

Sublette County Commission

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May 5, 2009 Committee on Natural Resources hearing on H.R. 980, the Northern Rockies Ecosystem Protection Act

REVISED Testimony of Joel Bousman, Sublette County Commissioner, Sublette County, Wyoming

I come from the least populated state in the nation, from the county with the lowest unemployment rate in the nation: Sublette County, Wyoming. With 5,000 square miles of land – our county is about the size of Connecticut – yet with less than two people per square mile.

Unlike the assumption made in this legislation we're here to talk about today, our rural corner of the world is not suffering from economic instability and high unemployment. Instead, in a western county consisting of 80 percent federal land, we thrive on multiple use of our natural resources, with the end result being a sustainable and diverse economy. We are the fifth fastest growing county in the nation. In these dire economic times, Sublette County is a model of prosperity. And while our economy and our human community prospers, so does the natural community. While we have developed two of the largest natural gas fields in the nation in Sublette County (the Jonah and Pinedale Anticline fields), we have also worked to recover large carnivores that share our habitat. The result has been that both grizzly bears and gray wolves have reached biological recovery goals.

I have been sent to Washington D.C. to testify against the proposed Northern Rockies Ecosystem Protection Act. I am a fourth-generation Wyoming cattle rancher and livestock operator who has been involved in natural resource issues and management for 40 years. I'm a county commissioner, and I am here representing western Wyoming's Coalition of Local Governments, as well as the citizens of Sublette County.

This proposal would change the very custom and culture of our region. Existing land management, which emphasizes multiple use and focuses on the national forest system as the land of many uses, provides for healthy local economies and tax bases, including recreation, livestock grazing, tourism, resource extraction, and the preservation of local custom and culture. We have an effective land management scheme, but this bill would take away many of our management options, harming both human and natural resources in the process.

Our multiple use system of national forest management has already protected 70 percent of the United States Forest Service lands in Wyoming as roadless and wilderness. So wilderness areas are already abundant in our region, and our local forest is the 3.4-million-acre Bridger-Teton, one of the largest national forests in the nation. The Bridger-

Teton includes 1.3 million acres already designated wilderness, and is located adjacent to both Grand-Teton National Park and the National Elk Refuge. The Bridger-Teton has three nationally dedicated wilderness areas, which include the Bridger Wilderness, the Gros Ventre Wilderness and the Teton Wilderness.

In wilderness areas, signs of man are generally prohibited. The 1964 Wilderness Act defines wilderness in this way:

“A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which:

- (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
- (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
- (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and
- (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.”

Wilderness areas are roadless areas where mechanized equipment, including bicycles, chainsaws, motorized boats, hang-gliders and game carts, are prohibited. Some of our wilderness areas also have limits on the number of people permitted to enter, as well as group size.

There are indeed development and signs of human presence within the area proposed for wilderness designation under this bill, which this bill completely ignores. This bill, if enacted, would make Park County, Wyoming - 54 percent wilderness; Teton County, Wyoming - 48 percent wilderness; and Sublette County - 22 percent wilderness. Lincoln County would go from a county with no wilderness to having a full 15 percent of the county designated wilderness. That sort of an action would impact a major portion of our economy. More than 5 million acres of new wilderness would be added to 10 of Wyoming's 23 counties by this legislation, yet many of these counties were not even aware of the existence of this bill until they were told about it in a Wyoming Association of County Commissioners (WACC) last week. This is in addition to the millions of additional wilderness designation for wild lands occurring within the national park system in Wyoming. This committee should know that the WACC voted to oppose this bill. (Please see Attachment 1.)

The proposed wilderness areas on our local forest, the Bridger-Teton National Forest, are neither undeveloped nor roadless, but do possess great beauty and valuable resources that are part of a working landscape providing for the economic health of our local communities in western Wyoming. The Bridger-Teton National Forest provides a source

of livelihood for ranches, dude ranches, outfitters and guides, and for businesses ranging from homebuilders to mountain bike rentals. Some of these enterprises provide services that depend on National Forest features, while others utilize commodities produced from the Bridger-Teton National Forest, including timber products, energy resources, and forage for livestock.

