



WILDERNESS WATCH

Keeping Wilderness Wild

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RE: Sent Via the Internet and to mark.foster@usda.gov

Wilderness Watch is providing these comments on the Elk Ridge Complex Rangeland Supplementation Project Environmental Assessment (EA). It would allow ranchers to put cattle into four upper Green River area allotments 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. While the EA fails to fully analyze legitimate alternatives, of the two alternatives fully analyzed, no-action is the only sound option. Given the importance of the wilderness, wildlife and watersheds of this part of the Greater Yellowstone Ecosystem, an option that closed the allotments should have been fully analyzed.

Introduction

We already submitted scoping comments, which judging by the EA, the agency largely ignored. Rather than repeat those comments, we have attached them to this comment letter.

The comment period occurs during the holiday season. That is also problematic. Key documents were never produced. Examples include a wildlife specialist report, a wilderness specialist report, or a watershed/fisheries specialist report. The two documents that are available were not accessible on the web until after the beginning of the comment period. In the case of the Range Specialist Report, the link was not working or live and in the case of the Sublette County Conservation District, the report was put on the website after the EA. This suggests that a new

comment period for this EA should be initiated.

Also, the Forest Service seems to rely on other entities for work usually done by the Forest Service including the Sublette County Conservation District and a NEPA contracting entity called DJ&A. Their role is not clearly explained in the EA. Unlike the Forest Service, they are not accountable to all US citizens. This calls for transparency in their roles.

These comments mainly focus on the Gros Ventre Wilderness. We also note that others have also submitted excellent comments that address other aspects of the EA. These include the comment letter from Yellowstone to Uintas, Native Ecosystems Council, and Alliance for the Wild Rockies and a comment letter from Western Watersheds Project

Wilderness

The substance of the EA analysis on Wilderness is misleading and inaccurate. For example, Pages 5, 6, 40 and 41 of the EA lead the reader to believe that domestic animal grazing must continue in Wilderness if it was established at the time of designation. Nothing could be further from the truth. Wilderness is not less protected than other areas of the national forest system in terms of grazing. Grazing can be curtailed or ended because of conflicts with wildlife or watersheds in Wilderness just as it can be outside of Wilderness. We pointed this out in our scoping comments as well.

However, this is not a case of reducing or ending current grazing in Wilderness. There is no grazing in these allotments now. They are currently vacant and the permittees received money from a third party to vacate them, based upon concerns over wildlife. In addition, our scoping comments addressed the Forest Plan direction regarding vacant allotments for this part of the Gros Ventre Wilderness. Because of the importance of this area for wilderness and wildlife, the Forest Plan would seem to suggest these vacant allotments remain unallocated and closed. Thus, the only prudent decision is to reject stocking those allotments.

The EA also admits, “There is limited information describing the character and condition of the Gros Ventre Wilderness at the time of designation.” EA at 41. However, that misses two critical points. The current condition is very relevant, and in the case of livestock grazing, it is better now than at designation because the allotments have been vacant since 2016. Also, grazing in the Gros Ventre Wilderness is by definition an activity that detracts from the Wilderness. It is a nonconforming use. As such, allowing new grazing would detract from the Wilderness and would also conflict with Forest Service Manual direction.

The analysis on the environmental impact is not very useful. Rather than admitting there will be impacts, it states, “livestock grazing *could* have direct impacts on the Wilderness character of the Gros Ventre Wilderness.” EA at 44, emphasis added. The EA then goes on to suggest that if standards were exceeded, “corrective actions would be taken.” EA at 45. The problem is the corrective actions include herding, which is rarely done, and placing mineral blocks, which themselves cause impacts. Neither of these actions is that effective in preventing riparian damage

once cattle become used to spending time in riparian areas.¹ In any case, the current condition of the Tosi Allotment suggests it is not meeting standards. Page 8 of the Range Specialist Report indicates that allotment is below 90% cover, which is the goal.

The EA states, “Wilderness character is the combination of biophysical, experiential, and symbolic qualities that distinguishes wilderness from all other lands. Wilderness character also includes five tangible qualities associated with the biophysical environment: Natural Quality; Untrammelled Quality; Undeveloped Quality; and Opportunities for Solitude or Primitive and Unconfined Recreation Quality.” EA at 40. This is a misreading of the Wilderness Act. Landres and others identified their various attributes of wilderness character by dissecting the Wilderness Act. It was an exercise in reductionism. From our communications with Landres, the main purpose behind this exercise was to be able to objectively monitor changes in wilderness character in the National Wilderness Preservation System. Hence, the protocol titled *Keeping it Wild* and *Keeping it Wild 2*. While this process to define wilderness character was undoubtedly a well-intended effort, as time has passed, it is clear it has serious negative unintended consequences for Wilderness. Other wilderness specialists and researchers recognize these failings in their pointed critique (see Cole et al. 2015). The EA only addresses natural quality (natural conditions is the language used in the Wilderness Act) and leads the reader to believe that management will somehow minimize (not eliminate) impacts to natural conditions.. Even then, the EA does not adequately address natural conditions in terms of the requirements in the Forest Plan. See pages 263 and 266 of the Forest Plan.

