

## Appendix A. Response to Comments

This Appendix includes a summary of the comments submitted for the Predecisional Dick Creek EA and the Forest Services response to those comments. The commentors included:

Cody Lumber	Park County Commissioners	US Fish and Wildlife
People for Wyoming	Alliance for the Wild Rockies	Meeteetse Conservation District
Wyoming Game and Fish	Wyoming Office of State Lands and Investments	Wyoming State Engineer's Office

Two other comments were received after the comment deadlines. Those comments are not responded to in this appendix, though the IDT and decision maker reviewed them.

Commentor	Comment	Response
Cody Lumber	Object to emphasizing aspen on suitable timber acres, specifically on sites with a high site index for conifers.	<p>Part of this response was addressed in the Predecisional Environmental Assessment responses to scoping (App B, page 87). The commentor brings up an additional point that the Forest Plan indicates that aspen should not be emphasized on conifer sites with a high site index. The Forest Plan text actually reads slightly different. The Forest Plan indicates that aspen should be managed for retention wherever it occurs unless justified by one of three criteria. We interpret this to mean that you can only choose not to manage for aspen if one of the criteria applies. This direction is written so that it provides a choice and not requirement. A review of the Forest Plan supporting data indicates that none of the conifer sites in the Dick Creek watershed are classified as high site index. Therefore the criteria do not apply and the Dick Creek project is in compliance with the Forest Plan's emphasis on aspen.</p> <p>As a further means of addressing the commentor's concerns, future EAs will identify if aspen emphasis is occurring on conifer sites with high site indexes. In addition, the potential effects to the suitable timber base and resulting Allowable Sale Quantity of this plan direction will be assessed as part of the Forest Plan Revision starting in 2004.</p>
Cody Lumber	Comments from scoping responses in 2002 and 1997 were attached to commentor's letter.	Those comments were addressed previously. The document has changed significantly since 1997. The 2002 comments are addressed in Appendix B of the Predecisional EA.

Commentor	Comment	Response
Park County	Our observation on both the Shoshone National Forest and Yellowstone National Park would suggest that damage to aspen regeneration could be caused by any grazing herbivore, elk, deer, moose, bison or domestic livestock. If appropriated funds or timber purchaser credit is going to be used to regenerate the aspen stands, it would seem appropriate to go ahead and spend the extra money to protect the regeneration from all grazing, whether it be wildlife or domestic livestock.	The comment is in reference to mitigation in section 2.2.4. Actually the Forest does not anticipate that there would be a need for fencing. This is based upon the success of past aspen treatment in the Dick Creek watershed that was not impacted by wildlife or domestic livestock. The final EA is modified to reflect this.
Park County	Dead snags are lightning rods. Most lightning-caused fires occur when lightning strikes a dead snag and ignition of dead wood occurs. The text on pages 54 and 55 indicates there is a history of past lightning fires in the analysis area. Would it not be more prudent to leave fewer snags, say no more than 10 per acre. We believe that has been the standard in most wildlife literature, and in most past timber sale contracts.	Comment is in reference to mitigation that in general all snags will be left for their wildlife value. In our experience just as many live trees and dead trees are the recipient of lightning strikes, what really matters is the presence or absence of fine fuels at the base of the trees that actually ignite, and either ignite the dead tree from the bottom up or spread out from a live tree into more fuel. Removing the majority of snags from these treatment acres would have a negligible effect on the likelihood of a fire. Rather it seems more prudent to leave snags to contribute to the natural processes that they support.
Park County	Since the timber sale operating season will be limited to 12/1 to 3/31, is this restriction necessary?	Comment is in reference to disallowing management activities within 300 feet of any occupied raptor nest from May 1 to July 31. The mitigation could still come into play when the road reconstruction and maintenance work is done in the summer months.
Park County	Page 39. The Francs Fork watershed lies to the west of the project area, not to the east as stated.	The final EA will be corrected.
Park County	<p>We have been continually concerned over the gradual but constant erosion of the public opportunities to access and enjoy the national forest by any means of transportation other than foot or horseback. Since most recently the elk have been wintering to the east on Game and Fish property it is not necessary to seasonally close the Dick Creek Watershed.</p> <p>Page 47 of the EA, states that the Dick Creek watershed does not contain any mapped winter range.</p> <p>Contrary to the discussion in the EA the Shoshone National Forest Map shows that the areas is open to snowmobiles and ATVs on mapped trails.</p>	<p>As noted in section 3.5, none of the alternatives changes the miles of open or closed roads in the Dick Creek watershed. Existing closures are the result of past decisions.</p> <p>The reference to mapped winter range should have stated, “mapped winter range for mule deer.” There is mapped winter range for moose and elk as shown on Figure 7.</p> <p>The information for the visitor map is incorrect for this area. The area has been seasonally closed to motorized access since about the mid 1980s.</p>

