



## WILDERNESS WATCH

*Keeping Wilderness Wild*

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June 25, 2021

Robert Hoelscher  
Pinedale Ranger District  
Bridger-Teton National Forest  
PO Box 220  
Pinedale, WY 82941

RE: Sent Via the Internet

Wilderness Watch is providing these comments on putting cattle into four upper Green River area allotments that were formerly grazed by sheep and that are currently vacant. Wilderness Watch is a national conversation organization dedicated to the proper administration, protection and stewardship of the National Wilderness Preservation System. We have serious problems with the proposal. We also incorporate by reference the excellent comments of Yellowstone to Uintas, Alliance for the Wild Rockies, and the Native Ecosystems Council.

By way of introduction about our concerns, according to data we received from Region IV, the Tosi Creek Allotment is largely within the Gros Ventre Wilderness and both the Elk Ridge and Lime Creek Allotments have wilderness acreage. The Rock Creek Allotment is not within the Gros Ventre Wilderness, but it is nearby. The four allotments are within the Upper Green River<sup>1</sup> area of the Bridger-Teton National Forest, though not within the project area for the Upper Green River Rangeland Project Final Environmental Impact Statement (FEIS) and Record of Decision (ROD).

### I- Wilderness

The provision allowing grazing in the Wilderness Act is an exception to the general mandate of the Act, which requires agencies to manage wilderness areas to preserve their wilderness character and natural conditions. The

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<sup>1</sup> The scoping map leads one to believe these four allotments are within an Upper Green River grouping of allotments, though they were not covered by the FEIS on the other allotments.

Wilderness Act is a substantive law not a procedural statute, though it appears to be being treated as one.<sup>2</sup> The language concerning livestock grazing in wilderness is a mere forty words long: “Within wilderness areas in the national forests designated by this Act...the grazing of livestock, where established prior to September 3, 1964, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.” Thus, grazing which existed in wilderness areas when the Wilderness Act was enacted may continue.<sup>3</sup>

In other words, grazing is an exception to normal wilderness protections. It is a use that, by definition and practice, degrades Wilderness. The Wilderness Act does not grant special privileges to those that graze their cattle or sheep in Wilderness that are not available on other national forest system lands. The agency can, and should take action when grazing is affecting other values such as wildlife or watersheds.

The fact the allotments have been vacant is also significant. The permittees who now wish to use the allotments were compensated by a third party to relinquish the allotments for wildlife protection purposes. We realize the Forest Service does not intend to recognize such a transaction. This is opposite of how the agency operates when allotments “change hands” through the exchange of money between livestock producers. Nonetheless, it should be a factor in the analysis.

In fact, the Bridger-Teton Forest Plan states, “**Vacant Allotment Guideline** - Vacant allotments will be restocked only to meet resource- management needs,” Which applies in this part of the Gros Ventre Wilderness. Nothing in the scoping letter suggests there is a resource need to restock these allotments with cattle. Indeed, the area is important for grizzlies and other wildlife that it is hard to see what how grazing would meet any resource management need. Rather, allowing grazing in these allotments would tend to increase conflict in Wilderness between wildlife and cattle and human visitors and cattle.

Records we obtained through the Freedom of Information Act clearly document conflict between cattle and grizzlies (wolves too) in the allotments in this area. Opening more areas to cattle grazing would leave fewer areas without conflict and jeopardize the wildlife in Wilderness.

What aren't well documented in the FEIS are conflicts between cattle and wild ungulates in terms of social displacement and impacts to other herbivores (aside from snowshoe hares). In terms of the forage amount, the allocation to elk pales in comparison to cattle under every alternative except the no grazing option. Opening these allotments would only continue this bias toward domestic cattle and against native wildlife in an area that is critically important for threatened species like the grizzly.

The NEPA document must also consider impacts from creating infrastructure in Wilderness, as well as the potential requests for motor vehicle use. Cattle, in particular, need infrastructure and that could create new and additional impacts to the Wilderness. Structures and motorized and mechanized transports are generally prohibited in Wilderness under section 4(c) of the Act. The

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<sup>2</sup> See Kammer, attached to this comment.

<sup>3</sup> It should be noted that no “reasonable regulations” specifically applicable to grazing in Wilderness have ever been developed by the Forest Service.

scoping letter gives no real guidance on these issues.

Impacts to wilderness vegetation, water quality, soils, wildlife, and wilderness recreation must also be documented in any analysis. In other words, what are the impacts to the characteristics of this part of the Gros Ventre Wilderness from introducing a non-native grazer in prime wildlife habitat?

## **II- NEPA**

The scope of this project alone is enough to require the preparation of an EIS. Please note that the adjacent allotments were analyzed in an EIS.

In assessing “context,” agencies must look at different geographic scales and the short- and long-term impacts of the proposed action within those different geographic scales (40 C.F.R. § 1508.27(a)). In assessing “intensity,” agencies must look at the severity of the impact based on several factors:

1. The fact that impacts “may be both beneficial and adverse” and that “[a] significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.” 40 C.F.R § 1508.27b(1). For all allotments in the project area there appear to be significant long-term negative impacts associated with livestock grazing.
2. “The degree to which the proposed action affects public health and safety.” 40 C.F.R § 1508.27b (2).
3. “Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.” 40 C.F.R § 1508.27b (3). The area includes part of the Gros Ventre Wilderness.
4. “The degree to which the effects on the quality of the human environment are likely to be highly controversial.” 40 C.F.R § 1508.27b (4).
5. “The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.” 40 C.F.R § 1508.27b (5).
6. “The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.” 40 C.F.R § 1508.27b (6).
7. “Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.” 40 C.F.R § 1508.27b (7). In this instance, there are cumulative and connected issues associated with the adjacent allotments in the upper Green River.

8. “The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.” 40 C.F.R § 1508.27b (8).

9. “The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.” 40 C.F.R § 1508.27b (9). Grizzlies and lynx both occur in the area.

10. “Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.” 40 C.F.R § 1508.27b (10).

The above speak to the need to prepare an EIS. The scope of this project clearly precludes the use of an EA and there are many reasons that a Finding of No Significant Impact is inappropriate.

Please keep us updated on this proposal and send us any further documents or notices about comment periods or objection periods.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Macfarlane".

Gary Macfarlane  
Board Member