

December 19, 2008

Bureau of Land Management
Attn: Linda Slone, RMP Project Manager
2987 Prospector Drive
Casper, WY 82604

**Re: Supplement to Scoping Comments for the Buffalo RMP
Revision—Special Places in the Buffalo Field Office that Should Be
Protected.**

Dear Ms Slone:

The following comments are submitted on behalf of the Wyoming Outdoor Council for consideration during the scoping process for the revision of the Buffalo 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 Buffalo Field Office—“special places”—and we ask that these areas be protected in the RMP from resource development or other activities that could harm their special values.

Many of the areas identified below are also addressed in Appendix E of the BLM’s July 2008 Fortification Creek Area Draft Resource Management Plan Amendment/Environmental Assessment. In that document the BLM made recommendations as to whether many of these areas should be designated as Areas of Critical Environmental Concern (ACEC). The BLM recommended that the majority of them be designated as ACECs. We support designation of these areas as ACECs, especially where BLM has agreed with that view, but we would like to emphasize that even if these areas are not designated as ACECs that does not mean they cannot receive an alternative designation that helps protect their special values. For example, the areas could be designated as special recreation management areas or wildlife habitat management areas. We urge the BLM to consider all options for protecting these areas.

Fortification Creek

Few would dispute that the Fortification Creek area is one of the most “special places” in the Powder River Basin. It has significant wildlife values (a unique herd of elk), wilderness values, and other values such as significant historical and paleontological resources. It is probably the wildest remaining part of the Powder River Basin.

For this reason the Buffalo RMP must assure that special management attention and protection is afforded to this area. The BLM of course is currently engaged in a RMP Amendment process that would guide management in this area. This raises a number of considerations and issues and we ask the BLM to consider the following:

- BLM should fully consider whether a separate RMP Amendment process for Fortification Creek is appropriate or whether that process should be rolled into this general RMP revision. We urge the BLM to roll the amendment process into this RMP revision. Having separate management guidance developed completely outside of this overarching RMP seems completely contrary to the intent of FLPMA which envisions comprehensive land use plans. Moreover, this process, which is being pursued via an EIS, will provide a much more thorough and comprehensive analysis than the mere Environmental Assessment being used in the current RMP Amendment process. The public (not to mention the resources in the Fortification Creek area) deserve this fuller accounting and opportunity to participate in the process. In addition, having separate amendment and revision processes occurring at the same time is simply confusing and wasteful of resources (including staff and financial resources).
- Even if the BLM does not roll the RMP Amendment process into this RMP Revision process, it should ensure that the RMP that is adopted as an outcome of this process fully adopts and requires the same protections and other management requirements that result from the amendment process. There should not be “competing” or “dueling” or inconsistent resource management provisions; the two processes must be seamless in terms of the requirements that are applicable to the area and this needs to be completely transparent and obvious both to the public, and to BLM.
- However protection for the Fortification Creek area is pursued, we ask the BLM to fully consider the following as part to this process. On October 6, 2008 the Wyoming Outdoor Council submitted extensive comments to the Buffalo Field Office regarding the “Fortification Creek Area Draft Resource Management Plan Amendment/Environmental Assessment.”¹ We incorporate those comments into these comments in their entirety and ask the BLM to fully consider them as part of this RMP Revision process. We ask that those comments fully inform the considerations made for the Fortification Creek area here as well as in the RMP Amendment process. If BLM for any reason cannot find that letter please contact us and we will send you a copy immediately.
- In the October 6, 2008 letter we raised a number of issues and made a number of recommendations as to how the Fortification Creek area should be managed. Here we will briefly mention just a few of those so as to reemphasize them. **First**, the BLM needs to develop a short, succinct “vision” for its management goals in the Fortification Creek

¹ The letter was addressed to Messrs. Chris Hanson and Thomas Bills, BLM Buffalo Field Office, 1425 Fort Street, Buffalo, Wyoming 82834.

area and this vision needs to be based on a recognition of the special values in the area. **Second**, the area should be made off limits to future leasing and BLM should suspend existing leases in the area. **Third**, the BLM should adopt the management provisions specified on pages 24-26 of our comments. **Fourth**, elk habitat must be fully protected and specifically the BLM should not deem a 52 percent decline in the elk herd as a nonsignificant impact, all yearlong range should be protected, and timing stipulations for the protection of the herd should not be eliminated. **Fifth**, the potential ACEC that BLM recognizes meets its relevance and importance criteria should be designated as an ACEC. **And last**, while not specifically addressed in our October 6 comments, BLM must ensure full protection of the Wilderness Study area in the Fortification Creek area.

If the BLM recognizes these points and ensures they are made binding provisions in the Buffalo RMP, the Fortification Creek Area will receive the protection it needs and deserves.

The BLM recognizes that the Fortification Creek area should be designated as an ACEC. Fortification Creek Area Draft Resource Management Plan Amendment/Environmental Assessment (hereinafter, "RMP Amendment EA") at Appendix E page 4. As discussed above, this area should be designated an ACEC despite the apparent unfortunate direction currently being taken in the RMP Amendment EA (and even if the RMP Amendment EA does not in the end designate this area an ACEC that decision can be revisited in this RMP Revision, and we ask that that be done if the ACEC is not designated in the EA).

BLM Should Protect Large, Contiguous Blocks of BLM Land

Much of the Powder River Basin is of course private lands and BLM's surface ownership holdings tend to be scattered and disconnected. But this is not uniformly true. Particularly along the Powder River from roughly Willow Creek to Wild Horse Creek there are large and reasonably contiguous BLM holdings.

