



Wyoming
DEPARTMENT OF *Agriculture*

Matthew H. Mead, *Governor*
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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.

April 22, 2015

John Moore
Pinedale Ranger District
PO Box 220
Pinedale, WY 82941

Dear Mr. Moore:

Following are the Wyoming Department of Agriculture's (WDA) comments pertaining to Pinedale Ranger District (PRD), Bridger Teton National Forest (BTNF) proposal to authorize domestic sheep grazing on Temple Creek, Bunion, and Muddy Canyon Allotments (Allotments).

Our comments are specific to our mission within state government: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal impacts our agriculture industry, our natural resources, and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and continue to provide us the opportunity to express pertinent issues and concerns.

The WDA appreciates PRD including us in the Scoping process and accepting our comments pertaining to this project. The Scoping letter indicates PRD will analyze the project in an Environmental Assessment (EA). WDA urges PRD to re-consider and develop an Environmental Impact Statement (EIS). We believe the number of issues and impacts associated with this decision warrants a more comprehensive analysis. The EIS process will allow Cooperating Agencies to assist in the development of the alternatives. We ask PRD include us in all future planning meetings, development of draft alternatives, and other meetings pertaining to these Allotments. We offer the following comments to address and include in the upcoming National Environmental Policy Act (NEPA) process:

The WDA does not support a "no grazing" alternative. Selection of such an alternative would have negative and significant consequences on vegetative resources, wildlife habitat, and the local economy. In addition, the 1990 Bridger-Teton Land and Resource Management Plan established goals and objectives ensuring the continuance of livestock grazing. If PRD does analyze a "no grazing" alternative, we insist performing a full economic analysis on the negative impacts this would have on the producers and local economy.

We urge PRD provide management prescriptions in the analysis to reflect multiple use principles. Congressional mandates, federal statutes, and implementing regulations call for multiple uses on Forest Service-administered lands. WDA particularly insists PRD reference the Congressional policy expressed in the Federal Land Policy and Management Act of 1976 (FLPMA) regarding livestock grazing. FLPMA Sec. 102(8) states "*The Congress declares that it is the policy of the United States that...the public lands be managed in a manner...that will provide food and habitat for fish and wildlife and domestic animals...*"

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Many in the public are unaware of this Congressional policy, yet this policy is critical to the continuance of livestock grazing on public lands and should be expressed in this assessment.

Grazing on public lands represents a vital economic value to agricultural producers and to local communities. PRD must include a full economic analysis of these impacts. In addition to the economic contribution, livestock grazing also provides irreplaceable environmental and social values. These values provide wildlife habitat, open spaces, rangeland buffers between federal lands and developments, scenic vistas, and the traditional image and heritage of the historic rural landscapes of Wyoming and the West. PRD should include the losses of these essential environmental, historic, and social values of livestock grazing to users and visitors to the area and residents of impacted communities.

PRD must consider the ramifications and negative impacts beyond the scope of the analysis. WDA believes the scope of the analysis should include the domestic livestock grazing industry as a whole. Those families remaining in the domestic livestock grazing industry have ranches built around federal lands. Removing domestic livestock from these Allotments will likely have significant economic consequences for the individual permittees as well as the communities in which they reside. The PRD must analyze these consequences and also consider the unintended consequences of the sale and development of private lands, including in holdings.

WDA is genuinely concerned with the complexities and implications with the process the BTNF is using to manage for multiple-use, including sensitive species and domestic livestock grazing. There are numerous forests within Region 4 planning to develop a Risk Assessment Model (Model) for bighorn and domestic sheep. We believe Region 4 should use the Model at a forest wide scale instead of at the allotment level. This ensures the entire bighorn sheep population is considered, rather than on a localized micro-population in a small and isolated area, such as Temple Peak. Temple Peak is considered a Cooperative Review Area, not a Core Area, which is a designated area by the State-wide Bighorn/Domestic Sheep Working Group. The BTNF serves on this group and helped in developing these areas in the State-wide Bighorn/Domestic Sheep Plan

We also would like PRD and BTNF to ensure they are aware of and refer to Wyoming Senate File 134/Enrolled Act 60, Bighorn Sheep Plan, sponsored by Senators Hicks, Cooper and Dockstader and Representatives Eklund, Hunt, and McKim. Senate File 134/Enrolled Act 60 is attached in its entirety, but specifically provides the State of Wyoming's position regarding and supporting the Wyoming State-wide Bighorn/Domestic Sheep Plan.

