

EXHIBIT 1

Public Law 98-550
98th Congress

An Act

To designate certain national forest system lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes.

Oct. 30, 1984

[S 543]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Wyoming
Wilderness Act
of 1984.
National
Wilderness
Preservation
System.
National Forest
System.

TITLE I—SHORT TITLE, FINDINGS AND PURPOSES

SHORT TITLE

SEC. 101. **This Act** may be cited as “The Wyoming Wilderness Act of 1984”.

DECLARATION OF FINDINGS AND PURPOSES

SEC. 102. (a) The Congress finds that—

(1) certain areas of undeveloped national forest lands in the State of Wyoming possess outstanding natural characteristics giving them high values as wilderness and will, if properly preserved, be an enduring resource of wilderness for the benefit of the American people;

(2) review and evaluation of roadless and undeveloped lands in the National Forest System of Wyoming have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System’s share of a quality National Wilderness Preservation System; and

(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.

(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.

TITLE 11 — ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

SEC. 201. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890), the following National Forest System lands in the State of Wyoming, as generally depicted on maps appropriately referenced herein, are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

16 USC 1131 note.

(1) certain lands in the Bighorn National Forest, which comprise approximately one hundred ninety-five thousand five hundred acres as generally depicted on a map entitled "Cloud Peak Wilderness Area—Proposed", dated September 1984, and which shall be known as the Cloud Peak Wilderness;

16 USC 1132 note.

(2) certain lands in the Shoshone National Forest, which comprise approximately one hundred and one thousand nine hundred and ninety-one acres, as generally depicted on a map entitled "Popo Agie Wilderness Area—Proposed", dated September 1982, and which shall be known as the Popo Agie Wilderness;

16 USC 1132 note.

(3) subject to valid existing rights and reasonable access to exercise such rights, certain lands in the Bridger-Teton National Forest, which comprise approximately two hundred eighty-seven thousand acres, as generally depicted on a map entitled "Gros Ventre Wilderness Area—Proposed", dated September 1984, and which shall be known as the Gros Ventre Wilderness;

16 USC 1132 note.

(4) certain lands in the Bridger-Teton National Forest, which comprise approximately fourteen thousand acres, as generally depicted on a map entitled, "Winegar Hole Wilderness Area—Proposed", dated September 1984, and which shall be known as the Winegar Hole Wilderness;

16 USC 1132 note.

(5) certain lands in the Targhee National Forest which comprise approximately one hundred sixteen thousand five hundred and thirty-five acres as generally depicted on a map entitled, "Jedediah Smith Wilderness Area—Proposed", dated September 1984, and which shall be known as the Jedediah Smith Wilderness;

16 USC 1132 note.

(6) subject to section 201(c) of this Act, certain lands in the Medicine Bow National Forest which comprise approximately thirty-one thousand three hundred acres as generally depicted on a map entitled, "Huston Park Wilderness Area—Proposed", dated September 1984, and which shall be known as the Huston Park Wilderness;

16 USC 1132 note.

(7) subject to section 201(c) of this Act, certain lands in the Medicine Bow National Forest which comprise approximately ten thousand four hundred acres as generally depicted on a map entitled, "Encampment River Wilderness Area—Proposed", dated September 1984, and which shall be known as the Encampment River Wilderness;

16 USC 1132 note.

(8) subject to section 201(c) of this Act, certain lands in the Medicine Bow and Routt National Forests of Wyoming and Colorado, which comprise approximately twenty-three thousand acres as generally depicted on a map entitled, "Platte River Wilderness Area—Proposed", dated September 1984, and which shall be known as the Platte River Wilderness;

16 USC 1132 note.

(9) certain lands in the Bridger-Teton National Forest, which comprise approximately ~~twenty-eight~~ **twenty-eight** thousand one hundred and fifty-six acres **as** generally depicted on a map entitled, "Corridor Addition to the Teton Wilderness Area—Proposed", dated September 1982, and which are hereby incorporated in and which shall be deemed a part of the Teton Wilderness **as** designated by Public Law 88-577;

