

November 17, 2008

Mr. Caleb Hiner, RMP Project Lead
BLM Worland Field Office
P.O. Box 119
Worland, WY 82401-0119

**Re: Supplemental Scoping Comments for the Bighorn Basin RMP
Revision—Special Places Needing Protection in the RMP.**

Dear Mr. Hiner:

The following comments are submitted on behalf of the Wyoming Outdoor Council, The Wilderness Society and the Greater Yellowstone Coalition for consideration during the scoping process for the revision of the Bighorn Basin Resource Management Plan (RMP) and associated environmental impact statement (EIS) that were solicited by the Bureau of Land Management (BLM). These comments supplement the additional comments we have also submitted today. These comments address areas with high environmental values in the Bighorn Basin—“special places”—and ask that these areas be protected in the RMP from resource development or other activities that could harm their values.

The Beartooth Front

The Beartooth Front frames the eastern approach to Yellowstone National Park northeast of Cody. A vast wall of mountains sweeps up from the sagebrush covered plains. It is a haven for wildlife and provides outstanding opportunities for hunting and other recreation. The area includes National Forest lands, BLM lands, and private property and is important for wintering deer, pronghorn, elk, and bighorn sheep. It used by grizzly bears and gray wolves. There have been increasing efforts to explore for and drill for oil and gas along the Beartooth Front. In 2006, a blowout from a well is believed to have created significant groundwater pollution. There is currently a proposal to drill a well on Shoshone National Forest lands in this area. The Beartooth Front deserves permanent protection to preserve its scenic and wildlife values as well as the quality of life of the citizens who live there.

The Beartooth Front is presented in Exhibits 1 and 2. Exhibit 1 makes it clear that while quite a bit of this area has already been leased for oil and gas development, much of it has not

been leased. Thus, protection of this area from future oil and gas leasing could make a difference in protecting this area. Exhibit 2 highlights many of the special values that endow this area. These values include:

- Large areas of crucial winter ranges for elk and mule deer.
- The Clark's Fork Wild and Scenic River.
- The Nez Perce Historical Trail.
- Large areas of elk parturition habitat.
- Numerous sage-grouse leks.
- Identified big game migration routes.

This is a remarkable collection of “special values” and emphasizes the need to protect this area. And as shown in Exhibit 3—The State of Wyoming’s Executive Order for sage-grouse protection—much of this area is in a recognized sage-grouse core breeding area, protection of which is necessary to ensure sage-grouse conservation.

Further demonstrating the important values of this area is the following description of important resource values in this area provided by Ms. Kathy Lichtendahl, a resident of the area who lives in Clark:

My husband and I bought our land at the base of the Beartooth Mountains in Clark, Wyoming in 1994. We moved here full time in 1998 and have considered it home ever since. Our original property was a section off Tolman Road in the Bennett Creek drainage, surrounded on three sides by BLM lands and on the fourth side by Tolman Ranch. We love the landscape so much we purchased a second section in 2007, kitty corner to the first, with BLM to the east and National Forest to the west. It is an amazing area with dramatic, outstanding vistas and an abundance of wildlife that faces constant challenges from the changes brought about by man.

There are approximately eight miles between Highway 120 and the foot of the Beartooths. Within that narrow band lies the community of Clark, composed not long ago of a small number of ranches, now more and more being divided into subdivisions that house retirees and young families. The open land that remains has become critical to maintaining the populations of a number of species of wildlife and to providing a north-south corridor for animal travel. With the Beartooths rising approximately 6000 feet from the prairie below, the land of the Front is vital to provide winter habitat to countless species. In the last few years I have personally witnessed the presence of mountain lions, bobcats, black bear, coyotes, great horned owls, curlews, golden and bald eagles, grizzly bears, pronghorn, chukars, elk, white tail, mule deer and even a wolf in my back yard. I have seen bighorn sheep, mountain goats, ring neck pheasants and Hungarian partridge all close to home. I have viewed many species of birds passing through, some of which are rarely seen anymore. Some of these animal species, such as the elk, use the BLM land just northwest of our property as a birthing ground each spring, while numerous pronghorn raise their young on the BLM section to our east.

