



October 15, 2018

Teton County Commissioners
200 S. Willow Street
PO Box 3594
Jackson, Wy 3594
Via email @
commissioners@tetoncounty.wy.gov

Re: Teton WPLI Opposition

Dear Commissioners:

The above Organizations welcome the opportunity provided to voice our **strenuous objections** to the “collaborative” process around the Teton PLI and our vigorous opposition to the end results of the “collaborative”. The Organizations are providing these comments as many of the diverse recreational opportunities in the Greater Yellowstone area are global destinations for all user groups and interests and members of our Organizations consistently visit the

Jackson/Yellowstone area in furtherance of these diverse recreational opportunities. While many of our members deeply value the recreational opportunities provided in the Greater Yellowstone area, they are also not able to travel the long distances that are necessary to attend tonight's meeting. We are submitting these comments in the vigorous support of the objections from local and state multiple use that have been submitted in good faith throughout this process and then largely ignored.

As the Commissioners are now too intimately aware, the discussions around public lands in Teton County and collaborative efforts taken have proven to be problematic at best and the current discussion is simply more evidence of the failure of the collaborative process rather than a reasoned scientifically based vision for the future management of these lands. It is unfortunate that these efforts to "collaborate" have really done nothing more than reopen painful discussions between users who had co-existed successfully in the Greater Yellowstone area for decades. The Organizations would urge the Commissioners to strictly review the conclusions of this collaborative efforts as they are not the result of a collaborative effort but rather are the result of a process that could only result in one conclusion, which has already been found to be unacceptable to the US Congress.

1. Who we are.

Prior to addressing the specific concerns on the Teton PLI, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations.

The Trail Preservation Alliance ("TPA") is a 100 percent volunteer organization whose intention is to be a viable partner, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding. The TPA acts as an advocate of the

sport and takes the necessary action to ensure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands.

Colorado Snowmobile Association ("CSA") was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA has also become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling through work with Federal and state land management agencies and local, state and federal legislators telling the truth about our sport.

The Off-Road Business Association ("ORBA") is a national not-for-profit trade association of motorized off-road related businesses formed to promote and preserve off-road recreation in an environmentally responsible manner and appreciates the opportunity to provide comments on this issue.

The Idaho Recreation Council ("IRC") is a recognized, statewide, collaboration of Idaho recreation enthusiasts and others that will identify and work together on recreation issues in cooperation with land managers, legislators and the public to ensure a positive future for responsible outdoor recreation access for everyone, now and into the future.

The Idaho State Snowmobile Association ("ISSA") is an organization dedicated to preserving, protecting, and promoting snowmobiling in the great state of Idaho. Our members may come from every corner of the state, but they all share one thing in common: their love for snowmobiling.

One Voice is a non-profit national association committed to promoting the rights of motorized enthusiasts and improving advocacy in keeping public and private lands open for responsible recreation through strong leadership, advocacy, and collaboration. One Voice provides a unified voice for motorized recreation through a national platform that represents the diverse off-highway vehicle (OHV) community. For purposes of this correspondence TPA, COHVCO, CSA, ORBA, IRC, ISSA and One Voice will be referred to as "The Organizations".

2a. Landscape concerns with the PLI “collaborative” process which will make any future collaboration VERY difficult.

Collectively, the Organizations have been actively involved in easily thousands of NEPA actions throughout the Western United States over their more than 30 years of existence with US Forest Service, Bureau of Land Management, Dept. of Defense, and Bureau of Reclamation ranging from the recent landscape level forest plan amendments involving Sage Grouse and previous efforts on the Canadian Lynx to planning efforts involving management plans on a particular Forest or Field Office to small level planning efforts involving only a small portion of a Field Office or Ranger District. Our collaborative efforts have also addressed many difficult political issues such as ESA reform with the Western Governors Association; management of the Lake Tahoe Basin area in California and passage of numerous pieces of land management legislation in Congress.

From our perspective, collaborative efforts directly facilitated by land managers or other government interests have a better track record in avoiding bias, finding a true cross section of interests and achieving some level of consensus from groups. This consensus may be as simple as identifying areas where there is no conflict and current management can move forward and other areas where consensus cannot be reached. Has this process been successful every time? That answer is of course no but the percentages of success have certainly been higher and in situations where collaboration cannot be achieved that conclusion has been reached an efforts ceased.

The Organizations have participated in the privately convened efforts similar to the Teton PLI throughout the Western United States which are driven by non-governmental entities including the Gunnison PLI; formative efforts of another PLI in Salida, Colorado; efforts around the Bears Ears area of Utah over the last decade and would like to address some of the systemic issues we have encountered from these non-governmental grassroots efforts. The Organizations would note that there is a significant difference between collaborative efforts that are convened with a true interest in finding common grounds on issues and collaboratives that are actually a coalition of interests that are seeking to create the appearance of broad consensus on issues, often when there is none.

