



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

April 30, 2020

Kimberlee Foster
Field Manager
Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901

Dear Ms. Foster,

Following are the Wyoming Department of Agriculture (WDA) comments regarding the Bureau of Land Management, Rock Springs Field Office (BLM) Draft Resource Management Plan Amendment and Environmental Impact Statement (EIS) for Wild Horse Management in the Rock Springs and Rawlins Field Offices, Wyoming.

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life. As the proposed project could affect our industry, citizens, and natural resources it is important that you continue to inform us of proposed actions and decisions and continue to provide the opportunity to communicate pertinent issues and concerns.

WDA appreciates the steps BLM has taken to address wild horses in the Rock Springs and Rawlins field office by developing a separate EIS and subsequent range of alternatives. The historic inclusion of private lands in the Herd Management Areas (HMA) has been a long standing issue. Increased reproductive growth rates and inability to maintain wild horses at Appropriate Management Level (AML) as stipulated in the original 1979 agreement with Rock Springs Grazing Association resulted in the Association disallowing wild horse utilization of private lands. We offer the following comments for BLM to include in selecting the Preferred Alternative and issuance of the Draft Record of Decision.

Due to an inability to maintain wild horses within the AML across the project area, the 2013 Consent Decree and Joint Stipulation for Dismissal (Consent Decree) were negotiated. We believe the Draft EIS is misleading the reader to provide input on the range of alternatives with a false assumption that the wild horse population is, within AML. WDA urges BLM to include more information in Chapter 1, Introduction to provide a more comprehensive understanding of the long standing issue of non-compliance with the original agreement. The BLM should include the actual wild horse populations in comparison to AML through the range of alternatives which should ensure a more accurate analysis.

The BLM is proposing to remove all checkerboard lands from the HMAs and designate the area to Herd Areas (HA). While we support components of the alternative, we do not support BLM's incorporated clause to add an in-depth review of intensive monitoring data to re-evaluate the AML following the EIS. The Standards for Healthy Rangelands (Standards), including existing Assessment Inventory Monitoring (AIM), and range monitoring data already clearly indicates where wild horses were contributing factors for not meeting Standards.

We offer the following additional comments to Table 2-1, Detailed Comparison of the Alternatives:

