

Fremont County WPLI Advisory Committee Minutes

October 24, 2016 | 6:00 p.m. | Fremont County Commissioners Chambers

Meeting called by	Douglas L. Thompson, FCPLI Chairman	Advisory Committee attendees:
Type of meeting	Regular	Travis Becker, Reg Phillips, Gary Horton, Rick Mickelsen, Gary Horton, Ginger Bennett, Nick Dobric, Josh Milek, Andy Blair and Julia Stuble.
Note taker	Becky Enos	Public: Jaz McDonald, Tonya Pepper, Audy Eckart, Holly Kennedy, Elizabeth Aranow, Karen Snyder, Molly Herber, Brett Swift, Dan Smitherman, Eli Bebout, Peter Dvorak, Dick Inberg, Jessi Johnson, Lauren Heerschap, Caryn Throop, Tom Throop Agency: Cody Booth (SLIB), Jared Oakleaf (BLM), Rick VanderVoet (BLM)

AGENDA TOPICS

Welcome | Commissioner Thompson

The Agenda tonight is pretty much overview from BLM by Rick VanderVoet, Field Manager, Lander Field Office, to review extensive information of WSAs, Wilderness Issues. BLM Outdoor Recreation Planner Jared Oakleaf will review information for the upcoming site visits scheduled for October 29th.

Nick brought this up, and it is important to do a brief statement on differentiating the Wyoming Public Lands Initiative from what is the study of the public transfer of lands that was a legislative study to look at that issue. WPLI is a county based initiative to address WSAs within each individual county, we have 5 units, we will visit those units and we will for the next possibly 1 ½ years look at a set of recommendations for management of those landscapes. We will also field other proposals subsequent to that process so there can be some other land swaps, one that is being tentatively proposed, so our purpose is not to take a position in any type of state management or ownership of federal lands. The two issues have kind of got intermixed but are two separate processes and we want everyone to understand what we are doing here is a separate process with a specific purpose.

Approval of Agenda | Commissioner Thompson

Reg moved, Ginger seconded, to approve the Agenda as presented. Motion carried unanimously.

Approval of Minutes | Commissioner Thompson

Travis moved, Reg seconded, to approve the minutes of the Regular meeting of September 26, 2016. Motion carried unanimously. Gary stated Doug explained the Commission's decision regarding a tribal member addition, but wanted to make sure the discussion regarding the tribal member discussion was understood by everyone as his concern that the general public, when reading the minutes, may not be clear enough. It is a convoluted issue but he want to make sure the public understands. Andy was absent at that meeting, but had visited with Julia in the interim regarding the process, and felt what was in the minutes was fine.

Doug introduced BLM Lander Field Manager Rick VanderVoet who presented a power point presentation. He has quite a bit of history in this process, in his previous stations has worked on this issue and will provide where WSA's came from and the inventories and interim activities. Rick provided handouts of the power point presentation. Rick gave some background information on himself, originally started out at Wilderness Management graduate school at the University of Montana and work as a Wilderness Ranger for the Forest Service in the Bob Marshall country at that same time. He has been with BLM WSAs since 1987 and was a team lead on Utah Wilderness inventory for BLM in 1996, been involved in pretty much every BLM Wilderness training course put together and run internally for close to 25 years. The power point information presented tonight is part of the first unit of a new WSA training module for BLM employees that will be out in about three months and is still being developed so we are getting a first look, about half of the first module. He is a member of the Society for Wilderness Stewardship and have been since its foundation.

He proceeded to begin the WSA 101 presentation and then will answer questions that the Advisory Committee had at their last meeting.

What is a Wilderness Study Area? A special designation that applies to all lands that will be in that status until Congress makes a decision. Congress is the only entity that makes the decision. There are five WSA's in Fremont County and eight in the Lander Field Office which includes some that spills into Natrona County (53,495 acres).

Wilderness Study Areas are not designated wilderness, but Congress could designate them as wilderness in the future. One of the relationships between WSAs and designated Wilderness is that most BLM Wilderness areas were WSAs first. In fact, about 200 study areas have become designated Wilderness since the passage of FLPMA. Last Friday was an important date, the 40th anniversary of the Federal Land Policy and Management Act which is BLMs organic legislation. In term of WSAs, it is also very important for a number of reasons, it's what gave BLM the authority to study wilderness, manage designated Wilderness and also the base __ for conditions in WSA. We are managing, it's a general rule, WSA today to be in the same or better condition from a wilderness standpoint as they were on October 21, 1976. The big thing we will spend the most time on is FLPMA gave us 15 years to look at every acre of BLM land across the country. BLM is the largest land management agency, compared to the Forest Service, Fish and Wildlife Service, Park Service. So a pretty big job but the law laid out general process for here is how we want you to look at the BLM land and see what qualifies as Wilderness and make some recommendations. They met the deadline in 1993. The law also lays out the criteria for wilderness characteristics.

The BLMs Wilderness Program manages: Wilderness, Wilderness Study Areas and Lands with wilderness characteristics. The 15 year process is composed of three main components, an inventory (actually went out and looked), study (wrote Environmental Impact Statements) about findings and made decisions about what would be WSA and then the report to congress is the third part of that process. Secretary of Interior gave to the President who gave to Congress in 1993. When FLPMA was passed it was envisioned we would be done with WSA, maybe even before BLM completed 15 year job, here we are 40 years later still managing WSAs.

Basic difference when we say Wilderness program in BLM we have three different types of areas: the designated Wilderness, WSA and Lands with wilderness characteristics. All three categories ties back to the Wilderness Act, Section 2(a) which was passed in 1964 after 40-50 years of work. In 1964 BLM did have Wilderness responsibility like the Forest Service was the main beneficiary in the 1964 Act and had some instant designations. The Wilderness Act basically says that we are a rich nation and can afford to set aside some lands. Important quotes are "...to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas..." "...there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by the Congress as "wilderness areas..." "...for the use and enjoyment of the American People..."

**Wilderness is part of BLM's multiple use mandate. Definition of multiple use (FLPMA, Sec. 103) "...making the most judicious use of the land for some or all of these resources or related services." "...the use of some lands for less than all of the resources."

