26 AM
Comment [1]: Just double checking…is this the right number? I had a different figure in my head….but I don't know why ☺.

The PA is in direct conflict with the Purpose and Need for Travel Planning on the Wind River District: the need for better enforcement and maintenance of the existing road system. There are currently six designated ATV trails, and three of those designated ATV trails provide outstanding motorized loop opportunities. Several other existing motorized loop opportunities are so rugged that they see very little four-wheel drive traffic and provide outstanding ATV trails despite lacking official ATV-only designation. Despite these existing loop opportunities on the Wind River District, illegal off-trail use and lack of enforcement are major concerns expressed by all user groups at Dubois public field trips and meetings. The terrain and logging history on the Wind River District makes enforcement more challenging. A history of logging also increases infrastructure demands in order to effectively close dozens of unauthorized non-system routes.

Warm Springs Mountain

+WR07, WR13, WR13. Proposal to add three segments of trail, creating a loop that leaves from Crooked Creek Lodge, crosses Warm Spring Canyon, and provides increased access to the Wildcat Loop and Stoney Point subdivision (where significant unauthorized motorized use has been documented). Existing conflicts include: Non-motorized recreation, scenic driving opportunities, secure wildlife habitat, cultural resources, species of concern (bats) and wild and scenic river segments.

How many miles of construction are being considered for this proposal? What would it entail? What structures, like bridges, barricades or route guides, will be needed? What is the likelihood of securing the easement necessary to create this route?

Agency Capability. Multiple sections of construction required, FS will need to secure land easement on northern edge. Landslide potential in canyon crossing will require engineering expertise and caution.

Resource Concerns. Proposed trail crosses Warm Springs Canyon, a Wild and Scenic Eligible River and divides a large section of secure, effective big game habitat. The proposed trail crosses a spring-fed tributary of Warm Springs Creek at its beginning (WR07) and crosses Warm Springs Creek again in the remote scenic canyon (WR13). This is contrary to standard Best Management Practices, especially for a creek with cultural, ecological and local significance. Is the Shoshone proposing any bridge construction? Adjacent cliffs, canyons and natural bridge should be assessed for bat habitation or roosting.[75]

Enforcement Capability. Proposal rewards illegal use- difficulty enforcing closure adjacent to popular Crooked Creek FS boundary was the subject of a Wind River District-led field trip. The beginning of this noted illegal use is 100 yards from one of the most popular FS portals, adjacent to the main road and highly visible, and should be easily enforced with any concerted law enforcement effort. If the Forest can not effectively close this highly visible trespass adjacent to the arterial road, how does it propose to enforce compliance along the rest of the route? Multiple illegal or old timber roads off of 5291a will require barricading and patrol. Steep trail in alpine meadows will undoubtedly result in braided parallel routes without significant barrier implementation. Proposed loop will increase motorized access to the Wildcat Loop (SR545 - 554), the area where WWA documented more unauthorized routes and more illegal motorized use than anywhere else on the Forest.

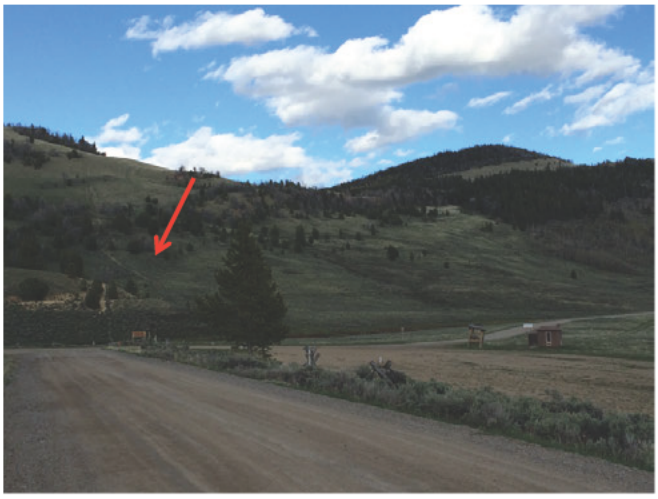
Scenic Landscape and Soundscape Impact. WR07 follows a steep, illegal trail that crosses a creek before cutting across the high alpine meadow of Warm Springs Mountain. The first scene a visitor to the Shoshone National Forest would encounter would be multiple parallel eroding routes, and likely off-trail motorized use on a scenic mountain summit. Please describe how this PA meets scenic objectives identified in the Final Forest Plan. The route is easily visible on the scenic landscape enjoyed by Warm Springs Campground and fishermen, affecting non-motorized recreation and scenic objectives.