Equal Opportunity in Employment and Services

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- **General Comment:** We urge BLM to review how private lands are analyzed throughout the EIS and ensuring the private land owners have the ability in the checkerboard to make appropriate changes to their management if wild horses are removed, including the potential allocation of AUMs from wild horses to livestock.
- **Page 21: "Goals and Objectives: (WH) 1: Manage wild horses in the planning area at Appropriate Management Levels (AMLs)." Comment:** We urge BLM change this to a standard. As a goal or objective, there is no mandatory constraint to prohibit from the population of wild horses to exceed AML.
- **Page 24, MA010, Alt. B: "Reduce livestock grazing permits within four HMAs by a total of 8,100 AUMs as follows:" Comment:** WDA believes the reduction of livestock AUMs does not meet the Purpose and Need of the EIS. We do not support reducing the livestock grazing AUMs to accommodate an increase in wild horses. Additionally, the reduction of Salt Wells AUMs would theoretically occur only on solid-block federal lands, but the BLM neglects to appropriate the checkerboard wild horse AUMs back to livestock and wildlife.
- **Page 24, MA010, Alternative D: "AUMs previously allocated to wild horse use may be allocated to wildlife, livestock..." Comment:** BLM must consider the checkerboard land ownership pattern and incorporate this allocation of AUMs back to livestock and wildlife as part of the EIS, not after conducting an in-depth review. There's no standard or timeline for BLM to adhere to, and leaves the AUMs vulnerable and lost to future use. We ask BLM to work closely with WDA and WGFD to adjust these allocated AUMs to livestock and wildlife.
- **Page 26, MA012 Alternative B: "Manage all HMAs as non-reproducing herds utilizing a variety of tools..." Comment:** If all HMAs are managed as non-reproducing, the herds will naturally decrease, and reducing livestock grazing AUMs becomes unnecessary. Additionally, WDA is concerned that BLM cannot implement this as all previous efforts to implement fertility control have not been implemented as proposed.
- **Page 26, MA012, Alternative D: "Implementation of any of these population growth suppression tools would be through a site-specific activity plan." Comment:** WDA requests BLM provide a percentage of wild horse populations treated in this analysis to ensure this will occur.
- **Page 29, MA016, Alternative D: "AML may be adjusted as needed when site specific data demonstrates a change in AML is appropriate." Comment:** We recommend changing the statement to the following: "AML will be decreased as needed when site specific data demonstrates a change in AML is appropriate." We do not support an increase in any AML.
- **Page 33, Soil Resources, Alternative A: "Maintenance of AML would help mitigate potential impacts to soils..." Comment:** The maintenance of AML does not occur consistently and is based on aspiration. It's imperative to provide the history of lack of maintenance of AML throughout the document and ensure the EIS analyzes above high AML across the resources.
- **Page 33, Soil Resources, Alternative B: Under this alternative the same number of wild horses would be concentrated in a smaller..." Comment:** We recommend including the actual numbers for the comparison between alternatives.
- **Page 34, Water resources -- Comment:** Overall, the water resources range of alternatives inadequately and inconsistently analyzes impacts from wild horses. There are numerous variations of impacts analyzed between the alternatives. None of the alternatives meet the intent to properly quantify, measure and characterize the impacts to the resource. We encourage BLM work closely with Wyoming Department of Environmental Quality (WDEQ) to accomplish this. Additional examples of insufficient or vague water resources impacts analysis in the draft EIS include:
 - **Page 34, Water Resources, Alternative A: "Wild horses can impact water resources when they concentrate near them." Comment:** This discussion is too vague and would benefit from the application of a consistent approach to quantifying water resources impacts as discussed above.
 - **Page 34, Soil and Water Resources, Alternative B: Comment:** WDA requests the EIS include year-round use by wild horses in the analysis to accurately convey negative impacts to resources.
 - **Page 34, Water Resources, Alternative C: "Removal of all wild horses would provide greater localized protections to water resources by preventing surface disturbance and trampling of riparian areas caused by wild horses. In addition, sediment loads would be reduced under this alternative." Comment:** BLM's definition for surface disturbance is; "Surface Disturbing Activities – An action that alters the vegetation,

surface/near surface soil resources, and/or surface geologic features, beyond natural site conditions and on a scale that affects other Public Land values. Examples of surface disturbing activities may include: operation of heavy equipment to construct well pads, roads, pits and reservoirs; installation of pipelines and power lines; and the conduct of several types of vegetation treatments (e.g., prescribed fire, etc.). Surface disturbing activities may be either authorized or prohibited.”¹¹¹ Wild horse use does not meet the provided definition and is misapplied in Alternative C. We urge BLM to remove this term “surface disturbance” and replace with “negative impacts.”

- Additionally, the analysis under Alternative C incorporates the potential reduction of sediment loading. However, Alternatives A, B, and D does not contemplate sediment loading. There is no discussion in the draft EIS that indicates a data-driven analysis to support this assertion in Alternative C. We do not believe BLM has the data to determine how much sediment loading is caused by wild horses, or can compare between stocking rates of wild horses across the HMAs, across all four alternatives. Again, we recommend revising the analysis across all alternatives to quantify the number of water resources impacted throughout the HMAs given a change in the wild horse stocking rates across all four alternatives.
- Page 34, Vegetation, Alternative A: *“At high AML, wild horses would consume an estimated 24,780 AUMs of forage.”* Comment: Alternatives B, C, and D, neglect to compare consumption of forage, but rather switches to population changes. We recommend including forage consumption across all alternatives.
- Page 35, Wildlife and Fisheries, Alternatives A to D: Comment: The individual alternatives need to include the number of wild horses or forage consumption to compare impacts equitably.
- Page 36, Wildland Fire, Alternative B: Comment: Alternative B lacks any information related to wildfire and how the concentration of wild horses in the smaller HMAs will reduce fine fuels and ultimately wildfire.
- Page 37, General Comment: BLM should include in the analysis across all alternatives and affected resources the actual reduction in negative impacts and the need to gather following effective fertility control treatments.
- Page 37, Livestock Grazing, Alternative A: *“Managing for AML also ensures a TNEB and helps maintain rangeland health.”* Comment: WDA urges BLM to change Alternative A to reflect actual wild horse numbers, which consistently exceeds AML, in order to analyze actual impacts. As written, the alternative conveys AML is always within range and rangeland health standards are met.
- Page 37, Livestock Grazing, Alternative B: *“Because of the concentration of wild horses in these areas, grazing permits within these HMAs would be reduced by a total of 8,100.”* Comment: The analysis should include the benefit of reducing wild horses from the checkerboard and include the ability to appropriate those wild horse AUMs to livestock and wildlife. Additionally, the analysis lacks any of the negative impacts to livestock grazing permittees by the reduction of 8,100 AUMs from the solid-block federal land allotments.
- Page 38, Socioeconomics, Alternative A to D: Comment: WDA urges BLM consider the economic benefit the agency will receive by not conducting as many gathers following reductions and reproductive treatments.