Outside existing wilderness areas and remaining on the Bridger-Teton National Forest are three alpine ski areas and eight other resorts, mostly along front of the Wind River Range and in the Buffalo Valley. With 300 outfitter-guide permits on the forest, the Bridger-Teton has by far the most in the region, taking people into the backcountry for fall hunting, summer pack trips, climbing, river floating and fishing, mountain biking, llama trips, and winter sports.

The Bridger-Teton also includes 50 campgrounds, and over 2,600 miles of summer trails, including 175 miles of the Continental Divide National Scenic Trail and the 75-mile Wyoming Range National Recreation Trail. About 800 miles of winter trails give access to the forest for skiing and snowmobiling. Over 2,100 miles of road gives access to resource management and public travel. Many of these resources are located in the proposed wilderness areas under this bill.

We did not conduct a broad-scale review of the impact of this bill on the entire Northern Rockies region, and did not have time to even assess statewide impacts for Wyoming. Instead, with limited time to review this bill, we conducted an analysis of the impact this bill would have on two neighboring western Wyoming counties, Sublette and Lincoln counties.

Our analysis indicates that Sublette County will be severely impacted if this proposal were enacted, but the exact level of economic impact could not be determined. A total of 2,545 jobs in the county, with an economic output of \$768,202,000, would be affected by this proposal. These jobs come from every sector of our local economy. Our neighbor Lincoln County, would have 1,679 jobs affected with an estimated output of \$441,177,000. In total, this proposal would have some impact on 4,224 jobs within a two-county area, with an output value of more than \$1.2 billion. (Please see Attachment 2 for more information on this analysis.)

Our analysis also indicates that of the 2,115 miles of National Forest system roads on the Bridger-Teton National Forest, a full 504 miles would be affected by this legislation. That's a reduction of 24 percent of the existing roads on the Bridger-Teton.

Attachment 3 summarizes the number of acres that will be affected by NREPA on the Bridger-Teton National Forest for various uses. As the tables demonstrate, the impact would be substantial:

- The amount of Bridger-Teton National Forest timber acreage scheduled for harvest would decrease by half – from 28 percent to 14 percent.
- Winter motorized recreation – snowmobiling – is a major economic activity in our region. In fact, Wyoming is the overall top destination for snowmobilers in the western

United States. But under this bill, the 2 million acres open for snowmobile use on the Bridger Teton would decrease to only 712,830 acres. Our analysis also indicates that summer off-road motorized recreational acreage would decrease from our current 1.7 million acres to only 646,091 acres. These numbers show a major significant decrease in available land for motorized recreational vehicle use. Recent research indicates that resident off-highway vehicle users in Wyoming spend an average of \$27.04 per day, while non-residents spend an average of \$31.70 per day. Besides the impact to the businesses providing products and services to this industry, state and local governments benefit from recreation vehicle use in tax collections (sales, lodging, gas taxes) and registration fees.

Although our analysis examined only the impact to two counties in relation to one national forest, the impact within the larger national forest system would be on a much more massive scale.

Culture and custom

Much of western Wyoming's national forests are part of a mostly natural appearing forest landscape mixed with the pastoral settings of ranches, hay fields, and other open spaces. The national forest is adjacent to and ecologically part of a larger area that includes much public land, as well as small towns whose structures blend with the landscape. What you find here is an abiding sense of history as seen in ranches and dude ranches, gravel roads that were once immigrant trails, the cattle drives that still halt traffic. People think of this area as a place where the "Old West" lives on.

What you find here is a land-use culture, with people still involved in activities that have historically occurred on the forest landscape, which, in addition to having economic value, also have social value as an important contributor to the Bridger-Teton's sense of place.

Our region has a relatively pristine environment, with healthy communities and abundant wildlife. We, the people of western Wyoming, are family members, business owners and workers who co-exist and thrive with our natural community. We have ski resorts, summer marinas, motorized boat use, snowmachining, recreational vehicle sites, developed campgrounds, designated off-road vehicle trails, existing public roads, guest lodges and ranches, summer homes, and facilities used by other resource agencies – all within the area encompassed by this bill. We can do all these things because our communities are sustainable, as are our natural resource uses. But these uses are prohibited in wilderness areas. Many of the areas proposed for wilderness presently have these multiple uses occurring.

