

February 15, 2022

Teton Division Winter Travel Timing Adjustment
Bridger-Teton National Forest
Jackson Ranger District
P.O. Box 1689 Jackson WY 83001

Submitted online at <https://www.fs.usda.gov/project/?project=61491>

To whom it may concern,

Thank you for the opportunity to comment on the Teton Division Winter Map timing adjustments. Our organizations are very interested in winter recreation management on the Bridger-Teton National Forest and we appreciate the outreach that the Forest Service conducted to inform us of the proposed changes to the Teton Division Winter Travel Map.

Winter Wildlands Alliance is a Boise, Idaho-based nonprofit national advocacy organization representing the interests of human-powered winter recreationists across the U.S. Our mission is to preserve winter wildlands and a quality human-powered snowsports experience on public lands. Many of WWA's members visit the Bridger-Teton National Forest for Nordic and backcountry skiing, snowshoeing and winter hiking and are very interested in winter recreation management on the forest.

The Jackson Hole Conservation Alliance has worked to protect the wildlife, wild places, and community character of Jackson Hole since 1979. Since our founding, we have been *the* local watchdog for land-use planning and wildlife management. Through the Alliance's "Don't Poach the Powder" program, a campaign we started in 2001 to promote important winter wildlife closures of backcountry areas, we educate thousands of community members and visitors on responsible recreation in public lands such as the Bridger-Teton. JHCA, along with our members, has an interest in protecting the landscapes, wildlife, and recreation opportunities of the Bridger-Teton National Forest - our backyard here in Jackson

Greater Yellowstone Coalition represents over 100,000 people from across the region and nation. Since 1983 GYC has envisioned a healthy and intact ecosystem where critical lands and waters are adequately protected; wildlife is managed in a thoughtful, sustainable manner; and a strong, diverse base of support works to conserve this special place as part of a larger, connected Northern Rocky Mountain Region. Ensuring the long-term security of quality habitat (soil, vegetation, etc.) for a diversity of wildlife and valuable water resources on the Bridger-Teton National Forest helps realize this vision amid climate change and for future generations.

The Wyoming Wilderness Association is a statewide nonprofit organization with a mission to protect Wyoming's Wilderness and public wildlands through advocacy, education, and stewardship. Our organization represents the interests of nearly 3,000 conservation, recreation, and outdoor enthusiasts from across Wyoming and the United States, who value the wilderness characteristics of places such as the Bridger-Teton National Forest.

With over one million members and supporters, The Wilderness Society is a national non-profit dedicated to protecting wilderness and inspiring Americans to care for our wild places. Since our founding in 1935, we have worked closely with diverse interests who care about the future of

our national forests. We provide scientific, legal, and policy guidance to land managers, communities, local conservation groups, and state and federal decision-makers aimed at ensuring the best management of our public lands, including responsible and balanced management of motorized recreation. The Wilderness Society has numerous members both locally and nationally that recreate on the Bridger-Teton National Forest and we continue to participate in Forest planning processes.

Overall, we are supportive of these proposed changes, as they will bring consistency to winter travel management on the North Zone, improve enforceability of the winter travel map, reduce public confusion over when and where over-snow vehicle (OSV) use is allowed, and better protect wildlife during their most vulnerable time of year.

Furthermore, we appreciate that the Bridger-Teton acknowledges that this proposed action does not address the full scope of winter travel issues set forth under 36 CFR Part 212, Subpart C – the Over-Snow Vehicle (OSV) Rule. However, in making changes to the Winter Travel Map, the Forest Service must comply with the relevant requirements of the OSV Rule. By doing so, the forest will ensure that it is making winter travel-related decisions in accordance with Forest Service policy.