Simply identifying the proper range and balance of interests to be at the table in a collaboration is a major challenge and then getting that diverse group of interests to the table to participate in collaborative efforts is a significant challenge. Once at the table, those interests frequently have varying levels of information and resources available to devote to the collaboration, regardless of the importance of the issue to them. These are critical hurdles to any successful collaboration and appear to be hurdles the Teton PLI effort many not have cleared. It is interesting to note that there is no representation of grazing interests or the timber industry in the Teton PLI despite the fact that these interests would be directly interested in many of the standards that are being recommended in the Teton PLI. This is a sign that maybe everyone was not at the collaborative table that should have been.

Additionally, has been our experience with grassroots collaboratives that:

1. Too often PLI collaborative efforts represent a coalition of interests rather than a truly collaborative effort;
2. Many interests simply are not represented and those that might conflict with the coalition are minimized in the voting process;
3. Too often participation of a group in the PLI process is assumed to mean support for the conclusions;
4. These Collaboratives fail to recognize what is often almost a century of collaborative planning that has gone into Congressional actions on federal lands;
5. Collaborative efforts fail to recognize previous collaborative efforts around legislation and planning;
6. Poor transparency in the PLI process, and almost a complete disregard for the conclusions of prior collaborative efforts when a new collaborative convened by a coalition of interests; and
7. Too often the collaborative starts with the fact all lands are available for Wilderness designation and forces those opposed to such a designation to prove why not.

The Organizations would be remiss if the overlap of these systemic failures in the interest group convened PLI process was not noted in the Teton PLI efforts, where there clearly was a coalition

of interests assembled and then other groups were invited to attend. Many of the systemic failures of the PLI process are on display in the Teton PLI as evidenced by the fact the interests simply were never balanced as directly evidenced by the votes around the preferred alternative.¹ All motorized and mechanical groups opposed the preferred alternative but simply lacked sufficient votes to stop the preferred alternative. This is not a collaborative but rather a coalition of interests failing to address concerns of others and the imposing a predetermined conclusion on a minority position in the group.

Commissioners may be wondering why this is our initial comment on this issue. Our concern is when one collaborative effort is allowed to drift off course or become a vehicle for a predetermined conclusion of a coalition of interests, any collaboration on even basic issues between those groups in the future is made exceptionally difficult and may be functionally impossible in the short term. The Organizations are concerned that the damage may have already occurred in the Teton PLI and functionally precluded even basic collaboration on events or issues in the future. These types of failures of collaboration often have LONG institutional memory and, in this case, these failures have reignited conflicts that were resolved more than 3 decades ago.

2b. Landscape concerns with Wilderness designations and threats identified in Teton Wildlands Conservation Plan.

The Organizations must briefly address what is a systemic issue consistently raised in the documents surrounding the Teton PLI efforts, mainly the levels of development of private lands throughout the western US, and more specifically in the Teton Valley. The Organizations are unable to identify a single restriction in any alternative of the Teton PLI that would address private lands development. This is concerning as there are very effective tools available to limit or restrict private lands development that can be done collaboratively and without collateral impacts to usages not related to the management challenges. One such tool would be the use of

¹ <http://www.tetoncountywy.gov/DocumentCenter/View/8244/1016-WPLI>

private land conservation easements, which have been highly effective in addressing development of private lands. In the Tetons Wildlands Conservation Plan the private lands concern is outlined as follows:

“Now in 2018, the need for such protection is greater than ever, due to a booming population that is projected to continue to grow exponentially. “Conservatively, if the growth rate of the past 30 years continues, the overall population of the Greater Yellowstone region is expected to surge, *in just 13 years’* time, from the current 450,000 denizens, to 677,000. That translates on the ground...to another *100,000* homes” (Wilkins, 2018).”²

The Organizations are also concerned about the development of private lands and clearly establishing this type of foundation would be important to a collaborative effort. Rather than establish that foundation the PLI reaches conclusions that cause us to question how any aspect of the current proposal even begins to address private land development as all restrictions are on federal public lands. Additionally, commonly used tools for private lands management, such as conservation easements, are simply never mentioned in the PLI. Clearly explaining this decision making process would be an important step in developing support for collaborative efforts and this has simply never occurred.