Forcing more people into a smaller area available for multiple use will result in overcrowding and more resource management problems, as well as damages to the natural community.

Our existing forest management framework provides for economic sustainability by enabling people to work, provide income for their families, and contribute to the wealth

of the community, region and nation in a way that meets the needs of the present generation without compromising the ability of our natural resources to provide for future generations.

The existing management framework allows for land managers to address specific needs as they arise, rather than excluding use that comes with wilderness designation. The national forests currently provides:

- Merchantable raw materials such as timber, forage, oil and gas, water, gravel and minerals;
- Resource commodities such as saw logs, posts, poles and commercial firewood;
- Public service placement provisions for electricity, gas, communication and transportation needs;
- Water development opportunities for agricultural, industrial and municipal use, and hydroelectric power generation;
- Locatable and common variety materials, including sand, gravel, hard rock, decorative rock and ores; and
- Energy resources, including leaseable resources such as natural gas, oil, coal, wind, biomass, and solar.

It's important to note that our existing forest management planning process provides for opportunities for public input and participation for land use planning, and for wilderness review. Unfortunately, this bill usurps the public, as well as local government, by seeking a congressional mandate rather than a well-conceived plan at the local level. Ironically, the bill has failed to win the support of the Wyoming chapter of The Wilderness Society.

Wildlife & Outfitting

The designation of wilderness over such a broad landscape poses numerous problems to wildlife managers as well. Our analysis indicates that one elk feedground currently operated by the Wyoming Game and Fish Department may occur in the area proposed for wilderness. This feedground, which provides winter sustenance to wild elk in the region, keep the animals from starving to death in the winter. But state wildlife officials must transport thousands of tons of hay into each feedground during the summer and fall months, to stockpile for feeding once the winter snows begin. This elk feedground would not be allowed to operate under this wilderness proposal.

Under Wyoming law, non-resident hunters must hire a licensed outfitter in order to hunt in wilderness areas of the state. Even though these outfitters make a substantial part of their living through the use of wilderness, our local outfitting industry opposes this bill as well.

Todd Stevie of Thomson Outfitters explained why the industry is opposed to this bill:

- “HR 980 would increase our business operating cost greatly. For instance, we have two drive-in camps and two pack-in camps. Our pack-in camps take about twice the amount of labor to set up and operate as do our drive-in camps. If passed, this would turn my drive-in camp into pack-in camps and make what is now a two- to three-day job about a three-week job just to set up and get ready to operate.

- “The bill would decrease revenue to the county economy. If passed this would greatly affect the amount of revenue generated by the outfitting industry in Sublette County. The industry grossed approximately \$3 million in 2008 on the Pinedale Ranger District of the Bridger-Teton National Forest alone. We feel that you can at least double this figure when you add in the Wyoming Range outfitters. This does not include revenue generated on Bureau of Land Management or private land by the industry.
- “The bill would remove available land from elderly or disabled people not physically able to access the wilderness. A lot of my clients are not physically able to endure a 12-hour horseback ride or able to hike for two days to just get to the areas they would like to see and recreate in, therefore they will not be able to access "their" public lands. Some of the hunters we take are not ever capable of getting on a horse for their hunts and therefore we have to take them in a vehicle. This would take them totally out of the hunting recreation world. I feel that we will lose approx 70 percent of our hunting clients who will not be able to survive the ride to the camps.
- “This would also increase human impact in the non-wilderness areas. These people are going to go somewhere and it will put a lot more people in the places they can still go and therefore have a negative impact on the resources and the quality of their visit due to over crowding. Just imagine all the ATV and 4x4 traffic being put into the very small area that is left for them to recreate on.”
- “We also oppose this bill because of the loss of ‘off wilderness’ day use associated with our permits. Each permitted outfitter has a certain amount of ‘off wilderness’ day use and ‘on wilderness’ day use. If passed, all of our ‘off wilderness’ days would then be used as ‘on wilderness’ days. Our ‘off wilderness’ days cannot be transferred to ‘on wilderness.’ Therefore, we would lose approximately 50 percent of use days. This would greatly devalue our permits.”