<b>Commentor</b>	<b>Comment</b>	<b>Response</b>
Park County	We continue, as we have in the past, to question the legality of the Chief's December, 2002, Interim Roadless Area Directive in view of the specific language in the Wyoming Wilderness Act of 1984. We realize this issue is outside the authority, purview and area of responsibility of the ID Team for the Dick Creek Timber Sale; nevertheless, we feel compelled to again raise the issue until such time as the question is resolved in the courts.	Section 3.6.1 discusses the direction from the Wyoming Wilderness Act and the current roadless area direction.
Park County	We are aware of the presence of the conical lodge referred to, and question the need to mention it in the document, as it is not within the Dick Creek watershed. The conical lodge is located in the Sunshine Creek drainage, which is outside the analysis area for the proposed action.	As part of our procedures with SHPO, they identify sites with a certain distance of the proposed project area for our consideration. The EA documents the exchange of information.
Park County	The quote from our letter in section 3.9 is incorrect.	We apologize for the error and will correct the final EA.
Park County	Cumulative effects. Two other activities from 1966 and 1976 should be added in the interest of accuracy.	The activities that occur within the time period being considered for cumulative effects will be added in the final EA.
USFWS	Support for consideration of grizzly bears and no net increase in road density.	No response needed.
USFWS	If any raptor nests are located within ½ mile of the project site (or within 1 mile of bald eagles and ferruginous hawks), please contact this office so that we may work together to protect these species.	A mitigation measure was added to address this (Section 2.2.4).
People For Wyoming	The US Forest Service must comply with (1) National Environmental Policy Act, (2) CEQ guidance on cooperating agencies, (3) Small Business Regulatory enforcement Fairness Act of 1996, (4) Executive Order 13272, (5) Federal Data Quality Legislation. In reading the EA, it looks like you have complied with all of the above. We would hope that the next project would include co-lead status for Park County.	We involve and take comments from the Park County Commissioners during all phases of our project.
People For Wyoming	People for Wyoming supports Alternative 2.	No response needed.

Commentor	Comment	Response
Alliance for the Wild Rockies	It does not matter if the bear and its habitat are outside the Greater Yellowstone Grizzly Bear Recovery area or not, the Endangered species Act applies. The Forest Service must make a Likely to Adversely Affect determination unless the proposed action will result in insignificant, discountable, or beneficial effects. We do not believe that the Forest Service has demonstrated that all actions associated with the action alternative will meet the strict criteria for a NLAA determination. Specifically, the timber harvest and clearcutting associated with the action alternatives will fragment secure habitat for grizzly bears.	The grizzly bear analysis is in section 3.2.2. Consultation with USFWS has occurred. They have concurred with our finding that the project is Not Likely to Adversely Affect the grizzly bear or its habitat. The rationale for this determination is that the project design incorporates elements contained in the Grizzly Guidelines and Grizzly Bear Recovery Plan, which were incorporated into the Forest Plan. Further, there would be no new roads, and the winter logging means minimal if any direct effects to the bears.
Alliance for the Wild Rockies	Recommend the Forest Service choose Alternative 3 that does not enter the Roadless Area.	No response needed.
Alliance for the Wild Rockies	It is important to note that the Inventoried Roadless lands in the Dick Creek watershed are currently being considered by the United States Congress for wilderness designation under the Northern Rockies Ecosystem Protection Act (NREPA). We believe that the Forest Service has a clear duty to protect the wilderness characteristics that congress is currently debating.	The proposed action will not impact the suitability of the area for Wilderness. The area currently has improved roads and recognizable evidence of timber harvest and skid trails. These conditions reduce the Wilderness suitability of the area. The proposed action will not construct any additional roads in the roadless area and all areas that will be harvested currently display evidence of past timber harvest and skidding.
Alliance for the Wild Rockies	<p>We do not understand how the Forest Service came to the conclusion that the roadless characteristics in question have been substantially altered.</p> <p>Our confusion arises with the EA’s conclusion that the IRAs in question would still qualify for Wilderness Designation. The EA stated that the proposed activities would not change the existing roadless characteristics of the area and would not preclude any future decisions on how to manage those roadless characteristics (EA page 61).</p> <p>This statement seems to indicate that the IRAs would still qualify as wilderness.</p>	<p>Our statements were not meant to imply that the area would qualify as Wilderness. We will rework the discussion so that it is clearer.</p> <p>As shown in the inserts in Figure 19, there are old roads and skid trails in the portions of the roadless area being treated. There is additional description in the associated text. The existence of old roads would substantially alter the wilderness and roadless characteristics of the area.</p> <p>In the EA we were trying to portray that the proposed activities would not change the roadless characteristics any more than past activities have. Therefore any management consideration that could be made for the roadless area today could also be made after the proposed action.</p> <p>Both the existence of improved roads maintained for standard passenger type vehicles and the recognizable evidence of timber harvest and skid trails would make this area unsuitable for Wilderness designation (FSH 1909.12 Section 7.11).</p>