Cultural Resources. The proposed crossing across the Warm Springs Canyon is of natural and historical significance: several hundred yards of tie hack plume still hang to canyon wall along this section of creek eligible for Wild and Scenic River designation. Downstream of the crossing tie hack flumes continue under a natural geologic bridge, a local area attraction. The historical Union Pass Rd, connecting Dubois to Pinedale and the Shoshone and Bridger-Teton National Forests, is a "point of interest" popular for scenic driving tours.

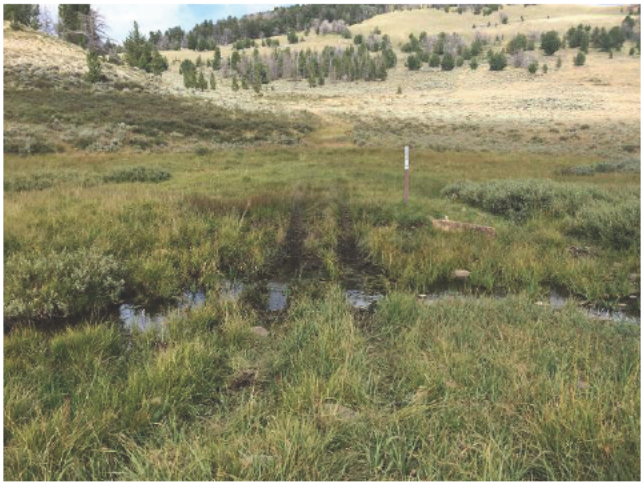
[75] "The single-most important habitat element for the fringed myotis spotted bat and Townsend's big-eared bat on Shoshone is most likely suitable mines and caves that provide reproductive habitat." SNF FEIS

Picture 3. Warm Springs Mountain Proposal, view from Warm Springs Creek Campground, popular camping and fishing spot near Crooked Creek Lodge.

Picture 4. Warm Springs Mountain Proposal, view as arriving to Shoshone National Forest from Union Pass Road. Pronghorn resting in the background.



Picture 5. Proposed Warm Springs trail, view from FS portal entrance on Union Pass Road. The Wind River District has not had funds to repair the vault toilet at this popular portal for several years.



Picture 6. Illegal use around ineffective closures at proposed WR07. This area was a tour spot on a Wind River District enforcement-focused field trip. FS staff members have been unable to effectively close this highly visible route adjacent to the main, popular FS portal. FS have not invested resources into effective barricade like a buck and rail fence, but continue to post carsonite signs opportunistically.

Picture 7. Existing tie hack flume along Wind River Canyon near proposed ATV trail crossing (WR13)

Bachelor Creek

Proposal Map: Union Pass. Includes proposal to +WR11, –WR55, +WR63

+WR11 This proposed addition bisects effective wildlife habitat and an Inventoried Roadless Area, conflicts with existing non-motorized hunting opportunity and recreation access, increases motorized traffic along an ATV trail bordering the Fitzpatrick Wilderness and will encourage violations in Salt Barrels Park.

Roadless Character Concerns

The Warm Springs Creek (IRA 02902, 6,200 acres) and Benchmark (IRA 02061, 5,900 acres) roadless areas combined make up over 11,000 acres of inventoried roadless area bordering the Fitzpatrick Wilderness. The only road separating the two IRAs is the Moon Lake Rd (SR513), a "jeep" road that is mostly restricted to ATV access to Moon Lake and the Simpson Lake trailhead of the Fitzpatrick Wilderness.