Ken and I do our best to make our property wildlife friendly but these animals need more than the few acres of grazing we can provide. The public lands in the area are a vital part of the health of these animals and should be maintained in a manner that maximizes the chance of wildlife survival. The golden eagle pair that visits our property almost every day has an active nest on BLM land to our north. Twice in the last several years we have witnessed them raising a third member of their family. Their survival and that of their young depends not only on them having an undisturbed nesting area, but also on their ability to find an abundance of food in rabbits and other rodents close to home. The survival of so many of these creatures rests on the maintenance of open public spaces, undestroyed by development and the extraction of resources.

As avid hikers, backpackers and skiers as well as active members of Park County Search and Rescue, my husband and I have spent a great deal of time in the various drainages of the Beartooth Front. Each one has its own personality and each is important in its own way to the future wilderness health of the area. The Clark's Fork Canyon is especially dramatic with its rising cliffs providing refuge for wild goats and sheep and is the home of Wyoming's only current "Wild and Scenic" river. I feel this designation should be extended even further, to Highway 120, taking into consideration the needs of the local landowners while protecting the pristine condition of the river in its present form. I strongly urge the BLM to commit to maintaining a buffer zone for the wildlife of the Beartooth Front. Their future may depend on it.

We also include with these comments four photographs taken by Ms. Lichtendahl in the area. Exhibits 4-7, also included on the accompanying CD. These photographs show a bobcat that uses the area, a large herd of elk, the magnificent sweep of the Beartooth Front, and a chukar. These are just a fraction of the photographs taken by Ms. Lichtendahl in the area, and they emphasize the tremendous special values of the Beartooth Front.

Ms. Mary Barreda of Clark offered the following comments regarding the public lands south of the Clark's Fork River in this area:

- The public lands along the front south to Chief Joseph have been maintained by the BLM with no vehicular access and with seasonal closures (no public access) of the Elk Winter Range from December (generally around the 15th) to the end of April each year.
- Public access to this area is from the trailhead at Hogan and Luce Reservoirs and from the Shoshone National Forest coming off of Bald Ridge. Hogan and Luce Reservoirs are widely utilized by the public. There are two campgrounds, tables, fire pits, restrooms, and places to tie horses. Fishing is excellent.
- Two major wildlife corridors from the Sunlight Basin and the Forest Service lands are along Paint Creek and Newmeyer Creek. All Greater Yellowstone big game species except for bison utilize the area. Grizzlies, black bear, wolves, and mountain lion are also present. It is a relatively intact ecosystem.

- Because of no vehicle access, steep terrain and very limited private land ownership, the area is the last really wild lower elevation segment along the Beartooth Front.
- All of the public land in this area has been leased by Windsor Wyoming LLC or Windsor has some part of the mineral interest leased. Windsor conducted a 3D seismic project over this area. All of these leases on public lands would have expired except for Suspended Ops having been granted.
- The Clark’s Fork River from the Forest Service Boundary through the BLM lands met criteria for the Wild and Scenic designation. This segment of the river was not included due to political pressure from agricultural interests in Wyoming who were considering the possibility of damming the Clark’s Fork River.
- A scenic state section is on the south side of the river at the canyon mouth. This section consists primarily of a very famous geologic structure—a breached anticline—that is routinely visited by geologists (Universities and oil and gas company schools) for educational purposes.

Ms.Barreda also made the following observations. Only the elk wintering and parturition area near Bald Ridge is currently recognized by the BLM and closed, but similar habitats north of the river remain open. The BLM has identified a golden eagle nesting site at the mouth of the Clark’s Fork Canyon on BLM lands south of the river, osprey nest in the area along the river, and there are nesting bald eagles somewhere in the area. Mountain plovers and long-billed curlews also nest on the south side of the river. There are a large number of archeological sites south of river, primarily teepee rings but also other sites. Many soils in this area are very fragile because of high shale content, extreme winds in some areas, and the presence of cryptobiotic crust soils. She also noted that the border of the Clark’s Fork Wild and Scenic River ends at the Forest Service Boundary, meaning considerable areas of BLM land to the east of this boundary might qualify for wild and scenic status.