1964 Wilderness Act gave to the Forest Service, Fish and Wildlife Service and Park Service, wilderness authority, not BLM. There was another less well known act passed in 1964 called the Classification of Multiple Use Act which also applied to BLM and told us to go look at different things and classify the public lands in terms of what BLM would keep and would not keep. Up until that time, BLM had primarily been viewed as a disposal agency, we were a product of a forest marriage between the grazing service and general land office. In the land office sale business, our job was to get rid of public and into private hands. So the Classification of Multiple Use Act was the first real indication that maybe BLM should think about holding on to some of these lands and managing them and you need to know what you have out there on the ground. 1984 first big batch of designated Wildernesses for BLM (22 designated in that year). 20 years after Wilderness Act before BLM actually gets in the Wilderness management game in a major way. Map shown that about 500 WSAs still left in the United States, a pretty large number. It is a pretty substantial amount of land as indicated on the map.

Skipped the slide of BLM Director Neil Kornze's photo, he gave a very interesting talk a couple of years ago at the 50th anniversary celebration for the Wilderness Act and basically how BLM, even though late to the Wilderness game, are still a major player of how future designations nationally how are likely to come from BLM lands instead of Forest Service or Park Service.

Wilderness Act, Section 2(a): "it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." Wilderness is viewed as a resource, just like forage, water, timber. We consider Wilderness just another one of the many forms of Multiple Use that BLM performs in caretaking of public lands. You can get a degree in Wilderness Management. It is a Discipline and a resource that most federal land management agencies treat that way.

You will hear the comment that Wilderness is not multiple use. In fact, there are several things you cannot do in Wilderness, cannot harvest timber, with limited exceptions you cannot mine, build roads, cannot use motorized or mechanical, recreation. But we can still graze, produce clean air, water, very relevant place for science (frequently overlooked) and of course recreation. The other part about this is that multiple use does not mean every use on every acre. We can manage and as a society make those decisions in public forum in terms of which uses are most appropriate and where.

The Federal Land Policy and Management Act of 1976 requires an inventory of all resources. Section 201(a): "The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values..." So again that is everything, all resources including Wilderness.

FLPMA required special consideration of wilderness resources: 603(a) "the Secretary shall review those roadless areas...identified during the inventory required by section 201(a)...as having wilderness characteristics described in the Wilderness Act...[and] report his recommendation...as wilderness." It refers back to the continuous inventory of all resources on BLM land and specifically says go out and look and find the Wilderness characteristics described in the Wilderness Act and report to the Secretary of Interior. The process was 1976 FLPMA was an initial inventory which was essentially an office exercise (pre GIS and fancy maps, they were using 1/2 to a mile blue line mimeographed maps). Looked and looked and tried to find areas that might qualify. Did an intensive inventory where focused in on those areas and looked at on ground. Both of those were public process with decisions that were made and could be appealed. That takes us through 1976 generally into the early mid 80's when started plugging the information into EISs.

Then prepared the report that went through the Secretary of the Interior, the President and then to Congress. Main Characteristics: Size, Naturalness, Outstanding Opportunities and Other Features. That is what teams on the ground started doing in 1976. Want to emphasize that this was a big deal for the BLM at that time, there was a lot of training courses put together, did field trips with teams working on the ground, getting consistent results,

there was a manual. A standardized process that people were trained to follow. There were some questions from this group about where WSA boundaries came from - they were a result of inventory process as you fine-tuned on the ground these are the areas that may qualify as WSA. Generally you are going to find they are bounded by roads or private land boundary or a state land boundary or some other development (ROW corridor, power line), basically the edge of disturbance would disqualify an area from becoming a WSA.

We always start with size because it is the most quantitative of the characteristics and it's a good screen. If don't have the size to be a WSA then you don't need to look at some of the more difficult characteristics like Naturalness. Roadless areas over 5,000 acres is the basic criteria from the Wilderness Act. There are lots of little exceptions that don't apply in Fremont County (we don't have any islands in the middle of the ocean, etc.). We will get to an area that is 4,999 acres, does that mean it cannot be Wilderness because it is less than 5,000? No, can still have an exception. Again size is the first criteria and characteristic and the first screening factor we looked at in the inventory. Generally it's not just 5,000 acres, it's 5,000 acres that are roadless. Roads seems pretty simple, right, we all know what a road is? There is been 40 years of discussion and arguments about what a road is in terms of Wilderness. So for the purpose of the Wilderness inventory, and BLM, we took language from a House Report that defined a road as being constructed, and that normally means you can see a berm on the side of the road, or has seen a blade in this part of the world, it is maintained regularly and it receives regular use. Seems pretty straight forward but there is a huge grey area.

A slide was given of a road and asked the group "is this a road?" First question is it constructed, any evidence of a bull dozer, road grader, doesn't look like trees cut down or limbed. If it is maintained, the County is doing a terrible job, and does it receive regular use. This might take more research to see where it goes, etc. does it go to a popular trailhead that would indicate it receives regular use. Huge gray area but the slide photo is not a road. Julia - asked if it needed to have all three, not two of the three scenarios. Rick stated correct. Used to call these things WAYS, and in BLM Wilderness Policy that was the term used from 1976 to about the end of the 1990s, but found that was confusing to people so now they are called primitive routes. They can be inside a WSA, can still be used, including by mechanical and motorized vehicles, but it cannot be lengthened or maintained and should not change in condition and character over time in a negative sense, it can change in a positive sense to become grown in or even perhaps put to bed. Again it depends on the use and BLM can address these Primitive Routes in its Land Use Planning process inside of WSAs and make decisions in terms of closing it. Eli - then you get into the definition of a trail, if you go up to the Shoshone Forest and there are trails, but not a road, and they are actually Forest Service signs, on the maps, is there a different interpretation between Forest Service, BLM and Wilderness areas. Rick - for WSA, the answer is yes. The Forest Service has separate process, roadless area review and evaluation, and subsequent processes they have run through their land use planning. Forest Service also has more legislative WSA than BLM does and the Park Service uses a whole different standard yet. A couple of things the questions brings up, were there ATVs and UTVs in 1964 when the Wilderness Act was passed? How about 1976 when FLPMA was passed? How about mountain bikes, how about super fat tire mountain bikes, hang gliders, all kinds of fun stuff. Again, going through the original inventory process as it happened between 1976-1993.