Commentor	Comment	Response
Meeteetse Conservation District	We question what is meant by the statement “any measurable effects of management ... once steam flow reaches the Wood River.” Are you suggesting that the ecosystem processes with the Dick Creek watershed are functioning properly? Our own sampling and monitoring efforts indicates the resource is improving in the Dick Creek watershed.	That discussion is actually explaining why we chose the Dick Creek watershed as the analysis area for direct, indirect, and cumulative effects. We chose not to expand the analysis area, particularly as related to cumulative effects, any further downstream, because such effects cannot be measured beyond the Dick Creek-Wood River confluence due to dilution or masking by other land management practices taking place downstream of our project area. Any measurable effects of management within Dick Creek are either diluted or masked once stream flow reaches the Wood River.
Meeteetse Conservation District	We suggest that the effects of the proposed action on the water quality conditions of the Dick Creek watershed would need to reflect the totality of Water Quality Rules and Regulations – Chapter I – Wyoming Surface Water quality Standards. Additionally, we find no water quality standard for ‘water purity’ in the rules cited above.	We submit the effects discussion does reflect this. Water purity relates primarily to water chemistry, for which there are numerous state standards.
Meeteetse Conservation District	We agree with the conclusion statement concerning management changes... in that the vegetative, soil and water resources are “rapidly improving”.	No response necessary.
Meeteetse Conservation District	For the EA statement reading “Recreation, grazing, timber harvest, and roading have continued to occur in these areas.” – it is our understanding that “roading” has not taken place since the closures by the Forest Service in late 1996 or early 1997. We suggest that the statement be modified.	The wording will be modified to replace roading with road use.
Meeteetse Conservation District	We suggest that the “historical overgrazing and delivered sediment from roads connected to the streams” cannot be tied to the overall stream type within the Dick Creek catchment. We also question the statement regarding the compromise of “access to the floodplain, maintenance of the water table and transport of sediment”. Are we to understand that a segment of the streams have shallow water tables adjoining the steam substrate because of overgrazing? We suggest that a more concise statement be made that is understandable. We also suggest the first part of the paragraph be tenured with the verbiage of the last half of the paragraph in order that the reader of the decision notice will understand that the recent innovative management changes implemented by the Forest, the permittees and users of the Forest have made long lasting positive changes to the resources.	Grazing and roading can affect stream type, through changes in width to depth ratios and substrate particle size distribution. The statement regarding compromise of hydrologic condition is correct as changes in stream type to affect water table levels. We believe the paragraph, as written, portrays existing conditions and informs the reader about ongoing management changes that are allowing for improvement in the existing condition.

<b>Commentor</b>	<b>Comment</b>	<b>Response</b>
Meeteetse Conservation District	In the last paragraph we suggest that a positive statement be made concerning the streams in the Dick Creek catchment – alluding to the fact that the ecosystem processes are improving; and state what the desired riparian community will look like assuming management and proposed actions are implemented with the proposed safeguards.	We believe the current disclosure does suggest conditions in the drainage are improving and that our desired condition is “proper functioning condition.”
Meeteetse Conservation District	The writer is suggesting the entire watershed was in poor condition due to livestock grazing and road construction. There is no doubt that both livestock and wildlife impacted areas of the streams in the Dick Creek catchment, however to characterize the whole watershed problematic is over-reaching. Our information indicates that the Forest Service should tenor the statement.	The statement is specifically directed at riparian and aquatic habitat. We stand by the statement as it is written.
Meeteetse Conservation District	It is our belief that the majority of the sediment that reaches the streams flowing in the Dick Creek catchment originates from those high slope geologic formations during high rainfall events. In the stream environment, high flow disturbances are a necessary component to substrate regeneration, and it appears that the catchment has not been subject to a high flow-runoff event for some time now. It is our belief, that since the enactment of the many management changes made by the Forest, the erosion potential in high precipitation events will be minimized due to a properly functioning water cycle. It is our belief that the proposed alternative to the proposed action will not prove detrimental to the condition of the catchment in regards to sediment yield to the stream.	We agree with your conclusion that the proposed action will not have a detrimental effect on the streams.
Meeteetse Conservation District	We agree that the proposed alternative will mitigate any concerns.	We agree with your conclusion that the proposed action will not have a detrimental effect on the streams.
Meeteetse Conservation District	We suggest that based on sampling we conducted that the italicized statement is misleading. Water temperatures in Dick Creek are influenced by the air temperature and duration of sunlight more than that which is indicated in the EA. Our data indicates that the dissolved oxygen in the stream is not falling when summer temperature regimes are in place. We believe that the proposed action will have no effect on dissolved oxygen or temperature.	The italics statement indicates a possible cause and effect relationship. It was not intended to imply that the effect was occurring, but rather that it could occur.