Based on these remarkable values we ask the BLM to consider the following in the Bighorn Basin Resource Management Plan (RMP) environmental impact statement (EIS) relative to management of the Beartooth Front. The area shown in Exhibits 1 and 2 should be closed to future oil and gas leasing—it should be designated unavailable for future leasing. In the EIS and the RMP the BLM should present a “vision” for this area as to what future oil and gas develop should look like in this area, and in our view it should play a minor role. Resource protection should be the dominant management direction. An overall framework for potential future develop needs to be provided. The legal basis for pursuing this is discussed in great detail in the other section of our scoping comments that we have submitted today. There is no doubt the BLM has authority to pursue a policy of not allowing future leasing in this area.

Perhaps just as importantly, as discussed in the other segment of our scoping comments, the BLM should adopt a provision analogous to that adopted by the BLM in the Pinedale Field Office as to how existing leases in unavailable areas will be managed if development is proposed. Specifically, we ask the BLM to adopt this provision from the Pinedale RMP for application to the Beartooth Front in the Bighorn Basin RMP: “Management actions on existing

leases within the Unavailable Areas would be designed to protect important habitats by excluding surface occupancy and/or disturbance to the extent this restriction does not violate the leaseholder's/operator's lease rights" with respect to greater sage-grouse, big game, and sensitive species conservation. Proposed Resource Management Plan and Final Environmental Impact Statement for the Pinedale Field Office at 2-140, 2-142, and 2-144. This is an important means to ensure that in areas that BLM does not allow for future leasing that the area is not harmed by development of existing leases, and thus it should be replicated in the Bighorn Basin RMP.

In addition, the BLM should consider implementing additional actions relative to existing leases. It should consider suspending existing leases in the interest of resource conservation. It should consider pursuing lease buyout and trade in this area. And it should fully implement the numerous other protective measures within its "retained rights," such as requiring directional drilling. These issues are discussed in considerable detail in the other section of our comments submitted today, especially in Appendix A to those comments.

As discussed in the other segment of our comments, there is no doubt that BLM has authority to pursue these actions. As discussed in Appendix A to those comments, the BLM has substantial "retained rights" even in areas that have been leased, allowing it to substantially regulate the course of any develop. As discussed on pages 21-22 of that segment of our comments, the Interior Board of Land Appeals just issued an opinion that confirms the scope of BLM's retained rights relative to the "reasonable measures" it can insist on prior to development. In Yates Petroleum Corp., 176 IBLA 144 (September 30, 2008), the IBLA ruled that BLM can regulate the siting and timing of lease activities. Id. at 155 (citing National Wildlife Federation, 169 IBLA 146 (2006) and Colorado Environmental Coalition, 165 IBLA 221 (2005)). The IBLA explicitly rejected the all-too-often made claim (by BLM and industry) that the only "reasonable measures" BLM can impose are those in keeping with the "200 meter, 60 day rule": ". . . Yates' constrained interpretation of a "reasonable measure" is at odds with the plain language of the regulation [at 43 C.F.R. § 3101.1-2], which describes what measures "at a minimum" are deemed consistent with lease rights, and does not purport to prohibit as unreasonable *per se* measures that are more stringent." Id. at 156. "BLM need not impose an NSO stipulation on a lease in order to later condition approval of a POD with seasonal restrictions. As we stated above, BLM has authority to impose restrictions on the timing of lease activities." Id. The Bighorn Basin RMP should fully recognize the degree of these retained rights in the Beartooth Front so as to fully protect this area.

In addition we ask the BLM to consider the following specific measures in the Beartooth Front area. Designation of the Clarks' Fork River as a Wild and Scenic River on BLM lands should be fully considered, recognizing that private ranchers in the area have rights to use water from the river and maintenance of these ranches as open space is important to the character of this area. Also, many areas in the Beartooth Front area likely qualify as Areas of Critical Environmental Concern (ACEC) and the BLM should fully consider this issue and designate any areas that meet its relevance and importance criteria as ACECs.

McCullough Peaks

The McCullough Peaks, located just east of Cody in between U.S. Highway 14-A and U.S. Highway 14-16/20, are prized by area residents for their wildlife herds, wild horses, unique scenery, and the opportunity for a wilderness experience just a few miles from downtown Cody. Approximately 165,000 acres of the area is included in the McCullough Peaks Wilderness Study Area (WSA). Bordering the WSA and extending to the Shoshone River is a citizens' proposed wilderness area (CWP) that would expand the WSA by an additional 28,790 acres. The WSAs and CWPs are presented in Exhibit 8. We strongly recommend that the BLM fully consider the wilderness values of the CWP and seek to protect them to the maximum extent possible. And while the BLM may currently be precluded from designating new WSAs, with the election of Barak Obama that policy could change before the Bighorn Basin RMP is finalized, and we ask the BLM to remain attune to changes in this policy and if the policy is changed to again allow for WSA consideration, we request that the CWP be recognized as a WSA pursuant to the Bighorn Basin RMP.

The McCullough Peaks, including the CWP, are unique and deserve special protection for many reasons. There is a thriving sage-grouse population and the area is designated as a core breeding area in Governor Freudenthal's Executive Order #2008-2. Exhibit 3. Other notable bird species that nest or forage in the McCullough Peaks include golden eagles, merlin, prairie falcons, and other raptors. Mule deer, white-tailed deer, pronghorn antelope, wild horses, mountain lions, coyotes, foxes, and jackrabbits are all found in the McCullough Peaks. There are also two black-tailed prairie dog towns and several white-tail prairie dog towns in the area.

The McCullough Peaks contain an abundance of fossils due to outcrops of the Willwood formation in the area. The Willwood formation is well-renowned for containing the most comprehensive vertebrate fossil record in the world (Bown and Kraus 1983) and outcrops of this formation are relatively rare.¹ The Willwood outcrops in the McCullough Peaks lie outside of the existing WSA. There are also several archeological sites in the McCullough Peaks which have yet to be fully catalogued.

The McCullough Peaks have been identified by the National Park Service as a potential National Natural Landmark because of their unique scenery. Visitors to the McCullough Peaks are confronted with brightly colored badlands, narrow winding canyons, and spectacular views of the Beartooth, Bighorn, Pryor, and Absaroka mountain ranges. Despite their proximity to Cody and Powell the rugged nature of the McCullough Peaks provides visitors with quiet and solitude. The BLM should expand the protections of the McCullough Peaks WSA to areas outside of the WSA, particularly to the CWP in order to preserve this unique gem in its present state. While the BLM may currently be precluded from designation the CWP area a WSA, there is no doubt that it has authority to recognize the special values of this area—including wilderness values such as solitude and isolation—and to seek to protect those values pursuant to the RMP by alternative means.

¹ Bown, T.M. and M. J. Kraus. 1983. Ichnofossils of the Alluvial Willwood Formation (Lower Eocene), Bighorn Basin, Northwest Wyoming, U.S.A. *Palaeogeography, Palaeoclimatology, Palaeoecology*. 43: 95-128.

The McCullough Peaks area will be discussed further below in the section of these comments dealing with existing ACECs, WSAs, and CWPs.

Absaroka Front

The Absaroka Front as we define it stretches from Carter Mountain South to the Owl Creek Mountains, and is east of Wyoming Route 120. There are several key BLM lands along the Absaroka Front that merit special protection under the revised RMP. The common thread connecting these lands is their high value as winter wildlife habitat. BLM lands on Carter Mountain, the Meeteetse Rim, Grass Creek, and the Owl Creek Mountains all contain critical winter range for big game species that migrate down from summer range in Absarokas. There are several prairie dog towns along the Absaroka Front as well, some of which support black footed ferret populations. Although much of the BLM lands west of highway 120 are checker-boarded with state and private land, it is essential that the BLM protect these blocks of winter habitat. In addition, almost all of the land along the Absaroka Front, much of it administered by the BLM, contains elk parturition areas.

The southeast slopes of Carter Mountain serve as destination winter range for elk migrating out of the Thoroughfare and the southeastern corner of Yellowstone National Park. In addition, Carter Mountain BLM lands are critical winter range for mule deer and contain elk parturition areas. Elk, mule deer, and bighorn sheep migrate through BLM lands on Carter Mountain. In addition, Carter Mountain contains some of the only BLM-owned high elevation alpine habitat in the country, a unique aspect that is worth preserving for recreational and scenic reasons.

BLM lands along the Meeteetse Rim are also important for wildlife habitat. The Meeteetse Rim contains crucial range for mule deer and also provides habitat for elk and antelope. There are also numerous sage-grouse leks in this area and it considered a core breeding area by the Wyoming Game and Fish Department. Much of the Grass Creek area BLM lands are designated as critical habitat for moose, elk, mule deer, and antelope by Wyoming Game and Fish. To the south these swaths of critical habitat connect with the crucial winter range used by elk, mule deer, moose, and bighorn sheep in the Owl Creek Mountains, much of which is on BLM lands.

Aside from its importance as crucial winter range the Absaroka Front is highly valued from a recreational and scenic perspective. Hunters, hikers, horseback riders, and mountain bikers all spend significant amounts of time recreating on BLM lands along the Absaroka Front. Managing the Absaroka Front to maintain its current, relatively pristine, condition is essential in preserving these recreational opportunities.

To achieve this needed protection, the protections discussed above for the Beartooth Front should be fully considered for the Absaroka Front as well. These include making the area unavailable for future oil and gas leasing, strongly regulating already existing leases, and consideration of designation of ACECs and other special management areas.

Cody Area

The BLM should set aside the areas to the north, west, and south of Cody as open space. This will help to ensure that Cody maintains its reputation as a scenic place to live and visit with an abundance of nearby undeveloped public lands on which to recreate. These BLM lands are also important habitat for a number of wildlife species. We specifically ask the BLM to consider protection of the following areas:

Beck Lake/Red Lakes

The BLM lands south of Cody are highly valued both for the open space and scenery they provide, and by Cody residents who run, bike, and walk their dogs on this swath of public land that is accessed from the Beck Lake city park. In addition, the Red Lakes area is designated critical habitat for mule deer. This area has been previously threatened by a bentonite mine proposal that did not proceed due to public outcry. Due to the value that Cody residents place on recreating in this area, the BLM should install protections that will keep this area as open space in perpetuity.

Cedar, Rattlesnake, and Sheep Mountains

BLM lands west of Cody play an essential role in defining the town's character and quality of life. It is essential that Cedar, Rattlesnake, and Sheep mountains are preserved in their current state for residents and visitors to recreate on and to preserve open space around the city of Cody. Rattlesnake Mountain is designated as critical habitat for elk and mule deer while Sheep Mountain provides critical habitat for elk, mule deer, and bighorn sheep. There are two sage-grouse leks on Sheep Mountain as well.

Heart Mountain

The public land around Heart Mountain contains several sage-grouse leks that should be protected. Although not designated as critical habitat, many wildlife species can be found in this area. Elk, mule deer, pronghorn, black bears, cougars, coyotes, jackrabbits, and many other species spend all or part of the year on BLM lands around Heart Mountain. Sage-grouse, raptors, curlews, and other bird species are found here as well. The BLM should protect the Heart Mountain area in order to preserve open space to the north of Cody as well as to provide habitat for wildlife.

Existing Areas of Critical Environmental Concern, Wilderness Study Areas, and Citizens' Proposed Wilderness Areas

Attached as Exhibit 8 is a map showing existing ACECs, WSAs, and CWPs in the Bighorn Basin. As you can see, there are 10 existing WSAs, 12 CWPs, and 4 ACECs. We request that all of these magnificent areas receive full protection in the Bighorn Basin RMP to ensure the special values of these areas are not damaged. We specifically request that these areas

be designated as unavailable for future oil and gas leasing and that the provision mentioned above and in our other comments from the Pinedale RMP that specifies that an attempt will be made to prevent surface damage if existing oil and gas leases are developed be adopted and made applicable to these areas.²

Attached as Exhibit 9 are sections from the book *Wild Wyoming* by Mr. Erik Molvar. The descriptions in that book of the McCullough Peaks, Sheep Mountain, Bobcat Draw, Red Butte, Alkali Creek, The Honeycombs, Cedar Mountain, and Birdseye Creek areas show that these areas have many remarkable values, especially wilderness values such as remoteness and solitude. We would note that these discussions are not limited to the WSAs; as the maps in the book show, the special values described are also present in the CWPs shown in the maps. We request that BLM fully recognize the special values described in this book in the EIS and provide for protection of them in the RMP, particularly in the CWPs. We would note that even though BLM may not currently be able to designate new WSAs, it is not at all precluded from recognizing wilderness values that exist on its lands as part of the planning process and seeking to protect—at least partially—them through means other than WSA designation.