Proposal WR11 divides the Benchmark IRA almost exactly in half and will increase traffic along the route dividing the Benchmark and Warm Springs Creek IRAs. The Warm Springs Creek Wilderness Evaluation Area (02902) was ranked high in both the need and availability criteria under the Forest Service's own assessment for inclusion in the National Wilderness Preservation System. The area was included as recommended wilderness in Alternative C of the Shoshone's 2012 Draft Forest Plan. The Benchmark IRA is separated from the Fitzpatrick Wilderness by the ATV trail MT14, which currently sees very little use. Please disclose how designating WR11 will affect wilderness potential for these two IRAs. Please disclose how increasing ATV traffic along the wilderness boundary complies with the Wilderness Act.

Non-Motorized Recreation Conflict

The Benchmark IRA just outside the town of Dubois borders the Fitzpatrick Wilderness, is locally championed for its non-motorized recreation opportunity and year-round elk habitat. It includes critical bighorn winter range. The Upper Warms Springs Creek area (including the Benchmark IRA) is an important, easily accessible front country area that is used by a wide-variety of resident users. The revised Land Management Plan highlights the importance of just these types of areas: Front country areas provide a wide range of recreation opportunities for motorized and non-motorized recreation in a natural setting. These areas serve as gateways to the Forest's recreation opportunities (LMP, p. 86). Currently, non-motorized system trail opportunities are non-existent south of the highway on the Wind River Ranger District. A concerted effort is needed to strike a balance here between the motorized users, hikers, and horsemen that utilize these backyard, front country areas.

WR11 proposes to convert the only non-motorized trail to access the Simpson Lake (Fitzpatrick Wilderness) Trailhead into a second ATV access route. Currently there is an existing motorized route to Moon Lake (aka Simpson Lake Wilderness Trailhead) SR514, that is only suitable for ATV or UTVs. The non-motorized hiking trail from Bachelor Creek offers a full-size vehicle accessible hiking/horseback route for users that do not own an OHV. The current Travel Plan is one most Forests would aim for: a motorized route for OHVs, and an alternate non-motorized route for others to get to the same popular destination/trailhead. Converting the Bachelor Creek trail into an ATV trail means that any horseman or pedestrian without an OHV would only be able to access the Moon Lake/Fitzpatrick Wilderness trailhead through motorized ATV trails: this poses user conflict, user safety concerns, and compromises the existing roadless area wilderness-like experience for horsemen and hikers.

Just recently Shoshone stock horses used the Bachelor Creek Trail to access the Simpson Lake Trailhead for a project restoring the historic Simpson Lake cabins within designated wilderness. How will the Shoshone wilderness/trail crew, and stock, access this popular wilderness trailhead if all existing routes are designated for OHVs only?[76]

Enforcement Concerns.

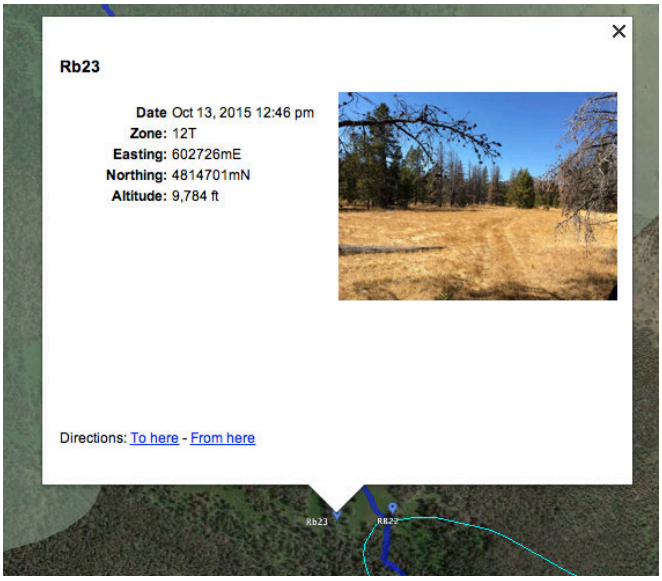
Proposal Increases traffic along MT14, increasing the probability of incursions into Fitzpatrick Wilderness. MT14 dead ends into unenforceable wide-open Salt Barrels Park, locally known as "the great temptation" and a current law enforcement concern. The WRRD has already shown that it is not committed to signing, enforcing, or effectively ending existing system routes in this inventoried roadless area (See WR55) and must demonstrate how that would differ for the proposed addition.