The OSV Rule, requires each national forest unit with adequate snowfall designate and display on an OSV use map a system of areas and routes where OSVs are permitted to travel; OSV use outside the designated system is prohibited.¹ Thus, rather than allowing OSV use largely by default wherever that use is not specifically prohibited, the rule changes the paradigm to a “closed unless designated open” management regime. Forests must apply and implement the minimization criteria when designating each area and trail where OSV use is permitted.² These criteria require the Forest Service to:

- (1) minimize damage to soil, watershed, vegetation, and other resources of the public lands;
- (2) minimize harassment of wildlife or significant disruption of wildlife habitats; and
- (3) minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands.³

Any areas where cross-country OSV use is permitted must be “discrete, specifically delineated space[s] that [are] smaller . . . than a Ranger District” and located to *minimize* resource damage and conflicts with other recreational uses.⁴

To satisfy the Forest Service’s OSV designation obligations under the executive orders, the agency must apply a transparent and common-sense methodology for meaningful application of each minimization criterion to each area and trail.⁵ That methodology should, at a minimum: provide opportunities for public participation early in the process;⁶ incorporate site-specific

¹ 36 C.F.R. §§ 212.81, 261.14.

² 36 C.F.R. §§ 212.81(d), 212.55(b).

³ Exec. Order No. 11644, § 3(a), 37 Fed. Reg. 2877 (Feb. 8, 1972), *as amended by* Exec. Order No. 11,989, 42 Fed. Reg. 26,959 (May 24, 1977).

⁴ 36 C.F.R. §§ 212.1, 212.81(d), 212.55(b).

⁵ *Idaho Conservation League*, 766 F. Supp. 2d at 1071-74 (agency may not rely on “Route Designation Matrices” that fail to show if or how the agency selected routes with the objective of minimizing their impacts).

⁶ 36 C.F.R. § 212.52(a).

data, the best available scientific information, and best management practices;⁷ account for site-specific and larger-scale impacts;⁸ account for projected climate change impacts, including reduced and less-reliable snowpack and increased vulnerability of wildlife and resources to OSV impacts;⁹ and account for available resources for monitoring and enforcement.¹⁰

Upon public notice, Subpart C permits the Forest Service to grandfather previous decisions made with public involvement that restrict OSV use to designated areas and routes.¹⁷ Prior to grandfathering existing winter travel management decisions by adopting them on an OSV use map, however, the Forest Service must ensure that those decisions were subject to the executive order minimization criteria and other relevant legal requirements. Therefore, if the Bridger-Teton wishes to grandfather this decision into its future Subpart C plan, it must take care to comply with the OSV Rule now.

We look forward to engaging in the upcoming Bridger-Teton forest plan revision process. This process will be critical to setting the stage for comprehensive winter travel planning. In the interim, the Winter Travel Map serves an important role in protecting winter wildlife habitat and managing OSV use on the North Zone.

Sincerely,

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⁷ *Idaho Conservation League*, 766 F. Supp. 2d at 1074-77 (agency failed to utilize monitoring and other site-specific data showing resource damage); *Friends of the Clearwater*, 2015 U.S. Dist. LEXIS 30671, at *24-30, 40-52 (agency failed to consider best available science on impacts of motorized routes on elk habitat effectiveness or to select routes with the objective of minimizing impacts to that habitat and other forest resources).

⁸ *Idaho Conservation League*, 766 F. Supp. 2d at 1066-68, 1074-77 (invalidating travel plan that failed to consider aggregate impacts of short motorized routes on wilderness values or site-specific erosion and other impacts of particular routes).

⁹ 77 Fed. Reg. 77,801, 77,828-29 (Dec. 24, 2014) (Council on Environmental Quality's revised draft guidance recognizing increased vulnerability of resources due to climate change and that "[s]uch considerations are squarely within the realm of NEPA, informing decisions on whether to proceed with and how to design the proposed action so as to minimize impacts on the environment").

¹⁰ *Sierra Club v. U.S. Forest Serv.*, 857 F. Supp. 2d 1167, 1176-78 (D. Utah 2012) (NEPA requires an agency to take a hard look at the impacts of illegal motorized use on forest resources and the likelihood of illegal use continuing under each alternative).

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