Finishing up the size criteria - one frequent example of areas less than 5,000 acres is when you do border a Forest Service unit. It makes sense a smaller area adjacent to a large Forest Service designated Wilderness, even though less than 5,000 acres it can carry WSA status. Another exception is there sufficiency size to be practical for Wilderness management (generally the 4,999 acre unit). Strategy on things like islands, lakes, ocean, which we do have WSA on, on which the smallest is five acres off the coast of California.

Naturalness is the second criteria "...appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable..." (Wilderness Act, Section 2(c)(1). Now we start to get instead of quantitative but more qualitative (squishy). Again we go back to the Wilderness Act for the base definition. It is important to note that we are not talking about ecological or biological conditions, so this is the human works instead of man's work that is evident on the landscape. And we use another term called substantially unnoticeable. To oversimplify it's like saying "does this area look developed to casual observer?" There may be fences, range improvements, primitive routes, impacts to naturalness across the area, there is a stock pond or two

but they are generally hidden behind hills and fences blend in well with the environment, there are not that many primitive routes. So you tally all these things up and again there is a process to go through to evaluate naturalness that the people who did the inventory, took the training, and followed the handbook.

Third criteria - Outstanding Opportunities "...has outstanding opportunities for solitude or a primitive and unconfined type of recreation..." Wilderness Act, Section (2) (c) (2). This one is an or, so you only need one of them in your potential WSA inventory unit you are good to go on that criteria. You would document (relative popular high quality back country hunting experience that you have to walk into, there is a beautiful view of the canyon that people hike to, two week horseback or backpack trip in this area and not have to retrace your steps).

The fourth one is not mandatory, but need the first three. The Other Features - Not mandatory can be added in but not mandatory, icing on the cake. Don't have to have but frequently they contribute to the wilderness resource, whether it is ecological, geological. In Idaho where he worked, sage grouse was considered another feature and sometimes called supplemental values. Pretty scenery (Badlands in New Mexico). The Wilderness Act does talk about these supplemental values so they can be added in as part of the report, but not necessary.

Two kinds of WSAs - 606 FLPMA 15 yr. inventory, another section of FLPMA right after continuous inventory section that tells how to do Land Use Planning. Up until 1996, we could look at WSAs as a designation of BLM could make through land use planning, generally occurred if we did a big land exchange, land acquisition, acquired lands that had Wilderness characteristics, or could be added to an existing WSA. Some other examples, do have both types in the in Lander Field Office. One of the Section 202 WSAs tonight as a general rule they are treated treat no differently but maybe with a different historic perspective. If you want to get into Section 202 with WSAs, it a whole three hour discussion. Some might have heard that James Watt, Secretary of Interior, tried to de-undesignate all the Section 202 WSAs. Eli - FLPMA very clear about Cooperating Agency Status with County Commissioners in that process, how does that relate to the Wilderness part that you do with BLM with FLPMA? Since they are Elected Officials, they should have a seat at the table. Historically there was less emphasis of that county commissioner formal relationship, many parts of the west strong relationship, not unusual to have the BLM Field Manager to come to the county commissioners. As 40 years have gone by since the passage of FLPMA, gotten more formal about it (Agreements, Cooperating Agency Status). When doing the original Wilderness inventory, there were county commissioner briefings, public comment. Doug - since he has been a county commissioner he has been very involved.

How WSAs managed. Once you got through the initial inventory, then the intensive inventory, you ended up with a WSA with a boundary. Started managing as a WSA while continued to study it and write the Environmental Impact Statement. The main deal in managing a WSA is unimpaired for preservation as Wilderness until congress has determined to designate it, or release it. Congress is the only entity that can make decision, to either designate it, make it Wilderness or release it. BLMs job is to not constrain Congress' decision one way or another. We should not go in and build roads and mine WSA and say to Congress, too bad it does not qualify anymore. BLM won't do things that would encourage Congress to designate as Wilderness, including participate in these meetings set up by the Wyoming Association of Counties, we are here to provide basic facts, information, history, but you won't hear him say one way or another. Not their job in the process, your job is to go through the congressional delegation and work in Congress for making those decisions.

Non-impairment standard, actually pretty rigorous. Do have 40 years of practice doing it, not always universally successful, some that have been wrecked. Any new use proposed for WSA, whether coming from BLM or an external proposal, has to be temporary. The idea behind temporary is if Congress decides tomorrow to designate that area as Wilderness that new use could go away. Create no new surface disturbance (pounding fence poles, wading across meadow). They have a whole list of policy and guidelines to describe what is and what not surface disturbance in WSA is specifically. It is pretty rigorous.

No matter how WSA was designated, whether it is a 603, a 202, it does not matter. A WSA is a WSA is a WSA and all managed the same and particularly in terms of that non-impairment standard so that BLM isn't doing

anything that could constrain Congress' decision. So the non-impairment status applies until either Congress designates as Wilderness or releases it for other forms of multiple use.

Doug had asked about different types of release. You hear the term Hard Release and Soft Release. Generally what those mean is they are not applied to management, so they are going to be released from WSA status and technically legally released from the Wilderness study process. Hard Release traditionally BLM cannot even study the ground ever again, and that is very rare. Only gotten through in limited exceptions for small areas with very specific circumstances. Soft release means it is released to BLM, perhaps with some management language from Congress, but to be managed with surrounding lands and as the current Resource Management Plan would direct which includes maintaining that continuous inventory of all resources. So in theory, the next go round on the RMP we could look at it again for lands with Wilderness character. Soft release means no constraints, goes to regular BLM management. Hard release means BLM is not allow to every study again.

There is no time limit on WSA management. When he was in grad school in the early 80's and studying Wilderness management, the very first course had an esteemed wilderness researcher from what is now the __ Wilderness Research Institute in Missoula come in and said look, allocation will be over in three years. All about Wilderness management and that is what he was there to teach about. Wilderness management, not wilderness allocation. Here we are.....Again, only Congress can make the decision so we are stuck with the current status until Congress makes the decision one way or another.