We ask the BTNF ensure scientific data is collected and analyzed prior to implementing the Model and before the range of alternatives is developed. This data should include baseline data for sensitive species, such as Canada lynx, grizzly bear, bighorn sheep, and amphibians. We believe it is inappropriate to make any management decisions or changes, including additional terms and conditions on livestock grazing permittees without comprehensive data. Should BTNF use additional research as recommendations, we insist the research is peer reviewed. We strongly oppose using "white papers" in lieu of peer reviewed science.

This is also true when analyzing the impacts of domestic livestock grazing on designated wilderness areas. WDA asks PRD provide historical background information for domestic livestock grazing in these

Allotments as it predates the designation of the Wilderness Act of 1964. Specifically, WDA requests PRD utilize upland and riparian vegetation trend data to make scientific based decisions regarding compatibility of domestic livestock grazing in designated wilderness areas.

WDA insists the BTNF defines “viability.” WDA is concerned the term viability for sensitive plants and animals is ambiguous and interpreted differently between forest service staff, ranger districts, and regional forest offices. It is inappropriate for the BTNF to require viability at the allotment scale, but rather on a forest-wide basis. Also, BTNF must recognize the State of Wyoming, not the forest service or the US Fish and Wildlife Service has jurisdictional authority over state managed species. The BTNF is required only to manage the actual habitat, not the population.

While the Region 4 Forest Service may choose to implement the Model across Region 4 forests, with the intent of ensuring “viability” for bighorn sheep, the Model neglects to consider management actions on public and private lands outside of the forest service system. For this reason, WDA believes BTNF will greatly benefit from working cooperatively with adjoining landowners, permittees, and Cooperating Agencies to manage species such as bighorn sheep cooperatively on a landscape scale, not on an allotment by allotment basis.

We strongly support working closely with the grazing permittees and Cooperating Agencies to develop a permittee proposed/preferred alternative. We are aware of the permittees’ desire to develop an alternative inclusive of dual use grazing with cattle, sheep, or cattle and sheep. We strongly urge the PRD collect the necessary data with the intent of analyzing an alternative beyond domestic sheep grazing.

The WDA supports the continuation of livestock grazing by incorporating adaptive management on all allotments to meet Forest Plan Direction. Adaptive management options may include extending the season of use, herding, guard dogs, topography, and development of range improvement projects. These options provide PRD personnel the flexibility to change livestock grazing management in a timely manner to maintain and improve rangeland conditions as well as meet the multiple uses of the Allotment. In addition, we encourage discussing the importance of using livestock as a tool to achieve natural resource objectives, such as improving wildlife habitat (Anderson and Scherzinger 1975¹, Derner et al. 2009², Severson 1990³).

We urge PRD to also have and include comprehensive data and planning in place for the trailing of domestic sheep or cattle to these allotments. Trailing is a permitted use of forest lands. We caution the Forest from proceeding without adequate data and planning regarding trailing in the NEPA document.

The WDA strongly encourages PRD staff use joint cooperative monitoring to determine if and when changes to livestock grazing management are needed. We also believe it is vital for PRD to work closely and consistently with all affected grazing permittees regarding Forest Plan direction at the local and

¹ Anderson, E.W. and R.J. Scherzinger. 1975. Improving quality of winter forage for elk by cattle grazing. *Journal of Range Management*. 28:120-125.