Chapter 3: Affected Environment:

- Page 40: *“To achieve a TNEB, the BLM establishes AMLs and works toward managing wild horses in a manner that assures significant progress is made toward achieving the Land Health Standards for upland vegetation...”* Comment: WDA questions how BLM can assure wild horse populations do not exceed AMLs. The previous consent decree and recent court order were the catalyst for BLM to gather. The continuous lawsuits, petition for stays, and lack of holding facilities are just some of the reasons BLM cannot assure horse populations stay within the established AML nor assure significant progress towards achieving LHS.
- Page 41: Table 3-1: Comment: The table includes the Current AML range for the HMAs, but we urge the BLM utilize actual numbers, including those HMAs well above AML.
- Page 64: Cumulative Impact Analysis: Comment: The EIS states the Cumulative Impact Analysis Area for wild horses is the state of Wyoming. WDA disagrees with this, as the EIS should only consider the impacts across the project area. All other resources are within the project area boundary for analysis. Furthermore on page 65, the EIS analyzes the reduction of wild horses and decrease in acres. However, the decrease in acres also includes state and private

lands, which are outside of BLM jurisdiction. We believe the EIS must state the decrease in BLM managed lands, and only convey the impacts based in the project area boundary, not across the entire state.

- Page 65: General Comment: The EA inconsistently and often underestimates the impacts of year-long grazing by wild horses and simply states the impact in terms of AUMs. Resources such as soils and sage-grouse are impacted more by year-long wild horse grazing compared to designated season-of-use by domestic livestock. We encourage the BLM to review the EA and include the year-long grazing throughout the analysis. See page 80, Alternative B, second paragraph as one example correctly incorporating year-long grazing into the EA.
- Page 66: Second paragraph: Comment: The paragraph discusses range improvements and the potential impacts from their development, as well as how the range improvements might improve wild horse distribution. The range improvement construction is a cumulative impact under this EA, not a direct impact.
- Page 69, Alternative A: *"Impacts to water resources from wild horses can occur when the animals congregate near surface waters, overgraze sensitive areas, spread plant pests, increase pathogen and nutrient loading to water bodies via surface contact with manure..."* Comment: Suggest using invasive and noxious weeds instead of plant pests.
- Page 70, Cumulative Impact Analysis: Comment: We don't believe BLM's Cumulative Impacts Analysis is accurate, and is simply duplicating the direct and indirect impacts. We recommend reviewing the Cumulative Impact Analysis in its entirety through all resources. Cumulative Impact Analysis should consider other projects such as oil and gas, solar, new fences for HMAs, water developments for wild horses, etc.
- Page 87/88 Livestock Grazing: We believe the BLM neglects to analyze the negative impacts of exceeding AML on livestock grazing permittees, thus causing those permittees to reduce their stocking rates from permitted to actual use to offset excessive forage utilization by wild horses grazing year-long. The EA should convey how livestock grazing permittees are reducing their forage use by reducing AUMs annually due to exceedance of AML throughout the project area. Additionally, as we mentioned in the previous comments, it's imperative to reallocate AUMs from wild horses back to livestock grazing permittees in checkerboard in the Preferred Alternative.

We appreciate the opportunity to comment and serve as a Cooperating Agency on this project. We look forward to working with your staff on this project. If you have questions, please contact Justin Williams, Senior Policy Analyst at 307-777-7067.

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
Wyoming County Commissioners Association
Public Lands Council
Rock Springs Grazing Association