

May 16, 2019

USDA Forest Service, Region 2
Rocky Mountain Region
Attn: Objection Reviewing Officer
1617 Cole Boulevard, Building 17
Golden, Co 80401

Re: Objections to the Record of Decision (ROD) and Final Environmental Impact Statement (EIS) for the Medicine Bow Landscape Vegetation Analysis Project (LaVA Project)

Dear Reviewing Officer:

The ambitious and comprehensive ROD and final EIS, while somewhat of an improvement from the overly large and ill-defined initial attempts, never-the-less failed to adequately address a number issues that my initial comments targeted. Among the most salient of these objections and suggestions are the following:

1) The ROD arbitrarily selected Alternative 2 as the preferred selection rather than trying to develop and identify a possible **3rd Alternative** that could have addressed the issues raised and it should be developed for review. In essence this was a "take it or leave it" situation ... a poor choice.

2) The proposal to log and employ various treatments (thinning, prescribed burns, etc.) over extensive areas of the identified approximately 360,000 acres will likely have a profound impact on: a) the **habitat** of virtually every creature and the organisms that live within the anticipated project boundaries, many of which will have both short and long-term deleterious effects on the habitat; b) **water** (reduced snow-pack, related run-off, reduced forage, sedimentation erosion, topsoil loss and regenerative impairment, flooding, fish mortality); c) **cover** (thermal, visual, auditory and or flight escape habitat loss causing physical and behavioral wildlife stress).

3) The revised road building that eliminates the 10 miles of permanent **roads** is somewhat of an improvement from the DEIS but it does not fully address: a) the impact that about 600 miles of temporary **road construction**, maintenance and decommissioning will have on wildlife and the local plant communities, b) the precise physical location of each road and its impact on that very specific area, c) the manner in which both the legal and illegal ATV use of these roads during their construction through and after abandonment will then be employed to control their use, i.e., use gates erected to limit or preclude unauthorized use, adequate signage, increased Forest Service Ranger numbers and presence, etc., d) a cost analysis of the added expense to improve and then maintain a large number of both already extant FS roads and also to build and reclaim all the old temporary roads.

(4) In light of the fact that **site parameters** have not been determined for all the 300,000 plus acres it is essential that each sale location evaluate the following: a) elevation, b) site solar orientation, c) average slope, d) annual precipitation, e) site wind direction prevalence, f) the vegetative composition and ground cover percentage, g) ratios of shrub and tree species, h) plant densities, and i) stand age and condition in order that a proper evaluation of its suitability is made.

5) A variety of **logging and treatment options** can have dramatically different impacts on site locations and the fact that the specific management options are not precisely laid out raises

questions as to the actual impacts that are being considered for mitigation: a) noise and optical game disturbance can result in avoidance behavior, b) interrupting seasonal migration corridors, c) degradation of range forage and water resources and d) illegal human activity.

6) Given that **climate change** is a scientifically acknowledged fact, it would seem logical that the EIS would have a substantial number of references and action considerations for its clear influence but that does not seem to be the case, particularly since climate change does impact: a) warmer temperature variations that favor destructive insect populations, i.e., pine beetles, aspen borers, etc., and many invasive plant species, b) the severity and frequency of weather systems that have a direct impact on the types and quantity of measureable precipitation, c) extreme drought and flood conditions, d) severe fire risk, e) lagging regrowth of replanted logging sites and f) disruption of ecosystem wildlife and plant distributions that undermine long term goals.

7) While prescribed burns are mentioned in the EIS as well as other strategies to include "clear cutting" etc., other significant types of **fire management** received little mention but should include: a) a "let it burn" strategy in wilderness areas and roadless areas where no structures or human life would be threatened, b) more reliable tactics not relying on road access, i.e., aircraft water drops, etc., c) a strategy to plant more drought resistant plants and trees in all appropriate post-treatment areas, and d) leaving large areas of clear cut treated space where no replanting would be conducted as a low fuel "natural fire break" in strategic areas throughout the project.