Always a lot of questions about recommendations. Again, Inventory, Study with the EIS, reporting to Congress through the President, Section 603 told Secretary of the Interior that here is your chance to make a recommendation and tell us what you think. Those recommendations were starting to be put together in the mid 1980's and we can test who was President in 1986 and 1990 and 1993 when the BLM report went to Congress. But every WSA carried a recommendation for Wilderness in its entirety, non-wilderness in its entirety or a portion between the two. Those were the recommendations of the President in 1993. If we were going to do that today with this administration, the recommendations would probably be different. We don't manage the WSAs any differently, based on the recommendation, again a WSA is a WSA is a WSA. So in that sense it is up to you guys how much weight you want to put on the recommendation BLM made in the late 80's and early 90's versus where we are today. Again, the basis of some of those recommendations may have changed. Again for recommending for Wilderness or non-Wilderness.

Again, talked about designated Wilderness (Fitzpatrick Wilderness on the Forest Service), WSA on there is the lands with Wilderness character. Wilderness is preserve wilderness character, managing under Wilderness Act to preserve its wilderness character. Lands with Wilderness characteristics are set up in BLM Land Use Planning RMPs. You identify these lands with Wilderness character and then BLM can make the decision, with public involvement with the County Commissioners, to manage to preserve those characteristics or not to preserve, or to preserve some and not others. And then the WSA is in that holding pattern, no impairment of wilderness characteristics.

So again, Wilderness, unlike WSA, a perpetual designation. There have been very limited instances where something got designated Wilderness and had a small piece taken out, mostly because the original Wilderness legislation made a mistake. We have airports inside designated Wilderness, boundary lines, particularly in the old days. Lands with Wilderness characteristics can and cannot be protected.

FLPMA Sections 201 and 202 early sections talked about continues inventory on the 202 WSAs, so that actually applies to both WSA and lands with Wilderness characteristics. Section 603 is the piece that had BLM to do Wilderness inventory, manage WSAs and then Wilderness Act Section 2A tell what to do with designated Wilderness. Some differences.

Review of how WSAs were designated.

Quick summary, WSA special designation, part of BLM National Conservation Lands, the programs within BLM that includes designated Wilderness, WSA, national monuments, national conservation areas, and wild and scenic

rivers. So there is group, just like we have a range management group that deals with range and livestock and timber management group, oil and gas group. Wilderness is part of multiple multiple use and traces back to FLPMA.

End power point

Doug asked about grandfathered. Term grandfather has two uses. In a WSA very technical, meaning it is defined in manual and applies to grazing and mining activities that were ongoing inside a WSA on Oct 21, 1976, the birthday of FLPMA. The second grandfathered, and there are all kinds of special rules about how to manage in WSA, including some here in Fremont County, and in Lander BLM. The second use is in legislation and that is when congress passes a bill that designates a Wilderness area and they say "we understand (and the best example is back country air strips) and know nonconforming use but we are going to do anyway because we are congress and say Wilderness is what we what it to be so they grandfather this existing use that can stay", even though normally you won't find in Wilderness.

Law enforcement authority – BLM does have law enforcement authority which again trace back to FLPMA 1976 Two kinds: one is our own BLM staff, BLM Ranger (Tom Hall). Equivalent to a federal marshal in terms of law enforcement authority. He has no authority on private or state land unless an agreement in place between the entities. Some counties in the west will cross deputize BLM rangers as county law enforcement. If Tom is driving 70 pm on state highway on private land and a drunk goes by at 90 mph (weaving all over the road) he does not have authority to deal with that situation but as matter of public safety he can pull that person over and wait for county sheriff or state police to get there to make the arrest or issue the citation. If threat to public land or immediate threat to public safety, law enforcement officers can help each other out. Here locally, he has a very good relationship with Lander City Police and the Fremont County Sheriff's Office, so even though no formal agreement in place, they work very well together. He cannot write federal citations if for something on private or state land. The other part of FLPMA relating to law enforcement talks about contracts or agreements with the county where BLM would pay the Sheriff or equivalent law enforcement agency to do BLM law enforcement work. Have that authority and ability under the law that instead of staff with our own people, one ranger for 2.5 million acres of BLM land spread across 6 million acres. Some areas use the county contract more than others, a choice.

Doug – ask committee members any more questions other than the ones we talked about after the last meeting and presented to Rick?

Julia – Current management of WSAs in Fremont County now regarding mountain biking? Mountain bikes are actually a pretty good example of different ways of managing between Wilderness, WSAs and lands with wilderness character. Mountain bikes are allowed in WSAs but not in designated Wilderness. They are a mechanical form of transport and he recognized spirited debate on whether mountain bikes should be allowed in designated Wilderness or not, including legislation that been introduced nationally, to make that change. But that is the current rule, law, regulation and policy, that there are no mountain bikes inside designated Wilderness. WSA have to stay on those permitted routes, no cross country travel. What we don't allow in terms of mountain biking would be permitting a mountain bike race (Jurassic Race in Johnny Behind the Rocks) could not permit something like that inside WSA because it's a competitive event. But mountain biking by the regular recreation user out there is allowed in WSAs. And then lands with Wilderness character just depends on what the Land Use Plan says about it and goes to any other form of travel management.

Josh – mountain bikes are allowed on primitive route but if that primitive route has been closed to prevent motorized access, then that prevents the mountain bike at that point? Rick – have to be specific about uses that the route is closed to, so if it says "closed to motorized but open to mechanical horse and hiking" then it would be okay, but if it says "closed to motorized and mechanized use but open to horses and hikers" then no. There is even places because of resource conditions that hiking only trails and some are specifically geared to horseback riding only. Cross country use with horses is okay in WSAs and generally in designated Wilderness unless there is another rule.

Doug – non impairment standards or no surface disturbance. Generally what happens (referred to several of the photos in the PowerPoint) are a manmade trail system throughout them, is that considered impairment? Rick - it can be and is another difference between how you manage a WSA and a designated Wilderness. If you are going to do pretty heavy duty trail maintenance even for a non-motorized non mechanical trail, it is pretty hard to meet that non impairment standard in a WSA, it's a fairly easy thing to get done with a minimum tool analysis in a designated Wilderness. Putting in a primitive toilet is another example, saying like Alpine Lake for fishing, see those in designated Wilderness all the time but not in WSAs. It is incorrect to say freezing everything so it stays the same as it was in 1976, general overall theme is kind of the idea behind WSAs and this holding pattern until Congress acts, whereas designated Wilderness might have a little bit more flexibility in terms of active management for certain surface disturbing things. A lot of what Doug was referring to might also have been on the ground during the inventory and prior to 1976 and like all things, there are nine exceptions to the non-impairment criteria so you can do maintenance, continued grazing, grandfathered uses, public health and safety, hot pursuit, law enforcement, search and rescue, are all exceptions.