Timber

This is an anti-logging bill, and seeks to replace timber jobs with restoration jobs. But the days of huge clearcuts on western Wyoming national forests are long gone. We now harvest timber in specially designed projects in order to provide better habitat for snowshoe hares, to aid the threatened Canada Lynx. We harvest timber, in specially designed projects, to aide in forest health, and to reduce dangerous fuel loads near homes. Given the widespread destruction of pine trees due to the beetle epidemic, it is critical that we maintain maximum flexibility to conduct forest health programs including removal of dying timber, which this bill would prohibit. We harvest timber, in special designated areas, so that the public can obtain fuel wood, Christmas trees, and posts and

poles.

We already struggle with catastrophic wildfires in the West, and this bill would make the situation worse by eliminating many of our forest health tools such as reducing fuel loads through timber harvest, and accessing areas to fight fires. Our ability to manage forests, and to fight dangerous wildfires, remains in place on most national forest lands, but some of our management options and fire-fighting techniques are prohibited in wilderness areas.

Energy

From the 1940's until today, 140 wells have been drilled on the Bridger-Teton National Forest. There are currently 150,100 acres leased on Bridger-Teton. Of that, 64,300 acres are held by production and 85,800 acres are suspended. There are 14 operating wells on the forest, primarily in the Riley Ridge Field south of Big Piney. For a list of oil and gas wells affected by this proposal, please see Attachment 2, Table 4.

Our analysis indicates that NREPA will impact access to recoverable natural gas reserves in Sublette County. Under this bill, 91,218 acres of high density gas will be affected, as will 24, 811 acres of moderate density natural gas.

Water

This bill also attempts to claim water that under Wyoming's constitution belongs to the state. The bill states: "the Congress hereby reserves a quantity of water sufficient to fulfill the purposes for which the lands are designated as wilderness. The priority date of such reserved rights shall be the date of enactment of this Act."

Western Wyoming serves as the headwaters to the Colorado River, and water management activities for this region must remain with the states as outlined in state constitutions and the Colorado River Compact. Should a federal agency desire a water right, it must comply with state water laws. This legislation is an end-run around the hundreds of years old "law of the river."

The bill would designate 237 miles of rivers and creeks that traverse the Bridger-Teton National Forest as "wild and scenic rivers," thereby locking up future options for water management and development activities in the region.

Livestock Grazing

In wilderness areas where livestock grazing is continued, the U.S. Forest Service requires strict grazing practices to minimize resource impacts and interference with other visitors. Most, if not all of the lands located in Wyoming and proposed for wilderness under this bill are already used for permitted livestock grazing. Changing the grazing allotments to wilderness has numerous impacts, as our Wyoming Stock Growers Association explains:

- It takes away needed flexibility to adjust permits and grazing systems.
- It removes or makes more difficult needed access to truck livestock, supply cowboys and herders and address predation.
- It creates a public expectation that livestock will not be present, even though this is a legal and prescribed management action and use.

- Invariably, when conflicts arise, agency decisions are weighted in favor of wilderness values and against grazing, harming local families and communities.

Let's look at one grazing allotment in the state for an example of the impacts. The Upper Green River Cattle Allotment, located in Sublette County, is the largest federal land-based grazing allotment in the national forest system, permitting 7,565 head of cattle on approximately 130,000 acres. Most of this area would become wilderness pursuant to the bill under consideration.

Here's what Albert Sommers of the Upper Green River Cattle Association says the impact would be to this allotment, in which numerous family ranches graze their cattle in common during the summer months:

- We have five rider camps, which would become inaccessible to motorized vehicles. We could not maintain the cabins, haul supplies to the riders, or haul the rider's personal items to the camp with a motorized vehicle. One cabin is a day and a half horseback ride from the forest boundary.
- We have four pasture systems, with multiple pastures per system, all of which are fenced. These miles of fence require maintenance and rebuilding, which requires motorized vehicles.
- Managing depredating grizzlies and wolves requires motorized access by wildlife specialists to trap and relocate the animals.
- We often haul sick and injured animals off of the forest, but with a wilderness designation, if we cannot have motorized access to these hurt animals, we may have to kill them on site.
- We have a spring pipeline system that requires motorized access for maintenance.
- On the trail up, we would have to camp with the cattle, because we could not trailer to the cattle drive's drop point from the previous day. This would take us away from irrigating our hay meadows and other seasonal tasks.
- We could not operate the cattle numbers we do today with out vehicle access, and we would likely go out of business."

