



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

May 16, 2017

Judi Mott, Rangeland Management Specialist
United States Bureau of Land Management
Lander Field Office
1335 Main Street
Lander, WY 82520

Dear Ms. Mott,

Following are the Wyoming Department of Agriculture (WDA) comments regarding the Bureau of Land Management, Lander Field Office (BLM) proposed Environmental Assessment (EA) for the Silver Creek Common Allotment (SCCA).

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.

BLM has listed a number of questions and "resource related issues" in the scoping letter. While some appear to be pertinent and beneficial to the analysis, others may need improvement or expansion. We do not believe this approach is appropriate or highly conducive a robust analysis. The BLM should state facts and request input rather than pose leading questions.

We also have concerns regarding the use of the Upper Sweetwater Landscape Land Health Assessment. Numerous issues exist within the Assessment and to rely on this for the basis of analysis is concerning. We are also unclear as to whether or not the Assessment constitutes a completed Conformance Review or Determination of Non-conformance as defined in the BLM Implementation Plan.¹

Below are specific comments on each of the questions posed by the BLM in the scoping letter:

Question 1: *Is current grazing management inhibiting the potential for desirable grasses to increase on the uplands? Can changes in grazing management and/or new or reconfigured grazing infrastructure, such as fences and water developments, result in significant progress towards meeting the Standards for Healthy Rangelands?*

¹ Bureau of Land Management. 1998. Implementation Plan: Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming. Cheyenne, WY.

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Comments: Depending on the current ecological state of these sites, we are curious to know what the BLM considers “desirable grasses”. If historic grazing has impacted plant communities, it is unlikely changes to current livestock management would have an impact on plant communities. The BLM should identify desired conditions for the allotment and consider all methods, including mechanical, to move towards or maintain them. The BLM should develop goals for the allotment collaboratively with permittees and consider their knowledge when developing alternatives to meet, or make progress towards meeting, Standards.

Question 2: *All of the allotment consists of sage-grouse priority habitat and provides habitat for a variety of other wildlife species. Is livestock grazing adversely impact (sic) nesting and early brood rearing habitat for sage-grouse? Is it adversely impacting habitat for other wildlife?*

Comments: The US Fish and Wildlife Service, and Executive Order 2015-4, recognize properly managed livestock grazing is compatible with conservation of sage-grouse habitat and can have positive impacts to these habitats.^{2,3} The same can be said for other wildlife species. Additionally, BLM should adhere to language in the Lander Resource Management Plan; to our knowledge, Lander Field Office does not have any “priority habitat” as defined in the recent plan amendments for neighboring field offices. Our records indicate the SCCA is entirely within Core Area under Wyoming Executive Order 2015-04. The BLM must “collaborate with appropriate federal agencies and the State of Wyoming...to: 1) develop appropriate conservation objectives; 2) define a framework for evaluating situations where greater sage-grouse conservation objectives are not being achieved on federal land, to determine if a significant causal relationship exists between improper grazing (by wildlife or wild horses or livestock) and greater sage-grouse conservation objectives; and 3) identify appropriate site-based actions to achieve greater sage-grouse conservation objectives with the framework.”⁴ The BLM must also “Work cooperatively with permittees, lessees, and other landowners to develop comprehensive grazing management strategies to develop site-specific objectives to conserve, enhance, or restore greater sage-grouse Core Area...”⁵

Question 3: *Some riparian areas are not in proper functioning condition, and therefore do not meet the Standards for Healthy Rangeland. What grazing management strategies might prevent cattle from concentrating and remaining on riparian areas for extended periods during the hot season? Will modification to livestock grazing management make progress towards meeting the Standards, or is active restoration required?*

Comments: BLM must identify whether or not cattle are one of, or the, cause of failure. Assuming cattle are the only animals using the riparian areas during the hot season, the BLM must coordinate with permittees to develop a plan for management. Under the Lander RMP the BLM should “implement grazing strategies, including developing range improvement projects, to: maintain or enhance vegetation

² United State Fish and Wildlife Service. 2015. Memorandum to State Directors and Field Supervisors: Service Position on Livestock Grazing and Working with the Rangeland Owners to Conserve Sage-Grouse. Denver, CO.