Minimization Criteria for MT14

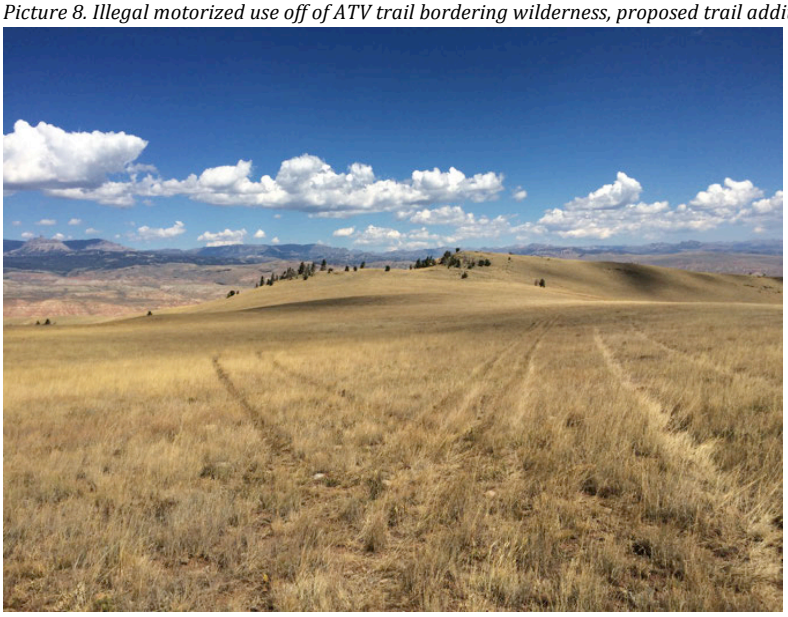
Please provide NEPA processes and site-specific information demonstrating how MT14 was designated as an ATV trail and how the trail was located to minimize impacts in compliance

[76] The 'jeep road' is in such poor condition that Shoshone staff are unable to drive full-sized vehicles to access the trailhead.

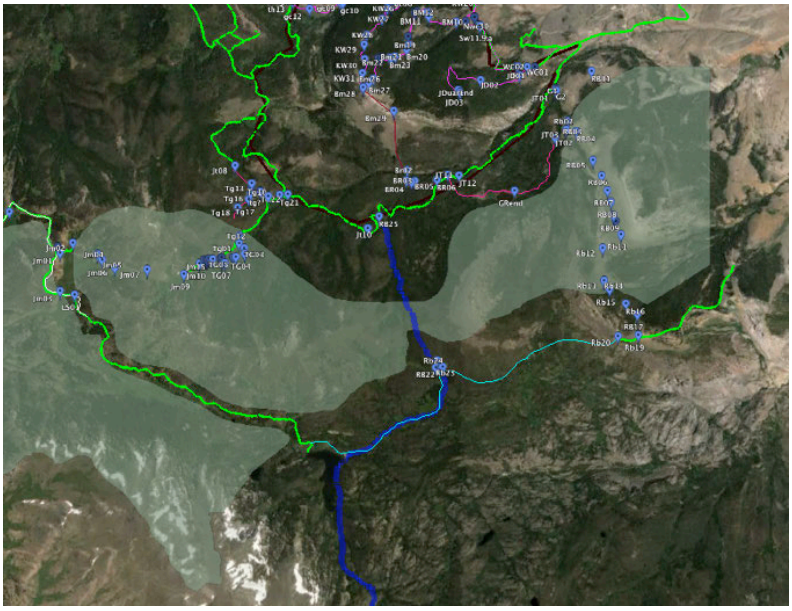
with 36 CFR Subpart B. The Shoshone should demonstrate that all of its ORV trails meet these criteria, but information on any of the existing ATV trails with a proposed traffic increase should be met. It is still unclear how, why or when this route was designated as an ATV trail.



