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Hand Delivered

October 30, 2015
Forest Supervisor
Shoshone National Forest

Subject: SNF travel management plan proposals

Dear Mr. Alexander,

Enclosed are two travel management proposals for the Wind River District of the SNF. These proposals are adopted as my own.

In addition I strongly oppose closure of any part of the Indian Point (Bear Basin to Double Cabin) atv and or jeep road. During the early 1970s community members agreed to make improvements to this road in order to prevent its closure by the FS. A privately owned bull dozer was use to make the improvements. Closure of this road would suggest that the FS does not intend to honor its agreements.

Thank you for your consideration.

Very truly yours



Bob Baker

Encl:

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 maintane 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 germinus 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]

² 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 frances 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 Frances 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, create tolerance among some bears that allows for interaction at great risk to the bears."
- There seems to be biases against motorized use making it look like motorized use is supposedly at fault. We know better than that. The only time human presence disturbs wildlife is during hunting. Most of the time not, depends on the human. Some humans have a spiritual connection with wildlife so they value our presence. Maybe we should start restricting and micromanaging other modes of transportation like recreational horses, mules and skiing. Let's say no skiing between December and June, any other time only on designated gravel roads. We all know a predator on skis is a threat to the lynx and destructive to its habitat. Or how about only miniature horses allowed in places like the Dunior because full size horses and mules are too wide.
- Except for professional fulltime outfitters or ranchers who are not affiliated with any environmental group, recreational horses, mules and skiing should be banned from areas on the forest that are off-limits to motorized use, that way everyone is treated the same for the same reason. Horses and mules are not native species to this area. They are not part of the wilderness ecosystem. They take away from the wilderness characteristics. They cause ground disturbance (resource damage). They are a disturbance to native plants and wildlife. So why would we allow rec. horses, mules or skiing in places where motorized use is not allowed.
- There is no need to place seasonal restrictions anywhere for motorized use, mother nature already does that. You can either go or you can't, some of us enjoy the challenge of trying. For those of us who are equipped early spring to early summer and late autumn is when we visit various elevations to observe seasonal changes. The data is used by selective agencies and by local ranches for their irrigation planning.

The best available science is "Traditional ecological knowledge (TEK) describes aboriginal, indigenous, or other forms of traditional knowledge's regarding sustainability of local resources. TEK refers to "a cumulative body of knowledge, belief, and practice, evolving by accumulation of TEK and handed down through generations through traditional songs, stories and beliefs. [It concerns] the relationship of living beings (including human) with their traditional groups and with their environment."

- While it is very good that Traditional Ecological Knowledge is now respected as valid knowledge and is being incorporated into land use management and other resource plans, it opens up some complicated questions. Do the Aboriginal people who hold the knowledge have an intellectual property right over the knowledge, and does usage of the knowledge require permission? Can it be licensed? Copyrighted? Do Intellectual Property laws apply? Does Section 35 of the Constitution Act protect it?
- Since time immemorial, First Nations have had an intricate, respectful, spiritually and physically dependent, grateful, and protective tie to the land. The nature of this tie is not so much one of ownership but one of stewardship. They feel they have been bestowed with a responsibility for the land (and sea) and all of the creatures that inhabit the land with them. This sense of responsibility is greater than an emotional tie -- it is intrinsically tied to the spirits of all aspects of the earth.

Local public land owner, wyo.

Shoshone National Forest Travel Management

Request for Public Input

Ranger District: Wind River Ranger District

Current Proposals

1. Which proposal are you commenting on? (WR-1, WR-2, etc.)? All

2. Provide comments below on the proposal:

Please be specific and provide rationale for your position. In other words, what do you see as the merits or concerns about the proposal.

All proposed loop routes are a good idea for multi use because that will provide a more meaningful recreational experience and expand access capability for more people which would be in agreement with the American Disabilities Act which says everyone has a right to equal access to public places, and provide better access for emergency services. We would also like to see rt. FSR263.2B (Wr-20) reconnected to 531 (moon lake rd.) (WR-21). This would provide an alternate path around the snow drift section of 263, and allow more of us to get off the main road and see more of the woods. Also we would like the old warm springs rd. FSR554.1Q reopened for multi use to moon lake rd. 531 (WR-28). This would provide a nice short cut. FSR605 (WR-5) is also a good truck rd. and should be utilized for multi use to provide equal access to that area for exploration or a spiritual retreat. FSR554.1E already connects to FSR554.1Q (WR-6, WR-17). Most of these proposed loops are already there; they just need to be used. Even if dead end or spur roads like WR-15, WR-20, WR-19 which continues on, etc. are not looped they should remain intact because they provide good quick access to various places for emergency services like search and rescue, ambulance, etc. also they provide a place to get off the main road for a day hike or dispersed camping. Alternates like WR-16 can be closed because there is still access to the same place.

WR-25 Burroughs creek road system will not be subtracted or closed or seasonally closed by managing agencies especially April to July, Mother Nature causes seasonal closures everywhere. Because these roads provide recreational exploration and research opportunities especially during this time period when we go to various elevations to monitor seasonal changes at different places on the forest. The data collected is used by selective agencies and also by local ranches for irrigation planning. We also take this time period for minor maintenance like removing fallen trees from roads and keeping drainage's open to protect roads at various locations. This is also the best time to quietly experience the natural changes in different locations on a more spiritual level which is one of our gifts for being on this planet. This is why access is so important. Visitors and locals who support the community as well as forest service campgrounds use this area too.

The road to castle rock needs to be reopened as multi use WR-30. WR-34A&B are good truck roads; they are solid. These roads open to multi use would make possible inspection of that part of the CDT as well as dispersed camping. WR-31 is capable of truck use also. Roads should not be converted to motorized trails especially where equal access cannot be achieved. That would show discrimination if motorized trails have vehicle size restrictions and would be counter productive. Also doing that would be a waste of a good road. Keep roads as roads. ATV's should have their own trails in roadless areas and not use regular roads. That way there would be no need to convert anything. And then they won't ruin a good road. Most of the motorized trails can accommodate full size vehicles and need to be labeled as multi use for example the upper end of 561(MT-12, 11), and 320.1A on the Washaki district and other places around the forest can accommodate full size vehicles and need to be relabeled that way to designate equal access and comply with equal access laws. It is up to the public land users to know their vehicles and where they can or can't go. All roads on public lands are user created.

Limiting road or trail use to small ATV's (50" or less) serves no purpose; it just creates more problems and violates the ADA. The reason is that ATV's less than 50" axel width are the ones causing most of the ground disturbance, land management agencies call it resource damage even though vehicles can't really damage resources. The narrower the axle the less stable the vehicle especially in steep or rugged terrain. If they hit an object or mud hole in the road they can flip over so they drive wherever they want for safety reasons. They do better on flat even terrain. The narrow ATV's also cause a narrow path in the middle of the road, which resembles erosion to the untrained eye so they think resource damage. This is because of the narrow axle (less than 50") and the high torque to weight ratio inherent in these narrow machines. They can accelerate quickly, spin the wheels easy and throw gravel or mud off the road. We know this is fact. Bigger size vehicles don't have this problem because the wider the axle the more stable the vehicle and bigger vehicles have a less torque to weight ratio so are less likely to spin wheels which means better traction and will stay on the road. Wider axle's also keep the road or trail characteristics in tact. Also truck users tend to keep trails and roads safe with minor maintenance. ATV'ers do not stop and fix. We know from experience Trucks are also capable of leave no trace impact. You can tell where ATV's go. That being said we need to stop micro managing motorized use so much. Public service agencies and special interest groups don't own public lands and should not make all the decisions on behalf of public landowners or over rule local public landowners interests. and cannot restrict access without violating civil and constitutional and inherent rights protected by the 5th and 14th Amendments of the United States Constitution

Public land owner