

From: [Caretaker None](#)
To: [Troxel, Olga -FS](#)
Subject: Shoshone National Forest Travel Management Request for Public Input-new prop. local
Date: Tuesday, October 27, 2015 2:53:42 PM

Shoshone National Forest Travel Management Request for Public Input
Ranger District: Wind River Ranger District

New Proposals

1. What is the proposal? (loop; route; closures; restrictions), etc.) Clearly and concisely state the proposal. Include as much detail as possible.) [Expand the road system to its maximum potential, increase the number of miles allowed on the forest to an amount determined by the local regional office and the local public landowners and local officials. Allow unregulated motorized use, Keep ATV's off regular roads as much as possible: let them travel in roadless areas on there own trails. No road to trail conversions including middle of the road on the forest, Ban anymore non-motorized / wilderness type classifications. Change forest planning regulations. place Restrictions on recreational livestock, skiing everywhere. stop micromanaging everything, Don't allow environmental groups to participate in any form of public land management, enact HR 1581, reverse all recent non motorized decisions in the land management plan revision, record of decision. No seasonal closuers, - open the gates across all roads, discontinue the 2001 roadless rule, Manage according to TEK.](#)

2. Where is the proposal located? (Give general description of project location. (example: 5 miles SW of Cody WY) as well as UTM coordinates, Township/Range/Section, or Lat. Long. if you have that information. [Shoshone Forest](#)

3. Why is your proposal desired or needed?

[We are in the business of protecting our resources. Our road systems on public land are one of the most valuable resources. It is used to protect all the other resources. Our national forest road system seems to be on the verge of extinction due to encroachment form non-motorized type classifications. The majority of the forest \(aprox. 85%\) is non-motorized that leaves only approximately 15% left for motorized use to protect the rest of the forest and personal motorized use. These percentages are out of balance. Without roads there would be no forest. We have just witnessed the West Coast disaster showing how the 2001 roadless rule is counter productive and needs to be discontinued. We need HR 1581 enacted. Much of the so-called inventoried roadless areas have roads that could be used. It seems like whenever there is a policy change we loose more roads. There is no excuse to diminish motorized use. We have seen for decades that motorized use is harmless and beneficial to forest health and safety. We need to start expanding our public land road system to it's maximum potential, the roads are still there, lets use them. All roads on the forest are user created. We know the Washington office set a limit on how many miles of road are allowed on the forest so we need to increase that to an amount determined by the local public and local management agency so we can restore balance and protect our resources. There is no more room on this forest for any more non-motorized areas. For a public land managing agency to allow excessive use of any type of wilderness classification shows negligence and irresponsibility and lack of understanding of how to manage our resources and a threat to our safety and well-being and is a criminal act against the public](#)

landowners. The landscape has been here for millions of years without any classification, it isn't going anywhere. The Custer county Id. Commissioners passed resolution 2011-02 which opposes any more wilderness in that county. Why don't we do that here. - - --- -- Some of the Shoshone N.F. roads are around 100 yrs. old and can be considered to be part of its heritage. The National Historic Preservation Act Section 1b (16 U.S.C. 470) might be significant to the preservation of our road system. The historical and cultural foundations of the Nation should be preserved. There is a reason these roads were here in the first place. The road system allowed us to maintain the backcountry character of the forest in a healthy and productive way. ----
-----===== Converting roads to trails is counter productive and causes other problems like diminishing our roads and denying access to road users and should not be done. Roads should be kept as roads. ATVers should have their own paths in roadless areas and use full size roads as little as possible. That would avoid user conflict and keep our roads from wearing out. - -----=====

- -- The public accessibility embodies the germinous of a larger conviction: That the Public is the ultimate steward of public land. Citizens have the right and obligation to assure that natural resources are shepherded with respect and foresight in the common trust. Free access to National Forests is fundamental to the exercise of proprietary responsibilities in this mission, crucial to the oversight that public stewardship demands. To the extent that a government authority might exclude such oversight, is unacceptable. Moreover this clear intent amplifies the fact that each visit is a unique form of free expression as a whole, enacting a founding purpose of the National Forests and other public lands: That they be held in trust for public use in perpetuity, to provide the final sanctuary for First and Fifth Amendment rights of assembly and pursuit of happiness. This is where those rights must never be encumbered or sacrificed, and always preserved. Function of Government was to safeguard the rights of all its citizens. Multi-use means equal access. - -----

----- --= There is considerable controversy over USFS management of RWAs. Wilderness proponents emphasize that motorized and mechanized use is generally prohibited in wilderness areas; therefore, allowing such use in RWAs is obviously inconsistent with maintaining the wilderness character of these places.^[64] Wilderness advocates also believe that motorized and mechanized use in these areas creates a pattern of "historic use" that will make it more politically difficult to designate these areas as wilderness, since Congress has often been reluctant to designate areas as wilderness if motorized use has been established.^[65] As one study summarizes, the allocation to off-road vehicles (ORVs) creates a "history of use and a constituency with a vested and rhetorically-potent interest in opposing wilderness designation."^[66] We found examples where the USFS, in revising their forest plans, proposed to no longer recommend an area for wilderness designation because of existing motorized use in these areas—uses that the agency allowed.^[67] In other cases, "historic" uses have been used to justify the redrawing of wilderness boundaries or to legislatively designate special management areas that allow for such use.^[68] So prevalent is this conflict over managing RWAs that several members of Congress entered the fray in 2010. Representative Raul Grijalva, a democrat from Tucson Arizona, and seventy-one members of Congress sent a letter to USFS Chief Tom Tidwell expressing concern that the agency's management of

RWAs was impacting the wilderness character of these places and thus making future wilderness designation more difficult. These members of Congress urged the USFS to manage such places in such fashion "to preserve the congressional prerogative to designate wilderness by issuing national guidance on the management of agency-recommended wilderness."^[79] This correspondence was followed by a letter from Representative Doc Hasting, a republican from Washington State, and seventeen members of Congress, who viewed Grijalva's request as contrary to the Wilderness Act and Congress's power over wilderness designation: "The law is crystal clear that the power to designate wilderness rests squarely and solely with the Congress. It is a baseless, twisted reading of the law to suggest that Congress intended to allow an agency to administratively declare an area as recommended for wilderness designation and then to manage that area exactly as if Congress had taken action to make such a designation."^[80] - -----

- = In short, the general congressional authority vested in an agency is not in itself a basis for placing galling constraints on specific forms of public access and expression. Let's not forget Article 1 Section 1 of the Wyoming Constitution. - -----

- = We would like the shoshone managing agency to reverse their decision on declaring the areas recently declared as non-motorized in the new forest plan. The francs peak area, wood river, trout ck., Indian point area, and Sheridan pass area and others. There doesn't seem to be a valid reason for changing these areas from multi-use. No significant impacts were incurred. The scam reason is that there were bears and moths seen in those areas during a certain time period. That's no reason to change a classification. They're doing the same thing in the Red Desert. They want to make it wilderness because they seen wildlife there. If the wildlife didn't like the multiuse classification they would probably not have stayed there in the first place so don't change anything. Multi-use classification apparently doesn't bother wildlife. Also in the 2009 comprehensive evaluation report page 47 it says that there are no Black-Footed ferrets or habitat on the Shoshone forest. Recently apparently they were seen near Francs pk., can't help but wonder where they suddenly came from. It is understood that there was overwhelming local public support in favor of leaving some motorized use available in these areas. When a public service agency works against the local public landowners that can be considered a criminal act against the public. Declaring a motorized area as non-motorized against the local public interest is a criminal act against the public landowners. - -----

- = It is also understood that the shoshone management supervisors were possibly coerced by environmental racketeering groups to do what they say or face a law suit. These sudden changes to the Plan are mentioned in the final plan revision. These racketeers have been getting away with controlling the outcome of public land policies for a long time. They do this using threats and through fraudulent manipulation of the input process. Public input generated by environmental racketeers should not be counted as valid because we know from personal experience that those form letters they send to the public asking for donations to solve a problem that doesn't really exist are deceptive lies to trick the public into sending them money. These environmental racketeering groups use natural public lands to make money, that is their main interest. They are not the experts on nature. They use plants and animals as leverage to convince the public to

send donations. They also use emails to tell the public what to say in their own words to make it look genuine. Most of the public outside of this region has no clue what's going on here or has any direct involvement. This is why valid public input should only be counted from this region concerning major policy changes, in this case the rocky mtn. Region. And not from form letters. These racketeering environmental groups can be a threat to the natural environment and to the state economically. So it is the duty of the public servant to report abuses of power or refuse to participate in them and the excuse that I was just doing my job won't work. The federal government can bring these racketeering environmental groups to justice using the Rico Act. If anymore public land is classified as any type of non-motorized or wilderness that might be grounds for transferring full public land management to the state. - ----- -

Because the Forest Service sometimes lacks factual predicate for its proposed rules, the analysis must extend further to the real impact and underlying intent of the rulemaking itself.

- Since the rules are put forth under the guise of land use regulation, it must assess whether they actually serve any legitimate purposes of land and resource protection.
- And since they are built upon a history of questionable and sometimes draconian enforcement tactics on the part of the government, the political motives must also be examined.
- The Agency's position stands upon its "congressional mandate to protect the national forests", under Title 16 USC (FR, pg. 26940). This does not in itself constitute grounds for regulation. The Forest Service's congressional mandate is not at issue. The issue -- unaddressed by the proposed rulemaking -- is the long and consistent recognition that rights cannot legally be abridged by decree of executive agencies, e.g.:

"An act repugnant to the Constitution cannot become law." *Marbury v. Madison*, 5 (1 Cranch) U.S. 137 (1803). See also, *Morrill v. Jones*, 106 U.S. 467 (1821); *United States v. Greenburgh*, 453 U.S. 114 (1981); *Rainbow*, at 312, n. 6.

"The words 'to diminish the Constitutional rights of any person' are omitted as surplusage as there is nothing in the Act that can reasonably be construed to diminish those rights and because a statute may not operate in derogation of the Constitution." 5 U.S.C. Sec. 559, *Historical and Revision Notes*. ----- As a public land use regulation, the proposed rules are subject to the 'rational basis' test at the heart of land use and environmental law: The agency must show valid reasons to restrain specific uses, structures, or activities -- demonstrating actual impacts and appropriate mitigating measures. This connects to the broader mandates of the law that a 'significant' or 'compelling' government interest must be established before regulations may be imposed, and that regulations be "well-reasoned": "Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action." Executive Order 12291, Section 2(a). ----- --It has been stated --" Providing secure habitat (areas free of motorized access) is important to enable bears to fully use their food sources, denning sites, and other living needs. Human presence can limit bear use of habitat,