³ Office of Governor Matthew H. Mead. 2015. Wyoming Executive Order 2015-4: Greater Sage-Grouse Core Area Protection; Attachment C.

⁴ Lander Record of Decision and Approved Resource Management Plan; Biological Resources – Special Status Species, Record #4114

⁵ Lander Record of Decision and Approved Resource Management Plan; Livestock Grazing Management, Record #6059

communities and ecosystem functions and to achieve the Wyoming Standards for Healthy Rangelands and grazing objectives in cooperation, consultation, and coordination with permittees/lessees...⁶ We strongly urge the BLM to consider all grazing animals, including wildlife and horses outside HMAs, before adjusting livestock grazing practices. Additionally, if the BLM believes "active restoration" is necessary they must first demonstrate that all other avenues have been explored. We do not support any adjustments to livestock grazing without first considering all possible factors for failure in these areas, including historic grazing and other animals. We are also skeptical as to the efficacy of "active restoration" in some of these areas and would suggest the BLM consider that as a last resort.

Question 4: The Oregon/Mormon, Pioneer/California/Pony Express Trails, which incorporate management restrictions in the National Trails Management Corridor (NTMC), including restrictions on impacts to visual resources, pass through the entire allotment. What livestock grazing management including range infrastructure should be implemented to reduce or avoid conflicts with the nature and purpose of the historic trails and their setting and recreational users?

Comments: Recreational use should not be included in a livestock grazing permit renewal; if issues exist between recreational use and the NTMC that must be addressed separately by the BLM.

The RMP states: "Range projects and mineral supplementation and their associated impacts within the National Trails Management Corridor are allowed if consistent with VRM class objectives..."⁷ We do not support any BLM proposals to reduce range infrastructure unless that infrastructure is deemed non-functional or unnecessary by the permittees. New infrastructure should be sited in accordance with the applicable Record(s) from the Lander RMP and applicable language used in the Congressional designation of the trail(s).

Question 5: All-Terrain Vehicles are used within the NTMC to herd livestock. How can we implement effective herding practices while mitigating impacts and remain in compliance with the Lander Resource Management Plan?

Comments: We fail to understand how the use of ATVs for herding needs to be "mitigated". The BLM has not identified impacts from this practice. We support the use of ATVs for herding on designated trails in roads. BLM must separate recreational use from use for herding and husbandry practices.

Question 6: The BLM has identified conflicts between recreational users of the Sweetwater Canyon Wilderness Study Area and livestock grazing. Are there modifications of livestock grazing management that would reduce those conflicts?

⁶ Lander Record of Decision and Approved Resource Management Plan; Livestock Grazing Management, Objective LR: 10.2

⁷ Lander Record of Decision and Approved Resource Management Plan; National Conservation Lands – National Trails Management Corridor; Record #7010

Comments: This one-sided approach to conflicts is unacceptable. Livestock grazing is a grandfathered use under BLM Manual 6330.⁸ We also question what kind of recreational use the Wilderness Study Area is encountering and the magnitude of use. The BLM should first assure no unauthorized recreational use of the WSA is occurring and then determine appropriate course(s) of action.⁹ Changes to livestock grazing management cannot and should not be the solution to every problem. We strongly suggest the BLM direct resources to educational outreach for recreational users regarding proper recreational use of the area and livestock grazing as a separate but equal use of the area.