Picture 8. Illegal motorized use off of ATV trail bordering wilderness, proposed trail addition.



Picture 9. Example of illegal use from Salt Barrels Park (WR11 proposal).



Picture 10. Dark blue track shows non-motorized route to Wilderness boundary and on past Simpson Lake. Green and blue lines are existing motorized routes.

Picture 11. Example of Fitzpatrick Wilderness terrain accessed on a one-day hike from the Bachelor Creek horse/hiking trail. If WR11 were proposed, non-motorized users would have to walk four miles of ATV trail to get to wilderness trailhead.

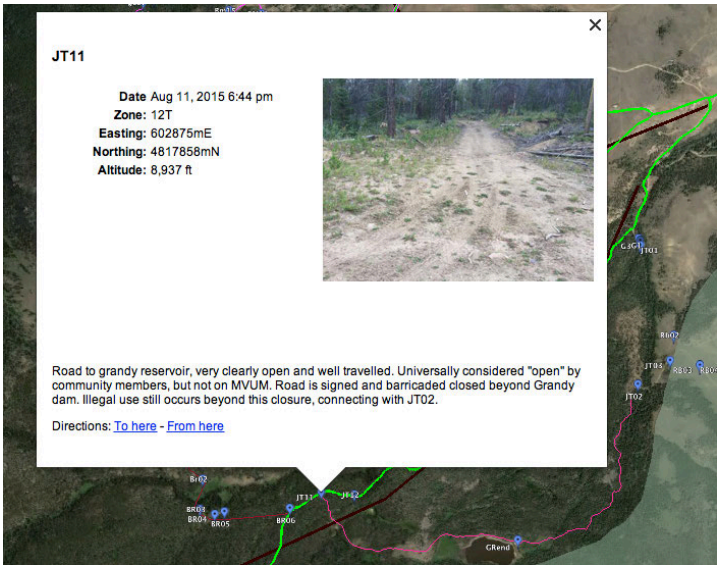
- WR55. The proposal to close system road (SR) 600 is intended to compensate new WR11 in Inventoried Roadless Area. SR 600, the system road currently in the Warm Springs Creek Roadless Area, is incorrectly labeled at its beginning, continues past its end because of any on-the-ground infrastructure marking its terminus, and leads to unauthorized routes not effectively closed and illegal user-created routes. (See JM and TG waypoints in our TMR). Inadequate infrastructure at 554.1e and SR 600 has promoted unauthorized use in the IRA. WWA questions the Shoshone's commitment to effectively close the proposed 600 closure when it is currently failing to patrol and enforce its designated terminus now. How does the Shoshone propose to enforce WR11 when it has been unable to patrol and enforce the SR600 currently encouraging illegal motorized use in the roadless area now?

The proposal to close SR600 at the boundary with the IRA, rather than close it completely, demonstrates another missed opportunity to encourage compliance through Travel Planning.

Picture 12. Estimated "end" of SR600 continuing into the Inventoried Roadless Area. We support proposal WR55 to close this road, but note that existing system road in Inventoried Roadless Area is not maintained, patrolled or accurately signed- a predictor of the consequences of a new route like WR11 in this roadless area.

Picture 13. SR600, the existing road through the Roadless Area that is proposed for closure (WR55). SR is Incorrectly labeled 5541Q and has no infrastructure indicating end of spur road.