Given that levels of private lands development are entirely unrelated to federal public lands, as we are unaware of ANY planning on federal public lands in the western united states that allows the development of those lands for private residential ownership. This brings us to a landscape level failure of the Teton PLI collaborative discussions as the tools that could be used to address high levels of development on private lands, such as conservation easements, are never even addressed. ***Even if the most restrictive proposals in the Teton PLI are adopted, not a single house would be prohibited from being built on private lands adjacent to public lands.*** While the major

² See, Dorsey et al; *A Teton Wildlands Conservation Plan*; August 1, 2018 at pg. 3. A copy of this document is available here: <http://files.constantcontact.com/8cb5842b401/892fa6e9-fca0-4a3a-a3cd-9377fdadc2ba.pdf>

threat is not even addressed, massive impacts to recreation on public lands that has occurred for decades without issue or conflict, would result.

3. Current Federal Law is simply disregarded

Existing federal law and prohibitions for the Greater Yellowstone area has resulted in the largest protected block of federal lands in the greater 48 states, and existing federal law has also provided specific protections of many multiple uses on public lands in the Yellowstone Area. This legislation has been the result of extensive collaborations around each piece of legislation that has been developed into law. These collaboratives around previous Congressional action have provided the following protections of multiple uses in federal law in the Teton PLI areas and the balance that is provided in these provisions simply cannot be overlooked. While the Teton Wildlands Conservation Plan and PLI efforts addresses the Wyoming Wilderness Act of 1984 and the Wilderness Act of 1964, these references simply provide a horribly incomplete summary of some Congressional Actions and others are simply never even mentioned.

The Organizations are compelled to address the specific provisions of this legislation in order to provide a complete review of the collaboration that has occurred previously around these Congressional actions and to allow a complete understanding of the conflict between current collaboration, that has resulted in massive user conflict on issues that have not had conflict for decades, and historical collaborations that resulted in federal law. While existing federal law was discussed in presentations during PLI, even these presentations remain fatally flawed, as many protections were inaccurately summarized, others completely ignored and all were provided as a single small issue in a much larger discussion. After reviewing these presentations the information merely checked a box rather than triggering meaningful discussion of issues. That is a problem.

Currently, Federal law creating the Gros Ventre and Jedediah Wilderness provides explicit protections of generalized multiple usage outside these Wilderness areas as follows:

“(b) The purposes of this Act are to—

(1) designate certain National Forest System lands in Wyoming for inclusion in the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people; and

(2) insure that certain National Forest System lands in the State of Wyoming be made available for uses other than wilderness in accordance with applicable national forest laws and planning procedures and the provisions of this Act.”³

The desire to protect multiple uses outside newly designated Wilderness areas was specifically identified by Congress with the passage of the 1984 Wyoming Wilderness Act as follows:

“(3) review and evaluation of roadless and undeveloped lands in the National Forest System in Wyoming have also identified those areas which should be specially managed, deserve further study, or which should be available for multiple uses other than wilderness, subject to the Forest Service's land management planning process and the provisions of this Act.”⁴

Congress also specifically provided for the protection of multiple usages outside newly designated Wilderness areas in the 1984 Wyoming Wilderness Act with the following limitation of buffer area concerns as follows:

“Congress does not intend that the designation of wilderness areas in the State of Wyoming lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen

³ See, Wyoming Wilderness Act of 1984; Public Law 98-550 @ §102(b)

⁴ See, Wyoming Wilderness Act of 1984; Public Law 98-550 @ §102(a)(3)

or heard from within any wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.”⁵

It is interesting to note that at no point in the presentation materials is the “no buffer” restriction even mentioned. The Organizations are simply unable to identify how the specific protections of non-wilderness multiple use in areas not designated as Wilderness and clear mandates of “no buffers” around many of the Wilderness areas now proposed to be expanded could ever be summarized as “lands being released”. Such a summary is clearly in direct conflict with the intent and language of these provisions of Federal law.

Clearly, protecting multiple uses was a major concern when the 1984 Wyoming Wilderness act was passed as when the Palisade, High Lake and Shoal Creek WSA were established, Congress took the additional step of specifically protecting OSV travel in these areas with the following provisions:

“(4) within the Palisades, High Lakes and Shoal Creek Wilderness Study Areas, snowmobiling shall continue to be allowed in the same manner and degree as was occurring prior to the date of enactment of this Act.”⁶

While this provision is arguably mentioned in informational presentations during the PLI process, the Organizations are unable to identify any factual or logical basis for resolution of conflict between these provisions of federal law and recommendations now made from the PLI process. Regardless of what type of management designation is created in the Teton PLI, understanding the usages and protections specifically identified for these areas in federal law would be a major discussion point of analysis and discussion. Rather than being a major point of discussion, the Organizations are troubled that these protections and federal laws were simply summarized as “lands being released” in presentations given to the Teton PLI group. This causes us grave concern about the collaborative process and the recommendations that have come from it.