Question 7: *Threatened and BLM Sensitive plant species, including Ute's ladies' tresses, meadow pussytoes and Cedar Rim thistle, either occur or potentially occur on the allotment. How is current grazing management affecting suitability of habitat for these species?*

Comments: BLM must review the literature and reports concerning grazing impacts to sensitive species and their habitat(s). Some species, such as meadow pussytoes and Ute's ladies' tresses actually benefit from proper livestock grazing.^{10,11} For species that are expected or suspected to occur on the allotment, the BLM must first confirm whether or not they are in fact present. BLM should refer to available presence/absence data they have collected for the area. If data does not exist, or is not sufficient, BLM should not propose any changes. Additionally, the BLM Wyoming Guidelines for Livestock Grazing Management state: *"Grazing management practices will maintain existing habitat or facilitate vegetation change toward desired habitats"*¹²

Other Comments:

Although the Lander RMP was written under Wyoming Executive Orders 2011-5 and 2013-3, we support the use of Executive Order 2015-4 wherever possible. However, it is important for the Lander BLM to recognize they are not implicated by the recent plan amendments for sage-grouse in neighboring Field Offices. We are happy to work with the BLM on sage-grouse related matters and the recent Instruction Memoranda as applicable to the Lander

⁸ BLM Manual 6330 states: *"Grazing, mining, and mineral leasing uses and facilities that were allowed on the date of approval of FLPMA...are grandfathered, i.e. allowed as a preexisting use..."* BLM Manual 6330-Management of BLM Wilderness Study Areas; July 2012, Section 2.e: Exceptions to non-impairment, Grandfathered uses.

⁹ BLM Manual 6330 states: *"Most recreational activities (including hiking, horseback riding, fishing, hunting and trapping, camping, and other primitive forms of recreation) are allowed on WSAs. However, some activities may be prohibited or restricted if they do not meet the non-impairment standard or one of the exceptions"* and *"BLM will monitor the magnitude of all recreational activities in WSAs to ensure that such use will not impair the area's wilderness suitability"*. BLM Manual 6330-Management of BLM Wilderness Study Areas; July 2012, Section 6-Recreation.

¹⁰ Fertig, W. 1996. Status of *Antennaria arcuata* in central Wyoming. Report prepared for the Bureau of Land Management Wyoming State Office, Rawlins District, and Rock Springs District by the Wyoming Natural Diversity Database, Laramie, WY.

¹¹ Fertig, W. 2000. Status Review of the Ute ladies tresses (*Spiranthes diluvialis*) in Wyoming. Report prepared for the Wyoming Cooperative Fish and Wildlife Research Unit, US Fish and Wildlife Service, and Wyoming Game and Fish Department by the Wyoming Natural Diversity Database, Laramie, WY.

¹² Bureau of Land Management. 1997. Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming. Cheyenne, WY.

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Field Office. If changes are proposed to current livestock grazing practices for the sake of sage-grouse the BLM should use Cagney et al., 2010¹³ and coordinate with other agencies and permittees to develop grazing strategies as necessary. Changes to grazing management to improve or maintain sage-grouse habitat must be based in fact, not opinion.

BLM must also consider other methods for improving rangeland health outside of changes to livestock grazing practices, which may include mechanical treatments or seeding.

We are concerned by the overly negative tone of the scoping letter. The letter rarely, if ever, recognizes livestock grazing can have positive impacts. While we recognize the SCCA is not meeting Standards, we are also concerned how some of these standards were determined. BLM must recognize the unique placement of the allotment in relation to NRCS Precipitation Zones and the affect this may have on applicability of Ecological Site Descriptions. We highly suggest the BLM review the discussion from our comment letter for the Breeding Pasture Allotment (August 18, 2016). If necessary we can provide this letter and discussion again.

Additionally, through our conversations with permittees, it has been brought to our attention that one pasture is not being fully utilized, and has not been for a number of years. The BLM should find ways to utilize all pastures, including the Sweetwater Canyon pasture.

In conclusion, we thank you for the opportunity to comment.

Sincerely,



Doug Miyamoto
Director

DM/jb

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

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

¹³ Cagney, J., Bainter, E., Budd, B., Christiansen, T., Herren, V., Holloran, M., ... & Williams, J. 2010. Grazing influence, objective development, and management in Wyoming's greater sage-grouse habitat. Laramie, WY.