

August 6, 2020

Lisa Timchak, Forest Supervisor  
Shoshone National Forest  
808 Meadow Lane Avenue  
Cody, WY 82414

Cc: Casey McQuiston, Mark Foster, Chad Schneckenburger

Dear Supervisor Timchak,

Thank you for your work in publishing the preliminary Environmental Assessment for the Shoshone Travel Management Plan. This publication has been several years in the making, and we are sure that you are happy to have it out for the public to review. However, as many of our organizations have already communicated to you, this is an extremely difficult time for the public to engage in public lands management. The COVID-19 pandemic has created unprecedented challenges across all aspects of American life, in Wyoming and elsewhere. People are struggling to balance work and childcare, or even to safely buy groceries and other basic necessities. While at first glance it may appear that life in Cody and elsewhere is “back to normal”, many people remain isolated at home, unable to participate in “normal” life because of the COVID-19 pandemic. We regret that you chose to release the Preliminary EA for public review at this time, and we are astounded that you are only providing 30 days for the public to submit comments. While we understand that, normally, 30 days is a standard amount of time for an EA comment period, these are not normal times.

**We request that you extend the public comment period by at least 30 days (60 days total) to accommodate the unusual disruptions associated with the COVID-19 pandemic.**

This request is in line with the *COVID-19 Pandemic New Comment or Objection Filing Period Guidance* provided to Regional Foresters by the Washington Office on April 3, 2020. This guidance was issued with the following recognition from the Forest Service:

*Given the unprecedented nature of the disruptions occurring across the country and around the world, individuals, organizations, and governments normally engaged in National Forest management activities in many cases have their attention profoundly redirected due to the pandemic and the need to establish personal and community physical distancing and other health prevention efforts. These include but are not limited to:*

- *Inability, legally or otherwise, to hold public meetings or field trips;*
- *Lack of access to virtual technology for interested parties and stakeholders;*
- *Lack of Personal Protective Equipment for Forest Service employees to manage public interactions/comments;*

- *Closures of facilities where hardcopy documents are typically made available;*
- *Physical distancing recommendations resulting in lack of access to postal facilities and Forest Service mailrooms;*
- *Reductions or closures in tribal, state, county, or local government operations or services*
- *Reductions in capacity within stakeholder organizations;*
- *Reductions in Forest Service capacity due to self-quarantines, sick leave, or a redirection of resources to support government wide COVID-19 responses;*
- *State, county, reservation, or city-wide stay-at-home orders;*
- *A nation focused on economic hardship, loss of employment and wealth, risk to themselves, family and friends, and the strains placed on society generally.*

As we describe in this letter, these disruptions are ongoing and affect the public's ability to engage in the current comment period. The April 3, 2020 guidance goes on to state that if "meaningful public engagement will be challenging or unachievable under the current circumstances, responsible officials should carefully consider the timing of beginning new public comment periods." And that "**For comment periods already underway, responsible officials should...consider extension of comment periods.**" The letter also provides guidance, stating that Forests may hold multiple 30-day comment periods for an Environmental Assessment, if each is initiated with the required legal notice. Thus, you have the ability - and encouragement from the Washington Office - to issue a second comment period beginning immediately after the initial one ends, effectively extending this comment period by 30 (or more) days.

There are numerous reasons that a 30-day comment period during the COVID-19 pandemic presents significant disruption to public engagement. These include, but are not limited to:

- The pandemic prevents the public from meeting with Forest Service officials, attending public meetings, or accessing a hard copy of the Plan documents. We understand that the Forest Service is offering 3 webinars during the week of August 10. However, the Forest has provided less than 2 weeks' notice for these webinars, leaving little time for members of the public to rearrange their schedules to accommodate this opportunity. Many people – including several of those signed on to this letter – take vacation in August and have already planned to be on vacation that week. Those of us on vacation will be unable to participate in the webinars, and with less than 2 weeks' notice, it may be impossible to re-arrange schedules. Furthermore, because there is only a single webinar opportunity per forest district, those who miss the webinars will be unable to participate in this public information sharing opportunity at a later date. Furthermore, many people do not have access to high bandwidth internet at home, or a personal computer, with which to participate in the webinar. For this same reason, many people are unable to access and download the comment documents. While some public spaces are open again, many people do not feel comfortable risking their health to visit a public place such as a coffee shop or the library in order to use a computer or access the internet. Additionally, when a hard copy of the planning documents was requested, we

were informed that hard copies would not be made available because of the COVID-19 pandemic.