Other Special Places in the Bighorn Basin

The following additional special places in the Bighorn Basin were identified by local residents of the area, including Ms. Susan Lasher and Mr. Dave Haire. We ask the BLM to consider these areas carefully and to ensure they are fully protected under the terms of the Bighorn Basin RMP.

Areas in the Worland Field Office:

The following special places worthy of protection were identified in the Worland Field Office area:

- **Fifteenmile Area:** Prized for sage-grouse populations; deer and chukar hunting; horseback riding; fossil hunting; hiking; photography. [roughly located in T46N – T49N, R92W- R99W] including:
 1. Paradise Alley
 2. Bobcat Draw
 3. Dutch Nick Flats
 4. Middle Fork and South Fork of Fifteenmile Creek
 5. Crooked Creek
 6. Squaw Teats mountains area.

² “Management actions on existing leases within the Unavailable Areas would be designed to protect important habitats by excluding surface occupancy and/or disturbance to the extent this restriction does not violate the leaseholder’s/operator’s lease rights” with respect to greater sage-grouse, big game, and sensitive species conservation. Proposed Resource Management Plan and Final Environmental Impact Statement for the Pinedale Field Office at 2-140, 2-142, and 2-144.

- **Bobcat Draw Wilderness Study Area:** This area was identified above, but we draw BLM's attention to it again because of its remarkable special values. The area includes colorful and intricately-carved formations known as hoodoos, goblins, mushrooms, and castles.
- **Jimmy Wooten's Grave:** Of great interest to history buffs. The historical account is published. The Jimmy Wooten grave site is located near Wyoming Highway 431 between Worland and Meeteetse. When you reach the sign for Murphy Draw Road, proceed to the cattle guard located on the north side of the highway, across from the John Rankine house, which is on top of a hill on the south side of the highway. The grave is .55 miles from the cattle guard bearing about 277 deg. The coordinates are N 44 00.596 W 108 30.725 The stone says: "died 1910 Jim Wooten Stage Driver Meeteetse-Ilo-Thermopolis."
- **Gooseberry Badlands.** Fantastic, unique scenic area for hiking, etc. Beloved by photographers. At a turnoff on Wyoming State Highway 431, the visitor is greeted by a panoramic view of colorful desert and endless blue sky at the Gooseberry Badlands Scenic Overlook. The colors of the soil, which mysteriously change with the seasons, accentuate the grotesque and intricately carved rock formations, inviting further exploration along a 1.5 mile interpretive trail. The area is 25 miles west of Worland.
- **Rock Creek.** This area is accessed via BLM road 1310, north of Thermopolis, to the trailhead for Washakie Needles. Any BLM land close to this spectacular and unique geological formation should be considered special.
- **Gebo/Crosby Historic Mining District (west of Kirby).** The BLM and Hot Springs County Museum and Cultural Center are working together on a multi-year project to develop a public trail and interpretive site at the Gebo/Crosby Historic Coal Mining District. Gebo/Crosby was part of the original discovery of coal in Wyoming's Bighorn Basin, and was the area's largest producer of coal in the early 20th century. The Jones mine opened in the summer of 1889 as the first commercial production in the District. Later, the Gebo Number 1 Mine produced from the same coal seam. The towns of Gebo and Crosby, located approximately one mile south, do not appear in the 1900 census, but both were occupied in 1907 during the U.S. Geological Survey survey of the area. Mining in this area largely ended in 1938. Many of the facilities are still present and provide good association and continuity for interpretive purposes.
- **Medicine Lodge Canyon.** This beautiful deep canyon calls for rugged hiking. With many side canyons and cliffs that tower more than 300 feet there is no designated trail system, but travel is possible along wild game trails. Traveling the canyon will require numerous stream crossings and, as canyon walls get higher to the west, hiking becomes more difficult. Primitive camping is allowed but seasonal fire restrictions may apply. Check with the Worland Field Office for maps and information.