Nick – some management is easier to do in Wilderness than WSA, can you give a couple good examples there and some that can be applicable to the local WSAs we are dealing with? Rick – climbing (Sweetwater Rocks), might actually become a little bit more restrictive than designated Wilderness, overall, but there are differences in how volting is treated, what kind of climbing can be permitted, outfitter and guide sense (what NOLS can do under their permit), installation of facilities, you find cabins and guard stations and designated camp sites in designated Wilderness. We do treat outfitter and guide permits, in general, and hunting and fishing commercial use a little bit different in WSAs than designated Wilderness. Generally more lenient in designated Wilderness.

Julia – Grazing – WSA again maintaining that status quo or improving Wilderness characteristic over time. Bureau of Livestock and Mining have a lot of experience in grazing, grazing management in WSAs. A pretty well laid out policy in terms of what goes and what doesn't. New fences are incredibly hard to build in WSAs, the only exception to that is if you can prove that it is going to benefit Wilderness characteristics. There is a couple of examples that are not necessarily related to grazing directly but say you have a fire and want to protect that area from grazing for a couple of years and want to put in a temporary fence, that once the vegetation grows back, and it can be removed (temporary electric fence with fiberglass poles) which minimizes surface disturbance. Designated Wilderness some people interpret grazing as a true right instead of a privilege, because there is legislation that designated an area that says grazing will continue in this area. Generally grazing is a pretty tough road for either designation, if you want to make rangeland management improvements. Again think back in time, 1964 what else was going on? There were a lot more sheep than today, a lot of the early Wildernesses were high altitude, rock and ice areas that had a large amount of sheep that don't require the same level of facilities as cattle. We have other potential conflicts with grazing, whether it is wildlife, vegetation objectives, that also have to be put in context. Again, the main difference is Wilderness preserved forever, highest quality, and WSA don't constrain Congress' decision. If BLM can do grazing and range improvements without affecting Congress' decision, that is important.

Ginger – when you were inventorying the resources, were geological features (underground) inventories, or was it only topography? Rick – on rare occasion in original inventory, so that WSA boundary extends down to the center of the earth, so if you have mining or caves, they become part of the WSA if underneath the WSA. Places that have caves (New Mexico, Nevada) and lava tubes (Idaho) and all lava oriented WSAs (geological values) were a special feature and supplemental value.

Nick – Whiskey Mountain, Rick you talked about the size limitation and it is only 500 acres and it is because it is adjacent to the Forest Service, right? Rick – yes. Follow up are the lands with Wilderness character the only one identified in the Lander Plan was the Red Creek up by Dubois, is that correct? Rick – yes. Nick – with the creation of the Wilderness Act, where was the hunting and fishing community in supporting that? Rick – his interpretation from reading the history, the politics of that was quite a bit of work, coalition building between Wilderness Society in particular, and hunting and fishing, hook and bullet groups, National Wildlife Foundation, to try to bring them into support of getting the Wilderness Act passed. Groups like Boone and Crockett or Safari

International generally are not that supportive and were not back then because of the restrictions that came with access to Wilderness. It is maybe more a matter of style if you want to go on a weeklong pack trip vs. elk hunting in a wilderness area, you were probably all over it and so were the Outfitter and Guide industry. If you are a road hunter, Wilderness is obviously not your spot.

Doug opened up to the audience and stated the one caution, and the Advisory Committee understands this, the BLM is here to offer factual information, not opinion, not a recommendation, so please do not try to paint them into something like that.

Dan Smitherman – given the WCCA use and recommendations from the early 1990's as a reference document, they made a statement that if those recommendations were made today they might be slightly different. Could Rick elaborate on that? Second question on the size limitation, is that close to an office and district boundaries or within a specific district or boundary? Rick – across so when you start out before you get to WSAs when BLM was doing the initial inventory it created a Wilderness inventory unit that we were working with and if it extended into the next Field Office, the next District, or a neighboring agency (Park Service, Forest Service) then you could bump it up against that boundary. There are all kinds of WSA across BLM administrative boundaries. The recommendations, no advice on how much weight to put on them, just recognize what they are, those were the recommendations that were formulated in the late 1980's and presented to Congress by the President in 1993. So things have changed in 20 years, not only on the land and landscape but politically. Did not have off road vehicles and ATVs, maybe hovercraft will be next. And of course, differences between administrations, between BLM staff who worked on the recommendations. So, if were to do over again today he is pretty sure they would be different. How much is just speculation, take the recommendations for what they are at a point in time, what the BLM said in 1993.

Eli Bebout – Just as a matter of law it is pretty clear that before a WSA can become a full blown Wilderness area, it requires an act of Congress. Wyoming is exempt from the Antiquities Act but every other state is not, so that has been utilized to take a WSA and make a Wilderness area defacto. How does that work with the law, does FLPMA affect the Antiquities Act, is that the prevailing law, whatever they want to do with that they can? Rick – the Antiquities Act applies to national monuments and generally national conservation areas which are a closely similar category are normally congressional designation. So when you get a national monument through presidential proclamation, that proclamation will say “here are the objects of interest in this national monument that I am protecting with this action and here is some direction” and in this case, to BLM on how you are going to manage that area. I had a Clinton National Monument created in November 2000 and had all kinds of WSAs, in fact 75% of the 750,000 acre area which was actually a national monument expansion was WSA. We gave most of them to the Park Service as part of the proclamation and now the Park Service is managing them as BLM WSAs (but purple on the map). So in most cases the proclamation of a National Monument Designation does not change the WSA status, they are still embedded within the National Monument pending Congressional action one way or the other. Park Service has similar issues, there is lots of very equivalent WSAs inside National Parks, Yellowstone being a great example, close by. Defacto they are managed as if they were Wilderness rather than Wilderness in fact, maybe yes maybe no. He worked near Glacier National Park for the Forest Service and they hated the Park Service because they could use chain saws and they couldn't and were just across the highway doing trail work. They had a WSA and Forest Service was designated Wilderness.