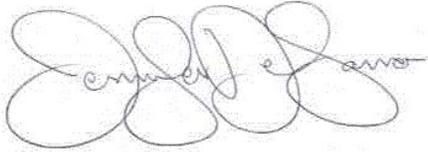
- Public schools start at the end of August (in many cases, the same week as the comment deadline). Many people who would ordinarily be interested in reviewing these plan documents and submitting comments are busy taking last-minute family vacations and/or preparing for their children to return to school. This makes August always a stressful and busy time of year, but this is particularly pronounced this year, as parents remain unsure of what the 2020/2021 school year will look like due to the COVID-19 pandemic. Few people who are juggling the uncertainties of back-to-school have time to thoroughly review and comment on the Preliminary EA during the month of August.
- The Scoping Period for this planning process was in 2017. This means it has been 3 years since most members of the public have thought about travel management on the Shoshone National Forest. In addition to reviewing the Preliminary EA, most people also need to refresh their memory on their comments from 2017, earlier public meetings, and the issues relevant to this process. This takes a substantial amount of time and, with only a 30-day comment period, many people will be unable to fully understand the issues at play and provide meaningful public comment.
- The Shoshone National Forest borders the Custer Gallatin National Forest to the north. The Custer Gallatin recently released a draft Forest Plan and the objection period for this plan ends on September 8. Many people and organizations who care about travel management on the Shoshone National Forest are also engaged in the Custer Gallatin forest plan revision. This is especially relevant to the Clarks Fork ranger district. A 30-day comment period that completely overlaps with the Custer Gallatin objection period places an undue burden on those wishing to engage in both processes while also dealing with the COVID-19 pandemic.

Finally, it is unclear when the 30-day comment period actually ends. The public notice sent via email on July 30 states that “With the release of this assessment and all associated documents today, a 30-day public comment period has also begun.” This would lead one to assume that the comment period ends on Saturday, August 29, raising a question of whether the comment period actually ends on Friday, August 28 or Monday, August 31. However, the project website shows that the Preliminary EA and associated documents were published on July 29 – thus the 30-day comment period would end on Friday, August 28. Furthermore, Forest Service regulations state that publication date of a legal notice in the newspaper of record is the exclusive means for calculating a comment period. In this case, the newspaper of record is the Cody Enterprise and the legal notice was published at 1:30 pm on July 30, leading back to the original question of whether the comment period ends on the 28<sup>th</sup> or 31<sup>st</sup>.

Our request that you extend this comment period is not unusual. Rather, it is in line with a multitude of other requests submitted across the country since the start of the COVID-19 pandemic, including requests from Members of Congress, attorneys general, and state and local governments to extend public comment periods for rulemaking efforts and other processes

during the pandemic.<sup>1</sup> While it is likely that many who requested federal agencies postpone or extend comment periods at the start of the pandemic in March did not anticipate we'd be facing even higher caseloads in August, this is the unfortunate truth. And, for all the same reasons that it was necessary to extend or postpone comment periods in March, it is even more necessary to continue to do so today.

Sincerely,



Jenny DeSarro  
Wyoming Conservation Coordinator  
Greater Yellowstone Coalition

*On behalf of*

Hilary Eisen, Policy Director, Winter Wildlands Alliance  
Peggie dePasquale, Associate Director, Wyoming Wilderness Association  
Kim Wilbert, Wyoming Chapter Chair, Sierra Club Wyoming Chapter  
Barry Reiswig, Chairman, Wyoming Backcountry Horsemen  
Adam Rissen, Rewilding Advocate, WildEarth Guardians  
Dan Smitherman, Wyoming State Manager, The Wilderness Society  
Jann Rankin, Teton Valley Broadband, Great Old Broads for Wilderness  
Johnathan Williams, Public Policy Manager, NOLS  
Kristin Combs, Executive Director, Wyoming Wildlife Advocates  
Ben Williamson, Executive Director, Northern Rockies Conservation Cooperative  
George Nickas, Executive Director, Wilderness Watch  
Terry Jones, President, Beartooth Recreational Trails Association  
Charlie Manganiello, President, Togwotee Backcountry Alliance

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<sup>1</sup> E.g., Letter from fourteen House of Representatives Committee Chairs to Acting Director Russell Vought, submitted April 1, 2020: [https://www.eenews.net/assets/2020/04/02/document\\_gw\\_08.pdf](https://www.eenews.net/assets/2020/04/02/document_gw_08.pdf); Letter from Senators Wyden, Merkley, and Udall to Secretary Bernhardt requesting a pause on comment periods, submitted April 3, 2020: <https://www.wyden.senate.gov/imo/media/doc/040320%20Letter%20on%20DOI%20comment%20periods.pdf>; Letter from state attorneys general to Acting Director Russell Vought, submitted March 31, 2020: [https://portal.ct.gov/-/media/AG/Press\\_Releases/2019/COVID-19-Rule-Delay-Letter---Final.pdf?la=en](https://portal.ct.gov/-/media/AG/Press_Releases/2019/COVID-19-Rule-Delay-Letter---Final.pdf?la=en); Letter from various state and local government organizations requesting a pause on all public comment and rulemaking processes, submitted March 20, 2020: <https://www.nga.org/letters-nga/state-and-local-government-organizations-seek-pause-on-public-comments-on-rulemaking-processes/>.