8) Some "boiler plate" **reclamation** strategies are suggested in the FEIS but they did not necessarily include: a) recognition that not all locations should be returned to their original native condition and that many sites should be left "as is" or given a different reclaimed status, b) a few sites could be improved by contemplating wildlife friendly plants in replanting, c) appropriate sites could be improved by adding more water sources, d) sites that show invasive species presence on or near the site should be aggressively treated, and e) physical barriers of various types, i.e., gates, berms, boulders, etc., across decommissioned roads installed to minimize unauthorized travel.

9) The concept of **multiple use** has and will likely be challenged by a project of this extreme magnitude in that: a) large areas of the forest will be unavailable during the various operations of the LaVA project that will restrict public use of the forest for several decades, b) considerable new changes will occur both in terms of access to their familiar locations as well as the distribution of the users across the forest, and c) use of the forest may be forever altered due to the extreme project length (15 years) and size (360,000 acres) of the active logging, treatment and road building areas that will affect nearly half of the acreage in the project's proposed size (850,000 acres).

10) The participation of other **governmental agencies** in the formulation of various aspects of the EIS was evident but the elements of the various contributions were not given sufficient weight in certain areas of management concern. A simple remedy to such omissions would be to: a) adopt one or more of the Wyoming Game and Fish Department wildlife management plans, e.g., the Mule Deer Initiatives, as a guide to forest management planning with respect to wildlife, b) meet regularly with agencies to adapt practices and policy to changes seen on the ground in this project's coverage area, and c) hold meetings on 3 or 5 year intervals to evaluate the project status.

11) While the **Sheep Mountain Game Refuge** (SMGR) was mentioned and a few changes to the management prescriptions were added as was the addition of some clear new restrictions on former commercial activities thereon, a critical and glaring oversight occurred regarding the status of a certain portion of the original SMGR. That oversight entails a failure to recognize the

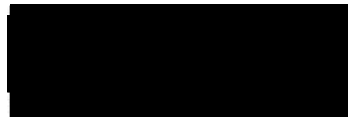
boundary of the refuge as defined by the 1924 Presidential Proclamation that created the new SMGR and established its boundaries (see Proclamation and SMGR map attached). At some point in the last century, the U.S. Forest Service arbitrarily decided to change the SMGR management prescriptions for a portion of the SMGR refuge located west and south of the original boundary. This large parcel of roughly 3,000 acres has since been managed as if it had never been a part of the original SMGR despite FS mapping as late as 2018 that showed the original SMGR boundary lines as intact (see ALP Land Status and Encumbrance Map attached). A recent FOIA request as submitted by the Sierra Club to the FS produced no record of a change in its management status. However, in recent years, the FS in concert with WGFD, did agree to jointly create a "de facto" return to the original SMGR boundary by imposing a road closure order to protect wintering wildlife (see Decision Memo, April 28, 2016). Hence, the USFS should immediately endeavor to restore the SMGR to its original boundaries as no justification can be shown for the changes. A failure to correct this situation could allow additional roads and trails to be built, significant range conditions to deteriorate, wildlife corridors and seasonal occupation to be permanently altered, inappropriate management prescriptions implemented that would violate the semi-roadless and otherwise pristine quality of said acreage necessitating possible litigation to enjoin the FS from implementing the EIS management prescription on these improperly redesignated 3,000 acres.

Thank you for this opportunity to improve and or enhance the final EIS and please give these objections and constructive suggestions their due consideration. I remain,

Respectfully yours,

Signed: Robb D. Hitchcock Date: 5-16-2019

Robb D. Hitchcock



Exhibits: Attachment A - 1924 Coolidge Seventh Proclamation: SMGR

Map – Sheep Mountain Game Refuge, Circa 1924

Forest Service - ALP Land Status and Encumbrance Map, 3-7-2018

Decision Memo for Changes to Eastern Snowy Range Seasonal Big Game Road Closures

SMGR Documents, Maps and Other Exhibits

Attachment A - 1924 Coolidge Seventh Proclamation: SMGR

MEDICINE BOW NATIONAL FOREST

WYOMING

(Seventh Proclamation)

By the President of the United States of America

A Proclamation

WHEREAS, it appears that certain public lands within the area described in the act of Congress approved June 7, 1924 (Public No. 229), which have been found under the terms of said act to be chiefly valuable for national forest purposes, should be added to the Medicine Bow National Forest, in the State of Wyoming, and designated as a refuge for the protection and propagation of game animals and birds;