- **Paint Rock Creek and Canyon.** Located on the western face of the Bighorn Mountains in the Bighorn Basin, Paint Rock Creek contains many beautiful canyons that numerous species make their home in during the long winter. The creeks contain many species of fish and trout. There are many uncharted archeological sites, as well as newly discovered ones that are eligible for inclusion in the National Register of Historic Places. Human occupation dates to 11,000 years ago. The Paint Rock Canyon Trail extends 5 miles up the canyon alongside Paint Rock Creek, a topnotch trout stream. The steep canyon walls and massive rocks make this trail highly scenic, and it is the only canyon along the west slope of the Bighorn Mountains with a maintained trail. Paint Rock Creek is a superb fishery for rainbow, brown, brook, and cutthroat trout. From Hyattville, head north 0.5 mile to the Cold Springs Road and continue about 4 miles east to the trailhead.
- **Red Gulch Dinosaur Tracksite:** The discovery of rare fossil footprints on public lands near the Red Gulch/Alkali National Back Country Byway close to Shell, Wyoming, could alter current views about the Sundance Formation and the paleoenvironment of the Middle Jurassic Period.
- **Legend Rock Petroglyph Site:** Hundreds of Native American drawings adorn the cliff face known as Legend Rock, approximately 30 miles northwest of Thermopolis. The area is managed by the BLM and the State of Wyoming.
- **Rattlesnake Butte:** The BLM Worland Field Office, in partnership with Devon Energy, made a popular recreational area safer and cleaner during a workday on October 8. Both BLM and Devon Energy staff cleaned-up old pipe and trash at Rattlesnake Butte, northwest of Worland. "I'm here to make this a safer place for the public," said Chet Wheelless, BLM Fishery Biologist. "Lots of people come here to walk and train their dogs. Some hunt for game birds and deer. No one wants to find wire or other potentially harmful scraps hiding in the grass," Wheelless continued. The area was originally surveyed in 1897 and used by Pure Oil Company as a campsite where workers and their families lived. A water well onsite was used for drinking water. Pure Oil Company sold the parcel and, after passing through many different hands, it is now under permit to Devon Energy. The BLM is keeping water in two ponds and plans to make a walking path between them, complete with restored riparian vegetation including native flowers, shrubs, and grasses.

Areas in the Cody Field Office:

The following special places worthy of protection were identified in the Cody Field Office area:

- **Bald Ridge:** This area was mentioned above in our discussion of the Beartooth Front, but it too bears repeating. The Bald Ridge Seasonal Closure Area and Critical Elk and Mule Deer Winter and Calving Range comprise approximately eight sections of land

along Bald Ridge. This is a roadless area and is accessible by the Hogan Trailhead beginning at the Hogan Reservoir Recreational Area on its southern border. It is bordered on the north by the Clarks Fork River. The area is also habitat for mountain plover, long-billed curlew, sage-grouse, peregrine falcon, bald and golden eagles, osprey, grizzlies, black bear, mountain lion, wolves, moose, badger, porcupine, and beaver. Newmeyer Creek, which flows through the area, is a major game corridor for wildlife moving from Sunlight Basin down off of Bald Ridge. Pre-Columbian National Historic Register eligible sites are present in this area. This is pristine, scenic country that is valued by recreationists and wildlife and should have a no leasing and no surface occupancy protection.

- **Sheep Mountain:** This area too was mentioned above. It sits west of Cody; Sheep Mountain sits wedged between the north and the south forks of the Shoshone River. The mountain's open, grassy meadows harbor crucial elk and mule deer winter range, particularly in deep snow years, and are occupied grizzly range. Many of the elk that winter in this area are part of migratory herds that summer as far away as Yellowstone National Park. In Sheep Mountain's shadows stand limestone cliffs where you can find both nesting raptors and a collection of rare and endemic plants. The mountain's many caves offer stories of the past, including a woven juniper net found covered in a packrat midden. The net dates to the Paleoindians of almost 9,000 years ago and is thought to have been used to trap mountain sheep.
- **Carter Mountain:** Carter Mountain, on the Absaroka Front south of Cody, is home to a number of spectacular wildlife species, including grizzlies, the Greybull wolf pack and the Cody elk herd. The area is nationally renowned for its abundant big-game hunting opportunities.
- **Rattlesnake Mountain** Rattlesnake Mountain Road (BLM 1207) is located south of the gate at the end of Monument Hill Road (also known as County Road 7UH). This area was described above.
- **Badger Basin badlands:** A scenic hiking area. North of Cody and Heart Mountain. Badger Basin is an area where deer and elk often move between Pat O'Hara and Heart Mountains.
- **McCullough Peaks:** The McCullough Peaks HMA is located 12 to 27 miles east of Cody (70 miles east of Yellowstone Park) and encompasses 109,814 acres of land, including the McCullough Peaks WSA. The climate is typical of a cold desert with annual precipitation averaging five to nine inches. Stock reservoirs and intermittent streams fed by winter snows and spring runoff provide adequate water for the HMA. Topography is highly variable, ranging from mostly flat to slightly rolling foothills carved by drainages, to colorful badlands and desert mountains featuring steep slopes, cliffs and canyons. A diversity of coat colors (bay, brown, black, sorrel, chestnut, white, buckskin, gray, palomino, and blue, red and strawberry roans) and patterns such as piebald and skewbald are found in the McCullough Peaks wild horses. The animals tend to be moderate- to large-sized and habitat conditions are such that the horses are in very