Dick Inberg – really appreciate bringing out the fact that Wilderness is a multiple use, both in fact and in law. It seems like politically we hear different than that, no matter who we talk to, because they say “well I'm not for Wilderness, I'm for multiple use”. And in fact that difference does not exist. To bring that point out, recently in the Riverton paper Mr. McNiven who is an Aide to Senator Barrasso, said “it is often too tempting to propose designated land for either Wilderness or for multiple use”. So in this day and age he is still separating the two. Rick – that is a common vernacular statement, again he doesn't want to get in the politics necessarily of it. As a wilderness management professional, that is how they describe Wilderness, yes there are a lot of things we cannot do in designated Wilderness but there are a variety of other uses that still occur there. So in that sense it is

multiple use, although certainly not the full sweep of potential multiple use that would be available, say on your regular BLM land. Dick – there is no land that is totally all use? Rick – that is true.

Doug thanked Rick, appreciate the very informative presentation.

Dubois WSAs – Concerns/Issues | *BLM Outdoor Recreation Planner Jared Oakleaf*

Typically what he has done is go over each of the WSAs to visit and give history based on prompts being used in the Site Evaluation Form. He will also be at the site visit.

The majority of the information presented tonight is from two locations, either from Inventory File (alluded to by Rick earlier in the presentation) or Recommendation File and condensed down into usable format.

Dubois Badlands and Whiskey Mountain (handouts distributed).

Dubois Badlands: Historically, pre WSA classification, had hunting, trapping, livestock grazing, wildlife viewing, sightseeing going on. The WSA is 4,520 acres, gets into the exception criteria. Potentially manageable block and that is why it was brought forward. At the time of the BLM inventory, found it to be in a natural condition and also noted its unique geology. These two WSAs, in particular Dubois Badlands, they found that it did not have outstanding opportunities for solitude or primitive and unconfined recreation. That was a little bit different finding than some of the other WSAs. In our recommendations, basically recommended that the area be released from WSA designation. When talked about Copper Mountain being a place of being kind of a landscape time capsule, where nothing has really occurred, while there is interest from a few people in that area, really have not seen the level of interest that the Dubois Badlands have seen. So take the Copper Mountain WSA and was going to put something next to it that would be completely different as far as uses that occurred since it became a WSA, the Dubois Badlands would be that and have seen an extensive motorized vehicle use in that WSA over his time in the field office as well as his predecessor. Talking about making recommendations on WSA and doing inventory in 1976, and even into the 1980s, motorized vehicles just were not as popular as they are now. Even when we made recommendations in 1991, it was just the tip of the iceberg in popularity. So what we have seen is the majority of that use tends to come out of the town of Dubois and it seems to be focused in on that western quarter of that WSA, whereas if you move more to the east, you really start to get into more of that natural landscape where there really hasn't been a lot of those activities. The other activities they have been noticing in the WSAs that has increased over time is illegal dumping. That seems that every town has their BLM place where people don't want to pay to go to the dump that is where they go. We have seen that in the Dubois Badlands, in fact why he couldn't be at the field trip to the Sweetwater Canyon, they were doing a cleanup, volunteers and BLM staff, to clean up about 2 tons of trash out of an area adjacent to that WSA. Pretty significant increase in that regard. Have had a hard time really managing and informing the public that that area is closed to motorized vehicle. One the law enforcement ranger cannot make it up there as much as they would like and 2, as soon as signs are put up in the WSA, they tend to get vandalized. When he was a seasonal worker for BLM and he was installing a sign on the Dump Road, to replace one that had been shot, drove up the Road and replaced a few others, came back down the Road and here was a guy in the middle of the road with 44 shooting at the sign. Looked with a wild look and said "are you going to give me a ticket?" and Jared said No, but you will help me install a new sign. He told him after that he would never shoot a sign again.

The Land Use Plan and some of the designations that overlap with the WSA. Dubois is very highly valued for wildlife. Does not have any overlapping designations and did that intentionally. In the 1987 RMP it had an overlapping area of critical environmental concern and at the time we did the analysis for the new 1014 RMP Record of Decision, found that the WSA was in place and provided the management structure to protect the relevant values and therefore the ACEC was essentially redundant and the new RMP removed the ACEC. However, we also made management prescriptions in that Dubois area for the wildlife value. So the larger BLM tract was called the Dubois area and some of the decisions that were included in that is no surface occupancy to oil and gas. Right adjacent to the WSA is the East Fork ACEC which has been in place since the 1987 RMP.

Livestock grazing in the WSA has three allotments in there. Have the Windy Ridge Allotment which, from the rangeland specialist, 13 cattle from April 1 to June 30 and 14 from October 1 to October 31. Have a Bear Creek Allotment that encompassed into some of the East Fork country, and it does not have an active lease for grazing. Then there is Mason Draw which has 215 cattle from May 1 to June 30 and 398 from October 1 to October 31.

Whiskey Mountain: Is again one of those unique cases when it comes to size criteria. Appreciate Rick's presentation because it is so much better than the one he got in college (UW) and one Mylar overlay that said Wilderness, where size matters, with exceptions. WSA that has 487 acres but adjacent to the USFS Fitzpatrick Wilderness Area. So is an exception criteria where you have a pretty small land mass but adjacent to a large land mass that was designated Wilderness by Congress. When BLM looked at the area, said it made sense to include as part of that land mass. In isolation it did not make sense but contiguous with the larger area, it did. However, BLMs recommendation in 1991 was to release it, primarily because it is pretty open country, it has had a burn in the past, not a lot of topography there and just pretty small. So of you familiar with the area also know there is a communication tower up there that whirls pretty loudly, makes some noise, and some other things there that distract from the wilderness values. Basically the access is controlled by Wyoming Game and Fish, across their habitat management area and the road directly adjacent to the WSA is closed by WGF. Not a lot of motorized access that pushes into that country, we have detected some increased use coming out of some of the adjacent private lands but not nearly to the extent or level of concern have seen in the Dubois Badlands.

There is a small grazing lease in that area that is 215 acres and that is the CM Ranch lease, and the remaining 272 acres of unleased public land in the WSA has been allocated to wildlife use, which include wintering bighorn sheep. Back up to the Dubois Badlands, that area also has bighorn sheep on it. Doug stated we will hear from Reg and Nick now and if there are any questions for Jared, they can be asked at the site visit to point out things.

Reg – FYI on the Bear Creek Allotment, that was part of the old Thunderhead Ranch, so when Game and Fish purchased that East Fork property in 1991 or 1992 that allotment was with it so that is why there are no cattle there. Game and Fish patrols land there.

