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*The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.*

November 27, 2017

Erica Husse  
Zone 2 Sage Grouse Coordinator  
Wyoming State Office  
Bureau of Land Management  
5353 Yellowstone Road  
Cheyenne, WY 82009

Ms. Husse,

Following are the Wyoming Department of Agriculture's (WDA) Scoping comments for the Notice of Intent (NOI) to Amend Land Use Plans (LUP) Regarding Greater Sage-Grouse Conservation (GRSG) and Prepare Associated Environmental Impact Statements or Environmental Assessments.

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. The NOI and potential amendment could affect our agriculture industry, our natural resources, and the welfare of our citizens, it is important you continue to collaborate and work closely with the State of Wyoming and its agencies to address and inconsistencies with GRSG LUP throughout the Bureau of Land Management (BLM).

The WDA has identified several issues with the 2015 LUPs and subsequent Record of Decision (ROD). Inconsistent application of the LUP and additional regulations for GRSG on livestock grazing could impact livestock grazing permittees and Wyoming's livestock industry. The BLM should make short-term changes to address immediate issues with the grazing management concerns in the LUP and formally memorialize these changes. The LUP implies grazing management not "meeting the habitat objectives" for GRSG is "improper" and therefore detrimental to GRSG (e.g, MD LG 4). In addition, the BLM places additional requirements/standards on livestock grazing management based on habitat objectives for GRSG without acknowledging the ability to alter grazing management via existing regulations and Standards for Healthy Rangelands (43 CFR 4100). We suggest the BLM address grazing management with specific consideration to the following categories: existing BLM regulations, Table 2-2/2-3 (Tables), thresholds and responses as defined in the LUP, and permit renewals and modifications. Additionally, we urge the BLM to ensure consistency with Wyoming Executive Order 2015-4 (EO).

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➤ **Existing BLM Grazing Regulations**

The LUP poorly acknowledges existing regulations for livestock grazing management (43 CFR 4100). The BLM has applied additional requirements upon livestock grazing management based on habitat objectives for GRSG. Instead of addressing GRSG in the existing Wyoming Standard #4 - Wildlife and Sensitive Species Management (43 CFR 4180), the LUP has created an additional standard for grazing management. Standard #4 provides the BLM the ability to manage Wyoming's rangelands to achieve or maintain viable populations while providing adequate habitat conditions that supports a diversity of plant and animal species. The additional requirements placed upon grazing management in the LUP burdens BLM and creates uncertainty for livestock grazing permittees.

**Recommendation:** BLM should utilize existing regulations for livestock grazing management, and utilize Standard #4 to address desired conditions for wildlife, including GRSG. 43 CFR 4100 provides the regulatory mechanism to adjust livestock grazing management. Grazing management may be adjusted for a resource once the BLM has collected the appropriate trend data, performed a Standards Determination, determined causal factor(s), and completed a Conformance Review.

➤ **Table 2-2 and Table 2-3**

The Tables are meant to represent desired conditions or habitat objectives for GRSG. However, across disciplines (e.g., range, biology, etc.) and regions (e.g., Field Offices, states, etc.), the Tables are being interpreted, represented and applied outside their original intent. Broad habitat objectives found in the Tables are based on averages from across the species' range and should be adapted to local ecological site conditions and actual bird use.

**Recommendation:** BLM should amend the LUP Tables in their entirety. There is no realistic way to develop a table to represent the large variations in habitat conditions and bird use across the range or even across Wyoming. BLM must develop habitat objectives based on local bird use. The WDA does not support any additional terms and conditions written into livestock grazing permits based on the Tables.

➤ **Thresholds and Responses (MD LG 4)**

The MD LG 4 places additional requirements on all livestock grazing management by attaching mandatory thresholds and responses specific to GRSG on grazing permits. These requirements create an additional GRSG specific Standard for grazing management to meet. The LUP could be misinterpreted to imply that livestock grazing is a primary threat to GRSG habitat.

**Recommendation:** BLM should amend MD LG 4 and remove additional threshold and responses placed upon grazing management and utilize existing regulations to address livestock grazing within GRSG habitats and sagebrush ecosystems. BLM has the ability to address livestock grazing impacting resources via Annual Operating Plans, Allotment Management Plans, Terms and Conditions, and Standards for Healthy Rangelands (43 CFR 4100). WDA opposes any additional regulation placed on livestock grazing permittees for a single species.

➤ **Permit Renewals and Modifications**

Management Decisions for livestock (specifically MD LG 4, MD LG 5, MD LG 6) require modifications to livestock grazing permits and elevate GRSG above all other land uses. The BLM dictates arbitrary changes without determining improper livestock grazing as the significant causal factor utilizing existing regulations (e.g., 43 CFR 4100) or showing need for change.

**Recommendation:** BLM should amend the LUP to truly follow the existing regulations (43 CFR 4100) including Standards (43 CFR 4180). BLM should renew and modify grazing permits based on a Standards Determinations for all resources and not a single-species.

➤ **Wyoming Executive Order 2015-04/"de minimis" Activities**

The EO identifies de minimis activities (EO Attachment C) as activities "considered to have negligible or no impacts to Greater sage-grouse (EO pg. 4)." The EO recognizes "Grazing operations that utilize recognized management approaches (allotment management plans, Natural Resource Conservation Service grazing plans, prescribed grazing plans, etc.)" as proper and de minimis. (EO Attachment C, pg. 2).

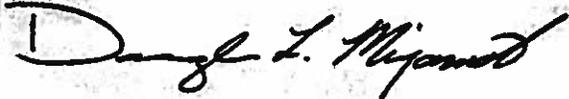
**Recommendation:** BLM should maintain consistency with EO 2015-4, as recommended by the Report developed under Secretarial Order 3353. The WDA strongly opposes placing additional regulations on livestock grazing management as it was not identified as a primary threat for listing GRSG by the USFWS (2010 Status Determination; Decision; 75 Federal Register 13910, 13974).

**Conclusion**

We recommend the BLM make short-term changes to the LUP to address immediate concerns with livestock grazing management and amend the LUP to improve the livestock grazing management sections. The BLM should make all efforts to increase consistency with the EO. The BLM has the ability to manage for sustainable GRSG populations and habitats under existing laws and regulations without placing additional requirements on livestock grazing. WDA recommends BLM issue individual, state-specific RODs rather than issuing two decisions as in 2015.

We look forward to working with you in the future. If you have any questions, please contact Chris Wichmann, Manager-Natural Resource and Policy Division.

Sincerely,



Doug Miyamoto  
Director

DM/cw

CC: Governor's Policy Office  
Wyoming Board of Agriculture  
Wyoming Association of Conservation Districts  
Wyoming Farm Bureau Federation  
Wyoming County Commissioner's Association

Wyoming Game and Fish Department  
Wyoming State Grazing Board  
Wyoming Stock Growers Association  
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