The BLM should recognize this and recognize the significance of this. This area presents BLM with potential opportunities that may not be available elsewhere in the Field Office. In this large, somewhat contiguous block of BLM lands BLM is likely better able to provide public access to its lands, to provide public hunting areas, to better manage for large contiguous tracts of unfragmented wildlife habitat, and so on. Consequently we ask the BLM to recognize this somewhat unique block of lands in the Buffalo Field Office and to provide for special management of this area that seeks to protect these kinds of values to the maximum extent possible.

The Face of the Bighorns

It also appears that the BLM manages large contiguous tracks of land along the southern end of the Bighorn Mountains. These lands are wild and of great value to wildlife. Consequently the BLM should fully analyze the values in this area and seek to protect these values. The BLM has stated that this area is "somewhat unique due to the lack of roads." We would assert that in this day and age roadless areas—regardless of any wilderness status or designation—are of supreme public value and increasingly rare, and thus should be recognized

and managed by the BLM. Even if this area is not managed as an ACEC by the BLM, it should be recognized for the special values it does have and managed accordingly, perhaps by designation as a wildlife habitat management area or a special recreation management area. The area should not be available for minerals development.

Pumpkin Buttes

The Pumpkin Buttes are widely recognized for their recreational and scenic value. A significant part of this area is managed by the BLM. Accordingly the BLM should seek to fully protect this area in the Buffalo RMP. It should be made unavailable for minerals development to the extent possible. BLM has recognized significant wildlife use in this area (golden eagle and prairie falcon use) and evidence of past Native American occupation. No mining or energy development has occurred on the slopes or top of the buttes. The BLM has recommended this area for designation as an ACEC. RMP Amendment EA at Appendix E page 4. It should be designated as an ACEC in the Buffalo RMP revision.

Hole in the Wall

This interesting and significant area is already recognized on the BLM's website. http://www.blm.gov/wy/st/en/field_offices/Buffalo/recreation/holeinwall.html. The BLM says this about the area:

The Hole-in-the-Wall is approximately 40 miles southwest of Kaycee, Wyoming ([map](#)). It's a colorful and scenic red sandstone escarpment that is rich in legend of outlaw activity in the late 1800s, most notably Butch Cassidy and the Wild Bunch Gang. The "hole" is a gap in the Red Wall that, legend has it, was used secretly by outlaws to move horses and cattle from the area. The area is primitive in nature, with no services. Visitors should be skilled in cross-country travel and take adequate water, food, and fuel. Please pack trash from the area, and respect private property owners who are working with the BLM to make this an enjoyable recreation opportunity.

Given this significance, the BLM should seek to fully protect this area in the Buffalo RMP, perhaps by designating it a special recreation management area that is unavailable for mineral development. The BLM has recommended this area for ACEC designation. RMP Amendment EA at Appendix E page 4. This area should be designated an ACEC in the Buffalo RMP revision.

Dry Creek Petrified Tree

This area is already an Environmental Education Area recognized by the BLM. This area too is described on the BLM's website,

Giant trees grew in a jungle-like area somewhat like the Okefenokee Swamp in southern Georgia. A large system of rivers flowed north to a distant ocean. Huge swamps filled the wide, flat plain between the Big Horn Mountains and the Black Hills. There may have

been turtles, crocodile-like creatures, large fish similar to modern gars, and primitive mammals and birds.

Given this remarkable geological history the BLM should continue to protect this area. In developing the Buffalo RMP the BLM should determine whether the current boundaries and management guidance are sufficient and modify them as needed to protect this priceless resource. The BLM recommends this area for designation as an ACEC. RMP Amendment EA at Appendix E page 4. The area should be designated as an ACEC in the Buffalo RMP revision.

Hell's Half Acre

Hell's Half Acre is a 1,900 acre block of public land in northern Sheridan County. The area has the amazing "breaks" topography and vegetation that is a signature of the Powder River Basin. It includes stands of ponderosa pine. It is an area recognized for its remoteness that so many are seeking on the public lands. The BLM should recognize these special values and manage the area accordingly as a wildlife or recreation special management area even if it does not manage it as an ACEC.

Cantonment Reno

This is a remarkable historic site where a rare army fort on public lands was built along the Bozeman Trail. According to the BLM, "[i]t is one of the few forts [from the settlement/pioneer era] located public land." The BLM recommends this area as an ACEC. RMP Amendment EA at Appendix E page 4. The BLM should ensure these special values are protected by designating this area an ACEC.

Cow Creek Breaks

This is a large area of public lands, 17,000 acres, north of Gillette. It has a number of special values. It is largely unroaded which means it is isolated and primitive. It has high scenic value. And according to the BLM, it "warrants protection to satisfy national priority concerns." The BLM recommends this area as an ACEC, RMP Amendment EA at Appendix E page 4, and it should be so designated in the Buffalo RMP.

Middle Fork of the Powder River

This area is a popular whitewater area. In its upper reaches it appears to flow through a considerable amount of BLM land. The BLM should recognize this area and seek to maintain whitewater paddling opportunities in as wild and natural a setting as possible. Residents of Wyoming are increasingly demanding this kind of recreation and it helps to support our tourist industry. Moreover, the Powder River provides significant and important fishing opportunities and the BLM should recognize this and seek to provide protections that ensure this activity can continue.

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

cc: Governor Dave Freudenthal