+WR63. Already an "open" non-system road. We support this addition, but should highlight that many "closed" "non-system" roads on the Wind River District are currently open for motorized travel. Gate on map is inaccurate. Once added, the SNF must effectively close and barricade unauthorized route beyond the Reservoir. Waypoints JT11, 12, GRend, JT02



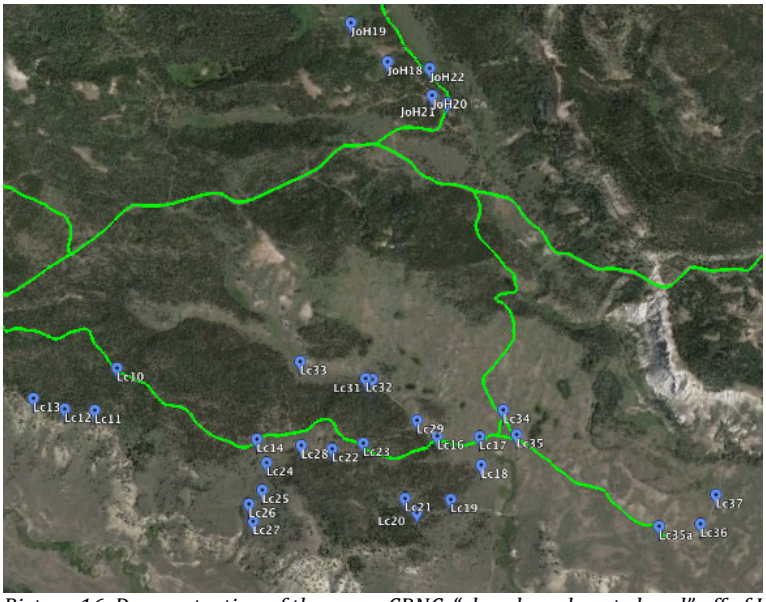
Picture 14. Site-specific information showing that on-the-ground condition differs than the baseline information presented by the SNF.

Long Creek

Proposal Map WRC: Long Ck. Includes: +WR27, +WR12; -WR43, -WR40, WR16

The proposed additions (WR12, 27) in the Long Creek area make a large effective loop in a defensible landscape and closes known problem roads (WR43, 40). This area does not see substantial off-trail illegal use outside of hunting season, but does have a significant number of unauthorized routes that have not been effectively closed by the Shoshone. These well-established roads – roads that must have been either temporary or maintenance FS roads at one time - require significant infrastructure for effective closures. An upcoming timber project in the Long Creek area may provide a convenient opportunity for the Forest to easily decommission or barricade many of these non-system roads. Please disclose the status of the multiple well-established non-system roads in your baseline information and environmental analysis.

Picture 15. "End" of U659.1. Closure would reduce continued unauthorized use.



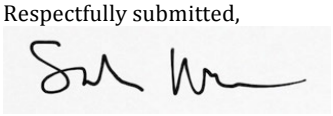
Picture 16. Demonstration of the many CRNC, "closed roads not closed" off of Long Creek SR551. Each blue waypoint is an observation of unauthorized motorized use off of "non-system" roads that have no closure and appear open.

Picture 17. Example of "closed road not closed" in Long Creek area. (Waypoint Joh01). These roads should be a priority for closing, decommissioning and rehabilitating if not needed.

CONCLUSION

Thank you for your careful consideration of our comments. The Wyoming Wilderness Association is invested in the implementation of a responsible Travel Management Plan that honors the Forest Plan Revision and the Shoshone's uniquely wild backcountry character. Travel planning presents a unique opportunity to take a hard look at the Shoshone's existing system and non-system motorized routes that significantly impact the users, wildlife and natural and financial resources of the Shoshone National Forest. We look forward to an improved, transparent travel planning process that allows for meaningful public input and results in an accountable, enforceable and sustainable designated route system.

Respectfully submitted,



Sarah Walker, Shoshone Wildlands Coordinator
Wyoming Wilderness Association

For all further correspondences please contact Executive Director Carolyn Schroth at:

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