Commentor	Comment	Response
Meeteetse Conservation District	There is no standard for water purity in the State of Wyoming, however there are standards for priority pollutants in Chapter I – Water Quality Rules and Regulations – Wyoming Surface Water Quality Standards. It would be the priority pollutants that the Forest would regulate so as not allow their introduction into the stream or riparian system.	We submit the effects discussion does reflect this. Water purity relates primarily to water chemistry, for which there are numerous state standards.
Meeteetse Conservation District	It is our belief that the drought has had the most dramatic effect on the aquatic life spans and populations of benthic macro invertebrate organisms in the Dick Creek catchment. We also believe the organisms to be resilient and will return to historic population levels with increased precipitation levels. We agree that the proposed alternative will help improve the health of the catchment in concert with the previous management changes implemented by the Forest.	No response needed.
Meeteetse Conservation District	<p>We do not believe that the italicize statement to be true especially regarding animals. Such a sweeping statement is misleading, ambiguous and self-serving. We suggest that the wording “excessive and/or repeated trampling by animals may impair infiltration, root growth and soil biota.”</p> <p>We agree that the proposed action is not gong to lead to the loss of functioning mineral cycle in the Dick Creek catchment. In fact, we believe that the proposed alternative coupled with the prescribed fire treatment will improve the mineral cycling in the areas of concern. The MCD supports the use of prescribed fire as a management tool in their jurisdiction.</p>	The wording was modified to indicate that the animal trampling could lead to compaction and not that it will in all cases.
Meeteetse Conservation District	The MCD believes that the Forest Service’s analysis of the environmental impacts and their consequences to the riparian ecosystems, wetlands and floodplains is sufficient and provides the reader with the expected results of a controlled actions as that is described in the proposed alternative.	No response needed.
Meeteetse Conservation District	Based on the foregoing, and the document in the Environmental Assessment we believe the responsible official must make a finding of no significant impact and choose to implement the proposed alternative in their decision notice.	No response needed.
Wyoming Game and Fish	The Environmental Assessment incorporates all the recommendations provided in our scoping letter. This includes the use of winter logging after November 20 <sup>th</sup> , immediately hauling harvested logs, and using FS Road 203 as the winter haul route.	No response needed.

Commentor	Comment	Response
Wyoming Game and Fish	This project should have minimal aquatic resource impacts if standard stipulations are followed, best management practices are employed to minimize sediment transport to the stream, and fish migration is not impeded.	BMPs have been included in the mitigation measures (Section 2.2.4)
Wyoming Office of State Lands and Investments	Our review of the captioned document reflects that the definition of structural stages (bottom page 26) gives the same percentage of crown closure for both 4A and 4B. We also notice that page 27 calls for Forest Plan objectives to maintain 10% conifer in old growth and page 28 states that the Forest Plan calls for 30% old growth.	The text has been modified.
Wyoming Office of State Lands and Investments	The statement concerning the loss of old growth (top of page 33) is confusing at best. “Old growth trees in Unit C are up to 290 years old; some of these trees would be harvested.” If the unit is currently considered old growth, has experienced past management activity and the vegetative treatment results in a structural stage of 4A rather than 1, it would seem that the stand would remain old growth as described by age class because of the residual overstory.	The text has been modified to describe more clearly the effects on old growth.
Wyoming Office of State Lands and Investments	It is unfortunate that only 297 acres of conifers will move into a structural stage that results in improved vigor and resistance to insect and disease attack. With a total of 7158 acres of conifers in stage 3 or 4, only 4.2% of the area most susceptible to insects, mistletoe and disease will be treated with this entry. It would appear that it is virtually impossible to meet the Forest Plan goal of reducing damage from insects, disease and other forest pests through integrated vegetative management, when primarily using 20-year entry cycles with such small acreages treated in comparison to the total needing treatment.	No response needed.
Wyoming State Engineer’s Office	The State Engineer’s Office (SEO) compliments the USDA FS Shoshone National Forest’s effort on this environmental assessment. As noted on Page 50 “Numerous water rights exist, both on and off national forest...” the SEO appreciates the acknowledgement of the water rights and the objectives to protect the existing uses of the water. The SEO would like to suggest that any actions not impede a water user’s ability to continue to exercise water rights, maintain conveyance systems and have right of way to those conveyance systems.	No response needed.