Existing rights

The simple statement on page 11 of the proposed bill that "This Act does not affect private existing rights" does not even define what the "private existing rights" consist of, yet alone provide for any definitive protection for those rights.

We know that existing rights include active mineral leases, inholdings, commercial outfitter leases, homesite leases, leases for livestock grazing facilities (cabins and corrals), recreational leases, ditch, utility and transportation easements, and other property interests. Sublette County's local ski area, White Pine Ski Area and Resort, would also be negatively impacted by this proposed bill, as will other lodges and estates (See Attachment 2, Table 5). However this bill does not define existing rights.

There are three year-round resorts less than 10 miles from the town of Pinedale, and they are located in the Bridger-Teton National Forest. These three resorts employ more than 110 people, have gross revenues of \$3.5 million, and have invested in capital

improvements of nearly \$28 million. Most importantly, the three resorts in the southern Bridger-Teton National Forest provide facilities that make it possible for over 70,000 tourists and local families to experience the national forest each year. Lakeside Lodge Managing Partner Greg Ptasnik said in a letter to this committee: “It is unclear in the proposed HB 980 what would happen to the developed areas. It would be extremely costly to remove the structures or if the businesses were allowed to remain it would be too restrictive and financially unfeasible to continue operation. The closing of the resorts would have a devastating recreational and financial impact on an entire community and on recreating citizens in general.”

Sublette County Assessor Janet. L. Montgomery estimates that using our current rate of taxation, Sublette County would lose nearly \$89,000 in tax revenue annually from the buildings and personal property at six locations on national forest lands in Sublette County.

One of the inadvertent problems of this bill is the loss of access to private property by closure of roads and access areas. There are private property inholdings within the national forest that would have their vehicle access closed due to this legislation. There are people who access not simply seasonal homes but their year-round homes through Forest Service roads that would be closed under this legislation.

Access

Closing off all vehicle and mechanized travel to such a large portion of our public lands in the region would harm certain groups of people, including the disabled, elderly and infirm, who cannot enjoy these vast lands on their own. This bill would also impact developed recreation sites that are more accessible, such as boating sites, developed campgrounds and interpretive/picnic sites (See Attachment 2, Table 3 for a list of affected sites in Sublette and Lincoln counties).

The existing system of forest management provides for thoughtful transportation planning and management, and we are opposed to having this system hindered by wilderness designation.

Simply designating an area as a wilderness does not insure ecosystem health, and can actually cause ecological harm. Resource managers would have access and ability to control noxious weeds severely hindered by this proposed legislation.

Access to clean ditches and irrigation systems, and to repair dams, would be shut off as well. Access for utility and transportation corridors would be denied also, under this proposal.

Our local search and rescue program director, Tony Chambers, recently noted in a letter to this committee: “Many of our summer missions are on our existing wilderness. While we respect and love our existing wilderness, the access to these lands for a rescue mission can be very challenging, and costly. If we have no motorized access to someone in need,

a ground transport or very costly and dangerous helicopter mission is required. Should HR 980 pass these challenges will grow exponentially.”

One search effort in the wilderness area on the Bridger-Teton National Forest in September 2006 cost our county \$260,000 because of the extensive high-elevation helicopter use required (which also requires special authorization from forest officials for wilderness landings). Our county’s search operations expenditures were only \$320,948 from 2002 to the present, so the vast majority of expenditures were to the one wilderness search.

Conclusion

For over a century the U.S. Forest Service has been guided by the basic principle set forth by its founder, Gifford Pinchot: to manage the land for “the greatest good of the greatest number in the long run.” Let’s continue forest management using that principle and reject this harmful legislation.

As a last comment, I want to invite anyone with an interest in this topic to come to western Wyoming and see for yourself how we are providing stewardship of our natural resources. The wonderful natural resources we have in our area would not exist if it were not for us, the people living here on a daily basis, taking care of our environment.