Now, therefore, I, CALVIN COOLIDGE, President of the United States of America, by virtue of the power in me vested by the aforesaid act of Congress, entitled, "An Act Authorizing the addition of certain lands to the Medicine Bow National Forest, Wyoming, and for other purposes", do proclaim that the boundaries of the said national forest are hereby changed to include the area indicated as an addition on the diagram hereto annexed and forming a part hereof, and that such area is also hereby set aside as a game refuge and shall be recognized as a breeding place for game animals and birds, and that the hunting, trapping, killing, or capturing of any game animals and birds upon said lands is unlawful except under such regulations as may be prescribed by the Secretary of Agriculture;

Provided, that the reservation made by this proclamation shall not affect any valid existing claim, location, or entry under the land laws of the United States whether for homestead, mineral, right of way, or any other purpose, nor the rights of any claimant, locator, or entryman to the full use and enjoyment of such land.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 8th day of August in the year of our Lord one thousand nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-ninth.

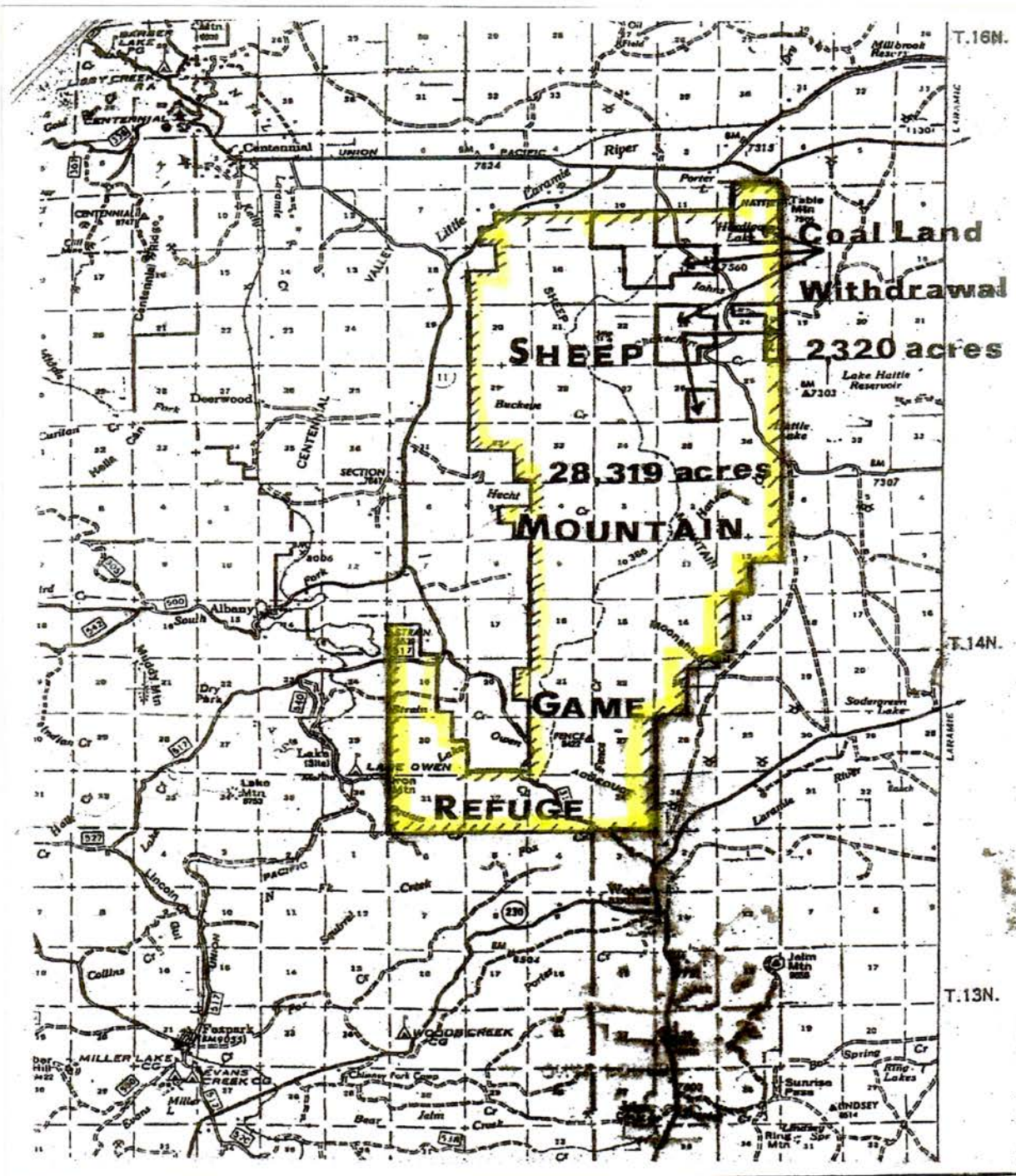
CALVIN COOLIDGE

By the President:

JOSEPH C. Grew,
Acting Secretary of State.

(No. 1708)

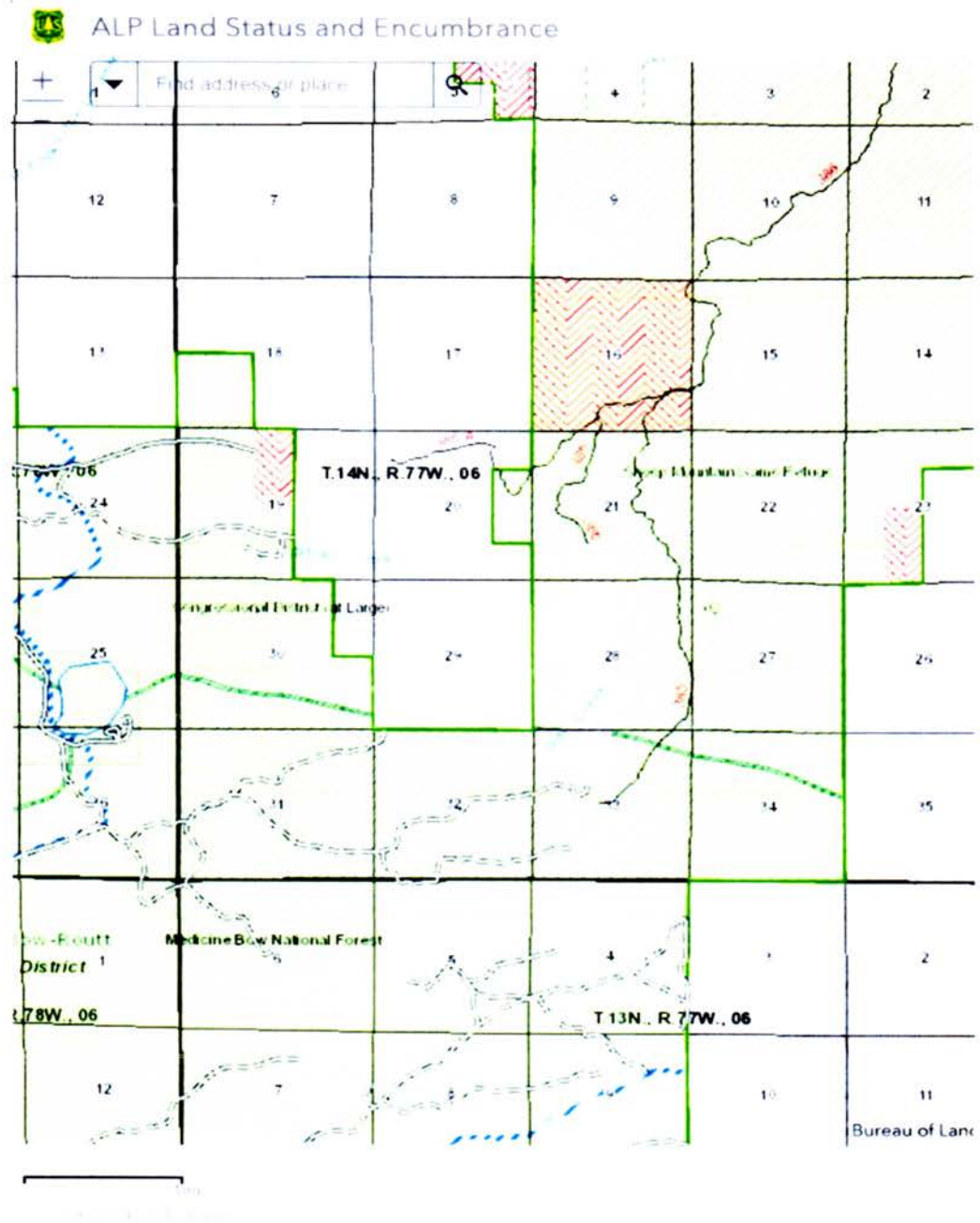
Sheep Mountain Game Refuge – Circa 1924



Forest Service - ALP Land Status and Encumbrance Map

ALP Land Status and Encumbrance

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<https://www.fs.fed.us/land/ALPLandStatusandEncumbrance/>

3/7/2018

Decision Memo Signed for Changes to Eastern Snowy Range Seasonal Big Game Road Closures



News Release

Medicine Bow-Routt National Forests &
Thunder Basin National Grassland
<http://fs.usda.gov/mbf>

(LARAMIE, Wyo.) April 28, 2016 - Laramie District Ranger

Frank Romero signed a U.S. Forest Service (USFS) decision memo earlier this week to improve crucial big game habitat along the southeast boundary of the Snowy Range. The decision will extend existing seasonal road closures on the Medicine Bow National Forest, as well as allow installation of new gates to assist with compliance, and place new sections of area roads under seasonal closures. The project was developed in collaboration with the Wyoming Game and Fish Department, and specifically for the Sheep Mountain Mule Deer Initiative.

Following is information on the project, which will be implemented this fall:

- Existing seasonal closures will be extended from the current dates of Nov. 15 - April 31 to a longer timeframe of Oct. 1 - June 15 each year. This applies to 37 miles of roads on a narrow section of Forest that runs south from near Lake Owen along the foothills to the Wyoming/Colorado state line.
- Five new gates will be installed at locations which access the seasonally closed roads. These gates are meant to better enforce the closures.
- Additional sections of roads that do not currently have seasonal closures will have seasonal closures applied so that gates can be installed at practical traffic pinch points. Approximately 8.6 total miles of roads will have this new seasonal closure, spread over 10 different sections of road directly adjacent to crucial big game habitat.

"I appreciate all of the people who took time to speak with me in person or send in their comments about this project," said Laramie District Ranger Frank Romero. "I did a lot of reading and listening, and feel that I heard those both for and against our proposal. "Ultimately, what led me to this decision is the science that points to how important the habitat is and how herds will benefit from the seasonal closures." By working closely with the Wyoming Game & Fish Department, I think this decision presents a win-win situation. Big game herds win because they get the habitat and protection they need to prosper, and hunters win because the game they seek is more likely to stay on public land and be more available during hunting season. "I want to stress that we are not closing the area to the public. The public may still use the area and even drive relatively close to the Forest boundary in most places. Specific to hunting, this decision just changes the location where the walking portion of the hunt starts," concluded Romero.

"Wyoming Game and Fish Department supports this decision and feels it addresses several of the issues that were brought up during the collaborative Sheep Mountain Mule Deer Initiative meetings," said Corey Class, WGFD Laramie Wildlife Coordinator. "This is an example of how WGFD and the USFS can work together to improve the quality of wildlife habitat and hunting." The area on Forest affected by these closures is critically important to local deer and elk herds as it contains transition habitat, winter range, and fawning and calving areas.

Per direction from the Forest Land and Resource Management Plan, the USFS manages these specific areas to provide adequate amounts of quality forage, cover, and solitude for deer, elk, and other species. The areas should provide sufficient habitat and protection from disturbance to support the population and management objectives for transitioning and wintering deer, elk and other species. The Forest Service develops these objectives in consultation with the WGFD.

A comment period was held from late February through late March in order to solicit public input on the project. Project information, including a map that shows locations of roads with seasonal road closures and gate locations is available on the Medicine Bow National Forest web http://www.fs.fed.us/nepa/nepa_project_exp.php?project=47351feromero@fs.fed.ushttp://fs.usda.gov/mbf