good condition. The combination of size, conformation, coat colors and patterns, and excellent physical condition have become a draw for potential adopters and a matter of good reputation for "McCullough Peaks" horses.

LOCATION	UNIQUE FEATURES/ Need for Protection	ACREAGE (estimated acres)
Bobcat Draw/Paradise Alley	Archaeology/paleontology, wildlife, badlands, scenery	10,000
Carter Mountain	Tundra vegetation, soils; elevation > 11,000 feet	5,000
Clarksfork Canyon to Montana state line	Canyon scenery topography/geology; Wildlife, intense recreation - needs vault restroom facilities, fishing; borders Wild and Scenic River - W&S designation should be extended downstream into BLM	App. 640 acres (end of Clarksfork Canyon Road)
Badger Basin	Archaeology/paleontology; badlands; wildlife	20,000 - 60,000 ac
Newton Lakes	Scenery, recreation, geology; proximity to population centers - Cody and Powell	2,000 -5,000
Upper Owl Creek	Fishing, wildlife, canyon scenery, geology	10,000 - 20,000
Five Springs ACEC	Unique flora; wildlife; scenery	Needs to increased from 640 to 2-,3000 along stream corridor
Polecat Bench	World famous, newly discovered fossil horse and other unique paleontology; badlands; proximity to Powell/Northwest College	10 - 50,000 acres

Other Significant Areas.

1. **Dry Tensleep Creek.** (GPS coordinates of N 44.09718 and W -107.28813.).
2. **South Brokenback and Upper Nowood areas.**

The following is what happened in 2006 in these areas: (We understand from several sources that enforcement is virtually non-existent in these areas, probably due to a lack of personnel).

"The Bureau Of Land Management (BLM) Worland Field Office issued a decision that affects motorized travel on the west slope of the Bighorn Mountains which will become effective Nov. 1, 2006. The plan strikes a balance between the need for motorized access, and the need for hunting and recreation that is free of motorized vehicle disturbances. An open house meeting in March, 2006 sought public input on four alternative travel management proposals for the Upper Nowood and South Brokenback areas (25 miles south, and five miles northeast of Tensleep, Wyoming, respectively). Many comments and concerns voiced at the meeting were incorporated in the plan. The final plan allows motorized travel throughout the BLM land but closes unnecessary spurs and parallel routes, and prohibits trailblazing and travel on wildlife and livestock trails. The intent of the plan is to provide adequate public access with motorized vehicles, while minimizing erosion, noise, and exhaust fumes which degrade air, water, soils, vegetation, and wildlife habitat." [BLM press release].

We feel it is crucial to ensure proper protection for these areas in the Bighorn RMP.

[A section of the comments was excised at this point.]

Conclusion

In developing these comments and as indicated above, we had the pleasure of interacting with a number of residents of the Bighorn Basin. But in addition to the people mentioned above, we were made aware of several other people we were unable to contact prior to submitting these comments. These people all have a detailed and personal knowledge of "special places" in the Bighorn Basin, especially with respect to historical resources. We would appreciate providing "contact information" for these people to BLM so that it could contact them and determine what information they have. We think you will find this interaction as much a pleasure and as informative as we did in the discussions we had with the people noted herein.

Thank you for considering these comments and please contact me if you have any questions.

Sincerely,

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Bruce Pendery
Wyoming Outdoor Council

And on Behalf of:

Hilary Eisen
Greater Yellowstone Coalition

Stephanie Kessler
The Wilderness Society

cc: Governor Dave Freudenthal
Park County Commissioners

Attachments