Julia – the Dubois area is unavailable for leasing oil and gas? Jared – yes correct, unavailable to the entire Dubois area, which includes the Whiskey WSA as well. That WSA is overlaid by the Whiskey ACEC as well. Half of the area in Dubois is available for locatable minerals, is that a proposal or existing withdrawal? Rick and Jared – existing withdrawal.

Doug – Jared, one quick question. The lands with Wilderness characteristics, is that contiguous to the WSA? Jared – no, the lands with Wilderness characteristics is near there but essentially separated by the Game and Fish Habitat Management Area and County Road that goes up the basin to Ring, Torey and Trail Lakes.

Doug asked the Game and Fish for their Cooperative Agreement and was distributed to members.

Julia – the increase in mountain biking, is that on the existing way or..... Jared – hard saying because have had such an increase in both illegal motor vehicle use that can't say if the mountain bike followed that or who came first. The concern is with frankly route proliferation.

Jared – another thing about the Dubois Badlands is there has been a lot of interest, primarily coming out of the community in Dubois, for things that just can't permit (requests for open motorized vehicle play areas) to the other end of the spectrum of folks that requested (there used to be a wildlife interpretative loop on there) and some groups wanted to reinstall that. There again that non impairment criteria came into play and BLM said not only should it not have been installed in the first place but with new guidelines, cannot be installed. And then the demand from the mountain bikers, that is there, that is prevalent, people want trails in the west right now, so that is out there as well and one that can occur in the WSA, especially construction of trails.

Julie – Jared, do you find the BLM trails, when signage occurs, do you find proliferation ends. Jared – yes, this goes for most uses, provide an opportunity for the public to do the activity they want to do in a focused, wanting to do an activity, the other part wanting to help BLM do their job, happy to have a public that is engaged and

wants to be a partner and be involved in the stewardship of a site. To provide that somewhere where it is compatible and it does tend to reduce that in places.

Site Visit – Dubois WSA Logistics | *Nick Dobric and Reg Phillips*

Nick – meeting place still at the Town Park at the center of Dubois at 9:00 a.m. Park there and assuming the weather will be cold, meet in the Sheep Center where he will provide coffee and donuts. Best to consolidate vehicles as much as possible (per Jared).

Reg – we will leave Dubois and go past the dump to Mason Draw, up to Table Mountain (with Game and Fish) and broker points up there that will give an opportunity to look down on the WSA, it's the only way to really get to it. We will go around the west and south side of Table Mountain and have some good points to stop at, we can see some of the ATV use. Will look down into the heart of WSA and will be able to see the highway. When we come back around and head for Whiskey, one thought we had was to maybe stop partway up the road going to the three lakes, and be able to look back into the south of the WSA. High clearance vehicles a must and can be very windy.

Nick – after Table Mountain, come back and head up towards Trail Lake, turn left and there is a viewing area. There will go past a residence and have permission from Game and Fish to use that road that is closed to the public and head up there, basically where radio tower road veers off, and there is a trail with a turnaround stop. Game and Fish wants to reiterate caution that is the last weekend of general elk season up there but hopefully we won't disturb hunters. Special permission so nobody to be hunting there!! Greg Anderson will be with us and if the road is wet, will let him make the call if it is too bad. Possible hike (1/2 mile to one mile) afterwards to interested individuals an option to Bird Draw which is on the far eastern side of the WSA and only private access, landowner willing for us to use it. Pretty unique canyon where lot of solitude.

Josh – wanted to thank Cody Booth, present in the audience, and representing the State Lands and Investments Office, and will attend the field trip. He will welcome any questions from the committee.

Doug – one of the components that will be involved in the process is state lands, its part in a potential recommendation. Really appreciate you being here and we need that component because our recommendation will involve a number of agencies, private lands, etc. so do need state lands to be involved as much as they want to be. Would certainly appreciate your participation in our meeting to provide information. As we develop recommendations to, if we recommend something, if it is contrary to an agency's laws or plans, we need to know that. Thanks for being here tonight, appreciate it.

Cody – research he conducted shows direct state land up against the WSAs, and grazing leases, and one temporary use permit, currently to his knowledge no mineral leases.

Reg – is there a gravel lease on a state lease just inside the fences there, the Leseberg family? Cody – to his knowledge, did not find that but doesn't mean it is not there. Need Township, Section and Range.

Site Visit – Sweetwater Rocks | *Doug Thompson*

Doug – initially envisioned a site visit to Sweetwater Rocks in November. Weather dependent, can go into December. Will do a doodle poll for site tour date. November 28th would be the next regular meeting. Need to give Natrona County a little bit of lead time and will be considerable interest by individuals and groups coming out of Natrona County. Need to prep that one pretty good.

Nick – we need to figure out what we are doing with Natrona County in moving forward. What is the makeup of their committee? What is the makeup of that Advisory Committee and fitting into ours? To make it most useful, need to hammer these things out before the site visit out there. Not clear on what we are doing, make sure of the accounting.

Doug – as said previously, Natrona County has two commissioners committed to coming to the site visit. Beyond that, they do not have a committee, they have no plans to set up a similar advisory committee as we have. That is their prerogative. We have encouraged that or something similar, it is like Sweetwater County, and they are their own entity and run their own show. The one thing that I think we will do, and he has encouraged them, even if you don't set up a committee, advertise it in Natrona County so that interested individuals can come to the site visit and see what is there, ask questions, and see what we are doing. We are still kind of in charge of the logistics. I know what is bothering Nick and the one thing we can't do is tell them what to do.

Nick – it would be good to let them know that we want to move forward on this, we want to do a site visit, we need you guys to give us your recommendations on how you are going to move forward with this. As discussed, probably two commissioners, need to be a fully transparent process in terms of involving public. If they have that figured out, great, let's move forward, but want to caution to do it right need to take the time to make sure they have things in order.

Doug – may not happen, what we need to do is make sure our process is fully transparent and spread the word. When we pick that time have to do it so there is a maximum exposure to citizens in Natrona County who may be interested and not rely on that commission to do that. We can do things on our end, Gary is good about building advertisements. We can do that, there is no restriction on us advertising our site visit to Natrona County residents that may be the best we can do.

Julia – are the commissioners attending as an exploratory process or do they want to see what we are and how we do it?

Doug – asked if they were to set up a committee in Natrona County, the commissioners responded no but doesn't mean they can't. Maybe after they attend the site visit and see our process, who we are going to work as a committee, they may decide to appoint people to set in here. We still have our recommended guidelines and county based initiatives. We have to respect those authority lines.

Julie – essential to look at the four sites in Sweetwater Canyon WSA (separate sites and those with Fremont and Natrona County boundary lines).

Doug – look at the whole unit, can't do partial. Look as a landscape, unit, don't think we will get any flak from Natrona County in doing that. Can't dictate how they should and have to participate. I think we are all in agreement to look at as a unit, all four individual area. We can do everything we can do to make this process transparent and comprehensive as possible. Committee committed to doing that.

Ginger – people from Natrona County can come to site visit and to our meeting so political boundaries do not matter in this process. Somebody could come from Jackson and make comments.

Julie – is there a meeting place in Jeffrey City so that people from Natrona County could get an overview? At least prior to the field visit?

Doug – the school could provide a place, or the Fire Hall.

Public Comment | *Audience*

Jessie Johnson, Wyoming Sportsman Alliance – piggy back on Nick and Julia's comments, stressing that two commissioners from Natrona County, if that is all who shows up, damages the great image that we have here of being transparent. Large stakeholder groups that are very broad and making sure you look at the larger process, when it does go to Congress, to be upheld and picked apart as it will. And having just two commissioners runs the risk of damaging that transparency. Stressing of whatever kind of advertising you do, Wyoming Sportsman Alliance and WWF will help but making sure there are more there than just the commissioners is critical in the long run.

Dick Inberg – if going into Sweetwater Rocks and looking at Natrona County stuff, ought to use the same approach over on the Oregon Buttes and the areas over there that are in two counties. Sweetwater County not participating but we ought to do the same thing over there.

Eli Bebout – more for information for the committee of the Federal Natural Resource Management Committee and Doug has been in front of that many times and they heard about this initiative quite a while ago and they were supportive back then. Think it is something that needs done and saddened a little bit about a lot of counties that are not participating, and too bad, as this was not what the Committee or the WCCA wanted. A lot of the commissioners he has heard from obviously want a decision, need to move forward rather than wait another 20 years from now for the same conversation, so the Select Committee is very supportive and will do what they can. If there is legislative things they can do from the state perspective, offered. The Select Committee is going to have a meeting in several weeks and he's putting the agenda together now, if Doug wants time to speak about the Initiative and how the Advisory Committee is working, he is supportive and acknowledges the support and time putting into it. Really doing a good job, sure welcome to be on their agenda. The last thing he would say is thanks for doing this, this is where it happens, right here.

Doug – thanks go to this committee, they have put in a lot of hours, created websites, people advertise, etc. The committee is a good example of grass roots approaching the purpose and he expressed thanks to the committee for what you do. This is the easy part but pretty soon will be setting at the table to work on recommendations.

Karen Snyder –from Natrona County (recorded the meeting), put in a call to Commissioner Lawson to tell him she was coming to the meeting tonight. There are people in Natrona County interested.

Doug – Fremont County's Advisory Committee, as stated, know there will be interest groups coming out of Natrona County and their desires will certainly be taken into consideration. If there Commission decides not to approach as Fremont County has, the people from Natrona County ware welcome here. Don't want to let Natrona County's decisions impede our efforts to get a good recommendation on Sweetwater Rocks. Quite frankly, he thinks the way we are going about it, the considerations we will take on each one of these probably will address any issue. The trails one is going to be a unique consideration out there, as we had scenic rivers in Sweetwater Canyon, as we have the wildlife component in Dubois. Those will be addressed here no matter what Natrona County Commissioners do or do not do so he has confidence in this group to take it all into consideration and make a good recommendation. Whatever you can do in Natrona County to promote interest is great.

Next Meeting, Committee Comments and Adjournment | *Commissioner Thompson*

Nick – for the next meeting, want to schedule some time to talk about the Economic Study released from the Wyoming Wildlife Federation and University of Wyoming about the value of hunting and fishing in each county.

Ginger – need to further discuss state lands getting control of federal lands (SF56). Need to address at some point in time.

Gary – if you haven't been on the website, Josh has done an amazing job. Very good information there. Lot of information on Dubois Badlands and Whiskey Mountain.

Julia – on SF 56, should that be a presentation? Informational only on what is in the report. Thanks to Rick she learned a lot.

Reg – back to the website, if you click on the date of the tour, will give directions on where they will meet.

Ginger – would be good to get a report from emergency services as they have to go into wilderness areas, how it affects them.

Doug – Sheriff and EMTs can address that, the Commission talks about it at the table as far as recoveries or rescues.

Doug – had a PowerPoint presentation at WACO on the National Conservation Land and there is a number of categories that can be recommended and the process and criteria involved. He can get that and show it or ask for the state person to do that when we get closer to recommendations. The other thing, want to approach that report very carefully because there is a lot of politics swirling around that that he doesn't think this committee want to buy into or have any appearance of buying into. He thinks the study of those issues is important but it characterizes privatization rather than state. Lot of things around that, in his opinion personally, need to be aware but our camp is the Initiative.

Travis – we are looking at something totally different, totally separate than that legislation. Not comfortable spending time discussing something we have nothing to do with. Two separate issues, we are looking at our WSAs, not looking at state lands and trying to control other stuff.

Ginger – understand where they are coming from but if we don't look at the issue we are avoiding one group of people's desires. There is a group of people who are advocates for the state to take control of public lands, all of the public lands. If we don't look at it, we have just rejected their views as being not worthy. Coming at it from an informative process, if we are going to listen to BLM and how they propose or have managed WSAs, would like to know if the state had control of the lands how they would manage them.

Doug – let's leave this on the table, consider the pros and cons to looking or not looking at it. Think about that and we will talk about later. Park it here for consideration. It's an issue we don't want to ignore but think about how we, if we want to handle it. When we get our WSAs, we have the opportunity to field other proposals, and this committee will have to decide when someone brings something here do we want to consider it or not.

The next regular Advisory Committee meeting was set for November 28, 2016 at 6:00 p.m. in the Commissioners Chambers.

There being no further business, the meeting adjourned at 8:20 p.m.