16 USC 1131
note.

(10) certain lands in the Bridger-Teton National Forest which comprise approximately thirty-six thousand acres **as** generally depicted on maps entitled, "Silver Creek Addition to the Bridger Wilderness—Proposed", and "Newfork Lake Addition to the Bridger Wilderness—Proposed", dated September 1984, and which are hereby incorporated in and which shall be deemed a part of the Bridger Wilderness as designated by Public Law 88-577;

(11) certain lands in the Shoshone National Forest, which comprise approximately six thousand four hundred and ninety-seven acres, as generally depicted on a map entitled, "Glacier Addition to the Fitzpatrick Wilderness—Area Proposed", dated September 1982, which are hereby incorporated in and which shall be deemed a part of the Fitzpatrick Wilderness as designated by Public Law 94-557 and Public Law 94-567: **Provided**, That within the area referred to in this subparagraph, occasional motorized access for administrative ~~uposes~~ **uposes** and related activities **as** determined necessary by the Secretary for habitat management, trapping, transporting and proper management of the area's bighorn sheep ~~population~~ **population** may be allowed;

16 USC 1132
note.

(12) certain lands in the Shoshone National Forest, which comprise approximately ten thousand acres, as generally depicted on a map entitled, "South Fork Addition to the Washakie Wilderness—Proposed", dated September 1984, and which are hereby incorporated in and which shall be deemed a part of the Washakie Wilderness **as** designated by Public Law 92-476; and

16 USC 1132
note.

(13) certain lands in the Shoshone National Forest, which comprise approximately ~~twenty-one~~ **twenty-one** thousand seven hundred and fifty acres, **as** generally depicted on a map entitled, "High Lakes Addition to the Absaroka-Beartooth Wilderness—Proposed", dated September 1984, and which are hereby incorporated in and which shall be deemed a part of the Absaroka-Beartooth Wilderness **as** designated by Public Law 95-249.

16 USC 1132
note.

(b) The previous classification of each of the following is hereby abolished: the Cloud Peak Primitive Area, the Popo Agie Primitive Area, and the Glacier Primitive Area.

(c) The designation and continued existence of the ~~Huston~~ **Huston** Park, Encampment ~~River~~ **River**, Platte River and Savage Run Wildernesses shall not, under any Federal law, in any way impair or affect any present or future water rights for, and shall not prevent, impair, or in any way affect construction, operation or maintenance of, the Stage II or Stage III water development projects **as** presently defined in Wyoming Statutes, section 41-2-204(a) (iii) and (iv) (1984 Cum. Supp.), (Wyoming Laws 1979, ch. 126, sec. 1), or any subsequent modification thereof, including the water rights required therefor, to the extent that such modification provides for the diversion and transportation of water in the Little Snake River Basin for storage or use in said basin or in Wyoming east of the Continental Divide. No term or condition shall be imposed on any permit, license, right-

of-way or other authorization for said projects on the basis of any present or future wilderness characteristics, wilderness designations, or wilderness studies or evaluations of lands in the Medicine Bow National Forest or in Natrona, Sweetwater, or Carbon Counties in Wyoming.

LEGAL DESCRIPTION AND WILDERNESS BOUNDARIES

SEC. 202. As soon as practicable after the enactment of this Act, a map and a legal description of each area described in titles II and III shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

Public
availability.

APPLICATION OF THE WILDERNESS ACT OF 1964

SEC. 203. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of this Act and the Wilderness Act, except that any reference in the provisions of the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Effective date.

16 USC 1131
note.

TITLE III—WILDERNESS STUDY AREAS

SEC. 301. (a) In furtherance of the purposes of the Wilderness Act, the Secretary of Agriculture shall, upon revision of the initial land management plans for the Bridger-Teton, Targhee, and Shoshone National Forests required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, review the following lands as to their suitability for preservation as wilderness:

16 USC 1600
note.

(1) certain lands in the Bridger-Teton and Targhee National Forests of Wyoming, which comprise approximately one hundred and thirty-five thousand eight hundred and forty acres, as generally depicted on a map entitled "Palisades Wilderness Study Area—Proposed", dated September 1984, and which shall be known as the Palisades Wilderness Study Area;

(2) certain lands in the Bridger-Teton National Forest, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Shoal Creek Wilderness Study Area—Proposed", dated September 1984, and which shall be known as the Shoal Creek Wilderness Study Area; and

(3) certain lands in the Shoshone National Forest of Wyoming, which comprise approximately fourteen thousand seven hundred acres, as generally depicted on a map entitled "High Lakes Wilderness Study Area—Proposed", dated September 1984, and which shall be known as the High Lakes Wilderness Study Area.

(b) Subsequent to such review the Secretary shall submit his reports and findings to the President and the President shall submit

Reports.

his recommendations to the Congress within three years of the date of receipt of the Secretary's report.

(c) Subject to valid existing rights and reasonable access to exercise such rights, until Congress determines otherwise, the Palisades, High Lakes and Shoal Creek Wilderness Study Areas shall be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided, That—*

Petroleum and petroleum products.

(1) with respect to oil and gas exploration and development activities, the Palisades Wilderness Study Area shall be administered under reasonable conditions to protect the environment according to the laws and regulations generally applicable to nonwilderness lands within the National Forest System;

(2) subject to valid existing rights, the Palisades Wilderness Study Area as designated by this Act is hereby withdrawn from all forms of appropriation under the mining laws;

(3) the provisions of section 308 of the Interior Department Appropriations Act for fiscal year 1984 (Public Law 98-146) or similar provisions which may hereafter be enacted concerning oil and gas leasing, exploration and development in further planning or wilderness study areas shall not apply to the Palisades Wilderness Study Area; and

97 Stat. 951.

(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.

TITLE IV—RELEASE OF LANDS FOR MULTIPLE USE MANAGEMENT

ADMINISTRATIVE AND CONGRESSIONAL REVIEW OF ROADLESS AREAS

SEC. 401. (a) The Congress finds that—

. . .

Conservation.

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest roadless areas in Wyoming and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than Wyoming, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Wyoming;

(2) with respect to the national forest lands in the State of Wyoming which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d) except those lands remaining in wilderness study upon enactment of this Act and subject to section 301, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1976 (Public Law 94-588) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preserva-

16 USC 1600 note.

tion System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary finds that conditions in a unit have significantly changed;

16 USC 1604.

(3) areas in the State of Wyoming reviewed in such final environmental statement **or** referred to in subsection (d) and not designated wilderness **or** wilderness study upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 **as** amended by the National Forest Management Act of 1976: **Provided**, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Wyoming are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 **as** amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation **as** may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 **as** amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Wyoming for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) **As** used in this section, and **as** provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 **as** amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to:

(1) National Forest System roadless areas or portions thereof in the State of Wyoming identified by unit plans listed at the end of this subparagraph, which are not designated **as** wilderness by this Act:

National Forest	Unit Plan
Bridger-Teton	Union Pass
Bridger-Teton	Big Piney
Bridger-Teton	Spread Creek
Bridger-Teton	North Gros Ventre
Taglie	West Slope-Tetons
Taglie	Island Park
Medicine Bow	Savage Run
Snake	Beartooth Plateau

(2) that portion of the Beartooth-High Lakes Area not included in wilderness or wilderness study by this Act; and

(3) national forest roadless lands in the State of Wyoming which are less than five thousand acres in size.

(e) The provisions of this section shall not apply to the area referred to in section 5 of Public Law 92-476 (86 Stat. 792) and generally known as the Dunoir Special Management Unit, which shall continue to be managed pursuant to Public Law 92-476.

16 USC 1132
note.

TITLE V—MISCELLANEOUS PROVISIONS

GRAZING IN WILDERNESS AREAS

SEC. 501. The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in the State of Wyoming in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, as interpreted by Public Law 98-406.

Animals.

16 USC 1131
note.
Ante, p. 1485.

STATE WATER ALLOCATION AUTHORITY

SEC. 502. As provided in section 4(d)(6) of the Wilderness Act, except as provided in section 201(c) of this Act, nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from Wyoming water laws.

STATE FISH AND WILDLIFE AUTHORITY

SEC. 503. As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Wyoming with respect to wildlife and fish in the national forests in Wyoming.

16 USC 1133.

PROHIBITION ON BUFFER ZONES

SEC. 504. 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 or heard from within any wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

PROTECTION OF ARCHAEOLOGICAL RESOURCES

SEC. 505. (a) Within the areas described in sections 201 and 301, and within any previously designated components of the National Wilderness Preservation System in the State of Wyoming, and in furtherance of the purposes of the Wilderness Act, section 6 of the National Forest Management Act, the Archaeological Resources and Protection Act, and the Historic Preservation Act, the Secretary shall cooperate with the Secretary of the Interior and with agencies and institutions of the State of Wyoming, in conducting a cultural resources management program.

16 USC 1604,
470aa note, 470
note.

(b) Such program shall have as its purpose the protection of archaeological sites and interpretation of such sites for the public benefit and knowledge, and compliance with all Federal and State

historic and cultural resource preservation statutes, regulations, guidelines, and standards, insofar as these activities are compatible with the purposes for which the affected lands were designated as wilderness or special management areas.

Provisions held
invalid.

SEC. 506. If any provision of this Act or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby.

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 543:

SENATE REPORT No. 98-54 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD.

Vol. 129 (1983): Apr. 13, considered and passed Senate.

Vol. 130 (1984): Oct. 2, considered and passed House, amended.

Oct. 3, Senate concurred in House amendment.

EXHIBIT 2



5575 SPOILED HORSE ROAD
JACKSON, WYOMING, 83001

April 11, 2019

Tricia O'Connor, Forest Supervisor
Bridger Teton National Forest
340 N. Cache
P.O. Box 1888
Jackson, WY 83001

RE: Summer Travel Management for the Palisades and Shoal Creek Wilderness Study Areas

Dear Ms. O'Connor:

We are writing in regards to the use of mechanized vehicles, specifically mountain bikes, in the Palisades Wilderness Study Area, and both motorized (ATV/UTV) and mechanized (mountain bikes) in the Shoal Creek Wilderness Study Areas.

Both the Palisades and Shoal Creek Wilderness were established by Section 301(a) of the 1984 Wyoming Wilderness Act, which requires the Forest Service to maintain the "presently existing character" of both the Palisades and Shoal WSAs. The act does not mention ATV/UTV use, nor mountain biking.

The 1984 Wyoming Wilderness Act requires that the Forest Service does not allow activities such as ATV/UTV use and mountain biking to adversely affect the wilderness character that existed in Palisades and Shoal in 1984, nor the potential to designate both WSAs as Wilderness.

It's Mountain Pursuit's position that the Forest Service is legally bound by the 1984 Wyoming Wilderness Act not to allow any summer motorized/mechanized activity in the Palisades and Shoal WSAs beyond what was occurring in 1984.

However, mountain biking in the Palisades WSA, especially, has exploded in recent years, to include Forest Service - approved new trail construction for the extensive and growing system accessed off of Teton Pass. The fast-growing bikepacking activity, hard-to-detect electric mountain bikes, and rapidly increasing population in Jackson and subsequent social media marketing is continually pushing mountain biking deeper into the Palisades interior and down to the Shoal WSA, in direct violation of the '84 act.

Likewise, the improving technology of ATV/UTVs has significantly increased their motorized use in the Shoal WSA above and beyond what was likely occurring in 1984.

The impact of motorized and mechanized travel on big game, specifically elk and deer, is significant. A 2004 study conducted by the Forest Service at the Starkey Experimental Forest and Range in northeast Oregon, "Effects of Off-Road Recreation on Mule Deer and Elk" found that ATVs and mountain bikes caused a greater flight response amongst deer and elk than horseback riding and hiking, and that the impact to wildlife from ATVs and mountain bikes was similar, despite mountain bikes being quieter.

In 2010, a federal court in Montana struck down a 2006 Forest Service Summer Travel Plan for the Hyalite Porcupine Buffalo Horn Wilderness Study Area over allowed mountain bike use. The Hyalite Porcupine Buffalo

Horn WSA was established by the 1977 Montana Wilderness Act, and also mandated that the Forest Service maintain the wilderness character of the designated WSAs. In the 2010 ruling, the court found that while many trails were open to mountain bikes in 1977, they were not likely present.

We believe the Forest Service has not taken a hard look at the summer motorized and mechanized use within the Palisades and Shoal Creek WSAs and may not be in compliance with the 1984 Wyoming Wilderness Act.

We are writing to respectfully request that the Forest Service:

- (1) Ensure the present and future management of the Palisades and Shoal Creek WESs comply with the Wyoming Wilderness Act's requirements to maintain the wilderness character of the areas as they existed in 1984, the potential for inclusion in the National Wilderness Preservation System, and that summer motorized and mechanized use is occurring only in the manner and degree it was occurring in 1984;
- (2) Provide us with any documentation available as to the manner and degree of motorized and mechanized use of the Palisades and Shoal Creek WSAs as of October in 1984;
- (3) Specifics as to the Forest Service's approval of summer motorized and mechanized use and any expansion of that use, including new trail construction, in the Palisades and Shoal Creek WSAs since October, 1984.

Respectfully,



Founder/President
Mountain Pursuit

EXHIBIT 3

File Code: 2320; 7700
Date: June 14, 2019

Rob Shaul
Mountain Pursuit
Jackson, WY 83001

Dear Rob:

Thank you for your letter of April 18, 2019 requesting information regarding motorized ATV/UTV use and mountain bike use in the Shoal Creek WSA and mountain bike use in the Palisades WSA. As you know through your involvement with the Teton County Wyoming Public Land Initiative, information about the history of motorized and mountain bike decisions was shared with the Committee. Thus, nothing in this letter should be a surprise. Additionally, information in this letter pertains only to the Bridger-Teton National Forest.

Status of Summer Motorized Travel in the WSAs

The portion of the Palisades WSA in the Bridger-Teton National Forest (BTNF) is closed to wheeled motorized travel, including ATV/UTV use. Likewise, the Shoal Creek WSA is closed to wheeled motorized travel with the exception of a portion of the Jack Creek road (Forest road 30650A) which pre-dates passage of the 1984 Wyoming Wilderness Act. Documentation of the analysis and rationale for these decisions can be found in the January 2009 Bridger-Teton Record of Decision and Final EIS for the "Off-Highway Vehicle Designation Project". This planning effort included thorough analysis of the effects of motorized recreation on wildlife, which referenced the study done at the Starkey Experimental Forest in Oregon, as well as a number of other relevant studies.

Motor Vehicle Use Maps (MVUM) are used to display designated open motorized routes and regulate summer travel management. These maps are available via the Forest website at: (<http://www.fs.usda.gov/main/btnf/maps-pubs>). We encourage the public to also download the Avenza application to ensure they are travelling on a designated motorized route. The Jackson Ranger District is responsible for implementing motor vehicle regulations in the BTNF portion of the Palisades WSA. The majority of the Shoal Creek WSA is located on the Big Piney Ranger District. At this point in time we do not have information that indicates motorized use is increasing within the WSAs. Clearly, less motorized use occurs now compared with the 1980s and 1990s, when both WSAs were open to motorized travel. If you are aware of specific locations where motorized use is occurring within either of the WSAs in violation of the MVUM, I encourage you to contact the appropriate Ranger District and work with recreation staff to address the issue.

Status of Mountain Bike Travel in the WSAs

The National Forest Travel Management Rule (Subpart B) pertains only to wheeled motorized travel. Additionally, all types of electric bikes are nationally classified by the Forest Service as motorized and the Bridger-Teton National Forest has clearly communicated that e-bikes are not permitted on non-motorized trails. While some Forests have chosen to analyze mountain bike travel as part of Travel Management planning, non-motorized travel (including mountain bikes) is not governed by the Travel Management Rule, and is not required to be included. The BTNF chose to focus travel planning analysis

on the requirement to address motorized travel, in part due to the often lengthy delays in implementing decisions experienced by those Forests who did choose to include mountain bikes in their travel plans.

With respect to the effects on wildlife, it is well documented that all types of recreation have the potential to disturb wildlife. In addition to the type of use, other factors such as the amount of use, timing of use, location of use, and behavior of users play an important role, with timing (season of use) and location/predictability often cited as critical factors. Numerous studies have examined the relationship between recreation use and wildlife. While there are many references which could be cited, I would suggest the following summaries as an introduction to the literature that includes implications for management decisions. <https://www.americantrails.org/resources/planning-trails-with-wildlife-in-mind-introduction> and <https://visitorsmanagement.nps.gov/Content/documents/Contributing%20Paper%20Impacts%20to%20Wildlife%20Visitor%20Capacity%20Edition%201.pdf>

As opposed to focusing on impacts, I suspect the larger issue is really about the appropriateness of mountain bikes in a WSA. To address mountain biking (or any activity), we are tasked with applying the laws that established an area, whether it be a general National Forest area governed by the Multiple Use-Sustained Yield Act (as well as a number of other laws) or a specific designation within the National Forest such as a WSA established by the Wyoming Wilderness Act. Direction for applying various Congressional laws is found in an individual Forest's Land and Resource Management Plan (i.e. the "Forest Plan") and is also guided by National Forest Service Directives.

The Law: As you have noted, the Wyoming Wilderness Act states that the Palisades and Shoal Creek WSAs "shall be administered so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System" (section 301). The Act provided specific provisions regarding oil and gas exploration, valid existing rights (e.g. property rights), mineral withdrawal, and snowmobiling. The Act is silent regarding mountain biking and other activities that existed within these areas at the time of designation. House and Senate reports which accompanied the legislation are also silent about these uses. The presence of mountain bike use in a roadless area does not preclude the potential of the area from being considered for inclusion in the NWPS and, in fact, due to the area's status as a WSA, such areas are automatically included in the inventory of lands to be evaluated (FSH 1909.12, chapter 70). Numerous examples are available of areas or portions of areas designated by Congress as Wilderness despite the presence of mountain bike use. Maintaining "presently existing wilderness character" is a more subjective requirement, with differing and evolving interpretations. This is where we turn to National Forest Service Directives and Forest Plan direction.

Forest Plan: The 1990 Forest Plan for the Bridger-Teton National Forest contains the following direction for Wilderness Study Areas:

M anagement t Emphasis - *The Wyoming Wilderness Act designated two areas on the Bridger-Teton National Forest for wilderness study: Shoal Creek and Palisades. The Wilderness Study Areas (WSAs) will be managed to protect long-term wilderness attributes. No activities will be allowed that will jeopardize the eligibility of the WSAs for future Congressional designation as Wilderness. Existing uses of the WSAs, such as snowmobiling and mountain biking, will be allowed to continue.*

National Forest Service Directives: Very little national guidance has been available for interim management of a recommended wilderness or wilderness study area. The most relevant guidance is

found in directives for land management planning (FSM 1900). FSM 1923.03 states: *"Effective August 14, 1996, the national directive stated: "A roadless area being evaluated and ultimately recommended for wilderness or wilderness study is not available for any use or activity that may reduce the area's wilderness potential. Activities currently permitted may continue, pending designation, if the activities do not compromise wilderness values of the roadless area."* With publication of the National Forest Planning Rule in 2012 (36 CFR Part 219), the 1923.03 directives were updated effective January 30, 2015, with the following language: *"Any area recommended for wilderness or wilderness study area designation is not available for any use or activity that may reduce the wilderness potential of the area."*

In 2002, Bridger-Teton Forest staff became aware of increasing mountain bike activity in the Teton Pass area with associated unauthorized trail construction. There were also a number of non-system trails in the area created by horse use or historic human activity (e.g. homestead era logging in the Trail Creek/Black Canyon area). The mix of different uses, steep terrain, and limited sight distances due to dense vegetation occurring on non-system trails that were not managed or maintained created a significant safety and resource concern. The Forest solicited public input to develop a proposal, held a well-attended workshop, solicited comment on a scoping document, and held a follow-up workshop. The project was covered extensively in the newspaper and on local TV stations. Based on Forest Plan direction and national Forest Service directives that existed at the time, the focus was on maintaining the physical characteristics of the WSA (i.e. native surface, single-tread trails suitable for non-motorized use) and preventing unauthorized trail construction. The decision document was signed in August 2004. As an outcome of this decision, unauthorized trail construction no longer occurs in the area, two unauthorized trails were closed, mountain bike trespass into the Jedediah Smith Wilderness ceased, and mountain bike use on other trails in the WSA diminished. The two trails with regular mountain bike use that remain in the WSA are Black Canyon and Lithium.

Many of the trails in the Palisades WSA are rugged and subject to frequent landslides and washouts. Overall, the Palisades WSA receives light recreation use except for the easily accessed Teton Pass area. Forest Service trail crews spend considerable time each summer in the Palisades WSA and complete daily records of their observations regarding recreation use. A brief examination of their monitoring data reveals the following information for trails such as Cabin Creek, Dog Creek, Wolf Creek, East Table, North Fork Fall Creek, and Coburn Creek. Comparable information for 1984 doesn't exist.

	2010	2011	2012	2013	2014	2017	2018
Number of patrol hours	218	188	180	202	210	169	233
Total people encountered	55	37	10	21	8	25	13
Number of mtn. bikers encountered	1	0	1	0	0	0	2

Trails in the Shoal Creek WSA are also very rugged and are not maintained annually. Trail specific monitoring data is not available but observations from field personnel suggest mountain bike use rarely occurs. With the exception of the Black Canyon and Lithium trail near Teton Pass, we have no evidence to indicate that mountain bike has significantly increased in the WSAs. If you have data that suggests otherwise, we would certainly be interested in seeing it.

It is clear that many people greatly value the undeveloped, relatively wild attributes that still prevail in the Palisades and Shoal Creek WSAs. However, as the WPLI process demonstrated, there are divergent, passionate views regarding what recreation uses should and should not be allowed in the areas. I believe that we need to use our collective energy to focus on the future rather than debating the past.

Per the Wyoming Wilderness Act, the Forest Service must make a recommendation as part of Forest Plan Revision regarding whether or not the entire area or a portion of the area should be recommended for wilderness designation. We are preparing to undertake this process in accordance with the 2012 Planning Rule and national directives found in Forest Service Handbook 1909.12, chapter 70. I fully expect there to be continued strong disagreement around the future of the WSAs, but we all learned valuable lessons through the WPLI effort, both in terms of substance and process, which will help us move forward. I look forward to working with you as well as other citizens and organizations as we embark on an evidence-based approach to evaluate the myriad of wilderness characteristics these areas possess and craft different alternative future scenarios.

Sincerely,

A stylized, handwritten signature in black ink that reads "Ott--". The "O" is large and loops around, followed by "tt" and two horizontal dashes.

PATruc1A O'CONNOR
Forest Supervisor

Enclosures:

2009 Record of Decision for ORV Designation Project
2004 Decision Memo for Teton Pass Trails