Another issue that we asked in our scoping comments regards the use of motorized equipment and building of infrastructure. Will either be allowed in the Gros Ventre Wilderness as result of the Decision Notice that would accompany this EA? These prohibited activities under Section 4(c) of the Wilderness Act are not analyzed in the EA but apparently deferred until the AMP. This violates NEPA.

The EA states about grizzlies in the wilderness section:

While threats to the presence of grizzly bears within the Gros Ventre Wilderness include lethal removals as a result of livestock depredation, the Proposed Action is unlikely to increase the number of grizzly bear-livestock conflicts as additional AUMs will not be issued for the Elk Ridge Complex. In fact, greater management flexibility would be afforded by the Proposed Action as it provides operators with additional tools to proactively mitigate conflict with grizzly bears by distributing cattle across a broader landscape that includes the allotments analyzed under the Upper Green FEIS. In addition, the implementation of Grizzly Bear Conservation Measures will further help to reduce conflicts by reducing the availability of attractants like anthropogenic food, sick and injured cattle, and livestock carcasses in the project area.

EA at 45. The problem with this analysis is that it makes no sense. Spreading out livestock to areas where there are no conflicts now will create more conflicts, not less. Grizzlies will

¹ The EA addresses impacts to eligible Wild and Scenic Rivers (Tosi Creek) in the same way promising impacts would be minimized (EA at 45) and future action taken, if necessary. This check in the mail approach is inadequate from a NEPA or an accountability perspective.

encounter cattle over a broader area and won't have any secure areas. It is a recipe for disaster that will lead to more grizzly and cattle deaths.

In sum, the Wilderness analysis is entirely inadequate. It neglects crucial issues including infrastructure, motorized use, and Forest Service Manual direction on Wilderness (See FSM 2320.6). Therefore, it fails to protect Wilderness.

NEPA and Other Issues

The purpose and need for the proposal suggests managing grazing to maintain health, seemingly forgetting that the area is recovering because it is not currently grazed and is vacant. It then assumes that grazing should be done here, suggesting it is "Congressional intent" to do so. EA at 3. None of the laws that are quoted explicitly require livestock grazing on the Elk Ridge Allotments. In fact, the Multiple Us Sustained Yield Act recognizes that not every use can occur on every acre. Rather, what the Forest Service is proposing is grazing as the dominant use of this area, in spite of Forest Plan direction to the contrary.²

The fact there is only a no-action and proposed action alternative gives further credence to the fear the Forest Service is treating this NEPA document as a pro forma exercise and the fix is in. This violates NEPA's requirements for an adequate range of alternatives. This also violates Forest Plan direction, which calls for either restocking vacant allotments or withdrawing them from grazing (closing). Further evidence of the fix being is found in the analysis prepared by the Sublette County Conservation District:

There have been several meetings with the USFS, Wyoming Game and Fish Department, Sublette County Conservation District (SCCD), wildlife interest groups and the livestock industry looking at options to restock allotments on the Bridger Teton National Forest (BTNF) and these 4 allotments have been identified as a priority within the Pinedale Ranger District.

Elk Ridge Allotment Complex: 1977-2020 Vegetation Analysis at 4. So meetings have been held among certain interests to restock the allotments, yet it would seem the public has not been aware of these meetings. The EA does not explain why these allotments are supposedly so important to be restocked versus any other vacant allotments.

Our scoping comments also addressed the need for an EIS. We refer you to those comments.

The EA and associated documents do not detail either the trend or condition in the allotments. One would assume that conditions have improved after five years of rest. Regarding riparian areas, cattle have not been in these allotments for many more years. However, the data are not so clear. The Elk Ridge Allotment Complex: 1977-2020 Vegetation Analysis at pages 9, 87, and 118 at the respective plots documented shows that basal cover has declined significantly. While data are not admittedly directly comparable due to different methodologies (a problem in itself), it is indicative of a potential problem. Also, comparing photos between years can be misleading

² Aside from the Forest Plan direction against filling vacant allotments with other resource values like wildlife, if there is a need for more forage for the cattle in the other upper Green River allotments, then the Forest Service has not only violated NEPA by making this EA a pro forma exercise, it has over allocated those other allotments.

because of differences in precipitation and moisture in various years even if photos were taken on the same date of the same plot, aging of film colors, photo quality, the effective lens size, and possibly other factors.

In terms of suitability, it is instructive to note that only 40% of the allotments are suitable for cattle. EA at 9. This calls into question the idea of filling these vacant allotments. Rather, given the Forest Plan direction, these allotments should be closed.

Summary

Rather than create conflicts where none exist, including within the Gros Ventre Wilderness, the Forest Service should choose an alternative that closes these allotments. This is an important opportunity where the Forest Service could protect one of the nation's most crucial wildland areas and do right by the American public at large. The fact these allotments are currently vacant and unallocated should make the decision easier.

Please keep us fully updated on this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Macfarlane". The signature is fluid and cursive, with the first name "Gary" written in a larger, more prominent script than the last name "Macfarlane".

Gary Macfarlane
Board Member

References

Cole, David, Ed Zahniser, Doug Scott, Roger Kaye, Kevin Proescholdt, and Geroge Nickas. 2015. The Definition of Wilderness Character in "Keeping It Wild" Jeopardizes the Wildness of Wilderness. **2015.**