⁵ See, Wyoming Wilderness Act of 1984; Public Law 98-550 @ §504.

⁶ See, Wyoming Wilderness Act of 1984; Public Law 98-550 @ §301(c)(4)

4. Efforts to address Forest Health challenges would be prohibited by the Teton PLI.

As we have previously noted, we have concerns around the diversity of interests that were convened for the Teton PLI, as there does not appear to be any ranching or timber representatives even at the table. The Organizations would also be remiss if the failure to meaningfully address forest health management in the Proposal area were not addressed, and as result the Proposal simply fails to even address what is probably the single largest challenge facing public lands in this generation. Such failures in analysis cause even greater concern for the effectiveness of the collaborative process and directly undermines any value in the final recommendation.

The Organizations submit that the current poor forest health existing on public lands throughout the western United States is simply unacceptable to us, and that any management recommendations must be asking if the recommendation is helping resolve this issue or placing a barrier to active management necessary to address this challenge. The fact that catastrophic wildfire is now commonplace throughout the western US causes major health concerns for all residents of the western US as our cities are commonly blanketed in choking smoke for significant portions of the summer and our water and other resources are often deeply impacted before, during and after major fire events. These impacts are unacceptable to not only the recreational community but most residents of western states.

Not only are the impacts of poor forest health and wildfire major concerns to all residents of the western US, these issues are also one of the largest challenges facing recreational usage of public lands. A consistent maintenance challenge on any trail is the need to cut literally thousands of dead trees off of routes as a result of poor forest health degrading root systems to a level where the dead and dying trees are no longer able to avoid gravity in even minor wind events. The only effective manner to deal with this issue is mechanical maintenance such as chainsaws and pickup trucks. The concerns about maintenance restrictions are compounded in those areas impacted by catastrophic wildfire. Even in areas where there are minimal management restrictions, reopening any route after a catastrophic wildfire commonly takes decades and costs hundreds

of thousands of dollars that commonly land managers simply do not have. Without funding these routes are commonly lost and that should be unacceptable to everyone

Given the importance of basic forest health to all residents of western states and more specifically the trails or dispersed recreational community, the Organizations would have expected this to be a major point of discussion in any collaborative. Surprisingly there appears to be no discussion at all on this issue in the Teton PLI. This results in a recommendation from the PLI for management of areas that directly conflicts with recommendations on this issue from Nationally recognized experts in forest health. The Wyoming State Forester recently concluded that Wyoming's biggest **forest** health threats include:

- Forest structure
 - Lack of forest age class diversity
 - Too much dead wood
- Fire
 - Altered fire return intervals
 - Four biggest fire seasons within last decade
 - Wildland-urban interface development
- Logging industry
 - Four decades of decline
 - Economically difficult to remove wood
- Lack of water
 - Low moisture & high temperature
 - Fire suppression & less harvesting = more trees
 - More trees = more water needed
- Early 2000s drought led to more tree mortality
- Competition alone is enough to lead to beetle attack”⁷

Given that the Teton PLI precludes all the management tools that the Wyoming State Forester has identified as major tools for re-establishing a healthy forest and balanced ecosystem, the Organizations must question if this issue was even addressed and if it was addressed how was this conclusion reached?

⁷ See, <https://sites.google.com/a/wyo.gov/forestry/forest-management/forest-health/forest-health-management>

The overlap of the Teton PLI planning area with some of the hardest hit areas in terms of forest health identified by the Wyoming State Forester cannot be overstated. The Wyoming Forester recently concluded that many of the areas addressed in the Teton PLI are also some of the hardest hit in terms of forest health in the entire western United States. This is represented in the following map readily available on the Wyoming Forest Service Website:

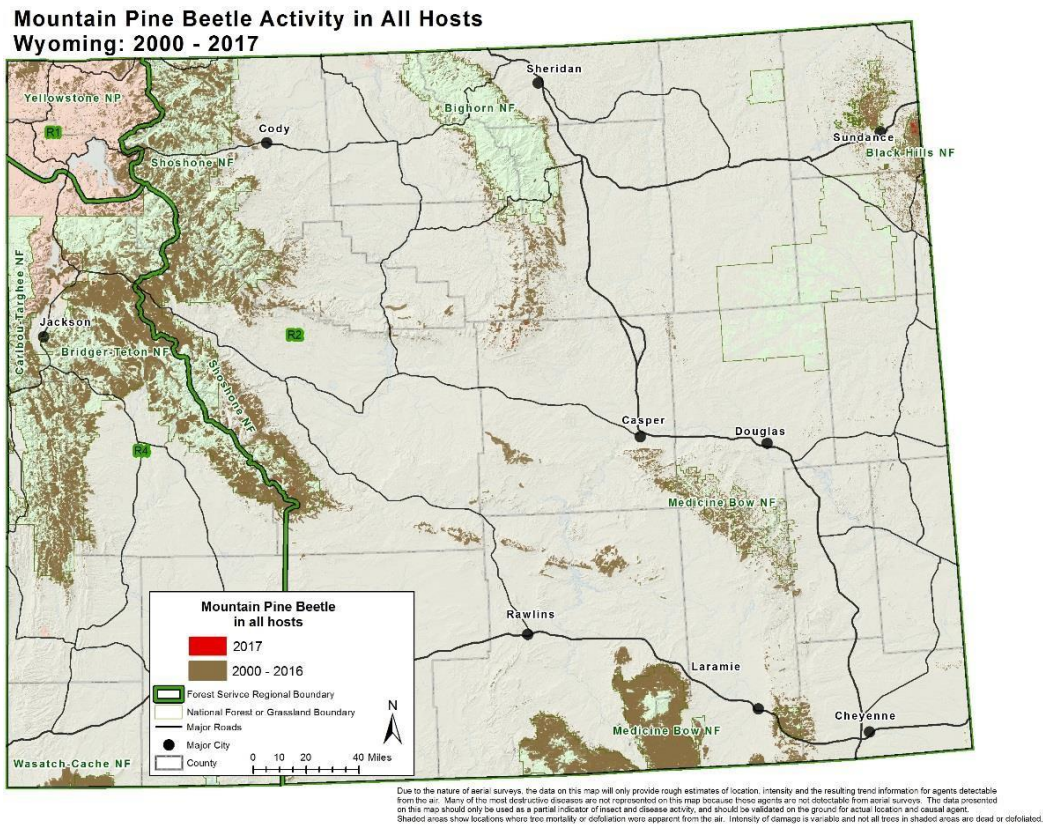


Figure 2. Mountain pine beetle activity in Wyoming 2000 – 2017.⁸

As the Organizations have previously noted, poor forest health is consistently identified as a major public concern, regardless of party or recreational pursuit and we would submit represents probably the largest management challenge facing public lands in this generation. The failure to even begin to address this issue in the Teton PLI has resulted in management recommendations that make management of these areas functionally impossible when compared to the recommendations of nationally recognized experts in forest health. This causes us to question

⁸ See, <https://drive.google.com/file/d/1j6OBB3liyXlx6fiWCsLRmR6Lu-k3vME7/view>

the basic balance of the Teton PLI and more specifically question the value of any conclusions it asserts to provide.

5. Teton PLI results simply destroys remaining multiple use recreational opportunities in the greater Yellowstone Area.

While the Teton PLI fails to address its primary concern regarding development of private lands in the Greater Yellowstone area in any way and also fails to address landscape generational management challenges like forest health, this collaboration does close almost every remaining multiple use recreational area in the Jackson/Teton area. This is both offensive to any notion of collaboration that might be asserted but also in no way furthers the asserted basis of the entire effort.

Given this result the Organizations must oppose any recommendation of the Teton PLI as it simply is an effort from a coalition of interests, many of whom are opposed to the concept of multiple use of public lands to create the appearance of public support for a proposal that has none. This is simply offensive and has probably precluded meaningful collaboration of diverse interests in Teton County for a long time to come.

6. Conclusion.

The above Organizations welcome the voice our VIGOROUS opposition to any assertion the Teton PLI has been collaborative and our vigorous opposition to the basic validity of the conclusions of this “collaborative” process. Not only does the Teton PLI “collaboration” fail to even recognize existing protections of multiple use provided in previous collaborative efforts that resulted in federal law, the Collaboration fails to recognize the critical need to manage for basic forest health issues and a sustainable ecosystem. This failure to address forest health will result in catastrophic limitations on managers ability to address these challenges in the future in any manner.

If you have questions please feel free to contact any of the following persons: Sandra Mitchell at 208-424-3870 and her email is smitchel@alscott.com or Scott Jones, Esq. at 508 Ashford Drive,

Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com or Fred Wiley, ORBA's Executive Director at 1701 Westwind Drive #108, Bakersfield, CA. Mr. Wiley phone is 661-323-1464 and his email is fwiley@orba.biz .

Respectfully Submitted,

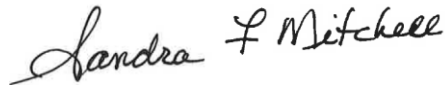


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CC: Honorable Liz Cheney