² Derner, J.D., W.K. Lauenroth, P. Stapp, and D.J. Augustine. 2009. Livestock as ecosystem engineers for grassland bird habitat in the Western Great Plain of North America. *Rangeland Ecology and Management*. 62:11-118.

³ Severson, K.E. 1990. Summary: Livestock grazing as a wildlife management tool. In: *Can Livestock be used as a tool to enhance wildlife habitat*. General Technical Report. RM-194 p. 3-6 U.S. Forest Service, Rocky Mountain Experiment Station, Fort Collins, CO.

landscape level. Livestock grazing permittees are intimately familiar with areas affected by the analysis and possess irreplaceable long-term, on-the-ground knowledge. We highly recommend PRD officials seek and address the concerns and recommendations of these producers. Moreover, it is imperative PRD officials continuously inform all livestock grazing permittees who are directly or indirectly affected by this analysis, including issues, decisions, appeals, objections, and resulting action regarding their permits.

In conclusion, the WDA supports the continuance of domestic livestock grazing on Temple Creek, Bunion, and Muddy Canyon Allotments. We appreciate the opportunity to provide scoping comments for these allotments. We encourage continued attention to our concerns and specifically request PRD communicate with and include the WDA throughout the development of the analysis. We look forward to working closely with PRD throughout this process.

Sincerely,



Doug Miyamoto
Director

DM/jw

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Association of Conservation Districts
Wyoming Game and Fish Department
Sublette County Conservation District
Midland Ranch

Enclosure: SF0134/EA60

ORIGINAL SENATE
FILE NO. SF0134

ENROLLED ACT NO. 60, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

(c) The goal of the Wyoming bighorn/domestic sheep plan shall be to maintain the health of bighorn sheep populations while sustaining an economically viable domestic sheep population.

(d) The most current version of the Wyoming bighorn/domestic sheep plan shall be published on the website of the game and fish commission.

(e) In conformance with the Wyoming bighorn/domestic sheep plan the game and fish department may relocate or remove bighorn sheep to another area of the state if a federal judicial action or agency decision would require elimination of domestic sheep grazing in any area or herd unit designated in the Wyoming bighorn/domestic sheep plan as a nonemphasis herd. The game and fish department shall be reimbursed for the costs of relocation or removal of sheep under this subsection from funds available in the wildlife/livestock disease research partnership account.

Section 2. W.S. 11-19-603 is amended to read:

11-19-603. Account created.

There is created a wildlife/livestock disease research partnership account. Funds from this account shall be used only for purposes specified in W.S. ~~11-19-602~~ 11-19-601 through 11-19-604. Any interest earned on the account shall remain within the account.

ENROLLED ACT NO. 60, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

AN ACT relating to wildlife and livestock; providing for adoption of the state-wide bighorn/domestic sheep plan; authorizing modification of the plan as specified; authorizing removal or relocation of bighorn sheep as specified; providing for the reimbursement of costs for removal of sheep as specified; providing rulemaking authority; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 11-19-604 is created to read:

11-19-604. Wyoming bighorn/domestic sheep plan.

(a) The Wyoming bighorn/domestic sheep plan shall be developed and maintained by rule and regulation as provided in this section to address potential conflicts arising out of the interaction between bighorn sheep and domestic sheep within the state. The final report and recommendations from the Wyoming state-wide bighorn/domestic sheep interaction working group dated September 2004 together with appendices A through N as adopted by the group is adopted as the initial Wyoming bighorn/domestic sheep plan under this section and shall continue as revised or amended until repealed or nullified pursuant to law.

(b) Rules and regulations necessary to administer this article shall be promulgated jointly by the game and fish commission, the board of agriculture and the livestock board. The game and fish commission, the board of agriculture and the livestock board may jointly consider recommendations for changes to the plan and may revise or amend the plan through the rulemaking process pursuant to the Wyoming Administrative Procedure Act.

ORIGINAL SENATE
FILE NO. SF0134

ENROLLED ACT NO. 60, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk